



OHIO ETHICS COMMISSION

THE ATLAS BUILDING
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Advisory Opinion
No. 84-010
July 20, 1984

Syllabus by the Commission:

- (1) Division (D) of Section 102.03 of the Revised Code prohibits an employee of a state department from soliciting or receiving travel expenses from a party that is interested in matters before, regulated by, or doing or seeking to do business with the department.
- (2) Division (D) of Section 102.03 of the Revised Code prohibits the spouse of a state employee from receiving travel expenses from a party that is interested in matters before, regulated by, or doing or seeking to do business with the department with which the public employee serves.

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You asked: (1) whether the Ohio Ethics Law and related statutes prohibit an employee of a state department from soliciting or accepting reimbursement for travel expenses from a firm that is regulated by the department; and (2) whether the Ohio Ethics Law and related statutes prohibit the spouse of a state employee from accepting travel expenses from a firm that is regulated by the department with which the public employee serves.

You stated, by way of history, that an employee of a state department serves as the chief of the division that regulates a particular industry. The industry is hosting a conference, and a company that is part of the regulated industry has offered to pay the travel expenses and conference registration fees for the state employee and his spouse.

Division (D) of Section 102.03 of the Revised Code provides:

No public official or employee shall use or attempt to use his official position to secure anything of value for himself that would not ordinarily accrue to him in the performance of his official duties, which thing is of such character as to manifest a substantial and improper influence upon him with respect to his duties.

A division chief of a state department is a "public official or employee," as that term is defined in Division (B) of Section 102.01 of the Revised Code. The Commission has held that Division (D) of Section 102.03 of the Revised Code prohibits a public official or employee from soliciting or receiving consulting fees, honoraria, conference registration fees, or other similar payment or reimbursement, from a party that is interested in matters before or regulated by the agency with which the public official or employee serves (See: Ohio Ethics Commission Advisory Opinions No. 79-002, 79-006, and 80-004). This prohibition would also apply to a party that is doing or seeking to do business with the agency with which the public official or employee serves. The payment of travel expenses and conference registration fees is within the definition of "anything of value" in Section 1.03 of the Revised Code, and would not ordinarily accrue to a state employee in the performance of his official duties. The receipt of something of value from a party

that is interested in matters before, regulated by, or doing or seeking to do business with the agency with which the public official or employee serves is of such character as to manifest a substantial or improper influence upon the public official or employee with respect to his official duties, because it could impair his independence of judgment in the performance of his duties and affect subsequent decisions in matters involving the donor of the thing of value.

The payment of the spouse's expenses would also be something of value that would derive, directly or indirectly, to the benefit of the public employee (See: Ohio Ethics Commission Advisory Opinion No. 79-008). Such a payment would manifest a substantial and improper influence on him with respect to his official duties because it comes from a party interested in matters before, regulated by, or doing or seeking to do business with the department.

This advisory opinion is based on the facts presented and is limited to questions arising under Chapter 102. and Section 2921.42 of the Revised Code.

Therefore, it is the opinion of the Ohio Ethics Commission, and you are so advised that: (1) Division (D) of Section 102.03 of the Revised Code prohibits an employee of a state department from soliciting or receiving travel expenses from a party that is interested in matters before, regulated by, or doing or seeking to do business with the department; and (2) Division (D) of Section 102.03 of the Revised Code prohibits the spouse of a state employee from receiving travel expenses from a party that is interested in matters before, regulated by, or doing or seeking to do business with the department with which the public employee serves.



Richard D. Jackson, Chairman
OHIO ETHICS COMMISSION