



Cuyahoga County Agency of Inspector General



SEMI-ANNUAL REPORT

January 1, 2019 – June 30, 2019

Mark D. Griffin

Inspector General



**CUYAHOGA COUNTY
AGENCY OF INSPECTOR GENERAL**

July 31, 2019

Dear Citizens of Cuyahoga County,

I am pleased to present to you the Cuyahoga County ("County") Agency of Inspector General's ("AIG") Semi-annual Report for the period January 1, 2019 through June 30, 2019.

During the first six months of 2019, among other things, the AIG:

- Continued to assist law enforcement entities in their investigations of allegations of public corruption. Cooperation with law enforcement is of the highest priority for the AIG;
- Expanded its new pilot program to assist the County Treasurer's Office and the County Prosecutor's Office to collect unpaid taxes that precipitated payments of an additional \$869,201.87 in uncollected delinquent property taxes;
- Completed 20 investigations including, for example;
 - Missing and mishandled cash payments;
 - Inappropriate conduct by a DSAS Home Health Aid;
 - Misuse of \$300,000 in Federal grant funds;
- Reviewed 249 Secondary Employment & Private Business Activity Disclosures;
- Reviewed 186 Nepotism/Conflict of Interest submissions;
- Reviewed 47 Financial Disclosure Forms;
- Initiated and reviewed background checks regarding 154 contractors;
- Issued 61 Ethics Opinions and Advisories; and
- Continued to expand its preventative and proactive ethics education program to provide ethics training to every new County employee.

I welcome your thoughts and comments on our past and on our future.

Respectfully,

A handwritten signature in blue ink, appearing to read "Mark D. Griffin".

Mark D. Griffin, Inspector General

Inspector General Mark D. Griffin



Mark D. Griffin ("Mr. Griffin") serves as Cuyahoga County's ("County") second Inspector General ("IG"). Mr. Griffin was appointed as IG by County Executive Armond Budish and was unanimously confirmed by County Council. Mr. Griffin was appointed on April 28, 2015 to fill an unexpired term ending June 30, 2016. Subsequently, Mr. Griffin was reappointed to a five (5) year term commencing July 1, 2016 and ending June 30, 2021. In his role as IG Mr. Griffin is responsible for investigating waste, fraud and abuse in the County, which has approximately five thousand (5,000) employees and a one point three billion (\$1.3 billion) dollar annual budget.

Prior to becoming IG, Mr. Griffin represented whistleblowers in matters before federal court and state court involving the United States ("U.S.") Department of Labor, the U.S. Internal Revenue Service and the U.S. Securities and Exchange Commission. He practiced law for more than twenty (20) years with a substantial part of his law practice including the investigation of dishonest and fraudulent conduct. Mr. Griffin litigated cases under the False Claims Act involving allegations that certain defendants defrauded the United States. He has also represented U.S. Treasury agents who investigated money-laundering and financial fraud allegations; as well as whistleblowers who revealed fraudulent practices in major hospital chains, assisted living facilities and pharmacies.

Mr. Griffin's law practice included several significant cases which involved complicated financial investigations. The Cellnet Case involved discriminatory pricing of cellular telecommunications services and resulted in, among other things, a twenty-two (\$22,000,000) million-dollar settlement for his client – considered by the Judge to be one of the largest single-plaintiff settlements in County history. Separately, the Penn Central Case lasted over 40 (forty) years and resulted in a fourteen point eight (\$14.8) million-dollar settlement for thirty-two (32) former employees. Both of these cases required investigations into payment practices of contractors or employees. Mr. Griffin's cases also include a one point seven (\$1.7) million-dollar fraud judgment against an associate of the Scarfo crime family.

Mr. Griffin earned his Masters' Degree in Public Policy from Harvard's John F. Kennedy School of Government. He graduated at the top of his class from Case Western Reserve University School of Law and received his Bachelor's Degree in Economics and Political Science from the University of Pennsylvania. Mr. Griffin's background includes working as an Intern for a Conservative member of British Parliament and serving two years as a Peace Corps volunteer in Cameroon, West Africa building schools, supporting small economic development projects and promoting community development.

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Executive Summary

During the first half of 2019, the Agency of Inspector General ("AIG") continued to set as its highest priority its ongoing cooperation and assistance to assist law enforcement entities. The AIG also closed 20 investigations, precipitated an additional \$869,201.87 in delinquent tax payments (in cooperation with County Prosecutor O'Malley and County Treasurer Murray), initiated a data update project and issued 61 ethics opinions. The AIG has identified \$7,152,281 in challenged costs, expenditures, or recovered taxes since its inception and since 2015 has identified \$6,953,604 in challenged costs, expenditures or recovered taxes.

Furthermore, an important event during this reporting period was the:

Amendment to Section 204.01 of the Cuyahoga County Code. County Council and County Executive Budish passed Ordinance No. 02018-0013 to require county agencies to provide a response to recommendations issued as part of an investigation of the AIG and to update the County Code in accordance with the adoption of Article XV of the County Charter. This amendment will increase transparency, responsiveness and accountability in County government.

A representative sample of the AIG's activities during the first six months of 2019 includes:

Investigated \$2,214 Missing and Mishandled Cash in the County Treasurer's Office.

The investigation found that a cash payment of \$2,214.30, made on January 3, 2019, was missing and that the County's procedures for handling cash were deficient. An additional \$4,000 cash payment was mishandled but not permanently lost. Based upon these concerns, the AIG initiated a review and reconciliation of other cash transactions. The AIG's reconciliation identified one additional \$307.75 cash payment that appears to be missing or stolen. The AIG's report was provided to law enforcement and the Auditor of State for their review. The County Treasurer's Office has initiated significant new safeguards that are intended to correct the deficiencies and prevent a re-occurrence in the future.

Investigated the Misuse of \$300,000 in Federal Grant Funds Related to AFIS (Draft Pending Approval by County Audit Board).

In a joint investigation with the Department of Internal Audit, the AIG reviewed the management and return of approximately \$300,000 associated with Ohio State Grant

Number DPSFE210 and Federal Pass Through Number EMW-2014-SS-00101-S01, administered by the Ohio Emergency Management Agency. This grant was intended to support improvements to the Automated Fingerprint Identification System ("AFIS") shared by the County and the City of Cleveland ("City"). Specifically, the grant was intended for the purchase of two (2) Hewlett-Packard 40 Terabyte blade servers, Microsoft SQL licenses and associated equipment. A draft report was submitted for review by the County Audit Committee.

Investigated Improper Conduct by a DSAS Home Health Aid.

The AIG investigated allegation that a DSAS Home Health Aid was improperly involved with a senior citizen in his care including alleged improprieties relating to financial transactions and purported prostitution. The subject is no longer employed by the County.

Worked with County Prosecutor O'Malley and Treasurer Murray to Precipitate an Additional \$869,201.87 in Tax Payments by Delinquent Tax Debtors.

Building on a program initiated last year with County Treasurer Chris Murray and County Prosecutor Michael C. O'Malley and their staff, the AIG identified taxpayers most likely to be responsive to potential debarment notices for failure to pay taxes. In the last six months, through the program and the efforts of Prosecutor O'Malley and Treasurer Murray, the identified delinquent taxpayers paid an additional \$869,201.87 to the County Treasury. This also represents an increase of \$56,519.85 from the \$812,682.02 collected during the previous six months.

Provided Updated Ethics Training to Every New County Employee. In cooperation with the Department of Human Resources, AIG staff revised, updated and expanded its annual ethics training for new employees. Studies by the Association of Certified Fraud Examiners report that among the most effective anti-fraud tools are the presence of a clear code of ethics and an ethics education program. The AIG now trains every new County employee.

Upgraded Technology - AIG NAS Device Implementation.

In the first half of 2019, the AIG obtained a Network Attached Storage device containing two hard drives that mirror the information and data contained on them (RAID – Redundant Array of Independent Disks) as to provide one logical unit for the purposes of data redundancy. This device will be utilized as a secure and independent storage

solution for the AIG's investigative documents and information and is being administrated by an AIG employee.

Other Accomplishments During the First Half of 2019

Less than half of the AIG's resources are dedicated to investigations. Instead, the bulk of its resources are targeted towards achieving mandated ethics or compliance requirements.

For example, during the last six (6) months, as part of its compliance obligations, the AIG:

- Reviewed 249 Secondary Employment & Private Business Activity Disclosures.
- Reviewed 186 Nepotism/Conflict of Interest submissions.
- Reviewed 47 Financial Disclosure Forms.
- Initiated and reviewed background checks regarding 154 contractors.
- Issued 61 Ethics Opinions and Advisories.

Goals – Past and Present

Goals Past: Comparing Actual Performance to Goals Originally Set for the First Half of 2019

In its prior semi-annual report, the AIG set forth four (4) specific goals relating to the mission of the agency. As discussed below, these goals were partially – but not completely -- achieved:

- 1) **Continue to Assist and Cooperate with Law Enforcement Authorities regarding related investigations.** Achieved. The AIG worked closely with law enforcement entities regarding their pending investigations and will continue to do so.
- 2) **Acquire “Full and Unrestricted Access” to County Documents.** Achieved. Although issues continue to arise, the AIG met with the Department of Information Technology and the Law Department to attain the “full and unrestricted access” to County records as set forth in County Charter Article XV, Section 15.01. The AIG

appreciates the assistance of County Executive Budish and Interim Chief of Staff Matt Carroll in this matter.

- 3) **Initiate “Big Data” Reviews of County Data and Data Updates.** Achieved. The AIG has begun to issue regular data updates on issues of importance to the County. The AIG intends to expand and improve this program.
- 4) **Expedite Conflict of Interest Reviews for County Travel Requests.** Not Achieved. Although the AIG has improved its procedures, the process is still too slow. The AIG intends to make significant improvement in the next reporting period.

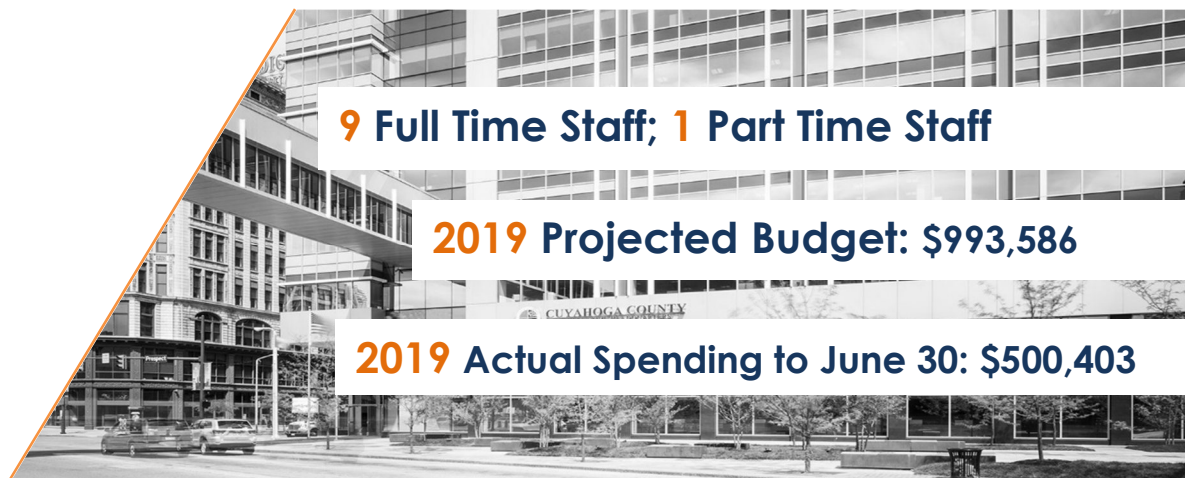
For the second half of 2019, the AIG intends to achieve the following goals:

- 1) **Continue to Assist and Cooperate with Law Enforcement Authorities regarding related investigations.** This remains a critical goal which is of the highest priority.
- 2) **Expedite Responses to Ethics Inquiries and Conflict of Interest Reviews.** The AIG will focus on creating more efficient procedures for responding to ethics inquiries and conflict of interest reviews.
- 3) **Initiate Contract Audits and Reviews.** The AIG will initiate a process to review specific contracts to determine whether the County taxpayers have received full value as agreed upon.
- 4) **Expand Cooperation with Tax Collection Efforts of Fishbowl Project.** The AIG will expand its work with the County Prosecutor's Office and the County Treasurer to collect identified taxes.

SECTION 1: ADMINISTRATION¹

1.1 AGENCY OF INSPECTOR GENERAL STRUCTURE

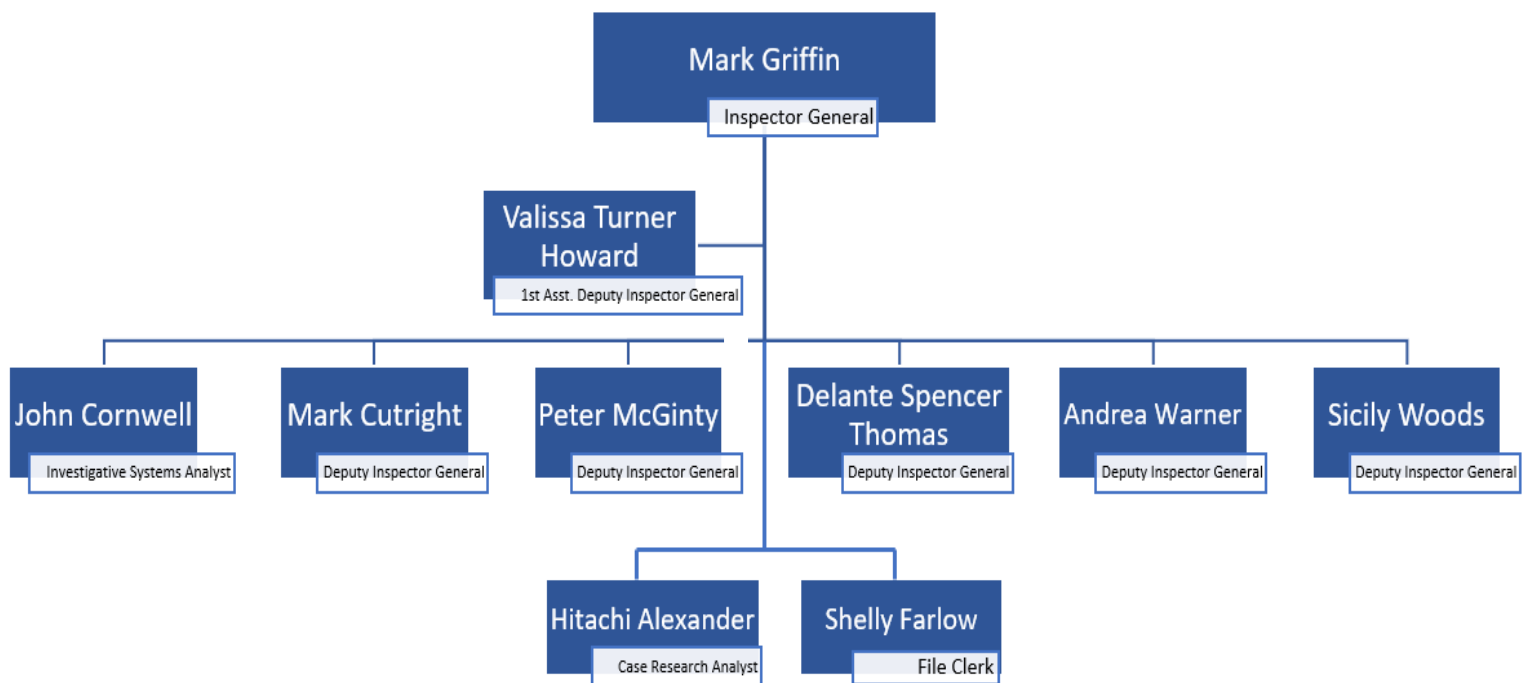
1.2 AGENCY OF INSPECTOR GENERAL BUDGET



¹ For additional information regarding the background and jurisdiction of the Agency of Inspector General, please see Appendix 1.

Section 1.1 – Agency of Inspector General Structure

During the first half of 2019, the AIG operated under the following organizational structure:



Agency of Inspector General Staff Qualifications

The AIG hires highly qualified individuals who not only reflect the diversity of the community, but also have the necessary level of skills, abilities, and experience for their respective roles. Staff members bring an array of experiences from state, county, and federal government.



Staff members have backgrounds in and/or academic degrees in:

- Accounting
- Auditing
- Ethics & Compliance
- Fraud Examinations
- Labor Relations & Human Resources
- Crisis Communications Management
- Statistics and Analytics
- Investigations
- Law
- Law Enforcement
- Public Policy Management
- Public Relations
- Diversity & Inclusion
- Business Administration

The various certifications and licensures held by staff members include:

- Certified Inspector General
- Certified Inspector General Investigator
- Two (2) Members Certified Leading Professionals in Ethics & Compliance
- Certified Inspector General Auditor
- Certified Identity and Security Technologist
- Two (2) Certified Fraud Examiners
- Two (2) Members of the Ohio Bar
- One (1) Member of the California Bar
- Certified Ethics Associate in Information Technology

Office Development: 2019 Training Focused on Fraud Deterrence, Detection and Prevention



As part of its mission to target financial waste, fraud, and abuse, AIG staff members focused on enhancing their fraud detection skills. For instance, in this reporting period, the Inspector General, First Assistant Deputy Inspector General, along with four Deputy Inspectors General attended and participated in multiple webinars and training seminars regarding strategies used to identify fraudulent activity. These course topics included:

- Internet-Based Investigations
- Evidence Collections for CFEs
- Influencing Corporate Ethical Behavior
- Data Analytics- Locating Vendor Overbilling Schemes
- Performance Incentives that can lead to Corporate Fraud
- Grant Fraud Schemes/Risk Factors
- Investigating Kickback Schemes
- MIS IT Incident Response
- Ohio Public Records Laws
- HIPAA Compliance
- End User PII
- Identifying and Safeguarding PII
- Email Spoofing
- Ransomware
- Security Awareness eSummit
- Identifying Fraudsters Targeting Seniors
- Unconscious Bias and its Impact on Investigations

To deliver on its responsibilities, the AIG continued its focus on building a team that has the collective capacity to perform across various skill sets including investigation, compliance evaluation, and technical support. Incorporating additional disciplines provides the Agency the capability to fully address the intended duties and responsibilities outlined in the County Code.

The AIG places special emphasis on maintaining the highest level of professionalism. The AIG invests in its most valued asset: its staff. The Agency continues to provide in-house training to all staff members on topics including the mission, function, and authority of the AIG, the County Code, and proper investigative techniques and protocols. Additionally, the AIG provides resources for continuing education to further develop, cross-train, and add new skills to its staff of professionals.

The AIG maintained its membership in the Association of Inspectors General, a national organization of state, local and federal inspectors general and their staff during this reporting period. The Association of Inspectors General offers training seminars and certification institutes for members as well as networking opportunities. The AIG also maintains its membership in the Council on Government Ethics Law, the preeminent organization of government ethics administrators.

Finally, Inspector General Griffin completed the required preparation and successfully completed the required examination which resulted in a Certified Fraud Examiner (CFE) certification.

Section 1.2 – Agency of Inspector General Budget

The County Executive and County Council granted the AIG a total budget of \$993,586 for 2019.² The following is a summary of the AIG's actual budget performance through June 30, 2019:

<u>Item</u>	<u>2019 Budgeted Amount³</u>	<u>2019 Actual⁴</u>	<u>Difference</u>
Personal Services (Salaries)	\$695,582	\$337,452	\$358,130
Personal Benefits	\$206,720	\$130,961	\$75,759
Contracts & Professional Services (Case Management Software)	\$27,207	\$16,440	\$10,767
Other Operating (Print Shop, Postage, Supplies, Training, Travel, Mileage, Telephone, Copier)	\$36,024	\$15,550	\$20,474
Controlled Services	\$28,053	\$0	\$28,053
Capital Outlays	\$0	\$0	\$0
Total:	\$993,586	\$500,403	\$493,183

As part of its mandate to create and maintain contractor and lobbyist registries, the AIG is required to collect a one hundred-dollar (\$100.00) registration fee from all non-exempt contractors and lobbyists. All fees collected from contractors fund the AIG vendor registration account. In the last biennial budget, this fund was allocated to offset reductions from the General Fund. The AIG supports the salary of a part-time staff

² The Department of Internal Audit and the AIG share the cost of an Investigative System Analyst. In an effort to simplify reporting, this expense is housed entirely within the Inspector General's budget.

³ These figures do not include encumbered or carryover amounts.

⁴ Totals as of June 30, 2019.

member from the vendor registration account, as well as the current salaries of other staff to the extent that they perform services related to contractor registrations, background checks and investigations. Finally, all bank fees associated with the online vendor registration process are likewise paid from the vendor registration account. The AIG expects to utilize funds from the vendor registration account to continue support staff costs as well as its current case management tracking system.

Based on the County's population of 1,280,122, the cost to operate the AIG in 2019 amounted to less than \$.78 per citizen per year. This does not take into account the value added by our services, which includes issuing ethical guidance to employees and elected officials, completing contractor registrations, investigating allegations of ethical misconduct or County costs/expenditures challenged by the AIG.⁵

78¢⁶

The average person spends almost 4x that amount on just one gallon of gasoline.



⁵ The AIG challenges costs/expenditures which are determined to be improper, unnecessary, unreasonable or lacking proper documentation.

⁶ According to the U.S. Energy Information Administration, the average cost of a gallon of regular gasoline in Ohio is approximately \$2.21. https://www.eia.gov/dnav/pet/pet_pri_gnd_dcus_soh_w.htm

SECTION 2: INVESTIGATIONS⁷

2.1 INVESTIGATION STATISTICS

2.2 CLOSED INVESTIGATIONS



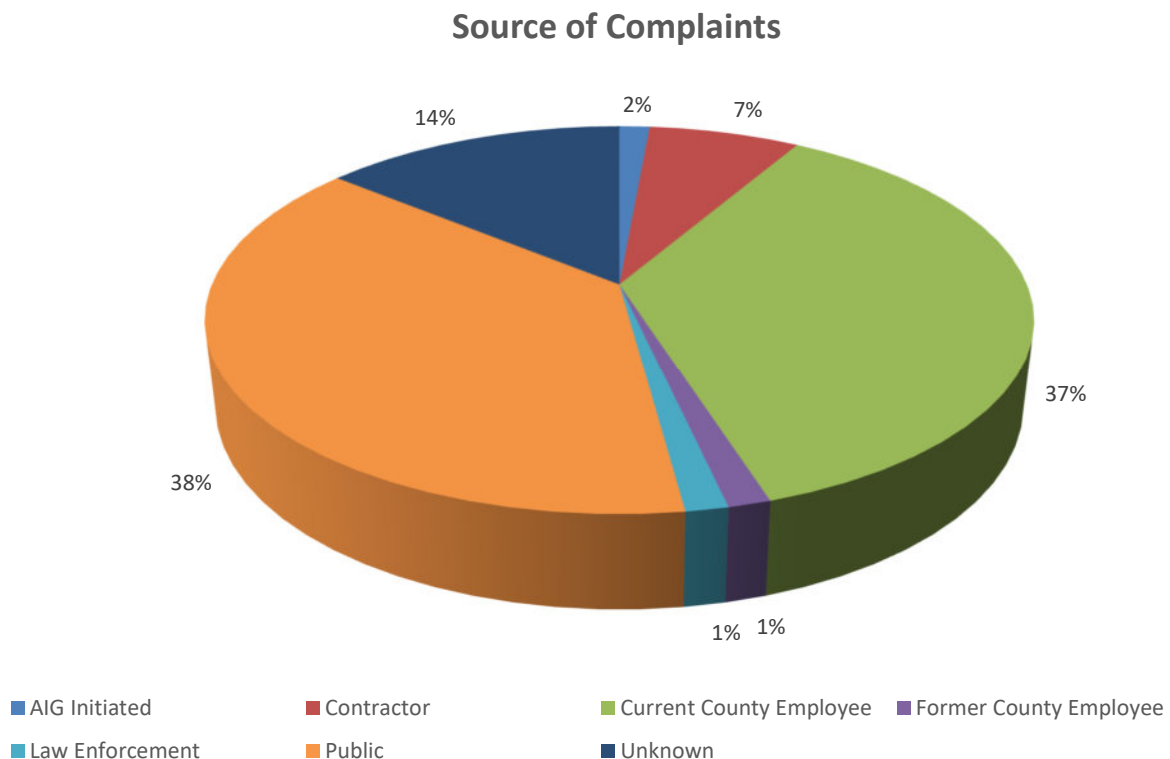
The AIG collaborated with Federal, State and County authorities regarding continuing public corruption investigations and, separately, the County Jail.

⁷ For information regarding the AIG's process of investigation, please see Appendix 2.

Section 2.1 – Investigation Statistics

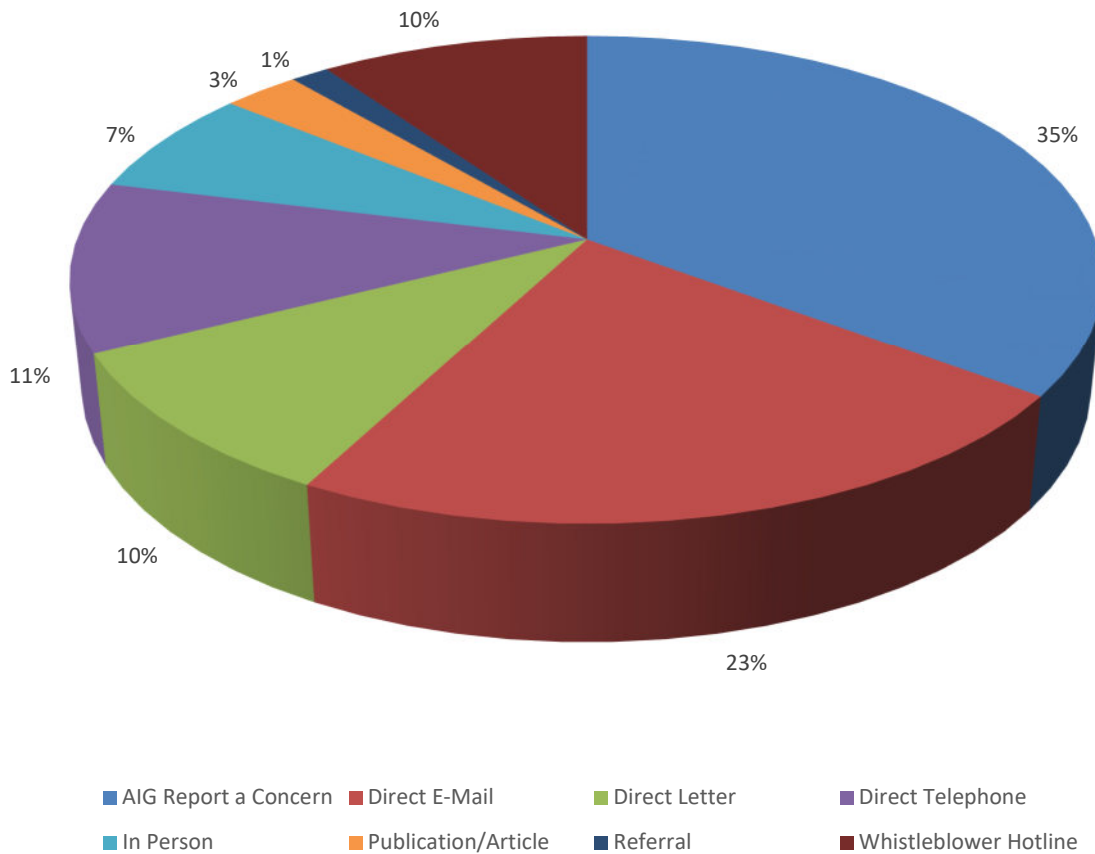
A. *Whistleblower Complaints/Referrals*

The AIG received seventy-one (71) unique whistleblower complaints or referrals from January 1, 2019 through June 30, 2019. The following is a summary of the source of the complaints or referrals:



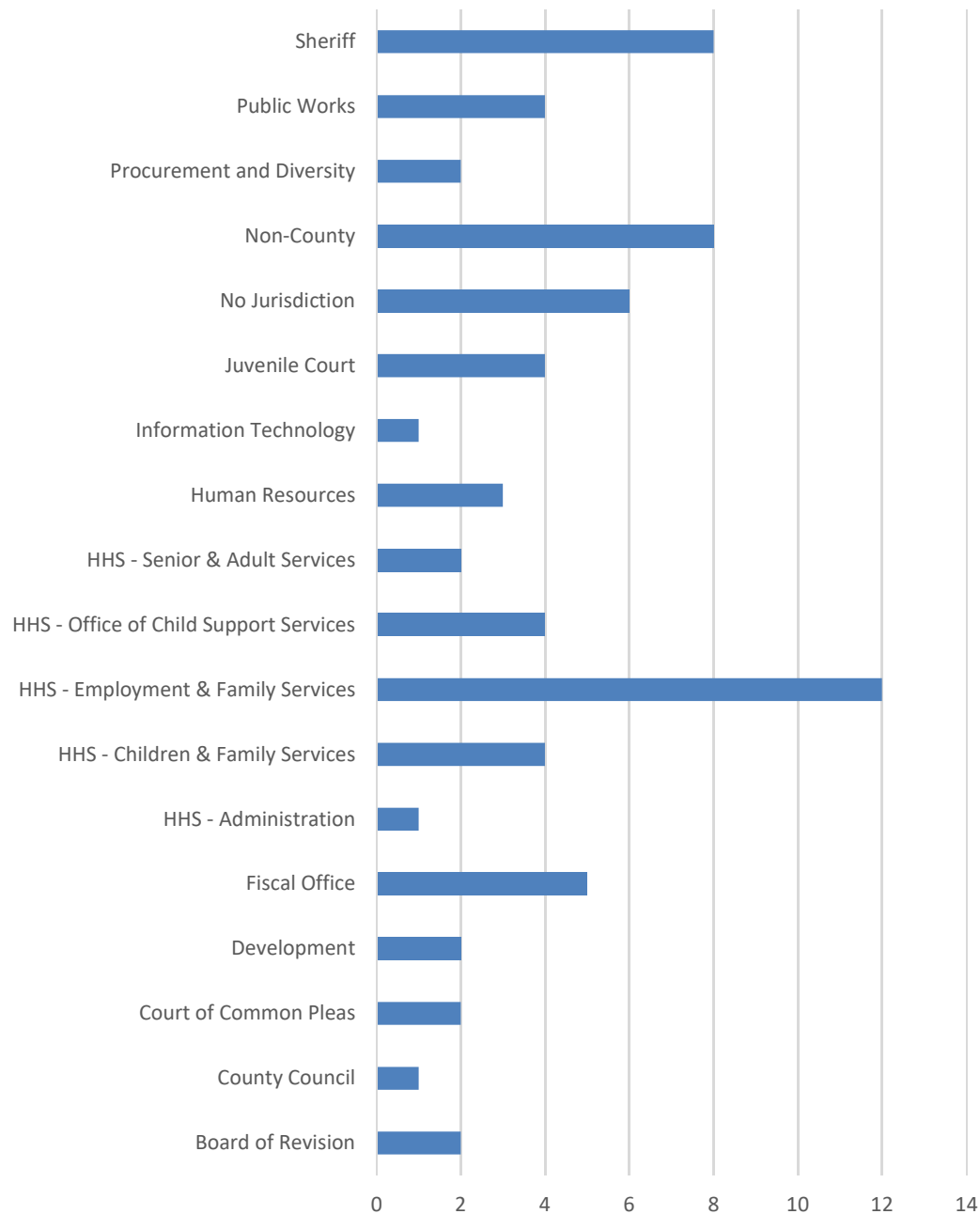
During this reporting cycle, the greatest number of complaints were submitted by members of the public, followed by complaints submitted by current County employees.

Method of Receipt of Complaints



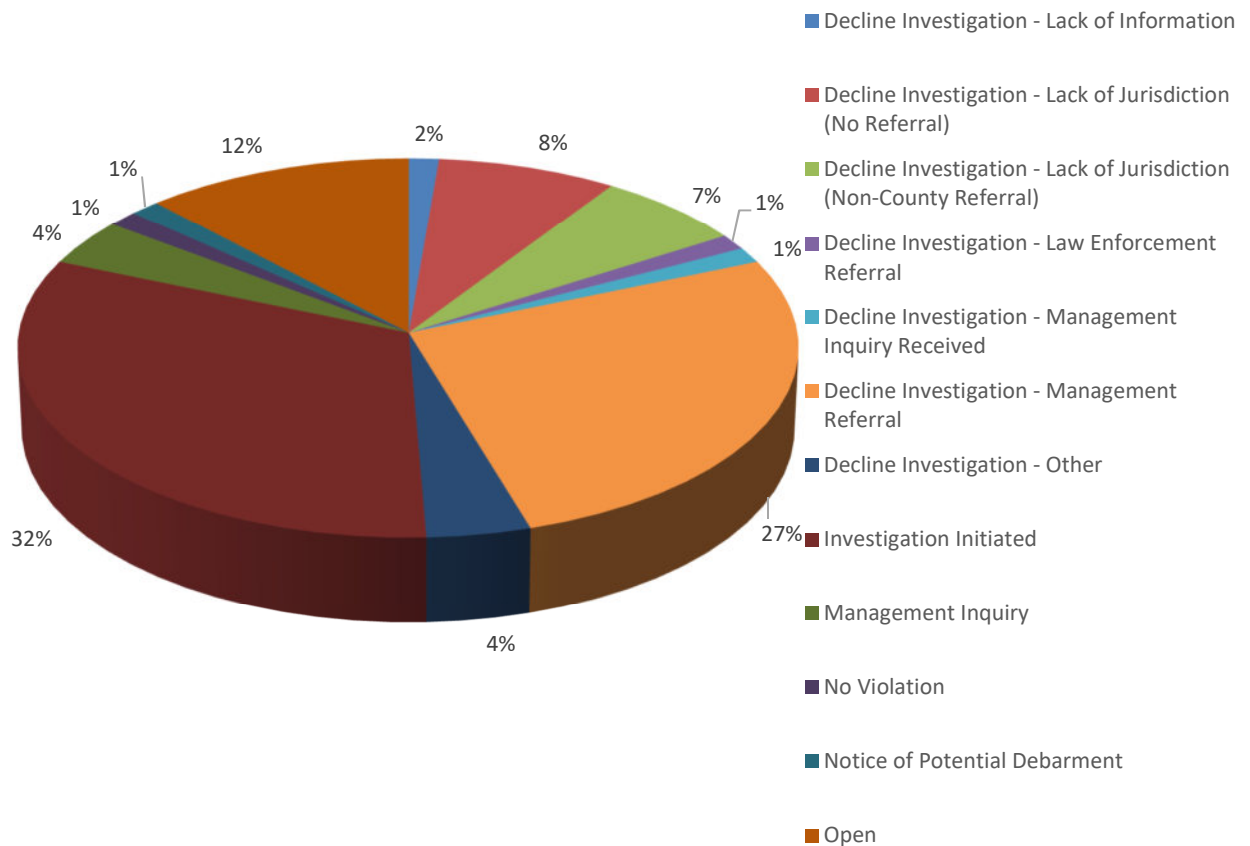
The AIG's ability to be effective is directly linked to its accessibility. During this reporting period, the most utilized method for submitting complaints to the AIG was via AIG Report a Concern. The second most utilized method for submitting complaints was through Direct E-Mail. Finally, Direct Telephone was the third most utilized method for submitting complaints during this reporting period.

Complaints by Department



The Health and Human Services (“HHS”) Department of Employment & Family Services (“EFS”) received the greatest number of complaints. The second highest volume of complaints received were the Sheriff’s Department and Non-County.

Complaint Disposition



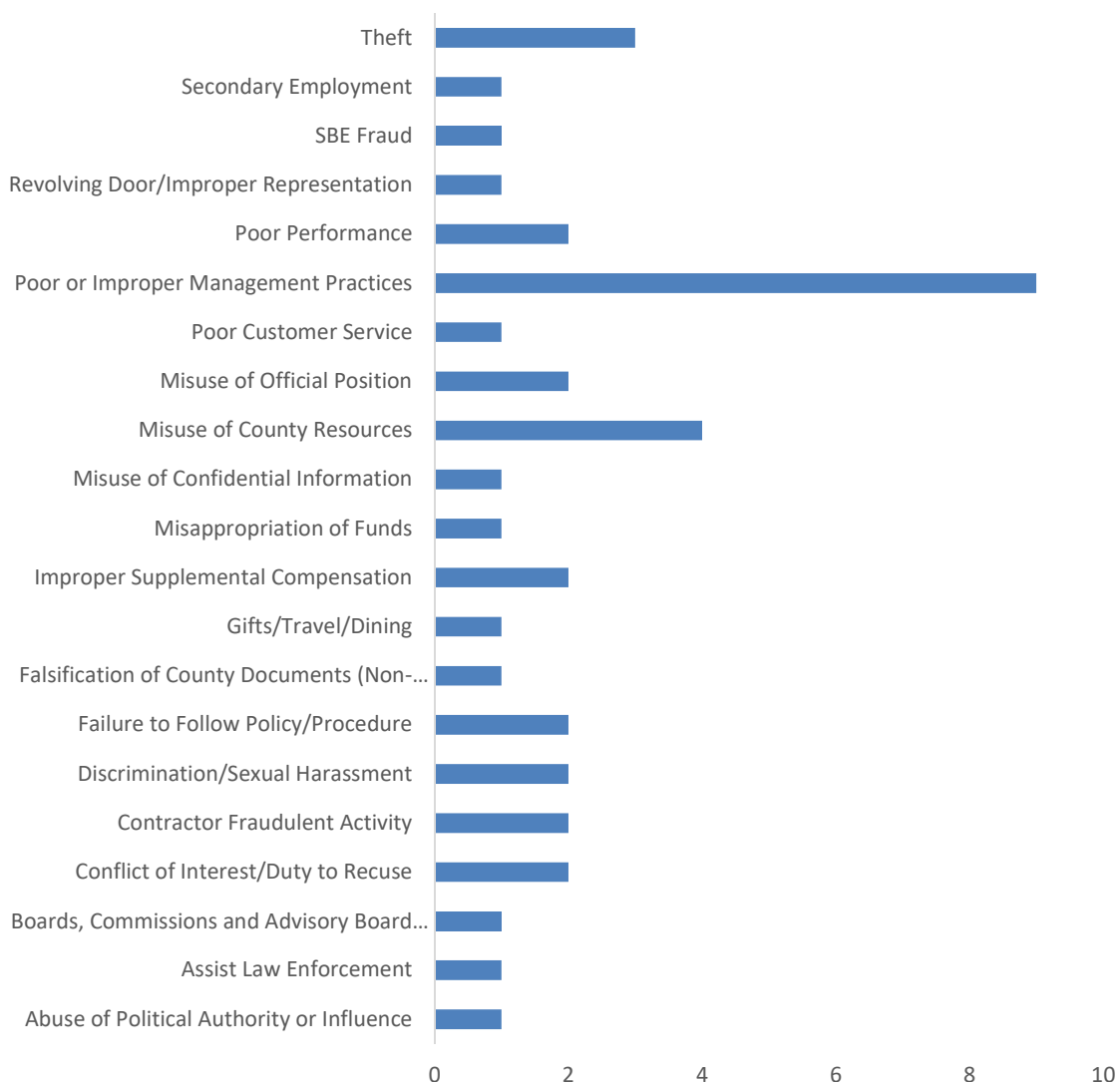
The AIG's policy is that most human resource complaints should be addressed by line-management and the County Department of Human Resources. The AIG is committed to supporting – rather than reducing – the authority of line-supervisors to manage their departments.

B. Investigations

The AIG initiated forty-one (41) investigations and reviews during this reporting period.

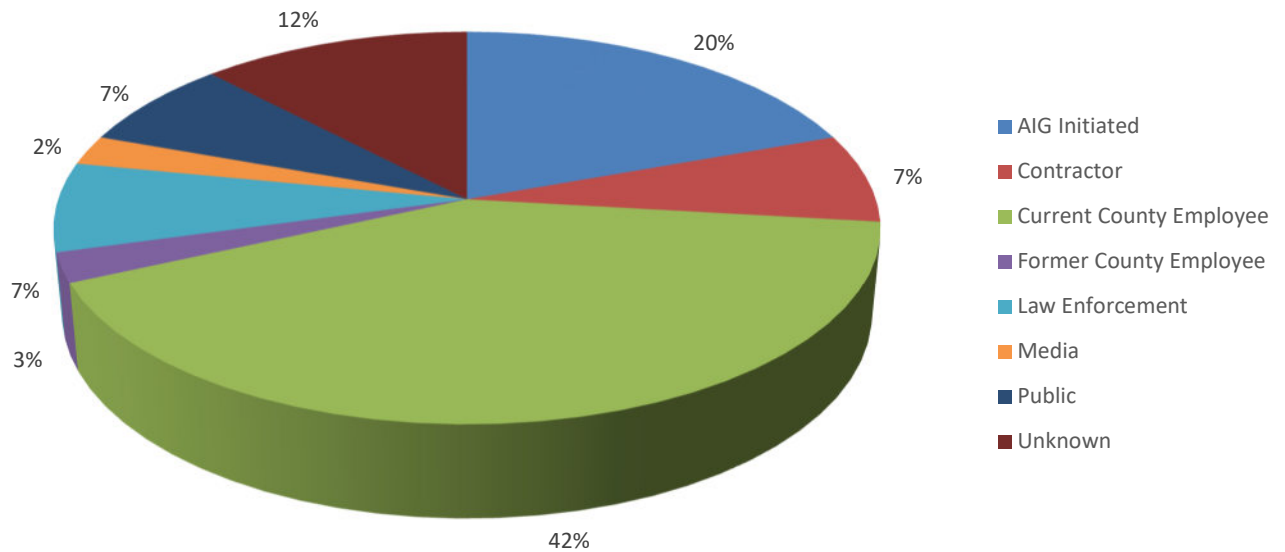
The following is a summary of the nature of the forty-one (41) newly initiated investigations and reviews during this reporting period:

Number of Investigations by Type



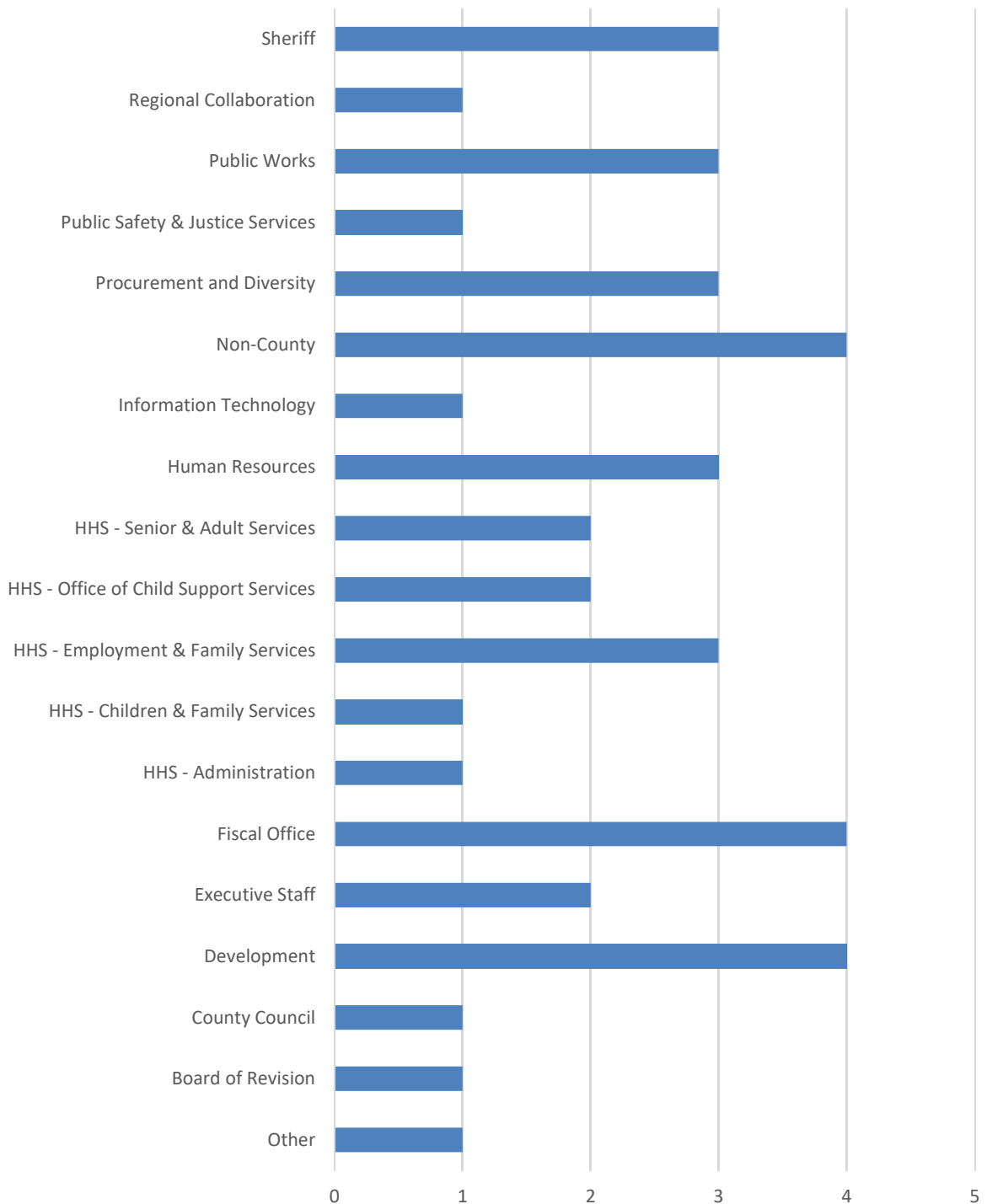
The AIG investigated a wide range of complaints during this reporting period, with Poor or Improper Management Practices accounting for the highest number of complaints investigated, followed by Misuse of County Resources and Theft.

Source of Investigations



Consistent with prior reports, investigations generated through current County employees accounted for the largest source of newly initiated investigations and reviews during the reporting period. AIG initiated investigations accounted for the next largest source.

Investigations Initiated by Department

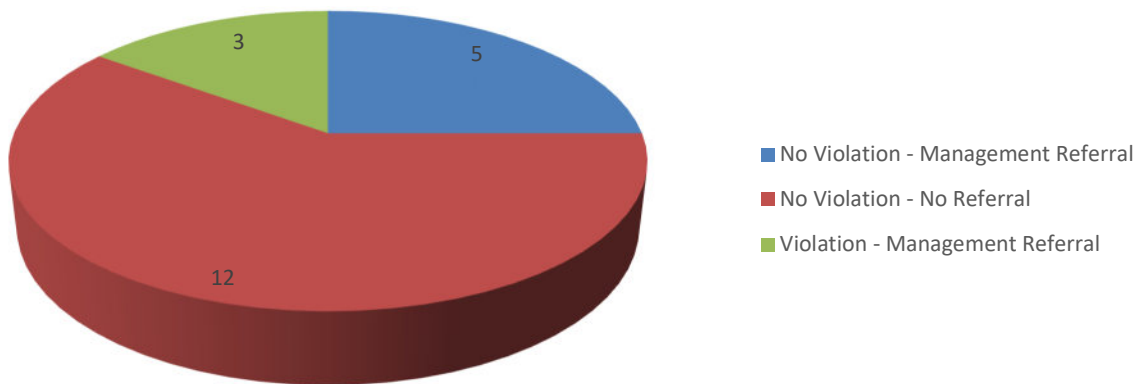


During this reporting period, the highest number of newly initiated investigations were in connection with Development, the Fiscal Office and Non-County.

Section 2.2 – Closed Investigations

During this reporting period, the AIG issued findings on and closed twenty (20) investigations.

Disposition of Closed Investigations



Subpoenas

During the first half of 2019, the AIG received subpoenas for emails that covered communications between former County Department of Information Technology management and a former Department of Information Technology legal counsel employee. The information requested in these exchanges amounted to 230,409 megabytes worth of electronic communications.

Representative Examples of Recent Investigations & Reviews

Poor or Improper Management Practices (19-0042-I)

During the first half of 2019, the AIG initiated an investigation into the County's alleged misuse of funds intended for an upgrade to the Automated Fingerprint Identification System (AFIS), which is a system that both the City of Cleveland as well as Cuyahoga County share. This system is used in cooperation to capture fingerprints and match identity with the State of Ohio's Bureau of Criminal Identification (BCI).

A joint investigation was opened involving the Agency of Inspector General and the Department of Internal Audit to review issues involving management and the return of approximately \$300,000 that was associated with an Ohio State Grant administered by the Ohio Emergency Management Agency (OEMA).

During this investigation, 3 employees of the AIG had direct, investigative reviews of 13 County employees – all of which were involved with the AFIS project or the administration of the grant funds obtained for the project. 2 of those interviewed were former County management that oversaw the Department of Information Technology's technical administration of the project. Also reviewed were countless email strings and conversations and acquired or provided administrative and technical documentation.

The preliminary report found that the project lacked a clear and concise path for moving forward and delivering a solution for the AFIS system. This was directly linked to management's short timeframe required for obtained funds to be spent, poor inter-department communication as well as the lack of clear understanding on the direction that the AFIS project was going to be taken, regarding the technical aspects of the solution.

The final draft of the AFIS report is currently awaiting County Audit Committee approval.

Theft (19-0032-I)

On March 7, 2019, representatives from the AIG and Department of Internal Audit ("DIA") met with Treasury management regarding a missing OneStop payment. OneStop payments are used by the Treasury to allow taxpayers to make payments to multiple County Departments. Specifically, for the transaction in question, the OneStop allowed a taxpayer to pay for property taxes and a tax lien fee in one transaction.

The AIG and DIA were informed that a \$2,214.32 cash payment made on January 3, 2019 was missing. Security video showed a County cashier receive the payment and it appeared the cashier processed the transaction according to the Treasury's OneStop payment process.

On March 15, 2019, Treasury management advised the AIG that a child support cash payment went missing for a period of time in December of 2018. They reported that a \$2,200 Child support payment made on December 24, 2018 was missing for approximately 11 days.

On January 4, 2019, the customer who made the child support payment called to inquire why the payment had not been posted to his account. At that time, the Cashier Supervisor realized that the child support payment was missing. The \$2,200 Child support payment was located on January 4, 2019. It was purportedly located behind the drawer where the payments are stored.

Although the missing child support payment was located, the Treasury's lax cash handling practices allowed a \$2,200 cash child support payment to go missing for approximately 11 days without being noticed.

Additionally, the Treasury's poor cash collection process for OneStop payments resulted in missing cash payment of \$2,214.32. This payment was not identified as missing until the taxpayer inquired about the status of the payment over 60 days later.

After careful review of the evidence gathered in this investigation, there was insufficient evidence to indicate who is responsible for the missing \$2,214.32 OneStop payment. The AIG is unable to definitively trace the payment because the cash payments were stored in an unlocked box, multiple employees had access to the box, the money was not identified as missing for over 60 days and there is no video retained of the incident.

This investigation also raises significant concerns regarding the child support and OneStop collection processes. Based on the information obtained in this investigation, the following current policies/procedures were identified as contributing to the missing/stolen funds:

- Cashiers not entering OneStop cash payments into MVP at time of payment;
- Processing OneStop payments weekly, rather than daily or another more immediate time;
- Storing OneStop payments in an unlocked container outside of camera view and in a manner that permits unrecorded access by numerous employees;
- Failing to reconcile OneStop forms issued with the forms received;
- Failing to issue receipts on a sequential basis;

- Storing Child Support payments in an unlocked drawer accessible to numerous employees;
- Failing to implement and/or train on the best practices for handling cash as recommended by Ohio Treasurer of State;
- Failing to implement the recommendations of the Department of Internal Audit for programs which require the handling of cash;
- Failing to provide accurate daily records of cash and tax payments received.

Further, it is the recommendation of the AIG that the Cuyahoga County Treasurer review the OneStop and child support payment processes and all other cash handling processes within the Treasury to ensure that they provide adequate security and accountability. In conducting this review, the Treasurer should consider the feasibility of implementing some/all of the best practices identified by the Ohio Treasurer of State and the Department of Internal Audit.

Failure to Follow Policy/Procedure (18-0061-I)

The Agency of Inspector General ("AIG") initiated an investigation regarding possible ethics violations by a County employee ("Employee") who worked as a home health aide. One of his clients ("Client") alleged that Employee interacted with prostitutes, engaged in talks to sell him a vehicle and offered him money to marry a relative from the Philippines so that she could gain access to the United States.

Section 403.03 of the County Ethics Code prohibits employees from knowingly using his or her official position or official powers and duties to secure a financial or material benefit, or promise of a financial or material benefit, for himself or herself, a relative, or any private organization in which he or she has an interest. Additionally, County employees shall not use or permit the use of County resources for personal or private purposes pursuant to Section 403.02 of the County Ethics Code.

Employee offered to pay Client \$10,000.00 for marrying one of his wife's nieces who live in the Philippines in order to get her into the United States. Employee discussed the proposal with his wife who told him not to do it because it was illegal.

Employee also offered to sell Client a pickup truck, but he did not have the agreed upon \$500 down payment. Additionally, Client's brother advised Employee that his brother may be interested in purchasing the truck and that Employee visited Client's brother at his house to sell the truck. Employee stated that the sale did not happen because he could not agree on a sale price with Client's brother.

Finally, Client alleged that he set up two (2) meetings between Employee and a female friend who Client claims is a prostitute. Client stated that Employee and the female met at his apartment both times and although he is not certain what transpired between them (they went into a different room) he stated that he assumed they had sex.

After careful review of the evidence collected and reviewed in this investigation, the AIG was of the opinion that there is sufficient evidence to indicate Employee violated Section 403.03 of the County Ethics Code by misusing his position to secure a financial or material benefit, or promise of a financial or material benefit, for himself or a relative and Section 403.02 of the County Ethics Code by misusing County resources by engaging in this behavior while on County time.

The AIG recommended that the report be referred to management for review. Additionally, it was recommended that this information be reported to the County Executive, Chief Talent Officer for appropriate disciplinary action up to and including termination.

Delinquent Property Tax Initiative - \$869,201 during 2019-First Half

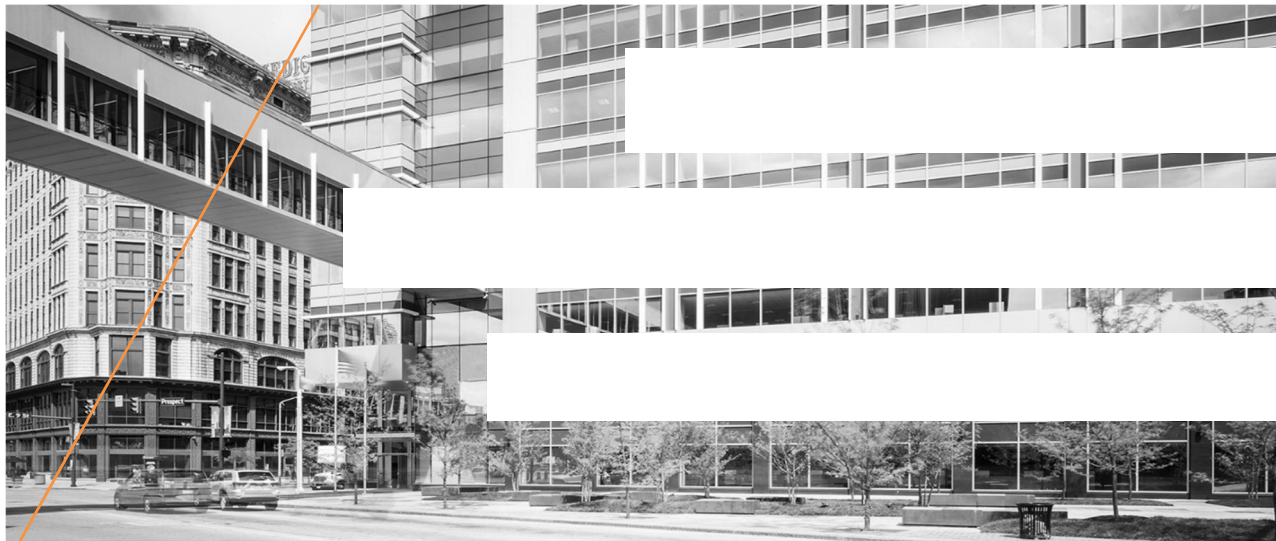
In September 2018, the AIG met with the County Treasurer, Chris Murray ("Murray"), and it was agreed that the AIG would assist with the collection of delinquent property taxes. AIG staff worked with the Treasurer's Office and the Cuyahoga County Prosecutor's Tax Foreclosure Division ("Foreclosure") to jointly develop a process to identify and verify parcels that are truly delinquent. The AIG sends a warning letter to the taxpayer notifying them that their County property taxes are delinquent and advises the taxpayer to address the delinquent tax issue. If the taxpayer has not contacted the AIG and the taxes are still delinquent after 30 days, the AIG begins the process of debarring the taxpayer.

During the first half of 2019, the AIG's review of delinquent parcels resulted in collection of **\$869,201.87**. Thus far, the AIG's efforts have resulted in collection of \$1,681,883.89 of the delinquent property taxes reviewed. The AIG expects that this amount will increase in the future as the program develops.

SECTION 3: ETHICS COMPLIANCE⁸

3.1 Ethics Advisory Opinions

3.2 Ethics Disclosures

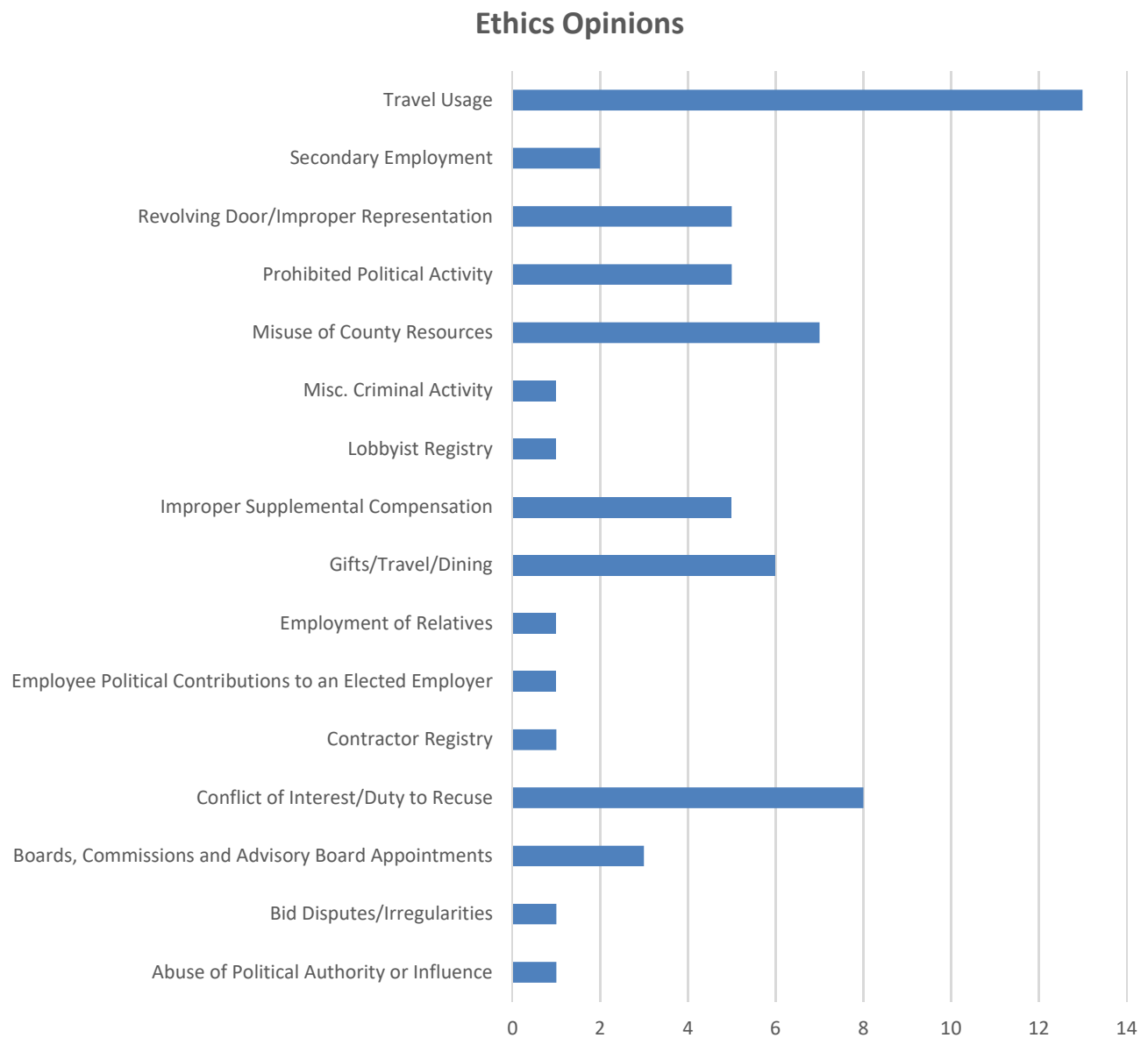


"The AIG addressed 247 ethics issues and potential conflicts of interest."

⁸ For additional discussion regarding Ethics and Compliance please see Appendix 3.

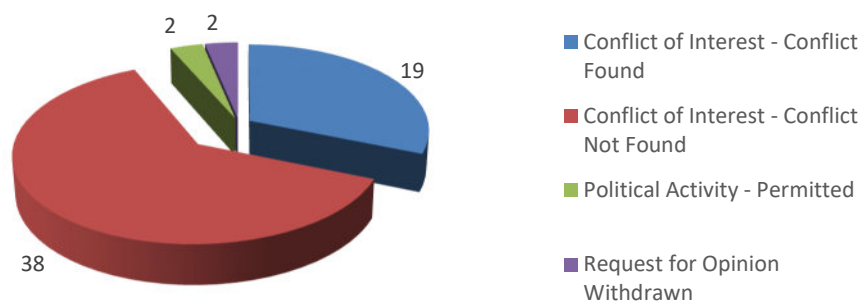
Section 3.1 – Ethics Advisory Opinions

The AIG reviewed sixty-one (61) requests for ethics advisory opinions during this reporting period and issued Ethics Advisory Opinions regarding the following topics:



During the first half of 2019, ethics advisory opinion topics included, but were not limited to: (1) Travel Usage; (2) Conflicts of Interest; (3) Misuse of County Resources; and (4) Gifts/Travel/Dining.

Ethics Advisory Opinion Dispositions



Of the 61 ethics opinions requested during the last six months, the AIG determined in nineteen cases that there was a conflict of interest. In two other matters, the request was withdrawn.

Representative Examples of Recent Ethics Advisory Opinions

Gifts/Travel/Dining

(19-0008-EI) Inquiry from an employee regarding whether it is permissible to accept a complimentary ticket to a luncheon. The County infrequently receives grants from the organization offering the free ticket, but the organization is not a registered County contractor. County and Ohio law require that public officials and employees refrain from soliciting or accepting gifts that could amount to a substantial and improper influence on that official or employee. The AIG opined that the County Ethics Code does not prohibit the employee from accepting a complimentary ticket to the luncheon because the organization is not a prohibited source. More specifically, the County does not have any contracts or encumbrances with the organization, such that any complimentary ticket from the organization is not presumed to be improper.

Conflict of Interest/Duty to Recuse

(19-0071-EI) Inquiry from an employee regarding a potential conflict of interest between her County position and a volunteer magistrate position. The volunteer magistrate program provides juveniles who live in Shaker Heights and are charged with non-violent, misdemeanor crimes including theft, curfew violations and unruly behavior with the

opportunity to make restitution for their crimes by attending a hearing with a voluntary magistrate, paying fees and fines, writing an essay or performing community service – as an alternative to juvenile court. The AIG determined that the employee's activity as a *pro bono* magistrate is not prohibited under the County Ethics Code.

Revolving Door/Improper Representation

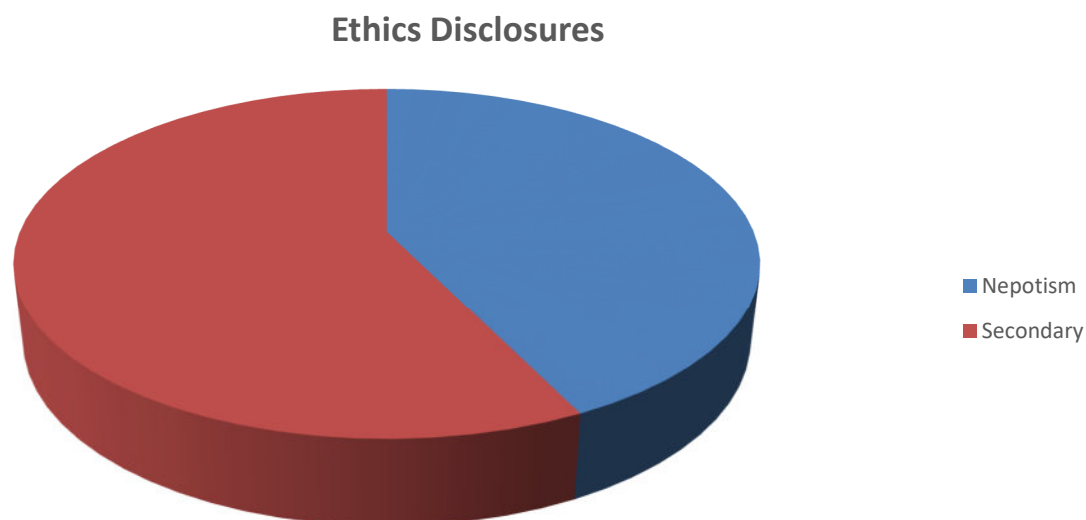
(19-0021-EI) Employee accepted a job offer from a County contractor currently providing services to the County. She requested guidance from the AIG regarding potential conflicts of interest. She was advised that during the last days of her County employment she should recuse herself from any work with her new employer. She was also cautioned that for up to 12 months after County employment, she may not work on matters that she personally participated in while working for the County. In fact, should she be asked to perform tasks on matters she worked on while in County employment, she must recuse herself. Finally, she was warned that she cannot at any time use or disclose confidential information that she learned in the course of her public employment.

Political Activity

(19-0014-EI) Inquiry from employee regarding whether she is permitted to serve on her Village Charter Review Committee. Employee was advised that as a classified employee she is permitted to serve as a member of the non-partisan Village Charter Review Commission but may not do so on County time or using County resources.

Section 3.2 – Ethics Disclosures

The AIG reviewed two hundred forty-nine (249) inquiries regarding secondary employment and one hundred eighty-six (186) Nepotism/Conflict of Interest disclosures during this reporting cycle.



Nepotism & Conflict of Interest Disclosures

The County Code prohibits elected officials, employees, and board members from participating in decisions specifically to appoint, hire, promote, discipline, or discharge a relative for any position of the County. Elected officials, employees, and board members are not permitted to supervise a relative in the performance of the relative's official power and duties. In addition, no public official, employee, or board member shall secure any public contract in which the individual, a member of the individual's family, or any of the individual's business associates has an interest in violation of RC 2921.42.

All employees are required to disclose relatives, all private business interests and associates involved with any matter before the County to the AIG. The AIG reviewed one hundred eighty-six (186) Nepotism/Conflict of Interest disclosures this reporting cycle for potential conflicts.

Secondary Employment & Private Business Activity Disclosures

The County Code requires that all elected officials and employees disclose certain secondary employment in writing, on an official form approved by the Inspector General, to the County Department of Human Resources and that department must transmit the forms to the AIG. The AIG processed two hundred forty-nine (249) Secondary Employment & Private Business Activity Disclosures this reporting cycle.

The AIG responds to each secondary employment disclosure by providing a response 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 an official title or identification in soliciting private outside employment or conducting private business activity;
- Cannot use the authority or influence of a County position to secure a public contract that benefits themselves, 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 the employee is connected;
- Cannot use relationships with other elected officials and employees established while performing official County duties to secure a favorable decision or action by that official or employee regarding the employee's private interests;
- Cannot participate in any official County capacity in a matter upon which the employee's private interests are dependent or contingent;
- Cannot receive fees for providing services rendered on projects that the employee has recommended in the employee's official capacity;
- Cannot participate in decisions or make recommendations regarding competitors to the employee's private business interest; and
- Cannot disclose or use confidential information obtained in the course of performing County duties.

SECTION 4: CONTRACTORS & LOBBYISTS⁹

- 4.1 Registration for Contractors and Lobbyists
- 4.2 Contractor Background Checks Increased Tax Collections
- 4.3 Debarment Procedures



The AIG Precipitated Payments of an Additional \$869,201.87 in Delinquent Taxes.

⁹ For further information regarding ethics training and registration, please see Appendix 4.

Section 4.1 – Registration and Background Checks for Contractors and Lobbyists

As of June 30, 2019, there were two thousand two hundred sixty-eight (2,268) contractors and eighteen (18) lobbyists registered with the AIG.

The contractor and lobbyist registration program continue to be the largest disclosure project undertaken by the AIG.

After recent updates to the Ethics Ordinance, which changed the registration requirements, many County Contractors who were previously registered with the AIG were not required to renew their expiring registrations.

Approximately eight hundred ninety-seven (897) registrations will expire on December 31, 2019. The online process was – and will continue to be -- instrumental in handling contractor registrations.

Section 4.2 – Contractor Background Checks Increased Tax Collections

At the request of County Executive Budish, the AIG also reviews whether contractors seeking to do business with the County – and receive payments from the County – have in fact paid any taxes owed. As a result of the contractor background screening, several contractors are now on payment plans to address delinquent County property taxes and court costs or have fully paid such costs.

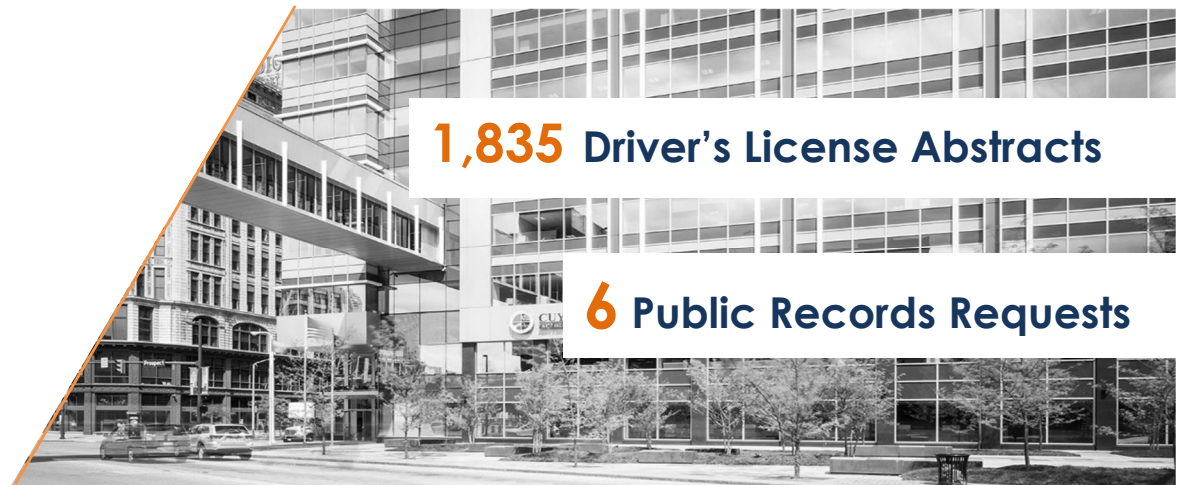
During this reporting cycle, the AIG has identified an additional forty-two thousand three hundred sixty-one dollars and thirty-four cents **(\$42,361.34)** in uncollected delinquent property taxes and tax liens owed by contractors. To date, the AIG has been able to identify two million five hundred eighty thousand six hundred eighty-seven dollars and ninety-four cents **(\$2,580,687.94)** in unpaid taxes by County contractors.

Section 4.3 – Debarment Procedures

During this reporting period, the AIG closed six (6) debarment matters with a determination not to debar the contractors. The AIG closed four (4) debarment matters with a determination to debar. Five (5) debarment matters were initiated by the AIG.

SECTION 5: OTHER AGENCY ACTIVITY

- 5.1 DRIVER'S LICENSE ABSTRACT REVIEW
- 5.2 PUBLIC RECORDS REQUESTS
- 5.3 EDUCATION AND OUTREACH
- 5.4 CONTINUING LEGAL EDUCATION
- 5.5 ETHICS UPDATES



"The AIG continued to expand its proactive education program by providing a free Continuing Legal Education seminar and expanding the new hire Ethics training program"

Section 5.1 – Driver's License Abstract Review

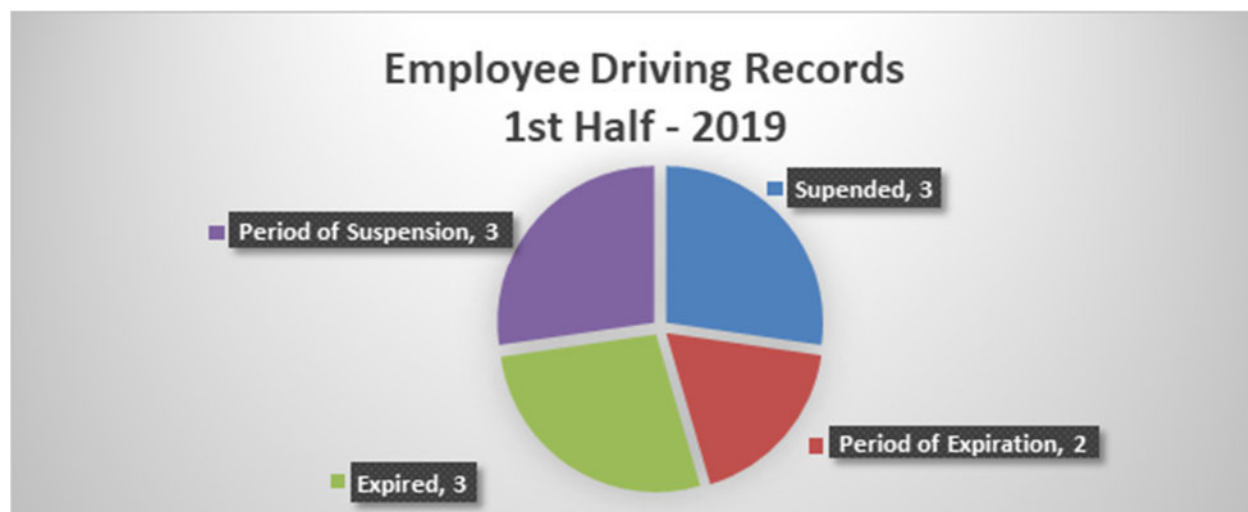
Twice a year, the AIG is required to review the state driving records of employees who are authorized to operate County owned vehicles or who drive their own vehicles in the course of County employment. The goal is to make sure that the County is not placed at risk by employees driving while their licenses are under suspension. In an effort to increase compliance and reduce County liability, the AIG began reviewing employee driving records on a quarterly basis.

As required, the AIG reviewed the Ohio Bureau of Motor Vehicles' records for the 1,835 employees who reported that they operate County owned vehicles or drive their personal vehicles for County purposes. This includes employees who requested mileage reimbursements from the County for the use of their personal vehicles.

The good news is that during the review conducted in the last six months, less than 1% had expired or suspended licenses.

As a result of the Driver's License Review, the AIG identified a total of eleven (11) potential violations of County Policy. The employees in question either had: 1) an expired license (3 employee); 2) suspended licenses (3 employees); 3) licenses under suspension but were reinstated before the review was conducted (3 employees); or 4) an expired license but renewed it prior to the review being conducted (2 employees).

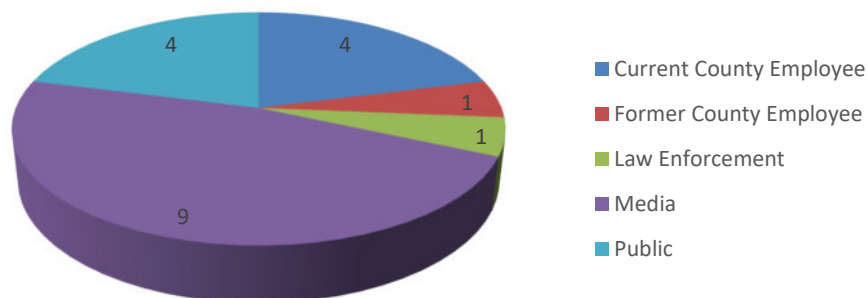
The identified employees were referred to department directors and the Department of Human Resources for further review and, if necessary, discipline.



Section 5.2 – Public Records Requests

During this reporting period, the AIG timely responded to nineteen (19) public records requests. The AIG received nine (9) requests from the media, four (4) requests from current County employees, four (4) requests from the public, one (1) request from a former County employee and one (1) request from law enforcement.

Public Records Requests



Section 5.3 – Education and Outreach



A key ingredient for the AIG's success is public and employee awareness. The AIG has engaged in actions required to fortify its relationship with government leaders, stakeholders, and residents of the County regarding their concerns and informing them of the AIG's mission and services. The AIG welcomes the opportunity to meet with County officials and employees to proactively assist with issues and provide insight into the AIG's role within County government.

During the first half of 2019, the AIG continued to conduct specialized ethics training for County departments as well as non-County entities.

Participation in Expanded New - Employee Orientation & Training Process

In the first half of 2019, the AIG continued to conduct new hire ethics training as part of HR's onboarding process. Recognizing the need for more extensive ethics training and in an effort to bolster its culture of compliance initiative, the AIG and HR developed a second day of new hire orientation that primarily focuses on ethics. This program was developed and officially rolled out in January of 2019.

Under the updated new hire ethics training model, employees return to orientation for a second day to spend approximately three hours with AIG staff learning about the various components of the County Ethics Code and how to approach ethical dilemmas if/when they arise. Employees also review and discuss a series of examples, both hypothetical and from real past situations. These trainings take place every two weeks at the County Administrative Headquarters.

Award from the Cleveland Council on World Affairs

Over the past three years the U.S. Department of State has selected Cuyahoga County to meet with delegations of foreign leaders and journalists as part of the State Department's International Visitor Leadership Program. The State Department brings these leaders to Cuyahoga County to learn about the Agency of Inspector General, how it was created and best practices for combating local corruption. The program is coordinated by the Cleveland Council on World Affairs.

The AIG did not meet with delegations during the first half of 2019. On June 12, 2019, however, in recognition of his support of the program, the Cleveland Council on World Affairs named Inspector General Mark D. Griffin as the 2019 Citizen Diplomat of the Year during its annual meeting.

AIG Externship Program

The AIG's Externship Program is a program designed to offer college and graduate students, and recent graduates practical work experience while exposing them to the mission of the AIG. The externs actively explore concepts impacting three (3) disciplines: Contractor and Lobbyist Requirements, Interviews and Investigations, and Compliance and Ethics. In the past, extern applicants expressed an interest in employment within the following disciplines: Law, Public Policy, and Business Administration. During the first half of 2019, the AIG hosted one (1) extern.

- Elchanan Stern – Law Student, Cleveland-Marshall College of Law

County Public Policy Fellowship program

In the first half of 2019, for the first time, the AIG also participated in the County Public Policy Fellowship program. According to the Program website,

The Public Policy Fellowship Program was established by the Office of the Cuyahoga County Executive in 2011 to cultivate the next generation of public sector leaders in Northeast Ohio. Through the Program, which operates during the summer, entrepreneurial and highly motivated undergraduate and graduate level students gain a broad overview of county government through practical experience in a variety of policy areas.¹⁰

The goals of the Program are to,

- Provide a practical experience in Cuyahoga County government;
- Inspire innovative, effective, and ethical public leadership for Northeast Ohio; and
- Invigorate County projects by injecting fresh eyes and new perspectives.¹¹

During the first half of 2019, the AIG hosted one (1) fellow.

- Amaya Razmi – Sophomore, Harvard University

Section 5.4 – Continuing Legal Education

During the first half of 2019, the AIG continued its efforts to provide continuing legal education to attorneys, accountants, and the community at large. In partnership with The Citizen's League of Greater Cleveland, The Ohio Ethics Commission, and Cuyahoga Community College, the AIG hosted an Ethics and Good Government Training where continuing education credits were available for attorneys and accountants.

Section 5.5 – Ethics Updates & Trending Data



As a part of the AIG's culture of compliance initiative, the AIG continued to issue regular email blasts to County officials and employees. These updates address frequently asked questions as well as matters considered to be of timely importance for County officials and employees. Ethics updates come in the form of a newsletter and include an array

¹⁰ See Cuyahoga County Public Policy Fellowship Program website at <http://executive.cuyahogacounty.us/en-US/Public-Policy-Fellowship-Program.aspx>

¹¹ *Id.*


of topics. In the first half of 2019, the AIG released three (3) ethics updates in the following areas:

Inside the AIG

About us

The Agency of Inspector General
Administrative, Not Criminal





Inside the Inspector General's Office
•
Update No. 2019- E1


In this Advisory:

- Administrative, Not Criminal
- Confidentiality
- Criminal Referrals
- Assisting Law Enforcement
- Actions by the IG in 2018 (Jan-Jun)

Conference Winnings

OR MAYBE NOT...



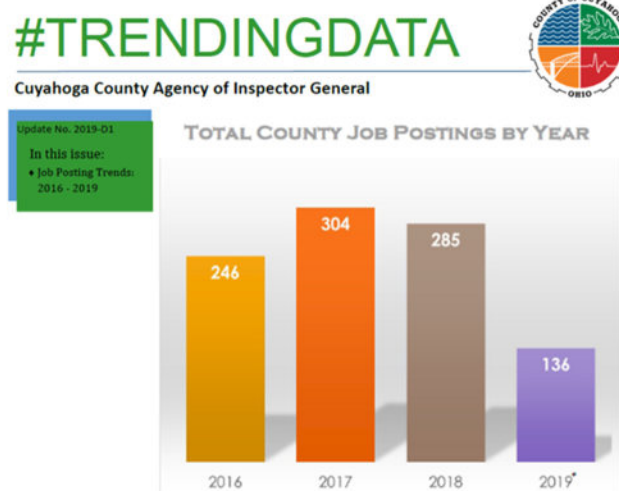
Conference Prizes & Giveaways
•
Update No. 2019- E2

In this Advisory:

- General Rule on Gifts
- Substantial & Improper Test
- Don't Accept Door Prizes at Conferences

In 2019, the AIG expanded its educational outreach to include an additional newsletter titled #TrendingData, which offers a numerical story to various topics relevant to County officials and employees. During the first half of 2019, the inaugural edition of #TrendingData was released, which explored the trends in the County job postings over the last four years.

County Job Posting Trends



SECTION 6: GOALS

6.1 Review of First Half Goals

6.2 Goals for Second Half



Section 6.1 – Review of 2019 First Half Goals

In its prior semi-annual report, the AIG set forth four (4) specific goals relating to the mission of the agency as discussed below: As discussed below, these goals were partially – but not completely -- achieved:

- 1) **Continue to Assist and Cooperate with Law Enforcement Authorities regarding related investigations.** Achieved. The AIG worked closely with law enforcement entities regarding their pending investigations and will continue to do so. The AIG is not a law enforcement entity, and by statute, is required to refer all criminal matters to appropriate law enforcement entities if the AIG has a “reasonable” belief that a crime has occurred. The AIG takes this obligation seriously and is pleased to assist law enforcement in all appropriate tasks.
- 2) **Acquire “Full and Unrestricted Access” to County Documents.** Achieved. Although issues continue to arise, the AIG met with the Department of Information Technology and the Law Department to attain the “full and unrestricted access” to County records as set forth in County Charter Article XV, Section 15.01. The AIG appreciates the assistance of County Executive Budish and Interim Chief of Staff Matt Carroll in this matter. Executive Budish and Mr. Carroll clarified and emphasized the expectations of the Executive that departments would support and cooperate with AIG investigations.
- 3) **Initiate “Big Data” Reviews of County Data and Data Updates.** Achieved. The AIG has begun to issue regular data updates on issues of importance to the County. The AIG intends to expand and improve this program. During the first six months of 2019, the AIG began its reviews of collecting and analyzing County data at a very high level. The AIG also initiated the first set of email notifications entitled #TrendingData.
- 4) **Expedite Conflict of Interest Reviews for County Travel Requests.** Not Achieved. Although the AIG has improved its procedures, the process is still too slow. The AIG intends to make significant improvement in the next reporting period. The AIG expects to review whether standardized request forms may expedite the process.

Section 6.2 – Goals for Second Half 2019

For the second half of 2019, the AIG intends to achieve the following goals:

- 1) **Continue to Assist and Cooperate with Law Enforcement Authorities regarding related investigations.** This remains a critical goal which is of the highest priority.
- 2) **Expedite Responses to Ethics Inquiries and Conflict of Interest Reviews.** As noted above, this goal was not achieved during the first half of 2019. Thus, during the second half of 2019, The AIG will focus on creating more efficient procedures for responding to ethics inquiries and conflict of interest reviews.
- 3) **Initiate Contract Audits and Reviews.** The AIG will initiate a process to review specific contracts to determine whether the County taxpayers have received full value as agreed upon.
- 4) **Expand Cooperation with Tax Collection Efforts of Fishbowl Project.** The AIG will expand its work with the County Prosecutor's Office and the County Treasurer to collect identified taxes.



A copy of this report (Cuyahoga County AIG Semi-annual Report – 1st Half 2019) has been made available for public inspection at the AIG offices and is posted on the AIG website at <http://inspectorgeneral.cuyahogacounty.us>. If you need assistance relative to this report, please contact our agency at 216-698-2101.

REPORT FRAUD, WASTE, OR ABUSE

To report alleged fraud, waste, abuse, corruption, misconduct, misfeasance, malfeasance, or nonfeasance relative to County government, use one of the following methods:

- Submit a Report a Concern complaint on the website at <http://inspectorgeneral.cuyahogacounty.us>
- Write to the Agency of Inspector General, 2079 E. 9th Street, Sixth Floor, Cleveland, Ohio 44115
- Call the Agency of Inspector General Whistleblower Hotline at 216-698-2999

APPENDIX 1: BACKGROUND AND JURISDICTION

Section 1.1 – Introduction

The 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 as the ethics investigative officer for all issues arising under the County Code.¹² In this capacity, the AIG is entrusted with the responsibility of ensuring that County elected officials, employees, contractors and lobbyists who do business with the County meet the highest ethical standards.

Section 1.2 – 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, 2011.¹³ 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 Ethics Ordinance were codified in Title 4 of the County Code. On April 26, 2016, the County Council revised the County Ethics Code with an effective date of May 27, 2016. Chapter 407 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 407.01 (D) of the County Code grants the Inspector General the following enforcement authority when a violation of Title 4 of the County Code is uncovered:

- *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

¹² On July 13, 2013, the County Ethics Ordinance was codified into Title 4 of the County Code.

¹³ 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).

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 a 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 a violation of Title 4 of the County Code, the Inspector General may require 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 perform the following disclosure/prevention functions:

- The Inspector General shall advise elected officials or employees, who in the course of carrying out his or her duties, have been offered or are 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, to ensure that person complies with all requirements in Title 4 of the County Code and related statutes regarding future employment and disclosure of such possible future employment.¹⁴
- The Inspector General shall receive allegations of non-criminal whistleblower complaints.¹⁵
- The Inspector General shall receive allegations from county elected officials and employees who by law are required to report criminal behavior in County operations to the Inspector General within five (5) days of becoming aware of the behavior.¹⁶
- The Inspector General or the Department of Law may receive and rule on conflict of interest disclosures for employees.¹⁷
- The Inspector General must review and respond to secondary employment disclosures.¹⁸
- The Inspector General must review board/commission appointments by the County for conflicts of interest.¹⁹
- The Inspector General shall obtain financial disclosure statements from certain County officials and employees.²⁰

¹⁴ County Code, Section 403.09 (B), formerly Article 7, Section 16(D) of the Ethics Ordinance.

¹⁵ County Code, Section 406.01 (B), formerly Article 7, Section 17(B) of the Ethics Ordinance.

¹⁶ County Code, Section 406.01 (A), formerly Article 7, Section 18(A) of the Ethics Ordinance.

¹⁷ County Code, Section 403.04 (F), formerly Article 7, Section 23 of the Ethics Ordinance.

¹⁸ County Code, Section 403.08 (D), formerly Article 7, Section 26 of the Ethics Ordinance.

¹⁹ County Code, Section 403.04 (E) and 407.01 (L), formerly Article 7, Section 27 of the Ethics Ordinance.

²⁰ County Code, Sections 403.07 and 407.01 (I), formerly Article 7, Sections 29 and 31 of the Ethics Ordinance.

- The Inspector General must create and maintain a County lobbyist registry.²¹
- The Inspector General must create and maintain a County contractor registry.²²

Section 1.3 – 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 ("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:

- 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

²¹ County Code, Section 405.01 (A), formerly Article 7, Section 32 of the Ethics Ordinance.

²² County Code, Section 501.19 (B), 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)(3), formerly Section 2(c) of the AIG Ordinance.

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

General shall cooperate with the County's Personnel Review Commission.²⁶ The Inspector General shall not interfere with the authority of the Personnel Review Commission to ensure "compliance with ethics resolutions or ordinances as passed by the Council" under Section 9.02(3) of the Cuyahoga Charter.²⁷

- The Inspector General shall establish a "hotline" and website to receive complaints from either anonymous or identified persons, and he/she 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.²⁸
- 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.²⁹
- 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 if applicable the Department of Human Resources.³⁰
- 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.³¹

²⁶ The name Human Resource Commission was changed to Personnel Review Commission via a Charter change and approved by County voters in 2013, <http://hrc.cuyahogacounty.us/en-US/home.aspx>.

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

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

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

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

³¹ 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 semi-annual 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 the cost of salaries of AIG employees.³²
- 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.³³

In conducting its duties, the AIG is required to avoid interfering in any ongoing outside criminal, civil or administrative investigation/prosecution.³⁴ The AIG is also required to develop internal policies and procedures that ensure an investigation subject's constitutional rights are protected.³⁵

The AIG can only be abolished upon the affirmative vote of at least eight (8) members of County Council and executed by the County Executive.³⁶

Section 1.4 – The Charter

On November 6, 2018, the taxpayers of Cuyahoga County voted to include the AIG in the County Charter. On December 27, 2018, Article XV, Section 15.01 became effective.

³² County Code, Section 204.01 (B)(3)(f), formerly Section 2(c)(vi) of the AIG Ordinance.

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

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

³⁵ County Code, Section 204.01 (B)(4)(b), formerly Section 2(d)(ii) of the AIG Ordinance.

³⁶ County Code, Section 204.01 (E), formerly Section 3(e) of the AIG Ordinance.

Pursuant to Section 15.01 (1), (7), and (8) of the Charter, the Inspector General has the following powers, duties and rights:

(1) Powers and Duties. The Inspector General shall serve as the County's chief ethics officer and shall direct the Agency of Inspector General. The County Executive and the County Council shall appropriate funding for the Agency's operations, fairly allocated through the regular budget process based on available resources. The Council may, by ordinance, further delineate the powers, duties, and responsibilities of the Agency of Inspector General, consistent with this Article XV.

(7) Access to County Information. The Inspector General shall have the right to obtain full and unrestricted access to all records, reports, plans, projections, matters, contracts, memoranda, correspondence, and any other materials, including electronic data, of Cuyahoga County, relevant to any inquiry or investigation undertaken pursuant to this Article XV, except as may be legally limited, such as through attorney-client privilege or provisions of the Health Insurance Portability and Accountability Act (HIPAA).

(8) Subpoena Power. The Inspector General shall have authority to subpoena witnesses, administer oaths or affirmations, take testimony and compel the production of such books, papers, records and documents, including electronic data as is deemed to be relevant to any inquiry or investigation undertaken pursuant to this Article XV.

Section 1.5 -The Cuyahoga County Debarment Law, Procedures and Review Board Ordinance

On December 11, 2012, the County Council established the County Debarment Law, Procedures and Review Board Ordinance by enacting Ordinance No. O2012-0026 ("the Debarment Law"). 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 Debarment Law were codified in Chapter 505 of the County Code. Chapter 505 of the County Code was established to protect the County and its taxpayers and to ensure the County only engages in business with contractors³⁷ who demonstrate quality business practices and maintain the highest

³⁷ Section 402.01 of the County Code defines a contractor as any person or entity that is a party to an Agreement with the County, as defined in Section 102.01 (A) of the Code.

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.³⁸ 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.³⁹

The AIG is responsible for debarring contractors who demonstrate poor business practices and/or unethical behavior.⁴⁰ The AIG may debar a contractor for 5 years for certain criminal convictions or civil judgments within the preceding 5 years anywhere in the United States. Based on certain prohibited activity, the AIG may also debar contractors for 3 years or 18 months. The AIG may also suspend contractors who are currently suspended or debarred by certain enumerated entities.⁴¹

As a practical matter, during the debarment/suspension period, debarred/suspended 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.⁴²

On April 28, 2015, §, County Council enacted new Debarment Rules which became effective on April 29, 2015.⁴³ The new rule states the commencement date for the debarment period under the County law commences from the date of issuance of the debarment.

Debarment Review Board

Pursuant to 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. Effective June 16, 2014, County Ordinance No. O2014-0010 changed the composition

³⁸ See County Code, Sections 505.03 (A), (B), and (C).

³⁹ See County Code, Section 505.02(A).

⁴⁰ Codified as Chapter 505 of the County Code.

⁴¹ County Code, Section 505.07, formerly Section 7(B) of the Debarment Law.

⁴² County Code, Section 505.02(A), formerly Section 2(A) of the Debarment Law.

⁴³ County Ordinance 02014-0031.

of the Debarment Review Board. The County Fiscal Officer was replaced with a judge appointed by the Presiding Judge of the County Common Pleas Court.⁴⁴ All members of the Debarment Review Board shall serve without compensation.

Section 1.6 – The Inspector General’s Jurisdiction

Responsibilities: Enforce the Ethics Code; Investigate Waste, Fraud and Abuse

Under Section 15.01(2) of the Charter, the jurisdiction of the AIG is as follows:

To the maximum extent permitted under the Constitution of the State of Ohio and this Charter, the authority of the Agency of Inspector General to investigate possible ethical violations in the conduct of County business shall extend to any employee, official, or appointee of the County and any person or entity doing business with the County.

More specifically under the County Ethics Code, the Inspector General is authorized to investigate alleged wrongful acts or omissions committed by County elected officials and employees under the auspices of the County Executive and County Council.

Also, pursuant to County Code Section 204.01, the Inspector General’s authority extends to:

- Investigate and enforce the County Ethics Ordinance in accordance with the terms of said ordinance.
- Investigate fraud, corruption, waste, abuse, misfeasance, malfeasance, and nonfeasance by a Public Official or employee without interference;

Those individuals who contract with County agencies or otherwise do business with the County may also fall under the purview of this agency. The AIG does not become involved in private disputes, labor/management issues, or litigation. The Agency does

⁴⁴ On August 8, 2014 Judge Timothy McMonagle agreed to serve as the Chair of the Debarment Review Board. On June 29, 2016, County Council amended the Debarment Review Board Ordinance to permit the County Executive to appoint and Council to confirm the chair of the Board. The chair shall be an attorney at law in good standing in the state of Ohio and shall have at least five years cumulative experience in litigation or appellate practice.

not review or override the decision of a court or the findings of any administrative body. Likewise, the Agency has no authority to investigate allegations concerning any federal, municipal or local officials, agencies, or governing bodies.

The AIG is not an advocate for either the county agency or the complainant in any particular case. The Agency's obligation is to ensure that the investigative process is conducted fully, fairly, and impartially.

Agency of Inspector General Requirements

The Inspector General is appointed by the County Executive subject to confirmation of County Council.⁴⁵ According to Section 15.01 (4) of the Charter, the Inspector General shall be appointed by the County Executive, subject to confirmation by Council, for a term of four years. The term of the incumbent Inspector General shall expire on December 31, 2020. Each subsequent Inspector General shall be appointed or reappointed for a term commencing on January 1, 2021, and every four years thereafter. Reappointments shall be subject to Council confirmation.

Section 15.01(3) of the Charter states the Inspector General must have the following qualifications, (1) juris doctor degree from an accredited institution of higher learning; and (2) at least five years' experience as an inspector general, certified public accountant, auditor, licensed attorney, law enforcement officer, or other investigative officer involving supervisory or managerial experience.

Pursuant to Section 15.01 (5) of the Charter, the Inspector General may only be removed for cause by resolution receiving the affirmative vote of at least eight members of the Council. The Council, however, cannot vote to remove until the Inspector General has had the opportunity to be heard and to present his or her case for retention in office. Additionally, Council may enter executive session to discuss the question of removal as provided by general law so long as Council holds at least one public hearing where the Inspector General and the public have an opportunity to be heard.

Finally, in the event of a vacancy prior to the expiration of the Inspector General's term, the County Executive shall appoint a successor to complete the unexpired term, subject to confirmation by Council. Note, in the event a vacancy occurs less than two years prior to the expiration of the Inspector General's four-year term, the County Executive may appoint an Inspector General to complete the unexpired term and serve a subsequent four-year term, subject to confirmation by Council.

⁴⁵ County Code, Section 204.01 (C)(2), formerly Section 3(b) of the AIG Ordinance.

Section 1.7 – Transparency – Agency of Inspector General Website

The AIG is dedicated to increasing transparency in County government. In furtherance of this goal, the AIG website, 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 certain investigation and examination reports;⁴⁶
- The current County contractor and lobbyist registration lists;
- Debarment and Suspension details;
- Ethics compliance guidance issued by the AIG;
- Copies of all semi-annual reports issued by the AIG;
- Detailed instructions on how to complete contractor/lobbyist registration and ethics training; and
- Ethics training for contractors, lobbyist, and County employees.

⁴⁶ 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.

APPENDIX 2: INVESTIGATIONS

Investigation Procedures

Intake: How Do We Get Cases?

Tips and complaints from concerned employees and citizens provide the lifeblood of a successful inspector general agency. Accordingly, the AIG 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* – An individual may report a concern by accessing the Inspector General's website at <http://inspectorgeneral.cuyahogacounty.us>. Individuals who click the "Report a Concern" link on the AIG and County Executive websites are 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.
- *Ask Armond* – Questions or comments alleging fraud, waste or abuse submitted to the County Executive are forwarded to the AIG for review.⁴⁷
- *Referral From County Officials* – County officials are encouraged to forward any complaints regarding fraud, waste or abuse to the AIG.

Triage: What Happens To Tips and Complaints?

Matters alleging fraud, waste, abuse, and corruption within or impacting the County are considered tips or leads. Incoming tips or leads, regardless of the source, are logged into our electronic database and assigned a complaint number. Our goal is to review each tip or lead within ten (10) business days. During this review the following elements are assessed:

- *Jurisdiction* – Does the AIG have jurisdiction over the subject of the complaint?

⁴⁷ Any person wishing to submit a concern to County Executive Budish may email the County Executive by accessing the Cuyahoga County Office of the County Executive webpage at <http://executive.cuyahogacounty.us/>.

- *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?

Anyone may file a complaint with the AIG. At times, complaints are forwarded by other agencies or officials. Complaints may be made anonymously; however, it may be difficult to verify the information provided or ask additional questions. Therefore, we encourage complainants to provide detailed information supporting an allegation when leaving an anonymous complaint.

The AIG does not offer legal advice or opinions to complainants. In instances where it appears a complainant seeks legal assistance, or where it appears another agency is better suited to address a complainant's issue, the Agency will advise the complainant that he or she may want to consult with private legal counsel or, when possible, will direct the complainant to a more appropriate agency, organization, or resource.

After weighing each of these factors, the Agency of Inspector General issues one (1) of the following preliminary decisions on each complaint:

- *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 complainant 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 merits 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 action 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 Investigation⁴⁸, Examinations, or Reviews* – Complaints that are assigned for investigation, examination, or review.

Investigation Determination and Dispositions

Upon completion of a full investigation, the AIG Investigator prepares a Report of Investigation which may include recommended policy or program enhancements resulting from the investigation. Final investigation reports and recommendations are submitted to the Inspector General for review and approval. The Inspector General will issue one (1) or more of the following responses on each completed investigation:

No Violation – No Referral

The investigation failed to reveal reasonable grounds to believe an 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 an 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 an 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

⁴⁸ For purposes of this report, the term investigation includes examinations and/or reviews.

Department Director but are not published. The AIG may request a written response from the County Executive or the applicable Department Director addressing the issue and identifying any remedial action. An individual considered a subject of the investigation is notified in writing of the findings.

***Violation –
Management Referral***

The investigation revealed reasonable grounds to believe 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. The resulting investigation report and/or findings are published. 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. An 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 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. The investigation report and/or findings are published unless the matter has been referred to the County Prosecutor. 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. An 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 an individual violated a provision of Title 4 of the County Code. Previously-discussed sections of this report describe 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 the contractor violated a provision of Chapter 505 of the County Code. The investigation report and/or findings are published.

Confidentiality Agreement with HHS

Since 2013, the AIG and the County Department of Health and Human Services – Division of Employment and Family Services have cooperated via a Memorandum of Understanding whereby the AIG has undertaken the responsibility of conducting investigations on behalf of this department. Consistent with the terms of the Memorandum, any employee misconduct discovered in the course of the investigation will be reported solely to the covered department. Only the HHS Administrator and/or Director may report any misconduct to the County Department of Human Resources and the County Executive. The AIG is prohibited from disclosing the findings or results of such investigations in the semi-annual reports as such information is exempted from disclosure by RC Section 5101.27. Nonetheless, for statistical purposes only, the AIG will include a general reference to any investigation conducted pursuant to the Memorandum of Understanding.

APPENDIX 3:

ETHICS COMPLIANCE

Ethics Compliance Requirements

Introduction

Chapter 407 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.

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. 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 of this report.

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 and/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

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

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

APPENDIX 4: CONTRACTORS AND LOBBYISTS REGISTRATION

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 shall mean any person or entity that is a party to an Agreement with the County, as defined in Section 102.01 (A) of the Code. Therefore, unless exempt, any person or entity that is a party to an Agreement with the County, 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 online ethics training program for all County contractors and lobbyists. 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 or conducting less than \$10,000.00 in business with the County annually, all County contractors and lobbyists are required to complete this training program as a prerequisite to conducting business with the County.

The vendor background screening system was designed to provide a timely and extensive background screening of contractors and vendors in an effort to ensure that only responsible parties and businesses are given the opportunity to provide goods and services to the County.

The AIG is responsible for debarring contractors who demonstrate poor business practices and/or unethical behavior.⁴⁹ 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. The AIG may also suspend contractors who are currently suspended or debarred by certain enumerated entities.⁵⁰

As a practical matter, during the debarment/suspension period, debarred/suspended contractors may not:

- 1) Submit bids, proposals, statements of qualifications or any other offers to contract with the County; or

⁴⁹ Codified as Chapter 505 of the County Code.

⁵⁰ County Code, Section 505.07, formerly Section 7(B) of the Debarment Law.

- 2) Enter into any contract or agreement with the County; or
- 3) Serve as a subcontractor on any County contract or agreement.⁵¹

On April 28, 2015, County Council enacted new Debarment Rules which became effective on April 29, 2015.⁵² The new rule states the commencement date for the debarment period under the County law commences from the date of issuance of the debarment.

⁵¹ County Code, Section 505.02(A), formerly Section 2(A) of the Debarment Law.

⁵² County Ordinance 02014-0031.