



# Office of the Prosecuting Attorney Medina County, Ohio

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Peggy Abraham

July 28, 1997

John Stricker, County Administrator  
Medina County Board of Commissioners  
144 N. Broadway  
Medina, Ohio 44256

William Cooper, Chief Building Official  
Medina County Building Department  
144 N. Broadway  
Medina, Ohio 44256

**Re: County Electrical Inspector Conducting Certified Electrical Training Classes**

Dear John and Bill:

Sorry it has taken so long to get back to you in regard to the above matter, but a resolution has taken a considerable amount of research and reviewing of ethical and conflict of interest opinions.

As a result of our research however, it would be our recommendation that county electricians be prohibited from conducting certified electrical training classes within the county, or for electricians who do, or are likely to do business within the county. The Ethical Commission has held that Section 102.03 of the Ohio Revised Code prohibits a public employee from accepting, soliciting, or using the authority or influence of this office or employment to secure anything of value, including outside employment, from a party that is interested in matters before, or regulated by, or doing or seeking to do business with the agency which he serves.

The Ethical Commission has interpreted Section 102.03 to provide a public employee can accept a thing of value from such a party only if:

1. The public employee has not used the authority or influence of this position to secure the "thing of value," and

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2. The public employee performs no duty affecting the party; or
3. Is capable of withdrawing from matters without interference to exercising official duties of its position.

As a result of the above position, and the opinions interpreting such situations, it would be our opinion that clearly a local electrician could not teach training courses for local electrical contractors who would be doing business with the county since he would be performing duties affecting the parties, and he would be incapable of withdrawing from matters without interfering with the exercise of the official duties of his position.

He could of course, continue to teach classes in other counties where he in effect, is not a public employee. While there may be at times situations developed where a contractor who he has taught in another county then comes into Medina County, we believe that those situations can be dealt with under the exception set forth above. As a general rule however, such teaching should not constitute a problem.

If we can be of any further assistance, please feel free to advise.

Very truly yours,

DEAN HOLMAN  
Medina County Prosecutor



WILLIAM L. THORNE  
Assistant Prosecutor