

THE VOICE OF ETHICS

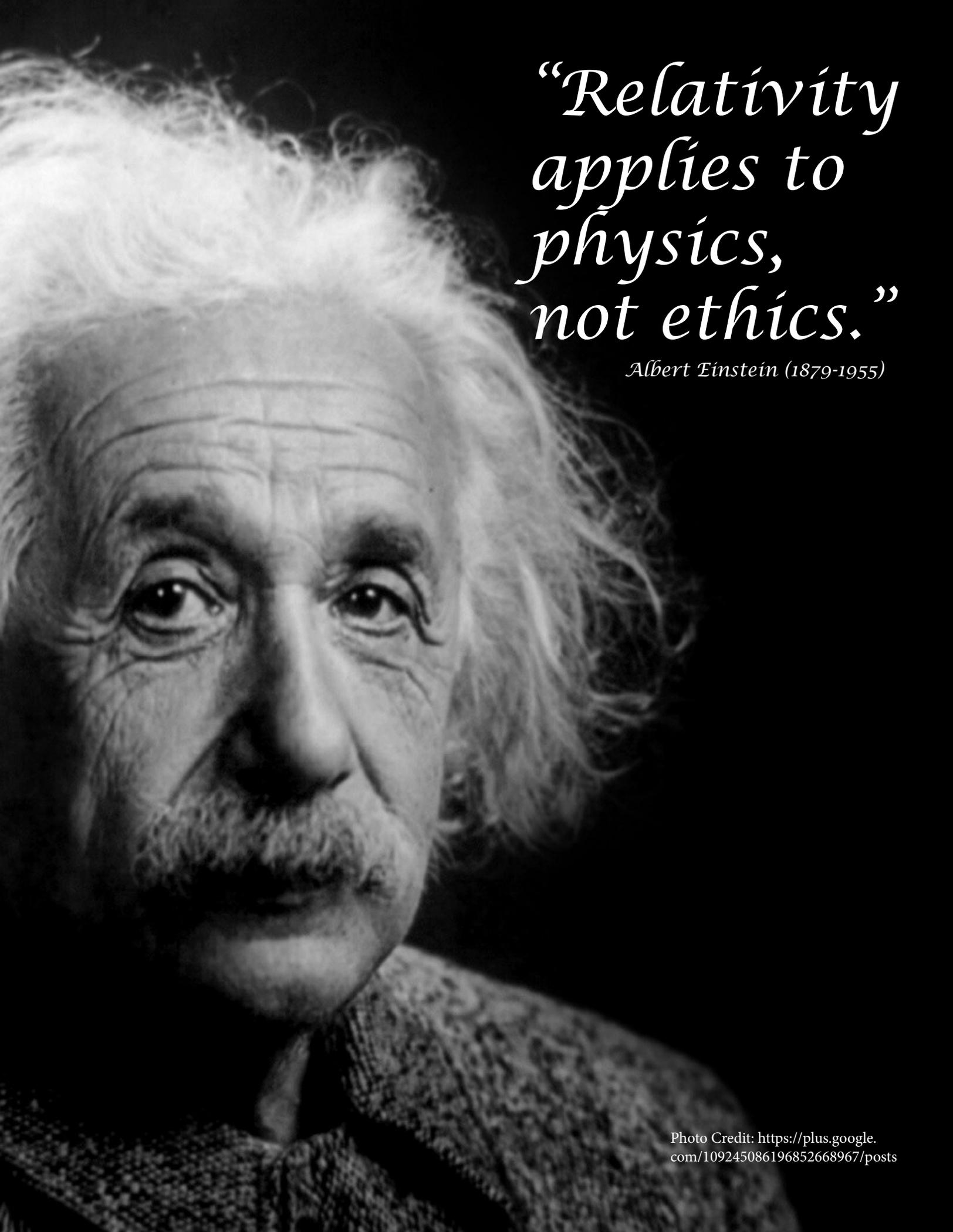
A Publication of the
Ohio Ethics Commission

October 2013 Edition



WHEN IS A GIFT A DONATION?



A black and white close-up portrait of Albert Einstein, showing his characteristic wild white hair and mustache. He is looking directly at the camera with a serious expression. The background is dark.

*“Relativity
applies to
physics,
not ethics.”*

Albert Einstein (1879-1955)

2013 CONFERENCE



NOVEMBER 6 - 7

CONFERENCE ON TARGETING FRAUD: SAFEGUARDING INTEGRITY

In observance of National Fraud Awareness Week, the Ohio Ethics Commission is collaborating with Franklin University, the National White Collar Crime Center, the Ohio Inspector General, and the Ohio Investigators Association to present a two-day training conference: Targeting Fraud – Safeguarding Integrity.

The conference will examine the investigative process of uncovering fraud and explore a wide spectrum of topics. Some examples include:

- Competent and persuasive court testimony for fraud cases;
- Cyber security risks impacting government and corporate networks;
- Investigating and prosecuting Ohio Ethics Law violations;
- Regulation, licensing, and enforcement of Ohio casino operations;
- Collecting and analyzing social media intelligence for law enforcement;
- And much more!

DATE: November 6 - 7, 2013

LOCATION:

**Ohio Department of Transportation
1980 West Broad Street, Auditorium
Columbus, Ohio 43223**

[CLICK HERE TO REGISTER!](#)

Approved for 10 hours of CLE!

ETHICS TRAINING –

ANNOUNCING AN ETHICS E-COURSE!

This fall, the Ethics Commission unveiled its first on-demand electronic course: “Ethics 101: An Introduction to the Ohio Ethics Law.” The e-course is approximately one hour long and offers an overview of the primary provisions of the Ohio Ethics Law. Participants will receive an electronic certificate of completion at the end of the course. The E-Course has been approved for 1.0 hour of CLE for attorneys. Your constructive feedback on the course is welcome! Also underway is the creation of topic-specific courses, such as nepotism, gift acceptance and public contracts. Stay tuned!

WEBINARS

Hundreds of people have already taken advantage of the Ethics Commission’s monthly live webinars. The webinars also last one hour and provide a brief synopsis of the Ohio Ethics Law. The Ethics Commission’s Education and Communication Administrator, Susan Willeke, presents the webinars live and answers as many questions as time allows.

Dates for upcoming webinars:

- November 5, 2013 1:00 PM - 2:00 PM
- December 18, 2013 1:00 PM - 2:00 PM

[Click here to register for a webinar.](#)

Can’t make one of these dates? Click [here](#) to listen to a previously recorded webinar!

SO MANY OPTIONS!

EXECUTIVE ORDER CLASSES

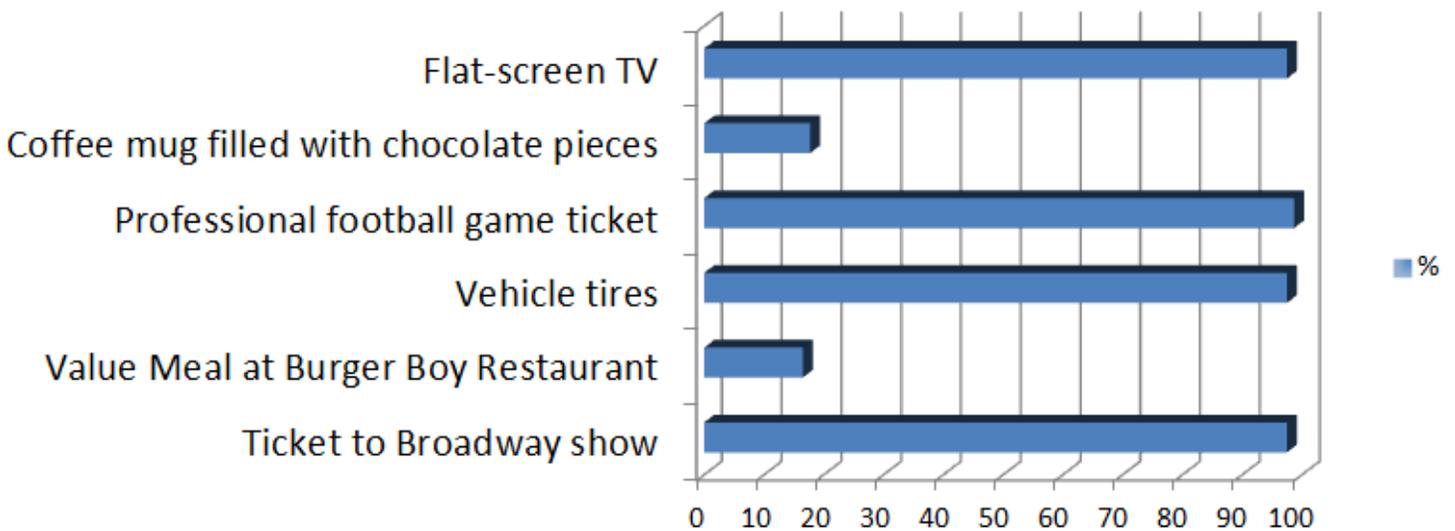
State officials and employees are required by [Executive Order 2011-03](#) to participate in annual Ethics training. Many agencies and commissions conduct in-house ethics education sessions to assist staff in meeting that requirement.

The Ethics Commission conducts sessions around the state designed for state board and commission members and other state officials not located in Central Ohio.

The remaining classes have been approved for 1.5 hours General CLE credit for any attorneys who attend the course.

[Click here to register!](#)

SUBSTANTIAL GIFT POLL RESULTS



THE RESULTS ARE IN!

In our last newsletter, we asked you to identify items that could be considered “substantial” under the Ohio Ethics Law. Thank you to the many readers who took the survey and shared their thoughts!

Based on the responses we received, it’s clear that some of us consider food – especially chocolate – substantial in any form! However, most respondents correctly noted the items that public servants may not accept from “improper” sources. Improper sources are people or organizations doing or seeking to do business with, regulated by, or having an interest before a public agency or entity. The prohibited items were: Broadway show tickets, automobile tires, tickets to a professional sporting event or audio visual equipment, such as a television.

Less substantial items, such as the value meal at a modest restaurant, would not be prohibited by law. However, the Ethics Commission recognizes that many public servants may choose to avoid even the appearance of impropriety and decline the offer.

It should be noted that many public entities may have gift acceptance policies that are even more stringent than the Ohio Ethics Law. Private sector parties are encouraged to respect the limits imposed by the law and these individual policies and practices.

[Click here for more information on gift acceptance and the Ohio Ethics Law.](#)

WHEN IS A GIFT A DONATION?

One of the benefits of public service is being a front-row witness to the generosity of so many people in Ohio's communities. Whether it is a fundraiser to benefit a local school or a donation to the public library, the offerings of local residents and community businesses remind us of why Ohio is such a great place to live.

However, the Ohio Ethics Commission receives many questions about gifts offered or given to public servants. The Commission has issued numerous fact sheets and advisory opinions regarding the giving and acceptance of gifts which can be found at www.ethics.ohio.gov

Generally speaking, the Ethics Law prohibits a public employee or official from soliciting or accepting a substantial an improper thing of value as it could influence him or her in the performance of his or her public duties. These "things of value" essentially include anything with monetary value. Gifts, golf outings, theater or sporting event tickets, vacations, and jewelry are all items that the Commission has specifically identified as things of substantial value.

Public servants must decline gifts substantial value that are offered by any individual or company doing or seeking to

do business with, interested in matters before, or regulated by his or her public agency.

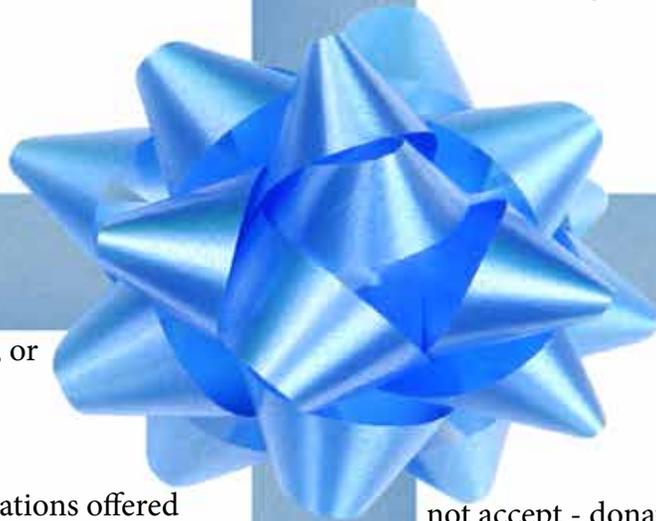
However, the Commission has also responded to questions regarding gifts or donations offered not to public servants, but rather to public agencies or municipalities. In [Advisory Opinion 89-002](#), the Commission reiterated that public officials and employees are prohibited from improperly soliciting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

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

It should be noted, however, that donations to a public entity can sometimes create the appearance of impropriety. For example, a company should not offer - and public agencies should

not accept - donations when a specific case involving that company is pending before the public agency.

Need more information?
Call an Ethics Commission
Advisory Attorney at (614)
466-7090!



The Ohio Ethics Law and the Private Sector:



The Ohio Ethics Law was enacted almost 40 years ago to ensure that public officials and employees are not influenced by personal, family, or private business interests when making decisions on behalf of a governmental entity.

It is clear therefore that Ohio's public servants – elected, appointed, and hired– are regulated under the Ethics Law. But did you also know that the private sector can also be subject to Ohio's 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, must also comply with this statute.

While the private sector should be aware of the entire Ethics Law, there are several areas that are especially relevant to those who interact with government on a regular basis. Here are just a few:

Gifts

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.

The law prohibits a private sector party from promising, offering, or giving substantial things of value to a public servant. "Substantial" gifts could include meals at expensive restaurants, entertainment activities, such as exclusive golf outings or season tickets for a professional sports team, or travel, meal and lodging expenses.

Small gifts that are not prohibited include meals at a family restaurant, promotional items, or an inexpensive entertainment activity. Please note that even though nominal gifts are not prohibited, multiple items of minimal value should not be offered to public servants if the value of these items, added together, is substantial.

Honoraria/Travel Expenses

Covering the cost of travel or offering honoraria to public speaker or dignitaries is a common practice in the private sector. However, the Ethics Law limits such practices when interacting with public officials.

This provision of the Ethics Law differs on whether or not the public official is required to file Financial Disclosure Statements with the Ohio Ethics Commission. For those who must file this statement, the Ethics Law:



- Prohibits private sector parties from offering honoraria disclosure filers, but
 - Permits private sector parties to provide actual travel expenses to disclosure filers at meetings where:
 - The public official will participate in a panel, seminar, or speaking engagement or
 - The public official will attend a meeting or convention of a national organization to which any state agency pays dues.
- If a public officials or employee will attend an event not related to the public employee's public duties, he or she may accept an honorarium or travel expenses as long as the private entity paying for the honorarium or travel expenses is not doing or seeking to do business with, regulated by, or interested in matters before that public employee's agency.

Confidentiality

Current and former public employees are prohibited from disclosing confidential information acquired in the course of public duties. There is no time limit for this restriction. Therefore, when hiring a public official or employee into your organization, remember that he or she cannot reveal confidential information obtained while serving in his or her former public role.



Supplemental Compensation



A private sector party cannot promise or give anything of value to a public servant if it is given with the intent to compensate him or her for some official action, inaction, or decision. This can include money, gifts, and travel expenses.

Post-Employment

The Ethics Law prohibits a public employee or official from representing any individual, corporation, partnership, association, or public entity before any public agency on any matter in which the official personally participated. This restriction applies to officials during their public service and for one year (for most public servants) after leaving public service. For more information, [click here](#).

The provisions of the Ethics Law outlined here are just a few of the many areas of the law that may be of interest to the private sector. If you would like more information or would like a speaker at your company or conference, please contact susan.willeke@ethics.ohio.gov

HAVE AN IDEA FOR A STORY?



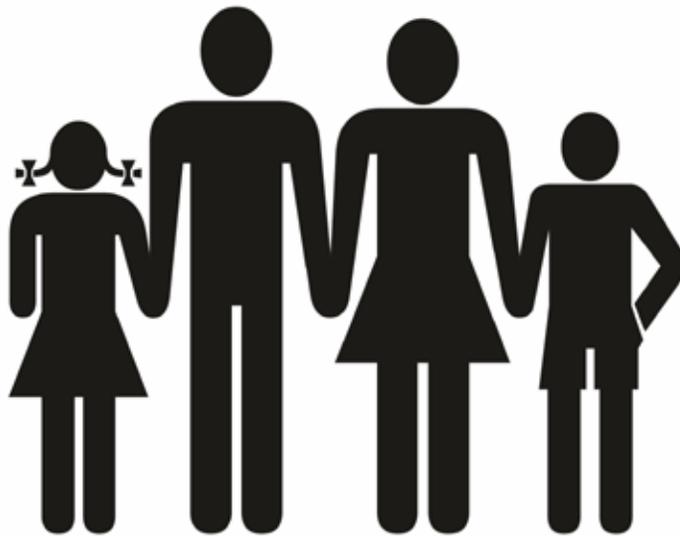
Would you like to know more about a certain topic?

If so, email Susan Willeke at susan.willeke@ethics.ohio.gov or call her at 614-466-7090 with your suggestions.

THIS MONTHS QUIZ!

1. Which of the following is a "family member" under the Ohio Ethics Law? (check all that apply)

- Spouse
- Cousin
- Mother-in-Law
- Grandfather
- Sister
- Brother-in-Law who rents your spare bedroom
- Nephew
- Parent
- Stepchild
- Brother who lives in Michigan
- Uncle

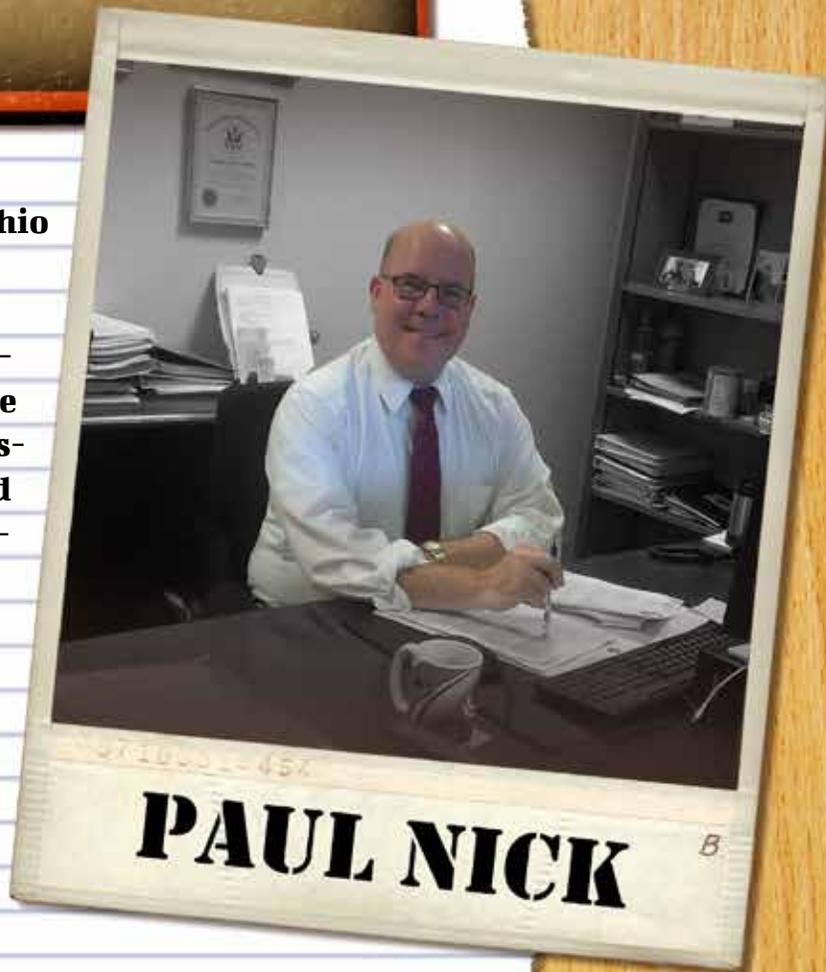


Results Revealed Next Newsletter



MEET THE DIRECTOR

Paul M. Nick serves as the Executive Director of the Ohio Ethics Commission where he oversees the state-wide responsibilities of the Commission. Mr. Nick joined the Ethics Commission as Investigative Counsel in 1995 and later served as the Commission's Chief Investigative Attorney. Before joining the Ethics Commission staff, Mr. Nick was with the Columbus City Attorney's Office, serving as an assistant city prosecutor and as an assistant city attorney.



Education:

**Universtiy of Illinois
Bachelor of Arts, Economics**

**The Ohio State University
Juris Doctor**

Favorite quote:

*"It is a fine thing to be honest, but it is also very important to be right."
- Winston Churchill*

Why is the Ohio Ethics Law important?

The Ohio Ethics Law protects taxpayers. Every resident of this state has the right to expect that public money should be spent in the best interest of the public – not in the best interest of the public official or public employee making the decision.

The Ethics Law prohibits a public official or employee from participating in a public matter when he or she has a conflict of interest – especially when it involves public funds. Compliance with the Ethics Law assures the public that governmental decisions remain impartial and fair.

What is the most important thing that public servants should know about the Ethics Law and the Ohio Ethics Commission?

The best advice I can give is to call us! No one should be nervous about the Ethics Law or about calling the Commission for assistance. Most people want to comply with the law and to serve the public with integrity. The Ethics Commission is available to assist in that effort. The Commission has 40 years of precedent to call upon when offering guidance about the Ethics Law. We are first and foremost a resource for people.

What are the most common questions the Ethics Commission receives from public officials and employees?

The areas of the law that seem to get the most “mileage” are [gift acceptance](#), [nepotism](#), and [post-employment](#) restrictions. The Commission has issued numerous fact sheets and advisory opinions on these provisions of the law; they are all available on our web site at www.ethics.ohio.gov

I often point out that there are two primary ways to “stay safe” under the Ethics Law. The first is to disclose and abstain whenever there is a potential for a conflict of interest. The second is to always pay your own way. It’s my observation that if more people adopted those behaviors, our investigation workload would decrease significantly.

You have been with the Ethics Commission for many years: first as Investigative Counsel, then as the Chief Investigative Attorney and now the Executive Director. What keeps you interested in this area of the law?

Working at the Ethics Commission hasn’t just been a job for me; it’s a profession – a calling. The Commission’s advice, outreach and even investigations help public officials comply with the law which in itself is rewarding. But even more importantly, the Commission’s work influences public policy in such a positive way that I view our efforts as a tremendous public service to Ohio citizens.

What accomplishments are you proud of and what do you hope to see the Commission do in the next several years?

The Commission members and staff have worked hard to make the services of the Ethics Commission accessible to all public servants. In the time since I’ve served here, the Commission has introduced online financial disclosure filing, eliminated an advisory opinion backlog, streamlined our investigative process, and unveiled new education outreach methods. For example, the Commission now conducts monthly webinars for those who cannot travel to classroom sessions about the Ethics Law. The past three webinars have attracted 600 learners who may otherwise not have been trained in the law.

It’s gratifying to see all that has already been accomplished, but I’d like to see these efforts continue and even increase. We will soon be introducing e-courses on our web site and want to increase online disclosure filing and provide even quicker response time to those who come to the Commission for advice. It’s a tall order for a small commission like ours, but everyone here believes in good government and knows their efforts make a difference.



OHIO ETHICS COMMISSION

**William Green Building
30 West Spring Street, L3
Columbus, Ohio 43215-2256
Telephone: (614) 466-7090
Fax: (614) 466-8368**

www.ethics.ohio.gov

Questions? Concerns? Need more information? Contact us!