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Paul M. Nick
Executive Director

May 25, 2023

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FOR IMMEDIATE RELEASE:

**OHIO ETHICS COMMISSION REMINDS MAYORS
THAT STIMULUS FUNDS ARE SUBJECT TO THE ETHICS LAW**

With recent media attention to additional, lump sum federal stimulus dollars being directly allocated to cities, the Ohio Ethics Commission sent a letter asking that cities give additional focus under the Ethics Law.

The letter to Ohio mayors (see attachment) notes that directly using any public position to authorize a public contract, or even influencing the process, to favor oneself, a family member, or an outside business associate, is a potential fourth degree felony under the Ethics Law. A helpful resource referenced in the letter is Ethics Commission [Advisory Opinion 2009 – 06](#) which explains that long-standing conflict of interest laws must be observed regarding stimulus funds and grants.

The letter emphasizes that these federal stimulus dollars are subject to public contract provisions under the Ohio Ethics Law. Its provisions give added protection to the public by prohibiting all public officials and employees from using their office to receive any public contract where they, a family member, or their business associate has an interest.

Executive Director Paul M. Nick stated, “The Ethics Commission issued this letter to encourage awareness and compliance with the law.” He added, “Members of the public may contact the Commission if they have reason to believe that any of these stimulus funds are being misspent in violation of the Ethics Law.”

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May 22, 2023

Dear Mr./Ms. Mayor:

With recent media attention to additional, lump sum Federal stimulus dollars being made available directly to Ohio cities, the Ethics Commission is reminding public officials that these funds are classified as public contracts under Ohio's Ethics Law.

The Commission encourages early awareness among officials to assist in complying with the Law because violations are subject to criminal sanction. Any official or employee involved with disbursing these funds must follow the same lawful standards of conduct that would apply to any other governmental purchase of goods or services. Our website contains helpful advisory opinions to assist in complying with these laws.

The Commission's [Advisory Opinion 2009 – 02](#) explains that no public official may participate in a contractual or regulatory matter before his or her public agency if his or her family member has an interest in the contract or will receive a definite and direct benefit from the matter. As noted, directly using a public position to authorize a public contract – or otherwise influencing the process – to favor oneself, a family member or outside business associate, is a felony under the Ethics Law.

For general guidance, if a public employee or official's family member or business associate wishes to take advantage of stimulus funds or other public grant programs, he or she must completely recuse themselves from every part of the process. For further guidance, [Advisory Opinion 2009 – 06](#) explains that long-standing conflict of interest laws must be observed in regard to stimulus funds and grants.

For local training on these laws, please contact Education & Communications Administrator Susan Willeke at susan.willeke@ethics.ohio.gov. Your office is always welcome to contact me directly or Deputy Director/General Counsel James (Jed) Hood at james.hood@ethics.ohio.gov.

Sincerely,

/s/ Paul M. Nick

Paul M. Nick
Executive Director
Paul.nick@ethics.ohio.gov

CC: Merom Brachman, Chairman