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Specific Public Professions and Roles

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Township Trustees Serving as Volunteer Firefighters

The Ohio Ethics Commission has been asked how the Ethics Law applies when a township trustee wishes to [serve simultaneously](#) as an elected official and a [volunteer firefighter or paramedic](#) for the township. This chapter will provide a summary of the related [prohibitions](#) and answer some of the common questions related to this issue.

Can a township trustee serve as a volunteer firefighter?

Yes. Statutes outside the Ethics Commission's jurisdiction specifically permit a township trustee to simultaneously serve as an unpaid volunteer firefighter for his or her own [township](#). However, as explained below, the Ethics Laws will prohibit a trustee from participating in some matters affecting the fire department's personnel.

What is meant by "Compatibility of Public Positions"?

The first question that arises when a public official wants to simultaneously serve in more than one public position is whether the positions are legally "compatible." Laws, rules, and policies outside the Ethics Commission's jurisdiction may prevent a public official from simultaneously serving in another public [position](#). Public officials who want to simultaneously serve in two public positions should first seek legal advice from the appropriate legal authorities to determine whether the positions are legally "compatible."

Even when the positions have been determined to be compatible, the Ethics Law prohibits public officials from participating, in either public position, with respect to matters that affect the other public entity they serve.

Do the Ohio Ethics Laws prohibit township trustees from serving as paid volunteer firefighters?

Yes. The Ethics Law prohibits all public officials from having an "interest" in public contracts with his or her [public agency](#). The term "public contract" is defined to include [public employment](#). Therefore, because the trustee would have a prohibited financial interest in a public contract with his or her own township, a township trustee cannot simultaneously serve as a paid volunteer firefighter for his or her own [township](#).

What conflicts would a trustee serving as an unpaid volunteer have?

The Ethics Law prohibits an official who serves in more than one public position from using the authority or influence in either position to benefit himself or herself or the interests he or she serves in the other public capacity. Therefore, a public official who serves with more than one public entity is prohibited from participating, in either public position, with respect to matters that affect the other public entity.

If the official would ordinarily be required in one public position to participate in matters affecting another public entity that he or she serves, the official must be able to fully withdraw from consideration of matters affecting the other public entity. Due to these restrictions, a township trustee who serves as an unpaid volunteer firefighter with his or her township fire department must refrain from acting on any matters that impact individual employees within the fire department but is not prohibited from participating in decisions that affect the interests of the fire department as a [whole](#).

What type of recusal would be required?

Specifically, a township trustee who serves as an unpaid volunteer firefighter with his or her township fire department would be prohibited from discussing, deliberating about, or otherwise participating in township decisions affecting the employment, compensation, or benefits for the fire chief or other department personnel. This would include matters such as changes in compensation or benefits determined by individual working conditions, the assignment of duties, evaluations, and actions involving promotions, discipline, lay-offs, and termination. However, the trustee would not be prohibited from participating in matters that affect all fire department personnel, uniformly and without a unique or special benefit to the fire chief or other department [personnel](#).

Doing Business with Retirement Systems in Ohio

In 2004, the Ohio General Assembly enacted amendments to the laws that govern the regulation of Ohio's five public retirement systems; these included ethics-related provisions that attempt to protect against conflicts of interest for certain individuals and entities doing or seeking to do business with the retirement systems.

What are the five public retirement systems?

The five public retirement systems in Ohio are:

- Ohio Public Employee Retirement System
- Ohio State Teachers Retirement System
- Ohio School Employees Retirement System
- Ohio Police & Fire Pension Fund
- Ohio State Highway Patrol Retirement System.

What are the general restrictions in the Law?

Any person or entity doing or seeking to do business with any public agency in Ohio, including a state retirement system, is prohibited from [promising or giving](#) board members, officials, and employees of the agency anything of [substantial value](#). This includes [items](#) such as travel, meals and lodging, gifts, entertainment, or outside employment or consulting fees, and all other things of value.

What additional restrictions exist regarding state retirement board members?

Any person or entity doing or seeking to do business with a state retirement system is prohibited from giving any retirement system board member, investment officer, or employee of a retirement system whose position involves substantial and material exercise of discretion in the investment of the system's funds, [any](#) payment of actual travel expenses, including expenses incurred for lodging, meals, food, and [beverages](#). This restriction applies to any corporation or other business entity doing or seeking to do business with a retirement system, and [all](#) its officials, employees, and agents.

What is “Supplemental Compensation?”

The prohibition against “Supplemental Compensation” seeks to ensure that public employees are not subject to divided loyalties when performing their public jobs.

Essentially, the law prohibits a public official or employee from accepting compensation from anyone other than the public employer they [serve](#). It makes no difference whether it’s given to compensate the official for some specific action or decision, or just for the general performance of job duties.

Therefore, any person or entity doing or seeking to do business with a state retirement system, including private and non-profit entities, is prohibited from promising or giving any compensation to an official or employee of a state retirement system for the performance of that person’s public duties. Public officials and employees are equally prohibited from soliciting or accepting supplemental compensation.

Is any sort of registration or disclosure required if I want to do business with a public retirement system in Ohio?

There is currently no requirement that those doing or seeking to do business with retirement systems file any type of registration or disclosure with the Ethics Commission. You should, however, remain in contact with the individual public retirement systems for compliance measures they may require.

For more information about other registration and disclosure requirements or making campaign contributions to or on behalf of a candidate for a position on a retirement system board, contact the [Joint Legislative Ethics Committee](#) and the [Secretary of State’s Office](#).

State Board and Commission Members

State board and commission members provide direction, advice, and are essential in fulfilling that public entity's mission. Members' expertise and skills benefit not only their boards and commissions, but the entire state of Ohio, as well. Those serving on state boards and commission should be aware that they are subject to the Ohio Ethics Law and may seek guidance from the Ohio Ethics Commission with any concerns that arise during their public service. This chapter addresses some of the most common questions that arise for state board and commission members.

I have outside employment or a business of my own; could that be problematic?

Board and commission members are commonly appointed to a state position due to their expertise in a specific field or industry. As a result, situations may arise where the members must recuse or abstain from all formal or informal actions. For example, if the member has a relationship with a private company or organization that is seeking public funds, such as a contract, tax abatement, grant, or loan from the board.

Board members are required to withdraw completely from questions or issues regarding those who do business with the board or have direct interests before or are regulated by the board where the board members' interests, or the interests of their family or a business associate is presented.

Members are also prohibited from using their titles, the board or its name in a manner that suggests impropriety, favoritism, or bias by the board or any board official or employee. Board members are prohibited from [using their positions](#) to obtain financial gain or benefit for themselves, family members, or anyone with whom they have a business or employment relationship.

Are all gifts or financial payments prohibited?

While modest inexpensive gifts such as a coffee mug or plate of cookies are not prohibited, state board and commission members may not solicit or accept anything of substantial value from anyone:

- doing or seeking to do business with their board,
- regulated by their board, or
- interested in matters before the board.

Members are also prohibited from accepting compensation, other than from the board, for the performance of board duties and responsibilities. Soliciting or accepting honoraria is also prohibited, unless the member meets the limited exceptions allowed by law. (See the [Gifts and Other Things of Value Fact Sheet](#) for additional information and exceptions).

What is “representation” under the Ethics Law?

The Ohio Ethics Law prohibits board and commission members from receiving compensation, other than from the agency they serve, for any services they render personally on any case, proceeding, or other matter before their public body, including:

- negotiating or discussing matters with agency personnel or contractors
- appearing at an agency meeting or hearing
- preparing pleadings or documents to be filed with or submitted to an agency.

The board or commission member cannot be paid by a client to perform any services on a matter that is being reviewed or decided by the public agency, even if he or she will not personally appear before the agency. (See page 16 of the [Conflicts of Interest Fact Sheet](#) for additional information and exceptions.).

Can my family or outside business associates do business with my board? Can I?

While the family members and business associates of public officials are not prohibited from pursuing contracts, investments, grants, etc. from the officials’ boards, the board and commission members may not vote, authorize, recommend, or in any other way use their positions to secure them. In general, board and commission members cannot do business directly with or benefit from a contract with, the board unless an exception applies for limited stockholding or contacts are objectively shown as the lowest cost services, where all criteria under R.C. 2921.42 are met. (See the [Public Contracts Fact Sheet](#) for additional information and exceptions).

I’m stepping down from my board; what do I need to know?

Most board and commission members are prohibited both during public service and for one year thereafter, from representing any person, in any fashion, before any public agency, with respect to a matter in which the members had personally participated while serving with the board. Two-year restrictions apply for former Casino Control Commission, members and employees, former PUCO board members and hearing examiners, and for those who exercised discretion on hazardous and solid waste issue matters.

Former public officials and employees are also prohibited from using or disclosing confidential information protected by law, unless appropriately authorized. (See the [Revolving Door Law Fact Sheet](#) for additional information and exceptions).

Public School Districts and Public Universities

The Ethics Commission has issued Toolkits for public schools and public universities and colleges. These Toolkits provide an outline of the Ethics Law for officials and employees serving in these public agencies.

- [The Ohio Ethics Law 101: The Ethics Toolkit for Public School Districts Fact Sheet](#)
- [The Ohio Ethics Law for Public Universities & Colleges Fact Sheet](#)

The Casino Control Commission

The Ethics Law is a uniform standard that applies to all people who serve as officials and employees for public agencies in Ohio. “Public agencies” include state departments, boards, and commissions, such as the Ohio Casino Control Commission, and every county, city, village, and township. All members and employees of the Ohio Casino Control Commission are subject to the Ethics Law and related statutes. The law also applies to casinos, management companies, and other gaming related industries.

Everyone in the gaming industry should review the Ethics Commission guidance on the Ethics Law generally. This chapter will focus on the additional restrictions that apply specifically to the board members, officials, and employees of the Ohio Casino Control Commission.

Can I leave the Casino Control Commission and work for a gaming company?

The Ethics Law prohibits any present or former Ohio Casino Control official from representing a client or working for anyone on any matter before or concerning the Casino Control Commission. This restriction lasts for two years after leaving the Casino Control Commission. R.C. 102.03(A)(10)

A former Casino Control official is also prohibited from representing a client on any matter that they personally participated in as a Casino Control employee. This restriction lasts for two years after leaving the Casino Control Commission.

i R.C. 102.03(A)(10)

No present or former Ohio casino control commission official shall, during public service or for two years thereafter, represent a client, be employed or compensated by a person regulated by the commission, or act in a representative capacity for any person on any matter before or concerning the commission.

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

Can I invest in a casino or related company?

No, Casino Control Commission members and employees are prohibited from, directly or indirectly, having any of the following [connections](#):

- Financial interest;
- Ownership interest;
- Creditor or holder of a debt instrument issued; or
- Interest in a contractual or service relationship;

Can I have a financial or ownership interest in a casino or related company?

Casino Control Commission members and employees who are partners or employees of a company should determine whether the company has contracts with or provides services to any of these entities:

- A casino facility in Ohio;
- A casino operator of a casino facility in Ohio;
- A management company working with a casino facility in Ohio;
- A gaming-related vendor working with a casino operator or management company for a casino facility in Ohio; or
- A holding company of an applicant, casino operator, management company, or gaming-related vendor of a casino facility in Ohio.

Example

Paige is a Casino Control Commission member who is also a partner in a law firm. The law firm wants to provide legal services to a casino in Anytown, Ohio. As a partner in the firm, Paige would have an interest in any contractual arrangement between the firm and the casino. Therefore, the law firm would be prohibited from [providing services](#) to the casino.

Can I accept gifts or a job from a casino?

No, the Ethics Law prohibits all members and employees of the Casino Control Commission from accepting any gift, gratuity, emolument, employment, or other thing of value, from a casino operator, management company, or other person subject to the jurisdiction of the commission. This includes any officer, attorney, agent, or employee of one of these parties.

Can I recommend my friend for a job with a casino?

No, the Ethics Law prohibits all members and employees of the Casino Control Commission from recommending a friend for a job with a casino or other person subject to the Casino Control Commission's [jurisdiction](#).

Can I gamble or attend a concert at a casino?

No, the Ethics Law prohibits members and employees of the Ohio Casino Control Commission, in their personal capacities for their own enjoyment, from participating in these, or any other amusements or activities, at casinos in Ohio or affiliated gaming facilities located outside the state.

Coroners and Coroners' Offices

The Ethics Law is a uniform standard that applies to all people who serve as officials and employees for public agencies in Ohio. "Public agencies" include state departments, boards, and commissions, as well as every county, city, village, and township. Elected officials – including county coroners – and their employees are subject to the Ethics Law and related statutes. This chapter addresses the most asked questions on how the Ethics Law relates to county coroners.

Can a coroner's family member or private business associate pursue a contract with the coroner's office?

A [public contract](#) is any purchase or acquisition of goods or services by a public agency including a county coroner's office. This can include significant expenses, such as medical equipment or smaller purchases such as office supplies or routine office maintenance.

A public official cannot use his or her authority to secure a public contract where the official, his or her family member, or his or her business associate has an interest. For example, a county coroner cannot authorize or even influence the process of securing a family member's livery service for the coroner's office. When a coroner's family member or business associate wishes to pursue a public contract, the coroner must be completely recused from the process. That does not merely mean the final decision-making process, but also any discussion, reviewing, recommendations or any other action.

Can a coroner sell goods/services to the county?

To reassure the public that there are no hidden self-interests in public purchases, county coroners and their staff are generally prohibited from [having financial interests in public contracts](#) with their respective counties.

Even if a coroner or their employees play no role in approving a final contract, their privately owned businesses should not be considered a potential vendor since they would have an interest in the contract and is connected to the public agency making the purchasing decision.

This means that businesses or companies in which a coroner or his/her employees have an interest generally cannot be contractors or vendors with the county, except under controlled and limited exceptions.

Can a detective in the county sheriff's office also serve as a part-time investigator for the county coroner?

In general, ORC 2921.42(A)(4) prohibits a public official or official from having an interest in a contract with his/her own public entity (see "Sales to Public Agencies" above). However, a statutory exemption in R.C. 313.05(B) allows an off-duty deputy sheriff to receive compensation for serving as a county coroner investigator. The investigator, however, is still subject to other provisions of the Ohio Ethics Law as any other public official or employee who has [outside employment](#).

Can a county coroner's office provide services to another county coroner?

The Ethics Commission recognizes a nationwide forensic pathologist shortage is leading to significant staffing concerns. In previous advisory opinions, the Commission has stated that a county coroner is not prohibited from entering into an agreement for professional services by the elected coroner of a different county, so long as the positions are determined to be compatible by the appropriate legal advisors and the coroner adheres to the following restrictions:

- does not have a prohibited interest in a contract between the two counties;
- does not act in either position on matters that affect the other county;
- does not receive compensation from either county to perform services on matters that are before the other county he/she serves;
- does not represent one of the counties on matters in which he/she participated as an official or employee of the other county; and
- does not disclose or use, without appropriate authorization, any confidential information that he/she would acquire in the course of his official duties with either county.

Can a coroner also serve as the county jail physician or provide medical care to the county nursing home?

The Ohio Ethics Law either prohibits or severely limits a coroner's ability to also provide medical services to the county jail or county nursing home. To serve in both capacities, the coroner must meet a significant exception to the public contract law as well as withdraw from conducting or supervising any autopsies or investigations into the death of an inmate or county home resident under the coroner's care. Please seek legal counsel before serving in both roles.

Can a coroner employ a member of his or her own family at the coroner's office?

The Ohio Ethics Law prohibits county coroners or their employees from [authorizing a family member's employment](#) or use their public positions in any way to obtain a public job for a family member. Direct hiring is clearly illegal, but the law also prohibits indirectly influencing the hiring process for a family member. Examples include

appointing or recommending a spouse to serve as a compensated Deputy Coroner or even participating in discussions about a family member's job application. Note that there is no exception regarding family and public jobs for coroners or other elected officials.