



Press Release ***November 12, 2003***

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FOR IMMEDIATE RELEASE:

**SUPREME COURT DISMISSES APPEAL BY FORMER AVON LAKE MAYOR
VINCE URBIN, CHIEF JUSTICE CONFIRMS ETHICS COMMISSION
AUTHORITY**

On November 5, 2003, the Ohio Supreme Court dismissed as improvidently allowed the appeal of former Avon Lake Mayor Vince Urbin of his criminal convictions for authorizing public contracts in which his brother had an interest, tampering with evidence, and complicity to tamper with evidence. Urbin had been convicted of knowingly approving city contracts to cater two events with a party center then managed by his brother. Urbin appealed the conviction, alleging prosecutorial misconduct, and that the legal standard used to determine his brother's interest in these city contracts was improper.

Specifically taking the opportunity to concur in the dismissal of Urbin's appeal, Chief Justice Thomas Moyer stated that, "The case does not warrant the exercise of our discretionary jurisdiction." The Chief Justice went forward to note, "This case does provide an opportunity to review and validate the authority of the Ethics Commission." The Chief Justice summarized the Ethics Commission's statutory authority to provide advice, and on the issue appealed, observed, "Those well-reasoned opinions clearly contemplate that intangible benefits, and not just quantifiable financial benefits, are sufficient to demonstrate an improper interest within the purview of the statute." Chief Justice Moyer concluded that the trial court had properly relied upon the earlier Advisory Opinion of the Ethics Commission to formulate the instructions to the jury that led to Urbin's conviction.

Because Urbin's appellate counsel challenged the general legal standard under the state's public contract statute before the Supreme Court, the Ethics Commission requested that the Ohio Attorney General's Office, on its behalf, file a brief as amicus curiae in the case. The Ohio Ethics Commission had not been involved in the investigation or prosecution of the former Mayor, which had been conducted by the Lorain County Prosecutor's and Sheriff's Offices. The brief argued that the Court of Appeals had correctly found that the trial court had properly instructed the jury on Urbin's brother's argued interest in the business. The trial

court based its instruction on an Advisory Opinion issued by the Ethics Commission in 1992, Advisory Op. No. 92-002, which set forth seven examples of instances where an individual would have an improper interest with a city or other public entity.

Full text of the Court's opinion in the Urbin case can be found at www.sconet.state.oh.us/rod/documents/0/2003/2003-ohio-5549.doc.

Advisory Opinion 92-002, and any other Ethics Commission formal advisory opinion, can be found at www.ethics.ohio.gov/Advice.html.

The Ohio Ethics Commission is an independent state agency that applies and administers the Ethics Law for state and local public officials and employees outside of the General Assembly and judiciary. The Commission was created 30 years ago upon the enactment of the Ohio Ethics Law.