



OHIO ETHICS COMMISSION

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GENERAL INFORMATION FACT SHEET

History: In 1973, the Ohio General Assembly created the Ohio Ethics Commission as part of the Ethics Law. The law, effective January 1, 1974, created new ethical standards for public officials and employees by: requiring personal financial disclosure; creating new restrictions upon unethical conduct with criminal sanctions; and, establishing uniform review of ethics issues by state-wide commissions of the three branches of government.

Authority: The Ohio Ethics Commission administers the Ohio Ethics Law and related statutes for all public officials and employees at the state and local levels of government, except for state legislators and their employees, and judges and their employees. For legislators and their employees, the law is administered by the Joint Legislative Ethics Committee. For judges and their employees, the law is administered by the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court.

Members: The Ethics Commission is a bipartisan commission comprised of six members who are appointed by the Governor and confirmed by the Ohio Senate. The Commission members, who serve staggered, six-year terms, are:

- Prof. Josiah Blackmore, Columbus – Term expires: 01-01-2009
- Merom Brachman, Bexley - Term expires: 01-01-2011
- Sarah M. Brown, Chairman, Alliance - Term expires: 01-01-2008
- Dr. Robert Browning, Vice Chairman, Worthington – Term expires: 01-01-2007
- Prof. Ann Marie Tracey, Cincinnati – Term expires: 01-01-2010
- Vacant

Duties: The Commission has four major responsibilities: public information; advisory opinions; investigations and referrals for prosecution; and financial disclosure.

Public Information The Commission provides free ethics education and informational materials, and recommends legislation relating to ethics, conflicts of interest, and financial disclosure.

Advisory Opinions The Commission possesses the unique authority to interpret the Ohio Ethics Law and related statutes, which are found in Chapter 102. and Sections 2921.42, 2921.421, and 2921.43 of the Ohio Revised Code. The Commission issues both formal and staff advisory opinions on ethics statutes. Formal opinions are issued on novel questions or questions of statewide interest. Staff opinions are responses to more routine questions, and follow Commission precedent. Both formal and staff opinions fully insulate the person making the request, and others similarly situated, if they comply with the opinion before they act, from criminal prosecution, civil actions, and actions for removal from office based on the facts presented. The Commission is also available by telephone to provide assistance.

Investigations The Commission confidentially investigates complaints and may investigate charges of alleged violations under the Ohio Ethics Law. The Commission's authority is analogous to the role of a grand jury. At the conclusion of an investigation, the Commission may refer the matter for prosecution to the appropriate prosecuting authority or may settle or compromise a charge with the accused person. The settlement methods used may include: mediation; restitution; rescission of affected contracts; forfeiture of any benefits resulting from a violation of the law; and resignation of the accused. The Commission has no authority to prosecute public officials or employees independently. The Commission has discretion to publicly comment that a complaint has been referred to a prosecutor if no action has been taken on the complaint within 90 days of the referral.

Financial Disclosure The law requires elected state, county, and city officials, candidates for these offices, and certain high-ranking state officials and employees to file financial disclosure statements about their previous year's finances in order to remind them and inform the public of potential conflicts of interest. The law also requires school board members and candidates for school board member in school districts with more than 12,000 students, and superintendents, treasurers, and business managers in all school districts to file. The general filing deadline is April 15, although some forms are due before then. Most forms filed with the Commission are available for public inspection. For more details about the requirements of financial disclosure, please refer to the "Financial Disclosure Fact Sheet," available from the Commission.

General prohibitions: The Ohio Ethics Law contains provisions restricting conflicts of interest that involve nepotism, post-employment, representation, influence-peddling, confidentiality, and supplemental compensation. Among other restrictions, the law provides that each public official and employee is prohibited from:

- Authorizing, or using his position to secure authorization of, a contract, for himself, a family member, or a business associate;
- Authorizing, or using her position to secure the authorization of, the investment of public funds in any kind of security to benefit herself, a family member, or a business associate;
- Receiving any benefit from a contract entered into by his public entity;
- Hiring or securing any contract benefits for her spouse, parents, grandparents, children, grandchildren, or siblings, or any other relatives living with her;
- Soliciting or accepting substantial and improper things of value, including gifts, or travel, meals, and lodging;
- Participating in matters where something of value will result for the public official or employee himself, his family, his business associates, or others with whom the public servant has a close tie that could impair his objectivity;
- Disclosing or using information deemed confidential by law;
- Representing parties, before any public agency, in a matter in which she was involved as a public servant, both during and for one year after leaving public service.

The Commission provides free advice and assistance to public officials and employees, and to the public and press, in the state of Ohio. If you have any questions about this information sheet, or about the Ethics Law in general, please contact us.

[Revised 01/06]