



OHIO ETHICS COMMISSION

150 EAST BROAD STREET

COLUMBUS 43215

(614) 466-7090

Advisory Opinion

No. 76-003

January 29, 1976

Syllabus by the Ohio Ethics Commission:

A municipal court judge is not within the purview of Section 102.04 (B) of the Revised Code.

* * * * *

Your request for an advisory opinion asks whether a municipal court judge, who teaches a course in law at a branch campus of a state university, violates any section of Chapter 102 of the Revised Code, the ethics law. You state that you taught a course in business law, formerly conducted by the American Institute of Banking, which course recently has been assumed by a branch campus of a state university. You have been engaged by the state university branch campus to teach the same course.

The issue is whether you, as a municipal court judge, are a person who falls within the purview of Section 102.04 (B) of the Revised Code:

"No person who is elected or appointed to an office of or employed by a county, township, municipal corporation, or any other governmental entity, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is before any agency, department, board, bureau, commission, or other instrumentality, excluding the courts, of the entity of which he is an officer or employee." (Emphasis added)

Section 1901.07 of the Revised Code provides:

"All municipal court judges, including chief justices, shall be elected for terms of six years. . . ."

Thus, as a municipal court judge, you are a "person who is elected . . . to an office . . ." However, in Section 102.04 (B) of the Revised Code, there is a provision which excludes persons elected or appointed to an office of or employed by the courts. As a person elected to an office of the court of a municipal corporation you are excluded from coverage by Section 102.04 (B) of the Revised Code. Thus, the Ohio Ethics Commission renders no opinion as to the propriety of the conduct in question.

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Therefore, it is the opinion of the Ohio Ethics Commission, and you are so advised that a municipal court judge is not within the purview of Section 102.04 (B) of the Revised Code.

Barbara H. Rawson

OHIO ETHICS COMMISSION
(Mrs) Barbara H. Rawson, Chairman