

Ohio Ethics Law TOP 10 TRUE CRIMES E-course Transcript

Introduction

1. Slide

Nick on camera: Oh hey, good morning! Or good afternoon, maybe your VPN is masking your timezone. Yeah, smart, smart. Yes, this is the real Nick for the Ethics Commission, not some AI slop or Zoom filter, the real deal! So you know, you can trust me. It's NICK, remember?? I have been uncovering some unbelievable stuff, wild stories, I've got the OHIO ETHICS LAW TOP 10 TRUE CRIME stories you've gotta hear! We're gonna uncover the Ethics Law TRUTH!

2. Slide

[Closed Captioning Available](#)

[Screen Reader Friendly](#)

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[Transcript Available](#)

[E-course Transcript \(PDF\)](#)

[Next](#)

Nick: The truth is out there, to find it we're going to need to be prepared. You can turn on closed captioning to catch every whisper, reference accessibility tags to illuminate clues, and use keyboard navigation to chase leads. Want the full dossier? Hit the "Transcript" button for a transcript PDF to stay one step ahead. When you are geared up and ready to dive in hit "Next."

3. Slide

[Enter your name](#)

[Click Submit](#)

Nick: Hey first give me your name, when you hear everything I'm about to tell you you're going to want proof, you'll get a certificate at the end. Just type your name and hit "Submit."

4. Slide

You have entered
(name)
Is this correct?
Yes No

Nick: OK wait it's safer for everyone if I don't even see it, I'm covering my eyes, so is that your name on the screen? Select "Yes" or "No."

5. Slide

Enter your name
Click Submit

Nick: Well c'mon, put your real name I'm not looking! Type your name and hit "Submit."

6. Slide

Print or save your certificate
Give yourself at least one hour
Complete the course in one sitting

Nick: OK perfect, you'll be able to DIY a certificate yourself at the end of all this, my lips are sealed. There's no database or tracking of you being here, I'd never do that to you, so listen, you gotta do this all in one sitting, no login, no records, off the grid, means you gotta soldier through the whole hour OK? You in? Right on! Buckle up let's do this!

Ohio Ethics Law

7. Slide

Nick on camera: EXTREME SPEEDRUN OF OHIO ETHICS LAW TOPICS YOU'RE ABOUT TO HACK INTO YOUR BRAIN

OHIO ETHICS LAW

Serve the public, not yourself

CONFLICTS OF INTEREST

No actions with conflict

REPRESENTATION

No representing someone

REVOLVING DOOR

No representing someone for a bit after leaving your job

CONFIDENTIALITY

No using or sharing confidential information

GIFTS

No substantial gifts from improper sources

SUPPLEMENTAL COMPENSATION

No compensation from anyone but our job for doing our job

PUBLIC CONTRACTS

No actions on public contracts where you, family, or business associates have an interest

8. Slide

[Ohio Ethics Law](#)

[Ohio Revised Code Chapter 102](#)

[Related Statutes](#)

[Ohio Revised Code Section 2921.42](#)

[Ohio Revised Code Section 2921.43](#)

Nick: So you know how the Ethics Law is all about protecting Ohioans from bad government, right? Not bribes or theft in office, those are other laws, other folks deal with that. The Ethics Law is all about stopping public officials and employees from abusing their power. It covers state, county, city, township, schools, boards, commissions – even some private people or businesses when they do work with public agencies. The Ethics Law protects me and you from the conflicts of interest of our public servants.

9. Slide

Nick on camera: Right? You with me? I uncovered evidence, true cases, where, well, things went wrong. This is what they don't want you to know! Listen to this, it's right out there in the open, my boss Susan does this true crime podcast for the Ethics Commission called the Voice of Ethics where she goes through the looking glass and finds exactly where stuff that might seem normal turns out to be totally off-limits. Top 10 True Crime number TEN comes from her wedding themed podcast episode I call it Half Price, Full Conflict.

Conflicts of Interest

10. Slide

TEN – Half-Price, Full Conflict

TEN

Half Price, Full Conflict

Dad gets half price wedding

Susan: Our first wedding ethics story takes us to a county career center. Some of you might know them as educational service centers. It's a resource that provides professional development and training for students in school districts. Things like cosmetology, vehicle maintenance/repair programs, hospitality, hotel catering, really neat trades like that. Well, it's really common that career centers get rented for events, weddings, especially those that have a catering program for students there, so patrons can book the actual facility and have students cater those events as part of their training.

We had a superintendent that booked the facility at his own career center for his daughter's wedding and all the normal fees would apply: building usage, custodial fees, food, gratuity, service charges and so on and so forth. The total for all of that for this wedding should have been close to \$4,800, just under \$5,000. Instead, the superintendent paid \$2,500.

11. Slide

Nick on camera: *laughs* Half price? You see!?!? I mean, sure he was allowed to use the facility just like anyone else, but he SHOULD have paid the same price as everyone else, obviously. Right? *suspicious double take* I need to make sure we're on the same page before I share more of this stuff with you.

12. Slide

Dad gets half price wedding

Choose One

I Do

Cold Feet

Nick: Is giving yourself a discount an "I Do" or does that give you "Cold Feet"? Choose one. Look I know I looked real tough and serious there so you're probably taking this real serious and that's good! But just go with your gut here. Throughout this course I'm gonna give you some questions and some fun choices and real brain teasers to think about but it's not, like, graded or anything, I'm not like spying on your answers, so you're not gonna flunk or anything. So go ahead, choose one. Just click it or tap it or tab to it and hit enter, what are you waiting for? Don't hesitate, ethicate! I think I probably made that up but, hey, all good friends have their, like, in-jokes and stuff only they know, us ethical folks we can make ethicate our own! Yeah! You see me in the elevator or at the grocery store or on the bike trail or at the library, you say our special super secret codeword ethicate, we'll laugh, we'll high five, we'll spread ethics all through Ohio - through the whole world! Ethicate! Ethicate! Ethicate Ohio! Ethicate the planet! Wow, ya still here? Uh, please choose one. Please? 3...2...1...ETHICATE!

13. Slide

Dad gets half price wedding

Choose One

Cold Feet

Nick: “Cold Feet” all day no way man. Public servants can't use their public positions to benefit themselves or other people they are closely connected to; they can't take actions in their public roles when they have a conflict of interest situation.

14. Slide

Conflict of Interest

ORC 102.03(D) prohibits:

Acting or making decisions

In matters that definitely and directly affect

Self, family members or business associates

Nick: We have a conflict of interest when we have our own personal stake in a public matter. Like if your daughter is applying to use your public entity's wedding venue you have a conflict of interest.

You can't do ANYTHING, you must remove yourself entirely from that situation at work. It's illegal for public servants to take any action in a matter which affects themselves, their family, or any business associates.

15. Slide

Recusal means NO to:

Voting

Discussing

Reviewing

Recommending

Inspecting

Investigating

ANYTHING!

Nick: You can't approve the application, you can't discuss it with coworkers, anything. Silencio. She can apply, and it's not illegal for you to have that conflict, the law says you can't be involved in the application. Someone else has to handle it and you can't weigh in at all.

16. Slide

Nick on camera: On every side of me beyond these walls there's an investigator investigating and I can HEAR what they're REALLY talking about. They're always asking “What's the financial benefit?” So red

flag, MAYDAY if something at work has a financial benefit for you or someone you're close to, you could be slipping into INVESTIGATION RANGE. Don't panic! Just start asking questions, do your own research on the Ethics Commission's website, grab a lifeline and call our advisory attorneys!

17. Slide

"Family" means

Spouse

Domestic Partner

Sibling

Parent or Step-Parent

Child or Step-Child

Grandparent

Grandchild

Nick: Hey to decode some of this cryptic lexicon – Family! For Ethics Law purposes family means spouse, domestic partner, sibling, parents, step-parent, child, step-child, grandparent, or grandchild. We have a conflict when something affects any of these folks. Extended family, like cousins or in-laws, only give us a conflict when they live in our home with us.

18. Slide

"Business Associate" includes

Someone you own any business with

Clients of an outside business

Outside employers

Partners in a partnership

Co-members of an LLC

Nick: And a business associate, that's going to include anyone with whom we have business ties - someone we co-own any business with, any clients we have in an outside business, even a private employer.

19. Slide

Conflict of Interest

ORC 102.03(D) prohibits:

Acting or making decisions

In matters that definitely and directly affect

Self, family members or business associates

Nick: So in Susan's intel there - if my public employer rents out wedding spaces I have to recuse myself from the applications of family, business associates, or even my own applications. Because I have a conflict of interest I can't take any action in that matter.

Speaking of Susan's intel, in that SAME PODCAST Susan unveils crime number NINE - FB DJ

20. Slide

NINE – FB DJ

NINE

FB DJ

Township clerk seeking Facebook favors

Susan: I was very excited that our niece was in the process of planning her wedding. So one day I'm on Facebook looking at all these different posts about wedding ideas and creative things you can do at your wedding, and I stumbled across a Facebook posting from someone that in Ohio we would maybe refer to it as a township fiscal clerk. So this township fiscal clerk is also looking for ideas and vendors for her own wedding. She posted on Facebook that she was looking for DJ services for her wedding.

Okay, so far so good. Here's where we run into problems. She put in this Facebook post that if there was a DJ out there willing to do DJ services for free at her wedding, that she would secure their services for all future township events that required a DJ. That as long as she was going to be in that public job, she'd make sure that DJ got all those public contracts.

She even went on to say, "I attend conferences very often as part of my public job, and I will even advertise for you at public conferences on public time doing my public job."

21. Slide

Township clerk seeking Facebook favors

Choose One

Like

Angry

Nick: Wheeeew if you saw that post in your local Facebook group would you give that a "Like" or an "Angry?" Choose one.

22. Slide

Nick on camera: Absolutely angry no question. Those township gigs, township tax dollars, aren't hers to benefit herself. Imagine you were a DJ in that township, heck, even just a taxpayer! You see that and your trust goes *fwip* right out the window. The Ethics Law says stuff like this is illegal.

23. Slide

Nick on camera: Hey, hey, BONUS CONTENT from the podcast listen to this, Susan shares INQUIRING QUESTIONS schools have asked the Ethics Commission.

24. Slide

BONUS

Inquiring Question 1

Schools, tutoring et al.

Susan: Our first issue today is about tutoring. So something that you would think would normally be outside the normal classroom hours. So this comes to us from a school district employee who wanted to know if it's, quote, unethical and/or illegal for a music teacher to do any of these things, here's the first one: mandate private music lessons as a course requirement for students. Force the students to sign up for privately paid music lessons that the teacher gets money from.

25. Slide

Mandate private music lessons as a course requirement for students

Choose One

A+

F

Nick: What do you think of that? Is that idea an "A+" or an "F??" Choose one.

26. Slide

BONUS

Inquiring Question 2

Schools, tutoring et al.

Susan: *trumpet fanfare that sputters out and goes flat sound effect* Um...yes. That's illegal. Okay?

Secondly, would it be unethical or illegal for the music teacher to advertise private music lessons to his or her students and their parents?

27. Slide

Advertise private music lessons to his or her students and their parents

Choose One

A+

F

Nick: "A+" or "F?"

28. Slide

BONUS

Inquiring Question C
Schools, tutoring et al.

Susan: *trumpet fanfare that sputters out and goes flat sound effect* We don't even need multiple choice here, folks. Yes, that is illegal. No can do.

The final question: would it be unethical for that music teacher to charge his or her students for private music lessons during the teacher's regular contracted school day? So let's say, for example, I get a lunch break as a teacher, or I have a planning period where normally I'm grading papers or doing my planning, and I want to know, can I tutor a student there on the grounds during that workday?

29. Slide

Charge students for private music lessons during the regular contracted school day

Choose One

A+

F

Nick: "A+" or "F?"

30. Slide

Charge students for private music lessons during the regular contracted school day

Choose One

F

Susan: *sad trombone sound effect* If you see a pattern here erupting, you are right on board with us. Yes, that would be illegal.

31. Slide

Nick on camera: Not all tutoring opportunities are illegal, obviously. But I can't advertise for my side hustle trying to get more clients, definitely can't require it, and I can't double dip, getting tutoring money during school hours. No brainer here.

Supplemental Compensation

32. Slide

Supplemental Compensation

ORC 2921.43 prohibits:

Accepting anything of value

From anyone other than public employer

For performing public duties

Nick: See how deep this runs? We're headed right into Supplemental Compensation territory. Public officials and employees can't be compensated for doing their jobs from anyone other than their public entity.

33. Slide

Nick on camera: You're about to see 100% legit video evidence of Ethics Commission General Counsel Jed Hood talking about a supplemental compensation crime right here in Ohio. AND it's wedding related! That can't be a coincidence, right??? Number EIGHT, Pocketed Fees

34. Slide

EIGHT – Pocketed Fees

Jed on camera: We had a longtime mayor in a city in Ohio who for years was charging residents to perform solemnization, but really, wedding ceremonies, which any mayor in the state of Ohio can perform within their city limits. But he was charging those folks to do that, and he was actually using his secretary to schedule them and charge the people who wanted the weddings performed and really, everybody in the city knew he was doing that. But not until the city got a new auditor, when they started reviewing the finances, did they realize the mayor wasn't actually taking that money and depositing it with the city. He was actually keeping that money. An investigation occurred and he was charged with several crimes, including soliciting and accepting improper compensation. And he was convicted after a jury trial.

35. Slide

Mayor pocketing city fees

Choose One

Tie the Knot

Call it Off

Nick: Whaat? What do you think? "Tie the Knot" or "Call it Off"?

36. Slide

Mayor pocketing city fees

Choose One

Call it Off

Nick: Call this one off, no one other than your job can compensate you for doing your job. No tips, no pocketing fees, as the statute says, anything of value, and that can include gift cards. Taxpayers pay us to do our job for them. No one pays us additional to do our job, sets up a weird situation, right?

37. Slide

Nick on camera: Hey, speaking of weird situations I overheard the Executive Director of the Ethics Commission, Paul Nick, telling this story where he was put in a weird situation, number SEVEN is MLM Mentor, hot goss from my boss's boss!

38. Slide

SEVEN – MLM Mentor

SEVEN

MLM Mentor

Hot goss from boss's boss!

Paul: When I was in college, I was interning part time at a government agency, and I got to know my direct supervisor pretty well, and he provided me with some really, really good career advice early on in my career. He was a mentor. Because I was a part time employee I was struggling with bills, and we talked about that. One day he brought up an opportunity that he wanted me to think about. So he gave me a cassette tape to listen to - yes, I'm that old - and about halfway through listening to it, it became very clear to me that he was trying to recruit me into a multi-level marketing company that he worked with. I don't think that he was intending anything bad or anything other than to give me an opportunity to earn some money, but I felt very conflicted because he was my direct supervisor. He was giving me reviews and potential career advancement, and I kind of felt pressured into signing up with this company to sell their products.

39. Slide

Boss pressures you into joining their MLM

Choose One

Take my money!

Uhh, no thanks

Nick: How'd you like to have your boss pressure you into joining their MLM? "Take my money!" or "Uh, no thanks"? Choose one.

40. Slide

Nick on camera: Ughhh no thanks. Can you imagine? It would feel like your entire future would be in the hands of this person and they're "suggesting" that you should sell stuff for them? Thank goodness the Ethics Law makes stuff like this illegal.

41. Slide

SIX

Jailhouse Shock!

Plumb bad idea

Nick: The crazy thing is, this stuff might be even more widespread than we thought. I unearthed footage of Gerry Tuoti from the Massachusetts State Ethics Commission describing a situation, this is number SIX, Jailhouse Shock!

42. Slide

SIX – Jailhouse Shock!

Gerry on camera: Our Enforcement division recently initiated an adjudicatory proceeding against a deputy jail superintendent. It is alleged that he violated the conflict of interest law by having plumbers who were on staff at the jail perform private work for him at his home, both during and outside of their work hours.

43. Slide

Deputy Jail Supervisor sends jail plumbers to work on his home

Choose One

All Clear

Hot Water

Nick: What do you think of that? Is this guy "All Clear" or in "Hot Water?" Choose one.

44. Slide

Deputy Jail Supervisor sends jail plumbers to work on his home

Choose One

Hot Water

Nick: Yeah "Hot Water," no way that's OK. Abuse of public time and public resources, Ethics Law, flush this fool. *toilet flush sound effect* We can't use public time, equipment, vehicles, staff, etc. for personal benefit. Public property equals public use, NOT private!

45. Slide

Susan on camera: Hey, everybody. It's Susan. I just wanted to check in, say "Hi" and maybe give you a little breather from Nick's exuberance and enthusiasm. So if you're just feeling a little bit overwhelmed by all this information about the Ohio Ethics Law, hey, take a deep breath. Sit back, maybe, maybe you want to put on a little blankie here, right? And grab your, grab your coffee or your tea. Get comfortable with me here for a minute you all, okay? Let's have a little of a Mister Rogers moment here and just say this.

Conflicts of interests are nothing to be terrified of. They happen all the time in public service. Nick's gone through this area of the law very well with you all at a really, really fast, enthusiastic pace, I grant you, but he's done a great job covering it. And I think the bottom line is conflicts aren't illegal to have. They're illegal to act on. So stop, ask yourself what information can I get from the Ethics Commission? How can I get guidance before I act on something that could end up being problematic in the long run? So deep breath, I'm going to turn you back over to Nick. He's going to take you on an ethics journey. I think he's covering representation and post employment next. Grab your tea, I'll check in with you again in a little while everybody.

Representation

46. Slide

FIVE
Representstaurant
Restaurepresent?

Nick: I've got another transmission I intercepted here, Bisi Matthews from the San Francisco Ethics Commission, REAL true crime number FIVE – restaurant, represent, restaurepresent? Represenstaurant?

47. Slide

FIVE – Representstaurant

Bisi on camera: We have this member of a commission who also had a private consulting firm. Her client was a restaurant that needed to apply for a conditional use permit for an extension, an outdoor space. She sent individual emails to each member of the planning commission, she introduced herself, introduced her clients. She didn't necessarily ask that any process be changed in favor of her clients, or try to necessarily influence the process in that sense. But it doesn't matter. The point is, she still contacted them on behalf of her clients. She reached out and said, "Hey, if you have any questions, I represent this restaurant. I've worked in this field before. I'm happy to answer your questions. Reach out to me."

48. Slide

Commission member represents restaurant

Choose One

Well Done

Send It Back

Nick: Yum yum yum what do you think of that? "Well Done" or "Send it Back"?

49. Slide

Representation

ORC 102.03(A) and (C) prohibit:

Representation

Matter with personal participation

Nick: Yeah no thanks get that outta here. We can't "represent" an outside client before our own public entity, we can't speak on their behalf. Would really give you a leg up if your consultant was also on the planning commission and was willing to go to bat for you, right? Again, imagine you were a competing restaurant consultant, or a competing restaurant, or just a taxpayer in the community. Public positions can't give these sort of unfair advantages to the people holding them, so say we all.

Revolving Door

50. Slide

Revolving Door

ORC 102.03(A) prohibits:

Representation

Matter with personal participation

One year after leaving public service (for most)

Nick: And hey, that is still in effect when we leave a public position, at least for a little bit. We can't represent someone before any public agency on a matter that we had participated in as a public servant, for at least one year after leaving that public position.

51. Slide

FOUR

Tax Cheat

Taxation with representation

Nick: You know, here, I've got Kee Campbell, Enforcement Director at the Hawaii State Ethics Commission with revolving door true crime FOUR, Tax Cheat!

52. Slide

FOUR – Tax Cheat

Kee on camera: This person was an employee of the Department of Taxation, and he terminated his employment at the Department of Taxation. And then later on there was a dispute between his client and the Department of Taxation in terms of how tax rules were going to be interpreted, and he wrote a letter on behalf of his client directly to the department, weighing in on that rules dispute.

53. Slide

Taxation with representation

Choose One

Adds Up

Audit It!

Nick: What do you think? "Adds Up" or "Audit It!"

54. Slide

Taxation with representation

Choose One

Audit It!

Nick: If it's on Kee's radar it clearly does not add up.

55. Slide

Revolving Door

ORC 102.03(A) prohibits:

Representation

Matter with personal participation

One year after leaving public service (for most)

Nick: This is why this stuff matters, this guy had these public connections, public relationships and insight, he can't abuse them in a way that benefits him personally, even after leaving public service. At least not right away. The Ethics Law puts a buffer in place to let those relationships cool off. A taxpayer sees this guy working on tax rules and then jumping ship and getting a paycheck to argue AGAINST those tax rules? What is even going on?

56. Slide

One Year Restriction (for Most!)

Two Year Restriction for:

Public Utilities Commission

Solid or hazardous waste
Ohio Casino Control Commission

Nick: That's not to say that he can't take this new job, he just can't reach out and have these conversations with government entities, the one he worked at or any other one, on this stuff that he worked on for the government, during this cooling off period.

The cooling off period for most of us is one year. There is a two year restriction for former commissioners and attorney examiners of the Public Utilities Commission, any official who exercised discretion regarding solid or hazardous waste matters, and members and staff of the Ohio Casino Control Commission.

Confidentiality

57. Slide

Confidentiality
ORC 102.03(B) prohibits:
Disclosing or using confidential information
Accessed in public position
Unless authorized

Nick: Hey you wanna know what else still applies after you leave public service? Check out this deep Confidentiality lore. Public servants can't use or disclose confidential information they learned at work without appropriate legal authorization. That applies while you're a public servant and forever, as long as the information is confidential. *SHHHH*

58. Slide

Susan on camera: Hey, everybody. Just checking in again. You doing okay? It's a lot of energy being expended here today, so don't forget, stay hydrated. I've got my water now. Get your water, hang out with us for a little while longer. But first, let's just reflect here for a second on post-employment.

We all have different journeys in our life, we know that, and that means our public service, the chapters will be different. The conclusion of our public service chapters will all look a little bit different. And that's okay.

For some of you, it might mean retirement. For some of you, maybe the private sector is calling your name. Maybe you've always wanted to be an entrepreneur. Maybe your goal is to spend the rest of your life, I don't know, hiking the Appalachian Trail or bouncing grandchildren on your knee.

Either way, if there's still another chapter calling your name that you want to pursue and you wonder about post-employment restrictions, don't let us go just because someday you're not in public service anymore. Check out our website. Let us know how we can help. There's so much information on our website about the revolving door, and ways that we can continue to help you, even after that next chapter of life has begun. So that's it for now. Get comfortable. Stay hydrated. I'll check in with you again a little bit. Take care.

Gifts

59. Slide

Nick on camera: OK, *comedic head shaking* that stuff can make you feel crazy, I'm not crazy! Let's talk about something fun like Gifts! You know I'm not talking about the little trinkety tchotchke stuff. I'm talkin big time! Well, it doesn't have to be THAT big.

60. Slide

Gifts

ORC 102.03(E) prohibits:

Soliciting or accepting

Anything of value

Substantial and improper influence

Nick: The Ethics Law says public officials and employees can't take or even ask for "substantial" things of value from improper sources.

61. Slide

Improper Sources

Can include

Vendors

Wannabe Vendors

Anyone Our Agency Regulates

Parties with Interests Before Our Agency

Nick: Improper sources can include vendors or wannabe vendors, people we regulate, parties interested in the goings-on at our agency.

62. Slide

THREE

Bridge Bungler

u WOT m8?

Nick: Listen up I have a CRAZY story from Mary Fox at the Pennsylvania Ethics Commission, this could have been my number one but it's number THREE – Bridge Bungler.

63. Slide

THREE – Bridge Bungler

Mary on camera: The bridge, in the 1990s, was starting to have some real serious structural issues. They had stopped running trains across it, so it was really only open to pedestrian traffic. And there was one particular employee within Department of Conservation and Natural Resources who was responsible for making sure that the bridge was structurally sound and the upgrades were done properly.

He's going out and he's making these quick purchases for construction, for contractors to do the work, and the engineers he was working with advised that one of the things they needed to do was purchase an epoxy coating that would go over some of the rusted areas of the bridge. He went actually directly to a company, made a direct purchase as an emergency procurement, of this epoxy coating from a company located in England.

And the workers are trying to put this epoxy coating over the metal, and it isn't adhering because of issues involving the epoxy itself and then also humidity, temperature, things like that. And so the workers keep on saying "We have problems! We have problems! We have problems! This isn't going on right!" And our guy at Department of Conservation and Natural Resources just keeps pooh-poohing them and he's ignoring it and he's not doing anything about it.

And the reason he wasn't doing anything about it was because, right when these issues were being raised to him, he had accepted an all expenses paid trip to England along with his wife, ostensibly to tour the factory where they were manufacturing the epoxy but of course he never toured the factory, never went the factory to all, and instead he went sightseeing in England. I think he may have done some golfing.

64. Slide

A trip to jolly old England

Choose One

Sounds Good, Love

You WHAT, Mate?

Nick: A trip to England? "Sounds Good, Love" or "You WHAT, Mate?" Choose one.

65. Slide

Nick on camera: But wait! There's more!

66. Slide

Mary on camera: So while he's in England and he's just on this personal vacation paid for by the epoxy company and ignoring all the the issues with this company, it just so happens that a storm comes through and a giant tornado comes down through the valley, and it knocks down the bridge or at least half the bridge. And so I just can't imagine him hearing that this bridge had been knocked down while he was over in England on this vacation.

67. Slide

Nick on camera: *crashing sound effect* Yeah. Yeah buddy. Bad idea. No UK vacation package from a vendor.

68. Slide

Substantial Things of Value

Could include:

Travel expenses

Golf outings

Season tickets

Lavish meals

Significant discounts

Payment of debts

Loans

Promise of future employment

Nick: We can't accept anything substantial. There's not a dollar amount, the Law just says substantial. That can be expensive stuff like UK vacation packages or even just the plane tickets or the golf. It can be sports tickets, fancy restaurants. It can be discounts, loans, promises of jobs!

If taxpayers, the Commission, investigators, prosecutors can argue that it's substantial, you could be in violation of the Law for accepting it.

69. Slide

Nick on camera: Speaking of discounts, Jed is back with true crime TWO – Paint Perk!

70. Slide

TWO – Paint Perk

Jed on camera: We had a state employee who was building a new house for his family, and because of his job, part of his function was in the facilities, he would acquire paint from a paint retailer near the facility that he operated. And he knew, because of that, that they offered the state a discount. And he had heard that if a state employee were to go to ask for the same discount, they would oblige and they would offer the discount to the employee, even for a private purchase.

So the employee reached out to the supplier and asked for the discount. And the supplier actually said, "Yeah, we'll give you the discount. You work for the state." Ultimately, the employee purchased the paint for his new construction, his house. It was a relatively low amount, but it was a discount in the hundreds of dollars.

The Commission became aware of the allegation that he asked for and received this discount. We investigated, the employee admitted to it, accepting the discount.

Unfortunately for him, he had to resign from his management position. He was demoted because of this occurrence.

71. Slide

Paint discount

Choose One

Ties the Room Together

Clashes With the Space

Nick: What do you think? Does a paint discount "Tie the Room Together" or "Clash With the Space"?

72. Slide

Paint discount

Choose One

Clashes With the Space

Nick: This really clashes with our public duties. Illegal for us to accept this sort of discount from an improper source. And not only illegal for us public people! Jed?

73. Slide

Jed on camera: The other thing that's very important about this is that the paint retailer who offered and gave the discounts to the employee could have committed a 102.03(F) violation. That goes beyond just the public employee and the public official sphere and goes to "any person."

No person is allowed to offer or give a thing of value to a public employee or a public official. During our investigation, we actually found out that the retail's, kind of, home office didn't know that they were offering this discount to the employees separately and individually, and they put an end to it fairly quickly themselves.

74. Slide

Gifts

ORC 102.03(F) prohibits:

Offering or giving

Anything of value

Substantial and improper influence

Nick: Glad to hear they put an end to this. This all ties in to what we've been talking about this whole time, we can't benefit personally, privately, from our public position. And the gift stuff is a piece of that bigger picture.

75. Slide

BONUS

Food for Thought

Gourmet Gift Gamble

Nick: Some bonus podcast content, food for thought here. Susan serves the savory saga of one government guy's Gourmet Gift Gamble!

76. Slide

BONUS

Food for Thought

Gourmet Gift Gamble

Susan: We had a gentleman who worked for the Lottery Commission, but prior to his employment with the Lottery Commission, was a very enthusiastic gambler.

To his credit, he had stopped playing at those video lottery terminal machines when he got the job with the Lottery Commission, because that's required by the terms of that job, that you cannot actively gamble and spend time with those video lottery terminal machines if you're going to work at the Lottery Commission. And he did so, to his credit.

Here's the problem, though. When he stopped playing, as he was supposed to do, those companies noticed his absence and began sending him promotions for free play at those lottery terminal machines as well as free food vouchers. Apparently, that is not uncommon for those companies that operate these video lottery machines to do that when their players stop frequenting their facilities. So they started sending him these free play vouchers and free food vouchers.

All in all, he received just over \$500 in free vouchers, and he redeemed just over \$400 worth of food.

77. Slide

Government gambler's gourmet gift

Choose One

Safe Bet

Busted

Nick: What do you think about cashing in on those vouchers? "Safe Bet" or "Busted"

78. Slide

Government gambler's gourmet gift

Choose One

Busted

Susan: I confess I don't know what food costs at those kind of places, but I got to say \$400 worth of artery clogging food wasn't a good idea even if it wasn't a violation of the Ohio Ethics Law.

In this story you see that those whom we regulate in public service are also improper sources of those expensive, substantial gifts.

79. Slide

BONUS

Food for Thought

Gobblegate

Nick: Mmmm, more flavorful food for thought, Susan spills the tea on this speech turkey!

80. Slide

BONUS

Food for Thought

Gobblegate

Susan: The other story I wanted to share with you was a story that was posed to me at one of my speeches many years ago. There was never an Advisory Opinion, there was no investigation, this was just one of those head scratching, anecdotal things that came up during one of my speeches.

So, this county commissioner in a certain county in Ohio comes to his office on that Monday of Thanksgiving week. And lo and behold, sitting on his desk is a huge turkey. *turkey call sound effect* Perhaps I should clarify a frozen turkey, not one that was walking around on his desk gobbling things. Right?

So there is this very big frozen turkey on his desk. There is a Thanksgiving greeting card that says, "Happy Thanksgiving from You Know Who." And the Commissioner insisted to me over and over, he had no idea who "You Know Who" was.

So he didn't know what to do with it. He really was legitimately thinking to himself, "Is this from somebody in the county that we are regulating? Is it from one of our vendors? Is it from somebody trying to get a zoning variance? Somebody trying to get that public," I don't know, "construction contract?" Right?

So he was legitimately thinking, how do I handle this appropriately? Because he told me at the speech, "Normally I would send the gift back if I was uncomfortable accepting it, but didn't know who 'You Know Who' is." So he ended up donating it to a food bank.

81. Slide

Gobblegate

Choose One

Thankful

Fowl Play

Nick: What do you think of how the commissioner handled this? Are you "Thankful" or was that "Fowl Play"?

82. Slide

Gobblegate
Choose One
Thankful

Nick: Very thankful that this commissioner erred on the side of caution and turned this potential Gobblegate into a turkey triumph.

83. Slide

BONUS
Take the Stage
Face Value Fair Play

Nick: Look at you, you are becoming such a gift guru. I think you're ready to step into the spotlight as the ethics expert in this BONUS "Face Value Fair Play" curtain call for advice from our Broadway podcast episode!

84. Slide

BONUS
Take the Stage
Face Value Fair Play

Susan: Someone came to the Ethics Commission and said, "Am I allowed to purchase two tickets to a traveling Broadway musical from a vendor that works with my agency?" I think this is very fair.

So we have this situation where I work for XYZ Public Agency and they work with this consultant, this vendor, maybe they sell computer equipment, construction services, whatever, to that public agency and that vendor says "We have two tickets that we can't use." Maybe they normally go to an employee and a spouse, maybe they normally go to one of their clients and they say, "We can't use this."

85. Slide

Taking tickets from a vendor
Choose One
Standing Ovation
Booed Off the Stage

Nick: Pop quiz gift guru, if the tickets would, you know, just go to waste otherwise what do you think of taking them from a vendor? "Standing Ovation" or "Booed Off the Stage?" Choose one.

86. Slide

Taking tickets from a vendor

Choose One

Booed Off the Stage

Susan: *crowd booing sound effect* Absolutely not. That would be a substantial thing of value from an improper source. But in this case the person said, "May I buy them?" The vendor would not be gifting them.

87. Slide

Buying tickets from a vendor

Choose One

Standing Ovation

Booed Off the Stage

Nick: How about that? What do you think about buying tickets from a vendor? "Standing Ovation" or "Booed Off the Stage?"

88. Slide

Buying tickets from a vendor

Choose One

Standing Ovation

Susan: *crowd clapping sound effect* Yes, that is possible for that public employee, that public official, when offered the chance to purchase that ticket, it is possible as long as, everybody will say to me, "Well, Susan, as long as they're paying face value," yes, that could be it, or if that vendor paid a higher amount, maybe they got it from a ticket broker, that person would have to pay that higher amount. Whether it's face value or higher if it cost that vendor more than face value to purchase that ticket.

89. Slide

Nick on camera: I worked in the private sector for a long time, managed a video production company, had Fortune 500 companies as clients, believe me, I know all about wining and dining clients and taking them out on a Friday afternoon for a quick nine, the holiday gift baskets and all that. Totally normal in the private sector. But public service is different. We serve everybody, equally and fairly; the Ethics Law sets boundaries to 1) ensure that happens, and 2) assure taxpayers that everyone is gonna be served fairly.

90. Slide

Nick on camera: My kid is auditioning for his school's jazz band. If I found out that other parents were giving the band director big concert tickets or gift cards I'm gonna feel pressured to do the same. *whew*

And if I don't and some other kid gets the chair, it's sure gonna stick in my craw that that probably had something to do with it, right? *video call ringing sound effect* For the public's trust it's better safe than sorry with this gift stuff.

Susan on camera: ...It's going to stick in your craw? Nick, what are you, 89 years old? Who you been hanging out with, right? Eh, to each his own. But Nick did make some really good points, including the whole thought that it's better to be safe than sorry. And that paying our own way is going to keep us safe.

You know, while we certainly encourage you to obey the Ethics Law, of course we want you to do that. We want you to feel confident in all of your years of public service. It also might be a good idea to ponder the appearance of impropriety. Now, I grant you, the Ethics Law doesn't regulate the optics of behaviors. But if we are aspiring to a higher level of public service, I think we're never going to be sorry when we strive to behave even more ethically than what the law requires.

91. Slide

Susan on camera: I've been a state employee now for more than 30 years, and I can honestly say for my career and for my life, that there is no gift that makes it worth me risking that career, my reputation. It matters to me, if you look at my life and my career and say, did she talk the talk or did she actually walk the walk?

So if these questions arise in your mind, let us know. We'd love to help you do the right thing under the Ethics Law. You still doing okay, everybody? Because I'm giving you back over to Nick. Because I think he's going to push you into the deep end now with public contracts. Hang in there. I'll check in again one more time.

Public Contracts

92. Slide

Public Contracts

ORC 2921.42(A) prohibits:

Profiting from public contracts authorized

Profiting from public funds invested

Profiting from a public contract

Having a financial or fiduciary interest

Nick: Now, are you ready to go deeper on the Ethics Law iceberg? I've got Public Contract info that is going to blow your mind. Any time a public agency buys anything or even just acquires anything, goods or services, that's a public contract. This has layers so buckle up!

93. Slide

Profiting from Contracts Authorized
ORC 2921.42(A)(1) prohibits:
Authorizing public contract
Where they, their families,
or business associates would profit

Nick: First of all, public servants can't have any involvement in the authorization, the procurement, the GETTING of public contracts where they, their families, or their business associates would profit.

So that means if your Mom or the person you own a dog grooming business with wants to sell rubber bands to your agency, you must be completely removed from that process - no signing contracts, no discussing it at the office, nothing.

94. Slide

Nick on camera: Even if you're just the guy that makes e-courses and don't have anything to do with buying rubber bands at the office *mouth zipping motion* This is a fourth degree felony. Playing with taxpayer money? That can mean prison time.

95. Slide

HONORABLE MENTION
Township TIIIIIMMMBERRRRR
Cheaper chipper

Nick: As we approach our NUMBER ONE crime on our Ohio Ethics Law Top Ten True Crimes list I wanted to give a shout out to an honorable mention from the Voice of Ethics podcast. I call it Township Tiiiiiimmmmberrrrrr!

96. Slide

HONORABLE MENTION
Township TIIIIIMMMBERRRRR
Chipper cheaper

Susan: This was a township trustee who, like many, many elected officials, in addition to his public service, had a job in his private life. Really normal in Ohio. We've talked about that in past episodes. So the township was, in fact, legitimately looking into purchasing a woodchipper for use by the actual township. This could be to clear trees that had fallen during storms, dead trees at public parks, and so on and so forth. A legitimate use of public money, I'm sure.

This particular township trustee, however, in addition to his public service actually works for a company that, you got it, sells woodchippers.

97. Slide

What wood you do?

Choose One

Saw Good

Look Out Below!

Nick: Hey, before she continues the story, what would you do if this were you? "Saw Good" or "Look Out Below!"?

98. Slide

What wood you do?

Choose One

Look Out Below!

Nick: We're definitely not good in this territory, caution advised, "Look Out Below!" Let's see what the township trustee does!

99. Slide

HONORABLE MENTION

Township TIIIIIMMMBERRRRR

Cheaper chipper

Susan: Had he called us when this conversation began and said, "Hey, Ethics Commission, my township, where I serve as trustee, is researching woodchippers. Where can they buy them from? How much can they cost? What should they do? And they know that I work for a company that sells just such equipment. How should I proceed?" We would have been well situated, prior to him acting on anything, to guide him.

You can't discuss it. You can't give recommendations. You can't research it. You can't participate. You can't vote. You can't advocate, lobby and so on and so forth.

Instead, none of that happened. He didn't ask us those questions. He went ahead and did the research. Put together proposals. He facilitated conversations. He weighed in and then eventually voted on the purchase of that woodchipper by the township from the very company that employs him. And then, after it was voted on, later signed the purchase order.

100. Slide

HONORABLE MENTION

Township TIIIIIMMMBERRRRR

Chipper cheaper

Susan: Here's the thing. I totally recognize this gentleman didn't receive additional compensation. He was correct in saying woodchippers can be high in demand. They could be hard to find. But at the end of the

day, in public service, we're not allowed to act on those matters that help ourselves, our families, or even our private business associates - in this case, his private employer.

Public Jobs and Family

101. Slide

Profiting from Contracts Authorized
ORC 2921.42(A)(1) prohibits:
Authorizing public contract
Where they, their families,
or business associates would profit
INCLUDING PUBLIC JOBS!

Nick: You know what else is a public contract?? A public job! So under this Law we can't help a family member get a public job. Family can pursue contracts, jobs at your agency, you just be COMPLETELY removed, recused, abstained, OUTTA THERE. No nepotism!

102. Slide

Nick on camera: LISTEN TO THIS I have a direct line to an ADVISORY INSIDER, Ethics Commission Chief Advisory Attorney Chris Woeste, yeah I know Chris I see him like every day, and he agreed to share a story with me as long as I kept it quick. This is a REAL REENACTMENT of a REAL QUESTION to a REAL ADVISORY INSIDER. It's a twisted tale of double cross reverse anti-nepotism!

Real questions. Real people. Advisory Insider.

Chris on camera: *phone rings* Hello

Trustee on camera: Hello, Advisory Insider? I'm a township trustee and I have a problem and it's my lazy *donkey brays* brother. He's good for nothing, he won't get a job and I just can't stand it.

Chris on camera: OK

Trustee on camera: That's bad enough, but now he's applying to be the head of my township's roads department.

Chris on camera: OK

Trustee on camera: Yeah you know what I mean there's no way I can work with a guy that refuses to get a job, can I vote against him working for the township?

Chris on camera: No

Trustee on camera: Well can I at least warn the other trustees about how darn lazy he is?

Chris on camera: No

Trustee on camera: You mean I gotta be completely out of it?

Chris on camera: Yes

Trustee on camera: OK

Chris on camera: OK

Trustee on camera: Goodbye

Chris on camera: Goodbye

Nick on camera: Wooooah so Chris when the Ethics Law says you can't take any action in the procurement of public contracts for family members that also means you can't take, like, negative actions that would stop them from getting that job??

Chris on camera: Yes

Nick on camera: WOOOOAH You heard it here first folks!

103. Slide

“Family” means

Spouse

Domestic partner

Sibling

Parent or Step-Parent

Child or Step-Child

Grandparent

Grandchild

Nick: OK I have a confession, yes that really was a real question Chris got (maybe just a tad dramatized) except that the actual trustee was calling about his BROTHER IN LAW, not his brother. A brother clearly falls into the category of family (spouse, domestic partner, sibling, parent, step-parent, child, step-child, grandparent, grandchild) regardless of where he lives, while a brother in law is only family for Ethics Law purposes when the *donkey brays* brother in law lives in our home with us. Bottom line is, when it comes to family, we can't be involved in their application for a public job, to their benefit or their detriment, complete recusal required.

104. Slide

Cannot directly supervise family

Nick: They COULD work at the same agency, you can't help them get hired, and you can't supervise them or influence their employment there, there has to be at least one layer of supervision between you and them. Imagine working some place and watching the boss's spouse get all the good days off and glowing performance reviews and raise after raise?? Wow good job. Not in public service, right?!

Sales to Public Agencies

105. Slide

Public Contracts

ORC 2921.42(A) prohibits:

Profiting from public contracts authorized

Profiting from public funds invested

Profiting from a public contract

Having a financial or fiduciary interest

Nick: Yeah, your mom or your partner in your dog grooming business CAN pursue contracts, you just have to be recused. Now, you see that fourth one on the iceberg? Prohibited from having a financial or fiduciary interest? This makes it nearly impossible for you to go after contracts for yourself.

106. Slide

Sales to Public Agencies

ORC 2921.42(A)(4) prohibits:

Having an interest

In a public contract with

Any connected agency

Nick: Public servants can't have an interest in a public contract with any connected agency. That means you can't make money from your agency's contracts. You can't be submitting rubber band invoices to your agency, tax dollars can't flow through your agency and land in your pocket from one of these contracts.

107. Slide

Nick on camera: That includes subcontracting. Follow the money! If money can be traced from taxpayers, to your agency, to some company you subcontract with, to your pocket, you've got a fourth degree felony potential problem.

108. Slide

ONE

Mow Money

Mow problems

Nick: I know this stuff sounds like I'm talking about some big contract with a hefty price tag, but I have proof that it can even be small stuff! Jed is going to bring this list home with True Crime Numero Uno Number One – Mow Money!

109. Slide

ONE – Mow Money

Jed on camera: What we had was a council member in a small rural village in Ohio. He had been on council for a number of years, and they were looking to hire a day laborer to work kind of “as needed,” at a fairly low wage.

Ultimately, what happened was they hired the council member to perform the day work at \$10 an hour when they determined that they couldn't really hire anybody else for such a low wage at kind of an on-call basis, not like with scheduled hours and a guarantee of 40 hours a week or 25 hours a week, etc..

This went on for years, and the amounts were in the tens of thousands of dollars that they paid this council member to perform jobs such as grass cutting and snow removal and just kind of odds and ends around the village.

He thought he was doing the village a favor by working for such little pay. And everybody thought he did a great job, they were all satisfied with it.

Accepting the compensation was a violation of the prohibited interest in a public contract law and conflict of interest law.

Ultimately it cost him both his jobs. He ultimately resigned from council and no longer works for the village as well.

110. Slide

Village council member does village odd jobs

Choose One

What's It Hurt?

Better Safe Than Sorry

Nick: So what do you think about that? "What's It Hurt?" or "Better Safe Than Sorry"

111. Slide

Nick on camera: Even small stuff, even you're doing a great job, it's still a violation of Ohio Ethics Law. You know how the Conflict of Interest law exists so that taxpayers don't have to worry about how objective someone can be when they're inspecting a business associate's restaurant or approving their sister's application? Same deal here.

112. Slide

Nick on camera: Ethics Law puts these boundaries in place so that there's a definitive line in the sand to protect the public's trust and really it makes our jobs easier, no second guessing whether we're properly threading the needle to navigate these tricky situations that might look kind of bad to an outside observer.

Poof I know I can't do it, easy. And if it's not easy, I've got the Ethics Commission there to help me uncover the Ethics Law TRUTH! Wait, what's this? **video interference effect transition**

113. Slide

Jed on camera: If you want to sell goods or services to your public agency it is very difficult to do so legally under the Ethics Law. But it's not impossible.

There is a four part exception found in the statute, and it is incumbent upon the public official or the public employee who is entertaining selling goods or services to their agency, that they can meet each and every one of those exceptions, and they can prove to someone like us that they have done so.

It is strictly construed against selling goods or services to the agency because the general rule of thumb is not to do it.

114. Slide

Nick on camera: Right right right right I read about this in the Public Contracts Fact Sheet, important stuff, important stuff. Definitely assume that you fall into the rule and not the exception! Check out our resources and call our advisory attorneys before you even consider flirting with a fourth degree felony. OK c'mere, insider pro tip here – ask the Ethics Commission before you act, get advice, follow the advice, and you're basically untouchable!

Investing

115. Slide

Profiting from public funds invested

ORC 2921.42(A)(2) prohibits:

Investment of public funds

Where they, their families, or business associates would profit

Nick: Hey my time is running out I gotta go but real quick that Public Contracts iceberg, the investing prohibition - we can't be involved in the investment of public funds where we, our family or business associates would directly benefit.

Occupying a Position of Profit

116. Slide

Profiting from a Public Contract

ORC 2921.42(A)(3) prohibits:

Member of authorizing board

Profiting from a public contract

Unless competitively bid

Applies for one year after leaving board

Nick: And profiting from a public contract: if you're on a board or committee, city council, school board, board of trustees, stuff like that, you can't receive any profit from contracts authorized or approved by that board, even if you recuse. There are competitive bid aspects and even a one year prohibition after leaving the board, find the Ethics Commission's Public Contracts fact sheet to learn more about this if you're in this world!

117. Slide

Susan on camera: You guys still doing okay? As promised, this is my final check in on the actual provisions of the statute and the public contract provision is a pretty important one. In his enthusiasm, Nick did a great job of kind of breaking down all the different parts of the law. But don't forget everything that he talked about, you can find so much more on our website.

There's just a lot of information out there that can help you navigate the world of public contracts, whether it's something really tangible like someone needs to buy a new laptop, or if it's something like grant money or public jobs, etc.. Let us know how we can help. We've always been in the business of wanting to advise and educate first, rather than ever have to investigate.

So I'm going to turn it right back over to Nick, and I will be back one last time just to say goodbye. Take it away one more time, Nick. If you have enough energy left in you.

Conclusion

118. Slide

Nick on camera: Do you see the big picture??? How the Ethics Law keeps us public servants safe, keeps taxpayers and tax dollars safe?? Now you know the Ethics Law TRUTH!

119. Slide

Select CLE/CEU Credit and Certificate if you would like CLE credit or intend to submit this course for CEU
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Nick: OK hold on I promised you that you'd have your own proof, yeah, your certificate - if you need CEUs or CLE credit AND your certificate select "CLE/CEU", otherwise select "Certificate Only"

120. Slide

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121. Slide

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Nick: This certificate is your only proof of course completion. Save it, print it, screen shot it, take a picture of it with your phone! Just be sure to get SOME record of it to prove that you have completed this training. As noted at the beginning of the course, the system does not retain ANY record - you NEED this certificate. Once you have printed or saved your certificate please select the NEXT button.

122. Slide

Nick on camera: If you know you know and now you know. I believe in you, buddy, I believe that you're smart, that you're honest and that you'd never intentionally do something like what we uncovered today. But you know, a lot of those people probably didn't mean to, some of them might have had good intentions but were just not, like, seeing their conflicts.

Susan on camera: Public confidence. Isn't that really what it's all about? And that includes you and me. As members of the public we have the right to know that all government decisions, expenditures, actions

represent the public well. If something looks shady to taxpayers, it calls into question all the work that we do.

And the work that you and I do is honorable. It's admirable. And it's worth obeying the Ethics Law, both for our sake as people in public service and for the larger public. If we need sort of a summation or a clue to let us know when we might need more information, just ask yourself in any given situation, "Hmmm, how would this look in a true crime ethics podcast?" If the answer gives you pause, then pause. Reach out to the Ethics Commission and let us help.

123. Slide

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