

CUYAHOGA COUNTY AGENCY OF INSPECTOR GENERAL

SEMI-ANNUAL REPORT
JULY 1, 2022 – DECEMBER 31, 2022



ALEXANDRA R. BEELER
INSPECTOR GENERAL



**CUYAHOGA COUNTY
AGENCY OF INSPECTOR GENERAL**

February 27, 2023

Dear Citizens of Cuyahoga County,

It is an honor to present to you the Cuyahoga County Agency of Inspector General's ("AIG's") Semi-Annual Report for the period July 1, 2022, through December 31, 2022. I have now had the privilege of serving the AIG for an entire year, and I am so incredibly pleased with what we have accomplished during that time.

I am especially proud to report that we completed 53 investigations this half, which brings the total number of completed investigations to 105 for the year 2022. These results far surpass the AIG's historical semi-annual average of 23 completed investigations and are a product of the diligence and dedication of our amazing staff, our improved policies and procedures, and the new reporting measures we implemented in 2022 to ensure transparency and accountability in our operations.

Additionally, the AIG received and handled 86 whistleblower complaints; issued a record 92 ethics opinions; further developed and expanded our automated data analytics program; identified \$2,912,135.84 in uncollected taxes owed by contractors; and discovered \$117,703 in challenged costs and expenditures. We are continually reviewing our processes to ensure we are functioning as effectively and efficiently as possible while delivering quality work product and operating with the highest degree of care.

I look forward to our future as we continue to uphold the County Ethics Code, protect taxpayers' interests, and serve the citizens of Cuyahoga County.

Very truly yours,

A handwritten signature in purple ink that reads "Alexandra R. Beeler".

Alexandra R. Beeler
Inspector General



INSPECTOR GENERAL ALEXANDRA R. BEELER

Alexa Beeler was appointed as the Inspector General for Cuyahoga County on April 26, 2022, after serving in an interim capacity since the beginning of that year. In this role, Ms. Beeler serves as the County's Chief Ethics Officer. She is responsible for investigating fraud, corruption, waste and abuse in the County, which has approximately 5,000 employees and a \$1.5 billion annual budget.

Ms. Beeler began her legal career as the Judicial Staff Attorney for the Honorable Judge John P. O'Donnell. She managed the Court's distinguished Commercial Docket, affording her extensive experience handling a broad array of complex cases, including those involving fraud, embezzlement, and employee claims of retaliation. Ms. Beeler then served as an Assistant Law Director in the Cuyahoga County Department of Law. She practiced in the Contracting, Procurement and Real Estate Group, where she gained a thorough knowledge of County operations and the County Code, including required County contracting procedures and best practices for full, fair, and open competition. She primarily represented the Department of Development in all its facets with a particular focus on minimizing the County's risk regarding its economic development loans.

Ms. Beeler earned her Bachelor of Science from The Ohio State University and her Juris Doctor from Cleveland-Marshall College of Law. She served as a Federal Judicial Extern for the Honorable Christopher A. Boyko and a Corporate Legal Intern for the Sherwin-Williams Company. She was intimately involved with the Ronald McDonald House of Cleveland for six years as both Chair of the House's young professionals' group and as a Member of the Board of Trustees.

Ms. Beeler is a lifelong resident of Cuyahoga County and has been a dedicated public servant to the County since she began her legal career in 2009. She is eager to continue to serve Cuyahoga County, its employees, and its residents in her new capacity and will wholeheartedly strive to raise the standard of honesty, accountability, and transparency in County government.

TABLE OF CONTENTS

Section 1: Agency of Inspector General	6
1.1: Introduction	6
1.2: Staff	7
1.3: Budget	10
Section 2: Whistleblower Complaints	12
2.1: Whistleblower Policy.....	12
2.2: Complaint Intake.....	13
2.3: Complaint Statistics.....	17
Section 3: Investigations & Data Analytics	19
3.1: Investigations Initiated	19
3.2: Closed Investigations	22
3.3: Transparency & Accountability	30
3.4: Automated Data Analytics Program.....	31
Section 4: Ethics.....	35
4.1: Ethics Compliance Requirements	35
4.2: Ethics Advisory Opinions	36
4.3: Ethics Disclosures	41
Section 5: Contractors & Lobbyists	44
5.1: Contractor & Lobbyist Registration	44
5.2: Contractor Background Checks	45
5.3: Debarment.....	46
Section 6: Other Agency Activity	48
6.1: Driver's License Abstract Review	48
6.2: Fishbowl Project.....	49
6.3: Public Records Requests	50
6.4: Education and Outreach	51

Section 7: Goals	53
7.1: Review of Second Half 2022 Goals	53
7.2: Goals for First Half 2023	56
Appendix: Background & Jurisdiction	57
A. The Agency of Inspector General Ordinance	57
B. The Cuyahoga County Ethics Ordinance	60
C. The Charter	63
D. Jurisdiction of The Agency of Inspector General	64
E. Transparency: The AIG Website	66

SECTION 1: AGENCY OF INSPECTOR GENERAL

1.1: INTRODUCTION

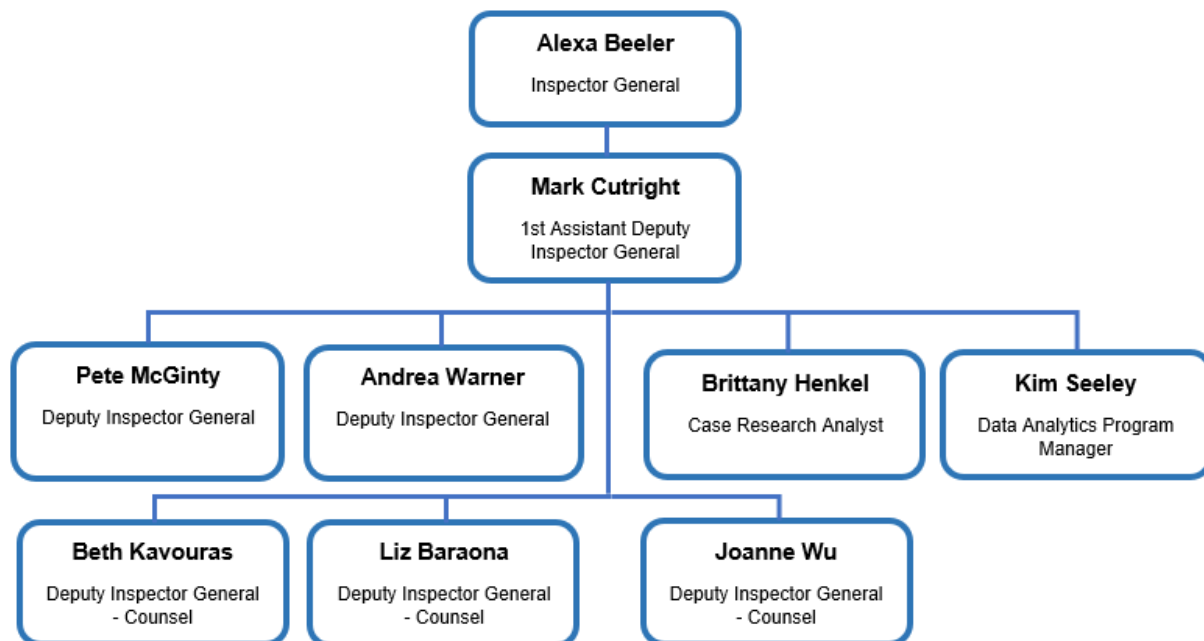
The Cuyahoga County (the “County”) Agency of Inspector General (“AIG”) was established by the County Executive and County Council to protect taxpayers’ interests by promoting honesty and accountability in County government. In furtherance of this mission, the AIG is granted broad authority to conduct 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 Ethics Code.¹ In this capacity, the AIG is entrusted with the responsibility of ensuring that County elected officials, employees, and board members, as well as lobbyists and contractors doing or seeking to do business with the County, meet the highest ethical standards.²

¹ On July 12, 2013, the County Ethics Ordinance was codified into Title 4 of the County Code.

² For additional information regarding the background and jurisdiction of the Agency of Inspector General, please see the Appendix.

1.2: STAFF

At the conclusion of the second half of 2022, the AIG operated under the following organizational structure:



Agency of Inspector General Staff Qualifications

The AIG is comprised of highly qualified individuals with the skills, abilities, and experience necessary to enable the AIG to thrive. Staff members bring an array of experiences from various levels of government as well as the private sector.



Staff members have backgrounds and/or academic degrees in:

- Accounting
- Auditing
- Ethics & Compliance
- Fraud Examinations
- Psychology
- Investigations
- Law
- Law Enforcement
- Business Administration
- Statistics and Analytics

The various certifications and licensures held by staff members include:

- Certified Inspector General Investigator
- Certified Inspector General Auditor
- Certified Leading Professional in Ethics & Compliance
- Python Certified Entry Level Programmer
- Certified Public Accountant
- Certified Fraud Examiner (2)
- Certified Information System Auditor
- Analytics Certified Data Analyst
- Attorney Licensures for Ohio (4), United States District Court, and United States Supreme Court

Office Development: 2022 Training Focused on Topics Related to Fraud and Ethics



The AIG continuously develops and invests in its most valuable asset: its staff. The AIG strives to build a team that has the collective capacity to perform across various skill sets to accomplish its mission of identifying fraud, waste, and abuse and ensuring County employees understand and abide by the County Ethics Code, all while maintaining the highest level of professionalism.

In this reporting period, AIG staff members attended trainings on a variety of topics to enhance their skills, including:

- The Ohio Ethics Law: A Deeper Study
- Behavioral Ethics for Government Auditors and Investigators
- Grant Fraud: Schemes, Red Flags, and Remedies
- IG Strategies to Leverage Data Transparency
- Attacks, Threats, and Vulnerabilities for CompTIA Security
- Exploring Web Scraping with Python
- Beyond the Numbers; Conducting Interviews
- Fighting Fraud in Government

Information learned during these trainings is shared with the team as part of the AIG's commitment to provide continuous training to its staff on relevant topics, as well as trainings centered on the County Code and Charter, ethics laws, data analytics, and proper investigative techniques and protocols. Additionally, the AIG provides resources for continuing education to further develop, cross-train, and add new skills to its staff of professionals.

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

1.3: BUDGET

The AIG was granted a total budget of \$1,109,882 for 2022. The following is a summary of the AIG's actual budget performance through December 31, 2022:

ACCOUNTING UNIT IG100100	2022 BUDGETED AMOUNT	2022 ACTUAL SPENDING	DIFFERENCE
Personnel	1,001,028	921,731	79,297
Non-Personnel	43,634	38,979	4,655
Total	1,044,662	960,710	83,952

ACCOUNTING UNIT IG285100 ³	2022 BUDGETED AMOUNT	2022 ACTUAL SPENDING	DIFFERENCE
Personnel	44,764	16,257	28,507
Non-Personnel	20,456	17,089	3,367
Total	65,220	33,346	31,874

TOTAL AIG BUDGET	2022 BUDGETED AMOUNT	2022 ACTUAL SPENDING	DIFFERENCE
Personnel	1,045,792	937,988	107,804
Non-Personnel	64,090	56,068	8,022
Total	1,109,882	994,056	115,826

³ 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 lobbyists and non-exempt contractors. All such fees collected fund the AIG vendor registration account associated with Accounting Unit IG285100 in the above budget summary. This fund is used to pay for vendor-related operating costs as well as the current salaries of AIG staff to the extent that they perform services related to contractor registrations, background checks and debarment investigations. Finally, all bank fees associated with the online vendor registration process are paid from the vendor registration account.

The AIG operated well under budget in 2022, with a total year-end surplus of \$115,826. The Personnel category had a surplus of \$107,804 due to staff vacancies that occurred throughout the year, which makes the AIG's 2022 accomplishments even more impressive. The AIG ended 2022 at full staffing levels, so a similar surplus for 2023 is not anticipated.

The remaining \$8,022 surplus was for the Non-Personnel category. During the second half of the year, the AIG reviewed its spending for Non-Personnel expenses to determine whether an opportunity existed to decrease costs. During that review, the AIG noted that one of its software contracts allowed for more licenses than were necessary. The AIG worked with the vendor to adjust the number of licenses to only those that were essential, thereby lowering the cost of the contract and saving \$4,200 for 2022.

Based on the County's population of 1,264,817,⁴ the amount spent to operate the AIG in 2022 amounts to less than \$.79⁵ per citizen per year. In return, the AIG provides services that are unquantifiable but unequivocally valuable, including independently overseeing County operations to detect fraud, waste, and abuse, issuing ethics opinions to employees and elected officials, receiving whistleblower complaints and investigating allegations of ethical misconduct, completing contractor and lobbyist registrations, and challenging County costs and expenditures that the AIG determines to be improper, unnecessary, unreasonable, or lacking proper documentation.

79¢

The average person spends more than 4x that amount on just one gallon of gasoline.⁶



⁴ Based on 2020 U. S. Census Data <https://www.census.gov/quickfacts/fact/table/cuyahogacountyohio#>

⁵ This amount is calculated based on the total spending across all accounts, notwithstanding that Accounting Unit IG100100 is the only account funded by the General Fund and Accounting Unit IG285100 is a revenue-generating account funded by contractor registrations and not taxpayer dollars.

⁶ According to the U.S. Energy Information Administration, the national average cost of a gallon of regular gasoline was \$3.41 on 1/23/23. <https://www.eia.gov/petroleum/gasdiesel/>

SECTION 2: WHISTLEBLOWER COMPLAINTS

2.1: WHISTLEBLOWER POLICY

On April 26, 2022, Cuyahoga County Council updated the Whistleblower Policy, as detailed in Chapter 406 of the County Ethics Code.

The new policy defines a whistleblower as anyone who reports either a violation of County, state, or federal law, rule, or regulation, or an allegation of fraud, corruption, waste, abuse, misfeasance, and/or malfeasance, and instructs that a whistleblower complaint may either be written or verbal. The Ethics Code protects whistleblowers by prohibiting retaliatory action against whistleblowers who report in good faith and by providing a remedy for those who experience retaliatory action because of their whistleblower complaint, namely allowing those individuals to file a retaliation complaint with the Personnel Review Commission. These protections are available to all whistleblowers, regardless of how they made their whistleblower complaint.

One constant that remained through the changes is the **requirement** that any County elected official, employee, or board member with actual knowledge of a violation of the County Ethics Code make a whistleblower complaint. The Whistleblower Policy prohibits the filing of a whistleblower complaint in bad faith, and additionally prohibits retaliation against a whistleblower for making a whistleblower complaint.

The new Whistleblower Policy makes reporting whistleblower complaints easier for County employees by allowing them additional avenues to make the complaint. Employees are now permitted to make whistleblower complaints to a supervisor in their chain of command or to the Department of Human Resources (“HR”) in addition to reporting to the AIG. If a supervisor receives a complaint, it must be reported to the AIG or HR within five days; if HR receives a complaint, either from a whistleblower or the whistleblower’s supervisor, then HR must notify the AIG within five days.

2.2: COMPLAINT 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 whistleblowers to easily and discreetly file complaints:

- *AIG Whistleblower Hotline (216-698-2999)* – This number is prominently displayed on the AIG’s website, on post cards and business cards distributed to employees and members of the public, and on posters displayed throughout all County buildings. A whistleblower may call during business hours and speak with AIG staff or call after business hours and leave a message detailing the allegations.
- *Online Whistleblower Complaint Form* – Anyone may file a complaint online by completing and submitting the Whistleblower Complaint Form, accessible through the Inspector General’s new website at <http://cuyahogacounty.us/inspector-general/>. Submitted forms are confidentially received directly by AIG staff.
- *Email* – The AIG’s general email account is inspectorgeneral@cuyahogacounty.us and may be used to make whistleblower complaints as well as other communications to the AIG.
- *Direct Phone/Mail/E-mail/Walk-In* – Individuals are always permitted to directly contact AIG staff with complaints or concerns.
- *Referral from County Officials* – County officials are encouraged to forward any complaints regarding fraud, waste, or abuse to the AIG.
- *Supervisors and the Department of Human Resources* – Pursuant to the new Whistleblower Policy, if a whistleblower complaint is received by a supervisor or HR, the complaint must be promptly referred to the AIG.
- *Mail, Fax, Letter Under the Door, etc.* – We want to hear from anyone with information and welcome any whistleblower complaint by any method – there is no wrong way!

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 is seeking legal assistance or that another agency is better suited to address a complainant's issue, the AIG 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.

Triage: What Happens to Whistleblower Complaints?

When the AIG receives a whistleblower complaint or a tip, it is logged into our electronic case management system and assigned a complaint number. Each complaint is then reviewed by the AIG to determine how to best handle the allegations in a process called "triage." In 2022, the AIG implemented a major process improvement that requires each whistleblower complaint to be triaged within five (5) business days of its receipt. During this review the following elements are assessed:

- *Jurisdiction* – Does the AIG have jurisdiction over the subject of the complaint?
- *Allegations* – Is the AIG the most appropriate entity to investigate the allegations, or is it a personnel matter most appropriately addressed by Human Resources or line management?
- *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 potential negative impact of the alleged wrongdoing, if it is in fact occurring?
- *Potential for exposing systemic issues* – Does the complaint raise larger systemic issues that may need to be addressed?

After weighing each of these factors, the AIG resolves the complaint through one of the following dispositions:

- *Decline Investigation for Lack of Jurisdiction* – The AIG will not investigate the allegations in the complaint because they fall outside the jurisdiction of the AIG. When appropriate, the AIG will refer either the complaint or the complainant to the proper entity with jurisdiction to address the complaint.
- *Decline Investigation for Lack of Information* – The AIG will not initiate an investigation where a complaint lacks sufficient detailed allegations of wrongdoing and the complainant cannot be reached to provide necessary information.
- *No Prima Facie Violation* – The AIG will not initiate an investigation or make a referral where the allegation(s) in the complaint, if true, would not be a violation of the County Code or relevant state or federal laws, rules, or regulations.
- *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.
- *Management Referrals* – A management referral is a complaint that is forwarded to the applicable department supervisor or director with no response requirement. Management referrals are used when the complaint alleges behavior that is best addressed by department management or by the Department of Human Resources.

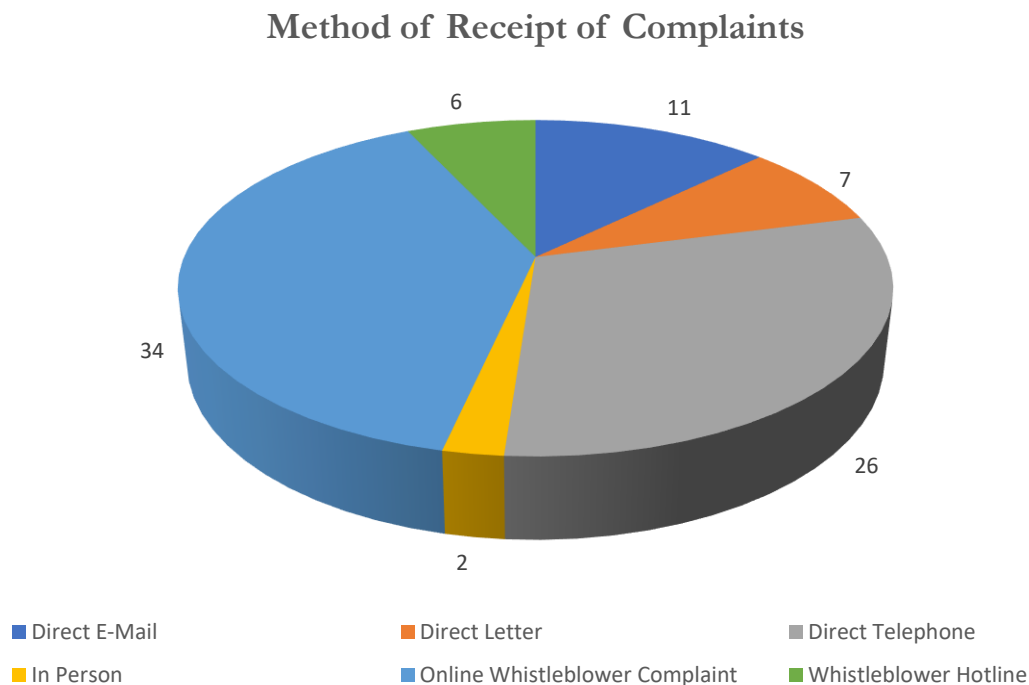
- *Law Enforcement Referral* – If the AIG receives information that reveals reasonable grounds to believe a violation of state or federal law has occurred, the complaint will be referred to the appropriate law enforcement agency.
- *Alternative Appeals Process Available* – The AIG will not initiate an investigation if there is a defined process in place for the complainant to follow to resolve his/her complaint. This disposition is mostly used on complaints concerning personnel matters.
- *Referred for Welfare Fraud* – Cuyahoga County citizens with information concerning welfare fraud occasionally mistake the AIG for the entity responsible for investigating such allegations. If a complaint is filed containing all necessary information, the AIG will make the online report for these complainants through the appropriate state portal in keeping with our customer focused orientation and belief that there is no wrong door.
- *Initiate Investigation or Review* – Complaints that allege fraud, waste, or abuse or a violation of the County Ethics Code are turned into an investigation or review⁷ and assigned to an investigator.

⁷ For purposes of this report, the term “investigation” includes reviews.

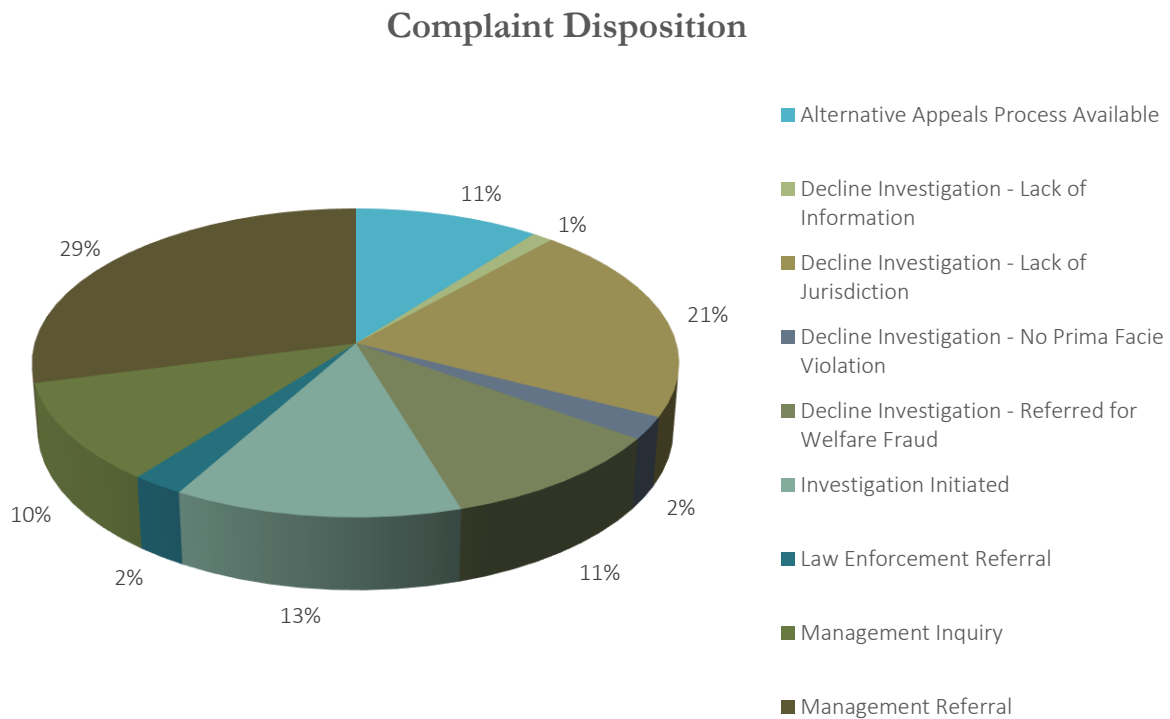
2.3: COMPLAINT STATISTICS

The AIG received eighty-six (86) unique whistleblower complaints from July 1, 2022, through December 31, 2022. The complaints were received from current and former County employees, contractors, members of the public, and anonymous sources.

The AIG's ability to be effective is directly linked to its accessibility. During this reporting period, whistleblowers utilized various methods for submitting complaints, with the online complaint form and direct telephone calls accounting for the most frequently used methods of making whistleblower complaints.



The eighty-six (86) whistleblower complaints received during the second half of 2022 were all timely triaged and resolved in the following ways:

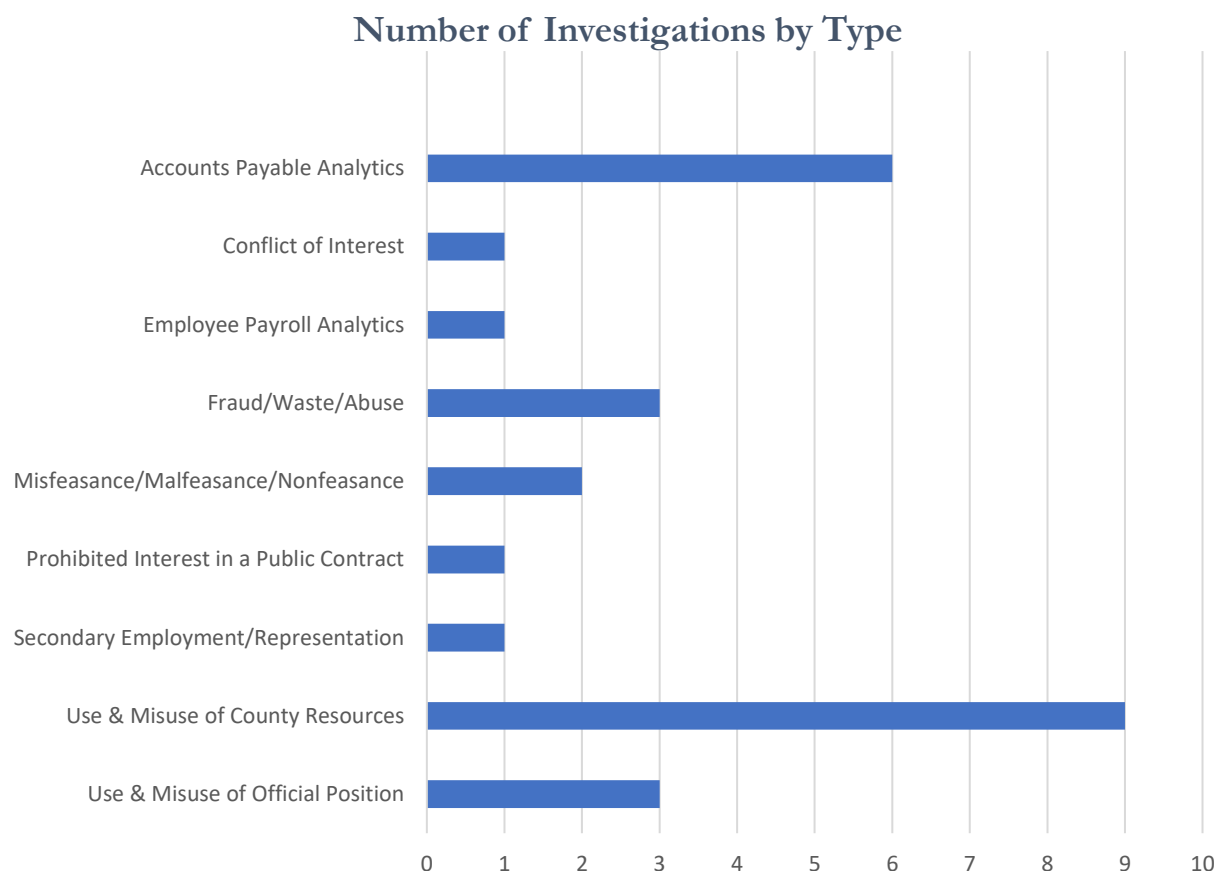


The AIG is committed to supporting – rather than reducing – the authority of line-supervisors and directors to manage their departments. Therefore, when appropriate, complaints alleging personnel issues are referred to department management and/or the Department of Human Resources.

SECTION 3: INVESTIGATIONS & DATA ANALYTICS

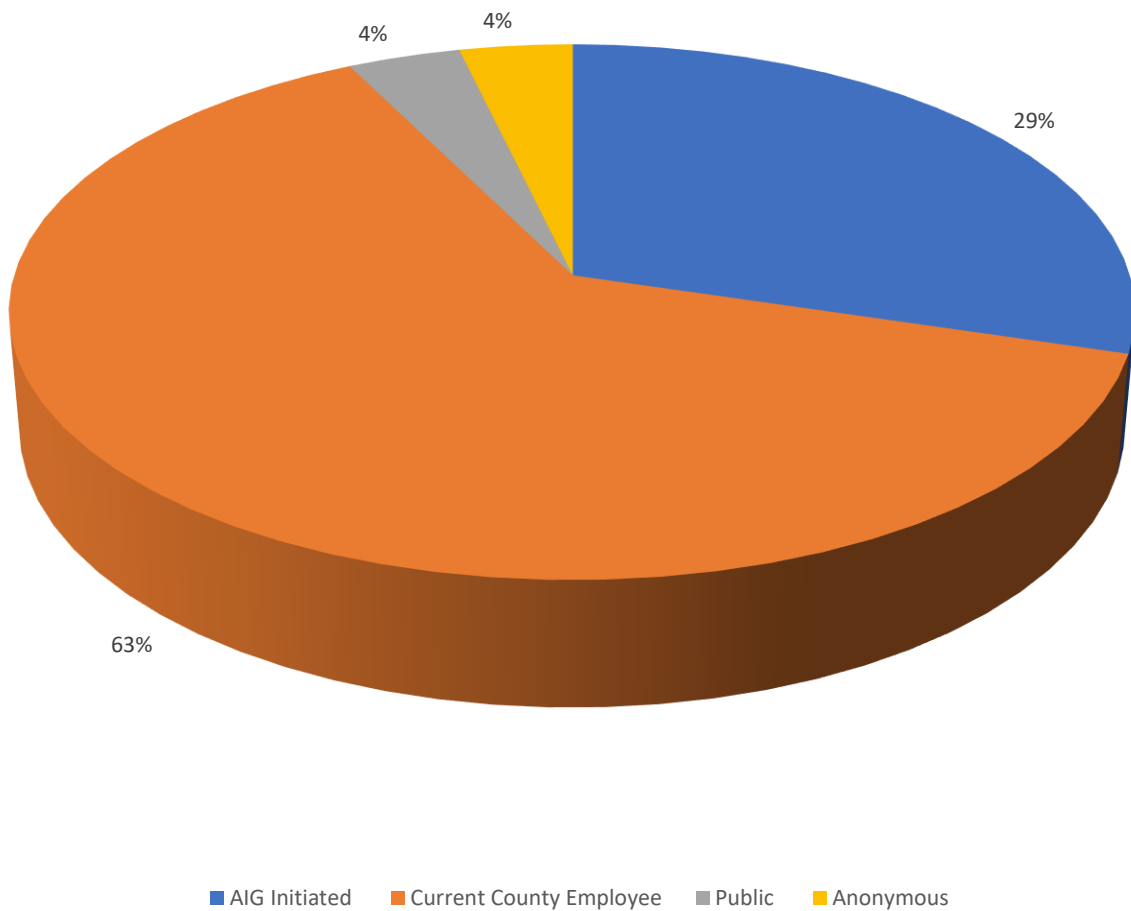
3.1: INVESTIGATIONS INITIATED

The AIG initiated twenty-seven (27) investigations during this reporting period. The following is a summary of the nature of those investigations:



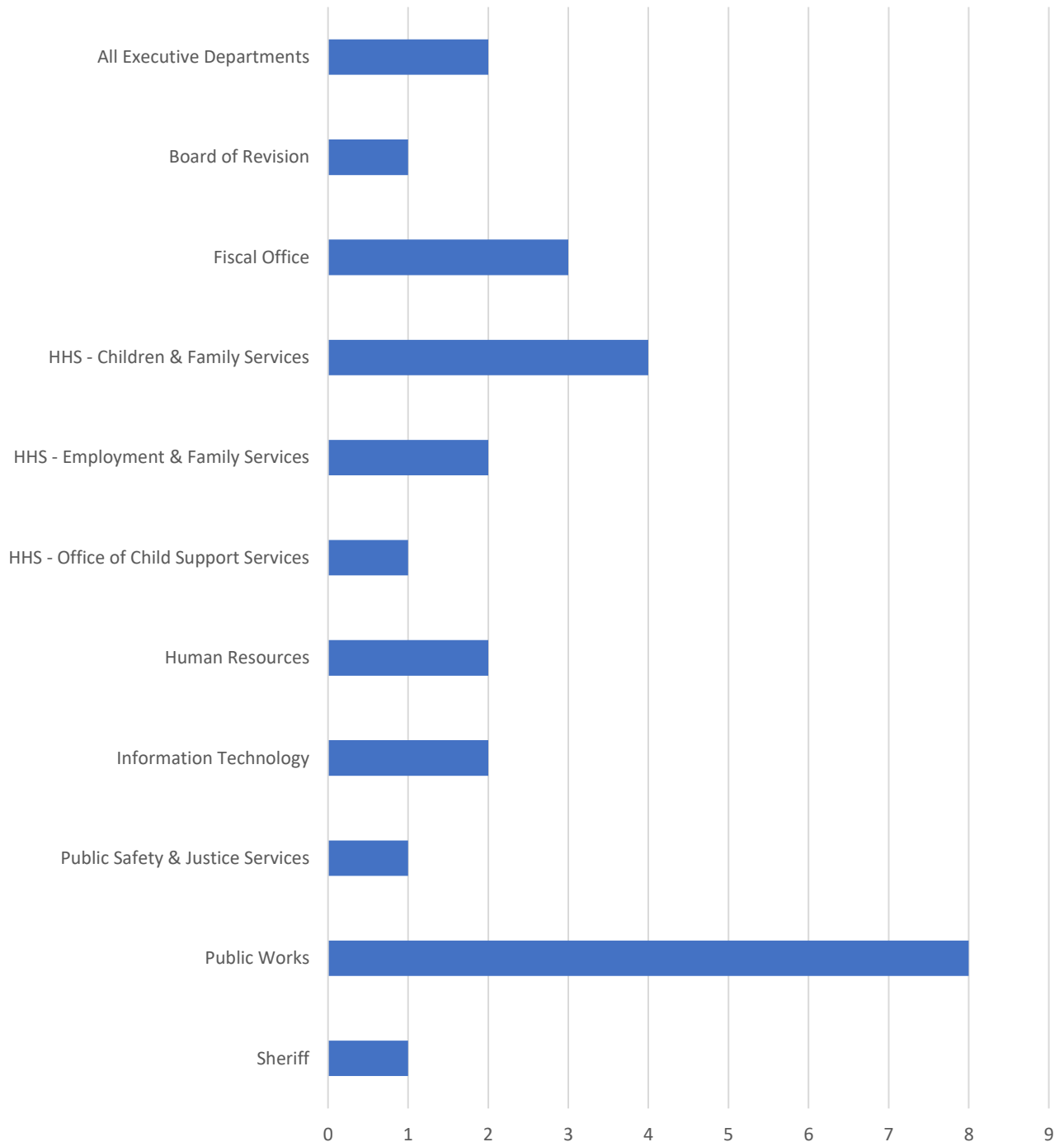
The AIG initiated investigations stemming from a wide range of complaints during this reporting period, with the Use & Misuse of County Resources category accounting for the greatest number of investigations initiated, followed by Accounts Payable Analytics.

Source of Investigations



Current County employees were the largest source of newly initiated investigations, followed by investigations initiated by the AIG.

Investigations Initiated by Department



During this reporting period, the highest number of newly initiated investigations were in connection with Public Works and the Department of Children & Family Services.

3.2: CLOSED INVESTIGATIONS

Investigation 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 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 referred out with the exception that an individual considered a subject of the investigation is typically 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/or the appropriate County Department Director. The AIG may request a written response from the County Executive or the applicable Department Director addressing the issue and identifying any remedial action. An individual considered a subject of the investigation is typically 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/or the Director of Human Resources for consideration of corrective and/or disciplinary action for the individual. If the investigation revealed systemic issues warranting intervention or consideration by County management, the report and/or findings may be referred to the applicable Department Director. The AIG may request a written response from the County Executive or the applicable Department Director addressing the issue and identifying any remedial action. An individual considered a subject of the investigation is typically 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/or the Director of Human Resources for consideration of corrective and/or disciplinary action for the individual. In addition, the report and/or findings are referred to the appropriate law enforcement agency. If the investigation revealed systemic issues warranting intervention or consideration by County management, the report and/or findings may be referred to the applicable Department Director. The AIG may request a written response from the County Executive or the applicable Department Director addressing the issue and identifying any remedial action. An individual considered a subject of the investigation is typically notified in writing of the findings unless it would jeopardize the law enforcement investigation.

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

The investigation revealed reasonable grounds to believe an individual violated a provision of Title 4 of the County Code. A letter of notification is used to inform a public official or employee of a violation if the violation was clearly unintentional or inadvertent and advises of any steps to be taken to avoid future violations. A letter of admonition expresses disapproval of the violation and is used when the violation was knowingly committed but nevertheless is a minor offense. A letter of censure condemns an employee for the violation and is used when the respondent intentionally or knowingly committed major violations or committed repeated minor violations.

***Consolidated with
Ongoing Investigation***

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

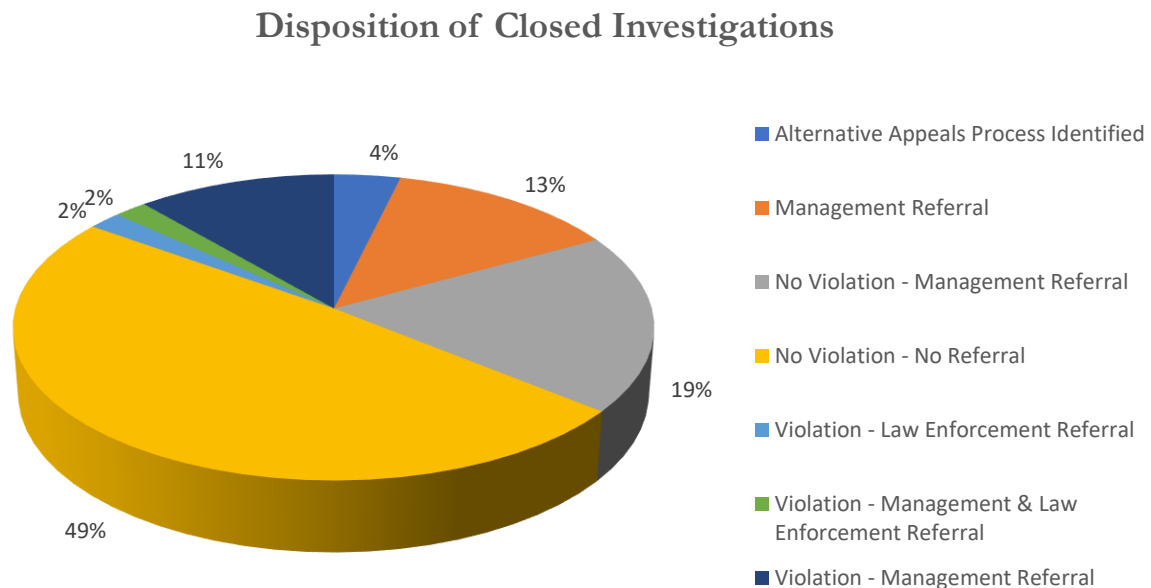
Referred for Debarment

The investigation revealed reasonable grounds to believe the contractor violated a provision of Chapter 505 of the County Code. Debarment proceedings are then initiated against the contractor based on the debarment investigation report.

Investigation Disposition Statistics

During this reporting period, the AIG issued findings on and completed fifty-three (53) investigations. This far exceeds the AIG’s historical average of twenty-three (23) completed investigations in a half-year period.

Below is a summary of the dispositions of those fifty-three (53) completed investigations:



The AIG referred two (2) cases to the appropriate law enforcement agency for potential prosecution. In seven (7) instances the AIG referred the investigative reports to management and/or the Department of Human Resources for possible discipline. The AIG identified systemic issues and made corresponding recommendations as a result of thirteen (13) investigations.

Challenged Costs / Expenditures

As a result of the investigations completed this half, the AIG identified \$117,703 in challenged costs and expenditures. Since the AIG’s inception, it has identified \$7,830,016 in challenged costs and expenditures as a result of the AIG’s investigations and reviews.

Representative Examples of Recent Investigations

Below are summaries of investigations completed during this reporting period.

21-0070-I - SHERIFF'S DEPARTMENT COMMISSARY PROCUREMENT

The AIG initiated an investigation into the Sheriff's Department Commissary (the "Commissary") procurement practices and the use of profits generated by operations. The evidence indicated that poor management controls in the Commissary procurement cycle has led to Commissary funds being used for unallowable expenditures, waste due to mismanagement, and noncompliance with County and state procurement and budgetary administrative laws.

The Commissary was established pursuant to Ohio Revised Code §341.25, which provides that a commissary must have an associated commissary fund. R.C. §341.25(B)(3) requires that any profit generated by commissary operations only be used from a commissary fund for a limited set of allowable uses, which are:

- “(a) [t]o purchase supplies and equipment, and to provide life skills training and education or treatment services, or both, for the benefit of persons incarcerated in the jail;
- (b) [t]o pay salary and benefits for employees of the sheriff who work in or are employed for the purpose of providing service to the commissary;
- (c) [t]o purchase technology designed to prevent contraband from entering the jail.”

To ensure that Commissary profits were being used for their intended purpose, the AIG selected a sample of payments from year 2020 and reviewed them for compliance. The AIG identified \$102,144.54 in Commissary fund expenditures that are not for allowable uses under R.C. §341.25(B)(3), including a vehicle, riot ammunition, laptops, printers, headsets, employee travel, employee reimbursement for groceries, parking, and a \$25,000 payment on a contract for a sex offender community notification program (the AIG initiated a separate investigation into this payment, detailed in the next Representative Example).

In addition, the AIG identified \$3,197.20 in vendor overpayments, significant control weaknesses such as a lack of segregation of duties and an unsecured check supply, and noncompliance with the following procurement and budgetary administrative laws:

- Ohio Revised Code §5705.38 for budget appropriations;
- County Code §501.18 for budget encumbrances;

- County Code §§501.04(A)(1)(a) & (B)(1) for purchase approval by County Council or the Board of Control;
- County Code §501.12(B) for competitive bidding;
- County Code §501.17 for Law Department contract review; and
- County Code §501.19(B) for registering contractors with the AIG.

As a result of this investigation, the Sheriff, in collaboration with the Fiscal Officer and the Director of the Office of Budget & Management, implemented the AIG's recommendation to bring the Commissary fund under the County's Fiscal Office.⁸ This will ensure adherence to the above-cited rules, segregate incompatible duties, and reduce the risk of future expenditures in violation of R.C. §341.25(B)(3).

21-0073-I – WATCH SYSTEMS, LLC CONTRACT ADMINISTRATION

The AIG initiated an investigation into the Sheriff's Fiscal Office's ("SHFO's") administration of its Watch Systems, LLC contract after it identified the aforementioned \$25,000 payment from the Commissary fund. Watch Systems, LLC provides community notifications and verification of sex offender's residences within Cuyahoga County, which is not an allowable use of Commissary funds. Thus, the \$25,000 payment to Watch Systems, LLC from the Commissary fund was in violation of §341.25(B)(3).

The Watch Systems, LLC contract and two subsequent amendments were approved by the Board of Control to be paid from the Sheriff's general fund up to a not-to-exceed amount for May 2016 – December 2021. In September 2020, Watch Systems, LLC emailed the SHFO regarding a \$21,000 outstanding balance from the previous year. In response, the SHFO requested that Watch Systems, LLC send an invoice for \$25,000. SHFO staff then issued a \$25,000 check from the Commissary fund and presented it to KeyBank to purchase a cashier's check in the amount of \$25,000, which was then used to pay Watch Systems, LLC. When considering the \$25,000 payment from the Commissary fund, the SHFO's payments to Watch Systems, LLC exceeded the contract's approved not-to-exceed amount by \$25,000.

Then, in late 2021 in anticipation of the contract's end date, the SHFO directed Watch Systems, LLC to quote the SHFO for a 5-year term at the cost of \$95,000 per year totaling \$475,000, which per the County Code would require Board of Control approval. However, the actual cost of services for the previous 5 years was \$525,000. If the SHFO had requested

⁸ The target date for completing the transition is April 1, 2023.

a quote that was reflective of historic spending, it would have been in excess of the \$500,000 threshold requiring approval by County Council.

Additionally, there is no contract compliance function in place to review and authorize vendor invoices for the contract. Typically, the County pays for services after they are performed. However here, prepaid amounts, generally in the amount of \$100,000, are paid to the vendor annually. The vendor then draws down on these funds as it provides services and sends invoices to the SHFO. The SHFO does not perform contract monitoring or oversight to ensure that the invoices are accurate and/or that the services invoiced – which as of the time of the report totaled \$600,000 – were actually provided.

22-0053-I – MISUSE OF COUNTY PARKING PASS

The AIG initiated an investigation into the alleged misuse of a County-owned parking pass. The pass had been assigned to a County vehicle that was decommissioned in September 2017. The allegation stated that a current employee, who was the former driver of the decommissioned vehicle, had been using the pass as his own to park his personal vehicle.

The AIG obtained the parking pass usage records and images of the vehicle using the pass to confirm the identity of the employee in question. Investigators compared a five-month sample of the employee's timesheet entries to the parking pass usage records. The comparison revealed that there were time swipes in and out of the parking garage every day the employee worked, without exception. Additionally, of the 192 entry/exit records analyzed, the parking permit was used within 10 minutes of when the employee in question reported that his workday started/ended.

As a result of the investigation, the AIG concluded there was sufficient evidence to indicate the employee misused the County-owned parking pass by taking it without authorization and using it to park his personal vehicle for his own personal financial benefit in violation of County Ethics Code §403.02.

22-0046-I – MISUSE OF POSITION / MISUSE OF COUNTY RESOURCES

The AIG initiated an investigation after receiving an allegation that a senior-level County employee, who was previously employed by a County contractor, may not have terminated his employment relationship with the County contractor upon starting service with the County,

thereby placing him in a position through his County role to approve invoices from the County contractor that potentially included work he performed for the County contractor. This allegation arose when a departmental employee noted that the senior-level employee used an email address associated with the County contractor when discussing County business in his County role, when it was believed that the senior-level employee terminated his employment relationship with the County contractor upon commencing his County employment.

The AIG reviewed the relevant invoices and supporting documents, which demonstrated minimal overlap between the end of the County's contract with the County contractor and the employee's employment with the County. The AIG confirmed that a supervisor other than the employee in question approved the invoices for payment to the County contractor. Thus, there was insufficient evidence to indicate the employee misused his County position to either approve invoices to a business associate and/or approve invoices that included work he performed for the County contractor.

However, the AIG's review of the employee's emails during the investigation revealed instances of the employee conducting business for a different outside employer using his County email and that some of that business was conducted on County time. Thus, there was sufficient evidence to indicate that the employee misused his County email and County time in violation of County Ethics Code §403.02, which prohibits conducting non-County business using County resources.

3.3: TRANSPARENCY & ACCOUNTABILITY

Reporting the number of closed investigations each half does not tell the full story of how the AIG is performing. In our effort to increase transparency and accountability throughout County government, it is imperative that we are fully transparent and accountable. Therefore, in 2022 we implemented new reporting measures to help gauge how we are truly performing as an agency.

One such measure we have identified is reporting the number of days it takes the AIG to complete its investigations. This number reflects the total number of days from the date we initially receive the whistleblower complaint⁹ to the date we issue the Report of Investigation (“ROI”). This provides a comprehensive picture of how we are doing in all case stages, including how long it takes to triage the complaint and assign it to an investigator, how effectively AIG management¹⁰ works with the investigator to determine the scope and focus of the investigation, how efficiently the investigator conducts the investigation and prepares a draft of the ROI, and how promptly AIG management reviews and provides feedback so that the final ROI may be issued.

This half, the fifty-three (53) investigations we completed took an average of 489 days to complete, with the median being 217 days. These numbers are high, however they are a marked improvement over the timeliness of the fifty-two (52) investigations we completed the first half of 2022, which took an average of 671 days and a median of 352 days to complete. These figures represent our focused effort to address the backlog, which paid off during this half as we worked through our remaining old investigations.

Another measure to increase our transparency is reporting the number and age of our open investigations. At the beginning of this reporting period, we had thirty-one (31) open investigations that were open for an average of 618 days and a median of 261 days. As of the last day of this reporting period, there were thirteen (13) open investigations. Those investigations have been open an average of 64 days, with the median days open being 44. These numbers reflect our successful efforts at bringing our cases current and increasing the timeliness of our investigations.

⁹ If it is an AIG-initiated investigation, the start date is the date it is initiated in our case management system.

¹⁰ AIG management includes the First Assistant Deputy Inspector General and the Inspector General.

Program Overview

[illegible]

- By the end of the second half of 2022, the scripts for all four analytics were developed and run using the County's 2020 data and the initial results were analyzed and investigated as needed. The AIG is prioritizing the analysis of the County's 2021 and 2022 data, as detailed below in Section 7: Goals. Once all periods and financial records through 2022 are analyzed, the AIG intends to run these analytics on regular intervals throughout the year. The AIG will maintain the automated data analytics program as a priority, as it will continue to assist in the identification of transactions and occurrences that are not compliant with County Code and/or indicative of fraud, waste, or abuse.

Accounts Payable Analytics

PAGE | 31

An automated data analytics program was developed to inspect the County's Infor Lawson financial data for both Accounts Payable and Cashbook payments and the relevant vendor records. This automated program included multiple individual analytics with numerous steps performed, including importing data, converting records, analyzing records, and reporting on results for further research. By establishing this automated program, future investigations of County payment records will be streamlined.



This program was used to automate the analysis of over 97,000 unique payment records in excess of \$3,000,000,000 issued by the County in 2020 to identify unusual transactions within the entire population of payments. One area of focus was duplicate payments, which are those payments where the same invoice is paid twice, either to the same vendor or to different vendors. Infor Lawson has input controls to prevent an exact matching invoice number from being paid more than once to the same unique vendor record. However, through data cleansing and utilizing a script to compare key fields within the payment records, the AIG identified 33 duplicate payments issued by Executive agencies in 2020 totaling \$264,556¹¹ that were a result of control weaknesses and the override of input controls. The vendors identified and initiated repayments totaling \$246,346, while the County identified \$3,672 issued in error. The remaining \$14,538 of duplicate payments issued to vendors in 2020 was outstanding and uncollected at the time it was identified by the AIG's investigation.

Contractor Registration Compliance

The AIG established a data analytics program to ensure that contractors who do more than \$10,000 in business with the County annually are properly registered as required by County Code. Contractor registration is vital in ensuring the County only does business with upright and law-abiding contractors. As part of registration, contractors undergo ethics training and must demonstrate an understanding of the ethics laws by passing a quiz. Additionally, each time a contractor registers with the AIG, the AIG performs a comprehensive background check on both the contractor and its principals.

¹¹ In addition to these duplicate payments the AIG identified \$95,655 of 2020 duplicate payments associated with non-executive agencies. The AIG only reviewed the records managed by the County's Fiscal Office on behalf of those non-executive agencies and did not perform any additional investigative steps. These preliminary findings were referred to the Fiscal Office for further review.

The analytics for the contractor registration compliance use the County's Infor Lawson financial data records to identify contractors doing more than \$10,000 in business with the County per year. Those contractors are compared to the AIG's Contractor Registration records contained in its online Confidential Case Management System ("CMTS") to identify any County contractors meeting that \$10,000 threshold that are not properly registered with the AIG.

The first run of this program and subsequent outreach to the non-compliant contractors spurred 60 contractor registrations. Twenty-three of the contractors contacted by the AIG provided evidence that they are exempt from registration and will be excluded from the review of future results.

Unlawful Interest Analytics



The AIG developed a data analytics program to determine whether any County employees or elected officials (collectively, "County officials") held an unlawful or undisclosed interest in any of the County's contracts in violation of the County Code and the Ohio Revised Code.

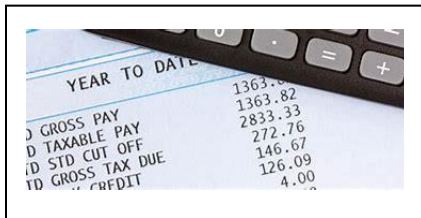
County and state law prohibit County officials from doing business with the County unless a very narrow exception applies (County Code §403.03(C) & R.C. §2921.42). Additionally, County officials are prohibited from using their public positions to secure a financial or material benefit for themselves, a relative, or any private organization in which they have an interest (County Code §403.03(A) & R.C. §102.03), and anytime a matter involving the exercise of discretion comes before County officials where the disposition of the matter could result in a benefit to themselves, a relative, or any private organization in which they have an interest, they must disclose the conflict and fully recuse themselves from the matter (County Code §§403.04(A), (B), & (C), & R.C. §102.03).

Data analytics software, Caseware IDEA, was utilized to develop and automate the comparison of records from the County's financial records, HRIS (Human Resources) records, and the AIG's CMTS Contractor Registration records. This automated process allows the AIG to detect if a County official also has a vendor relationship with the County and allows the AIG to better identify gaps in the reporting, recusal and removal from the decision-making process when conflicts of interest exist.

Six (6) investigations were initiated as a result of this run. The investigations did not reveal a violation of the County Ethics Code, however one investigation identified a department program with internal control weaknesses that increased the risk of theft. The department subsequently notified the AIG that they implemented the recommendations to address the control gaps and mitigate future risk.

Employee Payroll Analytics

The AIG established a data analytics program to inspect for possible fraud, waste, or abuse in the County's payroll cycle. Cuyahoga County Code Section 204(B)(3) provides the AIG with investigative powers and duties for investigating fraud, waste and abuse without interference or pressure from any public official or employee.



YEAR TO DATE	
GROSS PAY	1363.82
TAXABLE PAY	1363.82
STD CUT OFF	2833.33
GROSS TAX DUE	272.76
CREDIT	146.67
	126.09
	4.00

An automated data analytics program was developed to inspect the County's legacy payroll data from 2020 as well as the relevant employee records. Over 122,000 Executive agency employee payroll records totaling more than \$280,000,000 were included in the data population. The analytics enable the AIG to examine and investigate unusual payroll activity by identifying such instances as an unusual number of paychecks issued to an employee in a specified period, unreasonable amounts of regular or overtime pay based on the individual's information, erroneous payments to former employees after their termination date, and other unusual payment activity and changes associated with key payroll records.

The AIG is currently analyzing the results and creating spin-off investigations as needed.

SECTION 4: ETHICS

4.1: ETHICS COMPLIANCE REQUIREMENTS

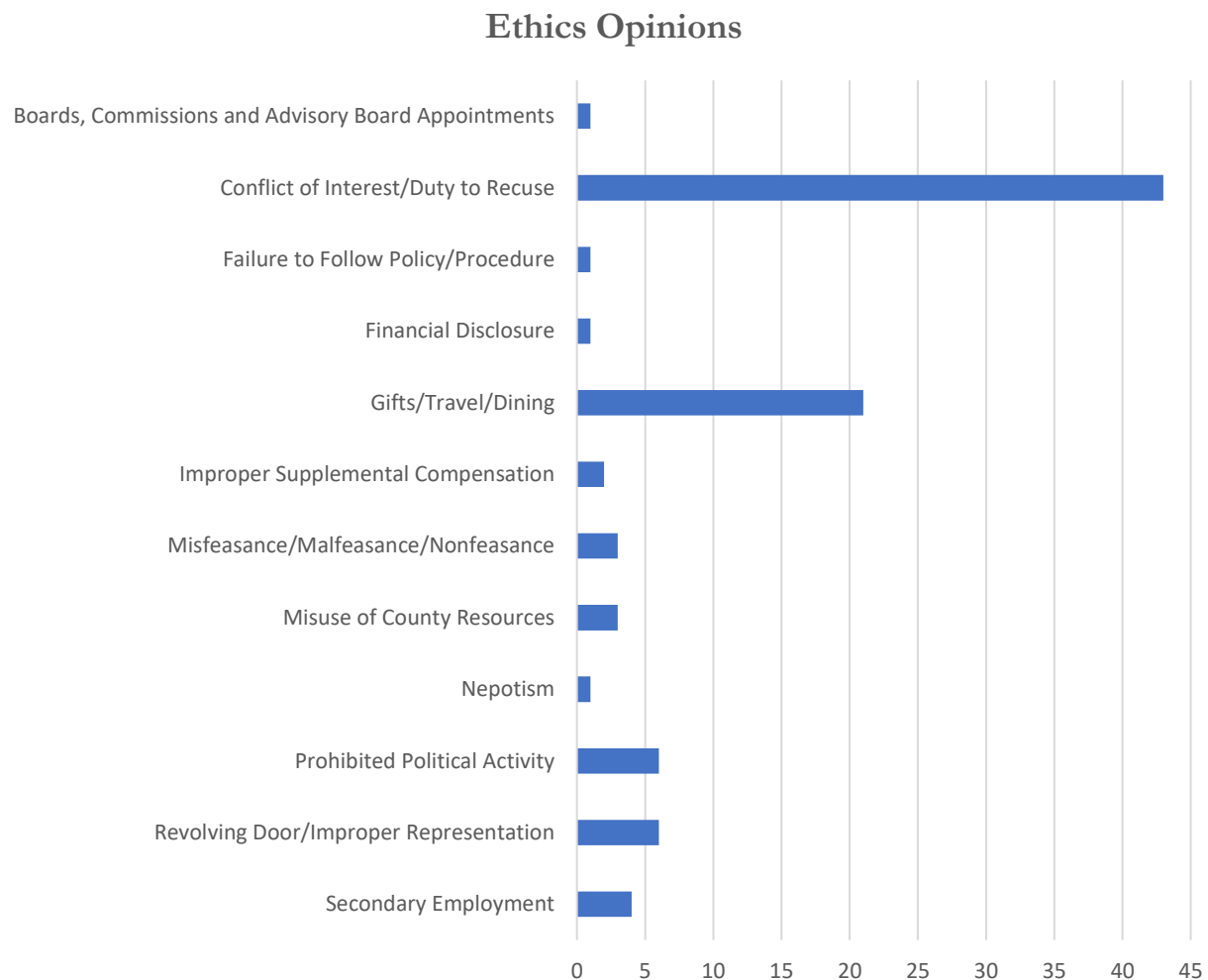
The Cuyahoga County Charter and Code designate the Inspector General as the chief ethics officer for Cuyahoga County. As part of this role, the AIG receives whistleblower complaints alleging violations of the County Ethics Code and conducts investigations of possible ethics violations, both discussed above in Sections 2 and 3, respectively. Both complaints and investigations concern allegations of conduct that has already occurred.

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, the AIG encourages elected officials, employees, and board members to seek specific guidance from the AIG *before they act* on any question regarding ethics laws, including those questions concerning:

- Conflicts of interest;
- Use of County resources;
- Misuse of County position;
- Nepotism;
- Gifts;
- Future employment;
- Political activity;
- Interests in a public contract;
- Supplemental compensation; and
- Secondary employment.

4.2: ETHICS ADVISORY OPINIONS

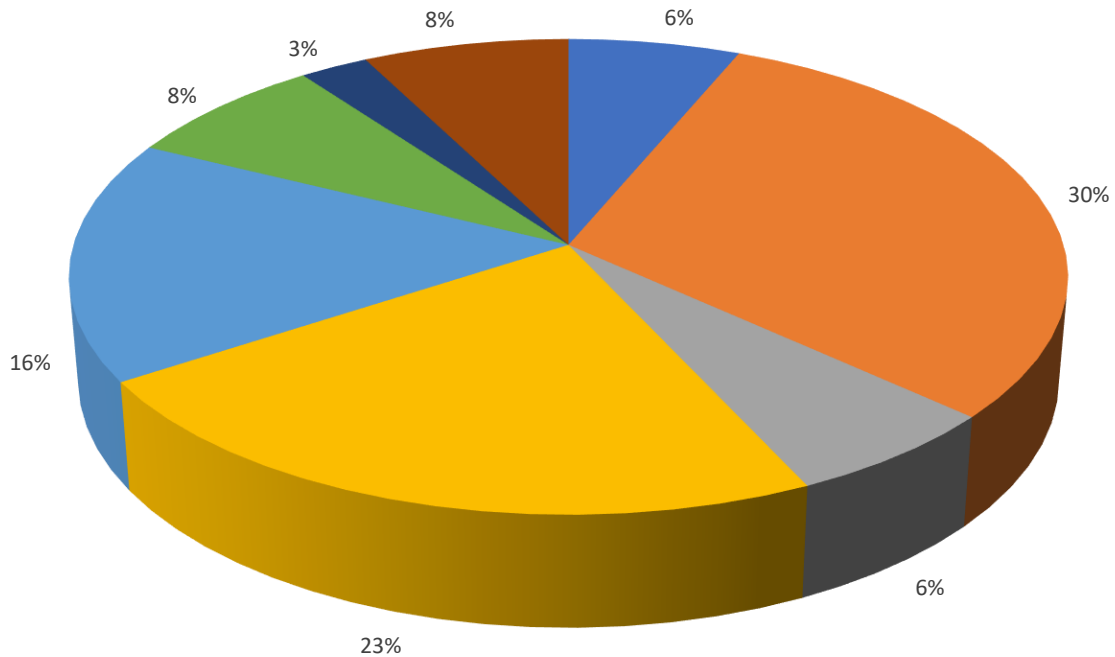
The AIG issued ninety-two (92) Ethics Advisory Opinions during this reporting period concerning the below topics. Historically, the AIG has issued an average of thirty-nine (39) Ethics Advisory Opinions in a semi-annual period with a range of 15 – 74. This half, the AIG saw a significant uptick in requests, many of which were spurred by the comprehensive 2022 annual ethics training.



During the second half of 2022, the greatest number of ethics inquiries were related to Conflicts of Interest/Duty to Recuse, followed by Gifts/Travel/Dining. There were several inquiries regarding Prohibited Political Activity and Revolving Door/Improper Representation, which aligns with the November election and a new County administration.

The AIG made the following determinations with respect to the Ethics Advisory Opinions issued this half:

Ethics Advisory Opinion Disposition



- Activity Not Permitted
- Activity Permitted
- Conflict of Interest - Conflict Found
- Conflict of Interest - Conflict Not Found
- Gift Allowed
- Gift Not Allowed
- Political Activity - Not Permitted
- Political Activity - Permitted

Representative Examples of Recent Ethics Advisory Opinions

NEPOTISM

(22-0103-EI) Inquiry from an employee as to whether his wife was permitted to apply for a position with the County, and, if so, if there was anything the current employee needed to do to avoid potential ethics issues. The employee was advised that his wife would be permitted to apply for and accept a position with the County, as long as the employee did not participate in the decision to hire his wife, including crafting the job description and requirements or discussing her application or prospective employment with other County employees. It was further noted that the employee and his wife could not supervise each other or participate in any decision to promote, discipline, or discharge one another.

PERSONAL PAYMENT FOR TRAVEL

(22-0066-EI) An employee sought guidance as to whether it is permissible to use a personal credit card to book work-related travel. The cost was less expensive than that found through the travel agency used by the County, however the employee would earn personal rewards on her credit card. The Ohio Ethics Commission previously issued a staff opinion addressing this issue, concluding that an employee may use his or her personal credit card to pay for travel expenses and be reimbursed by his or her public employer, even if it would result in receiving the benefit of a reward program through the personal credit card, if: 1) the use of that credit card does not result in a higher cost to the public employer, and 2) the reimbursement sought from the public employer is not greater than the amount of the debt actually owed to the credit card issuer. Therefore, the employee's use of the personal credit card under the facts presented would not be in violation of the Ethics Code.

TRAVEL

(22-0060-EI) An employee sought guidance as to whether he could accept travel, lodging and meal reimbursements for attendance at a conference, to be paid by an entity that contracts with the County. Pursuant to County Ethics Code §403.06(A) and Ohio Revised Code §102.03(E), a public employee may not solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public employee with respect to that person's duties. The Ohio Ethics Commission has opined that a gift will have an improper influence on a public employee if it is from an improper source, which here would be any person or entity regulated by the County, interested in matters before the County, or

doing or seeking to do business with the County. Since the entity offering to pay the conference attendance costs was doing business with the County, it was an improper source of substantial gifts, and so the employee was prohibited from accepting the travel, lodging and meal reimbursements from that entity under both County and state ethics laws.

POLITICAL ACTIVITY

(22-0113-EI) A classified County employee submitted an inquiry regarding whether certain identified political activities would be prohibited by the County Ethics Code. The AIG advised that, pursuant to County Ethics Code §403.13, in conjunction with Ohio Revised Code §124.57 and Ohio Administrative Code §123: 1-46-02, as a classified County employee, the individual would be prohibited from engaging in the following political activities: campaigning by writing for publications on behalf of a candidate for partisan elective office; participating in a meeting for, or being a member of, a ward club if it is partisan in nature; conducting partisan activities at the election polls, such as soliciting votes, for other than nonpartisan candidates or issues; campaigning by writing postcards on behalf of a candidate for partisan elective office; and canvassing and/or distributing political material or literature for partisan candidates and issues. Pursuant to those same Code Sections, as a classified employee, the individual would be permitted to display a yard sign at the individual's residence and attend a parade or political rally, regardless of whether the yard sign, parade, or political rally was for a partisan or nonpartisan candidate or issue.

POLITICAL ACTIVITY

(22-0068-EI) An unclassified County employee submitted an inquiry regarding whether she could donate to the campaign of a Common Pleas Judge running for re-election. Pursuant to County Ethics Code §403.11(B), an employee shall not be prohibited from making voluntary contributions to political parties or candidates for any public office, other than his or her own elected employer or confirming authority. As such, the County employee was not prohibited from donating to the specified campaign.

PURCHASE FROM VENDOR

(22-0091-EI) A County employee submitted an inquiry to determine whether he may personally purchase a computer system, for the same price as a member of the public, from the vendor that contracts with the County for the same type of computer system. Pursuant

to County Ethics Code §403.06(D)(5), anything for which an employee pays face value, or at a discount available to the general public, does not carry a presumption of influence over the employee. Thus, the County Ethics Code did not prohibit the purchase.

GIFTS

(22-0094-EI) A County employee submitted an inquiry regarding the propriety of County employees receiving tickets to a professional sporting event when the tickets were from an organization with an existing yearly sponsorship agreement with the County, the employees potentially receiving the tickets were involved in that agreement, and the tickets were not part of the agreement. Pursuant to County Ethics Code §403.06, no employee can accept a gift when the gift is from a private organization that has obtained County action involving the exercise of discretion with the participation of that employee in the last 12 months because the gift is presumed to be intended as a reward for that exercise of discretion. As such, the County Ethics Code prohibited acceptance of the tickets.

GIFTS

(22-0100-EI) A County employee inquired whether approximately 17-22 County elected officials and employees could accept tickets to an event when the tickets were offered by an entity that has an ongoing relationship with the County whereby it receives County funds pursuant to an agreement. The tickets were valued at \$50 each and none of the pre-determined presumptions of influence detailed in the County Ethics Code applied. However, Ohio Revised Code §102.03(F) as incorporated by County Ethics Code §403.06(A) prohibits a person or entity from giving a public official or employee a thing of substantial value if it is an improper source to the public entity. Here, the entity was an improper source to the County because it was doing business with the County, so the answer to whether the tickets were allowable hinged on whether they were substantial in value. Even though a single ticket valued at \$50 would not be considered substantial under state ethics laws, the Ohio Ethics Commission has opined that even gifts of an insubstantial individual value will be prohibited if the cumulative value of such gifts is substantial. Because the entity was offering 17-22 tickets, with a corresponding value of \$850-1100, the tickets had a substantial cumulative value and were thus prohibited under state ethics laws.

4.3: ETHICS DISCLOSURES

Secondary Employment & Private Business Activity Disclosures

The County Code requires that all elected officials and employees disclose secondary employment, defined as any compensated employment or private business activity outside his/her position with the County that results in gross income required to be reported to the United States Internal Revenue Service, and any compensated or uncompensated fiduciary interest with an entity that receives funding from the County. The disclosure must be in writing on an official form approved by the Inspector General.

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. If the AIG determines that the secondary employment is permissible, the employee is advised to adhere to the strict prohibitions against all of the following:

- Using County time (including sick or other related medical leave – use of vacation and comp/exchange time leave is permissible), resources, personnel or facilities to perform the outside employment;
- Using his/her official title or identification in soliciting private outside employment or conducting private business activity;
- Using the authority or influence of the employee's County position to secure a public contract that benefits the employee, a family member or a business associate;
- Having an interest in the profits or benefits of a public contract entered into by or for the use of the County;
- Using relationships with other public officials and employees established while performing his/her official County duties to secure a favorable decision or action by that official or employee regarding his/her private interests;
- Participating in the employee's official County capacity in a matter upon which his/her private interests are dependent or contingent;
- Receiving fees for providing services rendered on projects that the employee has recommended in his/her official capacity;

- Participating in decisions or making recommendations regarding competitors to his/her private business interest;
- Accepting any compensation for the general performance of the employee's County duties; and
- Disclosing or using confidential information obtained in the course of performing the employee's County duties.

Nepotism & Conflict-of-Interest Disclosures

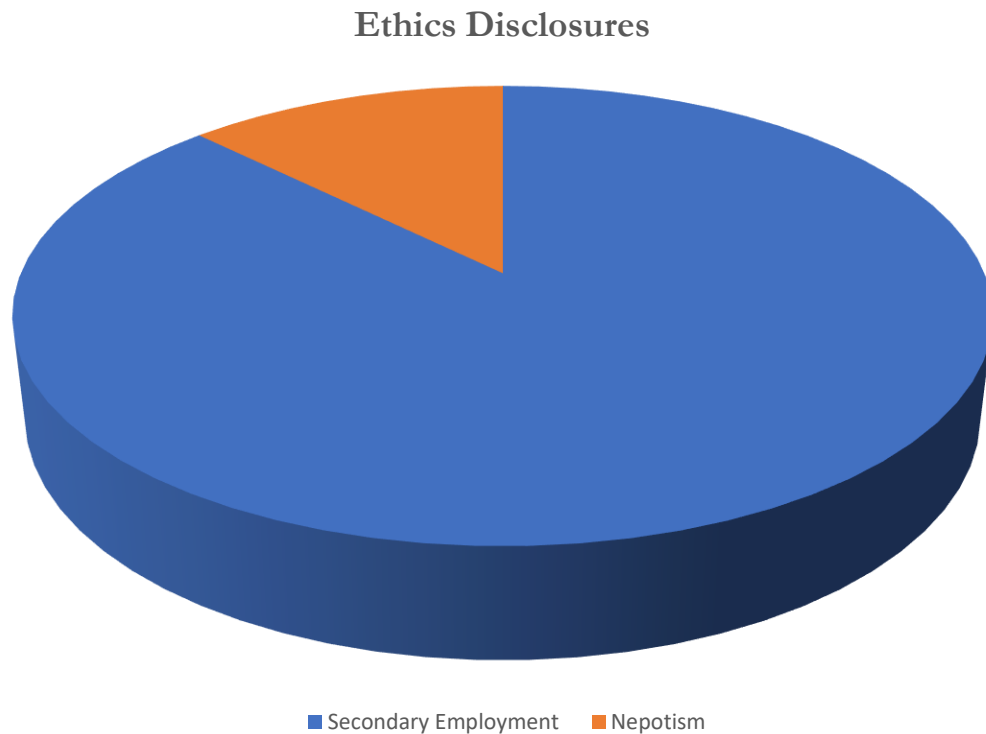
The County Code addresses nepotism in Section 403.05, which prohibits elected officials, employees, and board members from participating in decisions to appoint, hire, promote, discipline, or discharge a relative for any position in the County. Those same public employees are also prohibited from supervising a relative in the performance of the relative's official powers and duties.

County Code 403.04(A), 403.04(B) and 403.04(C) require that County elected officials, employees, and board members disclose any time a matter involving the exercise of discretion comes before them where the disposition of the matter could result in a direct financial or material benefit to themselves or their relatives, business associates, or any private organization in which they have an interest. The disclosure must occur when the individual first learns of the potential conflict of interest, and it must be made either to the public in an open meeting or in writing to the AIG. The individual must fully recuse from the matter and may not participate in any decision or take any official action with respect to the matter, including discussing or voting on it. 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 Ohio Revised Code §2921.42.

To ensure compliance with these requirements, all County employees and elected officials are required to disclose relatives and any private business interests and associates involved with any matter before the County to the AIG.

Disclosure Statistics

The AIG opined on one hundred eighty (180) inquiries regarding secondary employment and received and reviewed twenty-six (26) Nepotism/Conflict-of-Interest disclosures during this reporting cycle.



SECTION 5: CONTRACTORS & LOBBYISTS

5.1: CONTRACTOR & LOBBYIST REGISTRATION

Pursuant to County Code §501.19, contractors who do more than \$10,000 in business annually with the County must register with the AIG unless they qualify for a preapproved exemption. A contractor is defined very broadly in §102.01(A) of the County Code to mean any person or entity that is a party to an agreement with the County. Registration includes three steps: (1) the online registration form must be completed; (2) ethics training must be completed, which includes passing a quiz and affirming the online Ethics Certification Form; and (3) a \$100 registration fee must be paid. The ethics training program provides contractors and lobbyists with specific guidance on how to promote ethical business practices and avoid improper methods of soliciting business from County officials and employees.

Pursuant to County Code §405.01, all lobbyists must register with the AIG in the same manner as contractors. Lobbyists must also make annual disclosures to the AIG, including a list of all clients, a statement of all matters on which the registered lobbyist has lobbied for each client in the past year, and any other information as may be required by the AIG.

As of December 31, 2022, there were one thousand, seven hundred thirty (1,730) contractors and sixteen (16) lobbyists registered with the AIG. The AIG received two hundred fifty-eight (258) new contractor registrations in the second half of 2022. Approximately five hundred ten (510) registrations will expire in the next year.

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

5.2: CONTRACTOR BACKGROUND CHECKS

Once the contractor completes the registration process, the AIG performs a comprehensive background check on both the contractor and its principals to ensure that only responsible parties and businesses are given the opportunity to provide goods and services to the County.

If the background check reveals negative information, the AIG may determine to initiate debarment proceedings against the contractor as more fully discussed below in Section 5.3.

One piece of the background check is ensuring that the contractor does not have any outstanding tax liens or delinquent County property taxes. If the AIG does identify either of those tax issues, it warns the contractor that failure to resolve the tax issue may result in the AIG initiating debarment proceedings. As a result of this process, several contractors are now on payment plans to address delinquent County property taxes and court costs or have fully paid such taxes and costs. In addition, the background checks have aided in the resolution of state and federal tax liens and tax liens from other jurisdictions.

During this reporting cycle, the AIG identified \$2,912,135.84 in uncollected delinquent property taxes and tax liens owed by contractors. To date, the AIG identified \$6,143,547.50 in unpaid taxes by County contractors.

5.3: DEBARMENT

The AIG administers the County's Debarment Law in accordance with County Code Chapter 505, which was established to protect the County and its taxpayers and to ensure that the County only engages in business with contractors who demonstrate quality business practices and maintain the highest ethical standards.

Chapter 505 establishes a procedure for the AIG to debar contractors who meet certain criteria related to poor business practices or unethical behavior. If the AIG receives negative information about a contractor that would violate Chapter 505, the AIG may decide to initiate debarment proceedings against that contractor. Depending on the grounds for debarment, a contractor may be debarred for five (5) years, three (3) years, or eighteen (18) months; additionally, the AIG may suspend a contractor for one (1) year if the contractor is currently suspended or debarred by certain other enumerated entities.

The AIG initiates the debarment process by first sending the contractor a Notice of Potential Debarment that identifies the grounds for the potential debarment, provides an opportunity for the contractor to submit evidence to support why it should not be debarred, and contains information about meeting with the AIG to allow the contractor an opportunity to explain the evidence and demonstrate why they should not be debarred.

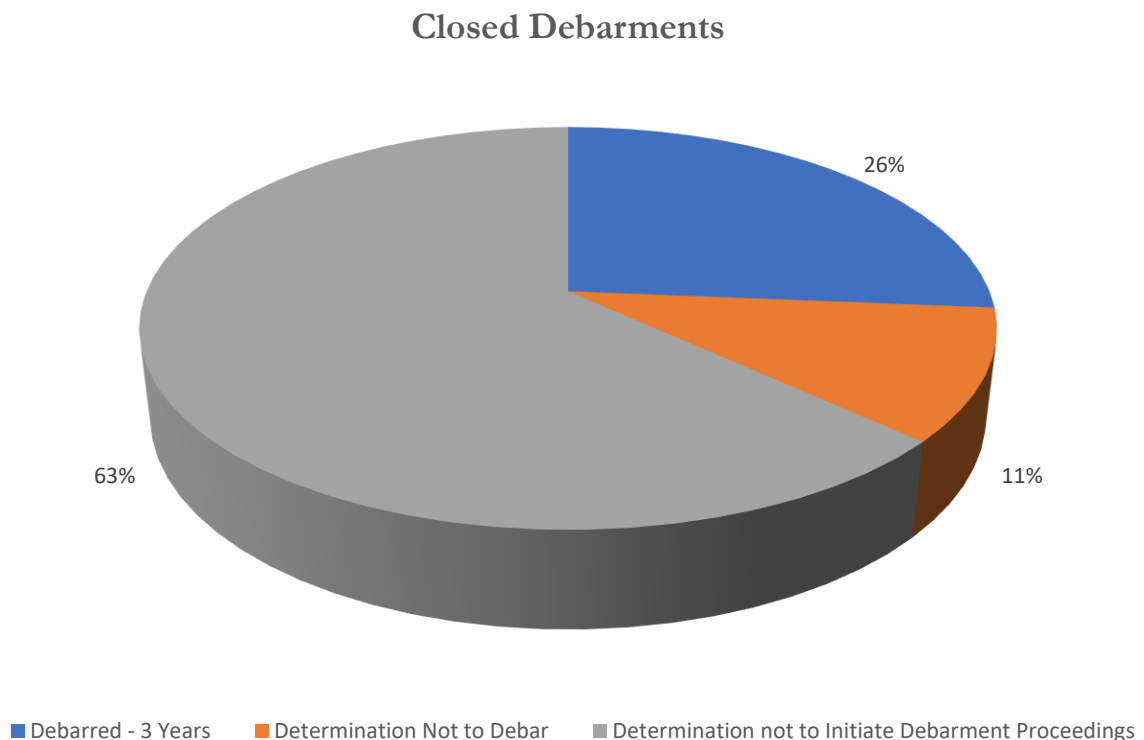
If the AIG determines that debarment is not warranted, a written notice will be issued to the contractor. If the AIG determines to debar the contractor, a Notice of Debarment is issued that informs the contractor of the details of the debarment as well as its right to appeal the decision to the Debarment Review Board¹² within thirty (30) days.

Chapter 505 directs that, during the debarment period or during any period of suspension, a contractor may not do any of the following:

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

¹² The Debarment Review Board is currently inactive and is in the process of being reactivated by County administration. The AIG is not moving forward with any contested debarments until the appeals board is in active status.

During this reporting period, the AIG initiated fifty (50) debarment matters. The AIG made final determinations on nineteen (19) debarment matters, which resulted in five (5) contractors being debarred for three (3) years. The following reflects the disposition of the completed debarment matters:



The AIG determined not to initiate debarment proceedings in an overwhelming majority of the completed debarment matters. This determination is used when the AIG decides that, after a preliminary review of the matter, there is insufficient grounds to send the contractor a Notice of Potential Debarment. For example, if the AIG initiates a debarment matter due to delinquent County property taxes and the contractor subsequently brings the taxes current after being warned by the AIG but before the AIG issues a Notice of Potential Debarment, then there would be insufficient grounds to move forward in the debarment process and the matter would be closed as “Determination not to Initiate Debarment Proceedings.”

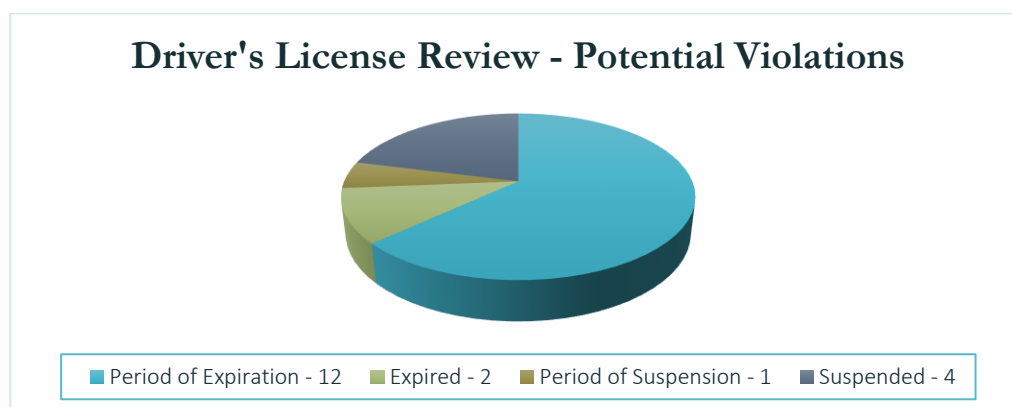
SECTION 6: OTHER AGENCY ACTIVITY

6.1: DRIVER'S LICENSE ABSTRACT REVIEW

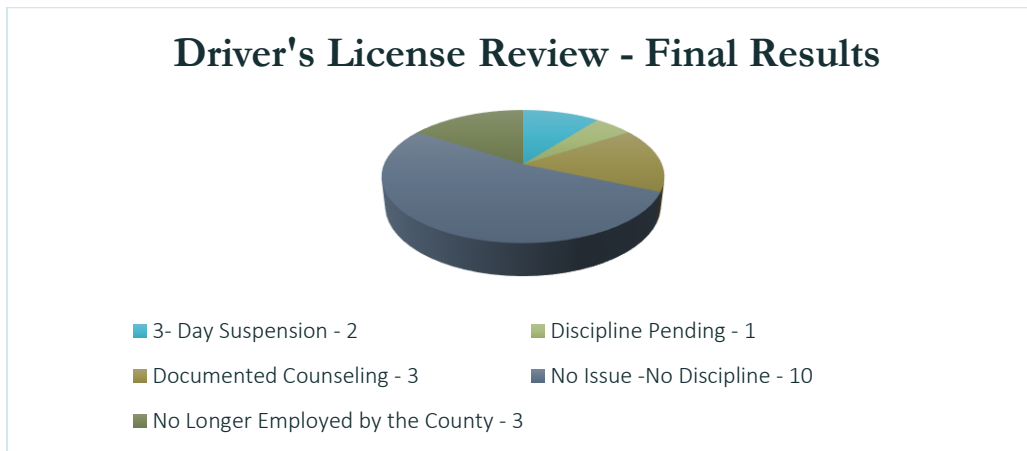
The County's Travel Policy requires that any County employee who drives in the course of County business "maintain at all times, without interruption, a valid driver's license. . ." Twice a year, the AIG reviews the state driving records of employees who are authorized to operate County-owned vehicles or who drive their own vehicles in the course of their County employment. The goal is to ensure that the County is not placed at risk by employees driving without a valid license. In an effort to increase compliance and reduce County liability, the AIG reviews employee driving records on a semi-annual basis.

During the driver's license review conducted this reporting period, the AIG reviewed the Ohio Bureau of Motor Vehicles' records for the 2,117 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 AIG identified a total of nineteen (19) potential violations of the County's Travel Policy. The employees in question either had a suspended license (4 employees), expired license (2 employees), period of suspension (1 employee) or a period of expiration (12 employees).



The employees with potential violations were referred to department directors and the Department of Human Resources for further review and, if necessary, discipline. Employees found to be in violation of the County’s Travel Policy received either a 3-day suspension (2 employees), documented counseling (3 employees), or have discipline pending (1 employee).



6.2: FISHBOWL PROJECT

The Fishbowl Project is a collaborative effort across various agencies that aims to collect delinquent Cuyahoga County property taxes. The project is accomplished through the work of the Fishbowl Unit, comprised of employees from the offices of Prosecutor Michael O’Malley, Fiscal Officer Michael Chambers, and County Treasurer Christopher Murray.

Beginning in September 2018, the AIG has played a small but positive role with the Fishbowl Project by performing outreach to commercial taxpayers that are delinquent on their County property taxes. The AIG utilizes its powers under the County’s Debarment Code in an effort to motivate the taxpayer to bring their taxes current or enter into a payment plan with the County. Through this joint process, the AIG’s involvement assisted in the collection of \$1,564,604 in 2022.

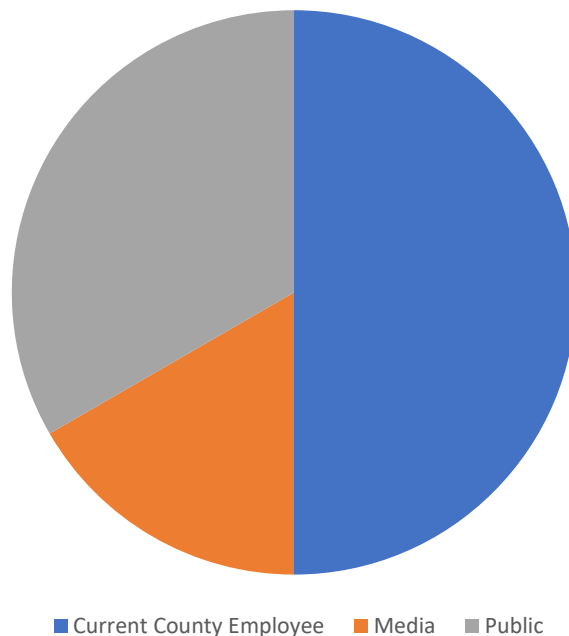
In late 2022, the Fishbowl Unit modified its process, prompting the Fishbowl Unit and the AIG to evaluate and modify the AIG’s role with the Fishbowl Project. The AIG will continue to assist the Fishbowl Unit as needed; however, moving forward, the AIG’s outreach will be a more focused approach to target only those delinquent taxpayers doing or seeking to do business with either the County or another public entity where that contract would be impacted by a County debarment.

6.3: PUBLIC RECORDS REQUESTS

All final Reports of Investigation are public record under the Ohio Public Records laws. Consistent with public records laws and a Memorandum of Understanding between the AIG and the Department of Health and Human Services, the AIG takes all necessary precautions to prevent the release of protected information.

During this reporting period, the AIG processed six (6) public records requests. The AIG received one (1) request from the media, two (2) requests from the public, and three (3) requests from current County employees.

Public Records Requests



6.4: EDUCATION AND OUTREACH



County elected officials and employees (collectively, “County officials”) are held to a higher ethical standard than those in the private sector. A key ingredient to achieving this standard is ensuring that all County officials have a thorough understanding of the County Ethics Code. To this end, the AIG provides ethics training for all new County officials and annual ethics training for each year thereafter. When

County officials understand these rules, they are more likely to stay within the bounds of the ethics laws, ask the AIG for guidance before they act if they are unsure whether their intended conduct is lawful, and report on others’ conduct that does not align with the County Ethics Code.

During the second half of 2022, the AIG updated its virtual ethics training program for new and existing County officials. The new training provides a comprehensive overview of both County and state ethics laws and is interactive to encourage employee engagement and retention of the material. The Department of Human Resources has recently resumed in-person training for new employees and utilizes the AIG’s ethics training video and accompanying questions to guide group discussion.

The AIG welcomes the opportunity to meet with County officials and board members to proactively assist with ethics issues and provide insight into the County and state ethics rules.

U.S. State Department Professional Fellows Program for Governance and Society

In October 2022, the Cleveland Council on World Affairs hosted a U.S. Department of State-sponsored fellowship exchange called the “Professional Fellows Program for Governance and Society.” The program brought emerging leaders ages 25-40 to the United States to promote mutual understanding between the United States and Asia/South Asia by building professional networks, increasing knowledge of the legislative process, and enhancing good governance. The Cleveland Council on World Affairs brought five fellows from India, Pakistan, Nepal and Sri Lanka to Cleveland for a three-week program. The fellows were placed with local nonprofits and governmental agencies for practical work experiences, to gain new skills, and to share their expertise with the fellowship host site.

The AIG hosted Mr. Gaurav Singh from Delhi, India. Mr. Singh works with the Delhi Chief Minister as a Senior Assistant. His responsibilities include assisting with the monitoring of citizen complaints to ensure they get resolved in a timely manner and that complainants do not face harassment as a result of filing the complaint. Mr. Singh learned the AIG’s process for handling whistleblower complaints and was especially interested in the agency’s Whistleblower Hotline and the availability of anonymous reporting.

SECTION 7: GOALS

7.1: REVIEW OF SECOND HALF 2022 GOALS

In the AIG's prior semi-annual report, the AIG set forth specific goals it sought to accomplish the second half of 2022. These goals were as follows:

1) **Update and Modernize the AIG's website –**

- **Goal:** The AIG is working with the Department of Information and Technology ("DoIT") to migrate its website to the County's new website content management environment. During the migration, the AIG will work to update content and design, redesign forms, and improve the overall user experience. The new website should help enhance accessibility and awareness of the AIG's operations and continue to support our electronic reporting system for whistleblowers, contractors and other forms that are accessible via our website.
- **Status:** The AIG revamped the content of the prior website to enhance organization, clarity and conciseness. DoIT staff converted most of the remaining manual forms to electronic forms to improve efficiency for users and to automate the submission of disclosures and whistleblower complaints to our agency.

The online Whistleblower Complaint form is a prominent feature of our site and is accessible in multiple locations due to its significance. The AIG commends and thanks DoIT staff for their great work in enhancing the user experience and presentation of the new site. The new website is now live and can be found at <https://cuyahogacounty.us/inspector-general/>.

2) **Enhance IT Security within the AIG –**

- **Goal:** The AIG intends to review its systems and implement additional security measures as needed based on the review. This includes reviewing password policies and other logical access controls to help ensure we are adhering to best practices

for our applications and their data. By proactively evaluating our security profile for potential vulnerabilities we can reduce the risk of unauthorized access to AIG data.

- **Status:** The AIG hardened IT security controls of the applications and systems administered outside the purview of the DoIT to follow best practices as recommended by the Center for Internet Security (“CIS”). CIS is a “community-driven nonprofit, responsible for the CIS Controls® and CIS Benchmarks™, globally recognized best practices for securing IT systems and data.¹³” Enhanced IT security policies and procedures were also developed and implemented for these systems.

Additionally, the AIG installed hard drive encryption on all staff laptops to help prevent unauthorized access of the stored data. As the AIG works with highly confidential and sensitive information, this is critical to ensure that if any unauthorized individual obtains physical possession of one of our laptops, they will not be able to access the information contained thereon.

3) New Employee Ethics Training –

- **Goal:** In response to COVID-19, HR transitioned away from live training and continues to offer new hire Ethics Training through online videos. The AIG will work to enhance the new hire Ethics Training program by creating a new video presentation with updated content and increased interaction. The AIG will also seek additional ways to promote awareness of the County Ethics Code to both new hires and current elected officials, employees, and board members.
- **Status:** The AIG updated its virtual ethics training program for new and existing employees of the County. The new training is comprehensive to ensure that employees are aware of the ethics requirements and is interactive to encourage employee engagement and retention of the material. HR recently resumed in-person training for new employees. The instruction includes the presentation of the AIG interactive training session and subsequent discussion related to the ethics quiz questions. The AIG received and issued a record-high number of opinions

¹³ <https://www.cisecurity.org/about-us>

for ethics inquiries this half, and many of those employees stated their question was prompted by information learned from the training video.

4) **Expansion of the Automated Data Analytics Program –**

- **Goal:** The AIG intends to complete the first review of the four current projects and work towards running the data analytics program based on the schedule presented in Section 3.4 of this report¹⁴. The AIG will continue to evaluate other ways to implement automated data analytics to proactively identify potential fraud, waste and abuse in County operations.
- **Status:** The AIG made significant progress towards finalizing the review of the four developed AIG data analytics projects and has finalized several spin-off investigations stemming from these data reviews. Additional resources will be allocated in the first half of 2023 to complete these projects.

5) **Increase Investigation Timeliness –**

- **Goal:** In conjunction with more transparent reporting functions, the AIG commits to improving timeliness on investigations and bringing our cases current. The AIG intends to accomplish this through continued and regular case reviews with AIG staff to ensure that investigations are being handled efficiently and that reasonable deadlines are met.
- **Status:** The AIG implemented significant process improvements in its handling of investigations. Through our improved complaint triage process, the investigator is assigned the investigation promptly. The investigator then receives continued collaboration from staff and AIG management, as well as the opportunity for a second investigator to be assigned depending on the required expertise and the complexity and demands of the investigation. Each investigator has weekly case reviews with AIG management, where strategies, case direction, and deadlines are discussed and established.

The AIG's focused efforts to improve the timeliness of its investigations paid off this half as the AIG finished working through the remaining aged investigations

¹⁴ As this language is copied verbatim from the AIG's Semi-Annual Report for the first half of 2022, the cited schedule may be found in Section 3.4 of that report. The AIG currently intends to run the analytics more frequently than what was originally outlined in the prior report's schedule.

and significantly reduced completion time on its new investigations. When this reporting period concluded, the AIG had thirteen (13) open investigations that had been open an average of 64 days. The AIG expects continued improvement now that it no longer must focus attention and resources to its pre-2022 cases.

7.2: GOALS FOR FIRST HALF 2023

The AIG intends to achieve the following goals in the first half of 2023:

- 1) **Bring the Automated Data Analytics Program Current** – By the end of 2022, the AIG developed scripts for all four analytics and used those scripts to run the County’s 2020 data for analysis and further investigation as needed. The AIG intends to make the data analytics program a top priority for the first half of 2023 and sets as its goal to run the County’s 2021 and 2022 data using the four analytics and finalize analysis of the results. Once this is accomplished, the AIG will be positioned to run and analyze current County data to more timely detect fraud, waste or abuse.
- 2) **Update Automation of Contractor Background Checks** – When a contractor registers with the AIG, the AIG performs a comprehensive background check on the contractor and its principal(s) by searching various sources for possible negative information. The AIG developed a script to automate portions of the background check, which enables web pages to automatically populate for analysis once AIG staff inputs identifying information into the script for the contractor and its principal(s). The browser used in the automated process is no longer supported, and so the AIG must develop a new script to be compatible with a new browser. Additionally, the AIG recently identified another source of pertinent information, which will be incorporated into this new script.
- 3) **Review and Update Contractor Exemption List** – Cuyahoga County Code §501.19 specifically establishes five (5) exemptions from the AIG contractor registration process for those contractors meeting the listed exemptions. It further provides that the Inspector General may grant additional exemptions from the registration and/or training requirements with the approval of the Board of Control. The AIG will review all current exemptions adopted through Board of Control approval to determine if additional exemptions are needed and if there is support for the extension of existing exemptions.

APPENDIX: BACKGROUND & JURISDICTION

A. THE 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”).¹⁵ 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 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.¹⁶ 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.¹⁷

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

¹⁵ The AIG Ordinance was amended effective June 27, 2012 (Ordinance No. O2012-0008).

¹⁶ County Code, Section 204.01(B)(3), formerly Section 2(c) of the AIG Ordinance.

¹⁷ County Code, Section 204.01(B)(2), formerly Section 2(b) of the AIG Ordinance.

cooperate with the County’s Personnel Review Commission.¹⁸ The Inspector General shall not interfere with the authority of the Personnel Review Commission to ensure “compliance with ethics resolutions or ordinances as passed by the Council” under Section 9.02(3) of the Cuyahoga Charter.¹⁹

- 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.²⁰
- 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.²¹
- 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.²²
- 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.²³

¹⁸ 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>.

¹⁹ County Code, Section 204.01(B)(3)(a), formerly Section 2(c)(i) of the AIG Ordinance.

²⁰ County Code, Section 204.01(B)(3)(b), formerly Section 2(c)(ii) of the AIG Ordinance.

²¹ County Code, Section 204.01(B)(3)(c), formerly Section 2(c)(iii) of the AIG Ordinance.

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

²³ County Code, Section 204.01(B)(3)(e), formerly Section 2(c)(v) of the AIG Ordinance.

- The Inspector General shall prepare and publish on its website semi-annual reports (the first of which will cover the period January 1st – June 30th and will be due in July and the second of which will cover the period July 1st – December 31st and will be due in February) concerning the work and activities of the AIG pertaining to closed investigations, including statistical information regarding the disposition of closed investigations, audits, and other reviews. The reports shall include the total number of complaints received during each reporting period, the number that required active investigation, the number that resulted in prosecution or other disciplinary actions, and the number of investigations closed, along with the cost incurred over and above the cost of salaries of AIG employees.²⁴
- 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.²⁵

In conducting its duties, the AIG is required to avoid interfering in any ongoing outside criminal, civil or administrative investigation/prosecution.²⁶ The AIG is also required to develop internal policies and procedures that ensure an investigation subject's constitutional rights are protected.²⁷

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.²⁸

²⁴ County Code, Section 204.01(B)(3)(f), formerly Section 2(c)(vi) of the AIG Ordinance.

²⁵ County Code, Section 204.01(B)(4)(d), formerly Section 2(d)(iv) of the AIG Ordinance.

²⁶ County Code, Section 204.01(B)(4)(a), formerly Section 2(d)(i) of the AIG Ordinance.

²⁷ County Code, Section 204.01(B)(4)(b), formerly Section 2(d)(ii) of the AIG Ordinance.

²⁸ County Code, Section 204.01(E), formerly Section 3(e) of the AIG Ordinance.

B. THE 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, 2011.²⁹ 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 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 violate-on 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

²⁹ 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).

censure when the respondent intentionally or knowingly committed major violations or has committed repeated minor violations.

- *Recommendations to the County Executive, Prosecutor, and Council.* When the Inspector General finds that 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 to 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 that the Inspector General perform the following disclosure/prevention functions:

- The Inspector General shall advise elected officials and 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's 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.³⁰

- The Inspector General shall receive allegations of non-criminal whistleblower complaints.³¹
- 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.³²
- The Inspector General or the Department of Law may receive and rule on conflict-of-interest disclosures for employees.³³
- The Inspector General must review and respond to secondary employment disclosures.³⁴
- The Inspector General may review board/commission appointments by the County for compatibility.³⁵
- The Inspector General shall obtain financial disclosure statements from certain County officials and employees.³⁶

³⁰ County Code, Section 403.09 (B), formerly Article 7, Section 16(D) of the Ethics Ordinance.

³¹ County Code, Section 406.01(B), formerly Article 7, Section 17(B) of the Ethics Ordinance.

³² County Code, Section 406.01(A), formerly Article 7, Section 18(A) of the Ethics Ordinance.

³³ County Code, Section 403.04 (F), formerly Article 7, Section 23 of the Ethics Ordinance.

³⁴ County Code, Section 403.08 (D), formerly Article 7, Section 26 of the Ethics Ordinance.

³⁵ County Code, Section 403.04 (E) and 407.01(I), formerly Article 7, Section 27 of the Ethics Ordinance.

³⁶ 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.³⁷
- The Inspector General must create and maintain a County contractor registry.³⁸

C. 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 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

³⁷ County Code, Section 405.01 (A), formerly Article 7, Section 32 of the Ethics Ordinance.

³⁸ County Code, Section 501.19 (B), formerly Article 7, Section 34 of the Ethics Ordinance.

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.

D. JURISDICTION OF THE AGENCY OF INSPECTOR GENERAL

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; and
- 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 AIG does not review or

override the decision of a court or the findings of any administrative body. Likewise, the AIG has no authority to investigate allegations concerning any federal, municipal or local officials, agencies, or governing bodies.

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

Inspector General Requirements

The Inspector General is appointed by the County Executive subject to confirmation of County Council.³⁹ According to Section 15.01(4) of the Charter, the Inspector General serves a term of four years. The current term will expire on December 31, 2024. Each subsequent Inspector General shall be appointed or reappointed for the term commencing on January 1, 2025, 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.

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

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.

E. TRANSPARENCY: THE AIG WEBSITE

The AIG is dedicated to increasing transparency in County government. In furtherance of this goal, the AIG's website, <http://cuyahogacounty.us/inspector-general/>, was created and is continuously updated to provide the following information pertaining to AIG activity:

- An online form where individuals can confidentially report violations of the County Ethics Code and fraud, waste and abuse to the AIG;
- Links to all enabling legislation;
- 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 containing information pertinent to the reporting period, including the relevant organizational chart;
- Detailed instructions on how to complete contractor/lobbyist registration and ethics training; and
- Ethics training for contractors, lobbyist, and County employees.



A copy of this report is available for public inspection at the AIG offices and is posted on the AIG's website at <http://cuyahogacounty.us/inspector-general/>. 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 any method, including:

- Submit an online Whistleblower Complaint Form through the AIG website at <http://cuyahogacounty.us/inspector-general/>
- 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