

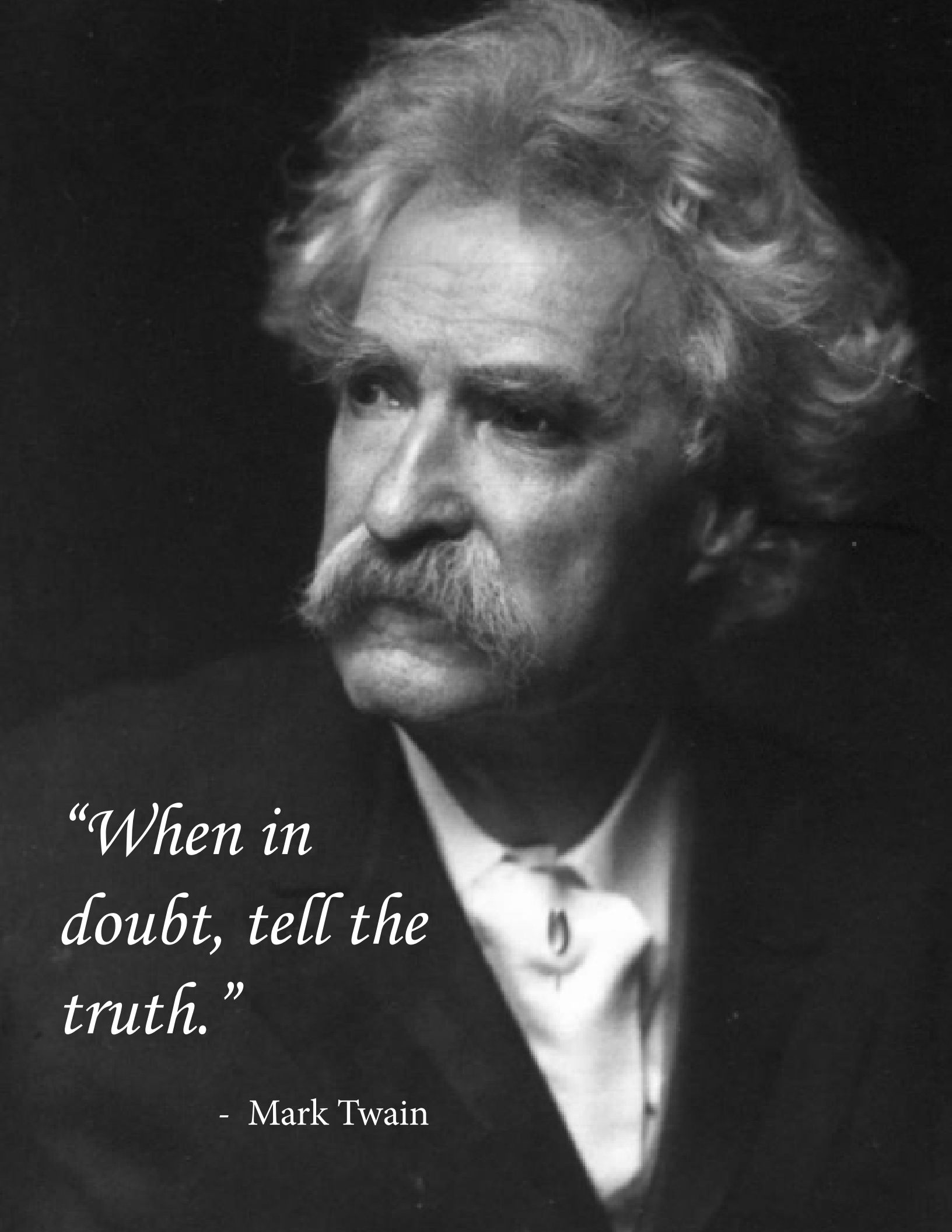
THE VOICE OF ETHICS

A Publication of the
Ohio Ethics Commission

Spring 2017 Edition

Can an
Elected
Official also be
a Firefighter?

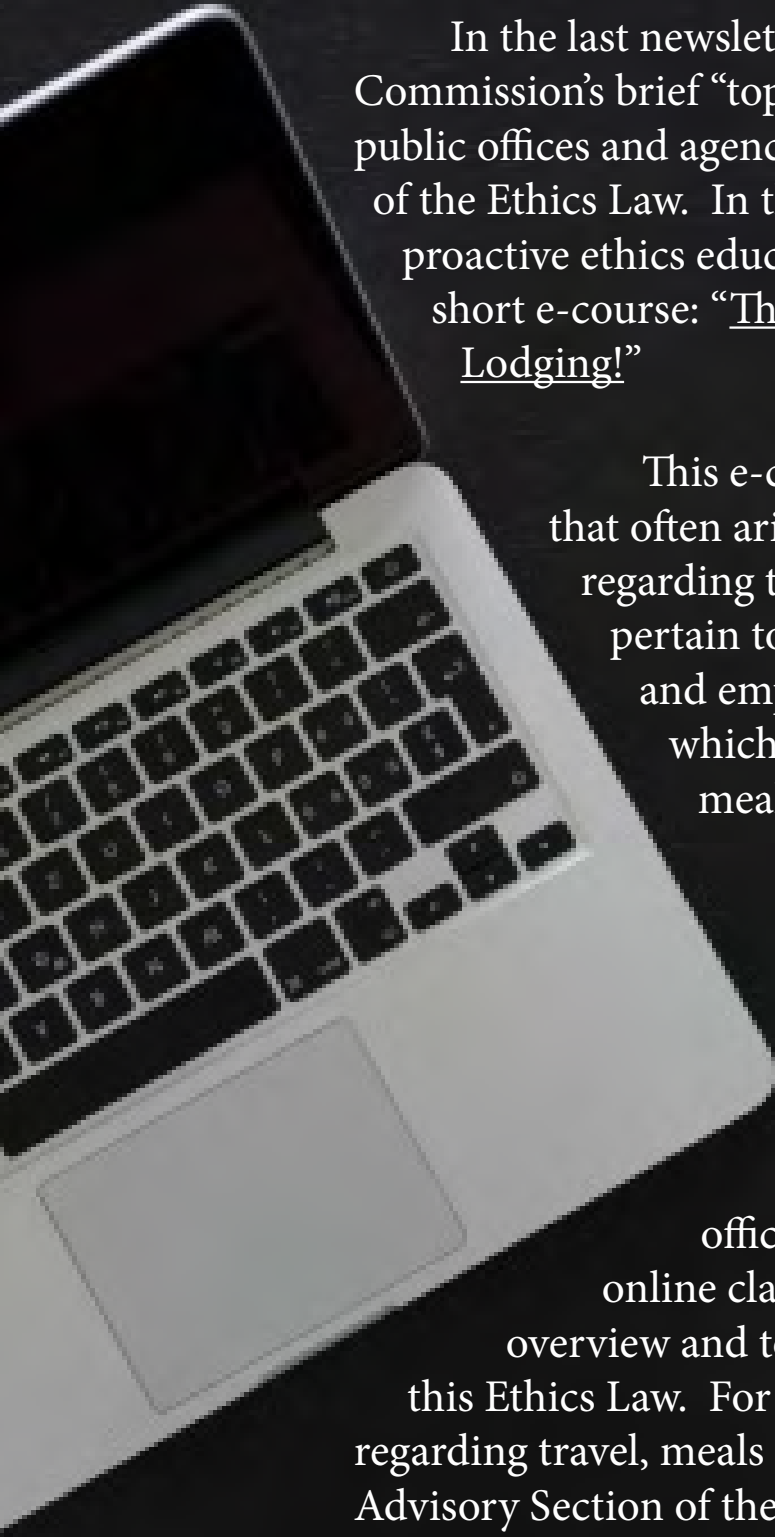




*“When in
doubt, tell the
truth.”*

- Mark Twain

Newest E-Course Debuts on Ethics Commission Website!



In the last newsletter, we highlighted the Ohio Ethics Commission's brief "topic-specific" e-courses which allow public offices and agencies to compactly study specific areas of the Ethics Law. In this effort to provide ongoing and proactive ethics education, we have introduced our newest short e-course: "The Ohio Ethics Law: Travels, Meals and Lodging!"

This e-course focuses specifically on questions that often arise for public officials and employees regarding travel, meals, and lodging expenses as they pertain to public service. Some public officials' and employees' duties require that they travel, which can lead to transportation, lodging, and meal costs.

An overview of issues and restrictions under this part of the Ohio Ethics Law is provided along with the most commonly asked questions on this topic regarding transportation, meals, and lodging expenses for public officials and employees. As always, these brief online classes are intended to provide a general overview and to generate further discussion regarding this Ethics Law. For more detailed or specific guidance regarding travel, meals and lodging issues, please contact the Advisory Section of the Ohio Ethics Commission.

Question of the Month:


Can an elected official serve as a volunteer firefighter?

The first question that arises when a public official or employee wants to serve in more than one public position at the same time is one of “compatibility.” There are criteria outside the authority of the Ohio Ethics Law that may make a public official ineligible to serve in another public position. The Ohio Ethics Commission encourages anyone interested in serving in two public positions at the same time to seek a legal opinion from the public agencies you wish to serve. You may also want to contact the Ohio

Attorney General’s Office at www.ohioattorneygeneral.gov. The Commission also welcomes inquiries regarding dual service since, in some instances, the Ohio Ethics Law may preclude a public official from serving in two public positions even when the positions have been determined to be compatible.

Are there any restrictions under the Ohio Ethics Law regarding public officials serving as volunteer firefighters?

Yes. An elected public official cannot simultaneously serve as a



paid volunteer firefighter for the public fire company serving his/her political subdivision. The Ohio Ethics Law prohibits a public official from having an “interest” in public contracts entered into by or for the use of a public agency with which he/she is connected. The term “public contract” is defined to include public employment.

Therefore, service as a paid volunteer firefighter with a public fire department is considered public employment. Being paid as a firefighter while serving as an elected official results in the official having a financial

interest in a public contract with his/her agency. As a result, the Ohio Ethics Law effectively prohibits someone from serving simultaneously as an elected official and a paid firefighter for the same political subdivision.

However, the law does not prohibit an elected official from serving in an unpaid volunteer position with the political subdivision’s fire department while he or she serves as an elected official. In fact, there are statutes outside the Ohio Ethics Law that specifically permit some village and township officials to serve as unpaid volunteer firefighters.

Could there be any conflicts of interest even if the elected official is an unpaid volunteer firefighter?

It's possible. The Ohio Ethics Law prohibits an official who serves in more than one public position from using the authority or influence in either position to benefit him/herself or the interests he/she serves in the other public capacity. Generally, 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 agency he/she serves, the official must be able to fully withdraw from consideration of matters affecting the other public agency.

Be aware, however, that an elected official serving as an unpaid firefighter in his/her political subdivision's would still be prohibited from voting, discussing, deliberating, or taking any other action on matters that affect the individual interests of any member of the village fire department personnel. While the public official could participate in decisions that affect the interests of the fire department as a whole, he/she must refrain from acting on any matters that impact individual employees within the fire department. For more information, please see [Advisory Opinion 2001-01](#).



OHIO ETHICS COMMISSION
William Green Building
30 West Spring Street, L3
Columbus, Ohio 43215-2256
(614) 466-7090

www.ethics.ohio.gov

Questions? Concerns? Need more information? Contact us!