



# SHAYLA D. FAVOR

## FRANKLIN COUNTY PROSECUTING ATTORNEY

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January 22, 2026

Dave Yost  
Ohio Attorney General  
Opinions Section  
[OpinionsRequest@OhioAttorneyGeneral.gov](mailto:OpinionsRequest@OhioAttorneyGeneral.gov)

Re: Furtherance of Justice Moneys to Fund Per Diem Pay

Dear Attorney General,

I represent the Franklin County Prosecutor's Office. We request that you issue an opinion concerning whether a county prosecuting attorney may use furtherance of justice moneys, law enforcement trust fund moneys, or moneys collected from mandatory drug fines to provide a per diem allowance to cover the cost of an employee's meals while travelling on official business, provided that the employee is required to either (1) certify that the employee's actual meal cost exceeded the per diem allowance; or (2) forego per diem allowance in favor of actual reimbursement of a lesser amount.

In 2017 Op. Att'y Gen. No. 2017-018, the Attorney General opined that furtherance of justice moneys, law enforcement trust fund moneys, or moneys collected from mandatory drug fines could not be used to provide a per diem allowance because it is possible for a per diem allowance to be greater than the actual expense incurred by the employee for meals, and thus not incurred in the performance of official duties and in the furtherance of justice. The Attorney General suggested that payment of a per diem may be allowed where "the office's policy requires that the employee refund any unused portion of the per diem allowance, the moneys could end up being used for a purpose unrelated to purchasing meals." However, he noted, "We question whether a county prosecuting attorney or a county sheriff would implement a per diem allowance program that requires an employee to refund any unused portion of the allowance. This is because the oversight necessary to effectively monitor and enforce such a program makes the program, from a practical standpoint, nearly identical to a policy providing for a reimbursement payment."

In the County's case, we believe paying a per diem would be more cost effective than meal reimbursement for employees traveling on official business, which the Prosecutor Office has determined is an appropriate expenditure. The County's current per diem reimbursement rate is \$44/full day, and proportionately less for partial days or when a meal is provided as part of the conference. Pursuant to the policy, the per diem allowance "is designed to offset the additional cost of travel, and not to entirely pay for the employee's meal and incidental expenses while on

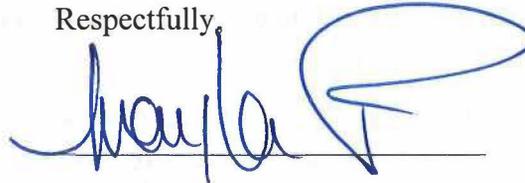
authorized travel status.” By contrast, the lowest per diem set by the U.S. General Services Administration is \$68/full day.

By paying the County’s per diem, which is designed as an offset, not a full reimbursement, the Prosecutor’s Office can be a more careful steward of public funds. Employees would be required to submit a sworn affidavit (example attached as Exhibit A) that they spent in excess of the per diem amount on meal purchases allowed under the Travel Policy. Employees who falsify such affidavits would be subject to termination and a duty to reimburse the office. Employees who spend less would be required to submit receipts in order to be reimbursed the amount of their purchase. These guidelines will ensure that the County is only paying for actual expenses incurred by the employee for meals purchased consistent with the performance of official duties and in the performance of justice.

Under the circumstances set forth above, may the Franklin County Prosecutor’s Office use furtherance of justice moneys, law enforcement trust fund moneys, or moneys collected from mandatory drug fines to provide a per diem allowance to cover the cost of an employee’s meals while travelling on official business?

Please let me know if you have questions or require any documents in order to render an opinion. Thank you for your attention to this matter.

Respectfully,



**Shayla D. Favor**  
**Franklin County Prosecuting Attorney**