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FOR IMMEDIATE RELEASE:

ETHICS COMMISSION FILES APPEAL WITH SUPREME COURT **Canton City Council Pay Raises At Issue**

The Ohio Ethics Commission announced at its meeting on Friday that, on its behalf, the Attorney General's Office has filed an appeal with the Ohio Supreme Court. The appeal asks the Supreme Court to overturn a May 4, 1998 Stark County Court of Appeals ruling regarding Canton City Council pay increases.

At issue is whether Ohio's conflict of interest law prohibits Canton City Council members from awarding themselves a pay increase after the election, but before the beginning of the new term.

"The question is whether it is a conflict of interest for a municipal council member to raise his own pay after voters have elected him to office," Sister Mary Andrew Matesich, the Chair of the Ethics Commission, indicated. "Is a pay increase, which benefits the council member immediately in his next term, and which is passed as an emergency measure after the election, consistent with the dictate and purpose of Ohio's Ethics Law?"

In 1996, the city of Canton asked the Commission if the Ethics Law prohibited post-election, pre-term increases. The Ethics Commission upheld its earlier opinions and reiterated that the increases were improper. But council members in Canton challenged the law's application to their own raises.

Ohio's Ethics Law prohibits a public official from soliciting, accepting, or using his public position to secure a benefit that can substantially and improperly influence him. The Ethics Commission believes that the prohibition applies whether the official is voting on his own pay increase without the opportunity for public response, or voting on contracts or making other decisions that affect his own interests or those of his business partners or family

members.

"This is the first time that the Ethics Commission has taken an action of this kind," stated David E. Freel, Ethics Commission Executive Director. "The decision to do so was unanimous. Since 1991, the Commission has issued numerous advisory opinions holding that 'in-term' and 'post-election, pre-term' pay increases were prohibited by Ohio's conflict of interest law. Elected officials in municipalities across the state have asked the Commission's advice on these raises for years."

In its ruling, the Court of Appeals stated: "It is the act of a pay raise and the potentially self-serving nature of it that may be found to be offensive" Sister Matesich remarked, "It seems contradictory to make such a statement and then uphold Canton city council's action. This issue is vitally important if we are going to preserve the public's confidence in elected officials."

The Ohio Ethics Commission is an independent agency of state government charged with interpreting and administering the Ohio Ethics Law for most state and local public officials and employees. The Commission has been serving the public, and state and local governments, since its formation as part of the Ohio Ethics Law in 1973.