

THE VOICE OF ETHICS

A Publication of the Ohio Ethics Commission

2021 Quarter 2



With gratitude,
optimism becomes sustainable.
- Michael J. Fox

Submitting an Allegation to the Ohio Ethics Commission: What to Expect

One of the five statutory duties of the Ohio Ethics Commission is to investigate allegations and complaints of wrongdoing under the criminal provisions of the Ethics Law and related statutes. The Commission initiates some investigations independently, but also receives allegations each year from prosecutors, auditors, other public agencies, and the general public. Some allegations are submitted anonymously. In 2020, the Commission's Investigative Staff received more than 400 allegations of wrongdoing under the law which are then prioritized based on the seriousness of the alleged crime.

This article will address the most commonly asked questions regarding what to expect when submitting an Ethics Law violation allegation. For more detailed information regarding potential violations, complaint hearings, or penalties, see this [2014 newsletter article](#).

When should I call the Ethics Commission?

The Ohio Ethics Law prohibits public officials and employees from acting on conflicts of interest, awarding public contracts to themselves and closely related parties, accepting improper supplemental compensation, hiring family members into public service, and more. The Ethics Law also prohibits members of the private sector from providing things of value and supplemental compensation to public officials or employees. You may contact the Ohio Ethics Commission if you have cause to believe that someone in public service or the private sector may be violating the Ohio Ethics Law.

However, the Ethics Commission is often asked about issues outside the Commission's authority, such as Ohio's "Sunshine Laws," elections questions, or civil service issues. If the allegation is not within the Commission's authority, staff will try to direct the caller to the appropriate office for more information. For more information regarding common questions outside the Commission's authority and the associated referrals, see the [Ohio Ethics Commission Authority Fact Sheet here](#).

What will happen when I call the Ethics Commission?

Should you call the Ethics Commission with an initial allegation, you will be connected to the Special Investigator on duty. The Commission employs four investigators who rotate this duty assignment. The investigator will have a preliminary conversation with you to first determine if the allegation falls under the Ethics Commission's jurisdiction. As mentioned above, if it does not, you will be referred, to the extent possible, to the appropriate authority.

If the allegation does potentially fall under the Commission's authority, expect the investigator to ask pertinent follow-up questions to determine if the allegation can be prioritized. He or she will be listening for a succinct summary of the specific action(s) of a public employee or official you believe may have violated the Ohio Ethics Law. The investigator will also inquire about any corroborating evidence you have (or to which you have access) that supports your assertion.

If you indicate that you can send supporting information, the Special Investigator will mail you an Allegation Form to gather further information.



What is an Allegation Form?

An Allegation Form is the tool the Ethics Commission investigators use to further review the allegations that have been made. You will be asked to complete and sign a form stating that your allegations are true to the best of your knowledge. The Allegation Form is confidential by statute and is not a public record. In addition to your own contact information, the form will request:

- contact information for the person against whom the allegation is made;
- contact information for other people with knowledge of the alleged facts; and
- a summary of relevant facts to the allegation.

The form will also request that you include any other documents that support your claim of wrongdoing under the Ethics Law as well as your awareness of the existence and location of any other relevant evidence. Examples of supporting documents could include:

- meeting minutes;
- contracts;
- deeds;
- notes;
- e-mails;
- photographs;
- receipts;
- maps; or
- news articles.

Finally, the Allegation Form will ask that you list any other governmental agencies you may have already contacted regarding your allegation and the response you received from those agencies.

Why do I have to submit documents or evidence? Isn't that the Ethics Commission's job?

The Ohio Ethics Law is a criminal statute and therefore requires a high level of proof to ensure that our investigations are thorough but fair and do not malign innocent parties. As a result, the Commission cannot open investigations before determining that some evidence exists and that the allegation is accurate.

For example, picture entering your local police station and alleging a crime against someone. That department would also require corroborating information before opening an investigation; they would not begin that process based solely on an accusation without some supporting evidence. The same is true of the Ohio Ethics Commission. As an independent state entity, we take the investigative mandate seriously and must prioritize potential investigations based on the veracity of allegations and whether there is any proof of the allegation.



What happens after I submit the requested information?

After determining that the alleged misconduct, if true, falls within the authority of the Ethics Commission, the investigative staff reviews the matter with the Commission's Investigative Committee and then the Commission. The Commission may then direct the staff to conduct a confidential investigation. The investigator may issue subpoenas and public records requests, review relevant records, and interview witnesses and the public official or employee who may have violated the law. After a thorough investigation, staff reviews the results with the Commission to determine how the case should be resolved.

What are the possible outcomes of an investigation?

There are several potential outcomes to an Ethics Commission investigation. These may include:

- closing the matter due to insufficient evidence;
- resolving less-serious, non-continuing questions of conduct through alternative dispute remedies (settlement authority); or
- sharing the results with the appropriate prosecuting authority.

Will I be kept updated regarding the investigation that I initiated?

Should the Commission formally open an investigation regarding your allegation, it is possible that the Special Investigator assigned to the case will contact you for further information or clarification. However, due to the statutory confidential nature of our investigations, you will not be given updates upon request. When investigations are concluded, you may be notified of the Ethics Commission's final determination and action on the matter.

Are all investigations at the Ethics Commission confidential?

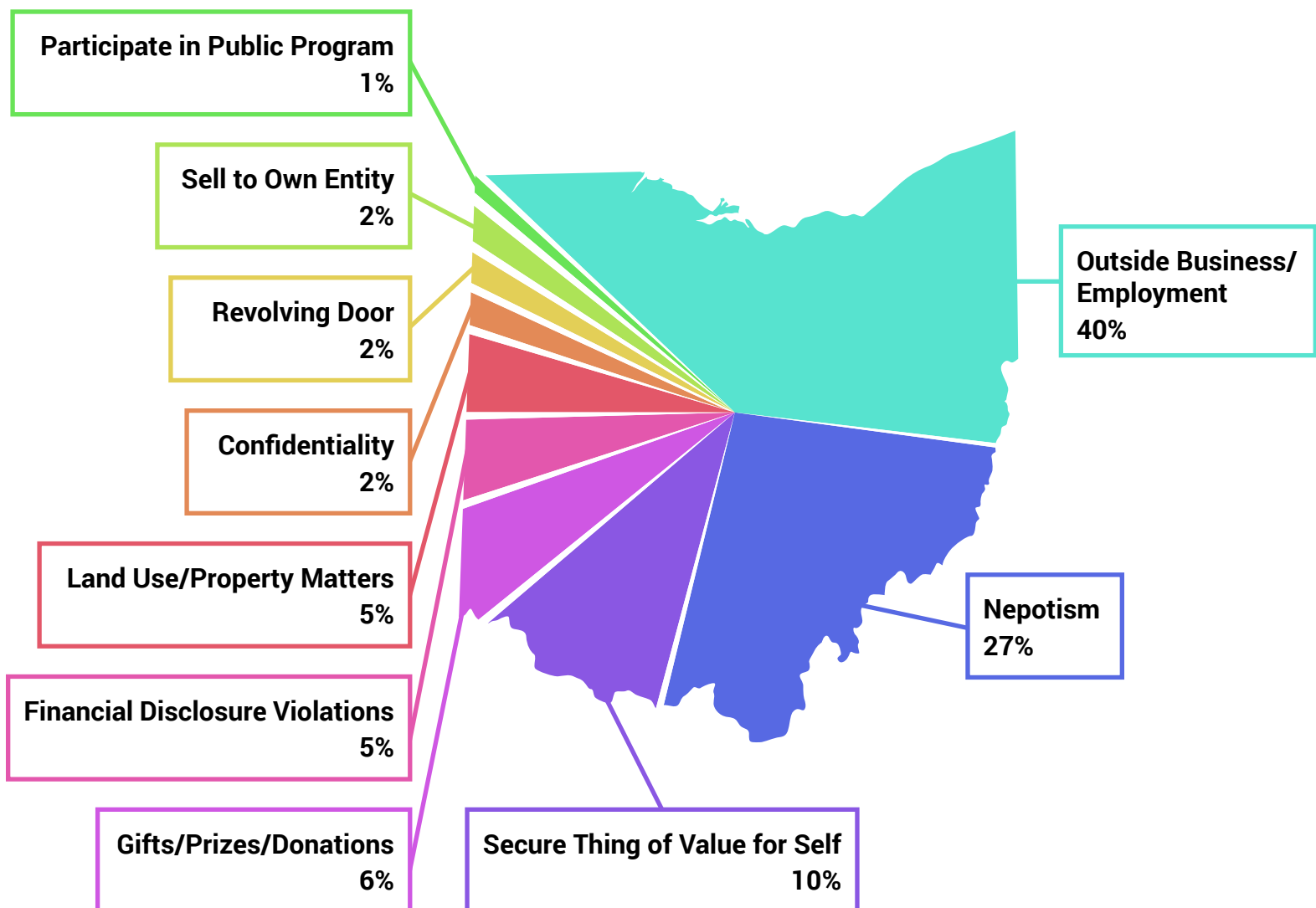
Yes. Under state law, the Commission may share information with other law enforcement and ethics authorities when relevant and necessary to the conduct of an investigation. Otherwise, the statute deems any complaints, charges, or investigations handled by the Ohio Ethics Commission private and confidential. Therefore, the Ethics Commission cannot comment on allegations or ongoing investigations.

The confidentiality protects those accused, the complainants, and the integrity of the investigative process.

Where can I find more information?

We encourage you to visit the [Ohio Ethics Commission's website](#) for information regarding the Ethics Law, previously issued Advisory Opinions, and training options to learn more about the law.

Ohio Ethics Commission Investigative Activity Topics as of April 22, 2021



Ethics Commission Issues New Advisory Opinion

Local elected officials can serve many roles in their community: representing their constituents, working to improve public services, and collectively deciding appropriate policy. Another role that many local elected officials play is in their own private jobs or personal pursuits. For example, it is relatively common that local officials, in addition to their elected duties, may serve their communities in local organizations such as chambers of commerce, regional planning commissions, municipal leagues, and other similar entities.

As a result, questions sometimes arise regarding the relationship between elected officials' outside activities and their roles in public office. One recent question of this nature that came before the Ohio Ethics Commission is whether city officials can serve as the executive director of an organization if the city pays membership dues to that organization.

The Commission addressed that question with the issuance of formal Advisory Opinion 2021-01 which concluded that such service is permitted when the official can meet exceptions in the law and can recuse themselves from conflicts with their public duties, when required.

The Advisory Opinion notes that a city paying membership dues to a local organization, such as a local chamber of commerce, constitutes a "public contract" as the city is paying for and getting services from the organization. As a result, the Ohio Ethics Law would prohibit a city official from serving as the organization's executive director if the official would directly profit from that public contract. However, a city official may serve in that capacity, provided that the official avoids taking any official actions that affect the interest of the local organization, such as voting, discussing, or lobbying.

It's important to note that while this opinion provides important guidance to city officials, including city mayors or council members, the conclusions also apply to any similarly situated local officials, including county commissioners and village and township mayors, council members, and trustees.

Need more information? [Read Advisory Opinion 2021-01 here!](#)



Virtual Training - Free and Convenient!

A pandemic can't stop the Ohio Ethics Commission from offering effective education and training regarding the Ohio Ethics Law! Although we are not currently offering "in-person" sessions at individual agencies and offices, we have an excellent alternative – personalized webinars!

The Ohio Ethics Commission provides live virtual sessions customized to your jurisdiction or municipality. The webinars are generally one-hour long and created with your audience in mind. Your staff members can attend from the safety and convenience of their own offices and homes.

While we hope to resume in-person sessions later this year, in the meantime, feel free to schedule a webinar for your office today! E-mail susan.willeke@ethics.ohio.gov for more information and to compare calendars. Looking forward to "seeing" you at a webinar soon!



Register for our monthly Ethics Law or "Deeper Study" webinars by visiting the [Ohio Ethics Commission's Webinar Page!](#)



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