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FOR IMMEDIATE RELEASE:

**OHIO ETHICS COMMISSION ISSUES OPINION REGARDING  
“OFFICIAL CAPACITY” DESIGNATION AND PROCESS**

At its meeting on December 17, 2024, the Ohio Ethics Commission approved a [Formal Advisory Opinion 2024-01](#) providing guidance to public officials who may simultaneously serve in a public position and on the board of a non-profit corporation in their “official capacity.”

“The Ethics Law restricts public officials from serving on the board of a non-profit corporation that receives funding from their public agency, due to the potential for conflicts of interest and divided loyalties. However, the Commission has recognized an exception for those serving on the non-profit in their official capacity as a representative of their public agency,” stated Executive Director Paul M. Nick. “This advisory opinion provides direction for how public agencies may determine official capacity and how to make such appointments.”

The opinion concluded that public agencies can decide how and when a public official or employee may serve on a non-profit board in their official capacity, which the opinion explains is an extension of their public duties. This includes joint appointments by two or more public agencies, allowing for collaboration in such appointments.

“This opinion is especially helpful for agencies who are required appoint a designated public official to a local non-profit,” said Mr. Nick. “The Commission has provided a simple, internal method for public agencies to ensure that the person they appoint is acting in the best interest of the agency.”

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