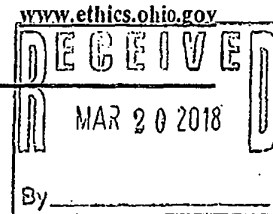


Merom Brachman, *Chairman*
Megan C. Kelley, *Vice Chair*
Bruce E. Bailey
Julie A. Rutter
Elizabeth E. Tracy
Mark A. Vander Laan

Paul M. Nick
Executive Director



OHIO ETHICS COMMISSION
William Green Building
30 West Spring Street, L3
Columbus, Ohio 43215-2256
Telephone: (614) 466-7090
Fax: (614) 466-8368



March 12, 2018

Willa Hemmons, Law Director
City of East Cleveland
14340 Euclid Avenue
East Cleveland, Ohio 44112

Dear Ms. Hemmons:

On March 8, 2018, the Ohio Ethics Commission received your letter seeking any comments from our Office on a legal opinion that you wrote on February 23, 2018, to Mayor Brandon L. King.

In a subsequent telephone call, you stated that you are aware of the earlier staff advisory opinions that our Office sent to Mr. King. I have enclosed these opinions for your reference. In the telephone call you asked for a clarification on the issue of the city's ability to purchase goods from a business that is currently operated by his brother: American Merchandising Services (AMS). You also asked for confirmation regarding the advice that you provided to Mr. King on the renewal of the city's lease of property from King Management Group, Ltd., where Mr. King is a managing partner.

The City's Contract With AMS—R.C. 2921.42(A)(1) and R.C. 102.03(D)

R.C. 2921.42(A)(1) prohibits a public official from "authorizing" a public contract in which a family member has an interest. R.C. 102.03(D) prohibits a public member using the authority or influence of his public position to secure anything of value or the promise or offer of anything of value for a family member.

In your legal opinion to Mr. King, you stated that the city makes spot-purchases from AMS, but there is no formal contract between the city and AMS. You stated in your telephone call that no action is required by the mayor for the city's purchase of goods from AMS.

Willa Hemmons
March 12, 2018
Page 2

In your legal opinion, you advised Mr. King that he is prohibited from authorizing a public contract to AMS. Your advice properly applies the R.C. 2921.42(A)(1) and R.C. 102.03(D) prohibitions, but it should be stressed even though that no action is required by Mr. King regarding the city's spot-purchases from AMS, he is prohibited from using his authority or influence over other city officials and employees in any way to secure city purchases from AMS.

Therefore, R.C. 2921.42(A)(1) and R.C. 102.03(D) prohibit Mr. King from discussing the purchases, recommending AMS to other city officials or employees, using his position of authority over subordinate city personnel, or taking any other formal or informal actions to secure purchases from AMS.

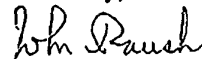
The City's Lease with King Management Group, Ltd.,

R.C. 2921.42(A)(4) prohibits a public official from having an interest in a public contract with his own political subdivision.

In your legal opinion, you stated that even if an automatic renewal could meet the Division (C) exception to the R.C. 2921.42(A)(4) prohibition, you advised Mr. King that he should divest himself of his role of managing partner in KMG as well as the receipt of any profit or benefit he receives from the city's lease with KMG as soon as practicable before the current city lease with KMG terminates on February 28, 2019. Your advice will effectively avoid any possible conflicts under the Ethics Laws and will aid in avoiding any possible appearances of impropriety.

This letter is limited to questions arising under Revised Code Chapter 102. and Sections 2921.42 and 2921.43 and does not purport to interpret other laws or rules. This letter is not an advisory opinion. It serves only to inform you about the Ethics Law and Commission precedent and does not reach any conclusions as to the specific facts in the situations that you have set forth. I hope this information is helpful to you.

Sincerely,



John Rawski

Staff Advisory Attorney

Enclosures: Staff Advisory Opinion issued to Brandon King (March 20, 2014)
Two Staff Advisory Opinions issued to Brandon King (December 15, 2016)
Correspondence from Mr. King (December 8, 2016)