

# Ohio Ethics Law

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# Ohio Ethics Law Key Concepts

## Conflicts of Interest

- Prohibits employees from accepting or soliciting anything of value that could have a substantial or improper influence

## Public Contracts

- Prohibits employees from using influence to secure public contracts for themselves, family, or business associates
- Prohibits employees from having a financial or fiduciary interest in a public contract

## Supplemental Compensation

- Prohibits employees from accepting outside compensation for the performance of public duties

## Wexner Medical Center Vendor Interaction Policy

- Prohibits WMC employees from accepting any personal gift from a vendor regardless of value

# Summary

## The Ohio State University Employees:

- Bound by the provisions of the Ohio Ethics Law
- Owe a duty of loyalty to their public employers
  - Obligation to act
    - in the best interests of the university
    - without regard to any personal interests they may have
- Personally liable for violations (not institutional)

# The Ohio Ethics Commission

- Established in 1973
- Promotes ethics in public service to strengthen the public's confidence that government business is conducted with impartiality and integrity
- Has jurisdiction over all Ohio public officials and employees at the state and local levels of government
- Ethics Commission Website:  
**[www.ethics.ohio.gov/](http://www.ethics.ohio.gov/)**

# Penalties

- All provisions of the Ethics Law are **criminal** prohibitions.
- Most, including the conflict of interest prohibitions (Chapter 102), are first degree misdemeanors, punishable by a maximum fine of \$1000, a maximum prison term of six months, or both
- Certain provisions of public contract prohibitions (Chapter 2921) are fourth degree felonies, punishable by a maximum fine of \$2500, a maximum prison term of eighteen months, or both

# Conflicts of Interest

- OSU employees must refrain from acting in matters that personally benefit him or herself, his or her family, or business associates. ORC 102.03 (D)
- OSU employees cannot accept things of value from a party that is doing or seeking to do business with the OSU. ORC 102.03 (E)
- External parties are prohibited from offering anything of value to OSU employees if they are doing or seeking to do business with the employee's public entity . ORC 102.03 (F)

## Noteworthy:

- De Minimis, non-recurring gift
- More restrictive policies: OSUWMC Vendor Interaction Policy
- Faculty exemption: professor acting in non-administrative capacity

# Public Contracts

- OSU employees cannot use any influence to secure a public contract in which she or he, family members, or business associates have an interest. ORC 2921.42 (A)(1)
- OSU employees are prohibited from having a financial or fiduciary interest in a public contract. ORC 2921.42 (A)(4)

## Noteworthy

- Interest includes being engaged in an on-going business enterprise
- A public contract includes any purchase or acquisition of goods or services, including employment, by or for use of a public agency
- Family members include: grandparents; parents; spouse; children and step-children, whether dependent or not; grandchildren; brothers and sisters; or any person related by blood or marriage and residing in the same household

# Public Contracts

## Four Part Exception (must meet all requirements)

1. The items purchased are necessary supplies or services for the department
2. The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished as part of a continuing course of dealing established prior to the university employee taking his or her position
3. The treatment accorded the department is either preferential to or the same as that accorded other customers or clients in similar transaction
4. The entire transaction is conducted at arm's length with full knowledge by the department involved, and the University employee takes no part in the deliberations or decision



# Soliciting or Receiving Improper Compensation

A public official or employee is prohibited from receiving compensation, in addition to that paid by his or her public agency, for performing his or her official duties.

## Noteworthy

- Penalty includes a 7-year ban from holding a public position
- Don't confuse with supplemental compensation from the university
  - Example: a cell phone allowance is permitted by university policy and is coded as "supplemental compensation" in the HR system

# Confidential Information

OSU employees are prohibited from disclosing or using any information appropriately designated by law as confidential. Examples include:

- Student information, such as personal information, activities, and academic performance
- Some research data
- Patient information
- Personal information about employees
- Bid information, until the bid is awarded

# Sale of Goods and Services to Public Agencies

OSU employees are prohibited from selling goods and services to state agencies except through competitive bidding.

- Exception
  - Non-elected
  - Another agency
  - Disclosure statement

# Revolving Door Restrictions

Former OSU employees are prohibited, for a term of one year after the end of their employment with the university, from representing anyone on any matter in which they personally participated as an employee during their term of employment at OSU

- Does not prohibit a former employee from representing the university
- Prohibition is tied to personal participation; does not apply to new matters and matters in which the former employee did not participate