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***Executive Director***

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MEMORANDUM

**TO:** Ann Marie Tracey, Chair  
Cincinnati Economic Development Review Panel

**FROM:** Paul M. Nick, Executive Director  
Ohio Ethics Commission

**DATE:** March 20, 2021

**RE:** Municipal Ethics Commissions – General Information

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In my prior Memo, I provided you with a list of 25 local ethics commissions across the country, along with contact information, some data about their size and budget, and links to their web sites. As I commented in my email to you, based on my interactions with their directors and staff, the following commissions seem to have had the most success over the years: Chicago; Los Angeles; Philadelphia; and San Francisco. I have also included additional information about the Cuyahoga County Inspector General because this represents an alternative model for you to consider.

Included in this Memo are more details about each of their programs and some notable excerpts from their statutory authority. The key characteristics that have driven their success are that they are independent boards that combine authority over ethics, campaign finance, and lobbyist regulation. From what I have gathered from news reports and press releases from the Department of Justice, Cincinnati may benefit from modeling some of the features of each of these commissions, particularly in the areas of increased disclosures of campaign finances and lobbyist expenditures.

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## City of Chicago Board of Ethics

740 N. Sedgwick, Suite 500

Chicago, IL 60654

Phone: (312) 744-9660

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Agency Head/Contact: Steven Berlin, Executive Director  
E-mail: [steve.berlin@cityofchicago.org](mailto:steve.berlin@cityofchicago.org)  
Web Site: <http://www.cityofchicago.org/ethics>  
# of Employees: 8  
# of Members on Board: 7  
Current Annual Budget: \$873,629

### **Authority:**

**Appointing Authority/Make up and Qualifications for Commission Members:** See Municipal Code of Chicago, § 2-156-310. Members shall reside within the City's corporate boundaries; not hold other elected or appointed public or political party office, nor endorse, nor engage in any political or campaign activity on behalf of any candidate for public office; not be an employee of the City or any of its political subdivisions; and have no financial interest in any work or business or official action by the City, or any other governmental agency within the jurisdiction of Cook County or the City. Board members are appointed by the Mayor, with the consent of the City Council.

**Citation to Agency Statutes, Administrative Rules, Policies, or Standards:** See:

<https://www.cityofchicago.org/content/dam/city/depts/dol/rulesandregs/RulesoftheChicagoBoardofEthics.pdf>

**Penalties (Administrative/Civil/Criminal):** 2-156-465. Sanctions.

(a) Employment sanction. In addition to any other applicable penalty provided in this article, any employee found to have violated any of the provisions of this chapter, or to have knowingly furnished false or misleading information to the board of ethics shall be subject to employment sanctions, including discharge, in accordance with procedures under which the employee may otherwise be disciplined. Any official who knowingly files a false or misleading statement of financial interests, or knowingly fails to file a statement within the time prescribed in this chapter, or otherwise violates any provision of this chapter, shall be subject to removal from office.

(b) Fines. The following fines shall, as appropriate, apply to violations of this chapter:

(1) Failure to complete ethics training. Any employee or official who violates section 2-156-145 and any lobbyist who violates section 2-156-146 shall be fined not less than \$200.00 nor more than \$750.00 for each such violation. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply. The board shall also make public, in a manner that the board may deem appropriate, the names of lobbyists, employees and officials who failed to complete a mandatory ethics training on time.

(2) Failure to file a statement of financial interests. Any reporting person who violates section 2-156-190 shall be fined \$250 for each such violation. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply. The board shall also make public, in a manner

that the board may deem appropriate, the names of reporting persons who failed to file statements of financial interests on time.

(3) Failure to register or file reports by lobbyists. Any lobbyist who violates section 2-156-245 or section 2-156-270 shall be fined \$1,000.00 for each such violation. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply. Any lobbyist who violates any provision of Article IV of this chapter shall be subject to the suspension of his lobbyist registration. The board shall also make public, in a manner the board deems appropriate, the names of lobbyists who violate Section 2-156-245 or 2-156-270 and fine assessed.

(4) Violating the gift ban or the prohibited political activity sections. Any person who violates section 2-156-142 or section 2-156-135 shall be subject to a fine of not less than \$1,001.00 and not more than \$5,000.00 for each violation.

(5) Improper contributions. Any person who knowingly makes, solicits or accepts a political contribution in violation of section 2-156-140 or section 2-156-445 shall be subject to a fine of not less than \$1,000.00 and up to the higher of \$5,000.00 or three times the amount of the improper contribution that was accepted for each violation of these sections.

(6) False, frivolous, or bad faith allegation. Any person who intentionally makes a false, frivolous, or bad faith allegation to the board shall be fined not less than \$500.00 and up to \$5,000.00 for each offense, and, if such person is a city contractor, shall be subject to termination of a contract.

(7) Violation of Chapter provisions. Any person who violates any other provision of this chapter, where no other fine is specifically provided, shall be subject to a fine of not less than \$1,000.00 and not more than \$5,000.00 for each offense.

(c) The board may recommend an employment sanction or impose a fine for any violation of this chapter in accordance with Section 2-156-385 or Section 2-156-392 respectively.

**2-156-485. Other remedies.**

Nothing in this chapter shall preclude the city from maintaining an action for an accounting for any pecuniary benefit received by any person in violation of this chapter or other law, or to recover damages for violation of this chapter.

**Requirements, Prohibitions, & Exceptions:**

**Confidential Information:** City employees and officials may not disclose or use confidential information except in the performance of their City duties. § 2-156-070

**Conflict of Interest:** 2-156-030. Improper influence.

(a) No official or employee shall make, participate in making or in any way attempt to use his position to influence any city governmental decision or action in which he knows or has reason to know that he has any financial interest distinguishable from its effect on the public generally, or from which he has derived any income or compensation during the preceding twelve months or from which he reasonably expects to derive any income or compensation in the following twelve months.

(b) No elected official, or any person acting at the direction of such official, shall contact either orally or in writing any other city official or employee with respect to any matter involving any person with whom the

elected official has any business relationship that creates a financial interest on the part of the official, or the domestic partner or spouse of the official, or from whom or which he has derived any income or compensation during the preceding twelve months or from whom or which he reasonably expects to derive any income or compensation in the following twelve months. In addition, no

elected official may preside over or participate in any discussion in any City Council Committee hearing, or participate in any discussion in any city council meeting or vote on any matter involving the person with whom the elected official has any business relationship that creates a financial interest on the part of the official, or the domestic partner or spouse of the official, or from whom or which he has derived any income or compensation during the preceding twelve months or from whom or which he reasonably expects to derive any income or compensation in the following twelve months.

**2-156-080. Conflicts of interest; appearance of impropriety.**

(a) No official or employee shall make or participate in the making of any governmental decision with respect to any matter in which he has any financial interest distinguishable from that of the general public, or from which he has derived any income or compensation during the preceding twelve months or from which he reasonably expects to derive any income or compensation in the following twelve months.

(b) (1) With regard to any matter pending before the City Council or any City Council committee, any member of the city council who has any financial interest that is either (1) distinguishable from that of the general public or all aldermen, or (2) from which the member has derived any income or compensation during the preceding twelve months or from which the member reasonably expects to derive any income or compensation in the following twelve months shall publicly disclose in detail the nature and extent of such interest, including when such interest commenced, on the records of proceedings of the City Council, and City Council Committee, and shall also notify, with the same detail, the Board of Ethics of such interest within 96 hours of delivery by the Clerk to the member, of the introduction of any ordinance, resolution, order or other matter in the city council, or as soon thereafter as the member is or should be aware of such potential conflict of interest. If a disclosing member believes that disclosure of any required detail is prohibited by applicable privacy law or a confidentiality requirement, that member shall include a statement of the pertinent basis for non-disclosure, and otherwise disclose fully. The Board of Ethics shall review any disclosure made under this subsection and shall determine whether the member has provided sufficient detail regarding the conflict of interests, and may request more detail if it deems that is necessary. The Board of Ethics shall give the member one opportunity to correct the defect in the disclosure within seven days from the date of such request. The Board of Ethics shall post such disclosures, including any additional detail submitted by the member, on the Board of Ethics website, in a searchable format, immediately upon receipt. The member shall abstain from participating in any discussion concerning and voting on the matter but shall be counted present for purposes of a quorum. The obligation to report a potential conflict of interest under this subsection arises as soon as the member of the City Council is or should be aware of such potential conflict.

(2) To avoid even an appearance of impropriety, any member of the City Council who has any business relationship with a person or entity with a matter pending before the City Council or any City Council Committee: (i) that creates a financial interest on the part of such member, or the domestic partner or spouse of such member, or (ii) from whom or which the member has derived any income or compensation during the preceding twelve months or from whom or which the member reasonably expects to derive any income or compensation in the following twelve months, shall publicly disclose in detail the nature of such business relationship or income or compensation, including when such relationship commenced, on the records of proceedings of the City Council and the City Council Committee, and shall also notify, with the same detail, the Board of Ethics of such relationship within 96 hours of delivery by the Clerk to the member,

of the introduction of any ordinance, resolution, order or other matter in the city council, or as soon thereafter as the member is or should be aware of such potential conflict of interest. If a disclosing member believes that disclosure of any required detail is prohibited by applicable privacy law or a confidentiality requirement, that member shall include a statement of the pertinent basis for non-disclosure, and otherwise disclose fully. The Board of Ethics shall review any disclosure made under this subsection and shall determine whether the member has provided sufficient detail regarding the conflict of interests, and may request more detail if it deems that is necessary. The Board of Ethics shall give the member one opportunity to correct the defect in the disclosure within seven days from the date of such request. The Board of Ethics shall post such disclosures, including any additional detail submitted by the member, on the Board of Ethics website, in a searchable format, immediately upon receipt. The member shall abstain from participating in any discussion concerning and voting on the matter but shall be counted present for purposes of a quorum. The obligation to report a potential conflict of interest under this subsection arises as soon as the member of the city council is or should be aware of such potential conflict. For purposes of this subsection (2) only: "matter pending before the City Council or any City Council Committee" shall refer to City Council action involving the award of loan funds, grant funds or bond proceeds, bond inducement ordinances, leases, land sales, zoning matters, the creation of tax increment financing districts, concession agreements or the establishment of a Class 6(b) Cook County property tax classification.

(3) Any Chairman of a City Council Committee who makes, pursuant to subsection (b)(1) or (b)(2) of this section, more than three conflict of interest disclosures within a 12-month period pertaining to distinct matters before or reported by that Committee, shall eliminate the conflict of interest or terminate the business relationship that caused such member to make such disclosures, or resign from serving as the Chairman of the Committee.

(4) Any member who fails to provide additional details regarding a disclosed conflict of interest or business relationship if requested by the Board of Ethics, or who otherwise violates this subsection, in addition to any other applicable penalty, shall be subject to a fine of not less than \$500 and not more than \$2,000 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

(c) Any official or employee who has a financial interest in any matter pending before any city agency shall disclose the nature of such interest to the board of ethics and, if the matter is pending in his own agency, to the head of the agency, except as provided by subsection (b). The obligation to report under this subsection arises as soon as the official or employee is or should be aware of the pendency of the matter. This subsection does not apply to applications for health, disability or worker's compensation benefits.

**Misuse of Public Office:** See Conflict of Interest, above. See also 2-156-142(h), above [which prohibits solicitation of contributions by City employees or officials from persons who have matters pending before them] and the aspirational code of conduct:

**2-156-005. Code of conduct.**

(a) The code of conduct set forth in this section shall be aspirational and shall guide the conduct of every official and employee of the city. All officials and employees of the city shall:

(1) remember that they are public servants who must place loyalty to the federal and Illinois constitutions, laws, and ethical principles above their private gain or interest.

(2) give a full day's work for a full day's pay.

- (3) put forth honest effort in the performance of their duties.
  - (4) treat members of the public with respect and be responsive and forthcoming in meeting their requests for information.
  - (5) act impartially in the performance of their duties, so that no private organization or individual is given preferential treatment.
  - (6) refrain from making any unauthorized promises purporting to bind the city.
  - (7) never use any nonpublic information obtained through the performance of city work for private gain.
  - (8) engage in no business or financial transaction with any individual, organization or business that is inconsistent with the performance of their city duties.
  - (9) protect and conserve city property and resources, and use city property and resources only for authorized purposes or activities.
  - (10) disclose waste, fraud, abuse, and corruption to the appropriate authorities.
  - (11) adhere to all applicable laws and regulations that provide equal opportunity for all persons regardless of race, color, religion, gender, national origin, age, sexual orientation, or handicap.
- (b) At the time of employment or becoming a city official, every city official or employee shall sign, in a form prescribed by the board of ethics, a commitment to follow the city's code of conduct set forth in this section. The department of human resources shall administer such commitment and provide a copy of the commitment to each employee at the time of hiring. The board shall administer such commitment and provide a copy of the commitment to each city official at the time of the swearing in or appointment of the official.
- (c) This section is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the city, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

**Political Activity:** 2-156-135. Prohibited political activities.

- (a) No employee shall intentionally perform any prohibited political activity during any compensated time.
- (b) No official or employee shall intentionally misappropriate any city property or resources of the city in connection with any prohibited political activity; provided, however, any official or employee may reserve and rent a city-owned facility at a fair market value before any such activity or event connected therewith.
- (c) No official or employee shall intentionally misappropriate the services of any officer or employee by requiring any other official or employee to perform any prohibited political activity: (i) as part of the other official's or employee's duties; (ii) as a condition of employment; or (iii) during any compensated time off.
- (d) No official or employee shall be required at any time to participate in any prohibited political activity in consideration of additional compensation or any other benefit, including a salary adjustment, bonus, compensatory time off, or continued employment.
- (e) No official or employee shall be awarded additional compensation or any benefit for such official's or employee's participation in any prohibited political activity.

(f) Nothing in this section shall be construed to prohibit activities that an official or employee undertakes as part of such official's or employee's official duties or such activities that the official or employee may undertake on a voluntary basis, and which are not otherwise prohibited by this chapter.

(g) No person either: (i) in a position that is subject to recognized merit principles of public employment; or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of city employment solely because such person is a member or an officer of a political committee, a political party, a political organization or club.

**2-156-140. Solicitation or Acceptance of Political Contributions and Membership on Political Fundraising Committees.**

(a) No official or employee shall compel, coerce or intimidate any City official or employee to make, refrain from making or solicit any political contribution. No official or employee shall knowingly solicit any political contribution from any other employee or official over whom he or she has supervisory authority. Nothing in this section shall be construed to prevent any official or employee from voluntarily making or soliciting an otherwise permissible contribution or from receiving an otherwise permissible voluntary contribution, except as set forth in this section or in Sections 2-156-445, 2 92 410 and 2 156 320, as amended, of the Municipal Code.

(b) No non elected City employee or official shall knowingly solicit or accept any political contribution from a person doing business or seeking to do business with the City. Notwithstanding the foregoing, a non elected City employee or official who is a candidate for public office may solicit or accept political contributions on behalf of his or her own candidacy from a person doing business or seeking to do business with the City, subject to the same restrictions as are applicable to elected City officials.

(c) No person with contract management authority shall serve on any political fundraising committee.

2-156-425. Contributions on city property. No public official, city employee, candidate for an elective office, lobbyist, officer, employee, or agent of any political organization shall intentionally solicit, accept, offer or make contributions on city property.

(v-1) "Prohibited political activity" means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including but not limited to purchasing, selling, distributing, or receiving payment for tickets for any political fund-raiser, political meeting, or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

**2-156-309. Lobbyists holding elected office.**

No elected official of the State or a unit of local government in the State, other than the City, may lobby the City Council, or any City agency, department, board or commission (for purposes of this subsection "City"); provided that nothing in this Section shall preclude (1) any such elected official from appearing in their official capacities before the City for the purpose of explaining the effect of any legislative or administrative matter pending before the pertinent City body, (2) any such elected official from appearing without compensation or on behalf of their constituents in the course of their duties as an elected official,

(3) any such elected official who is an attorney from providing legal representation to any person seeking quasi-judicial, administrative or legislative action before the City,

or (4) any such elected official from engaging in any political activity.



**Los Angeles City Ethics Commission**  
200 North Spring Street, City Hall 24th Floor  
Los Angeles, CA 90012  
Phone: (213) 978-1960  
Fax: (213) 978-1988

Agency Head/Contact: Heather Holt, Executive Director  
E-mail: [heather.holt@lacity.org](mailto:heather.holt@lacity.org)  
Web Site: <http://ethics.lacity.org>  
# of Employees: 32  
# of Members on Board: 5  
Current Annual Budget: \$3,687,881  
Special Grants and/or  
Alternative Funding: A general fund appropriation is required for the matching funds program. Adjusted for inflation, the annual appropriation is currently over \$3 million. As of December 1, 2019, the fund balance is \$19,869,046.

**Authority:**

**Appointing Authority/Make up and Qualifications for Commission Members:** The Ethics Commission has five part-time commissioners who must be registered city voters. The City Council President, the City Council President Pro Tem, the City Attorney, the Controller, and the Mayor each appoint one commissioner. Commissioners serve staggered five-year terms and can be removed only for cause. During their tenures, the commissioners and the executive director may not hold any other public office, participate in or contribute to a city or school district election campaign, or employ or be employed by a person required to register as a city lobbyist. For at least two years after their service ends, commissioners and the executive director may not seek election to a city office that was the subject of an Ethics Commission decision made during the commissioner's or executive director's tenure.

**Citation to Agency Statutes, Administrative Rules, Policies, or Standards:** Los Angeles City Charter sections 470-471, 501(d)(2), 700-712, and 803; Los Angeles Municipal Code sections 49.5.1 et seq., 49.7.1 et seq., and 48.01 et seq.; Los Angeles Administrative Code sections 24.11-24.63.

**Citation to Significant Definitions:** Los Angeles City Charter sections 470(b) and 803(a); Los Angeles Municipal Code sections 48.02, 49.5.2, and 49.7.2; Los Angeles Administrative Code section 24.31(b); California Government Code sections 81000 et seq. (and the corresponding regulations).

**Administrative Section Citations:** Los Angeles City Charter sections 470(o), 706, and 803(v); Los Angeles Municipal Code sections 49.7.28, 48.09, and 49.5.19; Los Angeles Administrative Code sections 24.11-13, 24.21, 24.31-38, 24.41, 24.51, and 24.61-63.

**Civil Ethics Statutes:** Los Angeles City Charter sections 470(o)(2), 706, and 803(v)(2); Los Angeles Municipal Code sections 49.7.38, 48.09, and 49.5.19; Los Angeles Administrative Code section 24.21.

**Criminal Ethics Statutes:** An intentional violation is a misdemeanor [Los Angeles City Charter sections 470(o)(1), 706, and 803(v)(1); Los Angeles Municipal Code sections 49.7.38, 48.09, and 49.5.19].

**Penalties (Administrative/Civil/Criminal):** For both administrative and civil enforcement, the maximum penalty for a violation is the greater of \$5,000 or three times the amount that was improperly

reported, contributed, spent, or received. Administrative orders may also require violators to cease and desist a violation and file any document or information required by law. Los Angeles City Charter sections 706(c) and 803(v)(2).

**NOTE:** The City Ethics Commission relies on state law and advisory letters from their state counterpart (the Fair Political Practices Commission) to help interpret provisions that are not otherwise defined in their municipal governmental ethics and campaign finance laws.

**Requirements, Prohibitions, & Exceptions:**

**Confidential Information:** Current and former city employees and officials may not misuse or disclose confidential information acquired as a result of city service.

**Conflict of Interest:** State law prohibits an official from making, participating in making, or attempting to influence a government decision if it is reasonably foreseeable that the decision will have a material financial effect on any of the official's economic interests or those of an immediate family member. In addition, the city has its own conflict provision: It is "not in the public interest" for an official to act on a matter if the official does not believe that he or she could act impartially or if the public might reasonably reach that conclusion. City lobbyists cannot serve as city commissioners.

**Financial Disclosure:** Periodic financial disclosure statements must be filed by candidates for city or school board office, nominees to city positions requiring confirmation, and city officials (individuals whose positions are listed in their agency's conflict of interests code). The statements detail sources of income, interests in real property, gifts, investments, and other economic interests that could be affected by the individual while performing public duties.

**Gifts:** A person may not offer or make (and a city official may not solicit or accept) a gift when it is reasonably foreseeable that the City official could be influenced by the gift in performing an official act. City officials may not accept a gift or combination of gifts from a single reportable source with a total value that exceeds \$500 in a calendar year. Gifts cumulatively valued at \$50 per reportable source per calendar year must be reported. Lobbyists and lobbying firms may not offer or make gifts to city officials in agencies they are (or are required to be) registered to lobby. All other "restricted sources" (persons with active business before an official or agency) may not offer or make gifts exceeding a cumulative value of \$100 per calendar year.

**Misuse of Public Office:** City officials, employees, nominees awaiting confirmation, and candidates for elected office may not misuse their positions or prospective positions to create or attempt to create a private advantage or disadvantage for any person.

**Political Activity:** During their tenures, the commissioners and the executive director may not hold any other public office or participate in or contribute to a city or school district election campaign. City personnel may not engage in political activity while on duty for the city, using city equipment or resources (including electronic data), in a manner that implies the individual is speaking on behalf of the city, or in a room or building that is owned or primarily paid for or used by the city and occupied by city personnel in the discharge of city duties. City commissioners and general managers may not solicit contributions from persons who have matters pending before them and may not engage in prohibited fundraising for a city official or candidate.

**Public Contracts/Public Purchasing:** Bidders must disclose political contributions to city officials and their controlled city committees. Bidders on certain city contracts are required to certify that they will

comply with the city's lobbying laws if those laws apply to them. Bidders, contractors, and subcontractors on contracts of \$100,000 or more and certain underwriting firms may not make contributions to or engage in prohibited fundraising for certain city officials and candidates. Each quarter, every city department must disclose its active procurement processes, bidders, and contracts.

**NOTE: Legislative Update:** In 2019, the city adopted a law prohibiting developers and others involved in certain types of land use entitlements from making campaign contributions to candidates for elected city office. The law requires the Ethics Commission to create an online filing system and becomes effective with the 2022 regular general elections. See Council File # 19-0046 ([cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=19-0046](http://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=19-0046)).

**Philadelphia Board of Ethics**  
One Parkway Bldg., 1515 Arch St., 18th Floor  
Philadelphia, PA 19102-1504  
Phone: (215) 686-9450  
Fax: (215) 686-9453

Agency Head/Contact: J. Shane Creamer, Jr., Executive Director  
E-mail: [shane.creamer@phila.gov](mailto:shane.creamer@phila.gov)  
Web Site: <http://www.phila.gov/ethicsboard>  
# of Employees: 8  
# of Members on Board: 5  
Current Annual Budget: \$1,101,630

**Authority:**

**Appointing Authority/Make up and Qualifications for Commission Members:** Five Board members are appointed by the Mayor with the advice and consent of a majority of the City Council. Members are selected for their independence, integrity, civic commitment, and high ethical standards. Members serve for staggered five-year terms. In addition, they may not make financial contributions to any candidate for any City office or to any incumbent City official, and they are subject to the same political activity restrictions that apply to City employees.

Board members must be residents of or have their primary place of business in the City and be registered to vote; may not hold other public office (other than advisory) or a political party office; may only be removed for cause; and may not seek elective City office for two years after serving.

Philadelphia Home Rule Charter Section 3-806 describes the composition of the Board of Ethics, terms and qualifications of Board members, and prohibited activities.

**Citation to Agency Statutes, Administrative Rules, Policies, or Standards:**

The Philadelphia Home Rule Charter and Code are available at <http://www.amlegal.com/library/pa/philadelphia.shtml>.

The Board has adopted the following regulations:

Regulation 1 - Campaign Finance (effective January 17, 2007; most recent amendments effective October 26, 2020).

Regulation 2 - Investigations and Enforcement Proceedings (effective July 12, 2007; most recent amendments effective August 18, 2014); Procedures for Administrative Enforcement Proceedings were added as a Supplement to Regulation No. 2 on November 19, 2014.

Regulation 3 - Referrals to and Cooperation with Other Governmental Enforcement Agencies (rescinded August 18, 2014; provisions incorporated into Regulation 2)

Regulation 4 - Seeking Advice from the Board of Ethics (effective August 4, 2008; most recent amendments effective March 27, 2013)

Regulation 5 - Confidentiality (rescinded August 18, 2014; provisions incorporated into Regulation 2)

Regulation 6 - Boards and Commissions, Interest in Contracts (effective November 2, 2009)

Regulation 7 - Annual and Routine Training (effective November 25, 2009)

Regulation 8 - Political Activity (effective March 28, 2011; most recent amendments effective September 7, 2020)

Regulation 9 - Lobbying (effective November 21, 2011; most recent amendments effective October 23, 2017).

The Board's regulations are available at:

<http://www.phila.gov/ethicsboard/aboutus/Pages/Regulations.aspx>.

**Civil Ethics Statutes:** Philadelphia Home Rule Charter, Sections 10-100 (Prohibited Interests in City Contracts for Councilmembers), 10-102 (Prohibited Interests in City Contracts for City Employees), 10-105 (Gratuities), and 10-107 (Political Activities).

Philadelphia Code Section 20-600 (Ethics).

**Penalties (Administrative/Civil/Criminal):** City Code Chapter 20-1300 provides for penalties for campaign finance and ethics code violations. In general, the base penalty is \$1,000 per violation, which can be increased as high as \$2,000 based on an aggravating factor or decreased as low as \$250 based on mitigating factors.

Violations of the political activity restrictions and ethics provisions at Article X of the Home Rule Charter are generally subject to a penalty of up to \$2,000 based on aggravating or mitigating factors.

**NOTE:** The Board of Ethics administers, provides advice and enforces the City's ethics, campaign finance, and lobbying laws. The Board issues advisory opinions, provides trainings, investigates, and has the option of bringing enforcement actions either in court or through administrative adjudications. Philadelphia Home Rule Charter Section 4-1100 and Philadelphia Code Chapter 20-600 provide additional details regarding the Board's authority.

### **Requirements, Prohibitions, & Exceptions:**

**Confidential Information:** The Philadelphia Code prohibits City officers and employees from directly or indirectly disclosing or making available confidential information concerning "the property, government or affairs of the City." A disclosure is prohibited if it is made without proper legal authorization for the purpose of advancing the City officer's or employee's own financial interest or that of another person. Section 20-609 of the Code contains this prohibition.

Philadelphia Code Section 20-606 and the Board of Ethics' Regulations Nos. 2 and 4, which interpret portions of this Code Section, protect the confidentiality of certain Board of Ethics' materials and communications related to non-public advisory opinions and to investigations.

**Conflict of Interest:** The Philadelphia City Code prohibits City officers and employees from having a financial interest in official action that they take. The Code also prohibits an officer's or employee's close relatives, for-profit businesses they are a member of, or such business associates, from holding a financial interest in matters subject to a City officer's or employee's official action. The Code specifically prohibits anyone from acting "on behalf of the member of City Council, City officer or employee" for the purpose of circumventing the law.

In the event of a conflict of interest, the Code provides for the officer or employee's disclosure of the conflict and disqualification from taking official action. Generally, disqualification and disclosure by advance notice to the legislative branch is required if an officer or employee has a financial interest in legislation, and written notice to the pertinent agency leadership, the Records Department, and the Ethics Board is required for financial interests in other non-legislation matters. Specific other disclosure and disqualification procedures are required for members of City Council who have a financial interest in legislation.

**Financial Disclosure:** The Philadelphia Code requires certain high-level City officers and employees, including all members of boards and commissions, to file a "statement of financial interest" for the preceding calendar year on May 1 each year. This requirement includes a filing for an officer, employee, or board or commission member's final year of service, even though the filing will be after the public servant leaves office. Items to be disclosed include sources of income, creditors, gifts, and honoraria.

Section 20-610 of the Philadelphia Code contains the City financial disclosure requirements.

**Gifts:** Gifts: The Philadelphia Code prohibits a City employee from accepting monetary gifts in any amount or non-monetary gifts worth more than \$99 in the aggregate per calendar year from any person who: (1) is seeking official action from that City employee; or (2) has a financial interest at the time, or close in time, to when the gift is received that the City employee is able to substantially affect through official action.

Section 20-604 of the Philadelphia Code contains this prohibition.

**Gratuities:** The Philadelphia Home Rule Charter prohibits a City employee from accepting or soliciting a gratuity. A gratuity is a gift given as a thank you for an employee's act or omission in the course of City work.

Section 10-105 of the City Charter contains this prohibition.

If a City employee receives a prohibited gift or gratuity, the employee must take certain action to avoid potential penalties. This includes sending letters to multiple City entities.

**Political Activity:** Section 10-107 of the Philadelphia Home Rule Charter regulates officers' and employees' political activity.

The Charter provides that "[n]o appointed officer or employee of the City, except for an employee of the Council, shall be a committee person, ward leader, delegate, or other officer of a political party, or an officer of a partisan political group, or take any part in the management or affairs of any political party, partisan political group or political campaign, with the following generally applicable exception."

Such appointed officers and employees "may participate in non-managerial volunteer activity in support of a candidate for any office, but not including for a state or local office for which Philadelphia electors cast ballots other than in a campaign for an office elected on a state-wide basis."

The exception for participation in "non-managerial volunteer activity in support of a candidate" discussed above does "not apply to an employee of the Offices of the Sheriff, City Commissioners or District Attorney, or any officer or member of the Police Department, or any member or employee of the Board of Ethics."

The Charter also prohibits political fundraising activities by City officers and employees.

The Charter contains a “resign-to-run” rule for all officers and employees except those running for re-election. The Charter also prohibits the use of official influence, political endorsement, or other consideration in connection with appointments to the Civil Service.

Board’s Regulation No. 8 interprets the Charter’s political activity restrictions for appointed City officers and employees. The regulation describes specific activities these officers and employees may and may not engage in while on duty and on personal time and provides helpful examples.

**Public Contracts/Public Purchasing:** The Philadelphia Code gives the Board of Ethics jurisdiction over material misrepresentations or omissions in certain disclosures required to be filed by applicants and contractors for non-competitively bid contracts and by persons seeking or receiving certain forms of financial assistance from the City.

Applicants are required to disclose five specific types of information with a contract application, including: all consultants used with respect to the contract, a contract applicant’s and consultant’s political contributions, intended subcontractor information, the name of any City officer or employee who solicited money from the applicant, and the name of any City officer or employee who recommended a person or firm to satisfy any minority, woman, disabled, or disadvantaged enterprise requirement.

Section 20-613(1)(a) of the Philadelphia Code describes the Board’s jurisdiction over this aspect of non-competitive contracting disclosures. Section 17-1407(2) of the Code specifies the prohibited material misstatements and omissions and provides for penalties.

## San Francisco Ethics Commission

25 Van Ness Avenue, Suite 220

San Francisco, CA 94102

Phone: (415) 252-3100

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Agency Head/Contact:	LeeAnn Pelham, Executive Director
E-mail:	<a href="mailto:leeann.pelham@sfgov.org">leeann.pelham@sfgov.org</a>
Web Site:	<a href="https://sfethics.org">https://sfethics.org</a>
# of Employees:	24
# of Members on Board:	5
Current Annual Budget:	\$4,600,000
Special Grants and/or Alternative Funding:	San Francisco's public campaign financing program is funded by a Charter-required annual allocation from the City's General Fund to the Election Campaign Fund of \$2.75 per resident.

### Authority:

**Appointing Authority/Make up and Qualifications for Commission Members:** The Mayor, the Board of Supervisors, the City Attorney, the District Attorney and the Assessor each appoint one member of the Commission. The member appointed by the Mayor has a background in public information and public meetings. The member appointed by the City Attorney has a background in law as it relates to government ethics. The member appointed by the Assessor has a background in campaign finance. The members appointed by the District Attorney and Board of Supervisors are broadly representative of the general public. In the event a vacancy occurs, the officer who appointed the member vacating the office appoints a qualified person to complete the remainder of the term. Members of the Commission serve without compensation.

Members of the Commission may be removed by the appointing authority for official misconduct. No person may serve more than one six-year term as a member of the Commission, but persons appointed to fill a vacancy for an unexpired term with less than three years remaining or appointed to an initial term of three or fewer years are eligible to be appointed to one additional term. Any person who completes a term as a Commissioner is eligible for reappointment six years after the expiration of his or her term.

During his or her tenure, members and employees of the Ethics Commission are subject to the following restrictions:

(a)

Restrictions on Holding Office. No member or employee of the Ethics Commission may hold any other City or County office or be an officer of a political party.

(b)

Restrictions on Employment. No member or employee of the Ethics Commission may be a registered lobbyist or campaign consultant, or be employed by or receive gifts or other compensation from a registered lobbyist or campaign consultant. No member of the Ethics Commission may hold employment



with the City and County and no employee of the Commission may hold any other employment with the City and County.

(c)

**Restrictions on Political Activities.** No member or employee of the Ethics Commission may participate in any campaign supporting or opposing a candidate for City elective office, a City ballot measure, or a City officer running for any elective office. For the purposes of this section, participation in a campaign includes but is not limited to making contributions or soliciting contributions to any committee within the Ethics Commission's jurisdiction, publicly endorsing or urging endorsement of a candidate or ballot measure, or participating in decisions by organizations to participate in a campaign.

For a period of one year upon completing his or her service with the Commission, no member of the Commission may be a lobbyist or campaign consultant, be employed by, or receive any gifts or other compensation from a lobbyist or campaign consultant, or a person who employs someone required to register as a lobbyist or campaign consultant. For purposes of this section, the terms lobbyist and campaign consultant mean persons required to register under the City's lobbyist or campaign consultant ordinances.

The Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the Commission's duties or exercise of its powers.

**Citation to Agency Statutes, Administrative Rules, Policies, or Standards:** San Francisco Charter, section 15.100 et seq., Appendix C; San Francisco Campaign and Governmental Conduct Code, sections 1.100 et seq., 1.200, 1.300 et seq., 1.400 et seq., 2.100 et seq., 3.100 et seq., 3.200 et seq., 3.300, 3.400; Ethics Commission By-Laws; Ethics Commission Regulations interpreting: the Campaign Finance Reform Ordinance, SF C&GC Code section 1.100 et seq; the Campaign Consultant Ordinance; the Lobbyist Ordinance; Conflicts of Interests; Investigations and Enforcement Proceedings.

These authorities are available from the Commission's website at [http://www.sfgov.org/site/ethics\\_index.asp?id=13730](http://www.sfgov.org/site/ethics_index.asp?id=13730)

**Citation to Significant Definitions:** San Francisco Campaign and Governmental Conduct Code, Art. I, Ch. 1, § 1.104; Ch. 3, § 1.305; Ch. 4, § 1.405; Ch. 5, § 1.505; Art. II, Ch. 1, § 2.105; and Art. III, Ch. 2, § 3.212(c), § 3.216(b)(1), § 3.222, § 3.230(c); Ethics Commission Regulations 1.126-1, 1.140(k)-1, 1.140(o)-1, and Regulations for Investigations and Enforcement Proceedings, section II.

These authorities are available from the Commission's website at <http://www.sfethics.org/ethics/2009/05/law-advice.html>

**Penalties (Administrative/Civil/Criminal):** When the Commission determines there is probable cause for believing a provision of the Charter or City ordinance has been violated, it may hold a public hearing to determine if such a violation has occurred. When the Commission determines on the basis of substantial evidence presented at the hearing that a violation has occurred, it shall issue an order which may require the violator to: (1) Cease and desist the violation; (2) File any reports, statements or other documents or information required by law; and/or (3) Pay a monetary penalty to the general fund of the City of up to five thousand dollars (\$5,000) for each violation or three times the amount which the person failed to report properly or unlawfully contributed, expended, gave or received, whichever is greater. Penalties that are assessed but uncollected after 60 days shall be referred to the bureau of delinquent

revenues for collection. In addition, with respect to City officers other than those identified in Section 8.107 of the Charter, when the Commission determines on the basis of substantial evidence presented at the hearing that a violation has occurred, the Commission may recommend to the appointing officer that the officer be removed from office. SF Charter section C3.699-13(c).

Any person who violates the provisions of the Campaign Finance Reform Ordinance is subject to criminal, civil and administrative penalties. Criminal penalties include a fine of not more than \$5,000 for each violation or imprisonment in the County jail for a period of not more than six months or both such fine and imprisonment, provided however that any willful or knowing failure to report contributions or expenditures done with intent to mislead or deceive or any willful or knowing violation of the provisions of Section 1.114 of the Ordinance is punishable by a fine of not less than \$5,000 for each violation or three times the amount not reported or the amount received in excess of the amount allowable, or three times the amount expended in excess of the amount allowable, whichever is greater. Civil penalties include up to \$5,000 for each violation or three times the amount not reported or the amount received in excess of the amount allowable or three times the amount expended in excess of the amount allowable, whichever is greater. Administrative penalties include a fine of up to \$5,000 for each violation, or three times the amount not reported or the amount received in excess of the amount allowable or three times the amount expended in excess of the amount allowable under the Ordinance, whichever is greater. S.F. Campaign and Governmental Conduct Code section 1.170.

**Jurisdiction Over Officials Not Listed in Charts:** Public matching funds program for Supervisorial and Mayoral candidates; Registration and reporting by Campaign Consultants, Permit Consultants, and Major Developers; Enforcement related to public records and City's Sunshine Ordinance; Investigation and enforcement related to allegations of whistleblower retaliation.

**Requirements, Prohibitions, & Exceptions:**

**Confidential Information:** Section 3.228 of the Campaign and Governmental Conduct Code provides that no current or former officer or employee may (a) willfully or knowingly disclose any confidential or privileged information to advance the financial or other private interest of himself or herself or others. Confidential or privileged information is information that at the time of use or disclosure was not subject to disclosure under the Sunshine Ordinance or the California Public Records Act.

**Conflict of Interest:** All officers and employees of the City and County are subject to all state laws and City ordinances proscribing conflicts of interest and incompatible activities. In general, City officials may not participate in decisions in which they have a financial interest. No officer or employee can become directly or indirectly interested in any contract, franchise, right, privilege or sale or lease of property awarded, entered into or authorized by him or her, by those under his or her supervision and control, or by a board or commission of which he or she is a member. No City officer can represent, for compensation, any private interest before City boards or commissions or their staffs. City officers and employees may not represent any private interest before a City board or agency of which they were a member or employee for one year after they leave such service or employment. They are permanently barred from aiding, advising, counseling, consulting or assisting another person, except the City and County, in any proceeding in which the officer or employee participated personally and substantially as a City officer or employee which involved a specific party or parties at the time of such participation and which is the same matter in which the officer or employee participated as a City officer or employee. No officer or employee may for a period of one year after termination of his or her service or employment with the City, be employed by or otherwise receive compensation from a person or entity that entered into a contract with the City within the 12 months prior to the officer or employee leaving City service where the officer or employee personally and substantially participated in the award of the contract. The

Ethics Commission may consider waiver requests to some of the conflict of interest provisions. No officer or employee may make, participate in making, or otherwise seek to influence a decision regarding an employment action involving a relative. A City officer or employee must disclose on the public record any personal, professional or financial interest in the subject of a governmental decision being made by the officer or employee where as a result of the relationship, the ability of the officer or employee to act for the benefit of the public could reasonably be questioned. In addition to state law restrictions on gifts, no officer or employee may solicit or accept any gift from a restricted source. No officer or employee may engage in any employment, activity or enterprise that the department, board or commission of which he or she is a member has identified as incompatible in a statement of incompatible activities -- all Statements of Incompatible Activities took effect on October 8, 2008. No current or former officer or employee may willfully or knowingly disclose any confidential or privileged information to advance the financial or other private interest of himself or herself or others. No officer or employee may participate in political activities of any kind while in uniform, during working hours or on City premises. The Mayor and Members of the Board of Supervisors may not be appointed to any full-time compensated employment with the City and County for one year following service as Mayor or a member of the Board of Supervisors. Any violation of such laws is the basis for discipline and/or removal, in addition to any other penalties prescribed by law.

**Financial Disclosure:** Local campaign filers are required to file campaign disclosure statements with the Ethics Commission, and are also required to file electronically if they have \$5,000 or more in activity. Lobbyists are required to register and file monthly reports disclosing, among other things, the total amount of payments made to influence local legislative or administrative action. Campaign consultants are required to register and file quarterly reports disclosing, among other things, economic consideration promised by or received from clients. Designated City and County employees are required to file Statements of Economic Interests to disclose some or all of their interests in real property located in San Francisco, investments, business positions, and income (including gifts and loans) received during the preceding 12 months.

**Gifts:** City officials and employees are prohibited from receiving a gift or gifts totaling more than \$500 in a calendar year from certain sources. Subject to certain exceptions, City officers and employees may not accept any gift or gifts from restricted sources (a person doing business with or seeking to do business with the department of the officer or employee; or any person who during the prior 12 months knowingly attempted to influence the officer or employee in any legislative or administrative action). No officer or employee may solicit or accept any gratuity from any subordinate or employee or from any candidate or applicant for a position as employee or subordinate under him or her. Under the Statements of Incompatible Activities that took effect on October 8, 2008, no officer or employee of the City may receive a gift for performing his or her City duties.

Campaign consultants must report gifts promised or made to local officeholders during the preceding three months that in the aggregate total \$50 or more.

Except for certain exemptions, no lobbyist may make gifts to a City officer that have a fair market value of more than \$25.

**Improper Compensation:** The Statements of Incompatible Activities bar officers and employees from receiving or accepting a gift from anyone for the rendition of services that the officer or employee would be expected to render in the regular course of his or her duties. Bribery is also forbidden under current law.

**Misuse of Public Office:** All officers and employees of the City and County are subject to all state laws and City ordinances proscribing conflicts of interest and incompatible activities. Any violation of such laws is a basis for discipline and/or removal, in addition to any other penalties prescribed by law.

Officials may not use their office to seek anything of value for themselves, their immediate family, or any organization with which they are associated.

**Nepotism:** No officer or employee of the City may make, participate in making, or otherwise seek to influence a decision regarding an employment action involving a relative.

**Political Activity:** No City officer or employee may, directly or indirectly, solicit political contributions, knowingly, from other City officers or employees or from persons on employment lists of the City. However, a City officer or employee may communicate through the mail or by other means requests for political contributions to a significant segment of the public, which may include City officers or employees.

No City officer or employee may participate in political activities of any kind while in uniform.

No City officer or employee may engage in political activity during working hours or on City premises.

**Public Contracts/Public Purchasing:** No person who contracts with the City, the Unified School District, or the Community College District may make any contribution to an officer who must approve the contract, or to a candidate for the board on which the officer serves, at any time from the submission of the proposal for such contract until either the termination of negotiations for such contract or twelve months have elapsed from the date the contract is approved by the officer or board on which he or she serves.

**Representing Others Before Government:** No officer of the City and County may directly or indirectly receive any form of compensation to communicate orally, in writing or in any other manner on behalf of any other person with any other officer or employee of the City and County with the intent to influence a government decision. There are exceptions to this ban; in addition, the Ethics Commission may waive the ban for any member of a City board or commission who, by law, must be appointed to represent any profession, trade, business, union or association.

**NOTE:** In January 2020 the FBI announced public criminal complaints against San Francisco city officials and contractors. The conduct for which these individuals have been investigated and charged includes attempting to bribe a City commissioner, giving and receiving gifts in exchange for favorable treatment by the City, and laundering gifts to disguise their source and nature. The City Controller and City Attorney have also undertaken investigations of public works contracting, airport procurement, and the use of non-City accounts for City purposes to further detect unethical practices.

As part of its review, the Controller has recommended a comprehensive review of the City's conflict-of-interest laws, including the creation of behested payment restrictions and the strengthening of gift rules. The Ethics Commission is in the process of performing this review and expects to produce one or more pieces of legislation in the next year.

**Cuyahoga County Agency of Inspector General**

2079 E. 9th Street, 6th Floor, Room 201

Cleveland, OH 44115

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Agency Head/Contact: Mark D. Griffin, Inspector General  
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Web Site: <http://www.inspectorgeneral.cuyahogacounty.us>  
# of Employees: 10  
Current Annual Budget: \$954,632

**Authority:**

**Appointing Authority/Make up and Qualifications for Commission Members:** Appointment of Inspector General. The Inspector General shall be appointed by the County Executive for a term of five years subject to confirmation by Council. In the case of a vacancy in the position of Inspector General, the Executive shall appoint a successor Inspector General, subject to the confirmation of Council, to the term of the Inspector General. The Executive may appoint, with the approval of the President of Council, an Interim Inspector General for a period not to exceed 90 days. Section 204.01(C)2 of the County Code.

**Citation to Agency Statutes, Administrative Rules, Policies, or Standards:** Section 204.01 of the County Code.

**Citation to Significant Definitions:** Section 402.01 of the County Code.

**Civil Ethics Statutes:** Title 4 of the County Code.

**Penalties (Administrative/Civil/Criminal):** If the Inspector General determines that an elected official, employee, or board member has violated a provision of this Title or the Charter, the Inspector General may take one or more of the following actions:

The Inspector General may issue a Letter of Notification, which advises the individual that he or she is in non-compliance, and may advise the respondent of any steps to be taken to bring the respondent into compliance and/or avoid future violations.

The Inspector General may issue a Letter of Admonition expressing disapproval of the individual's violation of a provision of this Title. The Inspector General shall send a simultaneous copy of all letters of admonition to the Department of Human Resources and to the respondent's appointing authority.

The Inspector General may issue a Letter of Censure condemning the individual for knowingly violating one or more provisions of this Title. The Inspector General shall send a simultaneous copy of all letters of censure to the Department of Human Resources and to the respondent's appointing authority.

The Inspector General may require the individual to complete a County ethics training program.

The Inspector General may make a recommendation to an individual's appointing authority, including but not limited to, a recommendation for suspension, forfeiture of office, or removal from office.

Section 407.01(D) of the County Code.

**Requirements, Prohibitions, & Exceptions:**

**Financial Disclosure:** Elected officials shall file an annual disclosure statement directly with the Ohio Ethics Commission or the appropriate filing agency by the deadline prescribed by the Ohio Ethics Commission.

On or before April 15 of each year, the following employees shall file an annual disclosure statement with the Inspector General on the Financial Disclosure Statement form prescribed by the Ohio Ethics Commission, unless otherwise required by Ohio law to file such a statement directly with the Ohio Ethics Commission:

All officers and directors appointed pursuant to Article V, Section 7.03, Section 8.02, Section 9.06, Section 10.01, and Section 11.03 of the Cuyahoga County Charter;

Any other director-level or officer-level position of the county appointed pursuant to the County Charter or County Code, including but not limited to, directors of departments established by ordinance, Health and Human Services administrators, and the Inspector General;

Chief of staff and/or First Assistant to the County Executive, County Council, and County Prosecutor;

Deputies Chiefs or similarly titled employees within Office of the County Executive to which any county officer or director reports.

Board of Revision hearing officers; and

The Clerk of County Council.

Section 403.07 of the County Code.

**Gifts:** All individuals shall comply with the requirements and prohibitions applicable to public officials and employees, as stated in Ohio Revised Code Section 102.03.

No elected official, employee, or board member shall solicit or accept any gift where:

The gift is intended to influence the elected official, employee, or board member in the performance or non-performance of his or her official powers or duties;

The gift is intended as a reward for any official action on the part of the elected official, employee, or board member in violation of Ohio Revised Code Section 2921.43.

Presumption of influence. Subject to the exceptions listed in subsection (D), the following presumptions shall apply:

A gift or multiple gifts from a contractor or lobbyist within the same calendar year having an annual aggregate face value of seventy-five dollars (\$75.00) or more are presumed to influence an elected official, employee, or board member in the performance or non-performance of his or her official powers or duties.

A gift to an elected official, employee, or board member is presumed to be intended to influence the performance or non-performance of his or her official powers or duties when the gift is from a private

person or organization that seeks County action involving the exercise of discretion by or with the participation of the individual.

A gift to an elected official, employee, or board member is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained County action involving the exercise of discretion by or with the participation of the individual during the preceding twelve months.

Notwithstanding the provisions in subsection (B), the following gifts shall not carry a presumption of influence:

Gifts made to the County;

Gifts given on special occasions, such as marriage, illness, or retirement, which are reasonable and customary, and which do not otherwise constitute a substantial and improper influence on the recipient;

Meals and refreshments provided when an elected official, employee, or board member is in his or her professional capacity a speaker or participant at a job-related conference or program, and the meals and refreshments are made available to all participants;

Invitations to or attendance at charitable fundraisers or community events that provide meals of an ordinary character and do not include entertainment of a significant value;

Anything for which an elected official, employee, or board member pays face value, or at a discount available to all county employees or the general public;

Any campaign contribution that is otherwise lawfully received and reported under this Code and general law.

Section 403.06 of the County Code.

**Misuse of Public Office:** No elected official, employee, or board member shall knowingly use his or her official position or official powers and duties to secure a financial or material benefit, or promise of a financial or material benefit, for himself or herself, a relative, or any private organization in which he or she has an interest.

No elected official, employee, or board member shall request without offering just compensation, require, or coerce a subordinate employee to perform any task unreasonably outside the scope of his or her County employment that does not further a County interest, including the performance of any clerical or other work on behalf of the individual, his or her family, business, social, church, or fraternal interest that does not further a County interest, or the purchase of goods or services for personal, business, or political purposes. Excessive requests by a supervisor to perform tasks unreasonably outside the scope of a subordinate's County employment may constitute a violation of this Section, regardless of whether just compensation is offered.

No elected official, employee, or board member shall sell or agree to sell, either directly or indirectly through an entity in which he or she holds an interest, goods or services to the County, except through the County's competitive bidding process consistent with Ohio Revised Code Section 2921.42 et. seq.

No elected official, employee, or board member shall violate the prohibitions applicable to Ohio counties regarding public contracts pursuant to Ohio Revised Code Section 2921.42 et seq., and any public contracts awarded in violation of Ohio Revised Code Section 2921.42 shall be void and unenforceable.

No elected official, employee, or board member shall knowingly misrepresent his or her personal opinion to be the official position of the County. This paragraph shall not apply to statements of elected officials made in the course of fulfilling the responsibilities of, or running for, office.

No elected official, employee, or board member shall draw a per diem or expense monies from the County to attend a seminar, convention, or conference and then fail to attend the seminar, convention, or conference without acquiring prior approval from a direct supervisor or refunding the pro-rata unused per diem or expense monies to the County.

No elected official, employee, or board member shall knowingly suppress any public record.

No elected official, employee, or board member shall:

Abuse his or her authority to compel a subordinate employee to endure or participate in sexual conduct;  
or

Require or coerce a subordinate employee to accept sexual harassment or unwelcome sexual advances as a condition of employment, equal treatment, approval, or advancement.

Section 403.03 of the County Code.

**Political Activity: Political Contributions from County Employees**

No elected official shall knowingly solicit or accept a campaign contribution from any County employee over whom he or she has appointing authority or confirmation authority, either individually or as a member of a body. No elected official shall knowingly solicit or accept a campaign contribution from an employee whose County confirmation is pending.

No employee shall knowingly make a campaign contribution to, or solicit funds for a campaign for public office conducted by or for their own elected employer or confirming authority. Employees shall not be prohibited from making voluntary contributions to political parties or candidates for any other public office.

The prohibitions of this Section shall not apply to employees or elected officials whose service with the county has terminated.

An elected official or employee may request an opinion from the Inspector General prior to accepting, soliciting, or making a campaign contribution. The Inspector General shall provide an opinion within fourteen (14) days of receiving the request; provided however that the Inspector General shall not be required to conduct a review of political contributions on behalf of any candidate or political campaign.

Section 403.11 of the County Code

**Partisan Political Activity by Classified Civil Service Employees**



All elected officials, employees and board members are subject to the rules regarding political activity pursuant to Ohio Revised Code Chapter 124 and Ohio Administrative Code Chapter 123, as is now or hereafter incorporated by Chapter 303 of the Cuyahoga County Code.

Section 403.13 of the County Code.

**Revolving Door:** No present or former elected official or employee shall, during public service or for twelve months thereafter, represent or act in a representative capacity for any person or organization on any matter involving the exercise of discretion by the county or any agent thereof, in which the present or former elected official or employee, personally participated in his or her capacity as a County official.

Elected officials and employees shall disclose to the Inspector General any employment offers, or ongoing discussions of future employment, with any entity presently dealing with the County concerning matters within the scope of the individual's current official duties.

This section shall not be construed as prohibiting an elected official, or employee from representing himself or herself before the County, or asserting a claim against the County on his or her own behalf, nor shall this section prohibit any individual from representing a person or organization on an uncompensated basis.