



## OHIO ETHICS COMMISSION

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### BULLETIN — GIFTS AND ENTERTAINMENT FEBRUARY 21, 2013

#### I. INTRODUCTION

Public officials and employees at all levels of state and local government ask the Ethics Commission for guidance about what they can and cannot accept as gifts and entertainment from family, friends, acquaintances, and other persons. This bulletin provides guidance and explains the law prohibiting acceptance of gifts in many circumstances.<sup>1</sup>

##### What does the law prohibit?

Ohio's Ethics Law prohibits all public officials and all public employees from soliciting or accepting a gift of a substantial value, including entertainment, from any "prohibited source." A "prohibited source" is any person, company, organization, or other entity that has any of these relationships with the public agency an official or employee serves:

- Doing or seeking to do business with the agency;
- Regulated by the agency; or
- Interested in matters before the agency.

A public official or employee also cannot accept compensation for the performance of his or her public job duties from any source other than their public employer.

##### Who is a "public official"?

A public official is any person, paid or unpaid, and regardless of how much money he or she is

paid, who is elected or appointed to a full time or part time position.

##### Who is a "public employee"?

A public employee is any person, paid or unpaid, and regardless of how much money he or she is paid, who is employed by a public agency in a full time or part time public job.

#### II. ACCEPTING GIFTS/ENTERTAINMENT

To know whether you can accept a gift, meal, or entertainment, you need to determine both:

- The value of the item; and
- The source of the item.

If the gift is substantial in value and is from one of the prohibited sources described earlier, you must return it to the giver.

However, you can accept a gift of nominal value from any giver. Gifts of nominal value include promotional items, such as a t-shirt, mouse pad, or a coffee mug.

##### Personal Friendship

You can also accept a gift of any value if the giver is not a "prohibited source." For example, you can accept a gift if it is clear that the gift is motivated by the giver's family relationship or a personal friendship with you, rather than by your public position. Relevant factors to consider include<sup>2</sup>:

- The duration and nature of the pre-existing private relationship;
- Whether it has been common for you to exchange gifts with the giver before you became a public official or employee;
- Whether the giver personally paid for the gift or identified it for business reimbursement; and
- Whether, to your knowledge, the giver also gave the same or similar gifts to other officials or employees of your agency.

### Gifts from Vendors

You are prohibited from accepting a gift or entertainment, of a substantial value, from a vendor to your agency. However:

- The Ethics Law does not prohibit you from socializing with anyone.
- If you are going to a restaurant with a vendor to your agency, and the cost of the meal will be substantial, you should pay your own way.
- If you are invited to attend an open house hosted by one of your agency's vendors, in most cases, you would be able to accept the invitation because the per-person value of an open house is unlikely to be substantial.
- If you are invited to attend an expensive event hosted by a vendor, or an event that includes expensive tickets (such as a sporting event, concert, theater performance, or any similarly valued event), you should either: (a) decline the invitation; or (b) pay the per-person cost to attend the event and the greater of the face value of, or the amount the giver paid for, the tickets.
- The Commission has said in prior advisory opinions that meals at expensive restaurants, exclusive golf outings, season tickets to games of a

sports team, and travel, meal and lodging expenses are also of a substantial value.<sup>3</sup>

Remember that you cannot accept compensation from anyone other than the agency you serve. This means that if a vendor gives you cash or a cash-equivalent (such as a gift card) as a "thank you" for your public duties, you must return it.

### III. FINANCIAL DISCLOSURE

If you are required to file a financial disclosure statement with the Ethics Commission, then you may have to disclose sources of gifts you have received.

- Most filers must disclose gifts over \$75.<sup>4</sup>
- You need to disclose **all** sources of gifts over the threshold amount -- even if the person who gave it to you is a personal friend or does not have any connection with your public agency.
- You do not need to disclose the amount or nature of the gift.
- You do not need to disclose the source of a gift if it was given to you by any of the following family members:
  - Spouse, parents, siblings, or children;
  - Grandparents or grandchildren;
  - Nephews, nieces, uncles, or aunts;
  - Brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law or mothers-in-law; or
  - Any person to whom you stand in loco parentis (that is, you serve as their parent).

You also don't have to disclose any gift you received by distribution from any trust established by your spouse or other relative.

#### IV. ASSISTANCE AND QUESTIONS

**If you have any questions, please contact the  
Ethics Commission:**

- Telephone: 614.466.7090  
[Ask for an advisory attorney.]
- Monday to Friday, 8:00 AM to 5:00 PM
- Website: [www.ethics.ohio.gov](http://www.ethics.ohio.gov)  
[Use the search term “gifts”]

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<sup>1</sup> See [Ethics Commission Information Sheet #7, "Accepting Gifts, Meals, Entertainment, or Other Things of Value"](#)

<sup>2</sup> See generally 5 C.F.R. 2635.204(b), concerning similar standards applicable to employees of the federal government.

<sup>3</sup> See, e.g., [Adv. Ops. No. 89-014](#) (travel, meals and lodging); [95-001](#) (professional sports tickets); and [2001-03](#) (golf outings).

<sup>4</sup> Some filers are only required by the General Assembly to disclose sources of gifts over \$500, such as college or university trustees, or officials or employees of a city, school district, educational service center, or sanitary district if their public position is paid less than \$16,000. For guidance on whether this threshold applies to you, please contact the Ethics Commission.