

THE VOICE OF ETHICS

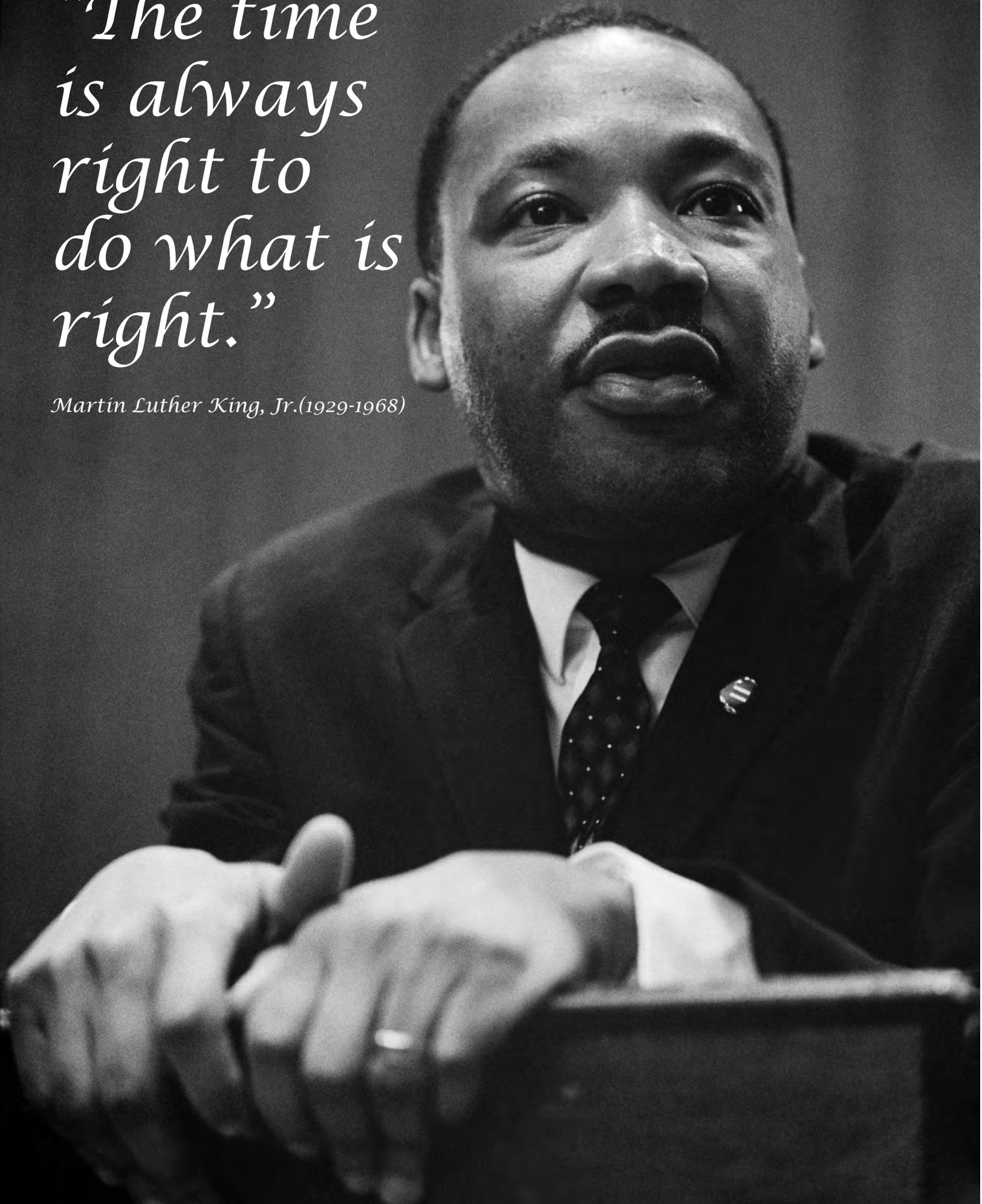
A Publication of the
Ohio Ethics Commission

November/December 2013 Edition



*“The time
is always
right to
do what is
right.”*

Martin Luther King, Jr. (1929-1968)



Nepotism Survey

Thank you to the many readers who participated in our nepotism survey in last month's newsletter! The results demonstrated that our newsletter subscribers clearly want to do the right thing under the Ohio Ethics Law by going above and beyond the prohibitions of the statute. As a reminder, the question posed in last month's edition was:

Which of the following is a "family member" under the Ohio Ethics Law?

- Spouse
- Cousin
- Mother-in-Law
- Grandfather
- Sister
- Brother-in-Law who rents your spare bedroom
- Nephew
- Parent
- Step-child
- Brother who lives in Michigan
- Uncle

Many readers clearly want to avoid even the appearance of impropriety and therefore identified each of these categories as "family members." That is an admirable quality, but the Ethics Commission acknowledges that some communities have family histories that go back many generations. To make even distant relatives prohibited "family members" under the nepotism prohibition could be very limiting for local governments, especially in smaller communities.

Therefore, in 1980 the Ohio Ethics Commission defined a public official or employee's "family members" as: his/her spouse, parents, grandparents, children, grandchildren, and siblings, regardless of where they reside. In 2008, the Commission added step-parents and step-children to this definition. Also included are individuals related to a public official or employee by blood or by marriage (aunts, uncles, nieces and nephews, cousins, and in-laws) and residing in the same household with the public

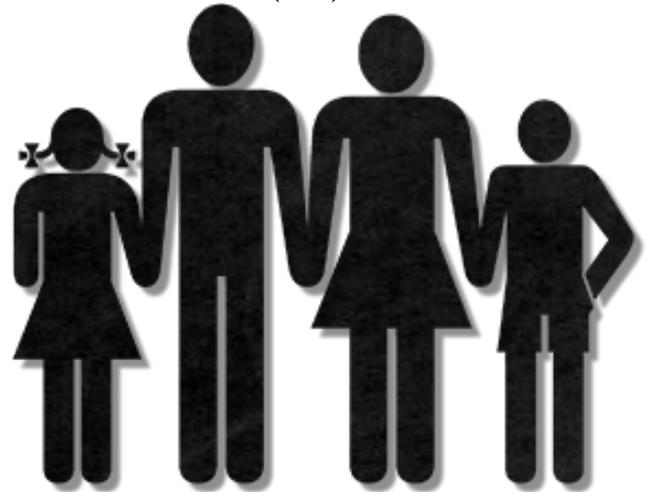
official or employee.

Under that definition, the correct answer to the survey question "which are family members under the Ethics Law" would be:

- Spouse
- Grandfather
- Sister
- Brother-in-Law who rents your spare bedroom (because he resides in the public servant's household)
- Parent
- Step-child
- Brother (his place of residence is irrelevant)

Under the Ohio Ethics Law, public agencies are required to conduct all hiring activity in a fair, open and impartial manner. The nepotism prohibition prevents the possibility of favoritism by a public official or employee. Giving precedence or advantages to a family member in public hiring is unfair to other applicants who may be equally or even more qualified.

For more information on nepotism and public contract prohibitions outlined in the Ohio Ethics Law, see this [fact sheet](#). If you have questions about the law, or would like specific guidance or an advisory opinion, please visit our [Web site](#) or contact the Ohio Ethics Commission at (614) 466-7090.



CASINOS AND THE OHIO ETHICS LAW – A NEW E-COURSE!

The Ohio Ethics Commission has created a new e-course: “Casinos and the Ohio Ethics Law.” This e-course provides easily accessible information regarding the Ohio Ethics Law as it pertains to Ohio’s casinos. This course offers helpful 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.

The e-course is fewer than 30 minutes long, so it can be easily viewed on individual computers or shown at a staff meeting.

[Click here to watch the course!](#)

H O L I D A Y

G I F T S

The holidays are upon us! Time for roasting turkeys, trimming trees, lighting candles, and ringing in the New Year! It is also a time of year for public servants to be aware of the restrictions of accepting some gifts under the Ohio Ethics Law.

The Ethics Law prohibits a public official from soliciting or accepting a substantial “thing of value” from “improper” sources. A “substantial thing of value” could include cash, expensive gifts, golf outings, theater or sporting event tickets, vacations, or jewelry. An “improper” source is an individual or party that is doing or seeking to do business with, interested in matters before, or regulated by the public servant’s agency.

For example, if a county official’s staff is responsible for approving a contract for the county, the county official and employees would be prohibited from accepting anything of substantial value from the contracted company. Under the statute, however, nominal or very inexpensive gifts such as a coffee mug, tin of popcorn, or t-shirt are not considered substantial.

Therefore, while minor gifts are not prohibited, some public servants may still choose to decline them to avoid even the appearance of impropriety. Some public offices return gifts with a request that the item be donated to a charity to ensure that the integrity of the public office or its personnel is never called into question. Note that gift cards

must also be scrutinized to determine whether or not they are substantial. Higher-valued gift cards should be declined. While gift cards of lesser worth may not be considered substantial under the Ethics Law, a public servant should be advised of the appearance of accepting a gift that is essentially cash.

The Commission’s [Gift Bulletin](#) may be especially helpful in determining whether or not to accept a specific gift. If you have questions or would like specific guidance or an advisory opinion, please visit our Web site www.ethics.ohio.gov or contact the Ohio Ethics Commission at (614) 466-7090.



TRAVEL RULE

The Ohio Ethics Commission recently adopted a travel rule to offer guidance to those who travel as part of their public duties. The rule became effective on October 31, 2013 and can be accessed at this [link](#).

This rule does not impose any new prohibitions. Rather, it creates standards for when an exception to the conflict of interest law will permit an official or employee of a public agency to accept travel expenses or reimbursements from certain otherwise prohibited sources. According to the newly adopted rule, the travel - including transportation, meals, and lodging expenses - first must be related to the official or employee's public duties and must be of an ordinary, customary, and necessary character, as described in the rule.

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The rule also identifies the only sources - other than the public official or employee's agency - that may pay for or provide the travel expenses:

1. A person or entity that is not doing or seeking to business with, regulated by, or interested in matters before the public official or employee's agency;
2. Any governmental agency;
3. Certain statewide, multi-state, or regional consortiums. Such consortiums must have been created to fulfill or advance the public agency's mission, include the public agency as a member, and not receive more than 25 percent of their funding from parties doing or seeking to business with, regulated by, or interested in matters before the public agency; or
4. 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.

Any public official or employee who accepts travel expenses or reimbursements must disclose the sources and amounts of travel expenses in the manner described by the rule.

Questions on this rule? Call the Ohio Ethics Commission at (614) 466-7090!

Conflicts of Interest: Vote vs. Participate

Discussions regarding the Ohio Ethics Law often involve the term “conflict of interest.” Although that phrase is frequently used, it is also often misunderstood. The basic assumption that underlies the Ohio Ethics Law is that citizens expect public servants to advance the public interest rather than their personal interests or the interests of closely related parties.

Simply put, a public official has a “conflict of interest” when his or her ability to be an objective decision-maker is impaired by his or her own interests, or the interests of family

members or business associates. A conflict of interest is not, in and of itself, illegal. In fact, conflicts are normal, because public servants have families and friends, and may have businesses, investments, property interests, and other connections to their communities. Any of these connections could result in a conflict of interest for the official. The law doesn’t prohibit the conflict; it prohibits the official from acting on the conflict.

Many public officials and employees are very careful about recusal when confronted with



a conflict of interest. Some elected officials, however, have inquired about the extent of recusal required under the Ethics Law. Questions are sometimes raised on whether abstaining from a vote is sufficient when an elected office holder has a conflict of interest.

The Ohio Ethics Law prohibits an elected official from voting on an issue when a conflict of interest is present. However, the Commission has further stated that recommending, deliberating about, discussing,

lobbying, or taking any other formal or informal action within the scope of a public official's or employee's public authority would also be using the authority or influence of a public office or employment. Therefore, when public officials or employees are faced with a conflict of interest, they should recuse themselves from all aspects of the issue, not just the final vote.

Need additional information?
Contact an Ohio Ethics
Commission Advisory Attorney at
(614) 466-7090!

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.



OHIO ETHICS COMMISSION

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Questions? Concerns? Need more information? Contact us!