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## **Gifts and Other Things of Value**

The Ethics Law recognizes that when someone is giving a public official or employee something of significant value, both the source and the value must be considered to determine whether it could have a substantial and improper influence on a public official's or employee's job duties. This chapter will identify the numerous questions that can arise regarding gifts and public service under the Ohio Ethics Law.

Although, for simplicity, we use the word "gift" throughout this Fact Sheet, the Ethics Laws prohibit the solicitation or receipt of anything of value that could have a substantial and improper influence upon a public official or employee with respect to their duties, regardless of whether the item received is intended to be a gift.

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## General Gift Prohibitions

The Ohio Ethics Law [prohibits](#) public officials and employees from soliciting, accepting, or using a public position to secure “[substantial](#)” things of value from “[improper](#)” sources.

### ***What is an “improper” source?***

An “improper” – and therefore prohibited – source is any person, company, organization, or other entity, that is:

- Doing or seeking to do business with the public agency the official or employee serves;
- Regulated by the agency the official or employee serves; or
- [Interested](#) in matters before the agency the official or employee serves.

### ***What are “substantial” things of value?***

Some things of value - because of their nature - could have a “substantial” influence upon public officials and employees in the performance of their [duties](#). Gifts, [meals at expensive restaurants](#), entertainment activities, such [as exclusive golf outings](#) and [season tickets to the games of a professional sports team](#), are of a substantial value. [Jewelry](#), [discounts on major consumer items](#), the [promise of future employment](#) (see *also the [Revolving Door Law Fact Sheet](#)*), and [travel, meal, and lodging expenses](#) are also of substantial value.

Small gifts, such as a [book](#), a meal at a family [restaurant](#), [a promotional item](#), an inexpensive entertainment activity, and other things of nominal value, even if they are provided by an improper source, will not have a substantial influence on an official. Public employees and officials are not prohibited from accepting these kinds of [items](#). However, an official or employee could be influenced in the performance of his or her duties by accepting multiple items of minimal value from the same source if the value of these items, added together, is [substantial](#). In some circumstances, accepting items of minimal value may create an appearance of impropriety, even if it is not [illegal](#).

***If someone sends a gift to a public office, may the public employees accept it?***

It depends. Both the value and the source of the gift need to be determined to know whether the staff can accept the thing of value.

If the gift is substantial in value and is from one of the prohibited sources described earlier, it must be returned to the giver. However, nominal gifts can be accepted from any giver. As a reminder, gifts of nominal value include [promotional items](#), such as a t-shirt, mouse pad, or coffee mug, or a small box of candy.

Gifts of any value can be accepted if the giver is not an "improper" source, as described above.

***Can public employees give gifts to their supervisors? And can supervisors reciprocate?***

Public employees are permitted to give things of value, such as holiday gifts, to supervisors provided that:

- The supervisor 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](#).

Supervisors may also give gifts to their staff members provided that the gift is not compensation for the performance of their staff member's public duties. See the [Supplemental Compensation chapter](#) for additional information on this topic.

***May public employees and officials go to dinner with an improper source if the public employees or officials pay their own way?***

Yes. The Ethics Law does not prohibit public servants from socializing with anyone, but the public official or employee should pay his/her own way at a dinner with an improper source if the meal will be substantial in value.

***Can a group of public officials or employees keep a substantial thing of value from an improper source if they share it? Or could the substantial gift be used at the office as a holiday raffle prize or perhaps given to the "employee of the year," etc.?***

No. If the value of the item is substantial, the employees may not accept it and giver is prohibited from giving it, even if it is shared.

### ***What are the penalties for violations?***

- All 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](#).

### ***Are there other considerations about gifts and public service?***

It's important to note that any official or employee who is offered a gift, meal, entertainment, or other item should ask his or her supervisor or legal counsel for the public agency whether the agency has any additional policies or rules about accepting such items. (A public agency cannot create a policy or rule that is less restrictive than the prohibitions described above. However, an agency may have a policy or rule that is more restrictive than the Ethics Law.)

#### ***Need more information?***

- [Advisory Opinion 86-003](#) (serving as Veteran Home resident's executor)
- [Advisory Opinion 89-014](#) (travel, meal, and lodging matters)
- [Advisory Opinion 92-014](#) (grants and regional planning commissions)
- [Advisory Opinion 92-015](#) (public employees and discounts)
- [Advisory Opinion 95-001](#) (city council and sports tickets)
- [Advisory Opinion 2001-03](#) (public official and substantial things of value)
- [Advisory Opinion 2001-04](#) (travel, meal, and lodging matters)

## The Ethics Law and Tickets

The Ohio Ethics Commission responds to many questions regarding gifts, and issues related to entertainment events, such as concerts or sporting events, are among the most asked. Guidance and resources for additional resources on tickets are found below.

***Is there any way a public employee or official can attend an expensive event hosted by a vendor, or an event that includes expensive tickets (such as a sporting event, concert, theater performance, or any similarly valued event)?***

Yes, if the official or employee pays 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](#).

***Does the Ethics Law prohibit a city council member from accepting free season tickets from a professional athletic team that plays its games in a stadium located within the city?***

Yes, the Ohio Ethics Law and related statutes prohibit city council members from [accepting](#) free season tickets from a professional athletic team with a stadium located in the city. This prohibition still applies even if city council members, after accepting the free tickets, provide the free tickets to their constituents instead of using them personally.

***If a company provides a public official or employee with a ticket to a charitable fundraising dinner, is the public official or employee required to reimburse the company for the ticket? If so, what should the amount of the reimbursement be?***

If a company provides a public official or employee with a ticket to a charitable fundraising dinner, the public official or employee can accept the ticket and is not required to reimburse the company for the cost of the ticket provided that the meal is of an ordinary character and no other thing of value is provided to the public official or employee.

If the official or employee chooses to [reimburse](#) the company, the amount to be reimbursed should be the value of the meal rather than the ticket price of the item.

## Conferences and the Ohio Ethics Law

Professional conferences are prearranged gatherings with formal agendas, such as meetings of national, state, or regional organizations. Such conferences are often attended by those in public service and can be beneficial to public agencies. However, it is important to understand some notable issues and restrictions under the Ohio Ethics Law regarding public service and conferences.

### ***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:

- A governmental agency, including any state or the federal government;
- 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 organizations that are doing business with, regulated by, or interested in matters before the agency; or
- Anyone who is using funds supplied by a consortium described [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?***

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 not be 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 at conferences 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 a work-related conference, 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 follow any such policies and restrictions, and other laws and rules regarding travel, as well as the Ohio Ethics Law.

## When is a Gift a Donation?

One of the benefits of public service is being a front-row witness to the generosity of so many people in Ohio's communities. Whether it is a fundraiser to benefit a local school or a donation to the public library, the offerings of local residents and community businesses remind us of why Ohio is such a great place to live.

However, the Ohio Ethics Commission receives many questions about gifts offered or given to public servants or public entities. This section of the Gift Chapter will address the most common issues that arise regarding gifts versus donations.

### ***Are public officials or employees allowed to accept gifts at all?***

As previously stated, the Ethics Law prohibits public employees or officials from soliciting or accepting a substantial and improper thing of value as it could influence them in the performance of their public [duties](#). These "things of value" essentially include anything with monetary value. Gifts, golf outings, theater or sporting event tickets, vacations, and jewelry are all items that the Commission has specifically identified as things of substantial value.

Public servants must decline gifts of substantial value that are offered by any individual or company doing or seeking to do business with, interested in matters before, or regulated by his or her public [agency](#).

### ***Do those restrictions pertain to gifts to public entities?***

The Ethics Commission has responded to questions regarding gifts or [donations](#) offered not to public servants, but rather to public agencies or municipalities. Public officials and employees are prohibited from improperly soliciting or accepting substantial things of value. The Opinion notes, though, that the statute prohibits donations to public officials and employees, not to the public agencies.

For example, an employee of a city parks and recreation department would be prohibited from accepting a free or deeply discounted backyard playset for his or her own home from a company that sells playground equipment. That company would not be prohibited, however, from donating playground equipment to the parks and recreation program. The difference is whether the [public is the ultimate beneficiary](#) of the gift as opposed to individual public servants.

### ***May private companies donate goods or equipment to public entities?***

While private companies are not prohibited from donating goods or equipment to public entities, it must be emphasized that all donations must be [voluntary](#). Private companies are prohibited from promising, offering, or giving equipment to a public agency with the purpose of improperly influencing public officials or employees with respect to their [duties](#).

Also, public officials and employees are prohibited from soliciting or accepting equipment to improperly influence them with respect to the discharge of their official duties, and from basing any official decisions, actions, or instructions on a company's contributions or failure to [contribute](#).

### ***Can public agencies endorse the company that made the donation to thank the company for the donation?***

Public officials and employees who use the donated equipment should not endorse the purchase of that particular brand of equipment, especially in instances where the donor is a manufacturer or vendor of the equipment or would otherwise profit from the sale of [equipment](#).

### ***What about the appearance of impropriety?***

It is important to note that donations to a public entity can sometimes create the appearance of impropriety. For example, a company should not offer - and public agencies should not accept - donations when a specific case involving that company is pending before the public [agency](#).

## The Ohio Ethics Law and Discounts

Public officials and employees are routinely called upon to negotiate or authorize vendor contracts. Of course, the primary concern of public servants when making decisions regarding public contracts should be obtaining goods and services at the lowest available cost for their public agency, rather than securing any personal benefit. As a result, there are restrictions under the law regarding discounts and public employees and officials.

### ***What should public officials and employees know about discounts?***

A public official or employee who has the authority to negotiate or authorize the agency's contracts may be improperly influenced to select a particular vendor to secure a discount for his or her own personal use, which could result in a greater expense for the agency. Therefore, any department official or employee who negotiates or authorizes a vendor's contract is prohibited from personally accepting any discount offered by the vendor for his or her own personal use. Further, department personnel should not suggest that the vendor offer an employee discount as part of the public contract.

### ***Are there any exceptions?***

Yes, the Ethics Law does not prohibit public servants who are not negotiating or authorizing public contracts from accepting modest discounts from vendors.

### ***Does it matter if the discount is offered to a uniform group of people?***

Yes, it does. Companies are not prohibited from promising or giving a [uniform discount](#) on its goods or services to a large class of individuals comprised of public officials and employees, even if some members of the class serve public agencies that either purchase goods and services from, or regulate, the company.

The law does prohibit, however, a company that does business with, or is regulated by, public agencies from promising or offering a discount on its services that is limited to individual public officials or employees who have official duties and responsibilities that affect the financial interests of the company. The vendors also cannot promise, offer, or give discounts to a group of public employees which are selective, differential, or in disproportion to the benefits provided to all other public officials and employees who comprise the class that is eligible for the discount.

In other words, discounts cannot be offered on a selective basis to specific employees with whom the company has either business or regulatory dealings. The proposed discounts would have to be offered to a large class comprised of public officials and employees regardless of the public duties performed by those officials and employees.

### ***What about police officers and discounts?***

[Police officers](#) are prohibited from accepting a discount offered by a retailer in the city when the discounts are:

- of a substantial value; and
- offered only to a selective or limited class of city employees in recognition of their public duties (e.g. the discount is offered only to police officers and not all public employees or officials in that city).

As noted above in [Advisory Opinion 2001-08](#), the law prohibits vendors from promising or offering public employees a discount on its goods or services if the vendor limits the discount offer to employees who have official duties and responsibilities that affect the vendor's financial interests, or the vendor offers greater discounts to employees with duties and responsibilities that affect the vendor's financial interests than it offers to other employees. Therefore, police officers should decline discounts that are not available to other public servants in the area.

### ***Are vendors prohibited from offering their customers' employees discounts?***

Not necessarily. Vendors who [routinely offer](#) the employees of its customers a discount if the employees purchase the vendor's products for their personal use.

The advisory opinion concluded that officials or employees of governmental agencies who do not negotiate or authorize the agency's contract with the vendor, can accept a discount on goods from an agency vendor provided that the vendor:

- offers the same discount to all of its customers;
- offers the same discount to all eligible officials or employees of the agency; and
- does not offer discounts in exchange for the performance of any officials' or employees' official duties.

### ***What is Supplemental Compensation?***

Note that a discount that is specifically given to a public servant in exchange for the performance of his or her duties is considered prohibited Supplemental Compensation (see the [Supplemental Compensation chapter](#) for additional information on this topic.) For example, if a discount is offered exclusively to a selective or limited group of public employees, the discount may be compensatory in nature. If, however, the vendor routinely offers this kind of discount to the employees of its public and private customers, the discount is not directed at any selective or limited class of public employees, and the employees do not exchange any obligation with the vendor in return for the discount, it is not prohibited under the Ethics Law.

## Other Considerations

### ***How does the Ethics Law pertain to ceremonial gifts? [Advisory Opinion 2019-01](#)***

The Ohio Ethics Law prohibits public officials and employees from accepting substantial gifts from vendors, potential vendors, and entities they regulate or that have a specific issue before the public agency. However, the opinion also noted that some gifts are ceremonial in nature and are not likely to improperly influence those in public service.

For example, the advisory opinion concluded that public employees and officials are not prohibited from accepting unsolicited, purely ceremonial gifts that have little intrinsic or marketable value. Common items of this nature may include personalized plaques, pictures, framed certificates, trophies, or similar items given for presentation purposes.

### ***How does the Ethics Law pertain to bequests? [Advisory Opinion 2020-01](#)***

While the Ohio Ethics Law prohibits public servants from accepting supplemental compensation for the performance of their public duties, some bequests are not intended to be provided in exchange for the public servant's performance of his or her duties.

As noted in the advisory opinion, public servants are not prohibited from accepting bequests if the bequest arises substantially outside the scope of the public servant's duties and there is no exchange or a reasonable expectation of an exchange for the public servant's performance of his or her duties.

### ***How does the Ethics Law pertain to ceremonial events? [Advisory Opinion 2020-03](#)***

Public officials and employees may not solicit or accept invitations to events of substantial value from any party that is doing or seeking to do business with, interested in matters before, or regulated by the officials' public agency. The law also prohibits public officials and employees from soliciting or accepting compensation from third parties to perform their public duties.

However, these restrictions would not prohibit public officials or employees from attending an event where the official or employee is performing a ceremonial or honorary function appropriate to their public positions.

For example, public officials and employees are often asked to attend public events such as the opening of a new exhibit, a ground-breaking or ribbon-cutting ceremony.



This advisory opinion provides guidance on when those officials are acting in their official or ceremonial capacity, so their attendance does not pose any potential for a conflict of interest.

***How does the Ethics Law pertain to gifts from a spouse's employer? [Advisory Opinion 2009-01](#)***

The Ohio Ethics Commission has considered whether a public official or employee may accept a gift from his or her spouse if:

- the spouse received the gift from his or her employer; and
- the spouse's employer is doing or seeking to do business with, regulated by, or interested in matters before the public agency the official serves.

The opinion determined that the public employee and official may accept the gift provided that the employer is not giving the gift to the official's spouse to give it to the official. Factors that should be examined to determine whether the employer's intention is to give the gift to the official include:

- whether the item is given to the employee at a time when a specific matter is before the official;
- whether the employer routinely provides gifts or rewards to its employees;
- whether the value and nature of the item is consistent with those the employer has provided to other employees in similar situations; and
- whether the employee has met the requirements ordinarily considered by the employer when giving gifts or rewards.

## The Travel Question

The Ohio Ethics Commission often receives questions and requests for information regarding gifts or “things of value.” One of the “things of value” that is often discussed is the payment of travel expenses. Some public officials and employees’ duties require that they travel, which can lead to transportation, lodging, and meals costs.

### ***What are the general restrictions regarding gifts?***

In general, the Ethics Law prohibits a public official or employee from soliciting or accepting anything of value that is [“substantial” and “improper.”](#)

Previous advisory opinions have identified travel costs as [“substantial.”](#) Therefore, those in public service are prohibited from accepting the payment of travel costs from an improper source. An “improper” source is any individual or party that is:

- doing business with your public entity;
- seeking to do business with your public entity;
- interested in matters before the public agency; or
- regulated by the public [agency](#).

### ***What is the Travel Rule?***

In 2013, the Ethics Commission adopted a travel rule setting standards and conditions specifically for the furnishing and acceptance of travel, meals and lodging, expenses, or reimbursements in connection with conferences, seminars, and similar events related to an official’s or employee’s public [duties](#).

### ***What was the purpose of the Travel Rule?***

The Ohio Ethics Commission’s Travel Rule has two primary purposes:

- Clarifies that travel costs - including transportation, meals, and lodging expenses - must be related to the official or employee’s public duties and must be of an ordinary, customary, and necessary character
- Identifies the only sources - other than the public official or employee’s agency - that may provide the travel expenses:
  - An entity that is NOT an improper source as described above;

- Any governmental agency;
- Certain statewide, multi-state, or regional consortiums that:
  - was created to fulfill or advance the public agency's mission;
  - includes the public agency as a member; and
  - does not receive more than 25 percent of their funding from improper sources as described above.
- An entity using funds from the above-described consortiums if the grant, contract, or gift used stipulates that the funds were designated for the public official or employee's travel expenses.

***What advisory opinions has the Commission issued regarding travel and public officials and employees?***

In addition to the travel rule described above, the Ethics Commission has issued numerous advisory opinions that provide helpful guidance regarding travel for public officials and employees:

***Travel Restrictions for Public Servants: [Advisory Opinion 89-014](#)***

This Advisory Opinion outlines the prohibition on public officials or employees accepting, soliciting, or using a public position to secure travel, meal, and lodging expenses from a company that is doing or seeking to do business with their public entity, even if the expenses are incurred in connection with the officials or employee's duty to inspect and observe the company's products in operation at its facilities, regardless of location.

***Travel Restrictions for Vendors: [Advisory Opinion 90-001](#)***

While the opinion described above outlines prohibitions on public officials and employees, Advisory Opinion 90-001 notes that vendors who are doing or seeking to do business with a public office, department, or agency are prohibited from promising or giving travel, meal, and lodging expenses incurred in inspecting and observing the vendor's product to the officials and employees of the office, department, or agency. The opinion emphasizes these prohibitions even if the expenses are limited to those which are essential to the conduct of official business and are incurred in connection with the officials or employee's duty to inspect and observe the vendor's products in operation at existing facilities.

***Frequent Flyer Miles: [Advisory Opinion 91-010](#)***

Because public officials and employees occasionally are required to fly as part of their public duties, the Ethics Commission has often been asked if “frequent flyer” miles obtained by such travel can then be used for personal travel. This advisory opinion concluded that the Ohio Ethics Law prohibits the use of such discounted or even free tickets for personal travel. Such frequent flyer miles must either be used for future travel on behalf of the public entity or not requested and/or accepted.

***Financial Disclosure Filers and Disclosure: [Advisory Opinion 2004-01](#)***

Financial Disclosure filers who are required to disclose travel expenses often have questions regarding travel disclosure requirements. Here are some highlights:

- Filers must disclose the source and amount of every payment of travel expenses (whether paid directly by a public agency/private entity or reimbursed to the filer)
- Filers must disclose travel expenses but are not required to disclose the conference registration fee paid by public agency
- Filers are not required to disclose costs associated with the use of a vehicle owned or leased by a public agency as a travel expense.

## Gifts and Specific Professions

The Ohio Ethics Law frequently provides general information regarding gift restrictions and public servants. Historically, the Commission has received requests for more specific guidance regarding certain professions. The Advisory Opinions below outline more detailed prohibitions for certain public positions and entities.

### ***Police Officers and Discounts:*** [Advisory Opinion 92-015](#)

This opinion outlines prohibitions on police officers from accepting a discount which a retailer located within the city offers to them as a community service acknowledgement and recognition for performing the duties of their public employment. The opinion also notes the prohibition on retailers located within the city from promising or giving a discount to members of the city police department as a community service acknowledgement and recognition for performing the duties of their public employment.

### ***Police and Fire Retirement Incentives:*** [Advisory Opinion 97-001](#)

Under the Ohio Ethics Law, public employees may not solicit, accept, or use the authority or influence of a public position to secure a substantial amount of money or any other thing of value from a subordinate, as an incentive to retire, where the retirement will enable the subordinate to be promoted to the position that is vacated. This practice has sometimes been referred to as “buying the jacket” and is illegal for both the “asker” and the “giver” of the money or other thing of value.

### ***School Teachers and the Ethics Law:*** [Advisory Opinion 2001-04](#)

This advisory opinion explains the application of the Ohio Ethics Law for school district officials and employees. All school district officials and employees are subject to certain provisions of the Ethics Law, including the Supplemental Compensation and Public Contract prohibitions.

However, teachers, instructors, or other kinds of educators whose positions do not involve the performance of, or authority to perform, administrative or supervisory functions are exempt from the conflict of interest, gift, and post-employment restrictions. For more information, see [The Ohio Ethics Law 101: The Ethics Toolkit for Public School Districts](#).

**Veterans Home Employees: [Advisory Opinion 86-003](#)**

The Ohio Ethics Law prohibits employees of Veterans Homes from using a public position to secure designation as an executor, administrator, or beneficiary of a resident's estate or any other thing of value from a resident. The statute further prohibits the officials and employees from soliciting or receiving gifts, gratuities, loans, or any other thing of value from a resident.

**Public Colleges/Universities: [Advisory Opinion 2003-03](#)**

The Ethics Law prohibits a public college employee from accepting anything, including gifts, entertainment, and travel, from any person other than the college, to compensate her for the performance of her duties. The Ethics Law also prohibits a college employee from soliciting, accepting, or using her position to secure anything of substantial value, including entertainment, gifts, or meals, from a private student loan lender who has or is seeking a contract with the college.

The Ethics Law does not prohibit an official or employee of a public college or university from serving, without compensation, on a customer advisory board organized by a private student loan lender. However, the Ethics Law prohibits the employee from soliciting, accepting, or using her position to secure travel, meals, and lodging to attend meetings of the board or entertainment provided at the meetings.

## Financial Disclosure and Gifts

Some public officials are required to file annual financial disclosure statements with the Ethics Commission. The purpose of filing a financial disclosure statement is to increase confidence in government and openness by assisting public servants in identifying potential conflicts of interest allowing citizens to become aware of the financial interests of the officials and employees who serve them.

### ***What gifts must be disclosed?***

Financial disclosure filers are required to disclose, among other items, the sources of gifts provided to them. Most filers disclose sources of gifts valued at over \$75. However, the following filers are only required to disclose sources of gifts valued at over \$500:

- Trustee for a College or University;
- City Elected Officer, Candidate, or Appointee in a position paid less than \$16,000 per year;
- Member of the Board of Directors of a Sanitary District; or
- Member, Candidate, or Appointee to a position on a School District Board of Education or ESC Governing Board.

Any official who is required to file a financial disclosure statement should keep complete records of any gifts, and of any meals, food, or beverages, or travel expenses provided in connection with public duties, including source and amount of the items provided, for later disclosure purposes.

### ***Must gifts from friends be disclosed?***

Yes, all sources of gifts over the appropriate threshold amount must be [disclosed](#) – even if the “giver” is a personal friend or does not have any connection with your public agency.

If you receive more than one gift from the same source, you are required to determine the total fair market value of all the gifts. If the total value of the gifts from any one source exceeds the threshold amount for disclosure, you must disclose the source on your financial disclosure statement.

### ***What does not need to be disclosed?***

There are several exceptions to disclosure requirements, including:

- The amount or nature of gifts (though the source of the gift must be disclosed).
- The source of gifts given by the following family members:
  - Spouse, parents, siblings, or children;
  - Grandparents or grandchildren;
  - Nephews, nieces, uncles, or aunts;
  - Brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law or mothers-in-law; or
  - Any person to whom the filer stands *in loco parentis* (serves as his/her parent).
- Contributions made to a campaign fund, though filers are required to disclose campaign contributions on campaign finance reports. However, filers may be required to disclose your campaign committee as the source of a gift to you if it provided you what would otherwise be a gift valued at over \$75.
  - For more information about campaign contributions, contact the Elections Services Division of the Ohio Secretary of State's Office at (614) 466-2585.
- Gifts received by distribution from any trust established by the filer's spouse or other relative.

### ***How do I determine the value of a gift?***

The gift should be valued at its "[fair market value](#)" which is the minimum amount you would have to pay to obtain the same item in the same geographical area at the same time the item was provided to you. If the fair market value of the item is over the threshold amount, you must disclose the source of the gift on your financial disclosure statement.

### ***How should gifts from a group be disclosed: by each individual contributor or the whole group as the source?***

The "source" of a gift required to be reported may be composed of one person or a [group of persons](#).



If the source is a group, the filer should disclose enough information about the group, so it is possible to determine the members of the group. For example, if coworkers provided the gift, the filer would need to provide enough information about the group (office staff, legal staff, etc.) to make the disclosure meaningful. The filer is not, however, required to list the names of the individuals in the group in such a situation unless any person contributed more than \$75 to the group gift.

***After his/her wedding, does a filer have to disclose the sources of wedding gifts?***

Yes, if the value of the gift is over \$75. Even though the gift is given to the filer and his/her spouse, it is a gift for the filer's "use or benefit."

Additional information can be found on the [Ethics Commission's Financial Disclosure page](#).

## Gifts and the Private Sector

For many private companies, sending gifts to clients is a normal course of conducting business. However, companies interacting with government offices should be aware that the Ethics Law limits gift-giving to public servants.

The law prohibits a private sector party from promising, offering, or giving substantial things of value to a public [servant](#). “Substantial” gifts could include meals at [expensive restaurants](#), the [promise of future employment](#), entertainment activities, such as exclusive [golf outings](#) or [season tickets for a professional sports team](#), or [travel, meal and lodging expenses](#).

### ***Can a private company give gifts to public employees if the gifts aren’t “substantial”?***

Small or minimal gifts (e.g. coffee mug, [inexpensive meal at a family restaurant](#)) are not considered “substantial,” so they wouldn’t be illegal to give a public [employee](#). However, they should not be provided to public officials or employees on multiple occasions since adding the value together over time can be [substantial](#). It should also be noted that individual government agencies may have policies that are even more stringent than the Ethics Law.

### ***Can a private company treat a public servant to a meal or a round of golf?***

Public officials and employees must fully pay their own way when private sector parties offer substantial entertainment, like golf outings, fine dining, or tickets to sporting [events](#). These restrictions protect both the private party and the public servant from challenges that those public decisions were improperly influenced by a gift. If you would like public officials or employees to participate in such private sector events, provide a method for them to pay their fair share of the costs.

### ***Can a private company donate goods or services to a public entity?***

Private sector parties may voluntarily donate items or services to public agencies, provided no official or employee personally [benefits](#).

***Can a private company give a tip or speaker's fee to a public servant that goes above and beyond in performing his or her duties?***

No. People in the private sector cannot give anything of value to a public official or employee with the intent to compensate him or her for performing a [public job](#). Both private and public sector parties guilty of violating this statutory provision against Supplemental Compensation can be charged with a first-degree [misdemeanor](#). Additionally, public employees found guilty are prohibited from holding any public job or position for seven [years](#).

***May a private company give honoraria to a public servant?***

An [honorarium](#) is a gift or gratuity provided for a professional service, such as presenting a speech at a conference. Government officials and employees who file financial disclosure statements with the Ethics Commission may not accept honoraria. Non-disclosure filers may only accept honoraria if the event is unrelated to their public duties and the source of the honoraria is not an improper source to that person's public agency. [R.C. 102.03\(H\)\(1\)](#)

***Can a private company pay travel expenses for a public employee?***

Financial disclosure filers may accept actual travel expenses, such as airfare or hotel costs to meetings where the public official or employee will participate in a panel, seminar, or speaking engagement or meetings or conventions of a national organization to which any state agency pays dues. Non-filers may accept travel expenses if the event is unrelated to their public duties and the source of the travel expenses is not an improper source to that person's public agency. [R.C. 102.03\(H\)\(1\)](#)

There is a prohibition against [vendors covering public servants' travel](#), meal, and lodging expenses incurred in inspecting and observing the vendor's product. Such travel expenses are prohibited even if they are limited to those which are essential to the conduct of official business and are incurred in connection with the official's or employee's duty to inspect and observe the vendor's products in operation at existing facilities.

***Can a private company offer a job to a public employee?***

The Ethics Law prohibits private parties who do business with or have interests before a public agency from offering things of value, including employment, to the officials and employees of the agency. Therefore, if you are thinking of offering a job or consulting opportunity to a public employee, be aware that the employee cannot continue official

interactions as a public servant with you. (See the [Revolving Door Law Fact Sheet](#) for additional information on this topic.”).

### ***What are the penalties for violations?***

- All the restrictions described here are first-degree misdemeanors, ([R.C. 102.99\(B\)](#)) punishable with a maximum penalty of [six months in prison](#) and/or a \$1000 fine.
- Any person who violates R.C. 102.03(F) is subject to the following additional penalties: (1) prohibition from participating in a public contract with any public agency in Ohio for a period of two years; (2) payment of an additional fine equal to the amount of the thing of value given in violation of R.C. 102.03(F); and (3) payment of the Ethics Commission’s costs of investigation and prosecution. [R.C. 102.99\(D\) and \(E\)](#)

### ***i Need more information?***

- [Advisory Opinion 79-006](#) (private sector and honoraria)
- [Advisory Opinion 89-014](#) (travel, meal and lodging from vendors)
- [Advisory Opinion 99-003](#) (private sector and honoraria)
- [Advisory Opinion 2001-03](#) (vendor sponsoring golf outing)
- [Advisory Opinion 2001-04](#) (vendor offering gifts to school district officials and employees)
- [Advisory Opinion 2023-01](#) (private sector and donations to public agencies)

## Supplemental Compensation

The Supplemental Compensation provision of the Ethics Law prohibits public servants from accepting anything of value, from any source other than their public employer, as compensation for the performance of their public [duties](#).

### ***What is the purpose of the Supplemental Compensation restriction?***

Prohibitions against public officials and employees from being compensated from sources other than their own public employer ensures that they are not subject to divided loyalties when performing their public jobs.

### ***What is a “public servant” for purposes of Supplemental Compensation?***

A “public servant” is any person who is elected, appointed, or employed by any governmental entity, and any person performing a governmental function—such as a juror, a member of a temporary commission, an arbitrator, an advisor, or a [consultant](#).

### ***What is a “compensation” for purposes of Supplemental Compensation?***

“Compensation” includes anything of value, such as wages, gifts, and travel expenses, provided to a public servant in exchange for a [service](#).

### ***What does this part of the law prohibit?***

A public servant cannot accept anything of value from any person, company, or other entity or association, other than the public agency he or she serves, if it is given with the intent to compensate him or her for some action, inaction, or decisions of the official in the performance of his or her public duties.

### ***What are the penalties for Supplemental Compensation violations?***

A person convicted of accepting supplemental compensation can be found guilty of a [first-degree misdemeanor](#) and is also prohibited from holding public office, public employment, or any position of public trust for seven years after the [conviction](#).