



OHIO ETHICS COMMISSION

150 EAST BROAD STREET
COLUMBUS 43215
(614) 466-7090

Advisory Opinion
No.: 80-002
June 11, 1980

Syllabus by the Commission:

Division (C) of Section 102.04 of the Revised Code prohibits a city council member from receiving compensation from a community improvement corporation designated by the city with which he serves.

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In your request for an Ohio Ethics Commission Advisory Opinion, you asked whether the Ohio Ethics Law and related statutes would prohibit a city council member from serving as the compensated staff director of a local community improvement corporation.

You stated, by way of history, that the person in question is a newly elected member of city council who has for the past two years served as staff director of the community improvement corporation designated by the city pursuant to Section 1724.10 of the Revised Code.

The prohibitions of the Ohio Ethics Law apply to any "public official or employee," defined in Division (B) of Section 102.01 of the Revised Code to include "any person who is elected or appointed to an office or is an employee of any public agency." In his capacity as a city council member, the person in question is a "public official," and in his capacity as staff director of the community improvement corporation, he is a "public employee."

Division (C) of Section 102.04 of the Revised Code provides, in pertinent part:

No person who is elected. . .to an office of. . .a. . .municipal corporation. . . 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. com-


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mission, or other instrumentality, excluding the courts, of the entity of which he is an officer or employee.

In the instant case, the member of city council is prohibited from receiving compensation, directly or indirectly, other than from the city, for any services rendered by him personally in any case, proceeding, application, or other matter which is before the city council or any other agency of the city. Section 102.04 of the Revised Code prohibits a public official or employee from receiving compensation for services rendered for any agency which is supervised by the agency with which he serves. The intent underlying Section 102.04 of the Revised Code is that a public official or employee should not be compensated by any other person or agency, private or public, for personal services rendered by him in any matter before the public agency with which he serves. When a matter comes before city council that directly involves the community improvement corporation by which the council member is employed, the council member is in a position to supervise, approve, or otherwise decide upon matters in which he has a duality of interest, including a pecuniary, personal interest.

The conclusions of this advisory opinion are based on an examination of the facts presented. The Ohio Ethics Commission cautions that its advisory opinions may be relied upon only with respect to questions arising under Chapter 102. and Section 2921.42 of the Revised Code, and do not address possible violations of other laws, rules, or municipal ordinances. This advisory opinion should not be construed to contradict or contravene opinions of the Attorney General of Ohio on the compatibility of public offices.

Therefore, it is the opinion of the Ohio Ethics Commission, and you are so advised, that: Division (C) of Section 102.04 of the Revised Code prohibits a city council member from receiving compensation from a community improvement corporation designated by the city with which he serves.


MEROM BRACHMAN, CHAIRMAN
OHIO ETHICS COMMISSION