

THE JOINT LEGISLATIVE ETHICS COMMITTEE

Advisory Opinion 00-003
May 25, 2000

Syllabus by the Committee:

R.C. 102.03 (D) does not prohibit members of the General Assembly from participating in the *House the Assembly Built* project.

Jurisdiction and Question Presented

Pursuant to sections 101.34 and 102.08 of the Revised Code that direct the Joint Legislative Ethics Committee to act as an advisory body to the members and employees of the General Assembly on questions relating to ethics, conflicts of interest, and financial disclosure, the Joint Legislative Ethics Committee advises the members and employees of the General Assembly on the following questions:

(1) May members of the General Assembly participate in the *House the Assembly Built* project?

Background

The House the Assembly Built is a joint effort involving Habitat for Humanity International and its local affiliates, the Ohio General Assembly, businesses, unions, non-profit organizations, and individuals. The goal of the project is to build a simple, affordable home in every Ohio House and Senate district.

Individual members of the General Assembly will be involved with Habitat for Humanity affiliates and local sponsor groups in the planning, funding and construction of each home.

Initially, members may seek to encourage pledges of monetary support and/or donations of goods and services for their local project from businesses, trade groups, charities, etc. in their district. Members may also be responsible for encouraging volunteer participation in the actual construction of the homes.

Consideration of the Issues

R.C. 102.03(D)

This Committee has consistently held that members of the General Assembly may not use their status to gain something of value for themselves or someone else.¹ Division (D) of Section 102.03 of the Revised Code limits the use of the member's influence and reads as follows:

(D) No public official or employee shall use or authorize the use of the authority or influence of his 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 him with respect to his duties.

In interpreting this section, the Committee in Advisory Op. 95-006 at page 4, stated:

R.C. 102.03(D) prohibits a public official or employee from using his official authority or influence to secure anything of value, either for himself or for any other party, if the thing of value is of such a character as to manifest a substantial and improper influence upon him with respect to his official duties by impairing his objectivity and independence of judgment as a public official or employer. Therefore, the member should avoid taking any actions that would result in their membership in the General Assembly being used to secure anything of value or the promise of anything of value....

¹ See Advisory Op. 95-005 (employment at a state university); Advisory Op. 95-006 (member associated with law firm doing business with the state of Ohio); Advisory Op. 95-014 (member serving on Board of Trustees of a for-profit company); Advisory Op. 96-005 (member serving on Board of Trustees for a non-profit company); and Advisory Op. 97-004 (member serving as treasurer/comptroller of a for-profit company).

There has been a constant theme in the decisions released by this Committee regarding this standard, the thing of value was for the benefit of others or the member personally and had no relationship to the General Assembly. In the instant case, this is a project the members are doing on behalf of the General Assembly, not on behalf of another entity or their personal business.

The members of the General Assembly would be using their status as members to gain something for the General Assembly. Although it could be argued that ultimately it is the owners of the new homes that will gain, the members will in fact be attempting to achieve a goal of the General Assembly of providing housing for those in need. *The House the Assembly Built* is similar to the Combined Charitable Contributions project headed by the Governor wherein all state employees are asked by the Governor to contribute to their favorite charity. It is a charitable drive on behalf of the General Assembly by members of the General Assembly. Therefore, R.C. 102.03(D) does not prohibit members of the General Assembly from using their status as members to gain something of value on behalf of the project *The House the Assembly Built*.

This advisory opinion is based on the facts presented. It is limited to questions arising under Chapter 102. and Sections 2921.42 and 2921.43 of the Revised Code and does not purport to interpret other laws or rules.

Conclusion

Accordingly, the Committee finds and the members are so advised: R.C. 102.03 (D) does not prohibit members of the General Assembly from participating in the *House the Assembly Built* project.

Richard H. Finan, Chairman
Joint Legislative Ethics Committee