



JOINT LEGISLATIVE ETHICS COMMITTEE

130th OHIO GENERAL ASSEMBLY

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Joint Legislative Ethics Committee
Advisory Opinion 2014-002
Issued: May 29, 2014

Syllabus by Committee

1. Members and employees of the General Assembly are not required to disclose on a financial disclosure statement the source or amount of transportation costs related to official travel where the vehicle is owned or leased by a state agency or state institution of higher education.
2. State agencies and state institutions of higher education that are the employer of legislative agents are not required to report to the Joint Legislative Ethics Committee as a lobbying expenditure the amount of transportation costs related to official travel where the travel is provided in a vehicle owned or leased by the state agency or state institution of higher education.

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.¹ 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 2921.43.² 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

¹ R.C. 101.34(A)(8).

² R.C. 102.08(A).

Sections 2921.42 or 2921.43, based on the facts and circumstances covered by the opinion.³

Background & Issues Presented

A Member or employee of the General Assembly utilizes transportation, including, but not limited to, planes, automobiles, etc. that are owned or leased by a state agency or state institution of higher education in connection with the official duties of the Member or employee.

1. Is a Member or employee of the Ohio General Assembly⁴ required to disclose on a Joint Legislative Ethics Committee financial disclosure statement the source and amount of transportation costs related to official travel where the vehicle is owned or leased by a state agency?⁵
2. Is a state agency or a state institution of higher education which is the employer of legislative agents required to report to the Joint Legislative Ethics Committee, as a lobbying expenditure, the amount of transportation costs related to official travel?

Consideration of the Issue

- I. Requirement to disclose source of payment of travel expenses - R.C. 102.02(A)(8):

R.C. 102.02(A)(8) provides that most financial disclosure statement filers must disclose the following:

Except as otherwise provided in section 102.022 of the Revised Code, identification of the source and amount of every payment of expenses incurred for travel to destinations inside or outside this state that is received by the person in the person's own name or by any other person for the person's use or benefit and that is incurred in connection with the person's official duties, except for expenses for travel to meetings or conventions of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays

³ R.C. 102.08(C).

⁴ Ohio General Assembly means the Ohio House of Representatives, Ohio Senate, and any legislative agencies.

⁵ State agency means the General Assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state.

membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues.

When a Member or employee of the General Assembly travels to perform some act or service on behalf of the General Assembly, or to exercise the scope of his authority, the travel is in connection with the Member's or employee's official duties.

II. Travel in a vehicle owned or leased by a state agency or state institution of higher education:

Where a vehicle is owned or leased by a state agency, and is used by Members or employees of the General Assembly for the performance of official duties, the expenses related to the operation, maintenance, and insurance of the vehicle cannot be solely described as expenses incurred for official travel by a specific traveler. Therefore, Members or employees of the General Assembly are not required to attempt to discover and then disclose the expenses incurred by a state agency for the continuing operation, maintenance, and insurance of a vehicle owned or leased by a state agency or state institution of higher education. Consequently, R.C. §102.02(A)(8) does not require a Member or legislative employee to disclose official travel when undertaken in a vehicle owned or leased by a state agency when used in connection with the Member's or employee's official duties.

Conversely, where a state agency or state institution of higher education provides official travel to Members or employees of the General Assembly and the travel is in a vehicle owned or leased by the state agency or state institution of higher education, a lobbying expenditure has not been made for the benefit of the Member or employee. The state agency or state institution of higher education is not required to disclose as a lobbying expenditure the travel costs associated with the Member or employee traveling in the vehicle.

Conclusion

Accordingly, the Joint Legislative Ethics Committee finds; and Members and employees of the General Assembly are so advised: a Member or employee of the

General Assembly is not required to disclose on a financial disclosure statement the source or amount of transportation costs associated with the use of a vehicle in connection with the Member's or employee's official duties that is owned or leased by a state agency or state institution of higher education.

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.