

The Ohio Ethics Law and Gifts E-Course Transcript

Slide 1

The Ohio Ethics Law and Gifts

Thank you for participating in this e-course, created and presented by the Ohio Ethics Commission.

This brief course will not cover the entire Ethics Law, but rather focus specifically on the prohibitions related to gifts. We begin with an example.

Slide 2

Video

Contractor: So, as long as the weather cooperates with us, we should have the project done before the school year starts.

Director: Perfect. We have a ribbon-cutting ceremony scheduled for Labor Day weekend, and I've already heard from some schools who want to use the new pavilion this year.

Contractor: I have to say, this is a really fun project for my company to work on. We've never built an "outdoor reading pavilion and patio" at a public library before.

In fact, I don't think I've ever heard of one in Ohio.

Director: I know, we're excited, too. Thank goodness we have that state grant to build it!

Contractor: I even like the name of the pavilion: "Imagination Station." That's clever.

Director: That was a contest. A local high-schooler came up with that.

Contractor: That's great. Well listen, I will email you the notes from what we talked about today and we'll make plans to break ground next week!

Director: I'm so excited, thanks for everything. I wish I had a grant to work on my own house!

Contractor: Oh, are you working on a project?

Director: The patio is original to the house and it really is in need of repair. And some of the landscaping is so overgrown.

Contractor: Well, do you want me to come out and give you a quote?

Director: I wish I could, but we remodeled our bathrooms last year, the budget for our house is pretty tight.

Contractor: Listen, you gave us this amazing contract at the library and we're very grateful for that.

So, as a thank you for this contract, I could come out and give you a really good price on your house.

Director: Really? That would be great.

Contractor: Absolutely. Text me some pictures of your backyard and we'll take really good care of you.

Director: Wow, this project is working out even better than I thought!

Slide 3

Imagine that you are a taxpayer that lives in the town where this library is located. How would you feel about this "special deal"?

Select your reaction



What is your reaction?

Imagine that you are a taxpayer that lives in the town where this library is located. How would you feel about this "special deal"?

Slide 4

So, anybody feeling a little uncomfortable here? Good, you should! Now take note that it wouldn't be illegal for this library director to hire the contractor to work on her home.

The problem is this little "deal" they seem to be working out. Well, I'm guessing the discount they are envisioning would not be available to other regular customers in that community. And that's a problem under the gift portion of the Ohio Ethics Law.

Slide 5

Gifts

ORC 102.03(E) prohibits:

- Soliciting or accepting
- Anything of value
- Substantial and improper

The Ohio Ethics Law prohibits public officials and employees from soliciting or accepting "anything of value," if the thing of value is "substantial and improper." So what does that mean exactly? Well, let's break it down!

Slide 6

Improper Sources

- Doing business with
- Seeking to do business with
- Regulated by
- Interests in matters before

That second word "improper" refers to the source of gifts. Improper sources of gifts are any of the following:

Any one doing business with your agency - or seeking to do business with your agency, anyone who is regulated by your agency or anyone with specific interests in matters before your public agency.

So, essentially, public employees and officials cannot accept "substantial" things of value from these listed "improper" sources.

Slide 7

There are some "gifts" that do not rise to the level of "substantial" and therefore would not be illegal for public employees and officials to accept even from those improper sources we just discussed.

Slide 8

Nominal Gifts

- Modest baked good
- Coffee mug
- Inexpensive sandwich

Those kinds of nominal gifts could include a modest baked good, a promotional item like a coffee mug or perhaps even an inexpensive sandwich.

And while these types of gifts are not prohibited, if you are more comfortable declining even minor gifts like these, more power to you! We applaud people who strive to be even more ethical than the statute requires!

Slide 9

A quick side note, here: even modest gifts can add up over time. It's true that accepting a one-time sandwich from a vendor or regulated party might not rise to the level of being illegal.

But meeting that same vendor every week and letting them pick up the tab? Nope; just don't do it.

Slide 10

So, you should have a pretty good idea now of what we mean by nominal or minor gifts. Substantial gifts are a different issue so let's discuss that next.

Slide 11

Substantial Gifts

- Golf outings
- Payment of debt
- Loans
- Travel Expenses
- Lavish meals
- Sport or theater tickets

Substantial gifts are more than the occasional modest meal or promotional trinket like a coffee mug.

Substantial gifts fall more into the category of things like: golf outings, payments of debts or loans, travel expenses, lavish meals, or expensive tickets for a sports team or theatre show.

These are the kinds of items that those of us in public service are prohibited from accepting from our improper sources.

Slide 12

You get the idea, right? Good! So, let's up the ante! What about a situation in which someone is genuinely grateful for the assistance of a public servant? Does that change anything? Let's take a look!

Slide 13

(video of a letter being pulled from an envelope with two tickets)

Dear Courtney, I can't thank you enough for all your help in obtaining the child support money from my kids' dad.

Slide 14

Dear Courtney:

I can't thank you enough for all your help in obtaining the child support money from my kids' dad. As you know, it's been a really hard couple of years and for a while, I had given up hope that anybody would care that he wasn't doing what the court said. And then I met you!

You have been so professional and efficient, but so kind, too. I felt like you always listened to me and that you really cared what happened to my children and me. We can finally pay our bills on time now and I feel like so much stress has just been lifted off my shoulders! And I just wanted you to know how much I appreciate everything you have done for us.

This might seem like a small gesture, but every year, my dad gets a ticket to the Memorial Golf Tournament from his job. He couldn't use his ticket this year and he gave it to me. I want you to have it. I just wanted to show you somehow how grateful I am for your help, so please take this ticket and have a fun day!

Thank you again for all you did for me and for all you do for single parents all over our county. We are lucky to have you on our side! Fondly,
Madeline A. Parker

As you know, it's been a really hard couple of years and for a while, I had given up hope that anybody would care that he wasn't doing what the court said. And then I met you!

You have been so professional and efficient, but so kind, too. I felt like you always listened to me and that you really cared what happened to my children and me.

We can finally pay our bills on time now and I feel like so much stress has just been lifted off my shoulders! And I just wanted you to know how much I appreciate everything you have done for us.

This might seem like a small gesture, but every year, my dad gets a ticket to the Memorial Golf Tournament from his job. He couldn't use his ticket this year and he gave it to me. I want you to have it.

I just wanted to show you somehow how grateful I am for your help, so please take this ticket and have a fun day! Thank you again for all you did for me and for all you do for single parents all over our county.

We are lucky to have you on our side! Fondly, Madeline A. Parker

Slide 15

Imagine that you received this letter. How would Madeline's genuine thanks make you feel?

Select your reaction



What is your reaction? Imagine that you received this letter. How would Madeline's genuine thanks make you feel?

Slide 16

This example might actually warm your heart at first. This client just wanted to say "thank you" - and that's understandable. After all, it isn't always an issue of someone doing something nefarious.

Sometimes, it's just about an attempt to express appreciation for a job well done. And while well-intentioned, that could be problematic under the Ethics Law.

Slide 17

Whether or not our public employee, Courtney, is influenced by this gift simply isn't relevant. This ticket to a professional golf tournament is considered substantial. And the giver - while probably a very nice person - is an improper source.

Madeline clearly has a vested interest in matters and decisions by this agency. Therefore, she cannot give - and Courtney cannot legally accept - that ticket, even if it's offered with kind intent.

Slide 18

Supplemental Compensation

ORC 2921.43(A) prohibits:

- Accepting anything of value
- From anyone other than public employer
- For performing public duties

An important side note here is an area of the law known as Supplemental Compensation. Public employees and officials can never accept compensation for doing our jobs from anyone except our own public employers.

So even if this ticket were not substantial in nature, the letter Courtney received clearly indicates it is provided in thanks for doing her job - the job that she is already paid to do.

If you ever have concerns or questions about this part of the law, please contact us before moving forward.

Slide 19

One more gift scenario - are you ready? For this example, let's go the Land of Twitter!

Slide 20

(visually resembles a Twitter post)

Helen Chatfield Black @helenblack

Have to admit - I wasn't really looking forward to attending the Chamber of Commerce Conference on behalf of my agency. But that was before I won the DOORPRIZE!! Two nights in a luxury cabin in Hocking Hills! Can you believe it? My city job FINALLY pays off!
#HockingHillsHereICome

Have to admit - I wasn't really looking forward to attending the Chamber of Commerce Conference on behalf of my agency. But that was before I won the DOORPRIZE!!

Two nights in a luxury cabin in Hocking Hills! Can you believe it? My city job FINALLY pays off!
#HockingHillsHereICome

Slide 21

Imagine that you were selected for this door prize. How would winning this stay make you feel?

Select your reaction



What is your reaction? Imagine that you were selected for this door prize. How would winning this stay make you feel?

Slide 22

Wow, that sounds like fun, doesn't it? Hocking Hills really is one of Ohio's treasures and I don't blame this public employee from being excited at the prospect of hiking there for two days while staying in a beautiful cabin - and for free, no less!

Slide 23

But, alas, we have a problem. Yes, this person was at the conference on behalf of a public agency and a public job. And yes, the only requirement to win was probably just attending the conference.

And yes, it sounds as if the winner was chosen in a completely random manner. But those "yesses" don't add up to a "yes, I'll gladly accept that door prize."

Slide 24

Can we agree that two nights in a beautiful cabin in Hocking Hills is substantial? Good, we have a consensus on that. So, we've already met half the requirement in determining when we can't accept a gift.

It's "substantial." That means now, we have to look at the other half of the equation - "improper."

Slide 25

If you have ever attended a conference, you're probably familiar with the vendors who set up tables outside the breakout rooms and advertise their services.

And they are probably the very sources of nominal gifts you may have on your desk right now: cheap pencils, stress balls, coffee cups and the like.

BUT! They are also among the very "improper sources" we've been discussing in this e-course. They cannot provide substantial things of value to public employees and officials, right?

Slide 26

Now, guess who the source of those door prizes at conferences usually are? You got it! So, we know that we can never accept substantial things of value from improper sources.

So, this Tweeter isn't ever going to legally be able to accept that offer of a free cabin from one of those vendors, even if that person wouldn't be the decision-maker regarding purchases by the public agency.

Slide 27

As a result, this Tweeter is left with only two legal choices: either decline the gift or determine if the agency could legally use the gift in the fulfillment of its mission.

That doesn't mean giving the gift to another agency employee or using it as an incentive gift. In this case, because the gift cannot be used toward the agency's mission, it would need to be declined.

Had the gift been a laptop computer, chances are the agency could legitimately use that in its workload. In this case, don't pack your bags, Tweeter. That gift has to be declined.

Slide 28

Admittedly, this is a lot of information to get in a short frame of time. So, if you still have questions or concerns, visit the Ethics Commission's website because we have lots of resources available regarding the gift area of the law.

It's always our goal to help you make the right decisions up-front, so you never have to worry about whether or not you have violated the law. So, please contact us; it's our pleasure to assist you in doing the right thing!

Slide 29

Ohio Ethics Commission

(614) 466-7090

www.ethics.ohio.gov

Congratulations! You have completed The Ohio Ethics Law and Gifts

Image Credits

[Ohio Ethics Law Overview \(PDF\)](#)