

Merom Brachman, *Chairman*  
Mark A. Vander Laan, *Vice Chairman*  
Bruce E. Bailey  
Megan C. Kelley  
Mary M. Ross-Dolen  
Elizabeth E. Tracy



OHIO ETHICS COMMISSION  
William Green Building  
30 West Spring Street, L3  
Columbus, Ohio 43215-2256  
Telephone: (614) 466-7090  
Fax: (614) 466-8368

Paul M. Nick  
*Executive Director*

[www.ethics.ohio.gov](http://www.ethics.ohio.gov)

---

**INFORMATION SHEET: ADVISORY OPINION NO. 2025-01**  
**DOMESTIC PARTNERS AS FAMILY MEMBERS**

**What is the question in the opinion?**

Is a public official's or employee's domestic partner his or her family member for purposes of the Ethics Law "family hire" restrictions in, and potential violations of, R.C. 2921.42(A)(1) and 102.03(D) and (E)?

**What is the brief answer in this opinion?**

Yes. The Ethics Law prohibits a public official or employee from authorizing an employment contract for a member of his or her family. A public official or employee is also prohibited from soliciting, or using his or her position to secure, a definite and direct financial benefit or detriment for his or her family member. A public official's or employee's domestic partner is a member of his or her family for the purposes of these restrictions.

A "domestic partner" is a person living as a spouse. A "person living as a spouse" means a person who is living with the public official or employee in a common law marital relationship or who otherwise is cohabiting with the public official or employee.

**To whom do the conclusions in this opinion apply?**

The conclusions in this opinion apply to all individuals who are elected or appointed to, or employed by, any public agency, including but not limited to any state agency, county, city, township, school district, public library, and regional authority, regardless of whether the person is: (1) compensated or uncompensated; (2) serving full time or part time; or (3) serving in a temporary or permanent position.

**When did the conclusions in this opinion become effective?**

The opinion became effective upon acceptance by the Ethics Commission.

**Primary contact:** Paul M. Nick, Executive Director

**For additional information:**

Chris Woeste, Chief Advisory Attorney and Katie Saks, Advisory Attorney.

**THIS COVER SHEET IS PROVIDED FOR INFORMATION PURPOSES. IT IS NOT  
AN ETHICS COMMISSION ADVISORY OPINION. ADVISORY OPINION NO. 2025-01  
IS ATTACHED.**

Syllabus by the Commission:

- (1) Division (A)(1) of Section 2921.42 of the Ohio Revised Code prohibits a public official from authorizing, or employing the authority or influence of his or her office to secure authorization of any public contract, including a contract for employment, in which a “member of the public official’s family” has an interest;
- (2) Because a public official’s domestic partner is a “member of [a] public official’s family,” R.C. 2921.42(A)(1) prohibits a public official from authorizing, or employing the authority or influence of his or her office to secure authorization of any public contract, including employment, for his or her domestic partner;
- (3) Divisions (D) and (E) of Section 102.03 of the Ohio Revised Code prohibit a public official or employee from soliciting, or using his or her position to secure, a definite and direct financial benefit or detriment for his or her domestic partner;
- (4) For purposes of R.C. 2921.42(A)(1) and 102.03(D) and (E), a “domestic partner” is a person living as a spouse. A “person living as a spouse” means a person who is living with the public official or employee in a common law marital relationship or who otherwise is cohabiting with the public official or employee.

\* \* \* \* \*

In several recent requests for advisory opinions, the Ohio Ethics Commission has been asked about the application of the Ethics Law to public officials or employees participating in matters involving their domestic partners. The Ethics Law prohibits a public official or employee from authorizing the employment of his or her family member; from using his or her position to secure authorization of the family member’s employment; and from soliciting, or using his or her position to secure, a definite and direct financial benefit or detriment for his or her family member. The question before the Commission is whether a public official’s or employee’s domestic partner is his or her family member for purposes of these restrictions.

**Public Contract Law—R.C. 2921.42(A)(1)**

R.C. 2921.42(A)(1) provides that no public official shall knowingly:

Authorize, or employ the authority or influence of the public official’s office to secure authorization of any public contract in which the public official, *a member of the public official’s family*, or any of the public official’s business associates has an interest.

(Emphasis added.)

A **“public official”** includes: “[A]ny elected or appointed officer, or employee, or agent of the state or any political subdivision, whether in a temporary or permanent capacity[.]”<sup>1</sup> The restriction in R.C. 2921.42(A)(1) applies to all individuals who are elected or appointed to, or employed by, any public agency, including any state agency, county, city, township, school district, public library, and regional authority. The restriction applies regardless of whether the person is: (1) compensated or uncompensated; (2) serving full time or part time; or (3) serving in a temporary or permanent position.

A **“public contract”** is the purchase or acquisition of property or services, by or for the use of any public agency, specifically including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either.<sup>2</sup> A public contract can be a written or oral agreement.<sup>3</sup>

A prohibited **“interest”** in a public contract is a definite and direct interest that can be of either a financial or fiduciary nature.<sup>4</sup> A person who is employed by a public agency has a definite and direct financial interest in his or her individual employment contract.<sup>5</sup>

**“Authorizing”** a contract includes voting on, signing, or taking any other action to award the contract.<sup>6</sup> Employing the **“authority or influence”** of one’s position to **“secure authorization of”** a contract includes a much broader range of activities, such as recommending, deliberating, discussing, and formally or informally lobbying any public official or employee about the contract.<sup>7</sup>

### **Conflict of Interest Laws—R.C. 102.03(D) and (E)**

In addition to the public contract restriction, R.C. 102.03(D) and (E) also apply to public officials or employees when their family members are seeking employment with, or are employed by, the same public agency they serve. R.C. 102.03(D) and (E) provide that:

- (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.

R.C. 102.03(D) and (E) apply to any person who is elected or appointed to, or employed by, any public agency, except teachers, professors, instructors, and other educators who do not perform or have the authority to perform, supervisory or administrative functions.<sup>8</sup>

**“Anything of value”** includes money and every other thing of value.<sup>9</sup> Employment and the compensation and benefits that accompany it are within the definition of anything of value.<sup>10</sup>

A thing of value manifests a “**substantial and improper influence**” on a public official or employee if it could impair the official’s or employee’s objectivity and independence of judgment with respect to his or her public duties.<sup>11</sup>

The Commission has stated that voting on, recommending, deliberating, discussing, lobbying, or taking any other formal or informal action within the scope of a public official’s or employee’s public authority is “**use of,**” or “**authorization of the use of**” the authority or **influence** of a public official’s or employee’s office or employment.<sup>12</sup> Therefore, any conduct related to the hire of a family member would be a violation of these sections.

### **General Family Hire Restrictions**

The “family hire” restrictions in R.C. 2921.42(A)(1) and 102.03(D) and (E) prohibit all public officials and employees, regardless of their job duties or level of authority, from:

- a. Hiring any of their family members;
- b. Voting to authorize the employment of a family member; and
- c. Recommending, nominating, or using their positions in any other way to secure a job for a family member.

The Commission has opined, however, that R.C. 2921.42(A)(1) and 102.03(D) and (E) do not amount to a “no-relatives” policy.<sup>13</sup> The Ethics Law and related statutes do not absolutely prohibit two family members from working for the same public agency. In many cases, provided that public officials or employees comply with the family hire restrictions, their family members can compete with others for public employment. For example, the spouse of a city council member could compete for a posted job in the city’s transportation department and, if he or she is the most qualified candidate, can be hired by city council. However, the council member is prohibited from directly hiring his or her spouse, voting to authorize his or her spouse’s employment, recommending the hire of his or her spouse, and taking any other action to secure the hire, such as deliberating or discussing his or her spouse’s qualifications with the transportation director.

Even if a public official’s or employee’s family member has been lawfully hired by the agency, without the official’s or employee’s involvement in the hire, R.C. 2921.42(A)(1) and 102.03(D) and (E) will still prohibit the official or employee from:

- a. Giving the family member raises, promotions, job advancements, overtime pay or assignments, favorable performance evaluations, or other things of value related to employment; and
- b. Using such official’s or employee’s public position to secure any of these employment-related benefits for a family member.

### **The Commission’s Previous Definition of Family Member**

The Revised Code does not contain a definition of “a member of [the public official’s] family” for purposes of the prohibition in R.C. 2921.42(A)(1). In 1980, the Commission first defined “a member of [the public official’s] family.”<sup>14</sup> The Commission concluded:

[F]or purposes of Section 2921.42 of the Revised Code, the term “a member of his family” includes, but is not limited to: 1) grandparents; 2) parents; 3) spouse; 4) children, whether dependent or not; 5) grandchildren; 6) brothers and sisters; or 7) any person related by blood or marriage and residing in the same household.<sup>15</sup>

However, as emphasized in Advisory Opinion No. 80-001, the definition of a family member is not limited to the specific relatives identified in that opinion. The Commission recognized that the use of the phrase “a member of [the public official’s] family” in R.C. 2921.42, as opposed to the narrower phrase “immediate family member” that is used in other provisions of the Ethics Law, suggests that the phrase be interpreted more broadly.<sup>16</sup> The Commission, citing *Black’s Law Dictionary*, also recognized that the term “family” is an indefinite, flexible term that may be construed differently as the circumstances require.<sup>17</sup>

Consistent with the flexibility recognized in Advisory Opinion No. 80-001, the Commission modified its definition of “family member” in 2008, concluding that step-children and step-parents, regardless of where they live, also qualify as members of a public official’s or employee’s family for purposes of the restrictions in R.C. 2921.42(A)(1) and 102.03(D) and (E).<sup>18</sup> When deciding to expand the definition to include step-children and step-parents, the Commission considered a variety of sources construing step-relatives as family members, including Ohio statutes, Ohio case law, an Ohio Attorney General Opinion, and a Joint Legislative Ethics Committee Advisory Opinion.

The Commission’s most recent definition of “member of a public official’s family” stated that it included, but was not limited to, these relatives of an official or employee, *regardless of where they live*:

1. Parents and step-parents;
2. Grandparents;
3. Spouse;
4. Children and step-children, whether dependent or not;
5. Grandchildren; and
6. Siblings.<sup>19</sup>

Any other individual related to an official or employee by blood or marriage is a “member of the official’s family” if he or she lives in the same household with the official or employee.<sup>20</sup> For example, if a public official’s cousin, uncle or aunt, niece or nephew, or in-law lives in the same household with the official, then that person is a member of the official’s family. This portion of the definition remains the same.

Under this previous definition of “member of a public official’s family,” an official’s domestic partner would not be included as a family member for the purposes of the restrictions in R.C. 2921.42(A)(1) and 102.03(D) and (E).

### **Other Ohio Definitions of Family Member that include Domestic Partners**

Other state agencies and boards have expanded their ethics policies to include restrictions for romantic relationships other than marriage. For example, in the *Election Official Manual*, the Ohio Secretary of State defines “family member” to include a “domestic partner.”<sup>21</sup>

The Ohio Department of Administrative Services’ *Administrative Policy on Nepotism* prohibits public officials and state employees from authorizing the employment for a person closely related by blood, marriage, or other significant relationship.<sup>22</sup> A “significant relationship” is defined as “[p]eople living together as a spousal or family unit when not legally married or related where the nature of the relationship may impair the objectivity or independence of judgment of one individual working with the other.”<sup>23</sup>

Likewise, the Ohio Attorney General’s *Ethical Conduct Policy and Guidelines* prohibits employees from authorizing the employment of, or supervising, a person closely related by blood, marriage, or other significant relationship.<sup>24</sup> As stated in this policy, “‘Significant relationship’ means those living together as a spousal or family unit when not legally married or related where the nature of the relationship may impair the objectivity or independence of judgment of one individual working with the other.”<sup>25</sup>

The Ohio Board of Professional Conduct issued Advisory Opinion No. 2022-06, which addresses the situation of a prosecutor and criminal defense lawyer who are married and practicing in the same jurisdiction.<sup>26</sup> The Board concluded that “[s]pouses may not represent opposing parties without informed, written consent of the affected clients.”<sup>27</sup> The Board further advised that lawyers who are domestic partners or in intimate relationships should adhere to the same consent obligations applicable to married lawyers.<sup>28</sup> The Board then concluded that “lawyers who (1) cohabit in an intimate relationship, (2) are classified as domestic partners, (3) are engaged to be married, or (4) are in an exclusive intimate relationship, regardless of their living situation, should be treated in the same manner as married couples for conflicts purposes.”<sup>29</sup>

The Ohio Code of Judicial Conduct defines a “member of the judge’s family” to include a domestic partner for purposes of restrictions related to disqualification and gifts.<sup>30</sup> “Domestic partner” is defined as “a person with whom another person maintains a household and an intimate relationship, other than a person to whom he or she is legally married.”<sup>31</sup> For example, the Code requires a judge to disqualify himself or herself from presiding over a case in which the judge’s domestic partner is a party to the case.<sup>32</sup>

Further, Ohio’s Domestic Violence statute, R.C. 2919.25, prohibits a person from causing or attempting to cause physical harm to a family or household member.<sup>33</sup> “Family or household member” is defined to mean: “(a) Any of the following who is residing or has resided with the offender: (i) A spouse, a person living as a spouse, or a former spouse of the offender; . . . .”<sup>34</sup> “Person living as a spouse” is defined as “a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.”<sup>35</sup> Various other Ohio statutes also utilize the term “person living as a spouse.”<sup>36</sup>

Based upon the above analysis, the current landscape of Ohio law and policy supports a modification to the definition of family member to include domestic partners for the purposes of the restrictions in R.C. 2921.42(A)(1) and 102.03(D) and (E).<sup>37</sup> A similar situation existed in 2008, when the Commission found that the circumstances supported modifying the definition of family member to include step-children and step-parents.

### **Application of the Ethics Law to Domestic Partners**

The purpose of R.C. 2921.42(A)(1) is to ensure that the public and public resources are protected when a public official is exercising his or her discretionary, decision-making authority regarding employment and other contracts, by prohibiting the official from showing favoritism to family members or business associates.<sup>38</sup> Similarly, the restrictions in R.C. 102.03(D) and (E) serve the public interest in effective, objective, and impartial government by preventing the creation of a situation that may impair the objectivity and impartiality, and therefore the effectiveness, of a public official or employee, or his or her public agency.<sup>39</sup>

The familial relationship between domestic partners is such that it could affect an official's or employee's impartiality in consideration of any public contract in which the domestic partner has an interest. Therefore, a public official's or employee's domestic partner is a "member of a public official's family."

R.C. 2921.42(A)(1) prohibits a public official from authorizing any public contract if his or her domestic partner has an interest in the contract. The restriction applies to the public official just as it would if the official's spouse had an interest in the contract. Therefore, R.C. 2921.42(A)(1) prohibits a public official from authorizing or employing the authority or influence of his or her office to secure authorization of any public contract, including employment, for his or her domestic partner.<sup>40</sup>

Likewise, if a public official's or employee's domestic partner were to receive a definite and direct benefit from a matter that is before the public official or employee, the thing of value could have a substantial and improper influence on the official or employee and could impair his or her objectivity and independence of judgment on the matter.

Therefore, R.C. 102.03(D) and (E) prohibit a public official or employee from soliciting, or using his or her position to secure, a definite and direct financial benefit or detriment for his or her domestic partner. For example, a public official or employee is prohibited from participating in any matter or decision that could affect the continuation, implementation, or terms and conditions of a domestic partner's individual employment including: changes in compensation or benefits that are determined by individual working conditions; the assignment of duties that will change the terms of the employment; evaluations; and actions involving promotions, discipline, lay-offs, and termination.<sup>41</sup>

Furthermore, R.C. 102.03(D) and (E) prohibit a public official or employee from using the authority or influence of his or her position, formally or informally, to impact the decisions or actions of other officials or employees in matters that could affect the domestic partner's interest in his or her individual employment. A public official or employee is prohibited, for example, from

using his or her influence over other employees to secure any benefit for his or her domestic partner.

### **Definition of Domestic Partner**

For purposes of R.C. 2921.42(A)(1) and 102.03(D) and (E), a “domestic partner” is a person living as a spouse. A “person living as a spouse” means a person who is living with the public official or employee in a common law marital relationship<sup>42</sup> or who otherwise is cohabiting with the public official or employee. This definition follows Ohio’s Domestic Violence statute and several other Ohio statutes.<sup>43</sup> The definition is also similar to the definitions of “domestic partner” and “significant relationship” used by other state agencies as discussed above. When applied to R.C. 2921.42(A)(1) and 102.03(D) and (E), this definition helps ensure public officials and employees act in the best interest of the public and not for the benefit of their family members.

For example, a person would qualify as a public official’s or employee’s domestic partner where the person lives with, and shares living expenses with, the official or employee; and where they have agreed to be responsible for each other’s welfare. Another example of a qualifying domestic partner would be partners who have joint ownership of their residence, have a joint bank account, and share health insurance or other benefits.

By contrast, a person who lives with a public official or employee as a roommate but does not have a romantic relationship with the official or employee would not qualify as the official’s or employee’s domestic partner.<sup>44</sup>

### **Conclusion**

Limited to questions arising under Chapter 102 and Sections 2921.42 and 2921.43 of the Revised Code, it is the opinion of the Commission, and the Commission advises that:

- (1) Division (A)(1) of Section 2921.42 of the Ohio Revised Code prohibits a public official from authorizing, or employing the authority or influence of his or her office to secure authorization of any public contract, including a contract for employment, in which a “member of the public official’s family” has an interest;
- (2) Because a public official’s domestic partner is a “member of [a] public official’s family,” R.C. 2921.42(A)(1) prohibits a public official from authorizing, or employing the authority or influence of his or her office to secure authorization of any public contract, including employment, for his or her domestic partner;
- (3) Divisions (D) and (E) of Section 102.03 of the Ohio Revised Code prohibit a public official or employee from soliciting, or using his or her position to secure, a definite and direct financial benefit or detriment for his or her domestic partner;
- (4) For purposes of R.C. 2921.42(A)(1) and 102.03(D) and (E), a “domestic partner” is a person living as a spouse. A “person living as a spouse” means a person who is living with



the public official or employee in a common law marital relationship or who otherwise is cohabiting with the public official or employee.

*Merom Brachman*

Merom Brachman, Chairman  
Ohio Ethics Commission

The Ohio Ethics Commission Advisory Opinions referenced in this opinion are available on the Commission's website: [www.ethics.ohio.gov](http://www.ethics.ohio.gov).

---

<sup>1</sup> R.C. 2921.01(A).

<sup>2</sup> R.C. 2921.42(I)(1)(a).

<sup>3</sup> Ohio Ethics Commission Advisory Opinion No. 87-002. *See also* Adv. Ops. No. 85-011, 90-010, and 92-012; *Walsh v. Bollas*, 82 Ohio App. 3d 588 (11th Dist.1992). A person has an interest in one's own employment. *See generally State v. Urbin*, 2002-Ohio-3410 (9th Dist.).

<sup>4</sup> Adv. Ops. No. 81-008 and 88-001.

<sup>5</sup> Adv. Op. No. 82-003.

<sup>6</sup> Adv. Op. No. 2001-02.

<sup>7</sup> *Id.*

<sup>8</sup> R.C. 102.01(B) and (C). While teachers and other educators are exempted from the conflict of interest law, they are fully subject to the public contract law (R.C. 2921.42), also discussed in this opinion.

<sup>9</sup> R.C. 1.03; 102.01(G).

<sup>10</sup> Adv. Op. No. 92-012.

<sup>11</sup> Adv. Ops. No. 91-010 and 95-001.

<sup>12</sup> Adv. Op. No. 88-005.

<sup>13</sup> Adv. Op. No. 90-010. *See also State ex rel. Halleck v. Del. County Comm'rs*, 1996 Ohio App. LEXIS 6158, \*8 (5th Dist. Dec. 13, 1996) (holding that R.C. 124.11(B)(1) prevents local governments from implementing a broadly inclusive "no relatives" employment policy).

<sup>14</sup> Adv. Op. No. 80-001.

<sup>15</sup> *Id.* *See also Jones v. Brookfield Township Trs.*, 1995 Ohio App. LEXIS 2805, \*20-21 (11th Dist. June 30, 1995) (citing this definition favorably while concluding that R.C. 2921.42(A)(1) did not prohibit a township trustee from voting on the employment of his uncle who did not reside with him); *Baynard v. Oakwood Vill.*, 1997 Ohio App. LEXIS 4652, \*15-18 (8th Dist. Oct. 16, 1997) (citing this definition favorably while concluding: "The law of Ohio does not prohibit public officials from hiring a brother-in-law unless such relative resides with the public official in question").

<sup>16</sup> Adv. Op. No. 80-001.

<sup>17</sup> *Id.*, citing *Black's Law Dictionary* (5th Ed. 1979).

<sup>18</sup> Adv. Op. No. 2008-03.

<sup>19</sup> Adv. Ops. No. 2008-03 and 2010-03.

<sup>20</sup> Adv. Op. No. 2010-03.

<sup>21</sup> Secretary of State Directive 2023-22, Section 2.02, Election Official Manual, at p. 25, fn. 5, available at <https://perma.cc/FKG3-Z2CY>.

<sup>22</sup> Ohio DAS, State of Ohio Administrative Policy – Nepotism, No: HR-02 (Aug. 31, 2023).

<sup>23</sup> *Id.*; *See also* Ohio Adm.Code 123:1-47-01(A)(39) (defining "immediate family" to include an employee's "significant other," which means "one who stands in place of a spouse and who resides with the employee").

<sup>24</sup> Ohio Attorney General, Chapter 1 – Conditions of Employment, Ethical Conduct Policy and Guidelines (Jan. 24, 2011).

<sup>25</sup> *Id.*

<sup>26</sup> BPC Adv. Op. 2022-06.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*, citing ABA Formal Op. 20-494 (2020).

<sup>30</sup> Jud.Cond.R. Terminology. *See also id.* at 4.6 (defining “[i]mmediate family” to include a domestic partner for purposes of restrictions related to judicial campaign contributions).

<sup>31</sup> Jud.Cond.R. Terminology.

<sup>32</sup> *Id.* at 2.11.

<sup>33</sup> *See* R.C. 2919.25.

<sup>34</sup> *Id.* at (F)(1)(a)(i).

<sup>35</sup> *Id.* at (F)(2).

<sup>36</sup> *See, e.g.*, R.C. 2903.211 (menacing by stalking); R.C. 3113.31 (domestic violence civil protection order); R.C. 2903.13 (assault); and R.C. 2917.21 (telecommunications harassment).

<sup>37</sup> This opinion does not modify the term “immediate family,” which is defined in R.C. 102.01(D). It also does not expand or modify the list of persons exempt from the gift disclosure requirement, as set forth in R.C. 102.02(A)(2)(g).

<sup>38</sup> Adv. Op. No. 90-010.

<sup>39</sup> Adv. Ops. No. 89-014 and 90-002.

<sup>40</sup> R.C. 2921.42(A)(1) does not prohibit the official from voting on a union contract covering his or her domestic partner unless the domestic partner serves as a union officer, board member, or on the union negotiating team or the contract affects the domestic partner’s interests in a differential manner than other union members. Adv. Op. No. 98-003. Similarly, while R.C. 2921.42(A)(1) prohibits the official from voting on, authorizing, or taking any action to secure an individual or differential raise for his or her domestic partner, the law does not prohibit the official from acting on an across-the-board raise for all employees of the agency, including his or her domestic partner, provided that the domestic partner is affected in the same manner as all other members of the class. *Id.*

<sup>41</sup> Adv. Op. No. 97-004.

<sup>42</sup> Ohio law prohibits common law marriages occurring on or after October 10, 1991; however, common law marriages that occurred in Ohio prior to that date continue to be recognized. *See* R.C. 3105.12(B)(1)(2).

<sup>43</sup> *See, e.g.*, R.C. 2919.25 (domestic violence); R.C. 2903.211 (menacing by stalking); R.C. 3113.31 (domestic violence civil protection order); R.C. 2903.13 (assault); and R.C. 2917.21 (telecommunications harassment). The Commission acknowledges the Ohio Supreme Court’s decision in *State v. Carswell*, 2007-Ohio-3723, which discussed whether the term “person living as a spouse” as defined in R.C. 2919.25 was unconstitutional under Ohio Const., art. XI, § 11. The Supreme Court stated that the term “‘person living as a spouse’ ... merely identifies a particular class of persons for the purposes of the domestic-violence statutes. It does not create or recognize a legal relationship that approximates the designs, qualities, or significance of marriage...” *Id.* at ¶ 37. Similarly, the prohibitions discussed in this advisory opinion do not create or recognize a legal relationship, rather the restrictions prohibit public officials and employees from acting on a conflict of interest involving a particular class of persons.

<sup>44</sup> However, persons living together as roommates may qualify as business associates under the Ethics Law. *See also* Adv. Op. No. 97-002 (“a public official is generally prohibited, by R.C. 102.03(D), from participating in matters that affect the interests of his landlord, because the relationship between a public official and his landlord is such that his objectivity and independence of judgment may be impaired by his landlord’s interests.”)