



OHIO ETHICS COMMISSION

150 EAST BROAD STREET

COLUMBUS 43215

(614) 466-7090

Advisory Opinion No. : 81-004

May 28, 1981

Syllabus by the Commission:

Division (A)(1) of Section 2921.42 of the Revised Code prohibits a county auditor from authorizing a property reappraisal contract with a company owned by his son.

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You asked whether the Ohio Ethics Law and related statutes prohibit a county auditor from authorizing a contract with his son's company to reappraise real property in the county.

You stated, by way of history, that state law mandates a reappraisal of real property every six years and an update every three years. The reappraisal, which involves inspection and assessment of real property values, is the responsibility of the county auditor under Section 5713.01 of the Revised Code. That Section authorizes the auditor, with the approval of the Commissioner of Tax Equalization, to "appoint and employ such experts, deputies, clerks, or other employees as he deems necessary to the performance of his duties as assessor, or he may enter into a contract with an individual, partnership, firm, company, or corporation to do all or any part of the work." The county auditor is not required to receive bids. In the instant case, the county auditor seeks to contract with a firm owned by his son to perform the reappraisal.

Division (A)(1) of Section 2921.42 of the Revised Code provides:

(A) No public official shall knowingly do any of the following:

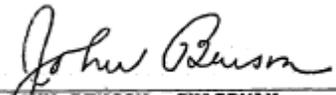
(1) Authorize, or employ the authority or influence of his office to secure authorization of any public contract in which he, a member of his family, or any of his business associates has an interest.

This Section prohibits a public official, including a county auditor, from knowingly authorizing or otherwise using the authority or influence of his office to secure approval of a public contract, including a contract for the reappraisal of property in the county, in which he, a member of his family, or any of his business associates has an interest. In Ohio Ethics Commission Advisory Opinion No. 80-001, the Commission concluded that the term "a member of his family" includes, but is not limited to: (a) grandparents; (b) parents; (c) spouse; (d) children, whether dependent or not; (e) grandchildren; (f) brothers and sisters; or (g) Any person related by blood or marriage and residing in the same household. Therefore, Division (A)(1) of Section 2921.42 of the Revised Code prohibits a county auditor from authorizing or otherwise using the authority or influence of his office to secure approval of a contract for reappraisal work

in which his son has an interest. [For exceptions, see Divisions (B) and (C) of Section 2921.42 of the Revised Code]

The Commission cautions that its advisory opinions are based on the facts presented, and are rendered only with regard to questions arising under Chapter 102. and Section 2921.42 of the Revised Code.

Therefore, it is the opinion of the Ohio Ethics Commission, and you are so advised, that Division (A)(1) of Section 2921.42 of the Revised Code prohibits a county auditor from authorizing a property reappraisal contract with a company owned by his son.


JOHN BENSON, CHAIRMAN
OHIO ETHICS COMMISSION