



OHIO ETHICS COMMISSION

THE ATLAS BUILDING
8 EAST LONG STREET, SUITE 210
COLUMBUS, OHIO 43215
(614) 466-7090

Advisory Opinion No. 83-006
February 22, 1983

Syllabus by the Commission:

Section 2921.42 of the Revised Code does not prohibit a city employee from purchasing unclaimed items at a public police auction.

* * * * *

You asked whether the Ohio Ethics Law and related statutes prohibit an employee of the division of police or any other city employee from purchasing unclaimed items at a public police auction.

You stated, by way of history, that the division of police periodically sells unclaimed property from its property room. The sale is conducted at a public auction after notice is given by newspaper and radio. You stated further that the property is available for inspection prior to the sale. City employees, including employees of the division of police, seek to participate in the public auction.

Division (A)(4) of Section 2921.42 of the Revised Code prohibits a public official from having an interest in a public contract with the same entity of government with which he is connected. An employee of the division of police or any other employee of the city is a "public official" as defined in Division (A) of Section 2921.01 of the Revised Code. However, the sale of property by the city is not a "public contract" as defined by Division (E) of Section 2921.42 of the Revised Code because it is not the purchase or acquisition of property or services by the city. Therefore, city employees are not prohibited from purchasing unclaimed items in a public auction conducted by the division of police.

The conclusions of this opinion are based upon 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 Commission, and you are so advised, that Section 2921.42 of the Revised Code does not prohibit a city employee from purchasing unclaimed items at a public police auction.


Dean S. Luca, Chairman
Ohio Ethics Commission