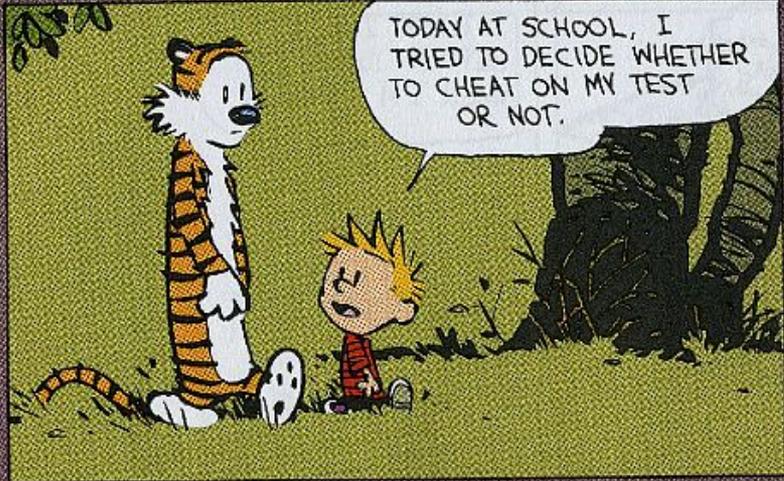
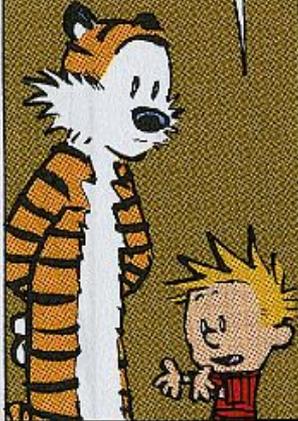


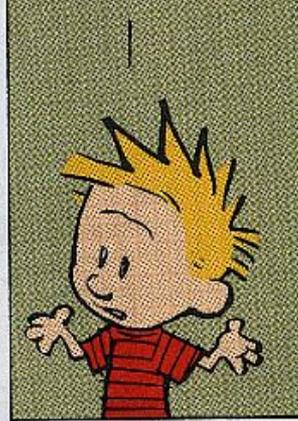
calvin and hobbes



I WONDERED, IS IT BETTER TO DO THE RIGHT THING AND FAIL ...OR IS IT BETTER TO DO THE WRONG THING AND SUCCEED?



ON THE ONE HAND UNDESERVED SUCCESS GIVES NO SATISFACTION ... BUT ON THE OTHER HAND, WELL-DESERVED FAILURE GIVES NO SATISFACTION EITHER



OF COURSE, MOST EVERYBODY CHEATS SOME TIME OR OTHER. PEOPLE ALWAYS BEND THE RULES IF THEY THINK THEY CAN GET AWAY WITH IT. ... THEN AGAIN, THAT DOESN'T JUSTIFY *MY* CHEATING.



THEN I THOUGHT, LOOK, CHEATING ON ONE LITTLE TEST ISN'T SUCH A BIG DEAL. IT DOESN'T HURT ANYONE.

...BUT THEN I WONDERED IF I WAS JUST RATIONALIZING MY UNWILLINGNESS TO ACCEPT THE CONSEQUENCE OF NOT STUDYING.

STILL, IN THE REAL WORLD, PEOPLE CARE ABOUT SUCCESS, NOT PRINCIPLES.



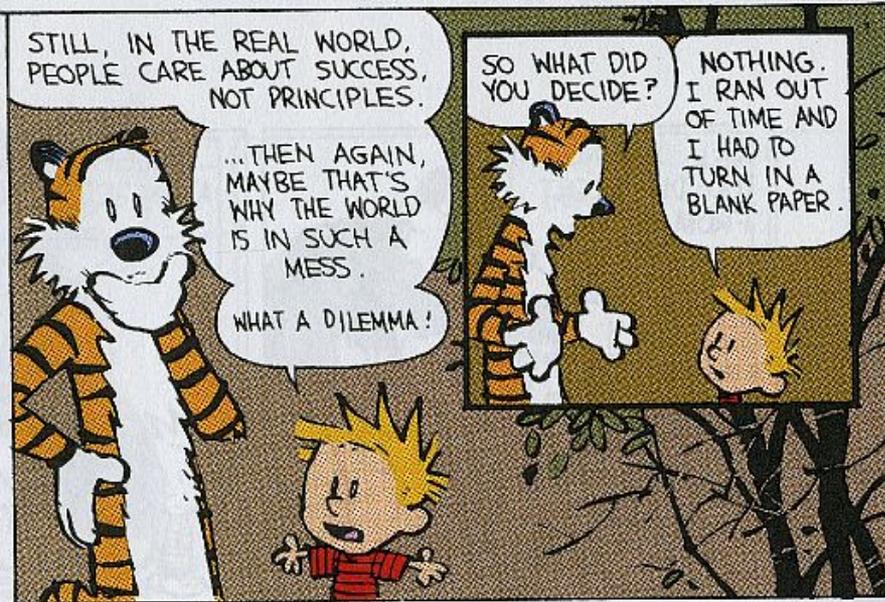
...THEN AGAIN, MAYBE THAT'S WHY THE WORLD IS IN SUCH A MESS.

WHAT A DILEMMA!

SO WHAT DID YOU DECIDE?

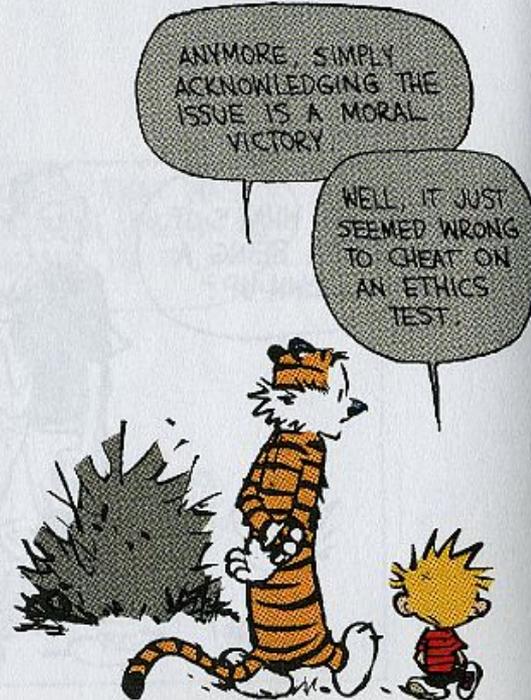


NOTHING. I RAN OUT OF TIME AND I HAD TO TURN IN A BLANK PAPER.



ANYMORE, SIMPLY ACKNOWLEDGING THE ISSUE IS A MORAL VICTORY.

WELL, IT JUST SEEMED WRONG TO CHEAT ON AN ETHICS TEST.



The Ohio Ethics Law: What Should I Know?



Susan Willeke
Education & Communications
Administrator





Who is Regulated?

- Public officials and employees at every level of government
- Those who:
 - are doing/seeking to do business with public officials and employees
 - are regulated by government
 - have specific interests before agency



THE OHIO ETHICS LAW



- Conflicts of Interest
- Public Contracts
- Post Employment/Representation





Conflict of Interest?

R.C. 102.03(D) and (E) prohibit public servants from:

- Using authority or influence to secure something of value
- Soliciting or accepting something of value

102.03(D)

Use of Authority or Influence



Abstaining/Recusal

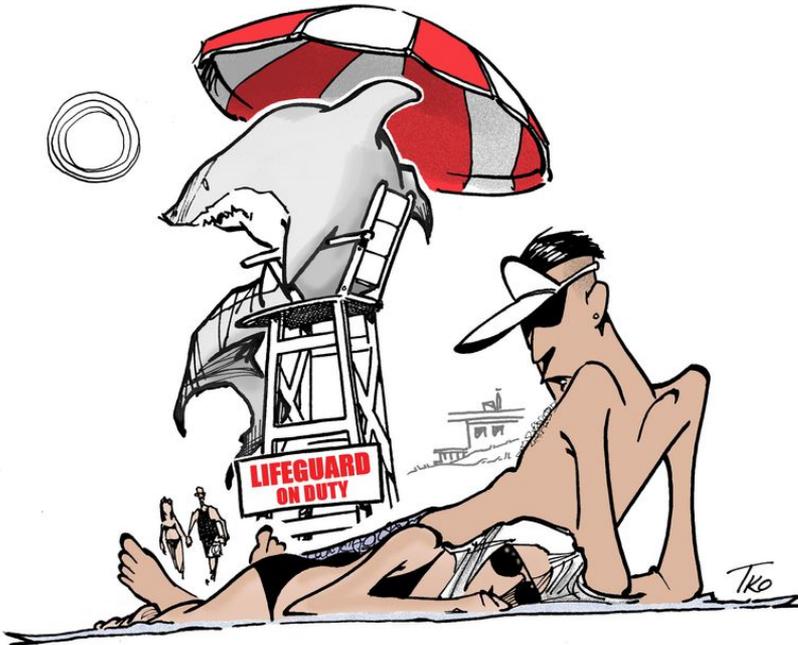
- Voting
- Deciding
- Discussing
- Deliberating
- Recommending
- Reviewing
- Inspecting
- Investigating
- Any Other Action



"I'm going to have to recuse myself."



Examples?



“So, I’m the only one who sees a conflict of interest here?”

- Inspecting Brother’s Business
- Investigating private employer on behalf of agency
- Business with Official’s Employer
- Consulting/Outside Employment
- Job Seeking
- Requiring staff to take my community college class

Questions?



102.03(E)

Solicit or Accept



R.C. 102.03(F) prohibits Private Sector parties from:

Sector parties from:



Promising or giving something of value to a public employee



What is “Thing of Value?”



Image: zirconicusso / FreeDigitalPhotos.net



Image: Nutdanai Apikhomboonwaroot / FreeDigitalPhotos.net



Substantial and Improper



Image: renjith krishnan / FreeDigitalPhotos.net



“Nominal” or “De Minimis”





Substantial?

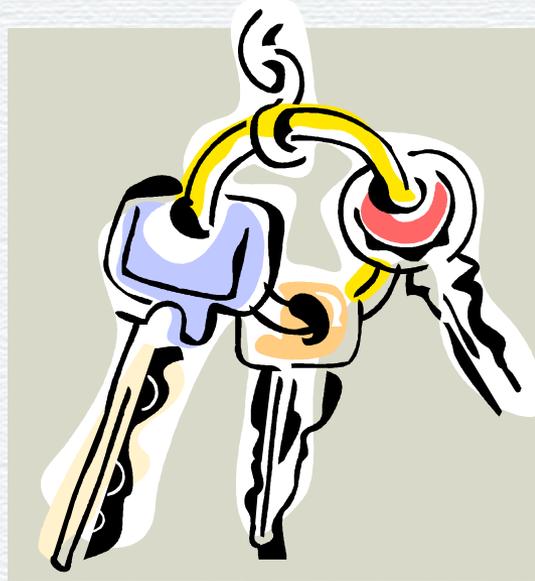




Image: Suat Eman / FreeDigitalPhotos.net



Substantial?



Image: Suat Eman / FreeDigitalPhotos.net



“Substantial”



Substantial?





Substantial?





Substantial?





Substantial?



Substantial?



Substantial?



Substantial and Improper



Image: renjith krishnan / FreeDigitalPhotos.net



Questions?



An inspector from the Ohio Department of Tattoo Safety can inspect the tattoo facility where her son works as long as he receives no personal benefit as a result of the inspection.

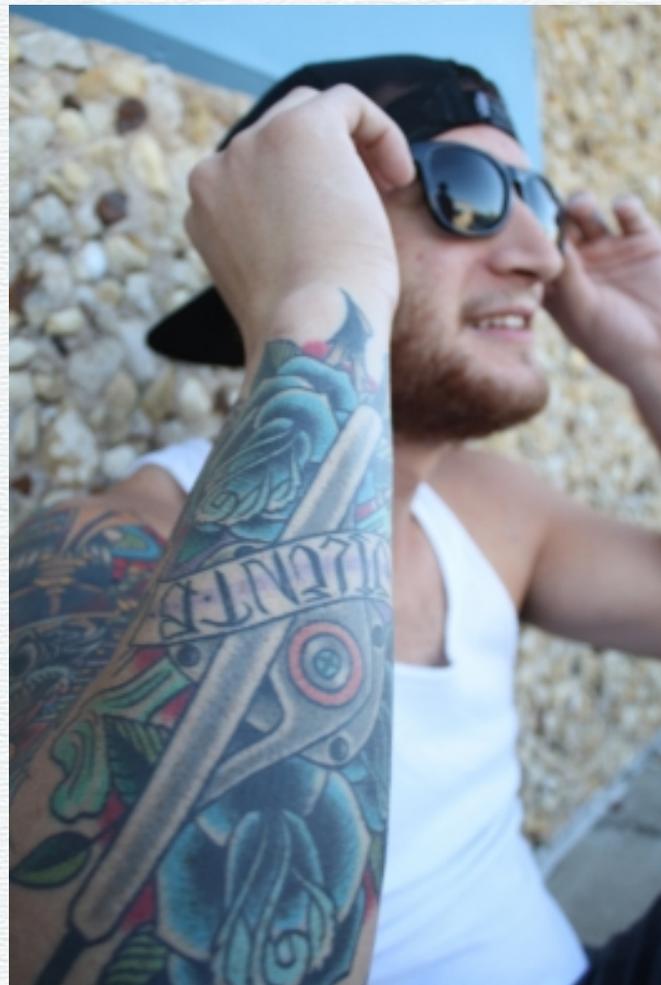


Image: Art By Katie Lane / FreeDigitalPhotos.net





A county official can take her family for a week-long spring break vacation in Mexico and stay in a condo (with a deep-sea fishing boat) owned by a grantee of her county department if she pays him \$500, which the grantee says is ‘fair market value.’



A city council is reviewing a denied re-zoning request, which would have allowed for construction of a new mall. A city council member, who lives across the street from the proposed mall, must abstain from voting and discussion. (Can she testify at a public hearing?)



Image: Matt Banks / FreeDigitalPhotos.net



A city building manager, who is getting married, may accept a resort beach package from his childhood friend, Vinny, even though Vinny is a representative of an industry his agency regulates.



A county commissioner may accept an honorarium for speaking about county economic development at the annual County Commissioners Association Conference.



A member of a public regulatory board is attending a conference in Pittsburgh. He can attend a behind-the-scenes tour of the PNC Park, paid for by a corporation regulated by the board, because the event is “part of” the conference.



A state agency has a five-year contract to purchase computer hardware and software. The agency employees can take advantage of software discounts the company offers to clients.

Image: Rawich / FreeDigitalPhotos.net



A city building permit reviewer is prohibited from seeking a job from a company with building permits pending before the city.



Image: scottchan / FreeDigitalPhotos.net





A township employee attending a conference for township personnel is prohibited from accepting a flat screen TV that was donated to the agency by a vendor even if the winner is selected in a random drawing.

Image: graur razvan ionut / FreeDigitalPhotos.net





To assist to making the best purchasing decision, a city manager can accept travel expenses from an IT company to go to Los Angeles to see the IT product in use.





A part-time county librarian may contract with library vendors for the local bookstore she owns.





The image cannot be displayed. Your computer may not have enough memory to open the image, or the image may have been corrupted. Restart your computer, and then open the file again. If the red x still appears, you may have to delete the image and then insert it again.

A city employee must decline a birthday gift from her brother who is vice-president of a lawn equipment company seeking to sell commercial riding lawnmowers to the city employee's department.

Even if he normally gives her sweaters, but this year gives her a Louis Vuitton purse?

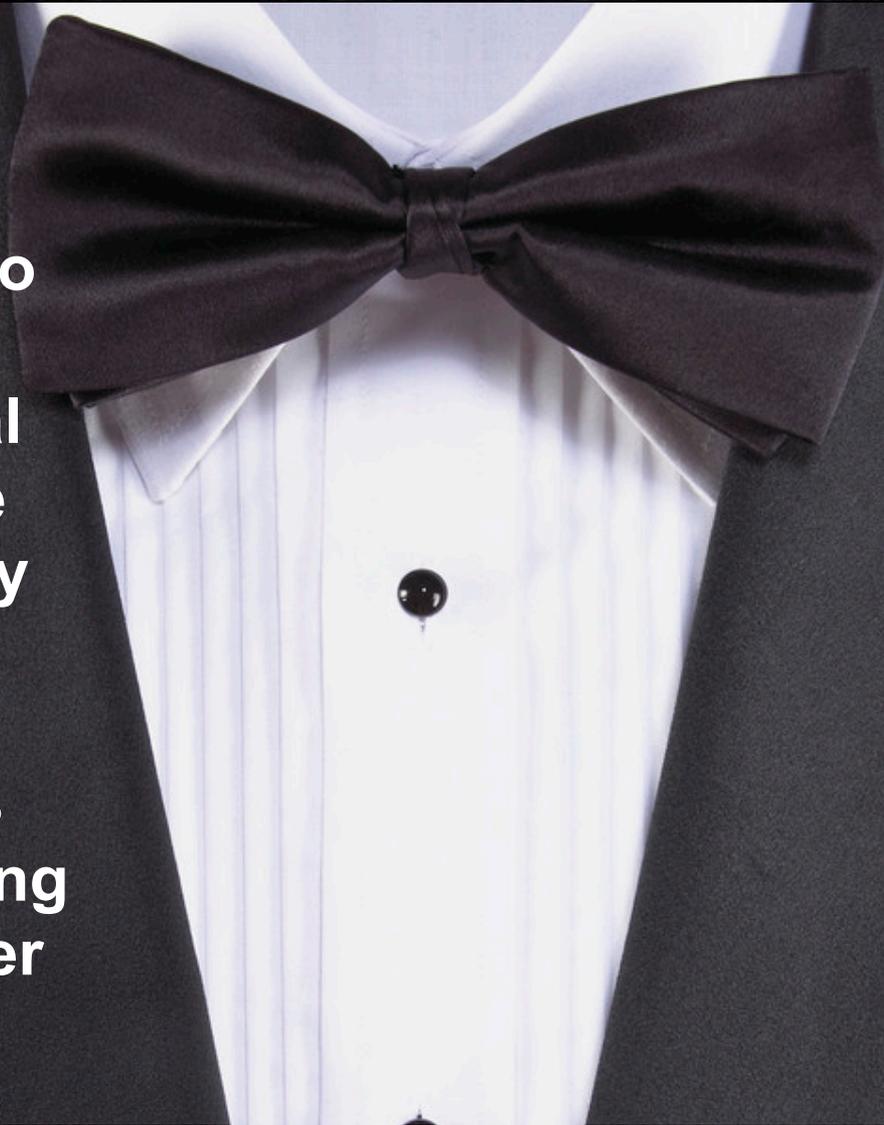




A member of the Ohio State Barber Board, who is also a barber, is prohibited from voting on a potential increase in barber license renewal since it would affect his own license.



A city employee's husband receives front row tickets to a traveling Broadway musical from his job . The city employee may accompany her husband to the theatre even if his company is seeking a contract from her city department.





A member of a state board, who is also an architect, must abstain from the board's consideration of a matter affecting a client of her firm, even if she did not perform any services on the matter.



A snowplowing company may plow the lanes and driveways of township trustees as long as the contract negotiations with the township are complete.



State employees who travel for state business can take along their spouses provided that the state would not incur any additional cost as a result of their spouses' travel.



Image: Rawich / FreeDigitalPhotos.net



A public employee wakes up from a sound sleep behind the wheel of this car. He doesn't know how he got there, but the title in the glove box lists him as the owner. He can accept it because he has no idea who gave it to him.



Break!♪

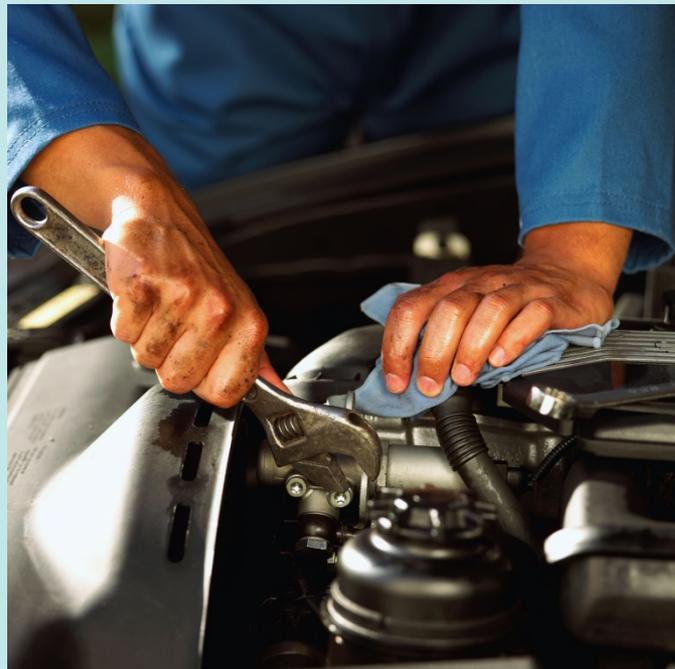


Conflict of Interest Application! Hypothetical #1



George Wickham is a Housing Division Manager. In addition to his public employment, George owns and operates an auto repair shop in Kent, Ohio.

In general, does the Ethics Law prohibit George from operating his company even though he works in public service?





Suppose some housing clients have inquired about George repairing their cars. Are there any prohibitions?

- Can he accept the clients' business?
- Can he discuss his company with clients while he is on duty?
- What if he is "off the clock" at the time?
- Can he stop by in a public vehicle after work?
- Can he use a public service laptop to give quotes or respond to emails regarding his auto repair business?



George has business cards that he distributes for his company. Recently, he decided to have a new set of cards printed, with his business address, telephone number, and other information about his company on the front.

On the back of the business card is an official HUD seal along with the quote, “You trust HUD with your housing; now you can trust them with your vehicle safety, too! Contact Housing Division Manager George Wickham for a free quote today!”

- Does the Ethics Law prohibit Wickham from using these cards, either for his personal business or for city business?
- Does it matter that George paid for the printing of the cards, not his public job?



Conflict of Interest - Gifts!

Hypothetical #2





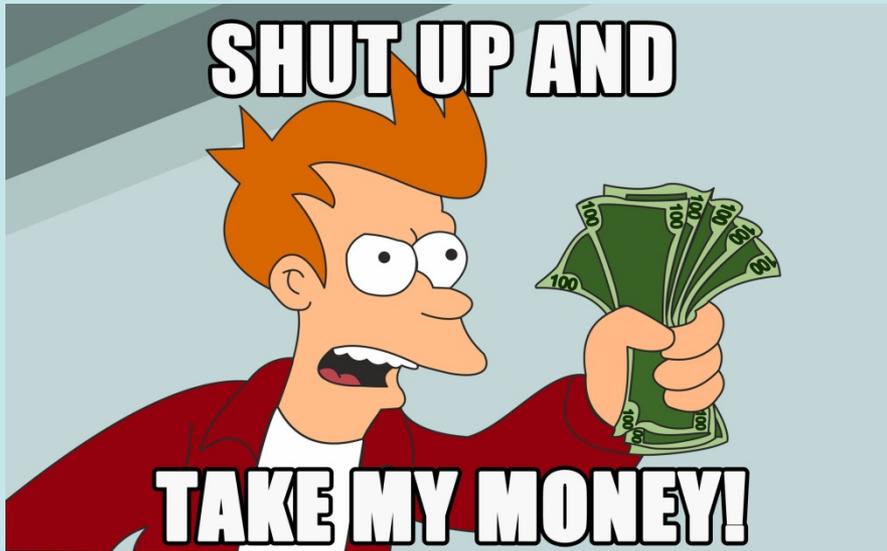
The Director of the Spring Valley Community Development Department, Kelly Hunter, has been with the agency for 15 years. The department recently decided to purchase new computer software to manage their caseload. The agency has taken bids from three major computer companies.

The salesman for one of the companies, Celadon Inc., informed Hunter that Celadon has implemented similar systems for community development organizations in Palm Beach, Florida.

The salesman would like to take Hunter and the department's IT/fiscal administrator, Ed Fisher, to Florida to see and use the computer system. Celadon will take them in its corporate airplane, and put them up at the Hyatt.

- May they accept the offer from Celadon Computers?
- What if Celadon is offering to take them to North Dakota, instead of Florida?





The agency decides it does not have the funds to send its employees to Florida. However, Hunter and Fisher both believe that the department would benefit if they could test the system before making a purchase.

May Celadon give the money to the department, and have the department pay for the plane fare and lodging for Hunter and Fisher?



Celadon has drafted a statement saying that even if the agency accepts the travel, meals, and lodging, Hunter will not be obligated to purchase anything from Celadon.

If they sign this agreement, may Hunter and Fisher accept the travel, meals, and lodging?

Jade Forest, Celadon's sales representative, asks Hunter to discuss the potential contract over a round of golf. Forest says that she will pay for the green fees, cart rental, and dinner at a private course where she is a member.

May Hunter play golf with Forest?



Public Contracts



Image: jscreationzs / FreeDigitalPhotos.net



Restrictions: 2921.42(A)(1)



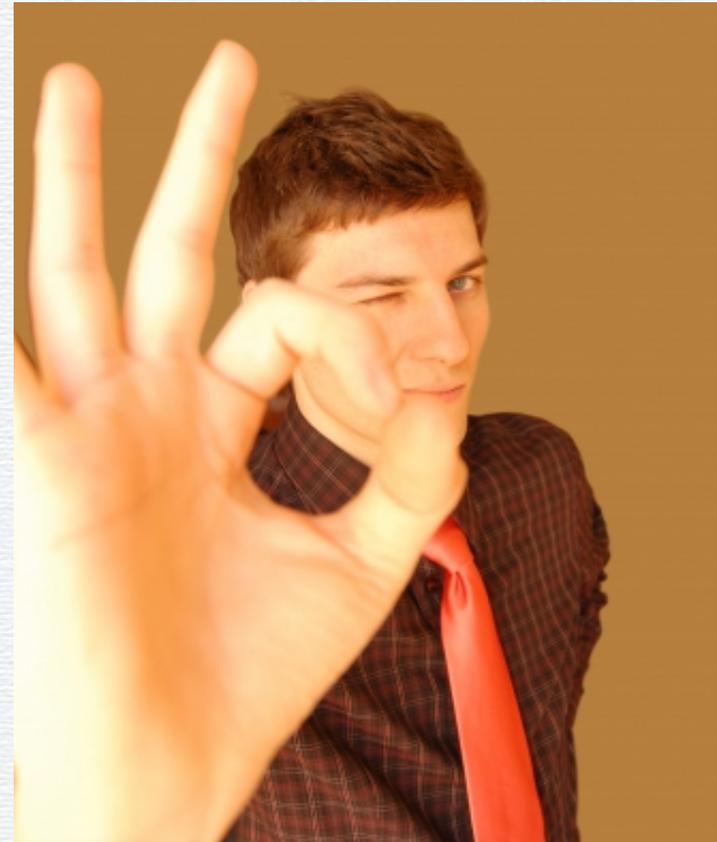
- Authorization or use of authority for official, family member or business associate

Image: photostock / FreeDigitalPhotos.net



“Authorization” or “Use of Authority to Secure Authorization”

- Signing a contract
- Recommending a vendor
- Reviewing applications
- Writing bid specifications
- Filling out a purchase order
- Completing a travel expense report
- Being reimbursed from petty cash



Restrictions: 2921.42(A)(4)



- Having an interest in profits/benefits of public contract with “connected” agency



Public Contract

Exceptions: R.C. 2921.42(C)&(B)

- Four-Part Exception:
 - Necessary supplies/services
 - Supplies unobtainable elsewhere for the same or lower cost or “continuous course of dealing”
 - Preferential or same treatment as other customers
 - Arm’s length transaction
- Stockholding under 5%



Restrictions: 2921.42(A)(3)



- Profiting from approval of contract



Public Contracts Hypothetical #1



Ron Weasley is the new Administrator for the City of Hogwarts Division of Neighborhood Development. In addition to his public work, Ron and his brothers, Fred and George, own Weasley's Concrete. Ron is the General Manager.

Before Ron was hired as the Administrator, Weasley's won the contract to replace the driveways, parking lots, and sidewalks of the HUD facilities in Hogwarts, Ohio. The contract also includes crack "patch up" work for the next three years.

Can Weasley's complete the contract now that Ron is the Administrator?

Assume that the call for concrete bids was announced after Ron was hired as the Administrator:

- Can Weasley's submit a bid on the contract?
- Can Ron participate when the bid specifications are drafted and approved?
- If Weasley's can submit a bid, can Ron participate when the bids are reviewed and a decision is made?
- What should Ron's assumption be?

- Would your answers to any of these questions be different if Ron was not the General Manager, and his ownership interest in Weasley's Concrete was limited to owning four percent of the stock in the company?

Nepotism



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“Family Member”



- Spouse
- Sibling
- Parent/Step-parent
- Grandparent
- Child/Step-children
- Grandchild
- Anyone else related by blood or marriage and residing in the same household

Public Contracts - Nepotism

Hypothetical #2





Fred Drummond is a Senior Program Coordinator for the Arnold County Division of Housing. His brother, Dave, has worked for a similar agency in Michigan for 10 years and is hoping to relocate back to Ohio to be closer to family. There is an opening in Fred's department, so Dave - at Fred's encouragement - has applied.



Can the agency hire Dave for the position?

Can Fred participate in the department's decision with respect to this position if his brother has applied for it?

Assume that Dave is hired to the department:

- If Dave later applies for a promotion, what is Fred's obligation under the Ethics Law?
- How does the law apply if Dave is Fred's brother-in-law?



Post Employment/Revolving Door



Post Employment R.C. 102.03 (A)

- Ask yourself...
 - Am I within the restricted time period?
 - Is this a matter?
 - Did I personally participate?
 - Is this representation?





Call us before you act!

The Ohio Ethics Commission
30 West Spring Street, L3
Columbus, Ohio 43215



Phone: (614) 466-7090

Fax: (614) 466-8368

Website: www.ethics.ohio.gov

