

# THE VOICE OF ETHICS

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# The Travel

The Ohio Ethics Commission often receives questions and requests for information regarding gifts or “things of value.” One of the “things of value” that is often discussed is the payment of travel expenses. Some public officials and employees’ duties require that they travel, which can lead to transportation, lodging, and meals costs.

The Ethics Law prohibits a public official or employee from soliciting or accepting anything of value that is “substantial” and “improper.”

Previous advisory opinions have identified travel costs as “substantial.” Therefore, those in public service are prohibited from accepting the payment of travel costs from an improper source. An “improper” source is any individual or party that is:

- doing business with your public entity;
- seeking to do business with your public entity;
- interested in matters before the public agency; or
- regulated by the public agency.

Before allowing any party other than your own public entity to cover the costs of public service travel, contact your agency’s legal counsel or call the Ohio Ethics Commission.

For related information on the “travel question” please see below!

## **Travel Rule**

In 2013, the Ethics Commission adopted a travel rule setting standards and conditions that allow a public official or employee to accept travel expenses specifically to attend conferences, seminars, and similar events when the travel costs are:

1. Related to the public official’s or employee’s public duties and of an ordinary, customary, and necessary character; and

# Question!

2. Provided by his or her own public entity or from one of the following sources:
  - An entity that is NOT an improper source as described above;
  - Any governmental agency;
  - Certain statewide, multi-state, or regional consortiums that:
    - a. were created to fulfill or advance the public agency's mission;
    - b. include the public agency as a member; and
    - c. do not receive more than 25 percent of their funding from improper sources as described above.
  - An entity using funds from the above-described consortiums if the grant, contract, or gift used stipulates that the funds were designated for the public official or employee's travel expenses.

## **91 – 010 Frequent Flyer Miles**

Public officials and employees occasionally are required to fly as part of their public duties. The Ethics Commission has been asked if “frequent flyer” miles obtained by such travel can then be used for personal travel. In [Advisory Opinion 91 – 010](#), the Commission concluded that the Ohio Ethics Law prohibits the use of such discounted or even free tickets for personal travel.

## **2004-01 – FDS Travel Disclosure**

Financial Disclosure filers who are required to disclose travel expenses often have questions regarding travel disclosure requirements. Here are some highlights:

- Filers must disclose the source and amount of every payment of travel expenses (whether paid directly by a public agency/private entity or reimbursed to the filer)
- Filers must disclose travel expenses but are not required to disclose the conference registration fee paid by public agency
- Filers are not required to disclose costs associated with the use of a vehicle owned or leased by a public agency as a travel expense.

For more information on Financial Disclosure and travel see [Advisory Opinion 2004-01](#).



## Upcoming Holidays = Gift Questions

What a lovely time of year this is in Ohio...crisp autumn air, tree canopies of red, gold, and orange leaves, and all things pumpkin – from lattes to pies!

It's also a time of year when the Ohio Ethics Commission notices an increase in questions about gifts. "May our vendor buy us a holiday lunch?" or "Is it okay if I take this gift from the company we regulate?" and so forth.

Fair questions! Let's discuss!

The Ethics Law prohibits public officials and employees from soliciting or accepting a substantial "thing of value" from "improper" sources. How to define those words?

A "substantial" - and therefore prohibited - thing of value could include (but aren't limited to):

- cash
- gift cards
- expensive meals or bottles of wine
- golf outings
- theater or sporting event tickets
- vacations
- jewelry
- electronic equipment

Some items that the Ethics Commission identified as "nominal" and not prohibited could include:

- modest food items such as:
  - cup of coffee
  - doughnut or cookie
  - small tin of popcorn
- inexpensive gifts such as:
  - coffee mugs
  - pens/pencils
  - refillable water bottles

An "improper" source is an individual or party that is:

- doing business with your public entity
- seeking to do business with your public entity
- interested in matters before your public entity, or
- regulated by your public entity

So, let's look at an example. If a company has a contract with a city in Ohio, the city officials and employee would be prohibited from accepting "substantial" gifts from the contracted company. Although minor gifts are not prohibited, you may still choose to decline them to avoid even the appearance of impropriety.

Watch this [video](#) for a fun and informative way to learn more about Gifts and the Ohio Ethics Law! Questions after watching the video? Call us at (614) 466 – 7090.



*“In matters of style, swim with the current;  
in matters of principle, stand like a rock.”*

Thomas Jefferson



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## Ohio Ethics Law: Can I Do That?

Have you ever wondered...

- What does a conflict of interest look like?
- Can my company do business with my agency?
- Can my family member be hired by the county/city/township I serve?
- Can I sell services or goods to the government entity I serve?
- Can I review an application submitted to my agency by my business partner?

If so, the Ohio Ethics Commission webinars are for you!

These webinars will provide an overview of the Ohio Ethics Law AND they are:

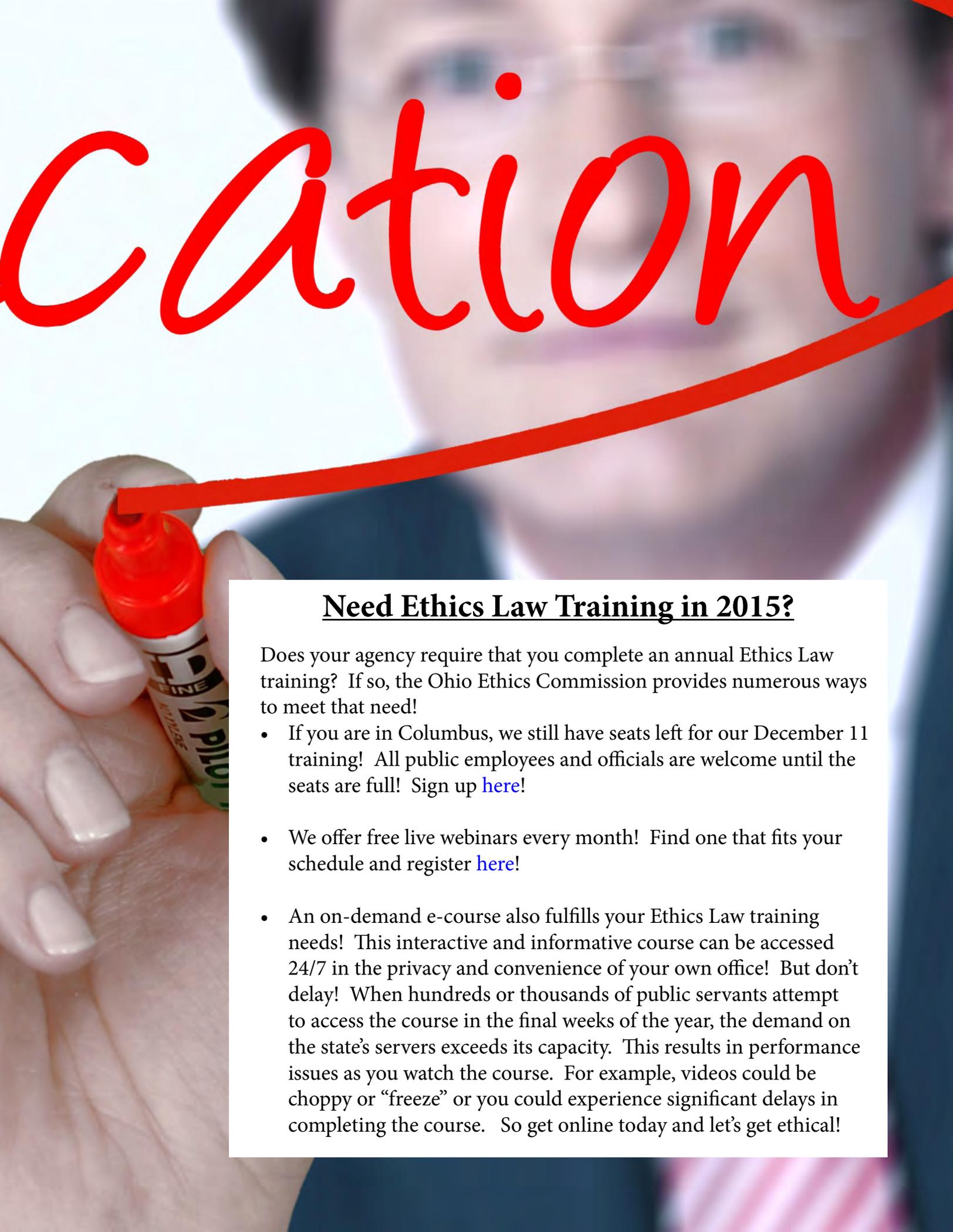
- Free!
- Voluntary!
- Informative!
- Designed for the type of government YOU serve!

Townships: Thursday, November 19, 2015 (10 – 11 am)

Counties: Monday, December 14, 2015 (10 – 11 am)

Sign up today! [Click here to register!](#)

Questions? Contact Susan Willeke at (614) 466-7090 or [susan.willeke@ethics.ohio.gov](mailto:susan.willeke@ethics.ohio.gov)



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## Need Ethics Law Training in 2015?

Does your agency require that you complete an annual Ethics Law training? If so, the Ohio Ethics Commission provides numerous ways to meet that need!

- If you are in Columbus, we still have seats left for our December 11 training! All public employees and officials are welcome until the seats are full! Sign up [here](#)!
- We offer free live webinars every month! Find one that fits your schedule and register [here](#)!
- An on-demand e-course also fulfills your Ethics Law training needs! This interactive and informative course can be accessed 24/7 in the privacy and convenience of your own office! But don't delay! When hundreds or thousands of public servants attempt to access the course in the final weeks of the year, the demand on the state's servers exceeds its capacity. This results in performance issues as you watch the course. For example, videos could be choppy or "freeze" or you could experience significant delays in completing the course. So get online today and let's get ethical!



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**Questions? Concerns? Need more information? Contact us!**