Trends and Issues in State Ethics Agencies

By David E. Freel

States vary greatly in how they identify and define “ethics” in the public sector. Meaningful and accurate comparisons of remedial state ethics processes are therefore difficult to easily render. However, ethics governance that involves standards of conduct and protections against conflicts of interest within the states often shares common traits. These traits include the creation of boards designed with oversight independent of appointment authorities, often delegated a trio of educational, advisory, and enforcement authority, in order to administer uniform standards and financial disclosure for public officers. These bodies share a vital goal of securing increased protection to the broader public interest by recognizing and limiting the inherent or acquired personal and familial conflicts of interest of those public servants who make and implement public policy and expend public funds.

Trend issues in ethics involve a reexamination of state ethics boards and their processes, questions regarding what ethical standards apply to the privatization of public duties, continuing controversy over alleged improprieties attributed to gifts and gratuities and/or unique private sector and nonprofit interests acquired by those serving the public, and efforts to enhance traditional compliance models with values principles.

Introduction—Comparing the States

Drawing general comparisons aimed at readily classifying or categorizing processes designed to oversee standards of conduct or identifying noteworthy ethics developments throughout the states is often difficult. As this author has previously noted, when ethics comparisons or trends are summarized to generalizations, all too often they are misleading or incorrect. Apart from differences in demographics, summaries often fail to explain legitimate regional, political or jurisdictional factors or variations that bring about change or reconsideration.

In addition, ethics oversight presents a unique number of core factors that compound attempts to simplify comparison. These include: how states define “ethics,” (nearly all states regulate ethics and disclosure, but in varying degree and subject matter), the breadth of those governed (some states regulate only state executive officials; others, both state and local officials, and/or local public employees or those in the private sector interacting with public agencies), the extent of authority granted oversight agencies, and the nature and composition of those governing ethical conduct. However, the majority of state boards and commissions share some common attributes.

State Ethics Boards and Commissions

The National Conference of State Legislatures identifies entities with ethics oversight authority in each of the states. With respect to state executive officials, however, 11 states place ethics statutes or rule provisions and their regulative processes under the authority of a single officeholder, rather than within a board or commission. Montana places responsibility with a commissioner.

The Council on Governmental Ethics Laws (COGEL), composed in large part of ethics, campaign finance, lobbying and public records entities largely in the United States and Canada, lists 40 different state boards, committees, commissions and/or individual commissioners that govern ethical conflicts of interests, standards of conduct and disclosure. Some of these boards or commissions serve as legislative committees assigned specific ethics responsibility for their members. This compilation also includes more than one ethics oversight body in a few states (such as Washington, Kentucky and Ohio) that separate ethics authority among the three branches of government.

A recent research report prepared in November of 2004 for the Connecticut General Assembly by its Office of Legislative Research examined ethics oversight throughout the country, and focused primarily upon the executive branch. This report concludes that there are 36 state boards and commissions that administer codes of ethics for state officials. Underscoring the difficulties in comparative “ethics” analysis of state board authority highlighted at the outset of this article, this author tallies a total of 38 state boards and commissions (35 of which are listed in the research report) that have executive branch conflict of interest ethics responsibilities.
Despite unique individual characteristics, these 38 state boards or commissions have many similarities. They often embody authority apart from those they govern, in an effort to operate as independent bodies, with membership configured in an odd rather than an even number, and delegated power to administer conflict of interest standards and personal disclosure requirements, usually through a trio of educational, advisory and investigative processes. Many of the 38 govern conflict of interest restraints on public officials that are described in similar language. Most have authority across branches of government and many have lobbying jurisdiction as an additional part of their “ethics” oversight. While challenges to the efficacy of their mission may occur, many of these bodies exhibit a volume of work in applying ethics statutes or rule provisions to those they govern. Whether by statute or rule, these provisions are largely designed at reducing personal conflicts of interest in public decision-making process and the implementation of public policy on behalf of the broader public interest.

Independent Ethics Boards and Commissions

Challenges to the real or perceived independence of boards or commissions assigned the duty of ethics oversight may be a constant, particularly due to the reality of their duties and/or their continuing evolution. Legislation creating the vast majority, 31 of the 38 state boards and commissions, established these entities to stand apart from and hold power over their appointing authorities, with many having separate budgets and staffing. Historically, some boards have demonstrated this independence by taking actions against the interests of their appointing authority, even in the face of litigation or other challenges. (Boards largely composed of cabinet appointees, however, or those perceived as failing to exercise independence from their appointing authority, continue to experience questions regarding their effectiveness, as discussed in ethics trends below.) To achieve autonomy, states are significantly split over whether the governor of the state serves as the sole appointing authority, or whether board appointments are divided among senior executive, legislative or judicial officers. Regardless, most states utilize balancing measures over board composition either through empowering separate appointing authorities or by generally subjecting appointments to legislative confirmation.

To further support the autonomy of ethics authority, most of these boards routinely have the power to hire their own staff and manage their own budget. In fact, nine of these boards and commissions, charged largely with combined ethics, disclosure and other duties, often with state and local oversight (Alabama, Florida, Massachusetts, Ohio and Pennsylvania serve as examples), retain annual budgets of $1 to 2 million, with staff size between 11 and 30. The California Fair Practices Commission stands out as the largest, with a current budget of $6 million and a staff of 60. While the ability to manage a budget supports board independence, securing adequate funding and resources for the authority of many of these agencies, especially for smaller boards, and particularly in times of across-the-board general revenue funding cuts, is often argued to be a fundamental factor of true board independence and effectiveness that remains an ongoing concern in many states, having seen double-digit budget cuts or reductions.

Due to the role of ethics oversight, one vital key to the successful operation of these boards is that their actions be viewed as objective and impartial. While the experiences of the author and others indicate that this is ultimately most dependent upon the quality and integrity of individual board appointees, regardless of past expertise as a regulated public official, many states attempt to instill impartiality and finality in board composition. They do so by not only varying appointing authorities or mandating legislative, judicial or non-partisan panel participation in their selection, but also by restricting the total number of board members from any one political party to less than a majority, and by establishing an odd, rather than even, number of board members, or by placing other limitations on terms. (As an example, one of the seven state boards that stand in contrast to the majority, the Ohio Ethics Commission, established in 1974, has an even number of members, mandated by law in Ohio to be three Democrats and three Republicans.) Of note in other types of limitations upon board membership, although not included in the 38 ethics boards, is the membership limitation within the Arizona Citizens Elections Commission. The commission was created upon voter initiative in 1998 to address issues of campaign finance, and statute restricts its membership to no more than two of five members from any one county. Considering the routine dominance of state board members from or around capital cities, this is an interesting control on board composition.

The Alabama Ethics Commission, now 30 years old, represents a classic example of public policy efforts to establish an independent state ethics board. It has partisanship limitations on its five
members, who are individually appointed by executive and legislative leaders, all subject to Senate confirmation. Board members cannot otherwise be public officials, candidates or lobbyists. Less stereotypically, former commission employees also cannot be members. In fact, statute in Alabama attempts to further dictate the ethical quality of commission appointees, stating “each of whom shall be a fair, equitable citizen of this state and of high moral character and ability.”

Delegated Powers

Most state ethics boards are delegated a trio of process responsibilities to implement ethics authority that include educational or training functions, the ability to render advice construing ethics statutes or rules as they apply to regulated populations, and some enforcement or investigative ability to examine or sanction the conduct of those regulated.

In recent years, one trend has been to focus increasing attention to education as an integral part of ethics oversight. In many states, while compliance standards may have predominated initial concepts of reform, education is now a mandatory, rather than voluntary, requirement upon those in state executive positions, either as a matter of law or chief executive order. While often described as compliance training, educational focus upon increasing awareness of public policy restraints governing the conduct of public servants and assisting in recognizing personal interests that conflict with public interest has also been supplemented with values-based presentations and discussions.

While a few state boards rely upon the assistance of their state attorney general or other outside legal advisors to assist the board’s role in rendering advisory opinions or providing investigative and/or enforcement services to the board, the authority of many boards provides for a specialized focus on ethics provisions to be accomplished by the staff of the board. Some states provide that this ethics advice gives unique protection to the requester.

In Ohio, for example, a written opinion in response to prospective circumstances, if fully followed, provides immunity from criminal prosecution, civil suit, and removal from office based upon an alleged ethics law violation. In the recent dismissal of an appeal to a criminal conviction under that state’s ethics-related statutes in late 2003, the chief justice of the Ohio Supreme Court took the opportunity of the dismissal to acknowledge and support this authority.

Such a legislative delegation of authority provides protection to those with clear questions regarding the future application of ethics statutes. This protection serves not only to encourage questions before the public servant acts or the public interest is subjected to allegations of a competing conflict, but also enables requesters to receive reliable transparent advice that stands independent of their personal view of their own conflict.

Most state ethics boards also have a third companion process involving some level of separate investigative and/or enforcement capabilities. The author has previously discussed differences in state ethics investigative and enforcement processes.

Regardless, while the breadth of this authority varies greatly across the states, the specialized expertise of these boards and their staffs to examine alleged misconduct is often not replicated in other governing authorities.

The power to participate in the enforcement of ethics protections remains a significant component of the implementation of a uniform standard of behavior and is part of the public expectation of some remedial response to unethical conduct. Whether the form of oversight chosen by an individual state is to empower a board with adequate resources to effectively investigate and refer misconduct to others for enforcement, or to delegate the imposition of civil or administrative sanctions, this responsibility is crucial to securing a more consistent adherence to ethics laws, not only to benefit the public, but also for fairness to those public servants who observe the standards.

With delegated powers of education, advice and investigation, most state boards and commissions oversee a similar regime of statutory or administrative rule provisions that apply to gifts and other tangible forms of value, family, or the outside business relationships of public officials. These restraints are designed to protect against either the appearance or reality of improper influence upon public policy. While most states bar things of value coming to public officials at certain dollar or floor levels of substance from those who do business and/or are regulated by the public officials or their agencies, states also generally impose limits upon the conduct of public officials while in their public role, and under “revolving door” provisions, for a period after they leave their public role. Comparisons of those standards can also be found in the ethics literature. The breadth and limitations of these laws and standards involving governmental ethical conduct, and the processes used to
implement them, however, continue to generate trend ethical issues throughout the country.

**Trends—The Reassessment of Ethics Boards and Processes**

During 2004, a critical analysis of the composition and processes of state boards and commissions having conflicts of interest and standards of conduct authority began in a number of states. Following the history of ethics reform, this reexamination of processes comes in the wake of public attention within several states that experienced alleged or evidenced ethical breaches at the highest levels of state government.

In Connecticut, a series of ethical lapses at the state level culminated with the former governor of Connecticut resigning in the summer of 2004, in the face of impeachment for the improper receipt of gifts from those doing business with the state. That state’s ethics commission is currently undergoing intense scrutiny regarding their ability to independently investigate their appointing authority, their processes to do so, and the effectiveness of their staff, including the removal of their former director.\(^3\)\(^9\) Ironically, this scrutiny of the Connecticut Ethics Commission comes after the commission and its former director secured an admission from their past governor that he had lied in a previous commission settlement of issues related to improper gifts, and follows the governor’s recent guilty plea to federal corruption charges and pending criminal charges against other senior state officials in his administration.\(^3\)\(^0\) Critics have suggested that the commission should be reconstituted with members outside of the appointment authority of the governor, such as former judges, or a greater proportion of public members.

In New Jersey, public attention to another series of state scandals, and questions regarding the role of the New Jersey Executive Commission on Ethical Standards in failing to identify or adequately respond to those allegations, lead the new governor in November of 2004 to the appointment of two “special ethics counsel” to conduct an audit of the effectiveness of that state’s ethics commission.\(^3\)\(^1\) These special ethics counsels have been charged with identifying “potential improvements in ethics laws, regulations, codes, training, compliance monitoring and enforcement” and are to return a report to the governor within 120 days.

New Jersey, unlike the majority of its state counterparts contrasted above, requires commission appointees to come from within the executive branch, appointed to the commission by their chief executive, with concurrent terms to his.\(^3\)\(^2\) Seven must be either state officers or employees in the executive branch; two are public members. In January 2006, the makeup of the commission will change to four executive branch members and four public members. With critical review and recommendation to come shortly into 2005 from special ethics counsel, it will be interesting to observe what significant changes may be suggested to a board composition where independence may be less assured by the nature of appointees, or what other enhancements in duties and resources for ethics oversight are proposed.

At least two other states are reviewing or have overhauled the authority of their ethics board and their processes as 2004 concluded and 2005 begins. The Massachusetts Ethics Commission recently acquired rule-making powers it requested to augment authority. The enactment of this power has been described as allowing the commission to create “‘safe harbors’ for conduct that may be prohibited by the literal language of the law but that does not offend its purpose.”\(^3\)\(^3\) However, recently, the chairman and its members also voted to conduct an ethics “audit” of the agency and its performance in response to concerns about whether the commission has focused its authority on alleged serious rather than more routine misconduct.\(^3\)\(^4\)

In 2004, the Illinois General Assembly passed new ethics legislation, including the creation of an Executive Ethics Commission. Illinois had an executive branch ethics board in earlier years under executive order, composed of executive branch officials, which had been discontinued. The new Illinois Executive Ethics Commission consists of nine commissioners appointed by state constitutional officers, with the attorney general serving as an advisor. The commission is to provide public information, receive complaints, conduct administrative hearings, issue subpoenas, and make rulings and recommendations in disciplinary cases. The Commission has jurisdiction over the employees and officers of the executive branch.\(^3\)\(^5\)

These varied developments in ethics oversight in states have consistently followed attention to alleged or founded misconduct by senior state officials within their respective jurisdictions. Additional questions of alleged favoritism and conflicts of interest have brought another trend ethics issue to general attention, the question of what, if any ethical standards apply to privatization of public services and no-bid contracts for service provision.
Privatization and Ethical Standards

The privatization of traditional services provided by government has raised significant questions about what, if any, ethical standards apply in the award of public contracts to provide public services, as well as to whether those performing services must meet conflict of interest or other ethics restraints. Florida, Maryland, Connecticut, New Jersey and California have all faced recent challenges to alleged conflicts of interest in contracts, often not subjected to competitive bid processes, which have been granted to companies to perform various types of services to state citizens. While some of these challenges have focused upon allegations of the improper influence of political contributions made by those who have secured public contracts, others have focused upon allegations of improper gift giving or political cronyism in the award of state business.

New Jersey’s response has been the enactment of a so-called “play-to-pay” statute seen as far-reaching in its impact on restrictions upon the award of public contracts to campaign contributors. Although often part of ethics reform initiatives, these limitations on un-bid contracts to campaign contributors are also viewed as a part of campaign finance or lobbying reform. In some states, proposed remedies to questions of conflicts involving the award of contracts include increased disclosure by those soliciting contracts or those who will perform the contracted services.

While a few states have addressed potential ethical conflicts created by the state transitioning existing public services to the private sector, the question of what ethical standards, if any, apply to those in the private sector performing ongoing services to the public appears to be a question for future ethics attention. This attention is warranted if the notion of conflicts of interest and standards of conduct is to protect the public from the improper influences of personal or financial conflicts of interest in securing purchases or service provision. Particularly in light of recent ethics issues within the private sector, it is doubtful that alleged conflicts of interest in the acquisition of the best and most economical public services will be viewed by the public as alleviated solely because they are conducted by private sector providers.

Gifts and Gratuities and Other Unique Conflicts of Interest

Issues of gifts and gratuities continue to be a trend topic throughout the states in 2004, not only among state executive officials, but also in other sectors of public officials, such as the judicial community. Reforms being considered in executive branch agencies discussed earlier in this article have largely emerged from state scandals involving gifts. Connecticut’s consideration of reform comes in the wake of the resignation and criminal guilty plea to federal charges by the former governor that emanated from allegations of improper gift giving. The former Illinois governor’s indictment by the United States Attorney’s Office on criminal charges stemming from gifts and vacations given to him and members of his administration to steer state business, led to the creation of a new ethics oversight body in Illinois, as previously highlighted.

Scandals in Indiana have also led its governor to ban gifts to executive officials, as well as proposals by the speaker of the Indiana House of Representatives to increase lobbyist disclosure. Prosecuting authorities and the Ethics Commission in Ohio continue to examine free trips, meals, lodging and entertainment paid by investment firms to members of public pension fund boards after the guilty plea to criminal ethics charges of one fund trustee. The New Hampshire legislature is reviewing new gift restrictions upon its members, while proposals in the Louisiana legislature look to place tighter limits upon gifts given by lobbyists to the families of public officials. While the potential impropriety of what are seen as traditional conflicts of interest such as gifts from contractors and regulatees continues as an ethics issue throughout the states, new questions of the influence of different means of generosity by those doing business with government officials have arisen.

Questions involving private sector companies donating to charitable causes backed by public officials as a possible means of exerting influence have surfaced in Florida. Insurance companies facing large losses and potential investigations into their practices in that state have been identified as large financial contributors to charities endorsed by executive and legislative branch leaders. While Florida ethics laws prohibit state employees from accepting large gifts, they do not address charitable giving to entities supported or backed by public officials and some see no questions of improper influence.

While not resolving the direct issue of donations made by a lobbyist or contractor, ethics commissions in Hawaii, Mississippi and Ohio have addressed issues involving conflicts of interest arising between nonprofits and public officials under their authority. Ongoing ethical issues will likely continue related to the application or need for fur-
ether conflict of interest restraints involving non-profits in their interaction with government.

Trends in ethics governance, however, are not limited to the examination or enactment of new compliance measures. They include the incorporation of new strategies of deterrence.

Supplementing Compliance with Values Identification

One trend in ethics oversight is the addition of values-based dialogue to ethics compliance measures. Ethicists have long challenged adherence to legal compliance measures alone that do not promote values discussions or considerations. They argue that ethics restrictions in and of themselves do not reach fundamental motivations and behaviors, nor create incentives for those with self-interest to understand and act in accord with or in advancement of broader public interests. As a result, more educational trainings offered by state boards are incorporating values discussions. Increased attention to values has also led to the endorsement or adoption of model codes of ethical behavior by governors and ethics bodies that present ideal, rather than mandatory, statements of ethical conduct that are designed to complement ethics laws or regulations. They argue that ethics restrictions in and of themselves do not reach fundamental motivations and behaviors, nor create incentives for those with self-interest to understand and act in accord with or in advancement of broader public interests. As a result, more educational trainings offered by state boards are incorporating values discussions. Increased attention to values has also led to the endorsement or adoption of model codes of ethical behavior by governors and ethics bodies that present ideal, rather than mandatory, statements of ethical conduct that are designed to complement ethics laws or regulations. The addition of values considerations to compliance understanding appears to be a natural outgrowth of ethics education, but the extent to which governmental institutions are empowered or even capable of addressing core ethical principles will itself likely be a topic of continuing discussion.

Interesting for its innovation and attention to ethical action beyond compliance measures, although not the product of one of the enumerated state ethics boards, is an initiative of the Miami-Dade Commission on Ethics and Public Trust. The commission has steered beyond traditional notions of ethical compliance models and recently adopted a Model Student Ethics Commission program designed to teach and encourage students to apply good governance and ethical standards to their behavior and future actions.

Additional Resources

While comparisons or trend ethics issues may be difficult to readily identify among the states, the author has identified those above, and there are resources for general assistance to those examining these questions in more depth.

COGEL conducts annual surveys in the topic areas of ethics, lobbying, campaign finance, public records and electronic filing. COGEL’s membership includes those responsible for ethics administration in all three branches of government, at the national, state, provincial and local level in the United States and Canada, as well as a growing number of other countries. It also includes professionals, academics and individuals practicing or interested in these areas. The 2003 and 2004 COGEL Blue Book Ethics Update and the 2004 tables have been extensively used here. These surveys summarize the authority and responsibility, as well as advisory, enforcement, litigative and legislative developments, of individual states and other jurisdictions. They are available on searchable CD, and in include the identification of the issue or development those issues that the ethics agency itself classifies as the year’s most significant. Survey updates are available to members at a relatively modest cost through COGEL’s Web site at www.cogel.org. Additional information is available through The Council of State Governments, the National Conference of State Legislatures, and the Ethics Resource Center, a small portion of which has been cited in this article.

Notes

1The author’s previous ethics article for The Book of States 2004 attempted to wrestle with differences often overlooked or underestimated in identifying “ethics” issues among the states, comparing those subject to oversight, and contrasting remedial processes and their staff and funding. The author continues to recommend that those seeking an accurate assessment of ethics agencies or trend concerns within the states, whether taken from this article or another summary, highlight the specific issue within targeted jurisdictions, and then contact more than one experienced resource to verify assessments within those jurisdictions. While comparisons drawn in this article come largely from summaries prepared by agencies or individual offices charged with ethics oversight, and are often, in the author’s experience, the most accurate, an agency’s description may be limited or their oversight alone may color the perception and description of the issue. For purposes of organizing this summary, the author’s own identification of classifications or trends may also diverge from the manner in which others identify those identical questions.


3http://ncsl.org/programs/ethics/comprehensive_list.htm. This comprehensive index does not separately identify the Louisiana Board of Ethics (see http://www.ethics.state.la.us). It also does not list the Kentucky Executive Branch Ethics Commission (see http://ethics.ky.gov/) or the Tennessee Ethics Committee (see http://www.state.tn.us/governor/newsroom/releases/feb03/02-03-03%20ethics.htm).

4Statutes in Arizona, Colorado, Idaho, New Hampshire,
New Mexico, North Dakota, South Dakota, Vermont and Wyoming vary in the breadth of their application to public officials, but are largely overseen by respective offices of secretary of state. (Vermont also subjects ethics oversight of executive branch officials to a cabinet secretary. See http://www.vermont.gov/tools/whatsnew2/index.php?topic=ExecutiveOrders&id=248&v=Article.) Utah and Virginia’s ethics laws are directly regulated by their respective offices of the attorney general. (For reference, as well, a number of other states refer advisory or investigative matters before their ethics boards and commissions to their office of attorney general.) See generally, the COGEL Blue Book: 2004 Ethics Update published by the Council on Governmental Ethics Laws (COGEL), containing summary charts at the end of this article, and available through www.cogel.org.

Montana does not have a board or commission; instead, a single commissioner of political practices, who is subject to Senate confirmation. See http://www.state.mt.us/cpp.

The COGEL Blue Book: 2004 Ethics Update Charts at the end of this article notably do not include information from the South Carolina Ethics Commission (see http://www.state.sc.us/ethics/), the Tennessee Ethics Committee, referred to above, or the newly reconstituted Illinois Executive Ethics Commission. See http://www.ag.state.il.us/environmental/ethics_commission.html.


Montana is listed in the Research Report; however, Montana does not have a board or commission, as indicated above. Researchers also noted, but chose not include the Maine Commission on Governmental Ethics and Elections Practice (see http://www.state.me.us/ethics/About.htm) and the Minnesota Campaign Finance and Public Disclosure Board (see http://www.cfboard.state.mn.us/giftban.htm), because their primary responsibilities are campaign finance and lobbying, yet both have ethics-related functions. (In contrast, in this regard, researchers chose to include the Texas Ethics Commission, although its primary responsibility is campaign finance and lobbying. See http://www.ethics.state.tx.us/tec/stats.htm.) Also not included was the Tennessee Ethics Committee, referred to above. This author’s reference to 38 states then includes those in the Research Report and listed above, plus Maine, Minnesota and Tennessee, but not Montana. For convenience, the author often uses the term “board” to refer to both boards and commissions, although he recognizes that states may define them distinctly.

See COGEL Blue Book: 2004 Ethics Update, Ethics Agency Table on Advisory Opinions, Investigations and Training, at article’s end.


12Alabama, Alaska, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Washington, West Virginia, and Wisconsin. In contrast, in Illinois, Indiana, New Jersey, North Carolina, Tennessee, Vermont and Washington, appointments are made by the governor, without concurrence of the legislature, and membership often includes cabinet members or delegates.

See note 2 above, 286.

See COGEL Blue Book: 2004 Ethics Update, Ethics Agency General Information Table at end.

See COGEL Blue Book: 2004 Ethics Update, Ethics Agency General Information Table at end. Note that even the California Political Fair Practices Commission absorbed a $500,000 budget reduction this past year, with reduced staffing resulting, though appropriations are statutorily mandated by the initiative that created the body. See, COGEL Blue Book: 2004 Ethics Update and note 2 above.

See COGEL Blue Book: 2003 and 2004 Ethics Updates. Also see notes 2 and Herrmann, note 10 above.

See Herrmann, note 10 above.


See http://www.ccec.state.az.us/ccecscr/pub/pdf/ActRules.pdf at Section 16-955. Also see notes 2 and Herrmann, note 10 above.

See http://www.ethics.alalinc.net/news/history.pdf for a description of the 30-year old Alabama Ethics Commission, widespread challenges to its authority, and some humorous insight into its creation, in what was referred to as a “game of chicken” between legislative chambers attempting to outdo one another with the “hope-and full expectation” that ethics reform would be killed by the legislature or governor.


See COGEL Blue Book: 2004 Ethics Update, described above.

See http://www.ethics.ohio.gov/AdvisoryOpinion_Definition.html and State v. Urbin, 100 Ohio St.3d 1207, 2003-Ohio-5549. It is noted, that while the opinion supported both the protection afforded the requester and the viability of Ethics Commission opinions interpreting statute, it also restated the general principle that the courts remain sovereign in the final construction of statute.

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See note 21 above.
See note 2 above.
http://www.state.nj.us/infobank/circular/eoc3.htm.
http://www.state.nj.us/lps/ethics.
http://www.ag.state.il.us/government/ethics.html.
COGEL Blue Book: 2004 Ethics Update
http://www.miamidade.gov/ethics/training.asp.

About the Author
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