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October 2, 2026

Rick A. Hudson
803 South Vermont Ave.
Wellston, OH 45692

Dear Mr. Hudson,

On September 21, 2026, the Ohio Ethics Commission received your request for an advisory opinion.

Key Facts

In your letter and follow-up email, you stated:

- You are the president of the Wellston City Council;
- Your son-in-law, Officer Brent Derrow, is currently an active member of the Wellston Police Department;
- Your son-in-law does not reside in your household;
- City Council is currently examining budget measures which could necessitate a reduction in force for the police department.

Questions Presented

1. Must you recuse yourself from participation in meetings, discussions, votes, etc., concerning the police department's budget and potential staff layoffs?
2. If recusal is required, is your attendance permitted during the discussions, votes, etc. from which you are recused?

Brief Answers

1. No, because your son-in-law does not reside in your household he does not meet the definition of a family member and you have no obligation to recuse yourself from participation in matters concerning the police department's budget and potential staff layoffs.
2. Because you are not required to recuse yourself from participation in these matters, this question was not reached.

The Ohio Ethics Law and related statutes do not prohibit family members from serving the same public agency or political subdivision.¹ However, every official and employee of a public agency is prohibited from using his or her authority or influence to secure a job, or job-related benefits, for a family member.

Definition of Family Member

The Ethics Commission's definition of "member of a public official's family" includes, but is not limited to, these relatives of an official or employee, regardless of where they live:

1. Parents and step-parents;²
2. Grandparents;
3. Spouse;
4. Domestic partner;³
5. Children and step-children, whether dependent or not;⁴
6. Grandchildren;
7. Siblings.⁵

Any other person related to an official or employee by blood or marriage is a "member of the official's family" if he or she lives in the same household with the official or employee.⁶ For example, if a public official's cousin, uncle or aunt, niece or nephew, or in-law lives in the same household with the official, then that person is a member of the official's family.

You informed the Ethics Commission that your son-in-law does not reside in the same household as you. Because you do not reside in the same household, your son-in-law does not meet the definition of "member of a public official's family."

Therefore, R.C. 2921.42(A)(1) and R.C. 102.03(D) would not prohibit you as president of city council from participating in any way, formally or informally, in the decision-making process that authorizes or approves the budget for the police department employing your son-in-law.⁷

Finally, the Ethics Law and related statutes set *minimum* standards that all public officials and employees are required to meet in order to avoid a violation of a criminal law. Even where a public official or employee meets these minimum standards, members of the public may question the propriety of the public official's actions.

This staff advisory opinion represents the views of the signing advisory attorney, based on the facts presented and the Ethics Commission's past advisory opinions. It is limited to questions arising under R.C. Ch. 102 and R.C. 2921.42 and 2921.43 and does not interpret other laws or rules. Please do not hesitate to contact this office if you have any further questions or to request reconsideration of this opinion under Adm.Code 102-3-07.

Sincerely,



Erich Bittner
Advisory Attorney

CC (via email only): Joseph Kirby, Law Director, City of Wellston

The Ohio Ethics Commission Advisory Opinions referenced in this opinion are available on the Ethics Commission's website: www.ethics.ohio.gov.

¹ In Ohio Ethics Commission Advisory Opinion No. 90-010, the Ethics Commission explained the prohibition of R.C. 2921.42(A)(1): "R.C. 2921.42(A)(1) is not a "no relatives policy" which determines eligibility for employment with a political subdivision on the basis of family relationships. . . . The purpose of R.C. 2921.42(A)(1) is to prevent the possibility that a public official may show favoritism in the exercise of his discretionary, decision-making authority in authorizing a contract for public employment."

² Adv. Op. No. 2008-03 ("[A] step-parent has the same kind of relationship to his or her step-children as step-children have to their step-parents. Therefore, a public official's step-parent is also a member of his or her family.")

³ Adv. Op. No. 2025-01 ("[A] 'domestic partner' is a person living as a spouse. A 'person living as a spouse' means a person who is living with the public official or employee in a common law marital relationship or who otherwise is cohabiting with the public official or employee.")

⁴ Adv. Op. No. 2008-03.

⁵ The Revised Code does not contain a definition of "a member of [the public official's] family" for purposes of the prohibition in R.C. 2921.42(A)(1). The Ethics Commission has defined "a member of [the public official's] family" in several advisory opinions. *See* Adv. Ops. No. 2008-03, 2010-03, and 2025-01.

⁶ Adv. Op. No. 2010-03.

⁷ Adv. Ops. No. 82-003, 89-005, and 90-010.