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Conferences and the Ohio Ethics Law

Professional conferences are prearranged gatherings with formal agendas, such as meetings of national, state, or regional organizations. Such are often attended by those in public service and can be quite beneficial to public agencies. However, before you pack your bag for your next conference, there are some notable issues and restrictions under the Ohio Ethics Law. This article will tackle the most commonly asked questions regarding public service and conferences. For more detailed or specific guidance, please contact the Advisory Section of the Ohio Ethics Commission.

Why does the “conference question” arise under the Ohio Ethics Law?

There are several reasons that public officials and employees should be aware of the Ohio Ethics Law when attending conferences. For example, under the Ethics Law, a public official or employee cannot solicit or accept anything of “substantial” value from “improper” sources. Whenever a “thing of value” is offered to a public official or employee, he or she should make sure to consider whether it can be accepted without violating the Ethics Law.

Is travel a substantial thing of value under the law?

Yes. The Ohio Ethics Commission has advised that some things of value—because of their nature—could have a “substantial” influence upon an official in the performance of their duties. Examples could include meals at expensive restaurants, entertainment activities, such as exclusive golf outings and season tickets to the games of a professional sports team, jewelry, or discounts on major consumer items. The Commission has also specifically identified travel, meal, and lodging expenses to be of substantial value under the Ohio Ethics Law. Therefore, those in public service cannot solicit, accept, or use the authority of their public positions to secure travel expenses if they would be provided by an improper source.

What is an improper source?

An improper source is a person, company, or other private or public entity or association that is:

- regulated by your agency;
- interested in matters before your agency; or
- doing or seeking to do business with your public agency.

These entities may not cover your travel costs to a conference.

Is there any entity that can provide conference travel costs for public officials and employees?

As noted above, public officials or employees cannot solicit or accept travel expenses from improper sources. If an entity is not an improper source to a specific public agency, an official or employee within that agency would not be prohibited from accepting travel expenses. Additionally, under certain circumstances, there are three “approved” sources of travel expenses to conferences, seminars, and other similar events:

1. A governmental agency, including any state or the federal government;
2. A statewide, multi-state, or regional consortium of which the agency is a member, that advances the agency’s public mandate and is not significantly funded by individuals and organization that are doing business with, regulated by, or interested in matters before the agency; or
3. Anyone who is using funds supplied by a consortium described in 2 above.

Any public official or employee who accepts travel expenses from an “approved” source is required to disclose both the approved source and the amount of the expenses. Financial disclosure filers must disclose the source and amount on their financial disclosure statements. Public officials and employees who are not required to file financial disclosure statements must disclose the source and amount of travel to their public employers.

Are there any additional considerations for financial disclosure filers?

Yes. Sources that may be considered “improper” may provide actual travel expenses to a public official or employee who is a financial disclosure filer if:

- the financial disclosure filer is a speaker or presenter at the conference or
- the financial disclosure filer is attending a meeting or convention of a national organization to which any state agency pays membership dues.

Note that these exceptions do not apply to those who do not file financial disclosure forms with the Ohio Ethics Commission. Non-filers simply may not accept travel expenses from improper sources.

Generally, public officials and employees who file financial disclosure statements must disclose the source and amount of every payment of travel expenses, whether the expenses are paid directly by a public agency or private entity on behalf of the filer, or reimbursed to the filer. However, there is an exception for travel expenses to a meeting or convention of a national or state organization to which any public agency pays membership dues.

May I accept complimentary conference registration?

In general, the Ohio Ethics Law prohibits public officials and employees from accepting or soliciting complimentary conference registration from improper sources. For example, if a public employee wishes to attend a conference hosted by a company that is regulated by the agency the employee serves, the employee could not attend the conference without paying the registration fee. Further, a party regulated by a public agency cannot pay the registration fees for officials and employees of that public agency, even if the regulated party is not hosting the conference.

However, public officials or employees sometimes – as part of their official duties – provide information by giving presentations or speeches at such conferences. It is common in such situations for all invited guest speakers to be offered complimentary registration to attend the entire conference. Under this circumstance, the public official or employee could attend the conference without paying the registration fee, even if the conference provider was an improper source to the public official or employee.

Please note, however, that public officials and employees who accept complimentary registration may not accept or solicit travel expenses or honoraria from the conference organizers who are improper sources.

May I accompany a vendor to an entertainment event when I am attending a conference?

As described in a previous question, public officials and employees may not accept substantial things of value from improper sources, such as regulated parties or those doing or seeking to do business with a public agency. Vendors often attend conferences to solicit business from attendees, which makes them improper sources to the public officials and employees attending the conference.

Therefore, even if all conference attendees are invited to the event, public officials and employees cannot allow regulated parties, vendors, or potential vendors to provide entertainment such as golf outings at a private golf course or a lavish meal at an expensive restaurant.

May I attend the open house or reception hosted by a private party at a conference?

The Ethics Commission has often been asked whether the law prohibits someone from sponsoring a meal, reception, or open house to which public officials and employees are invited and whether or not the officials and employees may attend.

In general, food and beverages consumed by an individual public official or employee at a meal, reception, or open house in connection with a conference generally would be not considered “substantial” under the Ethics Law unless the food and beverages are unusually lavish in nature. Therefore, the law does not prohibit public officials and employees from attending such open houses or receptions provided that:

- the conference is of a genuine educational or informational character;
- the reception or open house is not intended to influence specific officials or employees because of ongoing or potential matters involving the person providing the cost of the event;
- the food and beverages provided are of an ordinary, routine character;
- the reception or open house is made available to all conference attendees, and is not limited to certain public officials and employees who may have regulatory authority over or that do business with the entity providing the event; and
- the reception or open house is not provided in exchange for or in recognition of the performance of the official or employee's public duties.

Under the above parameters, a public official or employee may attend open houses and receptions at conferences. Public officials and employees may not request that vendors with whom they have business dealings host such an event.

May I keep the door prize I won at the conference?

No. When public officials or employees attend conferences in their official capacity, the Ethics Law prohibits them from accepting door prizes won at the conference, even if the drawing was random and all attendees were automatically entered. Should a public official or employee "win" such a drawing, the door prize belongs to the official or employee's public agency. The agency may simply decline to accept the gift or may also choose to use it for an appropriate public purpose. This is a potential choice since the Ethics Law does not prohibit a public agency from accepting a donation from a private party as long as no official or employee benefits personally from the donation and the donation is voluntary.

May my spouse attend the event with me?

Yes. Spouses can accompany public officials and employees on work-related travel, provided that there is no additional cost to the public agency. The official and employee must pay transportation, meal, and personal expenses for the spouse's travel, and any other extra costs incurred in connection with the spouse's travel.

Be aware that public agencies or conference sponsors may have additional restrictions that are not within the Ethics Law regarding spouses accompanying conference attendees. For example, public agencies may have stringent rules or policies regarding passengers in public vehicles. Public officials and employees should abide by any such policies and restrictions, and other laws and rules regarding travel, as well as the Ohio Ethics Law.

Do you have additional questions regarding conferences or need more specific information? Contact the Ohio Ethics Commission at (614) 466 -7090!