



Ohio Administrative Code Rule 3379-9-02 Conflict of interest reports.

Effective: February 21, 2019

(A) Each council member will file with the executive director and chair of the council at such date as determined by the council (and in the case of new members of the council within sixty days following their appointment by the governor), a statement listing his or her employment by or interest in (financial or otherwise) organizations eligible for council support. Such statement shall be kept current to reflect any substantial changes.

(B) A council member shall not submit an application for council funds, or any report required by the council on behalf of an organization which employs him or her or in which he or she has an interest.

(C) Council officials and employees must, at all times, comply with the ethics law (Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code) as interpreted by the courts and Ohio ethics commission, and fully described in commission advisory opinions to the council.

(D) If an officer, board member or employee of an organization serves on council, the council member is prohibited from having an interest in the organization's receipt of financial support from the council unless the council member shows that he or she meets a four-part exception to the public contract restrictions in the ethics law, set forth in division (C) of section 2921.42 of the Revised Code.

(E) In order to meet one of the requirements (division (C)(2) of section 2921.42 of the Revised Code), the council member would have to show that:

(1) The advisory panel conducts an independent review of all applications using the same level of scrutiny;

(2) The organization meets the eligibility requirements to receive a grant;



(3) The organization's score is above the cutoff point for funding if one has been established by the council;

(4) The organization receives a funding amount based on an objective formula; and

(5) All other applicants whose scores are above the cutoff point also receive funding based on the same formula.

(F) Council members who are employees of organizations, colleges, or universities that receive financial support from the council shall not receive any definite and direct profit, such as a fee, commission, or compensation, from the proceeds of any council grants awarded to the organizations or institutions by which they are employed.

(G) A council member is prohibited from participating in an activity financially supported by the council, regardless of whether the council member receives a definite and direct benefit from the council funds for his or her participation, unless the council member meets the four-part exception set forth in division (C) of section 2921.42 of the Revised Code and fully explained in the commissions advisory opinions.

(H) When the application of a particular grantee organization, by which a council member is employed or in which he or she has an interest, is discussed by the council, such council member shall refrain from participating in such discussions and shall also refrain from voting on the funding of such applications.

(I) Council members shall make every reasonable effort to act without self-interest on all applications submitted to the council, recognizing that loyalties to a particular geographic area, arts discipline, institution, or specific interest group, must be subjugated to the broader purpose of acting in the best interests of state-wide arts promotion and development.