



July 16, 1990

Samuel A. Brunelli
Executive Director
American Legislative Exchange Council
214 Massachusetts Avenue, N.E.
Washington, D.C. 20002

Dear Mr. Brunelli:

This is in response to your inquiry concerning a golf tournament held in conjunction with the annual meeting of the American Legislative Exchange Council. Specifically, you indicate the tournament will be sponsored by the R.J. Reynolds Tobacco Company. The cost of the event may exceed \$100.00 for each participant. You state:

"It is our understanding that ethics rules in your state limit gifts to state legislators. Based upon the above information, and because the golf tournament is an integral part of the annual meeting for which legislators have paid a registration fee, we respectfully request that your state ethics board indicate to us in writing that participation in the tournament would not violate your state's gift laws."

The prohibition against giving a gift to a public official is found in the Michigan lobby act (the Act), 1978 PA 472, as amended. This statute is administered by the Secretary of State and not the Board of Ethics.

Section 11(2) of the Act (MCL 4.421) provides that "a lobbyist or lobbyist agent or anyone acting on behalf of a lobbyist or lobbyist agent shall not give a gift or loan" to a public official, including a state legislator. According to records filed with the Bureau of Elections, R.J. Reynolds Tobacco U.S.A. is a registered Michigan lobbyist.

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A person who violates section 11(2) is guilty of a misdemeanor if the value of the gift is \$3,000 or less, and shall be punished by a fine of not more than \$5,000 or imprisonment for not more than 90 days, or both. If the "person" is not an individual, the person shall be fined not more than \$10,000.

"Gift" is defined in section 4(1) of the Act (MCL 4.414). This section states, in pertinent part:

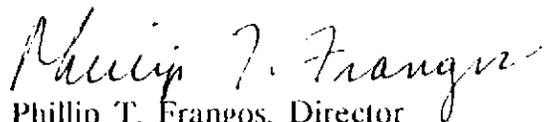
"Sec. 4. (1) 'Gift' means a payment, advance, forbearance, or the rendering or deposit of money, services, or anything of value, the value of which exceeds \$25.00 in any 1-month period, unless consideration of equal or greater value is received therefor . . ."

The \$25.00 figure has been adjusted annually for inflation pursuant to section 19a of the Act (MCL 4.429a). For 1990, the adjusted dollar amount is \$35.00.

There is nothing in section 4(1) or section 11(2) which prohibits a state legislator from participating in a golf tournament. However, pursuant to these sections, a lobbyist or lobbyist agent or a person acting on behalf of a lobbyist or lobbyist agent is prohibited from giving a public official anything having a value which exceeds \$35.00 in a one month period, including a tournament entry or greens fee.

This response is informational only and does not constitute a declaratory ruling.

Very truly yours,


Phillip T. Frangos, Director
Office of Hearings and Legislation

PTF:rlp