



# ETHICS UPDATE

## ACCEPTING DISCOUNTS

Update No. 2017- 2

# DISCOUNTS!



### In this Advisory:

- Guidelines on Accepting Discounts
- The Oprah Rule
- Substantial & Improper Test

As the holiday season approaches, the Agency of Inspector General offers this advisory to guide County officials, employees, and board members on accepting discounts. These guidelines also generally apply to gifts, coupons, etc.

State and County law address the issue of discounts in the Ohio Revised Code and the County Code, respectively.



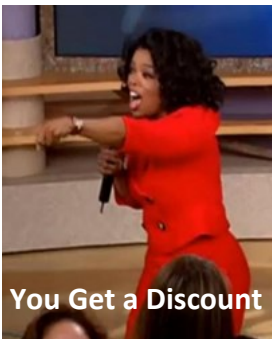
See Full [Advisory Opinion](#)

### The Oprah Rule:

*Public Officials and Employees May Accept Discounts Offered to Everyone*

County officials and County employees may accept discounts from vendors, even if the vendor is an improper source, if the discount is offered to the general public or to a large group of County employees. Discounts provided to a large group of County employees must not have an intent to influence County decisions.

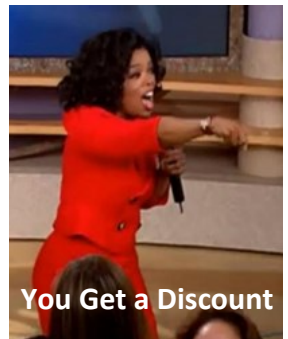
The Ohio Ethics Commission has stated that by requiring the vendor to make the discount widely available, the appearance of impropriety as well as actual improper influence on public officials and employees will be avoided.



You Get a Discount



Everybody Gets a Discount



You Get a Discount

### Discounts NOT Offered to Everyone

When a discount is not offered to the general public or a large group of County employees, they may still be accepted under certain circumstances. Under State and County law:

*“no public official or employee shall solicit or accept anything of value that is of such a character to manifest a **substantial and improper** influence on the public official or employee with respect to their duties.”*

This applies to money and any other thing of value, including but not limited to discounts, dinners, receptions, cash, gift cards, tickets to sports or entertainment events, and other gifts.

### Substantial in Value

The value of an item determines whether it is substantial. Discounts are examined case by case, but are generally considered substantial. Such “discounts” can include savings on consumer items, travel, meal, entertainment and lodging expenses.

Small scale items such as coffee mugs, t-shirts, pens, and other things of little value are usually not considered “substantial.” However, accepting multiple or mass items of little value from the same source could be substantial in the aggregate.



### Improper Source



Ohio law prohibits a discount that is both substantial **AND** from an improper source. Improper sources include a person, company, or other entity that is regulated by, interested in matters before, or doing/seeking to do business with the County.

**Ex: A few individuals in County department are offered discounted (50% off) tickets to a Cleveland Cavs game for a job well done. Those individuals would be prohibited from accepting the discount because 1) the discount is substantial (50%); and 2) they were offered only to selected few employees, to recognize them for their public duties.**