



Cuyahoga County Agency of Inspector General



SEMI-ANNUAL REPORT

July 1, 2019 – December 31, 2019

Mark D. Griffin

Inspector General



**CUYAHOGA COUNTY
AGENCY OF INSPECTOR GENERAL**

February 28, 2020

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 July 1, 2019 through December 31, 2019.

During the second 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 \$936,535.13 in uncollected delinquent property taxes;
- Completed 29 investigations including, for example;
 - Data Contracts allegedly involving \$1.5 million in overuse fees;
 - Improperly Processed Payment Voucher & Procedures;
 - Thefts of County Funds; and
 - Whistleblower Retaliation Claims;
- Reviewed 254 Secondary Employment & Private Business Activity Disclosures;
- Reviewed 163 Nepotism/Conflict of Interest submissions;
- Registered 353 County contractors;
- Issued 74 Ethics Opinions and Advisories;
- Continued to review County loan portfolios; 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 originally appointed on April 28, 2015 to fill an unexpired term ending June 30, 2016. 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 second half of 2019, the Agency of Inspector General ("AIG") continued to set as its highest priority ongoing cooperation and assistance to assist law enforcement entities. The AIG also closed 29 investigations, precipitated an additional \$936,535.13 in delinquent tax payments (in cooperation with County Prosecutor Michael O'Malley and County Treasurer Christopher Murray), initiated a data update project and issued 74 ethics opinions and advisories. The AIG has identified \$9,770,700 in challenged costs, expenditures, or recovered taxes since its inception and since 2015 has identified \$9,572,023 in challenged costs, expenditures or recovered taxes.

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

Contract Audit Saved Taxpayers \$504,000.

With the support of County Chief of Staff William Mason and Director of Information Technology Andy Molls, the AIG reviewed the County's responsibility for alleged over-use of software. The AIG determined that the relevant contract and the Board of Control's explicit language limiting the County's exposure did not support the payments claimed by the contractor.

Coordinated with County Prosecutor O'Malley and Treasurer Murray to Precipitate an Additional \$936,535.13 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 \$936,535.13 to the County Treasury. This also represents an increase of \$67,333.26 from the \$869,201.87 collected during the previous six months.

Investigated & Reviewed County Procedures for Unauthorized Legal Services Contract.

The AIG reviewed the engagement of a local law firm in a manner that was inconsistent with County rules. The AIG concluded there was sufficient evidence to indicate: the contract was not properly authorized by the Office of Procurement and Diversity or the Board of Control; the retainer agreement was not properly signed by an authorized County official; and the vendor was not registered with the AIG.

Investigated Claims of Whistleblower Retaliation.

The AIG investigated whether a high-level director was terminated in retaliation for cooperating with an AIG report. The investigation concluded that there was insufficient evidence to support a finding of such retaliation.

Follow-Up Reports

The AIG also continued to monitor and follow-up on previous investigations relating to:

- Department of Development Loan Funds
- Theft of Taxpayer Dollars – Treasury Department Processes & Procedures

Other Accomplishments During the Second 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 254 Secondary Employment & Private Business Activity Disclosures.
- Reviewed 163 Nepotism/Conflict of Interest submissions.
- Registered 353 contractor applications.
- Issued 74 Ethics Opinions and Advisories.

Goals – Past and Present

Goals Past: Comparing Actual Performance to Goals Originally Set for the Second 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 achieved as follows:

- 1) **Continue to Assist and Cooperate with Law Enforcement Authorities regarding related investigations.** The AIG continued to provide staff time, support and resources to federal, state and local law enforcement. This remains a critical goal which is of the highest priority.

- 2) **Expedite Responses to Ethics Inquiries and Conflict of Interest Reviews.** The AIG created a web-based questionnaire that will expedite the process of providing timely ethics opinions.
- 3) **Initiate Contract Audits and Reviews.** The AIG reviewed the processes and procedures of specific contracts for information technology and legal services that resulted in savings to County taxpayers in excess of \$500,000 during the last six months of 2019.
- 4) **Expand Cooperation with Tax Collection Efforts of Fishbowl Project.** In cooperation with County Prosecutor Michael C. O'Malley and County Treasurer Christopher Murray, the AIG helped precipitate tax payments from commercial properties of \$936,515 during the last six months of 2019.

For the second half of 2020, the AIG intends to achieve the following goals:

- 1) **Continue to Assist and Cooperate with Law Enforcement Authorities regarding related investigations.** The AIG will continue to assist and cooperate with law enforcement. This remains a critical goal which is of the highest priority.
- 2) **Review County Departments' Submission of Late Contracts.** The AIG will work with the Executive Branch, the Board of Control and County Council to improve the County's contracting process in order to minimize the number of late contracts.
- 3) **Expand the Auditing of County Contracts.** The AIG will expand its review and auditing of County contracts to assure that taxpayers are receiving full value for their hard-earned money.
- 4) **Updates to AIG Case Management System.** The AIG plans to make changes to the current case management system to increase searchability of contractor information and to allow for automated searches of the U.S. Government System for Award Management (SAM). The automated SAM searches will make our current contractor background check system more efficient.
- 5) **Adopt an Emergency Business Continuity Plan.** The AIG will design and adopt a contingency plan to continue its business operations in the event of an emergency that requires the closure or curtailment operations at the County Administrative Headquarters.

SECTION 1: ADMINISTRATION¹

1.1 AGENCY OF INSPECTOR GENERAL STRUCTURE

1.2 AGENCY OF INSPECTOR GENERAL BUDGET



9 Full Time Staff; **1** Part Time Staff

2019 Annual Budget: \$1,018,139

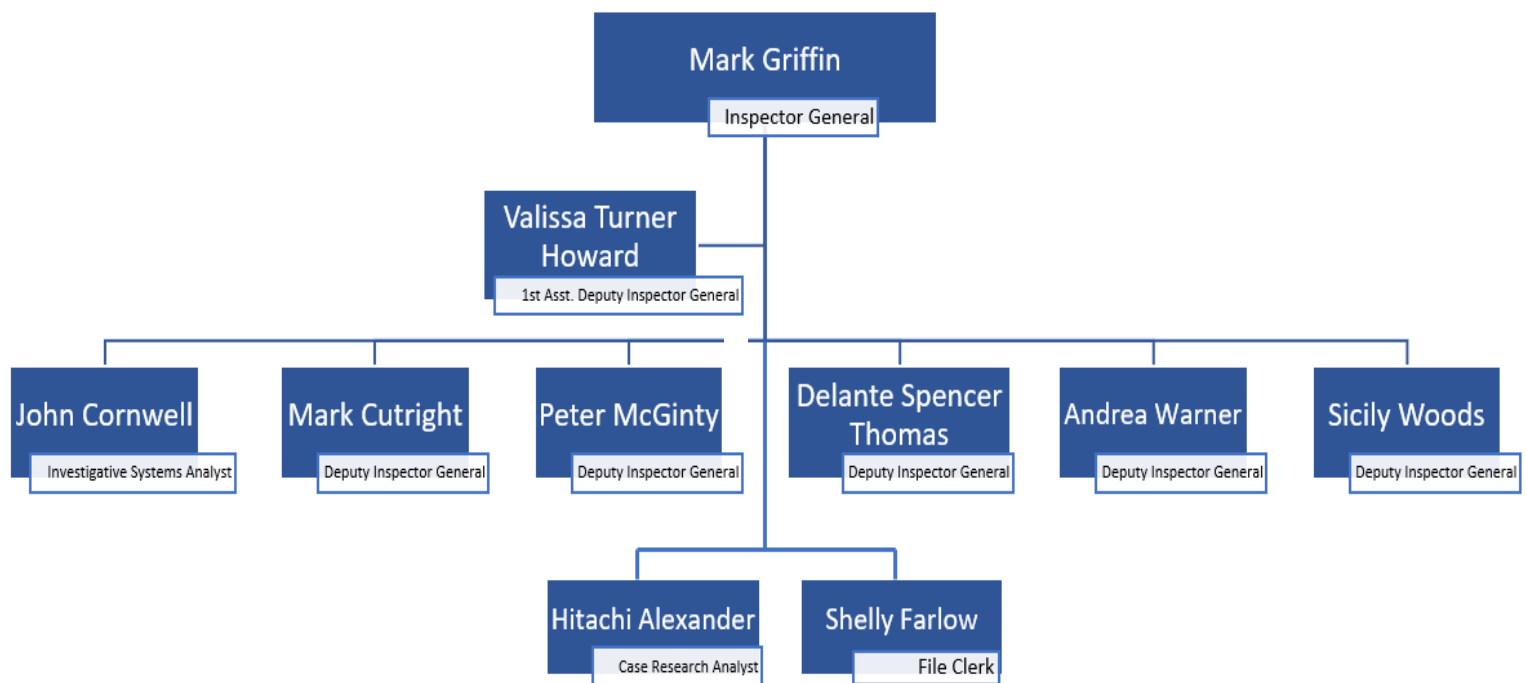
2019 Actual Spending: \$995,670

The cost to operate the AIG in 2019 amounted to less than \$.78 per citizen per year.

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 Second 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 Governmental Ethics and Data Privacy



As part of its mission to target financial waste, fraud, and abuse, AIG staff members attended trainings on a variety of topics to enhance their 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 webinars and trainings including the following courses:

- Navigating attorney/client privilege
- Professionalism and Legal Ethics
- Ohio Rules of Professional Conduct
- Does Ethics Still Matter in the Current Climate?
- What to Do When Rules Don't Apply to Everyone
- The Tale of the Whistleblower
- Addressing Sexual Harassment through Government Ethics
- Ethics Update
- Strategic Voter Disenfranchisement
- Cyber Threat Intelligence
- Cloud and Application Security
- Lean Six Sigma Training
- Acing the Interview
- Verbal Judo: Tactical Communication
- Driving a Culture of Respect: Harassment Avoidance
- Upholding Trust in Government: County Ethic Laws
- Automating Cloud Security: Eliminating Human Error & Protecting Data
- Maximizing Compliance Training Effectiveness Amidst Budget Realities
- How to Close the Integrity Gap in Leadership
- Data Privacy Trends & Predictions
- Driving Lasting Impact for Compliance Investment

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 IG maintained 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, a Deputy Inspector General began the required preparation to obtain 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 \$1,018,139 for 2019². The following is a summary of the AIG's actual budget performance through December 31, 2019:

<u>Item</u>	<u>2019 Budgeted Amount</u>	<u>2019 Actual</u>	<u>Difference</u>
Personal Services (Salaries)	\$679,082	\$670,606	\$8,476
Personal Benefits	\$267,673	\$261,406	\$6,267
Contracts & Professional Services (Case Management Software)	\$32,207	\$26,198	\$6,009
Other Operating (Print Shop, Postage, Supplies, Training, Travel, Mileage, Telephone, Copier)	\$39,177	\$37,460	\$1,717
Controlled Services	\$0	\$0	\$0
Capital Outlays	\$0	\$0	\$0
Total:	\$1,018,139	\$995,670	\$22,469

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 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

² Because of unexpected increases in employee medical premiums resulted in underbudgeting of personal services, the AIG's originally approved 2019 budget was increased by \$29,900.

vendor registration process are 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.³

78¢⁴

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



³ The AIG challenges costs/expenditures that are determined to be improper, unnecessary, unreasonable or lacking proper documentation.

⁴ 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: INVESTIGATIONS⁵

2.1 INVESTIGATION STATISTICS

2.2 CLOSED INVESTIGATIONS



88 Whistleblower Complaints

34 Investigations Initiated

29 Investigations Closed

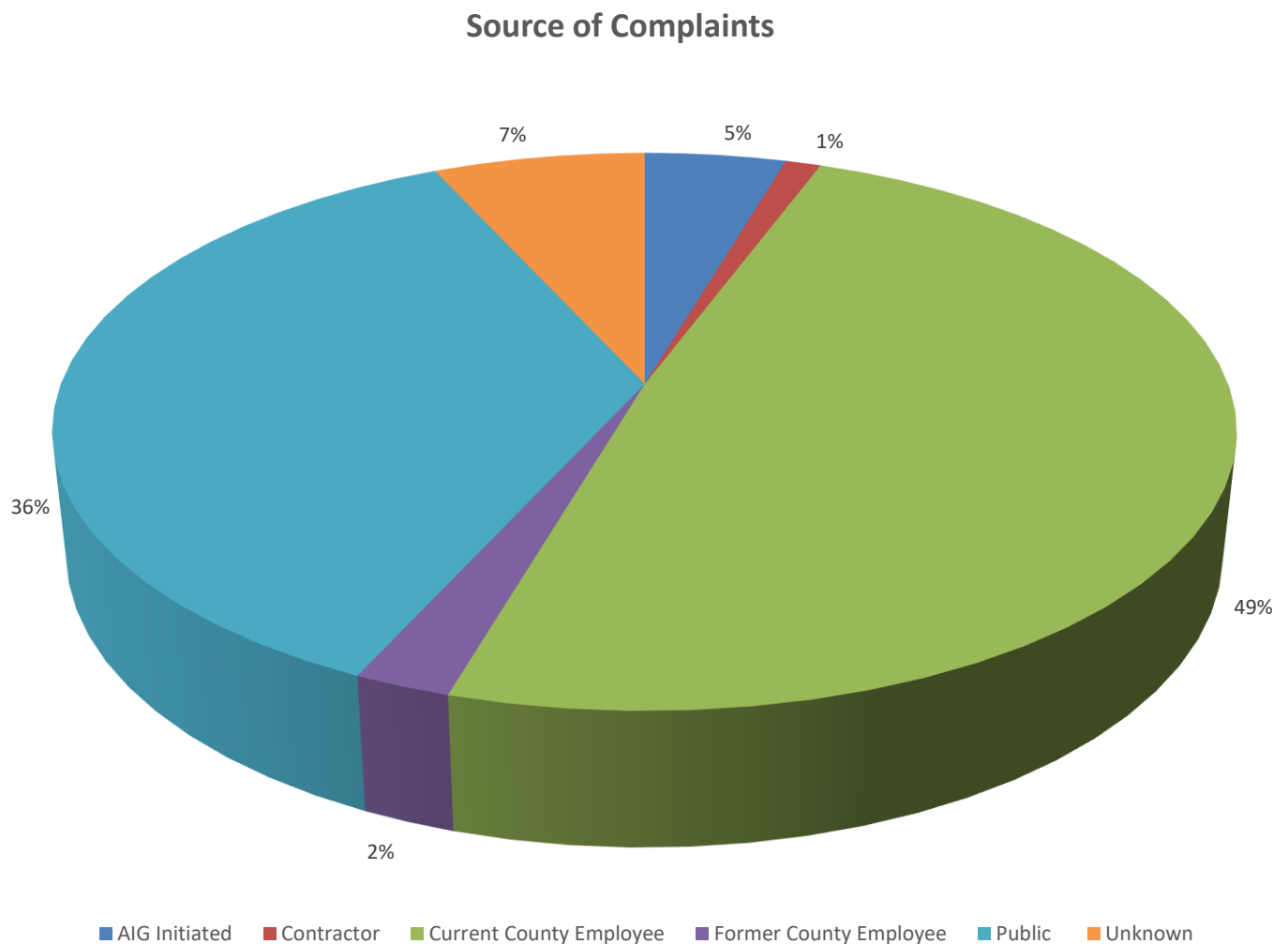
The AIG collaborated with Federal, State and County authorities regarding continuing public corruption investigations.

⁵ For information regarding the AIG's process of investigation, please see Appendix 2.

Section 2.1 – Investigation Statistics

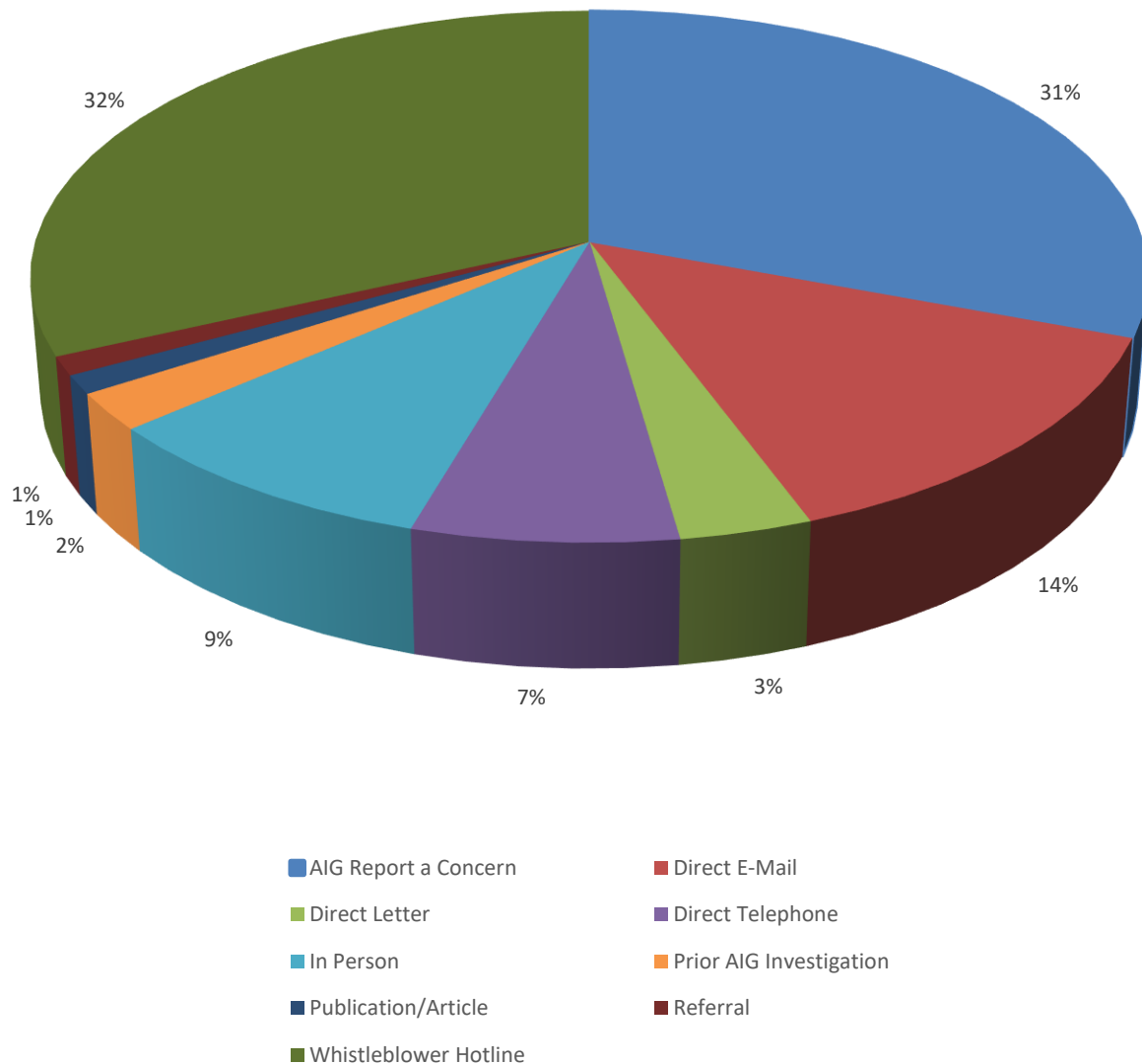
A. *Whistleblower Complaints/Referrals*

The AIG received eighty-eight (88) unique whistleblower complaints or referrals from July 1, 2019 through December 31, 2019. The following is a summary of the source of the complaints or referrals:



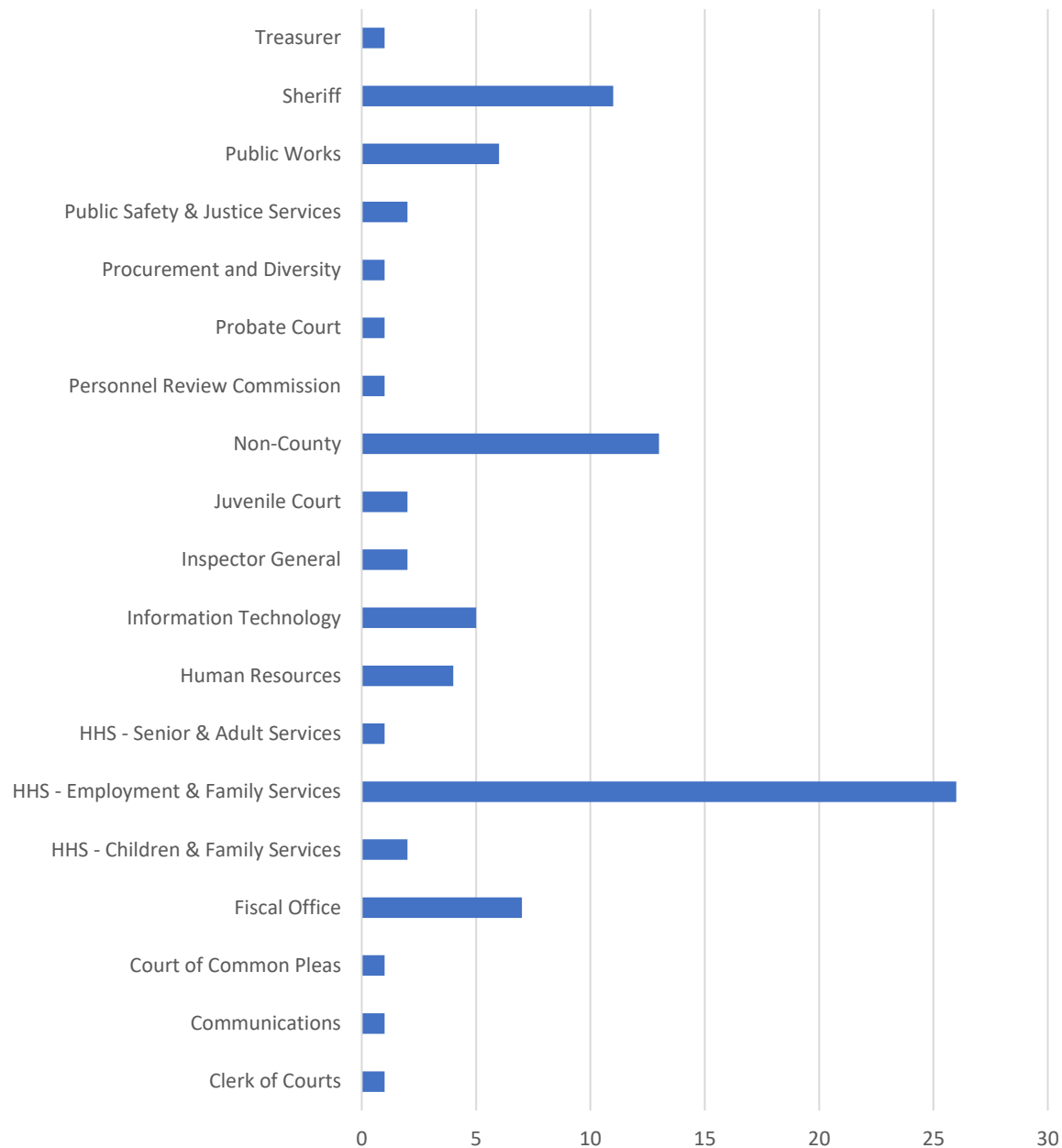
During this reporting cycle, the greatest number of complaints were submitted by current County employees, followed by complaints submitted by members of the public.

Method of Receipt of Complaints



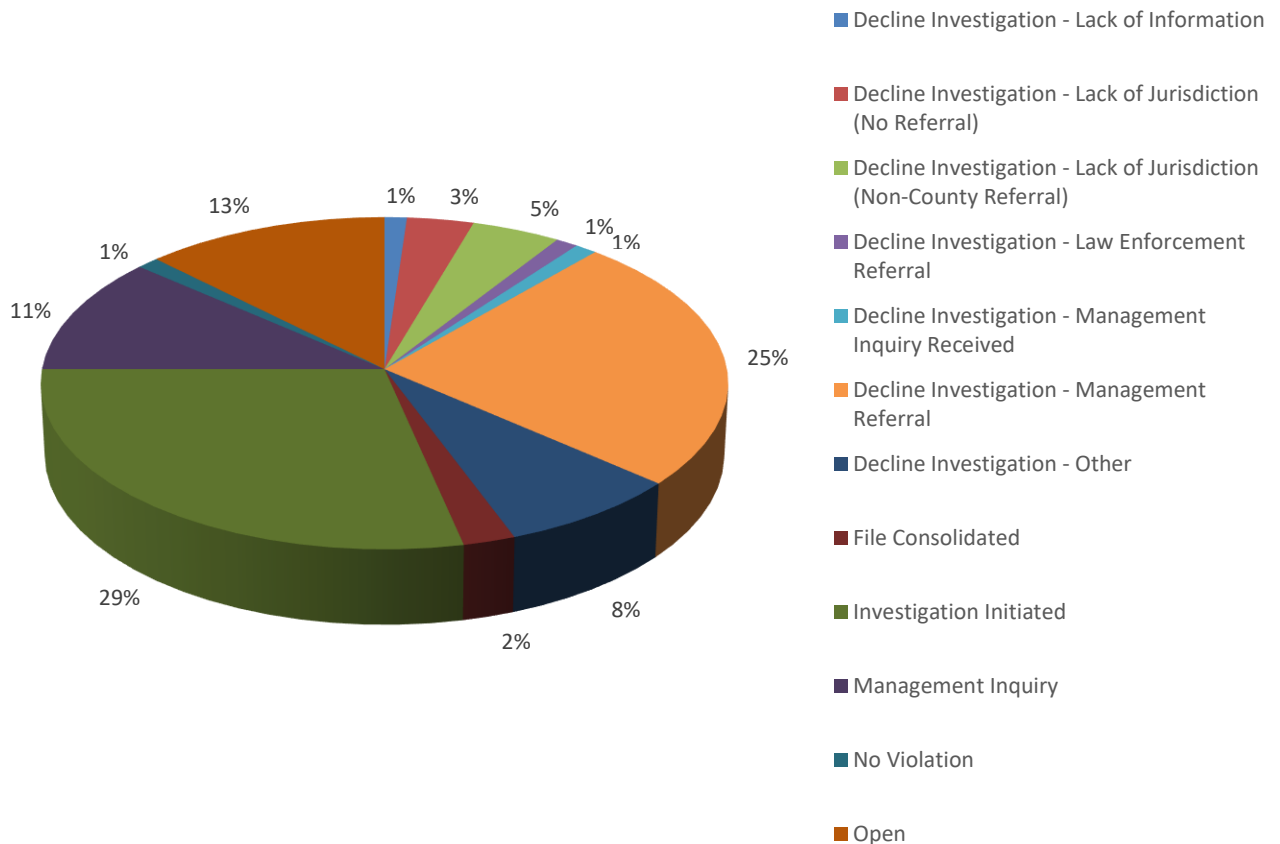
The AIG's ability to be effective is directly linked to its accessibility. During this reporting period, the most utilized method for submitting complaints to the AIG was via the Whistleblower Hotline. The second most utilized method for submitting complaints was through the AIG Report a Concern. Finally, Direct E-mail 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 Non-County and the Sheriff's Department.

Complaint Disposition

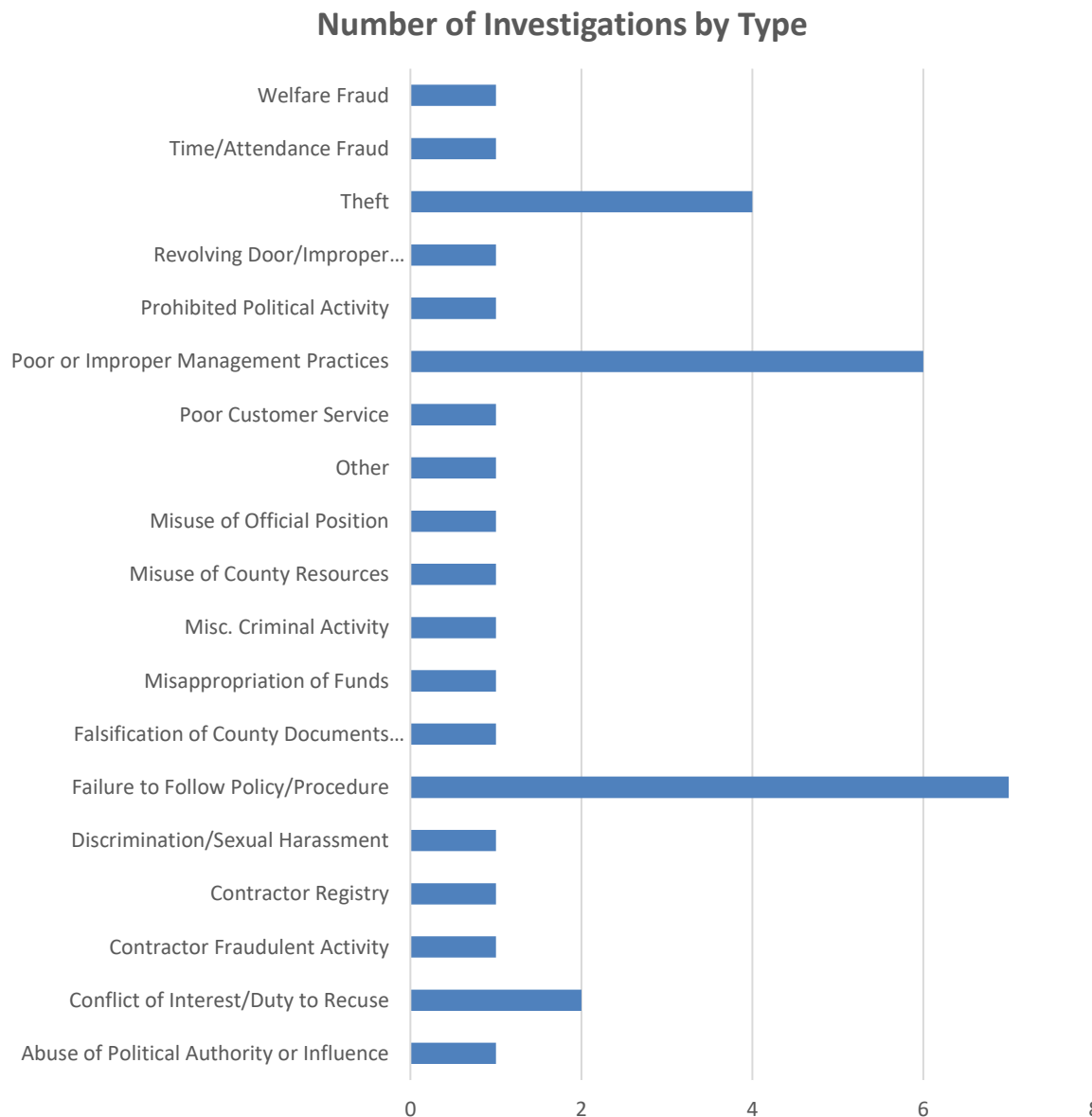


The AIG's policy is that most human resource complaints should be addressed by line-management and the County Department of Human Resources. The AIG is committed to supporting – rather than reducing – the authority of line-supervisors to manage their departments.

B. Investigations

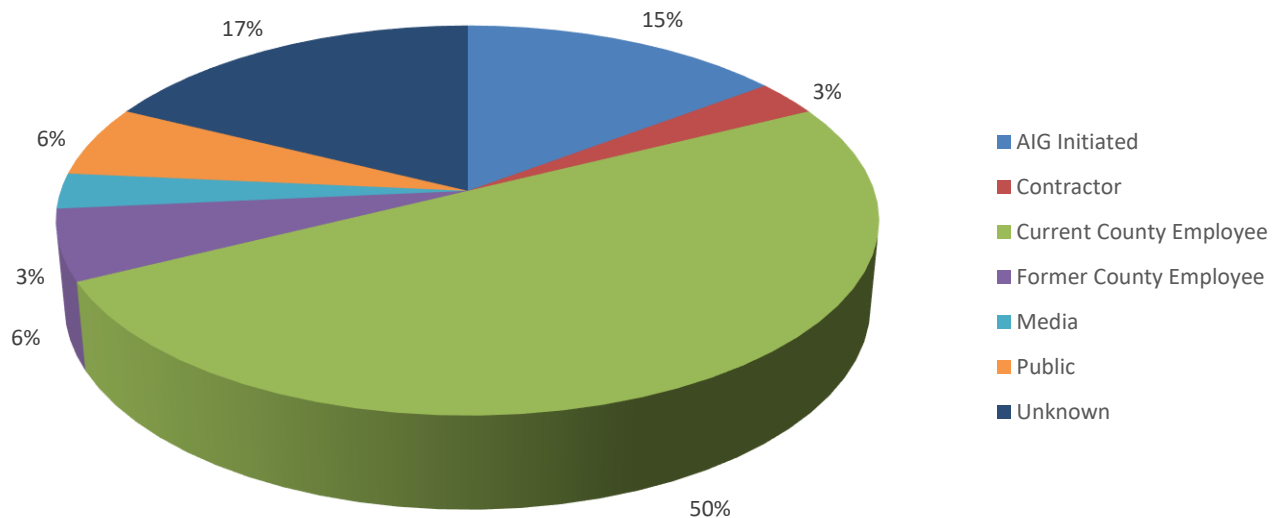
The AIG initiated thirty-four (34) investigations and reviews during this reporting period.

The following is a summary of the nature of the thirty-four (34) newly initiated investigations and reviews during this reporting period:



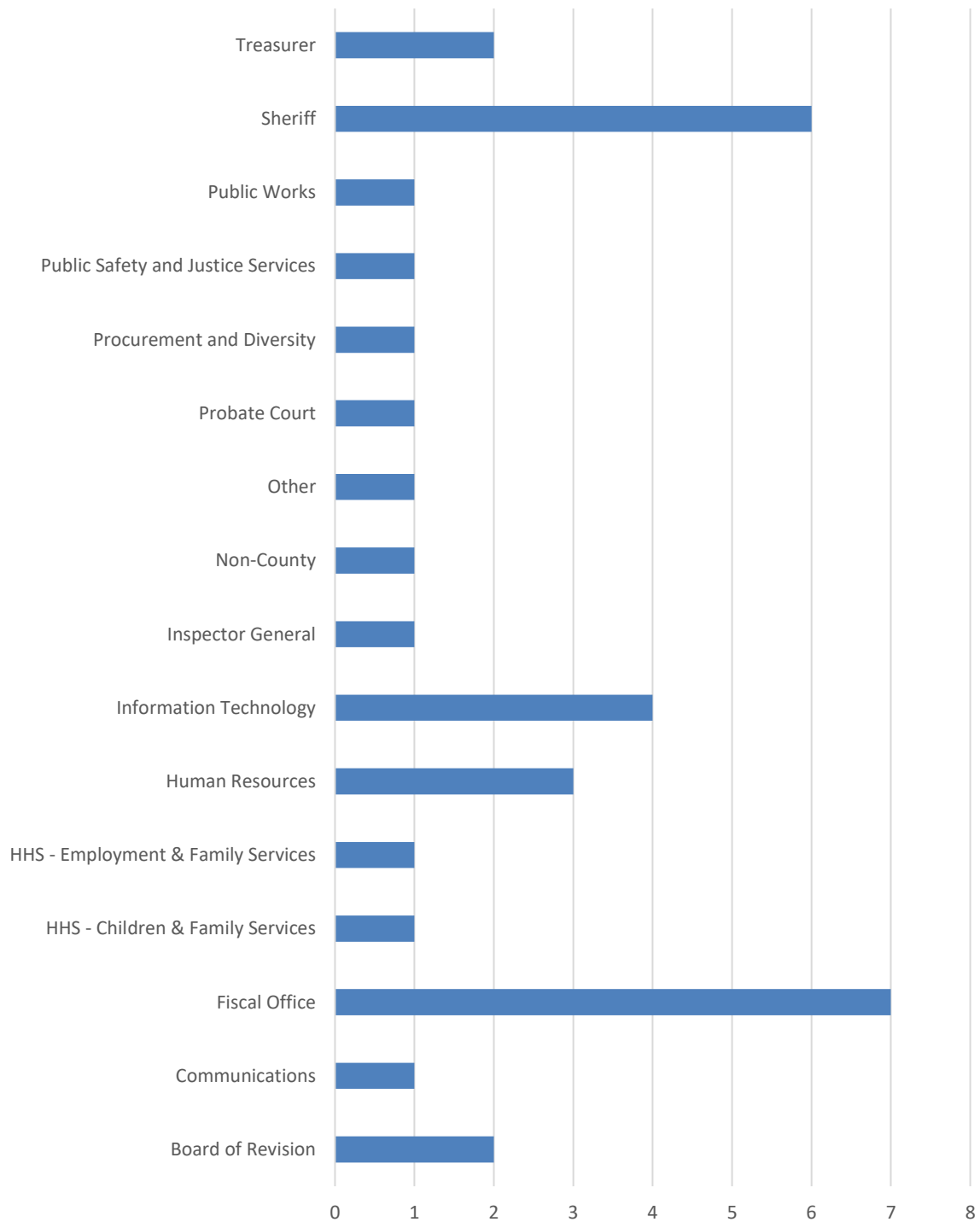
The AIG investigated a wide range of complaints during this reporting period, with Failure to Follow Policy/Procedure accounting for the highest number of complaints investigated, followed by Poor or Improper Management Practices and Theft.

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. Unknown (anonymous) sources accounted for the next largest source.

Investigations Initiated by Department

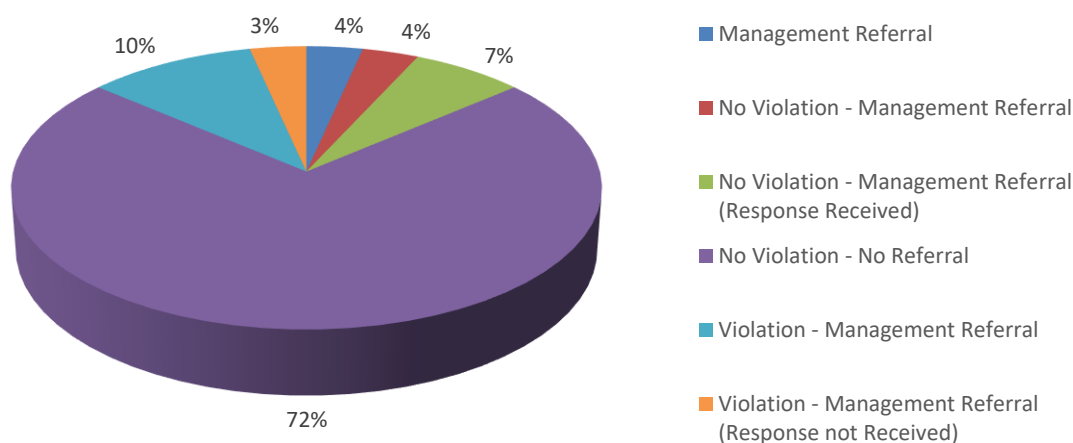


During this reporting period, the highest number of newly initiated investigations were in connection with the Fiscal Office, the Sheriff's Department and Information Technology.

Section 2.2 – Closed Investigations

During this reporting period, the AIG issued findings on and closed twenty-nine (29) investigations.

Disposition of Closed Investigations



Subpoenas

During the second 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 57.17 gigabytes worth of electronic communications.

Challenged Costs/Expenditures

Finally, the AIG has identified **\$7,332,041** in challenged costs/expenditures since its inception and more recently identified **\$7,133,364** challenged costs/expenditures since 2015.

Representative Examples of Recent Investigations & Reviews

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

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).

The funds were intended to be used for an upgrade to the Automated Fingerprint Identification System (AFIS), which is a system that both the City of Cleveland and 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).

The most critical aspect that led to the failure of the project was the lack of planning for system implementation. While DoIT had an assigned project manager, all parties, including the grant manager and project sponsor, are responsible for project governance.

The investigation revealed that in its efforts to obtain federal grant funds, the County moved precipitously to advance the AFIS project before its technical and organizational issues had been resolved. The breakdown between County departments led to a failure to solve these problems. Once it became clear that inter-department cooperation was lacking, these issues should have been escalated to the highest levels. As more specifically described in this report, planning and management could have eliminated the need to return the OEMA grant funds.

Data Overages Associated with Not-To-Exceed Contract (19-0061-I)

In 2015, Cuyahoga County agreed to pay an amount not-to-exceed \$52,954 for data back-up services to Symantec/Veritas pursuant to state terms and conditions. In 2016, the not-to-exceed amount was increased to \$253,531. In 2019, despite the "not-to-exceed" limitation in the contract, Veritas alleged that the County owed it an additional \$1,541,760. This amount was never authorized by the County Board of Control or the County Council and should not be paid without appropriate approvals. Although Veritas has agreed to reduce its claim to \$504,000, this proposed settlement is for unauthorized costs for which the County is not liable under Ohio law.

The Agency of Inspector General ("AIG") found that the County failed to monitor its data usage under the Veritas Contract, the software vendor failed to provide quarterly reports of sales, and in discussing a resolution, the County did not consider

the binding State Terms and Conditions which among other things, requires reseller MNJ to assume responsibility for resolving any dispute.

Most importantly, Ohio law makes it clear that vendors who provide unauthorized services act at their own risk and are not entitled to payment. The Board of Control explicitly approved only "not-to-exceed" amounts. Nonetheless, the claimed amounts substantially exceed these limits and would require approval by the Board of Control and/or the County Council. Thus, any claimed excesses have not yet been authorized as required by County Code §501.04 *et seq.* Given that Ohio law has been well-settled for over 120 years, if the County decides to pay amounts claimed by Veritas, it should consider seeking approval from the Auditor of State or an opinion from the Ohio Attorney General. Further, the AIG recommends that the County clarify for vendors that they cannot expect to be paid in violation of the limits of the contract. Moreover, in order to reduce the number of requests to approve contracts retroactively, the County should require every department to maintain lists of expiring contracts. Finally, the County needs to implement written policies for data management to avoid future overage claims.

Improperly Processed \$25,000 Voucher Payment (19-0059-I)

The Agency of Inspector General ("AIG") investigated allegations that the Cuyahoga County ("County") Fiscal Office improperly processed a \$25,000.00 voucher payable to a local law firm for legal services. Specifically, it was alleged that the payment was not properly authorized by the County Board of Control ("BOC") or County Council as required by County Code.

The AIG concluded that there was sufficient evidence to show that 1) the \$25,000.00 payment by the County was not properly authorized through the Office of Procurement and Diversity ("OPD") or BOC, 2) the retainer agreement between the County and the law firm was not signed by an individual with the authority to bind the County to a contract, and 3) the County issued funds to a vendor even though it was not registered with the AIG.

Many of the systemic issues identified in this Report of Investigation are unlikely to recur because the County subsequently changed its policies and procedures in 2018. The AIG recommends that the Fiscal Office develop and implement formal written policies that reflect the February 2018 updates. The AIG also recommends that the Fiscal Office implement a policy to ensure that vouchers are not processed without checking for contractor debarments with the county, state, or federal governments, in accordance with Section 505.02 of the County Code.

Finally, the AIG has also recommended, and OPD has already reinstituted, a requirement that vendors certify that they are in compliance with ORC Section 3517.13.

Delinquent Property Tax Initiative - \$936,535 during 2019-Second Half 2019

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 second half of 2019, the AIG's review of delinquent parcels resulted in collection of **\$936,535.13**. Thus far, the AIG's efforts have resulted in collection of **\$2,618,419.02** of the delinquent property taxes reviewed. The AIG expects that this amount will increase in the future as the program develops.

DoD Follow-Up Report June 30, 2019

The AIG continues to work with the Department of Development while they implement recommendations issued in prior AIG reports. DOD reports that all recommendations have been at least partially implemented with the following exception:

- Conduct a cost-benefit analysis regarding whether to outsource the loan servicing and monitoring function.

The AIG is currently performing testing to evaluate the changes that have been made and will continue to monitor DoD's progress until all recommendations have been addressed.

Treasury Cashiers Office Follow-Up (19-0032-I)

During the second half of 2019, the AIG completed an investigation that resulted in the review of the Treasury's child support and OneStop payment collections. This investigation resulted in significant concerns regarding the child support and OneStop collection processes.

Although the Treasury has made changes to its process and implemented additional controls, the AIG will continue to monitor Treasury's progress until all recommendations have been addressed.

SECTION 3: ETHICS COMPLIANCE⁶

3.1 Ethics Advisory Opinions

3.2 Ethics Disclosures



74 Ethics Advisory Opinions

254 Secondary Employment Disclosures

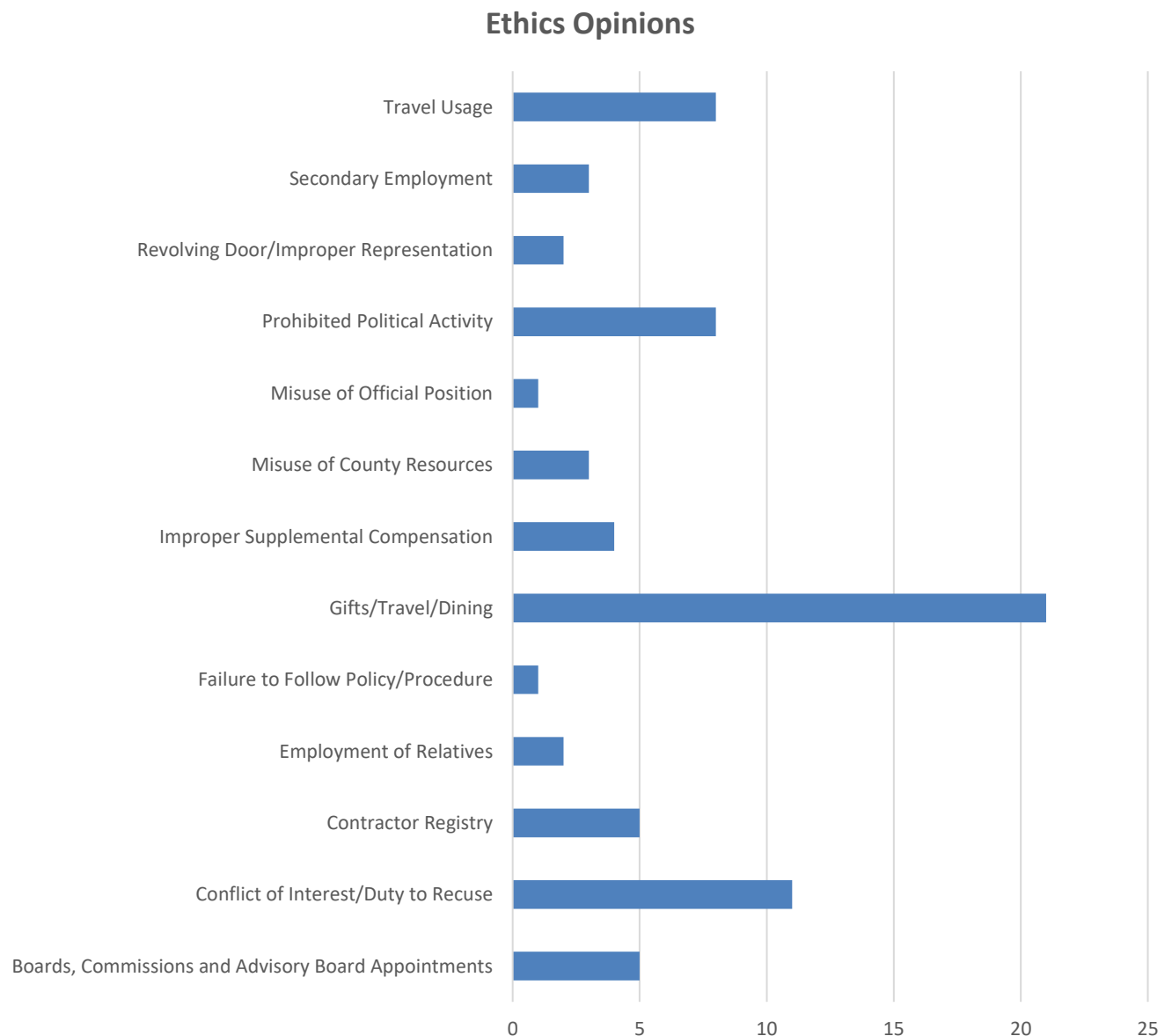
163 Nepotism/Conflicts of Interest

The AIG addressed 237 ethics issues and potential conflicts of interest.

⁶ For additional discussion regarding Ethics and Compliance please see Appendix 3.

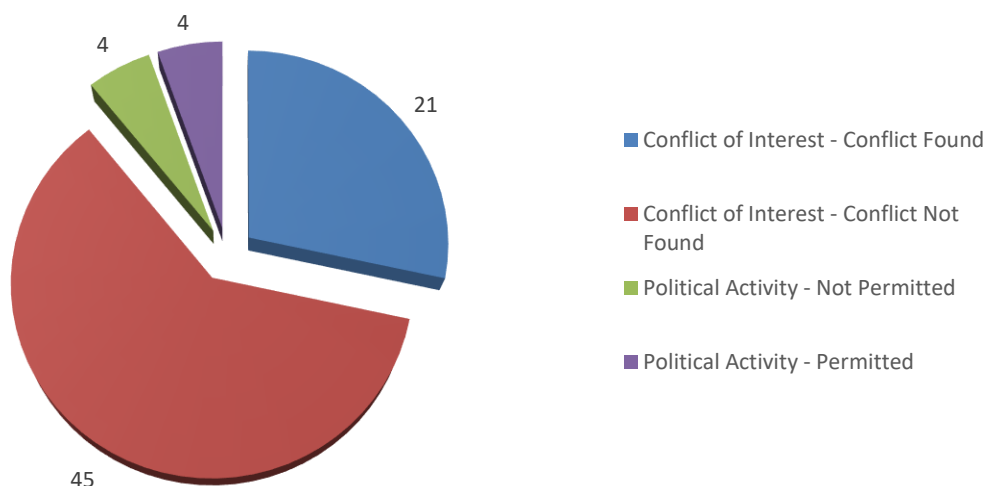
Section 3.1 – Ethics Advisory Opinions

The AIG reviewed seventy-four (74) requests for ethics advisory opinions during this reporting period and issued Ethics Advisory Opinions regarding the following topics:



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

Ethics Advisory Opinion Disposition



Of the 74 ethics opinions requested during the last six months, the AIG determined in twenty-one (21) cases that there were conflicts of interest.

Representative Examples of Recent Ethics Advisory Opinions

Gifts/Travel/Dining

(19-0109-EI) Inquiry from an employee regarding whether it was permissible to accept travel expenses to attend a conference. The organization sponsoring the travel was 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 travel expenses, or reimbursement of those expenses, to the conference because the organization was not a prohibited source. More specifically, the County does not have any contracts or encumbrances with the organization, such that payment of travel expenses from the organization is not presumed to be improper.

Conflict of Interest/Duty to Recuse

(19-0082-EI) Inquiry from an employee regarding a potential conflict of interest between his County position and potential future employment. The employee was entertaining an employment opportunity with an organization that contracts with the County.

Moreover, matters related to the contractor organization come before the employee in his County capacity. The AIG advised the employee that he must disclose any employment offers or ongoing discussions of future employment and recuse himself from taking any official action that could confer a benefit to the organization, including discussion. The AIG further advised that proper recusal requires that matters in the discretion of the employee be reassigned to someone at the employee's level or higher.

Misuse of Position/Improper Representation

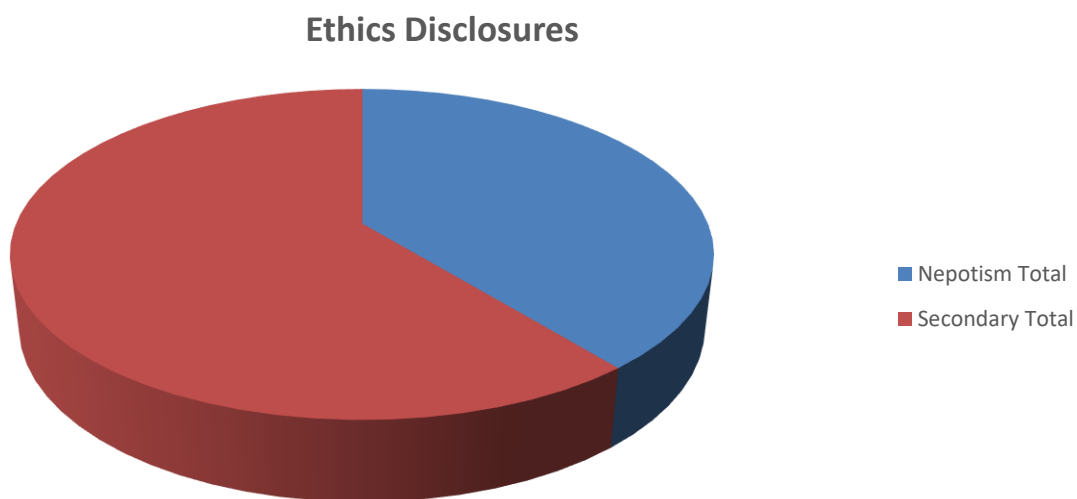
(19-0093-EI) Inquiry from an employee regarding whether he was permitted to attend and bid on property at a County Sheriff's auction. The employee works in the County Recorder's Office but is not involved in land sales. The AIG opined that so long as the employee did not participate or have any involvement with the seizure, transfer, or other handling of the property, no involvement in the bid process, and did not use confidential information to his advantage, the County Ethics Code did not prohibit him from attending and bidding on property at the County Sheriff's auction.

Political Activity

(19-0085-EI) Inquiry from employee regarding whether he was permitted to serve on his local school board. Employee was advised that generally unclassified employees may engage in political activity, on their own time, but must recuse themselves from any necessary matters. When it was revealed that the employee's board position would impact his County role, requiring him to frequently recuse himself from matters, the AIG advised the employee that serving on the school board would run afoul of the County Ethics Code.

Section 3.2 – Ethics Disclosures

The AIG reviewed two hundred fifty-four (254) inquiries regarding secondary employment and one hundred sixty-three (163) 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 sixty-three (163) 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 fifty-four (254) 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 & LOBBYISTS⁷

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



1,789 Registered Contractors

13 Registered Lobbyists

The AIG precipitated payments of an additional \$936,535.13 in delinquent taxes.

⁷ 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 December 31, 2019, there were one thousand, seven hundred eighty-nine (1,789) contractors and thirteen (13) 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 six hundred forty-six (646) registrations will expire on December 31, 2020. 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 delinquent taxes. 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 twenty-two thousand, nineteen dollars and eighty-two cents **(\$22,019.82)** in uncollected delinquent property taxes and tax liens owed by contractors. To date, the AIG has been able to identify two million six hundred two thousand seven hundred seven dollars and seventy-six cents **(\$2,602,707.76)** in unpaid taxes by County contractors.

Section 4.3 – Debarment Procedures

During this reporting period, the AIG closed seven (7) debarment matters with a determination not to debar the contractors. The AIG closed four (4) debarment matters with a determination to debar. Three (3) 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



1,458 Driver's License Abstracts

12 Public Records Requests

"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

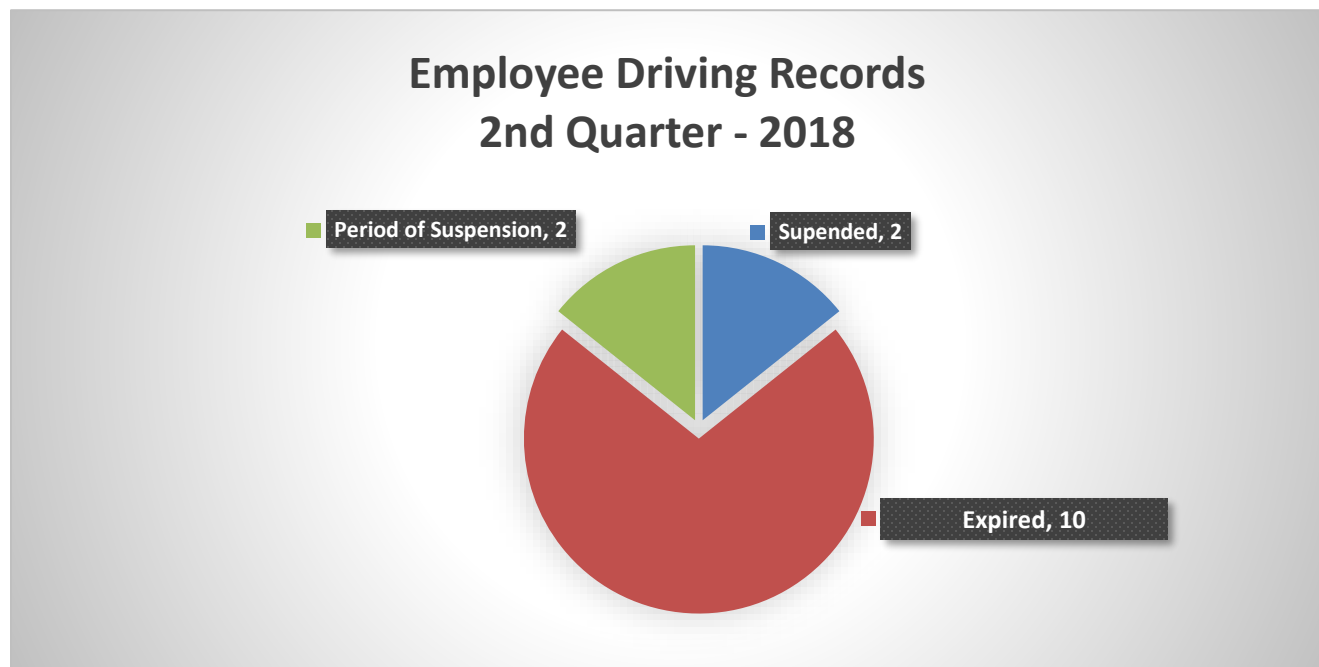
Twice a year, the AIG is required to review the state driving records of employees who are authorized to operate County-owned vehicles or who drive their own vehicles in the course of County employment. The goal is to make sure that the County is not placed at risk by employees driving while their licenses 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 1,458 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.

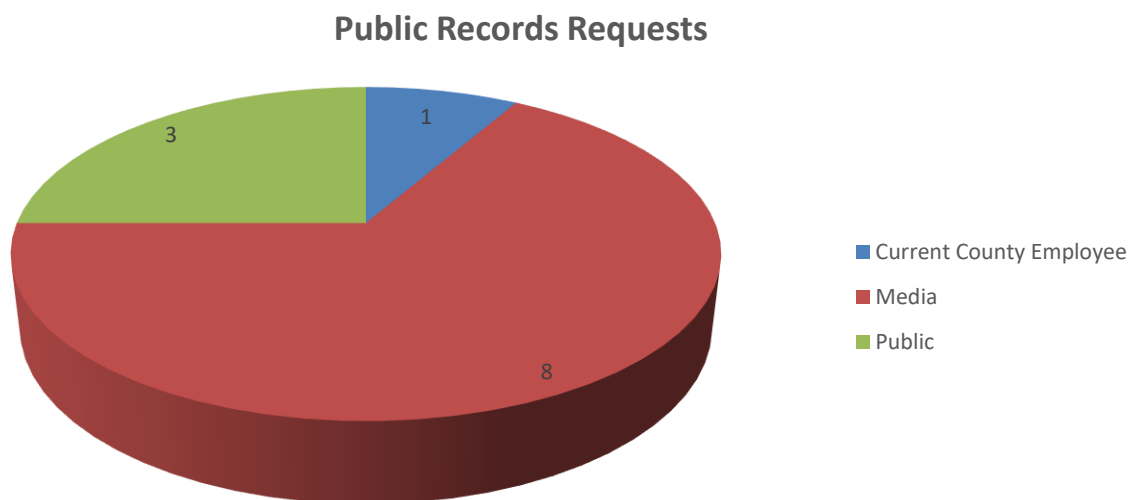
As a result of the Driver's License Review, the AIG identified a total of fourteen (14) potential violations of County Policy. The employees in question either had: 1) an expired license (10 employees); 2) suspended licenses (2 employees); or 3) licenses under suspension but were reinstated before the review was 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 twelve (12) public records requests. The AIG received eight (8) requests from the media, one (1) request from a current County employee and three (3) requests from the public.



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 second half of 2019, the AIG continued to conduct specially requested ethics training for County departments as well as non-County entities. Additionally, the AIG produced a new and interactive ethics training video for employees to satisfy their annual training requirement.

Participation in Expanded New - Employee Orientation & Training Process

In the second 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 first half of 2019 and continued through the second half.

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.

Selection by U.S. State Department to Meet with International Delegation of Anti-Corruption Leaders

The U.S. Department of State selected Cuyahoga County to meet with three (3) delegations of foreign leaders and journalists as part of the State Department's International Visitor Leadership Program. The State Department brought 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 was coordinated by the Cleveland Council on World Affairs.

The AIG met with the following delegations during the second half of 2019:

- **Multi-Country Delegation** - "Transparency and Accountability in Government"

This multi-country delegation included officials from the following countries: Belize, Bosnia and Herzegovina, Brazil, Bulgaria, Georgia, Ghana, Hungary, Jamaica, Kenya, Kosovo, Moldova, Montenegro, Nepal, North Macedonia, Serbia, Sierra Leone, Slovakia, Taiwan, Turkey and Vietnam. The purpose of their visit was to explore the role and structure of ethics in government in the United States and explore best practices underlying transparency and accountability and examine similarities and differences in approaches to ethical conduct between government and the private sector in the U.S.

- **European Delegation** – "Current U.S. Social, Political and Economic Issues for Young European Leaders"

This delegation included officials from the following European countries: Austria, Azerbaijan, Bosnia and Herzegovina, Croatia, Czech Republic, Denmark, Finland, Germany, Hungary, Italy, Latvia, Montenegro, Romania, Slovakia and the United Kingdom. The purpose of their visit was to introduce and provide broad exposure to current U.S. social, political, and economic issues and associated policy formulation; examine interrelated U.S. foreign and domestic policy topics, including homeland security and intelligence gathering; trade and economic development; immigration and integration; health and social services; environment and climate change; energy; and explore the role of diversity, the individual, and religion in the United States.

- **Democratic Republic of Congo Delegation** – "Transparency and Accountability in Government"

The representatives from the Democratic Republic of Congo were here to explore the role and structure of ethics in government in the United States and explore best practices underlying transparency and accountability and examine similarities and differences in approaches to ethical conduct between government and the private sector in the U.S.

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 second half of 2019, the AIG hosted one (2) externs.

- Christina Luo – 2L Law Student, Case Western Reserve University School of Law
- Jeffrey Scott – 2L Law Student, Case Western Reserve University School of Law

County Public Policy Fellowship program

In 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.⁸

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.⁹

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


- Amaya Razmi – Sophomore, Harvard University


Section 5.4 – Continuing Legal Education

During the second half of 2019, the AIG continued its efforts to provide continuing legal education (CLE) to attorneys, County employees, and other government stakeholders. In partnership with The State of Ohio Board of Professional Conduct, the AIG hosted a free CLE that included various topics such as 'Best Practices for Government Lawyers' and 'Navigating Attorney Client Privilege for Government Lawyers.'

Every Day Ethics for Government Lawyers...

** Pending for 2.5 Hours of CLE Professionalism Credit*





NOVEMBER 7, 2019
9:00AM

*Sponsored by the Cuyahoga County
Agency of Inspector General*

⁸ See Cuyahoga County Public Policy Fellowship Program website at <http://executive.cuyahogacounty.us/en-US/Public-Policy-Fellowship-Program.aspx>

⁹ Id.

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

Secondary Employment

ETHICS UPDATE

Secondary Employment
●
Update No. 2018 – 10



In this Advisory:

- Guidelines on Disclosing Secondary Employment
- Link to Submit Secondary Employment Disclosure Form

Recusal from Conflicts

ETHICS UPDATE

Recuse Immediately from Conflicts of Interest
●
Update No. 2019–4



In this Advisory:

- Never Act on a Conflict
- Disclose & Recuse
- No, Really...RECUSE!
- Examples

Rewards Programs

ETHICS UPDATE

Rewards & Loyalty Programs from County Purchases
●
Update No. 2019–E4

- Rewards & Loyalty Programs -





Shop Products Earn Points Use Points for Discount

In this Advisory:

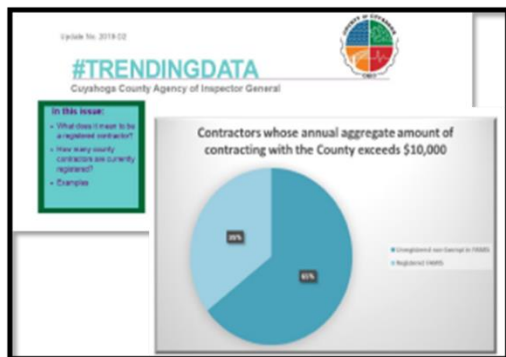
- Credit Card Rewards
- Exceptions
- No Frequent Flyer Miles & Hotel Points
- Examples
- County Travel Policy

Today, it's common to earn rewards, points, or other benefits on your private purchases. But what about business purchases? The Ohio Ethics Commission ("OEC") has made distinctions as they relate to rewards and loyalty programs and has clarified when public employees can and cannot earn rewards from reimbursements and purchases made in the course of public business.

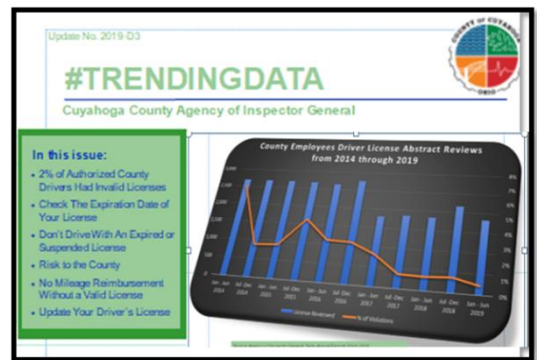


In 2019, the AIG expanded its educational outreach to include an additional newsletter titled #TrendingData, which offers a numerical story to various topics relevant to County officials and employees. During the second half of 2019, #TrendingData released three reviews of county practices, which explored trends related to Unregistered County Contractors, County Employees Drivers' License, and miles driven by County Fleet vehicles.

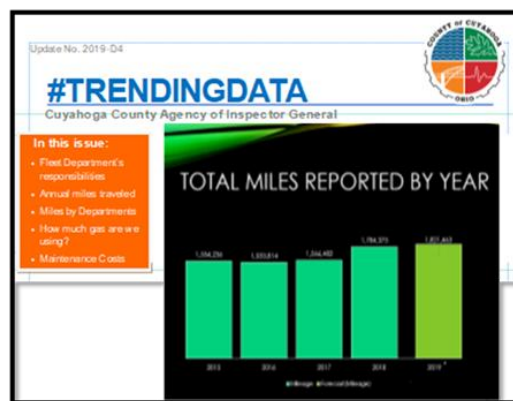
Unregistered County Contractors



County Employees Drivers' License



County Fleet Vehicle Mileage



SECTION 6: GOALS

6.1 Review of First Half Goals

6.2 Goals for Second Half



Assist Law Enforcement Investigations

Review Late Contracts

**Audit Current Contracts to Promote
Value for Taxpayers.**

Section 6.1 – Review of 2019 Second 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, these goals were achieved:

- 1) **Continue to Assist and Cooperate with Law Enforcement Authorities regarding related investigations.** The AIG continued to provide staff time, support and resources to federal, state and local law enforcement. This remains a critical goal which is of the highest priority.
- 2) **Expedite Responses to Ethics Inquiries and Conflict of Interest Reviews.** The AIG created a web-based questionnaire that will expedite the process of providing timely ethics opinions.
- 3) **Initiate Contract Audits and Reviews.** The AIG reviewed the processes and procedures of specific contracts for information technology and legal services that resulted in savings to County taxpayers in excess of \$500,000 during the last six months of 2019.
- 4) **Expand Cooperation with Tax Collection Efforts of Fishbowl Project.** In cooperation with County Prosecutor Michael C. O'Malley and County Treasurer Christopher Murray, the AIG helped precipitate tax payments from commercial properties of \$936,515 during the last six months of 2019.

Section 6.2 – Goals for First Half 2020

For the first half of 2020, the AIG intends to achieve the following goals:

- 1) **Continue to Assist and Cooperate with Law Enforcement Authorities regarding related investigations.** The AIG will continue to assist and cooperate with law enforcement. This remains a critical goal which is of the highest priority.
- 2) **Review County Departments' Submission of Late Contracts.** The AIG will work with the Executive Branch, the Board of Control and County Council to improve the County's contracting process in order to minimize the number of late contracts.

- 3) **Expand the Auditing of County Contracts.** The AIG will expand its review and auditing of County contracts to assure that taxpayers are receiving full value for their hard-earned money.
- 4) **Updates to AIG Case Management System.** The AIG plans to make changes to the current case management system to increase searchability of contractor information and to allow for automated searches of the U.S. Government System for Award Management (SAM). The automated SAM searches will make our current contractor background check system more efficient.
- 5) **Adopt an Emergency Business Continuity Plan.** The AIG will design and adopt a contingency plan to continue its business operations in the event of an emergency that requires the closure or curtailment operations at the County Administrative Headquarters.



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.¹⁰ 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, 2011.¹¹ 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

¹⁰ On July 13, 2013, the County Ethics Ordinance was codified into Title 4 of the County Code.

¹¹ 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.¹²
- The Inspector General shall receive allegations of non-criminal whistleblower complaints.¹³
- 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.¹⁴
- The Inspector General or the Department of Law may receive and rule on conflict of interest disclosures for employees.¹⁵
- The Inspector General must review and respond to secondary employment disclosures.¹⁶
- The Inspector General must review board/commission appointments by the County for conflicts of interest.¹⁷
- The Inspector General shall obtain financial disclosure statements from certain County officials and employees.¹⁸

¹² County Code, Section 403.09 (B), formerly Article 7, Section 16(D) of the Ethics Ordinance.

¹³ County Code, Section 406.01 (B), formerly Article 7, Section 17(B) of the Ethics Ordinance.

¹⁴ County Code, Section 406.01 (A), formerly Article 7, Section 18(A) of the Ethics Ordinance.

¹⁵ County Code, Section 403.04 (F), formerly Article 7, Section 23 of the Ethics Ordinance.

¹⁶ County Code, Section 403.08 (D), formerly Article 7, Section 26 of the Ethics Ordinance.

¹⁷ County Code, Section 403.04 (E) and 407.01 (L), formerly Article 7, Section 27 of the Ethics Ordinance.

¹⁸ 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.¹⁹
- The Inspector General must create and maintain a County contractor registry.²⁰

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").²¹ 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.²² 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.²³

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 General shall cooperate with the County's Personnel Review Commission.²⁴ The

¹⁹ County Code, Section 405.01 (A), formerly Article 7, Section 32 of the Ethics Ordinance.

²⁰ County Code, Section 501.19 (B), formerly Article 7, Section 34 of the Ethics Ordinance.

²¹ The AIG Ordinance was amended effective June 27, 2012 (Ordinance No. O2012-0008).

²² County Code, Section 204.01(B)(3), formerly Section 2(c) of the AIG Ordinance.

²³ County Code, Section 204.01(B)(2), formerly Section 2(b) of the AIG Ordinance.

²⁴ 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>.

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.²⁵

- 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.²⁶
- 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.²⁷
- 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.²⁸
- 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.²⁹
- 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

²⁵ County Code, Section 204.01(B)(3)(a), formerly Section 2(c)(i) of the AIG Ordinance.

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

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

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

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

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.³⁰

- 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.³¹

In conducting its duties, the AIG is required to avoid interfering in any ongoing outside criminal, civil or administrative investigation/prosecution.³² The AIG is also required to develop internal policies and procedures that ensure an investigation subject's constitutional rights are protected.³³

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.³⁴

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.

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

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

³¹ County Code, Section 204.01(B)(4)(d), formerly Section 2(d)(iv) of the AIG Ordinance.

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

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

³⁴ County Code, Section 204.01(E), formerly Section 3(e) of the AIG Ordinance.

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 contractors³⁵ who demonstrate quality business practices and maintain the highest ethical standards. Accordingly, Chapter 505 of the County Code establishes a procedure for the AIG to debar contractors who meet certain criteria related to poor business practices or unethical behavior.³⁶ Contractors who are debarred may not submit bids, proposals, statements of qualifications or any other offers to contract with

³⁵ 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.

³⁶ See County Code, Sections 505.03 (A), (B), and (C).

the County, and may not enter into any contract or agreement with the County during the duration of the applicable debarment period.³⁷

The AIG is responsible for debarring contractors who demonstrate poor business practices and/or unethical behavior.³⁸ 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.³⁹

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.⁴⁰

On April 28, 2015, §, County Council enacted new Debarment Rules which became effective on April 29, 2015.⁴¹ 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 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.⁴² All members of the Debarment Review Board shall serve without compensation.

³⁷ See County Code, Section 505.02(A).

³⁸ Codified as Chapter 505 of the County Code.

³⁹ County Code, Section 505.07, formerly Section 7(B) of the Debarment Law.

⁴⁰ County Code, Section 505.02(A), formerly Section 2(A) of the Debarment Law.

⁴¹ County Ordinance 02014-0031.

⁴² 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

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 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.

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.

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.⁴³ 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.

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

⁴³ County Code, Section 204.01(C)(2), formerly Section 3(b) of the AIG Ordinance.

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;⁴⁴
- 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.

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

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.⁴⁵
- *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?

⁴⁵ 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 Investigation⁴⁶, 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

⁴⁶ 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

	<p>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.</p>
<p>Violation – Letters of Notification, Admonition or Censure</p>	<p>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.</p>
<p>Consolidated with Ongoing Investigation</p>	<p>The subject matter of the investigation is sufficiently related to an ongoing investigation such that consolidation of the investigations is warranted.</p>
<p>Referred for Debarment</p>	<p>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.</p>

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.⁴⁷ The AIG may debar a contractor for five (5) years for certain criminal convictions or civil judgments within the preceding five (5) years anywhere in the United States. Based on certain prohibited activity, the AIG may also debar contractors for three (3) years or eighteen (18) months. The AIG may also suspend contractors who are currently suspended or debarred by certain enumerated entities.⁴⁸

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

⁴⁷ Codified as Chapter 505 of the County Code.

⁴⁸ County Code, Section 505.07, formerly Section 7(B) of the Debarment Law.

3) Serve as a subcontractor on any County contract or agreement.⁴⁹

On April 28, 2015, County Council enacted new Debarment Rules which became effective on April 29, 2015.⁵⁰ The new rule states the commencement date for the debarment period under the County law commences from the date of issuance of the debarment.

⁴⁹ County Code, Section 505.02(A), formerly Section 2(A) of the Debarment Law.

⁵⁰ County Ordinance 02014-0031.