

Merom Brachman, *Chairman*
Mark A. Vander Laan, *Vice Chairman*
Bruce E. Bailey
Megan C. Kelley
Mary M. Ross-Dolen
Elizabeth E. Tracy



OHIO ETHICS COMMISSION
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Paul M. Nick
Executive Director

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OHIO ETHICS COMMISSION
MINUTES OF MEETING
SEPTEMBER 29, 2023

MEMBERS OF THE COMMISSION

Merom Brachman	Megan C. Kelley	Bruce E. Bailey
Elizabeth E. Tracy	Mary M. Ross-Dolen	Mark A. Vander Laan

CALL TO ORDER

The meeting of the Ohio Ethics Commission was called to order at 12:09 p.m. in Room G on Level 3 of the William Green Building, at 30 West Spring Street, in Columbus, Ohio.

ROLL CALL

The following Commission Members were present: Mr. Brachman, Mr. Bailey, Ms. Kelley, Ms. Ross-Dolen, Ms. Tracy, and Mr. Vander Laan. Staff present: Executive Director Paul M. Nick; Deputy Director/General Counsel Jed Hood; IT & Financial Disclosure Administrator Brian Ring; HR & Fiscal Manager Alan Carlson; Chief Advisory Attorney Christopher Woeste; Advisory Attorneys Kristin Cly and Katie Saks; Investigative Attorney Molly Bruns; Case Management Coordinator Shana Rolfe; and Assistant Attorney General Brittany Collins.

EXECUTIVE SESSION

MOTION by Ms. Kelley, seconded by Mr. Vander Laan, to go into Executive Session to discuss matters that are statutorily confidential, including pending litigation, updates on investigations and complaints, and the confidential financial disclosure report. Mr. Bailey, Ms. Kelley, Ms. Ross-Dolen, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted "yes." The motion was approved, and the Commission, pursuant to Section 102.06 and 121.22 of the Revised Code, went into Executive Session at 12:10 p.m.

The Commission returned to open session at 12:44 p.m.

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the August 17, 2023, Commission meeting.

MOTION by Mr. Vander Laan, seconded by Mr. Bailey, that the Commission approve the minutes of the August 17, 2023, Commission meeting. The motion passed unanimously.

ADVISORY OPINIONS AND STATISTICS

Mr. Nick announced that he recently promoted Mr. Woeste to Chief Advisory Attorney. He complimented the skills and leadership Mr. Woeste has brought to the Commission. Mr. Brachman echoed Mr. Nick's sentiments. Mr. Nick noted the advisory team works hard and well together and complimented the timeliness and quality of their work.

Mr. Nick presented the advisory statistics, noting a change in the reporting to provide a proportional representation of information rather than raw numbers to better express comparisons with the prior year. Mr. Woeste highlighted an opinion that was issued involving OneOhio. Ms. Ross-Dolen commented on a staff opinion to which Mr. Nick and Mr. Woeste provided additional context.

Mr. Woeste introduced a memorandum regarding the Eastern European Affairs Commission and whether their members should be required to file Financial Disclosure Statements. Mr. Woeste recommended, based on the statutory authority of the Commission members and other considerations, they should be required to file Financial Disclosure Statements with the Commission.

Mr. Woeste also introduced an opinion request received from the City of Columbus regarding public officials' participation in the Mid-Ohio Regional Planning Commission (MORPC) and if the Commission's official capacity exception was applicable. Mr. Bailey questioned whether MORPC should have submitted the request instead of the City. Mr. Brachman noted the breadth of the questions and highlighted the need for time to consider a response. Ms. Ramsini agreed with Mr. Brachman that it was a matter that required careful deliberation since the question applied to many organizations. Mr. Brachman recommended that a Formal or Informal Opinion was warranted. Mr. Nick recommended scheduling a meeting with the Advisory Committee before the next Commission meeting to determine a plan of action and proposed response.

EXECUTIVE DIRECTOR'S REPORT

Mr. Nick reviewed the information shown in the packet and noted his return from Chennai, India. He noted that the trip focused on development issues and was sponsored by the U.S. State Department's Office of Citizen Exchanges as part of a federal government initiative. Mr. Nick stated the meetings were in depth and meaningful and we continue to interact with the groups from India, Sri Lanka, Nepal, and Pakistan when they visit the Columbus area. Mr. Brachman stated it was a meaningful opportunity to exchange ethical government practices. Mr. Nick then updated the Commission on a recent federal district court decision to dismiss a lawsuit filed against the Commission, the Chairman, Executive Director, and one of its Investigative Attorneys. He also updated the Commission on recent discussions with the Governor's Office concerning a legislative initiative to enhance the penalties for some more serious conflict of interest cases.

LEGISLATION UPDATE

Mr. Hood reported on HB257, specifically on the ability to authorize virtual meetings and will continue to monitor. Mr. Hood stated SB 133 was introduced in July and is same bill that was introduced last general assembly. Mr. Brachman inquired about the debarment process. Mr. Nick noted that this bill was separate from the one that was passed by the previous General Assembly that amended RC 102.99.

PUBLIC EDUCATION AND INFORMATION

In Ms. Willeke's absence, Mr. Nick reviewed the information in the packet. Mr. Nick mentioned Ms. Willeke just conducted a Continuing Legal Education session for attorneys. The quarterly newsletter was issued in September and updated Commission fact sheets are in the process of being reviewed and finalized for publication on the web. Mr. Brachman observed that Ms. Willeke's schedule is very busy. Mr. Nick noted that both he and Mr. Hood have picked up some speeches and that Nick Rohrbaugh has been conducting more of them as well.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring explained that the deadline to file financial disclosure statements for most candidates in the November 7th general election is October 10th and the deadline for write-in candidates is October 18th. He also pointed out that this year there are nearly fifty write-in candidates participating in the general election which is substantially higher than in previous years. He anticipates receiving an additional five hundred statements from candidates in the next three weeks. Chairman Brachman noted the great work the financial disclosure staff have been conducting.

MOTIONS

RC 102.02(B) Motion

MOTION, by Ms. Kelley and seconded by Ms. Tracy, that the Ethics Commission finds that the members of the Eastern European Affairs Commission and the Director of the Office of Eastern European Affairs engage in the substantial and material exercise of the sovereign authority of the state, and that any person appointed to the Eastern European Affairs Commission or as the Director of the Office of Eastern European Affairs will be required to file a financial disclosure statement with the Commission, with the first statement being due within 90 days after their appointment,. The motion passed unanimously.

RC 102.07 Motion

MOTION by Ms. Tracey, seconded by Kelly, to authorize staff to release confidential investigative audio recordings to the defendant and his counsel in Inquiry No. 16-Q-0122-003. The motion passed unanimously.

Complaint Dismissals:

MOTION by Mr. Bailey, seconded by Ms. Ross-Dolen, to dismiss the financial disclosure complaints listed in the packet report, for good cause shown. The motion passed unanimously.

Late Fee Waivers:

MOTION by Ms. Ross-Dolen, seconded by Ms. Tracy, to waive the financial disclosure statement late fees for the individuals listed in the packet report. The motion passed unanimously.

Collections:

MOTION by Ms. Kelley, seconded by Ms. Ross-Dolen, to refer to the Attorney General's Office for collections the individuals listed in the packet report. The motion passed unanimously.

Referral for Prosecution:

MOTION by Mr. Bailey, seconded by Mr. Vander Laan, to adopt the hearing examiner's recommendations and refer to the Columbus City Prosecutor the individuals listed in the packet report for failure to file their financial disclosure statements as required by law.

DATE OF FUTURE MEETINGS

The Commission set the next meeting for Friday, October 27, 2023, at noon.

The meeting was adjourned at 1:39 p.m.

These minutes are respectfully submitted by:

/s/ Paul M. Nick

Paul M. Nick
Executive Director