

OHIO ETHICS COMMISSION
William Green Building
30 West Spring Street, L3
Columbus, Ohio 43215-2256



Telephone: (614) 466-7090

Fax: (614) 466-8368

www.ethics.ohio.gov

Press Release
November 17, 2003

**JOINT PRESS RELEASE: OHIO ETHICS COMMISSION
AND WAYNE COUNTY PROSECUTOR**

For more information, contact:

David E. Freel, Executive Director
Ohio Ethics Commission
(614) 466-7093

or

Martin Frantz, Wayne County Prosecuting Attorney
(330) 262-3030

FOR IMMEDIATE RELEASE:

**WAYNE COUNTY COMMISSIONER OBRECHT REPRIMANDED
FOR ETHICS VIOLATIONS**

On Friday, November 14, the Wayne County Prosecutor and the Ohio Ethics Commission completed their investigation into conflict of interest allegations and issued a public reprimand to Wayne County Commissioner Ann Obrecht for her active and improper participation in County matters concerning the review of her landlord's application to participate in a county easement purchase program. The Ethics Commission received information describing the potential conflict of interest on May 27, 2003.

Obrecht and her husband lease approximately 300 acres of farmland from Crestwood Family Farms, LLC, which is owned by three sisters, Maryann and Louise Swartzwalder, and Jane Benson. In March 2003, the Swartzwalders signed an application to participate in Wayne County's Agricultural Easement Purchase Program (AEPP). This program pays landowners the difference between the value of their property as agricultural land and the value of their property as development property in

exchange for an easement that restricts the use of the property to agricultural purposes.

The Ethics Commission discovered that Obrecht actively and improperly participated in County matters concerning the review of the Swartzwalders' AEPP application, prior to a special meeting by the County Commissioners on April 28, 2003 to review these applications.

Specifically, Obrecht contacted the Farmland Preservation Coordinator, at home and after regular county business hours, to review the scoring of her landlords' application and to determine whether points could be added so the application would attain the minimum points required for it to be forwarded by the County to the State for review. In addition, Obrecht contacted the Wayne County Soil and Water Conservation District Program Administrator at home, and the Soil & Water Conservationist at her office, regarding a conservation plan filed under her husband's name on the Swartzwalder property. Obrecht also made follow-up contacts to ensure that the points would be added. Obrecht's actions had the result of securing an increase in the application score from 44.45 to 50.7.

Ethics investigators learned that on the weekend prior to the meeting on April 28, 2003, Obrecht lobbied Wayne County Commissioner Cheryl Noah to change her position on the AEPP applications and vote in favor of the Swartzwalders' application. Before the meeting on April 28, 2003, Wayne County Prosecutor Martin Frantz had issued an opinion, at Obrecht's request, concluding "that members of the board of county commissioners may not consider a matter that affects the interest of land or property belonging to a person who acts as a landlord to the county commissioner." Prior to this meeting, the Prosecutor specifically advised Obrecht that she could not vote on or discuss the Swartzwalders' AEPP application. The Ethics Commission was troubled to learn that against this advice, Obrecht moved to hear the Swartzwalders' AEPP application at the meeting.

Based on its examination, the Ethics Commission informed the Prosecutor that Obrecht's participation, improper solicitation of county employees to obtain additional points for the Swartzwalders' application, and making the formal motion which brought the matter to the table at the Commission meeting were all done in violation of Ethics statutes. These statutes exist to protect the public from any misuse of authority or influence by public officials to secure things of value for the public official, a family member, or someone with whom they have an active and continuing business association, such as a landlord. Requiring public officials with such conflicts to remove themselves from using their authority in these matters assists in reassuring the general public that applicants would not receive selective or favored treatment.

However, due to two significantly mitigating circumstances, the Commission informed the Wayne County Prosecutor that it did not recommend that criminal charges be filed

against Obrecht. First, the investigation revealed that the points added to the Swartzwalders' AEPP application were points that arguably should have been awarded to the application at the outset. Second, the application was not in fact approved by the County Commissioners, so that the Commissioners' actions did not result in any benefit to her landlord, the Swartzwalders' farm, or to herself. In addition, subsequent to the Commission's initial contact with Obrecht on this matter, she requested advice from the Commission on an unrelated matter and followed that advice.

In lieu of recommending prosecution, and due to the mitigating circumstances, both the Ethics Commission and the Wayne County Prosecutor agreed to issue the public reprimand. Correspondence has been sent to Obrecht informing her of the reprimand. The Commission pointed out that pursuant to R.C. Section 102.03, or any other ethics statute, the question is not whether the Swartzwalders' application deserved more points or further consideration by the County. Rather, the question under the ethics statutes was, could Obrecht participate, in any fashion, in issues involving the County that definitely and directly affected the interests of her landlord, the Swartzwalders.

The Commission also that though it recommended that this matter be closed without prosecution, Obrecht must be vigilant in observing state ethics statutes. She was further cautioned that any future alleged violations brought to the Commission's or Prosecutor's office will be fully investigated and, if warranted by the facts, recommended to be prosecuted to the full extent of the law.

The Ethics Commission is an independent agency of state government charged with investigating alleged criminal violations of Ohio's Ethics Law for most state and local public officials and employees. The Commission has been serving the public, and state and local governments, since its formation as part of the Ohio Ethics Law in 1973.

