



OHIO ETHICS COMMISSION

THE ATLAS BUILDING
8 EAST LONG STREET, SUITE 210
COLUMBUS, OHIO 43215
(614) 466-7090

Advisory Opinion No.83-005
February 22,1983

Syllabus by the Commission:

The Ohio Ethics Law and related statutes prohibit a city employee from receiving a federally funded loan or grant from the city division of community development.

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You asked whether the Ohio Ethics Law and related statutes prohibit a city employee from receiving a federally funded loan or grant through the city division of community development.

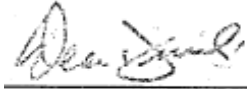
You stated, by way of history, that the city provides low interest loans and grants to low and moderate income recipients as part of a federally funded program to promote housing rehabilitation and urban homesteading. City employees, including employees of the division of community development, wish to apply for loans and grants.

Division (A)(4) of Section 2921.42 of the Revised Code prohibits a public official from having an interest in a public contract with the same entity of government with which he is connected. An employee of the city division of community development or any other division or department of the city is a "public official" as defined in Division (A) of Section 2921.01 of the Revised Code. A loan or grant from the city division of community development is a "public contract" as defined in Division (E)(1) of Section 2921.42 of the Revised Code because housing rehabilitation and community development services are being purchased or acquired "by or for the use of the city." Thus, a city employee is prohibited from receiving a loan or grant from the city division of community development.

Division (D) of Section 102.03 of the Revised Code prohibits a public official from using or attempting 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, and that would manifest a substantial and improper influence upon him with respect to his duties. Division (A)(1) of Section 2921.42 of the Revised Code prohibits a public official from using his authority or influence to secure authorization of a public contract in which he, a family member, or a business associate has an interest. An employee of the division of community development or any other division or department of the city is a "public official or employee" as defined in Division (B) of Section 102.01, as well as Division (A) of Section 2921.01 of the Revised Code. Therefore, a city employee, including an employee of the division of community development, is prohibited from using his position, authority, or influence to secure for himself, a member of his family, or a business associate a federally funded loan or grant through the city division of community development.

The conclusions of this opinion are based on the facts presented, and are rendered only with regard 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 the Ohio Ethics Law and related statutes prohibit a city employee from receiving a federally funded loan or grant from the city division of community development.



Dean S. Lucal, Chairman
Ohio Ethics Commission