

OPINION 65-95**Syllabus:**

A member of a county board of revision may enter into discussions concerning proposed legislation with his Representative in the General Assembly for the purpose of soliciting support for the same.

To: Donovan Lowe, Morgan County Pros. Atty., McConnelsville, Ohio
By: William B. Saxbe, Attorney General, May 25, 1965

Your request for my opinion reads in part as follows:

"* * * My Treasurer has indicated a desire to contact our State Representative relative to the support of House Bill, #225, a bill which provides in part for the increase of benefits under the Public Employees Retirement System.

"Under the provisions of R. C. 5715.51, would a County Treasurer, Auditor or Commissioner who is also a member of the County Board of Revision, be permitted to discuss with and solicit the support of their Representative in connection with such a bill?"

Section 5715.51, Revised Code, to which reference is made in your request, provides that:

"No assistant assessor, member of a county board of revision, member of the board of tax appeals, or any assistant, expert, clerk, or other employee of a county board of revision or the department of taxation shall hold any position on or under any committee of a political party, or subscribe or pay any money or other thing of value to any person or organization for the purpose of promoting, defeating, or otherwise influencing any legislation, or circulate any initiative or referendum petition. Whoever violates this section shall be removed from his office or employment."

By virtue of Section 5715.02, Revised Code, the county auditor and county treasurer are members of the county board of revision, and according to the provi-

sions of Section 5715.51, supra, the members of such board are prohibited from paying any money or other thing of value for the purpose of promoting, defeating, or otherwise influencing any legislation.

The question then presented by your request is whether or not a member of a county board of revision may properly engage in a discussion with the Representative from his district in the General Assembly for the purpose of soliciting support for proposed legislation. In essence, this question reduces itself to an inquiry as to whether or not such activity constitutes a payment of some "other thing of value" for the purpose of promoting, defeating, or otherwise influencing legislation.

Section 1.03, Revised Code, provides that:

"As used in any section of the Revised Code for the violation of which there is provided a penalty or forfeiture, unless the context otherwise requires, 'anything of value' includes:

"(A) Money, bank bills or notes, United States treasury notes, and other bills, bonds, or notes issued by lawful authority and intended to pass and circulate as money;

"(B) Goods and chattels;

"(C) Promissory notes, bills of exchange, orders, drafts, warrants, checks, or bonds given for the payment of money;

"(D) Receipts given for the payment of money or other property;

"(E) Rights in action;

"(F) Things which savor of the realty and are, at the time they are taken, a part of the freehold, whether they are of the substance or produce thereof or affixed thereto, although there may be no interval between the severing and taking away;

"(G) Every other thing of value."

From the foregoing section I conclude that the meaning of the term "money or other thing of value," as that term is used in Section 5715.51, supra, is restricted to those items specifically set forth in Section 1.03, supra. Since the activities described in your request clearly are not within the provisions of paragraphs (A) through (F) contained therein, they must fall within the provisions of paragraph (G), if they are to be considered to be a contribution of some "other thing of value," as that term is used in Section 5715.51, supra.

In accordance with the rule of ejusdem generis, statutory interpretation, terms such as "other" or "other thing," or "others," or "any other," when preceded by a specific enumeration, are commonly given a restricted meaning, and limited to articles, things, or matters of the same nature as those previously described. Glidden v. Glander, 151 O. S. 344.

Applying this rule of statutory interpretation, I am led to believe that the best definition of the term "other thing of value," as used in paragraph (G) of Section 1.03, supra, is that which was set forth by the Court of Appeals of Kentucky in Van Meter v. Owens, 195 S.W., 470, 472, and followed in Roberts v. Sturgill, 77 S.W. 2d, 789, 792, as follows:

"Clearly, 'other thing of value' means property, or something having an intrinsic value that may be measured in money* * *."

In the situation presented in your request, a member of the county board of revision is said to have discussed proposed legislation with his Representative in the General Assembly for the purpose of soliciting support for such legislation. Since such activity cannot be said to constitute transferring "anything of value" under the definition of that term set forth in paragraphs (A) through (F) of Section 1.03, supra, and since such activity does not fall within the definition of "other thing of value" as it is set forth in Van Meter v. Owens, supra, and Roberts v. Sturgill, supra, it is my opinion that a discussion concerning proposed legislation, for the purpose of soliciting support for the same, does not constitute a contribution of some "other thing of value" as that term is used in Section 5715.51, supra.

Therefore, it is my opinion and you are hereby advised that a member of a county board of revision may enter into discussions concerning proposed legislation with his Representative in the General Assembly for the purpose of soliciting support for the same.