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NOTICE OF PUBLIC HEARING

The Ohio Ethics Commission will conduct a public hearing pursuant to R.C. 119.03 at the William Green Building, 30 W. Spring Street, Level 2, Room 2, on Monday, November 28, 2016, at 10:00 a.m.

The purpose of the hearing is to solicit public comment on the following proposed amended rules:

O.A.C. 102-5-04, titled "Financial disclosure filing requirement; chief administrative or executive officers of sovereign power state boards and commissions." The proposed rule sets forth financial disclosure filing requirements for chief executive officers of state boards and commissions.

O.A.C. 102-5-05, titled "Financial disclosure filing requirement; members of state boards and commissions." The proposed rule sets forth procedures for requiring financial disclosure filings for members of state boards and commissions.

All interested parties are invited to attend the hearing and present oral and/or written testimony. Written comments may also be submitted prior to the hearing to the attention of Matt Lampke, General Counsel, at 30 W. Spring Street, Level 3, Columbus, Ohio, 43215-2256, no later than the close of business (5:00 p.m.) on Monday, November 28, 2016. A copy of the proposed rules may be obtained from the Ohio Ethics Commission's website www.ethics.ohio.gov or by calling 614-466-7090.

102-5-04

Financial disclosure filing requirement; chief administrative or executive officers of sovereign power state boards and commissions.

This rule is adopted pursuant to division (B) of section 102.02 of the Revised Code.

- (A) The chief administrative or executive officer of any entity who holds a position that involves a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws, rules, and regulations of state, or the execution of other public trusts, is required to file an annual financial disclosure statement.
- (B) The commission must send any person who is required to file a financial disclosure statement under this rule written notice of this requirement not less than thirty days before the applicable filing deadline, unless the person is appointed after that date.
- (C) If a person who is required to file a financial disclosure statement under this rule is appointed after that date, the commission will send the person written notice of this requirement within thirty days after the commission is notified of the appointment. ~~A person who is required to file a financial disclosure statement under this rule, and who is appointed after the fifteenth day of February, shall have ninety days from the date of appointment to file the financial disclosure statement.~~
- (D) In satisfying the written notice requirement described in paragraphs (B) and (C) of this rule, the commission may send written notice of the financial disclosure filing requirement to the entity with which the person is or was associated during the financial disclosure statement filing period.

Effective:

Five Year Review (FYR) Dates: 10/24/2016

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 102.02
Rule Amplifies: 102.02
Prior Effective Dates: 1/1/76, 1/1/02, 3/25/16

102-5-05 **Financial disclosure filing requirement; members of state boards and commissions.**

This rule is adopted pursuant to division (B) of section 102.02 of the Revised Code.

- (A) The commission, by vote, may require any public official or employee, who holds a position that involves a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws, rules, and regulations of state, or the execution of other public trusts, to file an annual financial disclosure statement.
- (B) When the commission determines, pursuant to paragraph (A) of this rule, that the duly appointed board or commission members or their designees of any entity are required to file annual financial disclosure statements, it will add the name of the entity to a list of entities whose members are required to file pursuant to these administrative rules. The commission shall maintain the list in its office and on its web site.
- (C) If an entity described in paragraph (B) of this rule changes its name, but members of the entity retain substantially the same powers, duties, or responsibilities under the new name, or if the powers, duties, or responsibilities are increased under the entity's new name, the commission's decision made pursuant to division (B) of section 102.02 of the Revised Code will apply to the members of the newly named board.
- (D) Elected and appointed members of a governing board of a joint educational service center with a total student count of twelve thousand or more hold positions that involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws, rules, and regulations of state, or the execution of other public trusts. The commission requires the members or their designees of these boards to file an annual financial disclosure statement.
- (E) Those required to file a financial disclosure statement pursuant to this rule must do so in compliance with section 102.02 or 102.022 of the Revised Code.
- (F) The commission must send any person who is required to file a financial disclosure statement under this rule written notice of this requirement not less than thirty days before the applicable filing deadline, unless the person is appointed after that date.
- (G) If a person who is required to file a financial disclosure statement under this rule is appointed after that date, the commission will send the person written notice of this requirement within thirty days after the commission is notified of the appointment.
~~A person who is required to file a financial disclosure statement under this rule, and~~

~~who is appointed after the fifteenth day of February, shall have ninety days from the date of appointment to file the financial disclosure statement.~~

- (H) In satisfying the written notice requirement described in paragraphs (F) and (G) of this rule, the commission may send written notice of the financial disclosure filing requirement to the entity with which the person is or was associated during the financial disclosure statement filing period.

Effective:

Five Year Review (FYR) Dates: 10/24/2016

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 102.02
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Prior Effective Dates: 4/1/77, 2/14/80, 5/27/85, 1/1/02, 2/26/2012, 3/25/16