



OHIO ETHICS COMMISSION
THE ATLAS BUILDING
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March 9, 1993

Informal Opinion 1993-INF-0309

Board of Director
Columbus Municipal Airport Authority

Dear Board Members:

You have asked for an application of the Ohio Ethics Law and related statutes to the following facts.

The Columbus Municipal Airport Authority (Port Authority) is a port authority created by the City of Columbus pursuant to Section 4582.30 of the Revised Code and City Ordinance. The Mayor of the City, with the advice and consent of City Council, appoints the members of the Board of Directors (Board). The Board consists of nine members, and the affirmative vote of five members is required for any action to be taken by the Port Authority.

The Port Authority has determined that additional passenger service should be sought and provided at Port Columbus International Airport (Airport) and that the Airport needs additional gates and related facilities to accommodate the additional passenger service. The Board has endorsed plans to construct and equip nine additional permanent gates and related facilities at the Airport. The facilities were not planned or designated for any particular user. (But see discussion below.) Construction and equipment of the nine permanent gates and facilities will take approximately two to three years to accomplish, and the Board has thus determined to acquire, construct, and equip nine modular gates and facilities to use until the permanent gates and facilities are completed. When the permanent gates and facilities are completed, the nine modular gates could be sold or retained for future use.

In accordance with R.C. 4582.31(H) and 4582.48, the Board intends to issue revenue bonds to provide funds to acquire, construct, and equip the nine modular gates and related facilities. The revenue bonds will be secured by a pledge of certain revenues of the Port Authority, including rentals received by the Port Authority from leasing the gates and facilities, and certain funds received from the Federal Aviation Administration.

Company AA, an investment banking firm, has submitted a proposal to the Port Authority to serve as the placement agent for, or underwriter of, the Authority's revenue bonds. As placement

Columbus Municipal Airport Authority
March 9, 1993
Page 2

agent, Company AA would receive a fee from the Port Authority for its services in locating purchasers of the revenue bonds and assisting the Port Authority with the placement of the revenue bonds with those purchasers. As underwriter, Company AA would purchase the revenue bonds from the Port Authority and would resell the revenue bonds to others. As either placement agent or underwriter, Company AA would advise the Port Authority regarding the timing of the issuance and other terms of the revenue bonds.

Company AA's proposal for its services to the Port Authority contemplates that the Port Authority would negotiate either the fee to be paid to Company AA as placement agent or the purchase price for the revenue bonds to be paid by Company AA as underwriter.

One of the members of the Port Authority's Board of Directors, Director A, is chairman and chief executive officer of Company A, a publicly-held corporation. Director A and members of his family own approximately .0018 of the stock of Company A. Company AA is a wholly-owned subsidiary of Company A. You have stated that all stock of Company AA is owned by Company A, even though they are separate corporations, and that Company A has a financial interest in the contracts of Company AA. Director A also serves on the board of directors of Company AA. Also, the spouse of another Director of the Port Authority, Director F, owns .00002 of the stock of Company A. A third director, Director G, owns .0001 of the stock of Company A. Director G's spouse is the beneficiary of a trust that owns .00006 of Company A.

The fact that Director A is on the board of directors of Company AA and Company A will be addressed first. The fact that Director G and the spouses of Directors F and G own stock in Company A will be addressed second.

Division (A)(4) of Section 2921.42 of the Revised Code states that no public official shall knowingly:

Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which he is connected.

A member of a port authority is a public official for purposes of R.C. 2921.42, and is subject to the prohibitions therein. See R.C. 2921.01(A); Advisory Opinion No. 90-013. The term "public contract" is defined in Division (F)(1) of Section 2921.42 for purposes of that Section to include the purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of a political subdivision or any agency or instrumentality thereof. The purchase or acquisition of bond underwriting or placement services by the Port Authority from the

investment banking company is a "public contract" for purposes of R.C. 2921.42. See Advisory Opinions No. 78-003, 78-005, and 80-006.

An "interest" which is prohibited by R.C. 2921.42 must be definite and direct, and may be pecuniary or fiduciary in nature. See Advisory Opinions No. 92-008 and 92-013. A member of a board of directors of a private corporation is considered to have a direct and definite, fiduciary, and sometimes pecuniary, interest in the contracts of that corporation. See Advisory Opinions No. 83-003, 85-007, 87-003, 88-008, and 92-008. As a member of the board of directors of Company AA, the investment banking company, Director A has a definite and direct, fiduciary interest in any public contract between Company AA and the Port Authority; he would also have a pecuniary interest in a public contract between Company AA and the Port Authority if he would financially benefit, as a director of Company AA, from the contract. Therefore, Division (A)(4) of Section 2921.42 of the Revised Code prohibits Company AA from providing services as an underwriter or placement agent for the Port Authority.

However, Division (C) of Section 2921.42 provides an exception to the prohibition of Division (A)(4), and reads as follows:

- (C) This section does not apply to a public contract in which a public servant, member of his family, or one of his business associates has an interest, when all of the following apply:
 - (1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;
 - (2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public servant's becoming associated with the political subdivision or governmental agency or instrumentality involved;
 - (3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;
 - (4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or

instrumentality involved, of the interest of the public servant, member of his family, or business associate, and the public servant takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

The four items enumerated above are issues of fact which, when applied to the circumstances of an individual situation, will determine whether a particular transaction fits within the parameters of R.C. 2921.42(C). See Advisory Opinions No. 80-003 and 82-007. These criteria are strictly applied against the public official, and the burden is on the official to demonstrate that he is in compliance with the exemption. See Advisory Opinions No. 83-004 and 84-011.

Division (C)(2) requires that Director A show that the services Company AA is offering to the Port Authority are "unavailable elsewhere for the same or lower cost" or that the services are being furnished to the Port Authority as part of a "continuing course of dealing" established prior to the time Director A became associated with the Port Authority. See Advisory Opinions No. 84-011 and 88-008.

With regard to the "continuing course of dealing" exception, the Ethics Commission has held that if a public contract exists between an individual and a governmental agency prior to the time the individual becomes associated with the governmental agency as an officer or employee, then the requirement of Division (C)(2) is met by a showing of a "continuing course of dealing" and the performance of the contract may be completed. See Advisory Opinions No. 82-007 and 88-008. In this instance, the "continuing course of dealing" exception does not apply, since Director A will have been associated with the Port Authority prior to the existence of the public contract.

However, Director A may still be able to comply with Division (C)(2) if he can demonstrate that the services of Company AA are "unobtainable elsewhere for the same or lower cost." Competitive bidding may be used to indicate that the services are "unobtainable elsewhere for the same or lower cost" although it is not determinative. See Advisory Opinions No. 83-004 and 88-001. The bid process must be open and fair, the Port Authority must ensure that reasonable efforts are used to secure competitive bids, and that a broad opportunity to bid is given. Advisory Opinion No. 88-001. Bids must be solicited on an open and fair basis; the Port Authority must make every reasonable effort to open the bidding process to all interested and qualified individuals and to award the work to the company which will provide the necessary services

at the lowest cost or best price. Id. All bid specifications must objectively be valid and proper considerations and not designed to favor a particular company. Id. See Advisory Opinions No. 82-007 and 83-004.

As noted above, the Director must also show compliance with the other provisions of R.C. 2921.42 (C). Of specific note is R.C. 2921.42 (C)(4), which requires that the transaction be at arm's length, with full knowledge of the governmental agency of the public servant's interest, and that the public servant take no part in the deliberations and decision of the governmental agency with respect to the contract. See also R.C. 2921.42(A)(1) (discussed below). The Director must also show compliance with R.C. 2921.42 (C)(1) and (C)(3). Division (C)(1) requires that the Port Authority reasonably and objectively demonstrate that the underwriting or placement services are necessary services for the Port Authority, and Division (C)(3) requires that the treatment accorded the Port Authority by Company AA is preferential to, or the same as, that accorded to other parties to which Company AA provides services.

Director A is also subject to Division (A)(3) of Section 2921.42, which provides that no public official shall knowingly:

During his term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by him or by a legislative body, commission, or board of which he was a member at the time of authorization, and not let by competitive bidding or let by competitive bidding in which his is not the lowest and best bid.

A public contract is considered to be "authorized" by an official or board if the contract could not have been awarded without the approval of the official or board. See Advisory Opinion No. 87-004. In this instance, the Port Authority Board of Directors will issue the bonds and authorize the public contract for underwriting or placement services. See R.C. 4582.48.

A public official will be deemed to profit from a public contract that is awarded to the company with which he serves where, for example, the official's fee or compensation would be paid from, or dependent upon, the contract, or the official would receive some other profit or benefit from the contract. See Advisory Opinions No. 88-008 and 92-008. Director A is subject to the prohibition of R.C. 2921.42 (A)(3) regardless of whether he participated in the Port Authority's discussions or vote on the award of the contract. See Advisory Opinion No. 92-008. See also R.C. 2921.42(A)(1) (discussed below). Therefore, R.C. 2921.42(A)(3) prohibits

Director A from profiting from the contract for underwriting or placement services, unless the contract was awarded pursuant to competitive bidding, and Company AA submitted the most favorable bid.

Assuming that Director A is able to comply with Divisions (C) and (A)(3) of Section 2921.42, such that Company AA would not be prohibited from contracting with the Port Authority, Director A must also meet the prohibitions of Division (A)(1) of Section 2921.42, which provides that no public official shall knowingly:

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.

In this instance, Director A would have a fiduciary interest in the contract between Company AA and the Port Authority, as discussed above. Therefore, Director A would be prohibited by R.C. 2921.42(A)(1) from "authorizing" the public contract between Company AA and the Port Authority or using the "authority or influence of his office" to secure authorization of the public contract between Company AA and the Port Authority. See Advisory Opinions No. 88-008 and 92-012. See also R.C. 102.03(D) (prohibiting a public official or employee from using the authority or influence of his position to secure anything of value that is of such character as to manifest a substantial and improper influence upon him with respect to his duties).

Accordingly, R.C. 2921.42(A)(1) prohibits Director A from voting or participating in any part of the Port Authority's decision-making process authorizing or approving the public contract with Company AA. Also, R.C. 2921.42(A)(1) prohibits Director A from exercising the power and influence inherent in the position and prestige of his public office to affect the decision-making process of the Port Authority regarding the public contract, even if he abstains from voting and participating in official proceedings. Advisory Opinion No. 92-012. Director A is prohibited from discussing, deliberating, advocating, recommending, speaking with other Directors or employees of the Port Authority, or otherwise using his authority or influence, formally or informally, to secure the contract for Company AA. The prohibitions of Division (A)(1) also extend beyond the initial award of the contract, and Division (A)(1) prohibits Director A from participating in any matter or decision which would affect the continuation, implementation, or terms and conditions of the contract. Id. These matters and decisions include, but are not limited to, the authorization or approval of payments to Company AA for services rendered and the renewal, modification, termination, or renegotiation of the contract. Id.

Director A is also the CEO and Chair of Company A. He and his family own .0018 of the stock of Company A. Company A owns all of the stock of Company AA, and thus is financially interested in the contracts of its wholly-owned subsidiary. Company A would thus have a definite and direct interest in the public contract between the Port Authority and Company AA, and would directly benefit from the contract. Director A would, therefore, have a fiduciary interest in the contract, and the prohibitions of R.C. 2921.42 are thus applicable to Director A in his capacity as Chair and CEO of Company A, as well as in his capacity as director of Company AA. Also, it must be noted that if Director A, as Chair or CEO of Company A, would definitely and directly benefit financially or profit from Company AA's contracts, then the prohibitions of R.C. 2921.42 would also apply within that context. See Advisory Opinions No. 88-008 and 92-008 and discussion above. (The issue of a director owning stock in Company A is discussed below.)

You have asked about the application of R.C. 133.02(C) to the questions presented. You have stated that the Port Authority may issue the bonds pursuant to R.C. Chapter 133, the Uniform Public Securities Law, or that R.C. 133.02 may otherwise be relevant to the Port Authority's bond issue. A determination as to whether R.C. 133.02(C) is factually and legally applicable to any particular bond issue is for the issuer's legal adviser. This opinion will discuss the specific effect of R.C. 133.02 (C) on Director A, so that reference may be had to the discussion if R.C. 133.02 (C) is found generally applicable to the Port Authority's bond issue.

R.C. 133.02(C) reads as follows:

An individual as such, or as an officer, director, stockholder, or employee of or owner of any interest in an entity, or relatives or business associates of such individual, purchasing securities or fractionalized interests in public obligations as the original or subsequent purchaser, or providing a credit enhancement facility, or acting as a lessor, trustee, fiscal agent, financial adviser, paying agent, or registrar related thereto, shall not be deemed to be interested, either directly or indirectly, solely by reason of such purchase, provision, or relationship, in such purchase or sale or servicing or in the contract evidenced by the securities or the fractionalized interests in public obligations or the credit enhancement facilities, for the purpose of any law of this state that prohibits a public officer, servant, or employee, or his relatives or business associates, from being interested in any contract of the particular issuer or obligor. (Emphasis added.)

R.C. 133.02(C) provides that a director of an entity purchasing securities or acting as a financial adviser shall not be deemed to be interested, either directly or indirectly, in the purchase of the securities or servicing "for the purpose of any law of this state that prohibits a public officer . . . from being interested in any contract of the particular issuer or obligor." The exemption of R.C. 133.02(C) applies to a public official who serves with an entity that is serving as an underwriter, since an underwriter is purchasing the securities. R.C. 133.02(C) does not specifically refer to an entity that is acting as a placement agent. However, you have stated that Company AA would, as either placement agent or underwriter, advise the Port Authority regarding the timing of the issuance and other terms of the revenue bonds. Thus, Company AA may be classified as a "financial adviser" for purposes of R.C. 133.02 if it serves as placement agent and also provides the services of a "financial adviser." Again, the issue whether Company AA would qualify as a "financial adviser" for purposes of R.C. 133.02(C) is a factual and legal determination for the Port Authority's legal adviser.

R.C. 133.02(C) thus provides an exemption to the prohibition of R.C. 2921.42(A)(4) for a public official who serves as director of an entity that is acting as an underwriter or financial adviser. See generally Advisory Opinions No. 85-007 and 92-008. Therefore, an individual who is a member of the board of directors of a company that purchases bonds from the Port Authority as an underwriter of the Authority's bonds or that agrees to serve as the Port Authority's financial adviser is not considered to have an "interest" in the contract or agreement between the company and the Port Authority, and is not prohibited by R.C. 2921.42(A)(4) from serving with the Port Authority or required to demonstrate compliance with Division (C) of R.C. 2921.42. See Advisory Opinions No. 85-007 and 92-008. Furthermore, R.C. 133.02(C) states that the relatives and business associates of directors of companies that purchase securities or act as financial adviser shall not be deemed to be interested in the purchase or servicing "for the purpose of any law of this state that prohibits a public officer, servant, or employee, or his relatives or business associates, from being interested in any contract of the particular issuer or obligor." Thus, R.C. 2921.42(A)(1), as set forth above, would not apply to prohibit an individual who is a member of the board of directors of a company that purchases bonds from the Port Authority as an underwriter of the Authority's bonds or that agrees to serve as the Port Authority's financial adviser from participating as Director of the Port Authority to secure a contract for underwriting or financial advisory services for the company which he serves as director where R.C. 133.02(C) is applicable. However, the exemption of R.C. 133.02(C) would not apply to the prohibition of R.C. 2921.42(A)(3), since statutory exemptions relating to the "interest" of a public official do not

apply to the prohibition of R.C. 2921.42(A)(3) against "occupying a position of profit." Advisory Opinion No. 92-008. See also R.C. 102.03(D) (discussed below) and Advisory Opinions No. 85-007, 88-005, and 92-008 (statutory exemptions relating to the "interest" of a public official do not apply to the prohibitions of R.C. 102.03(D)).

The issue is also raised whether the exemption of R.C. 133.02(C) would apply to Director A in his capacity as CEO and Chair of Company A with respect to a contract for underwriting services or financial advice between the Port Authority and Company AA. This question will be addressed in a subsequent opinion.

Division (D) of Section 102.03 of the Revised Code would also be relevant in this instance even if R.C. 133.02(C) is applicable to Director A specifically as well as the bond issue generally. See Advisory Opinions No. 85-007 and 92-008 (the prohibitions of R.C. Chapter 102. are not abrogated by statutes which provide that persons shall not be deemed to have an "interest" in a particular matter and thus exempt public officials from R.C. 2921.42). R.C. 102.03(D) provides as follows:

No public official or employee shall use or authorize the use of the authority or influence of his office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon him with respect to his duties.

A director of a port authority is a "public official or employee" for purposes of R.C. 102.03. See R.C. 102.01 (B) and (C); Advisory Opinion No. 90-013.

The term "anything of value" is defined for purposes of R.C. 102.03 in R.C. 1.03 to include money and every other thing of value. See R.C. 102.01 (G). A definite and direct pecuniary benefit is considered to be a thing of value under R.C. 102.03 (D). See Advisory Opinions No. 79-008, 85-006, 88-004, and 89-005. The compensation or fees earned by Company AA under a contract with the Port Authority and the corresponding financial benefit to Company A are a thing of value for purposes of R.C. 102.03 (D). See Advisory Opinions No. 86-002, 89-004 and 89-010.

The Ethics Commission has consistently held that R.C. 102.03 (D) prohibits a public official from using the authority or influence of his office to secure anything of value for himself, or for another person or entity if the relationship between the official and that person or entity could impair the official's objectivity and independence of judgment with regard to matters that affect that party. See Advisory Opinions No. 88-004, 88-005,

89-005, 91-001, and 91-004. The Ethics Commission has stated that R.C. 102.03 (D) prohibits a public official from participating in deliberations, voting, or otherwise using his public position with regard to the interests of an organization where he is an officer or board member of the organization, and accordingly has a fiduciary relationship with the organization. See Advisory Opinions No. 89-005 and 92-008. Director A has a fiduciary relationship with Company AA and Company A. Therefore, R.C. 102.03 (D) prohibits Director A from voting, recommending, discussing, deliberating, formally or informally lobbying, or otherwise using the authority or influence of his public office in any way with regard to the interests of Company AA and Company A. R.C. 102.03(D) would prohibit Director A from voting, participating in discussions or deliberations, or otherwise using his authority or influence, formally or informally, to secure a contract for Company AA from the Port Authority and from otherwise participating in matters involving the contract once it is awarded.

The question whether Company AA may enter into a contract with the Port Authority must also be considered in light of the fact that other Directors of the Port Authority and/or their family members own stock in Company A. As explained above, Company A owns all of the stock of Company AA, and is thus financially interested in the contracts of its wholly owned subsidiary. The spouse of Director F owns .00002 of the stock of Company A. Director G owns .0001 of the stock of Company A, and his spouse is the beneficiary of a trust that owns .00006 of the stock of Company A.

Although Directors F and G and their family members may, as stockholders in Company A, have a financial interest in the contracts of Company A's wholly owned subsidiary, Company AA, it cannot be said that such interest is definite and direct in nature. If Company AA contracts with the Port Authority, any resulting profit or benefit from the public contract to Directors F and G or their family members, as holders of de minimis fractional interests in Company A, would be so speculative and negligible that such interest could be considered, at best, to be indefinite and indirect. The interest would not rise to the level of being definite and direct. Compare Advisory Opinion No. 92-013. Therefore, Directors F and G and their family members would not have a prohibited interest in a public contract entered into by the Port Authority, for purposes of Divisions (A)(4) and (A)(1), if Company AA contracted with the Port Authority.

As set forth above, Division (A)(3) of Section 2921.42 of the Revised Code prohibits a public official, during his public service, and for one year thereafter, from occupying a position of profit in the prosecution of a public contract authorized by a board of which he was a member at the time of authorization, unless the contract was competitively bid and the contract from which he

would profit was the lowest and best bid. A public official who serves on a board is subject to this prohibition regardless of whether he participated in the board's authorization of the public contract. See Advisory Opinion No. 88-008.

As explained in Advisory Opinion No. 92-013, the legislature's use of the words "occupy a position of profit in the prosecution of a public contract" in Division (A)(3) characterizes a different type of activity on the part of a public official than having "an interest in the profits or benefits of a public contract," for purposes of Divisions (A)(1) and (4). While an "interest" may be either pecuniary or fiduciary in nature, the term "profit" connotes only a pecuniary or financial gain or benefit.

In this instance, Director G has a financial interest in Company A. However, as held in Advisory Opinion No. 92-013, the position of profit occupied by a public official in the prosecution of a public contract must, like the official's "interest" in the public contract, be definite and direct in order to be prohibited under R.C. 2921.42(A)(3). Again, any financial gain or benefit that Director G would realize if Company AA contracted with the Port Authority would be indefinite and indirect. Therefore, Director G would not improperly occupy a position of profit in a public contract authorized by the Port Authority, under R.C. 2921.42(A)(3), if Company AA were to contract with the Port Authority.

Division (A)(1) of Section 2921.42 prohibits a public official from knowingly authorizing, or using the authority or influence of his office to secure authorization of, a public contract in which he, a member of his family, or any of his business associates has an interest. As discussed above, the fact that Directors F and G and their family members own fractional interests in Company A does not mean that they would have a definite and direct pecuniary interest in Company AA's contract with the Port Authority. However, R.C. 2921.42(A)(1) also prohibits a public official from authorizing a public contract in which any of his business associates has an interest. Company A, which owns all of the stock of Company AA, would have a definite and direct interest in Company AA's contract with the Port Authority. However, Company A is not the "business associate" of Director G, for purposes of R.C. 2921.42(A)(1), since Director G is a mere stockholder in Company A. See Advisory Opinion No. 93-001.

Also, R.C. 102.03 (D) would not prohibit Director G from participating in the award of the contract to Company AA, since he merely owns a de minimis amount of stock in Company A, unless he would substantially benefit from the contract between the Port Authority and Company AA. See Advisory Opinion No. 93-001. Similarly, R.C. 102.03(D) would not prohibit Director F from

participating in the public contract on the grounds that his spouse owns stock in Company A, unless the contract would substantially benefit his spouse's interests. See Advisory Opinions No. 91-004 and 93-001.

Other Provisions of the Ethics Law

The members of the Port Authority should also be aware of R.C. 102.04 (C), which prohibits a public officer from receiving compensation for personally rendering services on a matter pending before his own governmental agency, and R.C. 102.03(A), which prohibits a public official, during his public services, and for one year thereafter, from representing any person before any public agency on any matter in which he personally participated while in public service.

Division (B) of Section 102.03 provides:

No present or former public official or employee shall disclose or use, without appropriate authorization, any information acquired by him in the course of his official duties which is confidential because of statutory provisions, or which has been clearly designated to him as confidential when such confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

R.C. 102.03 (B) prohibits Directors of the Port Authority from disclosing confidential information to Company AA, Company A, or any other party, or from using such confidential information, without appropriate authorization. No time limitation exists for this prohibition and it is effective while the official serves in office and after he leaves office. See Advisory Opinion No. 88-009.

As a final matter, you have stated in your letter of request that the facilities to be financed by the revenue bonds were not planned or designated for any particular user. As further explained in your letter, however, there is a particular Airline which is considering expansion at the Airport and may lease the facilities, depending upon various factors. Several Companies with which Directors of the Port Authority and/or their family members have a fiduciary relationship or stockholdings are contemplating purchasing stock in the Airline. The ramifications of the Ethics Law with respect to the lease of the facilities by the Port Authority to the Airline in light of the possible stock purchases are discussed in the companion opinion issued to you on January 8, 1993. However, if the facilities will not be constructed and the

Columbus Municipal Airport Authority
March 9, 1993
Page 13

bonds will not be issued, but for the particular Airline's use of the facilities, those Port Authority Directors whose Companies may purchase stock in the Airline may face additional restrictions. You should contact this Office again for advice if this is the situation.

Indeed, your letter of request has raised a myriad of complex factual and legal issues. Although the Commission has, of course, intended to answer your concerns in this opinion and the companion opinion issued to you on this date, please do not hesitate to contact this Office again if issues remain, or if additional issues should arise in the future.

This informal advisory opinion was approved by the Ethics Commission at its meeting on February 12, 1993. The opinion is based on the facts presented, and is limited to questions arising under Chapter 102. and Sections 2921.42 and 2921.43 of the Revised Code. It does not purport to interpret other laws or rules. If you have any questions, please feel free to contact this Office again.

Sincerely,



Melissa A. Warheit
Executive Director