

THE VOICE OF ETHICS

A Publication of the Ohio Ethics Commission

2023 Quarter 2



Mohican State Park
Ashland County

Public Servants & Outside Employment

People who serve in the public sector often also have private outside businesses. Some may have a full or part-time job in addition to public service, some may do consulting work, or some may even own their own companies. While this is not prohibited, public officials or employees must follow certain restrictions when working an outside job or running a business.

For example, the law prohibits public officials or employees from:

- using public time, facilities, personnel, or resources to operate a private business or engage in private outside employment
- using their official titles or identification on private business cards or other written materials or appearing in uniform while soliciting business or conducting demonstrations for clients
- using public service relationships to secure a favorable decision or action regarding their private interests
- discussing, deliberating, or voting on any matter involving their private business
- performing public duties in a manner that would enable them to realize personal financial gain
- charging clients fees for the same services that they are required to provide as a public official or employee
- participating in decisions or making recommendations regarding their competitors
- using their public position to benefit an outside employer or business interest

Again, in most situations, the Ethics Law does not prohibit public officials or employees from engaging in private employment or business activity. However, the more you know, the more easily you'll be able to comply with the Ethics Law in both your public and private lives.

Need more information? Review [Advisory Opinion 96-004!](#)

Let's Get Ethical: Quiz Time!

Which Greek philosopher is considered the "Father of Ethics?"

- A. Aristotle
- B. Plato
- C. Socrates

(answer on page 5)



Donations to Government Agencies - New Advisory Opinion!

The Ohio Ethics Commission has long provided guidance regarding gifts or donations offered not to public servants, but rather to public agencies or municipalities. In [Advisory Opinion 89-002](#), the Commission reiterated that public officials and employees are prohibited from improperly soliciting or accepting substantial things of value, but also notes that the statute prohibits donations to public officials and employees, not to public agencies.

For example, an employee of a city parks and recreation department would be prohibited from accepting a backyard playset for his or her own home from a company that sells playground equipment to the city. That company would not be prohibited, however, from donating playground equipment to the city parks and recreation program. The difference is whether the public is the ultimate beneficiary of the gift as opposed to individual public servants.



In its most recently issued Advisory Opinion ([Advisory Opinion 2023-01](#)), the Commission made a further distinction between “gifts” or “payments” as part of a public contact and clarifies how public agencies should analyze these donations. As concluded in the opinion, donations as “gifts” are provided without the expectation of something in return while a donation made as a “payment” is part of a contract with a public agency where the payment is being made in return for something from the public agency.



For example, if a company builds a park for a city to insulate residents from the noise of a storage facility in exchange for approval of the project from the city, then the donation of the park is not a “gift.” The company is offering the park as consideration to get a public contract with the city, so the donation does not meet the definition of a “gift.”

Chairman Merom Brachman noted, “This Commission Opinion gives guidance in response to requests by local authorities working with the increasing number of industries seeking to locate around the State.”

If you have further questions regarding gifts or donations under the Ohio Ethics Law, check out our website at www.ethics.ohio.gov.

Searching for Ethics - Gifts Edition

Did you know that you can easily find answers to all of your ethics questions with a quick search on the Ohio Ethics Commission's website? Just enter a term into the search box and you will see

 

every time that term shows up on our website, in our opinions and fact sheets, and even our newsletters! There's also a handy filter to just show Formal and Informal Opinions issued by the Commission.

All results Opinions Informal Opinions Formal Opinions

About 8 results (0.41 seconds)

Informal Opinion 2012-INF-0405-2
ethics.ohio.gov › advice › informal › 2012-INF-0405-2
File Format: PDF/Adobe Acrobat
Apr 4, 2012 ... However, members of Club Metro who are Metroparks employees cannot accept a raffle prize donated to Club Metro by vendors or potential vendors ...
Labeled [Informal...](#) [Opinions](#)

Financial Disclosure FAQs - Income
ethics.ohio.gov › fds › faq › income

Ohio has gifts on its mind!

Some of the most common gift related terms searched on our website in the past year include:

Raffle	Discount	Gift Card	Tip
Conference	Tickets	Value	Substantial
Travel	Donation	Prize	Improper

Some helpful gift search results include:

Fact Sheets

- [Conferences and the Ohio Ethics Law](#)
- [When is a Gift a Donation?](#)
- [The Ohio Ethics Law and Discounts](#)
- [The Travel Question](#)

Advisory Opinions

- [Adv. Op. 2002-02](#)
(meals and receptions at conferences)
- [Adv. Op. 86-011](#)
(travel, meals and lodging)
- [Adv. Op. 92-015](#)
(discounts)

Let's Get Ethical: Quiz Answer!

Which Greek philosopher is considered the “Father of Ethics?”

- A. — Aristotle
- B. — Plato
- C. Socrates



The Death of Socrates
by Jacques-Louis David

Socrates, famous for the maxim “An unexamined life is not worth living,” equated knowledge with virtue, which ultimately leads to ethical conduct. Historians note that he looked for principles and actions that were worth living by, creating an ethical base upon which decisions should be made.



Ohio Ethics Commission
William Green Building
30 West Spring Street, L3
Columbus, Ohio 43215-2256
(614) 466-7090

www.ethics.ohio.gov