

As Introduced

**128th General Assembly
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H. B. No. 522

Representative Murray

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A B I L L

To amend sections 121.41 and 121.42 of the Revised Code to require the Inspector General to be recused from any matter or investigation relating to a state agency if the Inspector General has a familial relationship with an employee of that agency or the Inspector General was formerly employed by that agency, and to require the Inspector General to designate a deputy inspector general to handle all matters relating to an agency that is the subject of a recusal.

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

Section 1. That sections 121.41 and 121.42 of the Revised Code be amended to read as follows:

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

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

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

(C) "Designated deputy" means a deputy inspector general designated to act as the inspector general pursuant to division (K) of section 121.42 of the Revised Code as a result of the inspector general's recusal regarding a particular state agency. 20
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(D) "Familial relationship" means a relationship in which the inspector general is a spouse, sibling, natural or adoptive parent, or natural or adoptive child of an employee of a state agency. 24
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(E) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes any officer or employee of the state or any political subdivision of the state. 28
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~~(D)~~(F) "Recusal" means the act of disqualifying oneself or withdrawing oneself from performing a duty or function as inspector general. 31
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(G) "State agency" has the same meaning as in section 1.60 of the Revised Code but does not include any of the following: 34
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(1) The general assembly; 36

(2) Any court; 37

(3) The secretary of state, auditor of state, treasurer of state, or attorney general and their respective offices. 38
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~~(E)~~(H) "State employee" means any person who is an employee of a state agency or any person who does business with the state. 40
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~~(F)~~(I) "State officer" means any person who is elected or appointed to a public office in a state agency. 42
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~~(G)~~(J) "Wrongful act or omission" means an act or omission, committed in the course of office holding or employment, that is not in accordance with the requirements of law or such standards of proper governmental conduct as are commonly accepted in the community and thereby subverts, or tends to subvert, the process of government. 44
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Sec. 121.42. The inspector general shall do all of the 50
following: 51

(A) Investigate the management and operation of state 52
agencies on ~~his~~ the inspector general's own initiative in order to 53
determine whether wrongful acts and omissions have been committed 54
or are being committed by state officers or state employees; 55

(B) Receive complaints under section 121.46 of the Revised 56
Code alleging wrongful acts and omissions, determine whether the 57
information contained in those complaints allege facts that give 58
reasonable cause to investigate, and, if so, investigate to 59
determine if there is reasonable cause to believe that the alleged 60
wrongful act or omission has been committed or is being committed 61
by a state officer or state employee; 62

(C) Except as otherwise provided in this division, 63
contemporaneously report suspected crimes and wrongful acts or 64
omissions that were or are being committed by state officers or 65
state employees to the governor and to the appropriate state or 66
federal prosecuting authority with jurisdiction over the matter if 67
there is reasonable cause to believe that a crime has occurred or 68
is occurring. In addition, the inspector general shall report the 69
wrongful acts or omissions, as appropriate under the 70
circumstances, to the appropriate ethics commission in accordance 71
with section 102.06 of the Revised Code, the appropriate licensing 72
agency for possible disciplinary action, or the state officer's or 73
state employee's appointing authority for possible disciplinary 74
action. The inspector general shall not report a wrongful act or 75
omission to a person as required by this division if that person 76
allegedly committed or is committing the wrongful act or omission. 77

(D) Except as otherwise provided in this division, 78
contemporaneously report suspected crimes and wrongful acts or 79
omissions that the inspector general becomes aware of in 80

connection with an investigation of a state agency, state officer, 81
or state employee, and that were or are being committed by persons 82
who are not state officers or state employees to the governor and 83
to the appropriate state or federal prosecuting authority with 84
jurisdiction over the matter if there is reasonable cause to 85
believe that a crime has occurred or is occurring. In addition, 86
the inspector general shall report the wrongful acts or omissions, 87
as appropriate under the circumstances, to the appropriate ethics 88
commission in accordance with section 102.06 of the Revised Code, 89
the appropriate licensing agency for possible disciplinary action, 90
or the person's public or private employer for possible 91
disciplinary action. The inspector general shall not report a 92
wrongful act or omission to a person as required by this division 93
if that person allegedly committed or is committing the wrongful 94
act or omission. 95

(E) Prepare a detailed report of each investigation that 96
states the basis for the investigation, the action taken in 97
furtherance of the investigation, and whether the investigation 98
revealed that there was reasonable cause to believe that a 99
wrongful act or omission had occurred. If a wrongful act or 100
omission was identified during the investigation, the report shall 101
identify the person who committed the wrongful act or omission, 102
describe the wrongful act or omission, explain how it was 103
detected, indicate to whom it was reported, and describe what the 104
state agency in which the wrongful act or omission was being 105
committed is doing to change its policies or procedures to prevent 106
recurrences of similar wrongful acts or omissions. 107

(F) Identify other state agencies that also are responsible 108
for investigating, auditing, reviewing, or evaluating the 109
management and operation of state agencies, and negotiate and 110
enter into agreements with these agencies to share information and 111
avoid duplication of effort; 112

(G) For ~~his~~ the inspector general's own guidance and the 113
guidance of deputy inspectors general, develop and update in the 114
light of experience, both of the following: 115

(1) Within the scope of the definition in division ~~(G)~~(J) of 116
section 121.41 of the Revised Code, a working definition of 117
"wrongful act or omission"; 118

(2) A manual of investigative techniques. 119

(H) Conduct studies of techniques of investigating and 120
detecting, and of preventing or reducing the risk of, wrongful 121
acts and omissions by state officers and state employees; 122

(I) Consult with state agencies and advise them in 123
developing, implementing, and enforcing policies and procedures 124
that will prevent or reduce the risk of wrongful acts and 125
omissions by their state officers or state employees; 126

(J) After detecting a wrongful act or omission, review and 127
evaluate the relevant policies and procedures of the state agency 128
in which the wrongful act or omission occurred, and advise the 129
state agency as to any changes that should be made in its policies 130
and procedures so as to prevent recurrences of similar wrongful 131
acts or omissions; 132

(K) Designate a deputy inspector general to act as inspector 133
general with respect to all of the inspector general's duties 134
under this chapter regarding any recusal of the inspector general. 135
A deputy inspector general designated under this division shall 136
not have a familial relationship with an employee, or be a former 137
employee, of the state agency that is the subject of the recusal. 138

(L) Recuse the inspector general from acting as the inspector 139
general with respect to any matter or investigation regarding a 140
state agency if the inspector general has a familial relationship 141
with an employee of that agency or the state agency formerly 142
employed the inspector general. The recusal shall include any 143

issue related to such a state agency, including, but not limited 144
to, any decision whether to investigate a complaint regarding the 145
agency. 146

(1) In the event of a recusal by the inspector general, the 147
designated deputy shall act as inspector general and assume 148
administration of the inspector general's office only to the 149
extent necessary for the designated deputy to resolve any matter 150
over which the inspector general is or was not able to act as 151
inspector general due to the recusal. 152

(2) Any actions related to a recusal by the inspector general 153
shall be performed in the name of the designated deputy. Any 154
employee of the inspector general's office, and any employee of 155
the state agency that is the subject of the recusal, that would 156
normally be required to communicate with, cooperate with, or 157
provide assistance to the inspector general regarding a complaint 158
or as part of an investigation of the state agency subject to the 159
recusal shall communicate with, cooperate with, or provide 160
assistance to the designated deputy regarding that state agency as 161
if the designated deputy were the inspector general, and the 162
designated deputy shall act as the inspector general with respect 163
to that state agency. 164

(3) Nothing in division (K) or (L) of this section shall be 165
construed to supersede the governor's authority to appoint or 166
remove the inspector general. The designation of a deputy under 167
division (K) of this section shall coincide with the term of the 168
governor or inspector general, whichever is applicable. 169

Section 2. That existing sections 121.41 and 121.42 of the 170
Revised Code are hereby repealed. 171