GOT ETHICS?
The Ohio Ethics Law: Can I Do That?

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So….Let’s Get Ethical!!

But first, ask yourself one question…
What would Dilbert do?
Three most common questions:

1. Conflicts of Interest (often - Gifts)
2. Nepotism
3. Post-Employment
R.C. 102.03(D) and (E) prohibit public servants from:

- Using authority or influence to secure something of value
- Soliciting or accepting something of value
102.03(D) Use of Authority or Influence
Abstaining/Recusal

- Voting
- Deciding
- Discussing
- Deliberating
- Recommending
- Reviewing
- Inspecting
- Investigating
- Any Other Action
102.03(E)
Solicit or Accept
What is “Thing of Value?”

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Substantial and Improper
“Nominal” or “De Minimis”
Substantial?
Substantial?
Substantial?
“Substantial”
Substantial?
Substantial?
Substantial?
Substantial?
Substantial?
Substantial and Improper
Questions?
And now let’s play...

The Ohio Ethics Law Quiz!
A state employee can take her family for a week-long spring break vacation in a Hilton Head ocean-front condo (with a deep-sea fishing boat) owned by a vendor if she pays him $500, which the vendor says is ‘fair market value.’
I don’t think so!!
An agency finance director, who is getting married, may accept a resort beach package from his childhood friend, Vinny, even though Vinny is a representative of a company the agency has retained for consulting.
Nice try!

Either pony up the money for your own honeymoon or stay home, you cheapskate!
To assist in making the best purchasing decision, a state agency IT Chief can accept travel expenses from an IT company to go to Los Angeles to see the IT product in use.
Sounds like a nice idea, doesn’t it? Saves the agency money, research is conducted, and you get to make an audience appearance on “The Price is Right.” But, alas, nope. Your agency pays or you stay home…
A state board member must decline a birthday gift from her brother who is vice-president of a consulting company seeking a contract with the state board.

Even if he normally gives her sweaters, but this year gives her a Louis Vuitton purse?
Tell your brother to back off; you’ll make the decision based on appropriate criteria!
A commission has a five-year contract to purchase computer hardware and software. The employees want to know if they can take advantage of software discounts the company offers to clients.
Okay, if:

1. Discount offered to all clients

2. Discount offered to all agency employees
A state employee’s husband receives front row tickets to a traveling Broadway musical from his job. The employee wants to accompany her husband to the theatre even though his company is seeking a contract from her department.
Wife answer first: “If my husband goes to theatre, I’m his date or he doesn’t go!”
Ethics answer second: “If truly unrelated to public position, may be okay. Call us first.”
A snowplowing company offers to plow the lanes and driveways of Veteran Services’ employees since the contract negotiations are complete.
Get out the snow boots!
We are all shoveling our own driveways.
A public employee who travels for official business wants to take along his spouse where she would stay with him in the hotel room paid for by his public agency.
No extra cost to agency? Okay.
But check to see if there is a spa first…
A state agency director is attending a conference in Pittsburgh. He is invited to attend a behind-the-scenes tour of the PNC Park, paid for by a vendor at the conference. The company assures him the event is “part of” the conference.
Thoughts?
At that same conference, the director wins a flat screen TV that was donated to the conference by a vendor.
Thoughts?
A state fiscal officer is prohibited from seeking a job from a financial institution that has a Request for Proposal pending before the agency.
It might be possible...let's talk...
A member of the Turnpike Commission is prohibited from voting on a toll increase since he drives on the turnpike to work every day.
No worries! Vote away!
A state employee, who is also an architect, must abstain from the agency’s consideration of a contract affecting a client of her firm, even if she did not perform any services on the matter.
That’s true! No discussion, decisions, review, nothing, nil, nada, just say no…
A public employee wakes up from a sound sleep behind the wheel of this car. He doesn’t know how he got there, but the title in the glove box lists him as the owner. He can accept it because he has no idea who gave it to him.
Public Contracts
Restrictions: 2921.42(A)(1)

- Authorization or use of authority for official, family member or business associate
Restrictions: 2921.42(A)(4)

- Having an interest in profits/benefits of public contract with “connected” agency
Restrictions: 2921.42(A)(3)

• Profiting from approval of contract
“Authorization” or “Use of Authority to Secure Authorization”

- Signing a contract
- Recommending a vendor
- Reviewing applications
- Writing bid specifications
- Filling out a purchase order
- Completing a travel expense report
- Being reimbursed from petty cash
Public Contract
Exceptions: R.C. 2921.42(C)&(B)

• Four-Part Exception:
  - Necessary supplies/services
  - Supplies unobtainable elsewhere for the same or lower cost or "continuous course of dealing"
  - Preferential or same treatment as other customers
  - Arm’s length transaction

• Stockholding under 5%
Nepotism
“Family Member”

- Spouse
- Sibling
- Parent/Step-parent
- Grandparent
- Child/Step-children
- Grandchild
- Anyone else related by blood or marriage and residing in the same household
What do you do when you have to answer the tough questions?
(Shameless plug time...)

Anybody ever call the Ohio Ethics Commission?
How to stay safe under the Ohio Ethics Law:

1. Disclose
2. Abstain
3. Pay your own way
It’s about that time!

For final words of wisdom, let’s turn to that great sage, Steve Carrell...
Call us if you don’t know!

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