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Private Sector FAQs

I work in the private sector; does the Ethics Law ever apply to me or my business?

Yes, the private sector can also be subject to certain provisions of the Ethics Law. Companies and organizations that do or seek to do business with, are regulated by, or have an interest in a matter pending before a government office, are also subject to aspects of the Ethics Law.

How does the Ethics Law benefit my company?

Everyone benefits when public employees and the private sector work together in the best interests of Ohio. Those in the private sector, therefore, have the right to expect that decisions made about public expenditures, such as public contracts, are made based on objective criteria and not on the financial or familial interests of a specific public official.

Can I give a gift to a public employee?

Sending gifts to clients is often a normal course of conducting business in the private sector. When working with government offices, however, be aware that the Ethics Law limits gift-giving to public officials and employees. Ohio Revised Code 102.03(F) prohibits “improper” sources from promising or giving “substantial” things of value to public officials or employees. When recognizing the efforts of public officials or employees, a note of thanks (especially if the letter of appreciation is copied to a supervisor or agency director) is preferable to an offer of a gift.

Am I an “improper” source of gifts?

An “improper” source is any person or party who:

- Is doing business with a public agency
- Is seeking to do business with a public agency
- Is regulated by a public agency
- Has a specific interests in matters before a public agency.

So, if you or your private entity have any of the above connections to a public servant or their public entity, you are an “improper” source of gifts.

What is a “substantial” gift?

“Substantial” (prohibited) things of value may include:

- Expensive restaurant meals
- Entertainment activities (e.g. golf outings, professional sports tickets)
- Jewelry
- Travel, meals, and lodging expenses

The statute doesn’t specify a dollar amount for substantial gifts. Instead, the Ethics Commission has given these and other examples of “substantial” things of value from “improper” sources.

Can I give gifts public employees if the gifts aren’t “substantial”?

Small or minimal gifts (e.g. coffee mug, inexpensive meal at a family restaurant) are not considered “substantial”, so they wouldn’t be illegal to give a public employee. However, they should not be provided to public officials or employees on multiple occasions since adding the value together over time can be substantial.

You should also be aware that individual government agencies may have policies that are even more stringent than the Ethics Law.

Can I treat a public servant to a meal or a round of golf?

Public officials and employees must fully pay their own way when private sector parties offer substantial entertainment, like golf outings, fine dining or tickets to sporting events. These restrictions protect both the private party and the public servant from challenges that public decisions were improperly influenced by a gift.

If you would like public officials or employees to participate in such private sector events, provide a method for them to pay their fair share of the costs.

Can I donate goods or services to a public entity?

Private sector parties may voluntarily donate items or services to public agencies, provided no official or employee personally benefits.

Can I give a tip or speaker's fee to a public servant that goes above and beyond in performing their duties?

No. A private sector party cannot give anything of value to a public official or employee with the intent to compensate him or her for performing a public job. Both private and public sector parties guilty of violating this statutory provision against Supplemental Compensation can be charged with a first-degree misdemeanor. Additionally, public employees found guilty are prohibited from holding any public job or position for seven years.

May I give honoraria to a public servant?

An honorarium is a gift or gratuity provided for a professional service, such as presenting a speech at a conference. Government officials and employees who file financial disclosure statements with the Ethics Commission may not accept honoraria. Non-disclosure filers may only accept honoraria if the event is unrelated to their public duties and the source of the honoraria is not an improper source to that person's public agency

Can I pay travel expenses for a public employee?

Financial disclosure filers may accept actual travel expenses, such as airfare or hotel costs to meetings where the public official or employee will participate in a panel, seminar, or speaking engagement or meetings or conventions of a national organization to which any state agency pays dues.

Non-filers may accept travel expenses if the event is unrelated to their public duties and the source of the travel expenses is not an improper source to that person's public agency

Can I offer a job to a public employee?

The Ethics Law prohibits private parties who do business with or have interests before a public agency from offering things of value, including employment, to the officials and employees of the agency.

Therefore, if you are thinking of offering a job or consulting opportunity to a public employee, be aware that the employee cannot continue official interactions as a public servant with you.

Can my new employee contact his or her former public agency?

The Ethics Law limits "revolving door" activity, just as non-compete agreements impose limits in the private sector, to protect against conflicts of interest. Individuals who leave government service have, in effect, a "cooling off" period before they can represent new employers or clients before government agencies on many matters. Be mindful of this restriction when you consider hiring a public servant and ask questions about the ["Revolving Door."](#)

How do I find more information?

Private sector parties are encouraged to contact the Ohio Ethics Commission when they have questions. We are here to answer your questions and to assist the private sector in understanding and complying with the Ethics Law. A brief investment of time, before you act, may save you and your organization a tremendous amount of resources, money, and lost goodwill.