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THE JOINT LEGISLATIVE ETHICS COMMITTEE

Advisory Opinion 95-008
June 14, 1995

Syllabus by the Committee:

- (1) R.C. 102.02(A)(7) of the Revised Code requires a member or employee of the General Assembly who files a financial disclosure statement to report as the source of a gift any party who has provided a gift to the member or employee only when the value of the gift received exceeds seventy-five dollars or twenty-five dollars if received from a legislative agent; and
- (2) A member or employee of the General Assembly who files a financial disclosure statement is not required to disclose the source of a gift exceeding \$75 when the source of the gift is a cousin or step-relation.

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) Is the value of gifts, for purposes of financial disclosure pursuant to R.C. 102.02, determined by counting the value of each individual gift from each source or by totaling the value of all gifts from each source and (2) Are gifts exceeding \$75 received from cousins or step-relations required to be disclosed on a member or employee's Financial Disclosure Statement?

First, the Committee shall address multiple gifts from one source received during the same calendar year. Factually, a member or employee of the General Assembly receives, during

a calendar year, multiple gifts from a single source. Individually, no gift exceeds \$75; however, the cumulative value of all of the gifts exceeds \$75. Under these circumstances, must the member or employee name the source of the gifts on the financial disclosure statement. R.C. 102.02(A)(7) addresses gifts and provides a member must disclose "...the source of *each* gift of over seventy-five dollars, or of each gift of over twenty-five dollars received...from a legislative agent" (emphasis added.)

With the enactment of Am. Sub. H.B. 492, two significant modifications were made to the gift disclosure requirement enumerated in R.C. 102.02(A)(7): (1) the threshold amount was reduced and (2) the sources excepted from disclosure were increased. Prior to the enactment of Am. Sub. H.B. 492, R.C. 102.02(A)(7) established a threshold of \$500 for gift reporting. The General Assembly, in Am. Sub. H.B. 492, amended R.C. 102.02(A)(7) to significantly lower the threshold to \$75 for gift reporting. It is apparent from this reduction, the General Assembly was attempting to attain a more comprehensive disclosure; however, there is no indication the General Assembly was now attempting to require aggregation of gifts. R.C. 102.02(A)(7) was substantially amended, nevertheless, the language stating "*each* gift" was not amended. Additionally, it must be noted that R.C. 102.02(A)(9) was added with the passage of Am. Sub. H.B. 492. The language contained within that section specifically states the amount is to be aggregated per calendar year. Consequently, the Committee finds R.C. 102.02(A)(7) must be read to require a member or employee to disclose the source of a gift only where the value of the individual gift exceeds \$75.

The Committee further advises the members and employees of the General Assembly that some gifts, although given in segments, constitute a single gift. For example, if a person gives a member of the General Assembly a single baseball game ticket for each of the games during the season, this is considered as having received a season pass and if the cumulative value exceeds \$75, the source of the tickets must be disclosed. Another example is if a person pays for a member's parking each day for a month, this is considered as having received a parking pass for a month and the cumulative value of all of the parking fees is the value of the gift. Or, if a person pays the greens fees for each day during a week-long golf outing, it is the cumulative value of all

of the greens fees that constitutes the value of the gift and if that value exceeds \$75, the person giving the gift must be disclosed.

Lastly, the Committee reminds the members and employees of the General Assembly of the ethical considerations set forth in divisions (D) and (E) of section 102.03 of the Revised Code which provide:

(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.

(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 him with respect to his duties.

As noted above, the second amendment to R.C. 102.02(A)(7) was the expansion of certain sources that were not required to be disclosed. Prior to the enactment of Am. Sub. H.B. 492, R.C. 102.02(A)(7) only excluded gifts received from parents or grandparents from the disclosure requirement. The subsequent amendment enlarged the exception to include essentially all persons related to the filer by either blood or marriage with two noted exceptions, cousins and step-relations. It is evident the intent of the General Assembly in expanding the exceptions was to provide a more inclusive list of those persons who, by reason of their familial relationship to the filer, were more likely to give the filer a gift. Therefore, it is likely the exclusion of cousins and step-relations from the list of excepted sources was an oversight and not intentional. Therefore, the Committee finds a member or employee of the General Assembly who files a financial disclosure statement is not required to disclose the source of a gift exceeding \$75 when the source of the gift is a cousin or step-relation.

Accordingly, the Committee finds, and the members and employees of the General Assembly are so advised, that: (1) R.C. 102.02(A)(7) of the Revised Code requires a member or employee of the General Assembly who files a financial disclosure statement to report as the source of a gift any party who has provided a gift to the member or employee only when the value of the gift received exceeds seventy-five dollars or twenty-five dollars if received from a legislative agent and (2) a member or employee of the General Assembly who files a financial

disclosure statement is not required to disclose the source of a gift exceeding \$75 when the source of the gift is a cousin or step-relation.

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.



William G. Batchelder, Chairman
Joint Legislative Ethics Committee