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REDS GAMES, BENGALS GAMES, STADIUM CONCERTS

SUITE DEALS FOR LOCAL OFFICIALS

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Cincinnati Mayor Mark Mallory has accepted \$7,800 worth of free tickets to the Macy's Music Festival at Paul Brown Stadium over the past four years.

Hamilton County commissioners have given themselves first dibs on buying Reds Opening Day tickets – at face value – to the county-owned suite at Great American Ball Park,

sometimes paying for the tickets out of campaign funds and using them to reward campaign volunteers.

And many more county employees get free use of the luxury suites to entertain business leaders, reward foster parents and provide incentives to recycle.

Their use of the county-owned suites constitutes a little-known perk

allowed under lease agreements with the Reds and Bengals.

Those perks also come with free food. In 2008 alone, county taxpayers paid for more than \$20,000 worth of concessions – including Montgomery Inn barbecue, Donato's Piza and Graeter's ice cream – for guests using the suites.

The extent of the ticket use has

come to light in a squabble between the county auditor, who says the county should give up its ticket perks, and the commissioners, who say the vast majority of the tickets go to worthy causes like foster parents.

The personal or political use of county property by city and county officials presents “a witches’ brew of problems,” said Hamilton County

Auditor Dusty Rhodes.

The Ohio Ethics Commission, which polices the state's conflict-of-interest laws, has ruled that free tickets to sporting events could, in some cases, “affect the objectivity and independence of judgment” of public officials in dealing with the teams.

But the county commissioners who control the suites say they're just trying to make the best use of

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Tickets: Local officials enjoy suite deals

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the county-owned facilities. The county built both stadiums using money from a half-cent sales tax approved by voters in 1996.

Owners' suites are an old and accepted practice. The city-owned Riverfront Stadium had a box in center field with 10 seats – one for each City Council member and the city manager.

"They're very common. I've seen them in just about every stadium built in the last 10 years, or 15 years," said Paul Anderson, associate director of the National Sports Law Institute at Marquette University and an expert in stadium financing. "Typically those are used for charity, or when the city is trying to sell itself. It's not supposed to be for the personal use of county board members."

While the county got "exclusive use" of the private suite at Paul Brown Stadium, the tickets weren't intended to be free. The lease requires the county to pay for all tickets – Bengals games or not.

There's no record of the county ever paying for the tickets, according to the county auditor's office.

The Reds' agreement provides that the stadium "provide a private suite for Hamilton County's private use."

Concerts, revivals, too

Most of the tickets come from the Reds or Bengals. But Paul Brown Stadium also hosts a number of other events, like high school and college football games, concerts and religious revivals.

Those include the Macy's Music Festival. Promoter Joe Santangelo puts on the event, and the Bengals handle the suite tickets.

Mallory – and as many as 19 guests – attended one or both nights of the Macy's Music Festival in 2006, 2008 and 2009. The face value of the music festival tickets for the suite were \$78 a night in 2006, \$68 in 2008 and \$88 in 2009. The mayor did not attend one of the nights in 2006 – the tickets went instead to Hamilton County Administrator Patrick Thompson and his family.

The mayor did not disclose the tickets as gifts on personal financial disclosure statements filed with the Ohio Ethics Commission, which re-

About the suites

Paul Brown Stadium

Location: Suite 3028, northeast corner

Capacity: 20 people (12 upholstered stadium seats, four elevated seats at drink rail, four standing-room-only tickets)

Amenities: Furnished indoor air-conditioned suite with private bathroom, free on-site parking, 40-inch plasma televisions to keep tabs on replays and other games

Food: Free. Catered by Aramark, including Montgomery Inn barbecue, Donato's pizza and Graeter's ice cream

Value: The other 113 private suites sell for \$73,000 to \$165,000 a year for 16 seats

Great American Ball Park

Location: Suite 234, third base side

Capacity: 16 people (12 seats plus four standing-room-only tickets)

Amenities: Private bathroom, inside and outside flat-screen televisions, free programs, free parking

Food: Free. Catered by Cincinnati Sportservice, including brats, mets, barbecue, salads, baked beans, cookies

Value: Currently available suites are listed at \$145,800 to \$226,800 per season for 12 seats.

quires disclosure of gifts worth more than \$500. If the tickets are considered gifts, failing to disclose them could be a misdemeanor; former Gov. Bob Taft was convicted in 2005 for failing to disclose free golf outings and gifts from lobbyists.

This year, the mayor's campaign committee paid for catering, which totaled \$200 over the two days in August. It's unclear who paid for food in previous years.

Mallory, a first-term mayor facing re-election Nov. 3, said he attended each festival in his official capacity, giving opening remarks to the crowd and presenting the key to the city to performers.

"I considered it to be city business," he said. "The Macy's Music Festival is a huge deal for the city of Cincinnati. This is an event I've focused on since becoming mayor, and turning it into the premiere event it used to be."

Mallory has helped revive the two-day summer concert

event, still commonly known as the Jazz Festival, after the 2001 riots and a boycott kept it away for three years.

"The event weekend itself is nothing but work for me," Mallory said.

Ohio's ethics laws do allow politicians to attend events free of charge to appear in an honorary capacity – for example, when Mallory famously tossed a high, outside and ceremonial pitch on Opening Day 2007.

But in a 2007 advisory opinion to promoters of a Columbus air show, the Ohio Ethics Commission added this caveat: "However, if any public official or employee would like to have family members accompany them ... the official or employee would be required to pay fair market value for their family members' admission to the event and any other items of value provided."

Mallory wouldn't say whether any community leaders he took to the concert were part of his family. His

Who gets tickets?

Suite tickets went to these groups in 2008 for Reds games at Great American Ball Park:

Group	Tickets
Taxpayer lottery	37
Commissioner employees	13
Foster parents	10
Department of Environmental Services Recycling Program	4
Fine Arts Fund	4
Greater Cincinnati Sports Development Corp.	2
Tax Levy Review Committee	2
Central Parking employees	2
Sheriff's deputies	2
County Commissioners	1
Cincinnati Fire Department	1
Board of Mental Retardation and Developmental Disabilities	1
Veterans Commission	1
Economic Development Advisors	1

Suite tickets went to these groups in 2008 for Bengals games at Paul Brown Stadium (includes 2 preseason games):

Group	Tickets
Commissioner employees	3
Foster parents	2
Taxpayer lottery	2
Greater Cincinnati Sports Development Corp.	1
United Way/Fine Arts Fund	1
Department of Environmental Services Recycling Program	1

brothers include a state representative, top Board of Elections administrator, municipal court judge, appeals court judge and former vice mayor of Forest Park. All are sons of William L. Mallory Sr., former Ohio House majority leader.

Banned in Cleveland

In 1995, the Ohio Ethics Commission banned a practice by the Indians and Cavaliers of giving free season tickets to members of Cleveland City Council – regardless of whether the council members used the tickets themselves or gave them away to constituents. In that case, however, the tickets went directly to the council members, and not city government.

Jennifer Hardin, the chief advisory attorney for the ethics commission, said it's unclear whether that ban would

apply to the facts in Cincinnati. "There wasn't a contractual lease agreement (in Cleveland) that the county would have use of the seats. It was a less formal longstanding agreement," she said.

In Hamilton County, the tickets go to the county administrator, who distributes them based on policy adopted by the three-member commission. But the commissioners also give themselves first crack at buying perhaps the hardest-to-get tickets of all – for Reds Opening Day.

Hamilton County Commissioner Todd Portune, first elected in 2000, said the practice predates Great American Ball Park.

"That was the practice at Cinergy Field. It's always been the practice," he said. "Opening Day is a lot of things. It's a celebration of the city, and ... there's an expectation that the civic and the business and the elected leadership of the city all gets together for Opening Day."

Portune has paid for his four Opening Day tickets – \$50 to \$60 apiece – through his campaign funds or from the account of a company he owns, Port Co.

And while his guests in the suite were campaign volunteers who appeared in the Findlay Market Opening Day Parade with him, "It was not a campaign event," he said.

Portune threw out the ceremonial first pitch in 2008.

Other commissioners have purchased tickets using personal funds. However, there's no record that the commissioners reimbursed the county for the free concessions, which average \$220 per baseball game.

It's unclear why the county isn't paying the Bengals for the tickets, since the lease allows the use of the box but specifically requires paid admission to attend all events at Paul Brown Stadium – including non-Bengal events.

"We struck an agreement with the Bengals early on," said Terry Evans, the county's assistant director of stadium development. But he said the lease wasn't formally amended, because doing so would open up a number of other

controversial issues.

The Bengals said in a written statement that the county has received complimentary tickets to Bengals and other events as customary practice since Paul Brown Stadium opened in 2000.

Jeff Berding, the Bengals' director of sales and public relations, referred questions to Bengals development director Bob Bedinghaus, who declined to comment.

(Both have political ties: Berding is a city councilman running for re-election as an independent after being stripped of his Democratic endorsement in a feud with the mayor. Bedinghaus, who negotiated the Bengals lease as a former Republican county commissioner, was defeated in 2000 – by Democrat Portune, who campaigned against the stadium deal.)

Tickets as a reward

Despite efforts to give more taxpayers an opportunity to sit in the taxpayer-owned box, most of the tickets go to groups affiliated with county government. Tickets have gone to the Greater Cincinnati Sports Development Corp., the Hamilton County Development Corp., the Department of Environmental Services and the Veterans Commission. Some county employees also get tickets as a reward for good work.

A high-level county employee usually chaperones to keep an eye on things.

Hamilton County Commissioner David Pepper, a Democrat, said the ticket system is mostly working. But he'd like to adopt a policy for non-Bengals events at Paul Brown Stadium – to allow more taxpayers the chance to get free tickets to those events.

"That's the best policy, the cleanest policy, and it makes the most sense when you recognize that this is not the commissioners' suite, but it belongs to all the citizens of the county," he said.

Said Rhodes, the Democratic auditor: "The deeper I got into it, the more I realized they have a lot of people up there running a Ticketron operation. This is not a proper function of government."