

Ohio's ethics law

The ethics law in Ohio prohibits public officials and employees from soliciting or accepting anything of substantial value, such as gifts and entertainment items, from parties that are doing or seeking to do business with, regulated by or interested in matters before their districts. This restriction applies to all school officials and employees, elected, appointed and employed, except teachers who do not exercise administrative or supervisory authority.

The law also prohibits vendors, and regulated and interested parties, from offering or giving these things to school officials and employees.

Prohibited items

The Ohio Ethics Commission has issued many advisory opinions on gifts and entertainment. Some of the items that the Commission has said are substantial in value are expensive meals, lavish gifts, travel, lodging, sizable discounts, and jewelry. A school official or employee cannot accept any of these items from district vendors, regulated parties (such as students) or interested parties (such as parents).

Permissible items

In its opinions, the Commission has concluded that a gift of nominal value—such as a book, meal at a family restaurant, promotional item, or inexpensive activity—will not have a substantial influence on a public official. The ethics law does not prohibit a school district official or employee from accepting these kinds of things.

Bear in mind that even items of nominal value can be prohibited if an official or employee accepts many of them because the total cumulated value of the items will be substantial.

Specific applications

Conference receptions

At conferences, some companies host receptions or open houses. School officials and employees can accept invitations to receptions or open houses at a conference provided that:

- The reception or open house is of an ordinary or routine character, and is not lavish;
- The reception or open house is open to any person who is in attendance at the conference; and

- The reception or open house is in conjunction with an educational or informational conference and located at the conference site.

If a company wants to offer school officials and employees a dinner or entertainment of a substantial value away from the conference venue, the officials or employees attending must pay for these items.

Raffle prizes

Another regular conference occurrence is a fish bowl drawing or raffle prize. A school official or employee who wins a fish bowl drawing or raffle prize can accept the prize if it is not of a substantial value.

If the prize's value is substantial, like a cell phone, and the sponsor of the drawing is a vendor, seeking to become a vendor, regulated party, or interested party, the ethics law would prohibit a school official or employee from accepting the item. However, the law does not prohibit the school district from keeping and using the item for the district. The school official or employee can turn the item over to the district which can then accept it.

Vendors

Remember that the ethics law applies to school officials and employees and to private parties. If the school official or employee is prohibited from soliciting or accepting the substantial thing of value, the source is prohibited from offering or giving it to the official or employee.

Questions?

More information about these restrictions is available from the Ohio Ethics Commission (www.ethics.ohio.gov), such as Information Sheet # 7, Bulletin on gifts, and Advisory Opinions No. 2001-04 and 2002-02. For more general information, please reach out to OSBA's division of legal services. If you have specific questions, please contact your district's counsel or the Ethics Commission.

The information in this bulletin is designed to provide authoritative general information. It should not be relied upon as legal advice. If legal advice is required, the services of an attorney should be obtained.