



## Senate Bill 10

# Hold Corrupt Public Officials Accountable

**By Auditor of State Keith Faber**

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**W**ith great power comes great responsibility. Those words, commonly attributed to the character Uncle Ben in the comic book series “Spider Man,” are much more than an old cliché. They are words to live by – especially if you are a government official charged with the oversight of public dollars.

When our trusted officials follow these words of wisdom, they provide our communities with exemplary service. However, when corrupt officials ignore Uncle Ben, abuse their power, and pocket your hard-earned tax dollars, they become a villain and Ohio law should treat them as such.

Unfortunately, the current penalties for theft in office fall short.

Senate Bill 10, recently introduced by State Senator Steve Wilson, seeks to expand the penalties for theft in office. This is a necessary change because as the law currently reads, a public official who steals over \$750,000 worth of taxpayer resources will receive a lesser penalty than a common thief who steals the same amount.

Since the Auditor of State's office began tracking convictions in 2011, our team has helped charge 85 former government officials with theft in office for millions of stolen taxpayer dollars.

One of those charges came out of the village of Ripley, Ohio, a small town of less than 2,000 people. It's one of the last places you would expect perhaps the largest theft in office scheme in the history of Ohio to occur. Never-the-less, it happened.

The village's utility clerk had created a very profitable criminal enterprise for herself. For years, she used an "Adjusting Journal Entry Scheme," to accept utility payments, retroactively lower the customer's balance in the system, and then pocket the difference. By the time anyone noticed what was happening, she had already stolen nearly one million dollars.

Theft alone is a terrible crime, but theft in office is worse. Those who use government positions to steal from the public are guilty of two crimes: taking something that does not belong to them, and betraying the public trust.

The theft in office convictions that those 85 criminals received, including the Ripley clerk, rightfully disqualifies them from ever holding any public office, public employment, or a position of trust in Ohio again. However, the current cap on theft in office is a third degree felony, which carries a sentence of up to 36 months in prison, regardless of the amount stolen. This is weak. Theft convictions that occur in the private sector have no such cap and can rise to a first degree felony, resulting in up to 11 years in prison.

Additionally, the current law does not require those convicted to repay the additional audit costs incurred to investigate their misdeeds. Instead, adding insult to injury, taxpayers bear these costs. This gap in the law pours salt in the taxpayer's proverbial wound.

Senate Bill 10 (SB10) solves both of these problems.

This legislation brings parity to the penalties for theft in office and theft. Under the bill, a theft-in-office conviction could carry a second- or first-degree felony based on the amount stolen. Furthermore, it clarifies that corrupt officials charged with theft in office must pay for additional audit costs incurred to investigate them.

SB 10 is a common-sense solution that will hold corrupt government officials to the highest standard when their actions are, to put it lightly, less than heroic. I support this legislation because holding public office comes with great responsibility and that should be reflected in Ohio's laws.

SB 10 has passed the Ohio Senate and is going through the legislative process in the Ohio House. Please join me in encouraging your elected officials to pass SB 10.