

# THE VOICE OF ETHICS

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Special Investigation Issue

# The Ohio Ethics Commission: A Focus on Investigations



One of the statutory duties of the Ohio Ethics Commission is to investigate alleged violations of the Ohio Ethics Law. The law was created to promote ethics in public service which strengthens the public's confidence that Government business is conducted with impartiality and integrity. Violations of the law, therefore, are not only potentially criminal actions, but also a betrayal of the public's trust. As a result, the Ethics Commission carries out its investigative duties seriously and carefully.

Allegations of wrongdoing under the Ethics Law have steadily increased throughout the Commission's 40-year history. These allegations, almost 500 each year, are often submitted to the Commission by prosecutors, auditors, agencies and the general public.

# Potential Violations & Investigations under the Ethics Law

The Ohio Ethics Commission does not have unlimited authority, but is authorized under Ohio law to investigate public officials or employees as well as those who interact with state and local government who:

- Use a public position to benefit:
  - himself/herself
  - his/her family member or
  - his/her business associate
- Award, discuss, or recommend public contracts in which any of the following has a financial interest:
  - The public official or employee
  - his/her family member or
  - his/her business associate
- Hire family members into public positions (commonly referred to as “nepotism”)
- Engage in prohibited revolving-door/post-employment activity
- Solicit or accept substantial and improper things of value, including: outside employment, gifts, travel, meals, lodging, and entertainment
- Engage in the unauthorized disclosure or use of confidential information
- File false or incomplete Financial Disclosure Statements
- Receive improper supplemental compensation
- Misuse public equipment for private business



# The Investigative Process

When the Commission receives a charge or allegation of unethical conduct, a member of the investigative staff reviews the allegation to determine whether the alleged misconduct, if true, falls within the investigative authority of the Ethics Commission. Investigative staff members are often asked about issues outside the Commission's authority, such as Sunshine Laws, elections questions, or civil service issues. If the allegation is not within the Commission's authority, then staff will contact the sender and make whatever referrals are appropriate.

(Click [here](#) to review common questions outside the Commission's authority and the associated referrals).



If the allegation is within the Commission's jurisdiction, the investigative staff reviews the matter with the Commission which may then direct the staff to conduct a confidential investigation. After a thorough investigation, staff reviews the results with the Commission to determine how the case should be resolved.

Commission investigations are generally completed within 6 months. The process timeline depends on the complexity of the issues under investigation, the number of people under investigation in a particular case, and the cooperation of the alleged violators. The Ohio Ethics Commission strives in each investigation to balance thoroughness and efficiency.

## Possible Investigative Outcomes

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

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

*“Character is much easier kept than recovered.”*

-Thomas Paine



# Investigation Confidentiality

**T**he Commission is often asked why its investigations are confidential. Under state law (ORC 102.06), the Commission may share information with other law enforcement authorities. Otherwise, the statute deems any complaints, charges, or investigations handled by the Ohio Ethics Commission private and confidential.

**T**he confidentiality of this process is important for several reasons:

- allows the Commission to conduct a thorough and fair investigation;
- protects those who may have been incorrectly or unfairly accused; and
- protects those making the allegations from retaliation.

**CONFIDENTIAL**

# Penalties for Violation



The Ohio Ethics Law and related statutes are criminal statutes with potential penalties that range from a fourth-degree misdemeanor to a fourth-degree felony. Examples include:

- Fourth-degree misdemeanor criminal offense, punishable by a fine of up to \$250 and/or a maximum of 30 days in jail: failure of required financial disclosure filer to file a financial disclosure statement
- First-degree misdemeanor criminal offense, punishable by a fine of up to \$1000 and/or a maximum of 6 months in jail:
  - Conflict of interest violations
  - Unlawful interest in a public contract
  - Soliciting or receiving improper compensation (includes disqualification from holding any public office, employment, or position of trust in this state for a period of seven years from the date of conviction)
  - Filing a false financial disclosure statement
- Fourth-degree felony criminal offenses, punishable by a fine of up to \$5000 and/or a maximum of 18 months in prison:
  - Unlawful authorization of public contract
  - Unlawful public fund investment

# 2013 Investigative Activity

## Types of Violations - Total 185 Cases

Type	Percentage
Public Contract	45%
Conflict of Interest	32%
Public Contract & Conflict	15%
Supplemental Compensation	2%
Conflict of Interest & Supplemental Compensation	1%
FDS	1%
Revolving Door	2%
Combo Other	1%
Confidentiality	1%

## Types of Entities - Total 185 Cases

Type	Percentage
City/Villages	27%
Public Schools	23%
County	12%
Townships	12%
Charter Schools	12%
State	12%
College Universities	2%



# AN INTERVIEW WITH CHIEF INVESTIGATIVE ATTORNEY JULIE KORTE



## WHAT ATTRACTED YOU TO THE ETHICS INVESTIGATIONS FIELD?

I previously served as an assistant county prosecutor and always enjoyed being on the “right side of the law.” My work here is like that; there is such purpose to protecting the public from those who abuse government for personal gain. It’s satisfying to “wear the white hat” in that regard.

## WHY ARE INVESTIGATIONS IMPORTANT TO THE MISSION OF THE OHIO ETHICS COMMISSION?

Everyone in Ohio has the right to expect that government actions are for the public’s benefit, not for the benefit of individual public officials or employees. The investigative process holds accountable those who violate both the law and the public’s trust. It also deters violations from public officials or employees who might be tempted to forget what public service is really about.

## AFTER 15 YEARS WITH THE ETHICS COMMISSION’S INVESTIGATION SECTION, IS THERE ANYTHING THAT SURPRISES YOU?

Yes, nepotism! After all these years, it’s startling that 30 percent of our caseload is still related to public officials and employees hiring their family members. We work hard to get the message out that nepotism is wrong – fourth degree felony wrong – but somehow it’s one of the violations that continues to rear its ugly head. Public jobs should be awarded to the most qualified candidate, not the most “connected” one.

## WHAT ARE THE MOST REWARDING AND MOST CHALLENGING ASPECTS OF YOUR JOB?

I fully stand behind the mission of the Ohio Ethics Commission: to promote ethical behavior in public service and to assure the public that the actions of government are impartial and represent the public’s interest. It’s been rewarding and an honor to be part of upholding that mission for the past 15 years.

The hardest part is when we must conduct an investigation and carry out enforcement action against someone who could have easily avoided the violation through a simple phone call seeking advice from the Ethics Commission. If people would ask questions before acting, we would see fewer violations, fewer careers destroyed, and more public trust in government. Ultimately, it would be ideal if we could work ourselves out of jobs in the investigative world and instead focus public resources on helping good public servants make good choices.



Julie Korte is the Chief Investigative Attorney for the Ohio Ethics Commission and has worked for the Commission since 1999. Ms. Korte has also served as a special prosecutor in a number of ethics-related, public corruption prosecutions. Prior to her service at the Commission, Ms. Korte served as an Assistant Prosecuting Attorney with the Auglaize County Prosecutors Office and prior to that she operated a private law practice. Ms. Korte is a graduate of the University of Toledo College of Law and the University of South Florida.



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**Questions? Concerns? Need more information? Contact us!**