



OHIO ETHICS COMMISSION

150 EAST BROAD STREET

COLUMBUS 43215

(614) 466-7090

Advisory Opinion No. : 81-002

April 30, 1981

Syllabus by the Commission:

Division (A) of Section 102.03 of the Revised Code prohibits a former state employee from representing a private client before any public agency on a matter in which he personally participated as a state employee.

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You asked whether the Ohio Ethics Law and related statutes prohibit a former state employee from representing a private client on a matter in which he had personally participated while a state employee.

You stated, by way of history, that an employee of a state agency wishes to leave government service for private employment. The state employee's current duties and responsibilities include: planning and directing the budget and the fiscal operations of the agency, advising the head of the agency on fiscal and budgetary matters, participating in general agency policy formulation, and monitoring contractual arrangements between the agency and other public agencies, private organizations, and individuals. The private employment would include the following duties: 1) lobbying with his previous public employer, other governmental agencies, and the General Assembly; 2) negotiating contracts on behalf of his private employer with his previous public employer and other governmental agencies; and 3) assisting the private employer in complying with governmental requirements.

Division (A) of Section 102.03 of the Revised-Code, amended in Am. S.B. 425 of the 113th General Assembly, effective October 20, 1980, provides, in pertinent part:

No present or former public official or employee shall, during his public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which he personally participated as a public official or employee through decision, approval, disapproval, recommendation the rendering of advice, investigation, or other substantial exercise of administrative discretion.

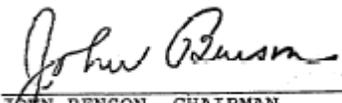
This "revolving door" Provision prohibits a former state employee from representing a private client, including his new employer, before any public agency, on any matter in which he personally participated as a public employee (See: Ohio Ethics Commission Advisory Opinion No. 80-008). Thus, in the instant case, the former state employee would be prohibited from lobbying or negotiating contracts or other matters for his private employer, before his former agency or any other public agency, on any matter in which he personally participated while with

the state agency, for one year after he leaves government service. Legislative matters and ministerial functions are exempted.

Your attention is directed to Division (B) of Section 102.03 of the Revised Code, which prohibits a former public official or employee from misusing confidential information, and Division (A)(3) of Section 2921.42 of the Revised Code, which prohibits a former public official or employee from profiting from a public contract which he authorized during his public service.

The conclusions of this advisory opinion are based on 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) of Section 102.03 of the Revised Code prohibits a former state employee from representing a private client before any public agency on a matter in which he personally participated as a state employee.


JOHN DENSON, CHAIRMAN
OHIO ETHICS COMMISSION