

The Ohio Ethics Law and Firefighters Part 1: Conflicts of Interest and Post-Employment E-Course Transcript

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Welcome to the Ohio Ethics Commission's four part series of e-courses on the Ohio Ethics Law with a focus on how the law impacts the essential work of firefighters and safety service professionals.

This is part one of the series and will focus on Conflicts of Interest and Post-Employment.

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[The Ohio Ethics Law Ohio Revised Code Chapter 102](#)

[Related Statutes](#)

[Ohio Revised Code Section 2921.42](#)

[Ohio Revised Code Section 2921.43](#)

The Ohio Ethics Law was created by the General Assembly in 1973 in the wake of the Watergate Scandal, which prompted a number of states to create their own governmental ethics laws.

The purpose of the Ohio Ethics Law is to protect the public from public servants' conflicts of interest - the financial, family, or business conflicts that can easily arise.

It encourages impartiality in governmental decisions by restricting public actions on matters in which public officials and employees have definite and direct conflicts of interest, and promotes the public's confidence in the actions of public agencies.

The Ohio Ethics Law is found in Ohio Revised Code Chapter 102 as well as two provisions in Chapter 2921, Ohio's Criminal Code.

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- [Advice](#)
- [Education](#)
- [Financial Disclosure](#)
- [Investigation](#)
- [Legislation](#)

The Ohio Ethics Commission was created in Chapter 102. We are an independent state agency which administers the Ethics Law for the Executive Branch of state government as well as Ohio's local governments.

Judicial and Legislative have their own Ethics Law related entities. Our primary responsibilities include: Advising public servants on how to comply with the Ohio Ethics Law, Educating on Ohio Ethics Law,

Administering the Financial Disclosure Program, Investigating violations of the Ethics Law and Recommending legislation related to ethics, conflicts of interest, etc.

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The Ohio Ethics Law

- Conflicts of Interest
- Post-Employment
- Gifts
- Public Contracts
- Nepotism
- Sales to Public Agencies

The Ohio Ethics Law prohibits public officials and employees from spending public money or making public decisions on matters in which they have a conflict of interest.

The Ethics Law applies to everybody in public service, at all levels. Elected, appointed, full-time, part-time, management, non-management, this law does apply.

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So, my wife happens to be a Park Ranger at a Metro Park in the Columbus area. Well, last December I was at the work holiday party chatting with her coworkers, talking about my job, training on Ohio Ethics Law.

And one of her coworkers, a law enforcement officer, mind you, said "Oh yeah, that stuff. That's more for park managers than us." Well. No, it's not just for managers. And this actually came up within a matter of weeks.

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One day my wife, in talking about her work day, mentioned how this same coworker was shopping for his new office desk for the ranger station. A normal, legitimate public expense, using public money.

And because it's public money, the Ethics Law has something to say about that decision.

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You see, the Ohio Ethics Law protects you, me, and all taxpayers by providing accountability between the public and its governments. It's what makes nepotism illegal in government.

It's why a health department inspector couldn't take a big gift from a restaurant that he or she was inspecting. It's what would stop my wife's coworker, there, from using Metro Parks money to buy an office desk from, say, his brother's business.

Stuff like that. As a taxpayer, this is important to me! I need to trust that public servants' bank accounts or families or outside businesses don't have the opportunity to unfairly influence decisions that affect my life and my tax dollars.

And as a public servant, I HAVE to have the public's trust to effectively do my job. The Ohio Ethics Law is how we public servants maintain that trust.

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The Ohio Ethics Law

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Conflicts of Interest ORC 102.03(D)

The first part of the Ohio Ethics Law we're going to discuss is Conflicts of Interest.

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Think of a "conflict of interest" as a tug of war that could potentially happen when I have my own personal interest in a public matter. So I have my own personal interest on one side, and the public's best interest on the other.

That's what a "conflict of interest" is. When our ability to be objective could POTENTIALLY be impaired by our own interests, or the interests of family members or business associates.

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Conflicts of Interest

ORC 102.03(D) prohibits:

- Acting or making decisions
- In matters that affect
- Self, family members or business associates

ORC 102.03(D) prohibits public officials and employees from acting or making decisions in matters that affect themselves, their family members, or business associates. The Ethics Law doesn't prohibit us from having conflicts.

What is illegal is when people in public service act in these situations where they have these conflicts. It's that action that can violate the law and betray the public's trust.

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Public employee inspects sister's daycare

I've got some examples of Conflicts for you and this is the one that really brought it all home for me when I started learning about all this. A public employee inspects her sister's daycare.

My son went to a local family owned daycare; obviously, I had to trust those folks. So, let's say they had a daughter who works for the Ohio Department of Jobs and Family Services. I'd expect she would do a fine job.

But there's no way I would be comfortable with her inspecting her sister's daycare. That's what the Ethics Law does, keeps people out of these situations where they might have a reason to be less objective,

makes sure that I, who depends on the daycare, who depends on ODJFS to license and inspect the daycare, don't have to worry about it.

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Batallion chief uses government email address to email hundreds of people recommending his son's invention

Another example, a batallion chief uses his government e-mail address to e-mail hundreds of people to recommend his son's invention.

Using his public position to benefit his family member, taking an official action in this matter where he has that conflict of interest.

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Fire department employee solicits a job from a vendor whose project she manages for her department

Another conflict example, and one that will tie into our upcoming discussions on gifts and post-employment.

A fire department employee solicits a job from a vendor whose project she manages for her department. She is using that public position to benefit herself.

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Now I've got a few scenarios and quick questions I want you to answer. This isn't graded so don't worry about repercussions for getting something wrong but please give these some thought.

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Can the sibling of a firefighter seek help from the department knowing his sister works there?

Yes No

(select one)

Can the sibling of a firefighter seek help from the department knowing his sister works there?

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Yes

Yes, absolutely. First off the Ethics Law generally only applies to public employees and officials so him seeking help can't violate the law, the Law applies to the public servant here, the firefighter.

So yes, the sibling can seek help. Next question.

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A fire inspector has a son who owns a local tattoo parlor. Can she conduct the fire inspection at his business?

Yes No

(select one)

A fire inspector has a son who owns a tattoo parlor. Can she conduct the fire inspection at his business?

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No

No, the inspector cannot be involved in her son's inspections in ANY way. She can't conduct it, and she cannot discuss it with the person who does.

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Is a member of the state EMS Board, who is also an EMS Coordinator, prohibited from voting on changes to Continuing Education requirements?

Yes No
(select one)

Is a member of the state EMS Board, who is also an EMS Coordinator, prohibited from voting on changes to Continuing Education requirements since it would impact his own career?

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No

The answer here is "No," he is not prohibited. Even though it would impact him, it would uniformly impact EMS workers.

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Is it illegal for a municipal firefighter to use the fire engine ladder for his personal house painting business?

Yes No
(select one)

Is it illegal for a municipal firefighter to use the fire engine ladder for his personal house painting business?

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Yes

Yes, absolutely illegal. Personally benefitting from equipment he only has access to because of his public position.

A member of the public can't borrow the fire engine ladder, especially to run a business; he definitely cannot, either.

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Is a fire inspector prohibited from seeking a job from a company with inspections pending before the city?

Yes No
(select one)

Is a fire inspector prohibited from seeking a job from a company with inspections pending before the city?

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Maybe

This one is a maybe - again, going to have to delve into this a bit more in both Gifts and Post-Employment,

but if this inspector has not been involved with these inspections and is able to be COMPLETELY recused from anything dealing with this company and its inspections going forward he may be fine.

If has been involved in these inspections in ANY way, including even discussing the matter with co-workers, definitely not.

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Can someone be appointed to a county board of health even if her son owns a septic system installation company which is regulated by the board?

Yes No

(select one)

Can someone be appointed to a county board of health even if her son owns a septic system installation company which is regulated by the board?

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Yes

Yes, she can be appointed to the board, but she must recuse herself from anything dealing with her son's business.

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Recusal is to abstain from

- Voting
- Discussing
- Reviewing
- Recommending
- Inspecting
- Investigating

Any time one of us in public service is faced with a conflict of interest, we are required to abstain from taking any action on that matter, to recuse ourselves.

Not just the final decision, we can't participate in ANY PART of the process, such as reviewing plans, discussing the project with co-workers or making recommendations on the contract.

Acting on a conflict of interest is illegal in public service in Ohio regardless of whether the public employees or officials believe that they can behave objectively.

For example, it is possible that a public employee inspecting her sister's daycare could proceed objectively, or maybe even more stringently than another inspector would. But that's simply not relevant.

Those of us in public service are statutorily prohibited from acting on a conflict, regardless of whether we behaved objectively.

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Protecting the public against conflicts of interest is really at the heart of the Ohio Ethics Law. All Ohioans have the right to expect that governments in Ohio operate objectively and fairly.

You and I shouldn't ever have to wonder if inspectors or officials or anyone else making decisions on our behalf is being objective - it should be a given.

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And the people that we serve should have no reason to question our work. You might feel perfectly capable of being objective in a conflict of interest situation.

Maybe the public could win that tug of war against your own interests and biases, but by acting you open yourself up to uncertainty; you plant a seed of doubt that erodes that public faith that we all need to do our jobs.

Recusing yourself from acting upon a conflict of interest isn't just the law, at the end of the day it's also just the right thing to do.

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Representation

ORC 102.04(A) and (C) prohibit:

- Representation
- Matter with personal participation

Now I want to quickly cover another relevant area of the Ethics Law known as "representation."

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Representation

ORC 102.04(A) and (C) prohibit:

- Representation
- Matter with personal participation

The term "representation" is used throughout the Ohio Ethics Law. You're probably familiar with lawyers "representing" clients, but it's not just a lawyer thing.

You "represent" someone when you speak on their behalf, formally or informally. Representation can be submitting paperwork, appearing on a client's behalf at a hearing or meeting, and so on.

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For example, let's say I approve building plans at a public agency, and I have an outside business making building plans for private clients. Well, then MY clients and MY plans have a totally unfair advantage if I'm the one deciding whether to approve them or not.

I can't try to circumvent this, either. Representation is prohibited even if I wouldn't personally submit the plans I drafted for my client. AND I can't represent a client before ANY division of my agency, even if I were recused.

Now, representation isn't only prohibited for current public servants which brings us to our next topic.

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Post-Employment ORC 102.03(A)

Post-Employment

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Post-Employment

ORC 102.03(A) prohibits:

- Representation
- Matter with personal participation
- One year after leaving public service (for most)

In discussing Post-Employment we often illustrate it with the concept of "the revolving door" where someone goes into the revolving door to leave public service and just swings right back around into the building,

only now they're working another job, representing someone else. The Ohio Ethics Law puts some restrictions on this.

Under the post-employment law, present or former public officials or employees are not allowed to "represent" someone before any public agency on a matter in which they had personally participated for one year after leaving public service.

We just covered representation, so what is personal participation?

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Personal Participation

- Making Decisions
- Approving
- Disapproving
- Recommending
- Investigating
- Supervising Staff

Personal participation includes not only making decisions or having approval or disapproval over a matter, but also any recommendations, investigations, or supervising of other public servants on the matter.

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Now, the post-employment restriction doesn't mean that you can't discuss this stuff at a new job.

It just means that during this "cooling off" period you would be more of an in-house consultant on matters that you had personally participated in, rather being the person to request or attend meetings, etc.

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The Ethics Law prohibits people in public service from misusing their influence with a former employer to give taxpayers a fair "playing field" by ensuring that they are fairly represented in all interactions between public and private sectors.

It also ensures that current public servants aren't making decisions with future job prospects in mind. "Feathering the nest", so to speak.

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Confidentiality

ORC 102.03(B) prohibits:

- Disclosing or using confidential information

- [Accessed in public position](#)
- [Unless authorized](#)

One more brief topic that follows us out the door, confidentiality. The confidentiality provision of the law prohibits public officials or employees from disclosing or using any confidential information they accessed in a public position.

Unless the public agency has authorized the disclosure or use of the confidential information, this restriction is in effect both during and after a person's public service.

Essentially, as long as the information remains confidential, both current and former public officials and employees must maintain that confidentiality.

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That concludes the Conflicts of Interest and Post-Employment portion of this e-course series. I've thrown a lot of info at you and I certainly don't expect that you have memorized it all.

The biggest takeaway I want to leave you with is that the Ethics Commission is here to help guide you through these issues. Be on the lookout for potential conflicts, and know that the Ethics Commission is here to help guide you through them.

Whether you are calling our advisory attorneys or searching our website for more information, we are here for you!

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For more information on Conflicts of Interest and Post-Employment

Conflicts of Interest

[Conflicts of Interest FAQs and additional resources](#)

[Conflicts of Interest Advisory Opinions](#)

[Advisory Opinion No. 2000-05](#)

Paid township volunteer firefighters are public employees and subject to the Ethics Law

[Advisory Opinion No. 91-001](#)

Township trustees serving as firefighters

[Advisory Opinion No. 91-002](#)

City council member serving as unpaid volunteer paramedic with fire department

[Advisory Opinion No. 2001-01](#)

Volunteer firefighter/city council member voting on matters that affect the fire department

[Informal Opinion 1999-INF-0219-1](#)

Township trustee serving as fire captain

[Informal Opinion 1998-INF-0612](#)

EMS squad personnel and private employment at area hospitals

Post-Employment

[Post-Employment FAQs and additional resources](#)

[Post-Employment Advisory Opinions](#)

Here on our website you'll find these helpful Advisory Opinions as well as lots of other helpful information on these topics as they relate to the Ohio Ethics Law.

I do recommend following up this course with part 2 of this 4 part series, which covers Gifts.

Thank you so much for the critical work that you do, and thank you for taking the time to review how the Ohio Ethics Law and the Ohio Ethics Commission can assist you in that work.