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Section 9.2 General Qualifications

9.21 For All Personnel

First Paragraph

This section would copy/refer: Code of Ethics, Conflict of Interest Laws – R.C.102.03 (D)

Third Paragraph

This section would copy/refer: Code of Ethics, Conflict of Interest Laws – R.C.102.03 (E) + include time limitation of 5 years prior from start of term, position.

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nephew, or in-law lives in the same household with the official, that person is a member of the official's family.

Conflict of Interest Laws—R.C. 102.03(D) and (E)

In addition to the public contract restrictions, R.C. 102.03(D) and (E) apply to public officials or employees when their family members are seeking employment with, or are employed by, the same public agency they serve. R.C. 102.03(D) and (E) provide that:

- (D) No public official or employee shall use or authorize the use of the authority or influence of 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 the public official or employee with respect to that person's 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 the public official or employee with respect to that person's duties.

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R.C. 102.03(D) and (E) apply to any person who is elected or appointed to, or employed by, any public agency, except teachers, instructors, and other educators who do not perform or have the authority to perform, supervisory or administrative functions. R.C. 102.01(B) and (C).¹

"Anything of value" includes money and every other thing of value. R.C. 103; 102.03(G). Employment and the compensation and benefits that accompany it are within the definition of anything of value. Adv. Op. No. 92-012.

A thing of value manifests a "substantial and improper influence" on a public official or employee if it could impair the official's or employee's objectivity and independence of judgment with respect to his or her public duties. Adv. Ops. No. 91-010 and 95-001.

The Commission has stated that voting on, recommending, deliberating about, discussing, lobbying, or taking any other formal or informal action within the scope of a public official's or employee's public authority is "use of," or "authorization of the use of" the authority or influence of a public official's or employee's office or employment. Adv. Op. No. 88-005. Therefore, any such conduct related to the hire of a family member would be a violation of this section.

¹ While teachers and other educators are exempted from the conflict of interest law, they are fully subject to the public contract law (R.C. 2921.42), also discussed in this opinion.