



# OHIO ETHICS COMMISSION

150 EAST BROAD STREET

COLUMBUS 43215

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Advisory Opinion No.: 80-006

July 17, 1980

Syllabus by the Commission:

Division (A)(4) of Section 2921.42 of the Revised Code prohibits a county commissioner from knowingly having an interest in the profits or benefits of a public contract, including an industrial revenue bond, entered into by or for the use of the county with which he serves.

\* \* \* \* \*

In your request for an Ohio Ethics Commission Advisory Opinion, you asked whether the Ohio Ethics Law and related statutes, particularly Section 2921.42 of the Revised Code, would prohibit a county commissioner from having an interest in a project financed by an industrial revenue bond issued by the Ohio Development Financing Commission pursuant to a request from the county commissioners of the county with which the person serves.

You stated, by way of history, that the person in question is a county commissioner who, along with other members of his family, owns a company which seeks financing through an industrial revenue bond to be issued by the Ohio Development Financing Commission (hereinafter ODFC). Such an arrangement would require the participation of the county commissioners of the county with which he serves. [Section 165.03 (C) of the Revised Code] You stated further that the commissioner would refrain from attending, voting, or participating in the portion of the commissioners' meeting at which the bond issue is considered.

Division (A) of Section 2921.42 of the Revised Code provides, in pertinent part:

(A) No public official shall knowingly do any of the following:

....

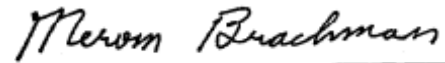
(4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which he is connected.

A county commissioner is a "public official," as that term is defined in Section 2921.01 of the Revised Code. The term "public contract" is defined in Division (E)(1) of Section 2921.42 of the Revised Code to include "the purchase or acquisition, or a contract for the purchase or acquisition of property or services by or for the use of the state or any of its political subdivisions, or any agency or instrumentality of either." In Advisory Opinion No. 78-003, the Commission concluded that the issuance of an industrial revenue bond is a "public contract." In

the instant case, the public contract is "entered into by or for the use of" the county with which the commissioner serves. (See: Ohio Ethics Commission Advisory Opinion Nos. 78-003 and 78-004) Therefore, Division (A)(4) of Section 2921.42 of the Revised Code prohibits a county commissioner from knowingly having an interest in the profits or benefits of a public contract, including an industrial revenue bond, entered into by or for the use of the county with which he serves, even though the industrial revenue bond is issued by the ODFC.

The conclusions of this advisory opinion are based upon the facts presented. The Commission cautions that its advisory opinions may be relied upon only with respect to questions arising under Chapter 102. and Section 2921.42 of the Revised Code, and do not address possible violations of other laws or rules.

Therefore, it is the opinion of the Ohio Ethics Commission, and you are so advised, that Division (A)(4) of Section 2921.42 of the Revised Code prohibits a county commissioner from knowingly having an interest in the profits or benefits of a public contract, including an industrial revenue bond, entered into by or for the use of the county with which he serves.

  
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MEROM BRACHMAN, CHAIRMAN  
OHIO ETHICS COMMISSION