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May 20, 2022

Informal Opinion 2022-INF-0520

Austin A. Lecklider
Assistant Prosecutor
Licking County Prosecutor's Office



Dear Mr. Lecklider,

On March 2, 2022, the Ohio Ethics Commission received your letter requesting an advisory opinion on behalf of, and at the request of, the Board of Trustees for Hartford Township. Additionally, on April 8, 2022, Hartford Village Solicitor Michael Moran requested an opinion on behalf of, and at the request of, the Village of Hartford.¹ This informal advisory opinion is based on the information you and Mr. Moran provided in your letters. Additionally, the Commission received input from the Ohio Power Siting Board, Ohio Department of Development, JobsOhio, Counsel for Harvey Solar I, LLC, Ohio Chamber of Commerce, and the Ohio Township Association.

Key Facts

In the letters, follow up phone calls, and emails, you and Mr. Moran provided the following facts:

- You are an Assistant Prosecutor with the Licking County Prosecutor's Office. The Board of Trustees for Hartford Township (Board of Trustees) directed you to submit this request on its behalf.
- Mr. Moran is the Village Solicitor for the Village of Hartford. The Village Council directed Mr. Moran to submit this request on behalf of the Village.
- Harvey Solar I, LLC (Harvey Solar) is a company formed in 2016 that is owned by Clean Planet Renewable Energy, LLC, which is a joint venture between Open Road Renewables, LLC, and Eolian, L.P.²
- Harvey Solar has applied to the Power Siting Board for a Certificate of Environmental Compatibility and Public Need to Construct a 350-MegaWatt Solar-Powered Electric Generation Facility in northwest Licking County (Case No. 21-0164-EL-BGN). The Board of Trustees and Village do not have any decision-making authority in the application process but have intervened in the matter pending before the Power Siting Board.³ The Board of Trustees and Village intervened because they are interested in ensuring that their roads, waterways, and environment are protected.

- Harvey Solar sent two letters to the Township on January 17, 2022, pledging to make multiple donations. Harvey Solar sent one letter to the Village on February 7, 2022, pledging multiple donations.
- Harvey Solar pledged to donate \$100,000 to the Hartford Township Fire Department at the time of constructing the solar energy facility and annual donations of \$25,000 during each year of operation. The letter from Harvey Solar notes that donations may be used for any purpose including purchasing a new Jaws of Life hydraulic rescue tool. These donations were characterized as complying with R.C. 5727.75.
- Harvey Solar also pledged a donation of \$20,000 to the Township Fire Department for any purpose. This donation is not contingent upon the construction and operation of the facility. This donation is not made pursuant to R.C. 5727.75.
- Harvey Solar also offered a one-time donation of \$500,000 and a \$25,000 annual donation to the Township, conditioned on the beginning of construction and continued operation of the project. In your opinion, these donations are not provided pursuant to R.C. 5727.75.
- Harvey Solar made the same offer of a one-time donation of \$500,000 and a \$25,000 annual donation to the Village. The total of these additional donations to both the Township and the Village is \$4.12 million over the estimated forty-year life of the project including \$1.1 million provided pursuant to R.C. 5727.75.
- Harvey Solar offered to structure the transfer of these funds in another manner, such as a memorandum of understanding or other contractual relationship. Harvey Solar stated that the donation was not contingent on the Village's position on the Power Siting Board application but was intended to compensate the Village for potential expenses associated with the project. The Village and Township negotiated with Harvey Solar as part of the Power Siting Board stipulation process.
- The Board of Trustees and Village are aware that they may accept monetary gifts for the benefit of the Village and Township pursuant to R.C. 9.20. Since the Board of Trustees has formally intervened before the Power Siting Board, the Board of Trustees is concerned that accepting the donations from Harvey Solar may not be permitted by the Ethics Law.
- No Village officials would derive any direct personal benefit or benefit to their family members or business associates from the proposed donation.⁴ However, Village officials could receive higher salaries in the future after being re-elected to their positions.
- The Licking County Sheriff has primary law enforcement jurisdiction in the Township, but the part-time Village of Hartford Police Department provides some police services and would likely be a first responder to any emergencies at the Harvey Solar facility.
- The Village Solicitor has primary prosecutorial authority for misdemeanors within the Village. The Village Solicitor could be responsible for reviewing charges and prosecuting violations at the Harvey Solar facility.
- If the Village were permitted to accept the donations, Village Council would adopt an ordinance and hold a transparent public hearing prior to accepting them.

Table: Donations from Harvey Solar Summarized⁵

Amount	Frequency	Intended Recipient⁶	Conditions	Authorized by R.C. 5727.75(F)(5)
\$100,000	One-time	Township Fire Department	When project begins construction	Yes
\$25,000	Annual	Township Fire Department	For each year of operation	Yes
\$20,000	One-time	Township Fire Department	Within 45 days of letter ⁷	No
\$500,000	One-time	Township	Within 30 days of beginning construction	No
\$25,000	Annual	Township	For each year of operation	No
\$500,000	One-time	Village Council	Within 30 days of beginning construction	No
\$25,000	Annual	Village Council	For each year of operation	No

Question Presented

Can the Hartford Board of Township Trustees and the Village of Hartford accept the donations from Harvey Solar, in whole or in part, and what restrictions apply to the donations, if any?

Brief Answer

The Township is not prohibited from accepting the donations that are “reasonably required” to equip and train local emergency responders pursuant to R.C. 5727.75(F)(5). The Township and Village are not prohibited from accepting additional donations in this specific situation because the donations are not of such a character as to manifest a substantial and improper influence on any public official or employee.

Donations to Public Agencies

R.C. 102.03(F) provides:

No person shall promise or give to a public official or employee 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.

The Commission has explained that R.C. 102.03(F) prohibits any person, including a private business, who is doing or seeking to do business with, interested in matters before, or regulated by a public agency from providing anything of substantial value to an official or employee of the public agency. However, in Advisory Opinion No. 89-002, the Commission explained that, when donations are solicited by officials or employees of a public agency, or are accepted by the officials or employees on behalf of the public agency:

[T]he donations are not accruing to the officials' or employees' personal benefit or to the benefit of anyone with whom they are connected in their personal capacities. The benefit is accruing to the agency which they serve in their official capacity and they are soliciting or receiving the donations as part of their official responsibilities. Therefore, the donations to the [public agency] would not be of such a character as to manifest a substantial and improper influence upon the officials or employees with respect to their duties.⁸

The Commission concluded that the law does not prohibit a business from making a donation to benefit a public agency.⁹ However, the Commission cautioned:

- All donations must be voluntary;¹⁰
- Donations cannot be promised, offered, or given with the purpose of improperly influencing officials or employees of the recipient agency;¹¹
- Agency officials and employees cannot base any official actions or decisions on a person's or company's contributions or failure to contribute;¹²
- No agency official or employee can derive any personal benefit or use from the donation;¹³ and
- Officials and employees cannot endorse or indicate that the agency endorses the donor's goods or services.¹⁴

The Commission reiterated these principles in several Formal and Informal advisory opinions after the issuance of Advisory Opinion No. 89-002.¹⁵ In all these opinions, the Commission emphasized that the primary purpose of the restrictions is to ensure that public officials or employees do not personally benefit from a donation because such a personal benefit would result in a "substantial and improper influence upon the officials or employees with respect to their duties."¹⁶

Notably, the Commission stated that there may be specific instances where a donation would create an appearance of impropriety.¹⁷ The Commission provided the example that a company should refrain from donating, and the public entity should refrain from accepting donations, when a specific matter is pending before the public entity involving that company, or when the public entity could reasonably foresee that an action will come before it.¹⁸ However, the Commission did not state that accepting donations in these specific instances was a violation of the Ethics Law, merely cautioning that it would create "an appearance of impropriety."¹⁹ The Commission acknowledged the difference between a prohibition and a recommendation in Informal Advisory Opinion No. 2009-INF-0722 issued to Deputy General Counsel Mary Lynn Readey on behalf of The Ohio State University, stating:

All development activities of the University must comply with the Ethics Law and this advisory opinion. In addition, while not required by the Ethics Law, the Commission strongly recommends that, to avoid any appearance of unethical conduct, the University should establish best ethical policies and practices to guide fundraising activities of University officials and employees.²⁰

Therefore, while the Commission has cautioned against these specific instances, the Commission has not outright prohibited these donations.²¹ Additionally, the Commission has not addressed payments from a solar utility project to a public entity like the offer at issue here.

Power Siting Board Approval and Qualified Energy Project Tax Exemption

Power Siting Board Approval

The Power Siting Board approves any major utility facility or economically significant wind farm.²² The passage of Senate Bill 52 by the 134th General Assembly that became effective on October 11, 2021 provides local and county officials additional influence on the Power Siting Board and related processes including: adding ad hoc, voting members to the Power Siting Board from the local governments;²³ requiring public meetings at the local level on the project;²⁴ and providing the ability for county commissioners to adopt a resolution prohibiting the construction of a wind or solar facility.²⁵ While the Harvey Solar project is not subject to Senate Bill 52, the implications of Senate Bill 52 will affect future solar and wind projects.

The ad hoc members of the Power Siting Board are two local citizens who are designated by the board of county commissioners and/or the board of township trustees to represent the interests of the residents of the area.²⁶ The ad hoc members cannot serve if they: 1) are a party to a lease agreement with, or have granted an easement to, the developer of a utility facility; 2) hold any beneficial interest in a utility facility; 3) have an immediate family member²⁷ who has either a lease agreement with, or has granted an easement to, the developer of a utility facility or holds any beneficial interest in a utility facility; or 4) have an immediate family member who has intervened in the Power Siting Board proceeding. After being appointed as an ad hoc member, the ad hoc member cannot vote on a resolution to intervene in a Power Siting Board case regarding the same matter.²⁸ The ad hoc member is also subject to confidentiality rules and limits on his or her ex parte communications.²⁹

Part of the Power Siting Board's test for determining whether a project receives approval is whether the facility "will serve the public interest, convenience, and necessity."³⁰ The Power Siting Board has considered additional contributions and Payment in Lieu of Taxes (PILOT) payments as a part of determining whether a facility meets this portion of the test.³¹

Qualified Energy Project Tax Exemption

R.C. 5727.75, also known as the "Qualified Energy Project Tax Exemption,"³² provides owners (or lessees) of renewable energy projects with an exemption from the public utility tangible personal property tax in exchange for complying with certain requirements and providing PILOT payments.³³ The amount of PILOT payments varies but can increase up to \$9,000 per megawatt per year.³⁴ The owner or lessee must apply to the Department of Development for certification and large projects, like the one at issue here, require approval from each Board of County Commissioners where the project is located.³⁵ If the Department of Development finds that the project meets all of the requirements under R.C. 5727.75, then the Department issues a certificate of verification and forwards a copy to the Board of County Commissioners.³⁶ The Board of County Commissioners is free to adopt or reject a resolution providing the tax exemption.

One of the requirements to receive the tax exemption is that the project must enter into agreements to train and equip local emergency responders.³⁷ This requirement is contained in R.C. 5727.75(F)(5), which states that the owner (or lessee) of a qualified energy project shall:

Provide or facilitate training for fire and emergency responders for response to emergency situations related to the energy project and, for energy projects with a nameplate capacity of twenty megawatts or greater, at the person's expense, equip the fire and emergency responders with proper equipment as reasonably required to enable them to respond to such emergency situations.

The Department of Development requires the local Fire Chief to certify that the project complied with R.C. 5727.75(F)(5).³⁸ According to information provided to the Commission by the Public Utility Commission of Ohio and the Department of Development, the state does not investigate this issue beyond receiving and processing the certification from local officials.

Specific Statutory Exceptions

The Commission has recognized that when a more specific statute controls, that statute can provide an exception to the Ethics Law's more general restrictions.³⁹ In Advisory Opinion No. 91-001, the Commission stated that township trustees could serve as volunteer firefighters due to a specific statutory exemption stating, "a holding by this Commission that the exemption provided by R.C. 505.011 does not also apply to the prohibition imposed by R.C. 2921.42(A)(4), as well as by (A)(3) would be inconsistent and contrary to the General Assembly's legislative policy and intent..."

In Informal Advisory Opinion No. 2009-INF-0722, the Commission explained that a more specific statutory provision, R.C. 3345.16, allowed universities to receive a donation for the general benefit of the university or for a "special" use.⁴⁰ However, even when the specific statutory exception allowed for donations that would not be permissible in other contexts, the Commission recommended that donations should not be accepted while a specific contract involving the company is being solicited or under negotiation or a matter involving the company will come before the university.⁴¹

Therefore, when a more specific statute controls, the Commission will defer to the specific statutory scheme when in conflict with the applicable general provision of the Ethics Law in an effort to effectuate the policy and intent of the General Assembly.

Application to Harvey Solar Donations

Harvey Solar has pledged monetary donations to the Township and the Village pursuant to R.C. 5727.75(F)(5) and outside of that section. Harvey Solar pledged to donate \$100,000 to the Township Fire Department at the time of constructing the solar energy facility and annual donations of \$25,000 during each year of operation purportedly pursuant to R.C. 5727.75(F)(5). Harvey Solar offered a one-time donation of \$500,000 and a \$25,000 annual donation to both the Township and the Village conditioned on the beginning of construction and continued operation of the project. Additionally, Harvey Solar offered a one-time \$20,000 donation to the Township

Fire Department not conditioned on the construction of the project. These donations total \$4.12 million over the estimated forty-year life of the project with \$1.1 million provided pursuant to R.C. 5727.75(F)(5). However, these donations are relatively small compared to the \$126 million in PILOT payments that Harvey Solar anticipates paying over the life of the project.

Harvey Solar has applied to the Power Siting Board for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility in Licking County.

As discussed above, the Commission has cautioned in past advisory opinions that donations should not be accepted when a matter is pending before the entity.⁴² A determination of a specific instance where a donation to a government entity may create a “substantial and improper influence upon the officials or employees with respect to their duties” must be made on a case-by-case basis. Notably, the situation at hand is not one of the specific instances that the Commission has referenced in past precedents.⁴³

General Donations to the Village and Township

The facts here are distinguishable from the situation reviewed in Advisory Opinion No. 89-002. In that opinion, the donations to the public entity were from an organization that appeared before the public entity and that public entity held the ultimate authority to decide matters involving the organization. In this case, Harvey Solar’s application is not pending before either the Township or the Village. Rather, a state agency, the Power Siting Board, holds the authority to grant or deny Harvey Solar’s application. While the Village and Township intervened in the matter before the Power Siting Board to protect their respective interests, their influence is limited to a role as a party to the proceeding. Notably, the Village and Township’s intervention does not provide them the ability to determine the outcome, unlike the example from Advisory Opinion No. 89-002. Moreover, the Village and Township’s acceptance of Harvey Solar’s donations do not require either entity to support Harvey Solar’s application or the project, further mitigating any appearance of impropriety.

In future cases, the local officials may have more influence with the Power Siting Board due to the application of Senate Bill 52. However, even if Senate Bill 52 were to apply here, there are restrictions on the activities of ad hoc members both through R.C. Chapter 4906 and the Ethics Law that would limit their actions in their local roles that would limit the potential of improper influence.⁴⁴ For example, since the Power Siting Board considers the type of donations Harvey Solar has offered the Village and Township as part of its public interest test, an ad hoc member would be prohibited from exercising authority over these donations in his or her role as a local public official. The potential for improper influence is minimal because the Township and Village will not have the opportunity to decide the matter, even after the application of Senate Bill 52. Therefore, the Ethics Law does not prohibit the Village and Township from accepting the donations provided by Harvey Solar.

While not required by the Ethics Law, the Commission strongly recommends that, to avoid any appearance of unethical conduct, the Village and Township adopt the following guidelines when considering the donations from Harvey Solar:

1. The Village and Township consider the potential donations in a transparent manner and allow for public input.
2. The Village and Township accept donations using their legislative authority.
3. The donation is not directed towards any individual or group of individuals but rather the Village and Township, without restrictions.
4. The Village and Township do not utilize the donation in a manner that would provide a benefit to an individual, e.g., a substantial salary increase for an official.
5. The Village and Township consider using the donation in a manner that is useful to the Village and Township and/or offsets the potential negative impacts of the solar project.

The Commission believes that these steps will mitigate any appearance of unethical conduct. The Commission recommends other public entities consider similar measures when accepting donations.

Qualified Energy Project Tax Exemption, R.C. 5727.75

Lastly, there is the matter of donations that are provided pursuant to the Qualified Energy Project Tax Exemption, R.C. 5727.75. The statute requires that the energy project “provide or facilitate training” and “equip the fire and emergency responders with proper equipment as reasonably required” to receive a tax exemption.⁴⁵ Since this specific statutory authority provides a route for projects to make contributions to local emergency responders that may not typically be permissible under the Ethics Law, the specific statutory authority would control over the more general provisions of the Ethics Law. This reading is consistent with the General Assembly’s intent and policy to ensure that local emergency responders have the proper training and equipment to respond to emergencies at solar facilities.

The Commission does not have jurisdiction to determine whether the amounts at issue are “reasonably required” because that provision is outside of the Ethics Law.⁴⁶ However, if the appropriate local officials determine the amount is “reasonably required,” then these amounts would not be prohibited based on the specific statutory authority in R.C. 5727.75(F)(5). However, according to information provided to the Commission by the Department of Development, the donations at hand appear to be outside the process outlined in R.C. 5727.75 and that the statute requires training and equipment for local emergency responders, not one-time or ongoing donations of set amounts that are not tied directly to training and equipment. Both municipalities should ensure that any donations are accepted within the confines of R.C. 5727.75(F)(5).

Therefore, the Township is not prohibited from accepting the donations that are “reasonably required” to equip and train local emergency responders pursuant to R.C. 5727.75(F)(5) under the Ethics Law.

The Ohio Ethics Commission approved this Informal Advisory Opinion at its meeting on May 20, 2022.⁴⁷ It is based on the facts presented and 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. Please do not hesitate to contact this Office if you have any further questions.

Sincerely,

Paul M. Nick
Executive Director

Enclosure: Advisory Opinion No. 89-002

CC (via email only):

Michael Moran, Solicitor, Village of Hartford
Christine Pirik, Of Counsel, Dickson Wright, Legal Counsel for Harvey Solar I, LLC
Terrence O'Donnell, Member, Dickinson Wright, Legal Counsel for Harvey Solar I, LLC
Donald Leming, Deputy Legal Director, Public Utilities Commission of Ohio
John Werkman, Chief Business Services Division, Ohio Department of Development
Matt Cybulski, Managing Director Shale Energy & Petrochemicals, JobsOhio
Kevin Shimp, General Counsel, Ohio Chamber of Commerce
Marisa Myers, Director of Governmental Affairs, Ohio Township Association

The Ohio Ethics Commission Advisory Opinions referenced in this opinion are available on the Commission's Web site: www.ethics.ohio.gov

¹ The Village of Hartford is a separate political subdivision that is entirely located within the confines of Hartford Township. The majority of the Township lies outside the Village including the location of the solar facility.

² Application, *In the Matter of the Application of Harvey Solar I, LLC*, Pub. Util. Comm. No. 21-164-EL-BGN (Aug. 6, 2021).

³ The Board of Trustees filed a Notice to Intervene on February 10, 2022. The Village filed for leave to intervene on February 14, 2022.

⁴ One of the Village Council Members has recused herself from the matter due to an ongoing business relationship with Open Road Renewables through her spouse's business.

⁵ The Commission prepared this table based on the facts presented in Mr. Lecklider's letter, emails from Mr. Moran, and the letters from Harvey Solar.

⁶ The Commission and Mr. Lecklider recognize that all donations would be received by the Board of Trustees, even if Harvey Solar specified for the Township Fire Department to receive the donation.

⁷ Mr. Lecklider stated in an email to Commission staff that the donation was not provided within 45 days of the letter being sent because the Township sought legal advice from Mr. Lecklider.

⁸ Ohio Ethics Commission Advisory Opinion No. 89-002.

⁹ In Advisory Opinions No. 89-002 and 92-015, the Commission also addressed the provisions of R.C. 9.20, which allows defined public agencies to receive monetary donations. The Commission stated that this statute, along with R.C. 102.03(F) and R.C. 2921.43, does not prohibit a business from donating to a defined public agency if the donation does not personally benefit any public official or employee.

¹⁰ Adv. Ops. No. 86-003 and 89-002.

¹¹ Adv. Op. No. 89-002.

¹² *Id.*

¹³ Adv. Ops. No. 89-002 and 92-015; *see also* R.C. 2921.43(A).

¹⁴ Adv. Op. No. 89-002.

¹⁵ Adv. Ops. No. 89-013 and 92-015. Inf. Adv. Ops. No. 2004-INF-0630 (Patterson) and 2009-INF-0722 (Readey).

¹⁶ *Id.*

¹⁷ Adv. Ops. No. 89-002 and 92-015.

¹⁸ *Id.*; *see also* Inf. Adv. Op. No. 2004-INF-0630 (Patterson).

¹⁹ Adv. Ops. No. 89-002 and 92-015.

²⁰ Inf. Adv. Op. No. 2009-INF-0722 (Readey).

²¹ This is consistent with the principle that the Ethics Laws generally apply to the actions of public officials or employees, not the actions of an agency as a whole. *See* Inf. Adv. Op. No. 2008-INF-1223 (Wall).

²² Ohio Power Siting Board, *About Us*, <https://opsb.ohio.gov/about-us> (Accessed Mar. 29, 2022).

²³ R.C. 4906.02(A)(2); R.C. 4906.021(B).

²⁴ Senate Bill 52 codified this requirement but there were public hearings by rule and practice prior to the enactment of Senate Bill 52, according to the Power Siting Board.

²⁵ Power Siting Board, *Senate Bill 52 Summary*, <https://opsb.ohio.gov/news/sb52b52> (Accessed Mar. 25, 2022).

²⁶ R.C. 4906.021.

²⁷ R.C. 4906.021 provides that an immediate family member includes a person's spouse, "brother or sister of the whole, or of the half, blood, or by marriage," "children, including adopted children," and parents. Please note this definition differs from the definition of family member for the purposes of the Ethics Law.

²⁸ R.C. 4906.023.

²⁹ R.C. 4906.024 and R.C. 4906.025.

³⁰ R.C. 4906.10.

³¹ *In the Matter of the Application of Powell Creek Solar, LLC for a Certificate of Environmental Compatibility and Public Need*, Pub. Util. Comm. No. 20-1084-EL-BGN, at *33 (July 15, 2021).

³² The Commission has not addressed this statute in any prior precedents.

³³ Department of Development, *Qualified Energy Project Tax Exemption*, <https://development.ohio.gov/business/state-incentives/qualified-energy-project-tax-exemption> (Accessed Mar. 24, 2022); *see also* R.C. 5727.75.

³⁴ R.C. 5727.75(E)(1)(b) and (G).

³⁵ *Id.*

³⁶ Ohio Adm.Code 122:23-1-02.

³⁷ *Id.*

³⁸ Ohio Department of Development, Ohio Qualified Energy Project Tax Exemption Construction Completion Report: Attachment E – Fire and Emergency Responders Certificate, available at <https://development.ohio.gov/business/state-incentives/qualified-energy-project-tax-exemption>.

³⁹ Adv. Ops. No. 88-005 (recognizing a statutory exemption to the public contract law); Adv. Op. No. 92-008 (acknowledging a statutory definition that determined a director or employee of a bank would not be "deemed to be interested" in the deposit of public money provided an exception to R.C. 2921.42(A)(4)); Adv. Op. No. 92-014 (recognizing a statutory exception to a regional planning commission's dual service conflicts of interest); Adv. Op. No. 92-017 (permitting school board members to acquire health benefits despite a conflict of interest due to statutory requirement); *see also* Adv. Op. No. 85-007 (overruled by statutory change in Adv. Op. No. 2004-02); *see also* Inf. Ops. No. 2009-INF-0722 (Readey) and 2001-INF-1012-2 (Montgomery) ("Accordingly, because of the specific statutory composition and mission of the Foundation, RC. 2921.42(A)(3) and RC. 2921.42(A)(4) do not prohibit an individual from serving as a member of the Foundation Board if he holds a position as a board member, officer, or employee of a governmental or private health organization in light of the fact that his health organization secures grants from, or perform services under contract for the Foundation.").

⁴⁰ Inf. Op. No. 2009-INF-0722 (Readey).

⁴¹ *Id.*

⁴² Adv. Op. No. 89-002, 89-013, and 92-015.

⁴³ *See generally id.*

⁴⁴ *See* R.C. 4906.021, 4906.022, 4906.023, 4906.024, and 4906.025; *see* R.C. 102.03(D) and (E); *see also* R.C. 102.03(A).

⁴⁵ R.C. 5727.75(F)(5).

⁴⁶ The authority of the Ethics Commission is limited to ethics issues that arise under R.C. Chapter 102. and Sections 2921.42 and 2921.43. Based on conversations by Commission staff with the Ohio Attorney General's office, the Attorney General has not issued an opinion on the definition of "reasonably required" as used in R.C. 5727.75(F)(5).

⁴⁷ The Commission considered this request as a donation under its prior precedents for donations to public entities, including Adv. Op. 89-002. At its meeting, the Commission discussed broader issues regarding the difference between donations and payments to public entities and plans to address these issues in a future advisory opinion.