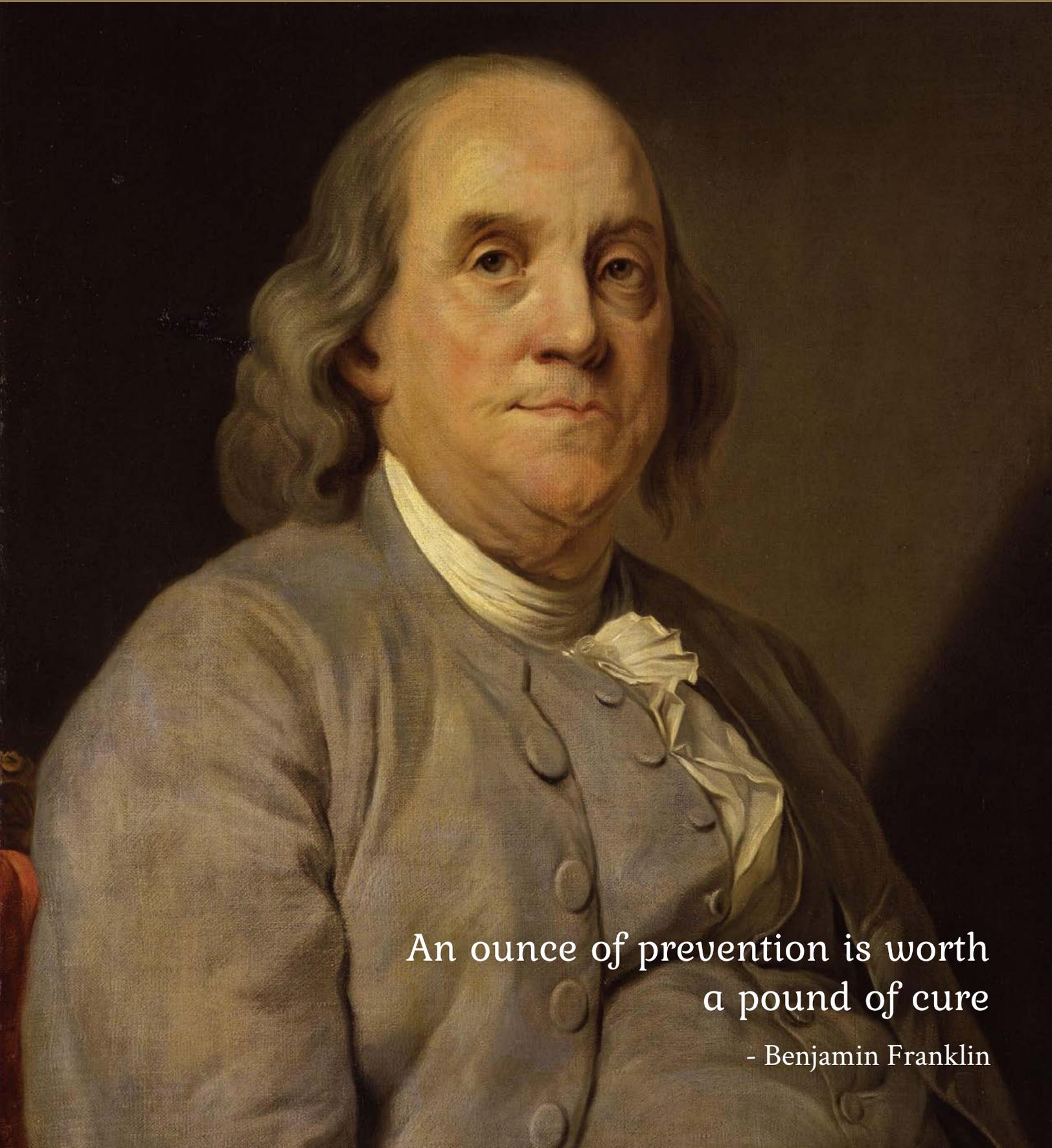


# THE VOICE OF ETHICS

A Publication of the Ohio Ethics Commission

2019 Quarter 2



An ounce of prevention is worth  
a pound of cure

- Benjamin Franklin

# A Focus on Advisory Opinions!

## Ohio Ethics Commission Advisory Opinions are....

### ...a Core Function!

The Ohio Ethics Commission's Advisory Section is statutorily authorized to "render advisory opinions with regard to questions concerning" ethics, conflicts of interest, and financial disclosure for the public officials and employees under its jurisdiction.



### ...Available to All!

Anyone subject to the Ethics Law can request an advisory opinion related to the requester. While the Commission cannot provide advisory opinions in response to questions about someone else, anyone who has a question about the possible actions of another person may request general information from the Commission. (Attorneys or other representatives may request an opinion for a client provided the request clearly states that the person is aware of and has asked the representative to submit the question).



### ...Proactive!

Advisory Opinions are designed to assist people in staying in compliance with the law. That means reaching out for guidance before acting on a potential conflict of interest or other potential prohibition. Therefore, the Commission cannot provide advisory opinions in response to questions about actions that have already been taken. If you have a question about an action that has already been taken, you can request general information from the Commission.



## ...Varied!

The Ethics Commission issues three types of opinions:

**Formal Opinions** consider situations that may occur in a variety of jurisdictions or apply to a large number of public officials, employees, or others subject to the Ethics Law. They are reviewed and approved by the Commission, numbered, and available on the Commission's Web site.

**Informal Opinions** are issued to an individual under the authority of the Commission. They are also reviewed and approved by the Commission and available on the Commission's Web site.

**Staff Opinions** are written by an advisory staff attorney and are reviewed with, but not voted on by, the Commission. However, they are based on prior formal or informal opinions of the Commission. While they are public records, they are not available on the Commission's Web site.

The Commission determines which kind of response is most appropriate for each advisory request.



## ...Reliable!

Advisory Opinions provide immunity to individuals who receive them; the recipients can "reasonably rely" on the opinion. Based on the facts and circumstances covered by the opinion, the requester is immune from:

**Criminal Prosecutions**

**Civil Suits**

**Removal from His or Her Office or Position**

Those who receive an advisory opinion from the Commission receive immunity for the facts and circumstances described in the opinion provided that the requester:

**Has fully disclosed all relevant facts and**

**Complies with the guidelines applied in the opinion**

Individuals in similar situations to those described in a previous opinion can also rely on the opinion and receive the same immunity.



## ...Easy to Request!

Click this [Requesting an Opinion](#) link for information on how to request an advisory opinion.



## ...Efficient!

Many questions can be addressed through past advisory opinions which are available on the Commission's web site or can be emailed to requesters, often on the same day as the question was posed. Staff opinions are usually provided to requesters within fifteen days. Formal and informal opinions generally take longer as they must be reviewed and voted on by the Commission members at a commission meeting.



## ...Available Online!

Check out this [Advisory Opinion](#) link to access Formal and Informal Advisory Opinions dating back to 1974!



**Need more information?  
Contact an advisory attorney at (614) 466-7090!**



# help



Can I accept that gift card?  
Can I recommend a cousin for a job?  
Can I go work for a vendor?

You have questions - we have answers!

Our website is THE source for the tools necessary to do your job ethically. The robust search engine scours more than 40 years of questions, advice, and information on the Ethics Law and makes it easy to get the info you need.

gift card



Enter a term into the Search Box and you'll find information on that topic.

Fact sheets, e-courses, opinions – you name it, you can find it! Filter by Formal Opinion or Informal Opinion to get Commission issued Advisory Opinions containing the term.

## Ohio Ethics Commission Search Results

ALL OPINIONS FORMAL OPINIONS INFORMAL OPINIONS

About 54 results (0.15 seconds)

Sort by: Relevance

[Advisory Opinion No. 2009-01](#)

<https://www.ethics.ohio.gov/advice/opinions/2009-01.pdf>

File Format: PDF/Adobe Acrobat

Jan 23, 2009 ... Can a public official accept a gift from his or her spouse if: (1) the spouse ... include cash, **gift cards**, dinners, receptions, tickets to sports or ...

Labeled [Formal ...](#) [Opinions](#)

[Gift and Entertainment Bulletin](#)

[https://www.ethics.ohio.gov/.../Bulletin\\_gifts\\_and\\_entertainment.pdf](https://www.ethics.ohio.gov/.../Bulletin_gifts_and_entertainment.pdf)

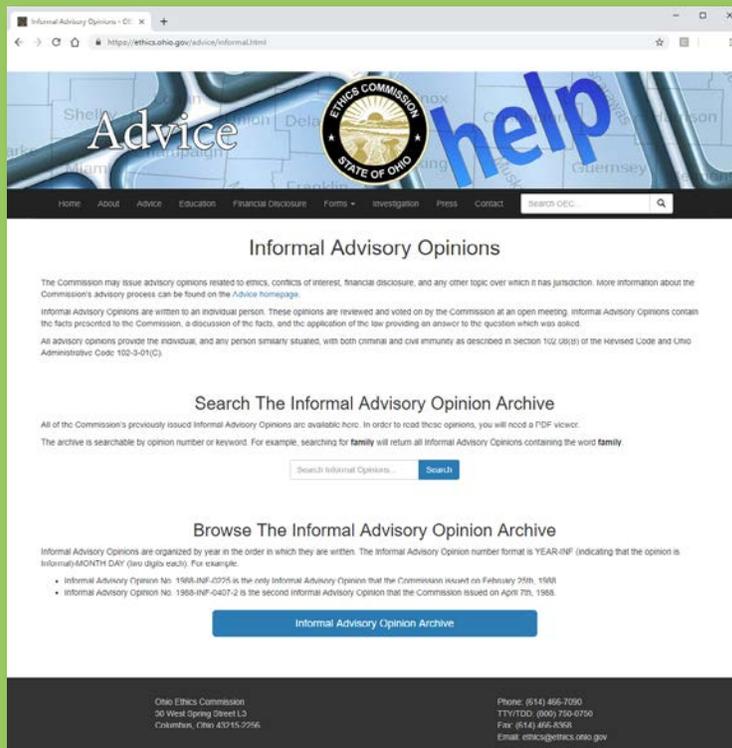
File Format: PDF/Adobe Acrobat

Feb 21, 2013 ... and cannot accept as gifts and entertainment from ... law prohibiting acceptance of gifts in many ... **gift card** as a "thank you" for your public.

# Informal Advisory Opinions are Online!

One of the core functions of the Ohio Ethics Commission is to render advisory opinions regarding questions about the Ohio Ethics Law for the public officials and employees under its jurisdiction. In fact, you may be familiar with the 345 Formal Advisory Opinions dating back to 1974 that are available on the Commission's website. These Formal Advisory Opinions consider situations that may occur in a variety of jurisdictions or apply to many other public officials or employees. These opinions are reviewed and approved by the Commission.

Did you know, though, that the Ethics Commission also issues "Informal" Advisory Opinions? These opinions are issued to an individual person under the authority of the Commission. While they are also reviewed and approved by the Commission, they have not historically been available on the Commission's website. **Until now!**



The screenshot shows a web browser window displaying the "Informal Advisory Opinions" page on the Ohio Ethics Commission website. The page features a navigation menu with links for Home, About, Advice, Education, Financial Disclosure, Forms, Investigation, Press, and Contact. The main content area includes a search bar and two sections: "Search The Informal Advisory Opinion Archive" and "Browse The Informal Advisory Opinion Archive". The search section includes a search input field and a "Search" button. The browse section lists two example opinions: "Informal Advisory Opinion No. 1968-Inf-0225" and "Informal Advisory Opinion No. 1988-Inf-0407-2". A blue button labeled "Informal Advisory Opinion Archive" is located at the bottom of the page.



At its October 2018 meeting, the six Commission members authorized staff to make these Informal Opinions accessible online.

**"It has long been a goal to have the Informal Opinions readily available on our website,"** said Executive Director Paul M. Nick. **"This new resource will provide easy, online access to past Commission guidance on how to comply with the Ohio Ethics Law."**



# **An Interview with Ohio Ethics Commission Advisory Attorney Karen King**

## **The Ohio Ethics Commission recently made Informal Advisory Opinions available on its website. What is the difference between Formal and Informal Opinions?**

Formal Advisory Opinions consider situations and hypothetical scenarios that may occur in a variety of jurisdictions and have a broad impact on many public officials and employees. A syllabus is included with the opinion providing a concise summary of the holding of the Commission. These opinions are reviewed and approved by the Commission. Formal Advisory Opinions dating back to 1974 have long been available on the Commission's website - 345 to be exact!

Informal Advisory Opinions, on the other hand, are based on a specific fact pattern and are issued to an individual person. These opinions do not typically have a broad impact on public officials and employees but do provide additional Commission precedent on various topics. While they are also reviewed and approved by the Commission, they have not historically been available on the Commission's website.

All advisory opinions provide immunity from prosecution, civil lawsuits, and actions for removal from office or employment based on a violation of Ohio's Ethics Laws if the facts in the opinion are true and the advice is followed. R.C. 102.08(B).

## **What is the advantage of having the Informal Opinions online?**

The Commission has long desired to provide the public and public officials and employees with greater access to its opinions. All 426 Informal Advisory Opinions approved by the Commission have been scanned into searchable documents. This is just one more way the Commission is able to provide prompt and effective guidance to public officials and employees in Ohio. These opinions are also useful to review before making a request for an advisory opinion directed to your own personal situation.

## **Are there any precautions when reviewing the online Informal Opinions?**

Yes. Informal Opinions, unlike Formal Opinions, are written to a specific person with a very specific fact pattern. If you read an Informal Opinion on our website and are not sure if it applies to your situation, call our office and ask to speak with the Advisory Attorney on duty. Please contact us if you should have any questions or concerns!

**Visit the Informal Opinion Archive [here](#).**

# New Formal Advisory Opinion Assists City Council Members

City council members elected to represent a ward are often asked to discuss and make decisions in matters involving public infrastructure improvement that affect properties only in his or her ward. Because city council members naturally reside in those wards, the question that can arise is: "What if those discussion and decisions impact properties in which the council member has an interest?"

At its meeting on October 31, 2018, the Ohio Ethics Commission addressed that question by issuing [Advisory Opinion 2018-02](#). In this opinion, the Commission determined that a council member is prohibited from participating in matters involving improvements that would affect his or her property interests unless the improvements provide a benefit to all or a large portion of the property in the ward and the benefit to the council member's property is not selective, differential, unique, or in disproportion to the benefit provided to other affected property. The opinion provides examples of specific factors that would help demonstrate that the improvements would not have a substantial and improper influence on the council member's public duties.



Have questions?

Contact an Ohio Ethics Commission Advisory Attorney at (614) 466-7090



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