



OHIO ETHICS COMMISSION

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THE OHIO ETHICS LAW AND OHIO ETHICS COMMISSION

Ohio's Ethics Law: The Ohio General Assembly created the Ohio Ethics Law and the Ohio Ethics Commission, as the administrator of the Ethics Law for most in public service, effective January 1, 1974. The Law can be found in R.C. Chapter 102 and related sections, R.C. 2921.42 and 2921.43.

The Ethics Law enacted new laws, since enhanced, that govern all public officials and employees by:

- Requiring personal Financial Disclosure to identify and protect against conflicting interests;
- Mandating legal restrictions on unethical conduct that have criminal sanctions;
- Establishing uniform review of ethics issues by statewide ethics commissions within each of the three branches of government.*

The Ethics Law also oversees and prohibits those in the private sector from giving improper compensation or substantial things of value to public officials and employees with whom they do business.

Protections to the Public: Ethics Laws promote the general public interest and support confidence by prohibiting biased public expenditures and decision-making conflicts of interest in public officials.

Among other restrictions, the Ethics Law generally prohibits every public official and employee from:

- Participating in their public role in any action that involves the direct interests of the official, or those of a family member, or another with whom the official has an ongoing private business relationship;
- Authorizing, or using a public position to secure, a public contract or the investment of public funds in any security that benefits the official, a family member, or a business associate;
- Improperly profiting from a public contract;
- Soliciting or accepting substantial and improper things of value, including, outside employment or consultation fees, gifts, or travel, meals and lodging, from those dealing with the public agency;
- Unauthorized disclosure or use of information deemed confidential by law;
- Representing others before any public agency in a matter in which the official or employee was involved, both during, and for a period of time (at least one year) after, leaving public service.

The Ohio Ethics Commission:

Ethics Commission members are citizens from throughout the state, with significant private and public sector experience, who are appointed by the Governor to 6-year, staggered terms, and subject to Senate confirmation:

- The Commission is a bipartisan state panel, required to have 3 Democratic and 3 Republican members; Commission members elect the Chairman and Vice-Chairman
- The Commission hires an Executive Director who administers a staff of 21, including attorneys, investigators, disclosure and education staff, to carry out 5 distinct state-wide statutory duties

- The Commission was created in 1974; Ohio is one of more than 40 states with a State Ethics Commission

For more information about the Ethics Commission and its duties, searches of more than 300 formal Advisory Opinions, and common sense guidance regarding Ohio's Ethics Law, visit www.ethics.ohio.gov

By Law, the Ohio Ethics Commission Performs Five Statutory Duties:

Renders **Advice** and guides public officials to protect against personal, family and business conflicts:

- Issues written advisory opinions that provide legal immunity if advice is followed in future actions
- Responds to requests for advice and provides ethics guidance; annually responds to hundreds of written requests and an average of 3,000 telephone calls from officials, agencies, counsel, and the general public
- Assists public entities and private businesses and non-profits in observing ethical decision-making in public processes through direct interaction and responses to questions
- Guides Financial Disclosure filers through questions involving disclosure and recognizing potential conflicts of interest

Provides **Education and Information** on Ethics Law prohibitions against conflicts of interest:

- Annually conducts approximately 200 educational and informational sessions to approximately 20,000 public and private sector attendees; conducts Ethics Education to all cabinet agency leadership
- Creates and distributes clear and concise informational materials on the Ethics Law
- Provides and updates a web site at www.ethics.ohio.gov that offers easy access to useful information and dynamic search capabilities

Administers **Financial Disclosure** for more than 11,000 annual filers from more than 1,300 different public entities:

- Receives disclosures from all state, county, and city elected officeholders and candidates and tracks timely compliance for the public prior to election
- Oversees these filings, and an additional 4,000 filed by state officials and board members, each year; a 25% increase in filings since 1994
- Reviews and makes available for public inspection the vast majority (80%) of statements
- Reviews all interests contained in confidential filings required of uncompensated board members and school officials (2,200 each year) to identify potential conflicts of interest
- Secures a 99% compliance rate in annual disclosure filings to assure uniform public disclosure

Conducts confidential **Investigation** into allegations of unethical activity and secures remedial response:

- Reviews an increasing number of allegations each year, now averaging almost 500, from prosecutors, auditors, agencies and the general public
- Prioritizes the most serious charges and complaints for confidential factual investigation and possible criminal prosecution; annually processes hundreds of investigative requests and conducts active investigations
- Conducts witness interviews, issues subpoenas, and works jointly with other law enforcement
- Recent examples of the Commission's efforts include criminal investigations relating to the Attorney General's Office and prosecutions of local and county officials
- Resolves less-serious, non-continuing questions of conduct through alternative dispute remedies

Assists the General Assembly in the consideration of ethics-related legislation:

- Am. Sub. H.B. 519 enhancing ethics oversight in the operation of casinos in Ohio
- S.B. 133 enacting reform in the public retirement systems

- H.B. 162 strengthening governance in Community Based Corrections Facilities

(* The Ohio Ethics Commission is one of three state ethics agencies, within the three branches of government that oversee and administer the Ethics Law:

- The Joint Legislative Ethics Commission (JLEC) for members and employees of the General Assembly;
- The Board of Commissioners on Grievances and Discipline for judges and court employees, and;
- The Ethics Commission for the entire Executive branch and all other state and local public officials and employees.)

[Rev. 6/2013]