



AGENDA
CUYAHOGA COUNTY RULES, CHARTER REVIEW, ETHICS & COUNCIL OPERATIONS
COMMITTEE MEETING
TUESDAY, MARCH 13, 2012
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
1:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE FEBRUARY 28, 2012 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) O2012-0004: An Ordinance amending the Cuyahoga County Code of Ethics, as amended, and declaring the necessity that this Ordinance become immediately effective.
- 6. MISCELLANEOUS BUSINESS**
 - a) Presentation on the Agency of the Inspector General Second 2011 Semi-Annual Report – Nailah K. Byrd, Inspector General
 - b) Discussion of Ordinance No. O2012-0008, an Ordinance amending the establishing ordinance of the Agency of the Inspector General
- 7. OTHER PUBLIC COMMENT**
- 8. ADJOURNMENT**

*In accordance with Ordinance No. O2011-0020, complimentary parking in the Huntington Park Garage will be available for the public **beginning at 4:00 p.m.** on any day when the Council or any of its committees holds evening meetings. Please see the Clerk to obtain a parking pass.



MINUTES

CUYAHOGA COUNTY RULES, CHARTER REVIEW, ETHICS & COUNCIL OPERATIONS COMMITTEE MEETING

**TUESDAY, FEBRUARY 28, 2012
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
1:00 PM**

1. CALL TO ORDER

Chairman Greenspan called the meeting to order at 1:11 p.m.

2. ROLL CALL

The Clerk called the roll. Committee members Greenspan, Miller, Simon and Connally were in attendance and a quorum was determined. Committee member Brady was absent from the meeting.

3. PUBLIC COMMENT RELATED TO THE AGENDA

Ms. Lynda Mayer, representing the TAG Ethics Workgroup, addressed the Committee regarding issues of concern to her relating to Ordinance No. O2012-0004.

4. APPROVAL OF MINUTES FROM THE FEBRUARY 21, 2012 MEETING

A motion was made by Ms. Connally, seconded by Mr. Miller and approved by unanimous vote to approve the minutes of the February 21, 2012 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) O2012-0004: An Ordinance amending the Cuyahoga County Code of Ethics, as amended, and declaring the necessity that this Ordinance become immediately effective.

Chairman Greenspan; Ms. Nayilah Byrd, Inspector General; Ms. Joanne Gross, Senior Policy Advisor for Council; and Mr. Majeed Makhoulf, Law Director, addressed the Committee regarding Ordinance No. O2012-0004. Discussion ensued.

Chairman Greenspan postponed Ordinance No. O2012-0004 from further consideration at this time.

- b) O2012-0003: An Ordinance establishing rules and procedures for operation of Charter Review Commissions in Cuyahoga County, pursuant to Article 12, Section 9, of the Cuyahoga County Charter.

Mr. Miller addressed the Committee regarding Ordinance No. O2012-0003. Discussion ensued.

Mr. Miller introduced a written amendment on the floor.

A motion was made by Mr. Miller, seconded by Ms. Connally and approved by unanimous vote to amend Ordinance No. O2012-0003 to change the title of Article 10 in Section 1 of the Rules and Procedures of The Cuyahoga County Charter Review Commission to read "*ARTICLE 10: AMENDMENT AND SUSPENSION OF RULES.*"

On a motion by Mr. Miller with a second by Ms. Simon, Ordinance No. O2012-0003 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage, as amended.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. OTHER PUBLIC COMMENT

No public comments were given.

8. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Miller with a second by Ms. Simon, the meeting was adjourned at 2:51 p.m., without objection.

County Council of Cuyahoga County, Ohio

Ordinance No. O2012-0004

Sponsored by: Councilmember Greenspan	An Ordinance amending the Cuyahoga County Code of Ethics, as amended, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Council enacted a permanent Code of Ethics in Ordinance No. O2011-0008, which was signed by the Cuyahoga County Executive and went into effect on April 8, 2011, and was amended by Ordinance No. O2011-0023 effective April 26, 2011, by Ordinance No. O2011-0035 effective July 26, 2011, by Ordinance No. O2011-0052 effective October 25, 2011, and by Ordinance No. O2012-0002 effective January 10, 2012; and,

WHEREAS, after a year in existence, it is necessary to amend the Code of Ethics to address any inconsistencies therein and streamline for better operation of government; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to continue the usual and daily operation of the County.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. The Cuyahoga County Code of Ethics, adopted as Ordinance No. O2011-0008, effective April 8, 2011, as amended by Ordinance No. O2011-0023 on April 26, 2011, by Ordinance No. O2011-0035 on July 26, 2011, by Ordinance No. O2011-0052 effective October 25, 2011, and by Ordinance No. O2012-0002 effective January 10, 2012, is hereby amended to read as amended in the exhibit attached hereto (additions are bolded, deletions are stricken out).

SECTION 2. It is necessary that this Ordinance become immediately effective in order that critical services being provided by Cuyahoga County can continue without interruption, and to continue the usual daily operation of the County. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that

resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee: February 14, 2012

Committee(s) Assigned: Rules, Charter Review, Ethics & Council Operations

Journal _____
_____, 2012

Cuyahoga County Ethics Ordinance



Cuyahoga County Council

Rules, Charter Review, Ethics and Council Operations Committee

Dave Greenspan, Chair

Dale Miller, Vice Chair

C. Ellen Connally

Sunny Simon

Dan Brady

Adopted: April 8, 2011

Amended: April 26, 2011

Amended: July 26, 2011

Amended: October 25, 2011

Amended: January 10, 2012

Amended: _____, 2012

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ARTICLE I: PURPOSE AND OVERVIEW OF ORDINANCE

Section 1. Purpose

This Ordinance, including the definitions, is adopted to:

- (A) Identify the minimum standards of ethical conduct which Public Officials and Employees must meet;
- (B) Educate Public Officials and Employees, in the principles of ethics and all applicable provisions of this Ordinance;
- (C) Encourage Public Officials and Employees to pursue the highest ethical standards;
- (D) Provide a process by which Public Officials and Employees may identify and resolve ethical issues;
- (E) Provide a process to ensure the prompt disclosure by Public Officials and Employees of serious unethical practices, and encourage others to do the same;
- (F) Provide a fair and impartial process by which alleged violations of this Ordinance may be heard;
- (G) Provide for a just and reasonable balance among the rights of all individuals who are directly affected by the operation of this Ordinance; and
- (H) Establish penalties, as appropriate, for Public Officials and Employees who violate the public trust.

Section 2. Overview

The Cuyahoga County Ethics Ordinance contains three components.

- 1. Articles II, III, IV and V are the Ohio Ethics Laws that pertain to County governments as outlined in the Ohio Revised Code.
- 2. Article VI includes Other Ohio Revised Code sections that are included in this Ordinance, and
- 3. Articles VII, VIII and IX contain additional County provisions which are consistent with and strengthen existing state law.

Together, these Articles constitute the minimum standards for ethical behavior for those who represent the County.

ARTICLE II. THE OHIO ETHICS LAW: CHAPTER 102. OF THE OHIO REVISED CODE

Section 1. Definitions

OHIO REVISED CODE (ORC) 102.01

As used in this Ordinance:

- (A) “Compensation” means money, thing of value, or financial benefit. “Compensation” does not include reimbursement for actual and necessary expenses incurred in the performance of official duties.
- (B) “Public official or employee” means any person who is elected or appointed to an office or is an employee of any public agency. “Public official or employee” does not include a person elected or appointed to the office of precinct, ward, or district committee member under section 3517.03 of the Ohio Revised Code, any presidential elector, or any delegate to a national convention. “Public official or employee” does not include a person who is a teacher, instructor, professor, or other kind of educator whose position does not involve the performance of, or authority to perform, administrative or supervisory functions.
- (C) “Public agency” means the County. “Public agency” does not include a department, division, institution, board, commission, authority, or other instrumentality of the County that functions exclusively for cultural, educational, historical, humanitarian, advisory, or research purposes; that does not expend more than ten thousand dollars per calendar year, excluding salaries and wages of employees; and whose members are uncompensated.
- (D) “Immediate family” means a spouse residing in the person’s household and any dependent child.
- (E) “Income” includes gross income as defined and used in the “Internal Revenue Code of 1986,” 100 Stat. 2085, 26 U.S.C. 1, as amended, interest and dividends on obligations or securities of any state or of any political subdivision or authority of any state or political subdivision, and interest or dividends on obligations of any authority, commission, or instrumentality of the United States.
- (F) Section not applicable to County government.
- (G) “Anything of value” has the same meaning as provided in section 1.03 of the Ohio Revised Code and includes, but is not limited to, a contribution as defined in section 3517.01 of the Ohio Revised Code.
- (H) “Honorarium” means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. “Honorarium” does not include ceremonial gifts or awards that have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; or earned income from any person, other than a legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide business, if that business initially began before the public official or employee conducting that business was elected or appointed to the public official’s or employee’s office or position of employment.

- (I) “Employer” means any person who, directly or indirectly, engages an executive agency lobbyist or legislative agent.
- (J) Section not applicable to County government.
- (K) “Legislation,” “legislative agent,” “financial transaction,” and “actively advocate” have the same meanings as in section 101.70 of the Ohio Revised Code.
- (L) “Expenditure” has the same meaning as in section 101.70 of the Ohio Revised Code when used in relation to activities of a legislative agent, and the same meaning as in section 121.60 of the Ohio Revised Code when used in relation to activities of an executive agency lobbyist.

PROHIBITED CONDUCT - GENERAL

Section 2. Misuse of Official Position

OHIO REVISED CODE (ORC) 102.03 (A)

- (1) No present or former Public Official or Employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which the Public Official or Employee personally participated as a Public Official or Employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.
- (2) This Ohio Revised Code (ORC) section not applicable to County government.
- (3) For twenty-four months after the conclusion of employment or service, no former Public Official or Employee who personally participated as a Public Official or Employee through decision, approval, disapproval, recommendation, the rendering of advice, the development or adoption of solid waste management plans, investigation, inspection, or other substantial exercise of administrative discretion under Chapter 343. or 3734. of the Ohio Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the Ohio Revised Code, or who is an applicant for a permit or license for a facility under that chapter, on any matter in which the Public Official or Employee personally participated as a Public Official or Employee.
- (4) This Ohio Revised Code (ORC) section not applicable to County government.
- (5) As used in the Ohio Revised Code (ORC) 102.03 (A)(1) and (3), “matter” includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, Ordinances, resolutions, or charter or constitutional amendments. As used in the Ohio Revised Code (ORC) 102.03 (A), “represent” includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person.
- (6) Nothing contained in the Ohio Revised Code (ORC) 102.03 (A) shall prohibit, during such period, a former Public Official or Employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which the

Public Official or Employee was employed or on which the Public Official or Employee served.

- (7) The Ohio Revised Code (ORC) 102.03 (A) shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents.
- (8) This Ohio Revised Code (ORC) section not applicable to County government.

Section 3. Misuse of Confidential Information

OHIO REVISED CODE (ORC) 102.03 (B)

No present or former Public Official or Employee shall disclose or use, without appropriate authorization, any information acquired by the Public Official or Employee in the course of the Public Official's or Employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the Public Official or Employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

Section 4. Rate Making

OHIO REVISED CODE (ORC) 102.03 (C)

No Public Official or Employee shall participate within the scope of duties as a Public Official or Employee, except through ministerial functions as defined in the Ohio Revised Code (ORC)(A) in any license or ratemaking proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the Public Official or Employee or immediate family owns or controls more than five per cent. No Public Official or Employee shall participate within the scope of duties as a Public Official or Employee, except through ministerial functions as defined in the Ohio Revised Code (ORC)(A) in any license or rate-making proceeding that directly affects the license or rates of any person to whom the Public Official or Employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the Public Official or Employee or the Public Official's or employee's immediate family owns or controls more than five per cent, has sold goods or services totaling more than one thousand dollars during the preceding year, unless the Public Official or Employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency's proceedings. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Ohio Revised Code, or patients of persons certified under section 4731.14 of the Ohio Revised Code.

Section 5. Securing “Anything of Value”

OHIO REVISED CODE (ORC) 102.03 (D)

No Public Official or Employee shall use or authorize the use of the authority or influence of office or employment to secure “Anything of Value” or the promise or offer of “Anything of Value” that is of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person’s duties.

Section 6. Soliciting or Accepting “Anything of Value”

OHIO REVISED CODE (ORC) 102.03 (E)

No Public Official or Employee shall solicit or accept “Anything of Value” that is of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person’s duties.

Section 7. Giving Gifts to Public Officials and Employees

OHIO REVISED CODE (ORC) 102.03 (F)

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 and improper influence upon the Public Official or Employee with respect to that person’s duties.

Section 8. Receiving Campaign Contributions

OHIO REVISED CODE (ORC) 102.03 (G)

In the absence of bribery or another offense under the Ohio Revised Code (ORC) or a purpose to defraud, contributions made to a campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity on behalf of an elected public officer or other Public Official or Employee who seeks elective office shall be considered to accrue ordinarily to the Public Official or Employee for the purposes in the Ohio Revised Code (ORC)(D), (E), and (F). As used in this division, “contributions,” “campaign committee,” “political party,” “legislative campaign fund,” “political action committee,” and “political contributing entity” have the same meanings as in section 3517.01 of the Ohio Revised Code.

Section 9. Receiving Honoraria

OHIO REVISED CODE (ORC) 102.03 (H)(1)

No Public Official or Employee who is required to file a financial disclosure statement under section 102.02 of the Ohio Revised Code (ORC) shall solicit or accept, and no person shall give to that Public Official or Employee, an honorarium.

Section 10. Receiving Travel, Meals and Lodging Expenses - Exemption

OHIO REVISED CODE (ORC) 102.03 (H) and (I)

- (H)(1) Except as provided in the Ohio Revised Code (ORC) 102.03 (D), (E), and (F) do not prohibit a Public Official or Employee who is required to file a financial disclosure statement under section 102.02 of the Ohio Revised Code (ORC) from accepting and do not prohibit a person from giving to that Public Official or Employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the Public Official or Employee at a meeting at which the Public Official or Employee participates in a panel, seminar, or speaking engagement or provided to the Public Official or Employee at a meeting or convention of a national organization to which any County agency pays membership dues.
- (2) This Ohio Revised Code (ORC) section not applicable to County government.
- (I) A Public Official or Employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Ohio Revised Code.

Section 11. Membership in Tax Exempt Organization - Exemption

OHIO REVISED CODE (ORC) 102.03 (J)

For purposes of Ohio Revised Code (ORC)102.03(D), (E), and (F) the membership of a Public Official or Employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence on the Public Official or Employee with respect to that person's duties. As used in this division, "organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986." This division does not apply to a Public Official or Employee who is an employee of an organization, serves as a trustee, director, or officer of an organization, or otherwise holds a fiduciary relationship with an organization. This division does not allow a Public Official or Employee who is a member of an organization to participate, formally or informally, in deliberations, discussions, or voting on a matter or to use his official position with regard to the interests of the organization on the matter if the Public Official or Employee has assumed a particular responsibility in the organization with respect to the matter or if the matter would affect that person's personal, pecuniary interests.

OHIO REVISED CODE (ORC) 102.03 (K)

This Ohio Revised Code (ORC) section not applicable to County government.

OHIO REVISED CODE (ORC) 102.03 (L)

This Ohio Revised Code (ORC) section not applicable to County government.

OHIO REVISED CODE (ORC) 102.03 (M)

This Ohio Revised Code (ORC) section not applicable to County government.

OHIO REVISED CODE (ORC) 102.031

This Ohio Revised Code (ORC) section not applicable to County government.

OHIO REVISED CODE (ORC) 102.04 (A)

This Ohio Revised Code (ORC) section not applicable to County government.

OHIO REVISED CODE (ORC) 102.04 (B)

This Ohio Revised Code (ORC) section not applicable to County government.

Section 12. Representation and Influence Peddling

OHIO REVISED CODE (ORC) 102.04 (C) and (D)

- (C) Except as provided in the Ohio Revised Code (ORC) 102.04(D), no person who is elected or appointed to an office of or employed by the County or any other governmental entity, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is before any agency, department, board, bureau, commission, or other instrumentality, excluding the courts, of the entity of which he is an officer or employee.
- (D) A Public Official who is appointed to a non-elective office or a public employee shall be exempted from the Ohio Revised Code (ORC) 102(C) if both of the following apply:
 - (1) The agency before which the matter that involves the rendering of his services is pending, is an agency other than the one with which he serves;
 - (2) Prior to rendering the personal services one must file a statement with the appropriate ethics commission, with the public agency with which he serves, and with the public agency before which the matter is pending.

The required statement shall contain the official's or employee's name and home address, the name and mailing address of the public agencies with which he serves and before which the matter is pending, and a brief description of the ending matter and of the personal services to be rendered. The statement shall also contain the Public Official's or employee's declaration that he disqualifies himself for a period of two years from any participation as such Public Official or Employee in any

matter involving any Public Official or Employee of the agency before which the present matter is pending. The two-year period shall run from the date of the most recently filed statement regarding the agency before which the matter was pending. No person shall be required to file statements under this division with the same public agency regarding a particular matter more than once in a calendar year.

Section 13. Failure to Recuse

OHIO REVISED CODE (ORC) 102.04 (E) and (F)

- (E) No Public Official or Employee who files a statement or is required to file a statement under the Ohio Revised Code (ORC) 102.04 (D) shall knowingly fail to disqualify himself from any participation as a Public Official or Employee of the agency with which he serves in any matter involving any official or employee of an agency before which a matter for which he rendered personal services was pending.
- (F) This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers, and other documents.

See Article VII, Section 24 – Cuyahoga County Provisions for additional conditions.

OHIO REVISED CODE (ORC) 102.05

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

OHIO REVISED CODE (ORC) 102.06

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

OHIO REVISED CODE (ORC) 102.07

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

OHIO REVISED CODE (ORC) 102.08

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

OHIO REVISED CODE (ORC) 102.09 (A)

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

OHIO REVISED CODE (ORC) 102.09 (B)

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

OHIO REVISED CODE (ORC) 102.09 (C)

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

Section 14. Acknowledgment of Copy of Law

OHIO REVISED CODE (ORC) 102.09(D)

Within fifteen days after any Public Official or Employee begins the performance of official duties, with which the Public Official or Employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102. and section 2921.42 of the Ohio Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The Public Official or Employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

See Article VII, Section 3 – Cuyahoga County Provisions for additional conditions.

Section 15. Penalties

OHIO REVISED CODE (ORC) 102.99

(A) Whoever violates division (C) of section 102.031 of the Ohio Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates section 102.03 or 102.04 of the Ohio Revised Code is guilty of a misdemeanor of the first degree.

ARTICLE III. THE OHIO ETHICS LAW: CHAPTER 2921 OF THE OHIO REVISED CODE

Section 1. Definitions

As used in this Ordinance:

(A) “Public Official” means any elected or appointed officer, or employee, or agent of the County, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers.

(B) “Public Servant” means any of the following:

(1) Any Public Official;

- (2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor, or consultant;
 - (3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election.
- (C) Section not applicable to County government.
 - (D) Section not applicable to County government.
 - (E) Section not applicable to County government.
 - (F) Section not applicable to County government.
 - (G) Section not applicable to County government.
 - (H) "Campaign committee," "contribution," "political action committee," "legislative campaign fund," "political party," and "political contributing entity" have the same meanings as in section 3517.01 of the Ohio Revised Code.
 - (I) "Public contract" means any of the following:
 - (a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;
 - (b) A contract for the design, construction, alteration, repair, or maintenance of any public property.

ARTICLE IV. THE OHIO ETHICS LAW: CHAPTER 2921.42 OF THE OHIO REVISED CODE

PROHIBITED CONDUCT – PUBLIC CONTRACTS

Section 1. Nepotism

OHIO REVISED CODE (ORC) 2921.42 (A)(1)

No Public Official shall knowingly:

Authorize, or employ the authority or influence of the Public Official's office to secure authorization of any public contract in which the Public Official, a

member of the Public Official's family, or any of the Public Official's business associates has an interest.

Section 2. County Investments

OHIO REVISED CODE (ORC) 2921.42 (A)(2)

No Public Official shall knowingly:

Authorize, or employ the authority or influence of the Public Official's office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which the Public Official, a member of the Public Official's family, or any of the Public Official's business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees.

Section 3. Subsequent Employment

OHIO REVISED CODE (ORC) 2921.42 (A)(3)

No Public Official shall knowingly:

During the Public Official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the Public Official or by a legislative body, commission, or board of which the Public Official was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder.

Section 4. Profit or Gain from County Contracts

OHIO REVISED CODE (ORC) 2921.42 (A)(4)(5)

No Public Official shall knowingly do any of the following:

- (4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the Public Official is connected;
- (5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

Section 5. Exemptions from Prohibited Conflict of Interest in Public Contracts

OHIO REVISED CODE (ORC) 2921.42 (B), (C) and (D)

In the absence of bribery or a purpose to defraud, a Public Official, member of a Public Official's family, or any of a Public Official's business associates shall not be

considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

- (1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;
 - (2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;
 - (3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.
- (C) This section does not apply to a public contract in which a Public Official, member of a Public Official's family, or one of a Public Official's business associates has an interest, when all of the following apply:
- (1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;
 - (2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the Public Official's becoming associated with the political subdivision or governmental agency or instrumentality involved;
 - (3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;
 - (4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the Public Official, member of the Public Official's family, or business associate, and the Public Official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.
- (D) The Ohio Revised Code (ORC) 2921.42(A)(4) does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

Section 6. Penalties

OHIO REVISED CODE (ORC) 2921.42 (E)

Whoever violates the Ohio Revised Code (ORC) 2921.42 is guilty of having an unlawful interest in a public contract. Violation of the Ohio Revised Code (ORC) 2921.42 (A)(1) or (2) is a felony of the fourth degree. Violation of the Ohio Revised Code (ORC) 2921.42 (A)(3), (4), or (5) is a misdemeanor of the first degree.

OHIO REVISED CODE (ORC) 2921.42 (F)

This Ohio Revised Code (ORC) section not applicable to County government.

OHIO REVISED CODE (ORC) 2921.42 (G)

This Ohio Revised Code (ORC) section not applicable to County government.

Section 7. Voiding of Tainted Contracts or Investments

OHIO REVISED CODE (ORC) 2921.42 (H)

Any public contract in which a Public Official, a member of the Public Official's family, or any of the Public Official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a Public Official, a member of the Public Official's family, or any of the Public Official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of the Ohio Revised Code (ORC) 2921.42 is void and unenforceable.

ARTICLE V. THE OHIO ETHICS LAW: CHAPTER 2921.43 OF THE OHIO REVISED CODE

IMPROPER COMPENSATION

Section 1. Gratuities for Regular Duties and Internal Favors

OHIO REVISED CODE (ORC) 2921.43 (A)

No Public Servant shall knowingly solicit or accept, and no person shall knowingly promise or give to a Public Servant, either of the following:

- (1) Any compensation, other than as allowed by divisions (G), (H), and (I) of section 102.03 of the Ohio Revised Code (ORC) or other provisions of law, to perform the Public Servant's official duties, to perform any other act or service in the Public Servant's public capacity, for the general performance of the duties of the Public Servant's public office or public employment, or as a supplement to the Public Servant's public compensation;

- (2) Additional or greater fees or costs than are allowed by law to perform the Public Servant's official duties.

Section 2. Gratuities for Employment Favors

OHIO REVISED CODE (ORC) 2921.43 (B)

No Public Servant for the Public Servant's own personal or business use, and no person for the person's own personal or business use or for the personal or business use of a Public Servant or party official, shall solicit or accept "Anything of Value" in consideration of either of the following:

- (1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;
- (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

Section 3. Political Contributions made for Consideration

OHIO REVISED CODE (ORC) 2921.43 (C)

No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity shall coerce any contribution in consideration of either of the following:

- (1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;
- (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

Section 4. Penalties

OHIO REVISED CODE (ORC) 2921.43(D) and (E)

- (D) Whoever violates the Ohio Revised Code (ORC) 2921.43 is guilty of soliciting improper compensation, a misdemeanor of the first degree.
- (E) A Public Servant who is convicted of a violation of the Ohio Revised Code (ORC) 2921.43 is disqualified from holding any public office, employment, or position of trust in this state for a period of seven years from the date of conviction.

Section 5. Exemptions – Making or Receiving Voluntary Contributions

OHIO REVISED CODE (ORC) 2921.43(F)

The Ohio Revised Code (ORC) 2921.43(A), (B), and (C) do not prohibit a person from making voluntary contributions to a political party, campaign committee,

legislative campaign fund, political action committee, or political contributing entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity, from accepting voluntary contributions.

ARTICLE VI. OTHER OHIO REVISED CODE INCLUDED IN ORDINANCE

Section 1. Abuse of political authority or influence

OHIO REVISED CODE (ORC) 124.61

No person who holds any Public office, or who has been nominated for, or who seeks a nomination or appointment to any Public office, shall corruptly use or promise to use, either directly or indirectly, any official authority or influence in order to secure or aid any person in securing for himself or another any office or employment in the classified service, or any promotion or increase of salary therein, as a reward for political influence or service. Nor shall any person, by means of threats or coercion, induce or seek to induce anyone in the classified service to resign his position or to waive his right to certification, appointment, or promotion.

See Article VII, Section 28– Cuyahoga County Provisions for additional conditions.

Section 2. Abuse of power for political reasons

OHIO REVISED CODE (ORC) 124.60

No Public Official, shall appoint, promote, reduce, suspend, lay off, discharge, or in any manner change the official rank or compensation of any officer or employee in the classified service, or promise or threaten to do so, or harass, discipline, or coerce any such officer or employee, for giving, withholding, or refusing to support any party.

Section 3. Payment for appointment or promotion

OHIO REVISED CODE (ORC) 124.59

No applicant for appointment or promotion in the classified or unclassified service shall, directly or indirectly, pay or promise to pay any money or other valuable thing, nor shall he ask or receive any recommendation or assistance from any person, upon the consideration of any political service to be rendered, for or on account of his appointment or promotion, or proposed appointment or promotion.

Section 4. Gratuities for Performance of Regular Duties

Enacts OHIO REVISED CODE (ORC) 102.04 (A) (B) for County purposes.

- (A) Except as provided in OHIO REVISED CODE (ORC) 102.04 (D), no Public Official or Employee shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any

service rendered or to be rendered by him personally in any case, proceeding, application, or other matter that is before the County, excluding the courts.

- (B) Except as provided in OHIO REVISED CODE (ORC) 102.04 (D), no Public Official or Employee shall sell or agree to sell, except through competitive bidding, any goods or services to the County, excluding the courts.

Section 5. Prohibited Political Activity

OHIO REVISED CODE (ORC) 124.57

- (A) No Public Official in the classified service of the state, the several counties, cities, and city school districts of the state, or the civil service townships of the state shall directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political party or for any candidate for Public office; nor shall any person solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting, any such assessment, contribution, or payment from any officer or employee in the classified service of the state, the several counties, cities, or city school districts of the state, or the civil service townships of the state; nor shall any officer or employee in the classified service of the state, the several counties, cities, and city school districts of the state, or the civil service townships of the state be an officer in any political organization or take part in politics other than to vote as the officer or employee pleases and to express freely political opinions.
- (B)
 - (1) Nothing in division (A) of this section prohibits an officer or employee described in that division from serving as a precinct election official under section 3501.22 of the Ohio Revised Code.
 - (2) Nothing in division (A) of this section prohibits an employee of the Ohio cooperative extension service whose position is transferred from the unclassified civil service to the classified civil service and who also holds the office of president of a city legislative authority from completing the existing term of office as president.

Section 6. Prohibited Political Activity

OHIO ADMINISTRATIVE CODE - OAC123:1-46-02

- (A) The purpose of this rule is to provide appointing authorities, personnel officers, and others with guidelines concerning political activity. Employees in the classified service are prohibited by section 124.57 of the Ohio Revised Code from engaging in political activity.
 - (1) “Classified service” means all persons in active pay status serving in the competitive classified civil service of the state, the counties, or the general health districts. Unless specifically exempted from the classified service in accordance with the Ohio Revised Code and these rules, an employee shall be considered to be in the classified service for purposes of this rule.

- (2) “Political activity” and “politics” refer to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates.
- (B) The following are examples of permissible activities for employees in the classified service:
- (1) Registration and voting;
 - (2) Expression of opinions, either oral or written;
 - (3) Voluntary financial contributions to political candidates or organizations;
 - (4) Circulation of nonpartisan petitions or petitions stating views on legislation;
 - (5) Attendance at political rallies;
 - (6) Signing nominating petitions in support of individuals;
 - (7) Display of political materials in the employee’s home or on the employee’s property;
 - (8) Wearing political badges or buttons, or the display of political stickers on private vehicles; and
 - (9) Serving as a precinct election official under section 3501.22 of the Ohio Revised Code.
- (C) The following activities are prohibited to employees in the classified service:
- (1) Candidacy for Public office in a partisan election;
 - (2) Candidacy for Public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
 - (3) Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
 - (4) Circulation of official nominating petitions for any candidate participating in a partisan election;
 - (5) Service in an elected or appointed office in any partisan political organization;
 - (6) Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
 - (7) Campaigning by writing for Publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;

- (8) Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
 - (9) Solicitation of the sale, or actual sale, of political party tickets;
 - (10) Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
 - (11) Service as, witness or challenger, for any party or partisan committee;
 - (12) Participation in political caucuses of a partisan nature; and
 - (13) Participation in a political action committee which supports partisan activity.
- (D) An employee in the classified service who engages in any of the activities listed in paragraphs (C)(1) to (C)(13) of this rule is subject to removal from his or her position in the classified service. The appointing authority may initiate such removal action in accordance with the procedures in section 124.34 of the Ohio Revised Code. The director may also institute an investigation or action in case of a violation.
- (E) Employees in the unclassified service, who serve at the pleasure of the appointing authority and are not subject to competitive examination, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional or statutory provisions.
- (F) Service in an appointed or elected position is prohibited when such position is subordinate to or in any way a check upon a position concurrently occupied by a classified or unclassified employee, or when it is physically impossible for one person to discharge the duties of both positions, or if some specific constitutional or statutory bar exists prohibiting a person from serving both positions.
- (G) If any person holding Public office or employment is convicted of violating the Ohio Revised Code provisions prohibiting abuse of political influence, such office or position shall thereby be rendered vacant.

Section 7. Whistleblower

OHIO REVISED CODE (ORC) 124.341(A)

Rights

If Public Official or Employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the Public Official or Employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the Public Official or Employee may file a

written report with the office of internal auditing created under section [126.45](#) of the Ohio Revised Code.

See Article VII, Section 18– Cuyahoga County Provisions for additional conditions.

Responsibilities

If the Public Official or Employee reasonably believes that a violation or misuse of public resources is a criminal offense, the Public Official or Employee, in addition to or instead of filing a written report with the supervisor, appointing authority, or the office of internal auditing, may report it to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, to a peace officer, as defined in section [2935.01](#) of the Ohio Revised Code, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with section [121.46](#) of the Ohio Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102, section [2921.42](#), or section [2921.43](#) of the Ohio Revised Code, the employee may report it to the appropriate ethics commission.

See Article VII, Section 18– Cuyahoga County Provisions for additional conditions.

OHIO REVISED CODE (ORC) 124.341(B)

Protections and Prohibitions

Except as otherwise provided in division (C) of this section, no Public Official or Employee in the classified or unclassified civil service shall take any disciplinary action against an employee in the classified or unclassified civil service for making any report authorized by division (A) of this section, including, without limitation, doing any of the following:

- (1) Removing or suspending the employee from employment;
- (2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
- (3) Transferring or reassigning the employee;
- (4) Denying the employee promotion that otherwise would have been received;
- (5) Reducing the employee in pay or position.

OHIO REVISED CODE (ORC) 124.341(C)

A Public Official or Employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported under division (A) of this section. The Public Official or Employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information under division (A) of this section.

OHIO REVISED CODE (ORC) 124.341(D)

If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified Public Official or Employee as a result of the Public Official or Employee's having filed a report under division (A) of this section, the Public Official or Employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the Public Official or Employee files such an appeal, the board shall immediately notify the Public Official or Employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119 of the Ohio Revised Code.

See Article VII, Section 19 – Cuyahoga County Provisions for additional conditions.

ARTICLE VII: CUYAHOGA COUNTY PROVISIONS

Section 1. Definitions

As used in this Cuyahoga County ("County") Ethics Ordinance ("Ordinance"):

Administrative Fee	The civil penalty equivalent of a fine, levied by and payable to the Inspector General.
Advice	A written, expert judgment and recommendation by the Inspector General as to whether an issue raised poses ethical problems and how the issue may best be resolved. If the recipient acts in accordance with that advice, s/he is in compliance with the Code of Ethics.
"Anything of Value"	As used in Article VII herein, "Anything of Value" means anything, other than a Campaign Contribution, having a value of \$15 per gift per person (i.e., a \$50 cookie tray given to a staff of five (5) people), and \$75 cumulative annually per person. cumulative monetary value in excess of \$75.00 "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 servicing and taking away; G. Any interest in realty, including fee simple and partial interests, present and future, contingent or vested interest, beneficial interests, leasehold interests, and any other interest in realty; H. Any promise or future employment; I. Every other thing of value.

Associated	Associated, when used with reference to a business or an organization, includes any business or organization in which a Public Servant Public Official or a Public Servant's Public Official's partner in interest is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least five percent of the outstanding equity, or any business or organization in which a Public Servant Public Official or a partner in interest has a personal interest.
Before	A matter is "before" a public agency when it is "being considered by, decided by, or in the presence of or under the official purview of" the agency. Adv. Op. No. 2007-03.
Benefit	<p>1. "Anything of Value" having a cumulative monetary value in excess of \$75.00; 2. Anything, regardless of its monetary value, perceived or intended by either the one who offers it or the one to whom it is offered to be sufficient in value to influence a Public Servant in the performance or nonperformance of an official action; or 3. Anything, regardless of its monetary value, which, under the circumstances, a reasonably prudent person in the position of the Public Servant to whom the thing is or may be offered, would recognize as being likely to be intended to influence the Public Servant in the performance or nonperformance of an official action.</p> <p>The term "benefit" includes, but is not limited to, a valuable act, advance, award, contract, compensation, contribution, deposit, emolument, employment, favor, fee, forbearance, fringe benefit, gift, gratuity, honorarium, loan, offer, payment, perquisite, privilege, promise, reward, remuneration, service, subscription, or the promise that any of these things will be conferred in the future. The term "benefit" shall not include food and beverage.</p>
Board	An abbreviation for any authority, board, commission or special district to which County officials appoint at least one member or to which County funds are appropriated.
Business	Business means an activity, association, commercial entity, corporation, enterprise, firm, franchise, holding company, joint stock company, organization, partnership, receivership, self-employed individual, sole proprietorship, trust or other legal entity established to earn or otherwise obtain money, whether for profit or nonprofit, excluding a municipal corporation or governmental entity.
Business Associate or Partner in Interest	A business associate Includes any individuals, companies, or organizations with which the official is acting together to pursue a common business purpose. Examples of a Public Official's business associates partner in interest include, but are not limited to, the official's: (1) partners in a partnership; (2) co-owners of a business; (3) outside employer; and (4) co-members of an LLC. Adv. Op. No. 2009-06.

Business with which a Public Official or Employee is associated	Business with which a Public Official or Employee is associated or associated business means a business in which any of the following applies:- (1) The Public Official or Employee is an owner, partner, director, officer, employee or independent contractor in relation to the business; (2) A Public Official, Employee's or partner in interest is an owner, partner, director or officer; (3) The Public Official, Employee or a partner in interest is a stockholder of close corporation stock which is worth at least \$1,000.00 at fair market value or which represents more than a five percent equity interest; (4) The Public Official, Employee or a partner in interest is a stockholder of publicly traded stock which is worth at least \$5,000.00 at fair market value or which represents more than five percent equity interest, other than publicly traded stock under a trading account if the Public Official or Employee reports the name and address of the stockholder.
Campaign Contribution	Any monetary or non-monetary donation to any political campaign committee.
Candidate	Means an individual who is a candidate for an elective County office, as defined in the County Charter, or an applicant for County employment or for an appointive County position.
Compensation	Money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties. Ohio Revised Code (ORC)102.01 Compensation also means "Anything of Value" that is given for services can be "compensation," whether it is in the form of cash, tangible goods or chattels, or other financial gains or benefits that accrue to the Public Servant. The services performed by the Public Servant may be provided for the specific benefit of the individual offering the compensation or for the general benefit of the public agency and the citizens served by the agency. Adv. Op. No. 2008-01.
Conflict of Interest	Means not only a personal interest, as defined in this Ordinance, but also a professional or non-pecuniary interest, such as arises when the County attorney is precluded from representing one Public Servant because of the County attorney's preexisting attorney-client relationship with another Public Servant.
Contractor	A person or an entity – including but not limited to service providers, vendors and consultants – that provides goods or services to the County under terms specified in a binding, officially approved agreement.

County Agency	Means the County Council, any department, division, institution, board, commission, or advisory council, or other instrumentality of the County or any board, commission, or advisory council for which the Cuyahoga County Executive and/or the Cuyahoga County Council appoints one or more of its members.
County	Shall mean the body politic and corporate known as the County of Cuyahoga established in Section 1.01 of the Cuyahoga County Charter.
Day	A calendar day, unless otherwise noted.
Decision Maker	Decision maker means any Public Official or Employee or Board, Commission or Advisory Agency of Cuyahoga County empowered to act in a discretionary manner on behalf of the County in any capacity whatsoever, including the making of recommendations. To the extent this Ordinance is applicable to them, any volunteer or independent contractor who is empowered to exercise any discretionary power which could influence a Public Official or Employee in the performance or nonperformance of an official action. In this Ordinance, the term "decision maker" is used to represent any and every Public Official or Employee who could take any discretionary action regarding a matter in which a Public Official or Employee or a partner in interest has or may have a conflict of interest, or as a result of which a Public Official or Employee might receive a personal benefit.
Disclosure	The reporting of financial information, personal or business connections, gifts, activities, campaign contributions or potential conflicts of interest.
Domestic Partner Household Member	Any person who shares the same residence with a Public Official or Employee.
Finding	The official decision reached by the Inspector General after thorough investigation or a formal hearing.
Full Family	A Public Official or Employee 's spouse, domestic partner household member , child, children, grandchildren, parents, parents-in-law, grandparents, grandparents-in-law, sisters, sisters-in-law, brothers, brothers-in-law, sons-in-law, daughters-in-law, nieces, nephews, aunts, uncles, or first cousins (whether by marriage, lineal descent or adoption); A Public Official or Employee's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the Public Official or Employee or from whom the Public Official or Employee receives, directly or indirectly, more than one-half of his or her support; and An individual claimed by the Public Official or Employee or the

Public Official or Employee's spouse as a dependent under the United States Internal Revenue Code.

Immediate Family	A Public Official's spouse, domestic partner, child or children (whether by marriage, lineal descent or adoption).
Gift	Gift means any benefit or thing or act of monetary value of \$75.00 or more which is conveyed to or performed for the benefit of a Public Servant or a partner in interest, including any advance, award, contract, contribution, deposit, employment, favor, forbearance, gift, gratuity, honorarium, loan, payment, service, subscription, or the promise that any of these things or acts of value will be conferred in the future, if such thing or act of value is conferred or performed without the lawful exchange of consideration which is commensurate in value at least equal in value to the thing or act conferred or performed.
Interest	A prohibited "interest" in a public contract is a definite and direct interest that can be of either a financial or fiduciary nature. Adv. Op. No. 2009-06.
Lobbyist	An individual wholly or partially compensated for direct, private communication with County policy-making officials or their staffs, with the purpose of influencing the expenditure of funds in the awarding of a contract or other financial arrangement; or for making direct, private contact with same to promote, advocate or oppose the passage, modification, defeat, approval or veto of any legislation or policy.
Organization	"organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986."
Of such a character as to manifest a substantial and improper influence	A thing of value is "of such a character as to manifest a substantial and improper influence" on a Public Official or Employee if it is "of such a quality, nature or kind that it could have a substantial and improper influence on the Public Official or Employee." Adv. Op. No. 2009-01. The Commission has explained that it is unnecessary that the thing of value actually has a substantial and improper influence on the official or employee provided that it is of such a character that it could have such influences.
Person	Includes "an individual, corporation, business trust, estate, trust, partnership, and association." R.C. 1.59. Also includes governmental agencies. Adv. Op. No. 2009-01.
Personally rendering services	Includes, but is not limited to, representing, advising, preparing non-ministerial documents for, or consulting with, any person. Adv. Op. No. 2007-03. Examples are: (1) negotiating or discussing matters with agency personnel or contractors; (2) appearing at an agency meeting or hearing; and (3) preparing pleadings or documents to be filed with or submitted to an

~~agency. A person would be personally rendering services if he or she prepared and submitted, to a state agency, any grant or investment proposals, contract bid packages, responses to requests for proposals, or any other submission for financial support for a client or customer.~~

~~Position of Profit~~

~~A Public Official occupies a “position of profit” in the prosecution of a public contract when he or she receives some financial gain or benefit that is definitely and directly related to the carrying out and completion of a contract that he or she authorized or that was authorized by a board of which he or she is a member. Adv. Op. No. 2009-05.~~

Prohibited Source

A party that gives or promises an unlawful gift to any Public Official, specifically a party doing or seeking to do business with, regulated by, or interested in matters before the County, its departments, agencies, boards or commissions, including any lobbyist or contractor.

Public Officials and Employees

Any elected or appointed officer, or employee, or volunteer, or agent of the County or board, commission or agency member, whether in a temporary or permanent capacity.” The definition applies regardless of whether the person is: (1) compensated or uncompensated; (2) serving full time or part time; or (3) serving in a temporary or permanent position.

Relatives

The definition for Full Family and Relatives shall be interchangeable.

~~Use Of or Authorization of the Use Of~~

~~The authority or influence of one’s office or employment: Voting on, recommending, deliberating about, discussing, lobbying, or taking any other formal or informal action within the scope of a Public Official’s or employee’s public authority is “use of,” or “authorization of the use of” the authority or influence of a Public Official’s or employee’s office or employment. Adv. Op. No. 2010-03.~~

Whistleblower

A person who reports possible crimes or violations of this Code of Ethics.

(Amended 4/26/2011 by Ordinance No. O2011-0023; Amended 10/25/2011 by Ordinance No. O2011-0052)

Section 2. Full Family Definition Included

Throughout this Ordinance, where ever “Family” is referenced the definition of “Full Family” shall apply.

Section 3. Acknowledgement of Copy of Law

For reference purposes to the County provisions:

OHIO REVISED CODE (ORC) 102.09(D)

Within fifteen days after any Public Official or Employee begins the performance of official duties, with which the Public Official or Employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102- and section 2921.42 of the Ohio Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The Public Official or Employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

The following added provisions pertaining to Cuyahoga County

- (A) Shall also apply to all Public Officials, ~~and~~ Employees, Lobbyists and Contractors upon their reappointment, reelection, rehire or re-registration, whichever is applicable.

Section 4. Education and Training - Initial and Annual Ethics Education and Training

- (A) Within fifteen days of a Public Official's or Employee's, ~~Lobbyists' and Contractor's~~ initial date of service, reappointment, reelection, rehire or re-registration, ~~whichever is applicable, and as well as~~ annually, the Human Resource Commission shall furnish the Public Official or Employee with a copy of the current County Ethics Ordinance, Ethics Policies, ~~and Ethics Manuals, and~~ **In addition**, all Public Officials and Employees shall personally attend Ethics Training Programs and Classes. The Human Resource Commission may furnish such other materials as are appropriate.

- (B) Within fifteen (15) days of a ~~Public Official's or Employee's, Lobbyist's and or Contractor's~~ initial date of service, reappointment, reelection, rehire or re-registration, ~~whichever is applicable, and annually as well as every four (4) years,~~ the Human Resource Commission shall furnish the ~~Public Official or Employee~~ **Lobbyist or Contractor** with a copy of the current County Ethics Ordinance, Ethics Policies, ~~and Ethics Manuals, and all Public Officials and Employees shall personally attend Ethics Training Programs and Classes.~~ The Human Resource Commission may furnish such other materials as are appropriate. **The Inspector General shall provide notice of any relevant amendments to the Ordinance to all registered Contractors and Lobbyists within ten (10) business days of the effective date.**

Section 5. Acknowledgment of Initial and Annual Ethics Education and Training

The Public Official or Employee shall sign an ethics statement indicating that they have read, understood and agreed to this Ordinance and acknowledge their receipt of materials and attendance to all Programs and Classes in writing to the Human Resource Commission.

Section 6. Relationship to Ohio Law

Compliance with Ohio Ethics Laws

Public Officials and Employees are required to abide by the State of Ohio's ethics laws, as found in the Ohio Revised Code and as interpreted by the Ohio Ethics Commission and Ohio courts.

Section 7. Minimum Standard

This Ordinance shall constitute a minimum standard for ethical conduct and practices in Cuyahoga County government. If the provisions of this Ordinance conflict with any other County Ordinance, regulation or rule, this Ordinance shall control.

Section 8. Liberal Construction of Ordinance.

The provisions of this Ordinance are to be construed liberally, to the end that the public interest be fully protected, and shall be construed in a manner consistent with all applicable federal and state laws and applicable provisions of the County Charter.

Section 9. Severability

The various provisions of this Ordinance are intended to be severable, and the validity or invalidity of one or more such provisions shall not affect the validity of the remaining provisions.

Section 10. Applicability of Ordinance

This Ordinance applies to all Public Officials and Employees, as the term is defined in this Ordinance.

Section 11. Duties of Public Officials and Employees to Cooperate with Investigations and Inquiries

Public Officials and Employees shall be required to cooperate fully and truthfully with any investigation that is initiated by the Inspector General, the Department of Human Resources, or the Human Resources Commission regarding an alleged or potential violation of this Ordinance to the extent that the ~~the fifth amendment of the United States Constitution rights~~ **constitutional, fifth amendment rights** of those accused of violating this Ordinance are not violated. Public Officials and Employees shall locate, compile and produce any such information as is requested by the investigating authority, unless the information is exempt from disclosure under this Ordinance or applicable law.

Section 12. Misuse of County Resources

No Public Official, **Employee, Contractor or Lobbyist** shall use, request, or permit the private use of County resources, including but not limited to motor vehicles, equipment and supplies. Printing, mailing or electronic communicating of personal or political material using County resources is likewise prohibited.

Section 13. Discrimination

No Public Official, **Employee, Contractor, Lobbyist**, operations or entities of Cuyahoga County Government shall favor or discriminate against anyone because of race, religion, age, ethnicity, gender, sexual orientation, disability or political affiliation, pursuant to U.S. Law [Civil Rights Act of 1964, 43 U.S.C. §2000e et. seq.] and the Cuyahoga County Charter.

Section 14. Sexual Harassment

No Public Official, **Employee, Contractor, or Lobbyist** shall harass or otherwise make unwelcome sexual advances that interfere with job performance, create a hostile work environment, or attempt to make a person's submission or rejection of sexual advances a condition of his/her employment or appointment status. [Section 703 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq.]

Section 15. Employee Contributions to an Elected Employer

- (A) No Public Official or Employee shall make political contributions to or raise funds for their own elected ~~County employer~~, **appointing authority, a member of County Council, and/or confirming authority (i.e. for board and commission appointments)**. Exempted from this total prohibition are voluntary employee contributions to candidates for any other public office.
- (B) **No Public Official or Employee shall accept contributions from Prohibited Sources.**

(Amended 4/26/2011 by Ordinance No. O2011-0023)

Section 16. Misuse of Official Position

Prohibited conduct, and other abuses or misuses of position.

- (A) Public Officials or Employees of the County shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual and potential conflicts between their private self-interest and the public interest. Prohibited conduct of each such Public Official or Employee shall include, but not be limited to, the following:
 - (1) Ordering any goods and services for the County without prior official authorization for such an expenditure;
 - (2) Using his or her superior position to ~~request or~~ require an employee to:
 - (i) Do clerical work on behalf of the Public Official or Employee's family, business, social, church or fraternal interest when such work is not furthering a County interest;
 - (ii) Perform any work outside the Employee's normal course of County employment; **or**

- (iii) Purchase goods and services for personal, business, or political purposes; ~~or.~~
 - (iv) ~~Work for him or her personally without offering just compensation.~~
- (3) Drawing per diem or expense monies from the County to attend a seminar, convention, or conference and then fail to attend the seminar, convention, or conference without refunding the pro-rata unused per diem or expense monies to the County.
- (B) No Public Official or Employee shall falsely represent his or her personal opinion to be the official position of the County. This subsection shall not apply to statements of elected officials made in the course of fulfilling the responsibilities of their offices or in running for election to office.
- (C) No Public Official or Employee shall suppress any public document, record, report or any other public information.
- (D) When a Public Official or Employee, in the course of carrying out his or her duties, has been offered or is discussing future employment with a ~~b~~**Business** that is presently dealing with the County concerning matters within the Public Official or Employee's current official duties, that person shall comply with all requirements in the Ethics Law and related statutes regarding future employment and disclose such possible future employment to the Inspector General.
- (E) In addition to being a violation of other laws, it is also a violation of this Ordinance for any Public Official or Employee to:
- (1) Be found liable of violating any federal, state, County or municipal law prohibiting discrimination or sexual harassment;
 - (2) Be found liable of violating any state laws governing lobbying activities or regulating political activity.
- (F) **No Public Official or Employee shall "request" that a subordinate employee ~~W~~work for him or her personally without offering just compensation. The request should not have any influence on the conditions of employment for the subordinate employee.**

Section 17. Whistleblower - Rights

For reference purposes to the County provisions:

OHIO REVISED CODE (ORC) 124.341(A)

If Public Official or Employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the Public Official or Employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report

with the supervisor or appointing authority, the Public Official or Employee may file a written report with the office of internal auditing created under section [126.45](#) of the Ohio Revised Code.

The following added provisions pertain to the County:

- (A) Shall be extended to include the general public.
- (B) Shall also allow a Public Official, Employee or a member of the general public, who reasonably believes that a violation or misuse of this Ordinance exists, to speak freely to and to notify the County Inspector General either in writing or via a Whistleblower Hotline.

Section 18. Whistleblower - Responsibilities

For reference purposes to the County provisions:

OHIO REVISED CODE (ORC) 124.341(A)

If the Public Official or Employee reasonably believes that a violation or misuse of public resources is a criminal offense, the Public Official or Employee, in addition to or instead of filing a written report with the supervisor, appointing authority, or the office of internal auditing, may report it to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, to a peace officer, as defined in section [2935.01](#) of the Ohio Revised Code, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with section [121.46](#) of the Ohio Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102, section [2921.42](#), or section [2921.43](#) of the Ohio Revised Code, the employee may report it to the appropriate ethics commission.

The following added provisions pertain to the County:

- (A) Within five (5) business days of the event in question, all Public Officials or Employees shall report a violation of this Ordinance of which they have knowledge to the Inspector General.
- (B) Public Officials and Employees are not, however, required to report a violation that has already been reported.

Section 19. Whistleblower – Protections and Prohibitions

For reference purposes to the County provisions:

OHIO REVISED CODE (ORC) 124.341(D)

If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified Public Official or Employee as a result of the Public Official or Employee's having filed a report under division (A) of this section, the Public Official or Employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the

Public Official or Employee files such an appeal, the board shall immediately notify the Public Official or Employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119 of the Ohio Revised Code.

The following added provisions pertain to the County:

- (A) Shall be heard by the Human Resource Commission.

Section 20. Whistleblower – False Filings and Frivolous Complaints

- (A) No person shall knowingly file false information.
- (B) No person shall file a complaint **which that** is frivolous or malicious in nature, or **which that** is not in good faith.

Section 21. Whistleblower – Posting of Policy

The Human Resource Commission shall post the Whistleblower provisions of this Ordinance in a manner consistent with its current disclosure and posting of other human resource materials, including, but not limited to the Cuyahoga County Website.

Section 22. Disclosure of Conflict of Interest or Potential Conflict of Interest

- (A) Unless the Public Official or Employee recuses themselves, a Public Official or Employee who has or may have a conflict of interest in a matter which requires an official action by any decision maker shall, before the matter is decided, disclose the conflict of interest or the potential or **alleged conflict of interest to the Inspector General and seek advice from the Inspector General or the County Law Department.** If the Inspector General believes that no conflict of interest exists, or that despite any alleged or potential special interest, such Public Official or Employee is nevertheless able to vote **on the matter in which there is a conflict of interest** and otherwise participate fairly, objectively and in a manner consistent with the Public interest, then the **member Public Official or Employee** shall so state in the written disclosure.

A council person who rescues himself/herself shall still disclose the conflict of interest to the Inspector General for review and ruling.

- (B) If the Public Official or Employee has or may have a conflict of interest in any matter before the County, then such Public Official or Employee shall not discuss, debate, deliberate about, act upon, vote upon or otherwise participate in or influence the decision-making process pertaining to the matter in which the **member Public Official or Employee** has a conflict of interest.
- (C) After receiving a conflict of interest disclosure, the Inspector General shall:
 - (1) Maintain a record of such disclosure; and

- (2) Promptly forward copies of the disclosure to any person named in the disclosure **and the Inspector General.**
- (D) Any Public Official or Employee who believes that any other Public Official or Employee has a conflict of interest in any agenda item before a governmental body shall disclose such interest to the Inspector General.
- (E) A Public Official or Employee, in addition to disqualifying herself/himself from participation in any decision regarding the pecuniary or employment interest of a Partner in Interest, shall make known the existence of their relationship and ~~the~~**his/her** interest by filing with the Inspector General **or County Law Department** a written disclosure of the relationship and the nature and extent of the conflict of interest involved.

(Amended 4/26/2011 by Ordinance No. O2011-0023)

Section 23. Penalties

Any violations of this Ordinance shall be punishable to the maximum extent permitted by law. Any disciplinary action shall be carried out in accordance with the provisions of this Ordinance, as well as any other laws, policies and procedures applicable to the position of the offender and the gravity of the offense. **With the exception of “letters of notification,” all letters and referrals issued by the Inspector General should simultaneously be sent to applicable Human Resource staff and the applicable Department Director(s).** The Inspector General is permitted to take any action ~~which~~ it is otherwise lawfully permitted to take, including, but not limited to, any one or combination of the following which the Inspector General deems appropriate under the circumstances:

- (A) *Letter of Notification.* The Inspector General may issue a letter of notification when it finds that a violation of this Ordinance was clearly unintentional or inadvertent. The letter may advise the respondent of any steps to be taken to avoid future violations.
- (B) *Letter of Admonition.* The Inspector General may issue a letter of admonition when it finds that the violation of this Ordinance was ~~minor and/or may have been unintentional or inadvertent~~ **knowingly committed, but is nevertheless a minor offense.**
- (C) *Letter of Censure.* The Inspector General may issue a letter of censure ~~when it finds that~~ **where** the respondent ~~has~~ intentionally or knowingly ~~violated this Ordinance~~ **committed major violations or has committed repeated minor violations [how many? Should be determined in Committee.]**
- (D) *Recommendations to the County Executive, Prosecutor, and Council.* When the Inspector General finds that the ~~r~~espondent has intentionally or knowingly violated this Ordinance, the Inspector General may make a recommendation to the County Executive or County Council (depending on the appointing authority), including but not limited to a recommendation for suspension, forfeiture of office or removal from office, and/or banning or temporarily

suspending the respondent's (or respondent's Associated Businesses or organizations') right to solicit, bid on or obtain a contract with or from the County, as allowed by applicable law.

- (E) *Notice to the Ohio Ethics Commission.* When the Inspector General finds that a Public Official or Employee has recklessly or knowingly violated Ohio Provisions of this Ordinance, the Inspector General shall consult with the Ohio Ethics Commission to determine whether the matter should be referred to the Ethics Commission.
- (F) *Referral to Additional Ethics Training.* Upon finding of violation of this Ordinance, the Inspector General may require that the respondent undergo ethics training in addition to or in lieu of any other penalties imposed upon the respondent.
- (G) *Referral to External Enforcement.* The Inspector General shall refer possible violation(s) of any state, federal, or local law, or rule, regulation or policy to the appropriate civil, criminal or administrative agencies charged with enforcement of said violation.

Section 24. Penalties Cumulative

The penalties prescribed in this Ordinance shall be cumulative and not exclusive of each other or of any other penalties which may be imposed pursuant to any other laws or policies.

Section 25. Secondary Employment

No Public Official or Employee of the County shall engage in secondary employment if that employment is incompatible with the proper discharge of official County duties or might impair objectivity or independent judgment on the job. This includes elective or appointed office in another jurisdiction or in a political party.

The employee's outside employment does not place the employee in violation of the County's Ordinance, including, but not limited to, creation of a conflict of interests. Neither Public Officials nor Employees shall hold outside employment that, in the opinion of the Inspector General, places the Public Official or Employee in violation of **this** Ordinance on a frequent or regular basis.

If an elected official is engaged in secondary employment, and that secondary employment presents the appearance of or in fact a conflict of interest, then that elected official shall be precluded from deliberating on matters that impact the conflict of interest.

- (A) All Public Officials or Employees shall disclose secondary employment in writing to the Human Resources Department and to the Inspector General on an official form approved by the latter, updating this information whenever it changes.
- (B) Prior to accepting an additional job, such persons shall obtain official advice from the Inspector General, **which who** must respond within ~~(5) five business days of the request~~ **a reasonable time based on the circumstances, but not**

to exceed ten (10) working days. The Inspector General in its discretion may limit the type of classifications of secondary employment that require disclosure and/or prior approval.

- (C) In situations pre-dating the adoption of this Ordinance, the covered person shall seek official advice from the Inspector General, within ~~sixty~~ **60** days of the effective date of this Code.
- (D) ~~The employee's outside employment does not place the employee in violation of the County's Ordinance including, but not limited to, creation of a conflict of interests.~~
- (E). ~~*Penalty.* If the secondary employment is ruled a conflict of interest, the covered person shall either terminate that employment or face dismissal from County service, in compliance with existing personnel practices. If an Elected Official is engaged in secondary employment, and that secondary employment presents the appearance of or in fact a conflict of interest, then that Elected Official shall be precluded from deliberating on matters that impact the conflict of interest.~~

Section 26. Boards, Commissions and Advisory Board Appointments

Unless such appointment is provided for by statute, by the County Charter, the County Ordinance or otherwise by operation of law, no County appointing authority shall appoint any person to a Board, commission or advisory Board who has any of the following conflicts of interest with the intended board's objective and impartial operations:

- (A) An elected or appointed employee of the County during the 12 months immediately preceding the Board appointment may not be appointed to any board, commission or advisory board if the Ohio Attorney General's *Index of Compatibility of Public Offices and Positions* provides that such appointment is incompatible with the elected or appointed employee's position with the County. If the Index does not address the appointment, the County appointing authority shall request the opinion of the Inspector General on whether the appointment is incompatible, and the Inspector General or his or her designee in the Inspector General's office shall provide said opinion within ~~five (5) business days of the request~~ **a reasonable time based on the circumstances, but not to exceed ten (10) working days;**
- (B) One or more Full Family members or Business Associates serving on the same Board, commission or advisory board; or
- (C) An interest in one or more public contracts of the County or contracts in effect with or under consideration by that Board, commission or advisory board.

(Amended 4/26/2011 by Ordinance No. O2011-0023)

~~*Section 27. Duty to Recuse or Leave Meeting*~~

- ~~(A) To avoid the appearance of impropriety, after any Public Official or Employee is determined to have a conflict of interest or a potential conflict of interest in any matter, and once all questions relating to the conflict of interest~~

~~have been answered to the satisfaction of the decision maker, the Public Official or Employee shall immediately leave the meeting room, except that if the matter is being considered at a Public meeting, the Public Official may remain in the area of the room occupied by the general Public.~~

~~(B) Nothing herein shall require members of voting bodies to leave their seats while action is taken regarding any item contained on a consent agenda on which there is no deliberation, the Public Official's or Employees conflict has been disclosed, and the Public Official or Employee abstains from voting on the item.~~

Section 28. Employment of Relatives

An employee will not participate in the decisions involving a direct benefit to relatives such as employment, retention, appraisal, promotion, salary, and leave of absence. To preclude actual favoritism or the appearance of favoritism in the employment relationship, no employee shall take any part in the selection process for a position for which a full family member is an applicant. In addition, an individual may not be assigned or accept employment in a department in which a supervisory authority and/or responsibility directly affecting that department is provided by a Full Family member of the individual. Employees who become related as a result of marriage (their own or that of a relative) will be transferred to another work unit.

Relationship to another individual employed by the County will not constitute a bar to initial employment unless the hiring authority for the position is a Full Family member of the applicant. The County extends equal consideration to all applicants and candidates for employment. Neither positive nor negative weight shall be considered when a Fully Family relationship exists with another County employee.

Section 29. Additional Financial Disclosure Requirements

Pursuant to, and in addition to, the financial disclosure filing procedures in OHIO REVISED CODE (ORC): Section 102.02, all department heads and senior management level staff, including deputy directors shall file ~~with the Ohio Ethics Commission and the Inspector General~~ **with the Inspector General, unless required by Ohio law to file with the Ohio Ethics Commission (OEC)**, the disclosure statements described in OHIO REVISED CODE (ORC) Section 102.02 on a form prescribed by the Ohio Ethics Commission no later than ~~June 30th~~ **April 15th** of each year.

(Amended 4/26/2011 by Ordinance No. O2011-0023)

Section 30. Financial Disclosure Statements and Campaign Finance Report Disclosure

The Inspector General shall obtain from the Ohio Ethics Commission and the County Board of Elections the financial disclosure statements and campaign finance reports and any other reports publicly available for all candidates for election or re-election to any County office as well as those required to file financial disclosure statements listed in Article VIII, Section 1 of this Ordinance.

Section 31. *Financial Disclosure Statements Filed Before Taking Office*

- (A) No head of any department **or a County-chartered office** , Deputy Director, **First Assistant, or other similarly situated person, or** Chief of Staff ~~or other member of the County Executive's and County Council senior management team~~ shall take the oath of office or enter or continue upon his or her duties, nor shall that person receive compensation from the County, unless that person has filed a financial disclosure statement with the ~~Ohio Ethics Commission and the Inspector General~~ **Inspector General, unless required by Ohio law to file with the Ohio Ethics Commission (OEC).**
- (B) Failure to comply with this section may result in ~~referral to~~ **an issuance of a penalty by** the Inspector General.

Section 32. *Lobbyist Registration and Reporting*

- (A) *Registry.* Effective January 1, 2012, all Lobbyists shall be registered with the Inspector General. The Registry application form shall include the entity for which the person is lobbying, the employer's name, type of business, current contact information, a current list of the contracts or policies they are trying to influence, and a list of campaign contributions to County elected officials. Registration shall be valid for 12 months. As necessary, the Inspector General may choose to require additional information.
- (B) *Signed Ethics Statement and Training.* Lobbyists shall also sign an ethics statement indicating they have read, understood and agreed to follow the pertinent sections of this Ordinance and attend ethics training within 15 days of approval from the Inspector General.
- (C) *Penalties.* Effective January 1, 2012, a Lobbyist who fails to comply with provisions ~~a, b, or c,~~ **(A) or (B)** shall be prohibited from ~~entering into any contracts~~ **engaging in any lobbying activities** with the County until they are in compliance. A lobbyist who is found to be in violation of this Ordinance shall be removed from the registry and be prohibited from ~~entering into contracts~~ **engaging in any lobbying activities** with the County for a period determined by the Inspector General, along with such other penalty(ies) as the Inspector General may deem appropriate.
- (D) *Authorization.* Effective January 1, 2012, no Lobbyist shall engage in any lobbying activity until the registration process has been completed and approved by the Inspector General.
- (E) *Registration Date.* All Lobbyists must register with the Inspector General ~~for~~ annually, on or before December 31, for the subsequent year to which they wish to engage in lobbying activities. First time registration may take place at anytime during the calendar year for the year in which lobbying activity is to take place.
- (F) *Term.* Lobbyist registrations shall expire on December 31 of the respective registration year.
- (G) *Transparency.* The Inspector General shall make all registrations available for public inspection and shall publish an active Lobbyist registration list on the ~~County~~ **Inspector General** website.

- (H) *Registry Application Fee:* \$100.00.
- (I) *Implementation Date.* Persons engaging in lobbying activities on or after the effective date of this Ordinance must comply with the requirements of this section beginning January 1, 2012.

(Amended 4/26/2011 by Ordinance No. O2011-0023; Amended 7/26/2011 by Ordinance No. O2011-0035)

Section 33. Prohibited Activities by Lobbyists

Lobbyists are prohibited from:

- (A) paying for Anything of Value for any Public Officials or Employees; and,
- (B) making campaign contributions for or otherwise on ~~the~~ behalf of any elected official(s) or candidate(s) for public office for the purpose of influencing the elected official(s) or candidate(s) on any matter of County Business.
- (C) Nothing in this Ordinance shall prohibit Lobbyists from making voluntary political contributions to any elected official, candidate, political action committee, political party, or any other political committee so long as such contributions are properly reported in accordance with applicable laws and regulations, including this Ordinance.

(Amended 4/26/2011 by Ordinance No. O2011-0023)

Section 34. Contractors Registration and Reporting

- (A) *Registry.* Effective January 1, 2012, all contractors doing ~~do~~ business with the County must be registered with the Inspector General. The registration form shall include but not be limited to: the contractor's corporate name, federal tax identification number, address, type of business, names of the contractor's principals and contracts with the County during the past four years. Registration shall be valid for 12 months. As necessary, the Inspector General may choose to require additional information.
- (B) *Signed Ethics Statement and Training.* At the time of submitting their registration materials, all Contractors, regardless of any monetary thresholds, shall also sign an ethics statement on a form provided by the Inspector General. Contractors whose annual aggregate amount of contracting with the County exceeds \$15,000.00 on a calendar year basis must also attend ethics training within 15 days of submission of the registration form and ethics statement to the Inspector General.
- (C) *Awards.* Effective January 1, 2012, registration and the signed ethics statement shall be pre-conditions for the signing of any contract with the County. Effective January 1, 2012, Contractors must submit requisite registration documents, and if applicable based on monetary thresholds in Section H below, the registry application fee to the Inspector General concurrently with or before they submit competitive bids or proposals. Contractors not procured through a competitive bid process must submit the requisite registration documents, and if applicable based on the monetary

thresholds in Section H below, the registration application fee to the Inspector General prior to approval and signature of the contract by the County.

- (D) *Penalties.* Contractors who fail to comply with provisions (A), (B), or (C), shall have their bids/proposals disqualified and may not enter into contracts with the County until they come into compliance. Contractors who are found to be in violation of this Ordinance shall be removed from the registry and be prohibited from entering into contracts with the County for a period determined by the Inspector General, along with such other penalty(ies) as the Inspector General may deem appropriate.
- (E) *Authorization.* Effective January 1, 2012, no Contractor shall engage in any contracting activity until the registration process has been completed and approved by the Inspector General.
- (F) *Term.* Registration may take place at any time during the calendar year for the year in which contracting activity is to take place. Contractor registrations shall expire on December 31 for the respective registration year.
- (G) *Transparency.* Unless disclosure is otherwise prohibited by law, the Inspector General shall make all registrations available for public inspection and shall publish an active contractor registration list on the ~~County~~ **Inspector General** website.
- (H) *Registry Application Fee.*
 - a. The registry application fee shall be \$100.00 for any Contractor whose annual aggregate amount of contracting with the County exceeds \$15,000.00 on a calendar year basis.
 - b. The County shall not charge a registration application fee from Contractors whose annual aggregate amount of contracting with the County totals \$15,000.00 or less on a calendar year basis.
 - c. It shall be the Contractor's responsibility to keep track of the annual aggregate amount of contracting with the County and to comply with all registration requirements, including prompt payment of the registry application fee and training.
 - d. The Inspector General shall coordinate with the Fiscal Officer to obtain aggregate amounts of contracting for the Contractors to verify compliance with the registration requirements of this Ordinance.
- (I) *Implementation Date.* Contractors entering into contracts with the County on or after the effective date of this Ordinance must comply with the requirements of this Section beginning January 1, 2012.

- (J) *Exemptions.* With the exception of the ethics statement provision in Subsection (B), the provisions of this Section shall not apply to the following Contractors:
- (i) Other political subdivisions or governmental entities/agencies;
 - (ii) Persons or entities that receive either direct payments or reimbursement from the County for emergency purchase of items required to serve basic needs, including, but not limited to, temporary foster care providers and grocery or department stores that accept vouchers for basic needs;
 - (iii) Persons or entities that receive County funds through a County-sponsored rebate program, including, but not limited to, the County Storefront Renovation Rebate Program; and
 - (iv) Court reporters or expert witnesses in connection with civil litigation or criminal prosecution.

(Amended 4/26/2011 by Ordinance No. O2011-0023; Amended 7/26/2011 by Ordinance No. O2011-0035; Amended 10/25/2011 by Ordinance No. O2011-0052; Amended 1/10/2012 by Ordinance No. O2012-0002)

Section 35. Prohibited Activities by Contractors

Contractors are prohibited from:

- (A) paying for “Anything of Value” for any Public Officials or Employees; and
- (B) making campaign contributions for or otherwise on ~~the~~ behalf of any elected official(s) or candidate(s) for public office for the purpose of influencing the elected official(s) or candidate(s) on any matter of County Business.
- (C) Nothing in this Ordinance shall prohibit Contractors from making voluntary political contributions to any elected official, candidate, political action committee, political party, or any other political committee so long as such contributions are properly reported in accordance with applicable laws and regulations, including this Ordinance.

(Amended 4/26/2011 by Ordinance No. O2011-0023)

Section 36. County Procurement Card

The County procurement card is a credit card issued by the County to use for certain work related purchases. The procurement card is provided to enable County departments to become more productive by improving efficiency in procurement and expediting payments to vendors. Each County employee who is assigned a procurement card shall be required to sign a “Cuyahoga County Procurement Card Program Cardholder Acknowledgement” form. By signing the form and accepting the procurement card, the employee agrees to comply with the following responsibilities:

- (A) The procurement card is to be used for individual County-approved purchases of under \$500 and within otherwise established limits.

- (B) The procurement card shall not be used for personal purchases. All charges will be billed directly to and paid directly by the County. The bank cannot accept any monies from employees directly. Therefore, any personal charges billed to the County could be considered misappropriation of County funds.
- (C) The card is issued in the employee's name. Therefore, the employee is responsible for keeping the card in a secure location and for assuring that no other person uses the card. The employee is accountable for any and all charges against the card.
- (D) If the card is lost or stolen, the employee shall immediately notify the card issuer by telephone. The employee shall then provide written notification to the program administrator and their department coordinator.
- (E) The card is County property. As such, the employee is required to comply with internal control procedures designed to protect County assets. This may include being asked to produce the card to validate its existence and account number.
- (F) The employee shall record all transactions on the procurement card log, attaching the related receipts for each purchase. The employee shall cooperate with their agency coordinator to reconcile all purchasing activity by reconciling the purchasing log with the monthly statements during statement periods. The employee shall resolve any discrepancies by contacting the vendor first and will involve the program administrator when necessary.
- (G) The card may be revoked at any time in the sole discretion of the County. The employee must surrender the card immediately upon termination of employment.

Section 37. Exemptions

- (A) The Inspector General, with approval of the County Board of Control, may grant exemptions from the requirements of Sections 32 and 34 of Article VII of this Ordinance.
- (B) Requests for exemptions may be submitted to the Inspector General. In addition, the Inspector General may request an exemption upon his or her own initiative. Any request for exemption approved by the Inspector General shall then be submitted to the Board of Control for approval. An exemption is only granted upon approval of the Inspector General and the Board of Control. Should either the Inspector General or the Board of Control deny an exemption request, the aggrieved party may appeal the decision to the full County Council.
- (C) The Inspector General shall post all exemptions granted under this Section on his or her website.

(Amended 10/25/2011 by Ordinance No. O2011-0052)

ARTICLE VIII. HUMAN RESOURCES COMMISSION

Section 1. General Responsibility

The Human Resource Commission shall ~~be the~~ **enforce** ethics compliance and **conduct** training for the County pertaining to this Ordinance.

Section 2. Additional Responsibilities

- (1) Provide copies to all employees of Ohio and County laws relating to ethics and related policies and manuals in accordance with Article 2, Section 14 and Article 7, Section 3 of this Ordinance;
- (2) Insure that employees acknowledge in writing that they have received the materials provided for in Subsection 1 of this section;
- (3) Conduct ethics training programs and classes for County employees; ~~lobbyists, and contractors;~~
- (4) Post the Whistleblower Policy at County offices as provided for in Article 7, Section 21 of this Ordinance;
- (5) Write and send letters of notification, admonition, and censure regarding ethics law violations, when applicable; and
- (6) Take other actions necessary to perform its responsibility for ethics compliance and training for the County pertaining to this Ordinance, except for actions specifically assigned to another unit of Cuyahoga County government.

ARTICLE IX. INSPECTOR GENERAL

Section 1. General Responsibility

The Office of the Inspector General shall be the ethics investigative officer for the County and shall conduct all investigations pertaining to this Ordinance.

ARTICLE X. CORRECTION OF TYPOGRAPHICAL ERRORS

The Clerk of Council may at any time, with the approval of the Director of Law or his/her designee within the Department of Law, correct typographical errors appearing in this Ordinance, but no such change shall in any way affect the substance or meaning of this Ordinance or any part thereof.

(Amended 4/26/2011 by Ordinance No. O2011-0023)

Cuyahoga County Agency of Inspector General



**Semiannual Report
Second Half 2011
(7/1/11 – 12/31/11)**

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SECTION 1: BACKGROUND

1.1 INTRODUCTION

1.2 WHAT IS AN INSPECTOR GENERAL?

1.3 CUYAHOGA COUNTY AGENCY OF INSPECTOR GENERAL



Section 1.1

INTRODUCTION

The Cuyahoga County Agency of Inspector General (“AIG”) was established by the Cuyahoga County Executive (“County Executive”) and Cuyahoga County Council (“County Council”) to protect taxpayers’ interests by promoting honesty and accountability in Cuyahoga County (“County”) government. In furtherance of this mission, the AIG is granted broad authority to conduct investigations, inspections and audits relating to fraud, corruption, waste, abuse, misfeasance, malfeasance and nonfeasance in the operations of County government. In addition, the AIG is designated as the investigative officer for all issues arising under the County’s Ethics Ordinance. In this capacity, the AIG is entrusted with the responsibility of ensuring that County employees, contractors/vendors and lobbyists who do business with the County meet the highest ethical standards.



Section 1.2

WHAT IS AN INSPECTOR GENERAL?

Although the Cuyahoga County Agency of Inspector General is the first local agency of this type in Ohio, the inspector general concept is one that dates back over 200 years.

The inspector general concept can trace its origin to the French Army in the late 1600's. In 1668, the French king appointed an inspector general of the infantry and an inspector general of cavalry. The concept of military inspector generals quickly expanded to become an essential aspect of all modern armies.

The inspector general system arose in the United States during the Revolutionary War. Frustrated with the training and readiness of his forces, General George Washington designated an Inspector General to superintend the training of the entire Army to ensure troop proficiency and common tactics. At the same time, the Continental Congress expressed a desire to appoint an inspector general to help in accountability for the military investments and to assure that the military would remain subordinate to its authority. On December 13, 1777, Congress created the Inspector General of the Army to perform the following tasks:

- Review the troops;
- See that officers and soldiers were instructed in exercise maneuvers established by the Board of War;
- Ensure that discipline be strictly observed; and
- Ensure that officers command properly and treat soldiers with justice.

The size and influence of the inspector general within the Army rose and fell during the 18th and 19th centuries. The inspector general mission, however, grew in importance and scope during World War II and continued to grow in the postwar army. The statutory basis for the current Federal inspector general system comes from the 1950 Army Reorganization Act. This Act created the Office of the Inspector General of the Army.¹

¹ History of the U.S. Army Inspector General, OFFICE OF THE INSPECTOR GENERAL – USMA PUBLIC DOMAIN; <http://usma.edu/IG/history> (last viewed 2/12/12).



The first civilian office of inspector general was established within the U.S. Department of Agriculture (“DOA”) in 1973 in response to scandals with government soybean subsidies. This office was created by centralizing all of the individual audit and investigative offices within the department.

The success of the DOA Inspector General led to the passage of the Inspector General Act of 1978. This Act led to the creation of inspector general offices in all U.S. Cabinet departments. The mission of these offices was to prevent and detect fraud, and to promote efficiency and effectiveness in the programs and operations of their departments.² The number of Federal offices of inspector general has increased from 12 in 1978 to the current number of 73.³

The first state inspector general was established in Massachusetts in 1981. The Ohio Office of the Inspector General was established by an Executive Order issued by Governor Richard Celeste in 1988. The Ohio Office of the Inspector General investigates fraud, waste, abuse, and corruption within the executive branch of state government.⁴

Over the past two decades, several local governments have adopted varied forms of the inspector general concept to combat fraud, waste, and inefficiency in governmental operations.

In 1996, the Association of Inspectors General (“IG Association”) was established to help coordinate the efforts of all inspectors general by performing policy research and analysis, standardizing practices and policies, and sponsorship of educational and certification programs. The IG Association has determined that all inspectors general have the basic goal of prevention and detection of fraud, waste and abuse; ensuring efficient and effective use of public resources; and promotion of public integrity. Each office, however, is established under differing specific authorities and mandates. Therefore, inspectors general use a wide variety of approaches to accomplish their core mission.⁵

² History of the Inspector General, NEW ORLEANS OFFICE OF THE INSPECTOR GENERAL, <http://www.nolaoig.org/main/inside.php?page=history> (last viewed on 2/12/12).

³ Inspectors General Directory and Website Links, COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY, <http://www.ignet.gov/igs/homepage1.html> (last viewed on 2/12/12).

⁴ Home Page, STATE OF OHIO OFFICE OF THE INSPECTOR GENERAL, <http://watchdog.ohio.gov/index.htm> (last viewed on 2/12/12).

⁵ Principles and Standards for Offices of Inspector Generals, ASSOCIATION OF INSPECTORS GENERAL, <http://data.memberclicks.com/site/aig/IGStandards.pdf> (May 2004).



Section 1.3

CUYAHOGA COUNTY AGENCY OF INSPECTOR GENERAL

Laying the Groundwork

On July 28, 2008, over two hundred Federal Bureau of Investigation ("FBI") and Internal Revenue Service ("IRS") agents executed search warrants on several Cuyahoga County officials and offices and on multiple local contractors. This raid was the first public indication of a wide-scale investigation into public corruption in Cuyahoga County; including bribery, contract steering, contract manipulation, property appraisal schemes, fixing court cases, job trades, improper gifts and shadow employees. At least twenty seven public officials and contractors have been convicted as a result of this investigation.⁶ Several dozen more public officials and contractors have been either charged with or identified as having some level of involvement in the public corruption.

In response to the ongoing corruption investigation, the citizens of Cuyahoga County adopted a new charter form of government in November 2009. The preamble to the Charter of Cuyahoga County ("Cuyahoga Charter") sets forth the following goals for the new County government:

- (1) Focused, effective and accountable leadership;
- (2) Job creation and economic growth as a fundamental government purpose, thereby helping the County do a better job of creating and retaining jobs and ensuring necessary and essential health and human services;
- (3) Collaborative leadership with Cleveland, suburbs and others within the public and private sectors;
- (4) An improved focus on equity for all our communities and citizens;
- (5) Long-term regional and global competitiveness; and

⁶ Nearly 100 Years of Prison Time Handed Down So Far in Cuyahoga County Corruption Cases, CLEVELAND.COM, http://blog.cleveland.com/metro/2011/nearly_100_years_of_prison_tim.html (last viewed 2/12/12).



- (6) Significant taxpayer savings by streamlining and eliminating unnecessary elected offices.

In furtherance of the goal of increased accountability for public leadership, the Cuyahoga Charter granted the newly established County Executive position the following investigative authority:

The County Executive may, at any time and without notice, cause the administrative affairs or the official acts and conduct of any official or employee of any County office, department or agency over which the Executive has authority to be examined. The County Executive, **or any person appointed by the Executive to conduct such an examination**, shall have the same power to take testimony, administer oaths and compel the attendance of witnesses and the production of papers, books and evidence and refer witnesses to the Prosecuting Attorney to be punished for contempt as is conferred upon Council by this Charter. Subpoenas may not be issued pursuant to this section except by resolution adopted by a two-thirds vote of Council.⁷

In addition, the County's new legislative body is granted the following investigative authority:

The Council or any committee of Council may investigate the financial transactions of any office, department or agency of County government and the official acts and conduct of any County official relating to any matter upon which Council is authorized to act. In conducting such investigations, the Council or any such committee may administer oaths and may, by resolution adopted by vote of at least eight members of Council or of the committee of Council, compel the attendance of witnesses and the production of books, papers and other evidence through the issuance of subpoenas. Subpoenas shall be signed by either the President of Council or the chair of the Council committee seeking a witness's testimony or the production of evidence and shall be served and executed by an officer authorized by law to serve subpoenas and other legal process. In the matter of compelling the attendance of witnesses and the production of evidence, the majority vote of Council, if any, shall take precedence over the

⁷ Charter of Cuyahoga County, Section 2.05 (emphasis added).



vote of a Council committee. If any duly-subpoenaed witness refuses to testify to any facts within the witness's knowledge, or to produce any paper, books, or other evidence in the witness's possession or in the witness's control relating to the matter under inquiry before the Council or any such committee, the Council may refer the matter to the Prosecuting Attorney for the Prosecuting Attorney to cause the witness to be punished as for contempt.⁸

While the Cuyahoga Charter became effective on January 1, 2010, the first year was designated as a transition year to the new form of government. In accordance with the mandate of the Cuyahoga Charter, the County established a Transition Advisory Group ("TAG") to guide this process throughout 2010. The TAG engaged in a process that involved the formation of several public/private hybrid advisory committees that conducted over 330 meetings in 2010. On October 7, 2010, the TAG issued an Interim Report of the Cuyahoga County Transition Executive Committee ("TAG Report").⁹ This report incorporated the recommendations of the thirteen work groups into a comprehensive document to be delivered to the public and to the newly elected County officials.

The TAG Report offered several recommendations relating to the Cuyahoga Charter's mandate for increased accountability for County leadership. These recommendations included a call to establish a "prevention first" approach to ethics:

The County should not just create rules, but should take a "prevention-first" approach to ethics and integrity issues. Our recommendations to create this environment include a detailed plan for an Internal Audit Department, **the creation of an Office of Inspector General**, and the provision of qualified, direct advice to the County Executive and Council by a new Director of Law. There are benefits to each of these new resources that the Executive and Council must discuss and debate. While some of these functions may be combined or connected, establishing a clear commitment and a supporting infrastructure for ensuring an ethical and transparent county government should be a top priority in the early weeks of the new administration. In addition, the new government

⁸ Charter of Cuyahoga County, Section 3.12.

⁹ First Things First: Transition to a New Cuyahoga County Government, COUNTY CHARTER TRANSITION ADVISORY GROUP, http://charter.cuyahogacounty.us/pdf_transitioninfo/en-US/InterimRprt-CC-TranstnExeCmmt_1stthngs.PDF (last viewed on 2/12/12).



should commit to ongoing efforts to train county staff on the code of ethics and methods for preventing fraud, waste and abuse.¹⁰

On February 7, 2011, newly elected County Executive Edward FitzGerald appointed Nailah K. Byrd as the County's first Inspector General. The new Cuyahoga Inspector General initially operated under the Executive's Charter investigative authority. Subsequent actions of County Council and the County Executive, however, more explicitly defined the role of the Inspector General.

The County Ethics Ordinance

The County Council enacted a permanent Code of Ethics in Ordinance No. O2011-0008 ("the Ethics Ordinance"), which was signed by the County Executive and became effective on April 8, 2011. Article 9 of the Ethics Ordinance officially designates the Inspector General as the ethics investigative officer for the County and requires the Inspector General to conduct all investigations pertaining to the Ethics Ordinance. Accordingly, Section 23 of Article 7 of the Ethics Ordinance grants the Inspector General the following enforcement authority when a violation of the Ethics Ordinance is uncovered:

- *Letter of Notification.* The Inspector General may issue a letter of notification when it finds that a violation of the Ethics Ordinance was clearly unintentional or inadvertent. The letter may advise the individual/entity of any steps to be taken to avoid future violations.
- *Letter of Admonition.* The Inspector General may issue a letter of admonition when it finds that the violation of the Ethics Ordinance was minor and/or may have been unintentional or inadvertent.
- *Letter of Censure.* The Inspector General may issue a letter of censure when it finds that the individual/entity has intentionally or knowingly violated the Ethics Ordinance.
- *Recommendations to the County Executive.* When the Inspector General finds that the individual/entity has intentionally or knowingly violated this Ordinance, the Inspector General may make a recommendation to the County Executive or County Council (depending on the appointing authority), including but not limited to a recommendation for suspension, forfeiture of office or removal from office, and/or banning or temporarily suspending the individual's/entity's right to solicit, bid on or obtain a contract with or from the County, as allowed by applicable law.

¹⁰ Id. at p. 9 (emphasis added).



- *Notice to the Ohio Ethics Commission.* When the Inspector General finds that a public official or employee has recklessly or knowingly violated the Ohio provisions of the Ethics Ordinance, the Inspector General shall consult with the Ohio Ethics Commission to determine whether the matter should be referred to the Ethics Commission.
- *Referral to Additional Ethics Training.* Upon finding of violation of this Ordinance, the Inspector General may require that the individual/entity undergo ethics training in addition to or in lieu of any other penalties imposed upon the Respondent.
- *Referral to External Enforcement.* The Inspector General shall refer possible violation(s) of any state, federal, or local law, or rule, regulation or policy to the appropriate civil, criminal or administrative agencies charged with enforcement of said violation.

In addition to these investigatory and enforcement functions, the Ethics Ordinance requires the Inspector General to perform the following disclosure/prevention functions:

- When a Public Official or Employee, in the course of carrying out his or her duties, has been offered or is discussing future employment with a business that is presently dealing with the County concerning matters within the Public Official or Employee's current official duties, that person shall comply with all requirements in the Ethics Law and related statutes regarding future employment and disclose such possible future employment to the Inspector General.¹¹
- The Inspector General is defined as a proper recipient of non-criminal whistleblower complaints.¹²
- County public officials and employees are required to report criminal behavior in County operations to the Inspector General within five days of becoming aware of the behavior.¹³
- The Inspector General must receive and rule on conflict of interest disclosures.¹⁴

¹¹ Ethics Ordinance, Article 7, Section 16(D).

¹² Ethics Ordinance, Article 7, Section 17(B).

¹³ Ethics Ordinance, Article 7, Section 18(A).



- The Inspector General must review and respond to secondary employment disclosures.¹⁵
- The Inspector General must review board/commission appointments by the County for conflicts of interest.¹⁶
- Certain County officials and employees are required to file financial disclosure statements with the Inspector General.¹⁷
- The Inspector General is required to obtain all campaign finance reports and financial disclosure statements for all candidates for County elected office.¹⁸
- The Inspector General must create and maintain a County lobbyist registry.¹⁹
- The Inspector General must create and maintain a County contractor registry.²⁰

Establishment of the Agency

On June 14, 2011, the County Council created the AIG by enacting Ordinance No. O2011-0019 (“the AIG Ordinance”). The AIG Ordinance creates an independent agency under the direction of the Inspector General, but also sets forth specific requirements and limitations designed to ensure that the AIG remains accountable to the public.

The AIG is authorized to conduct all examinations under Section 2.05 of the Cuyahoga Charter and does, therefore, have all such rights and duties to investigate fraud, corruption, waste, abuse, misfeasance, malfeasance, and nonfeasance without interference or pressure from any other public official or employee.²¹ So long as all budgetary parameters are kept, the Inspector General is granted the ability to employ assistants and employees as shall be

¹⁴ Ethics Ordinance, Article 7, Section 22.

¹⁵ Ethics Ordinance, Article 7, Section 25.

¹⁶ Ethics Ordinance, Article 7, Section 26.

¹⁷ Ethics Ordinance, Article 7, Sections 29 and 31.

¹⁸ Ethics Ordinance, Article 7, Section 30.

¹⁹ Ethics Ordinance, Article 7, Section 32.

²⁰ Ethics Ordinance, Article 7, Section 34.

²¹ AIG Ordinance, Section 2(c).



reasonably necessary to assist the Inspector General in carrying out the duties of the AIG.²²

In addition to the investigatory function, the AIG Ordinance sets forth the following additional mandatory functions for the AIG:

- The Inspector General shall serve as the County's chief ethics officer and is charged with the responsibility of investigating and enforcing the ethics ordinance in accordance with the terms of said ordinance. In so doing, the Inspector General shall cooperate with the County's Human Resource Commission. The Inspector General shall not interfere with the authority of the Human Resource Commission to ensure "compliance with ethics resolutions or ordinances as passed by the Council" under Section 9.02(3) of the County Charter.²³
- The Inspector General shall establish a "hotline" and web site to receive complaints from either anonymous or identified persons, and s/he shall investigate all complaints, tips, and any other filings and submittals received by the AIG regardless of the format or forum through which such information or documents are received. Without regard to how such documents are received by the AIG, all documents prepared or received by the AIG, including, without limitation, all complaints, tips, and any other filings and submittals received by it shall be considered part of the Inspector General's confidential investigative files.²⁴
- The Inspector General shall have the powers and rights to investigate all County contracts subject to the limitations set forth in Section 2(d)(iii) of the AIG Ordinance.²⁵
- When the Inspector General reasonably believes that a possible violation of any state, federal, or local law, rule, regulation, or policy has taken place, s/he shall notify the appropriate civil, criminal, or administrative agencies in charge with enforcement of said violation. In the case of a possible violation of a rule, regulation, or policy governing a County employee, the Inspector General shall notify the County Executive and the Department of Human Resources.²⁶

²² AIG Ordinance, Section 2(b).

²³ AIG Ordinance, Section 2(c)(i).

²⁴ AIG Ordinance, Section 2(c)(ii).

²⁵ AIG Ordinance, Section 2(c)(iii).

²⁶ AIG Ordinance, Section 2(c)(iv).



- The Inspector General shall cooperate with other governmental agencies to recover such costs from other entities involved in willful misconduct in regard to County funds and return said funds to the County's General Fund.²⁷
- The Inspector General shall prepare and publish semiannual reports (the first of which will cover the period January 1st – June 30th and will be due in July and the second of which will cover the period July 1st – December 31st and will be due in February) concerning the work and activities of the Agency pertaining to closed investigations, including statistical information regarding the disposition of closed investigations, audits, and other reviews. The reports shall include the total number of complaints received during each reporting period, the number that required active investigation, the number that resulted in prosecution or other disciplinary actions, and the number of investigations closed, along with the cost incurred over and above that of the cost of the salaries of the Agency. The Inspector General shall simultaneously publish the reports on the Agency's website.²⁸

In conducting its duties, the AIG is required to avoid interfering in any ongoing outside criminal, civil or administrative investigation/prosecution.²⁹ The AIG is also required to develop internal policies and procedures that ensure that any investigation subject's constitutional rights are protected.³⁰

The AIG shall only be abolished upon the affirmative vote of at least eight members of Council and executed by the Executive.³¹

²⁷ AIG Ordinance, Section 2(c)(v).

²⁸ AIG Ordinance, Section 2(c)(vi)

²⁹ AIG Ordinance, Section 2(d)(1).

³⁰ AIG Ordinance, Section 2(d)(ii).

³¹ AIG Ordinance, Section 3(e).



SECTION 2: ADMINISTRATION

2.1 THE INSPECTOR GENERAL

2.2 AIG STRUCTURE

2.3 AIG BUDGET



Section 2.1

THE INSPECTOR GENERAL

AIG Ordinance Requirements

The Cuyahoga Inspector General is appointed by the County Executive subject to confirmation of Council.³² The Inspector General is appointed to a term of five years.³³ The Inspector General may only be removed from office for cause. Either the County Executive or County Council may initiate the process to remove the Inspector General by introduction of a resolution before Council. To effectuate such removal, the resolution must receive the affirmative vote of at least eight (8) members of Council.³⁴

In appointing and confirming the Inspector General, the County Executive and County Council are to exercise good faith efforts to seek highly qualified candidates who have demonstrated the ability to work with local, state, and federal law enforcement agencies and who have audit-related skills and professional certifications in relevant fields. The selected Inspector General must have the following minimum qualifications:

- A juris doctorate degree from an accredited institution of higher learning; and
- At least ten years' experience in any one or a combination of the following fields:
 - As a federal, state, or local law enforcement agent/official;
 - As a licensed attorney;
 - As an inspector general, certified public accountant, or internal auditor; or
 - As a person with escalating supervisory and managerial experience in an investigative public agency similar to an inspector general's agency.³⁵

³² AIG Ordinance, Section 3(b).

³³ AIG Ordinance, Section 3(c).

³⁴ AIG Ordinance, Section 3(d).

³⁵ Id.



Inspector General Nailah K. Byrd

The AIG Ordinance explicitly authorized the incumbent Inspector General, Nailah K. Byrd, to have the right to continue to serve as the County's first Inspector General without confirmation of Council until June 30, 2016.³⁶

Inspector General Byrd previously worked as a federal prosecutor in the United States Attorney's Office for the Northern District of Ohio. Prior to that, she practiced law in the litigation group at the international law firm of Squire Sanders & Dempsey, and then served as senior counsel at National City Bank/PNC, where she managed outside litigation counsel. She started her legal career as an Assistant District Attorney in New York County after graduating from law school. Inspector General Byrd is admitted to practice law in New York, New Jersey and Ohio.

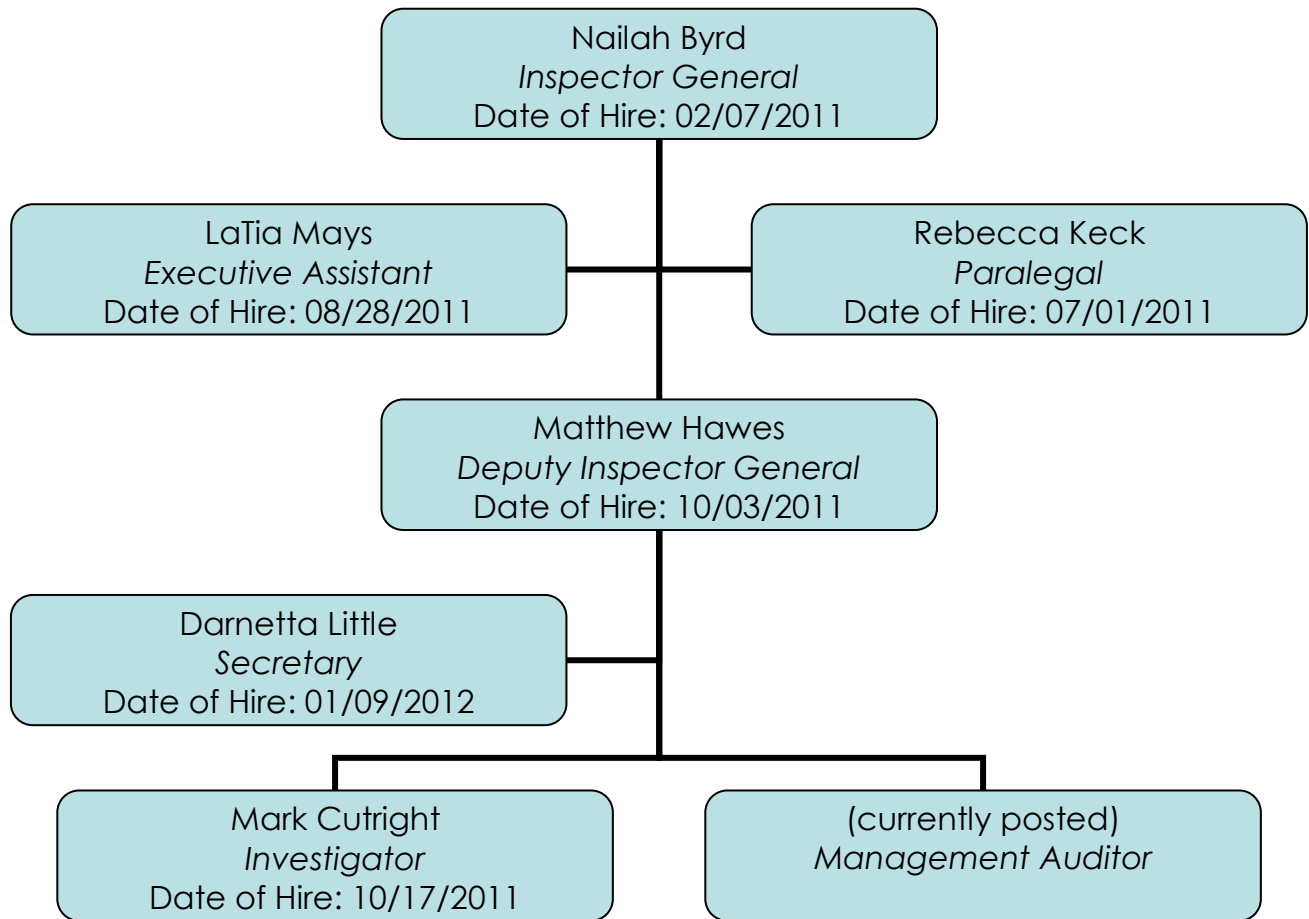
A graduate of the 2004 Bridge Builders class, Inspector General Byrd is also a member of Kaleidoscope Magazine's 40 under 40. She previously served on the Magistrate Selection Committee for the Northern District of Ohio. She has been recognized as a top lawyer in Ohio Super Lawyers Magazine and was selected by Crain's Cleveland Business Magazine as a 2011 Women of Note finalist. Most recently, she was featured in Cleveland Magazine's Most Interesting People 2012 article.

³⁶ AIG Ordinance, Section 3(a).



Section 2.2 AIG STRUCTURE

The AIG currently operates under the following organizational structure:



The Inspector General also possesses budgetary authority to fill one additional position in 2012. The Inspector General is in the process of finalizing the responsibilities for this position.



Section 2.3 AIG BUDGET

County Council granted the IG an initial budget allocation of \$375,000.00 for the second half of 2011.³⁷ In addition, County Council mandated the County to exercise good faith efforts to provide the AIG with appropriately located office space and sufficient physical facilities, including office furniture, equipment, and software, commensurate with other County departments of similar size and needs.³⁸

The following is a summary of the budget that was submitted to County Council in June 2011 and the actual expenditures for the budget period (July 1, 2011 – December 31, 2011):

Expense	Budget	Actual Expenditures
Salaries and Benefits	\$331,565.00	\$216,745.00
Other Operating Costs (office supplies, postage, print shop, training, travel, etc.)	\$28,000.00	\$14,584.00
	\$359,565.00	\$231,329.00

In addition to these costs, the Cuyahoga County Office of Budget and Management estimates an expense of \$67,369.00 was spent on the AIG to satisfy the facilities requirement (e.g., office space, furniture, computers, and telephones) in the AIG Ordinance. In an attempt to defray the costs associated with the establishment of the AIG, County Council has implemented a \$100 annual registration fee for all non-exempt County contractors and lobbyists. In 2011, the AIG collected \$64,900.00 in registration fees.

Total Cost to Taxpayers

Salaries and Benefits	\$216,745.00
Other Operating Costs	\$14,584.00
Facilities	\$67,369.00
(Registration Fee)	(\$64,900.00)
TOTAL COST TO TAXPAYERS:	\$233,798.00

³⁷ AIG Ordinance, Section 2(e)(i).

³⁸ AIG Ordinance, Section 2(f).



SECTION 3: INVESTIGATION

3.1 INVESTIGATION PROCEDURES

3.2 INVESTIGATION STATISTICS

3.3 SUMMARIES OF SIGNIFICANT CASES



Section 3.1

INVESTIGATION PROCEDURES

Purpose

The AIG is working to create an investigation process that facilitates all of the following:

- 1) Responsiveness to all individuals who report allegations of wrongdoing;
- 2) Prioritization of resources on cases that yield the most savings for taxpayers;
- 3) Protection of the rights of all individuals accused of wrongdoing; and
- 4) Adherence to the Principles and Standards for Offices of Inspector General as developed and approved by the Association of Inspectors General (May 2004).

Intake

Whistleblower complaints from concerned employees and citizens provide the lifeblood of a successful inspector general office. Accordingly, the AIG has established the following mechanisms that allow potential whistleblowers to easily and discreetly file complaints:

- *AIG Whistleblower Hotline (216- 698-2999)* – This number is prominently displayed on the Inspector General’s website and on posters distributed throughout all County buildings.
- *Report a Concern Messages* – Individuals who click the “Report a Concern” link on the AIG and County Executive websites will be directed to an online complaint form. Submitted forms are confidentially e-mailed directly to AIG staff.
- *Contact Ed Messages* – Complaints regarding fraud, waste or abuse that are submitted to the County Executive’s “Contact Ed” program are forwarded to the AIG for review.



- *Direct Phone/Mail/Walk-In* – Individuals are always permitted to directly contact AIG staff with complaints or concerns.
- *Referral From County Officials* – County officials are encouraged to forward any complaints regarding fraud, waste or abuse to the AIG.

Triage

All complaints received by the AIG are referred to the Inspector General for preliminary review. The Inspector General, in consultation with staff, will review each complaint for the following elements:

- *Jurisdiction* – Does the AIG have jurisdiction over the subject of the complaint?
- *Sufficiency of Information* – Does the complaint present sufficient information to warrant further inquiry?
- *Source of information* – How reliable is the source of the information?
- *Nature of the alleged wrongdoing* – What is the actual negative impact of the alleged wrongdoing if it is in fact occurring?
- *Potential for exposing systemic issues* – Does the complaint raise larger systemic issues that may need to be addressed?

After weighing each of these factors, the Inspector General will issue one of the following preliminary decisions on each case:

- *Decline Investigation for Lack of Jurisdiction* – The AIG will not investigate the allegations in the complaint because they fall outside of the jurisdiction of the AIG. When appropriate, however, the AIG will refer the complaint to the proper entity with jurisdiction to address the complaint.
- *Decline Investigation for Lack of Information* – The AIG will not initiate investigation where a complaint lacks sufficient detailed allegations of wrongdoing.
- *Management Inquiry* – A management inquiry is a complaint that is forwarded to department management with a response requirement. The AIG will review the response to determine if further investigation is warranted. The management inquiry will generally require the department to respond to the veracity of the specific allegation and to



cite to any corrective actions taken. A management inquiry is typically used when the allegations are specific, but minor if true.

- *Management Referrals* – A management referral is a complaint that is forwarded to department management with no response requirement. Management referrals are used when the complaint alleges behavior that is best addressed by the Department or by Human Resources.
- *Initiate Investigation* – Complaints that are assigned for investigation.

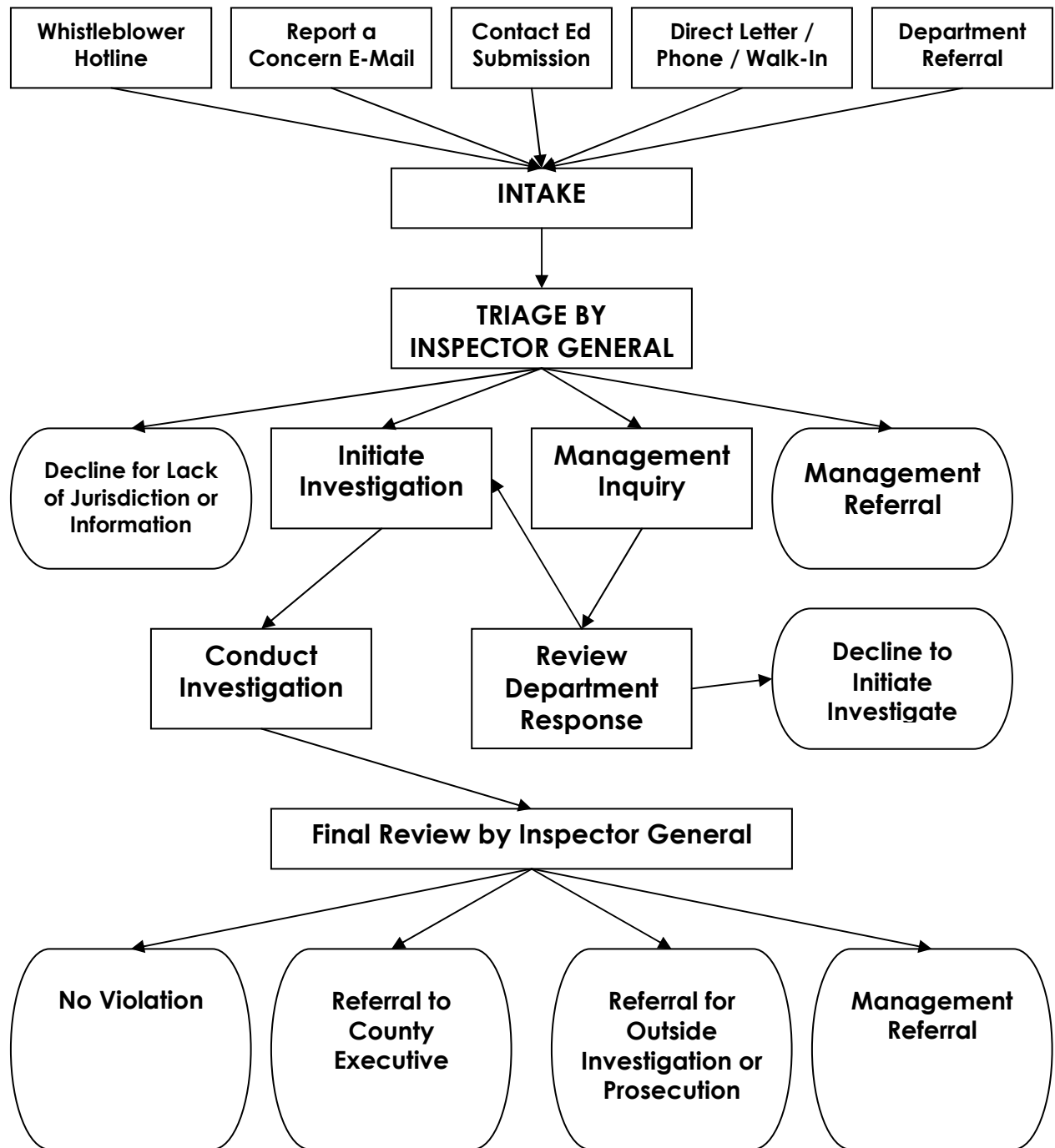
Investigation and Determination

All Investigations are conducted under the direction of either the Inspector General or Deputy Inspector General. Final investigation reports and recommendations are submitted to the Inspector General for review and approval. The Inspector General will issue one or more of the following responses on each completed investigation:

- *No Violation* – The investigation failed to reveal sufficient evidence of any wrongdoing. A “No Violation” finding, though, may be accompanied by a Management Referral if the investigation revealed other information that requires some form of corrective action.
- *Referral for Outside Investigation/Prosecution* – When the Inspector General reasonably believes that a possible violation of any state, federal, or local law, rule, regulation, or policy has taken place, the AIG Ordinance requires that he/she notify the appropriate civil, criminal, or administrative agencies in charge with enforcement of said violation.
- *Referral to County Executive* - In the case of a possible violation of a rule, regulation, or policy governing a County employee, the AIG Ordinance requires the Inspector General to notify the County Executive and the Department of Human Resources.
- *Management Referral* – Case is referred back to Department management with corrective action recommendations.



Investigation Process Map

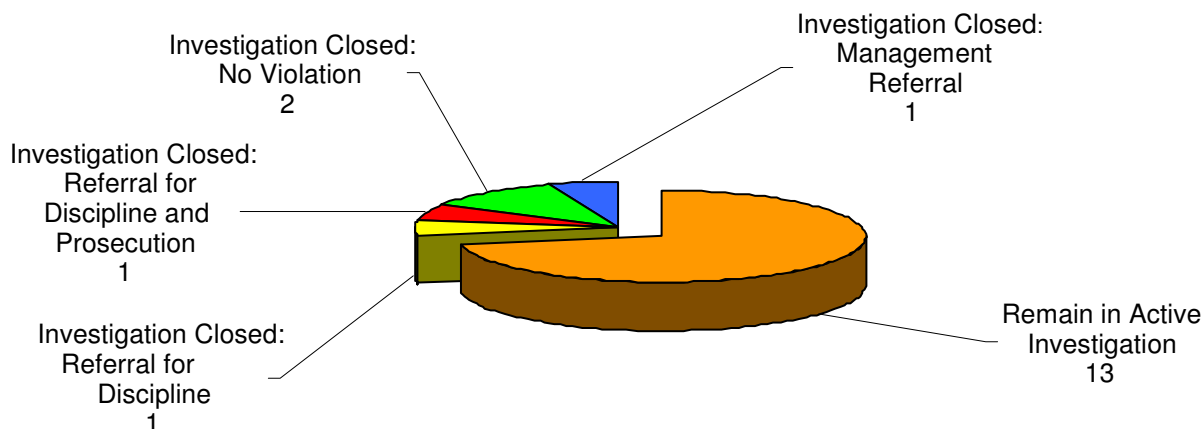


Section 3.2 INVESTIGATION STATISTICS

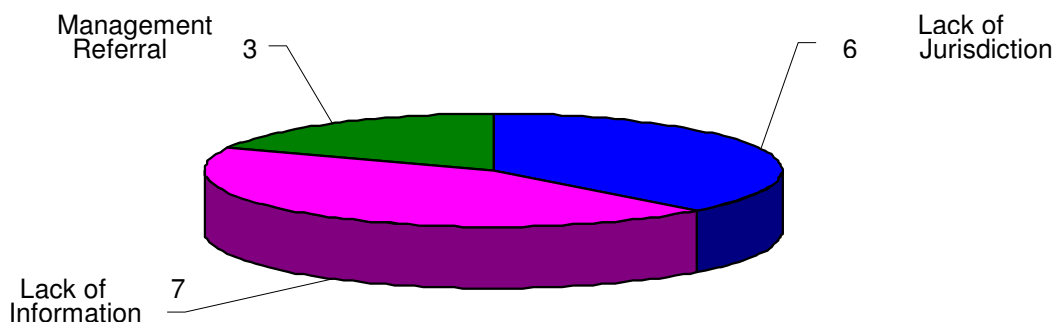
First Half of 2011

This Semi-Annual Report covers from July 1, 2011 through December 31, 2011. As of July 1, 2011, though, thirty four (34) complaints received during the first half of the year were still considered open. The following is a summary of the disposition of those thirty four (34) cases.

Initiated Investigation - 18 Complaints



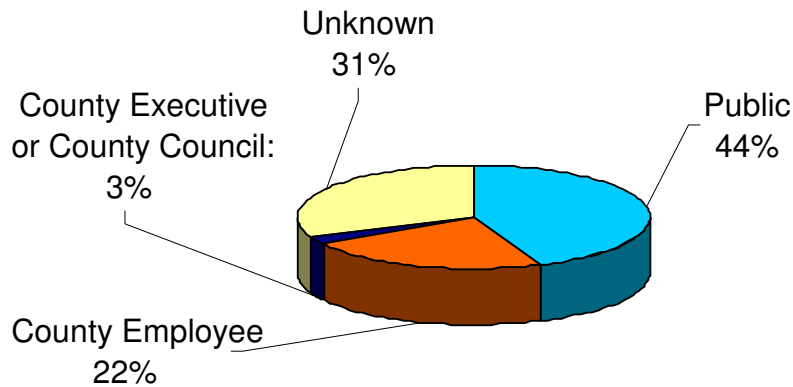
Declined Investigation - 16 Complaints



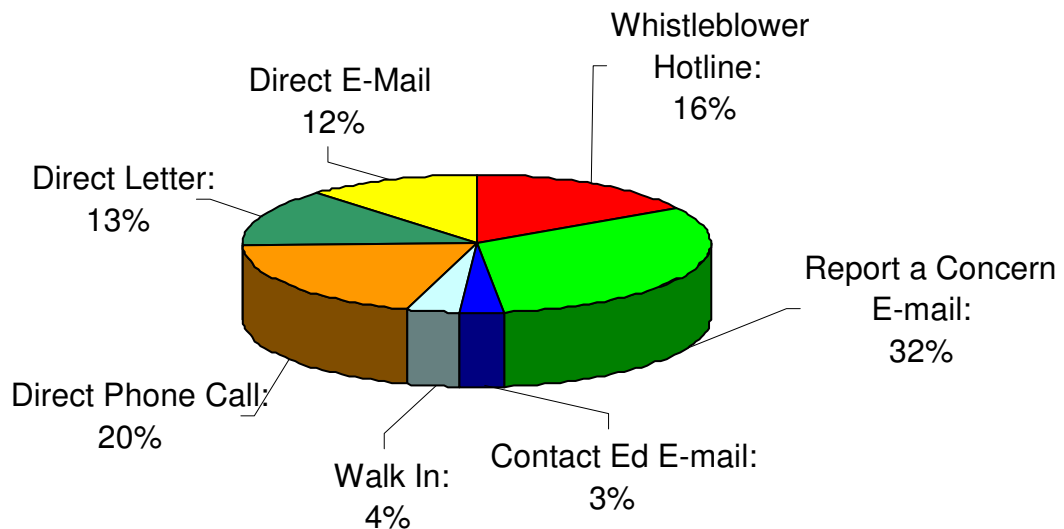
Second Half of 2011

The AIG received one hundred ninety four (194) complaints from July 1, 2011 through December 31, 2011. The following is a summary of the nature and disposition of these complaints.

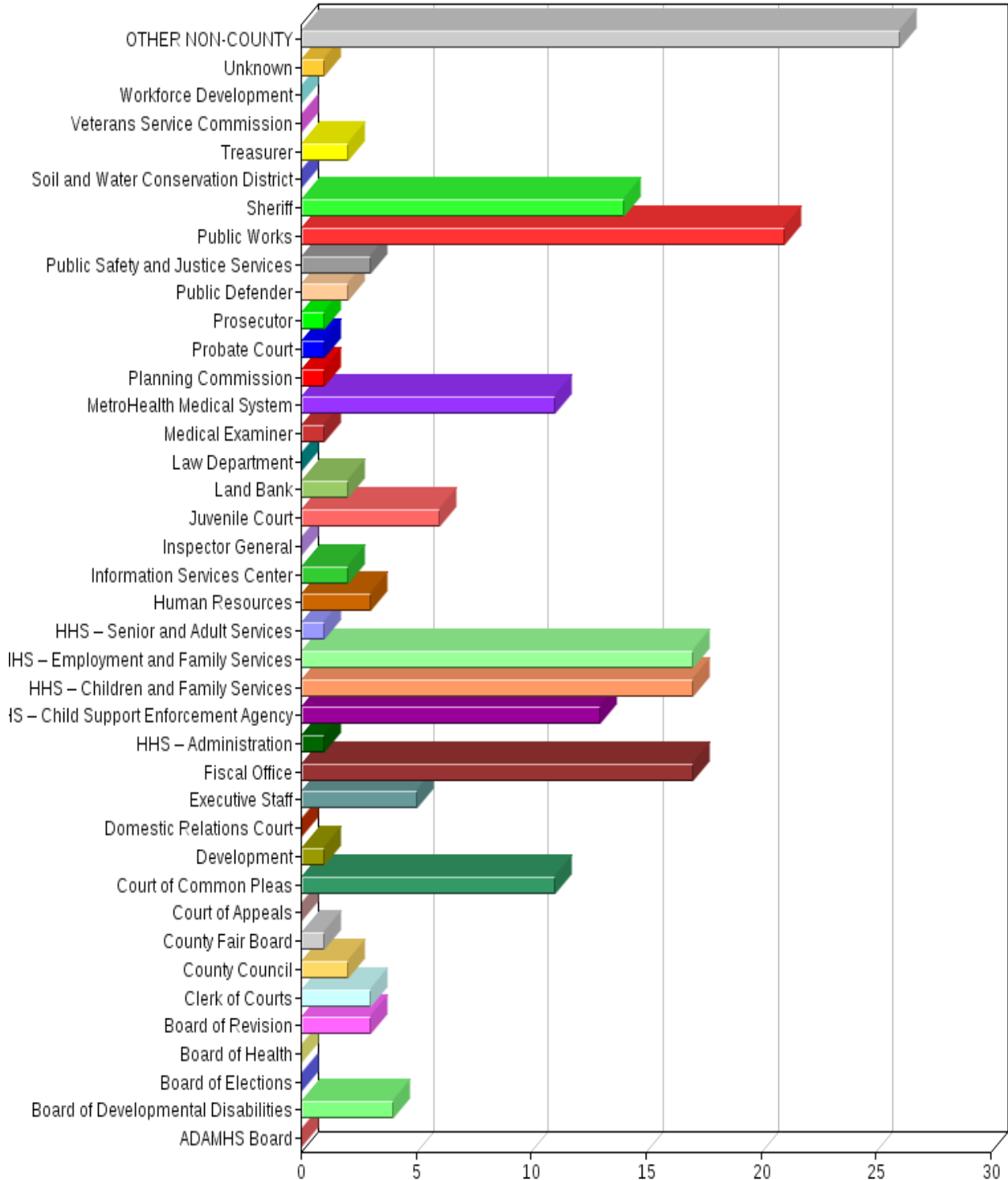
Source of Complaint



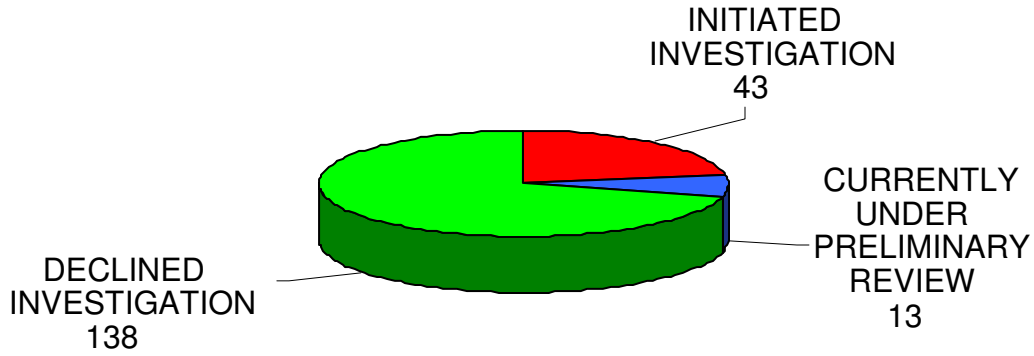
Method of Referral



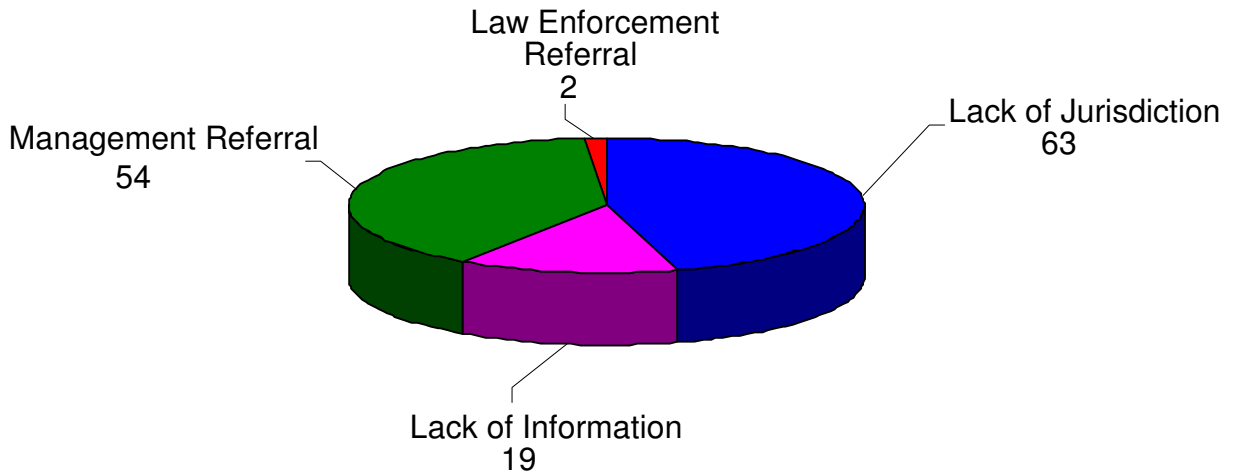
Subject Department



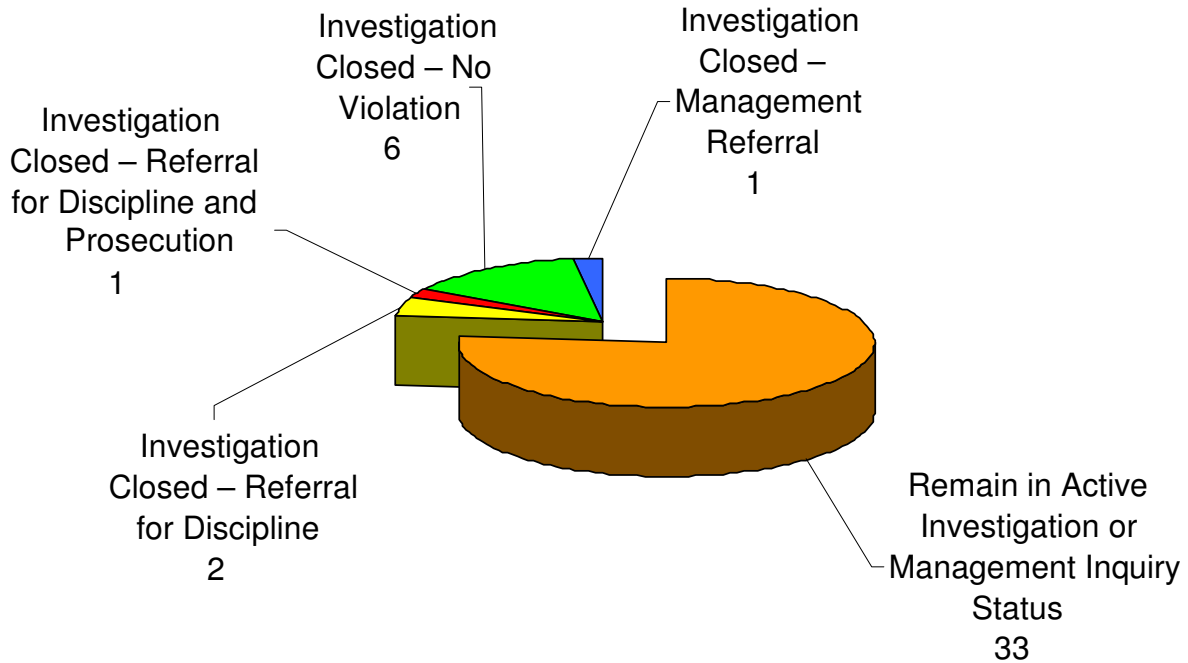
Complaint Disposition



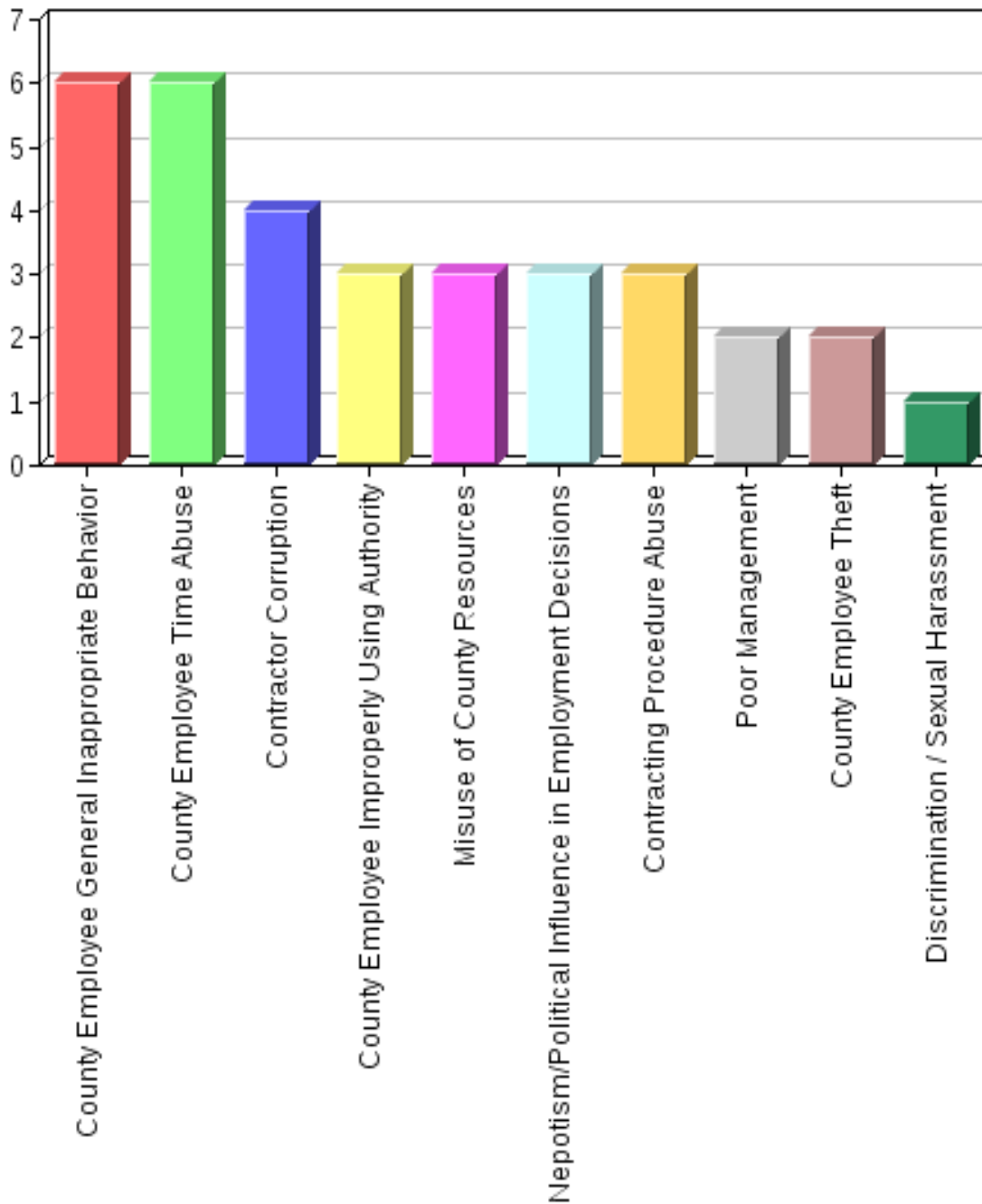
Declined Investigations



Initiated Investigations



Investigations Initiated Complaint Types



Section 3.3

SUMMARIES OF SIGNIFICANT CASES

Investigations

CASE NUMBER: INVEST-000070

SUBJECT(S) INFO:

Name: Terrance Carr
Position: Ironworker Foreman
Department: Public Works

SOURCE OF REFERRAL: Employee Complaint

METHOD OF REFERRAL: Direct E-mail

ALLEGATION(S):

- 1) Terrance Carr ("Carr") frequently visits local bars while on duty and drinks alcohol during these visits. A whistleblower stated that he/she observed Carr at a bar in Lakewood drinking alcohol during regular working hours.

- 2) The Ironworkers located in the Justice Center drink alcohol in their office while on duty. A whistleblower indicated that he/she observed an employee removing of a garbage bag full of beer cans from the Ironworkers office.

INVESTIGATION SUMMARY: Initial investigation involved a review of the three employees' punch clock and garage swipe records. Carr's records revealed over four hundred twenty four (424) hours of time in 2011 where Carr was away from his primary work location in his personal vehicle. In light of this, surveillance of Carr was conducted on five separate days. Carr was observed leaving the Justice Center and going to bars in Cleveland and Lakewood on four of the five days. Subsequent review of payroll records indicated that he was on the clock for three of these four days. In addition, investigators conducted a search of the Ironworkers office for signs of alcohol use. This search, however, failed to reveal any indication of alcohol use.



RECOMMENDATION(S):

- 1) Referral to County Executive and Human Resources Department for disciplinary action for Carr.
- 2) Issued finding of no violation for other Ironworkers.
- 3) Referral to County Prosecutor for criminal prosecution review.
- 4) Referral to Public Works Director to address supervisory neglect.
- 5) Initiation of follow-up investigation to address timekeeping issues amongst trades employees.

RESULT(S):

- 1) Carr removed from the workplace. Carr (Annual Salary - \$72,924.80) has submitted resignation effective February 25, 2012.
- 2) Criminal investigation still ongoing.
- 3) Estimated that Carr's behavior cost the County approximately \$15,000 in lost time in 2011. It is also believed that this behavior has occurred for a significant amount of time prior to 2011.

CASE NUMBER: INVEST-000002

SUBJECT(S) INFO:

Name: Linda Rybak
Position: Program Officer 4
Department: Human Resources

SOURCE OF REFERRAL: Public

METHOD OF REFERRAL: Whistleblower Phone Call

ALLEGATION(S): Linda Rybak ("Rybak") knowingly engaged in fraudulent activities that led to her improperly obtaining a promotion and increase in pay. The complainant cited to the series of newspaper articles regarding the County Corruption Investigation, wherein it is alleged that Rybak's husband, Robert Rybak, bribed former Cuyahoga County Commissioner Jimmy Dimora ("Dimora") in exchange for Dimora securing a promotion and raise for Rybak in April of 2008. Complainant alleges that Rybak's continued receipt of the benefits of this fraudulent promotion is inappropriate.

INVESTIGATION SUMMARY: The investigation consisted of a review of Rybak's personnel records, Robert Rybak's plea agreement with the Federal Government, and transcripts from the Dimora trial. The information contained in these documents demonstrated that Rybak did actively conspire with her



husband, Dimora, former County employee J. Kevin Kelley, and former Cuyahoga County Commissioner Peter Lawson Jones to improperly secure a promotion and raise in salary.

RECOMMENDATION(S):

- 1) Referral to County Executive and Human Resources Department for disciplinary action.

RESULT(S):

- 1) Rybak (Annual Salary - \$53,726.40) was terminated effective February 14, 2012.

CASE NUMBER: INVEST-000153

SUBJECT(S) INFO:

Name: Mark Lime
Position: Chief of Criminal Division
Department: Clerk of Courts

SOURCE OF REFERRAL: Public

METHOD OF REFERRAL: Walk-In

ALLEGATION(S): Complainant alleged that the director of the criminal division, Mark Lime ("Lime"), stole at least \$2000 in cash bond forfeiture payments over the past 12 months.

INVESTIGATION SUMMARY: The investigation involved witness interviews, review of security camera tapes, and examination of applicable records. The investigation revealed sufficient evidence that Lime was engaging in a pattern of stealing cash bond forfeiture payments. Videotape evidence clearly documented Lime's acceptance of cash payments and his failure to turn the cash over to the cashiers. The investigation also revealed evidence that Lime was stealing cash criminal reparation fee payments on a periodic basis.

RECOMMENDATION(S):

- 1) Referral to County Executive and Human Resources Department for disciplinary action.
- 2) Referral to County Prosecutor for criminal prosecution review.
- 3) Referral to Clerk of Courts to review cash handling procedures.



RESULT(S):

- 1) Lime's (Annual Salary - \$60,582.07) employment was terminated effective September 16, 2011.
- 2) Criminal investigation still ongoing.
- 3) Although it is unclear the exact amount that Lime stole, it is clear that Lime stole a minimum of \$2,500 in bond forfeiture payments in the twelve months prior to his termination. It is believed, though, that Lime stole a significant additional amount of cash criminal reparation fee payments.

CASE NUMBER: INVEST-000111

SUBJECT(S) INFO:

Name: Tracie Washington
Position: Program Officer 2 (Mediator)
Department: Public Safety and Justice Services (Mediation)

SOURCE OF REFERRAL: Public

METHOD OF REFERRAL: "Contact Ed" E-Mail

ALLEGATION(S): Complainant owns a home on Cleveland's near west side. Complainant alleged that her neighbors have been engaged in an ongoing pattern of harassing behavior towards herself and her sister. The neighbors resided in a home that is owned by the Cuyahoga Metropolitan Housing Authority ("CMHA") through a "scattered site" low income public housing program. This harassing behavior was exacerbated by the alleged participation of a County employee named Tracie Washington ("Washington"). Washington allegedly was using her position with the County to threaten Complainant.

INVESTIGATION SUMMARY: The investigation involved witness interviews and review of security camera tape provided by Complainant. The security videotape confirmed that Washington made several threats to Complainant that involved her County employment (e.g., "I work for the County...I know the law...I'll have the County at your door tomorrow."). The videotape also showed that Washington flashed her County Identification Badge to Complainant in a threatening manner (i.e., "look at this, I work for the County").

RECOMMENDATION(S):

- 1) Referral to County Executive and Human Resources Department for disciplinary action.
- 2) Referral to CMHA Police Department for investigation.



RESULT(S):

- 1) Washington's (Annual Salary - \$ 40,331.20) employment was terminated effective January 12, 2012.
- 2) CMHA police completed an investigation and successfully evicted Complainant's neighbors.

Reviews

ISSUE NAME: The Friends of the Monument Donations

DEPARTMENT INVOLVED: Soldiers and Sailors Monument

SOURCE OF REFERRAL: County Council

ISSUE SUMMARY: The Cuyahoga County Soldiers and Sailors Monument (the "Monument") is maintained by the Soldiers and Sailors Monument Commission (the "Commission") which was created by Chapter 345 of the Ohio Revised Code. By law the Commission is prohibited from raising money for the Monument. Therefore, the Commission created a 501 (C) (3) in the name of The Friends of the Monument ("The Friends"). The Friends is able to raise money to maintain the Monument.

In 2005, a restoration project was undertaken on the Monument. The County provided approximately two million dollars (\$2,000,000) from the General Fund to fund the project. The County provided the funding to The Friends with the understanding that the money would be reimbursed. All money was to be used solely for renovations costs associated with the Monument.

The Friends received additional funds for this project from grants and donations. Specifically, a grant from the State of Ohio for five hundred thousand dollars (\$500,000) was given to The Friends in late 2010 or early 2011. This grant was given through the Ohio Cultural Facilities Commission (the "OCFC Grant"). Over \$250,000 was also donated to The Friends. This money was specifically earmarked to pay for renovations. The National Park Service also provided ninety-eight thousand dollars (\$98,000) (the "NPS Grant") to The Friends.

Funds from the OCFC Grant eventually were returned to the County. Funds from other donations and from the NPS Grant have not been returned to the County.

The Friends maintain a bank account with UBS Bank which holds the funds that are due to the County. As of the June 2011 banking statement, the balance in that account totals \$253,083.96. The bank statements contain numerous transactions indicating that the money in the account is used to pay non-renovation related expenses such as electric bills, copying costs and toner, plants, and insurance.

Neil Evans, the former President of the Board of Directors of both the Commission and The Friends, agrees that the money from the UBS account should be returned to the County. Also, in a letter dated May 23, 2011, Council President C. Ellen Connally expressed her belief that the County is entitled to the money in The Friends' account.

RECOMMENDATION(S):

- 1) Issued letter to Law Director on August 26, 2011 recommending that the Law Department send a demand letter to the Friends seeking reimbursement of the remaining funds in the UBS bank account.

RESULT(S):

- 1) The Law Department attempted to negotiate a resolution of this issue. When negotiations failed, the Law Department issued a letter to the Friends on January 6, 2012 demanding return of the approximately \$260,000 owed to the County.

ISSUE NAME: Sheriff Appraiser's Property Tax Debt

DEPARTMENT INVOLVED: Sheriff / Executive Staff

SOURCE OF REFERRAL: Anonymous

ISSUE SUMMARY: The AIG received an allegation that a candidate for an appraisal position in the Sheriff's Department has over \$50,000 in property tax debt. Subsequent investigation revealed that this individual owed in excess of \$16,000 in delinquent property taxes and owned several properties currently in foreclosure. The investigation also revealed that the individual had close business relationships with an individual charged in the County Corruption Investigation.



RECOMMENDATION(S):

- 1) Referred information obtained during investigation to Executive Staff for review.

RESULT(S):

- 1) As of the date of this report, the candidate has not received a contract for appraisal services.



SECTION 4: ETHICS COMPLIANCE

4.1 ETHICS REQUIREMENTS

4.2 ETHICS STATISTICS



Section 4.1

ETHICS REQUIREMENTS

Introduction

As previously noted in Section 1.3, Article 9 of the Ethics Ordinance officially designates the Inspector General as the ethics investigative officer for the County and requires the Inspector General to conduct all investigations pertaining to the Ethics Ordinance. In addition to the investigatory mandate, the Ethics Ordinance requires the Inspector General to perform additional disclosure and/or prevention functions.

As a practical matter, the ethics-related functions performed by the AIG can be divided into four broad categories:

- 1) Investigation and Enforcement;
- 2) Review and Advise;
- 3) Disclosure; and
- 4) Training.

Investigation and Enforcement

Ethics complaints undergo the same triage and investigation process as general fraud/waste/abuse complaints (See Section 3.1). The AIG's jurisdiction to investigate ethics complaints, however, is larger than its general investigative jurisdiction. The AIG's ethics jurisdiction includes employees of the County Council and County Prosecutor.

Ethics investigations that result in a finding that the ordinance has been violated are remedied in accordance with the enforcement powers granted to the AIG by the Ethics Ordinance. These enforcement powers are specifically described in Section 1.3 above.



Review and Advise

An essential element in creating a culture of ethical behavior is to provide a mechanism for officials and employees to seek advise prior to taking an action that may be unethical. Accordingly, the Ethics Ordinance mandates certain County officials and employees seek a ruling from the AIG prior to engaging in any of the following activities:

- 1) Any activity that may constitute a conflict of interest;
- 2) Secondary employment; or
- 3) Accepting a County appointment to a board or commission.

In addition, the AIG will offer specific or general guidance upon request on other ethics-related issues, including the following:

- 1) Political activity for Classified employees;
- 2) Acceptance of gifts from contractors; or
- 3) Disclosure requirements.

Disclosure

"Sunlight is said to be the best of disinfectants" – Justice Louis Brandeis

Transparency is widely accepted as one of the most effective means to prevent corruption in government. Accordingly, the Ethics Ordinance requires the AIG to manage the following public disclosure programs:

- 1) *County Contractor Registry* – All contractors/vendors doing business with the County are required to register with the AIG. This registry is required to be posted on the AIG website.
- 2) *County Lobbyist Registry* – All individuals/entities seeking to lobby County officials or employees must register with the AIG. This registry is required to be posted on the AIG website.
- 3) *Financial Disclosure Reports* - Certain County officials and employees are required to file financial disclosure statements with the AIG. The reports are maintained by the AIG and are available for review.



- 4) *Campaign Finance Reports* - The AIG is required to obtain all campaign finance reports and financial disclosure statements for all candidates for County elected office. The reports are maintained by the AIG and are available for review.

Training

Although not specifically required to do so, the AIG has established an ethics training program for all County contractors/vendors and lobbyists. The training program is a joint effort between the AIG and the Cleveland Office of the U.S. Attorney. The training program provides attendees with specific guidance on ethical business practices and the avoidance of improper methods of soliciting business from County officials and employees. County contractors/vendors and lobbyists are required to attend this training program as a prerequisite for conducting business with the County.



Section 4.2

ETHICS STATISTICS

Review and Advise

The following is a summary of the type and number of requests for ethics review received by the AIG from July 1, 2011 through December 31, 2011:

Type of Request for Review	Number Received
Secondary Employment	98
Political Activity	68

During this timeframe, the AIG issued the following two broad ethics advisory opinions³⁹:

IGADV-0001

Attendance at Non-Profit Fundraiser

Provided that the parameters set forth in this opinion are adhered to, Section 6 of Article 2 of the Cuyahoga County Ethics Ordinance does not prohibit a public official's or employee's attendance at the Greater Cleveland Partnership's 48th Annual Public Officials Reception.

IGADV-0002

Holiday Gifts

- 1) *A person/entity that is doing or seeking to do business with the County or is regulated by the County generally may provide a holiday gift of nominal or de minimis value to a County official or employee, provided certain conditions are met.*
- 2) *A County official/employee or group of County employees generally may accept a holiday gift of nominal or de minimis value from a person/entity that is doing or seeking to do business with the County or is regulated by the County, provided certain conditions are met.*
- 3) *Provided the holiday gift was not given in exchange for an improper reason (e.g., in exchange for political support), there is no prohibition in the Ethics Ordinance that would prevent a County employee from giving a holiday gift to a subordinate employee.*

³⁹ Full copies of the opinions are available on the AIG website.



- 4) *A County employee is not prohibited from giving a holiday gift to an employee in their direct chain of supervision provided certain conditions are met.*

In addition to the broad advisory opinions, the AIG also issued specific opinions to officials/employees regarding several issues, including, but not limited to, the following:

- Service on a non-profit board of directors for an entity that does business with the County.
- Attendance at a public officials/employees reception.
- Attendance by County employee at a complementary continuing legal education seminar provided by a law firm.
- Acceptance of various gifts.
- County employees bidding on items sold at County-sponsored auction.
- Classified County employee fundraising for a partisan political candidate.
- County employee campaign donations to their employer.

Disclosure

The largest disclosure project undertaken by the AIG in 2011 was the contractor registration program. As previously noted, the program requires all contractors or vendors doing business with the County to register with the AIG. The following is a summary of the AIG's progress on the contractor registry program:

- 1412 contractors/lobbyist are fully registered with the AIG as of February 20, 2012.
- The AIG worked with County Council to establish an exemption process for certain types of contractors.
- The AIG mailed several thousand correspondences to current and potential contractors informing them of the new registration requirements.
- The AIG posts a current list of registered contractors on its website on a daily basis.



Training

The AIG has provided ethics training to 1499 contractors/lobbyists as of February 20, 2011. The training program continues to be offered on a bi-weekly basis.



SECTION 5: 2012 GOALS



2012 GOALS

- *Increased Focus on Elimination of Waste and Inefficiency* – The AIG is currently in the process of screening applicants for a management auditor position. In addition to supporting fraud investigations, the management auditor will focus on performance audits to identify waste and inefficiency.
- *Increased Contract Oversight* – The AIG anticipates focusing increased resources on contract monitoring and controls.
- *County Employee Driver's License Audits* - The AIG will implement its driver's license audit program in 2012. The program will ensure that all employees driving vehicles in the course of County business have a valid license and liability insurance.
- *Nepotism Audit* – The AIG is reviewing all employee nepotism disclosure forms to identify management relationships that violate the Ethics Ordinance. The AIG anticipates releasing its findings in the first-half of 2012.
- *Implementation of AIG Case Management Program* – The AIG is currently in the process of procuring case management software specifically tailored to the needs of an Inspector General office. This program will significantly increase the AIG's efficiency in processing cases and will allow for more specific reporting of data.
- *Contractor Registry Enhancements* – The AIG plans to enhance the contractor registry to increase transparency. Proposed enhancements include web-based disclosure of contract amounts and links to political contributions and lobbyist activities.

