

THE VOICE OF ETHICS

A Publication of the Ohio Ethics Commission

2023 Quarter 3



Nelson-Kennedy Ledges State Park
Portage County

Increased Penalties for “Wining and Dining” Public Officials and Employees

For many private companies, sending gifts to clients is a normal course of conducting business. However, companies interacting with government offices should be aware that the Ethics Law limits gift-giving to public servants.

Ohio Revised Code [102.03\(F\)](#) prohibits those who are doing or seeking to do business with, regulated by, or interested in matters before a public agency from promising, offering, or giving substantial things of value to public servants at the public entity. Examples of “substantial” things of value include offers of future employment, consulting payments, and gifts such as meals at expensive restaurants, exclusive golf outings, season tickets for a professional sports team, or travel expenses.

Violations of this part of the Ethics Law are first-degree misdemeanor criminal offenses, punishable by a fine of up to \$1000 and/or a maximum of six months in jail. Recent legislation recommended by the Commission enhanced this penalty by allowing impacted public agencies to recommend that violators be prohibited from participating in public contracts for two years, and to pay an additional fine equal to the amount of the things of value given to the public servant.

For example, if a vendor is convicted of providing tickets to an expensive entertainment event to an agency director or employee, that public agency could recommend the vendor not obtain further public contracts for two years after the violation ([R.C. 102.99\(D\)](#).) The court may also order a violator to pay an additional fine equal to the amount of the gift illegally provided to a public employee or official.

This heightened penalty is designed to further discourage private sector parties from providing substantial things of value to those in public service. For some companies, a \$1,000 fine is a modest amount of money that may not be a sufficient dissuasion from illegally “gifting” public employees and officials. The inability to do further business with any public agency may be the impetus needed to encourage compliance with this important part of the Ohio Ethics Law.



Need more information?

Check out these resources on the Ohio Ethics Commission’s website:

[📄 Gifts and Other Things of Value Fact Sheet](#)

[📄 The Private Sector Fact Sheet](#)

[📄 Advisory Opinion No. 2001-03](#)

New Tools in the Training Toolkit!

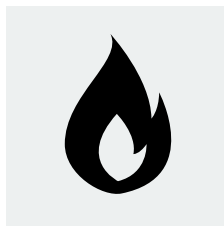
The Ohio Ethics Commission provides numerous options for Ethics Law education, including in-person speeches, live webinars, fact sheets, newsletters, and e-courses. Some of these resources provide a general overview of the statute while others delve deeper into nuances of the law and provision details.

We are enhancing our education toolkit this year by creating online resources that speak to specific public entities and professions. While the law is generally the same for everyone in public service, the examples and situations that arise can vary.

New online resources include offerings for:



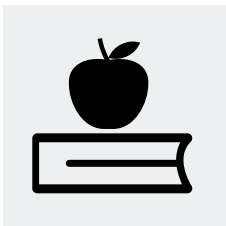
[Law Enforcement
E-Course](#)



[Fire & Safety Services
E-Course Series](#)



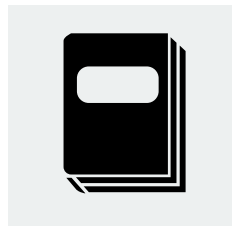
[Township Trustees
Recorded Webinar](#)



[Public Schools
Recorded Webinar](#)



[Public Universities
Recorded Webinar](#)



[Public Libraries
Recorded Webinar](#)

These e-courses or recorded webinars provide a more in-depth look at how the Ethics Law is implicated in various duties and public offices around Ohio. We hope you find them helpful and relevant. Stay tuned for additional courses in the future and if you have a suggestion, email susan.willeke@ethics.ohio.gov.

Searching for Ethics - Public Contracts 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 36 results (0.13 seconds)

Advisory Opinion No. 82-007
ethics.ohio.gov › advice › opinions
File Format: PDF/Adobe Acrobat
Nov 18, 1982 ... A **subcontract** between the accounting firm and a general contractor under contract with the regional sewer district is also a "public contract," ... Labeled [Formal](#) ... [Opinions](#)

Informal Opinion 2004-INF-1008-2
ethics.ohio.gov › advice › informal › 2004-INF-1008-2
File Format: PDF/Adobe Acrobat

Ohio has public contracts on its mind!

Some of the most common public contract related terms searched on our website include:

Nepotism
Grant

Business Associate
Auction

Subcontract
Sponsorship

Student teacher
Fundraising

Some helpful public contract search results include:

Fact Sheets

- [Pulic Jobs and Family Members Fact Sheet](#)
- [Business Associates and Public Contracts](#)
- [Selling Goods or Services](#)
- [Grants and the Ohio Ethics Law](#)

Advisory Opinions

- [Advisory Opinion 2010-03](#)
(nepotism restrictions)
- [Advisory Opinion 2009-05](#)
(stockholders and positions of profit)
- [Advisory Opinion 85-013](#)
(public contract benefiting one's own business)

Grants and the Ohio Ethics Law: A New Resource!

The Ohio Ethics Commission recently contacted Ohio mayors to emphasize that grants and stimulus dollars are subject to public contract provisions under the Ohio Ethics Law. [The letter](#) noted that directly using any public position to authorize a grant, or even influencing the process, to favor oneself, a family member, or an outside business associate, is a potential fourth degree felony under the Ethics Law.

As a result of ensuing conversations, the Commission has created a new fact sheet regarding [grants and the Ohio Ethics Law](#). This new resource addresses relevant restrictions and questions such as: Can an official's family member apply for a public grant? Can a public official or employee? What does recusal entail? Are there exceptions? And so much more!

In addition to the new fact sheet, there are several advisory opinions that may be helpful in understanding and complying with the Ohio Ethics Law as it pertains to grants.

Check these out!

■ [Advisory Opinion No. 2009-06](#)
(Ohio Ethics Law and stimulus funds)

■ [Informal Opinion 2010-INF-0427-1](#)
(council member seeking grants)

■ [Advisory Opinion No. 89-006](#)
(teaching at college receiving grants)

■ [Advisory Opinion No. 87-004](#)
(accepting job with grant recipient)

■ [Advisory Opinion No. 87-003](#)
(serving on public and non-profit boards)

■ [Advisory Opinion No. 95-007](#)
(participating in public grant program)



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

www.ethics.ohio.gov