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Specific Public Professions and Roles

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Township Trustees Serving as Volunteer Firefighters

The Ohio Ethics Commission has been asked how the Ethics Law applies when a township trustee wishes to [serve simultaneously](#) as an elected official and a [volunteer firefighter or paramedic](#) for the township. This chapter will provide a summary of the related [prohibitions](#) and answer some of the common questions related to this issue.

Can a township trustee serve as a volunteer firefighter?

Yes. Statutes outside the Ethics Commission's jurisdiction specifically permit a township trustee to simultaneously serve as an unpaid volunteer firefighter for his or her own [township](#). However, as explained below, the Ethics Laws will prohibit a trustee from participating in some matters affecting the fire department's personnel.

What is meant by "Compatibility of Public Positions"?

The first question that arises when a public official wants to simultaneously serve in more than one public position is whether the positions are legally "compatible." Laws, rules, and policies outside the Ethics Commission's jurisdiction may prevent a public official from simultaneously serving in another public [position](#). Public officials who want to simultaneously serve in two public positions should first seek legal advice from the appropriate legal authorities to determine whether the positions are legally "compatible."

Even when the positions have been determined to be compatible, the Ethics Law prohibits public officials from participating, in either public position, with respect to matters that affect the other public entity they serve.

Do the Ohio Ethics Laws prohibit township trustees from serving as paid volunteer firefighters?

Yes. The Ethics Law prohibits all public officials from having an "interest" in public contracts with his or her [public agency](#). The term "public contract" is defined to include [public employment](#). Therefore, because the trustee would have a prohibited financial interest in a public contract with his or her own township, a township trustee cannot simultaneously serve as a paid volunteer firefighter for his or her own [township](#).

What conflicts would a trustee serving as an unpaid volunteer have?

The Ethics Law prohibits an official who serves in more than one public position from using the authority or influence in either position to benefit himself or herself or the interests he or she serves in the other public capacity. Therefore, a public official who serves with more than one public entity is prohibited from participating, in either public position, with respect to matters that affect the other public entity.

If the official would ordinarily be required in one public position to participate in matters affecting another public entity that he or she serves, the official must be able to fully withdraw from consideration of matters affecting the other public entity. Due to these restrictions, a township trustee who serves as an unpaid volunteer firefighter with his or her township fire department must refrain from acting on any matters that impact individual employees within the fire department but is not prohibited from participating in decisions that affect the interests of the fire department as a [whole](#).

What type of recusal would be required?

Specifically, a township trustee who serves as an unpaid volunteer firefighter with his or her township fire department would be prohibited from discussing, deliberating about, or otherwise participating in township decisions affecting the employment, compensation, or benefits for the fire chief or other department personnel. This would include matters such as changes in compensation or benefits determined by individual working conditions, the assignment of duties, evaluations, and actions involving promotions, discipline, lay-offs, and termination. However, the trustee would not be prohibited from participating in matters that affect all fire department personnel, uniformly and without a unique or special benefit to the fire chief or other department [personnel](#).

Doing Business with Retirement Systems in Ohio

In 2004, the Ohio General Assembly enacted amendments to the laws that govern the regulation of Ohio's five public retirement systems; these included ethics-related provisions that attempt to protect against conflicts of interest for certain individuals and entities doing or seeking to do business with the retirement systems.

What are the five public retirement systems?

The five public retirement systems in Ohio are:

- Ohio Public Employee Retirement System
- Ohio State Teachers Retirement System
- Ohio School Employees Retirement System
- Ohio Police & Fire Pension Fund
- Ohio State Highway Patrol Retirement System.

What are the general restrictions in the Law?

Any person or entity doing or seeking to do business with any public agency in Ohio, including a state retirement system, is prohibited from [promising or giving](#) board members, officials, and employees of the agency anything of [substantial value](#). This includes [items](#) such as travel, meals and lodging, gifts, entertainment, or outside employment or consulting fees, and all other things of value.

What additional restrictions exist regarding state retirement board members?

Any person or entity doing or seeking to do business with a state retirement system is prohibited from giving any retirement system board member, investment officer, or employee of a retirement system whose position involves substantial and material exercise of discretion in the investment of the system's funds, [any](#) payment of actual travel expenses, including expenses incurred for lodging, meals, food, and [beverages](#). This restriction applies to any corporation or other business entity doing or seeking to do business with a retirement system, and [all](#) its officials, employees, and agents.

What is “Supplemental Compensation?”

The prohibition against “Supplemental Compensation” seeks to ensure that public employees are not subject to divided loyalties when performing their public jobs.

Essentially, the law prohibits a public official or employee from accepting compensation from anyone other than the public employer they [serve](#). It makes no difference whether it’s given to compensate the official for some specific action or decision, or just for the general performance of job duties.

Therefore, any person or entity doing or seeking to do business with a state retirement system, including private and non-profit entities, is prohibited from promising or giving any compensation to an official or employee of a state retirement system for the performance of that person’s public duties. Public officials and employees are equally prohibited from soliciting or accepting supplemental compensation.

Is any sort of registration or disclosure required if I want to do business with a public retirement system in Ohio?

There is currently no requirement that those doing or seeking to do business with retirement systems file any type of registration or disclosure with the Ethics Commission. You should, however, remain in contact with the individual public retirement systems for compliance measures they may require.

For more information about other registration and disclosure requirements or making campaign contributions to or on behalf of a candidate for a position on a retirement system board, contact the [Joint Legislative Ethics Committee](#) and the [Secretary of State’s Office](#).

State Board and Commission Members

State board and commission members provide direction, advice, and are essential in fulfilling that public entity's mission. Members' expertise and skills benefit not only their boards and commissions, but the entire state of Ohio, as well. Those serving on state boards and commission should be aware that they are subject to the Ohio Ethics Law and may seek guidance from the Ohio Ethics Commission with any concerns that arise during their public service. This chapter addresses some of the most common questions that arise for state board and commission members.

I have outside employment or a business of my own; could that be problematic?

Board and commission members are commonly appointed to a state position due to their expertise in a specific field or industry. As a result, situations may arise where the members must recuse or abstain from all formal or informal actions. For example, if the member has a relationship with a private company or organization that is seeking public funds, such as a contract, tax abatement, grant, or loan from the board.

Board members are required to withdraw completely from questions or issues regarding those who do business with the board or have direct interests before or are regulated by the board where the board members' interests, or the interests of their family or a business associate is presented.

Members are also prohibited from using their titles, the board or its name in a manner that suggests impropriety, favoritism, or bias by the board or any board official or employee. Board members are prohibited from [using their positions](#) to obtain financial gain or benefit for themselves, family members, or anyone with whom they have a business or employment relationship.

Are all gifts or financial payments prohibited?

While modest inexpensive gifts such as a coffee mug or plate of cookies are not prohibited, state board and commission members may not solicit or accept anything of substantial value from anyone:

- doing or seeking to do business with their board,
- regulated by their board, or
- interested in matters before the board.

Members are also prohibited from accepting compensation, other than from the board, for the performance of board duties and responsibilities. Soliciting or accepting honoraria is also prohibited, unless the member meets the limited exceptions allowed by law. (See the [Gifts and Other Things of Value Fact Sheet](#) for additional information and exceptions).

What is “representation” under the Ethics Law?

The Ohio Ethics Law prohibits board and commission members from receiving compensation, other than from the agency they serve, for any services they render personally on any case, proceeding, or other matter before their public body, including:

- negotiating or discussing matters with agency personnel or contractors
- appearing at an agency meeting or hearing
- preparing pleadings or documents to be filed with or submitted to an agency.

The board or commission member cannot be paid by a client to perform any services on a matter that is being reviewed or decided by the public agency, even if he or she will not personally appear before the agency. (See page 16 of the [Conflicts of Interest Fact Sheet](#) for additional information and exceptions.).

Can my family or outside business associates do business with my board? Can I?

While the family members and business associates of public officials are not prohibited from pursuing contracts, investments, grants, etc. from the officials’ boards, the board and commission members may not vote, authorize, recommend, or in any other way use their positions to secure them. In general, board and commission members cannot do business directly with or benefit from a contract with, the board unless an exception applies for limited stockholding or contacts are objectively shown as the lowest cost services, where all criteria under R.C. 2921.42 are met. (See the [Public Contracts Fact Sheet](#) for additional information and exceptions).

I’m stepping down from my board; what do I need to know?

Most board and commission members are prohibited both during public service and for one year thereafter, from representing any person, in any fashion, before any public agency, with respect to a matter in which the members had personally participated while serving with the board. Two-year restrictions apply for former Casino Control Commission, members and employees, former PUCO board members and hearing examiners, and for those who exercised discretion on hazardous and solid waste issue matters.

Former public officials and employees are also prohibited from using or disclosing confidential information protected by law, unless appropriately authorized. (See the [Revolving Door Law Fact Sheet](#) for additional information and exceptions).

Public School Districts and Public Universities

The Ethics Commission has issued Toolkits for public schools and public universities and colleges. These Toolkits provide an outline of the Ethics Law for officials and employees serving in these public agencies.

- [The Ohio Ethics Law 101: The Ethics Toolkit for Public School Districts Fact Sheet](#)
- [The Ohio Ethics Law for Public Universities & Colleges Fact Sheet](#)

The Casino Control Commission

The Ethics Law is a uniform standard that applies to all people who serve as officials and employees for public agencies in Ohio. “Public agencies” include state departments, boards, and commissions, such as the Ohio Casino Control Commission, and every county, city, village, and township. All members and employees of the Ohio Casino Control Commission are subject to the Ethics Law and related statutes. The law also applies to casinos, management companies, and other gaming related industries.

Everyone in the gaming industry should review the Ethics Commission guidance on the Ethics Law generally. This chapter will focus on the additional restrictions that apply specifically to the board members, officials, and employees of the Ohio Casino Control Commission.

Can I leave the Casino Control Commission and work for a gaming company?

The Ethics Law prohibits any present or former Ohio Casino Control official from representing a client or working for anyone on any matter before or concerning the Casino Control Commission. This restriction lasts for two years after leaving the Casino Control Commission. R.C. 102.03(A)(10)

A former Casino Control official is also prohibited from representing a client on any matter that they personally participated in as a Casino Control employee. This restriction lasts for two years after leaving the Casino Control Commission.

i ***R.C. 102.03(A)(10)***

No present or former Ohio casino control commission official shall, during public service or for two years thereafter, represent a client, be employed or compensated by a person regulated by the commission, or act in a representative capacity for any person on any matter before or concerning the commission.

No present or former commission employee shall, during public employment or for two years thereafter, represent a client or act in a representative capacity on any matter in which the employee personally participated as a commission employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

Can I invest in a casino or related company?

No, Casino Control Commission members and employees are prohibited from, directly or indirectly, having any of the following [connections](#):

- Financial interest;
- Ownership interest;
- Creditor or holder of a debt instrument issued; or
- Interest in a contractual or service relationship;

Can I have a financial or ownership interest in a casino or related company?

Casino Control Commission members and employees who are partners or employees of a company should determine whether the company has contracts with or provides services to any of these entities:

- A casino facility in Ohio;
- A casino operator of a casino facility in Ohio;
- A management company working with a casino facility in Ohio;
- A gaming-related vendor working with a casino operator or management company for a casino facility in Ohio; or
- A holding company of an applicant, casino operator, management company, or gaming-related vendor of a casino facility in Ohio.

Example

Paige is a Casino Control Commission member who is also a partner in a law firm. The law firm wants to provide legal services to a casino in Anytown, Ohio. As a partner in the firm, Paige would have an interest in any contractual arrangement between the firm and the casino. Therefore, the law firm would be prohibited from [providing services](#) to the casino.

Can I accept gifts or a job from a casino?

No, the Ethics Law prohibits all members and employees of the Casino Control Commission from accepting any gift, gratuity, emolument, employment, or other thing of value, from a casino operator, management company, or other person subject to the jurisdiction of the commission. This includes any officer, attorney, agent, or employee of one of these parties.

Can I recommend my friend for a job with a casino?

No, the Ethics Law prohibits all members and employees of the Casino Control Commission from recommending a friend for a job with a casino or other person subject to the Casino Control Commission's [jurisdiction](#).

Can I gamble or attend a concert at a casino?

No, the Ethics Law prohibits members and employees of the Ohio Casino Control Commission, in their personal capacities for their own enjoyment, from participating in these, or any other amusements or activities, at casinos in Ohio or affiliated gaming facilities located outside the state.