

OHIO ETHICS COMMISSION

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January 26, 2001

Informal Opinion 2001-INF-0126-3

Paula L. Brooks, Esq.
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Dear Ms. Brooks:

In a letter received by the Ohio Ethics Commission on August 10, 2000, you have asked whether any staff or board members of Ohio community schools are required to file annual financial disclosure statements with the Ohio Ethics Commission.

As explained more fully below, staff and board members of Ohio community schools are not required to file annual financial disclosure statements with the Ohio Ethics Commission.

Financial Disclosure Requirements of School Officials and Employees—R.C. 102.02(A)

In order to address your question, it is necessary to examine R.C. 102.02(A), which provides, in pertinent part, that:

[E]very business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or an educational service center [and] every person who is elected to or is a candidate for the office of member of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district or of a governing board of an educational service center that has a total student count of twelve thousand or more as most recently determined by the department of education pursuant to section 3317.03 of the Revised Code . . . shall file [a financial disclosure statement] with the appropriate ethics commission.

The "appropriate ethics commission" for school officials and employees is the Ohio Ethics Commission. See R.C. 102.01(F).

As you correctly note in your letter to the Commission, R.C. 3314.03(A)(11)(e) provides that contracts entered into between a sponsor and the governing authority of a community school shall specify that "the school shall comply with Chapter 102 of the Revised Code." While provisions dealing with the filing of financial disclosure statements by public officials and employees are contained in Chapter 102 of the Revised Code, with which a community school must comply, the question remains whether these financial disclosure provisions require community school staff or board members to file financial disclosure statements.

Members of the board and key management employees of specified public school districts are required to file financial disclosure statements with the Ohio Ethics Commission. R.C. 102.02(A) provides a list of the management employees and the types of school districts for which filing is required. In particular, business managers, treasurers and superintendents of a city, local, exempted village, joint vocational, or cooperative education school district or an educational service center are required to file a financial disclosure statement. In addition, persons who are elected to or are candidates for the office of member of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district or of a governing board of an educational service center that has a total student count of twelve thousand or more are required to file a financial disclosure statement.

R.C. 102.02(A) does not expressly provide that any officials or employees of community schools are required to file financial disclosure statements. When the language of a statute is plain and unambiguous, there is generally no need to resort to further interpretation. Sears v. Weimer, 143 Ohio St. 312, 55 N.E.2d 413 (1944). Since 102.02(A) lists plainly those school board members and management employees who are required to file, and there is no express provision pertaining to superintendents, treasurers, business managers, or board members of community schools, it must be presumed that the silence of R.C. 102.02(A) in this regard is deliberate. See generally State ex rel. Alden E. Stilson & Assoc. v. Ferguson, 154 Ohio St. 139, 145-6, 93 N.E.2d 688, 691 (1950) (it is a well-recognized rule of statutory construction "that the specification of one thing implies the exclusion of another"). Therefore, based on the plain and unambiguous wording of the pertinent provisions of R.C. 102.02(A), officials and employees of community schools are not required to file financial disclosure statements.

Conclusion

As explained above, staff and board members of Ohio community schools are not required to file annual financial disclosure statements with the Ohio Ethics Commission.

The Ohio Ethics Commission approved this informal advisory opinion at its meeting on January 26, 2001. The opinion is based on the facts presented and is limited to questions arising under Chapter 102. and Sections 2921.42, 2921.421, and 2921.43 of the Revised Code and does not purport to interpret other laws or rules. If you have any questions or desire additional information, please contact this Office again.

Sincerely,



Timothy L. Gates
Staff Attorney