

Hanks admits to ethics charges, avoids jail time



Former Delaware County Commissioner Todd Hanks (right) with defense attorney Chad Heald in Delaware Municipal Court Monday. (Gazette | Andrew Tobias)

ANDREW TOBIAS

Staff Writer

Former Delaware County Commissioner Todd Hanks on Monday pleaded guilty to three misdemeanor ethics charges tied to his former sales job for an engineering firm seeking contracts from the county.

Hanks received a 90-day suspended jail sentence, which would only be enacted if he violates the terms of his one year of probation. Visiting retired Franklin County Municipal Judge James Fais also fined him \$1,500 and ordered Hanks to perform 50 hours of community service.

Hanks, who appeared in Delaware Municipal Court wearing a dark suit and striped tie, could have received up to 18 months in jail and \$3,000 in fines. He apologized to the judge, investigators and prosecutors for their having to spend time dealing with the case.

He also apologized to Delaware County's citizens.

The charges stem from three projects Hanks was involved with as a commissioner, including a puzzling and controversial June 2009 attempt to award an unbid \$3.13 million contract to study building a waste-to-energy plant in Delaware County.

Defense attorney Chad Heald said Hanks "misinterpreted" legal advice given to him, which was to not discuss with Delaware County employees or vote on any cases involving Civil & Environmental Consultants, which employed Hanks as a sales consultant.

"In hindsight, Todd realizes where he should have gone further in terms of isolating himself from votes and, in fact, discussion involving matters pertaining to his employer and their potential clients," Heald said.

However, Ohio Assistant Attorney General Brad Tammara, who served as a special prosecutor in the case, said Hanks had been advised what lines he wasn't allowed to cross between his

private and public job, but he chose to ignore them.

On multiple occasions, including in his Nov. 7, 2008, offer letter from CEC, Hanks was told to avoid discussing CEC clients or projects with Delaware County employees.

But almost immediately after he was appointed to the county commission in January 2009, prosecutors said Hanks used the influence of his public office to help companies he referred to CEC, which had offered him a \$50,000-a-year job the previous November.

Hanks would have qualified for a percentage commission had he referred more than \$200,000 in work to the company. However, other than Hanks' base salary, prosecutors had no evidence he directly profited from his crimes.

"He ignored provisions of the detailed actions he was not to take, and proceeded to do them in the pursuit of this additional job in the attempt to direct contracts to that additional company he was working for," Tammaro said.

In two cases, Hanks tried to steer Delaware County contracts to companies that had hired CEC as a subcontractor, but was thwarted by intervention from third parties, Tammaro said.

"I think it would have been more prudent for him not to (take the job)," Tammaro told reporters following the court hearing. "He was trying to skirt the edge, moving around in the shadowy area (of the law)."

In June 2009, Hanks attempted to award a \$3.13 million unbid contract to a firm to study building a waste-to-energy plant in Delaware County. That company, Viridis Waste Control Inc., had hired CEC as a subcontractor, Tammaro said.

Hanks initially introduced the contract following a lengthy executive session, which was especially unusual since it was not advertised to the public or media ahead of time. The vote was delayed after commissioner Ken O'Brien loudly protested.

Hanks then voted to award the contract, but reversed his vote after Delaware County Auditor George Kaitsa refused to certify the expense, saying the county didn't have the money to pay for it.

Hanks in April 2009 tried to rewrite Delaware County's bidding criteria to steer a contract to renovate the Delaware County Jail toward MKC & Associates, an architectural firm he was working to refer to CEC.

Hanks was alone in voting against hiring the architectural firm commissioners eventually hired.

In February 2009, Hanks introduced a motion to pay \$170,000 to Pizzuti, a Columbus company that had performed pre-construction work on an abandoned project to build a new Delaware County courthouse. Hanks' vote settled a dispute between the company and then Delaware County administrator Dave Cannon, who thought taxpayers should have owed less.

"It was an attempt to gain favor with and obtain that company as a client," Tammaro said.

Hanks even personally delivered the county's check to Pizzuti officials, Tammaro said.

"We don't have anything that indicates that was standard practice for a commissioner to do that," he said.

In June 2011, O'Brien summoned the Ohio Attorney General's Office to take over the case.

Prosecutors began their review of Hanks after the *Gazette* reported his employment with CEC in a series of articles between August 2009 and March 2010.

Hanks quit working for CEC in October 2009. In February 2010, he abandoned his re-election effort shortly after the *Gazette* contacted him to ask about an email between Viridis and CEC

officials the newspaper had uncovered through a public records request.

Hanks quit office in November 2010 after a *Gazette* story identified Hanks as a prospective employee of a company tied to a developer with an interest in a new interchange at U.S. 36/Ohio 37. Around the same time he represented Guaranteed Receivership Services in a Fairfield County court case, Hanks worked to help Pat Shivley's Guaranteed Construction Services prepare to set up a community authority, a governmental entity that would require commissioner approval, to help finance his development project at the proposed new interchange.

Other issues raised by the *Gazette*, which included Hanks' June 2009 efforts to get CEC involved with a Village of Sunbury project the county was helping with to redevelop the old Nestle plant, and his work with Guaranteed Receivership Services, were not ultimately addressed in charges against Hanks.

Delaware County Republican Party Chair Bob Mann and Executive Chair Shawn Stevens on Monday issued a statement rebuking Hanks, who was a rising member of the county Republican Party before he dropped out of public life.

"We are deeply disappointed and disturbed that a person who aspired to public service and asked for the public's trust has admitted today to abusing that trust. Elected officials need to be held accountable when they breach the public trust, and that has been done here. We commend (Republican Delaware County Prosecutor) Carol O'Brien for upholding the trust of the public by promptly appointing a special prosecutor and assuring justice was served," the statement read.



Tags:

[Administrator](#), [ANDREW TOBIAS](#), [Assistant Attorney General](#), [auditor](#), [Bob Mann](#), [Brad Tamaro](#), [CEC](#), [Chad Heald](#), [Chair](#), [Columbus](#), [Commissioner](#), [County courthouse](#), [Dave Cannon](#), [defense attorney](#), [Delaware County](#), [Delaware County jail](#), [Delaware County Republican Party](#), [Delaware Municipal Court](#), [executive chair](#), [Fairfield County](#), [Fairfield County court](#), [Franklin County Municipal Judge](#), [George Kaitza](#), [James Fais](#), [judge](#), [MKC & Associates](#), [Nestle](#), [Nestle plant](#), [Ohio](#), [Ohio Attorney General](#), [Pat Shivley](#), [Pizzuti](#), [prosecutor](#), [sales consultant](#), [Shawn Stevens](#), [special prosecutor](#), [Staff Writer](#), [Sunbury](#), [the Gazette](#), [Todd Hanks](#), [United States](#), [USD](#), [Viridis Waste Control Inc.](#), [waste-to-energy plant](#)