

Merom Brachman, *Chairman*
Megan C. Kelley, *Vice Chair*
Bruce E. Bailey
Julie A. Rutter
Elizabeth E. Tracy
Mark A. Vander Laan



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Paul M. Nick
Executive Director

OHIO ETHICS COMMISSION
MINUTES OF MEETING
NOVEMBER 10, 2021

MEMBERS OF THE COMMISSION

Merom Brachman	Megan C. Kelley	Bruce Bailey
Elizabeth E. Tracy	Julie A. Rutter	Mark A. Vander Laan

CALL TO ORDER

The meeting of the Ohio Ethics Commission was called to order at 2:10 p.m. in Meeting Room 2 on the 2nd floor of the William Green Building, at 30 W. Spring Street, in Columbus, Ohio.

ROLL CALL

The following Commission Members were present: Mr. Brachman, Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, and Mr. Vander Laan. Staff present: Executive Director Paul M. Nick; Deputy Director/General Counsel Jed Hood, IT & FD Administrator Brian Ring, Education and Communications Administrator Susan Willeke, HR & Fiscal Manager Alan Carlson, Investigative Attorney Molly Bruns, Advisory Attorneys Chris Woeste and Kristin Cly, and Case Management Coordinator Shana Rolfe. Also present was Assistant Attorney General Patrick Denier.

EXECUTIVE SESSION

MOTION by Mr. Vander Laan, seconded by Ms. Kelley, to go into Executive Session to discuss matters that are statutorily confidential, including pending litigation, updates on investigations, and the confidential financial disclosure report. Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted “yes.” The motion was approved, and the Commission, pursuant to Section 102.06 of the Revised Code, went into Executive Session at 2:11 p.m.

RETURN TO OPEN SESSION

The Commission returned to open session at 2:26 p.m.

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the September 30, 2021 Commission meeting.

MOTION by Mr. Vander Laan, seconded by Ms. Tracy, that the Commission approve the minutes of the September 30, 2021 Commission meeting. Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted “yes.” The motion was approved.

ADVISORY OPINIONS AND STATISTICS

Mr. Nick introduced Formal Advisory Opinion 2021-02. Mr. Brachman complemented the staff and Advisory Committee on creating a complete product in a succinct manner. Mr. Brachman inquired about the staff opinion issued to a former state employee at the Secretary of State’s Office. Mr. Nick described the letter and the revolving door restrictions that applied in his situation. Mr. Nick concluded the advisory portion of the meeting by complimenting the advisory staff for keeping productivity and quality high.

MOTION by Mr. Vander Laan, seconded by Ms. Kelley, that the Commission approve Formal Advisory Opinion 2021-02. Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted “yes.” The motion was approved.

EXECUTIVE DIRECTOR’S REPORT

Mr. Nick reviewed the report in the packet and outlined the Supreme Court oral arguments that took place earlier this morning regarding the Amicus brief filed with the Ohio Supreme Court in the case of State of Ohio v. Steven Towns. Mr. Nick reported that the arguments went well, and Mr. Towns’ attorney was extensively questioned by the justices while the Special Prosecutor, Mark Weaver, fielded only one question. One justice wondered aloud if the case was improvidently allowed, meaning the Supreme Court perhaps should not have heard the case at all.

Mr. Nick then introduced to the Commission and welcomed the Commission’s newest staff member, Case Management Coordinator Shana Rolfe. He also noted the passing of the Commission’s Chief Investigative Attorney, Julie Korte, noting her long-time, dedicated service to the Commission and that she will be greatly missed by staff.

LEGISLATION UPDATE

Mr. Hood reviewed the report in the packet and noted three bills pending in the General Assembly that may affect Commission operations have had no action since the last meeting. HB 43 would authorize public bodies to meet via video and teleconference. HB 286 would require an investigating agency to make referrals of certain public corruption cases to the prosecutor of the suspects residential county. HB 335 would require the Commission to post certain financial disclosure statements online. Mr. Brachman asked a question regarding SB 232 titled “Ohio Anti-Corruption Act”. Mr. Hood indicated the bill was filed recently and no bill analysis is currently available. Mr. Hood stated he would report back once more information on the bill is available.

PUBLIC EDUCATION AND INFORMATION

Ms. Willeke reviewed the information in the packet, including information regarding an upcoming online CLE and internal discussions on how many live vs. online events in 2022. She also reported that the fourth quarter newsletter is under production.

Mr. Nick reported that Ms. Willeke has been nominated to serve on the Council on Governmental Ethics Law (COGEL) Steering Committee, a testament to her contributions to the Ethics Commission and

COGEL. She informed the Commission that the COGEL conference will be a virtual event this year and that registration to attend is \$400. The Chairman requested that she send information to the Commission members regarding the conference agenda.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring reported that FDS staff are completing its filing duties for the year and that approximately 10,400 forms have been filed in 2021. He also noted that the new forms (for 2021) will be on the Commission website by January 3, 2022. The Executive Director noted that late filing fees have steadily decreased over the years since online filing was introduced and the legislature responded to this decrease in our funding during the budgetary process this year.

The Chairman inquired about Attorney General collections efforts of FDS fees and Mr. Nick responded that staff would prepare a year-end summary with this information for the Commission at the January meeting.

MOTIONS

Late Fee Waivers:

MOTION by Ms. Tracy, seconded by Ms. Kelley, to waive the late fees for the individuals listed in the packet report. Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted “yes.” The motion was approved.

Complaint Dismissals:

MOTION by Mr. Vander Laan, seconded by Mr. Bailey, to dismiss the financial disclosure complaints against the individuals listed in the packet report for good cause shown. Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted “yes.” The motion was approved.

Collections:

MOTION by Mr. Bailey, seconded by Ms. Tracy, to refer to the Attorney General’s Office for collections the individuals listed in the packet report. Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted “yes.” The motion was approved.

DATE OF FUTURE MEETING

The Commission set the next meeting for Wednesday, December 15, 2021 at 10 a.m.

Other Matters

Mr. Brachman requested that staff research potential ways to enhance the penalties for violations of R.C. 102.03(F), which prohibits persons and entities from giving things of value to public officials, including campaign contributions under certain circumstances. Mr. Nick explained that an exception to the conflict of interest law in R.C. 102.03(G) applies to ordinary campaign contributions, but that this exception does not apply where there is evidence of bribery or another offense and a nexus exists between the candidate and the contributor. Mr. Brachman noted that currently, the maximum financial penalty for a violation is

a \$1,000 fine. Mr. Nick suggested that one option would be to recommend additional penalties for corporate violations of this law, such as debarment. Mr. Bailey expressed a concern that future companies could be unfairly penalized by the actions of company executives who may no longer work there. Mr. Nick stated that most debarment statutes include a limitation on its duration. Mr. Bailey noted that a reasonable sunset clause would mitigate this concern. Mr. Nick stated that staff will research and draft a memo that examines this issue.

Adjournment

The meeting was adjourned at 3:06 p.m.

These minutes are respectfully submitted by:

A handwritten signature in black ink, appearing to read "Paul M. Nick", is written over a light gray grid background.

Paul M. Nick
Executive Director