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**THE JOINT LEGISLATIVE ETHICS COMMITTEE**

Advisory Opinion 97-003  
May 13, 1997

**Syllabus by the Committee:**

The payment of expenses for meals and other food and beverages does not accrue toward the \$100 threshold found in R.C. 102.02(A)(9) where all members of the General Assembly or all members of one House of the General Assembly have been invited to a dinner, party, or other similar function.

**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 and employees of the General Assembly on the following question: Does a meal or other food and beverage consumed at a dinner, party, or other similar function to which all members of the General Assembly or all members of one House are invited accrue toward the \$100 threshold found in R.C. 102.02(A)(9)?

**Background**

Pursuant to R.C. 102.02(A)(9), a member or staff member of the General Assembly is required to disclose the source of payment of expenses for meals and other food and

beverages that are incurred in connection with the member's official duties and that exceed one hundred dollars, aggregated per calendar year. R.C. 102.02(A)(9) provides:

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;

Related to this language, are the provisions found in R.C. 101.73 and R.C. 102.031. R.C. 101.73(D) provides:

\* \* \*

No portion of the amount of an expenditure for a dinner, party, or other function sponsored by an employer or legislative agent need be attributed to, or counted toward the amount for, a reporting period specified in division (B)(2) or (3) of this section if the sponsor has invited to the function all the members of either of the following:

- (1) The general assembly;
- (2) Either house of the general assembly.

However, the amount spent for such function and its date and purpose shall be reported separately on the statement required to be filed under this section and the amount spent for the function shall be added with other expenditures for the purpose of determining the total amount of expenditures

reported in the statement under division (B)(1) or (C) of this section.

R.C. 102.031(C)(2) reads as follows:

(C) No member of the general assembly shall knowingly accept any of the following from a legislative agent:

\* \* \*

(2) More than seventy-five dollars aggregated per calendar year as payment for meals and other food and beverages, other than for those meals and other food and beverages provided to the member at a meeting at which the member participates in a panel, seminar, or speaking engagement, at a meeting or convention of a national organization to which either house of the general assembly, any legislative agency, or any other state agency pays membership dues, *or at a dinner, party, or function to which all members of the general assembly or all members of either house of the general assembly are invited; (emphasis added)*

#### Consideration of the Issues

The language contained in R.C. 101.73(D) above creates a reporting exception for Legislative Agents and Employers of Legislative Agents whereby the reporting entity only reports the total amount of the function, and does not specifically list the name of any individuals in attendance. The language contained in R.C. 102.031(C)(2) creates an exception to the \$75 meal prohibition for members and staff members of the General Assembly whereby any food consumed at one of these functions does not accrue toward the \$75 threshold.

It is clear from the inclusion of this language in these two sections, that "all-invited" functions were intended to be excluded from any aggregation for purposes of disclosure. Both sections, which concern either the reporting or the prohibition of food, exclude food provided at "all-invited" functions. Therefore, these two exceptions indicate that it was the intent of the General Assembly when it passed H.B. 492 to exclude food provided at "all-invited" functions from any type of individualized disclosure. Furthermore, to require a member or staff member to estimate, and keep track of, the small amounts of food consumed at these functions is not

realistic. Therefore, the Committee finds that a member or staff member of the General Assembly is not required to aggregate payment of expenses for meals and other food and beverages where such food has been received at a dinner, party, or other similar function.

It is important to note, this exception applies *only* to a dinner, party, or other similar function, it does not apply to functions where the primary offering is a gift. For example, a golfing, even where all members are invited, does not fall within this exception since the entity hosting the event is providing a gift to the members.

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 Committee finds and the members and staff members of the General Assembly are so advised that the payment of expenses for meals and other food and beverages does not accrue toward the \$100 threshold found in R.C. 102.02(A)(9) where all members of the General Assembly or all members of one House of the General Assembly have been invited to a dinner, party, or other similar function.



William G. Batchelder, Chairman  
Joint Legislative Ethics Committee