

HOUSE BILL 2882
POOR IDEA MASQUERADING AS GOOD

This bill appears to have some fair reason behind it, though I still am suspicious of it.

This bill directs GSPC to refer complaints and actions the commission takes on its own motion to a three-person subcommittee of the commission for initial determination of

whether commission should investigate, and requires that subcommittee to make a recommendation thereupon to the full commission within 30 days. It specifies that the findings of such a subcommittee are confidential. It states that it shall apply to complaints received by and action instigated by the GSPC on its own motion on or after the effective date of the bill, but does not specify what that date is. Presumably it is upon publication of the law, as law, by the state, but since the date is not clear, I wonder whether – and who – this final twist may be intended to shield. Be that as it may, I recognize there is an argument that the findings of the subcommittee, as proposed in this bill, be kept confidential, since, in the event its findings exonerate the official investigated, that person's reputation may thereby be protected. Of course, since people in the town or county involved will already know of the complaint that was sent to GSPC, keeping the results of a subcommittee review confidential might actually do more to harm the reputation of an innocent party than release of a report that finds the party innocent. It is, however, the in-between case - where a official has been investigated and, as was the case with former Toledo Mayor Sharon Branstiter, the commission divided over whether the person had appeared to break the law - where this bill is most injurious to the public good. People in a city or town or county should be able to know if their elected official(s) have been found innocent, or if there was a disagreement over whether that person broke the law by the GSPC. There is a difference. By keeping the record confidential, that person's reputation, if wholly innocent, is not repaired, while the public, uninformed as to the investigation outcome, is left to wonder if the official is truly innocent or merely found a way to skirt the law or fudge it such that the GSPC investigators were divided on whether something was over the line. I think this bill, though there is an argument for it, when thought through, is a bad idea.