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Ohio Prosecutor Admits to Violating the Hatch Act

FOR IMMEDIATE RELEASE

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WASHINGTON, DC / September 25, 2008 – Montgomery County Prosecutor Mathias Heck, Jr., along with his administrative assistant, Greg Flannagan, admitted liability to violating the Hatch Act which prohibits certain government employees from participating in political activity. The Office of Special Counsel's (OSC) investigation revealed that Heck routinely conveyed his expectation that subordinates contribute money to the local Democratic Party and time to political campaigns, in defiance of federal law. OSC charged that the pair used their official authority to interfere with or affect the results of elections. In a voluntary settlement agreement, Mr. Heck admitted that he solicited contributions for local Democratic Party fundraisers from six employees of the Montgomery County Prosecutors Office. (MCPO) Mr. Flannagan admitted collecting the cash and checks for these fundraisers from MCPO employees. Although Mr. Heck denied knowing that the Hatch Act prohibited the solicitation of political contributions from employees, as both an attorney and a long-time elected official, he should have known that whenever public employers place conditions on public employment requiring employees to become involved in partisan political activity, they put at risk the basic freedoms of speech that are protected by our Constitution.

"The people and employees of the prosecutor's office expect and deserve more from their elected officials," said U.S. Special Counsel, Scott Bloch. "Politicization of government offices and pressuring subordinates to contribute to political causes are testaments to why Congress enacted this law and are behaviors that simply will not be tolerated."

As part of the settlement, Heck agreed not to seek employment with either a different state or local (county) agency for a period of 18 months unless such employment is to an elective office. Flannagan agreed to accept a 5-day suspension without pay to be served no later than 30 days from the date of the last signatory to this agreement. In consideration for their admissions of liability and their agreement to accept these penalties, the Special Counsel has agreed to dismiss the complaints. The motion for dismissal is currently pending review before a judge. After the judge dismisses the case, if either Heck or Flannagan fail to live up to the plea agreement, the Office of Special Counsel may refile and proceed with prosecution for removal.

Matthias Heck was first elected Montgomery County Prosecutor in 1992 and has successfully run for re-election every four years since then. In each election, he has represented the Democratic Party. The Hatch Act strictly prohibits some state and local employees who have duties in connection with federally-funded programs from being candidates in partisan elections. Until 2007, MCPO with Heck at its helm received federal funds to support some of its enforcement programs. The penalty for a proven violation of the Act by a state or local employee normally is removal of the employee from his/her position by the state/local agency and debarment from state/local employment for the following eighteen months, or forfeiture of federal grant funds by the state/local agency in an amount equal to two years of the salary of the employee. However, because MCPO no longer receives federal funds, the available options for a meaningful penalty in these cases were limited.

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