

# Hamilton County LAW LIBRARY NEWS

Professional legal information, services, and education

A Monthly Newsletter from the Hamilton County Law Library

October 2014

## Campaign Finance Compliance: Ohio Campaign Finance Laws, Contributions & PACs

By Alan F. Berliner & Thomas M. Ritzert of Thompson Hine LLP. Reprinted with permission.

With election season in full swing for several Ohio state and local offices, businesses should be aware that Ohio law imposes significant restrictions on contributions to candidates or their committees. A prudent business will seek the advice of counsel before making contributions to candidates, and it should be particularly mindful of Ohio's pay-to-play provisions if it seeks to do business with a state or local government agency. With that in mind, the following is a brief overview of the landscape of Ohio law in this area.

### Ohio Restrictions on Political Contributions From Businesses

Under Ohio law, corporations, both for-profit and nonprofit, are prohibited from making campaign contributions to a candidate.<sup>3</sup> In addition to this general prohibition, Ohio has enacted pay-to-play legislation prohibiting the award of public contracts to corporations or other businesses when members, partners or large

shareholders of those organizations, or their spouses, donate more than a total of \$1,000 over the course of the preceding two years to an elected official responsible for awarding the contract. There are a number of exceptions to these limitations. For example, the prohibition does not apply if the contract is awarded based on competitive bidding or is incidental to a contract awarded through competitive bidding.<sup>4</sup>

In the case of non-corporate business associations, Ohio law prohibits the award of a contract for goods or services to any individual, partnership or association "if the individual has made or the individual's spouse has made, or any partner, shareholder, administrator, executor, or trustee or the spouse of any of them has

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### Hamilton County Law Library

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Open Monday-Friday 8 - 4

[www.http://www.hamilton-co.org/cinlawlib/](http://www.hamilton-co.org/cinlawlib/)

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## Tech Tip: Facebook Privacy: How to Control Who Can See What's on My Profile and Timeline

by Julie Koehne, Assistant Law Librarian, Systems

### Overview:

You can share basic information like your hometown or birthday when you edit your profile. Click *Update Info* (under your cover photo) and then click the *Edit* button next to the box you want to edit. Use the *audience selector* next to each piece of information to choose who can see that information.

Anyone can see your public information, which includes your name, profile picture, cover photo, gender, username, user ID (account number), and networks ([learn why](#)).

Only you and your friends can post to your Timeline. When you post something, you can control who sees it by using the audience selector. When other people post on your Timeline, you can control who sees it by choosing the audience of the *Who can see what others post on your timeline* setting.

### Tools:

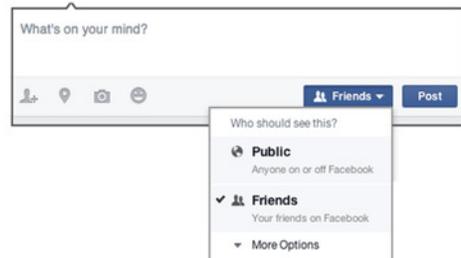
Before photos, posts, and app activities that you're tagged in appear on your Timeline, you can approve or dismiss them by turning on *Timeline review*. Keep in mind: you can still be tagged and the tagged content (ex: photo, post) is shared with the audience selected by the person who posted it, like News Feed and Search.

Set an audience for posts you've been tagged in on your Timeline.

To see what your profile looks like to other people, use the *View As* tool.

### Audience Selector:

You'll find an *audience selector* tool most places you share status updates, photos and other content. Click the tool and select who you want to share something with.



The tool remembers the audience you shared with the last time you posted something, and uses the same audience when you share again unless you change it. For example, if you choose Public for a post, your next post will also be Public unless you change the audience when you post. This one tool appears in multiple places, such as your privacy shortcuts and privacy settings. When you make a change to the *audience selector* tool in one place, the change updates the tool everywhere it appears.

The *audience selector* also appears alongside posts that you've already shared, so it's clear who can see each post. After you've shared a post, you have the option to change with whom it's shared. If you want to change the audience of a post after you've shared it, click the *audience selector* and select a new audience.

Remember, when you post to another person's Timeline, that person controls the audience that can view the post. Additionally, anyone who gets tagged in a post can see it, along with their friends.

See the following link for more information: <https://www.facebook.com/help/325807937506242/>

## Upcoming Lexis CLEs

Free to subscribers; \$50 for non-subscribers  
To register, call 513.946.5300 or via email  
[reference@cms.hamilton-co.org](mailto:reference@cms.hamilton-co.org)

### Lexis CLE: Advanced Search Tips & Federal Resources

Presenter: Mallory Coakley  
Thursday, October 23  
Noon-1pm  
Approved for 1.0 hour of general credit in Ohio

### Lexis CLE: Lexis Advance Preview

Presenter: Mallory Coakley  
Thursday, November 6  
Noon-1pm  
Approved for 1.0 hour of general credit in Ohio

## CLE: Getting It Right – Know Your Fiduciary Responsibilities

We are pleased to sponsor a CLE (1.0 general credit pending in Ohio) on November 13, 2014 at 12:00 noon at Interact for Health at 3805 Edwards Road. Advance registration is required. Sherry L. Brackney, CEBS, of the US Department of Labor Employment Benefits Security Administration, will speak on the fiduciary responsibilities of and standards of conduct for retirement plan administrators. The speaker will identify basic rules associated with the Employee Retirement Income Security Act (ERISA) and will address the scope of ERISA's protections for private-sector retirement plans with a brief explanation of the law and regulations.

To register, call 513.946.5300 or via email  
[reference@cms.hamilton-co.org](mailto:reference@cms.hamilton-co.org)

## CCH IntelliConnect Training

### IntelliConnect Basics & Search Tips

Speaker: Mary Walter  
Thursday, October 9  
9am-10am

Subscribers who are solos or firm attorneys whose entire firm has a subscription to the Law Library have remote access to IntelliConnect databases on a variety of topics including:

- Banking
- Financial & Estate Planning
- Intellectual Property
- Labor & Employment
- Products Liability
- Pension & Benefits
- Tax

To register, please call 513.946.5300 or email [reference@cms.hamilton-co.org](mailto:reference@cms.hamilton-co.org)

**\*Note: this is not a CLE**

## Library Intern

We're happy to have Gayle Ecabert here as an intern this semester. Gayle is a candidate for the Master of Library & Information Science degree at Kent State. This internship is a culminating experience for her. Gayle earned the J.D. at University of Cincinnati School of Law, practiced law for several years, and then become involved deeply in starting up and running a family business. She is changing careers now so the Law Library is benefitting from Gayle's experience in law and business as she works on a number of research projects here and provides assistance to our users.

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made, as an individual, within the two previous calendar years, one or more contributions totaling in excess of one thousand dollars to the holder of the public office having ultimate responsibility for the award of the contract or to the public officer's campaign committee."<sup>5</sup>

For corporations and business trusts, the same prohibition on awarding a public contract applies where an owner of more than 20 percent of the corporation or trust, or his or her spouse, contributes more than \$1,000 to the public official having ultimate responsibility for the award of the contract, or his or her campaign committee, within the previous two calendar years.<sup>6</sup>

This limit is an aggregate of \$1,000 contributed by any covered individual or his or her spouse in the preceding two calendar years, but these contributions are not aggregated among the individual and his or her spouse or across the business entity. Thus, a covered individual and his or her spouse may each contribute up to \$1,000 over the course of the preceding two calendar years without triggering this prohibition, and such contributions would not prohibit any other covered individual or his or her spouse within the same entity from making contributions totaling \$1,000.

### **Ohio Law Prohibits Contributions Where There is Manifest Evidence of Intent to Exert Substantial & Improper Influence**

The Ohio ethics laws prohibit campaign donations that manifest a substantial and improper influence on the public official receiving the donation. The law states, "No person

shall promise or give to a Public Official or Employee 'Anything of Value' that is of such a character as to manifest a substantial person's duties."<sup>7</sup> The term "Anything of Value" includes campaign contributions.<sup>8</sup> The Ohio Ethics Commission has construed this rule to prohibit contributions where there is evidence of a quid pro quo exchange.

### **Ohio State & Local Campaign Contribution Limits**

The Ohio statutes contain overall dollar limitations on campaign contributions by both individuals and political action committees (PACs) to various candidates and state parties, etc. These include limitations on contributions to statewide candidates (the governor, attorney general, secretary of state, treasurer and auditor) and candidates for the Ohio Senate and House.

A number of Ohio local governments have enacted their own campaign finance laws. Many specifically incorporate the Ohio campaign finance laws discussed above, or parts thereof, but others have enacted ordinances that provide lower limits on contributions. In determining the limits that apply, the law of municipality, county or state in which the candidate is seeking office applies, not the law of the geographic location of the business's headquarters.

For more information, please contact [Alan F. Berliner](#) or [Thomas M. Ritzert](#).

3. O.R.C. § 3599.03(A)(1).
4. O.R.C. § 3517.13(I).
5. O.R.C. § 3517.13(I).
6. O.R.C. § 3517.13(J).
7. O.R.C. § 102.03(F).
8. See O.R.C. 102.01(G), 3517.01

## Lexis for Solo Attorneys

We invite our subscribers in solo practice to consider our add-on Lexis for Solo Attorneys service. For just \$201 for three months or \$804 for the year, the user gets a login for access off-site to Ohio, Kentucky, and Indiana state and federal materials, plus Shepard's reports. Please see a description of the service and get an application at [http://www.hamilton-co.org/cinlawlib/lexis\\_solos.html](http://www.hamilton-co.org/cinlawlib/lexis_solos.html) or here at the library. We do also offer Fastcase to many of our subscribers so please free to speak with a librarian about the approach to case law research that would be best for you.

## New CLE Booklets

The Law Library gets shipments of OSBA CLE booklets quarterly and shelves them first with the new books and then near the reference desk. Here is a sampling. Would you like one of these recent titles? We can hold one for you for pick up at your convenience.

- Appellate practice
- Be an inbox ninja! : time-saving tools and ethical considerations to "chop through" your e-mail
- Nonprofit law
- Ohio asset protection and legacy trust institute
- Social security disability from start to finish
- Taking and defending effective depositions
- Your law office--don't leave home without it!, and : Cloud computing for lawyers: the pros, cons, ethical issues--plus the best of what's out there

## Free Resources from HeinOnline

HeinOnline is a terrific resource for library users. Available on-site to subscribers and the public, and off-site to subscribers with firms of 50 or fewer attorneys, HeinOnline includes law review and bar journal articles, ALI and ABA content, SCOTUS and Congressional documents, and much more. HeinOnline also offers web-based training, user guides, and live chat and phone support. And users can now use ScholarCheck, a series of tools and features integrated throughout various HeinOnline libraries that allow you to view journal articles and cases (via the integration with Fastcase) that have a heavy influence on the subject you are researching. Please speak with a librarian here for more information about HeinOnline or an introduction to the content we offer.



## October Meeting of the Law Library's Board

The Hamilton County Law Library Resources Board is scheduled to meet at 12 noon on Thursday, October 9th in the Robert S. Kraft Board Room in the Law Library. Meetings of the board are open to the public. Minutes of previous meetings are available at

<http://www.hamilton-co.org/cinlawlib/about/trustees.html>.

## Subscriber Benefits

All subscribers have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for up to 6 weeks at a time

Access to extensive electronic databases from the Law Library, including LexisNexis, Shepards', Westlaw, CCH Omnitax, CCH Human Resources Group, and CCH Business Group resources, Hein Online Law Journals and Federal Register, and over 70 Aspen /LOISLaw treatises in 16 substantive areas

Wireless network throughout the Law Library

Polycom videoconferencing

5 meeting rooms with speaker phones

Professional reference service by our law librarians, available via e-mail, telephone, and in person

Free document delivery by fax or e-mail of print and electronic materials

Inexpensive CLE seminars throughout the year, on legal research and substantive topics

In addition, solos and attorneys whose firm has a subscription have 24 hour remote access to Fastcase.com case law, Aspen/LOISLaw treatises and CCH Newsletters

## You and the Legal System: Foreclosure

Attorney Brian Flick is our next speaker in the *You and the Legal System* series for the public. Mr. Flick will discuss foreclosure on Friday, October 10 at noon in the Law Library. The discussion will focus on:

- General track of foreclosure cases
- Possible counterclaims
- General issues/information with loan modifications;
- Evidentiary standards that a plaintiff must generally prove in a foreclosure case

The program is free to the public. To register, call 513.946.5300.

Please note that this is not a CLE event; it is intended for the general public. However, attorneys are welcome to attend and may want to pass along the program announcement to clients, staff and community organizations. If you would like more information, please contact Laura Dixon-Caldwell at 513.946.5300.

*You and the Legal System* is brought to you as a public service by the Hamilton County Law Library, in conjunction with the Cincinnati Bar Association's Lawyer Referral Service. Save the date for the next event in the *You and the Legal System* series. Attorney Sarah Clay Leyshock will discuss Domestic Relations Law on Friday, November 21 at noon in the Law Library.

For more information on foreclosure in Ohio, check out our research guide here- <http://libguides.hamilton-co.org/foreclosure>

## Real Estate Law Resources

The Law Library offers a variety of print and electronic resources on real estate. If you have questions about access to any of these resources, just call us at 513.946.5300.

Advanced topics in commercial real estate  
KFO126 .A3 A383 2013

Ethics for title agents and attorneys  
KFO126 .E8 2012

Foreclosures: mortgage servicing, mortgage modifications, and foreclosure defense/  
John Rao  
KF1040.Z9 S542 2012

Introduction to real estate practice  
KFO126 .I65 2014

Land Use and Zoning  
KFO458 .L26 2012

Law of distressed real estate: foreclosure, workouts, procedures/ Baxter Dunaway  
KF1524 .D85 2013

Legal Issues in real estate foreclosure/  
Tani Hart  
KFO126 .T521 2011

Lexis Nexis Ohio real estate law handbook  
KFO112.Z9 O45

Negotiating real estate loan terms and work-out options (in Ohio)  
KFO126 .L63 2011

Ohio Condominium Law  
KFO114.C6 C663 2012

Ohio real estate law/Kenton L. Kuehnle with Jack S. Leavy  
KFO112 .H38 2013

Ohio residential real estate manual  
KFO126 .W54 2013

Residential real estate transactions  
KFO126.Z R47 2013

Titles to real estate in Ohio  
KFO126 .T52 2013

### Online Resources-Remote Access Aspen/Loislaw Real Estate Library

Commercial Real Estate Transactions Handbook

Commercial Real Estate Leases: Preparation, Negotiation and Forms  
State-by-State Guide to Commercial Leases

Law of Title Insurance

Law of Real Estate Brokers

### EBSCO

Buying a Second Home

Complete Guide to Purchasing a Condo, Townhouse or Apartment

First-Time Homeowner's Handbook

Foreclosure Survival Guide

Reverse Mortgage Book: Everything You Need to Know Explained Simply

Selling Your House in a Tough Market

Your Real Estate Closing Explained Simply: What Smart Buyers & Sellers Need to Know

\*Remote access is available to subscribers who are solos or firm attorneys whose entire firm has a subscription to the Law Library.

**Upcoming Events:**

**October 9:** CCH IntelliConnect Training

**October 9:** Law Library Board Meeting

**October 10:** You and the Legal System: Foreclosure

**October 23:** Lexis CLE: Advanced Searching and Federal Resources

**November 6:** Lexis CLE: Lexis Advance Preview

**November 13:** CLE: Getting It Right: Know Your Fiduciary Responsibilities



# October 2014 Law Library Newsletter

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