

As Reported by the House State and Local Government Committee

133rd General Assembly

Regular Session

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Sub. H. B. No. 311

Representative Greenspan

Cosponsors: Representatives Hambley, Smith, T.

A BILL

To amend sections 102.06, 121.41, and 121.42 and to
enact sections 121.54, 305.20, 318.01, 318.02,
318.03, 318.04, 318.05, 318.06, 318.07, 318.08,
318.081, 318.09, and 318.10 of the Revised Code
to authorize counties to request and obtain a
county inspector general to investigate wrongful
acts or omissions in county and other political
subdivision government and to allow counties to
contract with the State Inspector General on a
limited basis.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 102.06, 121.41, and 121.42 be
amended and sections 121.54, 305.20, 318.01, 318.02, 318.03,
318.04, 318.05, 318.06, 318.07, 318.08, 318.081, 318.09, and
318.10 of the Revised Code be enacted to read as follows:

Sec. 102.06. (A) The appropriate ethics commission shall
receive and may initiate complaints against persons subject to
this chapter concerning conduct alleged to be in violation of
this chapter or section 2921.42 or 2921.43 of the Revised Code.

All complaints except those by the commission shall be by 19
affidavit made on personal knowledge, subject to the penalties 20
of perjury. Complaints by the commission shall be by affidavit, 21
based upon reasonable cause to believe that a violation has 22
occurred. 23

(B) The appropriate ethics commission shall investigate 24
complaints, may investigate charges presented to it, and may 25
request further information, including the specific amount of 26
income from a source, from any person filing with the commission 27
a statement required by section 102.02 or 102.021 of the Revised 28
Code, if the information sought is directly relevant to a 29
complaint or charges received by the commission pursuant to this 30
section. This information is confidential, except that the 31
commission, in its discretion, may share information gathered in 32
the course of any investigation with, or disclose the 33
information to, the inspector general, a county inspector 34
general, any appropriate prosecuting authority, any law 35
enforcement agency, or any other appropriate ethics commission. 36
If the accused person is a member of the public employees 37
retirement board, state teachers retirement board, school 38
employees retirement board, board of trustees of the Ohio police 39
and fire pension fund, or state highway patrol retirement board, 40
or is a member of the bureau of workers' compensation board of 41
directors, the appropriate ethics commission, in its discretion, 42
also may share information gathered in the course of an 43
investigation with, or disclose the information to, the attorney 44
general and the auditor of state. The person so requested shall 45
furnish the information to the commission, unless within fifteen 46
days from the date of the request the person files an action for 47
declaratory judgment challenging the legitimacy of the request 48
in the court of common pleas of the county of the person's 49

residence, the person's place of employment, or Franklin county. 50
The requested information need not be furnished to the 51
commission during the pendency of the judicial proceedings. 52
Proceedings of the commission in connection with the declaratory 53
judgment action shall be kept confidential except as otherwise 54
provided by this section. Before the commission proceeds to take 55
any formal action against a person who is the subject of an 56
investigation based on charges presented to the commission, a 57
complaint shall be filed against the person. If the commission 58
finds that a complaint is not frivolous, and there is reasonable 59
cause to believe that the facts alleged in a complaint 60
constitute a violation of section 102.02, 102.021, 102.03, 61
102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it 62
shall hold a hearing. If the commission does not so find, it 63
shall dismiss the complaint and notify the accused person in 64
writing of the dismissal of the complaint. The commission shall 65
not make a report of its finding unless the accused person 66
requests a report. Upon the request of the accused person, the 67
commission shall make a public report of its finding. The person 68
against whom the complaint is directed shall be given reasonable 69
notice by certified mail of the date, time, and place of the 70
hearing and a statement of the charges and the law directly 71
involved and shall be given the opportunity to be represented by 72
counsel, to have counsel appointed for the person if the person 73
is unable to afford counsel without undue hardship, to examine 74
the evidence against the person, to produce evidence and to call 75
and subpoena witnesses in the person's defense, to confront the 76
person's accusers, and to cross-examine witnesses. The 77
commission shall have a stenographic record made of the hearing. 78
The hearing shall be closed to the public. 79

(C) (1) (a) If, upon the basis of the hearing, the 80

appropriate ethics commission finds by a preponderance of the 81
evidence that the facts alleged in the complaint are true and 82
constitute a violation of section 102.02, 102.021, 102.03, 83
102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it 84
shall report its findings to the appropriate prosecuting 85
authority for proceedings in prosecution of the violation and to 86
the appointing or employing authority of the accused. If the 87
accused person is a member of the public employees retirement 88
board, state teachers retirement board, school employees 89
retirement board, board of trustees of the Ohio police and fire 90
pension fund, or state highway patrol retirement board, the 91
commission also shall report its findings to the Ohio retirement 92
study council. 93

(b) If the Ohio ethics commission reports its findings to 94
the appropriate prosecuting authority under division (C) (1) (a) 95
of this section and the prosecuting authority has not initiated 96
any official action on those findings within ninety days after 97
receiving the commission's report of them, the commission may 98
publicly comment that no official action has been taken on its 99
findings, except that the commission shall make no comment in 100
violation of the Rules of Criminal Procedure or about any 101
indictment that has been sealed pursuant to any law or those 102
rules. The commission shall make no comment regarding the merits 103
of its findings. As used in division (C) (1) (b) of this section, 104
"official action" means prosecution, closure after 105
investigation, or grand jury action resulting in a true bill of 106
indictment or no true bill of indictment. 107

(2) If the appropriate ethics commission does not find by 108
a preponderance of the evidence that the facts alleged in the 109
complaint are true and constitute a violation of section 102.02, 110
102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the 111

Revised Code or if the commission has not scheduled a hearing 112
within ninety days after the complaint is filed or has not 113
finally disposed of the complaint within six months after it has 114
been heard, it shall dismiss the complaint and notify the 115
accused person in writing of the dismissal of the complaint. The 116
commission shall not make a report of its finding unless the 117
accused person requests a report. Upon the request of the 118
accused person, the commission shall make a public report of the 119
finding, but in this case all evidence and the record of the 120
hearing shall remain confidential unless the accused person also 121
requests that the evidence and record be made public. Upon 122
request by the accused person, the commission shall make the 123
evidence and the record available for public inspection. 124

(D) The appropriate ethics commission, or a member of the 125
commission, may administer oaths, and the commission may issue 126
subpoenas to any person in the state compelling the attendance 127
of witnesses and the production of relevant papers, books, 128
accounts, and records. The commission shall issue subpoenas to 129
compel the attendance of witnesses and the production of 130
documents upon the request of an accused person. Section 101.42 131
of the Revised Code shall govern the issuance of these subpoenas 132
insofar as applicable. Upon the refusal of any person to obey a 133
subpoena or to be sworn or to answer as a witness, the 134
commission may apply to the court of common pleas of Franklin 135
county under section 2705.03 of the Revised Code. The court 136
shall hold proceedings in accordance with Chapter 2705. of the 137
Revised Code. The commission or the accused person may take the 138
depositions of witnesses residing within or without the state in 139
the same manner as prescribed by law for the taking of 140
depositions in civil actions in the court of common pleas. 141

(E) At least once each year, the Ohio ethics commission 142

shall report on its activities of the immediately preceding year 143
to the majority and minority leaders of the senate and house of 144
representatives of the general assembly. The report shall 145
indicate the total number of complaints received, initiated, and 146
investigated by the commission, the total number of complaints 147
for which formal hearings were held, and the total number of 148
complaints for which formal prosecution was recommended or 149
requested by the commission. The report also shall indicate the 150
nature of the inappropriate conduct alleged in each complaint 151
and the governmental entity with which any employee or official 152
that is the subject of a complaint was employed at the time of 153
the alleged inappropriate conduct. 154

(F) All papers, records, affidavits, and documents upon 155
any complaint, inquiry, or investigation relating to the 156
proceedings of the appropriate ethics commission shall be sealed 157
and are private and confidential, except as otherwise provided 158
in this section and section 102.07 of the Revised Code. 159

(G) (1) When a complaint or charge is before it, the Ohio 160
ethics commission or the appropriate prosecuting authority, in 161
consultation with the person filing the complaint or charge, the 162
accused, and any other person the commission or prosecuting 163
authority considers necessary, may compromise or settle the 164
complaint or charge with the agreement of the accused. The 165
compromise or settlement may include mediation, restitution, 166
rescission of affected contracts, forfeiture of any benefits 167
resulting from a violation or potential violation of law, 168
resignation of a public official or employee, or any other 169
relief that is agreed upon between the commission or prosecuting 170
authority and the accused. 171

(2) Any settlement agreement entered into under division 172

(G) (1) of this section shall be in writing and be accompanied by 173
a statement of the findings of the commission or prosecuting 174
authority and the reasons for entering into the agreement. The 175
commission or prosecuting authority shall retain the agreement 176
and statement in the commission's or prosecuting authority's 177
office and, in the commission's or prosecuting authority's 178
discretion, may make the agreement, the statement, and any 179
supporting information public, unless the agreement provides 180
otherwise. 181

(3) If a settlement agreement is breached by the accused, 182
the commission or prosecuting authority, in the commission's or 183
prosecuting authority's discretion, may rescind the agreement 184
and reinstitute any investigation, hearing, or prosecution of 185
the accused. No information obtained from the accused in 186
reaching the settlement that is not otherwise discoverable from 187
the accused shall be used in any proceeding before the 188
commission or by the appropriate prosecuting authority in 189
prosecuting the violation. Notwithstanding any other section of 190
the Revised Code, if a settlement agreement is breached, any 191
statute of limitations for a violation of this chapter or 192
section 2921.42 or 2921.43 of the Revised Code is tolled from 193
the date the complaint or charge is filed until the date the 194
settlement agreement is breached. 195

Sec. 121.41. As used in sections 121.41 to 121.50 of the 196
Revised Code: 197

(A) "Appropriate ethics commission" has the same meaning 198
as in section 102.01 of the Revised Code. 199

(B) "Appropriate licensing agency" means a public or 200
private entity that is responsible for licensing, certifying, or 201
registering persons who are engaged in a particular vocation. 202

(C) "Person" has the same meaning as in section 1.59 of 203
the Revised Code and also includes any officer or employee of 204
the state or any political subdivision of the state. 205

(D) "State agency" has the same meaning as in section 1.60 206
of the Revised Code and includes the Ohio casino control 207
commission, but does not include any of the following: 208

(1) The general assembly; 209

(2) Any court; 210

(3) The secretary of state, auditor of state, treasurer of 211
state, or attorney general and their respective offices. 212

(E) "State employee" means any person who is an employee 213
of a state agency, or any person who does business with the 214
state including, only for the purposes of sections 121.41 to 215
121.50 of the Revised Code, the nonprofit corporation formed 216
under section 187.01 of the Revised Code. 217

(F) "State officer" means any person who is elected or 218
appointed to a public office in a state agency. 219

(G) "Wrongful act or omission" means an act or omission, 220
committed in the course of office holding or employment, that is 221
not in accordance with the requirements of law or such standards 222
of proper governmental conduct as are commonly accepted in the 223
community and thereby subverts, or tends to subvert, the process 224
of government. 225

(H) As used in section 121.42 of the Revised Code, "county 226
agency" and "county employee" have the same meanings as defined 227
in section 318.01 of the Revised Code. 228

Sec. 121.42. The inspector general shall do all of the 229
following: 230

(A) Investigate the management and operation of state 231
agencies on ~~his~~ the inspector general's own initiative in order 232
to determine whether wrongful acts and omissions have been 233
committed or are being committed by state officers or state 234
employees; 235

(B) Receive complaints under section 121.46 of the Revised 236
Code alleging wrongful acts and omissions, determine whether the 237
information contained in those complaints allege facts that give 238
reasonable cause to investigate, and, if so, investigate to 239
determine if there is reasonable cause to believe that the 240
alleged wrongful act or omission has been committed or is being 241
committed by a state officer or state employee; 242

(C) Except as otherwise provided in this division, 243
contemporaneously report suspected crimes and wrongful acts or 244
omissions that were or are being committed by state officers or 245
state employees to the governor and to the appropriate state or 246
federal prosecuting authority with jurisdiction over the matter 247
if there is reasonable cause to believe that a crime has 248
occurred or is occurring. In addition, the inspector general 249
shall report the wrongful acts or omissions, as appropriate 250
under the circumstances, to the appropriate ethics commission in 251
accordance with section 102.06 of the Revised Code, the 252
appropriate licensing agency for possible disciplinary action, 253
or the state officer's or state employee's appointing authority 254
for possible disciplinary action. The inspector general shall 255
not report a wrongful act or omission to a person as required by 256
this division if that person allegedly committed or is 257
committing the wrongful act or omission. 258

(D) Except as otherwise provided in this division, 259
contemporaneously report suspected crimes and wrongful acts or 260

omissions that the inspector general becomes aware of in 261
connection with an investigation of a state agency, state 262
officer, or state employee, and that were or are being committed 263
by persons who are not state officers or state employees to the 264
governor and to the appropriate state or federal prosecuting 265
authority with jurisdiction over the matter if there is 266
reasonable cause to believe that a crime has occurred or is 267
occurring. In addition, the inspector general shall report the 268
wrongful acts or omissions, as appropriate under the 269
circumstances, to the appropriate ethics commission in 270
accordance with section 102.06 of the Revised Code, the 271
appropriate licensing agency for possible disciplinary action, 272
or the person's public or private employer for possible 273
disciplinary action. The inspector general shall not report a 274
wrongful act or omission to a person as required by this 275
division if that person allegedly committed or is committing the 276
wrongful act or omission. 277

(E) Prepare a detailed report of each investigation that 278
states the basis for the investigation, the action taken in 279
furtherance of the investigation, and whether the investigation 280
revealed that there was reasonable cause to believe that a 281
wrongful act or omission had occurred. If a wrongful act or 282
omission was identified during the investigation, the report 283
shall identify the person who committed the wrongful act or 284
omission, describe the wrongful act or omission, explain how it 285
was detected, indicate to whom it was reported, and describe 286
what the state agency in which the wrongful act or omission was 287
being committed is doing to change its policies or procedures to 288
prevent recurrences of similar wrongful acts or omissions. 289

(F) Identify other state agencies that also are 290
responsible for investigating, auditing, reviewing, or 291

evaluating the management and operation of state agencies, and 292
negotiate and enter into agreements with these agencies to share 293
information and avoid duplication of effort; 294

(G) Investigate on behalf of a board of county 295
commissioners, under contract pursuant to section 318.10 of the 296
Revised Code, the management and operation within county 297
agencies to determine whether wrongful acts and omissions have 298
been committed or are being committed by county employees; 299

(H) Interview and recommend qualified individuals to the 300
state commission for inspector general services when requested 301
by a board of county commissioners under section 305.20 of the 302
Revised Code; 303

(I) For his the inspector general's own guidance and the 304
guidance of deputy inspectors general, develop and update in the 305
light of experience, both of the following: 306

(1) Within the scope of the definition in division (G) of 307
section 121.41 of the Revised Code, a working definition of 308
"wrongful act or omission"; 309

(2) A manual of investigative techniques. 310

~~(H)~~ (J) Conduct studies of techniques of investigating and 311
detecting, and of preventing or reducing the risk of, wrongful 312
acts and omissions by state officers and state employees; 313

~~(I)~~ (K) Consult with state agencies and advise them in 314
developing, implementing, and enforcing policies and procedures 315
that will prevent or reduce the risk of wrongful acts and 316
omissions by their state officers or state employees; 317

~~(J)~~ (L) After detecting a wrongful act or omission, review 318
and evaluate the relevant policies and procedures of the state 319

agency in which the wrongful act or omission occurred, and 320
advise the state agency as to any changes that should be made in 321
its policies and procedures so as to prevent recurrences of 322
similar wrongful acts or omissions. 323

Sec. 121.54. (A) The state commission for county inspector 324
general services is created to approve and appoint the county 325
inspectors general when requested by one or more boards of 326
county commissioners under section 305.20 of the Revised Code. 327
The commission consists of the attorney general, the auditor of 328
state, the secretary of state, the treasurer of state, and the 329
lieutenant governor. The commission shall organize by selecting 330
from its members a chairperson and a vice-chairperson. 331

(B) The commission shall meet as required by section 332
305.20 of the Revised Code to consider persons referred to it as 333
eligible for the office of county inspector general. If the 334
person is approved, the commission shall appoint the person to 335
the position for a four-year term. The person may be approved 336
and reappointed by the commission to subsequent four-year terms 337
unless replaced by the appointment of another county inspector 338
general at the end of the county inspector general's four-year 339
term. The commission may remove the county inspector general 340
from office in term for cause only after delivering written 341
notice to the county inspector general of the reasons for which 342
the commission intends to remove the county inspector general 343
from office and providing the county inspector general with an 344
opportunity to appear and show cause why the inspector general 345
should not be removed. 346

(C) The commission shall serve as the appointing authority 347
for the county inspector general in order to maintain the 348
independence of the office, but the board of county 349

commissioners shall pay the reasonable compensation and office 350
expenses as requested by the county inspector general in the 351
annual budget presented to the board of county commissioners and 352
as approved by the state commission for county inspector general 353
services. 354

(D) Members of the commission shall serve so long as they 355
are holding their respective statewide offices. 356

Sec. 305.20. (A) A board of county commissioners may, by 357
resolution, request the state inspector general to recommend 358
qualified individuals to the state commission for county 359
inspector general services created under section 121.54 of the 360
Revised Code to appoint a person to serve as an inspector 361
general for the county. The inspector general shall interview 362
candidates for the position and recommend the three most 363
qualified individuals to the commission. The qualified 364
individual shall meet the requirements set forth in section 365
318.09 of the Revised Code. One or more of the eligible 366
candidates may be an employee of the state inspector general at 367
the time of consideration or an individual interviewed by the 368
state inspector general to ascertain the individual's 369
qualifications to serve as an inspector general for the county. 370

(B) Not later than thirty days after making the referral 371
of the three most qualified individuals, the commission shall 372
convene to consider the persons referred. The commission shall 373
appoint the person it considers most qualified to work on behalf 374
of the county but as an independent and autonomous entity for 375
the purpose of investigating wrongful acts or omissions, as 376
defined in section 318.01 of the Revised Code, of county 377
employees. 378

(C) The county inspector general shall submit a reasonable 379

budget to the board of county commissioners to provide for the 380
operations of the office, including such employees as are 381
necessary to provide the services of a county inspector general. 382
The board of county commissioners shall approve the requested 383
budget with the approval of the commission for county inspector 384
general services created under section 121.54 of the Revised 385
Code. 386

(D) Although the county inspector general's office is 387
independent from the county, the board of county commissioners 388
shall pay all expenses of the office as provided for in the 389
annual budget approved as provided in division (C) of this 390
section. 391

(E) Two or more counties may adopt a resolution expressing 392
their intent to seek a county inspector general to serve those 393
counties jointly. The boards of county commissioners shall 394
obtain the approval and appointment of the commission for county 395
inspector general services as provided in this section and shall 396
determine a reasonable allocation of the costs among them. The 397
boards of county commissioners shall determine in which county's 398
unclassified service the county inspector general, deputy 399
inspector general, and employees will serve. 400

(F) With the approval of the board of county commissioners 401
of a county with an appointed inspector general, the county 402
inspector general may contract with one or more counties or 403
other political subdivisions to provide inspector general 404
services to those entities for a fee, agreed to by the board, 405
and set forth in the contract. The fee shall be paid into the 406
county general fund. A county inspector general that has entered 407
into a contract with another county or other political 408
subdivision to provide inspector general services has 409

jurisdiction in that county or other political subdivision for 410
purposes of Chapter 318. of the Revised Code. 411

(G) The state commission for county inspector general 412
services, created under section 121.54 of the Revised Code, 413
shall be the appointing authority for the county inspector 414
general in order to maintain the independence of the office and 415
assure that no interference or influence will adversely affect 416
the independence and objectivity necessary for the county 417
inspector general. The commission may remove the county 418
inspector general from office, during the term of office, for 419
cause only after delivering written notice to the county 420
inspector general of the reasons for which the commission 421
intends to remove the county inspector general from office and 422
providing the county inspector general with an opportunity to 423
appear and show cause why the county inspector general should 424
not be removed. 425

Sec. 318.01. As used in sections 318.01 to 318.10 of the 426
Revised Code: 427

(A) "Appropriate ethics commission" has the same meaning 428
as in section 102.01 of the Revised Code. 429

(B) "Appropriate licensing agency" means a public or 430
private entity that is responsible for licensing, certifying, or 431
registering persons who are engaged in a particular vocation. 432

(C) "County agency" means all of the following: 433

(1) The board of county commissioners; 434

(2) Any office, department, authority, commission, or 435
board of the county that is appointed or employed by the board 436
of county commissioners; 437

(3) A nonprofit corporation that is recognized by the 438
board of county commissioners as a convention and visitors' 439
bureau that receives funds from the county general fund or from 440
a lodging excise tax levied under Chapter 5739. of the Revised 441
Code; 442

(4) Any corporation created under Chapter 1724. of the 443
Revised Code that operates within the county; 444

(5) A private institution, association, board, or 445
corporation that receives public money from the board of county 446
commissioners or from any office, department, authority, 447
commission, or board of the county that is appointed or employed 448
by the board of county commissioners. 449

(D) "County or other political subdivision employee" means 450
any person who is an employee of a county or other political 451
subdivision agency, as applicable given the county inspector 452
general's jurisdiction, or any person who does business with a 453
county or political subdivision agency, as applicable given the 454
county inspector general's jurisdiction. "County or other 455
political subdivision officer" does not include an elected 456
official. 457

(E) "Political subdivision" means a body corporate and 458
politic that is responsible for governmental activities only in 459
a geographical area smaller than the state. 460

(F) "Political subdivision agency" means all of the 461
following: 462

(1) In the case of a county, the board of county 463
commissioners; in the case of a township, the board of township 464
trustees; in the case of a municipal corporation, the 465
legislative authority; or, in the case of any other political 466

subdivision, the legislative authority; 467

(2) Any office, department, authority, commission, or 468
board of the county, township, municipal corporation, or other 469
political subdivision that is appointed or employed by the board 470
of county commissioners, board of township trustees, legislative 471
authority of the municipal corporation, or legislative authority 472
of the political subdivision, as applicable given the county 473
inspector general's jurisdiction; 474

(3) A nonprofit corporation that is recognized by the 475
board of county commissioners, board of township trustees, 476
legislative authority of the municipal corporation, or 477
legislative authority of any other political subdivision, as 478
applicable given the county inspector general's jurisdiction, as 479
a convention and visitors' bureau that receives funds from the 480
county general fund, township general fund, or general fund of 481
the municipal corporation or other political subdivision, or 482
from a lodging excise tax levied under Chapter 5739. of the 483
Revised Code. 484

(4) Any corporation created under Chapter 1724. of the 485
Revised Code that operates within the county, township, 486
municipal corporation, or other political subdivision, as 487
applicable given the county inspector general's jurisdiction; 488

(5) A private institution, association, board, or 489
corporation that receives public money from the board of county 490
commissioners, board of township trustees, legislative authority 491
of a municipal corporation, or legislative authority of any 492
other political subdivision, as applicable given the county 493
inspector general's jurisdiction, or from any office, 494
department, authority, commission, or board of the county, 495
township, municipal corporation, or other political subdivision 496

that is appointed or employed by the board of county 497
commissioners, board of township trustees, legislative authority 498
of the municipal corporation or legislative authority of the 499
political subdivision, as applicable given the county inspector 500
general's jurisdiction. 501

(G) "Wrongful act or omission" means an act or omission, 502
committed in the course of employment, that is not in accordance 503
with the requirements of law or such standards of proper 504
governmental conduct as are commonly accepted in the community 505
and thereby subverts, or tends to subvert, the process of 506
government. 507

Sec. 318.02. The county inspector general shall do all of 508
the following: 509

(A) Investigate the management and operation within county 510
agencies on the inspector general's own initiative in order to 511
determine whether wrongful acts and omissions have been 512
committed or are being committed by county employees, or 513
investigate, on the inspector general's own initiative, the 514
management and operation of such other political subdivision 515
agencies as have entered into a contract with the inspector 516
general for the services of the inspector general in the 517
political subdivision to determine whether wrongful acts and 518
omissions have been committed or are being committed by 519
political subdivision employees; 520

(B) Receive complaints under section 318.06 of the Revised 521
Code alleging wrongful acts and omissions, determine whether the 522
information contained in those complaints allege facts that give 523
reasonable cause to investigate, and, if so, investigate to 524
determine if there is reasonable cause to believe that the 525
alleged wrongful act or omission has been committed or is being 526

committed by a county employee, or by a political subdivision 527
employee if that political subdivision has contracted with the 528
county inspector general for services; 529

(C) Except as otherwise provided in this division, 530
contemporaneously report suspected crimes and wrongful acts or 531
omissions that were or are being committed by county employees, 532
or by employees of other political subdivisions that have 533
contracted with the county inspector general, to the governor 534
and to the appropriate state or federal prosecuting authority 535
with jurisdiction over the matter if there is reasonable cause 536
to believe that a crime has occurred or is occurring. In 537
addition, the county inspector general shall report the wrongful 538
acts or omissions, as appropriate under the circumstances, to 539
the appropriate ethics commission in accordance with section 540
102.06 of the Revised Code, the appropriate licensing agency for 541
possible disciplinary action, or the employee's appointing 542
authority for possible disciplinary action. The county inspector 543
general shall not report a wrongful act or omission to a person 544
as required by this division if that person allegedly committed 545
or is committing the wrongful act or omission. 546

(D) Except as otherwise provided in this division, 547
contemporaneously report suspected crimes and wrongful acts or 548
omissions that the county inspector general becomes aware of in 549
connection with an investigation of a county or other political 550
subdivision employee, and that were or are being committed by 551
persons who are not county or other political subdivision 552
employees to the governor and to the appropriate state or 553
federal prosecuting authority with jurisdiction over the matter 554
if there is reasonable cause to believe that a crime has 555
occurred or is occurring. In addition, the county inspector 556
general shall report the wrongful acts or omissions, as 557

appropriate under the circumstances, to the appropriate ethics 558
commission in accordance with section 102.06 of the Revised 559
Code, the appropriate licensing agency for possible disciplinary 560
action, or the person's public or private employer for possible 561
disciplinary action. The county inspector general shall not 562
report a wrongful act or omission to a person as required by 563
this division if that person allegedly committed or is 564
committing the wrongful act or omission. 565

(E) Prepare a detailed report of each investigation, upon 566
its completion and upon termination for a finding of no 567
reasonable cause, that states the basis for the investigation, 568
the action taken in furtherance of the investigation, and 569
whether the investigation revealed that there was reasonable 570
cause to believe that a wrongful act or omission had occurred. 571
If a wrongful act or omission was identified during the 572
investigation, the report shall identify the person who 573
committed the wrongful act or omission, describe the wrongful 574
act or omission, explain how it was detected, indicate to whom 575
it was reported, and describe what the agency in which the 576
wrongful act or omission was being committed is doing to change 577
its policies or procedures to reduce recurrences of similar 578
wrongful acts or omissions. For purposes of this division, an 579
investigation is completed when terminated upon a finding of no 580
reasonable cause, and when a finding of reasonable cause is made 581
and the matter is investigated through to the issue of agency 582
actions taken to reduce recurrences of similar wrongful acts or 583
omissions. 584

(F) Identify other state or local agencies that also are 585
responsible for investigating, auditing, reviewing, or 586
evaluating the management and operation of state or local 587
agencies, and negotiate and enter into agreements with these 588

agencies to share information and avoid duplication of effort; 589

(G) Conduct studies of techniques of investigating and 590
detecting, and of reducing the risk of, wrongful acts and 591
omissions by county and other political subdivision employees; 592

(H) Consult with county and other political subdivision 593
agencies under the jurisdiction of the county inspector general, 594
by appointment or contract, and advise them in developing, 595
implementing, and enforcing policies and procedures that will 596
reduce the risk of wrongful acts and omissions by their 597
employees; 598

(I) After detecting a wrongful act or omission, review and 599
evaluate the relevant policies and procedures of the agency in 600
which the wrongful act or omission occurred, and advise the 601
agency as to any changes that should be made in its policies and 602
procedures so as to reduce recurrences of similar wrongful acts 603
or omissions. 604

Sec. 318.03. In performing any investigation, the county 605
inspector general and any deputy county inspector general may 606
administer oaths, examine witnesses under oath, and issue 607
subpoenas and subpoenas duces tecum to compel the attendance of 608
witnesses and the production of all kinds of books, records, 609
papers, and tangible things. Upon the refusal of a witness to be 610
sworn or to answer any question put to the witness, or if a 611
person disobeys a subpoena, the county inspector general shall 612
apply to the court of common pleas for a contempt order, as in 613
the case of disobedience to the requirements of a subpoena 614
issued from the court of common pleas, or a refusal to testify 615
in the court. 616

Sec. 318.04. (A) Except as otherwise provided in this 617

section, the report of any investigation conducted by the county 618
inspector general or any deputy county inspector general is a 619
public record, open to public inspection. The county inspector 620
general, or a deputy county inspector general, with the written 621
approval of the county inspector general, may designate all or 622
part of a report as confidential if doing so preserves the 623
confidentiality of matters made confidential by law or appears 624
reasonably necessary to protect the safety of a witness or to 625
avoid disclosure of investigative techniques that, if disclosed, 626
would enable persons who have been or are committing wrongful 627
acts or omissions to avoid detection. Confidential material 628
shall be marked clearly as being confidential. 629

(B) The county inspector general shall provide, free of 630
charge, an electronic copy of each report of an investigation, 631
including wholly and partially confidential reports, to the 632
governor, the state commission for county inspector general 633
services created under section 121.54 of the Revised Code, the 634
state inspector general, and the board of county commissioners 635
of the county to which the inspector general was appointed. In 636
addition, the county inspector general shall provide, free of 637
charge, a copy of the report of any investigation, including 638
wholly and partially confidential reports, to a prosecuting 639
authority who may undertake criminal prosecution of a wrongful 640
act or omission described in the report, an ethics commission to 641
which a wrongful act or omission described in the report was 642
reported in accordance with section 102.06 of the Revised Code, 643
and a licensing agency, appointing authority, or public or 644
private employer that may take disciplinary action with regard 645
to a wrongful act or omission described in the report. The 646
county inspector general shall not provide a copy of any 647
confidential part of the report of an investigation to a person 648

as required by this division if that person allegedly committed 649
the wrongful act or omission described in the report. The 650
governor, the commission for county inspector general services, 651
a prosecuting authority, an ethics commission, licensing agency, 652
appointing authority, or public or private employer that 653
receives a report, all or part of which is designated as 654
confidential, shall take all appropriate measures necessary to 655
preserve the confidentiality of the report. 656

(C) The county inspector general shall provide a copy of 657
any nonconfidential report, or the nonconfidential parts of any 658
report, to any other person who requests the copy and pays a fee 659
prescribed by the county inspector general. The fee shall not 660
exceed the cost of reproducing and delivering the report. 661

Sec. 318.05. Each county or other political subdivision 662
agency in which the county inspector general has jurisdiction, 663
and every such county or other political subdivision employee, 664
shall cooperate with, and provide assistance to, the county 665
inspector general and any deputy county inspector general in the 666
performance of any investigation. In particular, each county or 667
other political subdivision agency shall make its premises, 668
equipment, personnel, books, records, and papers readily 669
available to the county inspector general or a deputy county 670
inspector general. 671

The county inspector general and any deputy county 672
inspector general may enter upon the premises of any county 673
agency at any time, without prior announcement, or of any 674
political subdivision agency that has contracted for the 675
services of the inspector general, if necessary to the 676
successful completion of an investigation. In the course of an 677
investigation, the county inspector general and any deputy 678

county inspector general may question any county or other 679
political subdivision employee serving in, and any other person 680
transacting business with, the county or other political 681
subdivision agency in which the county inspector general has 682
jurisdiction, and may inspect and copy any books, records, or 683
papers in the possession of the county or other political 684
subdivision agency, taking care to preserve the confidentiality 685
of information contained in responses to questions or the books, 686
records, or papers that is made confidential by law. 687

In performing any investigation, the county inspector 688
general and any deputy county inspector general shall avoid 689
interfering with the ongoing operations of the county or other 690
political subdivision agency being investigated, except insofar 691
as is reasonably necessary to the successful completion of the 692
investigation. 693

Each county or other political subdivision agency shall 694
develop, implement, and enforce policies and procedures that 695
reduce the risk of wrongful acts and omissions by its employees. 696

Other state or local agencies that also are responsible 697
for investigating, auditing, reviewing, or evaluating the 698
management and operation of county or other political 699
subdivision agencies shall negotiate and enter into agreements 700
with the office of the county inspector general for the purpose 701
of sharing information and avoiding duplication of effort. 702

Sec. 318.06. Any person who knows or has reasonable cause 703
to believe that a county or other political subdivision employee 704
has committed, or is in the process of committing, a wrongful 705
act or omission may prepare and file with the county inspector 706
general, a complaint that identifies the person making the 707
report and the county or other political subdivision employee 708

who allegedly committed or is committing the wrongful act or 709
omission, describes the wrongful act or omission, and explains 710
how the person reporting knew or came to have reasonable cause 711
to believe that the county or other political subdivision 712
employee committed or is in the process of committing the 713
wrongful act or omission. The preparation and filing of the 714
complaint described in this section is in addition to any other 715
report of the wrongful act or omission the person is required by 716
law to make. 717

The county inspector general shall prescribe a form for 718
complaints under this section and shall provide a blank copy of 719
the form to any person, free of charge. No complaint is 720
defective, however, because it is not made on the form 721
prescribed by the county inspector general. 722

Sec. 318.07. No person shall disclose to any person who is 723
not legally entitled to disclosure of the information, any 724
information that is designated as confidential under section 725
318.04 of the Revised Code, or any confidential information that 726
is acquired in the course of an investigation under section 727
318.05 of the Revised Code. 728

Sec. 318.08. The office of a county inspector general is 729
created upon the appointment of a county inspector general by 730
the state commission for county inspector general services 731
created under section 121.54 of the Revised Code. 732

The term of the county inspector general shall be for a 733
term of four years from the date of appointment. The person may 734
be approved and reappointed by the commission to subsequent 735
four-year terms unless replaced by the appointment of another 736
county inspector general at the end of the county inspector 737
general's four-year term. The county inspector general is in the 738

unclassified service of the county to which the county inspector 739
general was appointed. The commission may remove the county 740
inspector general from office in term for cause only after 741
delivering written notice to the county inspector general of the 742
reasons for which the commission intends to remove the county 743
inspector general from office and providing the county inspector 744
general with an opportunity to appear and show cause why the 745
inspector general should not be removed. 746

In addition to the duties imposed by this chapter, the 747
county inspector general shall manage the office of the county 748
inspector general. 749

The county inspector general may employ and fix the 750
compensation of one or more deputy county inspectors general. 751
Each deputy inspector general shall serve for a term coinciding 752
with the term of the appointing inspector general, and shall 753
perform the duties, including the performance of investigations, 754
that are assigned by the county inspector general. All deputy 755
county inspectors general are in the unclassified service of the 756
county to which the county inspector general is appointed and 757
serve at the pleasure of the county inspector general. 758

In addition to deputy county inspectors general, the 759
county inspector general may employ and fix the compensation of 760
professional, technical, and clerical employees that are 761
necessary for the effective and efficient operation of the 762
office of the county inspector general. All professional, 763
technical, and clerical employees of the office of the county 764
inspector general are in the unclassified service of the county 765
to which the county inspector general is appointed and serve at 766
the pleasure of the county inspector general. 767

The county inspector general may enter into any contracts 768

that are necessary to the operation of the office of the county 769
inspector general. The contracts may include, but are not 770
limited to, contracts for the services of persons who are 771
experts in a particular field and whose expertise is necessary 772
to the successful completion of an investigation. 773

Not later than the first day of March in each year, the 774
county inspector general shall publish an annual report 775
summarizing the activities of the inspector general's office 776
during the previous calendar year. The annual report shall not 777
disclose the results of any investigation insofar as the results 778
are designated as confidential under section 318.04 of the 779
Revised Code. 780

The county inspector general shall provide electronic 781
copies of the annual report to the governor, the general 782
assembly, the state commission for county inspector general 783
services created under section 121.54 of the Revised Code, the 784
state inspector general, and the board of county commissioners 785
of the county to which the inspector general was appointed. The 786
county inspector general also shall provide a copy of the annual 787
report to any other person who requests the copy and pays a fee 788
prescribed by the county inspector general. The fee shall not 789
exceed the cost of reproducing and delivering the annual report. 790

Sec. 318.081. Money the county inspector general receives 791
pursuant to court orders or settlements on behalf of the county 792
to which the inspector general was appointed shall be deposited 793
into the county treasury to the credit of the general fund. 794

Sec. 318.09. (A) Subject to division (B) of this section, 795
only an individual who meets one or more of the following 796
qualifications is eligible to be appointed county inspector 797
general: 798

<u>(1) At least five years' experience as a law enforcement</u>	799
<u>officer in this or any other state;</u>	800
<u>(2) Admission to the bar of this or any other state;</u>	801
<u>(3) Certification as a certified public accountant in this</u>	802
<u>or any other state;</u>	803
<u>(4) At least five years' service as the comptroller or</u>	804
<u>similar officer of a public or private entity in this or any</u>	805
<u>other state.</u>	806
<u>(B) No individual who has been convicted, in this or any</u>	807
<u>other state, of a felony or of any crime involving fraud,</u>	808
<u>dishonesty, or moral turpitude shall be appointed county</u>	809
<u>inspector general.</u>	810
<u>Sec. 318.10. (A) For a county without an appointed county</u>	811
<u>inspector general or without the services of one by contract</u>	812
<u>under section 305.20 of the Revised Code, the board of county</u>	813
<u>commissioners may contract with the state inspector general for</u>	814
<u>inspector general services for a specific short-term or one-time</u>	815
<u>investigation. The board shall adopt a resolution, by majority</u>	816
<u>vote, specifying the basis for a contract with the state</u>	817
<u>inspector general.</u>	818
<u>(B) The board of county commissioners shall fulfill its</u>	819
<u>obligation under the contract to reimburse the inspector general</u>	820
<u>the agreed upon amount regardless of the results of the</u>	821
<u>investigation, unless the contract provides for a lesser amount</u>	822
<u>if the inspector general finds there is no reasonable cause to</u>	823
<u>investigate.</u>	824
<u>(C) During the course of the investigation, the fact of an</u>	825
<u>investigation and any documents generated from the investigation</u>	826
<u>shall be considered confidential and shall not be considered</u>	827

public record. A finding of no reasonable cause to investigate 828
and the fact of an investigation shall remain confidential and 829
shall not be disclosed at any time except to the board of county 830
commissioners. Upon the completion of an investigation where 831
reasonable cause to investigate exists, the inspector general 832
shall provide the board of county commissioners a report that is 833
a public record except to the extent the inspector general 834
designated all or part of a report confidential to preserve the 835
confidentiality of matters made confidential by law or, when 836
reasonably necessary to protect the safety of a witness or to 837
avoid disclosure of investigative techniques that, if disclosed, 838
would enable persons who have been or are committing wrongful 839
acts or omissions to avoid detection. Confidential material 840
shall be marked clearly as being confidential. 841

(D) During the investigation, the inspector general shall 842
exercise such authority as is necessary and specified under 843
sections 318.01 to 318.09 of the Revised Code for a county 844
inspector general. 845

Section 2. That existing sections 102.06, 121.41, and 846
121.42 of the Revised Code are hereby repealed. 847