

Ohio Ethics Law Overview



The Ohio Ethics Commission

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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 overview 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 overview may serve as a helpful supplementary document that explains the statute in layperson-friendly language. Please note that this overview 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.



Denotes an example



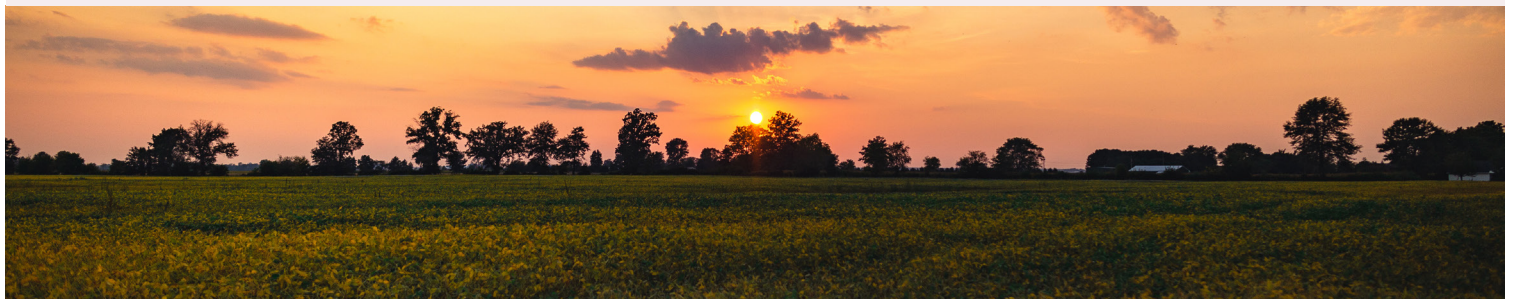
Denotes a relevant link

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. These “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.



More information about these matters is available in [The Ohio Ethics Law and Ohio Ethics Commission Fact Sheet](#).



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.

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 on the [Investigation homepage](#) and [The Ohio Ethics Law And Ohio Ethics Commission 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 on the [Education homepage](#).

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



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Chapter 1 - Definitions

Definitions (R.C. 102.01)

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

“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.



[Advisory Opinion 2009-04](#)

“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))



More information about which restrictions apply to teachers is available in [Advisory Opinion 93-017](#) and [Advisory Opinion 2000-04](#). (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 as well as [Advisory Opinion 2001-03](#) and [Advisory Opinion 2009-03](#).



Chapter 2 - Financial Disclosure

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, uncompensated board members, and employees of JobsOhio. These filers, 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))

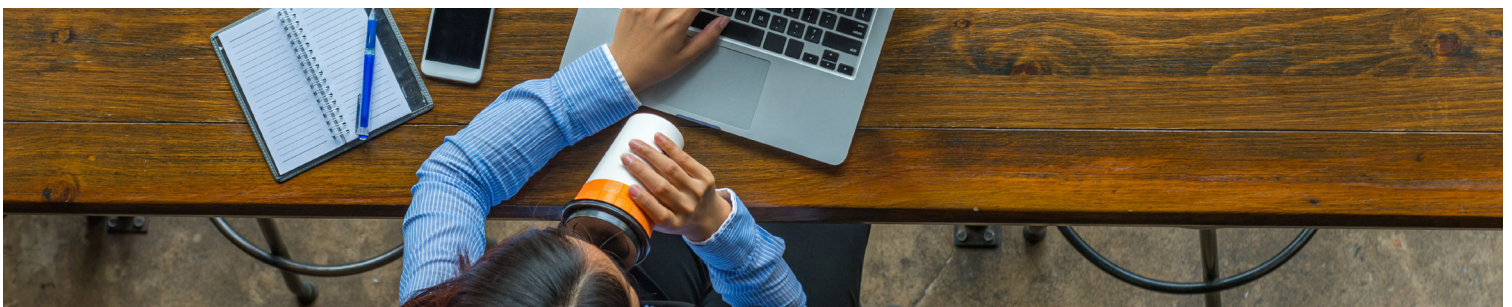
Most statements filed with the Ethics Commission are public records. (R.C. 102.02(A)) However, statements filed by members of state boards and commissions who are not compensated, and statements filed by the members and employees of JobsOhio, are confidential. (R.C. 102.02(B))

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

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.



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.

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.



More information about the revolving door restriction is available in the [Revolving Door Law Fact 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.



[Advisory Opinion 2012-03](#)

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 in which the former state employee personally participated.

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:

Former Commissioners and Attorney Examiners for the Public Utilities Commission of Ohio (R.C. 102.03(A)(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

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 Commission chapter of the [Specific Public Professions and Roles Fact 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 - Confidentiality

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 2018-01](#)

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](#)

Chapter 5 - Gifts and Other Things of Value

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 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 [Gifts and Other Things of Value Fact Sheet](#) 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 the [Revolving Door Law Fact Sheet](#) and [Advisory Opinion 96-004](#).



More information about this restriction is available in [Advisory Opinion 90-001](#) and in the [Gifts and Other Things of Value Fact Sheet](#).

Chapter 6 - Honorarium and Travel Expenses

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 state 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 in the Doing Business with Retirement Systems in Ohio chapter of the [Specific Public Professions and Roles Fact Sheet](#).

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](#)

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

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.



More information about this provision and its exceptions is available on the web site for the [Office of the Legislative Inspector General](#).

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 The Casino Control Commission chapter of the [Specific Public Professions and Roles Fact Sheet](#) and [Advisory Opinion 2012-02](#).



Chapter 8 - Rendering Services on a Matter Before Another Public Entity

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: 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.



Example: 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.



[Advisory Opinion 93-010](#) and [Advisory Opinion 2007-03](#)

