

Minnesota

*Campaign Finance and  
Public Disclosure Board*

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**Date:** August 17, 2010

**To:** Advisory Opinion Files  
Opinions 198, 218, 238, and 245

**From:** Gary Goldsmith, Executive Director

**Telephone:** 651-296-1721

**Re:** Legislation renders Advisory Opinion obsolete

This Advisory Opinion, which relates to gifts of plaques from lobbyists or lobbyist principals to officials under Minnesota Statutes Section 10A.071, is obsolete.

The 2009 legislature changed the language of the exception so that most gifts of plaques are now permitted.

The statute is here:

<https://www.revisor.mn.gov/statutes/?id=10A.071>

The exception is found in subd. (3)(a)(4).

**ETHICAL PRACTICES BOARD**

**First Floor South, Centennial Building . 658 Cedar Street . St. Paul, MN 55155-1603**

The following publication does not identify the requester of the advisory opinion, which is nonpublic data under Minn. Stat. § 10A.02, subd. 12(b)

**RE: Gift of plaque to official**

**ADVISORY OPINION # 245**

**SUMMARY**

A plaque awarded by a lobbyist principal to a legislator based on individual services in the field of fire service falls within an exception to the general prohibition of gifts by lobbyist principals to officials.

**FACTS**

As a lobbyist representing a lobbyist principal, you request an advisory opinion from the Ethical Practices Board based on the following facts:

1. The principal you represent has an interest in matters related to the field of fire service. You describe fire service as including such areas as fire safety and prevention, fire fighting, and education and training related to fire service.
2. Your principal is exploring the possibility of giving a recognition plaque to a legislator based on service in the field of fire service. A proposed recipient has not yet been identified, however, you suggest that the selection may be based on actual participation in a fire service organization, or on a course of activities dedicated to the support of fire service.
3. Selection of the recipient would not be made based on votes or performance in the legislature, including bill drafting or making speeches as a part of the legislative process.

4. The plaque itself will include a decorative axe on its front, with a medallion representing the four fire services. The cost of the plaque is estimated at between \$150 and \$200.

#### ISSUE

Is the award of a plaque as described in the facts permitted as an exception to the general gift prohibition established in Minn. Stat. § 10A.071?

#### OPINION

Yes, the plaque falls within the exception provided in Minn. Stat. § 10A.073, subd. 3(a)(4).

Gifts to officials, including plaques, are generally prohibited by Minn. Stat. § 10A.071. However an exception is provided in subd. 3(a)(4) of the statute for "a plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause".

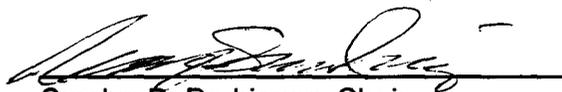
The award must include an inscription recognizing the service of the individual in order to be considered a "plaque or similar memento". Minnesota Rules, part 4512.0100, subp. 5, states that a "plaque or similar memento" is "a decorative item with an inscription recognizing an individual for an accomplishment".

You state that the award will not be made based on legislative service or responsibilities. Thus the award will be based on "individual services", which, according to Minnesota Rules, part 4512.0100, subp. 4, means "services performed by an official outside of official duties".

Finally, you state that the services being recognized relate to the field of fire service. Minnesota Rules, part 4510.0100, subp. 2, states that "field of specialty means a vocation, profession, trade, craft, or avocation of the individual". If the official who you award has made fire service an avocation and provides services in that field, the requirements of the definition would be met.

The exception for plaques provided in Minn. Stat. § 10A.071, subd. 3(a)(4) does not include a restriction based on the value of the award.

Issued: 8-23-96

  
Carolyn D. Rodriguez, Chair  
Ethical Practices Board

## CITED STATUTES

### **10A.071 CERTAIN GIFTS BY LOBBYISTS AND PRINCIPALS PROHIBITED.**

**Subdivision 1. Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Gift" means money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration of equal or greater value in return.

(c) "Official" means a public official, an employee of the legislature, or a local official of a metropolitan governmental unit.

**Subd. 2. Prohibition.** A lobbyist or principal may not give a gift or request another to give a gift to an official. An official may not accept a gift from a lobbyist or principal.

**Subd. 3. Exceptions.** (a) The prohibitions in this section do not apply if the gift is:

.....  
(4) a plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause;