



# JOINT LEGISLATIVE ETHICS COMMITTEE

## 130<sup>th</sup> OHIO GENERAL ASSEMBLY

Joint Legislative Ethics Committee  
Advisory Opinion 2014-001  
Issued: May 29, 2014

Committee:

Chair:  
Keith Faber  
Senate President

Vice Chair:  
William G. Batchelder  
Speaker

Joe Schiavoni  
Minority Leader

Tracy Maxwell Heard  
Minority Leader

Mike Ashford  
Representative

Capri Cafaro  
Senator

Matt Huffman  
Representative

Eric Kearney  
Senator

Larry Obhof  
Senator

Scott Oelslager  
Senator

Debbie Phillips  
Representative

Gerald L. Stibelton  
Representative

Staff:

Tony Bledsoe  
Executive Director

### **Syllabus by the Committee**

R.C. 102.03(D), (E) and (F) does not prohibit a Member from earning contact hours for purposes of renewing an Ohio School Treasurer License so long as the Member does not use the authority or influence of office to procure a selective benefit different from other individuals who are similarly situated.

### **Jurisdiction and Authority**

The Joint Legislative Ethics Committee ("JLEC" or "the Committee") is the ethics advisory body to the General Assembly and to its individual members, candidates, and employees.<sup>1</sup> The Committee has the authority to render a publicly sought Advisory Opinion on an issue that relates to a special set of circumstances involving ethics, conflicts of interest, and financial disclosure under R.C. Chapter 102, or Sections 2921.42 or 2921.43.<sup>2</sup> Where the Committee issues a publicly sought Advisory Opinion, the person to whom the Opinion was directed, and those whom are similarly situated, may reasonably rely on the Opinion and shall be immune from criminal prosecution, civil suits, or actions for removal from office or employment for a violation of R.C. Chapter 102, or Sections 2921.42 or 2921.43, based on the facts and circumstances covered by the opinion.<sup>3</sup>

---

<sup>1</sup> R.C. 101.34(A)(8).

<sup>2</sup> R.C. 102.08(A).

<sup>3</sup> R.C. 102.08(C).

## **Background & Issue Presented**

The Member is seeking to renew an Ohio School Treasurer License. In order to meet the Ohio Department of Education's license renewal requirement, a professional association, who is also the employer of a lobbyist, has established a Local Professional Development Committee (LPDC) and corresponding guidelines to assist individuals not currently employed by a school or school district in this process. An individual seeking to renew their Ohio School Treasurer License through the professional association must file an Individual Professional Development Plan (IPDP) outlining their professional development goals and complete a certain number of contact hours (continuing education) to maintain the licensure. The individual may select traditional seminars/workshops (pre-approval not required) or seek pre-approval by the LPDC for equivalent other activities that meet ODE licensure standards and the individual's IPDP goals.<sup>4</sup>

The Member has asked whether contact hours earned based on either the Member's participation or attendance at legislative session, formal Education Committee meetings, informal Education Funding Caucus meetings, or internal party caucus meetings are allowable under Ohio Ethics Law and related statutes.

## **Consideration of the Issue**

### **R.C. 102.03**

Divisions (D), (E) and (F) of R.C. 102.03 provide as follows:

(D) No public official or employee shall use or authorize the use of the authority or influence of 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

---

<sup>4</sup> See, Local Professional Development Committee Guidelines, Ohio Association of School Business Officials, at 3-4 (2009); available at: <http://www.oasbo-ohio.org/Professional-Development/Licensure-Credentialing/Local-Professional-Development-Committee/OASBO-LPDC-Guidelines-revised-MASTER-10-27-09.aspx>.

manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(E) No public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(F) No person shall promise or give to a public official or employee anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

Under R.C. 102.03(D), (E) and (F) a Member of the General Assembly is prohibited from using the authority or influence of office to gain something of value. However, the Member is not prohibited from using state resources available to the general public so long as the Member does not use the authority or influence of office to obtain them.<sup>5</sup>

#### A. Internal Party Caucus and Informal Education Funding Caucus Meetings

Internal party caucus and informal Education Funding Caucus meetings are not open and accessible to the general public. A Member who was able to earn contact hours based on his attendance at these activities would receive a selective benefit available only to Members of the General Assembly. Consequently, the Member is prohibited under R.C. 102.03(D), (E) and (F) from receiving contact hours based on his attendance at internal party caucus or informal Education Funding Caucus meetings.

---

<sup>5</sup> See, 2007 JLEC Advisory Opinion 2007-001 at 7 (a Member may utilize publically available rooms at the Statehouse so long as the Member did not use the authority or influence of office to procure them); 1995 JLEC Advisory Opinion 95-017 at 2-3 (a Member may accept compensation from a real estate firm for obtaining his real estate license so long as the benefit is conferred upon other individuals seeking independent contractor status); JLEC 2009 Advisory Opinion 2009-001 at 2 (Members are not prohibited from using the Public Wireless in furtherance of activities unrelated to their official duties as the state resource is available at no cost to the general public).

### B. Legislative Session and Formal Education Committee Meetings

Both legislative session and formal Education Committee meetings of either the Ohio House of Representatives or the Ohio Senate are open and accessible to the general public to attend free of charge. A Member is not prohibited from obtaining contact hours for attending legislative session or formal Education Committee meetings, whether in his capacity as a Legislator or as a private citizen, so long as the Member has not utilized the authority or influence of office to receive a selective benefit different from other individuals similarly situated. Provided all individuals seeking to renew their Ohio School Treasurer License through the LPDC are able to earn contact hours by attending legislative session or formal Education Committee meetings the Member has not received a selective benefit prohibited under R.C. 102.03(D), (E) and (F).<sup>6</sup>

### Conclusion

The Committee finds and members and employees are so advised:

R.C. 102.03(D), (E) and (F) does not prohibit a Member from earning contact hours for purposes of renewing an Ohio School Treasurer License so long as the Member does not use the authority or influence of office to procure a selective benefit different from other individuals who are similarly situated.

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.

---

<sup>6</sup> It is the Member's attendance, not the Member's participation at legislative session and formal Education Committee meetings that controls. The awarding of contact hours based on the Member's participation would confer a selective benefit upon the Member unavailable to the general public.