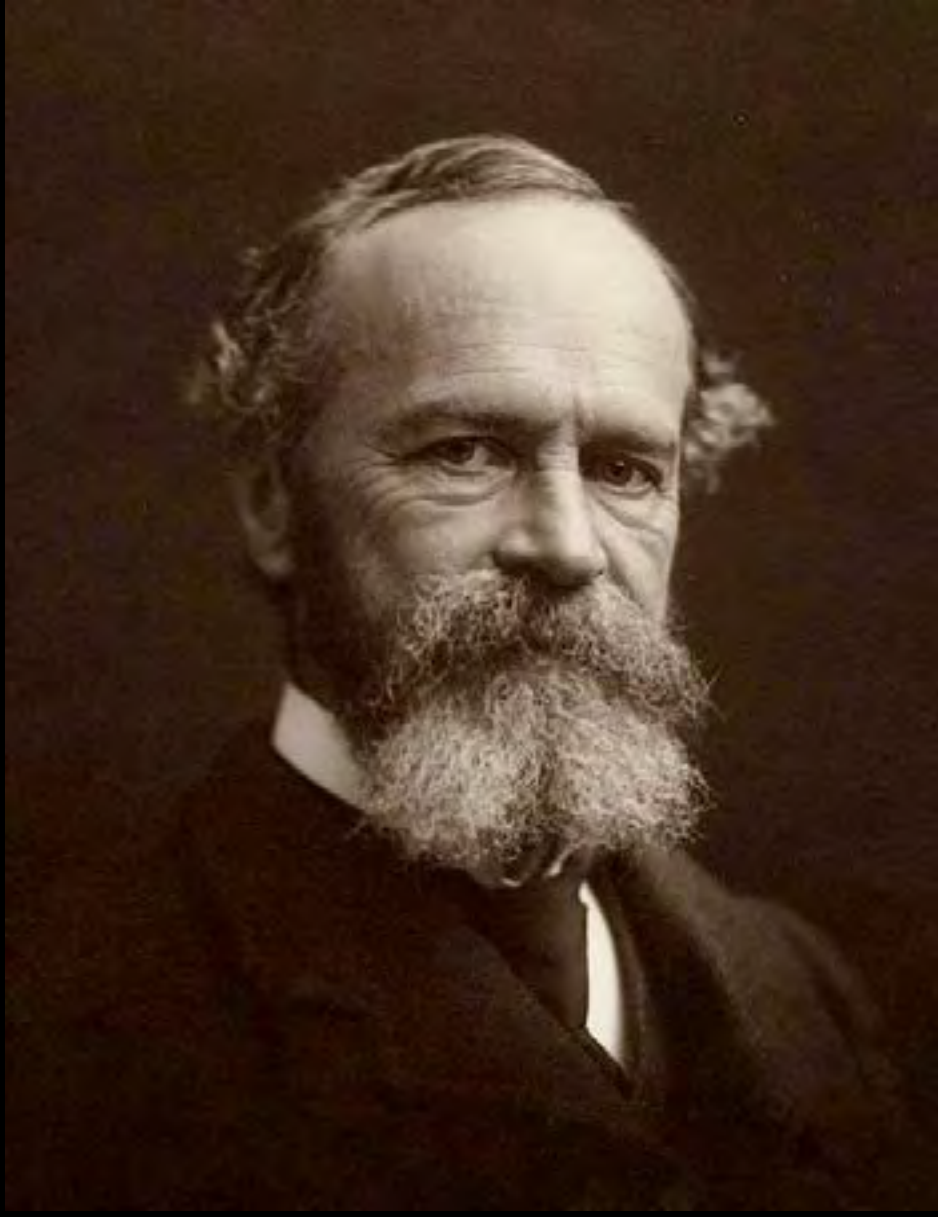


# THE VOICE OF ETHICS

A Publication of the  
Ohio Ethics Commission

Fall 2016 Edition





*“Act as if what you do makes a difference.  
It does.”*

- William James, American Philosopher & Psychologist

# End of Year Ethics Training Questions!

## Am I required to attend an Ethics Law training session?

State law does not require attendance at an Ethics Law training session. The statute requires that the Ethics Commission make educational options available. This information allows those in the public and private sectors to understand and comply with the Ethics Law.

State employees are currently required by Executive Order 2011-03K to participate in some form of annual Ethics training. In addition, some local government agencies have internal training policies that may require a training regarding the Ethics Law.

However, the Ethics Commission encourages that everyone in public service take advantage of the many educational resources available through our agency and our website. This will increase both understanding of and compliance with the law, which leads to greater public trust in all levels of government.

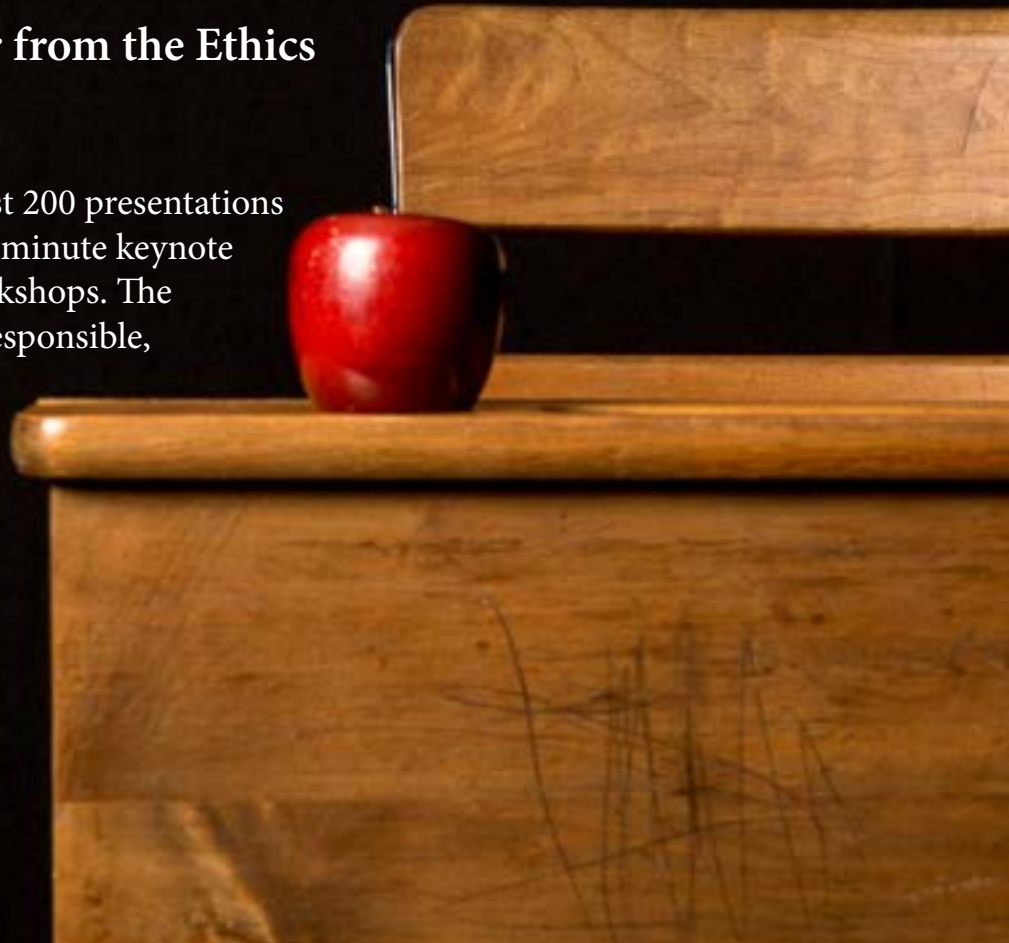
## What are my Ethics Law training options?

The Ethics Commission offers numerous options for Ethics Education:

- Schedule an Ethics Commission speaker for my agency
- Attend a Regional Ethics Law Training Session
- Participate in one of the Ethics Commission's monthly live webinars
- Take an online and on-demand Ethics Law electronic course

## How do we schedule a speaker from the Ethics Commission?

The Ethics Commission conducts almost 200 presentations each year. These sessions range from 30 minute keynote addresses to one, two or three hour workshops. The Commission's obligation to be fiscally responsible, however, requires that travel be reserved for speeches with larger groups. If you are interested in having the Commission speak at your agency or office outside Columbus, we request a minimum of 75 people be in attendance. If that is not possible, please contact Susan Willeke at (614) 466-7090 or at [susan.willeke@ethics.ohio.gov](mailto:susan.willeke@ethics.ohio.gov) to discuss options.





## 2016 Targeting Fraud – Safeguarding Integrity Conference

Wednesday, November 2 & Thursday, November 3, 2016  
Columbus, Ohio

**(Hurry! There's still room!)**

**Deadline to register is October 28th**

In observance of National Fraud Awareness Week ... Franklin University, the National White Collar Crime Center, the Ohio Ethics Commission, the Ohio Inspector General, and the Ohio Investigators Association have collaborated together once again to present the 5th Annual two-day training conference: Targeting Fraud – Safeguarding Integrity. This conference will examine the investigative process of uncovering fraud and explore a wide spectrum of subjects, including the topics of ...

- The relationship between human behavior, risk, and wrongdoing;
- Using digital forensics to identify and investigate fraud;
- Fighting fraud in the livestock show industry;
- The role of the IRS investigating cases involving tax violations, narcotics, identity theft, money laundering, and terrorism;
- A journalist's investigation uncovering unprecedented corruption in the poverty-stricken community of Bell, California.

[Click Here](#) to register for the conference.

Cost: \$125

This conference has been approved for **16 hours of Continuing Professional Education (CPE) credit** from the Accountancy Board of Ohio and for **12 hours of General Continuing Legal Education (CLE) credit** from the Supreme Court of Ohio.

# GIFTS

The holiday season is upon us! A time of celebrations, open houses, and gift giving! If you have ever wondered what to do when offered an invitation or gift, we have some helpful information for you. Because public officials and employees must consider whether gifts can be accepted without violating the Ethics Law, we have compiled answers to the most commonly asked questions regarding gifts and the holiday season.

## **What does the law prohibit?**

Ohio's Ethics Law prohibits any public official (including public employees) from soliciting or accepting a gift of a substantial value, including entertainment, from any "prohibited source." A "prohibited source" is any person, company, organization, or other entity, that is:

- Doing or seeking to do business with the public agency the official serves;
- Regulated by the agency the official serves; or
- Interested in matters before the agency the official serves.

A public official or employee also cannot accept a tip or compensation for the performance of his or her public job duties.

## **Who is a "public official?"**

A public official is any person, paid or unpaid, and regardless of how much money he or she is paid:

- Who is elected or appointed to a full-time or part-time public position; or
- Who is employed by a public agency in a full-time or part-time public job.

## **If someone sends a gift to me at my office, may I accept it?**

It depends. You would need to determine both the value and the source of the gift in order to know whether you can accept it.

If the gift is substantial in value and is from one of the prohibited sources described earlier, you must return it to the giver.

However, you can accept a gift of nominal value from any giver. Gifts of nominal value include promotional items, such as a t-shirt, mouse pad, or coffee mug, or a small box of candy.

You can also accept a gift of any value if the giver has no relationship with the public office you serve.

## **Can I accept a gift from my staff?**

Yes, provided that:

- You did not solicit the gift;
- No individual staff member contributed more than a nominal amount to the gift; and
- No employee is coerced to contribute.
- You disclose the gift if you are required to file annual financial disclosure statement

## **Can I give a gift to my staff members?**

Yes, provided that the gift is not compensation for the performance of your staff member's public duties.

## **One of my agency's vendors is having a holiday open house and I was invited. Can I attend?**

Yes. The per-person value of an open house is unlikely to be a substantial thing of value. If, however, the event is lavish, you should decline or pay the per-person cost to attend.

## **A salesman for an agency vendor has asked me to go to dinner. Can I go if I pay my own way?**

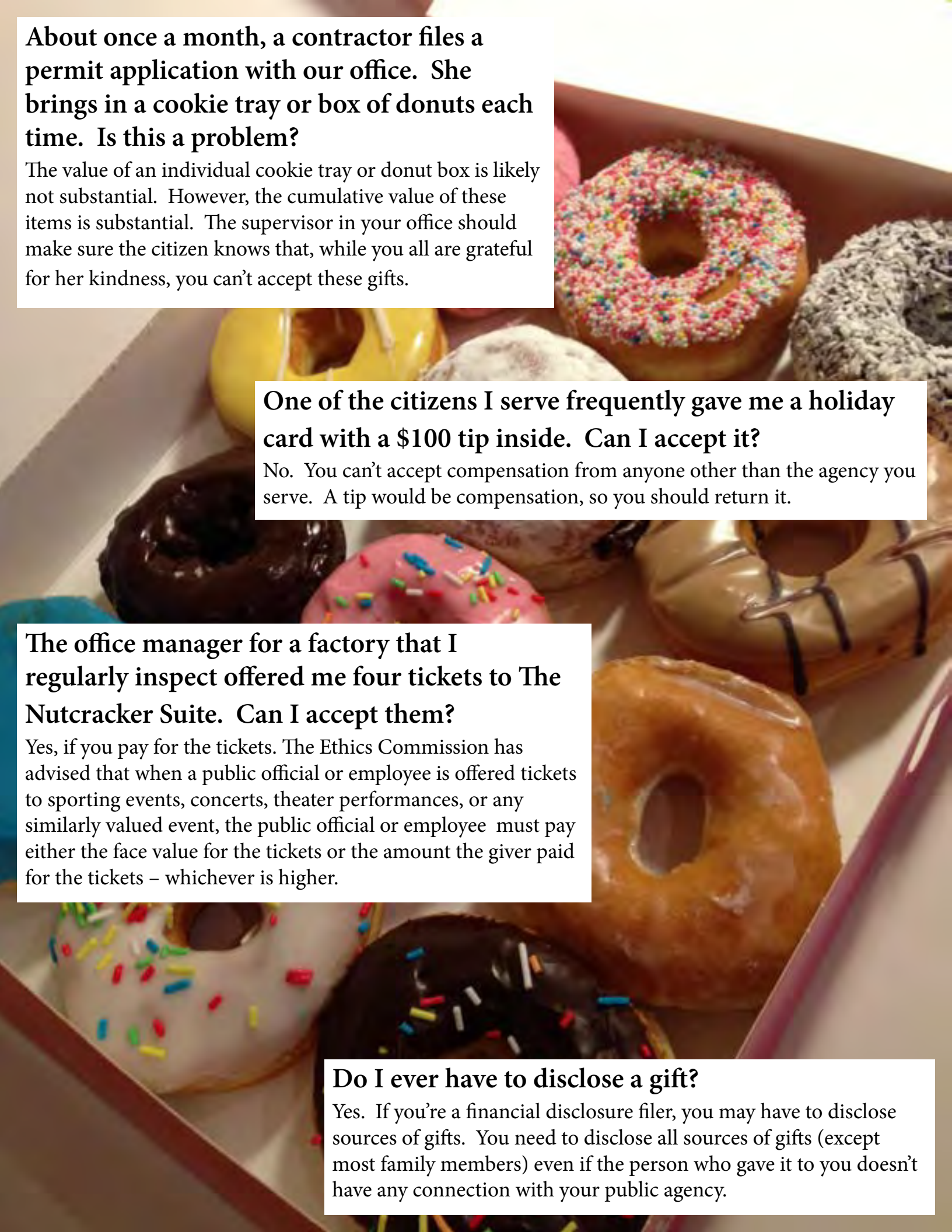
Yes. The Ethics Law does not prohibit public servants from socializing with anyone. However, if you are going to a restaurant with a vendor's representative, and the meal will be substantial in value, you should pay your own way.

## **One of the companies we regulate sent us a meat and cheese gift basket valued at \$150.00. Can we keep it if we share it?**

You should return it. Also, if the value of the item is substantial, as in this instance, the giver is prohibited from giving it even if you share it.

## **What if we use it as a raffle prize at our staff party or as a gift for the employee of the year?**

If it's a substantial thing of value from a prohibited source, no official or employee at the agency can accept it.



**About once a month, a contractor files a permit application with our office. She brings in a cookie tray or box of donuts each time. Is this a problem?**

The value of an individual cookie tray or donut box is likely not substantial. However, the cumulative value of these items is substantial. The supervisor in your office should make sure the citizen knows that, while you all are grateful for her kindness, you can't accept these gifts.

**One of the citizens I serve frequently gave me a holiday card with a \$100 tip inside. Can I accept it?**


No. You can't accept compensation from anyone other than the agency you serve. A tip would be compensation, so you should return it.

**The office manager for a factory that I regularly inspect offered me four tickets to The Nutcracker Suite. Can I accept them?**

Yes, if you pay for the tickets. The Ethics Commission has advised that when a public official or employee is offered tickets to sporting events, concerts, theater performances, or any similarly valued event, the public official or employee must pay either the face value for the tickets or the amount the giver paid for the tickets – whichever is higher.

**Do I ever have to disclose a gift?**

Yes. If you're a financial disclosure filer, you may have to disclose sources of gifts. You need to disclose all sources of gifts (except most family members) even if the person who gave it to you doesn't have any connection with your public agency.



**So if my best friend from college, who lives in another state, gives me a Christmas gift, I have to list that on my financial disclosure statement?**

Yes, if the value is over the threshold for disclosure. You need to list your best friend's name, but you don't have to describe the gift. There are two thresholds for disclosure. Check with the Commission if you're unsure of which threshold applies to you.

**What are the penalties for violations?**

- All of the restrictions described here are first-degree misdemeanors, punishable by six months in prison and or a \$1000 fine.
- In addition, if a person is convicted of accepting supplemental compensation, he or she will also be prohibited from holding public office, public employment, or any position of public trust for seven years from the conviction.

**Does the Ohio Ethics Commission have any resources about gift restrictions under the Ethics Law?**

Absolutely. You might want to check out this [Gift Advisory Opinion](#) or even watch our [Gift e-course](#) for more information.





**OHIO ETHICS COMMISSION**  
**William Green Building**  
**30 West Spring Street, L3**  
**Columbus, Ohio 43215-2256**  
**(614) 466-7090**

[www.ethics.ohio.gov](http://www.ethics.ohio.gov)

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