

**BEFORE THE BOARD OF PROFESSIONAL CONDUCT  
OF THE SUPREME COURT OF OHIO**

<b>In re:</b>	:	<b>Case No. 2014-073</b>
<b>Complaint against</b>	:	
<b>Erin GERALYN ROSEN</b> <b>Attorney Reg. No. 0071156</b>	:	<b>Findings of Fact,</b>
	:	<b>Conclusions of Law, and</b>
<b>Respondent</b>	:	<b>Recommendation to the</b>
	:	<b>Board of Professional Conduct of</b>
<b>Disciplinary Counsel</b>	:	<b>the Supreme Court of Ohio</b>
	:	
<b>Relator</b>	:	

**DISCIPLINE BY CONSENT**

{¶1} This matter was submitted to a hearing panel consisting of Jeff Davis, Robert Gresham, and Judge C. Ashley Pike, chair, as a consent to discipline matter pursuant to former BCGD Proc. Reg. 11.<sup>1</sup> The consent to discipline agreement was filed with the Board on December 10, 2014, which is within sixty days of the appointment of a hearing panel on October 28, 2014.

{¶2} The hearing panel finds that this agreement conforms to former BCGD Proc. Reg. 11, in effect at the time the agreement was filed, and Gov. Bar R. V, Section 16, as amended effective January 1, 2015. The panel recommends acceptance of the agreement including the statement of facts and the violation of Prof. Cond. R. 8.4(h) [conduct that reflects adversely on a lawyer's fitness to practice law].

{¶3} The panel members further concur in the agreed sanction of a public reprimand. In addition to the cases cited in the agreement, the panel reviewed *Disciplinary Counsel v.*

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<sup>1</sup> Effective January 1, 2015, the Supreme Court amended Gov. Bar R. V and the Board's Procedural Regulations. This report distinguishes between the former and current versions of Gov. Bar R. V and the Procedural Regulations, as appropriate.

*Mecklenborg*, 139 Ohio St.3d 411, 2014-Ohio-1908 in which a lawyer-public official was publicly reprimanded by the Supreme Court for conduct that violated Prof. Cond. R. 8.4(h). Like this case, there were no aggravating factors in *Mecklenborg*, and the respondents in both cases share the following factors in mitigation: no prior discipline, full and free disclosure to the disciplinary board and cooperative attitude in the disciplinary proceeding, and good character.

**BOARD RECOMMENDATION**

Pursuant to Gov. Bar R. V, Section 12, the Board of Professional Conduct of the Supreme Court of Ohio considered this matter on February 13, 2015. The Board voted to accept and adopt the agreement entered into by Relator and Respondent that sets forth the misconduct and a sanction of a public reprimand. The Board recommends acceptance of the agreement and imposition of the agreed sanction of a public reprimand. The Board further recommends that Respondent be ordered to pay the costs of these proceedings.

**Pursuant to the order of the Board of Professional Conduct of the Supreme Court of Ohio, I hereby certify the foregoing recommendation as that of the Board.**

  
\_\_\_\_\_  
**RICHARD A. DOVE, Director**

**BEFORE THE BOARD OF COMMISSIONERS  
ON GRIEVANCES AND DISCIPLINE OF  
THE SUPREME COURT OF OHIO**

**FILED**

**DEC 10 2014**

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

In re: :  
Erin GERALYN ROSEN :  
Attorney Registration No. 0071156 :  
~~635 West 7th Street, Suite 401~~ :  
~~Cincinnati, OH 45203~~ :  
Respondent, :  
v. :  
Disciplinary Counsel :  
250 Civic Center Drive, Suite 325 :  
Columbus, Ohio 43215-7411, :  
Relator. :

**BOARD NO. 14-073**

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**AGREEMENT OF RELATOR AND RESPONDENT REGARDING DISCIPLINE BY  
CONSENT PURSUANT TO SECTION 11 OF THE RULES AND PROCEDURES OF  
THE BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE**

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**I. AGREED STIPULATIONS**

Relator filed a single-count complaint against respondent, Erin G. Rosen, with the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio (the "Board") on September 14, 2014, which was certified by a probable cause panel on October 6, 2014. Respondent filed an answer to the allegations on October 28, 2014. Relator and respondent now enter into this Agreement for Discipline by Consent ("Agreement") pursuant to BCGD Proc. Reg. § 11 and stipulate to the admission of the following facts, violations of the Ohio Rules of Professional Conduct, sanction, mitigating factors, and exhibits.

Additionally, relator and respondent recognize that the terms of this Agreement are conditioned on acceptance of this Agreement by the Board and Court pursuant to Gov. Bar R. V (8)(D) and BCGD Proc. Reg. § 11.

## II. STIPULATED FACTS

1. Respondent, Erin Geralyn Rosen, was admitted to the practice of law in the state of Ohio on November 8, 1999. Respondent is subject to the Code of Professional Responsibility, the Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.
2. In 2004, respondent was hired by the Ohio Attorney General's Office as an Assistant Attorney General in the Child and Elder Protection Section (CEP). Part of the responsibilities of the CEP included serving as legal counsel to the Bureau of Criminal Identification and Investigation and as counsel for the Ohio Law Enforcement Gateway (OHLEG).
3. The OHLEG allows criminal justice agencies and their personnel access to several data systems. Some of these systems contain confidential information reserved for law enforcement personnel only.
4. In 2007, respondent was promoted to the newly created position of general counsel for OHLEG. Respondent continued in that position through December 2008, when she submitted her resignation.
5. In order to access the OHLEG system, respondent was required to have an account and a password; respondent's use of OHLEG was recorded, including the dates and times respondent accessed the system.
6. Each time a user accessed OHLEG, the following disclaimer appeared:

Access to OHLEG-SE is a privilege subject to termination. Data accessed through OHLEG is continuously subject to the limitations on use and dissemination required by each component database or other service, and is not to be sold, transmitted, or disseminated to any unauthorized person. Failure to abide by these conditions or use may result in the termination of OHLEG access, and/or criminal prosecution as appropriate.

7. Beginning in August 2008, and without respondent's knowledge, an internal audit of respondent's use of OHLEG was conducted. The audit revealed that from August 13, 2007 through August 11, 2008, respondent had accessed the OHLEG system on 247 occasions. Of these, it was unclear why respondent had accessed the system on 27 occasions.
8. Respondent was asked to explain each of the 27 questionable occasions that she accessed OHLEG. While she was unable to determine why she had accessed the system on several of these occasions, she admitted to accessing the system to seek information about four individuals that either she or her friends dated during that period of time. Respondent never printed the information or otherwise used the information other than to determine if any of the individuals had a criminal record.
9. In November 2008, respondent's ability to access OHLEG was terminated, she was suspended from the Attorney General's Office without pay for one week and was transferred to another section in the office.
10. Respondent submitted her resignation from the Attorney General's Office the following month.
11. At the time respondent accessed OHLEG for the reasons described in paragraph 8 above, there was no specific prohibition of improper access to OHLEG. Since

that time, the Ohio General Assembly has passed legislation creating RC 2913.04(D), which prohibits the unauthorized access to or use of OHLEG.

### III. STIPULATED EXHIBITS

- Exhibit 1 Report of Investigation, pp. 58-61, dated December 22, 2008.
- Exhibit 2 OHLEG Access Policy dated April 29, 2005.
- Exhibit 3 Newspaper article, "Watchdog: Attorney used database to snoop on boyfriend," Cincinnati.com, September 20, 2013.

### IV. STIPULATED VIOLATIONS OF THE OHIO RULES OF PROFESSIONAL CONDUCT AND RULES FOR THE GOVERNMENT OF THE BAR OF OHIO AS WELL AS STIPULATED SANCTION

Respondent admits that her conduct as set forth herein violated the Ohio Rules of Professional Conduct; specifically, Rule 8.4 (h) [a lawyer shall not engage in any other conduct that adversely reflects on the lawyer's fitness to practice law].

Respondent and relator hereby agree and stipulate to a recommended sanction of a public reprimand. Wilmington, Ohio attorney Josh Engel was suspended from the practice of law for six months following a misdemeanor conviction. *Disciplinary Counsel v. Engel*, 132 Ohio St.3d 105, 2012-Ohio-2168, 969 N.E.2d 1178. The conviction arose from certain actions that Engel took while serving as the chief legal counsel for the state's Department of Public Safety, including using an email filter to intercept communications from the state Inspector General. Increasing the recommended sanction from a public reprimand to a six-month suspension, the Court noted that Engel's actions "worked to undermine public trust not only in the legal system, but in state government as a whole." *Id.* at 109, 1182. Although the Court found that Engel had offered evidence of his good character and had fully cooperated with the disciplinary process, the

Court determined that Engel had acted recklessly and engaged in conduct that was both adverse to his fitness to practice law and prejudicial to the administration of justice. *Id.*

Similarly, Victor Molina, while employed by the New York State Department of Taxation and Finance, improperly accessed certain confidential records for use in the civil litigation of a client of his private practice and, as a result of his actions, was charged and convicted of official misconduct, a misdemeanor. *In the Matter of Molina*, (2011) 88 A.D.3d 363, 929 N.Y.S.2d 227. In recommending a public censure, rather than a suspension, the court recognized that Molina had immediately admitted to the conduct when questioned, took full responsibility for the conduct, fully participated in the disciplinary process and offered significant evidence of his good character.

Unlike Engel and Molina, no criminal charges were filed against respondent. Like them, however, she accepted responsibility for her actions, fully participated in this process and offered evidence of her good character. This is an isolated incident in respondent's legal career. This matter warrants a lesser sanction than that imposed in *Engel* – a public reprimand effectively addresses the misconduct and takes into consideration respondent's previously unblemished legal career and her strong character evidence.

#### **V. STIPULATED MITIGATING FACTORS**

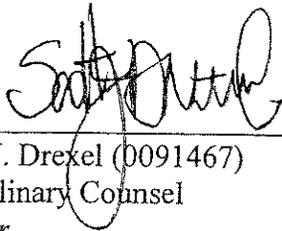
Relator and respondent stipulate that respondent's conduct involved the following mitigating factors as listed in BCGD Proc. Reg. § 10 (B)(2): absence of prior disciplinary record, full and free disclosure to the disciplinary Board and cooperative attitude toward proceedings.

Relator and respondent further stipulate that respondent's conduct involved no aggravating factors as listed in BCGD Proc. Reg. § 10 (B)(1).

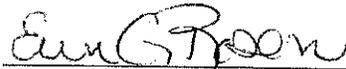
**VI. CONCLUSION**

The above are stipulated to and entered into by agreement by the undersigned parties on this \_\_\_ of December 2014.

Respectfully submitted,

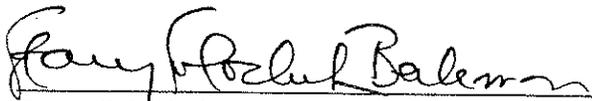


\_\_\_\_\_  
Scott J. Drexel (0091467)  
Disciplinary Counsel  
*Relator*



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**BEFORE THE BOARD OF COMMISSIONERS  
ON GRIEVANCES AND DISCIPLINE OF  
THE SUPREME COURT OF OHIO**

In re:	:	
Erin Geralyn Rosen	:	
Attorney Registration No. 0071156	:	
<del>635 West 7th Street, Suite 401</del>	:	
<del>Cincinnati, OH 45203,</del>	:	
	:	<b>BOARD NO. 14-073</b>
<b>Respondent,</b>	:	
v.	:	
Disciplinary Counsel	:	
250 Civic Center Drive, Suite 325	:	
Columbus, Ohio 43215-7411,	:	
	:	
<b>Relator.</b>	:	

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**ERIN G. ROSEN AFFIDAVIT  
PURSUANT TO SECTION 11 (B)(4) OF THE RULES AND PROCEDURES OF  
THE BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE**

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I, Erin G. Rosen, attorney registration number 0071156, am the respondent in *Disciplinary Counsel v. Erin G. Rosen*, Board No. 14-073, and hereby swear and affirm the following pursuant to BCGD §11 (B)(4):

1. I admit to the violations of the Ohio Rules of Professional Conduct as stated in the Agreement of Relator and Respondent Regarding Discipline by Consent pursuant to Section 11 of the Rules and Procedures of the Board of Commissioners on Grievances and Discipline (the "Agreement").
2. I admit that grounds for the imposition of a public reprimand exist for my misconduct.

3. I hereby affirm that the Agreement sets forth all grounds for discipline currently pending before the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio (the "board").
4. I hereby admit to the truth of the material facts relevant to the misconduct listed in the Agreement. I specifically admit the following:
  - (a) In 2004, I was hired by the Ohio Attorney General's Office as an Assistant Attorney General in the Child and Elder Protection Section (CEP). Part of the responsibilities of the CEP included serving as legal counsel to the Bureau of Criminal Identification and Investigation and as counsel for the Ohio Law Enforcement Gateway (OHLEG).
  - (b) The OHLEG allows criminal justice agencies and their personnel access to several data systems. Some of these systems contain confidential information reserved for law enforcement personnel only.
  - (c) In 2007, I was promoted to the newly created position of general counsel for OHLEG. I continued in that position through December 2008, when I submitted my resignation.
  - (d) In order to access the OHLEG system, I was required to have an account and a password; as such, my use of OHLEG was recorded, including the dates and times I accessed the system.
  - (e) Each time a user accessed OHLEG, the following disclaimer appeared:

Access to OHLEG-SE is a privilege subject to termination. Data accessed through OHLEG is continuously subject to the limitations on use and dissemination required by each component database or other service, and is not to be sold, transmitted, or disseminated to any unauthorized person. Failure to abide by these conditions or use may result in the termination of OHLEG access, and/or criminal prosecution as appropriate.
  - (f) Beginning in August 2008, and without my knowledge, an internal audit of my use of OHLEG was conducted. The audit revealed that from August 13, 2007 through August 11, 2008, I had accessed the OHLEG system on 247 occasions. Of these, it was unclear why I had accessed the system on 27 occasions.

- (g) I was asked to explain each of the 27 questionable occasions that I accessed OHLEG. Although I was unable to determine why I had accessed the system on several of these occasions, I admitted to accessing the system to seek information about four individuals that either my friends or I dated during that period of time. I never printed the information or otherwise used the information other than to determine if any of the individuals had a criminal record.
- (h) In November 2008, my ability to access OHLEG was terminated, I was suspended from the Attorney General's Office without pay for one week and was transferred to another section in the office.
- (i) I submitted my resignation from the Attorney General's Office the following month.
5. I hereby indicate my agreement to the sanction of a public reprimand, which is to be recommended to the board.
6. I hereby affirm that the admissions and agreements I have made in this Affidavit and in the Agreement are freely and voluntarily given, without coercion or duress, and I am fully aware of the implication of the admissions and Agreement on my ability to practice law in Ohio.
7. I hereby affirm that I understand that the Supreme Court of Ohio has the final authority to determine the appropriate sanction for the misconduct to which I have admitted.

  
Erin G. Rosen

STATE OF OHIO :  
 :  
COUNTY OF HAMILTON : SS:

Sworn to or affirmed before me and subscribed in my presence this 4<sup>th</sup> day of December, 2014.

Mark Carter Eppley  
Notary Public

My commission expires \_\_\_\_\_

**MARK CARTER EPPLEY  
ATTORNEY AT LAW  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.**



State of Ohio  
**Office of the Inspector General**

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THOMAS P. CHARLES, Inspector General

**REPORT OF INVESTIGATION**

**FILE ID NUMBER:** 2008125

**AGENCY:** Ohio Attorney General's Office

**BASIS FOR INVESTIGATION:** Legislative Authority

**ALLEGATIONS:** Misuse of Campaign and Transition  
Account Funds, Misuse of State Resources,  
Mismanagement, Improper Hiring Practices

**INITIATED:** May 14, 2008

**DATE OF REPORT:** December 22, 2008

**Stipulated  
Exhibit 1**

screen Utovich's emails. He also said it was clear to him that Lenhoff wanted Utovich to be transferred from the 17<sup>th</sup> floor of the Rhodes Tower, where Dann's office was located, in order to limit contact between Utovich and her husband.

Lenhoff occupied a position of significant influence in the Attorney General's Office. She had influence that exceeded her role as spouse of the Attorney General. Overall, her involvement in hiring and other administrative matters contributed to some of the conflicts that existed in the Attorney General's Office.

#### E. Misuse of State Database

While we were conducting this investigation, the office of interim Attorney General Nancy H. Rogers independently investigated the misuse of a state computer and state law enforcement data system by a lawyer in her office. As a result of that investigation, Rogers issued a five-day suspension to Erin Rosen, general counsel for the Ohio Law Enforcement Gateway ("OHLEG"), in October 2008.

OHLEG is a portal through which criminal justice agencies and their personnel can access several data systems. Some of those systems contain confidential information that is reserved for law enforcement use. Access to OHLEG is governed by the issuance of an account and password. Consequently, OHLEG system administrators can identify every user who requests information from these systems, as well as the date and time a user makes an inquiry.

As general counsel for the OHLEG system, Rosen was well aware of the restrictions placed on OHLEG users. In fact, a disclaimer accompanies every search of the data systems encompassed by OHLEG.<sup>71</sup>

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<sup>71</sup>The disclaimer states: "Access to OHLEG-SE is a privilege subject to termination. Data accessed through OHLEG is continuously subject to the limitations on use and dissemination required by each component database or other service, and is not to be sold, transmitted, or disseminated to any unauthorized person. Failure to abide by these conditions of use may result in the termination of OHLEG access, and/or criminal prosecution if appropriate."

In August 2008, Executive Assistant Attorney General Ben Espy asked Steven Raubenolt, Director of OHLEG, to conduct an audit of Rosen's OHLEG use. The audit revealed that between August 13, 2007, and August 11, 2008, Rosen accessed the OHLEG data systems 247 times. The majority of those records checks were run for purpose of verifying sex-offender information, which is one of Rosen's assigned duties at the Attorney General's Office.

On 27 occasions, however, Rosen used OHLEG to access records for reasons that appeared questionable. Espy asked Rosen to review the 27 records checks and explain the reason for them. Rosen admitted to conducting the following records checks:

- 1/07/08 - Checks of six individuals were conducted. Rosen could not recall any reasons for searching any of the records.
- 1/07/08 - Ms. Rosen conducted a records check on an individual who was dating Ms. Rosen's friend. This check was run for personal reasons.
- 1/09/08 - Ms. Rosen accessed the records of an individual who was dating one of her friends. This records check was conducted for personal reasons.
- 2/08/08 - Ms. Rosen ran ten checks on a specific name. The checks were conducted in an attempt to locate an individual who was dating a friend of Ms. Rosen. The records were accessed for personal reasons.
- 4/13/08 - Ms. Rosen ran a check on an individual she was dating. This search was conducted for personal reasons.
- 6/09/08 - Five searches were conducted by Ms. Rosen. Records for one individual were checked twice; another individual's records were run three times. Ms. Rosen could not recall why she used the OHLEG portal for those searches.
- 6/24/08 - Ms. Rosen conducted a search on two different names. The two searches reflect variations in the spelling of the name of a person who was dating one of Rosen's friends. This search was conducted for personal reasons.
- 7/03/08 - Ms. Rosen accessed the OHLEG system and ran a records check on an individual whom she was dating. The records check was conducted for personal reasons.

Rosen's repeated use of the OHLEG system to run background checks on people who she and her friends were dating was clearly improper. Her misconduct was aggravated by the fact that she was the OHLEG system's General Counsel and knew that using OHLEG for such purposes was an abuse of office. As part of Rosen's discipline, Rogers transferred Rosen to the Victims Services Section.

The rude, vulgar and abusive conduct of senior management, including the Attorney General himself, created a hostile work environment that is an embarrassment to state government. Sexual harassment was tolerated, and friends and associates of the Attorney General were hired into positions for which they were not qualified. **Therefore, we are making the following findings:**

1. Gutierrez engaged in a pattern of unprofessional conduct that violated the Attorney General's policy against harassment and discrimination. His actions are documented not only in this report but also in the report of investigation issued by Ben Espy and Julie Pfeiffer. A copy of their report is attached as Exhibit D. **Accordingly, we find that an act of wrongdoing occurred.**
2. Jennings engaged in a pattern of unprofessional conduct that violated the Attorney General's policy against harassment and discrimination. His actions also are documented not only in this report, but also in the report of investigation issued by Espy and Pfeiffer. **Accordingly, we find that an act of wrongdoing occurred.**
3. Dann engaged in a pattern of unprofessional conduct that violated not only his own policy against harassment and discrimination, but also his oath of office as an attorney and as the Ohio Attorney General. Some of this misconduct is documented in the report issued by Espy and Pfeiffer. Other

instances of misconduct are referenced in this report. Accordingly, we find that an act of wrongdoing occurred.

4. As an elected officeholder, Dann was obligated to comport himself in a professional manner and to ensure that his employees did so, as well. During his term of office, the Attorney General's Office lacked leadership, tolerated boorish behavior and ignored professional boundaries that typically exist between supervisors and subordinates. Thus, Dann failed to fulfill his basic managerial duties. Accordingly, we find that an act of wrongdoing occurred.
5. As the elected Attorney General, Dann was ultimately responsible for the hiring and promotion practices of his office. By hiring friends and cronies, some of whom were unqualified and performed poorly, Dann violated the public trust. Accordingly, we find that an act of wrongdoing occurred.
6. The Dann administration failed to consistently conduct appropriate background checks for many of its hires. The office lacked a thorough mechanism for investigating candidates' backgrounds, including prior business relationships and dealings. Accordingly, we find that an act of wrongdoing occurred.
7. Lenhoff was deeply involved in the daily operations of the Attorney General's Office. Her participation in critical decisions on hiring and policy exceeded her authority as the Attorney General's spouse. Accordingly, we find that an act of wrongdoing occurred.
8. Rosen's admissions that she used the OHLEG system to research the backgrounds of people who she and her friends were dating was a flagrant misuse of confidential law enforcement data. Accordingly, we find that acts of wrongdoing occurred.



## Access Policy

Policy Title: OHLEG Access  
Policy Number: OHLEG-002  
Policy Date: 04/29/2005  
Revision Date: 11/13/2008

Effective Date:

### 1.0 Purpose of Policy:

The purpose of this policy is to provide the Ohio local law enforcement community with guidelines for access to the *Ohio Law Enforcement Gateway (OHLEG)*.

### 2.0 Scope of Policy:

The scope of this policy includes all sworn law enforcement officers and non-sworn civilian law enforcement employees who are granted access to the Ohio Law Enforcement Gateway by their agency Chief Executive Officer (CEO) or his/her designee.

### 3.0 Background:

The Attorney General's Ohio Law Enforcement Gateway (OHLEG) is a secure, Web-based platform that provides law enforcement with a variety of investigative tools and training applications to help solve and prevent crimes. It is important that all agencies and individuals participating in this system use due diligence in ensuring the security of this system. Breaches of security will impact the integrity of the investigative tools and training applications provided on OHLEG.

**Stipulated  
Exhibit 2**

APPENDIX C

#### 4.0 References and Authority:

- 4.1 Ohio Public Records Laws. Ohio Public Records Act governs the use and dissemination of law enforcement records within the State of Ohio. Reference: Ohio Attorney General. Ohio Sunshine Laws: The Open Public Records Act and The Open Meetings Act, 2004 Edition. <[http://www.ag.state.oh.us/online\\_publications/2004\\_yellow\\_book.pdf](http://www.ag.state.oh.us/online_publications/2004_yellow_book.pdf)>
- 4.2 Ohio Law Enforcement Gateway Participation Agreement. The Ohio Law Enforcement Gateway Participation Agreement outlines requirements for an agency's or individual's participation in OHLEG.
- 4.3 ORC 109.57. Establishes the authority of the Superintendent of the Bureau of Criminal Identification and Investigation to collect and maintain criminal history information that is intended for law enforcement purposes only.
- 4.4 A glossary of terms or acronyms found in this policy is located in Section 6.0 of this policy. The first occurrence of a defined term or acronym is *bold italicized*.

#### 5.0 Policy:

This policy establishes guidelines regarding access to and acceptable use of OHLEG. Any law enforcement individual desiring access will be provided that access under the terms and conditions of this policy and the Ohio Law Enforcement Gateway Participation Agreement. Individuals shall access OHLEG via the Internet. Participants are required to use OHLEG to carry out their law enforcement responsibilities only, not for personal use or gain.

- 5.1 The Chief Executive Officer (CEO) of each organization or his/her designee will grant authority to individuals within the organization who may access OHLEG.
- 5.1.1 The CEO will assign one individual as the organization's *Agency Point of Contact* for all matters related to OHLEG participation.
- 5.1.1.1 The agency point of contact or designee shall be responsible for reviewing this policy with all authorized users of OHLEG.
- 5.1.2 Sworn law enforcement officers and non-sworn civilian law enforcement employees may be granted access to OHLEG as authorized by the CEO or his/her designee.
- 5.2 Individuals accessing OHLEG will be assigned a user identification, an ORI number, and a password.
- 5.2.1 The password and user identification shall not be shared with others.
- 5.2.2 Each authorized user shall be held accountable for all transactions occurring while logged onto OHLEG.
- 5.3 Each agency shall review their list of authorized users on an annual basis.

- 5.3.1 The agency point of contact or designee shall be responsible for this review. The purpose of this review is to confirm the continued authorization of all individuals accessing OHLEG.
- 5.4 Access to OHLEG is limited to use for official *law enforcement purposes* only, not for personal use or gain.
  - 5.4.1 Individuals accessing OHLEG should only do so for legitimate purposes for an authorized law enforcement, counter terrorism, public safety and/or national security purpose.
- 5.5 Access to individual applications shall be based on the agency to which the user is assigned at the time of use.
  - 5.5.1 OHLEG users who participate through multiple agencies shall only log on to OHLEG using the ORI number for the agency for which they are working at the time of access.
- 5.6 Access may be revoked either by an agency CEO or the OHLEG Director.
  - 5.6.1 Any violation of this policy may result in loss of access to OHLEG by the entire organization or by specific individual(s) within the organization.
    - 5.6.1.1 The OHLEG Director shall be responsible for reviewing and approving the dispositions of reported violations.
  - 5.6.2 An agency Chief or CEO may request an individual's access to be revoked by submitting such a request in writing to the OHLEG Director.
- 5.7 Access may also be granted to software developers for the purpose of testing system enhancements and for debugging application errors. Their access is limited to legitimate testing purposes only, not for personal use or gain.
  - 5.7.1 Test accounts shall be assigned to individuals, not groups. Each individual requiring test access to OHLEG shall submit a separate "Request For Test Access" form to the OHLEG Administrator.
  - 5.7.2 Access forms submitted by 3<sup>rd</sup> party contractors must have the signature of their company's CEO or their designee.
  - 5.7.3 Access forms submitted by IT staff from the Ohio Attorney General's Office must have the signature of the AGO's CIO.

## 6.0 Definitions

- 6.1 **Agency Point of Contact:** Individual assigned by the CEO of an organization to serve as the contact with the OHLEG project staff.
- 6.2 **Law Enforcement Purposes:** For the purpose of carrying out official law enforcement duties.

## 7.0 Revision History

<i>Date</i>	<i>Change</i>	<i>Person Responsible</i>
04/15/2005	Original policy.	Jack Browning
05/03/2005	Added verbiage to address users participating through multiple agencies.	Jack Browning
06/15/2005	Added paragraphs 5.6 and 5.6.2 based on feedback from OLLEISN Steering Committee	Jack Browning
11/12/2008	Removed references to OLLEISN Steering Committee and changed to "OHLEG Director"	Jack Browning
11/12/2008	Added paragraph 5.7 for creating test accounts	Jack Browning

## 8.0 Inquiries

Direct inquiries regarding this policy to:

Ohio Law Enforcement Gateway Director  
(614) 387-7622



"When the matter came up, I was transferred out of OHLEG, and my access was terminated. Then I resigned on my own," Rosen told The Enquirer. "That's typically how it was handled."

Steve Raubenolt, the official who oversees OHLEG, had the same responsibility in 2008. He declined a request for an interview.

Current OHLEG policy says misuse may result in loss of access to OHLEG for the entire police department or for one individual and may result in criminal prosecution.

Misuse of OHLEG was written into state law as a felony in 2010, but people were prosecuted for misusing law enforcement databases before then. For instance, former Cincinnati police officer Helen "Lanie" Bliss ran an illegal background check on a man to help her boyfriend decide whether to do a marijuana deal with him. She was convicted in 2005 of unauthorized use of state property.

Since 2010, at least four alleged misusers of OHLEG have been prosecuted, according to DeWine's office.

Whether to pursue a felony charge for people who misuse public property is up to county prosecutors, said Lisa Hackley, spokeswoman for the attorney general's office. Rosen's prosecution would have fallen to Franklin County Prosecutor Ron O'Brien, Hackley said. O'Brien's office did not respond to requests for comment.

DeWine has appointed an advisory board to review the security of OHLEG and the facial recognition system. The board is considering whether to restrict access to OHLEG and require audits of the system.f

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