

**Elsass-Locker, Jodi**

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**From:** Elsass-Locker, Jodi  
**Sent:** Monday, January 30, 2017 2:36 PM  
**To:** Bates, Scott  
**Subject:** Question regarding purchasing from your Mom's business DOT 889

**ATTORNEY CLIENT CONFIDENTIAL COMMUNICATIONS**

Please do not forward or share without sender's approval.

Scott –

I found the following on the Ohio Ethics web page:

"When someone in public service is confronted with a conflict of interest, he or she must completely abstain from making decisions about or influencing how the matter is resolved.

Such abstention or recusal should include refraining from:

- Voting
- Discussing
- Reviewing
- Recommending
- Inspecting
- Investigating
- Or taking any other action on the matter

Public servants may **NOT** take any action in matters that definitely and directly affect themselves, their family members or their business associates.

As a result, the Ohio Ethics Law prohibits public officials or employees from participating, in any way, in actions or decisions that directly involve their own financial interests, or those of their families or business associates."

Since this is multiple award, there is no requirement to purchase from any one company. So our direction could be that other districts can buy off your mom's contract but not D11 so that you could avoid this conflict.

If the District determines that they will purchase from your Mom's business, my advice is to have someone other than yourself approve the invoicing.

Please let me know if you have any questions.

Jodi M. Elsass-Locker, Esq.  
Deputy Legal Counsel  
Ohio Department of Transportation  
1980 West Broad Street  
Columbus, OH 43223  
(O) (614) 466-1920  
(F) (614) 387-7431  
[Jodi.Elsass-Locker@dot.ohio.gov](mailto:Jodi.Elsass-Locker@dot.ohio.gov)

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# Exhibit 1

Page 2 of 5

intended recipient but do not wish to receive communication through this medium, please so advise the sender immediately.

**Elsass-Locker, Jodi**

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**From:** Elsass-Locker, Jodi  
**Sent:** Tuesday, February 27, 2018 12:18 PM  
**To:** Bates, Scott  
**Cc:** Kane, Roxanne  
**Subject:** RE: Question regarding purchasing from your Mom's business DOT 889

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That is appropriate. It will need to be your supervisor that does the approval, or someone higher in the chain of authority.

**Jodi M. Elsass-Locker, Esq.**

*Deputy Legal Counsel*

Ohio Department of Transportation

1980 West Broad Street

Columbus, OH 43223

(O) (614) 466-1920

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[transportation.ohio.gov](http://transportation.ohio.gov)

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**From:** Bates, Scott  
**Sent:** Tuesday, February 27, 2018 11:32 AM  
**To:** Elsass-Locker, Jodi <Jodi.Elsass-Locker@dot.ohio.gov>  
**Cc:** Kane, Roxanne <Roxanne.Kane@dot.ohio.gov>  
**Subject:** RE: Question regarding purchasing from your Mom's business DOT 889

Jodi,

Last year D11 decided not to purchase from Beagle Hill Services. This year we have looked at the contract and they are the low bidder. There are counties that have asked to purchase from them this year and since they are the low bidder we will allow them. Per your recommendations below I will not approve any of the purchase orders or invoices for Beagle Hill Services.

Thanks,

**Scott Bates**

# Exhibit 1

Page 4 of 5

*Fiscal Officer*

ODOT District 11 Accounting  
2201 Reiser Avenue SE, New Philadelphia, Ohio 44663  
(p) 330.308.7823  
[transportation.ohio.gov](http://transportation.ohio.gov)



**From:** Elsass-Locker, Jodi  
**Sent:** Monday, January 30, 2017 2:36 PM  
**To:** Bates, Scott <[Scott.Bates@dot.ohio.gov](mailto:Scott.Bates@dot.ohio.gov)>  
**Subject:** Question regarding purchasing from your Mom's business DOT 889

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# OHIO DEPARTMENT OF TRANSPORTATION

## Secondary Employment/Proprietary (Business) Ownership Interests/Elected Public Office Acknowledgment

Name (please print): Scott Bates

ODOT job title: Sourcing Supervisor District: 11

1. In addition to my current employment at ODOT, I hereby disclose the following secondary employer(s) where I am also working and earning wages.

Business Name: Beagle Hill Services  
 Complete Business Address: 1133 Hamby Hill Road Frazeysburg, OH 43822  
 Position Title AND Job Responsibilities: Sewage treatment system designer and installer. I would be creating septic system designs, installing and altering systems, and providing service to systems.

2. I have the following business interest directly or through my spouse:

Business Name: \_\_\_\_\_  
 Complete Business Address: \_\_\_\_\_  
 Any Position you hold AND/OR any of your Job Responsibilities: \_\_\_\_\_

3. I am interested in running for/I currently hold the following elected position:

Elected Public Office: \_\_\_\_\_  
 Jurisdiction (City, Township, County, District, Ward...): \_\_\_\_\_  
 Date of the Election: \_\_\_\_\_

**If you have more than one secondary employment or business interest, please use an additional form(s).**

**\*(Send this completed form to your District HR personnel who will send this and your official ODOT Position Description to the Division of Chief Legal in Central Office)**

Scott Bates  
 Signature

\_\_\_\_\_  
 OAKS ID Number

9/4/2018  
 Date

# Exhibit 2

Page 2 of 3

**Rossi, Jeffrey**

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**From:** Gams, Jennifer  
**Sent:** Tuesday, September 4, 2018 3:54 PM  
**To:** Bates, Scott  
**Cc:** Laughlin, Sheri  
**Subject:** RE: Secondary Employment - Bates

**ATTORNEY CLIENT COMMUNICATION**

Please do not forward or share without sender's approval.

Mr. Bates:

I have reviewed your Secondary Employment/Proprietary Interests Acknowledgment Form.

I cannot identify any direct prohibitive conflict between your position as a Sourcing Supervisor for ODOT District 11 and working for Beagle Hill Services as a sewage treatment system designer and installer.

As with all secondary employment, volunteer work and/or proprietary interest in a business, and running for and holding a public office, no work can be done on ODOT time and/or with any ODOT resources/equipment. Additionally, one cannot use their ODOT position to benefit their outside interest(s)/employer/business in any way. While engaged in this outside activity you are not covered by ODOT benefits such as Workers Compensation.

If you have any questions, please do not hesitate to contact me.

Jennifer S. Gams  
Assistant Legal Counsel  
Ohio Department of Transportation  
1980 West Broad Street  
Columbus, OH 43223  
(O) (614) 387-2316  
(F) (614) 387-7431  
transportation.ohio.gov

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-----Original Message-----

**From:** Laughlin, Sheri  
**Sent:** Tuesday, September 4, 2018 2:56 PM

To: Gams, Jennifer <Jennifer.Gams@dot.ohio.gov>  
Subject: Secondary Employment - Bates

Jennifer,  
Attached is a secondary employment turned in by one of our employees. I've also attached his PD.

Thanks!

Sheri Laughlin, CPM  
Human Resource Manager  
ODOT District 11  
2201 Reiser Ave SE, New Philadelphia, OH 44663  
(P) 330.308.7810 (F) 614.887.4789  
transportation.ohio.gov