



**CUYAHOGA COUNTY
AGENCY OF INSPECTOR GENERAL**

July 24, 2013

Dear Citizens of Cuyahoga County:

It is my privilege to present the Cuyahoga County Agency of Inspector General's Semiannual Report for the period January 1, 2013 through June 30, 2013. This report provides insight into the duties of this Agency and our role in maintaining integrity within County government.

Cuyahoga County residents, employees and private entities doing business with the County are entitled to a government that supports a mission to detect, investigate and eliminate corruption, fraud, abuse, waste, criminal activity and conflicts of interest. The Agency of Inspector General is entrusted with the responsibility of ensuring that County employees and vendors who do business with the County meet these fundamentally critical standards. The Agency of Inspector General has focused on building a solid foundation with the capacity and flexibility to absorb the workload necessary to accomplish our mission. Within this reporting cycle, a Case Management System has been installed and used daily and qualified staff have been hired.

As an independent County agency, the Agency of Inspector General directly reports to the citizens of Cuyahoga County. Accordingly, this Agency endeavors to operate in a manner that maximizes transparency while protecting the confidentiality of ongoing investigations and the rights of those accused of wrongdoing. Our goal is to promote a high level of integrity, efficiency, effectiveness and economy in the operations of municipal and county government, and to increase the general public's confidence and trust in government. The publishing of this report is an essential element in meeting this goal. Although we are proud of the Agency of Inspector General's progress to date, we appreciate that we must continue to plan, implement, and refine practices and procedures that will enable us to further acknowledge that commitment. I encourage citizens to visit our Agency's website (<http://www.inspectorgeneral.cuyahogacounty.us/>) and/or contact our Agency directly with any questions or concerns about our operations or the operation of County government.

Respectfully,

Nailah K. Byrd
Inspector General

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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 ("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 County government. In furtherance of this mission, the AIG is granted broad authority to conduct investigations, examinations, inspections and reviews relating to fraud, corruption, waste, abuse, misfeasance, malfeasance and nonfeasance in the operations of County government. In addition, the AIG is designated the investigative officer for all issues arising under the Cuyahoga County Ethics Ordinance ("Ethics Ordinance")¹. In this capacity, the AIG is entrusted with the responsibility of ensuring that County employees, contractors and lobbyists who do business with the County meet the highest ethical standards.

Section 1.2 – What is an Inspector General?

Although the AIG 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 inspectors general 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 with accountability for the military investments and 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;

¹ On July 13, 2013, provisions of the Ethics Ordinance were codified into Title 4 of the Cuyahoga County Code.

- 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.²

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 United States 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.³ The number of Federal offices of inspectors general has increased from twelve (12) in 1978 to seventy three (73) in 2012.⁴

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.⁵

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

³ History of the Inspector General, NEW ORLEANS OFFICE OF THE INSPECTOR GENERAL; <http://www.nolaog.org/main/inside.php?page=history> (last viewed on 2/12/12).

⁴ 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).

⁵ Home Page, STATE OF OHIO OFFICE OF THE INSPECTOR GENERAL, <http://watchdog.ohio.gov/> (last viewed on 2/12/12).

Over the past two (2) 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 sponsoring educational and certification programs. The IG Association has determined that all inspectors general share 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.⁶

Section 1.3 – Cuyahoga County Agency of Inspector General

Laying the Groundwork

On July 28, 2008, over 200 Federal Bureau of Investigation ("FBI") and Internal Revenue Service ("IRS") agents executed search warrants on several County officials and offices and multiple local contractors. This raid was the first public indication of a wide-scale investigation into public corruption in the County; including bribery, contract steering, contract manipulation, property appraisal schemes, court case fixing, job trades, improper gifts and shadow employees. More than sixty (60) public employees, officials and contractors have pleaded guilty as a result of this investigation.⁷ Several dozen more public employees, officials and contractors have been either charged with or identified as having some level of involvement in public corruption.

In response to the ongoing corruption investigation, the citizens of the 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:

⁶ Principles and Standards for Offices of Inspector Generals, ASSOCIATION OF INSPECTORS GENERAL, <http://data.memberclicks.com/site/aig/IGStandards.pdf> (May 2004).

⁷ Cuyahoga County corruption investigation winds down to the finish as bulk of case completed, [Cleveland.com](http://www.cleveland.com/countycrisis/index.ssf/2013/01/cuyahoga_county_corruption_inv.html); http://www.cleveland.com/countycrisis/index.ssf/2013/01/cuyahoga_county_corruption_inv.html (last viewed 7/15/13).

- (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) 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 position of County Executive 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.⁸

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

The Council or any committee of Council may investigate the financial transactions of any office, department or agency of

⁸ Charter of Cuyahoga County, Section 2.05 (emphasis added).

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 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.⁹

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").¹⁰ This report incorporated the recommendations of the thirteen (13) advisory committees into a comprehensive document 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:

⁹ Charter of Cuyahoga County, Section 3.12.

¹⁰ 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).

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 should commit to ongoing efforts to train county staff on the code of ethics and methods for preventing fraud, waste and abuse.¹¹

On February 7, 2011, newly elected County Executive Edward FitzGerald appointed Nailah K. Byrd as the County’s first Inspector General. The new County 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.

Cuyahoga County Ethics Ordinance

The County Council enacted the permanent Ethics Ordinance in Ordinance No. O2011-0008, which was signed by the County Executive and became effective on April 8, 2011.¹² On July 12, 2013, the County Council compiled and codified the County’s general and permanent laws as enacted by ordinances of the County Council as the Cuyahoga County Code (“County Code”). The provisions of the Ethics Ordinance have been codified in Title 4 of the County Code. Chapter 409 of the County Code officially designates the Inspector General as the ethics investigative officer for the County and requires the Inspector General to conduct all investigations pertaining to Title 4 of the County Code. Accordingly, Section 407.24 of the County Code grants the Inspector General the following enforcement authority when a violation of Title 4 of the County Code is uncovered:

¹¹ Id. at p. 9 (emphasis added).

¹² The Ethics Ordinance was subsequently amended on April 26, 2011 (O2011-0023), July 26, 2011 (O2011-0035), October 25, 2011 (O2011-0052), January 10, 2012 (O2012-0002), May 22, 2012 (O2012-0004), and November 13, 2012 (O2012-0032).

- *Letter of Notification.* A Letter of Notification informs a public official or employee of his or her violation of a provision of Title 4 of the County Code. The Inspector General may issue a letter of notification when it finds that a violation of Title 4 of the County Code was clearly unintentional or inadvertent. The letter may advise the respondent of any steps to be taken to avoid future violations.
- *Letter of Admonition.* A Letter of Admonition expresses disapproval of a public official's or employee's violation of a provision of Title 4 of the County Code. The Inspector General may issue a letter of admonition when it finds that the violation of Title 4 of the County Code was knowingly committed, but is nevertheless a minor offense.
- *Letter of Censure.* A Letter of Censure condemns an employee for his or her violation of a provision of Title 4 of the County Code. The Inspector General may issue a letter of censure when the respondent intentionally or knowingly committed major violations or has committed repeated minor violations.
- *Recommendations to the County Executive, Prosecutor, and Council.* When the Inspector General finds that the violation of Title 4 of the County Code was intentional or done knowingly, the Inspector General may make a recommendation to the County Executive, Prosecutor, 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.
- *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 Title 4 of the County Code, the Inspector General shall consult with the Ohio Ethics Commission ("OEC") to determine whether the matter should be referred to the OEC.
- *Referral to Additional Ethics Training.* Upon finding of violation of Title 4 of the County Code, 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.

- *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, Title 4 of the County Code 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 Title 4 of the County Code and related statutes regarding future employment and disclose such possible future employment to the Inspector General.¹³
- The Inspector General is defined as a proper recipient of non-criminal whistleblower complaints.¹⁴
- County public officials and employees are required to report criminal behavior in County operations to the Inspector General within five (5) days of becoming aware of the behavior.¹⁵
- The Inspector General must receive and rule on conflict of interest disclosures for employees.¹⁶
- The Inspector General must review and respond to secondary employment disclosures.¹⁷
- The Inspector General must review board/commission appointments by the County for conflicts of interest.¹⁸
- Certain County officials and employees are required to file financial disclosure statements with the Inspector General.¹⁹

¹³ County Code, Section 407.16 (D), formerly Article 7, Section 16(D) of the Ethics Ordinance.

¹⁴ County Code, Section 407.17(B), formerly Article 7, Section 17(B) of the Ethics Ordinance.

¹⁵ County Code, Section 407.18(A), formerly Article 7, Section 18(A) of the Ethics Ordinance.

¹⁶ County Code, Section 407.23, formerly Article 7, Section 23 of the Ethics Ordinance.

¹⁷ County Code, Section 407.26, formerly Article 7, Section 26 of the Ethics Ordinance.

¹⁸ County Code, Section 407.27, formerly Article 7, Section 27 of the Ethics Ordinance.

¹⁹ County Code, Sections 407.29 and 407.31, formerly Article 7, Sections 29 and 31 of the Ethics Ordinance.

- The Inspector General is required to obtain all campaign finance reports and financial disclosure statements for all candidates for County elected office.²⁰
- The Inspector General must create and maintain a County lobbyist registry.²¹
- The Inspector General must create and maintain a County contractor registry.²²

Agency of Inspector General Ordinance

On June 14, 2011, the County Council created the AIG by enacting the Agency of Inspector General Ordinance No. O2011-0019 (“the AIG Ordinance”).²³ On July 12, 2013, the County Council compiled and codified the County’s general and permanent laws as enacted by ordinances of the County Council as the County Code. The provisions of the AIG Ordinance have been codified in Title 2 of the County Code. Title 2 of the County Code creates an independent agency under the direction of the Inspector General, and 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.²⁴ So long as all budgetary parameters are kept, the Inspector General is granted the ability to employ assistants and employees as shall be reasonably necessary to assist the Inspector General in carrying out the duties of the AIG.²⁵

In addition to the investigatory function, Title 2 of the County Code sets forth the following additional mandatory functions for the AIG:

²⁰ County Code, Section 407.30, formerly Article 7, Section 30 of the Ethics Ordinance.

²¹ County Code, Section 407.32, formerly Article 7, Section 32 of the Ethics Ordinance.

²² County Code, Section 407.34, formerly Article 7, Section 34 of the Ethics Ordinance.

²³ The AIG Ordinance was amended effective June 27, 2012 (Ordinance No. O2012-0008).

²⁴ County Code, Section 204.01 (B), formerly Section 2(c) of the AIG Ordinance.

²⁵ County Code, Section 204.01 (B) (2), formerly Section 2(b) of the AIG Ordinance.

- The Inspector General shall serve as the County's chief ethics officer and is charged with the responsibility of investigating and enforcing Title 4 of the County Code in accordance with the terms of said law. 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.²⁶
- 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 investigative files.²⁷
- The Inspector General shall have the powers and rights to investigate all County contracts subject to the limitations set forth in Section 204.01 (B) (4) of the County Code.²⁸
- If an investigation reveals reasonable grounds to believe that a violation of any state, federal, or local law, rule, regulation, or policy has taken place, the Inspector General shall notify the appropriate civil, criminal, or administrative agencies in charge with enforcement of said violation. If an investigation reveals reasonable grounds to believe that a violation of a rule, regulation, or policy governing a County employee has taken place, the Inspector General shall notify the employee's appointing authority and the applicable Department of Human Resources.²⁹
- 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.³⁰

²⁶ County Code, Section 204.01 (B) (3) (a), formerly Section 2(c)(i) of the AIG Ordinance.

²⁷ County Code, Section 204.01 (B) (3) (b), formerly Section 2(c)(ii) of the AIG Ordinance.

²⁸ County Code, Section 204.01 (B) (3) (c), formerly Section 2(c)(iii) of the AIG Ordinance.

²⁹ County Code, Section 204.01 (B) (3) (d), formerly Section 2(c)(iv) of the AIG Ordinance.

³⁰ County Code, Section 204.01 (B) (3) (e), formerly Section 2(c)(v) of the AIG Ordinance.

- The Inspector General shall prepare and publish on its website 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 AIG 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 AIG.³¹
- The Inspector General shall cooperate with the Department of Internal Auditing to avoid duplication of effort and to share information, so long as such sharing does not compromise an ongoing investigation. At the request of the Inspector General and with the approval of the Internal Auditor, the Department of Internal Auditing may provide services to the Inspector General for a specific investigation. The Inspector General shall not interfere with the authority of the Department of Internal Auditing to conduct audits pursuant to the Cuyahoga County Charter, any applicable ordinances, and any rules established by the Internal Audit Committee.³²

In conducting its duties, the AIG is required to avoid interfering in any ongoing outside criminal, civil or administrative investigation/prosecution.³³ The AIG is also required to develop internal policies and procedures that ensure an investigation subject's constitutional rights are protected.³⁴

The AIG can only be abolished upon the affirmative vote of at least eight (8) members of County Council and executed by the Executive.³⁵

The Cuyahoga County Debarment Law, Procedures and Review Board Ordinance

On December 11, 2012, the County Council established the Cuyahoga Debarment Law, Procedures and Review Board Ordinance by enacting Ordinance No. O2012-0026 ("the Debarment Law"). On July 12, 2013, the

³¹ County Code, Section 204.01 (B) (3) (f), formerly Section 2(c)(vi) of the AIG Ordinance.

³² County Code, Section 204.01 (B) (4) (d), formerly Section 2(d)(iv) of the AIG Ordinance.

³³ County Code, Section 204.01 (B) (4) (a), formerly Section 2(d)(i) of the AIG Ordinance.

³⁴ County Code, Section 204.01 (B) (4) (b), formerly Section 2(d)(ii) of the AIG Ordinance.

³⁵ County Code, Section 204.01 (E), formerly Section 3(e) of the AIG Ordinance.

County Council compiled and codified the County's general and permanent laws as enacted by ordinances of the County Council as the County Code. The provisions of the Debarment Law have been codified in Chapter 505 of the County Code. Chapter 505 of the County Code was established to protect the County and its taxpayers in ensuring that the County only engages in business with contractors³⁶ who demonstrate quality business practices and maintain the highest ethical standards. Accordingly, Chapter 505 of the County Code establishes a procedure for the AIG to debar contractors who meet certain criteria related to poor business practices or unethical behavior.³⁷ Contractors who are debarred may not submit bids, proposals, statements of qualifications or any other offers to contract with the County, and may not enter into any contract or agreement with the County during the duration of the applicable debarment period.³⁸

³⁶ For purposes of this Report, the term "contractor" includes contractors, vendors, and any other person/entity that provides goods, property or services in exchange for consideration (e.g., money).

³⁷ See County Code at Sections 505.03 (A), (B), and (C).

³⁸ See County Code at Section 505.02(A).

SECTION 2: ADMINISTRATION

2.1 THE INSPECTOR GENERAL

2.2 AGENCY OF INSPECTOR GENERAL STRUCTURE

2.3 AGENCY OF INSPECTOR GENERAL BUDGET

2.4 TRANSPARENCY – AGENCY OF INSPECTOR GENERAL WEBSITE

Section 2.1 – The Inspector General

Agency of Inspector General Requirements

The Inspector General is appointed by the County Executive subject to confirmation of County Council.³⁹ The Inspector General is appointed to a term of five (5) years.⁴⁰ 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 County Council. To effectuate such removal, the resolution must receive the affirmative vote of at least eight (8) members of County Council.⁴¹

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 (10) years' experience in any one (1) 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.⁴²

³⁹ County Code, Section 204.01 (C)(2), formerly Section 3(b) of the AIG Ordinance.

⁴⁰ County Code, Section 204.01 (C)(3), formerly Section 3(c) of the AIG Ordinance.

⁴¹ County Code, Section 204.01 (D), formerly AIG Ordinance, Section 3(d).

⁴² Id.

Inspector General Nailah K. Byrd

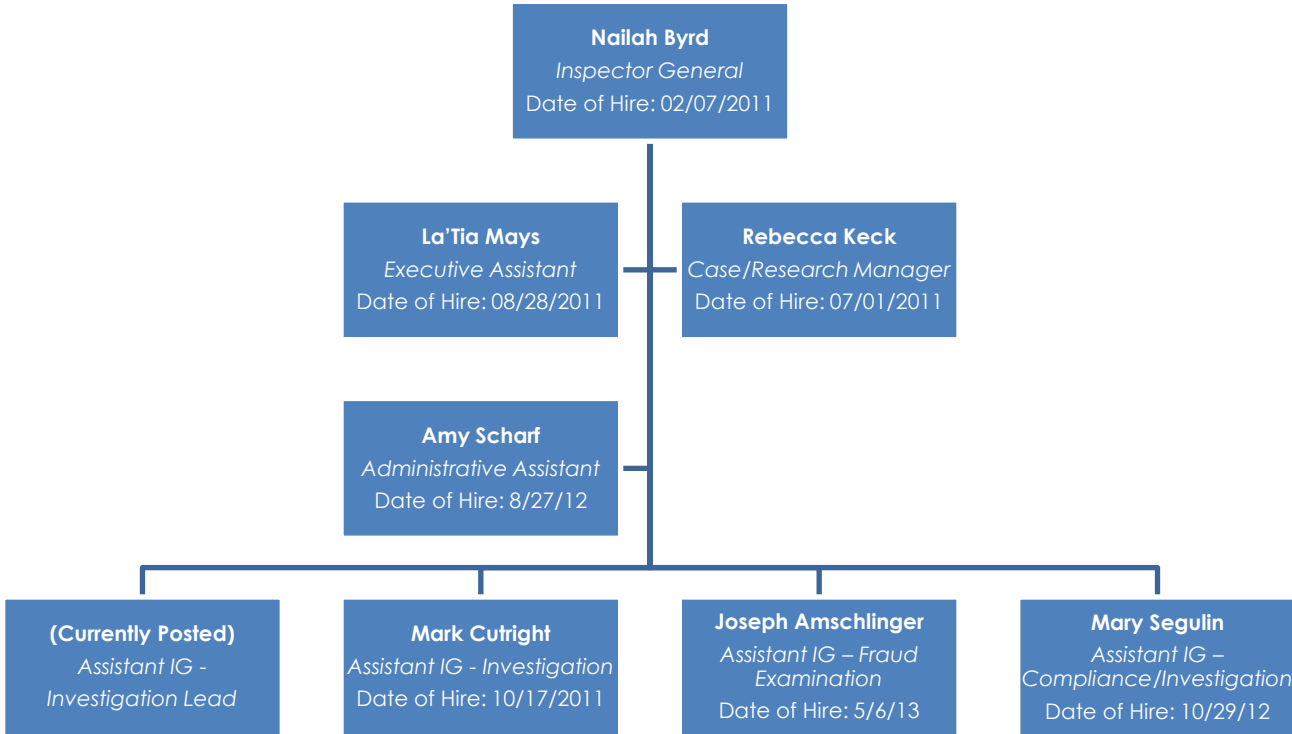
Nailah K. Byrd was appointed Cuyahoga County's first Inspector General in February 2011. She has a wealth of experience in both criminal prosecution and civil litigation. In her role as Inspector General, Ms. Byrd is responsible for investigating waste, fraud and abuse in Cuyahoga County, which has approximately 5,000 employees and a \$1.3 billion annual budget.

Ms. Byrd previously worked as a federal prosecutor in the United States Attorney's Office. 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. Ms. Byrd is admitted to practice law in New York, New Jersey and Ohio. In March 2013 Ms. Byrd successfully completed the training and examination to earn the designation of Certified Inspector General by the Professional Certification Board of the Association of Inspectors General.

Ms. Byrd is a graduate of the 2004 Bridge Builders class and is 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. In 2011, Ms. Byrd was also honored by the Northeast Ohio African American Library and Cultural Center in their annual Young, Gifted, and Black with ties to Black History Program. She was also selected by Cleveland Magazine as one of the Most Interesting People of 2012. Most recently, Ms. Byrd was selected as a member of the Leadership Cleveland Class of 2014. Ms. Byrd lives with her husband, Ed, and her twin sons Jalen and Khalil.

Section 2.2 – Agency of Inspector General Structure

The AIG currently operates under the following organizational structure:



Section 2.3 – Agency of Inspector General Budget

County Council granted the AIG a budget of \$994,497.00 for 2013. The following is a summary of the AIG's actual and projected budget performance for 2013:

<u>Item</u>	<u>Budgeted Amount</u>	<u>2013 Actual⁴³</u>	<u>2013 Projected</u>	<u>Projected Difference</u>
Personal Services (Salaries)	\$625,975.00	\$241,616.00	\$482,987.00	\$142,988.00
Personal Benefits	\$189,679.00	\$82,295.00	\$171,322.00	\$18,357.00
Commodities (Office Supplies not Available Through Approved Vendor)	\$10,000.00	\$0.00	\$690.00	\$9,310.00
Contracts & Professional Services (Case Management Software)	\$26,778.00	\$7,556.00	\$27,074.00	(\$296.00)
Other Operating (Print Shop, Postage, Supplies, Training, Travel, Mileage, Telephone, Copier)	\$82,092.00	\$23,216.00	\$40,926.00	\$41,166.00
Capital Outlays	\$1,565.00	\$0.00	\$1,298.00	\$267.00
Controlled Services	\$58,408.00	\$625.00	\$98,000.00	(\$39,592.00)
Total:	\$994,497.00	\$355,308.00	\$822,297.00	\$172,200.00

As part of its mandate to create contractor and lobbyist registries, the AIG is required to collect a \$100 registration fee from all non-exempt contractors and lobbyist registrations. As of June 30, 2013, the AIG has collected a total of \$162,200.00 in registration fees. These funds remain in an AIG sub-fund.

The AIG anticipates that its budget performance will remain essentially the same in 2013 except for the following:

- The AIG anticipates being fully staffed by the middle of the third quarter of 2013, which will cause an increase to the Personal Services and Personal

⁴³ These are the totals as of June 30, 2013.

Benefits line items. The resultant amounts will be at or below the approved budgeted amounts for 2013 (\$625,975.00 and \$189,679.00 respectively).

Section 2.4 – Transparency – Agency of Inspector General Website

The preamble to the Cuyahoga Charter states that a primary purpose of adopting the Cuyahoga Charter is to guarantee the taxpayers of the County have a “focused, effective and accountable leadership.” Accordingly, the AIG strives to ensure that all relevant and applicable information is made available to the public and all County employees and public officials in a user-friendly and timely manner. In furtherance of this goal, the AIG website, <http://www.inspectorgeneral.cuyahogacounty.us/>, was created and is continuously updated to provide the following information pertaining to AIG activity:

- A link where individuals can confidentially report fraud, waste and abuse to the AIG;
- Links to all enabling legislation and an AIG organizational chart;
- Copies of selected⁴⁴ investigation and examination reports;
- The current County contractor and lobbyist registration lists;
- Ethics compliance guidance issued by the AIG;
- Copies of all semi-annual reports issued by the AIG; and
- Detailed instructions on how to complete contractor/lobbyist registration.

The AIG anticipates enhancing the content on its website in the near future to include posting of campaign finance reports and additional outreach and training information.

⁴⁴ The AIG posts investigation/examination reports where violations of County policy or other laws have been established and the release of the report will not compromise any subsequent criminal investigation. All other reports not deemed confidential by law can be obtained by submitting a public records request to the AIG.

SECTION 3: INVESTIGATION

3.1 INVESTIGATION PROCEDURES

3.2 INVESTIGATION STATISTICS

3.3 INVESTIGATION FINDINGS

Section 3.1 – Investigation Procedures

Purpose

The AIG strives to maintain 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).⁴⁵

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, on post cards and business cards distributed to employees and members of the public, and on posters displayed 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.
- *Direct Phone/Mail/Walk-In* – Individuals are always permitted to directly contact AIG staff with complaints or concerns.
- *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.

⁴⁵ See <http://data.memberclicks.com/site/aig/IGStandards.pdf>.

- *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, reviews 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 issues one (1) 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.
- *Decline Investigation Other* – The AIG may conduct a brief preliminary review (e.g. reviewing records, meeting with management) to evaluate the merit of a complaint. If the information obtained during this preliminary review indicates a strong likelihood that the complaint will not be substantiated, the AIG may decline to initiate a full investigation into the complaint.

- *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 applicable Department or by Human Resources.
- *Initiate Investigation or Examination* – Complaints that are assigned for investigation or examination.

Investigation and Determination

All investigations are conducted under the direction of the 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 – No Referral

The investigation failed to reveal reasonable grounds to believe that any individual violated any state, federal, or local law, or any policy, rule or regulation governing a County employee. In addition, the investigation failed to reveal any other systemic issue warranting intervention by County management. The resulting investigation report and/or findings are not published or referred out with the exception that any individual considered a subject of the investigation is notified in writing of the findings.

***No Violation –
Management Referral***

The investigation failed to reveal reasonable grounds to believe that any individual violated any state, federal, or local law, or any policy, rule or regulation governing a County employee. The investigation, however, revealed a systemic issue warranting intervention or consideration by County management. The resulting investigation report and/or findings are referred to the County Executive and the appropriate County Department Director. The AIG may request a written response from the County Executive or the applicable Department Director addressing the issue and identifying any remedial action. Any individual considered a subject of the investigation is notified in writing of the findings.

***Violation –
Management Referral***

The investigation revealed reasonable grounds to believe that an individual violated a policy, rule or regulation governing a County employee. The resulting investigation report and/or findings are referred to the County Executive and the Director of Human Resources for consideration of corrective and/or disciplinary action for the individual. If the investigation revealed systemic issues warranting intervention or consideration by County management, the report and/or findings may be referred to the applicable Department Director. The AIG may request a written response from the County Executive or the applicable Department Director addressing the issue and identifying any remedial action. Any individual considered a subject of the investigation is notified in writing of the findings.

**Violation –
Management and Law
Enforcement Referral**

The investigation revealed reasonable grounds to believe that an individual violated a policy, rule or regulation governing a County employee and a state, federal, or local law. The resulting investigation report and/or findings are referred to the County Executive and the Director of Human Resources for consideration of corrective and/or disciplinary action for the individual. In addition, the report and/or findings are referred to the appropriate law enforcement agency. If the investigation revealed systemic issues warranting intervention or consideration by County management, the report and/or findings may be referred to the applicable Department Director. The AIG may request a written response from the County Executive or the applicable Department Director addressing the issue and identifying any remedial action. Any individual considered a subject of the investigation is notified in writing of the findings.

**Violation – Letters of
Notification,
Admonition or Censure**

The investigation revealed reasonable grounds to believe that an individual violated a provision of Title 4 of the County Code. Section 1.3, above, describes the circumstances justifying issuance of each type of letter.

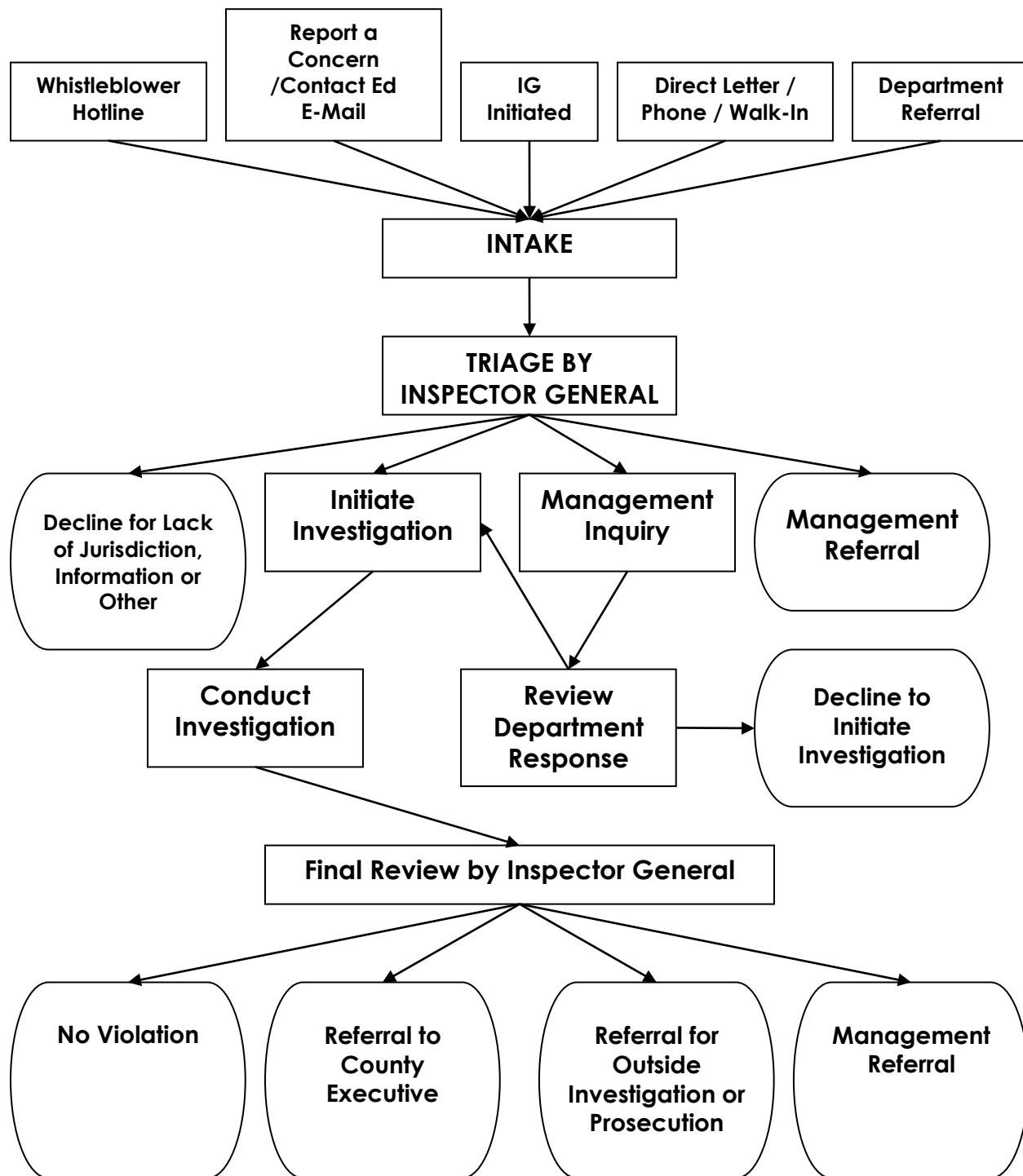
**Consolidated With
Ongoing Investigation**

The subject matter of the investigation is sufficiently related to an ongoing investigation such that consolidation of the investigations is warranted.

Referred for Debarment

The investigation revealed reasonable grounds to believe that the contractor violated a provision of Chapter 505 of the County Code.

Investigation Process Map

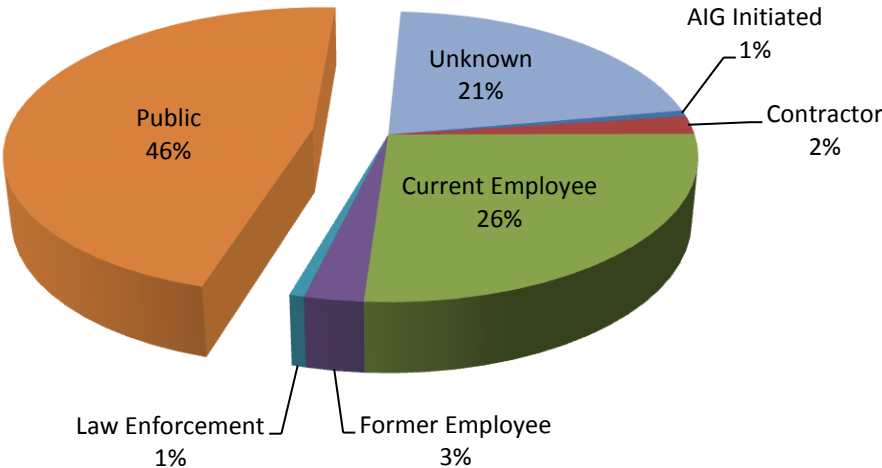


Section 3.2 – Investigation Statistics

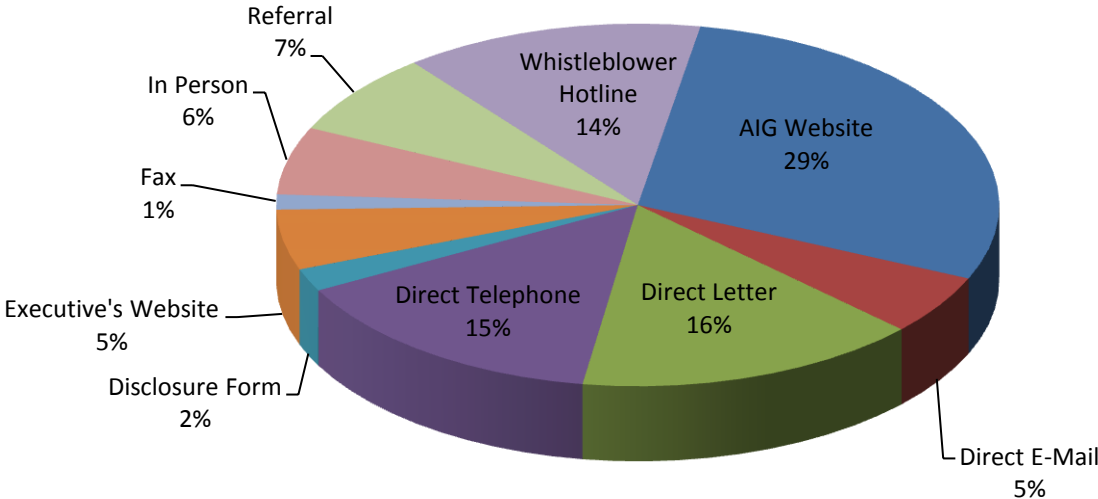
Whistleblower Complaints/Referrals

The AIG received 149 unique whistleblower complaints or referrals from January 1, 2013 through June 30, 2013. The following is a summary of the nature and disposition of these complaints.

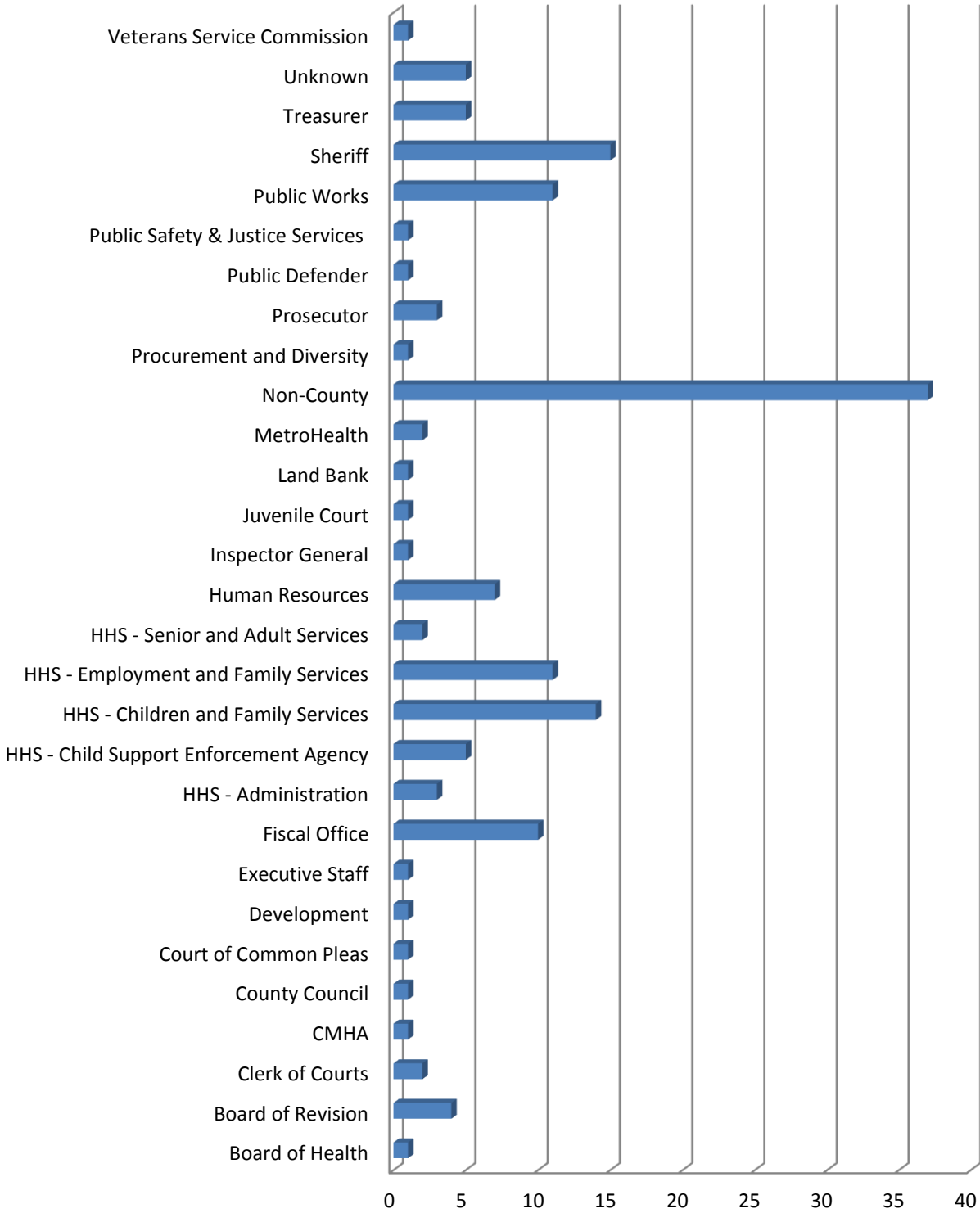
Source of Complaints



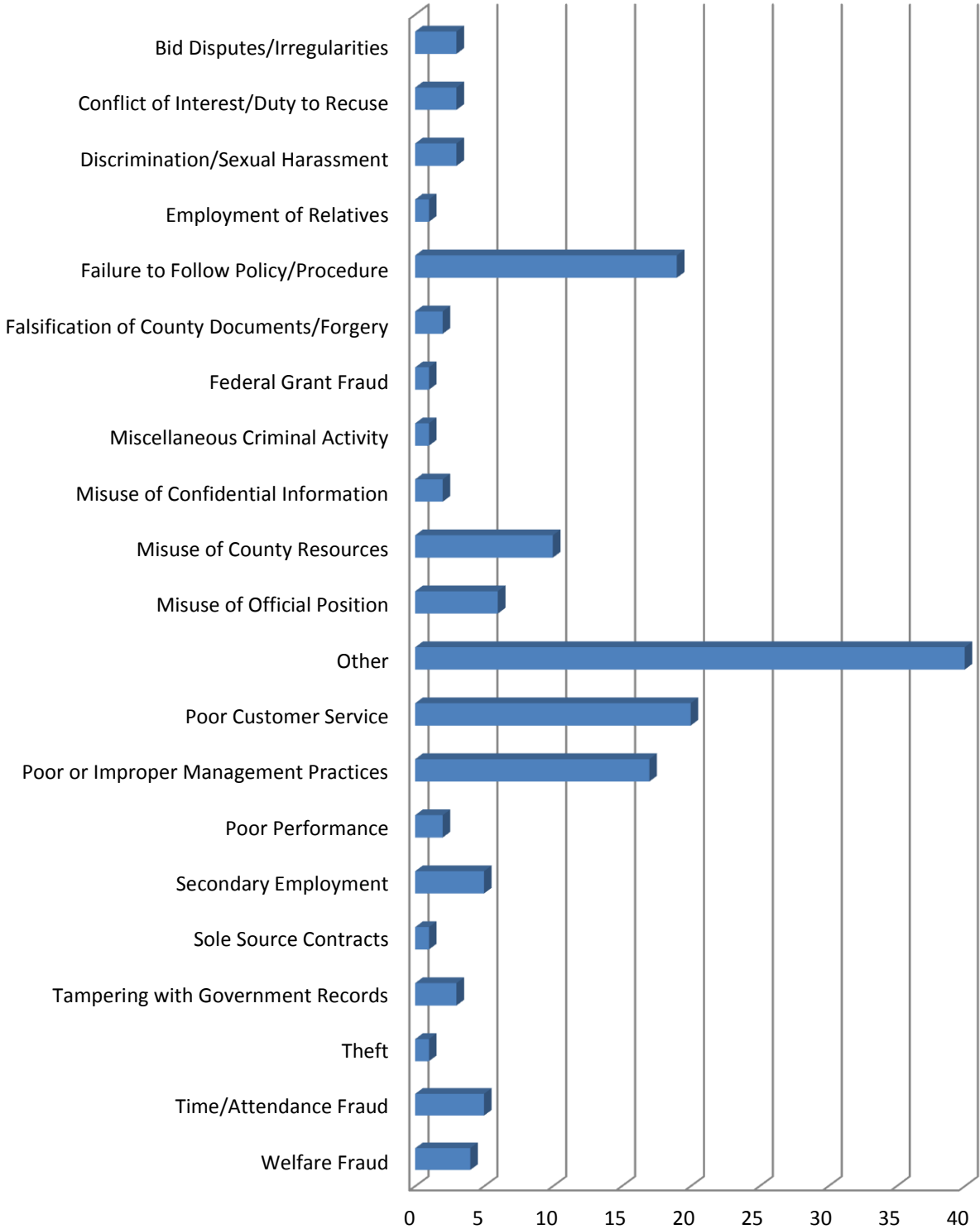
Method of Receipt of Complaints



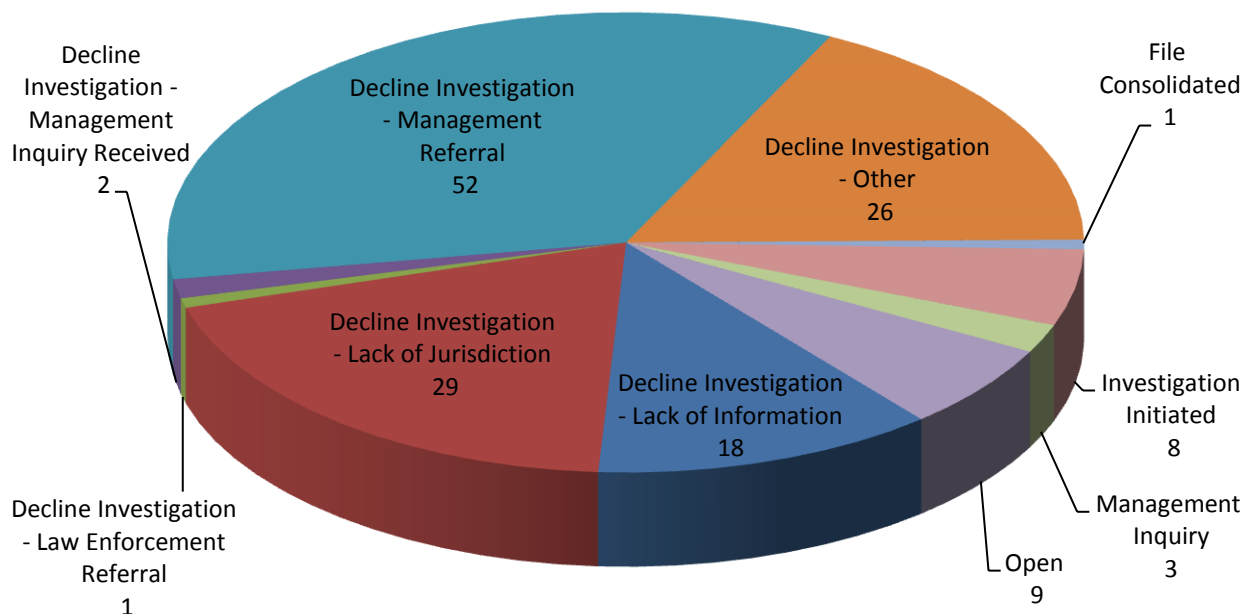
Complaints by Department



Nature of Complaints Received



Complaint Disposition



(See pages 26 - 27, above, for explanations of each disposition type.)

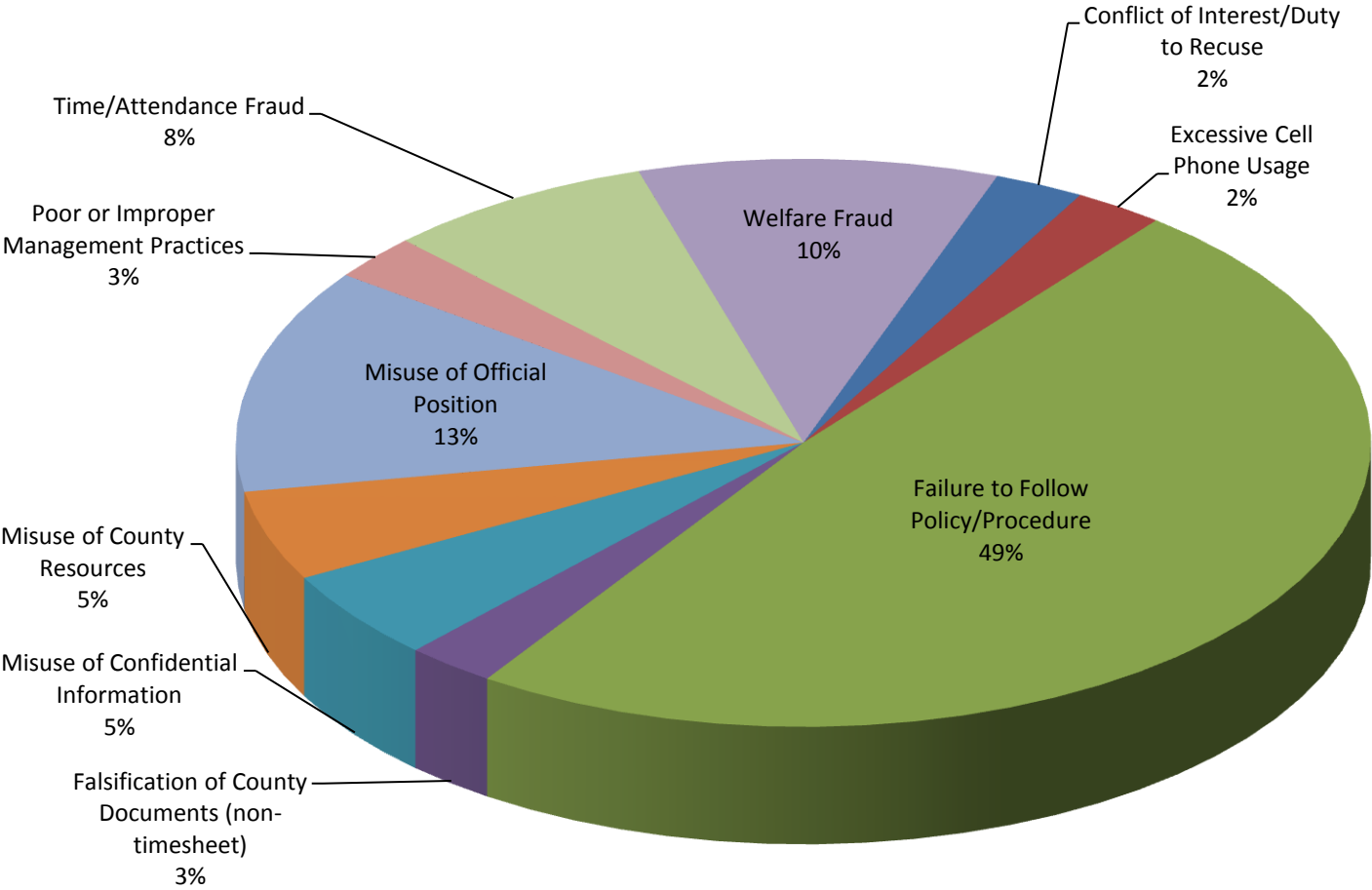
Investigations

As noted above, the AIG initiated eight (8) investigations based on complaints received during this reporting period. Thirty-one (31) additional investigations were initiated on the AIG's own initiative or as a spin-off of an ongoing investigation. Finally the AIG had fifty-three (53) pending investigations at the close of the last reporting period (i.e., December 31, 2012).

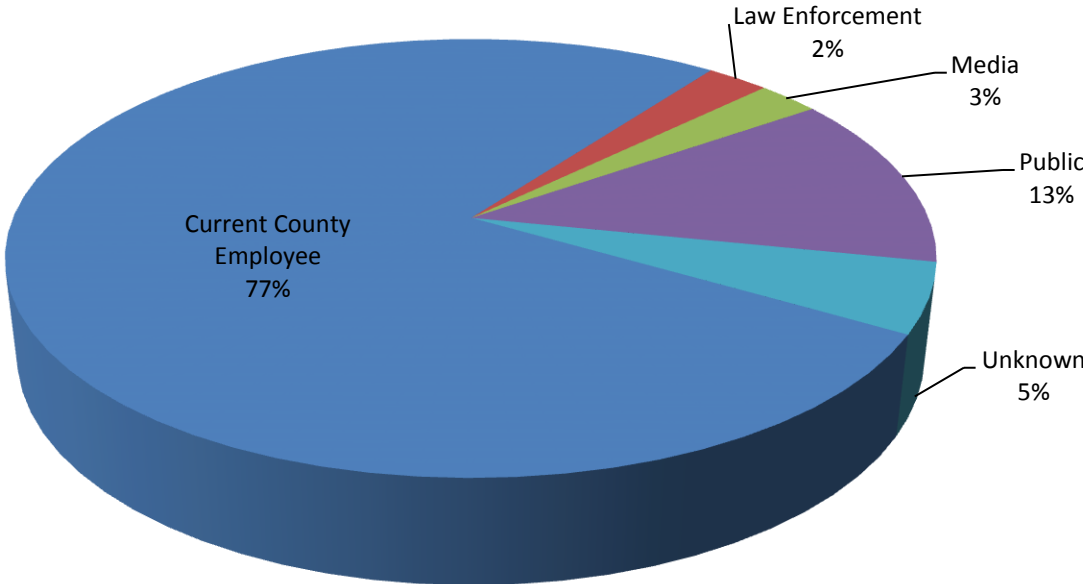
Pending investigations as of December 31, 2012:	53
Investigations initiated based on complaints received during reporting period:	8
Spin-off investigations or AIG initiated investigations:	31
Total investigations by AIG during this reporting period:	92

The following is a summary of the nature of the thirty-nine (39) investigations that were newly initiated during this reporting period:

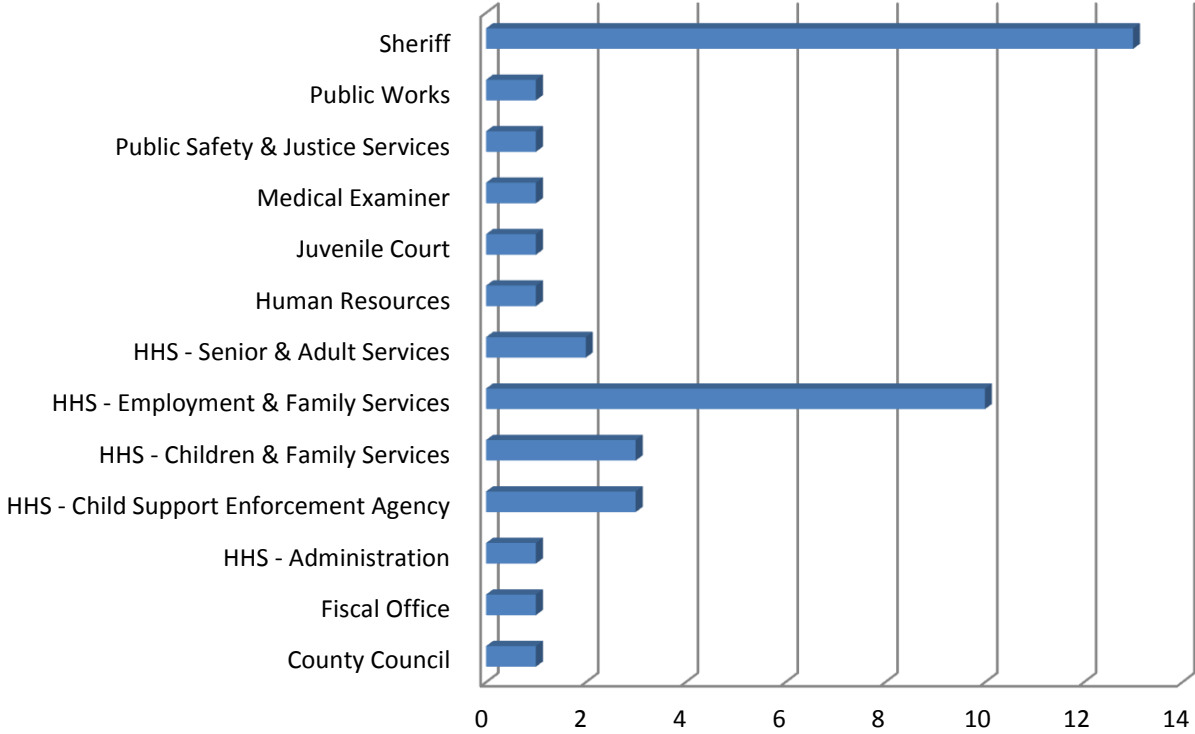
Types of Complaints Investigated



Source of Complaints Investigated

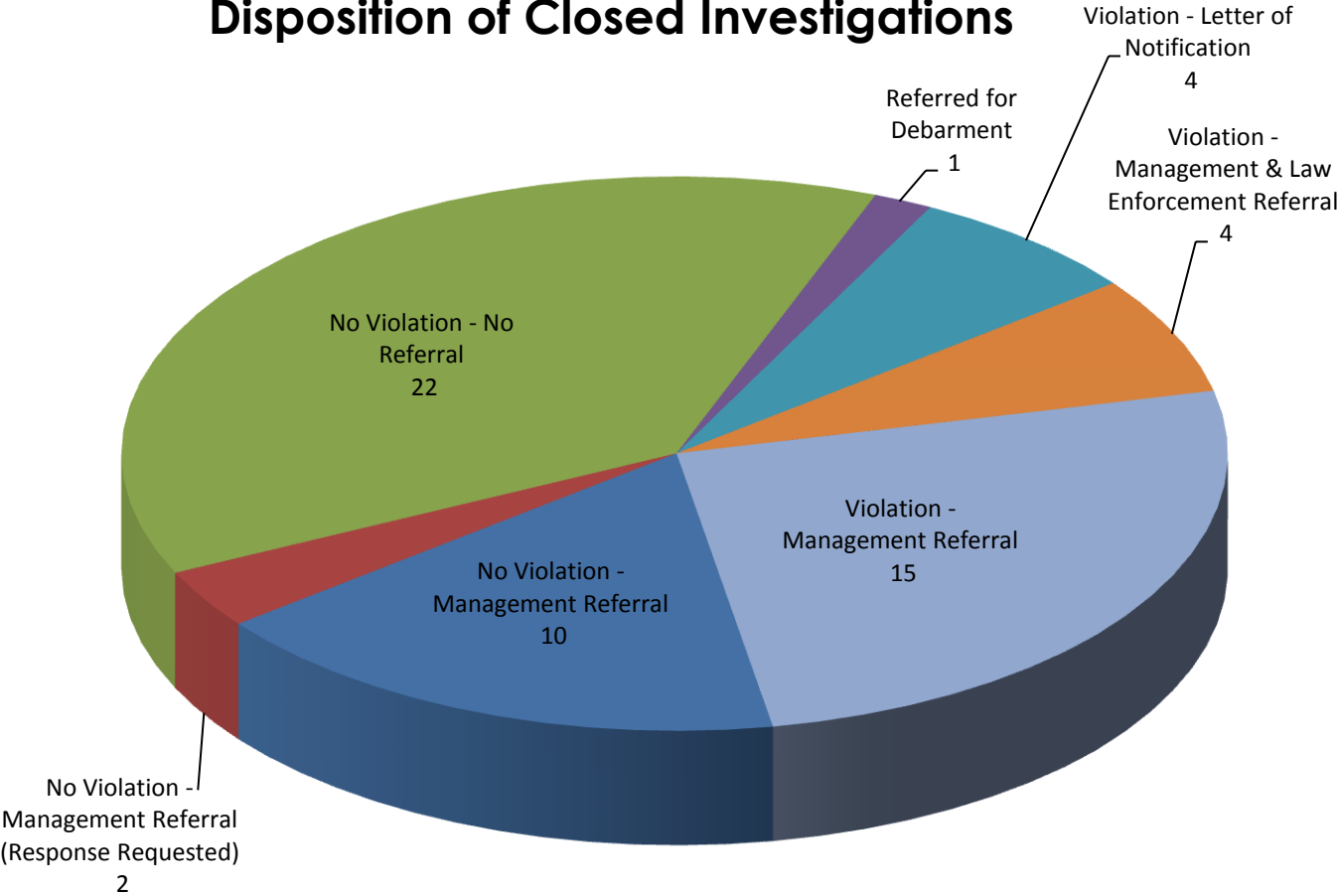


Investigations Initiated by Department



During this reporting period, the AIG issued findings on and closed fifty-eight (58) investigations. The following is a summary of the disposition of these investigations:

Disposition of Closed Investigations



(See pages 27 - 29, above, for explanations of each disposition type.)

Section 3.3 – Investigation Findings

Violation – Management and Law Enforcement Referral

Full reports of the investigations summarized in this subsection are available on the AIG's website - <http://inspectorgeneral.cuyahogacounty.us/en-US/Investigations.aspx>

Case Number:	12-0053-I
Subject(s) Info:	
Name:	Pamela Pickel
Department:	Department of Public Safety and Justice Services (CECOMS)
Position:	EMS Operator
Findings:	The investigation revealed reasonable grounds to believe Pickel violated County policies by falsifying her timesheets, improperly using sick leave, and punching a tardy co-worker's time card. The investigation report was referred to the County Executive and the Director of Human Resources for consideration of disciplinary action. The report was also referred to the County Prosecutor's Office for determination as to whether Pickel's behavior violated State law.
Result:	Pamela Pickel's employment was terminated by the County Executive on May 8, 2013.

Case Number:	13-0117-I
Subject(s) Info:	
Name:	Edward Little
Department:	Department of Health and Human Services (Office of Re-Entry)
Position:	Program Officer 4
Findings:	The investigation revealed reasonable grounds to believe Little violated County policies by using his County position to benefit himself by offering to perform services for a current County Re-Entry contractor through his personal consulting company and improper use of sick leave. The investigation report was referred to the County Executive and the Director of Human Resources for consideration of disciplinary action. The report was also referred to the County Prosecutor's Office for determination as to whether Little's behavior violated State law.
Result:	Edward Little resigned from his position with the County effective April 27, 2013.

Case Number:	13-0010-I and 13-0030-I
Subject(s) Info:	
Name:	Michelle Thompson
Department:	Cuyahoga Job and Family Services
Position:	Employment and Family Services Specialist
Findings:	The investigation revealed reasonable grounds to believe Thompson misused sick leave, stole a Medicaid Spenddown payment from a client and then forged a money order in an attempt to cover up the theft. The investigation report was referred to the County Executive and the Director of Human Resources for consideration of disciplinary action. The report was also referred to the County Prosecutor's Office for determination as to whether Thompson's behavior violated State law. Additionally, the investigation report was referred to the Department of Internal Audit to review the cash handling and cash management processes at Cuyahoga Job and Family Services.
Result:	Michelle Thompson's employment was terminated by the County Executive on June 4, 2013.

Case Number:	13-0040-I
Subject(s) Info:	
Name:	Alain Trice
Department:	Human Resources
Position:	Program Officer 3
Findings:	The County cell phone review revealed egregious and excessive cell phone minute, text message and data usage by Trice. The AIG recommended that the County seek a \$2,149.65 reimbursement from Trice. The investigation report was referred to the County Executive and the Director of Human Resources for consideration of disciplinary action. The report was also referred to the County Prosecutor's Office for determination as to whether Trice's behavior violated State law.
Result:	Alain Trice's employment was terminated by the County Executive on July 12, 2013.

Violation – Management Referral

Case Number:	12-0025-I and 12-0071-I
Subject Info:	
Name:	Karen Campbell
Department:	Human Resources
Position:	Human Resources Specialist
Findings:	The investigation revealed reasonable grounds to believe Campbell violated County policies by changing an employee's payroll records, improperly involving herself in the hiring process of a relative, and falsifying her timesheets. The investigation report was referred to the County Executive and the Director of Human Resources for consideration of disciplinary action.
Result:	Karen Campbell resigned from her position with the County effective February 5, 2013.

Case Number:	13-0115-I
Subject Info:	
Name:	Latrice Campbell
Department:	Child Support Enforcement Agency
Position:	Information Processor I
Findings:	The investigation revealed reasonable grounds to believe Campbell violated County policies by improperly accessing confidential case information regarding her fiancé's child support case. The investigation report was referred to the County Executive, Director of Human Resources, and Director of Cuyahoga Jobs and Family Services for informational purposes.
Result:	Latrice Campbell resigned from her position with the County prior to the completion of the AIG's investigation.

Case Number:	11-0004-I
Subject Info:	
Name:	Judith Cetina
Department:	Public Works (Archives)
Position:	Senior Records Management Administrator
Findings:	The investigation revealed reasonable grounds to believe Cetina violated County policies by receiving supplemental compensation under the publishing contract for a book she authored. The investigation report was referred to the County Executive and the Director of Human Resources for consideration of disciplinary action. The report was also forwarded to the Director of Public Works to determine what profits Cetina received from the discounted sale of the book. In addition, the investigation report recommended Cetina be permitted to submit for reimbursement from the County for expenses she incurred from authoring the book.
Result:	Judith Cetina received a five (5) day suspension for retaining the profits she received from the resale of her book. There is currently no record of Judith Cetina requesting reimbursement from the County for expenses associated with her authoring of the book.

Case Number:	12-0068-I
Subject(s) Info:	
Name:	Alfred Kenneth Charles
Department:	Cuyahoga Job and Family Services
Position:	Employment and Family Services Specialist
Findings:	The investigation revealed reasonable grounds to believe Charles violated County policies by a having a sexual relationship with a client in his caseload and falsifying County records, which resulted in a \$9,924.54 overpayment to the client. The investigation report was referred to the County Executive and the Director of Human Resources for consideration of disciplinary action. Cuyahoga County Job and Family Services also referred their report to the County Prosecutor's Office for determination as to whether Charles' behavior violated State law.
Result:	Alfred Kenneth Charles retired from his position with the County effective February 1, 2013.

Case Number:	11-0008-I
Subject(s) Info:	
Name:	Lesley DeSouza
Department:	Public Works (Animal Shelter)
Position:	Kennel Manager
Findings:	The investigation revealed an overall lack of controls and policies to regulate the Animal Shelter. The matter was referred to the County Department of Internal Auditing for inclusion in their full audit of the Shelter.
Result:	The Internal Audit Report for the Cuyahoga County Animal Shelter was released on April 29, 2013.

Case Number:	12-0020-I
Subject(s) Info:	
Name:	EFS Time Sheet Review
Department:	Cuyahoga Job and Family Services
Position:	N/A
Findings:	The AIG reviewed the sick time usage of certain EFS employees. The review revealed similar sick time usage patterns and misuse as discovered in the Michelle Thompson matter referenced above. The AIG recommended Cuyahoga Job and Family Services Management and the Department of Human Resources consider engaging in a process to increase consistent enforcement of applicable sick leave policies and collective bargaining agreement language.
Result:	As of the date of this report, the AIG has not received a response from Cuyahoga Job and Family Services Management or the Department of Human Resources.

Case Number:	13-0113-I
Subject(s) Info:	
Name:	Terry Knox
Department:	Cuyahoga Job and Family Services
Position:	Employment and Family Services Specialist
Findings:	The investigation revealed reasonable grounds to believe Knox violated County policies by accessing and viewing her daughter's case, creating and adding documents to her daughter's case, contacting her daughter's caseworker, and falsifying documents for her daughter, which resulted in a \$2,000.00 overpayment to her daughter. The investigation report was referred to the County Executive and the Director of Human Resources for consideration of disciplinary action. Cuyahoga County Job and Family Services also referred their report to the County Prosecutor's Office for determination as to whether Knox's behavior violated State law.
Result:	Terry Knox's employment was terminated by the County Executive on June 4, 2013.

Case Number:	13-0114-I
Subject Info:	
Name:	Noelia Lozada
Department:	Employment and Family Services Specialist
Position:	Health and Nutrition Specialist
Findings:	The investigation revealed reasonable grounds to believe Lozada violated County policies by misusing County resources to access a client's file that was not in her caseload. The investigation did not reveal reasonable grounds to believe Lozada violated County policies by releasing the client's confidential case information. The investigation report was referred to the County Executive and the Director of Human Resources for consideration of disciplinary action.
Result:	The Pre-disciplinary Conference for Noelia Lozada is pending finalization.

Case Number:	12-0044-I
Subject Info:	
Name:	James Slattery and Joseph Zickes
Department:	Cuyahoga County Sheriff's Department
Position:	Deputy Sheriffs
Findings:	The investigation revealed reasonable grounds to believe Slattery and Zickes violated County policies by harassing an employee of the County Court of Common Pleas – Juvenile Division. The investigation did not reveal reasonable grounds to believe a third deputy violated the same policies. The investigation report was referred to the County Executive, the Director of Human Resources, and the County Sheriff for consideration of disciplinary action.
Result:	The Pre-disciplinary Conferences for James Slattery and Joseph Zickes are pending finalization.

Case Number:	13-0029-I
Subject(s) Info:	
Name:	David Simpkins
Department:	Cuyahoga Job and Family Services
Position:	Employment and Family Services Specialist
Findings:	The investigation revealed reasonable grounds to believe Simpkins violated County policies by having a sexual relationship with a client in his caseload and entering inaccurate information into the CRIS-E system, which resulted in a \$7,525.97 overpayment to the client. The investigation report was referred to the County Executive and the Director of Human Resources for consideration of disciplinary action. Cuyahoga County Job and Family Services also referred their report to the County Prosecutor's Office for determination as to whether Simpkins' behavior violated State law.
Result:	David Simpkins' employment was terminated by the County Executive on April 5, 2013.

Case Number:	13-0092-I
Subject Info:	
Name:	Ava Viera
Department:	Support Officer II
Position:	Child Support Enforcement Agency
Findings:	The investigation revealed reasonable grounds to believe Viera may have inappropriately used FMLA leave while attending a union training in Miami. However, due to confidentiality restrictions the AIG was not able to review Viera's FMLA file to definitively determine if Viera committed FMLA fraud. The AIG would generally refer such a matter to the County Executive and the Director of Human Resources for consideration of disciplinary action. In this case, though, Viera resigned from her County position prior to the issuance of the AIG's report. The report was referred to the County Executive, Director of Human Resources and Law Director to determine if Viera was liable for repayment of health care premium payments made by the County due to Viera's potential FMLA fraud.
Result:	Ava Viera resigned from her position with the County effective October 22, 2012. As of the date of this report, the AIG has not received a response from the County Executive, Director of Human Resources, or Law Director.

Case Number:	13-0028-I
Subject(s) Info:	
Name:	Crystal Williams
Department:	Cuyahoga Job and Family Services
Position:	Employment and Family Services Specialist
Findings:	The investigation revealed reasonable grounds to believe Williams violated County policies by falsifying County records and failing to transfer a case involving a friend and/or family member, which resulted in a \$16,834.90 overpayment to the client. The investigation did not reveal reasonable grounds to believe Williams violated County policies by releasing confidential information of a client to a third-party. The investigation report was referred to the County Executive and the Director of Human Resources for consideration of disciplinary action. Cuyahoga County Job and Family Services also referred their report to the County Prosecutor's Office for determination as to whether Williams' behavior violated State law.
Result:	Crystal Williams resigned from her position with the County effective April 1, 2013.

Violation – Letter of Notification

- Fifteen (15) County employees failed to complete their mandatory 2012 Employee Ethics Training by the deadline. The AIG was asked to assist with the enforcement of the ethics training requirement. Two (2)⁴⁶ employees received Letters of Notification stating they were to complete their ethics training by February 15, 2013, or they would be referred to the County Executive and Director Human Resources for disciplinary actions. Both employees completed their ethics training prior to the AIG's deadline.
- A County Public Official violated County parking privileges by using parking spaces allotted to County employees and Public Officials who pay for monthly parking privileges.
- A County employee violated County parking privileges by allowing her co-workers to use her County identification badge to access the Huntington Parking Garage.

⁴⁶ The remaining thirteen (13) employees are discussed under the Violation – Management Referral and No Violation – No Management Referral sections.

No Violation – Management Referral

- The AIG conducted a review of County purchase cards ("P-card") charges. The AIG did not identify any purchases of personal or prohibited items. The AIG did identify instances when purchases appeared to be split to avoid the \$500.00 ceiling for one (1) transaction. Coordination with the County Department of Internal Auditing ("IA") revealed that IA staff plan to conduct an internal control audit of the P-Card program as well as the gasoline credit cards. Therefore, the AIG referred the information to the Director of IA who agreed to refer to the AIG any instances of possible theft, fraudulent purchases, or misconduct detected during their upcoming audits.
- Allegation that a County Public Works employee used his position to excavate and replace more sidewalk and driveway apron concrete than necessary at the residence of a family acquaintance. The investigation revealed insufficient evidence to substantiate this allegation. The investigation did reveal, however, an absence of a written policy or procedure regarding the replacement of cement at a property serviced by Public Works. The AIG requested a response from the Director of Public Works detailing her efforts to address the issues identified in the AIG's report.
- A County Department of Children and Family Services ("DCFS") Social Worker took possession of personal property of a DCFS client after his arrest by a local police department. The AIG reviewed the matter to determine if DCFS had a policy or procedure regarding maintaining personal property of incarcerated County clients. The investigation revealed insufficient evidence to indicate the County Social Worker violated any County policies. However, the investigation revealed a lack of a written policy regarding the maintaining of personal property for DCFS clients. The AIG requested a response from the Administrator of DCFS detailing her efforts to address the issues identified in the AIG's report.
- Allegation that a County Fiscal Office employee's political connections allowed him to arrive late to work and falsify his timesheets. Previous violations of County policies for time and attendance by this employee were also discovered. However, management and Human Resources had previously taken corrective action. The matter was referred to the County Executive, Director of Human Resources and Fiscal Officer for further review.

- On May 19, 2012, the cash register for the County Animal Shelter ("Shelter") was ninety dollars (\$90.00) short. The investigation revealed insufficient evidence to definitively determine who or what was responsible for the ninety dollar (\$90.00) shortage. The Shelter's lax cash handling processes coupled with the fact that there were no functioning cameras on the date of the incident made it impossible to effectively track the financial transactions that occurred that day. Additionally, it was particularly troubling that the department had no formal cash handling policy. During the course of the investigation, the AIG became aware that IA was conducting an audit of the Shelter's operations, including cash handling practices. The AIG shared information regarding this issue and other concerns at the Shelter with IA. A copy of this report was referred to the Director of IA, the Director of Public Works and the Director of Human Resources for informational purposes.
- Allegation that the Shelter is improperly euthanizing certain dogs. The matter was referred to IA for inclusion in their full audit of the Shelter.
- Allegation that a Shelter employee changed the euthanasia log. The matter was referred to IA for inclusion in their full audit of the Shelter.
- Allegation that a County employee submitted false timesheets for a co-worker that was on FMLA. The investigation revealed insufficient evidence to substantiate the allegation. The evidence did reveal a series of miscommunications and lack of training of proper time and attendance procedures and systems. A copy of the report was referred to the County Executive and Director of Human Resources for consideration of additional training on time and attendance procedures for the department.
- Allegations regarding the purchase of Whiskey Island from Whiskey Island Partnership, the no-bid contract awarded to Whiskey Island Partnership by the County, poor management of Whiskey Island marina and restaurant, failure to obtain the required permits and inspections, and conflict of interests due to Dan Moore participating in the County Executive's transition team and the appointment of Dan Moore to the Metroparks Commission. The AIG referred the issues of poor management of the marina and restaurant and failure to obtain the required permits and inspections to the County Director of Public Works. The AIG found no violation regarding the participation of Dan Moore on the County Executive's transition team. The AIG discontinued its investigations into the remaining matters.

- The AIG determined four (4) of the County employees who did not complete their 2012 ethics training were on approved medical leave. The Department of Human Resources confirmed they will monitor these employees to ensure they are notified upon their return to work of the requirement to complete their ethics training.

No Violation – No Management Referral

- Allegation that a County employee is permitted to work his required forty (40) hours at home and is a “ghost” employee. The investigation revealed insufficient evidence to substantiate this allegation. The subject resigned from his position prior to the conclusion of the investigation.
- Allegation that a County Department of Children and Family Services employee disclosed a client’s information to a third-party. The investigation revealed insufficient evidence to substantiate this allegation.
- Allegation that a County employee inappropriately provided a County Sheriff’s Department badge to a friend. The investigation revealed insufficient evidence to substantiate this allegation.
- Allegation that a County employee improperly accepted birthday gifts from County youths participating in a County program. The investigation revealed that the employee did not violate Title 4 of the County Code by accepting the birthday gifts from the youths.
- Allegation that County employees will opt out of County provided health benefits coverage to qualify for Healthy Start, a public assistance program. The investigation revealed insufficient evidence to substantiate this allegation.
- Allegation of potential fraud by a contractor relating to a County Department of Development loan. The investigation revealed insufficient evidence to substantiate this allegation.
- Allegation that a County employee’s termination was the result of political motivation as opposed to County reorganization. The investigation revealed insufficient evidence to substantiate this allegation.

- Allegation that a County employee falsified the date on an internal memorandum to make it appear as though the document was drafted and circulated months prior to the date it was actually drafted. The investigation revealed insufficient evidence to substantiate this allegation.
- Allegation that a County employee ran a mock race against former County Auditor Frank Russo to obtain employment for his wife and daughter. The investigation revealed insufficient evidence to substantiate this allegation.
- Allegation that a County employee used his County position to pressure County contractors to volunteer at the election polls. The investigation revealed insufficient evidence to substantiate this allegation.
- Allegation that a County employee instructed a co-worker to manipulate his relative's County Child Support Enforcement Agency case. The investigation revealed insufficient evidence to substantiate this allegation.
- Allegation that a County Employment and Family Services caseworker is friends with a client on her caseload. The investigation revealed insufficient evidence to substantiate this allegation.
- Allegation that a County employee intervened in the criminal case of a co-worker. The investigation revealed insufficient evidence to substantiate this allegation.
- Nine (9) of the County employees who did not complete their 2012 ethics training completed the requirement after being contacted by the AIG.

Referred for Debarment

- AIG was asked to determine if there was criminal activity associated with the lack of progress by a contractor on a County contract and if the County could recover funds from the contract. The AIG internally referred this matter for possible debarment.

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, Chapter 409 of the County Code officially designates the Inspector General as the ethics investigative officer for the County and requires the Inspector General to conduct all investigations pertaining to Title 4 of the County Code. In addition to the investigatory mandate, Title 4 of the County Code 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 (4) 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, or abuse complaints (See Section 3.1, above). The AIG's jurisdiction to investigate ethics complaints, however, is larger than its general investigative jurisdiction.

Ethics investigations that result in a finding that Title 4 of the County Code was violated are remedied in accordance with the enforcement powers granted to the AIG by the County Code. 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 advice prior to taking a potentially unethical action. Accordingly, Title 4 of the County Code 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 offers specific or general guidance upon request on other ethics-related issues, including, but not limited to, 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

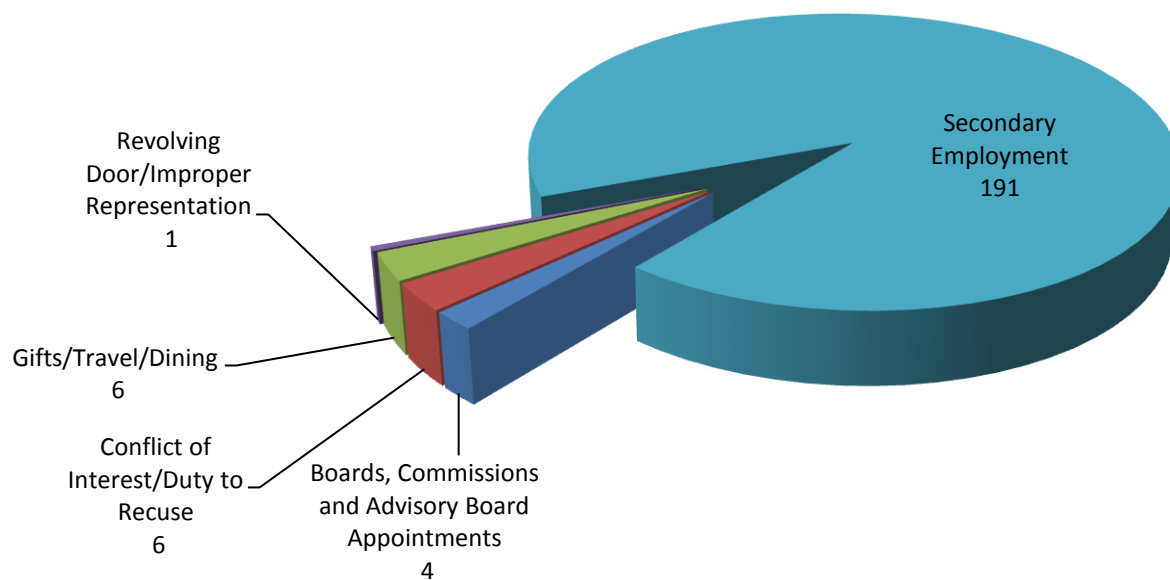
Transparency is widely accepted as one of the most effective means to prevent corruption in government. Accordingly, Title 4 of the County Code requires the AIG to manage the following public disclosure programs:

- 1) *County Contractor Registry* – All contractors 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.

Section 4.2 – Ethics Statistics

The AIG received and responded to 208 ethics inquiries during this reporting period. The following is a summary of the nature of these inquiries:

Ethics Inquiries



As clearly noted in the above chart, the large majority of the ethics inquiries submitted to the AIG relate to secondary employment by County employees and officials. The AIG responds to each inquiry by providing an opinion as to whether any provision of Title 4 of the County Code would prohibit the employee from engaging in the secondary employment. Secondary employment is generally permissible so long as the following conditions are met:

- Cannot use County time, resources, personnel or facilities;
- Cannot use your official title or identification in soliciting private outside employment or conducting private business activity;
- Cannot use the authority or influence of your County position to secure a public contract that benefits yourself, a family member or a business associate;

- Cannot 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 you are connected;
- Cannot use relationships with other public officials and employees established while performing your official County duties to secure a favorable decision or action by that official or employee regarding your private interests;
- Cannot participate in your official County capacity in a matter upon which your private interests are dependent or contingent;
- Cannot receive fees for providing services rendered on projects that you have recommended in your official capacity;
- Cannot participate in decisions or make recommendations regarding competitors to your private business interest; and
- Cannot disclose or use confidential information obtained in the course of performing your County duties.

The following is a brief synopsis of the general nature of the other types of ethics inquiries that the AIG responded to during this reporting period:

**Board/Commission
Appointment
Conflict**

- Review of potential board appointee's current board memberships – Conflict; Appointee must resign from current board positions prior to being appointed by the County.
- General inquiry from County employee as to whether he/she can apply for appointment to a Board or Commission by a County Appointing Authority – No conflict so long as the employee meets all County and State ethical restrictions and limitations.

**Conflict of
Interest/Duty to
Recuse**

- Inquiry from a County employee as to whether as an unpaid Board Member of an association he/she can solicit sponsorships for the association's conference that will be held in Cuyahoga County – Conflict; County

employee is prohibited from soliciting sponsorships from companies conducting business with the County; however, other non-County employee board members of the association may solicit sponsorships.

- Ongoing nepotism review for all County Departments and Agencies.
- Inquiry from a Human Resources Commission hearing officer as to whether he/she could represent clients as an attorney before the State of Ohio Personnel Board of Review – No conflict so long as the hearing officer meets all County and State ethical restrictions and limitations.
- Inquiry from a County employee as to whether he/she could administer a County contract with a local preschool where his/her daughter will attend in the fall – No conflict; Employee's administrative responsibilities for the contract have been reassigned to another County employee.
- Inquiry from a County Employment and Family Services Casework as to whether he/she could accept a \$25 gift card to a restaurant from a client in his/her caseload as a "thank you" – Caseworker cannot accept the gift card because the client would be considered an "improper source" by the Ohio Ethics Commission.
- Inquiry from a County employee as to whether attendance at a networking dinner sponsored by a local company violated County policy – No conflict; Company that is hosting the event is not a registered contractor with Cuyahoga County and the employee did not have authority to "solicit, authorize, or enter into contracts with potential vendors."
- General inquiry from County Council as to whether acceptance of invitations by County Council members to local events sponsored by various companies is permissible - Permissible so long as the company sponsoring the event is not a County contractor and the invitation's value is less than \$75.00.
- Inquiry as to whether receipt and distribution of free movie tickets to citizens participating in a County Health and Human Services program is permissible – Permissible

**Gifts / Travel /
Dining**

because the tickets are not for the County or County employees but are for and on behalf of the citizens of the County.

The AIG anticipates an increase in ethics inquiries relating to political activity and campaign contributions due to the 2013 primaries and 2014 County Executive and State of Ohio gubernatorial elections. The AIG is currently preparing an advisory opinion regarding political activities by classified and unclassified County employees.

SECTION 5: CONTRACTORS AND LOBBYISTS

5.1 ETHICS TRAINING AND REGISTRATION

5.2 DEPARTMENT LAW, PROCEDURES AND REVIEW BOARD

Section 5.1 – Ethics Training and Registration

Introduction

Title 4 of the County Code sets forth requirements for contractors and lobbyists doing business with the County. A contractor is defined as a person or 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. Therefore, all service providers, contractors, vendors or consultants that provide goods or services to the County under the terms of a contract or in exchange for a purchase order or voucher, are required to adhere to the provisions of Title 4 of the County Code.

Ethics Requirements

Although not specifically required to do so, the AIG established an ethics training program for all County contractors and lobbyists. The training program is a joint effort between the AIG and the Cleveland Office of the United States Attorney for the Northern District of Ohio. 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. Unless exempt, all County contractors and lobbyists are required to attend this training program as a prerequisite for conducting business with the County.

The contractor and lobbyist registration program continues to be the largest disclosure project undertaken by the AIG. As previously noted, the program requires all contractors and lobbyists doing business with the County to register with the AIG and attend ethics training, if applicable. As of July 11, 2013, there were two thousand seven hundred seventy seven (2,777) contractors and nine (9) lobbyists registered with the AIG who, if and when applicable, completed ethics training.

Section 5.2 – Debarment Law, Procedures and Review Board

Introduction

As previously noted in Section 1.3 above, on December 11, 2012, the County Council and Cuyahoga County Executive enacted the Debarment Law which

establishes a procedure for the AIG to debar contractors who meet certain criteria related to poor business practices and/or unethical behavior.⁴⁷ The AIG may debar a contractor for five (5) years for certain criminal convictions or civil judgments within the preceding five (5) years anywhere in the United States. Based on certain prohibited activity, the AIG may also debar contractors for three (3) years or eighteen (18) months.

As a practical matter, during the duration of the debarment period, debarred contractors may not:

- 1) Submit bids, proposals, statements of qualifications or any other offers to contract with the County; or
- 2) Enter into any contract or agreement with the County; or
- 3) Serve as a subcontractor on any County contract or agreement.⁴⁸

Debarment Procedures

Prior to debarment, the AIG must send a written "Notice of Potential Debarment" to the contractor. During the first half of 2013, the AIG mailed twenty-five (25) Notices of Potential Debarment. Of those, twenty-two (22) were based upon a prior conviction or civil judgment of the contractor in the County corruption investigation. The remaining three (3) Notices of Potential Debarment were based upon possible delinquent Cuyahoga County property taxes.

In addition to the twenty-five (25) Notices of Potential Debarment that were mailed, the AIG has opened forty-one (41) debarment investigations. The forty-one (41) investigations include an additional twenty-two (22) contractors who were convicted or had civil judgment against them in connection with the Cuyahoga County corruption investigation. The remaining nineteen (19) investigations were referred to the AIG from different County Departments or resulted from AIG review of public records.

Of the twenty-five (25) Notices of Potential Debarment issued by the AIG, twelve (12) contractors either did not respond to the Notice within the required review period or indicated they would not dispute the debarment. The twelve (12) non responsive contractors will receive Notices of Debarment when the Debarment Review Board is in place and its procedures are finalized. Of the remaining thirteen (13) contractors, the AIG mailed three (3) Notices of Determination Not to Debar for No Violation. The ten (10) remaining files are pending final determination.

⁴⁷ Codified as Chapter 505 of the County Code.

⁴⁸ County Code, Section 505.02(A), formerly Section 2(A) of the Debarment Law.

Debarment Review Board

Pursuant to the Chapter 505 of the County Code, a contractor may appeal the AIG's decision to debar the contractor to the Cuyahoga County Debarment Review Board. The Debarment Review Board consists of:

- 1) The County Fiscal Officer;
- 2) One (1) member of County Council appointed by the Council President; and
- 3) Three (3) residents of Cuyahoga County appointed by the County Executive and confirmed by the County Council.

The Debarment Review Board must establish the debarment appeal process for contractors debarred by the AIG.

As of July 15, 2013, the County Executive nominated three (3) citizens to serve on the Debarment Review Board. Those individuals are currently awaiting confirmation by County Council. If they are confirmed, and once the Debarment Review Board process and procedures are established, the AIG will immediately issue the twelve (12) Notices of Debarment discussed above as well as any additional Notices of Debarment resulting from the ten (10) open and pending potential debarment reviews.

Contractor Registry Debarment Review

During the first half of 2013, AIG staff conducted due diligence reviews of two hundred twenty six (226) new contractors as a prerequisite to contractor registration with the AIG and County.

In addition, AIG staff also initiated a due diligence review of the then existing two thousand five hundred fifty one (2,551) contractors in the current AIG contractor registry to determine whether debarment is appropriate for any current County contractor. The AIG anticipates that during the upcoming months, we will continue to review the current AIG registry in addition to vetting all new contractor applicants.

SECTION 6: 2014 GOALS

Contractor and Lobbyist Ethics Training

The AIG is continuing to work with the County Department of Information Technology ("IT") to create a web-based contractor and lobbyist ethics training program. IT is currently preparing the presentation and, once completed, will forward it to the AIG for final approval. Again, this program will be offered to all contractors and lobbyists as an alternative to attending live training.

The AIG is also exploring automation of other procedures relating to the contractor and lobbyist registry, including acceptance of registration forms and registry fee payments online.

Prosecutor Referrals

In the first half of 2013, the AIG referred four (4) investigations to the County Prosecutor's Office for possible criminal prosecution. The AIG will follow-up with the County Prosecutor's Office to determine if charges were filed against the subjects of those investigations. Moving forward, the AIG will conduct the same follow-up for all referrals made to the County Prosecutor's Office and report those findings in future semiannual reports.

Driver's License Abstract Review

The Cuyahoga County Vehicle Use Policy requires the AIG review motor vehicle driving records for all County employees who are authorized to operate a County owned vehicle or drive a personal vehicle on a periodic basis, but not less than biannually. The AIG anticipates, beginning with its next reporting cycle, presenting the results of the review⁴⁹.

⁴⁹ The AIG anticipates the first review to be completed in July 2013. At a minimum, the County Executive and County Council will receive a copy of the review upon completion.