

# THE VOICE OF ETHICS

A Publication of  
the Ohio Ethics  
Commission

August 2013 Edition

 **during  
work?**

**CAN MY  
AGENCY  
ALSO BE  
MY CLIENT?**

Online Ethics Quiz  
[CLICK HERE](#)

**MISCONDUCT  
IN THE  
WORKPLACE**

PG.1



**CASINOS AND THE  
OHIO ETHICS LAW**

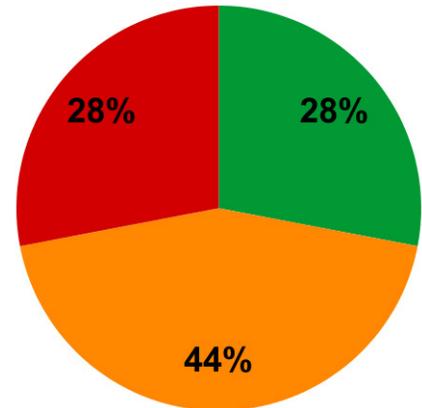
PG.3



# ETHICS COMMISSION ISSUES ADVISORY OPINION



72% of Social Networkers  
spend time at work online



Source: ethics.org

0 HOURS (28%)

0 - 1 HOURS (44%)

1 OR MORE HOURS (28%)

At its meeting in July, the Ohio Ethics Commission issued an advisory opinion regarding Fire Chiefs who also who teach part-time at an educational institution. The Commission determined that the Chief cannot approve tuition payments for a department employee to attend a class where the Chief is employed as an instructor.

The advisory opinion does not prohibit department employees from attending courses at the educational institution or a class taught by the Fire Chief. It does prohibit the Chief from signing-off or otherwise

authorizing tuition payments. The opinion further restricts the Chief from assigning tuition approval to anyone subordinate to the Chief.

The Commission noted in the opinion that an authority who appoints the Fire Chief, such as a safety director, mayor, council, or board of trustees, can assign tuition approval duty to another department employee who is not employed by the same educational institution as the Chief.

[Click HERE for more information](#)

The Internal Revenue Service placed two officials on administrative leave for accepting gifts at a party in a private suite at a conference in 2010. The officials accepted \$1,100 worth of food and other items, two congressional aides said. The I.R.S. said in a statement that the agency “has started the process to remove the employees pending a further review.” The action comes as the I.R.S. faces mounting criticism for lavish spending on employee conferences and for improperly targeting conservative political groups. The agency’s inspector general issued a report on Tuesday that said the I.R.S. spent nearly \$50 million on employee conferences from 2010 through 2012. Source:nytimes.com



## QUOTE OF THE DAY

*“Ethics is knowing the difference between what you have a right to do and what is right to do.”*

Potter Stewart (1915-1985)

# CASINOS & THE OHIO ETHICS LAW

The Ohio Ethics Commission has teamed up with the Ohio Casino Control Commission to provide free information sessions regarding the Ohio Ethics Law as it pertains to Ohio's casinos. These sessions will offer guidance to those in the casino industry as well as the public officials and employees charged with regulating Ohio's casinos, both at the state and local level.

Because casinos are new to Ohio, there may be questions regarding potential ethical dilemmas that could occur. This

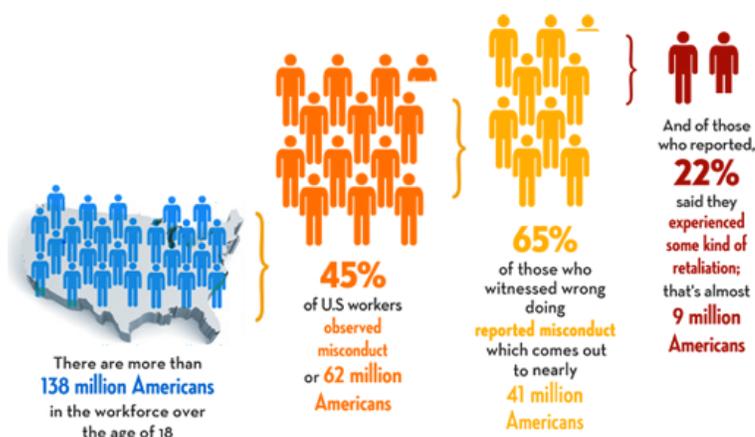
is true for those who work in the government arena or for one of the casinos. Understanding what the Ethics Law prohibits and how it applies to practical circumstances better prepares both the public and private sectors to avoid potential violations of the Ethics Law.

We encourage all casino personnel and public servants with regulatory authority at casinos to join us for an informative and interactive discussion regarding the Ohio Ethics Law.

- October 4 – Toledo
- October 18 – Cincinnati
- October 21 – Columbus
- October 25 – Cleveland

[Click here for more information or to register for the session.](#)

## MISCONDUCT IN THE WORKPLACE



Have an idea for a story?  
Would you like to know more about a certain topic?

If so, email Susan Willeke at Susan.Willeke@ethics.ohio.gov or call her at 614-466-7090 with your suggestions.

Source: ethics.gov

# CAN MY AGENCY ALSO BE MY CLIENT?

Like many Americans, public employees and officials are busy people: public sector jobs, families, volunteer work, and for some, a second job.



Many public servants actually own or operate a private business or consulting company. In fact, the Ethics Commission often receives questions from public employees and officials who wonder if they can do business with the public entity they serve.

Obviously, public agencies routinely make purchases to carry out their mission and ensure efficient operations. These purchases can range from services such as consulting or insurance to goods such as vehicles or office supplies. These purchases are “public contracts” under the Ohio Ethics Law. A public contract exists anytime a public agency buys goods or services, even if there is no written contract.

The Ethics Law prohibits public officials and employees having a financial interest in the contracts of the public agency with which they are “connected.” A public employee is connected with the agency they serve, but may be connected to other agencies, as well. For example, a county employee is connected with all county agencies and a city employee is connected with all city agencies.

In general, the Ethics Law prohibits public servants from selling goods or services to their public agencies. Some examples include:

- a public school secretary is prohibited from selling t-shirts to

the school district;

- a state employee is prohibited from selling excavating services to their state agency;
- a county engineer employee is prohibited from selling computers to the county sheriff’s office; or
- a city council member is prohibited from selling uniforms to the police department.

There is an exception to this prohibition; it is a four-part exception and the public servant must meet all four parts in order to sell goods or services to their agency.

1. The goods or services are necessary;
2. The agency would be unable to obtain comparable goods or services from another company at the same or lower cost;
3. The public servant provide the public agency with services as good or better than those provided to other customers; and
4. The public servant does not participate in any discussion or decision regarding the public contract process and the entire transaction is conducted at “arm’s length.”

The Ethics Law contains additional requirements for state employees. First, a state employee is required to compete in a bidding process before securing a public contract with his or her state agency. The competitive bidding process must be fair and open and the state agency must provide adequate notice to other

vendors. Secondly, a state employee may sell goods and services to a state agency other than the one for which she works. The employee must disclose the sales to her own agency, to the agency where she sells the goods or services, and to the Ohio Ethics Commission. The state employee must disqualify and remove herself from any participation involving matters or public servants at the agency where she has made the sales.

Finally, the Ethics Law prohibits all public servants from using a public position to secure anything of value for themselves or their business. For example, a public servant who owns a private business would be prohibited from:

- Using agency time, facilities, personnel or resources for the company;
- Using connections to agency officials and employees to secure access to information that would provide an unfair advantage; or
- Receiving any benefit from the sale of goods or services if the public servant recommended, in their official capacity, that the agency needed the goods or services.

For additional information, please review these fact sheets:

[Sales to Local Agency](#)  
[Sales to State Agency](#)