Ohio Ethics Law Overview

The Ohio Ethics Commission
30 West Spring Street
Columbus, Ohio 43215-2256
Phone: (614) 466-7090
Fax: (614) 466-8368
www.ethics.ohio.gov

Introduction

Public servants in Ohio have both privileges and responsibilities. Every day, public servants are privileged to help their fellow Ohioans. Whether they provide necessary services to people with disabilities, fight fires or crime, or conduct building inspections to make sure new construction is safe, public servants change the lives of their fellow citizens for the better.

Public servants also have responsibilities. One of those responsibilities is to comply with the Ohio Ethics Law. The Ethics Law applies to all public officials and employees in the state. Whether they are full-time or part-time compensated employees, elected officials, or uncompensated members of decision-making boards, all public servants are required to comply with these laws.

This fact sheet has been created to assist public officials and employees in better understanding – and therefore complying with – the Ohio Ethics Law. You may be aware that public agencies are statutorily required to provide a copy of the Ohio Ethics Law to all new public officials and employees. This fact sheet may serve as a helpful supplementary document that explains the statute in layperson-friendly language. Please note that this fact sheet cannot be provided instead of the Ohio Ethics Law, but rather in addition to enhance the learner's understanding of the law.

Throughout this document, you will find explanations of the Ohio Ethics Law along with examples and links to previously issued advisory opinions and other commission publications. Examples are denoted by a magnifying glass like this one

while links to relevant advisory opinions are denoted by this symbol:

Contact information for the Ohio Ethics Commission can be found on the front cover and the last page of the document.

Ethics Commission Authority and Administration

In addition to the Ethics Law itself (Chapter 102 of the Revised Code), there are two provisions in Chapter 2921 (Ohio's Criminal Code) that fall under the authority of the Ethics Commission. There "related statutes" are included in the document that will be provided to each public official or employee by the public agency. The authority of the Ethics Commission is limited to ethics issues that arise under Ohio Revised Code Chapter 102. and Sections 2921.42 and 2921.43.

The following four provisions of the Ethics Law establish the authority and duties of the Ethics Commission and govern its operation.

R.C. 102.05 creates and empowers the Ethics Commission. Statutes of this kind are called "enabling" statutes, because they enable a public body to engage in the activities described in the law. This statute defines the makeup of the Ethics Commission, appointment of its members, and its authority.

More information about these matters is available in the General Information Fact Sheet.

R.C. 102.06 describes the Ethics Commission's investigative authority. It establishes the confidentiality of investigations, the Commission's subpoena and hearing authority, and allows the Commission to enter into settlements of cases.

More information about the Commission's investigative authority can be found here on the web site and investigation confidentiality fact sheet.

R.C. 102.07 describes the confidential nature of Ethics Commission records.

R.C. 102.08 describes three other areas of the Commission's authority:

- Issuing Advisory Opinions—The Ethics Commission issues advisory opinions in response to questions on conflicts of interest or financial disclosure. Any person can request an advisory opinion about actions he or she is considering. An advisory opinion of the Commission is a written document based on a written request disclosing the relevant facts. The Commission staff cannot provide verbal or written advisory opinions in response to questions posed on the telephone or in an email, questions involving the actions of someone other than the requester, or questions involving events that have already occurred.

  An advisory opinion issued by the Commission provides the official or employee, and any other person in a similar situation, with immunity from civil action, criminal prosecution, or removal from office for the activity described in the opinion. More information about the Commission's past advisory opinions and mechanisms for seeking new opinions can be found on the Advice homepage.

- Conducting an Educational Program—The Ethics Commission provides a wide variety of ethics education and public information. The Commission teaches classes, prepares and disseminates pamphlets and information sheets on specific ethics issues, and offers Webinars and other online education resources. The Commission also prepares a monthly newsletter with updates and new information. More information about the Commission's educational activities, including upcoming classes and Webinars, can be found Eduction homepage.

- Recommending Legislation—The Ethics Commission is empowered to recommend legislative changes on matters related to the Ethics Law to the General Assembly.

Table of Contents

Introduction **2**

Chapter 1 **6**
Definitions (R.C. 102.01):

Chapter 2 **7**
Financial Disclosure Laws (R.C. 102.02):
Notification (R.C. 102.09):

Chapter 3 **8**
Revolving Door Law/Post Employment Law (R.C. 102.03(A)(1)):
Post-Employment Disclosure (R.C. 102.021):

Chapter 4 **10**
Conflicts of Interest Restrictions – Use of Authority (R.C. 102.03(D)):

Chapter 5 **12**
Conflicts of Interest Restrictions-
Soliciting or Accepting Things of Value (R.C. 102.03(E)):

Chapter 6 **14**
Honorarium and Travel Expenses Restrictions (R.C. 102.03(H)(1), (H)(2), and (I)):

Chapter 7 **15**
Restrictions Applying to Officials and Employees of the Casino Control Commission (R.C. 102.03(L) and (M)):

Chapter 8 **16**
Rendering Services on a Matter Before Another Public Entity (R.C. 102.04):

Chapter 9 **19**
Public Contract Law (R.C. 2921.42(A)(1), (A)(2), (A)(3), and (A)(4)):

Chapter 10 **22**
Nepotism (R.C. 2921.42(A)(1)):

Chapter 11 **24**
Supplemental Compensation (R.C. 2921.43):

Chapter 12 **25**
Election Related Issues (R.C. 2921.43(C) and (F); R.C. 102.03(G)):

Chapter 13 **26**
Restrictions (R.C. 102.99):

Conclusion **27**

Chapter 1

Definitions (R.C. 102.01):

The first section in the law is the definitions. Among the most important definitions are:

- A "public official or employee" is any person who is: (1) elected or appointed to an office of a public agency; or (2) employed by a public agency. Teachers, professors, or other educators are excluded from some, but not all of the restrictions.
- A "public agency" is any department, division, institution, board, commission, authority, bureau, or other entity of the state, or any county, city, village, township, or other instrumentality of the state. Included are any public library, school district, regional transit authority, and all other public bodies. [R.C. 102.01(C)]

Advisory Opinion 93-017

More information about the Commission's investigative authority can be found here on the web site and investigation confidentiality fact sheet. [R.C. 102.01(B)]

- "Anything of value" includes any money, goods, checks, real estate interests, the promise of future employment, and "every other thing of value."

More information about what is included in "anything of value" can be found in R.C. 1.03 and Advisory Opinions 2001-03 and 2009-03.

Chapter 2

Financial Disclosure Laws (R.C. 102.02):

The second section in the law covers the financial disclosure requirement. About 12,000 public officials, public employees, and candidates for public office complete financial disclosure statements each year. The significant majority of public officials and employees don't have to file statements.

Most people who are required to file statements must disclose personal financial information such as sources of income and gifts, companies in which they have investments, and sources of travel expenses or meals. [R.C. 102.02(A)] A very small number of filers are required to disclose less information. Included are members of college and university boards of trustees and members and employees of JobsOhio. These officials, for example, don't have to disclose information about travel or meal expenses. [R.C. 102.022]

All filers, or their agencies, pay filing fees, which help to support the work of the Commission. [R.C. 102.02(E) and (G)] People who file statements after the deadline must pay late fees. [R.C. 102.02(F)] People who fail to file or who file false statements may face criminal charges. [R.C. 102.02(C) and (D)]

Most statements filed with the Ethics Commission are public records. [R.C. 102.02(A)] However, statements filed by members of state boards and commissions who are not compensated, and statements filed by the members and employees of JobsOhio, are confidential. [R.C. 102.02(B)]

Notification (R.C. 102.09):

This section describes who is responsible for informing public officials and employees about either the requirement to file financial disclosure statements or about the Ethics Law itself. The first three sections [102.09(A), (B), and (C)] describe the methods whereby certain officials, employees, or candidates are given financial disclosure statements. More information about these sections can be found on the Financial Disclosure homepage.

The final section [R.C. 102.09(D)] requires all public agencies to provide a copy of the law to all officials and employees who serve the agency. The agency can provide the law in either physical (paper) format or as an electronic link. This document was created to accompany the copy of the law provided by a public employer and explain the law more fully.

More information about who is required to file, what they need to disclose, and how the Commission handles filed statements is available on the Financial Disclosure homepage. Information about how to access statements filed by other officials and employees is also available on the Financial Disclosure homepage.

Chapter 3

Revolving Door Law/Post Employment Law (R.C. 102.03(A)(1)):

Revolving Door (R.C. 102.03(A)(1)): The Ethics Law prohibits a current or former public official or employee from representing any person before any public agency on matters in which the official or employee personally participated.

Relevant terms:

Represent—Any formal or informal appearance before, and any written or oral communication with, any public agency.
Public agency—Any state or local public agency, including any state department, board, or commission, any public college or university, and any county, city, village, township, school district, or public library.
Matter—Any case, proceeding, application, determination, issue, or question. Examples of a "matter" include a hearing on a permit application, a policy determination, and an investigation into wrongdoing.
Personal participation—Any decision, approval, disapproval, recommendation, rendering of advice, investigation, or other substantial exercise of administrative discretion. A public official or employee has personally participated in a matter if, for example, he or she investigated, made decisions, approved, or made recommendations on the matter. A matter is any case, proceeding, application, determination, issue, or question.

EXAMPLE: A member of a city zoning commission is also an architect. As a zoning commission member, she participated in a decision on a pending residential project. This section prohibits her from representing a client before the zoning commission, and before any other board, commission, or office, on the residential project.

More information about the revolving door restriction is available in the revolving door information sheet and Advisory Opinion 2011-03.

Exceptions [R.C. 102.03(A)(6), (7), (8), and (9)]: There are four main exceptions to the revolving door law—

R.C. 102.02(A)(6): A former public official or employee is not prohibited from assisting or representing his or her former public agency.

Advisory Opinion 2012-04

R.C. 102.02(A)(7): A former public official or employee is not prohibited from performing ministerial functions, such as filing applications for permits or licenses or other documents, on any matter.
R.C. 102.02(A)(8): A former state employee who gets a new job with a different state agency is

not prohibited from representing his or her new public employer on any matter, including a matter in which he or she personally participated as an employee of the public agency. This exception does not apply to any audit or investigation in which the former state employee personally participated.

Advisory Opinion 2012-03

R.C. 102.03(A)(9): A former employee of a local public agency who moves from one job to another job in the same local agency is not prohibited from representing his or her new public employer on a matter in which he or she personally participated as an employee of the public agency.

Specific Revolving Door Restrictions: The Ethics Law contains three other specific revolving door restrictions that apply to a limited group of public officials and employees. These restrictions apply to:

1. Former Commissioners and Attorney Examiners for the Public Utilities Commission of Ohio (R.C. 102.03(A)(2));
2. Former officials and employees of any public agency whose job duties included authority over solid or hazardous waste matters (R.C. 102.03(A)(3)); and
3. Current or former officials and employees of the Ohio Casino Control Commission (R.C. 102.03(A)(10)].

More information about this section is available in the Casino Control Information Sheet and Advisory Opinion 91-003.

Post-Employment Disclosure (R.C. 102.021):

Any state elected official and any state employee who is required to file a financial disclosure statement must, when leaving his or her public position, file a statement disclosing their subsequent place of employment. The statement must be filed with the Office of the Legislative Inspector General. Some officials and employees may be required to file periodic statements for 24 months after leaving their public positions.

More information about the post-employment disclosure requirement is available from the Office of the Legislative Inspector General.

Chapter 4

Conflicts of Interest Restrictions – Use of Authority (R.C. 102.03(D)):

Use of Position to Secure Benefit [R.C. 102.03(D)]: The conflict of interest law prohibits a public official or employee from using or authorizing the use of his or her public position to get a benefit for the official or employee or for anyone else with whom he or she is closely connected. The law also prohibits the official or employee from using his or her public position to avoid a detriment for the official or closely connected person. This means that a public official or employee cannot act on a matter before his or her public agency if the matter definitely and directly affects:

- The official or employee;
- One of the official's or employee's close family members; or
- One of the official's or employee's business associates.

EXAMPLE: The daughter of a school district board member is competing for a district-issued scholarship. The school board member is prohibited from using his position, in any way, to get the scholarship for his daughter.

EXAMPLE: A village council member is employed by a private company. After a recent village inspection, the company was cited for violations and a fine was assessed against it. The council member is prohibited from using his position in any way to have the company's fine waived or reduced.

Advisory Opinion 2009-02

Advisory Opinion 2009-06

Confidentiality [R.C. 102.03(B)]: If an official or employee has access to confidential information in his or her public job, he or she is prohibited from disclosing or using that confidential information, in any way, unless the public agency has authorized the person to disclose or use it. This restriction is in effect during and after a person's public service, as long as the information remains confidential.

Advisory Opinion 93-012

License and rate making [R.C. 102.03(C)]: This section prohibits a public official or employee from participating in license or rate-making proceedings that affect the licenses or rates of the official or business entity in which the official or employee, or any of his or her family members, has an investment of over five percent.

Advisory Opinion 75-023

Chapter 5

Conflicts of Interest Restrictions-
Soliciting or Accepting Things of Value (R.C. 102.03(E)):

The conflict of interest law also prohibits a public official or employee from soliciting or accepting things of value that could have a "substantial and improper influence" on the official or employee. In other words, the official or employee cannot solicit or accept "anything of value," such as a gift, travel expenses, employment, substantial meals, or other things of significant value from anyone if the thing of value could improperly influence the official or employee in the performance of his or her duties. The Commission has explained that these kinds of gifts would improperly influence a public official or employee if they are provided to the official or employee by anyone that is:

- Doing or seeking to do business with his or her public agency;
- Regulated by his or her public agency; or
- Interested in matters before his or her public agency.

EXAMPLE: A library director is selecting a new electronic catalog system for the library. One of the potential vendors would like him to see how its catalog system works for a comparably sized district in Massachusetts. The company has offered to provide travel expenses so that the director can use the system and discuss it with the other library's employees. The conflict of interest law would prohibit the director from accepting the travel expenses.

More information about this restriction is available in the Information Sheet on Gifts , Gifts Bulletin, and Advisory Opinion 89-013.

Promising or Giving Things of Value [R.C. 102.03(F)]: This provision in the conflict of interest law prohibits any person from promising or giving anything of substantial value to a public official or employee if the thing of value could have a substantial and improper influence on the official or employee.

EXAMPLE: The conflict of interest law would prohibit the company in the previous example from promising or giving travel expenses to the library director.

More information about this restriction as it applies to seeking or accepting employment is available in Information Sheet No. 4 and Advisory Opinion 96-004.

More information about this restriction is available in Advisory Opinion 90-001 and in the Information Sheet on Gifts.

Chapter 6

Honorarium and Travel Expenses Restrictions (R.C. 102.03(H)(1), (H)(2), and (I)):

Honorarium [R.C. 102.03(H)(1)]: The Ethics Law prohibits most public officials or employees who file financial disclosure statements from accepting any honorarium. The term "honorarium" is defined in R.C. 102.01(H) as any payment for making a speech, writing an article, or attending a public or private event. This restriction does not apply to the president, chief administrative officer, or trustee of a state university or college.

Advisory Opinion 99-003

Travel Expenses [R.C. 102.03(H)(1)]: This section is an exception to the prohibitions against a public official or employee accepting travel expenses. It allows public officials and employees who file financial disclosure statements to accept actual travel expenses for travel: (1) to a meeting at which the official or employee is participating in a panel or making a speech; or (2) to a meeting of a national or state organization to which any public agency pays membership dues. The section allows any official or employee who is not required to file a financial disclosure statement to accept an honorarium or travel expenses from any person if the payment is made in recognition of the person's interests that exist outside his or her public service.

Travel Expenses for Retirement System Officials [R.C. 102.03(H)(2)]: This provision applies only to higher ranking officials and employees of the five state retirement systems. It prohibits the covered officials and employees from accepting any travel expenses.

More information about this provision is available on in the Information Sheet - Doing Business with Retirement Systems in Ohio.

Travel Expenses in Connection with Conferences, Seminars, and Similar Events [R.C. 102.03(I)]: This section allows a public official or employee to accept travel expenses in connection with conferences and similar events in some limited situations. The Commission has adopted a rule to explain the application of this exception more fully.

OAC 102-3-08

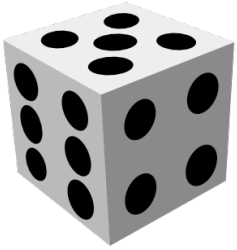
R.C. 102.031: Restriction on Travel Expenses for Members and Staff of the General Assembly

More information about this provision and its exceptions is available on the Web site for the Office of the Legislative Inspector General.

This section in the Ethics Law applies only to members and employees of the Ohio General Assembly. It prohibits these officials and employees from accepting personal travel expenses from legislative agents.

Chapter 7

Restrictions Applying to Officials and Employees of the Casino Control Commission (R.C. 102.03(L) and (M)):



Two sections in the Ohio Ethics Law apply specifically to officials and employees of the Ohio Casino Control Commission, which regulates the casino industry in Ohio.

The first section [R.C. 102.03(L)] prohibits these public officials and employees from:

- Having any direct or indirect investment in casino businesses or facilities or gaming-related vendors; or
- Having financial or ownership interests in, being creditors of, or having contractual or service relationships with casino businesses or facilities or gaming-related vendors.

The second section [R.C. 102.03(M)] prohibits a member or employee of the Casino Control Commission from:

- Accepting employment, gifts, or other things of value from casino businesses or facilities, or any other person subject to the jurisdiction of the Commission.
- Soliciting, requesting, or taking any other action to secure employment for any person by a casino businesses or facilities or any other person subject to the jurisdiction of the Commission; and
- Participating in casino gaming at any casino facility in Ohio or any affiliated gaming facility located anywhere.

In addition to the penalties that apply to other sections of the Ethics Law, a Casino Control Commission official or employee who violates any of the three provisions of R.C. 102.03(M) shall immediately forfeit his or her office or employment.

More information is available in the Casino Control Information Sheet, Advisory Opinion 2012-01, & Advisory Opinion 2012-02 .

Chapter 8

Rendering Services on a Matter Before Another Public Entity (R.C. 102.04):

There are three restrictions in R.C. 102.04. The first two apply to state officials and employees.

R.C. 102.04(A) prohibits a state official or employee from receiving compensation, from anyone other than the state agency that he or she serves, to perform services on matters before any state agency.

EXAMPLE OF RESTRICTION: A member of the Ohio Example Commission cannot accept compensation to represent a client or prepare work for the client on a matter that is before the Example Commission.

There is an exception to this restriction [R.C. 102.04(D)]. The exception applies to non-elected officials and employees of any state agency. Under the exception, the state official or employee can be paid to provide services on a matter before a state agency provided that:

1. The agency is not the one that he or she serves; and
2. The official or employee files an R.C. 102.04(D) statement with both state agencies, and the Ethics Commission, disclosing the representation. The statement can be found on the Commission's Web site.

Advisory Opinion 93-010

Advisory Opinion 2007-03

EXAMPLE OF EXCEPTION: A member of the Ohio Example Commission can accept compensation to represent a client on a matter before another state board, commission, department, or other agency, such as the Ohio Reference Board, provided that he files the required R.C. 102.04(D) statement. The Commission member must file the statement with the Example Commission, the Reference Board, and the Ethics Commission.

R.C. 102.04(B) also applies to state officials and employees. A state official or employee is prohibited from selling goods or services, except through competitive bidding, to any state agency.

EXAMPLE OF RESTRICTION: An employee of the Ohio ABC Department is prohibited from selling goods to the ABC Department unless the sale is competitively bid and she submits the lowest and best bid.

There is one exception to this restriction, which applies to non-elected state officials and employees [R.C. 102.04(D)]. The exception applies when:

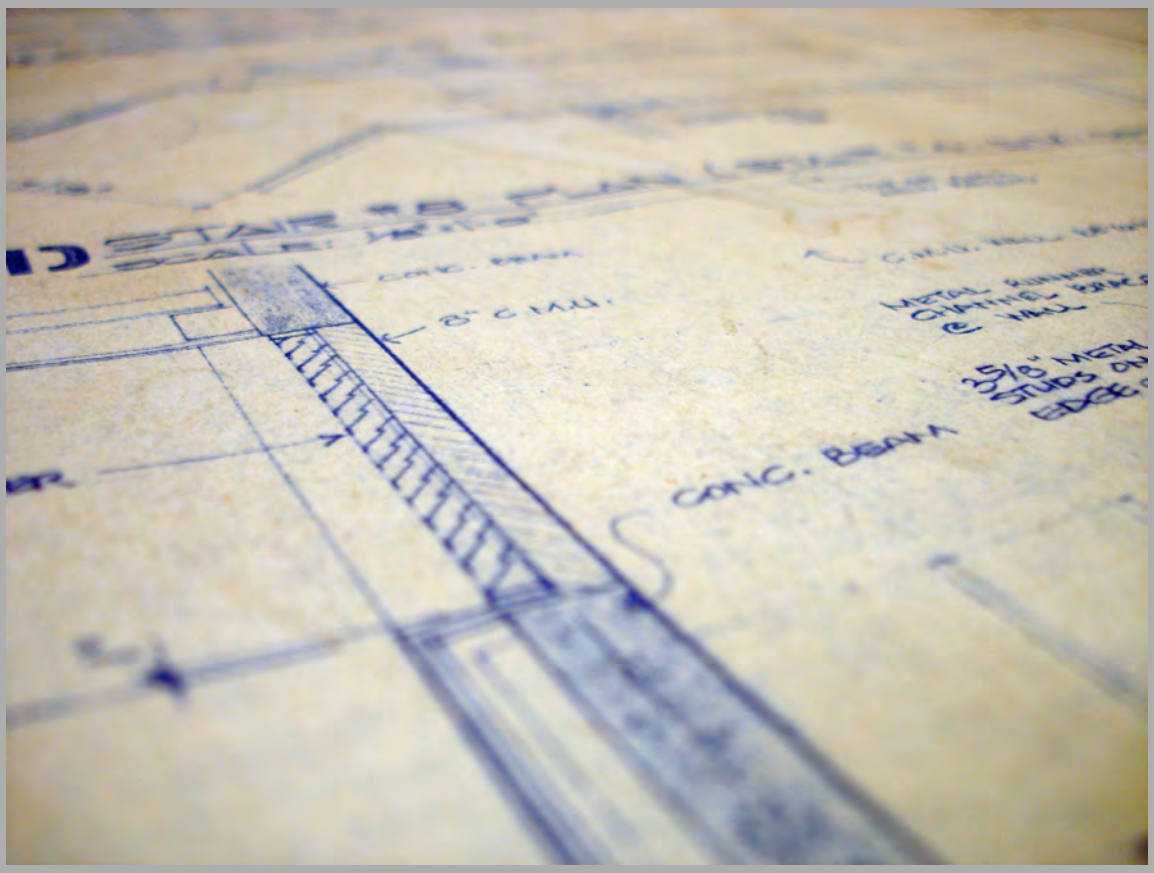
1. The official or employee is selling to a state agency other than the one he or she serves; and
2. The official or employee files a statement (described in R.C. 102.04(D)) with both agencies, and the Ethics Commission, disclosing the activity. The statement can be found on the Commission's Web site.

Advisory Opinion 89-010

EXAMPLE OF EXCEPTION: The employee of the ABC Department can sell goods to a state board, commission, department or agency other than the ABC Department, such as the 123 Board, provided that she meets the exception. If she sells to the 123 Board, she must file the statement with the ABC Department, the 123 Board, and the Ethics Commission.

The final restriction, R.C. 102.04(C), applies to officials and employees of local public agencies—that is, agencies such as cities, counties, and school districts. R.C. 102.04(C) prohibits an official or employee of a local agency from receiving compensation, from anyone other than the department or sub-unit of the agency he or she serves, to perform services on matters before any other department or sub-unit of the local agency.

EXAMPLE OF RESTRICTION: An employee of a city zoning department cannot accept compensation from a client to prepare plans that will be filed with and approved by the zoning department, because the approval of the plans is a matter that is before her city department.



There is one exception to this restriction, which applies to non-elected officials and employees of local agencies [R.C. 102.04(D)]. The exception applies when:

1. The official or employee is selling to a department or sub-unit of the agency other than the one he or she serves; and
2. The official or employee files a statement (described in R.C. 102.04(D)) with both agencies, and the Ethics Commission, disclosing the activity. The statement can be found on the Commission's Web site.

EXAMPLE OF EXCEPTION: An employee of the city zoning commission can accept compensation to represent a client before the city public utilities department provided that she files the required R.C. 104.04(D) statement with the city zoning commission, the city public utilities department and the Ethics Commission.

R.C. 102.04(D) Statement

Chapter 9

Public Contract Law (R.C. 2921.42(A)(1), (A)(2), (A)(3), and (A)(4)):

There are four main restrictions in R.C. 2921.42. The laws prohibit a public official or employee from:

1. Authorizing a public contract in which the official, a family member, or a business associate has an interest [R.C. 2921.42(A)(1)] [NOTE: This is the section that prohibits nepotism, or authorizing an employment contract for a family member. See Chapter 10];
2. Authorizing an investment of public funds in which a family member or business associate has an interest or from which a family member or business associate receives a fee [R.C. 2921.42(A)(2)];
3. Profiting from a public contract authorized by the official or by a board on which he or she sits unless the contract was competitively bid and awarded to the lowest and best bidder [R.C. 2921.42(A)(3)]; and
4. Having an interest in a public contract of any public agency with which he or she is connected [R.C. 2921.42(A)(4)].

A public contract is any purchase or acquisition of goods or services by any public agency. Public contract also includes employment with any public agency. [R.C. 2921.42(I)]

Authorizing a Public Contract [R.C. 2921.42(A)(1)]: The Ethics Law prohibits a public official or employee from authorizing a public contract if the official, a family member, or a business associate has an interest in the contract. A public official has "authorized" a contract if he or she has taken any action to secure the contract. For example, a public official has authorized a contract if he or she:

- Voted to award the contract;
- Signed the contract;
- Recommended the contract to other officials or employees; or
- Taken any other official action on the contract.

EXAMPLE: A business associate of a school board member is also a partner in a law firm. If the school district would like to hire the law firm, the board member is prohibited from taking any formal or informal action to secure the contract because his business associate, as a partner, has an interest in any contract awarded to the law firm.

A "business associate" includes any individuals, companies, or organizations with which the official is acting together to pursue a common business purpose. Adv. Op. No. 93-001. Examples of a public official's business associates include, but are not limited to, the official's: (1) partners in a partnership; (2) co-owners of a business; (3) outside employer; and (4) co-members of an LLC.

Advisory Opinion 2009-06

Advisory Opinion 2013-01

Profiting from a Public Contract [R.C. 2921.42(A)(3)]: This restriction prohibits a public official or employee from occupying a position of profit in the any public contract that he or she authorized. In other words, a public official cannot receive a definite and direct financial benefit from any contract that was authorized:

- By the official; or
- By any board or commission on which he or she served (even if the official didn't vote on the authorization).

This restriction applies to the official or employee during public service and for one year after leaving public service. The restriction does not apply to competitively bid contracts awarded to the lower and best bidder.

A person who is employed by a company occupies a position of profit in a public contract awarded to the company if:

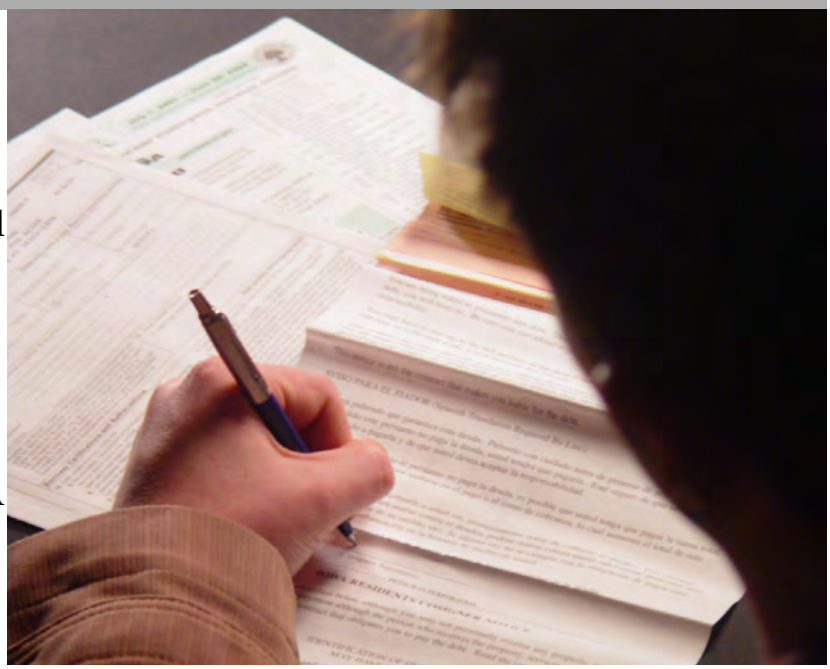
- The company depends on the contract;
- The employee receives compensation, fees, or other direct benefit from the contract; or
- The employee's job would not exist without the contract.

Advisory Opinion 88-008

Advisory Opinion 2009-05

EXAMPLE: A state department director authorized an unbid contract to a private company. The department director could not accept employment with the company, within twelve months after leaving her job with the state, if she would be paid from the contract proceeds or otherwise profit from the unbid contract she awarded.

Having an Interest in a Public Contract [R.C. 2921.42(A)(4)]: A public official or employee is prohibited from having an interest in a contract entered into by his or her public agency. Usually, a public official or employee cannot sell goods or services to his or her own agency.



A public official or employee is prohibited from having a definite and direct interest in a contract of his or her public agency. A prohibited interest can be either financial or fiduciary.

EXAMPLE: A city police officer cannot sell consulting services to the city he serves because he would have a financial interest in the contract.

If the police officer serves as a board member of the non-profit organization, he would have a fiduciary interest in the contracts of the organization. If the organization received a grant from the city, the police officer would have a prohibited fiduciary interest in the contract even if he received no financial benefit from it.

There are two exceptions to this prohibition. A public official or employee does not have a prohibited interest in a contract with his or her own agency if:

1. The official's interest is limited to being a minority stockholder or a creditor of a company that sells goods or services to the agency. The official or employee must file an affidavit with the agency disclosing his or her interest in the contract [R.C. 2921.42(B)].
2. The official can meet a four-part test [R.C. 2921.42(C)]. The four parts are:
   - The contract is for necessary goods or services;
   - The goods or services are unobtainable elsewhere for the same or lower cost or are part of a course of dealing that began before the official started serving the public agency;
   - The official or employee gives the public agency the same or better treatment than other clients or customers; and
   - The official or employee takes no part in the deliberations or decisions of the public agency on the contract.

Void and Unenforceable [R.C. 2921.42(H)]: This section establishes that contracts and investments in which an official, or the official's family members or business associates, have an interest in violation of R.C. 2921.42(A) are void and unenforceable.

Specific Exceptions [R.C. 2921.42(D) and (G)]: These two sections contain specific exceptions to the public contract law that apply to certain limited groups of public officials and employees.

R.C. 2921.42(D) allows employees of public agencies to apply for and receive housing rehabilitation loans from their own public agencies. The exception does not apply to elected officials. More information about the exception can be found in Advisory Opinion 95-007.

R.C. 2921.42(G) applies to township trustees in small townships, for contracts that are under $5,000 a year.

Legal Officers [R.C. 2921.42(F)]: Under this section, prosecuting attorneys and chief municipal legal officers are exempted from some of the Ethics Law, and are permitted to hire their business associates. This section is parallel to the prohibition in R.C. 102.03(K), which exempts legal officers from the provisions in the conflict of interest law. The application of this exception is spelled out more fully in R.C. 2921.421.

Chapter 10

Nepotism (R.C. 2921.42(A)(1)):

Whenever a public agency hires an employee, that employment is a "public contract." A public official or employee is prohibited from hiring a family member or using his or her position in any way to secure employment of a family member. An official or employee cannot hire these family members, regardless of whether they live in the same household with the official or employee:

- Spouse;
- Parents or grandparents;
- Children or grandchildren;
- Siblings; and
- Step-children or parents.

More information about nepotism restrictions can be found in Advisory Opinion 2010-03 and in the nepotism information sheet.

An official or employee also cannot hire these family members if they live in the same household with the official or employee:

- Uncles and aunts;
- Cousins;
- Nieces and nephews;
- In-laws; and
- Anyone else related to the official or employee by blood or by marriage.

EXAMPLE: The adult daughter of a regional transit authority employee has applied to become a bus driver. The regional transit authority can hire the employee's daughter, but the employee cannot take any action to get the job for his daughter. If she is hired, the employee cannot use his position in any way to get any employment benefits, such as raises or promotions, for his family member.

There are more specific rules that apply when an official's or employee's minor child is applying for employment with the agency.

More information about these restrictions can be found in the summer employment info sheet.

Void and Unenforceable [R.C. 2921.42(H)]: This section establishes that contracts and investments in which an official, or the official's family members or business associates, have an interest in violation of R.C. 2921.42(A) are void and unenforceable.

Use of Position to Secure Benefit [R.C. 102.03(D)]: The conflict of interest law prohibits a public official or employee from using or authorizing the use of his or her public position to get a benefit for him or herself or for anyone else with whom he or she is closely connected. The law also prohibits the official or employee from using his or her public position to avoid a detriment for the official or employee or closely connected person. This means that a public official or employee cannot act on a matter before his or her public agency if the matter definitely and directly affects:

- The official or employee;
- One of the official's or employee's close family members; or
- One of the official's or employee's business associates.

Chapter 11

Supplemental Compensation (R.C. 2921.43):

Supplemental Compensation [R.C. 2921.43(A)(1)]: This section prohibits a public official or employee from soliciting or accepting compensation from any source other than his or her public employer for the performance of his or her public duties. A private party also cannot promise or give a public official or employee compensation for performing his or her public duties.

EXAMPLE: A park district employee is responsible for removing down limbs and trees from park and adjoining property following storms. The employee is prohibited from accepting a gift, money, or any other benefit from an owner of adjoining property for removing a fallen park-owned tree from that person's property.

Securing or preferring employment [R.C. 2921.43(B)]: A public servant cannot solicit or accept, and no one can give a public servant, anything of value to appoint, secure, promote, or otherwise affect material aspects of any person's public employment.

More information about this restriction can be found in Advisory Opinion 2011-05 and the information sheet on gifts.

EXAMPLE: A city firefighter who is next on a promotion list cannot offer to pay a person who currently holds the position as an incentive to retire before the promotion list expires.

Advisory Opinion 97-001

Criminal Offenses [R.C. 2921.43(D)]: This section establishes that violations of R.C. 2921.43 are criminal offenses and establishes the levels of the offenses.

Disqualification [R.C. 2921.43(E)]: This section states that any person who is convicted of a violation of R.C. 2921.43 will be disqualified from public office, public employment, or any position of public trust, for seven years from the date of the conviction.

Chapter 12

Election Related Issues (R.C. 2921.43(C) and (F); R.C. 102.03(G)):

The Ethics Commission does not have any jurisdiction over campaign finance or elections laws or rules in Ohio. For guidance on these types of questions, you should contact the Ohio Secretary of State's Office or the Ohio Elections Commission. There are however a three provisions in the Ethics Law that address campaign contributions.

Advisory Opinion 2002-03

Coercing Campaign Contributions [R.C. 2921.43(C)]: This section prohibits any person from coercing campaign contributions for any candidate, campaign committee, legislative campaign committee, or PAC in return for appointing, securing employment, promoting, or otherwise affecting any material aspects of any person's public employment.

Voluntary Campaign Contributions [R.C. 2921.43(F)]: This section makes it clear that a person can make voluntary campaign contributions to any person or campaign fund.

Ordinary Campaign Contributions [R.C. 102.03(G)]: Ordinary campaign contributions given to an elected official are not prohibited, even where a nexus exists between the public office and the contributor. However, where there is evidence of wrongdoing as set forth in R.C. 102.03(G), in connection with a campaign contribution, and a nexus exists between the officer and the contributor, the conflict of interest protections set forth in R.C. 102.03(D), (E), and (F) will apply to the parties to the contribution.

Chapter 13

Restrictions (R.C. 102.99):

The final section of Chapter 102 establishes the restrictions for any person who violates the Ethics Law and related statutes. All of the provisions of the Ethics Law are criminal prohibitions. Most of the provisions are first-degree misdemeanors, with a maximum fine of $1000, a maximum jail term of six months, or both. However, two of the public contract prohibitions are fourth-degree felonies, with a maximum fine of $5000, a maximum term of 18 months, or both. A person who is convicted of receiving supplemental compensation will be barred from holding public office, public employment, or any position of public trust for seven years.

Conclusion

Every public agency must give each official or employee who serves the agency a copy of the Ohio Ethics Law. This overview is intended to give public officials and employees some basic information about how the law applies to them. The overview briefly summarizes each provision of the law and, when available, provides examples of the restrictions and links to additional resources.

This overview is not intended to substitute for the Ethics Law or for an advisory opinion of the Ohio Ethics Commission. For guidance on a specific situation, please contact the Commission at 614.466.7090.