

**As Passed by the Senate**

**125th General Assembly**

**Regular Session**

**2003-2004**

**Sub. H. B. No. 181**

**Representatives Schaffer, McGregor, Willamowski, Allen, Flowers, Brinkman,  
C. Evans, Setzer, Wolpert, Aslanides, G. Smith, Buehrer, Carmichael, Collier,  
Daniels, Domenick, D. Evans, Faber, Gibbs, Gilb, Hartnett, Harwood, Key,  
Niehaus, Olman, Otterman, Seaver, Sferra  
Senators Austria, Jacobson, Spada**

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**A B I L L**

To amend sections 101.34, 102.01, 102.02, 102.031, 1  
102.06, and 102.99 and to enact sections 3.16, 2  
102.021, and 2961.02 of the Revised Code to permit 3  
a special commission of retired judges appointed 4  
by the Chief Justice of the Supreme Court to 5  
suspend from office in accordance with a specified 6  
procedure any elected local government official, 7  
other than a judge, charged with a felony related 8  
to the official's administration of, or conduct in 9  
the performance of the duties of, the office; to 10  
prohibit a person who is convicted of certain 11  
felony theft offenses, or any other felony 12  
involving fraud, deceit, or theft, from holding a 13  
public office or position of public employment or 14  
from serving in certain unpaid volunteer 15  
positions, that involve substantial management or 16  
control of certain public or private property; and 17  
to require former state elected officers and staff 18  
members who were required to file financial 19  
disclosure statements to continue for a 20

twenty-four month period to report specified 21  
information relating to certain income, gifts, and 22  
expenditures. 23

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 101.34, 102.01, 102.02, 102.031, 24  
102.06, and 102.99 be amended and sections 3.16, 102.021, and 25  
2961.02 of the Revised Code be enacted to read as follows: 26

**Sec. 3.16.** (A) As used in this section: 27

(1) "Prosecuting attorney" means the prosecuting attorney of 28  
the county in which a public official who is charged as described 29  
in division (B) of this section serves. 30

(2) "Public official" means any elected officer of a 31  
political subdivision as defined in section 2744.01 of the Revised 32  
Code. "Public official" does not include a judge of a court of 33  
record. 34

(B)(1) If a public official is charged with a felony in a 35  
state or federal court and if the attorney general, if the 36  
attorney general is prosecuting the case, or prosecuting attorney 37  
with responsibility to prosecute the case determines that the 38  
felony relates to the public official's administration of, or 39  
conduct in the performance of the duties of, the office of the 40  
public official, the attorney general, if the attorney general is 41  
prosecuting the case, or prosecuting attorney with responsibility 42  
to prosecute the case shall transmit a copy of the charging 43  
document to the chief justice of the supreme court with a request 44  
that the chief justice proceed as provided in division (C) of this 45  
section. If the attorney general or the prosecuting attorney 46  
transmits a copy of the charging document to the chief justice, a 47  
copy also shall be sent to the attorney general if the prosecuting 48

attorney transmits the copy to the chief justice or to the  
prosecuting attorney of the county in which the public official  
holds office if the attorney general transmits the copy to the  
chief justice.

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(2) Upon transmitting a copy of a charging document and a  
request to the chief justice of the supreme court under division  
(B)(1)(a) or (b) of this section, the attorney general or  
prosecuting attorney shall provide the public official with a  
written notice that, not later than fourteen days after the date  
of the notice, the public official may file with the attorney  
general or prosecuting attorney, whichever sent the notice, a  
written statement either voluntarily authorizing the attorney  
general or prosecuting attorney to prepare a judgment entry for  
the judge presiding in the case to provisionally suspend the  
public official from office or setting forth the reasons why the  
public official should not be suspended from office.

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If the public official voluntarily authorizes the attorney  
general or prosecuting attorney to prepare a judgment entry for  
the judge presiding in the case to provisionally suspend the  
public official from office as described in this division, the  
attorney general or prosecuting attorney shall prepare a judgment  
entry for the judge presiding in the case to provisionally suspend  
the public official from office immediately upon receipt of the  
judgment entry and shall notify the chief justice of the supreme  
court of the provisional suspension. Upon receipt of the judgment  
entry, the judge presiding in the case shall sign the judgment  
entry and file the signed judgment entry in the case. The signing  
and filing of the judgment entry provisionally suspends the public  
official from office. The attorney general's or prosecuting  
attorney's request to the chief justice that was made under  
division (B)(1) of this section remains applicable regarding the  
public official, and the chief justice shall establish a special

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commission pursuant to division (C)(1) of this section. A  
provisional suspension imposed under this division shall remain in  
effect until the special commission established by the chief  
justice enters its judgment under division (C)(3) of this section.  
After the special commission so enters its judgment, divisions  
(C)(3) and (4) of this section shall govern the continuation of  
the suspension. Division (E) of this section applies to a  
provisional suspension imposed under this division.

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If the public official files a written statement setting  
forth the reasons why the public official should not be suspended  
from office, the public official shall not be provisionally  
suspended from office, and the attorney general or prosecuting  
attorney, whichever sent the notice to the public official, shall  
transmit a copy of the public official's written statement to the  
chief justice of the supreme court. The attorney general's or  
prosecuting attorney's request to the chief justice that was made  
under division (B)(1) of this section remains applicable regarding  
the public official, and the chief justice shall establish a  
special commission pursuant to division (C)(1) of this section.

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(C)(1) Not sooner than fourteen days after the chief  
justice's receipt of the attorney general's or prosecuting  
attorney's request under division (B)(1) of this section, the  
chief justice shall establish a special commission composed of  
three retired justices or judges of a court of record. A special  
commission established under this division is an administrative  
agency. The chief justice shall appoint the members of the special  
commission and shall provide to the special commission all  
documents and materials pertaining to the matter that were  
received from the attorney general or prosecuting attorney under  
division (B)(1) or (2) of this section. At least one member of the  
special commission shall be of the same political party as the  
public official. Members of the special commission shall receive

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compensation for their services, and shall be reimbursed for any  
expenses incurred in connection with special commission functions,  
from funds appropriated to the attorney general's office.

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(2) Once established under division (C)(1) of this section, a  
special commission shall review the document that charges the  
public official with the felony, all other documents and materials  
pertaining to the matter that were provided by the chief justice  
under division (C)(1) of this section, and the facts and  
circumstances related to the offense charged. Within fourteen days  
after it is established, the special commission shall make a  
preliminary determination as to whether the public official's  
administration of, or conduct in the performance of the duties of,  
the official's office, as covered by the charges, adversely  
affects the functioning of that office or adversely affects the  
rights and interests of the public and, as a result, whether the  
public official should be suspended from office. Upon making the  
preliminary determination, the special commission immediately  
shall provide the public official with notice of the preliminary  
determination. The notice may be in writing, by telephone, or in  
another manner. If the preliminary determination is that the  
public official's administration of, or conduct in the performance  
of the duties of, the official's office, as covered by the  
charges, does not adversely affect the functioning of the office  
or adversely affect the rights and interests of the public, the  
preliminary determination automatically shall become the special  
commission's final determination for purposes of division (C)(3)  
of this section. If the preliminary determination is that the  
public official's administration of, or conduct in the performance  
of the duties of, the official's office, as covered by the  
charges, adversely affects the functioning of the office or  
adversely affects the rights and interests of the public and that  
the public official should be suspended from office, the notice

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shall inform the public official that the public official may 145  
contest the preliminary determination by filing with the special 146  
commission and within fourteen days after the date of the notice 147  
to the public official a notice contesting the determination. 148

If the public official files a notice contesting the 149  
preliminary determination within fourteen days after the date of 150  
the notice to the public official, the public official may review 151  
the reasons and evidence for the determination and may appear at a 152  
meeting of the special commission to contest the determination and 153  
present the public official's position on the matter. The meeting 154  
of the special commission shall be held not later than fourteen 155  
days after the public official files the notice contesting the 156  
preliminary determination. The public official has a right to be 157  
accompanied by an attorney while appearing before the special 158  
commission, but the attorney is not entitled to act as counsel or 159  
advocate for the public official before the special commission or 160  
to present evidence or examine or cross-examine witnesses before 161  
the special commission. At the conclusion of the meeting, the 162  
special commission shall make a final determination as to whether 163  
the public official's administration of, or conduct in the 164  
performance of the duties of, the official's office, as covered by 165  
the charges, adversely affects the functioning of the office or 166  
adversely affects the rights and interests of the public and, as a 167  
result, whether the public official should be suspended from 168  
office and shall proceed in accordance with division (C)(3) of 169  
this section. 170

If the public official does not file a notice contesting the 171  
determinations within fourteen days after the date of the notice 172  
to the public official, the special commission's preliminary 173  
determination automatically shall become its final determination 174  
for purposes of division (C)(3) of this section. 175

Notwithstanding anything to the contrary in section 121.22 of 176

the Revised Code, all meetings of the special commission shall be 177  
closed to the public. Notwithstanding anything to the contrary in 178  
section 149.43 of the Revised Code, the records of the special 179  
commission shall not be made available to the public for 180  
inspection or copying until the special commission issues its 181  
written report under this division. 182

(3) Upon making the final determination described in division 183  
(C)(2) of this section regarding a public official who is charged 184  
with a felony, including, if applicable, conducting a meeting 185  
pursuant to that division for the public official to contest the 186  
preliminary determination, the special commission shall issue a 187  
written report that sets forth its findings and final 188  
determination. The special commission shall send the report by 189  
certified mail to the public official, the attorney general if the 190  
attorney general is prosecuting the case or the prosecuting 191  
attorney with responsibility to prosecute the case, whichever is 192  
applicable, and any other person that the special commission 193  
determines to be appropriate. Upon the issuance of the report, one 194  
of the following applies: 195

(a) If the special commission in its final determination does 196  
not determine that the public official's administration of, or 197  
conduct in the performance of the duties of, the official's 198  
office, as covered by the charges, adversely affects the 199  
functioning of that office or adversely affects the rights and 200  
interests of the public, the special commission shall include in 201  
the report a statement to that effect, and the public official 202  
shall not be suspended from office. If the public official was 203  
provisionally suspended from office under division (B)(2) of this 204  
section, the provisional suspension shall terminate immediately 205  
upon the issuance of the report. 206

(b) If the special commission in its final determination 207  
determines that the public official's administration of, or 208

conduct in the performance of the duties of, the official's 209  
office, as covered by the charges, adversely affects the 210  
functioning of that office or adversely affects the rights and 211  
interests of the public, the special commission shall include in 212  
the report a holding that the public official be suspended from 213  
office. The holding that the public official be suspended from 214  
office and the suspension take effect immediately upon the special 215  
commission's issuance of the report. If the public official was 216  
provisionally suspended from office under division (B)(2) of this 217  
section, the holding that the public official be suspended from 218  
office shall continue the suspension immediately upon the special 219  
commission's issuance of the report. The report and holding shall 220  
have the same force and effect as a judgment of a court of record. 221

(4) A suspension imposed or continued under division (C)(3) 222  
of this section shall continue until one of the following occurs: 223

(a) The public official is reinstated to office by an appeal 224  
as provided in division (D) of this section; 225

(b) All charges are disposed of by dismissal or by a finding 226  
or findings of not guilty; 227

(c) A successor is elected and qualified to serve the next 228  
succeeding term of the public official's office. 229

(D) If a special commission issues a written report and 230  
holding pursuant to division (C)(3)(b) of this section that 231  
suspends a public official from office or that continues a 232  
provisional suspension imposed under division (B)(2) of this 233  
section, the public official may appeal the report and holding to 234  
the supreme court. The public official shall take the appeal by 235  
filing within thirty days of the date on which the report is 236  
issued a notice of appeal with the supreme court and the special 237  
commission. Unless waived, notice of the appeal shall be served 238  
upon all persons to whom the report was sent under division (C)(3) 239



of this section. The special commission, upon written demand filed  
by the public official, shall file with the supreme court, within  
thirty days after the filing of the demand, a certified transcript  
of the proceedings of the special commission pertaining to the  
report and the evidence considered by the special commission in  
making its decision.

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The supreme court shall consider an appeal under this  
division on an expedited basis. If the public official appeals the  
report and holding, the appeal itself does not stay the operation  
of the suspension imposed or continued under the report and  
holding. If, upon hearing and consideration of the record and  
evidence, the supreme court decides that the determinations and  
findings of the special commission are reasonable and lawful, the  
court shall affirm the special commission's report and holding and  
the suspension and shall enter final judgment in accordance with  
its decision. If the public official subsequently pleads guilty to  
or is found guilty of any felony with which the public official  
was charged, the public official is liable for any amount of  
compensation paid to the official during the suspension, with the  
liability relating back to the date of the original suspension  
under the special commission's report and holding, and the amount  
of that liability may be recovered as provided in division (E) of  
this section. If, upon hearing and consideration of the record and  
evidence, the supreme court decides that the determinations and  
findings of the special commission are unreasonable or unlawful,  
the court shall reverse and vacate the special commission's report  
and holding and the suspension, reinstate the public official, and  
enter final judgment in accordance with its decision.

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The clerk of the supreme court shall certify the judgment of  
the court to the special commission. Upon receipt of the judgment,  
the special commission shall certify the judgment to all persons  
to whom the special commission's report was certified under

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division (C)(3) of this section and shall certify the judgment to 272  
all other public officials or take any other action in connection 273  
with the judgment as is required to give effect to it. 274

(E) Any public official suspended from office under this 275  
section shall not exercise any of the rights, powers, or 276  
responsibilities of the holder of that office during the period of 277  
the suspension. The suspended public official, however, shall 278  
retain the title of the holder of that office during the period of 279  
the suspension and continue to receive the compensation that the 280  
official is entitled to receive for holding that office during the 281  
period of the suspension, until the public official pleads guilty 282  
to or is found guilty of any felony with which the public official 283  
is charged. For the duration of the public official's suspension, 284  
a replacement official shall be appointed or elected to perform 285  
the public official's duties of office in the manner provided by 286  
law for filling a vacancy in that office. The replacement official 287  
shall have all of the rights, powers, and responsibilities of, and 288  
shall be entitled to the same rate of pay as, the suspended public 289  
official. 290

A political subdivision may file a civil action in the 291  
appropriate court to recover from any former public official of 292  
the political subdivision the amount of compensation paid to that 293  
former public official in accordance with this division from the 294  
date of the former public official's suspension to the date the 295  
former public official pleads guilty to or is found guilty of any 296  
felony with which the former public official was charged. 297

**Sec. 101.34.** (A) There is hereby created a joint legislative 298  
ethics committee to serve the general assembly. The committee 299  
shall be composed of twelve members, six each from the two major 300  
political parties, and each member shall serve on the committee 301  
during the member's term as a member of that general assembly. Six 302

members of the committee shall be members of the house of 303  
representatives appointed by the speaker of the house of 304  
representatives, not more than three from the same political 305  
party, and six members of the committee shall be members of the 306  
senate appointed by the president of the senate, not more than 307  
three from the same political party. A vacancy in the committee 308  
shall be filled for the unexpired term in the same manner as an 309  
original appointment. The members of the committee shall be 310  
appointed within fifteen days after the first day of the first 311  
regular session of each general assembly and the committee shall 312  
meet and proceed to recommend an ethics code not later than thirty 313  
days after the first day of the first regular session of each 314  
general assembly. 315

In the first regular session of each general assembly, the 316  
speaker of the house of representatives shall appoint the 317  
chairperson of the committee from among the house members of the 318  
committee, and the president of the senate shall appoint the 319  
vice-chairperson of the committee from among the senate members of 320  
the committee. In the second regular session of each general 321  
assembly, the president of the senate shall appoint the 322  
chairperson of the committee from among the senate members of the 323  
committee, and the speaker of the house of representatives shall 324  
appoint the vice-chairperson of the committee from among the house 325  
members of the committee. The chairperson, vice-chairperson, and 326  
members of the committee shall serve until their respective 327  
successors are appointed or until they are no longer members of 328  
the general assembly. 329

The committee shall meet at the call of the chairperson or 330  
upon the written request of seven members of the committee. 331

(B) The joint legislative ethics committee: 332

(1) Shall recommend a code of ethics ~~which~~ that is consistent 333

with law to govern all members and employees of each house of the 334  
general assembly and all candidates for the office of member of 335  
each house; 336

(2) May receive and hear any complaint ~~which~~ that alleges a 337  
breach of any privilege of either house, or misconduct of any 338  
member, employee, or candidate, or any violation of the 339  
appropriate code of ethics; 340

(3) May obtain information with respect to any complaint 341  
filed pursuant to this section and to that end may enforce the 342  
attendance and testimony of witnesses, and the production of books 343  
and papers; 344

(4) May recommend whatever sanction is appropriate with 345  
respect to a particular member, employee, or candidate as will 346  
best maintain in the minds of the public a good opinion of the 347  
conduct and character of members and employees of the general 348  
assembly; 349

(5) May recommend legislation to the general assembly 350  
relating to the conduct and ethics of members and employees of and 351  
candidates for the general assembly; 352

(6) Shall employ an executive director for the committee and 353  
may employ ~~such~~ other staff as the committee determines necessary 354  
to assist it in exercising its powers and duties. The executive 355  
director and staff of the committee shall be known as the office 356  
of legislative inspector general. At least one member of the staff 357  
of the committee shall be an attorney at law licensed to practice 358  
law in this state. The appointment and removal of the executive 359  
director shall require the approval of at least eight members of 360  
the committee. 361

(7) May employ a special counsel to assist the committee in 362  
exercising its powers and duties. The appointment and removal of a 363  
special counsel shall require the approval of at least eight 364

members of the committee. 365

(8) Shall act as an advisory body to the general assembly and 366  
to individual members, candidates, and employees on questions 367  
relating to ethics, possible conflicts of interest, and financial 368  
disclosure; 369

(9) Shall provide for the proper forms on which ~~the~~ a 370  
statement required pursuant to section 102.02 or 102.021 of the 371  
Revised Code shall be filed and instructions as to the filing of 372  
the statement; 373

(10) Exercise the powers and duties prescribed under sections 374  
101.70 to 101.79, sections 101.90 to 101.98, Chapter 102., and 375  
sections 121.60 to 121.69 of the Revised Code; 376

(11) Adopt   in accordance with section 111.15 of the Revised 377  
Code   any rules that are necessary to implement and clarify 378  
Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code. 379

(C) There is hereby created in the state treasury the joint 380  
legislative ethics committee fund. Money credited to the fund and 381  
any interest and earnings from the fund shall be used solely for 382  
the operation of the joint legislative ethics committee and the 383  
office of legislative inspector general and for the purchase of 384  
data storage and computerization facilities for the statements 385  
filed with the ~~joint~~ committee under sections 101.73, 101.74, 386  
121.63, and 121.64 of the Revised Code. 387

(D) The chairperson of the joint legislative ethics committee 388  
shall issue a written report, not later than the thirty-first day 389  
of January of each year, to the speaker and minority leader of the 390  
house of representatives and to the president and minority leader 391  
of the senate that lists the number of committee meetings and 392  
investigations the committee conducted during the immediately 393  
preceding calendar year and the number of advisory opinions it 394  
issued during the immediately preceding calendar year. 395

(E) Any investigative report that contains facts and findings 396  
regarding a complaint filed with the joint legislative ethics 397  
committee and that is prepared by the staff of the committee or a 398  
special counsel to the committee shall become a public record upon 399  
its acceptance by a vote of the majority of the members of the 400  
committee, except for any names of specific individuals and 401  
entities contained in the report. If the committee recommends 402  
disciplinary action or reports its findings to the appropriate 403  
prosecuting authority for proceedings in prosecution of the 404  
violations alleged in the complaint, the investigatory report 405  
regarding the complaint shall become a public record in its 406  
entirety. 407

(F)(1) Any file obtained by or in the possession of the 408  
former house ethics committee or former senate ethics committee 409  
shall become the property of the joint legislative ethics 410  
committee. Any such file is confidential if either of the 411  
following applies: 412

(a) It is confidential under section 102.06 of the Revised 413  
Code or the legislative code of ethics. 414

(b) If the file was obtained from the former house ethics 415  
committee or from the former senate ethics committee, it was 416  
confidential under any statute or any provision of a code of 417  
ethics that governed the file. 418

(2) As used in this division, "file" includes, but is not 419  
limited to, evidence, documentation, or any other tangible thing. 420

**Sec. 102.01.** As used in ~~Chapter 102. of the Revised Code~~ this 421  
chapter: 422

(A) "Compensation" means money, thing of value, or financial 423  
benefit. "Compensation" does not include reimbursement for actual 424  
and necessary expenses incurred in the performance of official 425

duties. 426

(B) "Public official or employee" means any person who is 427  
elected or appointed to an office or is an employee of any public 428  
agency. "Public official or employee" does not include a person 429  
elected or appointed to the office of precinct, ward, or district 430  
committee member under section 3517.03 of the Revised Code, any 431  
presidential elector, or any delegate to a national convention. 432  
"Public official or employee" does not include a person who is a 433  
teacher, instructor, professor, or ~~any~~ other kind of educator 434  
whose position does not involve the performance of, or authority 435  
to perform, administrative or supervisory functions. 436

(C) "Public agency" means the general assembly, all courts, 437  
any department, division, institution, board, commission, 438  
authority, bureau or other instrumentality of the state, a county, 439  
city, village, or township, ~~and~~ the five state retirement systems, 440  
or any other governmental entity. "Public agency" does not include 441  
a department, division, institution, board, commission, authority, 442  
or other instrumentality of the state or a county, municipal 443  
corporation, township, or other governmental entity that functions 444  
exclusively for cultural, educational, historical, humanitarian, 445  
advisory, or research purposes; that does not expend more than ten 446  
thousand dollars per calendar year, excluding salaries and wages 447  
of employees; and whose members are uncompensated. 448

(D) "Immediate family" means a spouse residing in the 449  
person's household and any dependent child. 450

(E) "Income" includes gross income as defined and used in the 451  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 452  
amended, interest and dividends on obligations or securities of 453  
any state or of any political subdivision or authority of any 454  
state or political subdivision, and interest or dividends on 455  
obligations of any authority, commission, or instrumentality of 456

the United States.

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(F) Except as otherwise provided in division (A) of section  
102.08 of the Revised Code, "appropriate ethics commission" means:

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(1) For matters relating to members of the general assembly,  
employees of the general assembly, employees of the legislative  
service commission, and candidates for the office of member of the  
general assembly, the joint legislative ethics committee;

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(2) For matters relating to judicial officers and employees,  
and candidates for judicial office, the board of commissioners on  
grievances and discipline of the supreme court;

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(3) For matters relating to all other persons, the Ohio  
ethics commission.

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(G) "Anything of value" has the same meaning as provided in  
section 1.03 of the Revised Code and includes, but is not limited  
to, a contribution as defined in section 3517.01 of the Revised  
Code.

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(H) "Honorarium" means any payment made in consideration for  
any speech given, article published, or attendance at any public  
or private conference, convention, meeting, social event, meal, or  
similar gathering. "Honorarium" does not include ceremonial gifts  
or awards that have insignificant monetary value; unsolicited  
gifts of nominal value or trivial items of informational value; or  
earned income from any person, other than a legislative agent, for  
personal services that are customarily provided in connection with  
the practice of a bona fide business, if that business initially  
began before the public official or employee conducting that  
business was elected or appointed to ~~his~~ the public official's or  
employee's office or position of employment.

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(I) "Employer" means any person who, directly or indirectly,  
engages an executive agency lobbyist or legislative agent.

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(J) "Executive agency decision," "executive agency lobbyist," 487  
and "executive agency lobbying activity" have the same meanings as 488  
in section 121.60 of the Revised Code. 489

(K) "Legislation," "legislative agent," "financial 490  
transaction," and "actively advocate" have the same meanings as in 491  
section 101.70 of the Revised Code. 492

(L) "Expenditure" has the same meaning as in section 101.70 493  
of the Revised Code when used in relation to activities of a 494  
legislative agent, and the same meaning as in section 121.60 of 495  
the Revised Code when used in relation to activities of an 496  
executive agency lobbyist. 497

**Sec. 102.02.** (A) Except as otherwise provided in division (H) 498  
of this section, all of the following shall file with the 499  
appropriate ethics commission the disclosure statement described 500  
in this division on a form prescribed by the appropriate 501  
commission: every person who is elected to or is a candidate for a 502  
state, county, or city office and every person who is appointed to 503  
fill a vacancy for an unexpired term in such an elective office; 504  
all members of the state board of education; the director, 505  
assistant directors, deputy directors, division chiefs, or persons 506  
of equivalent rank of any administrative department of the state; 507  
the president or other chief administrative officer of every state 508  
institution of higher education as defined in section 3345.011 of 509  
the Revised Code; the chief executive officer and the members of 510  
the board of each state retirement system; each employee of a 511  
state retirement board who is a state retirement system investment 512  
officer licensed pursuant to section 1707.163 of the Revised Code; 513  
the members of the Ohio retirement study council appointed 514  
pursuant to division (C) of section 171.01 of the Revised Code; 515  
employees of the Ohio retirement study council, other than 516  
employees who perform purely administrative or clerical functions; 517

all members of the board of commissioners on grievances and 518  
discipline of the supreme court and the ethics commission created 519  
under section 102.05 of the Revised Code; every business manager, 520  
treasurer, or superintendent of a city, local, exempted village, 521  
joint vocational, or cooperative education school district or an 522  
educational service center; every person who is elected to or is a 523  
candidate for the office of member of a board of education of a 524  
city, local, exempted village, joint vocational, or cooperative 525  
education school district or of a governing board of an 526  
educational service center that has a total student count of 527  
twelve thousand or more as most recently determined by the 528  
department of education pursuant to section 3317.03 of the Revised 529  
Code; every person who is appointed to the board of education of a 530  
municipal school district pursuant to division (B) or (F) of 531  
section 3311.71 of the Revised Code; all members of the board of 532  
directors of a sanitary district that is established under Chapter 533  
6115. of the Revised Code and organized wholly for the purpose of 534  
providing a water supply for domestic, municipal, and public use, 535  
and that includes two municipal corporations in two counties; 536  
every public official or employee who is paid a salary or wage in 537  
accordance with schedule C of section 124.15 or schedule E-2 of 538  
section 124.152 of the Revised Code; members of the board of 539  
trustees and the executive director of the tobacco use prevention 540  
and control foundation; members of the board of trustees and the 541  
executive director of the southern Ohio agricultural and community 542  
development foundation; and every other public official or 543  
employee who is designated by the appropriate ethics commission 544  
pursuant to division (B) of this section. 545

The disclosure statement shall include all of the following: 546

(1) The name of the person filing the statement and each 547  
member of the person's immediate family and all names under which 548  
the person or members of the person's immediate family do 549

business; 550

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 551  
and except as otherwise provided in section 102.022 of the Revised 552  
Code, identification of every source of income, other than income 553  
from a legislative agent identified in division (A)(2)(b) of this 554  
section, received during the preceding calendar year, in the 555  
person's own name or by any other person for the person's use or 556  
benefit, by the person filing the statement, and a brief 557  
description of the nature of the services for which the income was 558  
received. If the person filing the statement is a member of the 559  
general assembly, the statement shall identify the amount of every 560  
source of income received in accordance with the following ranges 561  
of amounts: zero or more, but less than one thousand dollars; one 562  
thousand dollars or more, but less than ten thousand dollars; ten 563  
thousand dollars or more, but less than twenty-five thousand 564  
dollars; twenty-five thousand dollars or more, but less than fifty 565  
thousand dollars; fifty thousand dollars or more, but less than 566  
one hundred thousand dollars; and one hundred thousand dollars or 567  
more. Division (A)(2)(a) of this section shall not be construed to 568  
require a person filing the statement who derives income from a 569  
business or profession to disclose the individual items of income 570  
that constitute the gross income of that business or profession, 571  
except for those individual items of income that are attributable 572  
to the person's or, if the income is shared with the person, the 573  
partner's, solicitation of services or goods or performance, 574  
arrangement, or facilitation of services or provision of goods on 575  
behalf of the business or profession of clients, including 576  
corporate clients, who are legislative agents ~~as defined in~~ 577  
~~section 101.70 of the Revised Code~~. A person who files the 578  
statement under this section shall disclose the identity of and 579  
the amount of income received from a person who the public 580  
official or employee knows or has reason to know is doing or 581

seeking to do business of any kind with the public official's or 582  
employee's agency. 583

(b) If the person filing the statement is a member of the 584  
general assembly, the statement shall identify every source of 585  
income and the amount of that income that was received from a 586  
legislative agent, ~~as defined in section 101.70 of the Revised~~ 587  
~~Code~~, during the preceding calendar year, in the person's own name 588  
or by any other person for the person's use or benefit, by the 589  
person filing the statement, and a brief description of the nature 590  
of the services for which the income was received. Division 591  
(A)(2)(b) of this section requires the disclosure of clients of 592  
attorneys or persons licensed under section 4732.12 of the Revised 593  
Code, or patients of persons certified under section 4731.14 of 594  
the Revised Code, if those clients or patients are legislative 595  
agents. Division (A)(2)(b) of this section requires a person 596  
filing the statement who derives income from a business or 597  
profession to disclose those individual items of income that 598  
constitute the gross income of that business or profession that 599  
are received from legislative agents. 600

(c) Except as otherwise provided in division (A)(2)(c) of 601  
this section, division (A)(2)(a) of this section applies to 602  
attorneys, physicians, and other persons who engage in the 603  
practice of a profession and who, pursuant to a section of the 604  
Revised Code, the common law of this state, a code of ethics 605  
applicable to the profession, or otherwise, generally are required 606  
not to reveal, disclose, or use confidences of clients, patients, 607  
or other recipients of professional services except under 608  
specified circumstances or generally are required to maintain 609  
those types of confidences as privileged communications except 610  
under specified circumstances. Division (A)(2)(a) of this section 611  
does not require an attorney, physician, or other professional 612  
subject to a confidentiality requirement as described in division 613

(A)(2)(c) of this section to disclose the name, other identity, or  
address of a client, patient, or other recipient of professional  
services if the disclosure would threaten the client, patient, or  
other recipient of professional services, would reveal details of  
the subject matter for which legal, medical, or professional  
advice or other services were sought, or would reveal an otherwise  
privileged communication involving the client, patient, or other  
recipient of professional services. Division (A)(2)(a) of this  
section does not require an attorney, physician, or other  
professional subject to a confidentiality requirement as described  
in division (A)(2)(c) of this section to disclose in the brief  
description of the nature of services required by division  
(A)(2)(a) of this section any information pertaining to specific  
professional services rendered for a client, patient, or other  
recipient of professional services that would reveal details of  
the subject matter for which legal, medical, or professional  
advice was sought or would reveal an otherwise privileged  
communication involving the client, patient, or other recipient of  
professional services.

(3) The name of every corporation on file with the secretary  
of state that is incorporated in this state or holds a certificate  
of compliance authorizing it to do business in this state, trust,  
business trust, partnership, or association that transacts  
business in this state in which the person filing the statement or  
any other person for the person's use and benefit had during the  
preceding calendar year an investment of over one thousand dollars  
at fair market value as of the thirty-first day of December of the  
preceding calendar year, or the date of disposition, whichever is  
earlier, or in which the person holds any office or has a  
fiduciary relationship, and a description of the nature of the  
investment, office, or relationship. Division (A)(3) of this  
section does not require disclosure of the name of any bank,

savings and loan association, credit union, or building and loan  
association with which the person filing the statement has a  
deposit or a withdrawable share account.

(4) All fee simple and leasehold interests to which the  
person filing the statement holds legal title to or a beneficial  
interest in real property located within the state, excluding the  
person's residence and property used primarily for personal  
recreation;

(5) The names of all persons residing or transacting business  
in the state to whom the person filing the statement owes, in the  
person's own name or in the name of any other person, more than  
one thousand dollars. Division (A)(5) of this section shall not be  
construed to require the disclosure of debts owed by the person  
resulting from the ordinary conduct of a business or profession or  
debts on the person's residence or real property used primarily  
for personal recreation, except that the superintendent of  
financial institutions shall disclose the names of all  
state-chartered savings and loan associations and of all service  
corporations subject to regulation under division (E)(2) of  
section 1151.34 of the Revised Code to whom the superintendent in  
the superintendent's own name or in the name of any other person  
owes any money, and that the superintendent and any deputy  
superintendent of banks shall disclose the names of all  
state-chartered banks and all bank subsidiary corporations subject  
to regulation under section 1109.44 of the Revised Code to whom  
the superintendent or deputy superintendent owes any money.

(6) The names of all persons residing or transacting business  
in the state, other than a depository excluded under division  
(A)(3) of this section, who owe more than one thousand dollars to  
the person filing the statement, either in the person's own name  
or to any person for the person's use or benefit. Division (A)(6)  
of this section shall not be construed to require the disclosure

of clients of attorneys or persons licensed under section 4732.12 678  
or 4732.15 of the Revised Code, or patients of persons certified 679  
under section 4731.14 of the Revised Code, nor the disclosure of 680  
debts owed to the person resulting from the ordinary conduct of a 681  
business or profession. 682

(7) Except as otherwise provided in section 102.022 of the 683  
Revised Code, the source of each gift of over seventy-five 684  
dollars, or of each gift of over twenty-five dollars received by a 685  
member of the general assembly from a legislative agent, received 686  
by the person in the person's own name or by any other person for 687  
the person's use or benefit during the preceding calendar year, 688  
except gifts received by will or by virtue of section 2105.06 of 689  
the Revised Code, or received from spouses, parents, grandparents, 690  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 691  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 692  
fathers-in-law, mothers-in-law, or any person to whom the person 693  
filing the statement stands in loco parentis, or received by way 694  
of distribution from any inter vivos or testamentary trust 695  
established by a spouse or by an ancestor; 696

(8) Except as otherwise provided in section 102.022 of the 697  
Revised Code, identification of the source and amount of every 698  
payment of expenses incurred for travel to destinations inside or 699  
outside this state that is received by the person in the person's 700  
own name or by any other person for the person's use or benefit 701  
and that is incurred in connection with the person's official 702  
duties, except for expenses for travel to meetings or conventions 703  
of a national or state organization to which any state agency, 704  
including, but not limited to, any legislative agency or state 705  
institution of higher education as defined in section 3345.011 of 706  
the Revised Code, pays membership dues, or any political 707  
subdivision or any office or agency of a political subdivision 708  
pays membership dues; 709

(9) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a meeting or convention of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues, that are incurred in connection with the person's official duties and that exceed one hundred dollars aggregated per calendar year;

(10) If the ~~financial~~ disclosure statement is filed by a public official or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code. ~~As used in division (A)(10) of this section, "legislative agent," "executive agency lobbyist," and "employer" have the same meanings as in sections 101.70 and 121.60 of the Revised Code.~~

A person may file a statement required by this section in person or by mail. A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy



is to be voted on, whichever election occurs soonest, except that  
a person who is a write-in candidate shall file the statement no  
later than the twentieth day before the earliest election at which  
the person's candidacy is to be voted on. A person who holds  
elective office shall file the statement on or before the  
fifteenth day of April of each year unless the person is a  
candidate for office. A person who is appointed to fill a vacancy  
for an unexpired term in an elective office shall file the  
statement within fifteen days after the person qualifies for  
office. Other persons shall file an annual statement on or before  
the fifteenth day of April or, if appointed or employed after that  
date, within ninety days after appointment or employment. No  
person shall be required to file with the appropriate ethics  
commission more than one statement or pay more than one filing fee  
for any one calendar year.

The appropriate ethics commission, for good cause, may extend  
for a reasonable time the deadline for filing a statement under  
this section.

A statement filed under this section is subject to public  
inspection at locations designated by the appropriate ethics  
commission except as otherwise provided in this section.

(B) The Ohio ethics commission, the joint legislative ethics  
committee, and the board of commissioners on grievances and  
discipline of the supreme court, using the rule-making procedures  
of Chapter 119. of the Revised Code, may require any class of  
public officials or employees under its jurisdiction and not  
specifically excluded by this section whose positions involve a  
substantial and material exercise of administrative discretion in  
the formulation of public policy, expenditure of public funds,  
enforcement of laws and rules of the state or a county or city, or  
the execution of other public trusts, to file an annual statement  
on or before the fifteenth day of April under division (A) of this

section. The appropriate ethics commission shall send the public 774  
officials or employees written notice of the requirement by the 775  
fifteenth day of February of each year the filing is required 776  
unless the public official or employee is appointed after that 777  
date, in which case the notice shall be sent within thirty days 778  
after appointment, and the filing shall be made not later than 779  
ninety days after appointment. 780

Except for disclosure statements filed by members of the 781  
board of trustees and the executive director of the tobacco use 782  
prevention and control foundation and members of the board of 783  
trustees and the executive director of the southern Ohio 784  
agricultural and community development foundation, disclosure 785  
statements filed under this division with the Ohio ethics 786  
commission by members of boards, commissions, or bureaus of the 787  
state for which no compensation is received other than reasonable 788  
and necessary expenses shall be kept confidential. Disclosure 789  
statements filed with the Ohio ethics commission under division 790  
(A) of this section by business managers, treasurers, and 791  
superintendents of city, local, exempted village, joint 792  
vocational, or cooperative education school districts or 793  
educational service centers shall be kept confidential, except 794  
that any person conducting an audit of any such school district or 795  
educational service center pursuant to section 115.56 or Chapter 796  
117. of the Revised Code may examine the disclosure statement of 797  
any business manager, treasurer, or superintendent of that school 798  
district or educational service center. The Ohio ethics commission 799  
shall examine each disclosure statement required to be kept 800  
confidential to determine whether a potential conflict of interest 801  
exists for the person who filed the disclosure statement. A 802  
potential conflict of interest exists if the private interests of 803  
the person, as indicated by the person's disclosure statement, 804  
might interfere with the public interests the person is required 805

to serve in the exercise of the person's authority and duties in 806  
the person's office or position of employment. If the commission 807  
determines that a potential conflict of interest exists, it shall 808  
notify the person who filed the disclosure statement and shall 809  
make the portions of the disclosure statement that indicate a 810  
potential conflict of interest subject to public inspection in the 811  
same manner as is provided for other disclosure statements. Any 812  
portion of the disclosure statement that the commission determines 813  
does not indicate a potential conflict of interest shall be kept 814  
confidential by the commission and shall not be made subject to 815  
public inspection, except as is necessary for the enforcement of 816  
Chapters 102. and 2921. of the Revised Code and except as 817  
otherwise provided in this division. 818

(C) No person shall knowingly fail to file, on or before the 819  
applicable filing deadline established under this section, a 820  
statement that is required by this section. 821

(D) No person shall knowingly file a false statement that is 822  
required to be filed under this section. 823

(E)(1) Except as provided in divisions (E)(2) and (3) of this 824  
section, the statement required by division (A) or (B) of this 825  
section shall be accompanied by a filing fee of forty dollars. 826

(2) The statement required by division (A) of this section 827  
shall be accompanied by the following filing fee to be paid by the 828  
person who is elected or appointed to, or is a candidate for, any 829  
of the following offices: 830

For state office, except member of the		831
state board of education	\$65	832
For office of member of general assembly	\$40	833
For county office	\$40	834
For city office	\$25	835
For office of member of the state board		836

of education	\$25	837
For office of member of a city, local,		838
exempted village, or cooperative		839
education board of		840
education or educational service		841
center governing board	\$20	842
For position of business manager,		843
treasurer, or superintendent of a		844
city, local, exempted village, joint		845
vocational, or cooperative education		846
school district or		847
educational service center	\$20	848
(3) No judge of a court of record or candidate for judge of a		849
court of record, and no referee or magistrate serving a court of		850
record, shall be required to pay the fee required under division		851
(E)(1) or (2) or (F) of this section.		852
(4) For any public official who is appointed to a nonelective		853
office of the state and for any employee who holds a nonelective		854
position in a public agency of the state, the state agency that is		855
the primary employer of the state official or employee shall pay		856
the fee required under division (E)(1) or (F) of this section.		857
(F) If a statement required to be filed under this section is		858
not filed by the date on which it is required to be filed, the		859
appropriate ethics commission shall assess the person required to		860
file the statement a late filing fee of ten dollars for each day		861
the statement is not filed, except that the total amount of the		862
late filing fee shall not exceed two hundred fifty dollars.		863
(G)(1) The appropriate ethics commission other than the Ohio		864
ethics commission shall deposit all fees it receives under		865
divisions (E) and (F) of this section into the general revenue		866
fund of the state.		867

(2) The Ohio ethics commission shall deposit all receipts, 868  
including, but not limited to, fees it receives under divisions 869  
(E) and (F) of this section and all moneys it receives from 870  
settlements under division (G) of section 102.06 of the Revised 871  
Code, into the Ohio ethics commission fund, which is hereby 872  
created in the state treasury. All moneys credited to the fund 873  
shall be used solely for expenses related to the operation and 874  
statutory functions of the commission. 875

(H) Division (A) of this section does not apply to a person 876  
elected or appointed to the office of precinct, ward, or district 877  
committee member under Chapter 3517. of the Revised Code; a 878  
presidential elector; a delegate to a national convention; village 879  
or township officials and employees; any physician or psychiatrist 880  
who is paid a salary or wage in accordance with schedule C of 881  
section 124.15 or schedule E-2 of section 124.152 of the Revised 882  
Code and whose primary duties do not require the exercise of 883  
administrative discretion; or any member of a board, commission, 884  
or bureau of any county or city who receives less than one 885  
thousand dollars per year for serving in that position. 886

Sec. 102.021. (A)(1) For the twenty-four month period 887  
immediately following the end of the former state elected 888  
officer's or staff member's service or public employment, except 889  
as provided in division (B) or (D) of this section, each former 890  
state elected officer or staff member who filed or was required to 891  
file a disclosure statement under section 102.02 of the Revised 892  
Code shall file, on or before the deadlines specified in division 893  
(D) of this section, with the joint legislative ethics committee a 894  
statement that shall include the information described in 895  
divisions (A)(2), (3), (4), and (5) of this section, as 896  
applicable. The statement shall be filed on a form and in the 897  
manner specified by the joint legislative ethics committee. This 898

division does not apply to a state elected officer or staff member 899  
who filed or was required to file a disclosure statement under 900  
section 102.02 of the Revised Code, who leaves service or public 901  
employment, and who takes another position as a state elected 902  
officer or staff member who files or is required to file a 903  
disclosure statement under that section. 904

No person shall fail to file, on or before the deadlines 905  
specified in division (D) of this section, a statement that is 906  
required by this division. 907

(2) The statement referred to in division (A)(1) of this 908  
section shall describe the source of all income received, in the 909  
former state elected officer's or staff member's own name or by 910  
any other person for the person's use or benefit, and briefly 911  
describe the nature of the services for which the income was 912  
received if the source of the income was any of the following: 913

(a) An executive agency lobbyist or a legislative agent; 914

(b) The employer of an executive agency lobbyist or 915  
legislative agent, except that this division does not apply if the 916  
employer is any state agency or political subdivision of the 917  
state; 918

(c) Any entity, association, or business that, at any time 919  
during the two immediately preceding calendar years, was awarded 920  
one or more contracts by one or more state agencies that in the 921  
aggregate had a value of one hundred thousand dollars or more, or 922  
bid on one or more contracts to be awarded by one or more state 923  
agencies that in the aggregate had a value of one hundred thousand 924  
dollars or more. 925

(3) If the former state elected officer or staff member 926  
received no income as described in division (A)(2) of this 927  
section, the statement referred to in division (A)(1) of this 928

section shall indicate that fact.

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(4) If the former state elected officer or staff member directly or indirectly made, either separately or in combination with another, any expenditure or gift for transportation, lodging, or food or beverages to, at the request of, for the benefit of, or on behalf of any public officer or employee, and if the former state elected officer or staff member would be required to report the expenditure or gift in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made, the statement referred to in division (A)(1) of this section shall include all information relative to that gift or expenditure that would be required in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made.

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(5) If the former state elected officer or staff member made no expenditure or gift as described in division (A)(4) of this section, the statement referred to in division (A)(1) of this section shall indicate that fact.

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(B) If, at any time during the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, a former state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code becomes a legislative agent or an executive agency lobbyist, the former state elected officer or staff member shall comply with all registration and filing requirements set forth in sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, and, the former state elected officer or

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staff member also shall file a statement under division (A)(1) of this section except that the statement filed under division (A)(1) of this section does not need to include information regarding any income source, expenditure, or gift to the extent that that information was included in any registration or statement filed under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code.

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(C) Except as otherwise provided in this division, division (A)(2) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in this division to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in this division to disclose in the brief description of the nature of services required by division (A)(2) of this section any information

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pertaining to specific professional services rendered for a 993  
client, patient, or other recipient of professional services that 994  
would reveal details of the subject matter for which legal, 995  
medical, or professional advice was sought or would reveal an 996  
otherwise privileged communication involving the client, patient, 997  
or other recipient of professional services. 998

(D)(1) Each state elected officer or staff member who filed 999  
or was required to file a disclosure statement under section 1000  
102.02 of the Revised Code and who leaves public service or public 1001  
employment shall file an initial statement under division (A)(1) 1002  
of this section not later than the day on which the former state 1003  
elected officer or staff member leaves public service or public 1004  
employment. The initial statement shall specify whether the person 1005  
will, or will not, receive any income from a source described in 1006  
division (A)(2)(a), (b), or (c) of this section. 1007

If a person files an initial statement under this division 1008  
that states that the person will receive income from a source 1009  
described in division (A)(2)(a), (b), or (c) of this section, the 1010  
person is required to file statements under division (A)(2), (3), 1011  
(4), or (5) of this section at the times specified in division 1012  
(D)(2) of this section. 1013

If a person files an initial statement under this division 1014  
that states that the person will not receive income from a source 1015  
described in division (A)(2)(a), (b), or (c) of this section, 1016  
except as otherwise provided in this division, the person is not 1017  
required to file statements under division (A)(2), (4), or (5) of 1018  
this section or to file subsequent statements under division 1019  
(A)(3) of this section. If a person files an initial statement 1020  
under this division that states that the person will not receive 1021  
income from a source described in division (A)(2)(a), (b), or (c) 1022  
of this section, and, subsequent to the filing of that initial 1023  
statement, the person receives any income from a source described 1024

in division (A)(2)(a), (b), or (c) of this section, the person 1025  
within ten days shall file a statement under division (A)(2) of 1026  
this section that contains the information described in that 1027  
division, and the person thereafter shall file statements under 1028  
division (A)(2), (3), (4), or (5) of this section at the times 1029  
specified in division (D)(2) of this section. 1030

(2) After the filing of the initial statement under division 1031  
(D)(1) of this section, each person required to file a statement 1032  
under division (A)(2), (3), (4), or (5) of this section shall file 1033  
it on or before the last calendar day of January, May, and 1034  
September. The statements described in divisions (A)(2), (3), and 1035  
(5) of this section shall relate to the sources of income the 1036  
person received in the immediately preceding filing period from 1037  
each source of income in each of the categories listed in division 1038  
(A)(2) of this section. The statement described in division (A)(4) 1039  
of this section shall include any information required to be 1040  
reported regarding expenditures and gifts of the type described in 1041  
division (A)(4) of this section occurring since the filing of the 1042  
immediately preceding statement. 1043

If, pursuant to this division, a person files a statement 1044  
under division (A)(2) of this section, the person is required to 1045  
file statements under division (A)(4) of this section, and 1046  
subsequent statements under division (A)(2), (3), or (5) of this 1047  
section, at the times specified in this division. In addition, if, 1048  
subsequent to the filing of the statement under division (A)(2) of 1049  
this section, the person receives any income from a source 1050  
described in division (A)(2)(a), (b), or (c) of this section that 1051  
was not listed on the statement filed under division (A)(2) of 1052  
this section, the person within ten days shall file a statement 1053  
under division (A)(2) of this section that contains the 1054  
information described in that division regarding the new income 1055  
source. 1056

If, pursuant to this division, a person files a statement 1057  
under division (A)(3) of this section, except as otherwise 1058  
provided in this division, the person thereafter is not required 1059  
to file statements under division (A)(2), (4), or (5) of this 1060  
section, or to file subsequent statements under division (A)(3) of 1061  
this section. If, subsequent to the filing of the statement under 1062  
division (A)(3) of this section, the person receives any income 1063  
from a source described in division (A)(2)(a), (b), or (c) of this 1064  
section, the person within ten days shall file a statement under 1065  
division (A)(2) of this section that contains the information 1066  
described in that division regarding the new income source, and 1067  
the person thereafter shall file statements under division (A)(4) 1068  
of this section, and subsequent statements under division (A)(2) 1069  
or (3) of this section, at the times specified in this division. 1070

(3) No fee shall be required for filing an initial statement 1071  
under division (D)(1) of this section. The person filing a 1072  
statement under division (D)(2) of this section that is required 1073  
to be filed on or before the last calendar day of January, May, 1074  
and September shall pay a ten dollar filing fee with each such 1075  
statement not to exceed thirty dollars in any calendar year. The 1076  
joint legislative ethics committee may charge late fees in the 1077  
same manner as specified in division (G) of section 101.72 of the 1078  
Revised Code. 1079

(E) Any state elected officer or staff member who filed or 1080  
was required to file a disclosure statement under section 102.02 1081  
of the Revised Code and who leaves public service or public 1082  
employment shall provide a forwarding address to the officer's or 1083  
staff member's last employer, and the employer shall provide the 1084  
person's name and address to the joint legislative ethics 1085  
committee. The former elected state officer or staff member shall 1086  
provide updated forwarding addresses as necessary to the joint 1087  
legislative ethics committee during the twenty-four month period 1088

during which division (A)(1) of this section applies. The public 1089  
agency or appointing authority that was the last employer of a 1090  
person required to file a statement under division (A)(2) of this 1091  
section shall furnish to the person a copy of the form needed to 1092  
complete the initial statement required under division (D)(1) of 1093  
this section. 1094

(F) During the twenty-four month period immediately following 1095  
the end of the former state elected officer's or staff member's 1096  
service or public employment, no person required to file a 1097  
statement under this section shall receive from a source described 1098  
in division (A)(2)(a), (b), or (c) of this section, and no source 1099  
described in division (A)(2)(a), (b), or (c) of this section shall 1100  
pay to that person, any compensation that is contingent in any way 1101  
upon the introduction, modification, passage, or defeat of any 1102  
legislation or the outcome of any executive agency decision. 1103

(G) As used in this section "state elected officer or staff 1104  
member" means any elected officer of this state, any staff, as 1105  
defined in section 101.70 of the Revised Code, or any staff, as 1106  
defined in section 121.60 of the Revised Code. 1107

**Sec. 102.031.** (A) As used in this section: 1108

~~(1) "Actively advocating," "employer," "financial~~ 1109  
~~transaction," "legislation," and "legislative agent" have the same~~ 1110  
~~meanings as in section 101.70 of the Revised Code.~~ 1111

~~(2) "Business associate" means a person with whom a member of~~ 1112  
~~the general assembly is conducting or undertaking a financial~~ 1113  
~~transaction.~~ 1114

~~(3)(2) "Contribution" has the same meaning as in section~~ 1115  
~~3517.01 of the Revised Code.~~ 1116

~~(4)(3) "Employee" does not include a member of the general~~ 1117  
~~assembly whose nonlegislative position of employment does not~~ 1118

involve the performance of or the authority to perform 1119  
administrative or supervisory functions; or whose nonlegislative 1120  
position of employment, if the member is a public employee, does 1121  
not involve a substantial and material exercise of administrative 1122  
discretion in the formulation of public policy, expenditure of 1123  
public funds, enforcement of laws and rules of the state or a 1124  
county or city, or execution of other public trusts. 1125

(B) No member of the general assembly shall vote on any 1126  
legislation that the member knows is then being actively advocated 1127  
if the member is one of the following with respect to a 1128  
legislative agent or employer that is then actively advocating on 1129  
that legislation: 1130

(1) An employee; 1131

(2) A business associate; 1132

(3) A person, other than an employee, who is hired under 1133  
contract to perform certain services, and ~~such~~ that position 1134  
involves a substantial and material exercise of administrative 1135  
discretion in the formulation of public policy. 1136

(C) No member of the general assembly shall knowingly accept 1137  
any of the following from a legislative agent or a person required 1138  
to file a statement described in division (A)(2) of section 1139  
102.021 of the Revised Code: 1140

(1) The payment of any expenses for travel or lodging except 1141  
as otherwise authorized by division (H) of section 102.03 of the 1142  
Revised Code; 1143

(2) More than seventy-five dollars aggregated per calendar 1144  
year as payment for meals and other food and beverages, other than 1145  
for those meals and other food and beverages provided to the 1146  
member at a meeting at which the member participates in a panel, 1147  
seminar, or speaking engagement, at a meeting or convention of a 1148  
national organization to which any state agency, including, but 1149

not limited to, any legislative agency or state institution of 1150  
higher education as defined in section 3345.011 of the Revised 1151  
Code, pays membership dues, or at a dinner, party, or function to 1152  
which all members of the general assembly or all members of either 1153  
house of the general assembly are invited; 1154

(3) A gift of any amount in the form of cash or the 1155  
equivalent of cash, or a gift of any other thing of value whose 1156  
value exceeds seventy-five dollars. As used in division (C)(3) of 1157  
this section, "gift" does not include any contribution or any 1158  
gifts of meals and other food and beverages or the payment of 1159  
expenses incurred for travel to destinations either inside or 1160  
outside this state that is received by ~~the~~ a member of the general 1161  
assembly and that is incurred in connection with the member's 1162  
official duties. 1163

(D) It is not a violation of division (C)(2) of this section 1164  
if, within sixty days after receiving notice from a legislative 1165  
agent that the legislative agent has provided a member of the 1166  
general assembly with more than seventy-five dollars aggregated in 1167  
a calendar year as payment for meals and other food and beverages, 1168  
the member of the general assembly returns to that legislative 1169  
agent the amount received that exceeds seventy-five dollars. 1170

(E) The joint legislative ethics committee may impose a fine 1171  
of not more than one thousand dollars upon a member of the general 1172  
assembly who violates division (B) of this section. 1173

**Sec. 102.06.** (A) The appropriate ethics commission shall 1174  
receive and may initiate complaints against persons subject to 1175  
~~Chapter 102. of the Revised Code~~ this chapter concerning conduct 1176  
alleged to be in violation of this chapter or section 2921.42 or 1177  
2921.43 of the Revised Code. All complaints except those by the 1178  
commission shall be by affidavit made on personal knowledge, 1179  
subject to the penalties of perjury. Complaints by the commission 1180

shall be by affidavit, based upon reasonable cause to believe that 1181  
a violation has occurred. 1182

(B) The appropriate ethics commission shall investigate 1183  
complaints, may investigate charges presented to it, and may 1184  
request further information, including the specific amount of 1185  
income from a source, from any person filing with the commission a 1186  
statement required by section 102.02 or 102.021 of the Revised 1187  
Code, if the information sought is directly relevant to a 1188  
complaint or charges received by the commission pursuant to this 1189  
section. This information is confidential, except that the 1190  
commission, ~~at~~ in its discretion, may share information gathered 1191  
in the course of any investigation with, or disclose the 1192  
information to, the inspector general, any appropriate prosecuting 1193  
authority, any law enforcement agency, or any other appropriate 1194  
ethics commission. If the accused person is a member of the public 1195  
employees retirement board, state teachers retirement board, 1196  
school employees retirement board, board of trustees of the Ohio 1197  
police and fire pension fund, or state highway patrol retirement 1198  
board, the commission, ~~at~~ in its discretion, also may share 1199  
information gathered in the course of an investigation with, or 1200  
disclose the information to, the attorney general and the auditor 1201  
of state. The person so requested shall furnish the information to 1202  
the commission, unless within fifteen days from the date of the 1203  
request the person files an action for declaratory judgment 1204  
challenging the legitimacy of the request in the court of common 1205  
pleas of the county of the person's residence, the person's place 1206  
of employment, or Franklin county. The requested information need 1207  
not be furnished to the commission during the pendency of the 1208  
judicial proceedings. Proceedings of the commission in connection 1209  
with the declaratory judgment action shall be kept confidential 1210  
except as otherwise provided by this section. Before the 1211  
commission proceeds to take any formal action against a person who 1212  
is the subject of an investigation based on charges presented to 1213

the commission, a complaint shall be filed against the person. If 1214  
the commission finds that a complaint is not frivolous, and there 1215  
is reasonable cause to believe that the facts alleged in a 1216  
complaint constitute a violation of section 102.02, 102.021, 1217  
102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, 1218  
it shall hold a hearing. If the commission does not so find, it 1219  
shall dismiss the complaint and notify the accused person in 1220  
writing of the dismissal of the complaint. The commission shall 1221  
not make a report of its finding unless the accused person 1222  
requests a report. Upon the request of the accused person, the 1223  
commission shall make a public report of its finding. The person 1224  
against whom the complaint is directed shall be given reasonable 1225  
notice by certified mail of the date, time, and place of the 1226  
hearing and a statement of the charges and the law directly 1227  
involved and shall be given the opportunity to be represented by 1228  
counsel, to have counsel appointed for the person if the person is 1229  
unable to afford counsel without undue hardship, to examine the 1230  
evidence against the person, to produce evidence and to call and 1231  
subpoena witnesses in the person's defense, to confront the 1232  
person's accusers, and to cross-examine witnesses. The commission 1233  
shall have a stenographic record made of the hearing. The hearing 1234  
shall be closed to the public. 1235

(C)(1)(a) If, upon the basis of the hearing, the appropriate 1236  
ethics commission finds by a preponderance of the evidence that 1237  
the facts alleged in the complaint are true and constitute a 1238  
violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 1239  
2921.42, or 2921.43 of the Revised Code, it shall report its 1240  
findings to the appropriate prosecuting authority for proceedings 1241  
in prosecution of the violation and to the appointing or employing 1242  
authority of the accused. If the accused person is a member of the 1243  
public employees retirement board, state teachers retirement 1244  
board, school employees retirement board, board of trustees of the 1245  
Ohio police and fire pension fund, or state highway patrol 1246



retirement board, the commission also shall report its findings to 1247  
the Ohio retirement study council. 1248

(b) If the Ohio ethics commission reports its findings to the 1249  
appropriate prosecuting authority under division (C)(1)(a) of this 1250  
section and the prosecuting authority has not initiated any 1251  
official action on those findings within ninety days after 1252  
receiving the commission's report of them, ~~then~~ the commission may 1253  
publicly comment that no official action has been taken on its 1254  
findings, except that the commission shall make no comment in 1255  
violation of the Rules of Criminal Procedure or about any 1256  
indictment that has been sealed pursuant to any law or those 1257  
rules. The commission shall make no comment regarding the merits 1258  
of its findings. As used in division (C)(1)(b) of this section, 1259  
"official action" means prosecution, closure after investigation, 1260  
or grand jury action resulting in a true bill of indictment or no 1261  
true bill of indictment. 1262

(2) If the appropriate ethics commission does not find by a 1263  
preponderance of the evidence that the facts alleged in the 1264  
complaint are true and constitute a violation of section 102.02, 1265  
102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the 1266  
Revised Code or if the commission has not scheduled a hearing 1267  
within ninety days after the complaint is filed or has not finally 1268  
disposed of the complaint within six months after it has been 1269  
heard, it shall dismiss the complaint and notify the accused 1270  
person in writing of the dismissal of the complaint. The 1271  
commission shall not make a report of its finding unless the 1272  
accused person requests a report. Upon the request of the accused 1273  
person, the commission shall make a public report of the finding, 1274  
but in this case all evidence and the record of the hearing shall 1275  
remain confidential unless the accused person also requests that 1276  
the evidence and record be made public. Upon request by the 1277  
accused person, the commission shall make the evidence and the 1278

record available for public inspection. 1279

(D) The appropriate ethics commission, or a member of the 1280  
commission, may administer oaths, and the commission may issue 1281  
subpoenas to any person in the state compelling the attendance of 1282  
witnesses and the production of relevant papers, books, accounts, 1283  
and records. The commission shall issue subpoenas to compel the 1284  
attendance of witnesses and the production of documents upon the 1285  
request of an accused person. Section 101.42 of the Revised Code 1286  
shall govern the issuance of these subpoenas insofar as 1287  
applicable. Upon the refusal of any person to obey a subpoena or 1288  
to be sworn or to answer as a witness, the commission may apply to 1289  
the court of common pleas of Franklin county under section 2705.03 1290  
of the Revised Code. The court shall hold proceedings in 1291  
accordance with Chapter 2705. of the Revised Code. The commission 1292  
or the accused person may take the depositions of witnesses 1293  
residing within or without the state in the same manner as 1294  
prescribed by law for the taking of depositions in civil actions 1295  
in the court of common pleas. 1296

(E) At least once each year, the Ohio ethics commission shall 1297  
report on its activities of the immediately preceding year to the 1298  
majority and minority leaders of the senate and house of 1299  
representatives of the general assembly. The report shall indicate 1300  
the total number of complaints received, initiated, and 1301  
investigated by the commission, the total number of complaints for 1302  
which formal hearings were held, and the total number of 1303  
complaints for which formal prosecution was recommended or 1304  
requested by the commission. The report also shall indicate the 1305  
nature of the inappropriate conduct alleged in each complaint and 1306  
the governmental entity with which any employee or official that 1307  
is the subject of a complaint was employed at the time of the 1308  
alleged inappropriate conduct. 1309

(F) All papers, records, affidavits, and documents upon any 1310

complaint, inquiry, or investigation relating to the proceedings 1311  
of the appropriate ethics commission shall be sealed and are 1312  
private and confidential, except as otherwise provided in this 1313  
section and section 102.07 of the Revised Code. 1314

(G)(1) When a complaint or charge is before it, the Ohio 1315  
ethics commission or the appropriate prosecuting authority, in 1316  
consultation with the person filing the complaint or charge, the 1317  
accused, and any other person the commission or prosecuting 1318  
authority considers necessary, may compromise or settle the 1319  
complaint or charge with the agreement of the accused. The 1320  
compromise or settlement may include mediation, restitution, 1321  
rescission of affected contracts, forfeiture of any benefits 1322  
resulting from a violation or potential violation of law, 1323  
resignation of a public official or employee, or any other relief 1324  
that is agreed upon between the commission or prosecuting 1325  
authority and the accused. 1326

(2) Any settlement agreement entered into under division 1327  
(G)(1) of this section shall be in writing and be accompanied by a 1328  
statement of the findings of the commission or prosecuting 1329  
authority and the reasons for entering into the agreement. The 1330  
commission or prosecuting authority shall retain the agreement and 1331  
statement in the commission's or prosecuting authority's office 1332  
and, in the commission's or prosecuting authority's discretion, 1333  
may make the agreement, the statement, and any supporting 1334  
information public, unless the agreement provides otherwise. 1335

(3) If a settlement agreement is breached by the accused, the 1336  
commission or prosecuting authority, in the commission's or 1337  
prosecuting authority's discretion, may rescind the agreement and 1338  
reinstitute any investigation, hearing, or prosecution of the 1339  
accused. No information obtained from the accused in reaching the 1340  
settlement that is not otherwise discoverable from the accused 1341  
shall be used in any proceeding before the commission or by the 1342

appropriate prosecuting authority in prosecuting the violation. 1343  
Notwithstanding any other section of the Revised Code, if a 1344  
settlement agreement is breached, any statute of limitations for a 1345  
violation of this chapter or section 2921.42 or 2921.43 of the 1346  
Revised Code is tolled from the date the complaint or charge is 1347  
filed until the date the settlement agreement is breached. 1348

**Sec. 102.99.** (A) Whoever violates division (C) of section 1349  
102.02~~7~~ or division (C) of section 102.031~~7~~ of the Revised Code is 1350  
guilty of a misdemeanor of the fourth degree. 1351

(B) Whoever violates division (D) of section 102.02 or 1352  
section 102.021, 102.03, 102.04, or 102.07 of the Revised Code is 1353  
guilty of a misdemeanor of the first degree. 1354

**Sec. 2961.02.** (A) As used in this section: 1355

(1) "Disqualifying offense" means an offense that has both of 1356  
the following characteristics: 1357

(a) It is one of the following: 1358

(i) A theft offense that is a felony; 1359

(ii) A felony under the laws of this state, another state, or 1360  
the United States, that is not covered by division (A)(1)(a)(i) of 1361  
this section and that involves fraud, deceit, or theft. 1362

(b) It is an offense for which the laws of this state, 1363  
another state, or the United States do not otherwise contain a 1364  
provision specifying permanent disqualification, or 1365  
disqualification for a specified period, from holding a public 1366  
office or position of public employment, or from serving as an 1367  
unpaid volunteer, as a result of conviction of the offense, 1368  
including, but not limited to, a provision such as that in 1369  
division (C)(1) of section 2921.41 of the Revised Code. 1370

(2) "Political subdivision" has the same meaning as in 1371

<u>section 2744.01 of the Revised Code.</u>	1372
<u>(3) "Private entity" includes an individual, corporation,</u>	1373
<u>limited liability company, business trust, estate, trust,</u>	1374
<u>partnership, or association that receives any funds from a state</u>	1375
<u>agency or political subdivision to perform an activity on behalf</u>	1376
<u>of the state agency or political subdivision.</u>	1377
<u>(4) "State agency" has the same meaning as in section 1.60 of</u>	1378
<u>the Revised Code.</u>	1379
<u>(5) "Theft offense" has the same meaning as in section</u>	1380
<u>2913.01 of the Revised Code.</u>	1381
<u>(6) "Volunteer" means a person who serves as a volunteer</u>	1382
<u>without compensation with a state agency or political subdivision</u>	1383
<u>or who serves as a volunteer without compensation with a private</u>	1384
<u>entity, including, but not limited to, an uncompensated auxiliary</u>	1385
<u>police officer, auxiliary deputy sheriff, or volunteer</u>	1386
<u>firefighter.</u>	1387
<u>(B) Any person who is convicted of a disqualifying offense is</u>	1388
<u>incompetent to hold a public office or position of public</u>	1389
<u>employment or to serve as a volunteer, if holding the public</u>	1390
<u>office or position of public employment or serving as the</u>	1391
<u>volunteer involves substantial management or control over the</u>	1392
<u>property of a state agency, political subdivision, or private</u>	1393
<u>entity.</u>	1394
<u>(C) Division (B) of this section does not apply if a</u>	1395
<u>conviction of a disqualifying offense is reversed, expunged, or</u>	1396
<u>annulled. The full pardon of a person convicted of a disqualifying</u>	1397
<u>offense restores the privileges forfeited under division (B) of</u>	1398
<u>this section, but the pardon does not release the person from the</u>	1399
<u>costs of the person's conviction in this state, unless so</u>	1400
<u>specified.</u>	1401

**Section 2.** That existing sections 101.34, 102.01, 102.02, 1402  
102.031, 102.06, and 102.99 of the Revised Code are hereby 1403  
repealed. 1404

**Section 3.** The statement described in division (A)(1) of 1405  
section 102.021 of the Revised Code shall be filed by any state 1406  
elected officer or staff member, as defined in division (G) of 1407  
that section, who leaves service or public employment on or after 1408  
the effective date of this act. 1409

**Section 4.** Sections 102.01 and 102.99 of the Revised Code are 1410  
presented in this act as a composite of the sections as amended by 1411  
both Am. Sub. H.B. 285 and Am. Sub. H.B. 492 of the 120th General 1412  
Assembly. Section 102.02 of the Revised Code is presented in this 1413  
act as a composite of the section as amended by both Sub. S.B. 133 1414  
and Am. Sub. S.B. 189 of the 125th General Assembly. The General 1415  
Assembly, applying the principle stated in division (B) of section 1416  
1.52 of the Revised Code that amendments are to be harmonized if 1417  
reasonably capable of simultaneous operation, finds that the 1418  
composites are the resulting versions of the sections in effect 1419  
prior to the effective date of the sections as presented in this 1420  
act. 1421