

# THE VOICE OF ETHICS

A Publication of the Ohio Ethics Commission

2017 Quarter 3

No legacy is so  
rich as honesty.

- William Shakespeare



# 2017 Targeting Fraud – Safeguarding Integrity Conference

*Wednesday, November 8th & Thursday, November 9th*

In observance of National Fraud Awareness Week Franklin University, the National White Collar Crime Center, the Ohio Ethics Commission, the Ohio Inspector General, and the Ohio Investigators Association have collaborated once again to present the 6th Annual Targeting Fraud – Safeguarding Integrity Conference in Columbus. This two-day training conference will examine the investigative process of uncovering fraud and explore a wide spectrum of subjects, including:



**Fraud at the  
Federal Level**



**Environmental  
Crime**



**Fraud in the  
Wine Industry!**

**[CLICK HERE](#) to register for the conference**

**Cost:** Early registration - \$100  
After October 1 - \$125

This conference has been approved for 16 hours of Continuing Professional Education (CPE) credit from the Accountancy Board of Ohio as well as 12 hours of General Continuing Legal Education (CLE) credit from the Supreme Court of Ohio.

# There is Still Time for a **Webinar**



Are you looking for easy and convenient training regarding the Ohio Ethics Law? Do you love the convenience of online learning, but miss the live dialogue and interaction? If so, we have the perfect solution for you – **Webinars!**

Through a generous partnership with the Ohio Department of Taxation, the Ohio Ethics Commission has been able to offer live monthly webinars for the past four years! These webinars are energetic, interactive, completely free, and provide a basic overview of the Ohio Ethics Law.

Here are just a few comments we've received regarding our webinars:

Your knowledge and attitude were very refreshing and really kept my attention.

You made a subject that could be very boring very interesting and fun with actual stories.

I appreciated how the trainer engaged the group. I felt as if I was in the room.

This was the best web-based training I have ever attended.

These webinars allow you to complete training on the Ohio Ethics Law from the comfort of your own desk! They also fulfill the Ethics Law training requirement for state employees and officials per Executive Order 2011 – 03K.

**[CLICK HERE](#) for more information or to register**

# Questions of the Month

## **How** does the Ohio Ethics Law apply when a public official serves a public agency that is considering a regulatory matter in which the public official has an interest?

It's important to note that the Ethics Law does not automatically prohibit someone from serving in a public position simply because he or she has an interest in a regulatory matter before his or her public agency. However, the Ethics Law generally prohibits an official from participating in a regulatory matter that would result in a definite and direct economic benefit or detriment to him or her. The purpose of this restriction is to protect the public by making sure that an official's decisions are not improperly influenced by his or her own private interests. This article will explore this issue and restriction.

## **What** does the Ohio Ethics Law prohibit?

The Law prohibits a public official from using the authority or influence of a public position, formally or informally, to secure anything of value – such as regulatory or licensing decisions – for himself or herself.

The Law also prohibits a public official from soliciting or even participating in a regulatory matter before his or her public agency that would result in a definite and direct economic benefit or detriment for the official. Due to this prohibition, a public official cannot take any formal or informal action in a regulatory matter that affects his or her private interests, such as:

- Voting
- Participating in discussions
- Participating in deliberations
- Making recommendations
- Providing advice
- Formally or informally lobbying

# What is an example of actions that are prohibited?

If a member of the Medical Board were a doctor regulated by the Board, he or she would be prohibited from participating as a Board Member if a complaint were filed against him or her or another member of his or her practice. The Board member would be equally prohibited from discussing a complaint filed against him or her with the Board's investigators or the Executive Director.

Be aware that the Ethics Law also prohibits an official from using the authority or influence of a public position over any other officials or employees of the agency, with respect to a regulatory issue that affects him or her. For example, an official cannot recommend, to a subordinate, an action that would benefit his or her business interests.

# Are there actions that are not prohibited?

Yes, there are some actions that an official is not prohibited from taking even though they may, in some manner, affect him or her.

- An official is not prohibited from participating or voting on general legislative matters (such as a zoning code revision) that will have a uniform effect on all individuals affected by the legislation, including the official.
- An official is not prohibited from applying to the public agency, in the same manner available to any other citizen, for a license or regulatory change, as long as he or she does not use his or her authority to secure the approval of his or her request.
- An official is not prohibited from appearing before the public agency he or she serves as a citizen, in the same manner available to other citizens, and testifying about his or her views on a regulatory matter that affects him or her. (The official cannot, however, testify as the representative of others.)



# What is an example of actions that are not prohibited?

The Ethics Law would not prohibit a member of city council, who owns a business in a downtown square area, from participating in deliberations and decisions regarding an initiative petition to open truck traffic to a perimeter street. Although it is possible that opening this route may reduce truck traffic on the downtown streets and increase business in the downtown square, this benefit is merely speculative.

However, if it is demonstrated that the city council member would derive a definite and direct pecuniary benefit or suffer a definite and direct pecuniary detriment from amending or revoking the initiative petition, then the council member would be prohibited from participating in the matter.

Further, if the petition would affect the council member's business in a manner that is selective, differential, or in disproportion to the affect it would have on all other business in the square, the council member would be prohibited from participating. Additionally, the council member would be prohibited from participating in matters that directly and definitively affect his or her competitors or matters that affect employees of the city that are assigned to inspect or regulate his or her business.

For more information see [Advisory Opinion 86-007](#), [Advisory Opinion 93-016](#) and [Advisory Opinion 92-019](#)



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