

SEPARATE OHIO PUBLIC SCHOOLS  
SINCE 1995

## Conflict, conflict, who's got the conflict?

Jennifer A. Hardin, Deputy Director  
Division of Legal Services

OSBA Capital Conference  
Sunday, November 13, 2016

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OSBA leads the way to educational excellence by serving Ohio's public school board members  
and the diverse districts they represent through superior service, unwavering advocacy and creative solutions.

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## Conflicts of Interest



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Public interest    **vs.**    Self interest

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### R.C. 102.03(D)

No public official or employee shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

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### Terms

- Public official
- Use of position to secure
- Anything of value
- Substantial and improper influence

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### Public official

RC 102.01(B)—

- Elected or appointed to an office
- Employee of a public agency

Excluding—

Teachers and other kinds of educators

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### Use of position to secure

- **Vote**
- **Discuss**
- **Deliberate**
- **Lobby**
- **Recommend**
- **Other use of position**

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### Anything of value

**RC 1.03:**

- **Money**
- **Goods and chattels**
- **Notes, warrants and checks**
- **Rights in action**
- **Interest in realty**
- **Promise of future employment and ...**

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### Anything of value

**Every other thing of value.**



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### Sources of conflict

- Self
- Family members
- Business associates
- Employer
- Organizations

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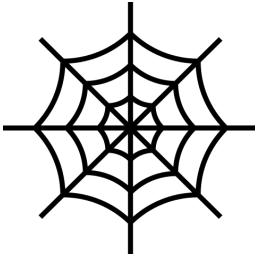
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### Welcome to my parlor . . .



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### Scenario 1

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## Member of [official's] family

**"Family Member"**

- Spouse
- Children
- Siblings
- Parents
- Grandparents
- Grandchildren



Four generations of Straits

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## Scenario 2

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## Business Associates

- Employer
- Partner in a partnership
- Members of an LLC
- Co-owners



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## RC 102.03(E)

**No public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.**

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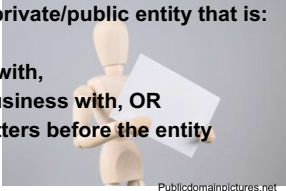
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## Improper influence

**Improper is determined by the source of the thing.**

- **Person, company, private/public entity that is:**
  - Regulated by,
  - Doing business with,
  - Seeking to do business with, OR
  - Interested in matters before the entity



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## Scenario 3

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## Substantial influence

**Substantial is determined by the value of the thing.**



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## Substantial things of value

- Substantial gifts
- Meals at expensive restaurants
- Discounts on consumer goods

- Golf outings
- Jewelry
- Travel, meals, lodging



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## Not substantial things of value

- nominal gift
- promotional item

- meal at family restaurant
- Inexpensive entertainment activities



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## Scenario 4

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## Questions?

OSBA's legal hotline  
is available to  
member districts.

**855-OSBA-LAW**



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## Questions?

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