

THE VOICE OF ETHICS

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Hocking Hills State Park
Hocking County

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, a 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 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.

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
- No employee is coerced to contribute; and
- You disclose the gift if you are required to file annual financial disclosure statement.



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, do 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.



Thinking about Retirement? Don't Forget to Think about the Ethics Law!

For many of us, the end of the year brings family gatherings, gifts, Christmas cookies, spinning the dreidel, and other fun festivities! For some public officials and employees, though, it might mean reflecting on the next chapter of life after public service.

If you are pondering retirement, switching careers, or perhaps anticipating the conclusion of an elected term of office, this article is for you! The Post-Employment statute - also commonly referred to as the Revolving Door - continues to protect the public from misuse of government influence, even after someone has vacated a public job or office.

Read on to learn about the most asked questions regarding post-employment, but for a more in-depth study of this statute, check out the [Ethics Commission's Post-Employment page on our website](#).

What should I know when leaving public service?

The Revolving Door prohibitions prevents public officials and employees from misusing their influence in a current job, with a former employer, or with any former employees they had supervised. It accomplishes this by restricting a former public official or employee's interaction with public agencies regarding matters in which he or she had participated.

The statute prohibits former public officials and employees from "representing" (or communicating on behalf of) anyone before any governmental person or entity on matters in which they had been involved at their former agencies.



Is all communication with friends at my former agency off-limits?

Post-employment restrictions do not mean you cannot reach out to former colleagues to schedule a tennis match or a coffee date. It means that you would be prohibited from communicating on behalf of a new job/client/supervisor/company/agency etc. before any governmental person or entity if you had been involved in the matters that would be addressed in that communication.

For example, a former state employee could not meet with, call, email, text, etc. with a public official or employee on behalf of his or her new company to discuss a project in which he or she had been involved at a former public office.



Is this a lifelong restriction?

For most public officials and employees, the post-employment restriction applies during public service and for one year afterward. There are a few categories of people who have a two-year post-employment restriction including those who exercised legal discretion in solid and hazardous waste matters, former commissioners and attorney examiners of the Public Utilities Commission, and former Ohio Casino Control Commission members or staff.

Are there any exceptions?

There are five exceptions to the Revolving Door Law:

1. A non-elected state official or employee who accepts employment at a different state agency is not prohibited from representing the new agency;
2. A non-elected official or employee of a political subdivision who accepts employment at a different department or agency of the same political subdivision is not prohibited from representing the new office;
3. A former official is not prohibited from representing a client on a matter in which he did not participate;
4. A former official is not prohibited from assisting or aiding his former public agency; and
5. A former official is not prohibited from doing ministerial activities, such as preparing tax returns and filing applications for permits or licenses.

Is there anything else I should know as I prepare to step out of my public position?

Even before exiting a public job or office, public officials and employees who are seeking a new job need to understand [job-seeking restrictions](#), regardless of whether a new job would be with a private corporation, a non-profit organization, or another public agency. Specifically, the Ohio Ethics Law prohibits public officials and employees from using their public position to obtain a job from those who are regulated by their public agency, doing or seeking to do business with their public agency, or interested in matters before their public agency.



The Ethics Law also prohibits public officials or employees from profiting from a public contract that they authorized or was authorized by a board or committee on which they serve. This public contract prohibition applies to all public officials and employees during their public service and for one year afterward. Further, the restriction applies even if the official or employee did not personally authorize the public contract, but the public board or committee on which he or she served did. This is true even if the public official abstained from the vote or decision-making process.

If the public official or employee was required to file a financial disclosure statement during his or her public service, he or she will be required to file a statement in the year after the public service concluded, reflecting financial information for that final year. Finally, state officials or employees who were financial disclosure filers must file a statement with the Joint Legislative Ethics Committee upon separation from the state. Contact [JLEC](#) for more information.



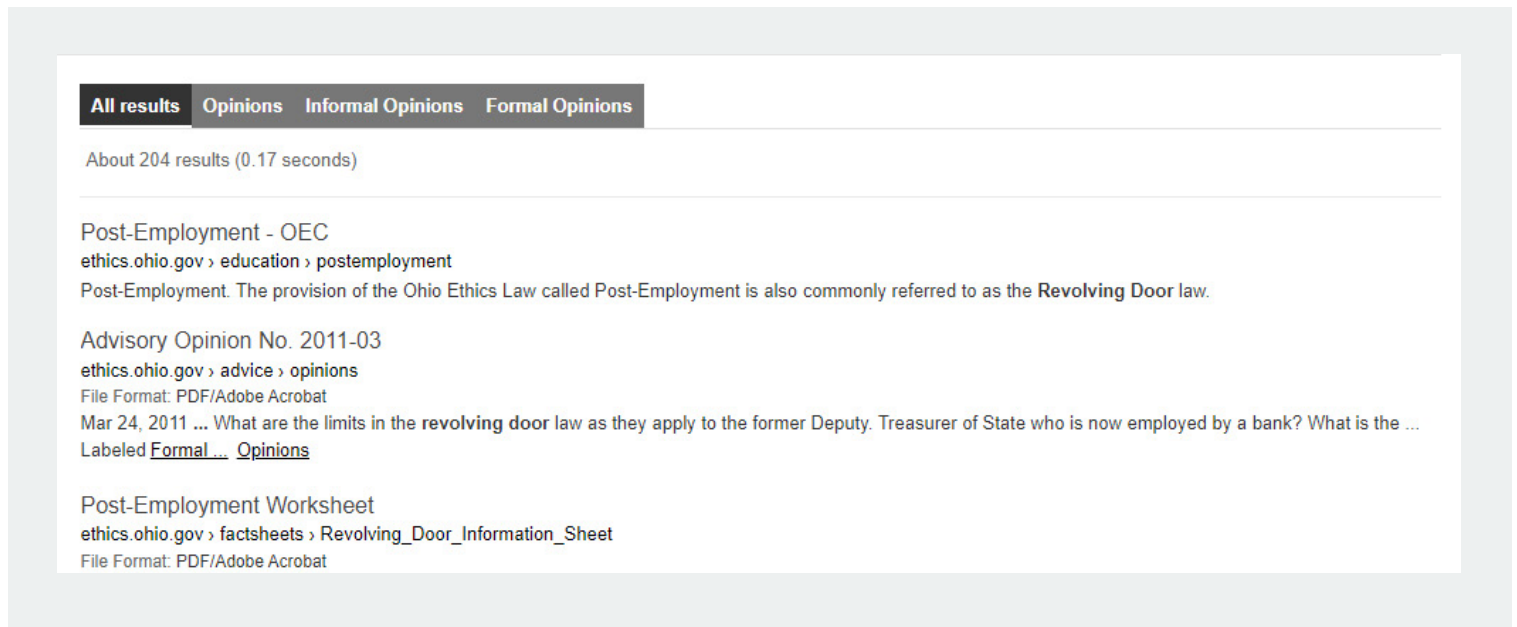
This is a fairly basic overview of the Post-Employment restrictions in the Ohio Ethics Law. Our website contains many [Revolving Door resources](#) to assist you in any job/position transition you may face. In the meantime, thank you for your public service and best wishes in your new adventures!

Searching for Ethics - Post-Employment Edition

Did you know that you can easily find answers to all of your ethics questions with a quick search on the Ohio Ethics Commission's website? Just enter a term into the search box and you will see

every time that term shows up on our website, in our opinions and fact sheets, and even our newsletters! There's also a handy filter to just show Formal and Informal Opinions issued by the Commission.



The screenshot shows a search results page with the following content:

- Navigation tabs: **All results**, Opinions, Informal Opinions, Formal Opinions
- Search summary: About 204 results (0.17 seconds)
- Result 1: **Post-Employment - OEC**
ethics.ohio.gov › education › postemployment
Post-Employment. The provision of the Ohio Ethics Law called Post-Employment is also commonly referred to as the **Revolving Door** law.
- Result 2: **Advisory Opinion No. 2011-03**
ethics.ohio.gov › advice › opinions
File Format: PDF/Adobe Acrobat
Mar 24, 2011 ... What are the limits in the revolving door law as they apply to the former Deputy. Treasurer of State who is now employed by a bank? What is the ...
Labeled **Formal** ... **Opinions**
- Result 3: **Post-Employment Worksheet**
ethics.ohio.gov › factsheets › Revolving_Door_Information_Sheet
File Format: PDF/Adobe Acrobat

Ohio has post-employment on its mind!

Some of the most common post-employment related terms searched on our website include:

Revolving Door
New Job

Retirement
Representation

Job Seeking
Confidentiality

Personal Participation
Two Year Restriction

Some helpful post-employment search results include:

Fact Sheets

- [Post-Employment Restrictions](#)
- [Post-Employment Worksheet](#)
- [Seeking New or Outside Employment](#)

Advisory Opinions

- [Advisory Opinion 2011-03](#)
(overview of the post-employment restrictions)
- [Advisory Opinion 2012-04](#)
(revolving door law exception)

The 2023 Clock is Ticking Down...

If you have not yet completed your 2023 New Year's Resolution to complete your Ohio Ethics Law training, we have an early holiday gift for you: two easy ways to complete your training!

1. Our [2023 e-course](#) is an online, on-demand training that provides an overview of the Ethics Law with relevant examples and up-to-date information.
2. A [live one-hour webinar](#) on December 14 at 10 AM that allows learners to interact with an Ethics Commission training guru!



Both options:

- provide proof of completion
- meet the annual training requirement as outlined in the Governor's Ethics Executive Order 2019-11D (for both financial disclosure filers and non-filers)
- are approved for one general hour of self-study Continuing Legal Education and
- are approved for 1.0 contact hour of Continuing Professional Education (CPE) for CPAs through the Ohio Accountancy Board.

Already looking forward to the 2024 training options? Stay tuned!



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