

Role and Overview

The Ohio Ethics Commission, an independent state oversight agency, is charged with interpreting and administering the Ohio Ethics Law and promoting ethics in public service to strengthen the public's confidence that Government business is conducted with impartiality and integrity. The Commission has jurisdiction over the majority of Ohio's public officials and employees at the state and local levels of government, estimated to be over 590,000 in public service in Ohio.

In 1973, the Ohio legislature enacted Ohio's Ethics Law, Chapter 102 of the Ohio Revised Code, creating the Ethics Commission and a series of statutory provisions to protect against personal and business conflicts of interest in public contracts and decisions, and other unethical activity within the public sector. As an integral part of the law, the General Assembly created an independent, bi-partisan Commission, composed of six gubernatorial appointees, to execute its provisions. These appointees are subject to confirmation by the Senate, and serve six-year, staggered terms. The Ethics Law requires the Commission to provide ethics education, oversee financial disclosure, investigate unethical conduct that can lead to criminal prosecution, and advise the General Assembly on ethics-related legislation. The Commission is authorized to issue legal advisory opinions that provide protection to the requestor before action is taken. The Commission appoints an Executive Director who supervises a staff of 22 employees to administer the Ethics Law and related statutes.

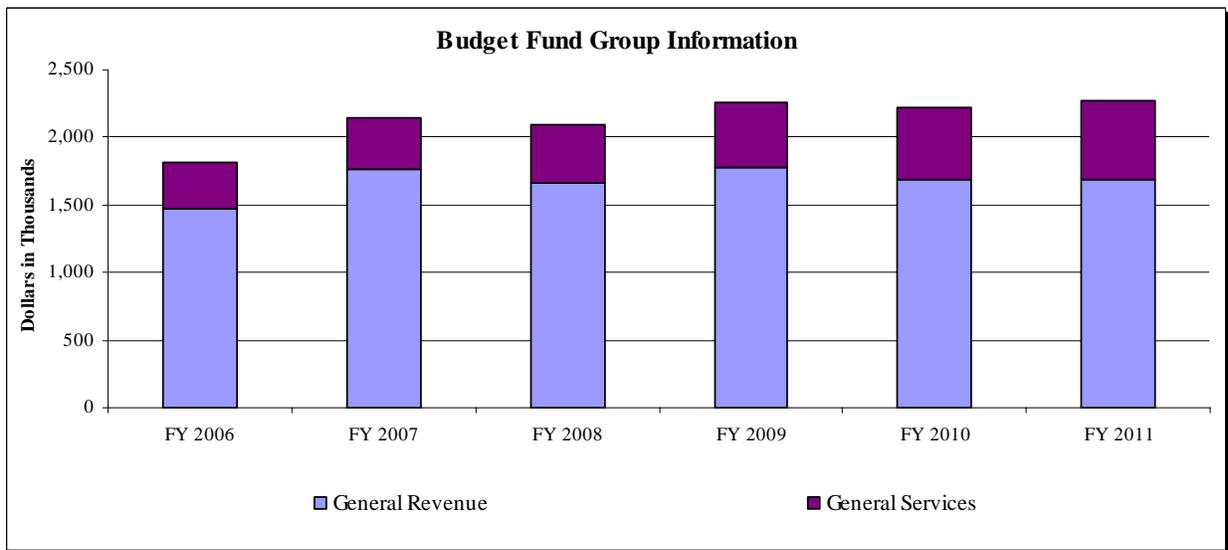
The Commission's annual budget of approximately \$2.3 million is 80% funded by the General Revenue Fund; 20% of funding is derived from the collection of financial disclosure filing fees from public officials and occasional court-ordered restitution payments.

More information regarding the Ethics Commission is available at <http://www.ethics.ohio.gov/>.

Agency Priority

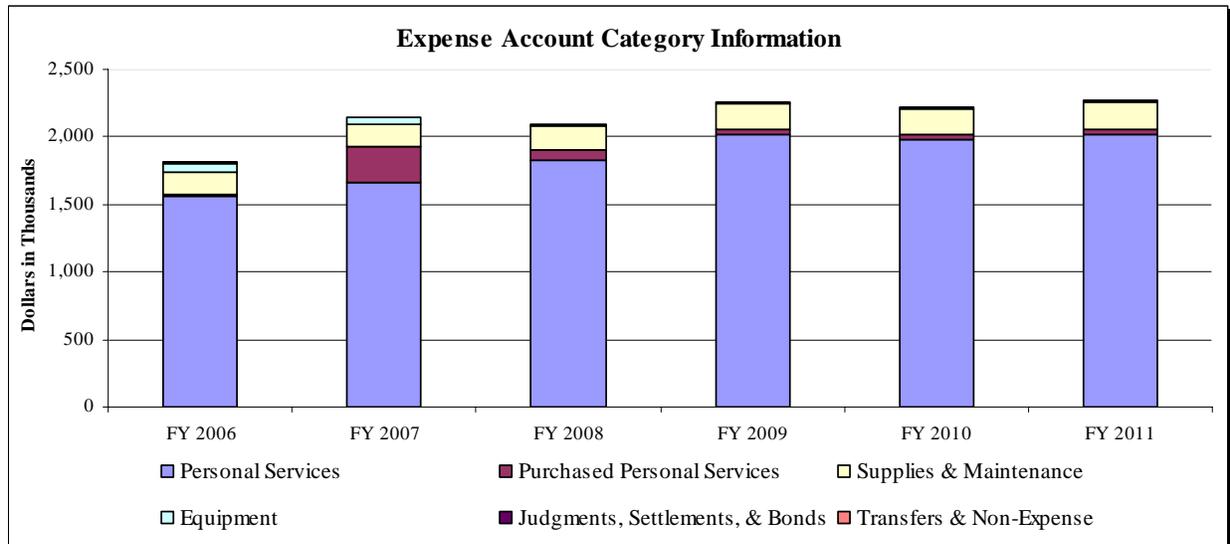
- Promote and enforce ethical conduct in public service to strengthen the public's confidence that state and local government business is conducted with impartiality and integrity.

Summary of Budget History and Recommendations



State of Ohio
Ohio Ethics Commission

(In Thousands) BUDGET FUND GROUP	ACTUAL			EST.	%	RECOMMENDED			
	FY 2006	FY 2007	FY 2008	FY 2009	FY 08-09	FY 2010	%	FY 2011	%
General Revenue	1,476	1,761	1,659	1,780	7.3	1,682	-5.5	1,682	0.0
General Services	335	389	440	478	8.5	545	14.0	589	8.2
TOTAL	1,810	2,150	2,099	2,258	7.5	2,227	-1.4	2,271	2.0



(In Thousands) EXPENSE ACCOUNT CATEGORY	ACTUAL			EST.	%	RECOMMENDED			
	FY 2006	FY 2007	FY 2008	FY 2009	FY 08-09	FY 2010	%	FY 2011	%
Personal Services	1,563	1,664	1,826	2,023	10.8	1,976	-2.3	2,016	2.0
Purchased Personal Services	10	260	80	36	-54.5	38	5.0	44	15.8
Supplies & Maintenance	166	169	180	183	1.3	194	6.3	193	-0.5
Equipment	69	56	11	14	30.7	16	6.9	16	0.0
Judgments, Settlements, & Bonds	2	2	0	0	0.0	0	0.0	0	0.0
Transfers & Non-Expense	0	0	2	2	-26.7	3	66.7	3	0.0
TOTAL	1,810	2,150	2,099	2,258	7.5	2,227	-1.4	2,271	2.0

PROGRAM SERIES 01: Ethics Oversight

This program series administers the Ohio Ethics Law (R.C. Chapter 102 and Sections 2921.42 and 2921.43) for public officials and employees at both the state and all local levels of government. The Commission's major program areas are advisory services, including the issuance of legal advisory opinions; education and public information; financial disclosure; and investigations/enforcement, including referrals for prosecution.

Program 01.01: Advisory Services

This program increases awareness and understanding of the Ethics Law by the public, public officials and employees, and entities doing business with government entities to ensure compliance with the state's Ethics Law. The Advisory Services Program implements the Commission's authority to render legal advisory opinions with regard to questions concerning ethics, conflicts of interest, and financial disclosure. The advisory process allows those who have potential conflicts or otherwise need ethics advice to obtain guidance before they act. The

Commission issues written legal advisory opinions that apply the Ethics Law and related statutes for state and local public officials and employees; gives telephone guidance to public servants facing conflicts of interest; and provides Ethics Law information to the public and media. When the Commission provides written legal advice, the individual to whom the opinion is directed (or an individual who is similarly situated) is immune from criminal prosecution, civil suit, or removal from office or position for an alleged ethics violation, if such advice is heeded. The law thereby encourages officials to ask questions before they take action. In 2007, the Commission closed 245 written requests and responded to 3,447 telephone inquiries for guidance with a staff of only three attorneys for state and local responsibility.

The Executive Recommendation will fund the following objectives:

- Provide for the commission to prepare approximately 150 advisory opinions and handle over 3,000 telephone calls each year to interpret the ethics law and related statutes on behalf of public officials, employees, the general public, and the media.
- Support three advisory attorneys and their efforts to provide proper advice and guidance that will ensure compliance with the state’s ethics law and avoidance of ethics violations; and
- Allow the commission and government entities to avoid costs related to unethical behavior, the investigation thereof, and resulting penalties to the public agency, by decreasing the likelihood that unethical behavior will occur if advice is sought and followed.

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2010	FY 2011
GRF	GRF	146321	Operating Expenses	198,626	207,478
GSF	4M60	146601	Operating Expenses	56,657	57,594
TOTAL FOR PROGRAM				255,283	265,072

Program 01.02: Education

This program meets the statutory mandate that the Commission provide continuing education and materials concerning the provisions of Ohio's Ethics Law, conflicts of interest, and financial disclosure. Educational sessions and informational materials increase public awareness of the application of Ohio's Ethics Law and, thereby, decrease the potential for costly ethics violations. Ethics education is offered through the development and distribution of informational materials, correspondence, educational sessions, internet and DVD usage, telephone assistance, and the Commission's website. Each year Commission staff conducts educational presentations and provides helpful answers to general questions throughout the state, conducting 253 first-hand presentations in 2007 alone, to more than 20,000 public servants and individuals. This program also incorporates the Commission’s statutory responsibility to review and recommend ethics-related legislation to the General Assembly. The Commission conducts this effort with only two educational staff.

The Executive Recommendation will fund the following objectives:

- Support the commission’s efforts to provide more than 150 sessions each year and thereby increase public understanding of Ohio’s Ethics Law and related statutes and reduce the occurrence of ethics violations;
- Fund three staff members responsible for this program and scheduling, coordinating, and conducting ethics presentations and legal education seminars on ethics and conflicts of interest each year; and
- Fund the creation, updating, printing, and distribution of public information materials, the maintenance of mailing and email notification lists, and the development and distribution of public service announcements and press releases regarding the financial disclosure requirements and applicable deadlines.

State of Ohio
Ohio Ethics Commission

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2010	FY 2011
GRF	GRF	146321	Operating Expenses	241,597	246,423
GSF	4M60	146601	Operating Expenses	828	2,053
TOTAL FOR PROGRAM				242,425	248,476

Program 01.03: Financial Disclosure

This program administers and enforces the financial disclosure requirements of the Ohio Revised Code, which mandates that over 11,000 elected state, county and city officeholders, candidates for those offices, upper-level state administrative appointees and employees, and many state board and Commission members and their executive directors, from over 1,300 different political subdivisions and public agencies, annually disclose their sources of income and investments. The purpose of the disclosure is to remind the filer and make the public and Commission aware of potential conflicts of interests. The Commission secures a greater than 99% compliance rate for public disclosure with an FDS staff of only three employees.

The Executive Recommendation will fund the following objectives:

- Enable the commission to administer nearly 11,000 statements per year and individually review more than 2,500 of these for specific potential conflicts of interest each year; and
- Support three staff who coordinate filing requirements for officials and employees in 1,333 public entities, collect filing fees, make statements available in response to public records requests, and maintain the recently updated financial disclosure information database.

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2010	FY 2011
GRF	GRF	146321	Operating Expenses	297,462	301,787
GSF	4M60	146601	Operating Expenses	76,160	77,010
TOTAL FOR PROGRAM				373,622	378,797

Program 01.04: Investigations

This program implements the statutory requirement upon the Commission to confidentially investigate allegations or complaints of ethics violations against public officials and employees and those with whom they do business. Because such allegations raise questions of potential criminal misconduct, the Ethics Commission reports its findings to the appropriate prosecuting authority and when violations (penalized as either criminal felonies or misdemeanors) are evidenced. When most egregious, as white-collar criminal actions, investigations require objective and factual review, first-person interviews, subpoenaed documents and records. The Commission investigates allegations of ethical wrongdoing involving public officials and employees, and private parties who interact with them, at every level of government, including state departments, boards and Commissions, counties, cities, villages, townships, school districts, and other public entities. In 2007, the Commission received 498 allegations and conducted 136 active investigations. Investigative efforts by the Commission have led to dozens of public corruption convictions and court-ordered restitution to the public, in addition to hundreds of enforcement cases as Special Prosecutors in 21 separate cases in 12 different counties over the past dozen years. The Commission has only three attorneys, six investigators and one support staff to conduct its state-wide investigative mandate.

The Executive Recommendation will fund the following objectives:

- Enable the ten Ethics Commission staff assigned to this program to receive, review, and analyze allegations and initiate complaints against or investigations (when substantiated) of those under its authority subject to the ethics law and related statutes;

- Allow the commission to pursue and secure criminal investigations, including the compulsory subpoenas for the production of documents and witnesses and preparation of cases for the criminal adjudicatory processes when probable cause presents a potential criminal violation and where objective evidence ultimately supports criminal misconduct. Commission staff will continue to be available to assist prosecutors as such cases proceed through the justice system; and
- Support the application of alternative resolution to violations of the Ohio Ethics Law under Ohio Revised Code 102.06, where traditional prosecution does not serve to adequately remedy the misconduct. These efforts will hold public officials and employees accountable for violations of the ethics law, assure compliance with the law, and maintain a uniform and objective standard of public ethics oversight.

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2010	FY 2011
GRF	GRF	146321	Operating Expenses	847,167	831,934
GSF	4M60	146601	Operating Expenses	250,719	246,758
TOTAL FOR PROGRAM				1,097,886	1,078,692

Program 01.05: Program Management

This program provides general shared operating and administrative support costs needed to support all other program areas within the Ohio Ethics Commission such as human resources, information technology, and fiscal management. With its Executive Director, one IT Administrator, combined HR/Fiscal Manager, Fiscal Specialist and Receptionist, the Commission has only five additional support staff for its entire operation.

The Executive Recommendation will fund the following objectives:

- Provide funding for the shared (overhead) costs of all the program areas, such as office space, equipment, maintenance, and supplies.

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2010	FY 2011
GRF	GRF	146321	Operating Expenses	97,168	94,498
GSF	4M60	146601	Operating Expenses	160,179	205,528
TOTAL FOR PROGRAM				257,347	300,026

LINE ITEM SUMMARY - Ethics Commission

FUND	ALI	ALI NAME	FY 2006 ACTUAL	FY 2007 ACTUAL	FY 2008 ACTUAL	FY 2009 ESTIMATE	FY 2010 RECOMMENDED	% CHANGE	FY 2011 RECOMMENDED	% CHANGE
GRF	146321	Operating Expenses	1,475,573	1,761,183	1,659,310	1,780,138	1,682,020	-5.5	1,682,120	0.0
TOTAL General Revenue			1,475,573	1,761,183	1,659,310	1,780,138	1,682,020	-5.5	1,682,120	0.0
4M60	146601	Operating Expenses	334,642	389,015	440,086	477,543	544,543	14.0	588,943	8.2
TOTAL General Services			334,642	389,015	440,086	477,543	544,543	14.0	588,943	8.2
TOTAL Ethics Commission			1,810,215	2,150,198	2,150,198	2,257,681	2,226,563	-1.4	2,271,063	2.0