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**THE JOINT LEGISLATIVE ETHICS COMMITTEE**

Advisory Opinion 95-007  
April 6, 1995

**Syllabus by the Committee:**

- (1) R.C. 102.02(A)(10) requires a member of the General Assembly to disclose all of the non-disputed information contained in an Updated Registration Statement received from a legislative agent or the employer of a legislative agent;
- (2) Under R.C. 102.02(A)(8), the travel expenses of a member of the General Assembly to meetings or conventions of a national or state organization to which the General Assembly pays dues, which are related to, or associated with, the member's position, are not required to be disclosed on the member's Financial Disclosure Statement;
- (3) Under R.C. 102.02(A)(9), the payment of expenses for meals incurred at meetings or conventions of a national or state organization to which the General Assembly pays dues, which are related to, or associated with, the member's position, are not required to be disclosed on the member's Financial Disclosure Statement;
- (4) Where a member of the General Assembly is attending meetings or conventions of a national or state organization, events or activities which are hosted by entities, other than the national or state organization to which dues are paid, must be reported as gifts if the value exceeds \$75 or \$25 if from a legislative agent.

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) What encompasses "non-disputed information" for purposes of disclosure under R.C. 102.02(A)(10); and (2) What are the disclosure requirements where a "national conference" exception exists?

First, some confusion has arisen regarding the interplay between disclosure pursuant to R.C. 102.02(A)(7), the gift section and R.C. 102.02(A)(10), the non-disputed information section. R.C. 102.02(A)(7) requires disclosure of "the source of each gift of over seventy-five dollars, or of each gift of over twenty-five dollars received by a member of the General Assembly from a legislative agent." This section applies to *all persons* from whom a member receives a gift where the gift exceeds the specific dollar limit. If a member receives a gift from a person or entity and the value exceeds \$75 or the aggregated value of the gifts received from that person or entity during the calendar year exceeds \$75, the member must disclose the name of the person or entity. If a member receives a gift from a registered legislative agent and the value exceeds \$25 or the aggregated value for the calendar year exceeds \$25, the member must disclose the name of the person. This section is exclusive of all other sections and may or may not include gifts disclosed under R.C. 102.02(A)(10), the non-disputed information section.

Pursuant to R.C. 102.02(A)(10), a member must disclose all of the non-disputed information contained in a statement received from a legislative agent or the employer of a legislative agent. The statements to which R.C. 102.02(A)(10) is referring are the Updated Registration Statements filed May 31, September 30, and January 31 with the Office of the Legislative Inspector General. The Statement filed May 31 lists all expenditures made by the legislative agent or employer during the time period January 1 to April 30. The September 30 Statement during the time period May 1 to August 31 and the January 31 Statement during the time period September 1 to December 31 of the preceding year. A legislative agent and employer are required to send the member a photocopy of the form filed when the member's name appears on the form.

Generally, a legislative agent is required to list a member's name under two circumstances: (1) when the legislative agent has spent more than \$50 for meals and other food and beverages on the member during the calendar year and (2) when the legislative agent has made an expenditure, excluding food, where the value of the expenditure exceeds \$25. An Employer is required to list a member's name under two circumstances: (1) when the employer has made an expenditure for food (there is no \$50 safe harbor) and (2) when the employer has made an expenditure, excluding food, where the value of the expenditure exceeds \$25.

When a member of the General Assembly receives a photocopy of an Updated Registration Statement as described above, the member is required to disclose the information on the member's Financial Disclosure Statement either by writing the information on their form or attaching the photocopy to their form. As with the gift section, this section is exclusive of all other sections and may or may not include gifts disclosed under R.C. 102.02(A)(7) or meals disclosed under R.C. 102.02(A)(8).

Next the member has asked if a disclosure requirement of R.C. 102.02 includes the "national meeting" exception, what activities are included in the exception? Specifically, do events, which are hosted by entities other than the sponsoring organization to which the dues are paid by the General Assembly, fall within the exception and are therefore not reportable. The national meeting exception only appears in two separate disclosure sections of R.C. 102.02:

(A)(8): Except as otherwise provided in section 102.022 [102.02.2] 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 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.*

(A)(9): Except as otherwise provided in section 102.022 [102.02.2] of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, *other*

*than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a meeting or convention 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, that are incurred in connection with the person's official duties and that exceed one hundred dollars aggregated per calendar year. (Emphasis added)*

Under R.C. 102.02(A)(8), the travel expenses of a member of the General Assembly to meetings or conventions of a national or state organization to which the General Assembly pays dues, which are related to, or associated with, the member's position, are not required to be disclosed on the member's Financial Disclosure Statement. Therefore, a member is not required to list either the source or amount of travel expenses incurred to attend legislative conferences sponsored by organizations of which the General Assembly is a dues-paying member.

Under R.C. 102.02(A)(9), the payment of expenses for meals, even if they exceed \$100, incurred at a national meeting to which the General Assembly pays dues, which are related to, or associated with, the member's position, are not required to be disclosed on the member's Financial Disclosure Statement. This exception encompasses all meals provided at a national meeting regardless of the source of the meals. Additionally, pursuant to R.C. 101.73(A)(3), neither a legislative agent nor employer is required to report these meals on their respective Updated Registration Statements.

It is important to note that the above two expenses - travel and meals - are the *only* expenses to which the national meeting exception applies. Events or activities at a national meeting which are hosted by entities other than the national or state organization to which the dues are paid are *not* exceptions and must be reported as gifts if the value exceeds \$75 (or \$25 if from a legislative agent.) For example, if the member is attending a conference sponsored by the National Conference of State Legislators (NCSL) and XYZ Corporation sponsors a golf outing with free greens fees for the conference attendees, the greens fees are a gift. If NCSL sponsored the event using the dues paid by its members to fund the event, that would be considered part of

the conference and not reportable as a gift since in essence the event was actually paid for by the General Assembly through its dues. All recreational events, excluding travel and meals, sponsored or paid for by someone other than the conference host is a gift and is therefore reportable if the \$75 (or \$25) threshold is exceeded.

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, (1) R.C. 102.02(A)(10) requires a member of the General Assembly to disclose all of the non-disputed information contained in an Updated Registration Statement received from a legislative agent or the employer of a legislative agent; (2) Under R.C. 102.02(A)(8), the travel expenses of a member of the General Assembly to meetings or conventions of a national or state organization to which the General Assembly pays dues, which are related to, or associated with, the member's position, are not required to be disclosed on the member's Financial Disclosure Statement; (3) Under R.C. 102.02(A)(9), the payment of expenses for meals incurred at meetings or conventions of a national or state organization to which the General Assembly pays dues, which are related to, or associated with, the member's position, are not required to be disclosed on the member's Financial Disclosure Statement; and (4) Where a member of the General Assembly is attending meetings or conventions of a national or state organization, events or activities, excluding travel and meals, which are hosted by entities, other than the national or state organization to which dues are paid, must be reported as gifts if the value exceeds \$75 or \$25 if from a legislative agent.



William G. Batchelder, Chairman