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**THE JOINT LEGISLATIVE ETHICS COMMITTEE**

Advisory Opinion 96-005  
November 14, 1996

**Syllabus by the Committee:**

- (1) A member of the General Assembly is not prohibited from serving as a non-compensated member of a Board of Trustees for a community non-profit organization;
- (2) A member of the General Assembly is prohibited from using their membership in the General Assembly to secure a position as a Board member ; and
- (3) A member of the General Assembly is prohibited from using their membership in the General Assembly to secure anything of value for an organization where the member serves on the Board of Trustees.

**Jurisdiction and Question Presented**

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 question: May a member of the General Assembly serve as a member on a Board of Trustees for a community, non-profit corporation?

### Background

The member has been invited to serve as a non-compensated member of the Board of Trustees for the Columbus Metropolitan Area Community Action Organization ("CMACAO"), a non-profit organization which requires one-third of its Board consist of public officials. The member currently serves on the Joint Legislative Committee on Federal Funds. The Federal Funds Committee reviews and approves the Department of Development's plan for state Community Development Block Grant ("CDBG") funds and other block grants coming into the state of Ohio. The Department of Development only administers these funds for certain smaller counties in the state of Ohio, of which Franklin County is not one. CMACAO receives its block grant funds directly from the Federal government and does not receive CDBG funds that are administered by the Department of Development. Therefore, any oversight or action on the part of the member, as a member of the Federal Funds Committee, has no impact on the potential funding received by CMACAO.

### Consideration of the Issues

There are no provisions in Chapter 102. of the Revised Code which specifically prohibit a member of the General Assembly from serving as a member of a Board of Trustees.<sup>1</sup> However, certain provisions are relevant to potential ethical considerations that could result from the member serving in such a position or the member securing the position.

102.03(D), (E), and (F) 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.

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<sup>1</sup> A prohibition does exist in R.C. 101.26 with respect to Board positions for certain penal, educational, or benevolent institutions; however, this section is not applicable herein.

(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.

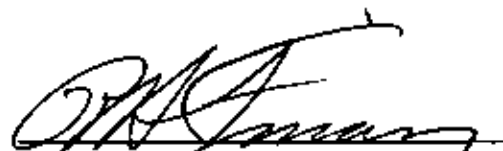
(F) No person shall promise or give to a public official or employee anything of value that is of such a character as to manifest a substantial and improper influence upon him with respect to his duties.

The cumulative effect of these three sections is that a member should avoid taking any action that would result in their membership in the General Assembly being used to secure anything of value or the promise of anything of value. Thus, the member is advised to not use her membership in the General Assembly to secure a position on the Board. Furthermore, the member is advised not to use her membership in the General Assembly to secure anything of value for CMACAO.

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.

#### Conclusion

Accordingly, the Joint Legislative Ethics Committee finds, and the member is so advised, that (1) A member of the General Assembly is not prohibited from serving as a non-compensated member of a Board of Trustees for a community non-profit organization; (2) A member of the General Assembly is prohibited from using their membership in the General Assembly to secure a position as a Board member ; and (3) A member of the General Assembly is prohibited from using their membership in the General Assembly to secure anything of value for an organization where the member serves on the Board of Trustees.



Richard H. Finan, Chairman  
Joint Legislative Ethics Committee