



The Voice of Ethics Podcast Transcript

September 2026 Episode

You Couldn't Pay Me to Do That (Literally)

Susan: Hello ethical people. This is Susan Willeke of the Ohio Ethics Commission, bringing you the Voice of Ethics, the podcast where we dive into stories about ethics in government. But I'm not alone on the podcast today. Am I?

Nick: Hey people, it's Nick from the Ethics Commission.

Susan: So Nick does a lot more than edit the podcast. If any of you have ever done, like, the online course, if you've been on our website, you have seen the behind the scenes genius behind, behind it all. So I'm really glad, Nick, that you're here in person today.

Nick: That's very kind of you to say. Thank you very much. Yeah, you know, I'm more comfortable editing this stuff, but I'm really excited to tell you a little story today, Susan.

Susan: Oh good, well, because that's what we wanted to start with. So there's something in the law we wanted to talk about today. And I wanted to ask Nick to just introduce it, right up, based on a really interesting interaction that he had via email. So, Nick, what brought you to this world here of supplemental compensation that we're going to talk about?

Nick: You know, we all get the spam emails all the time and they can be pretty annoying. They can be pretty persistent. You know, I have a number of companies that hit me with stuff all the time. And of course, I don't have any say so in what we spend money on or whatever. But I get the emails nonetheless. And I got an email from a repeat offender.

Susan: A repeat offender.

Nick: I was getting weekly emails from these folks. Usually they go straight to the trash, but this spam email was a little different because the subject said, "Let's talk \$100 gift card for your time."

Susan: \$100 just to spend time!? They want to pay you?

Nick: I don't know, I don't know. I had to open it and see though. So it said, "Hey Nick, are you being asked what's the ROI? Blah blah blah, blah blah blah, we're currently offering a \$100 gift card when you schedule a short demo."

Susan: Ohhh....

Nick: Yeah.

Susan: And so just could you tell me real quickly this was sent to your work email?

Nick: Oh yes.

Susan: With Ethics and Ohio and Gov?

Nick: Yeah. Nick dot Rohrbaugh at Ethics dot Ohio dot gov.

Susan: Okay. What'd you do?

Nick: Well, Susan, I got news for you. I'm not a lawyer. I don't pretend to be a lawyer.

Susan: You didn't even play one on TV.

Nick: I don't even play one on TV. I'm an educator, I share knowledge. So I shared with Kevin here some relevant fact sheets that you and I made,

Susan: Uh huh, right.

Nick: some quotes from Ohio Revised Code, including 2921.43, the supplemental compensation stuff. And I also hit him with ORC 102.03(F), which prohibits that company from offering or giving me a public official or employee anything of value.

Susan: What response did you get?

Nick: Can you believe I got no response at all?

Susan: **gasp** Crickets.

Nick: **laughs** Crickets.

Susan: I'm shocked!

Nick: I have never heard from Kevin again. I've been at the Ethics Commission for, you know, nine years now. I got weekly emails from Kevin for at least five of those years and I have not gotten one from him since September.

Susan: So essentially, you have found the way to stop junk email from coming, just quote the law to them.

Nick: Just hit 'em with some legal talk, razzle-dazzle 'em with some, some fact sheets and yeah, they will leave you alone, apparently. So. Kevin, you know, if you're listening to this and I have a feeling that you are. I'm sorry, bro, but I had to do it.

Susan: I have to believe this email probably went to other people in public service.

Nick: Yeah, it definitely did. And, you know, like I sympathize with Kevin. Prior to this, I was at a video production company. I was the project manager. I wasn't exactly like a sales guy or whatever, but I was involved in that world a little bit and keeping clients happy. So I know that in the private sector, we did the gift baskets, we did the rounds of golf and stuff like that. In the public sector, totally different thing.

Susan: Right. So we're going to hope that anybody listening to this episode, if they did get that email from Kevin, also, that they promptly deleted it or

Nick: Do not take the gift card, guys, come on.

Susan: Don't do it. Don't do it. So sometimes I've heard people confuse supplemental compensation, to be honest, with bribes. And bribes are different. Bribes are, you know, "Hey, in exchange for this, you know, I'll do this for you kind of thing. You'll give me a \$10,000, I'll make that, you know, parking fine go away."

Nick: **laughs**

Susan: Well, that wouldn't be, that wouldn't be a very good return on investment, I grant you, there, but you know what I mean, right? Kind of that "I'll make this investigation" or "I'll make sure you get that contract."

This is a little bit different. And this is more, someone is, it's kind of self-explanatory, supplementing our compensation, that they're augmenting our salaries. Because to be fair, Nick, you and I and probably a lot of people listening, we get, if you will, quote unquote thanked by our agencies for doing our job every other Friday. Right. When you get your paycheck, you know.

Nick: Yeah, yeah.

Susan: And I'm grateful for that. Right? This would mean that no one else can supplement that. No one can pay us to do our jobs. We're already paid to do our jobs. Really easy example. Like, I don't know if you have one that you can think of, but one that I was thinking about was even something like, when I do speeches around Ohio, sometimes people will ask me, "Am I supposed to like, give you a speakers fee to thank you for being here?" And I always say, "Oh no, no, no, that's okay. I'm already paid by my agency." No one else can augment that salary. Are there any simple examples you could think of like, "Hey, this is clear cut/dry other than the gift card one for doing the demos is there any one that you've kind of come across.

Nick: Well, I mean, for me, not so much. But I will say, you know, my wife was a ranger. She's now an assistant park manager. But yeah, she was a ranger for many years. You know, commissioned law enforcement, had a badge and all that good stuff. And, folks, they love to show their appreciation, which the folks in law enforcement absolutely appreciate. But Metro Parks doesn't play. They know that this supplemental compensation thing, she can't accept the \$15 gift card, that sort of thing.

Susan: Right.

Nick: So she does have to politely decline. People drop stuff off or leave stuff behind or whatever, and they have a process for handling all of that sort of thing so as to stay, you know, on the right side of the Ethics Law when it comes to supplemental compensation.

Susan: I like the way you said, Nick, that it's certainly understandable that people wanted to thank their Metro Park rangers because the Metro Parks are a gem all across Ohio, no question about it. Same thing with like police officers, firefighters, public health folks. I get it. We want to thank them because we're grateful. But when you're kind of in that line of, if we are actually giving them this gift card, this cash, this gift as a thank you for doing their job, that's when you say, okay, that person in public service needs to very politely decline because, as I said, we're already paid to do our jobs and we're grateful for that. And no one can, of course, as it says, supplement it. So the supplemental compensation part of the statute is very consistent with the whole goal of, that people should be able to assume all government work, services are uncompromised, that even if, it's not really not based on our intent, my intent of giving a gift card to your wife to say "Hey, thank you, Scioto Audubon's an awesome park to go hiking during your lunch hour if you're, you know, working downtown," I get that that's an honorable intent. But at the end of the day, the next time there's a funding issue about that park, the next time some difficult zoning decision has to made about buying adjacent property, there should still be that reassurance of there's nothing that tainted any of those processes, even with good intent.

Nick: Yeah.

Susan: I just want to say quickly, this is certainly never intended to make people think that people cannot donate goods or services to a public entity that has been a great asset in their lives. If somebody wants to donate money or services to the Metro Parks, to their school district, that, where their kids that have had a wonderful experience and someone wants to say, "Hey, I'd like to make a donation to that scholarship fund that blesses someone else." This is certainly not a dissuasion of that at all, that's different. Actually donating to that public entity is far different than donating to an individual. I've often used as an example

of, no one is saying to that, you know, Parks and Rec director in your local community, in your local city or township, that someone can donate to purchase playground equipment, you just can't give the gift card to the park director because you think he or she did an amazing job making it happen. That's the difference.

Nick: Yeah, and that, like a lot of the Ethics Law boils down to that, like, pretty simplistically, like, one individual personally benefiting from this public job? No.

Susan: Exactly.

Nick: We're here for the public not to get anything else, not to get all this other stuff.

Susan: And where this supplemental compensation sort of line comes in is that whole idea we said briefly about, I'm specifically, I'm thanking you for doing your job. That's when right away some bells and whistles should be going off, that, simply because, as I said, the intent is honorable doesn't mean that the end result is good.

So one of the, Nick and I were chatting beforehand about, what are times that we've seen in our years of the Ethics Commission, that the Ethics Commission has sometimes said, "Yes, that's fine," that you can take X, Y, Z gift or etc., or, you know, whatever the issue is versus the times that we said no.

So one of the examples that that I remember in my years here at the Ethics Commission was there was, I don't want to get too much in the details, but there was a police officer somewhere in Ohio that was extremely honorable, helpful, professional, compassionate, and comforting, even, when there was a home break in, a home invasion. And the police officer who first arrived to the 911 call, to the homeowner, who was a lady who lived there alone, he just couldn't have been apparently more helpful to her. Understandably, her heart was to want to thank him and to make sure he knew how appreciated, that not only did he do his job, he did it very well.

Nick: Sure, yeah yeah.

Susan: She was a season ticket holder to a professional sports team, and she actually had box tickets that she enjoyed going to these home games, and she wanted to know if she could give some of her tickets to that police officer for that season as a thank you. And we certainly acknowledge: lovely. That's certainly honorable. But no, that's very much in that line of thanking him for doing something that he was already required by his job to do.

Nick: Yeah, yeah, and he would have done for anybody.

Susan: Absolutely.

Nick: But to play devil's advocate, if this lady is giving him these box seats or whatever, the next time there are two calls and one is to the lady's house and one is to my house, and he goes to the lady's house, I'm sitting at home, scared in my pajamas and wondering why he didn't show up. I'm going to think, "Well, maybe it's because of the box seat tickets!" You know? Just, it just doesn't, it doesn't paint a very good picture. It taints stuff a little bit.

Susan: Right. You know, I think in general, though, since we're on the topic of police officers and seriously, everybody in law enforcement shout out, thank you so much for what you do. But that is a common question that we get. We actually do have what's called an Advisory Opinion that does specifically note taking gift cards if you're a police officer is problematic under the Law. So if anybody ever has questions about that, you can find that, it's in the show notes, this Advisory Opinion that I'm referencing. It's in the show notes. Please check it out. And as always touch base with your own city law

director or your prosecutor or call us if you ever have questions on this part of the law. So that was one time that we said no to a police officer.

Nick: Well, hey, the law isn't all about "no, no, no" you know. There was an interesting Staff Opinion from 2008, this totally independent nonprofit organization that recognizes police officers and firefighters for brave and heroic service, it gives them a plaque and a monetary award. Now, this opinion said that, yeah, supplemental compensation is illegal like we've been talking about here. But just because "brave and heroic" acts can be connected to their job performance, the award that was given by this nonprofit wasn't intended as compensation or payment for their job duties. It was more an acknowledgment of the type of brave and heroic people that we're really lucky to have in public service. So good stuff there.

Susan: I love that example. That's a really good one. While we're in that whole world of like safety services, I have another one that we said "Yes" to, and this was actually to a fire chief in Ohio. But here was the thing, on his own time, using his own laptop, off the clock at home, whatever. He is somebody who really enjoys writing. And so he sometimes enters writing contests.

Nick: Nice, nice.

Susan: So he had entered a national writing contest, and he, in the essay, did not mention that he was the fire chief. He never made reference that he worked there, that he knew those guys. But his whole writing sample was about how amazing this particular fire station was and how involved it was in the community, and people felt safe and heard and seen and just felt really, kind of incorporated as, as not just a member of the community, but a real partner in making sure it was a good place to live.

Well, anyway, that was his example in this writing essay, and he won. He actually won this national writing competition and the prize was \$10,000. So to his credit, he never dreamed he was going to win. So he hadn't asked us in advance. So once he found out he won he reached out and said, "Am I allowed to take the money that they offered?"

And the Ethics Commission said, "Yeah, based on the information he provided, this was a national contest. It was open to any eligible person," and all those things I said, "entered on his own time, et cetera. He didn't identify himself." And so we said, "This prize wasn't given to him for the performance of his duties as a fire chief," they didn't even know that he was the fire chief. If he had said, "And I'm, you know, fire chief, you know, Joe from, you know, the city of anywhere Ohio. And I can tell you..." that might have been a different scenario altogether. But none of that happened. And so that was one that we did say, "Yeah, actually that would be okay." Again, if anybody, that's an Informal Advisory Opinion, this one that we're referencing right now is also in the show notes right now that we're talking about, so.

Nick: Alright, very interesting.

Susan: Yeah, yeah, yeah. And I think we have one more that we're going to talk. Nick I'm going to give you the floor on this one. This was actually a pretty cool story about a teacher in Ohio.

Nick: Ah, we love teachers, yeah. This Informal Opinion 2006-INF-0317. Again, this was one of those organizations that recognizes great public servants, in this case teachers, you know, absolutely crucial for Ohio to raise up and celebrate great teachers. This foundation had a banquet and gave cash awards, but again, for excellence and not as a payment for a specific thing that they did at work or even for general job duty. So some distinction there.

Susan: So that is our conversation about supplemental compensation. Just, again, check out the show notes everybody because there is information that we have referenced. But I would also say this, don't forget that your legal counsel, whether, if you're with a city it might be your law director, if you're with the

county it's your prosecutor, whatever. You know, don't forget that they also would much rather advise and educate in advance than worry about damage control later. But in addition, know that you can reach out to us. You can check out our website. We have all kinds of information to help you in this part of the law and many others.

And that's it for this episode. My coconspirator in all things ethical, Nick Rohrbaugh, thank you so much for being here.

Nick: Anytime. Always a pleasure.

Susan: Not only do you do all the behind the scenes brilliance and orchestration, but you're becoming quite the regular on this podcast now, too, aren't you?

Nick: Hey, you know me, I'm Mr. Ethics.

Susan: Yeah. For those of you who may want to go deeper into the Ethics Law, I have to brag a minute here about the annual e-course that Nick created for 2026. He absolutely outdid himself in humor, storytelling, and this real true crime vibe that corresponds so beautifully with this podcast. So, Nick, thank you not only for what you do for this podcast, but everything you do every day at the Ethics Commission.

Nick: Aw, definitely my pleasure. Absolutely the most fun I've ever had professionally. An hour every year is a big ask, so I really give it my all. You all out there deserve nothing less.

Susan: And that's a wrap, everybody. Be sure to join us again for our next episode, where you just never quite know what kind of ethical problems we'll uncover. But in the meantime, since we spent so much time in this episode talking about taking tips, it really got me thinking; do you know what pencils would be if they didn't have any tips?

Nick: Uh, what would pencils be if they didn't have any tips?

Susan: Pointless.

Nick: **disappointed pause** You don't say.

Susan: Take care, everybody. Be ethical. Bye.