



**OHIO ETHICS COMMISSION**

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Advisory Opinion Number 94-004  
September 30, 1994

Syllabus by the Commission:

(1) Division (A)(8) of Section 102.02 of the Revised Code does not require officials and employees of the Ohio Department of Rehabilitation and Correction to report reimbursement of travel expenses on their financial disclosure statements if they travel to a national conference of the American Correctional Association since the Ohio Department of Rehabilitation and Correction pays dues to the American Correctional Association;

(2) The exception provided by Division (A)(8) of Section 102.02 of the Revised Code does not apply if officials and employees of the Ohio Department of Rehabilitation and Correction receive reimbursement for travel expenses to meetings or conventions of an association to which they personally pay dues but if the Ohio Department of Rehabilitation and Correction does not pay membership dues to the association;

(3) For purposes of the disclosure requirements imposed by Division (A)(8) of Section 102.02 of the Revised Code, travel is "in connection with the person's official duties" if the travel is related to, or associated with, an individual's position as a public official or employee.

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In your letter to the Ohio Ethics Commission, you ask several questions concerning the reporting of travel expenses by officials and employees of the Ohio Department of Rehabilitation and Correction (ODRC) on their financial disclosure statements.

Specifically, you ask:

(1) Whether ODRC officials and employees must report reimbursement of travel expenses if they travel to a national conference of the American Correctional Association and ODRC pays dues to the Association;

(2) Whether ODRC officials and employees must report reimbursement of travel expenses if ODRC officials and employees pay individual membership dues to the Association and ODRC does not pay membership dues;

(3) Whether the relationship to "official duties," for purposes of R.C. 102.02 (A)(8) is indicated by an ODRC official's or employee's paid or unpaid leave status while attending a national conference of the American Correctional Association;

(4) Whether an ODRC official or employee must report, as a reimbursement of a travel expense, half the cost of a hotel room, if the official or employee shares the hotel room with an associate from another state whose state has assumed the cost of the hotel room while attending a national conference of the American Correctional Association.

Generally, in response to your questions, and as is described more fully below, the travel expenses of an employee of ODRC, which is related to, or associated with, his position to a national conference to which ODRC pays membership dues, is not required to be disclosed on his financial disclosure statement. Disclosure is required where the employee himself pays dues, and where another state provides the lodging-related expenses of the ODRC employee, as discussed below.

The issue whether ODRC officials and employees must report reimbursement of travel expenses if they travel to a national conference of the American Correctional Association (Association) will be addressed first.

R.C. 102.02 (A)(8), as amended by Am. Sub. H.B. 492, 120th Gen. A. (1994) (eff. May 12, 1994), requires disclosure of:

[T]he source and amount of every payment of expenses incurred for travel to destinations inside or outside this state that is received by the person in his own name or benefit or by any other person for his use or benefit and that is incurred in connection with the person's official duties except for expenses for travel to meetings or conventions of a national or state organization to which either house of the general assembly, any legislative agency, a state institution of higher education as defined in Section 3345.031 of the Revised Code, any other state agency, or any political subdivision or any office or agency of a political subdivision pays membership dues. (Emphasis added).

In order to be required to be reported as travel expenses under R.C. 102.02 (A)(8), the travel expenses must be "in connection with the person's official duties." Therefore, the meaning of the phrase "in connection with the person's official duties," as used in R.C. 102.02 (A)(8), must be determined.

The phrase "official duties" is not statutorily defined for purposes of Chapter 102. The Ethics Commission, in interpreting statutes which contain words which are not statutorily defined, has consistently followed the rule of statutory construction that words used in a statute must be construed according to rules of grammar and common usage. See R.C. 1.42. See also Ohio Ethics Commission Advisory Ops. No. 75-004, 87-002, and 89-001.

The New Lexicon Webster's Dictionary of the English Language defines the word "official" as "of or relating to an office or the administering of an office." (Emphasis added.) It must also be noted that R.C. 102.02 (A)(8) uses the word "connected" in describing situations in

which a public official receives travel expenses. The Ethics Commission, in Advisory Opinion No. 87-002, explained that "common usage indicates that to be 'connected with' something is to be related to, or associated with, that entity." See also Advisory Op. No. 89-004. Therefore, for purposes of the disclosure requirements imposed by R.C. 102.02 (A)(8), in order for travel to be "in connection with . . . official duties" it is necessary that the functions are related to, or associated with, an individual's position as a public official or employee. It is apparent that attendance at a national conference of the National Correctional Association by employees and officials of the Ohio Department of Rehabilitation and Correction could conceivably be related to or associated with their official duties.

You ask whether the relationship to "official duties" is indicated by an official's or employee's paid or unpaid leave status. The phrase "in connection with the person's official duties" sweeps very broadly. As described above, it requires some relationship or association with the official's or employee's duties. This relationship or association could be met in instances where ODRC has sent the official or employee to attend the Association's meetings or conventions during working hours as part of his continuing training, as well as instances where the official or employee takes vacation or unpaid leave in order to attend the Association's conventions or meetings solely for his personal professional development. Therefore, the status of an official or employee being on paid or unpaid leave whenever he attends the Association's meetings and conventions is irrelevant for determining whether the travel is in connection with his "official duties."

You have stated that ODRC has a "corporate-type membership" in the Association; it is assumed that such a membership requires ODRC to pay dues to the Association.

R.C. 102.02 (A)(8) provides an exception from the requirement to disclose travel expenses if the state agency pays membership dues to the Association. Therefore, in the instant situation, R.C. 102.02 (A)(8) does not require ODRC officials and employee to report reimbursement of travel expenses if they travel to a national conference of the American Correctional Association.

You state that many ODRC officials and employees hold individual memberships in the Association. You ask whether the exception provided by R.C. 102.02 (A)(8) would apply in a situation where the ODRC officials and employees pay individual membership dues. The exception provided by R.C. 102.02 (A)(8), under the language of the statute, is available only in situations where the state agency pays the membership dues. Presumably, the General Assembly created a limited exception to disclosure where the interests of the public entity, rather than the individual interests of the public official in membership to the association are present. Thus, the exception of R.C. 102.02 (A)(8) does not apply if ODRC officials and employees receive reimbursement for travel expenses to meetings or conventions of an association to which they personally pay dues but if ODRC does not pay membership dues.

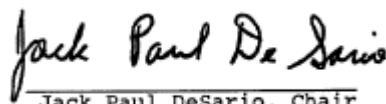
You have also asked whether an ODRC official or employee must report, as a reimbursement of a travel expense, half the cost of a hotel room, if the official or employee shares the hotel room with an associate from another state whose state has assumed the cost of the hotel room.

This question would only be relevant in an situation where the ODRC official or employee is attending a conference or convention of an association to which ODRC does not pay membership dues, since as explained above, R.C. 102.02 (A)(8) provides an exception from the requirement to disclose travel expenses if the state agency pays membership dues to the association. However, in order to address your question, it is assumed that the ODRC official or employee who is sharing the hotel room with an associate from another state, whose state has assumed the cost of the hotel room, is attending a conference of an association to which ODRC does not pay membership dues.

R.C. 102.02 (A)(8) requires disclosure of "the source and amount of every payment of expenses incurred for travel . . . that is received by the person in his own name or benefit or by any other person for his use or benefit . . ." (Emphasis added.) It is apparent that whenever an ODRC official or employee shares a hotel room with an associate from another state whose state has assumed the cost of the hotel room, the other state has, in essence, paid a lodging expense for the ODRC official or employee. Therefore, R.C. 102.02 (A)(8) requires that an ODRC official or employee must report, "every payment of expenses incurred," including half the cost of a hotel room, if the official or employee shares the hotel room with an associate from another state whose state has assumed the cost of the hotel room.

This advisory opinion is based on the facts presented. It is limited to questions arising under Chapter 102. and Sections 2921.42 and 2921.43 of the Revised Code, and does not purport to interpret other laws or rules.

Therefore, it is opinion of the Ohio Ethics Commission, and you are so advised, that: (1) Division (A)(8) of Section 102.02 of the Revised Code does not require officials and employees of the Ohio Department of Rehabilitation and Correction to report reimbursement of travel expenses on their financial disclosure statements if they travel to a national conference of the American Correctional Association since the Ohio Department of Rehabilitation and Correction pays dues to the American Correctional Association; (2) The exception provided by Division (A)(8) of Section 102.02 of the Revised Code does not apply if officials and employees of the Ohio Department of Rehabilitation and Correction receive reimbursement for travel expenses to meetings or conventions of an association to which they personally pay dues but if the Ohio Department of Rehabilitation and Correction does not pay membership dues to the association; and (3) For purposes of the disclosure requirements imposed by Division (A)(8) of Section 102.02 of the Revised Code, travel is "in connection with the person's official duties" if the travel is related to, or associated with, an individual's position as a public official or employee.

  
Jack Paul DeSario, Chair  
Ohio Ethics Commission