



Ethics 2.1— An advanced overview

**OSBA Capital Conference
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Ohio School Boards Association**



Roadmap

- Introduction
- Conflicts of interest once-removed
- What is “substantial” and how much is too much?
- Spending public money—contracts and hiring
- Questions (and some answers)



CONFLICTS OF INTEREST

Conflicts once removed



Conflict of interest

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.



Terms

- Public official
- Use or authorize the use of the authority or influence of office to secure
- Anything of value
- Of such a character as to manifest a substantial and improper influence upon the public official



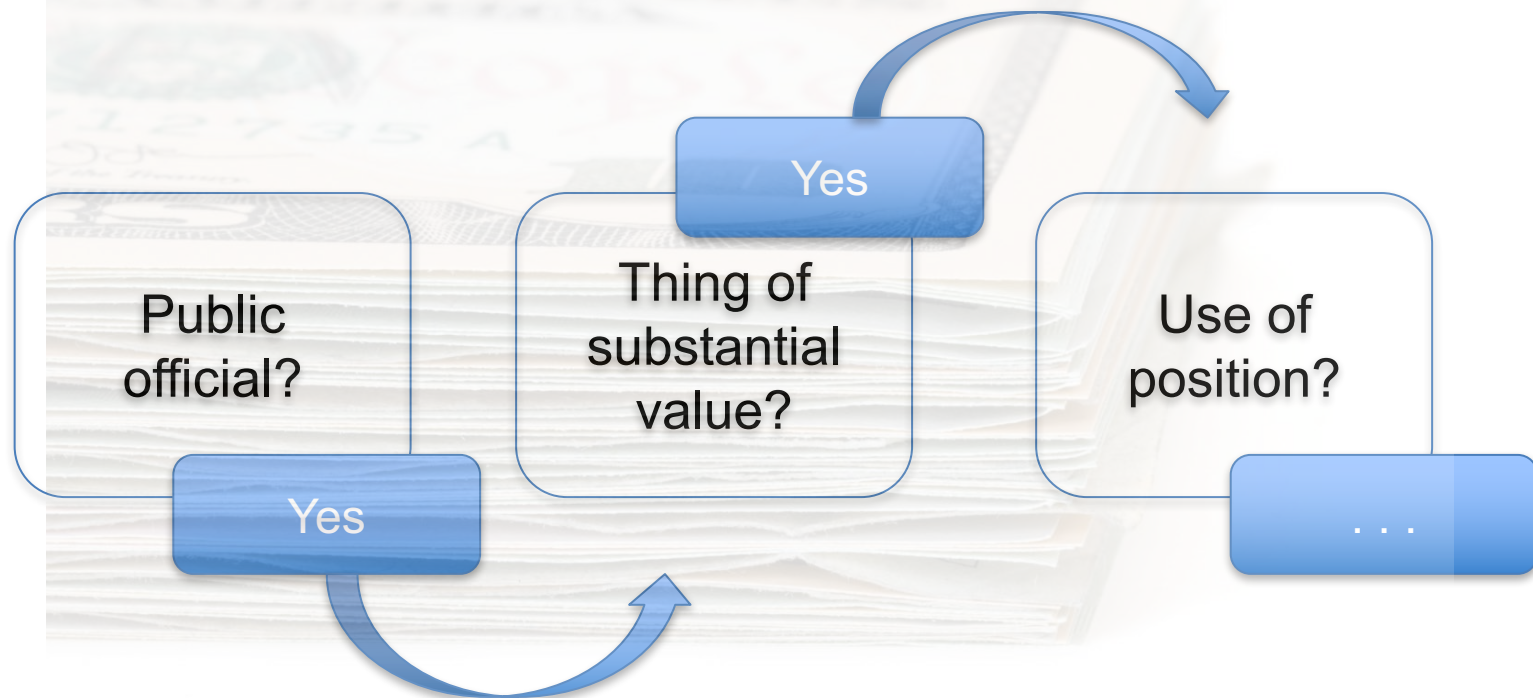
Scenario

Fred is a member of the Bedrock Board of Education. Bedrock participates in the Slate JVSD. All members of the Slate JVSD board are paid to attend meetings of the board.

- Can Fred be appointed to the career center board and accept payments for attending board meetings?
- Can Fred take any action to secure the appointment?



Break it down





Once removed

What if the matter involves something that doesn't affect the board member directly?

- Matters affecting a family member
- Matters affecting a business associate
- Others?



Scenario

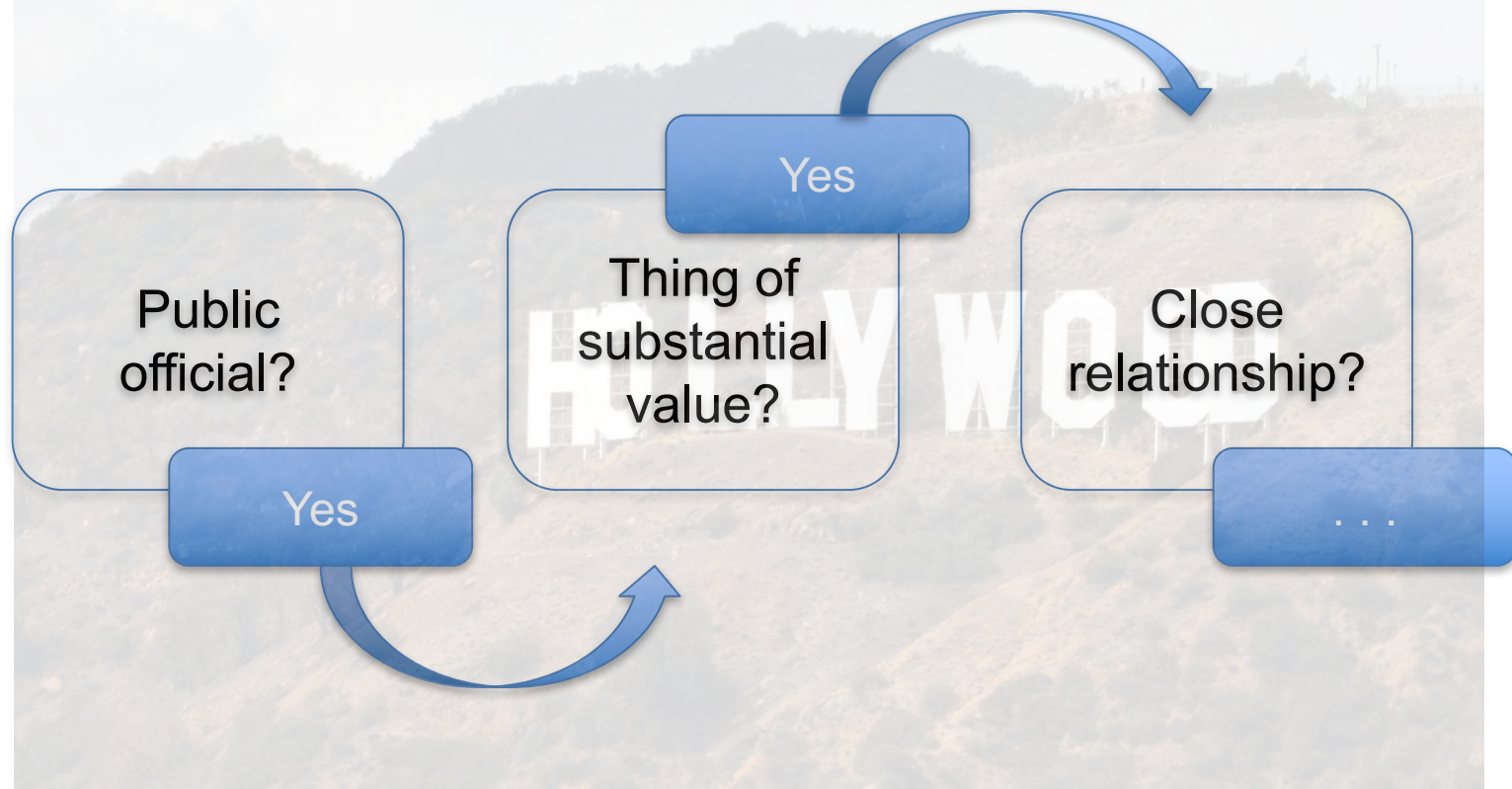
Henry is a school board member in the Hollywood School District. His daughter, Jane, is a junior at Hollywood high school, and competes as a member of the school's softball team.

On Monday, Jane and other players were involved in a fight after a game. The coach has barred Jane from competing for the rest of season.

- Can Henry go directly to the coach to discuss this?
- Can Henry ask the board to direct to the Superintendent to overturn the coach's punishment?



Break it down





Scenario

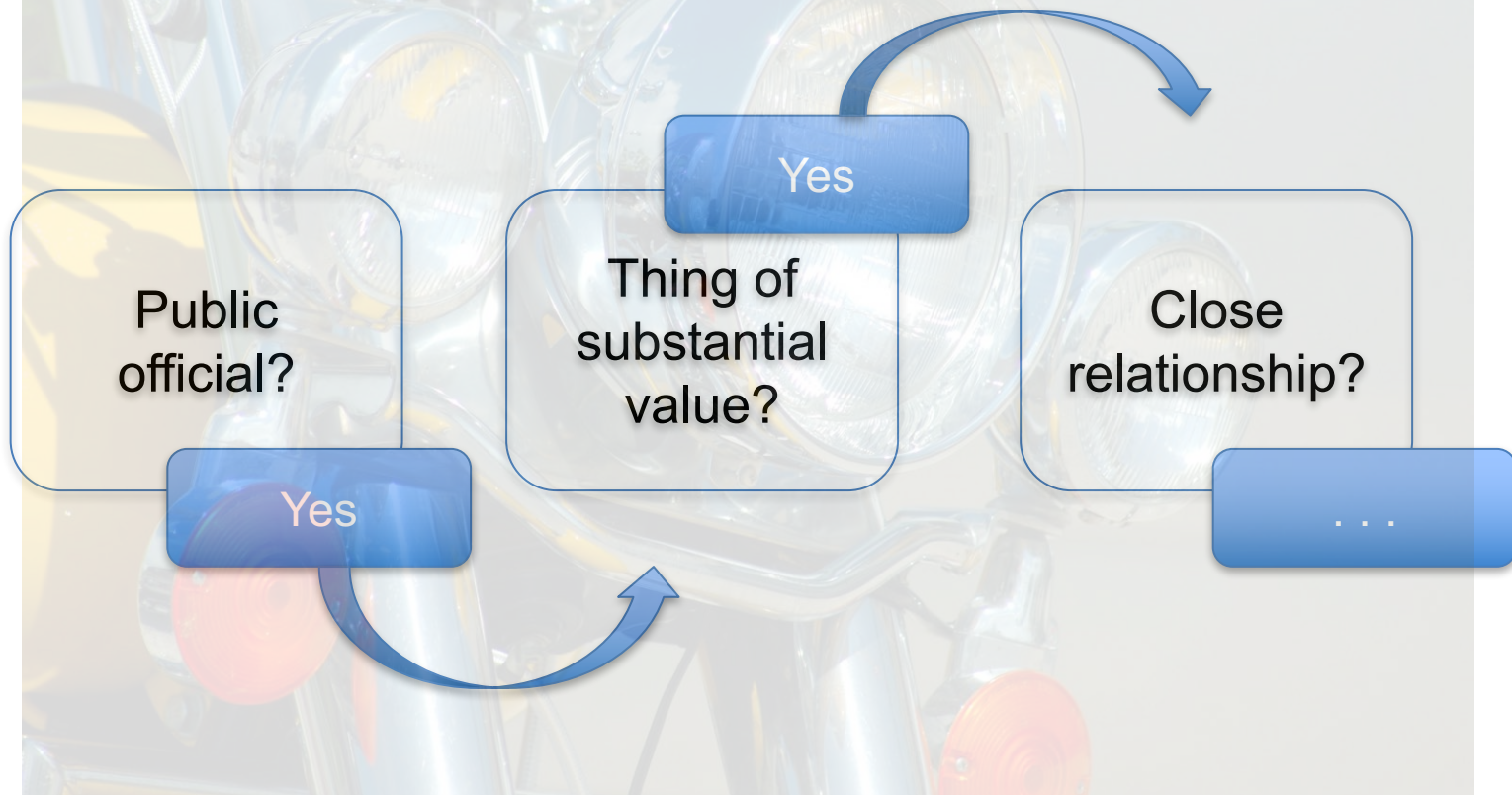
Lenny is the Feeney School District's representative on the Career Center board. Lenny owns the L & S motorcycle repair shop with his buddy, Squiggy.

Squiggy is building a new house, and has approached Lenny about having the HVAC program at the Career Center do some work on his house.

- Can the Career Center HVAC program work on Squiggy's house?
- Can Lenny do anything to grease the wheels for Squiggy?



Break it down





Substantial things of value

HOW MUCH IS TOO MUCH?



Accepting things of value

RC 102.03(E):

No public official or employee shall solicit or accept 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.



Terms

- Public official
- Solicit or accept
- Anything of value
- Of such a character as to manifest a substantial and improper influence upon the public official



Improper influence

Improper is determined by the source of the thing. An improper source is any person, company, private/public entity

- Regulated by,
- Doing business with,
- Seeking to do business with, or
- Interested in matters before the entity



Substantial influence

Substantial is determined by the value of the thing.

No specific dollar value in statute or Ohio Ethics Commission advisory opinions or rules.



Substantial things of value

- **substantial gifts**
- **golf outings**
- **meals at expensive restaurants**
- **jewelry**
- **discounts on consumer goods**
- **travel, meals, lodging**



Not substantial things of value

- **nominal gift**
- **meal at family restaurant**
- **promotional item**
- **inexpensive entertainment activities**



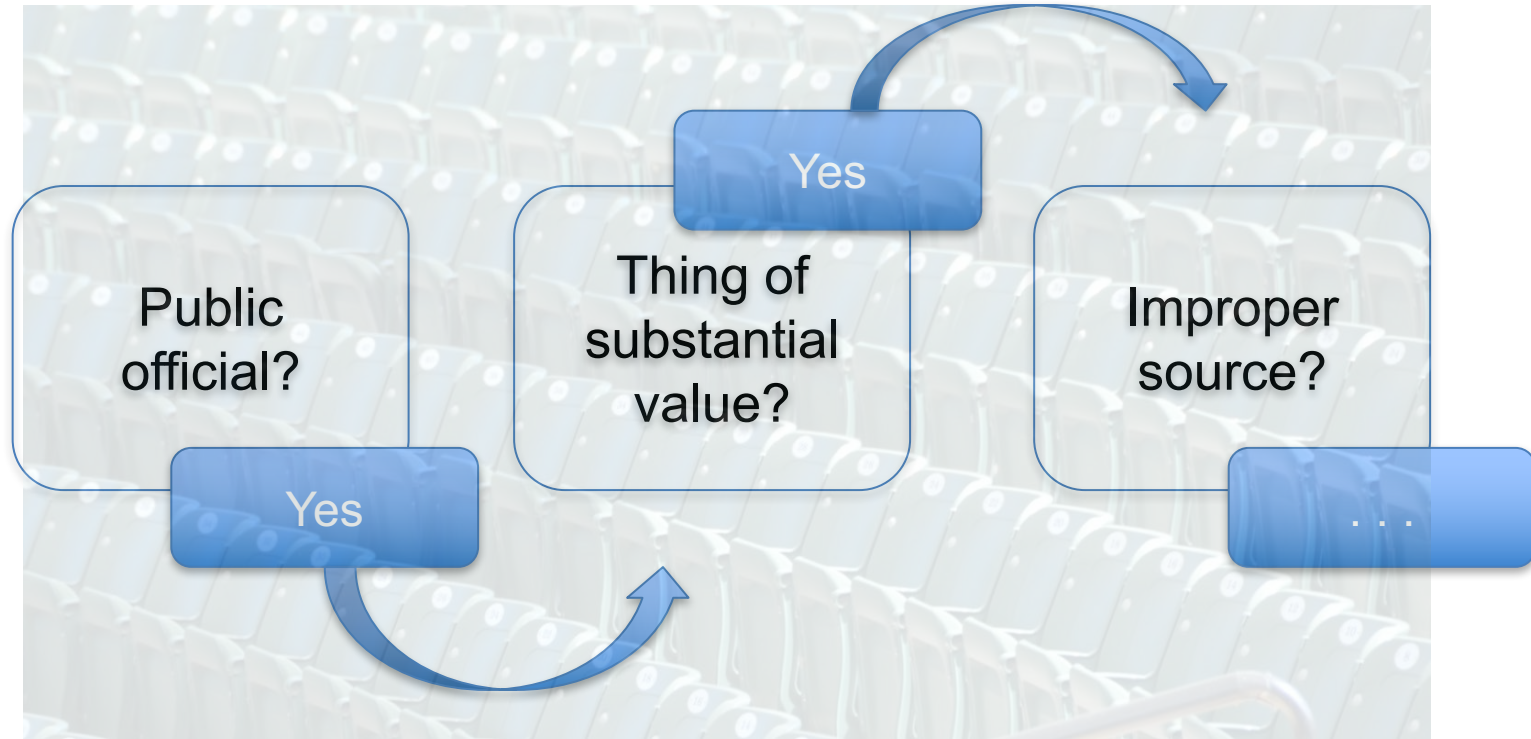
Scenario

Chandler is a school board member for Central Park School District. His friend, Joey, sells insurance to the district. After the last board meeting, Joey told Chandler he had four tickets to an upcoming OSU football game. Joey can't use them, so he offered the tickets to Chandler.

- Can Chandler accept the passes?
- If not, can he suggest that Joey offer the tickets to Chandler's wife, Monica?
- Can Chandler purchase the tickets?



Break it down





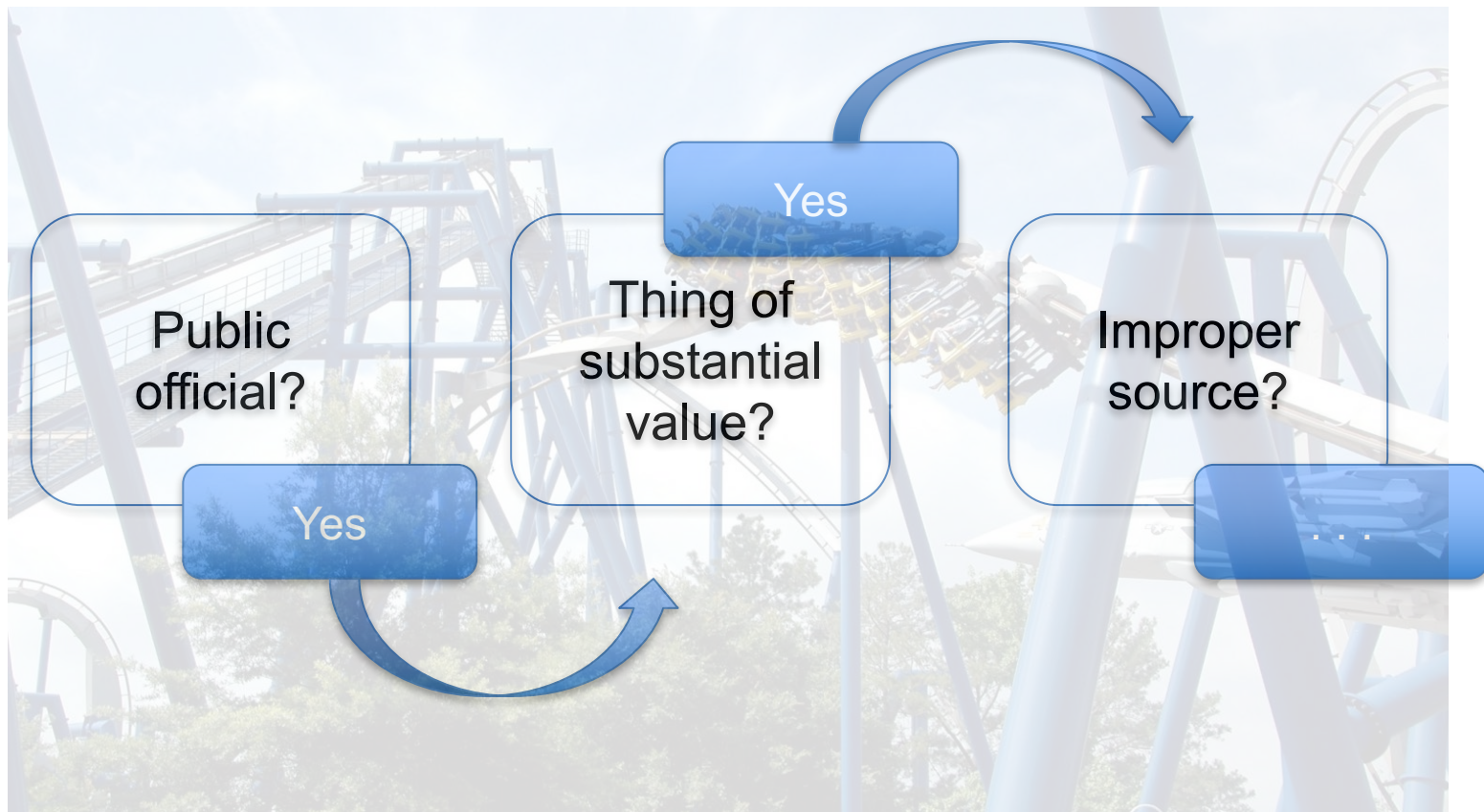
Scenario

The Georgetown Educational Service Center is buying a new database to manage student records. One of the vendors, Jefferson Consultants, has offered to take two board members and the superintendent to view a similar system being used in a district in Florida.

- Can the officials travel to Florida?
- Can they go Disney World while there?
- Does it matter if it rains?



Break it down





CONTRACTS, HIRING AND PUBLIC EXPENDITURES



RC 2921.42(A)(1)

(A) No public official shall knowingly :

(1) Authorize, or employ the authority or influence of the public official's office to secure authorization of any public contract in which the public official, a member of the public official's family, or any of the public official's business associates has an interest.



RC 2921.42(A)(4)

- (A) No public official shall knowingly :
- (4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the public official is connected.



Terms

- Authorize or employ authority or influence to secure authorization
- Public contract
- Interest
- Profits or benefits
- Connected with



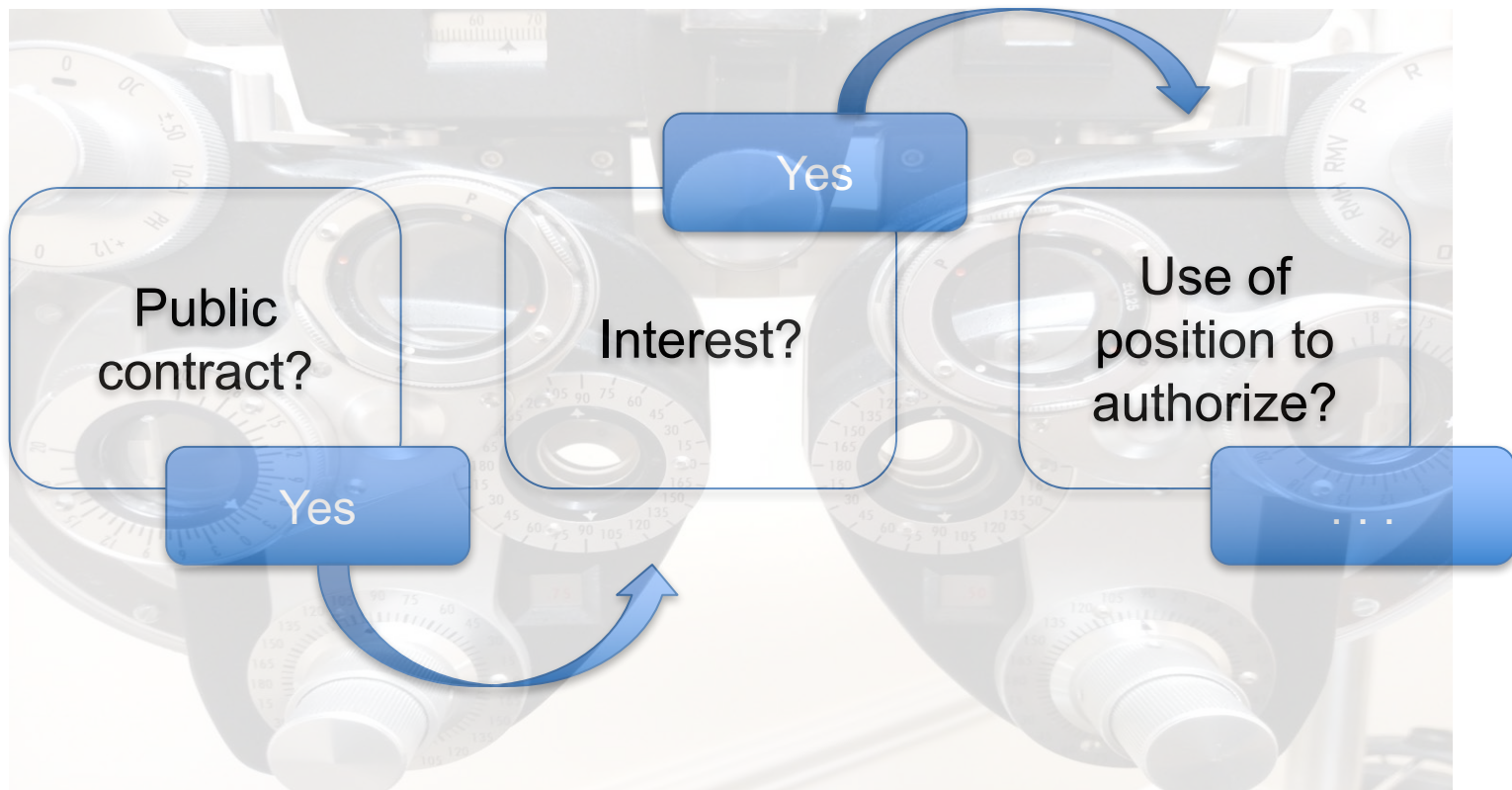
Scenario

Luna is a school board member for Hogsmeade EVSD. She is also a trustee of a local nonprofit, Wizards for Sight, which provides vision screening services.

- Can Wizards for Sight sell vision screening services to the school district?
- Can Luna participate when the board discusses the matter?



Break it down





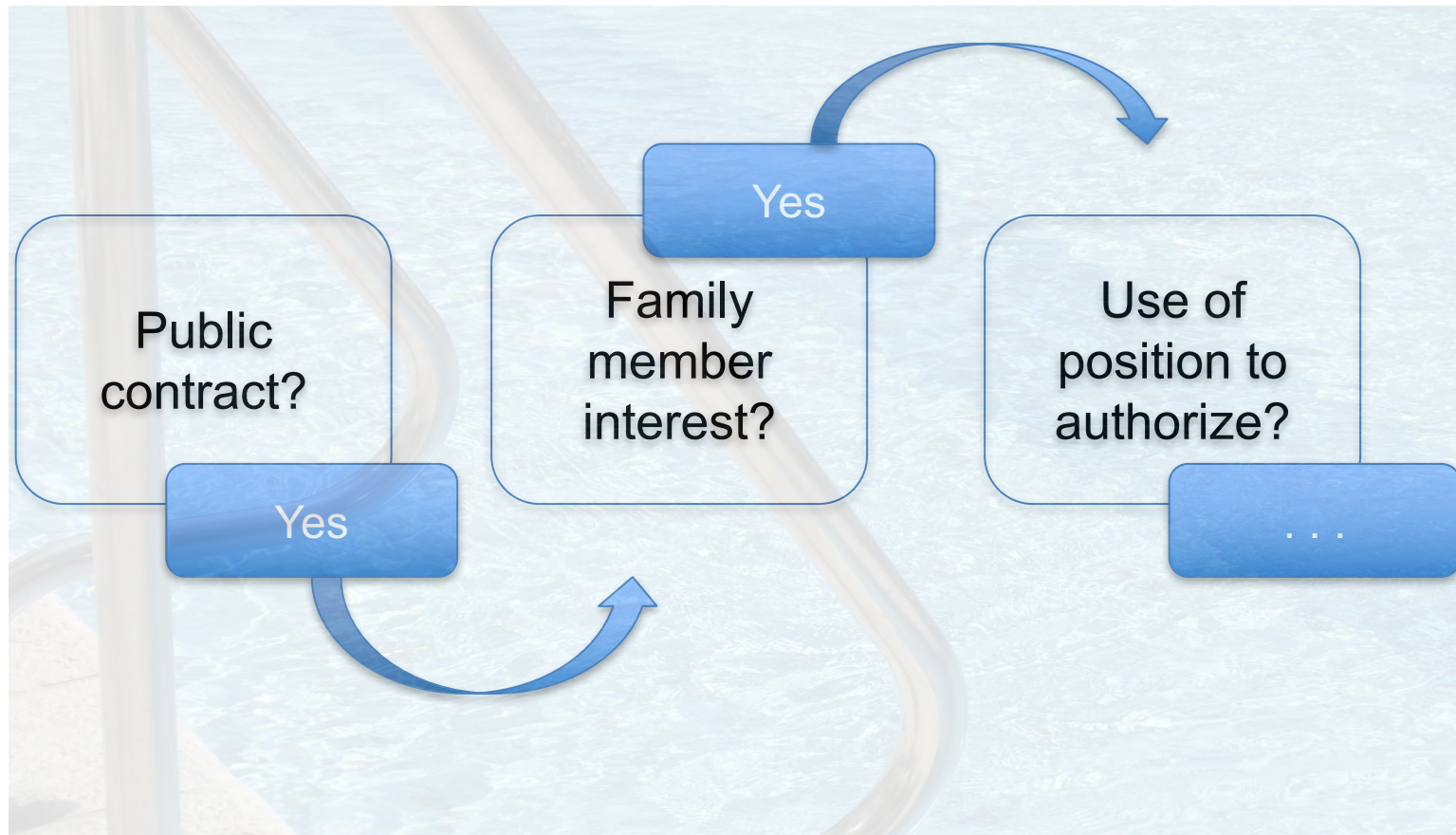
Scenario

Carol is a school board member in the Sherwood City School District. Her daughter, Jan, is a certified lifeguard and wants to work at the district's pool this summer.

- Can Jan be a lifeguard?
- Can Carol act on the matter?
- What if the applicant is Peter, Carol's stepson?



Break it down





Questions?

**OSBA's legal hotline
is available to
member districts.**

855-OSBA-LAW





Questions?

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