



# Ohio's Ethics Law: What board members should know

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**T**he topic of ethics has been given considerable public and media attention in the past several years, which is a positive step in increasing awareness of and compliance with Ohio's Ethics Law. The Ethics Law steps into action when a public official has a direct personal or outside business or family interest that has the potential or character of conflict of interest. This assures taxpayers that public decisions are made to serve the public's interest, not to benefit a specific public official or employee.

The Ethics Law governs more than half a million public officials and employees throughout Ohio. Public school board members, administration and staff are subject to the entire Ethics Law and related statutes, which includes issues such as post-employment, confidentiality, conflict of interest, representation, public contract and supplemental compensation restrictions.

While each area of the Ethics Law warrants its own discussion, let's focus on specific areas about which the Ethics Commission often receives question from public school board members: gifts and public contracts, which includes the issue of nepotism.

## **Gifts, entertainment and other things of value**

Imagine a beautiful spring day: cloudless blue skies, low humidity, a light breeze — perfect weather. Perfect golf weather, that is. When preparing for a day of fun and relaxation, the last thing on a committed golfer's mind is likely the Ethics Law. If the golfer also is a public official, however, he or she should devote a few minutes to the topic before teeing up.

The Ethics Law prohibits a public official from soliciting or accepting "anything of value" if the thing of value could have a substantial and improper influence on him or her in the performance of public duties. "Anything of value" is defined in state law to include, essentially, anything with any monetary value. Gifts, golf outings, theater or sporting event tickets, vacations and jewelry are all items the commission has specifically identified as things of

substantial value.

When a person chooses to enter public service, he or she must recognize that some gifts and entertainment will be prohibited. If an official is offered a gift, golf outing, entertainment or other item of substantial value, the official needs to identify the giver or source to determine whether it is acceptable. Individuals and other parties who are doing or seeking to do business with, interested in matters before or regulated by a public agency are improper sources of substantial gifts and entertainment to the agency's public servants.

For example, a school board member would be prohibited from accepting anything of substantial value from a vendor doing business with the school district. If a company employee were to invite the school board member to golf at an exclusive club, the board member would have two (lawful) options: decline the offer or pay the fair market value for the green fees, cart rental and any meals or beverages consumed. For more information, see the fact sheet at <http://links.ohioschoolboards.org/66066>.

## **Public contracts**

Like all public entities, school districts must enter into public contracts; essentially, a public contract exists whenever the school district buys goods or services, regardless of whether there is a written contract. Examples include purchasing goods such as computers or paper products, paying for services such as construction, seeking grants or hiring employees.

While such public expenditures are routine and expected, the Ohio Ethics Law prohibits public officials, including school board members, from having an interest in the profits or benefits of the districts' public contracts. Therefore, the Ethics Law prohibits all school officials and employees from selling goods or services to the school district.

For example, a school district employee or teacher is

prohibited from selling printed materials, such as T-shirts, to the school district. School board members would likewise be prohibited from entering into a consulting or construction contract with the district, unless very specific exceptions are met. For more information, see the fact sheet at <http://links.ohioschoolboards.org/42834>.

**Nepotism**

Many families have a strong tradition of public service. There is nothing in the Ethics Law that prohibits multiple family members from pursuing and securing jobs with the same public entity. However, the Ethics Law prohibits nepotism, which means that a public official cannot hire, or use his position to secure the hire, of a family member. The commission has explained that a public official’s family members are his parents, grandparents, children, grandchildren, spouse and siblings, regardless of where they live. Also included are individuals related to a public official by blood or by marriage (aunts, uncles, nieces and nephews, cousins and in-laws) and residing in the same household with the official.

The law also prohibits an official from using his or her position to influence another person to hire a family member. In other words, a school board member can’t

recommend or otherwise use his connection to secure employment for a family member. For example, a school official or employee cannot hire his sister for a job at the school. The official or employee also is prohibited from calling other school officials or employees and asking them to hire his sister. For more information, visit <http://links.ohioschoolboards.org/19471>.

These are just a few of the restrictions within the Ethics Law and related statutes. The examples are general, and may seem obvious, but all are based on cases that have been referred to the Ethics Commission. If you have questions about the law, or would like specific guidance or an advisory opinion, visit the Ohio Ethics Commission’s website at [www.ethics.ohio.gov](http://www.ethics.ohio.gov) or contact the commission at (614) 466-7090.

The Ohio Ethics Commission is here to assist you and the public by encouraging ethical actions and decision making. A brief investment of time, before you act, may help save you and your school district a tremendous amount of resources, money and lost goodwill. The vast majority of public servants act ethically; the Ohio Ethics Commission welcomes the opportunity to work with them to support the highest ethical standards for Ohio’s citizens. n

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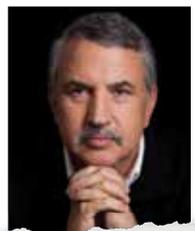
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