

Urgent Media Inquiry re: 2011 FDS

Wednesday, April 25, 2012 8:10 AM

From:

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To:

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Cc:

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"Jennifer Lockwood" <Jennifer.Lockwood@jlec.state.oh.us>

Dear Mr. Hodai

Thank you for taking the time to speak with the Office of the Legislative Inspector General/Joint Legislative Ethics Committee concerning the participation of Ohio's legislature in national policy conferences. On Monday April 23, 2012, you submitted a significant number of documents to us for review relative to an organization to which the Ohio General Assembly pays membership dues. Given the volume of the records, I am not prepared to address them in their entirety. However, given that you submitted an inquiry via email late yesterday to one or more Ohio legislators concerning an April 29, 2011 baseball game, I feel compelled to address the specific question you pose in your email to these Ohio legislators. That question being why they did not disclose certain baseball tickets on their 2011 Financial Disclosure Statement.

Pursuant to Ohio Revised Code section 101.34, the Ohio Joint Legislative Ethics Committee is the advisory body to the Ohio General Assembly and to individual members, candidates, and employees on questions relating to ethics, possible conflicts of interest, and financial disclosure. The Joint Legislative Ethics Committee is the designated authority relative to Ohio's ethics laws as applied to members of the Ohio General Assembly. Ohio law provides that when the Joint Legislative Ethics Committee renders an advisory opinion that has been publicly sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on the facts and circumstances covered by the opinion, if the opinion states that there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code.

In 1995, the Joint Legislative Ethics Committee issued Advisory Opinion 95-007 concerning attendance by Ohio legislators at events hosted by national organizations to which Ohio government agencies pay dues. This opinion addresses not only meals and beverages, but also recreational events and activities hosted by the national organization in conjunction with a meeting of that organization. Those legislators who attended the April 29, 2011 baseball game as part of the ALEC meeting program

were similarly situated and relied on this opinion.

The April 29, 2011 baseball game was hosted by the American Legislative Exchange Council as part of its 2011 Spring Task Force Summit in Cincinnati, Ohio. The invitation to the baseball game was part of the official meeting program. Tickets were available at the ALEC registration check in. The invitation begins with the words "Please join ALEC . . ." . Although Time Warner Cable (TWC) is listed as a sponsor of the game and Mr. Ed Kozelek, a legislative agent for TWC, was involved in obtaining tickets on behalf of ALEC; his participation does not alter the fact that this was an ALEC meeting event. TWC is a member of ALEC. Mr. Kozelek is the Private Sector State Chairman for ALEC in Ohio. Ohio was the site of the 2011 Spring Task Force Summit. It is important to note that the baseball game was not an event sponsored by an entity acting apart from the national organization to which Ohio pays membership dues. ALEC obtained a sponsor for this baseball game and then included the event as part of its Spring Task Force Summit.

A legislator who accepted tickets to the April 29, 2011 baseball game as part of the registration for the Spring Task Force Summit was under no legal obligation to disclose the tickets on his or her 2011 Financial Disclosure Statement. This conclusion of law is based on Advisory Opinion 95-007 which is controlling precedent for this office and on which the legislators relied. Disclosure by some legislators of the April 29 game does not trigger a reporting obligation by all those in attendance.

Sincerely,

Tony Bledsoe
Legislative Inspector General
Joint Legislative Ethics Committee

CC: Jennifer Lockwood, Ethics Advisory Attorney

Pete Russell, JLEC General Counsel

Michael Lenzo, House Majority Counsel

Frank Strigari, Senate Majority Counsel

Sarah Cherry, House Minority Counsel