

Witness Testimony

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House Bill 311

Chair Wiggam, Vice-Chair Ginter, Ranking Member Kelly, and members of the House State and Local Government Committee, thank you for the opportunity to provide testimony in support of House Bill 311 – which permits county governments to request the establishment of a County Inspector General's office to investigate fraud, waste and corruption.

I speak today on behalf of the independent Cuyahoga County Agency of Inspector General. As an independent agency, my views do not necessarily represent the official views of the Cuyahoga County Executive or Cuyahoga County Council.

In America, independent inspectors general are both old and new. The advantages of independent oversight have long been recognized and continue to grow. Before the birth of our nation, General Washington created our first inspector general when he appointed Baron von Steuben as inspector general to investigate waste, fraud and abuse in the Continental Army. Fort Steuben and later Steubenville, Ohio were named in his honor.

The concept of a statutory Inspector General was broadly introduced to the civilian side of the Federal government by the Inspector General Act of 1978.¹ The original Inspectors General were established in 12 Federal agencies. The concept has proved so successful that today, there are 74 statutory IGs across the Federal government. Congress decided to further strengthen the role of Federal IGs by passing the Inspectors General Act of 2016.

At the state and local level, there are more than 135 IGs in 34 states. As states catch up with the federal government, this number has accelerated in recent years with new IGs created in South Carolina, Virginia, Detroit, Cuyahoga County and elsewhere. Some states, like Florida, have found IGs to be so valuable that every major department is required to have an independent IG.

¹ https://www.ignet.gov/sites/default/files/files/IG_Authorities_Paper_-_Final_6-11-14.pdf

The bill before you, HB 311, will help Ohio counties – if they so desire – have a statutory structure to create a county IG. Let me address briefly our experience in Cuyahoga County and why I believe that HB 311 deserves your support.

In 2011, thanks to Rep. Greenspan, who was then a County Council Representative, Cuyahoga County created by ordinance the Agency of Inspector General to investigate waste, fraud and abuse and also to provide pro-active ethics education to County employees, contractors and lobbyists. Since 2015, the AIG has found, for example, over \$65 million in untracked development loans, over \$7 million in challenged or improper costs, helped precipitate more than \$2.5 million in additional uncollected taxes, and made more than a dozen law enforcement referrals.

Perhaps most importantly, we have worked to create a culture of compliance in order to prevent ethical violations. Despite the comments of the critics, the vast, vast majority of public employees are outstanding employees who want to – and in fact do – do the right thing. However, public ethics laws can be extremely complicated and far more stringent than the private sector. Practices that are common in the private sector can be violations in the public. So, rather than only investigate violations after they happen, we try to prevent violations by providing pro-active ethics opinions, annual ethics training, regular ethics emails and videos.

In 2018, the voters of Cuyahoga County elected to protect and support the AIG by making it a formal part of the County Charter and expanding its role.

The bill before you, HB 311, will help other Ohio counties create similar independent structures. Counties will be able to create – but not required to create – an independent watchdog. There are several important aspects to HB 311.

- **Independence:** Perhaps the most important characteristic of an IG is independence. This bill will assure that Ohio IGs will have the independence to get the facts and tell the truth. Interestingly, I have found that local directors appreciate my office's independence because, at times, they will refer matters to my office so that I can say "No" on difficult issues.
- **Accountability:** HB 311 requires reports and information that will appropriately channel IG's, require that they be qualified, and permit the removal of any IG that exceeds the limits of their authority.
- **Tips & Information:** Information and transparency are critical to efficient, honest government. This bill provides a channel for government employees, citizens and contractors to report wrongdoing. Moreover, by virtue of being closer to the local level, county IGs will be able to understand learn more about possible improvements than entities that are more distant.

- **Prevention:** HB 311 requires IGs to adopt and implement risk reduction practices. Education and deterrence are at least as important as investigations after a violation has already occurred.
- **Cooperation Between Agencies:** One of the strengths of the HB 311 is that it permits IGs to work across different layers and departments of government. These layers and department can – all too often – become silos that prevent the transmission of information. HB 311 requires IGs to cooperate and coordinate with other government officials – a practice that we have found to be very important in Cuyahoga County.

For these reasons, and others, I believe that HB 311 is a valuable step forward towards more honest, efficient, and transparent government.

I appreciate the opportunity to speak on behalf of House Bill 311 and I am available to answer questions you may have.