

CUYAHOGA COUNTY AGENCY OF INSPECTOR GENERAL

SEMI-ANNUAL REPORT
JANUARY 1, 2023 – JUNE 30, 2023



ALEXANDRA R. BEELER
INSPECTOR GENERAL



CUYAHOGA COUNTY
AGENCY OF INSPECTOR GENERAL

July 31, 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 January 1, 2023, through June 30, 2023. This report reflects not only the outstanding work of our exceptional staff, but also the willingness of County elected officials and employees to abide by the County Ethics Code – to report wrongdoing when they see it, to reach out with ethics inquiries before they act, and to strive to implement our recommendations to improve the quality and efficiency of County operations.

This half, our efforts were largely focused on further developing and expanding our data analytics program, which revealed \$197,549 in overpayments to current and former County employees and \$384,264 in duplicate payments made to County contractors, as well as finalizing our investigation into XJail, a jail management system that cost the County \$860,164 but that was never implemented.

Additionally, this half the AIG completed 26 investigations; issued 81 ethics advisory opinions, second only to our record high last half; received and handled 62 whistleblower complaints; registered 179 contractors; and identified \$993,027 in uncollected taxes owed by contractors.

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 blue 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 serving Cuyahoga County, its employees, and its residents in this capacity as she strives to raise the standard of honesty, accountability, and transparency in County government.

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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 and later voted into the County Charter by the Citizens of Cuyahoga County.

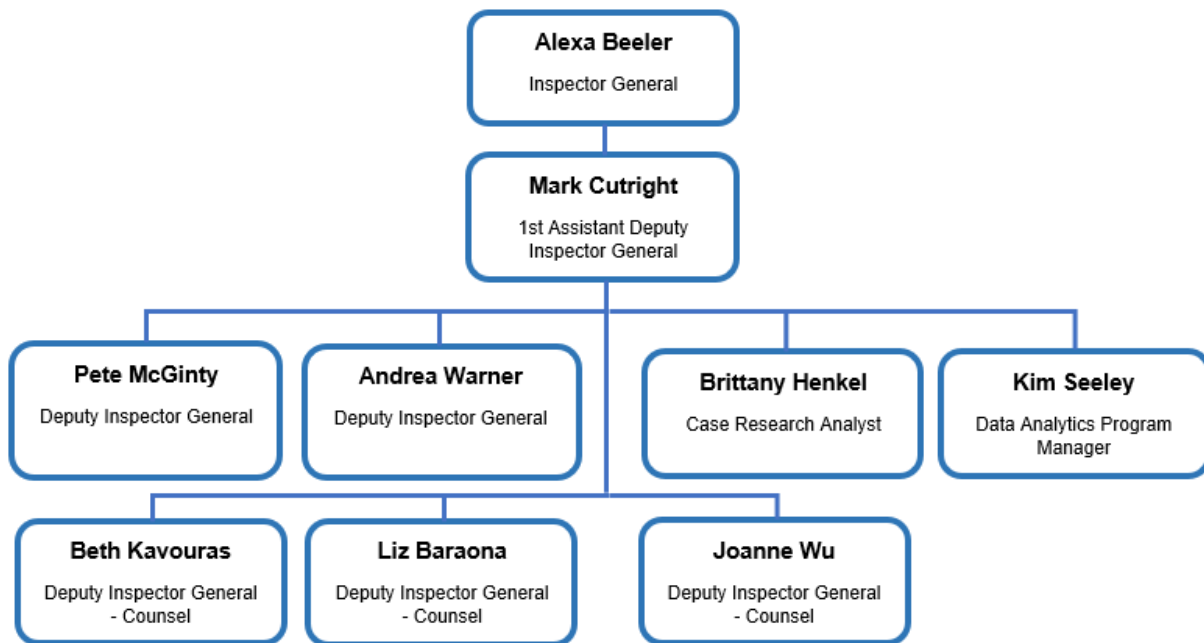
The AIG serves to protect taxpayers’ interests by promoting honesty and accountability in County government. In furtherance of this mission, the AIG is granted broad authority to conduct investigations, examinations, inspections, and reviews relating to fraud, corruption, waste, abuse, misfeasance, malfeasance, 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

During the first half of 2023, 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
- Certified Inspector General Investigator (2)
- 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 (2), and the United States Supreme Court

Office Development: 2023 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:

- Strategizing and Organizing a Large-Scale Investigation
- Best Practices for Internal Employee Investigations
- Developing a Data Analytics Strategy
- Digital Evidence, Cloud Computing and Social Media
- Use Public Information to Your Advantage in Fraud Investigation
- Localizing Ethical Culture in Complex Multicultural Organizations
- Words Matter: Tips on Interviewing to Avoid Bias
- Analytics in Procurement Fraud Investigations
- OIG Multi-Jurisdictional Partnerships & Investigations
- Grant Fraud Investigation

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 local, state, 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 \$1,170,572 for 2023. The following is a summary of the AIG’s actual budget performance through June 30, 2023:

ACCOUNTING UNIT IG100100	2023 BUDGETED AMOUNT	2023 ACTUAL SPENDING	DIFFERENCE
Personnel	1,064,720	546,442	518,278
Non-Personnel	51,896	21,813	30,083
Total	1,116,616	568,255	548,361

ACCOUNTING UNIT IG285100 ³	2023 BUDGETED AMOUNT	2023 ACTUAL SPENDING	DIFFERENCE
Personnel	33,500	0	33,500
Non-Personnel	20,456	15,570	4,886
Total	53,956	15,570	38,386

TOTAL AIG BUDGET	2023 BUDGETED AMOUNT	2023 ACTUAL SPENDING	DIFFERENCE
Personnel	1,098,220	546,442	551,778
Non-Personnel	72,352	37,383	34,969
Total	1,170,572	583,825	586,747

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 is projected to operate within budget for 2023, with a surplus in both the personnel and non-personnel expenditure categories. Personnel expenditures will be allocated to the vendor fee fund, Accounting Unit IG285100, in the second half of 2023 based on the employee work for vendor-related operating costs. The AIG ended the first half of 2023 at full staffing levels, with eight full-time employees and one part-time employee.

Based on the County's population of 1,264,817,⁴ the amount spent to operate the AIG in the first half of 2023 amounts to \$0.46⁵ per citizen. 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 support.

46¢

This is roughly 2/3 the cost of a single stamp.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 United States Postal Service, the cost of a letter stamp was \$0.66 on 7/23/23. <https://www.usps.com/business/prices.htm>

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/Email/Walk-In* – Individuals are always permitted to directly contact AIG staff with complaints or concerns.
- *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, that may make it 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 best to 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 for complaints concerning personnel matters or those matters where the Courts have jurisdiction.
- *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.

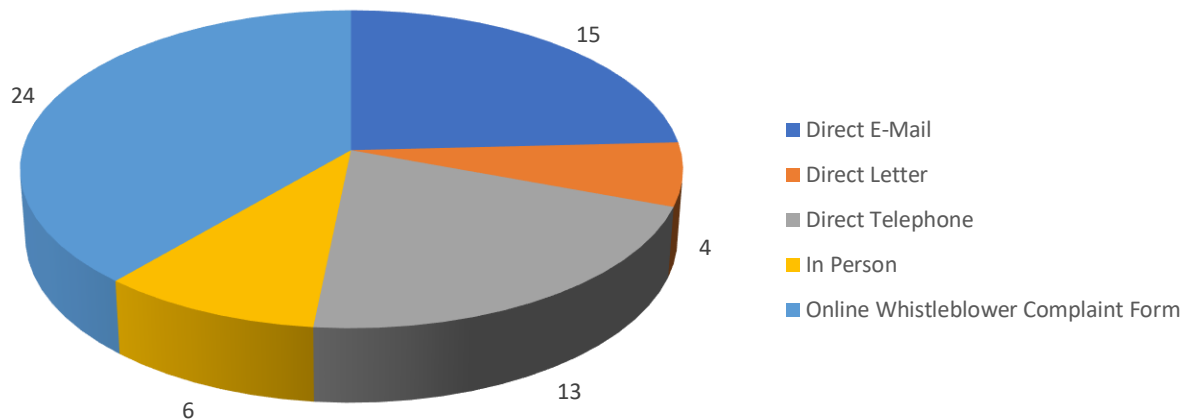
⁷ For purposes of this report, the term “investigation” includes reviews.

2.3: COMPLAINT STATISTICS

The AIG received sixty-two (62) unique whistleblower complaints from January 1, 2023, through June 30, 2023. The complaints were received from current and former County employees and elected officials, contractors, members of the public, and anonymous sources.

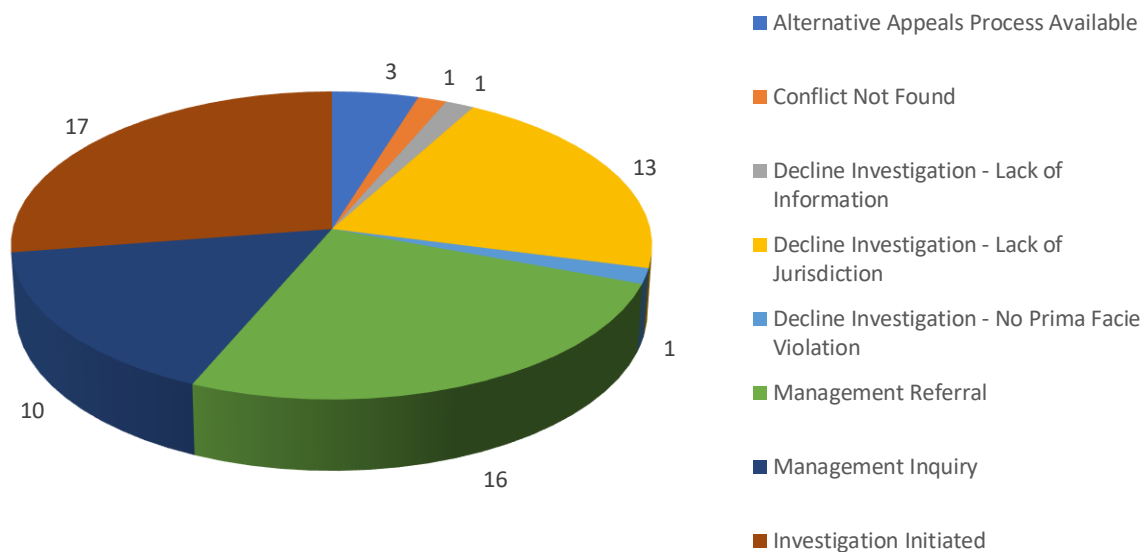
The AIG’s ability to be effective is directly linked to its accessibility. During this reporting period, whistleblowers utilized various methods for submitting complaints, with the online whistleblower complaint form and direct e-mail accounting for the most frequently used methods of making whistleblower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

Method of Receipt of Complaints



The sixty-two (62) whistleblower complaints received during the first half of 2023 were all timely triaged and resolved in the following ways:

Complaint Disposition



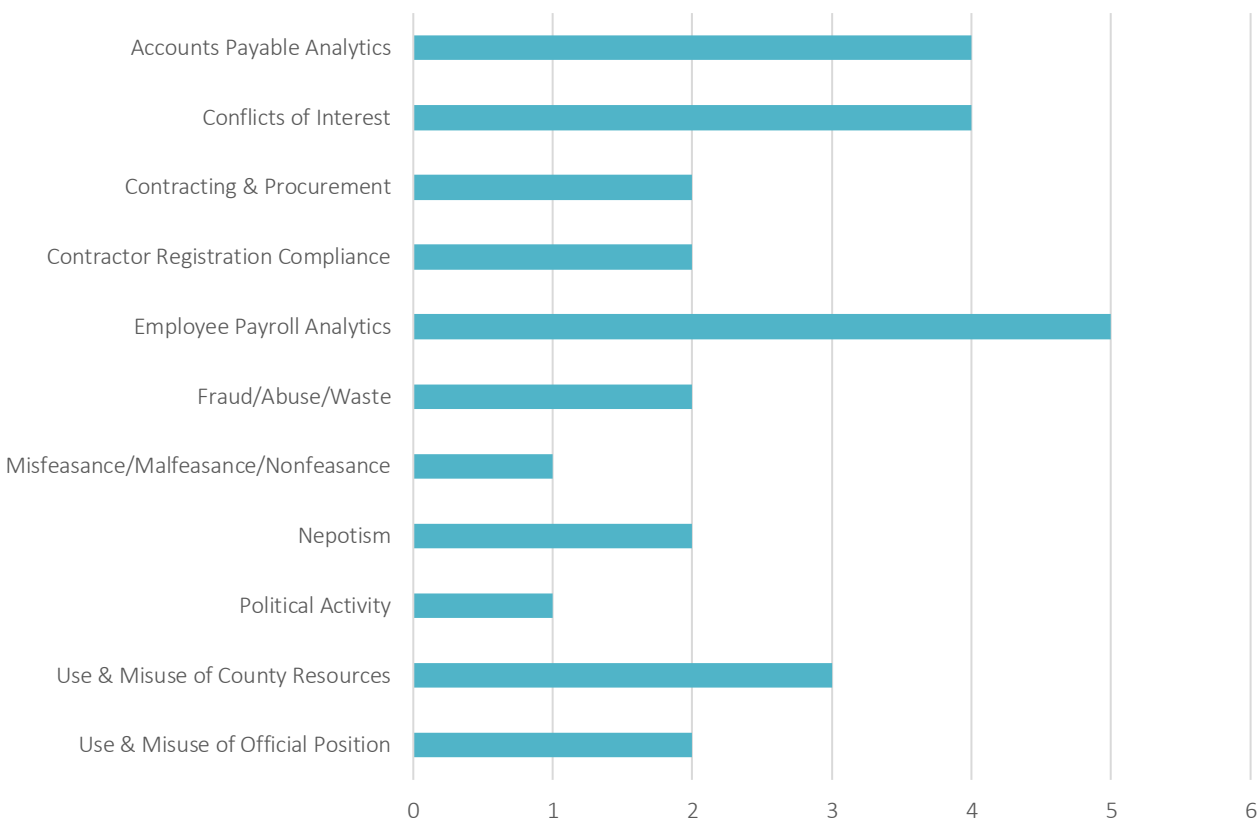
The AIG is committed to supporting – rather than reducing – the authority of line supervisors and directors to manage their departments. Therefore, when appropriate, complaints alleging personnel issues are referred to department management and/or the Department of Human Resources.

SECTION 3: INVESTIGATIONS & DATA ANALYTICS

3.1: INVESTIGATIONS INITIATED

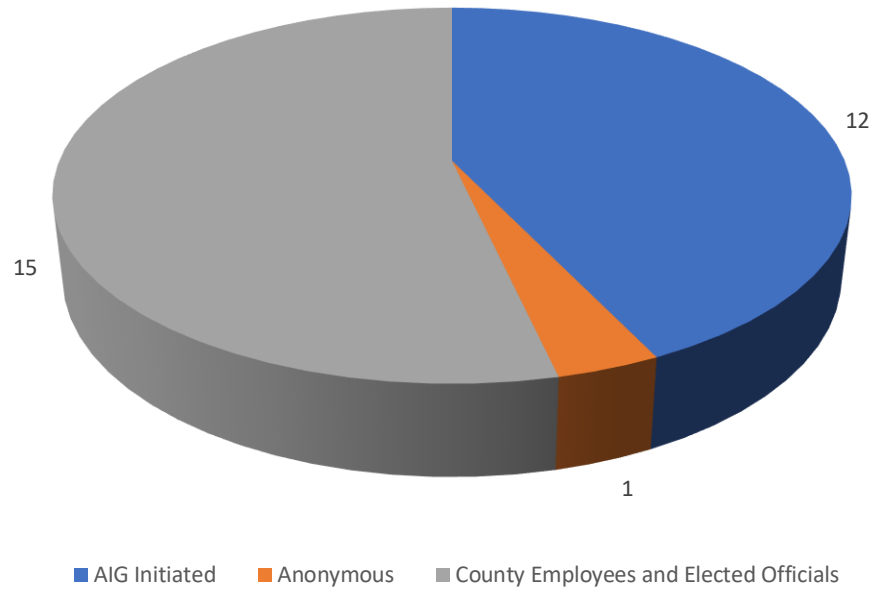
The AIG initiated twenty-eight (28) investigations during this reporting period. The following is a summary of the nature of those investigations:

Number of Investigations by Type



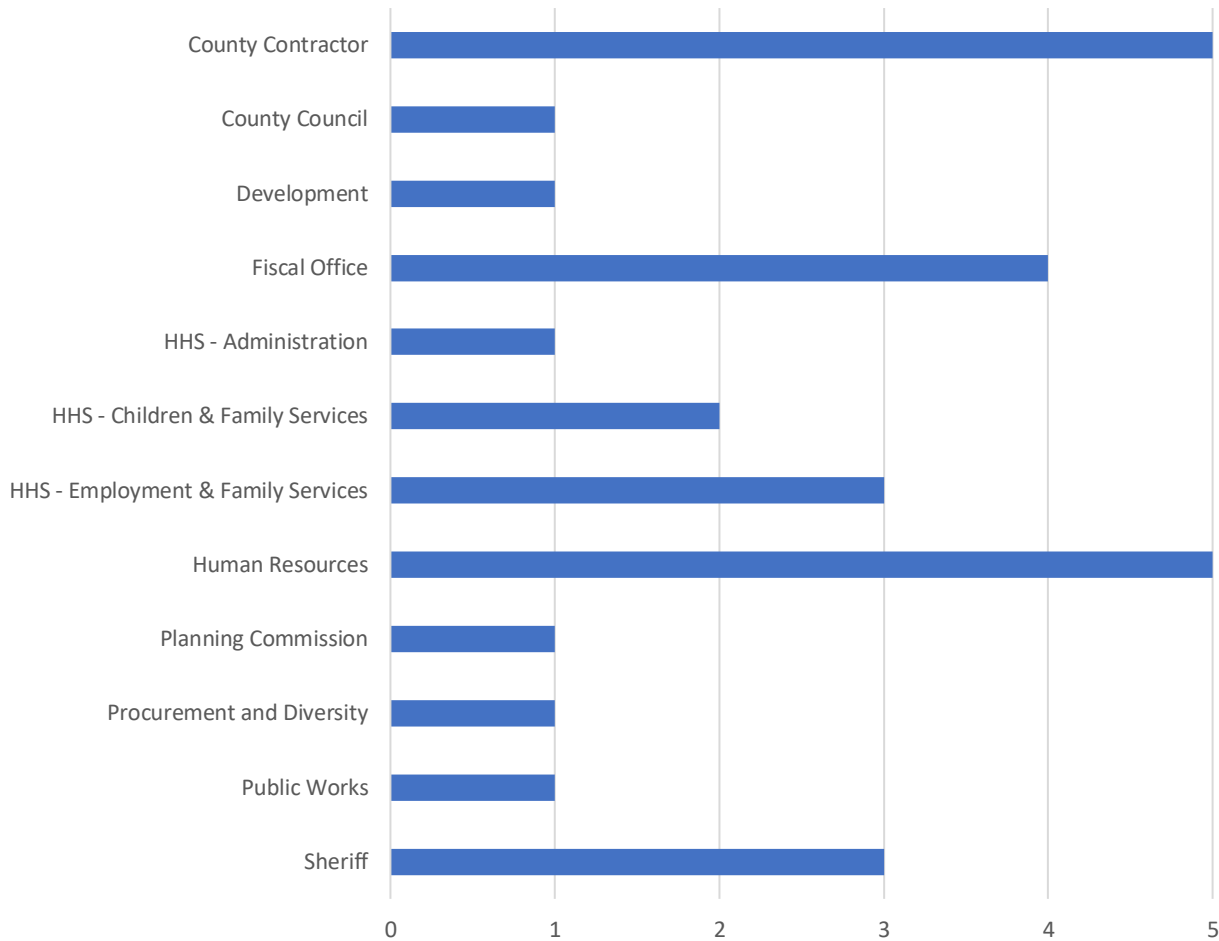
The AIG initiated investigations stemming from a wide range of complaints during this reporting period, with the Employee Payroll Analytics category accounting for the greatest number of investigations initiated, followed by Accounts Payable Analytics and Conflicts of Interest.

Source of Investigations



The largest sources of newly initiated investigations were County Employees and Elected Officials 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 County Contractors and the Department of Human Resources.

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 dispositions 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

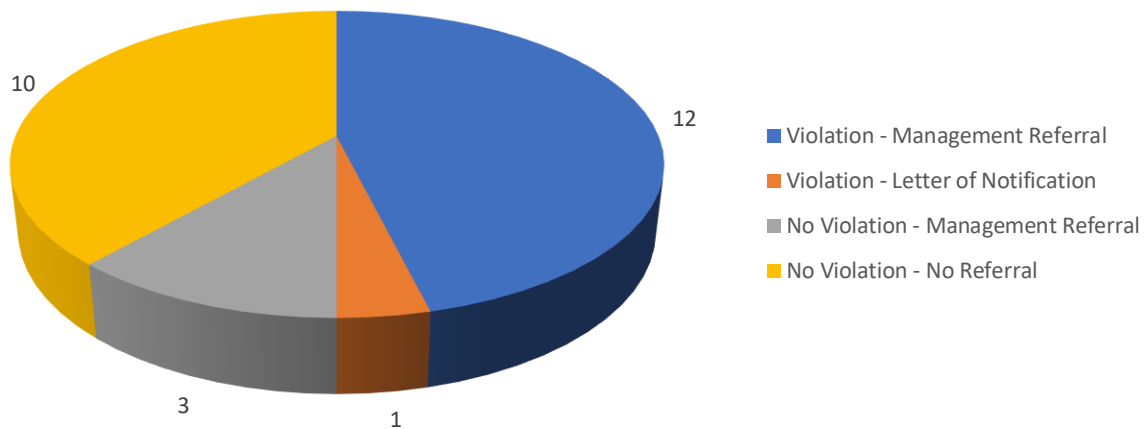
The investigation revealed a reasonable belief that a contractor violated a provision of Chapter 505 of the County Code. Debarment proceedings are then initiated against the contractor based on the debarment investigation report.

Investigation Disposition Statistics

During this reporting period, the AIG issued findings on and completed twenty-six (26) investigations, which is slightly above the historical average.

Below is a summary of the dispositions of those twenty-six (26) completed investigations:

Disposition of Closed Investigations



In two (2) 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 nine (9) investigations.

Challenged Costs / Expenditures

As a result of the investigations completed this half, the AIG identified \$358,267.65 in challenged costs and expenditures. Since the AIG's inception, it has identified \$8,188,284 in challenged costs and expenditures as a result of the AIG's investigations and reviews.

Representative Example of a Recent Investigation

22-0018-I – XJAIL IMPLEMENTATION

The AIG initiated an investigation into the Sheriff's Department's implementation of a comprehensive jail management system called XJail after becoming aware the project was initiated in 2016, did not go live, and was subsequently internally canceled at the County in 2022. County Code §204(B)(3) provides the AIG with investigative powers and duties for investigating fraud, waste and abuse.

On September 6, 2016, the County executed a contract with Securus Technologies, Inc. ("Securus") for a revenue-generating contract to provide phone and video visitation communication services to County inmates. The contract included the installation of XJail and detailed that Securus would deduct costs for XJail from the monthly commissions earned from the inmate communication system.

In November 2021, five years after the contract was signed and one month before the planned go-live date,⁸ Securus notified the County that the technical support for XJail would end in 2024. The County then made an internal decision to cancel the XJail project in January 2022.

The AIG found that poor project management and a lack of financial controls in overseeing the implementation of the XJail project led to actual, direct costs of \$860,164 and estimated waste of \$255,270 for internal labor from 2016 until the AIG's Report of Investigation.

The AIG additionally identified the below findings throughout the course of the investigation:

- Neither the anticipated \$1,284,000 cost of XJail nor the \$696,000 loan from Securus to the County to assist with upfront costs were contained in any Council resolution or presentation to Council, which instead focused on the revenue-generating inmate communication system;
- The County continued to pay Securus 16 monthly payments of \$15,111.11, totaling \$241,777.76, after internally canceling the project until being informed by the AIG that the commission deductions were continuing;

⁸ There were multiple prior go-live dates that never materialized.

- \$457,333 of the total \$846,222.16⁹ paid to Securus for XJail was to maintain and support the system, which never went live;
- Financial oversight – including tracking commission deductions, internal costs for labor, and supplementary purchases, as well as maintaining a budget – was not established for this project, leading to outstanding change orders of \$399,024 that never received Board of Control approval; and
- A software feasibility study detailing the County’s system requirements was never conducted, which would have guided the development of the Request for Proposals to ensure that any proposed system would meet the unique needs of the County’s jail, which is large in size and has several external agencies with which it interfaces.

Poor project management controls from both Securus and the Sheriff’s Department led the project to span over five years, miss multiple go-live dates, and ultimately fail.

⁹ This amount is less than the \$860,164 referenced above as the AIG identified additional costs that were not paid directly to Securus but that were actual costs directly associated with the XJail project.

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 complaint¹⁰ 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 management¹¹ 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 twenty-six (26) investigations we completed took an average of 110 days to complete, with the median being 117 days. These numbers are a marked improvement over the timeliness of the investigations completed the prior two halves as we focused our efforts to address the inherited backlog:

- First half 2022 – completed fifty-two (52) investigations in an average of 671 days with a median of 352 days
- Second half 2022 – completed fifty-three (53) investigations in an average of 489 days with a median of 217 days

Another measure to increase our transparency is reporting the number and age of our open investigations. As of the last day of this reporting period, there were thirteen (13) open investigations. Those investigations have been open an average of 90 days, with the median days open being 51.

¹⁰ If it is an AIG-initiated investigation, the start date is the date it is initiated in our case management system.

¹¹ AIG management includes the First Assistant Deputy Inspector General and the Inspector General.

3.4: AUTOMATED DATA ANALYTICS PROGRAM

Program Overview

The AIG’s automated data analytics program enables the AIG to utilize and analyze the County’s data in a way not otherwise possible in order to detect fraud, waste and abuse. The AIG expanded the program in 2022 to include:

- Accounts Payable Analytics
- Contractor Registration Compliance
- Unlawful Interest Analytics
- Employee Payroll Analytics



By the end of the first half of 2023, the scripts for all four analytics were run using the County’s data. The AIG is continuing to analyze and investigate the results and will soon be positioned 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 the County Code and/or are indicative of fraud, waste, or abuse.

The individual analytics are detailed below. Further areas for analysis may be developed as needed based on their potential for fraud, waste, or abuse and the availability of staff resources.

Accounts Payable Analytics

The AIG established a data analytics program to identify possible fraud, waste, or abuse in the County’s payment cycle. Cuyahoga County Code §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.

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 contractor 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 100,000 unique payment records in excess of \$3,500,000,000 issued by the County in 2021¹² 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 contractor or to different contractors. Infor Lawson has input controls to prevent an exact matching invoice number from being paid more than once to the same unique contractor record. However, through data cleansing and utilizing a script to compare key fields within the payment records, the AIG identified 32 duplicate payments issued by Executive agencies in 2021 totaling \$384,264¹³ that were a result of control weaknesses and the override of input controls. The contractors who received the duplicate payments identified and initiated repayments totaling \$130,149, while the County did not identify that any payments were issued in error. The remaining \$254,115 of duplicate payments issued to contractors in 2021 was outstanding and uncollected at the time it was identified by the AIG's investigation.

The data analytics program has been run using 2022 data and the preliminary results are currently being investigated.

¹² The 2021 records were appended with the 2020 records as well to identify any duplicate payments that were issued in two different calendar years, however these totals only reflect 2021 payment records.

¹³ In addition to these duplicate payments the AIG identified \$178,120 of 2021 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.

Employee Payroll Analytics

The AIG established a data analytics program to inspect for possible fraud, waste, or abuse in the County’s payroll cycle.



An automated data analytics program was developed to inspect the County’s legacy payroll data. These 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.

For 2020 over 122,000 Executive agency employee payroll records totaling more than \$280,000,000 were included in the data population. The AIG identified the below 2020 payroll overpayments classified by the associated analytic performed and whether monies are still owed to the County. Spin-off investigations have been generated to investigate this waste further and to determine whether any overpayment was the result of fraud.

Type of Payroll Overpayments	Total Overpayment Issued by Type	Amounts Repaid	Checks Never Cleared Bank	Refunds Needed
Excessive Pay Rates	\$ 54,883.13	\$ -	\$ -	\$ 54,883.13
Excessive Regular Hours	102,878.49	69,249.51		33,628.98
Duplicate Payroll Payment	1,813.32	-		1,813.32
Employees Paid Past Their Termination	37,974.33	12,368.20	11,779.20	13,826.93
Total Overpayments Issued	\$ 197,549.27	\$ 81,617.71	\$ 11,779.20	\$ 104,152.36

The AIG has run the payroll analytics program for 2021 and is currently analyzing the results. The automated payroll analytics script will be updated for 2022, when payroll processing was transitioned to the Infor ERP, as this impacts the records available for import and analysis.

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 principal(s).

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 second run has been completed for this program and the results are being reviewed. Once reviewed, the AIG will communicate with the contractors to notify them of the requirement to register with our agency. To date, this analytic has spurred 60 contractor registrations.

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.

The AIG began collecting the data required for the next run of this program and plans to execute the script and review the results in the second half of 2023.

SECTION 4: ETHICS

4.1: ETHICS COMPLIANCE REQUIREMENTS

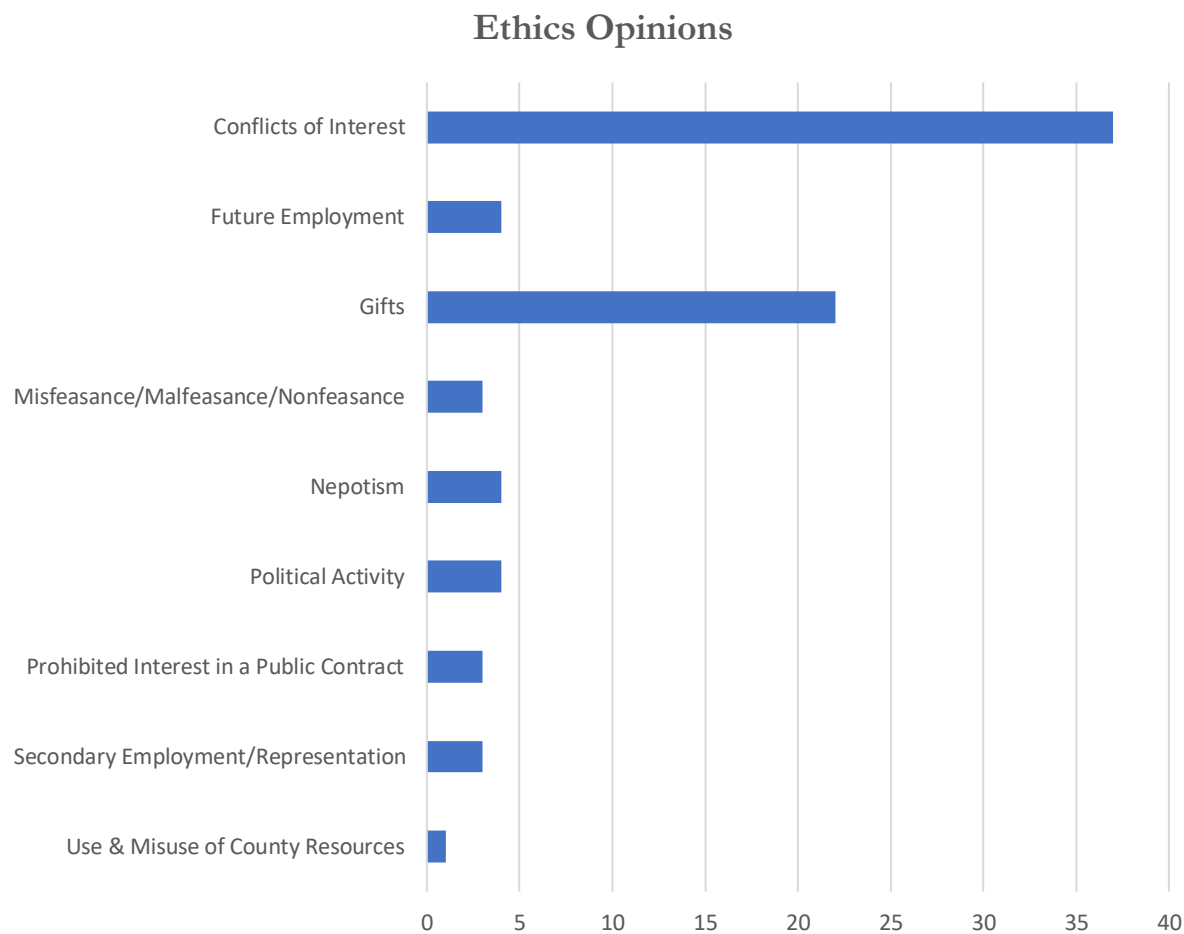
The Cuyahoga County Charter and Code designate the Inspector General as the chief ethics officer for Cuyahoga County. As part of this role, the AIG receives whistleblower complaints alleging violations of the County Ethics Code and conducts investigations of possible ethics violations, as previously discussed 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

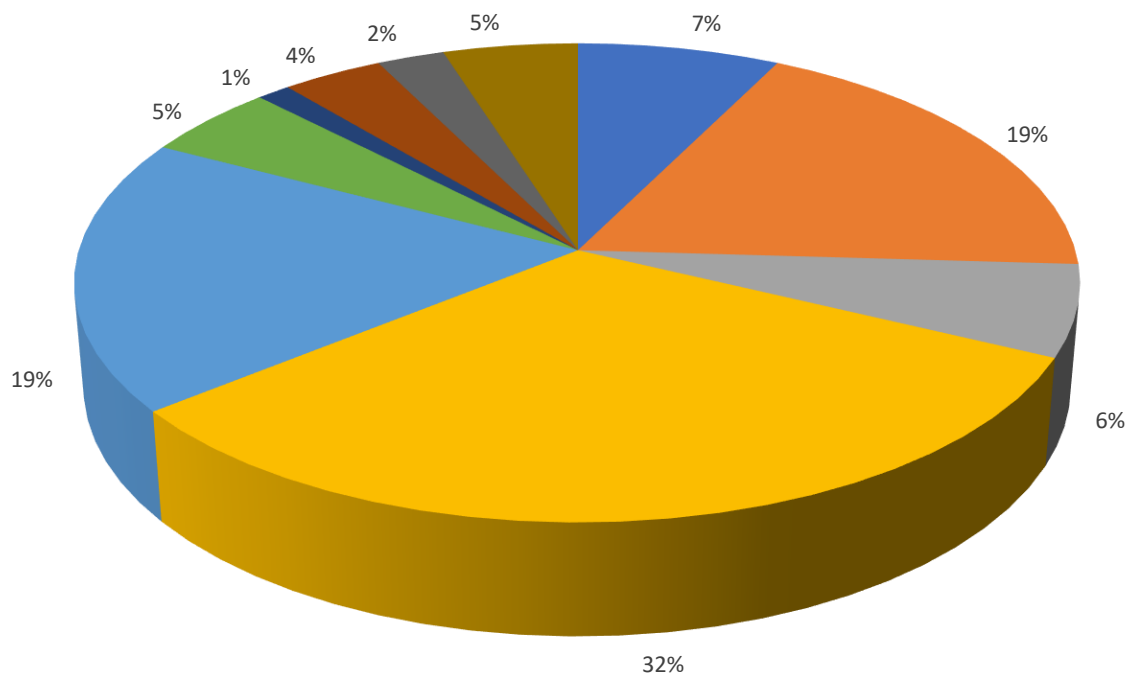
The AIG issued eighty-one (81) Ethics Advisory Opinions during this reporting period, which is second only to the record high of ninety-two (92) issued last half and almost double the historic average of forty-one (41) Ethics Advisory Opinions issued in a half. The Ethics Advisory Opinions were issued on the following topics:



During the first half of 2023, the greatest number of ethics inquiries were related to Conflicts of Interest, followed by Gifts. Additionally, there were several inquiries regarding Future Employment, Nepotism, and Political Activity.

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
- Investigation Initiated
- Political Activity - Not Permitted
- Political Activity - Permitted
- Request for Opinion Withdrawn

Representative Examples of Recent Ethics Advisory Opinions

NEPOTISM

(23-0048-EI) Inquiry from two employees who wanted to be considered for supervisor positions in their departments when each had a relative – a son and a brother, respectively – who worked in the same departments. County Code §403.05(b) states, “[n]o elected official, employee, or board member may, either individually or as a member of a body, supervise a relative in the performance of the relative’s official powers and duties.” In addition, County Code §402(L) includes both “child” and “sibling” in its definition of the word “relative.” The AIG determined that there would be no guarantees that the employees in question would not supervise their relatives if promoted. While the employees asserted that there were policies in place which would prevent favoritism when dealing with their relatives, the employees were advised that the County Code does not contain such an exception to County Code §403.05. Accordingly, the employees were ineligible for supervisor positions within the same departments as their relatives.

CONFLICTS OF INTEREST

(23-0049-EI) An employee sought guidance as to whether it was permissible to purchase a specialized housing unit at full cost from a non-profit when that non-profit had received federal funds through the County in the past. The AIG determined that if the benefit from the non-profit was disseminated on a first-come-first-served basis for qualified applicants, the employee would be able to pursue that benefit pursuant to County Code §403.06(D)(5), which states that anything for which an employee pays face value, or at a discount available to all County employees or the general public, does not carry a presumption of influence over the employee. The AIG further determined that if the non-profit exercised discretion regarding who received the benefit in question, that the employee could still pursue the benefit, but that the employee could not use his County position in any way in that pursuit. Furthermore, the employee would need to withdraw from exercising any discretion – formally or informally – with regard to the non-profit in the future without further guidance from the AIG.

CONFLICTS OF INTEREST

(23-0074-EI) A County employee submitted an inquiry regarding whether the County Ethics Code prohibited her from serving on the board of a charter school. She stated that the school is not interested in matters before the County, nor is it seeking to do business with the County.

The AIG confirmed that the school had no contracts with the County. Accordingly, the County Ethics Code did not prohibit the employee from serving on the charter school’s board. Under County Ethics Code §403.06(A) and Ohio Revised Code §102.03, however, the employee is prohibited from participating in her County role, formally or informally, in considering, recommending, or voting to authorize any benefit to the school. She cannot use her authority or influence to secure any County benefits – including public funds or any contracts with the County – for the school.

PROHIBITED INTEREST IN A PUBLIC CONTRACT

(23-0075-EI) An employee who had been hired but had not yet begun her County employment sought guidance as to whether she could continue to serve on the board of an entity that contracts with the County. Pursuant to County Ethics Code §403.03(D) and Ohio Revised Code §2921.42(A)(4), a County employee or official is prohibited from having an interest in the profits or benefits of a public contract entered into by or for the use of the County. The Ohio Ethics Commission has opined that an “interest” includes a fiduciary interest, and that board members – even when uncompensated for their service – generally have a fiduciary interest in the organization on whose board they sit. Therefore, this employee would have a prohibited interest in any new contract between the entity and the County once she began her County position unless she could prove the elements of a very narrow exception for each new contract. Accordingly, it was unlikely that the employee could continue to serve on the board of the entity after she began her role with the County without violating both the County and state ethics laws.

POLITICAL ACTIVITY

(23-0060-EI) A prospective unclassified County employee submitted an inquiry regarding whether she could run for Common Pleas Court judge while working for the County. Pursuant to County Ethics Code §403.13, employees are subject to the rules regarding political activity pursuant to Ohio Revised Code (“O.R.C.”) Chapter 124 and Ohio Administrative Code (“O.A.C.”) Chapter 123. O.A.C. §123:1-46-02(E) states that unclassified employees are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional or statutory provisions. O.A.C. §123:1-46-02(A)(2) defines “political activity” as partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates. Since a campaign for Common Pleas Court judge is a partisan campaign, it is “political activity” allowed for unclassified employees by O.A.C. §123:1-46-

02(E). As such, the prospective County employee would not be prohibited by the County Ethics Code from running for judge while working as an unclassified County employee, although she was cautioned that her prospective supervisor and department might have further rules she would be required to follow.

GIFTS

(23-0038-EI) A County supervisor submitted an inquiry to determine whether her subordinate may accept a gift card or flowers from a family with whom the subordinate employee had worked. The family stated that they wanted to thank the employee for a job well done. Pursuant to §403.06(B)(2), the County Ethics Code prohibits any employee from accepting anything of value, other than her public compensation, for the general performance of the duties of her employment. Accordingly, the employee was prohibited from accepting a gift card or flowers.

GIFTS

(23-0052-EI) A County employee submitted an inquiry regarding the propriety of sharing an anonymous gift basket of food with her staff. She stated that the gift basket was delivered to her at her office via Amazon; that there was no card or return address; that Amazon could not tell her who sent it; and that the company that made the gift basket also could not tell her who sent it. Pursuant to County Ethics Code §403.06, no employee can accept a gift if it was intended to influence or reward the employee with respect to their County role. Since the source of the gift basket was unclear, the County Ethics Code did not prohibit the employee from accepting the basket and sharing it with her staff so that it did not go to waste. If the source of the gift basket later comes to light and turns out to be an improper source, however, the employee will have to reimburse the source to ensure that there is no improper influence.

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 supplemental 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.

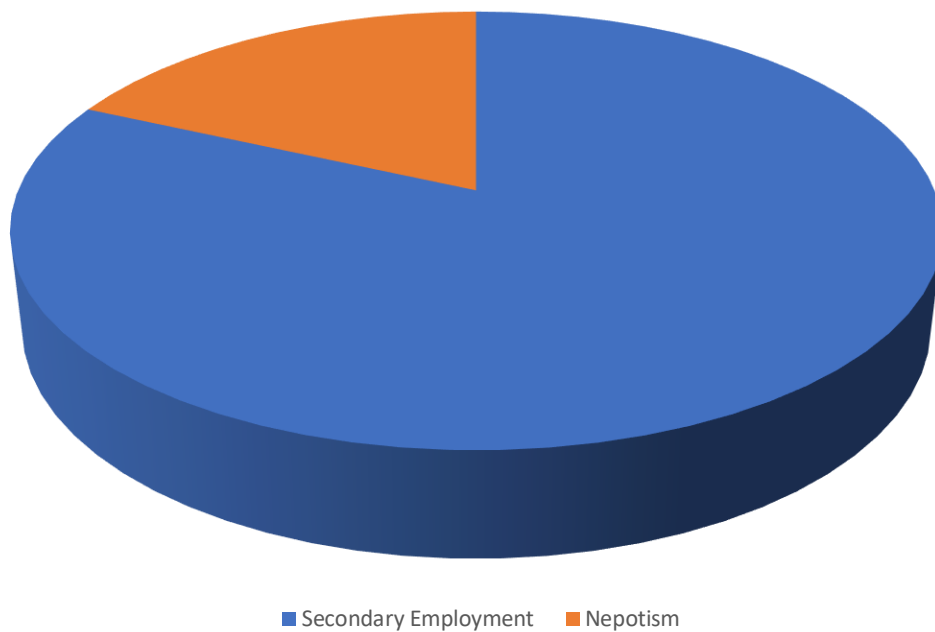
County Code 403.04(A), 403.04(B) and 403.04(C) require that County elected officials, employees, and board members disclose any time a matter involving the exercise of discretion comes before them where the disposition of the matter could result in a direct financial or material benefit to themselves 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 seventy-nine (179) inquiries regarding secondary employment and received and reviewed forty (40) Nepotism/Conflict-of-Interest disclosures during this reporting cycle.

Ethics Disclosures



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 June 30, 2023, there were one thousand, nine hundred seven (1,907) contractors and sixteen (16) lobbyists registered with the AIG. The AIG received one hundred seventy-nine (179) new contractor registrations in the first half of 2023. 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.

In 2022, the AIG expanded its approach in how it searches for unresolved tax issues, which resulted in the identification of \$993,027.66 in uncollected delinquent property taxes and tax liens owed by contractors during this reporting cycle. To date, the AIG has identified \$7,136,575.16 in unpaid taxes owed 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 Board¹⁴ 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.

¹⁴ 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 thirty-five (35) debarment matters. The AIG made final determinations on fifty-six (56) debarment matters, all of which resulted in determinations not to initiate debarment proceedings.

A determination not to initiate debarment proceedings is used when the AIG decides that, after a preliminary review of the matter, there are 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.”

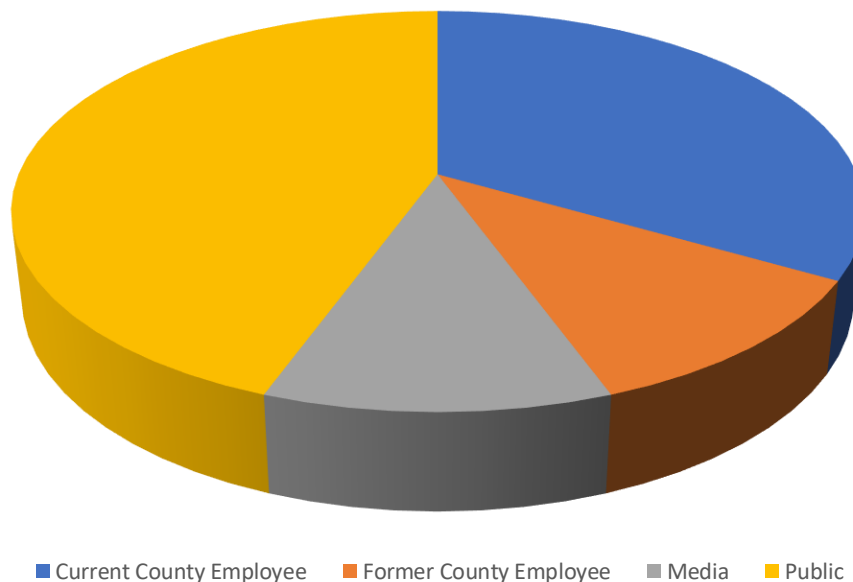
SECTION 6: OUTREACH

6.1: 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 nine (9) public records requests. The AIG received one (1) request from the media, one (1) request from a former County employee, three (3) requests from current County employees, and four (4) requests from the public.

Public Records Requests



6.2: EDUCATION



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.

The AIG recently 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.

6.3: SERVICE

Young Southeast Asian Leaders Initiative Professional Fellows Program

Each year as part of the U.S. Department of State’s Young Southeast Asian Leaders Initiative Professional Fellows Program, the American Council of Young Political Leaders designs and implements a short-term fellowship program in the United States for 50 international participants from Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor-Leste, and Vietnam. The Professional Fellows Program seeks to provide promising young leaders aged 25-35 with the opportunity to build practical expertise, develop leadership skills, and foster innovative ideas for tackling what they have identified as their generation’s greatest challenges in the region.

The Professional Fellows Program focuses on the theme of Governance and Society and provides international participants with an in-depth, hands-on exploration of the vital role that a diverse civil society plays in our country’s political and policy-making processes, and how this involvement informs and enhances political transparency, accountability, and American democracy. In so doing, the fellows strengthen their understanding of American governance, politics, public policymaking, and the legislative process.

During the first half of 2023, the AIG hosted one (1) fellow, Leaphea Yang, who currently works as a training manager at AIA Cambodia and has served Transparency International Cambodia in several different roles. During her time with the AIG, Ms. Yang focused on strengthening her understanding of good governance and engaging the community in policy development. She hopes to increase public awareness and encourage new legislation to ensure that Cambodian citizens have appropriate access to government records and meetings.

SECTION 7: GOALS

7.1: REVIEW OF FIRST HALF 2023 GOALS

In the AIG's prior semi-annual report, the AIG set forth specific and ambitious goals it sought to accomplish the first half of 2023. These goals were as follows:

1) **Bring the Automated Data Analytics Program Current –**

- **Goal:** 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.
- **Status:** The AIG completed the initial investigations and subsequent review of the results for all of the data analytics program. All investigations generated from the initial runs are expected to be completed by the end of 2023, due to the significant number of findings identified and the need to identify root causes and make corrective recommendations.

2) **Update Automation of Contractor Background Checks –**

- **Goal:** 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.

- **Status:** The AIG began researching the options available to update the automated vendor background check script for a new browser in the first half and has implemented work arounds as needed until a new solution can be developed. Development will commence in the second half of 2023 to ensure the efficiencies and reliability gained by automating this process are maintained.

3) **Review and Update Contractor Exemption List –**

- **Goal:** 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.
- **Status:** The AIG reviewed the existing exemptions and presented the nine (9) existing exemptions and two (2) new exemptions to the Board of Control for approval. The two (2) newly proposed exemptions create a registration exemption for foster parents of children in County custody and daycare providers providing services to children in County custody. The eleven (11) proposed exemptions were unanimously approved by the Board of Control.

7.2: GOALS FOR SECOND HALF 2023

The AIG will strive to achieve the following goals in the second half of 2023:

1) **Update and Further Develop Automated Data Analytics Program –**

- By the end of 2023, the AIG plans to update the previously developed scripts for all four analytics to modify them for any changes in records and processes as the County migrated to the ERP. After the scripts have been updated the AIG plans to run more current County data to timely detect fraud, waste or

abuse in County operations. The AIG intends to continue to make the data analytics program and their related investigations a top priority for the office.

2) **Promote Awareness of the County Ethics Code –**

- The AIG will update its virtual ethics training program for County employees to deliver a comprehensive, interactive, and effective presentation of the material. In addition, the AIG will explore additional ways of promoting awareness of the County Ethics Code to County elected officials, employees, and board members.

3) **Further Increase Investigation Timeliness –**

- The AIG strives to produce thorough investigations in a timely manner. Since the beginning of 2022, the AIG has implemented process improvements to increase the effectiveness and efficiency of our investigations and has added transparent reporting functions that focus on investigation timeliness. These efforts paid off as the average time to complete our investigations over the past three (3) halves went from 671 days, to 489 days, and finally to 110 days for this reporting period. During the second half of 2023, the AIG intends to evaluate and fine tune the process improvements implemented in 2022 in an effort to further improve investigation timeliness.

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 Inspector General 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 violation of a provision of Title 4 of the County Code. The Inspector General may issue a letter of admonition when it finds that the violation of Title 4 of the County Code was knowingly committed but is nevertheless a minor offense.
- *Letter of Censure.* A Letter of Censure condemns an employee for his or her violation of a provision of Title 4 of the County Code. The Inspector General may issue a letter of

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(L), 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 for contractors and lobbyists.



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