

OHIO ETHICS COMMISSION

Santiago Feliciano, Jr.
Commission Chair

David E. Freel
Executive Director



8 East Long Street, 10th Floor
Columbus, Ohio 43215
Telephone: (614) 466-7090
Fax: (614) 466-8368

Website: <http://www.ethics.state.oh.us>

March 26, 1999

Informal Opinion 1999-INF-0326-1

Jacqueline Romer-Sensky, Director
Ohio Department of Human Services

Dear Director Romer-Sensky:

In a letter to the Ethics Commission, the former Director of the Department of Human Services asked several questions pertaining to prohibitions imposed by the Ohio Ethics Law and related statutes upon employees of county social service agencies with regard to outside employment. Specifically, the former Director asked whether the Ohio Ethics Law and related statutes prohibit employees of county social service agencies from working with a private vendor who has a contract with the Ohio Department of Human Services to provide teaching services to county employees.

As set forth more fully below, full-time or part-time employees of any county agencies that exercise authority, discretion, or other official responsibilities for the delivery of social services in the county, under the monitoring and administration of the Ohio Department of Human Services (Department), are "connected" with the Department within the meaning of ethics-related statutes. Because of this connection, R.C. 2921.42(A)(4) prohibits these full-time or part-time employees from working with a private vendor who has a contract with the Ohio Department of Human Services to provide teaching services to county employees, unless the employees are able to meet the exception set forth in R.C. 2921.42(C). This conclusion applies to all county employees who work for agencies that are involved in the delivery of social services in the county, regardless of whether the county agency or program is included within a Partnership Agreement between the Department and the county, or has entered into a Plan of Cooperation among the board of county commissioners and other agencies.

Facts

The former Director stated that the Department contracts with vendors to train employees of county departments of human services (CDHS) and Public Children Services Agencies (PCSA). The vendors are responsible for developing a training curriculum as well as contracting with individuals to provide training. An advisory committee of employees from the Department, CDHS, and PCSA recommends curriculum development and training delivery to the vendors. In addition, the advisory committee recruits trainers for the vendor from county staff and selects the vendor-qualified trainers they wish to deliver the training.

Specifically, the former Director has explained that the Department has a contract with the Institute for Human Services (Institute) to develop and deliver child welfare training to PCSA employees. The advisory committee and the Institute believe that using current and former PCSA employees as trainers would result in higher quality training because these employees possess valuable practical knowledge and experience. The central question, then, is whether county PCSA employees can be paid by the Institute to provide training under a contract between the Institute and the Department.

Precedent

On December 14, 1989, the Ohio Ethics Commission approved an advisory opinion to Duane Jager of the Department on a similar issue. That opinion considered a contract between the Department and the Ohio Board of Regents, whereby various two-year colleges would deliver staff training for county human service employees.

The Ethics Commission was asked whether the Ohio Ethics Law and related statutes prohibited employees from the state and county departments of human services from accepting positions with local colleges to provide training services under the contract. The opinion held that the Department employees were prohibited from being employed by local colleges to provide training under the contract between the Department and the Board because their compensation from such employment would constitute an interest in a public contract with the Department. The Commission concluded that such an interest was prohibited by R.C. 2921.42(A)(4). In addition, the Commission held that a CDHS employee was prohibited from being employed by local colleges to supply training services to employees of the same CDHS because the compensation derived from such employment would constitute an interest in a public contract entered into for the use of the political subdivision and governmental agency with which the CDHS employee was connected. Finally, the Commission concluded that a CDHS employee was prohibited by R.C. 2921.42(A)(4) from providing training services to employees of county departments of human services in other counties because the CDHS employee is "connected" with the Department, and would have an interest in a public contract entered into by the Department.

Change in Relationships between Department and Counties

The former Director asked that this issue be re-addressed in light of statutes enacted by the general assembly in 1997 that mandate Partnership Agreements between the Department and the boards of county commissioners for the delivery of social services in each county. R.C. 5101.21. These social services include duties assumed by a CDHS pursuant to an agreement entered into under R.C. 329.05 to assist in administering any state or local human services activity and other duties of the CDHS that the director of the Department and the board of county commissioners mutually agree to include in the agreement. Id.

The former Director also stated that boards of county commissioners must enter into plans of cooperation with CDHS, PCSA, Child Support Enforcement Agencies (CSEA), and any other governmental entity for the coordination and enhancement of services and assistance to

individuals and families and the administration of social services duties within the county. R.C. 307.983. Boards of county commissioners may designate any private or governmental entity to serve as a CDHS, PCSA, CSEA, or any combination of these agencies, to perform social services duties. R.C. 308.981(B). The board of county commissioners enters into a written contract with each entity that it designates and specifies the entity's responsibilities and the standards it must meet. Id.

The Department's first questions are whether, and under what circumstances, employees of various county social services agencies are considered "connected" with the Department for purposes of R.C. 2921.42(A)(4), which prohibits a public official from having an interest in public contracts entered into by or for the use of a public agency with which the official is connected. Before the Commission answers these questions, it is necessary to more fully explain the prohibitions in R.C. 2921.42(A)(4).

Having an Interest in a Public Contract—R.C. 2921.42(A)(4)

Your attention is directed to R.C. 2921.42(A)(4), which provides that no public official shall knowingly "have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which he is connected." (Emphasis added.) The term "public official" is defined for purposes of Section 2921.42 in Section 2921.01(A) to include any elected or appointed officer, employee, or agent of the state or any political subdivision. Therefore, all county employees, including employees of all county social service agencies, are "public officials" for purposes of R.C. 2921.42, and are subject to its prohibitions. Ohio Ethics Commission Advisory Opinion No. 88-003 (finding county officials and employees subject to R.C. 2921.42); R.C. 329.01(CDHS); R.C. 5153.02 (PCSA); and R.C. 307.981(A)(1)(a) (CSEA).

The term "public contract" is defined in R.C. 2921.42(G)(1)(a) to include the purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state or a political subdivision. Therefore, a contract entered into between a vendor and either the Department, or a county social services agency, to train county social services officials and employees, and to develop training curriculum, is a "public contract" for purposes of R.C. 2921.42. A contract between the Institute and an individual to provide the training is a subcontract of a public contract, and is, therefore, also a public contract for purposes of R.C. 2921.42. Adv. Ops. No. 86-002 and 86-009.

An "interest" that is prohibited under R.C. 2921.42 must be definite and direct, and may be either pecuniary or fiduciary in nature. Adv. Op. No. 81-008. Individuals who receive compensation for providing training services for vendors who are under contract with either the Department or a county social services agency to train county social services officials and employees would have a definite and direct pecuniary interest in the contracts under which such services are provided.

“Connected” with the Department

The Department has asked whether, in light of state law changes that affect the relationships between the county and the social services agencies, employees of county social services agencies would be considered “connected” with the Department. The Department asked whether employees of county governmental agencies that deliver social services are connected with the Department when there is a Partnership Agreement between the county and the Department, or a Plan of Cooperation among the agencies. The Department also asked whether county social services agency employees are “connected” with the Department if they work for an agency that administers a program that is not included in a Partnership Agreement or a Plan of Cooperation.

R.C. 2921.42(A)(4) prohibits a public official from having an interest in a public contract entered into by "the political subdivision or governmental agency or instrumentality with which he is connected." The Ethics Commission has held that R.C. 2921.42(A)(4) prohibits a public official from having an interest in the public contracts entered into by all of the political subdivisions, governmental agencies, and instrumentalities with which he is connected. Adv. Ops. No. 87-002 and 89-004. The Commission has stated that to be “connected” with something is to be related to, or associated with, that entity, and that a potential for conflict is created whenever a public official is authorized to exercise authority, discretion, or other official responsibilities that affect the actions of another public agency. See Adv. Ops. No. 87-002, 89-012, and 90-002.

As stated above, the Commission has considered the question of whether county human services employees are “connected” with the Department. In the advisory opinion to Duane Jager, the Ethics Commission explained how the relationship between a CDHS and the Department created a “connection” between the two agencies for purposes of R.C. 2921.42:

Although county employees are not, by virtue of such employment, generally connected with an agency of the state, county departments of human services do possess a unique relationship with ODHS. Generally, ODHS supervises, monitors, and acts as a financial conduit for several income assistance programs that are then administered on the local level by the county departments of human services. For example, R.C. 329.04 provides that the county department is the county administration for all purposes of the Aid to Dependent Children Program, which is overseen by ODHS. See R.C. Chapter 5107. R.C. 329.04 also provides that the county department must perform any duties assigned by ODHS regarding the provision of social services, including services authorized by the federal Social Security Act. The county boards must submit an annual report of its work to ODHS. See 329.04(E). R.C. 329.05 states that a county department may assist in administering any other state public welfare activity. See also R.C. 329.04(H). The county departments also participate in the administration of the federal food stamp program and the state General Assistance Program, which are supervised by ODHS. See R.C. 329.042, 5101.54, 5113.05. R.C. 329.041 states that if ODHS finds that a county department is not properly complying with the AFDC or General Assistance Programs, it may exercise the county's powers and duties until satisfied that compliance will be secured.

It is apparent that the county departments of human services are related to, or associated with, ODHS. Therefore, an employee of a county department is prohibited by R.C. 2921.42 from having an interest in a public contract entered into by ODHS, and would be prohibited, in this instance, from providing training services to employees of other county departments. (Emphasis added.)

The question, then, is whether the statutory changes, which provide for Partnership Agreements between the Department and county commissioners, and Plans of Cooperation among county social services agencies, would change the Commission's conclusion that the Department exercises official responsibilities over county social services agencies, such that the employees of the county social services agencies are "connected" with the Department.

Social Services Agencies Covered by a Partnership Agreement

As explained above, a Partnership Agreement between the Department and a board of county commissioners authorizes the county, and its social services agencies, to exercise authority, discretion, or other official responsibilities for the delivery of social services in each county. In the Partnership Agreement, the county must agree to achieve certain outcomes with respect to the delivery of social services. R.C. 5101.21(B)(2). The Department must agree to provide assistance and technical support to the county in order to achieve the outcomes. *Id.* The Agreement includes methods by which the Department will assess whether the county has met the stipulated outcomes and by which the county will assess whether the Department has provided that necessary assistance and support. R.C. 5101.21(B)(3). The Agreement also sets forth the financial support that the Department will provide to the county. R.C. 5101.21(B)(5), (B)(7), and (C).

It is clear that the Department retains its authority to supervise, monitor, and act as a financial conduit for the county, and its social services agencies, through the Partnership Agreements. Accordingly, employees of county social services agencies are "connected" with the Department for purposes of R.C. 2921.42(A)(4) and are prohibited from having an interest in any public contract entered into by the Department.

However, it should be noted that any county employee who does not participate in the delivery of social services, and whose agency does not participate in the delivery of social services, would not be considered "connected" with the Department. This is true even though there is a Partnership Agreement between the county commissioners and the Department, since the Partnership Agreement is limited to the delivery of social services.

Social Services Agencies Covered by a Plan of Cooperation

A Plan of Cooperation, as set forth above, is an agreement among the board of county commissioners and county social services agencies for the coordination and enhancement of services and assistance to individuals and families, and the administration of social services duties within the county. R.C. 307.983. The Plans of Cooperation specifically include agreements to coordinate social services programs that are administered by the Department, and

may include other programs within the Department's authority. Id. See Chapter 5107. (Ohio Works First Program, formerly Aid to Dependent Children) and Chapter 5108. (Prevention, Retention, and Contingency Program).

It is clear that if there is a Plan of Cooperation between a board of county commissioners and county social services agencies for the administration of social services duties within the county, then a board of county commissioners is related to, or associated with, the county social services agencies, and that a "connection" exists for purposes of R.C. 2921.42(A)(4). Because the Plans of Cooperation deal specifically with the delivery of social services subject to the monitoring and administration of the Department, the employees are also "connected" with the Department for purposes of R.C. 2921.42(A)(4).

Social Services Agencies Not Covered by Partnership Agreements or Plans of Cooperation

The Commission determined, in its advisory opinion to Duane Jager, that when a social services agency is subject to the monitoring and administration of the Department, as described above, the employees of that agency are "connected" with the Department. The Commission reached its decision before the state laws that provide for Partnership Agreements and Plans of Cooperation had been enacted. Therefore, the fact that a county program subject to the monitoring and administration of the Department is not included in a Partnership Agreement or a Plan of Cooperation does not sever the connection between the employees of the program and the Department for purposes of R.C. 2921.42(A)(4).

Accordingly, employees of all county agencies that participate in the delivery of social services subject to the monitoring and administration of the Department, as described above, are "connected" with the Department, regardless of whether a Partnership Agreement between the county and the Department, or a Plan of Cooperation, exists. R.C. 2921.42(A)(4) would prohibit these employees from providing training services for vendors under a contract with the Department to train county employees.

Exception to the Prohibition—R.C. 2921.42(C)

There is an exception to the prohibition against a public official having an interest in a public contract. That exception is set forth in R.C. 2921.42(C). The former Director stated that the Institute has reviewed the exception of Division (C) of R.C. 2921.42. The Department asked whether the exception, as interpreted by the Institute, would apply in this situation. While the Commission cannot determine whether another party has correctly analyzed the law, the Commission can provide general information about R.C. 2921.42(C).

The underlying issue present in this question is under what circumstances the exception provided by Division (C) of R.C. 2921.42 would apply to the prohibitions imposed by R.C. 2921.42(A)(4). The discussion below sets forth guidance with regard to R.C. 2921.42(C), which provides:

- (C) This section does not apply to a public contract in which a public official, member of his family, or one of his business associates has an interest, when all of the following apply:
- (1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;
 - (2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the political subdivision or governmental agency or instrumentality involved;
 - (3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;
 - (4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of his family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

Each of the criteria of Division (C) is a question of fact which, when applied to the circumstances of an individual case, will determine whether a particular transaction fits within the exception of Division (C). Adv. Ops. No. 80-003 and 82-007. The criteria of Division (C) are strictly construed against the public official, and the burden is on the official to demonstrate that he is in compliance with the exemption. Adv. Ops. No. 83-004 and 84-011.

Division (C)(2) requires an objective showing that the goods or services provided by the public official are "unobtainable elsewhere for the same or lower cost." Adv. Op. No. 83-004. One indication that this requirement has been met would be where an open and fair competitive bidding process has been held, and the official has submitted the lowest bid. Id.

The former Director has stated that the Institute, as well as the advisory committee, believe that a high quality of training would be provided by current and former PCSA employees because these employees would possess practical knowledge and experience. In Advisory Opinion No. 88-001, the Ethics Commission addressed the issue whether physicians, who were employed at developmental centers operated by the Department of Mental Retardation and Developmental Disabilities (MRDD), were prohibited from entering into personal services contracts with MRDD to provide on-call services during evenings, weekends, and holidays to the developmental centers at which they were regularly employed. MRDD indicated that its employees were uniquely qualified to provide these services since they were already familiar

with the developmental centers and the residents. The Commission addressed this issue within the context of Division (C)(2), in Advisory Opinion No. 88-001, and stated:

The Department has stated that physicians who are regularly employed at developmental centers are uniquely qualified to provide on-call services since they are already familiar with the developmental center facilities and with residents' individual habilitation plans, so as to be able to provide continuity of care. The Department must be able to justify objectively the validity of considering the ability to provide continuity of care in choosing physicians to provide on-call services, since such a specification would give Department employees an inherent advantage in being awarded the contracts to perform these services. If, however, continuity of care can objectively be shown by the Department to be a valid and proper consideration, a physician's familiarity with a developmental center and the residents, coupled with an open competitive bidding process, may indicate that a physician who is regularly employed at a developmental center and who is awarded a contract through competitive bidding to provide on-call services at the center where he is employed would be able to meet the requirements of Division (C)(2).

In the instant situation, the vendors must conduct an open and fair selection process that is available to all interested and qualified individuals, and not limit their solicitations to employees of county social services agencies. This may be difficult where county social services agencies employees are involved in the recruitment and selection process.

If, however, it can be objectively demonstrated that practical knowledge and experience is a valid and proper consideration in choosing trainers, then the experience of current employees of county social services agencies, as assessed through an open and fair selection process, may indicate that an employee of a county social services agency who is selected by the vendor to provide training services is able to meet the requirements of Division (C)(2).

Authorization of a Public Contract—R.C. 2921.42(A)(1)

Assuming that all of the criteria of Division (C) of Section 2921.42 can be established, so that an employee of a county social services agency may properly contract with the vendor to provide training services, the prohibitions of R.C. 2921.42(A)(1) must be observed. R.C. 2921.42(A)(1) prohibits a public official from authorizing or employing the authority or influence of his office to secure authorization of a public contract in which he has an interest. Therefore, R.C. 2921.42(A)(1) would prohibit an employee of a county social services agency from using his authority or influence, formally or informally, to secure, for himself, a contract to provide training services.

This prohibition would have special relevance to county employees who serve on the advisory committee because their duties include: (1) recommending curriculum development and training delivery to the vendors; (2) recruiting trainers for the vendor from county staff; and (3) selecting the vendor-qualified trainers they wish to deliver the training. R.C. 2921.42(A)(1)

would prohibit any employees who serve on the advisory committee from also serving as trainers under the Department contracts. See also R.C. 102.03(D) and (E) (set forth below) and R.C. 2921.42(C)(4) (set forth above); Adv. Op. No. 89-006. In addition, R.C. 2921.42(A)(3) would apply to members of the advisory committee. R.C. 2921.42(A)(3) prohibits a public official from occupying a position of profit in the prosecution of a public contract authorized by the official or a board of which he is a member. This section would prohibit the members of the advisory committee from serving as trainers, even if they abstained from committee activities with respect to their own applications. See Adv. Op. No. 88-008.

Use of Authority to Secure a Training Position—R.C. 102.03(D) and (E).

R.C. 102.03(D) and (E) would also apply in this situation. These statutes read as follows:

- (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.

A "public official or employee" is defined for purposes of R.C. 102.03 to include any person who is employed by the state or a political subdivision. R.C. 102.01(B) and (C).

R.C. 102.03(D) and (E) prohibit a county social services agency employee who has official responsibility for developing, overseeing, supervising, evaluating, or performing other duties with regard to a training program from receiving compensation from a vendor for providing training services. Adv. Op. No. 96-004. See also R.C. 2921.43 (prohibiting a public servant from soliciting or accepting any compensation or supplement to perform his official duties). In addition, a county social services agency employee is prohibited from: (1) making recommendations or otherwise using his position, formally or informally, to secure anything of value for the vendor by which he was employed; (2) using public time, facilities, or resources to perform work for a vendor; (3) receiving compensation for services rendered on any project he has recommended in his official capacity; (4) refraining from rendering any service or otherwise performing his official duties to secure a training position; and (5) recommending the vendor to the Department or a county social services agency as a contract recipient. Adv. Ops. No. 96-004 and 89-006.

Once again, the prohibitions imposed by R.C. 102.03(D) and (E), described above, have special relevance to county employees who serve on the advisory committee because of their ability to: (1) recommend curriculum development and training delivery to the vendors; (2)

recruit trainers for the vendor from county staff; and (3) select the vendor-qualified trainers to deliver the training.

Part-Time Employees

The former Director also asked whether part-time employees of county social services agencies are subject to the same restrictions as full-time employees. The term "public official" is defined for purposes of R.C. Section 2921.42 in R.C. 2921.01(A) to include any elected or appointed officer, employee, or agent of the state or any political subdivision, "whether in a temporary or permanent capacity." In addition, R.C. 102.01(B) defines the term "public official or employee" as any person who is elected or appointed to an office, or is an employee of any public agency. The term "public agency" is defined in R.C. 102.01(C) to include any department, division, institution, board, commission, authority, bureau, or other instrumentality of the state or a county.

A primary rule of statutory construction is that words used in a statute must be construed according to the rules of grammar and common usage. See R.C. 1.42. See also Dougherty v. Torrence, 2 Ohio St. 3d 69 (1982) (in interpreting a statute, effect must be given to words used, and words used may not be inserted or deleted). In interpreting a statute, reference is also made to the fact that if the legislature intended a particular meaning, it could have easily have found apt words or phrases to express that meaning. Shafer v. Streicher, 105 Ohio St. 528 (1922). Furthermore, statutes "must be construed in the light of the mischief they are designed to combat." City of Mentor v. Giordano, 9 Ohio St. 2d 140, 144 (1967).

The definitions that determine which individuals are subject to the prohibitions of the Ohio Ethics Law and related statutes do not distinguish between part-time or full-time employees. If the Legislature had intended to exempt part-time employees from the prohibitions imposed by the Ohio Ethics Law and related statutes, it would have specifically so indicated in R.C. 2921.01(A) and R.C. 102.01(B). Accordingly, the prohibitions described above apply to part-time, as well as full-time, county social services agencies employees.

County Human Resources Employees

Finally, the former Director asked whether the prohibitions imposed upon the training staff of county social services agencies would apply if they have moved to the county human resources division.

As explained above, R.C. 307.983 requires that the boards of county commissioners enter into plans of cooperation with county social services agencies and any other governmental entity for the coordination and enhancement of services and assistance to individuals and families and the administration of social services duties within the county. As also explained above, R.C. 308.981(B) enables boards of county commissioners to designate any private or governmental entity to serve as a CSEA, CDHS, PCSA, or any combination of these agencies.

The Commission has stated that to be "connected" with something is to be related to, or associated with, that entity and that a potential for conflict exists whenever a public official is authorized to exercise authority, discretion, or other official responsibilities that affect the actions of another public agency. An employee who serves a county governmental agency other than the county social services agencies described above would be deemed to be "connected" with the Department if the agency were authorized to exercise official responsibilities that affect the delivery of social services and the Department has the authority to administer, supervise, or monitor that delivery of services. Therefore, if the training staff of county social services agencies are moved to the county human resources division, these employees would continue to be deemed to be "connected" with the Department if they would continue to exercise official responsibilities that affect the delivery of social services and the Department has the authority to administer, supervise, or monitor that delivery of services. In such a situation, the training staff would continue to be subject to the prohibitions of the Ohio Ethics Law and related statutes described above.

Conclusion

As set forth more fully above, full-time or part-time employees of any county agencies that exercise authority, discretion, or other official responsibilities for the delivery of social services in the county, under the monitoring and administration of the Ohio Department of Human Services (Department), are "connected" with the Department. Because of this connection, R.C. 2921.42(A)(4) prohibits these full-time or part-time employees from working with a private vendor who has a contract with the Ohio Department of Human Services to provide teaching services to county employees, unless the employees are able to meet the exception set forth in R.C. 2921.42(C). This conclusion applies to all county employees who work for agencies that are involved in the delivery of social services in the county, regardless of whether the county agency or program is included within a Partnership Agreement between the Department and the county, or has entered into a Plan of Cooperation among the board of county commissioners and other agencies.

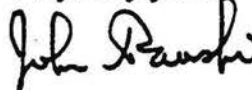
In its opinion to Duane Jager in 1989, the Commission explained that the Department or a county department could assign employees to perform training duties at the local colleges as part of their official responsibilities. The employees would continue to receive their regular compensation from the Department or the county, and the Department or the county would be reimbursed as agreed upon among the various parties. The Commission held that the Ethics Law did not prohibit this arrangement among public agencies and that a Department or county department employee who provided training services as part of his official responsibilities and who received only his state or county compensation for providing those services would not have an improper interest in a contract with his own governmental agency for purposes of R.C. 2921.42. Furthermore, there would be no outside compensation that would be of such a character as to manifest a substantial and improper influence upon the employees with respect to their duties. The opinion stressed that the Ethics Commission had no authority to determine whether the public agencies involved would have the statutory or administrative authority to agree to such an arrangement, and suggested that legal counsel be contacted with regard to these issues and the Employee Exchange Program established by R.C. 124.389.

Jacqueline Romer-Sensky
March 26, 1999
Page 12

Assuming that the public agencies do have the authority to agree to this kind of arrangement, such an approach could work in this instance as well. The Department and county social services agencies may wish to investigate this approach further if a sufficient number of trainers cannot be found from the community.

This informal advisory opinion was approved by the Ethics Commission at its meeting on March 26, 1999. It represents the views of the undersigned, based on the facts presented. It is limited to questions arising under Chapter 102, and Sections 2921.42, 2921.421, and 2921.43 of the Revised Code, and does not purport to interpret other laws or rules. If you have any further questions or desire additional information, please feel free to contact this Office again.

Very truly yours,

A handwritten signature in cursive script that reads "John Rawski".

John Rawski
Staff Attorney