

OHIO ETHICS COMMISSION

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David E. Freel, *Executive Director*

July 30, 2007

Informal Opinion 2007-INF-0730-1

Candace M. Jones
Chief Legal Counsel & Ethics Officer
Ohio Department of Development
[REDACTED]

Dear Ms. Jones:

On June 28, 2007, the Ohio Ethics Commission received your letter requesting an advisory opinion. You have asked whether the Ethics Law and related statutes prohibit attorneys who represent employers or injured workers in workers' compensation matters from serving as members of the newly created Bureau of Workers' Compensation (BWC) Board of Directors (Board).

In a second letter, received by the Commission on July 9, 2007, you asked whether individuals are prohibited from serving on the Board if they are associated with Third Party Administrators (TPAs) or Managed Care Organizations (MCOs) doing business with BWC. This later question raises more significant issues under the Ethics Law because of the application of the public contract law, R.C. 2921.42. The Commission will answer it in a separate opinion.

In reviewing the questions you pose, the Commission is mindful of the two areas of past failures of the BWC and its oversight body: insider self-dealing and oversight mismanagement. The Commission's determination is made more pressing because of the expanded administrative role that the Board of Directors must now perform with respect to the functions of BWC.

Brief Answer

As explained more fully below, an attorney who represents employers or injured employees in workers' compensation matters is prohibited from serving on the Board unless he or she: (1) files the statement described in R.C. 102.04(D); and (2) is able to withdraw from matters before the Board that directly affect any official or employee of BWC. For example, the Board member would be prohibited from participating, in any manner, in the Board's assessment of the performance of the Administrator.

Any Board member is prohibited from using his or her position in any fashion to influence the BWC Administrator or staff on matters that directly affect his or her clients. If a Board member who is an attorney representing employers or injured employees experiences an unusual increase in his or her legal business because of his or her membership on the Board, additional questions under the Ethics Law may be raised. Notwithstanding these questions, Board members who are also attorneys representing employers or injured employees need to be acutely aware that the public may perceive that they or their clients are receiving undue advantages solely because of membership on the Board. This will be discussed in greater detail below.

Facts

By way of history, you have explained that the General Assembly enacted Amended Substitute House Bill 100 (Am. Sub. H.B. 100). Among other things, Am. Sub. H.B. 100 replaced the prior BWC Oversight Commission with a new BWC Board of Directors. You have noted that the change was made by amending the statutory provision establishing the Oversight Commission into a provision establishing the Board of Directors. R.C. 4121.12, the section that enables the Board, was effective immediately when the act became law (June 10, 2007). Sec. 612.03.

The Board is composed of eleven members appointed by the Governor with the advice and consent of the Senate. R.C. 4121.12 (A). As it relates to your question, the members of the Board are:

1. An individual who, on account of his or her previous vocation, employment, or affiliations, can be classed as a representative of employees;
2. Two individuals who, on account of their previous vocation, employment, or affiliations, can be classed as representatives of employee organizations. Of these two, one shall be a member of the executive committee of the largest statewide labor federation;
3. Three individuals who, on account of their previous vocation, employment, or affiliations, can be classed as representatives of employers. Of these three, one shall be a representative of self-insuring employers. The other two shall be representatives of employers who participate in the state workers' compensation fund (state fund employers), one representing employers with fewer than one hundred workers and one representing employers with more than one hundred workers.

R.C. 4121.12(A). The other five Board members are two investment and securities experts, one actuary, one accountant, and one individual representing the public. Id.

You have explained that, on the Workers' Compensation Oversight Commission, there were two "employee representative" positions. Historically, there has been a well-established practice of appointing individuals to both of these positions including attorneys who regularly represent injured workers in workers' compensation matters. Attorneys who represent injured workers in these matters could have occasion to present matters to BWC staff for decision.

BWC Board of Directors—Powers and Authority

The powers and duties of the Board are set forth in R.C. 4121.12(F). Among other things, the Board is empowered to:

- (1) Establish the overall administrative policy for BWC;
- (2) Review the progress of BWC in meeting its cost and quality objectives and complying with its statutory objectives;
- (3) Submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the Workers' Compensation Council¹ including an evaluation of the cost and quality objectives of the BWC and a statement of net assets and any changes in net assets;
- (4) Review all independent financial audits of the BWC;
- (5) Study BWC issues as requested by the BWC Administrator or Governor;
- (6) Approve the investment policy development by the Board's investment committee;
- (7) Review and publish the investment policy annually;
- (8) Prohibit investments contrary to the investment policy approved by the Board;
- (9) Vote to open or close any investment classes, adopt rules for employees of the BWC to follow when investing in the investment class, and submit a report to the Governor and legislative leaders on the performance and value of each investment class;

¹ The Council is charged with reviewing the soundness of the workers' compensation system and legislation involving or affecting the workers' compensation system. R.C. 4121.75. There are eleven council members, of whom six are legislators and five are individuals appointed jointly by the president of the senate and the speaker of the house. The council has no authority related to the daily operations or oversight of BWC.

- (10) Provide advice and consent on administrative rules, the duties and authority conferred on the Administrator, and the rules the Administrator adopts for the health partnership program and qualified health plan; and
- (11) Meet with the Governor annually to discuss the Administrator's performance of his or her statutorily prescribed duties.

Bureau of Workers' Compensation—Powers and Authority

BWC is created by R.C. 4121.121. R.C. 4121.121(A) provides that BWC shall be administered by the Administrator of Workers' Compensation (Administrator), appointed by the Governor. The Administrator is responsible for the management of BWC and for the discharge of all administrative duties imposed on him or her. R.C. 4121.12(B). The Administrator shall perform all acts and exercise all authorities and powers, discretionary or otherwise, that are required of or vested in BWC or any of its employees by statute, except for the acts and the exercise of authority and power that is required of and vested in the Board of Directors or the Industrial Commission. R.C. 4121.121(B)(1).

The Administrator's functions include, among other duties, employing, directing, and supervising all BWC employees required in connection with the statutory duties of BWC; reorganizing the work of the sections, departments, and offices of BWC to achieve the most efficient performance of its functions. R.C. 4121.121(B)(2) and (3). The Administrator may enter into contracts for and purchase supplies, services, materials, and equipment, and construction or improvements on any buildings under the control of BWC. R.C. 4121.121(B)(8) and (9).

With respect to the Board, the Administrator is required to prepare and submit specified information to the Board, including information related to rules for classifications of occupations or industries, premium rates and contributions, and rating, rate revisions, and merit rating. R.C. 4121.121(B)(5). The Administrator is required to prepare and submit an annual budget to the Board for approval. R.C. 4121.121(B)(10).

From a review of Am. Sub. H.B. 100, it appears that some of the most significant differences between the former Oversight Commission and the newly created Board involve the BWC administrative and investment policies. Formerly, the Administrator was empowered to establish the overall administrative policy for the BWC in the performance of its statutorily mandated duties. As a result of the amendments, the authority to establish the overall administrative policy of the BWC now resides with the Board. R.C. 4121.12(F)(1). Another significant change involves the compensation paid to the officials. Members of the Oversight Commission received no more than eighteen thousand dollars each year for service on the Commission; members of the Board receive no more than sixty thousand dollars each year for service on the Board and its committees. R.C. 4121.12(D).

Prior to the amendments in Am. Sub. H.B. 100, the Administrator was also empowered to exercise his or her investment powers in accordance with the investment “objectives, policies, and criteria established by the” Oversight Commission. As a result of the amendments, the Administrator is empowered to exercise his or her investment powers in accordance with the “investment policy approved by” the Board. R.C. 4121.121(B)(7).

State Board Members Representing Clients Before State Agencies—R.C. 102.04(A)

Within Ohio’s Ethics Law are restrictions on state officials and employees, including those serving on state boards and commissions, representing clients before state agencies. R.C. 102.04(A) provides:

Except as provided in division (D) of this section, no person elected or appointed to an office of . . . [any] board . . . of the state, excluding the courts, . . . shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter that is before the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

A member of the Board is “appointed to an office” of a board of the state, subject to R.C. 102.04(A). See R.C. 4121.12(F) (before “entering upon the duties of office” a Board member shall take an oath of office and file a required bond with the Secretary of State) and (H) (if any member of the Board is convicted of or pleads guilty to certain criminal violations, his or her “office” shall be deemed vacant).

“Compensation” is defined as “money, thing of value, or financial benefit.” R.C. 102.01(A). A member of the Board will receive compensation of \$2500 per month for each month in which the member attends one or more meetings of the Board, and an additional \$2500 per month for any month in which the member attends one or more meetings of any committee of the Board on which he or she serves, not to exceed \$60,000 annually. R.C. 4121.12(D). R.C. 102.04(A) prohibits any Board member from receiving any additional money, thing of value, or financial benefit for any services he or she renders personally on any case, proceeding, or other matter before any state entity. The salary, payments, and partnership distributions an attorney receives from his or her clients or law firm fall within the definition of compensation. See Ohio Ethics Commission Advisory Opinion No. 92-006.

“Rendering of services” includes performing any services such as representing, advising, or consulting with a client or employer. Adv. Op. No. 75-006. For example, an attorney who, on behalf of a client, is preparing pleadings and other documents to be filed with a public agency, negotiating or discussing matters with agency personnel or contractors, or appearing at agency meeting or hearing is rendering services for the client. Adv. Op. No. 87-009.

A case, proceeding, application, or other matter is “before” a state agency when it is “being considered by, decided by, or in the presence of or under the official purview of” the state agency. Adv. Op. No. 76-009. See also Adv. Ops. No. 75-006 and 92-006. Notably, the prohibition of R.C. 102.04(A) applies whenever the matter on which the state official is providing services is before a state agency, not merely when the affected public official is actually appearing before the agency. Adv. Op. No. 75-025. In other words, R.C. 102.04(A) prohibits the state official from personally rendering any services on a matter that is being considered or adjudicated by any state agency, even if the official does not personally appear before the agency on behalf of his or her client. Adv. Op. No. 92-006.

Application to Board Members

Except as provided in R.C. 102.04(D), discussed below, R.C. 102.04(A) prohibits any member of the Board from accepting compensation, from a client, law firm, or any other person, for any personal services he or she is rendering on matters before the Board, BWC, the Industrial Commission, or any other state department, board, commission, agency, or other instrumentality. This restriction applies regardless of the subject matter on which the official is providing services. For example, the restriction applies to a Board member representing clients on workers’ compensation matters that are before BWC or the Industrial Commission, but also applies to a Board member representing clients on utility matters before the Public Utilities Commission of Ohio or taxation matters before the Board of Tax Appeals.²

Exception—R.C. 102.04(D)

R.C. 102.04(D) provides a broad exception to this prohibition. The exception would apply to a member of the Board, as a public official appointed to a non-elective office, if the Board member can meet two requirements:

- (1) The agency . . . before which the matter that involves the rendering of his services is pending, is an agency *other than* the one with which he serves;
- (2) Prior to rendering the personal services . . . , he files a statement with the appropriate ethics commission, with the public agency with which he serves, and with the public agency before which the matter is pending.

Along with his or her name and address, and the addresses of the two public agencies involved, the filer must disclose a brief description of the pending matter and of the personal services that he or she will render on the matter. R.C. 102.04(D)(2).

² R.C. 102.04(A) does not generally prohibit a Board member’s law firm from receiving compensation for rendering services for clients before the Board, BWC, or other state agencies. Adv. Op. No. 92-006.

To protect against the potential misuse of influence, the filer is also required to declare, on the annual statement, that he or she will disqualify himself or herself from participating, as a public official, in any matter involving an official or employee of the agency before which the matter is pending. *Id.* The person must disqualify himself or herself for two years from the date of the most recently filed statement. *Id.* R.C. 102.04(E) emphasizes the requirement that any public official who files the statement required to meet this exception shall disqualify himself or herself from those matters described on the statement.

An attorney who represents employees or employers on workers' compensation matters is providing personal services on matters before BWC, the Industrial Commission, or the courts. R.C. 102.04(A) prohibits members of the Board from providing personal services on matters before any state agency. The exception in R.C. 102.04(D) can apply when the Board member is providing personal services on matters before any agency "other than" the one with which he or she serves.

Application of Exception

Two separate statutes establish the Board and BWC. R.C. 4121.12 (Board) and 4121.121 (BWC). While the Board is "connected" with and has considerable authority over BWC, the members of the Board are neither officers nor employees of BWC.³ The Board is connected with and has a regulatory role over BWC and the BWC Administrator. The Board reviews, with either its full or partial membership, the performance of the Administrator, and shares its review with the Governor. While the two agencies have significant overlapping authority, the enabling statutes for the Board and BWC reveal two separate public entities. The Board has no authority related to administration or adjudication on specific workers' compensation claims. R.C. 4123.5111. Appeals of claims decisions made by BWC go to either BWC Hearing Officers or the Industrial Commission rather than to the Board. R.C. 4123.511(B)-(I). Appeals of Industrial Commission orders shall be filed with the Court of Common Pleas in the county with jurisdiction over the claim. R.C. 4123.512.

Therefore, a person who is an attorney representing employees or employers on workers' compensation matters is representing his or her clients on matters that are before BWC, and may be before the Industrial Commission or the courts. However, those matters are not before the Board. For that reason, an attorney who serves on the Board can meet the first requirement in the R.C. 102.04(D) exception.

³ R.C. 2921.42(A)(4) prohibits a public official from having an interest in a public contract entered into by or for the use of any public agency with which he or she is "connected." Therefore, while the Board and BWC are not the same agency for purposes of R.C. 102.04, other provisions of the law will limit the private activities of Board members that directly involve the Board or BWC. Because this issue is not presented in the question answered, it will not be discussed further in this opinion.

In order to meet the full exception, the Board member must file the statement described in R.C. 102.04(D), describing the matters on which he or she is performing personal services before another state agency. If the Board member is an attorney who receives compensation to represent clients on more than one case before another state agency, he or she is not required to file a statement describing each of the cases. Adv. Op. No. 93-010. As long as the Board member files an annual statement disclosing that he or she is receiving compensation for personal services on matters before the other agency, the Board member has met the requirement in R.C. 102.04(D)(2). Id.

The final requirement that the Board member must meet is disqualification. The Board member must disqualify himself or herself, as a public official, from participating in any matters that affect any official or employee of the other agency. In other words, if a Board member receives compensation to represent clients on matters before BWC, he or she would be required to disqualify himself or herself from any matters before the Board that directly affect an individual official or employee of the BWC.

The Board member is not required to withdraw from matters that affect BWC as a whole, or classes of BWC employees. Adv. Op. No. 89-006. However, if any matter before the Board were to affect the interests of an individual BWC official or employee, the Board member would be required to comply with the disqualification statement.

One circumstance where disqualification would be required, taken from the duties of the Board, is the required annual meeting with the Governor to discuss the Administrator's performance of the duties specified by statute. R.C. 4121.12(F)(15). The Governor is the appointing authority for the Administrator. R.C. 4121.12(I) provides that, for purposes of the open meetings law (R.C. 121.22(G)(1)), the meeting "shall be considered a meeting regarding the employment of the Administrator." A meeting that involves his or her employment and requires a discussion of the past year's job performance is a matter that directly affects the Administrator's individual interests and, therefore, presents significant potential for conflict for a Board member who represents clients on BWC matters. For that reason, in order to comply with the exception in R.C. 102.04(D), a Board member who receives compensation to perform personal services on matters before BWC will be required to withdraw from any discussion, deliberation, recommendation, rendering of advice, or other activities in preparation for the meeting described in R.C. 4121.12(F)(15) and from participating in the meeting itself.

Substantial and Improper Influence—R.C. 102.03(D) and (E)

R.C. 102.03(D) and (E) provide:

- (D) No public official or employee shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.
- (E) No public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

A member of the Board is a public official subject to these restrictions. R.C. 102.01(B) and (C). The term "thing of value" includes money and every other thing of value. Compensation received from outside employment or service is considered a thing of value. Adv. Op. No. 96-004. In addition, the beneficial or detrimental economic impact of a decision by a public entity is a thing of value for purposes of R.C. 102.03. Adv. Ops. No. 85-012, 90-002 and 90-012.

In some cases, R.C. 102.03(D) and (E) prohibit a person from serving in a public position because there is a significant conflict between the public duties he or she would be required to perform and his or her private interest. When a public official is engaged in compensated employment, the compensation he or she receives could manifest a substantial and improper influence on him or her if matters before the public agency would definitely and directly affect his or her outside employer. Adv. Op. No. 2007-01. A public official who is an attorney in private practice is prohibited from soliciting, or using his or her position to secure, anything of substantial value for his or her law firm, law partners, or clients he or she is representing. Adv. Op. No. 90-008. In these situations, the official's objectivity and independence of judgment can be impaired because of the definite and direct benefit or detriment to his or her outside employer, business partners, or client. Id.

In the situation you have described, R.C. 102.03(D) and (E) would prohibit any attorney serving as a member of the Board from participating in matters before the Board that have a definite and direct affect on the Board member, his or her law firm, and clients he or she is representing. He or she is prohibited from soliciting, or using the Board position to secure, a favorable decision or action by Board officials or employees on matters that directly affect these parties. He or she is required to withdraw from participating in, in any manner, in matters relating his or her law firm, partners, or clients that arise before the Board.

However, when the General Assembly configured the composition of the Board, it specifically required that members of the Board represent the interests of employers and employees regulated by BWC or the Board. These representatives, in many cases, have current ties to regulated parties.

In similar situations, the Commission has concluded that, when the General Assembly mandates that a public board shall include individuals who are regulated by the board, or have other connections with regulated parties, it has legislatively determined that some members of the board must be directly knowledgeable about the area under regulation in order to effectively govern. Adv. Op. No. 92-009. The need for this expertise counterbalances the conflicts of interest the board member will face when issues before the Board generally affect the regulated class of individuals he or she represents. Id. However, the potential for conflicts of interest is ever present and remains subject to scrutiny under the Ethics Law.

In these circumstances, while the law does not prohibit the individuals from serving on regulatory boards, R.C. 102.03 (D) and (E) and other statutes under the Commission's jurisdiction prohibit board members from voting, discussing, or otherwise using the authority or influence of their official position, formally or informally, with regard to matters that would result in a definite and direct substantial gain or benefit to the board member, his or her family member and business associates, or clients he or she is representing. Adv. Op. No. 90-008 and 90-009. The law does not prohibit the board members from participating in general matters that affect all or a significant part of the regulated community. Id. However, where a matter before the board would only affect the board member, his or her business associates, or parties he or she represents, or directly affect them in a unique or differential manner than other regulated parties, the board member is prohibited from participating in the matter. Id.

Additional issues will be raised under the Ethics Law and related statutes for a Board member who is an attorney representing employers or injured employees, if the Board member experiences an unusual increase in his or her legal business because of his or her membership on the Board. The Ethics Law prohibits a member of the Board who is an attorney representing employers or injured employees from using his or her position in any way to influence the Administrator or staff of BWC with respect to specific claims or other matters that affect his or her clients, or using or advertising his or her Board membership in order to secure clients. Adv. Op. 96-004. Board members who are attorneys representing employers or injured employees should be acutely aware that the public may perceive that they or their clients are receiving undue advantages solely because of their membership of the Board. While this public perception does not present a violation of the law, all Board members should be aware of it. Members of the Board who are attorneys representing clients before BWC should also consult the Rules of Professional Conduct and their application by the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court on these issues.

Therefore, R.C. 102.03(D) and (E) do not prohibit attorneys representing employers and employees on workers' compensation matters from serving on the Board. However, R.C. 102.03(D) and (E) prohibit the Board members from participating in matters where they, their law firms or partners, or clients they represent, will be affected in a way that is unique or differential from the way the matter affects all other similarly situated employers or employees.

Confidential Information—R.C. 102.03(B)

Division (B) of Section 102.03 of the Revised Code provides:

No present or former public official or employee shall disclose or use, without appropriate authorization, any information acquired by him in the course of his official duties which is confidential because of statutory provisions, or which has been clearly designated to him as confidential when such confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

R.C. 102.03 (B) prohibits a Board member, from disclosing or using, without proper authorization, information acquired in the course of his or her official duties that either is confidential by statutory provision or has been clearly designated as confidential when such designation is warranted and necessary for the proper conduct of government business. It is important to note that no time limit exists for this prohibition and it is effective during Board service and after the Board member leaves office. See Adv. Ops. No. 81-002 and 88-003.

Other Matters

As noted above, while the Board and BWC are two separate entities, the Board has regulatory authority over BWC. Further, because of the significant links between the Board and BWC, and the scope of the Board's authority (e.g. setting administrative policy for the Board), a member of the Board is subject to additional limits regarding his or her outside relationships with companies that are doing business with BWC, even if the companies are not doing business directly with the Board. While your question does not specifically involve these kinds of outside relationships, all of the Board member should be aware of the pitfalls that can arise from dual relationships, and that service on the Board may limit their outside business and investment activities. Members of the Board are encouraged to contact the Commission for further guidance on these issues.

For example, the public contract law would prohibit a member of the Board from having an interest in a contract entered into by the Board or BWC. R.C. 2921.42(A)(4) prohibits a public official from having an interest in a public contract that is "entered into by or for the use of the . . . governmental agency . . . with which he is connected." (Emphasis added.) To be "connected" with an agency is to be related to, or associated with, that entity. Adv. Op. No. 87-002.

A member of the Board would be "connected" with both the Board and BWC. (R.C. 102.04 does not use the phrase "with which he is connected" and thus requires a different statutory interpretation.) R.C. 2921.42(A)(1) would also prohibit a member of the Board from authorizing or using his or her position to secure a public contract, which would include a BWC

contract, if the Board member, a family member, or a business associate would have an interest in the contract.

The Commission also notes that, as reflected in protections contained in the Ethics Law and BWC statutes, the public expects that the Administrator and staff of BWC who process employees' claims must treat all claimants fairly. BWC personnel cannot give preferential treatment to the employer or employee clients of any member of the Board of Directors. R.C. 4121.122(A) and (C) also reiterate this responsibility:

- (A) The administrator of workers' compensation, for employees of the bureau of workers' compensation . . . may discipline, suspend, demote or discharge any employee for misfeasance, malfeasance, or nonfeasance. In the case of any deputy administrator, or of any employee assigned to the investigation or determination of claims, and [sic] finding of the administrator . . . that such person is not efficient, impartial, or judicious, if supported by any evidence and not promoted by personal, political, racial, or religious discrimination shall be accepted as a fact justifying the action taken by the administrator.

- (C) The administrator . . . shall . . . adopt rules setting forth procedures designed to eliminate outside influence on bureau . . . employees, produce an impartial workers' compensation claims handling process, and avoid favoritism in the claims handling process.

Conclusion

As explained more fully above, an attorney who represents employers or injured employees in workers' compensation matters is prohibited from serving on the Board unless he or she: (1) files the statement described in R.C. 102.04(D); and (2) is able to withdraw from matters before the Board that directly affect any official or employee of BWC. For example, the Board member would be prohibited from participating, in any manner, in the Board's assessment of the performance of the Administrator.

Any Board member is prohibited from using his or her position in any fashion to influence the BWC Administrator or staff on matters that directly affect his or her clients. If a Board member who is an attorney representing employers or injured employees experiences an unusual increase in his or her legal business because of his or her membership on the Board, additional questions under the Ethics Law may be raised. Notwithstanding these questions, Board members who are also attorneys representing employers or injured employees need to be acutely aware that the public may perceive that they or their clients are receiving undue advantages solely because of membership on the Board.

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The Ohio Ethics Commission approved this informal advisory opinion at its meeting on July 26, 2007. The opinion is based on the facts presented. It is limited to questions arising under Chapter 102. and Sections 2921.42 and 2921.43 of the Revised Code and does not purport to interpret other laws or rules. If you have any questions or desire additional information, please feel free to contact this Office again.

Sincerely,

A handwritten signature in black ink, reading "Jennifer A. Hardin". The signature is written in a cursive style with a large, looping initial "J".

Jennifer A. Hardin
Chief Advisory Attorney

cc: Members of the Commission
David E. Freel, Executive Director, Ohio Ethics Commission
Kent Markus, Chief Counsel for Governor Ted Strickland
Marsha P. Ryan, Administrator, Bureau of Workers' Compensation