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THE JOINT LEGISLATIVE ETHICS COMMITTEE

Advisory Opinion 95-001
February 23, 1995

Syllabus by the Committee:

- (1) A member of the General Assembly is not prohibited under Section 10(B) of the Legislative Code of Ethics from privately seeking funds for the sole use and benefit of a national organization for which the member is the president;
- (2) R.C. 102.03(H) does not prohibit a member of the General Assembly from accepting actual travel expenses where the member has participated in a panel, seminar, or speaking engagement;
- (3) R.C. 102.02(A)(8) requires a member to identify the source and amount of expenses received for travel unless the expenses were for attendance at a national meeting of an organization to which a state agency pays dues.

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 of the General Assembly on the following questions: (1) Can a member of the General Assembly, who is also the president of a national organization, raise private money for the national organization, and (2) Can a member of the General Assembly accept travel expenses from the national organization?

You have stated the national organization expects the president, as part of the president's duties, to raise private money for receptions, hosting meals, and other expenses. Furthermore, you have stated all funds are donated directly to the national organization and are held in a restricted account. It is assumed you have no accessibility to the funds since they are located in a restricted account and the funds are frequently audited by the national organization. Based upon these facts, you have asked whether the "private fundraising" clause prohibits this activity.

Section 10(B) of the Legislative Code of Ethics provides "No member shall conduct a public or private fundraising event that seeks to provide money for his personal use." The threshold requirement found in this prohibition is the member may not seek money "for his personal use." Based upon the facts presented, it is clear the money raised is for the sole use and benefit of the national organization and does not inure in any way to the benefit of the member. Therefore, it is not a violation of Section 10(B) for a member of the General Assembly to privately seek funds for the sole use and benefit of a national organization for which the member is the president.

Next, you have stated that, as president, you frequently travel on behalf of the national organization to attend meetings and seminars in which you are always a participant in a panel, seminar, or speaking engagement. Furthermore, the national organization either pays or reimburses you for all travel expenses incurred in connection with this travel. From an ethical standpoint, relevant to this situation is R.C. 102.03(H) which provides in pertinent part:

No public official...shall solicit or accept...an honorarium. This division...[does] not prohibit a public official...from accepting ...the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the public official ...at a meeting at which the public official...participates in a panel, seminar, or speaking engagement.

Based upon the facts as presented, it appears the expenses you are receiving or for which you are being reimbursed are actual travel expenses and are therefore allowable under R.C. 102.03(H). For purposes of disclosure, R.C. 102.02(A)(8) provides a member of the General Assembly must identify:

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 his own name or by any other person for his 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 either house of the general assembly, any legislative agency, a state institution of higher education as defined in section 3345.031 [3345.03.1] of the Revised Code, any other state agency, or any political subdivision or any office or agency of a political subdivision pays membership dues.

Therefore, you must disclose the source and amount of all travel expenses received by you from the national organization. The only exception to this disclosure requirement is where you have attended an actual meeting of the national organization. Appearances on behalf of the national organization at other meetings does not fall within the purview of the exception and those expenses must be disclosed. Accordingly, R.C. 102.02(A)(8) requires disclosure of all travel expenses except those paid for your attendance at a meeting of the national organization.

Lastly, you have asked a related question regarding a specific event sponsored by an entity wherein the national organization of which you are president paid for your airplane ticket and the sponsor of the event paid for your meals. You have stated that you either gave speeches at this seminar or participated in panel discussions. Based upon the facts you have presented, it appears, as before, you were a participant in a panel, seminar, or speaking engagement as that term is used in Chapter 102. Consequently, your acceptance of these expenses is not prohibited under R.C. 102.03(H) and the sources and amounts of the expenses must be disclosed pursuant to R.C. 102.02(A)(8).

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.

Accordingly, the Committee finds and you are so advised that (1) a member of the General Assembly is not prohibited under Section 10(B) of the Legislative Code of Ethics from privately seeking funds for the sole use and benefit of a national organization for which the member is the president; (2) R.C. 102.03(H) does not prohibit a member of the General

Assembly from accepting actual travel expenses where the member has participated in a panel, seminar, or speaking engagement; and (3) R.C. 102.02(A)(8) requires a member to identify the source and amount of expenses received for travel unless the expenses were for attendance at a national meeting of an organization to which a state agency pays dues. Based upon the facts as presented, the Joint Legislative Ethics Committee finds no violation of Chapter 102.



William G. Batchelder, Chairman
Joint Legislative Ethics Committee