



# Dave Yost • Auditor of State

## House Government Accountability and Oversight Committee

**Shawn Busken, Director of Policy and Legislative Affairs**

### **Senate Bill 268 December 11, 2018**

Chairman Blessing, Vice Chair Reineke, Ranking Member Clyde, thank you for allowing me to provide testimony today on Senate Bill 268.

Since Auditor Yost took office in 2011, our office has charged 75 corrupt officials with theft in office, for stealing nearly \$2.3 million. Our Public Integrity Assurance Team works diligently to find fraud, theft, waste, and abuse and help prosecute the criminals who commit these acts.

We see cases where high dollar amounts have been stolen but under the current theft in office statute those individuals can only be charged with an F-3. You have probably heard of some of these cases in the news. A clerk in the Perrysburg Schools Treasurer's office stole nearly \$800,000 from the school district and boosters club. He was charged with four counts of theft in office, each an F-3. The Village of Ripley Utility Clerk stole nearly \$1 million through several methods and was charged with three counts of Theft in Office, each an F-3. The Legacy Academy for Leaders and the Arts, amongst other schools, were defrauded by a treasurer who stole over \$542,000. He was sentenced to two years on embezzlement charges.

Government officials who steal taxpayer money should be held to the highest level of accountability and prosecuted to the fullest extent. A theft in office conviction bars the individual from holding public office or a position of trust at any point in the future and for that reason is preferred in these cases. Senate Bill 268 would bring parity to the theft in office and theft statutes. Under the bill, theft of over \$750,000 would carry an F-1 penalty, while amounts between \$150,000 and \$750,000 would carry an F-2.

The second prong of this legislation clarifies that judges may order forensic audit costs as restitution when the victim is a public entity. Currently, these costs are not considered a "direct and proximate result" of the theft. Adding insult to injury, an entity may be robbed of tens of thousands of dollars, and be left footing the bill to catch the criminal. The STAR Community Justice Center paid \$27,200 to discover \$20,090 in theft. The language included in SB 268 allows local entities to be made whole, and would only be applicable to theft in office cases.

Our office also supports the amendment, which we anticipate, will be offered tomorrow. The additional language caps the amount of restitution for forensic audit costs at the amount of the theft. This prevents a defendant from being handed a bill that they may never be able to repay.

SB 268 ensures that those who use a position of trust to steal taxpayer money are held responsible for their actions. Our office would like to thank Senator Wilson for his leadership on this issue. At this time, I can take any questions you may have.