

2022 Annual Report of the Ohio Ethics Commission



The Ohio Ethics Commission

Merom Brachman, Chairman
Mark Vander Laan, Vice Chairman
Bruce E. Bailey
Megan Kelley
Julie Rutter
Elizabeth E. Tracy

Paul M. Nick, Executive Director

Welcome

A Message from the Executive Director

Within this annual report, you will find the account of one year, 2022, by the hard-working staff at the Ohio Ethics Commission. For nearly 49 years, the Ohio Ethics Commission has promoted ethics in public service to strengthen the public's confidence that government business is conducted with impartiality and integrity.

In my experience, most public servants want to act ethically and do the right thing. The ongoing commitment of the Ethics Commission and its staff is to help those at all levels of government in Ohio to avoid acting improperly while exercising their public authority and expending public funds. As we head toward the 50-year anniversary of the Ethics Commission's work, we strive to raise the standards used to protect public resources across Ohio.

Sincerely,
Paul M. Nick

About Us

The Ohio Ethics Law became effective on January 1, 1974. These laws set forth a code of ethics for public officials and employees, require financial disclosure requirements for certain public officials, and prohibit public officials and employees from:

- acting on conflicts of interest;
- selling goods or services to their own public entities;
- abusing public positions for private business opportunities.

The Ohio Ethics Commission is authorized to conduct investigations, render advisory opinions that offer immunity, provide a continuing program of education, receive financial disclosure statements, and make recommendations for future ethics related legislation.

The Ethics Commission is an independent, bipartisan commission, comprised of six members serving staggered, six-year terms. Commissioners are appointed by the Governor subject to confirmation by the Ohio Senate. Review current and past members of the Ohio Ethics Commission on our [Commission Members page](#).

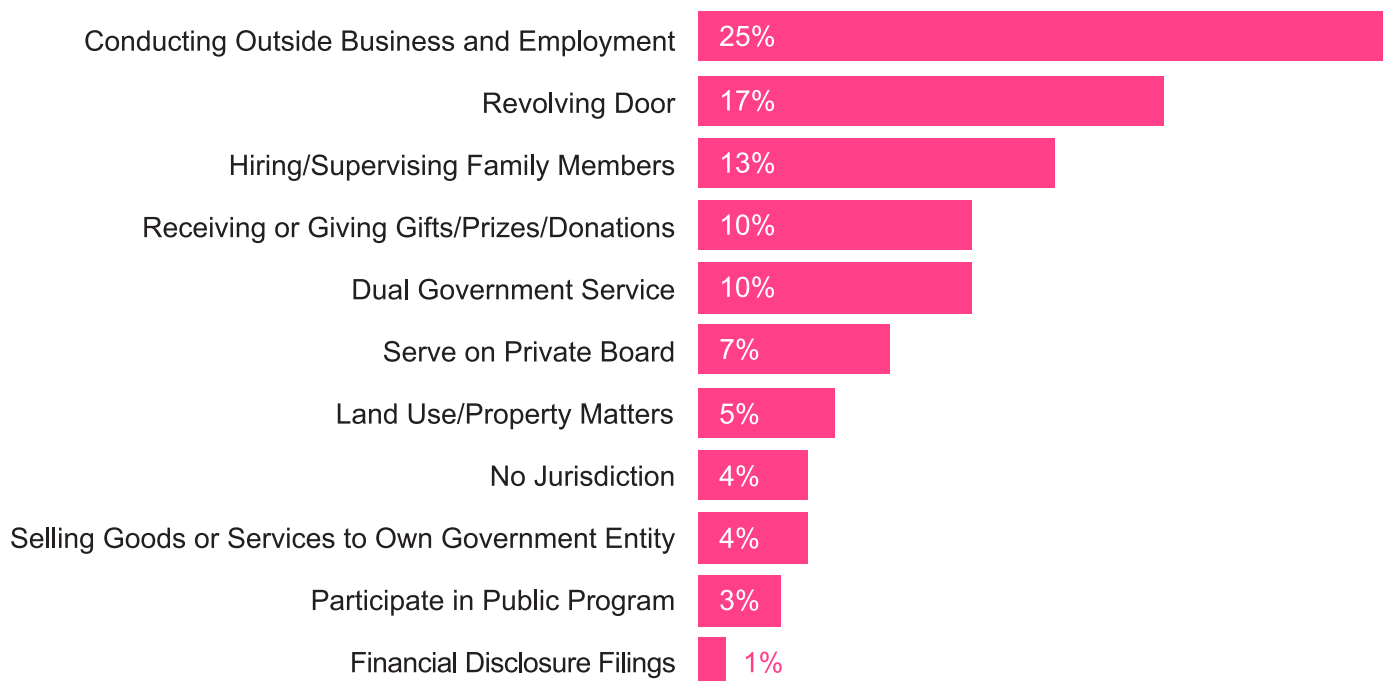
Advisory

The Ohio Ethics Commission has statutory authority to provide guidance to both the public and private sectors. The application of the Ethics Law to specific facts provides a uniform state-wide application that ultimately protects everyone in Ohio from government wrongdoing. Those who comply with guidelines provided through the advisory process receive immunity; a valuable resource available to anyone in public service in Ohio! See below for an outline of the tremendous work of the Advisory Attorneys in 2022.

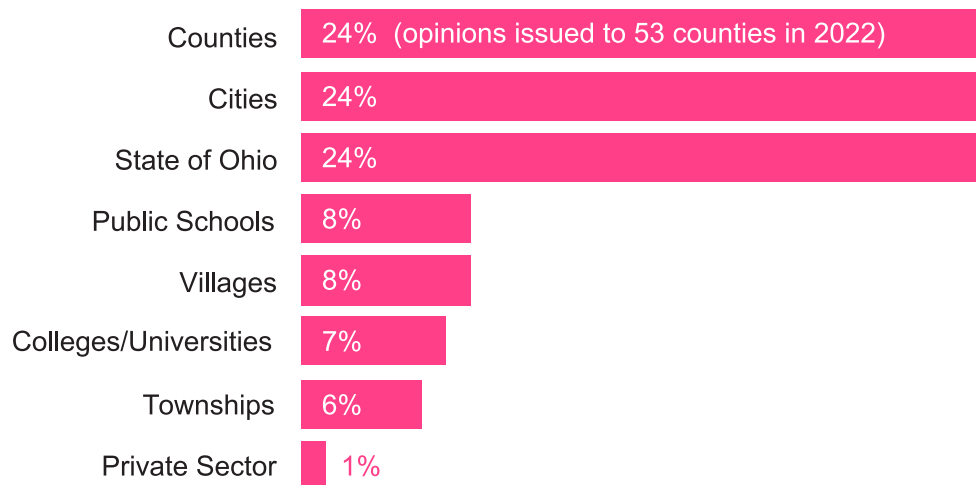
By the Numbers

- 199 written requests for advice
- 3,665 email correspondence
- 1,624 telephone communications
- All written requests issued within 17 days of receiving request
- Approximately 76% of advisory requests come from local government

Commonly Requested Advice



Entities Requesting Written Advice



A Fireside Chat with Advisory Attorneys Chris Woeste and Kristin Cly

You've both served the Ethics Commission's Advisory Section for a few years now. Why does this type of work appeal to you?

Chris: I have always looked for positions that allow me to contribute to the community and give-back through public service. The advisory attorney role provides me the opportunity to play a small part in making Ohio an even better place to live. My favorite part of my job is talking to all the passionate government employees across the state who are striving to do the right thing and hard-at-work in their communities, big and small.

Kristin: I've always been drawn to public service. After a decade of drafting legal opinions, this job is a great opportunity to use my skills in a new and important way, while still feeling like my work was meaningful.

Kristin, what surprises you at your job?

I am surprised by the complexity of questions the Commission receives as well as the breadth of impact its Advisory Opinions has across the state.

Chris, any particularly noteworthy advice in the past year?

Yes, [Advisory Opinion 2021 – 01](#) addresses whether city officials can serve as the executive director of an organization if the city pays membership dues to that organization. The Commission recognized that city officials are usually active in their community and may serve local organizations such as chambers of commerce or regional planning commissions. The Opinion concludes that such service is possible if certain exceptions can be met and the official can recuse him or herself from conflicts with their public duties. It's a great example of the Commission assisting everyday public officials and employees who want to do the right thing but may need guidance on how to accomplish that.

What are some of the other common questions that you receive about the Ethics Law?

Kristin: We often receive questions regarding dual public service for having two separate public positions; for example, a township trustee who may also work for a university. Nepotism seems to be a common question and of course, the answer is, don't do it! Other common issues include questions about gifts and how to navigate public service when a public official or employee works full or part-time in the private sector, as well.

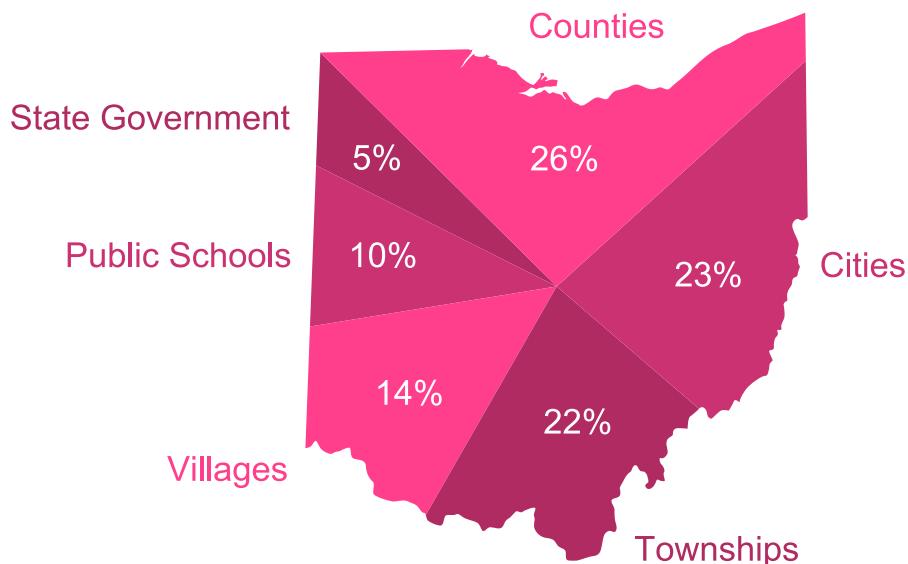
What would you consider your best overall advice for those in public service?

Chris: Arm yourself with information before acting! Just because things were done a certain way in the past, or because "everyone else does it that way," doesn't make it the right way. Our website is full of information designed to assist you in doing the right thing.

Investigations

The Ohio Ethics Commission is statutorily charged with investigating alleged violations of the Ethics Law and refers cases supported by substantial evidence for prosecution or alternative resolution. This important responsibility of the Ethics Commission holds accountable those who violate both the law and the public's trust. It also deters violations from public officials or employees and assures all Ohioans of their right to expect that government actions are for the public's benefit, not for the benefit of individual public officials or employees.

Entities Investigated



By the Numbers

- 157 cases investigated
- 1,122 telephone investigative inquiries
- 432 information requests or allegations of wrongdoing
- closed 49 cases, including settlement and censure cases

Top 5 Investigations in 2022:

- Conflicts of Interest, including Securing things of Value
- Outside Business/Employment
- Nepotism
- Gifts/Prizes/Donations
- Property Matters

Deputy Director/General Counsel James “Jed” Hood Looks Back on 2022

Your work is clearly important – and very busy! But what is it about this work that intrigues you?

I have always enjoyed the challenge of learning new things and taking on responsibilities that benefit the public. It's an honor to work for the Commission because it's clear that everyone who works here believes fundamentally in our core mission to promote public confidence in government.

Any interesting recent investigation you can highlight?

Unfortunately, several! Two of them involved mayors, one of whom allegedly pocketed wedding fees that should have been directed to the city and the other who allegedly appointed his brother as fire chief three days after taking office. Another investigation of note is a former city councilmember who allegedly participated in public contract matters regarding the construction of a city building in which his own company was a subcontractor. Finally, we have a case regarding an elected county official who allegedly participated in a road improvement project that benefitted his parents.

Of course, all these people are presumed innocent unless and until found guilty in a court of law, but it's important to note that while these stories are regrettable, they highlight why the Ethics Law is so vital to preserving the public's trust. Government actions should always be for the public's benefit, not for the benefit of the individuals (or those close to them) who serve in government.

Any guidance for those who contact the Ethics Commission to submit an allegation?

Call us! We are here to help. If you believe that a public official or public employee may have committed an ethics violation, call us and our team of special investigators would be glad to discuss the matter with you. Rest assured that we maintain the strictest of confidence and do not disclose the names of anyone making an allegation.

Education and Training

The Education and Training staff at the Ohio Ethics Commission seeks to turn complex legal requirements and prohibitions into easy-to-understand and accessible training opportunities. Thousands of learners took advantage of the numerous options offered by the Ethics Commission to learn more about the Ethics Law and feedback indicates that ethics training doesn't have to be tedious or dry! Here are some of the comments we received in 2022:

Quotes:

Webinars: "Just a quick email to let you know how much I appreciated the presentation today- not only the information but you are wonderfully engaging! Thank you for making the session understandable AND fun!"

Classroom Trainings: "I wanted to extend my gratitude for the amazing presentation you provided. It was truly an amazing presentation and so very engaging. Who knew someone could make ethics such an exciting topic?"

E-Course: "Just a quick email to let you know this year's Ethics e-learning module was fantastic. You all are so creative and innovative. Thanks for taking what could be dry content and turning it into material that's engaging and educational with humor sprinkled throughout. Thanks also for your continued attention to detail in ensuring the module was visually diverse."

By the Numbers

- 172 public appearances to more than 15,000 people
- 52 webinars with more than 5,000 electronic attendees
- Nearly 50,000 public employees and officials trained by the 2022 e-course
- More than 64,000 visitors to our website

Ethics Training in 2022: A Conversation with Education & Communications Administrator Susan Willeke

Why is training an important component of the Ethics Commission's mission?

Ohio taxpayers deserve to know that public servants are required to adhere to the highest ethical standards. Training and education can reduce violations which ensures all citizens that public decisions, actions, and expenditures are carried out with the public's best interest in mind.

What are some of the training options the Commission provides to public employees and officials?

The options are plentiful and include "on-site" speeches to public agencies, public entities, and conferences and anyone is welcome to join us on one of our live webinars. We also create a

new e-course each year which is accessible and convenient for learners around the state. The Commission also develops and distributes informational materials to all interested parties, including newsletters, our website, correspondence, and telephone assistance.

What is the goal of the Commission's training efforts?

Whether it's a "live" class or reading one of our fact sheets, the Commission encourages a practical appreciation of the Ethics Law by encouraging questions and dialogue regarding concrete and realistic circumstances. Training impresses upon participants how routine aspects of life may conflict with the impartiality required in the duties of serving the public. So, ultimately, our goal is to educate public employees and officials on Ethics Law, thereby reducing violations, and even having a little fun along the way!

Financial Disclosure

As it does each year, the Ohio Ethics Commission efficiently administered in 2023 the financial disclosure program as mandated by statute. Financial disclosure provides significant benefits for both filers and all Ohioans.

The financial disclosure form is a helpful tool in increasing awareness of potential issues filers may face while serving in their public role. The form helps filers identify potential conflicts between public roles and private lives which likely prevents violations of the law.

The public benefits from financial disclosure through the additional government transparency it delivers. Ohio citizens have the right to know that public officials and employees have the citizens' best interests in mind and not their own when making decisions in their public role. The disclosure form makes that information available in a very accessible way.

By the Numbers

- More than 10,100 statements filed with the Ethics Commission
- More than 95 percent of filers used the convenient online filing system
- Staff collaborates with nearly 1,300 different filing entities each year
- Confidential reviews are conducted for nearly 800 different entities and 2,400 filers
- The FDS program maintains a near 100 percent compliance rate, with 95 percent filing on time in 2022

Get to Know the Commission's Financial Disclosure Expert, Brian Ring!

What is the best change you've seen in financial disclosure in your years at the Ethics Commission?

No doubt about it, electronic financial disclosure filing! Prior to on-line filing, we manually processed approximately 11,000 forms a year which was a major undertaking. Now, more than 94 percent of our forms are received electronically which allows for a more efficient internal process, saving the Commission time and money. For the filer, the user-friendly electronic system offers filing reminders, instant filing confirmation, the ability to pre-populate information to the form from the previous year's statement, and 24/7 system availability to file and view

previously filed statements. Filer feedback for the online system has been overwhelmingly positive.

What is the most rewarding aspect of your job?

Designing and implementing the Commission's on-line financial disclosure filing system has been one of the most challenging and rewarding parts of my entire career. Seeing the whole process come together and realizing the incredible efficiency that resulted from those efforts is very fulfilling to me as an IT specialist and as a person.

Best advice for your filers?

Don't be afraid to reach out to us. We are here to help, and we'll work with you to make filing as quick and easy as possible. And file early; don't wait until the last minute!