

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

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OHIO ETHICS COMMISSION
MINUTES OF MEETING
JANUARY 28, 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 12:02 p.m. via conference call as authorized by Am. Sub. HB 404.

ROLL CALL

The following Commission Members were present on the conference call: Mr. Brachman, Mr. Bailey, Ms. Kelley, Ms. Tracy, and Mr. Vander Laan. Staff present in the Ethics Commission Office Conference Room: Executive Director Paul M. Nick; IT & FD Administrator Brian Ring; and HR & Fiscal Manager Alan Carlson. Staff present via teleconference call: Deputy Director/General Counsel Jed Hood and Investigative Attorney Molly Bruns.

EXECUTIVE SESSION

MOTION by Ms. Tracy, 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, the confidential financial disclosure report, and the appointment of a public employee. Mr. Bailey, Ms. Kelley, 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 12:04 p.m.

The Commission returned to open session at 12:32 p.m.

Joining the meeting via teleconference following the Executive Session were: Commissioner Julie Rutter; Chief Advisory Attorney Karen King; Advisory Attorney Tim Gates; Education & Communications Administrator Susan Willeke; and Assistant Attorney General Charles "Bill" Carter.

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the December 18, 2020 Commission meeting.

MOTION by Mr. Vander Laan, seconded by Ms. Kelley, that the Commission approve the minutes of the December 18, 2020 Commission meeting. Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted "yes." The motion was approved.

ADVISORY COMMITTEE MEETING MINUTES

The Commission reviewed the draft minutes from the January 14, 2021 Committee meeting.

MOTION by Mr. Bailey, seconded by Ms. Kelley, that the Advisory Committee members approve the minutes of the January 14, 2021 Advisory Committee meeting. Mr. Bailey, Ms. Kelley, and Ms. Rutter voted “yes.” The motion was approved.

ELECTION OF OFFICERS

Mr. Brachman invited discussion and nominations for a Chairman and Vice Chair.

MOTION by Ms. Tracy, seconded by Mr. Vander Laan, to re-elect Mr. Brachman as Chairman and Ms. Kelley as Vice Chair. 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 reviewed the advisory charts, activity report, and 2020 year-end statistics included in the packet. Mr. Nick noted that because of the pandemic, the 2020 numbers are lower than in previous years. He also noted that the statistics for closed opinions only reflect activity up to December 31, 2020. Mr. Brachman commended the Advisory Committee on their work in the past year. Mr. Nick said that staff anticipates presenting a draft of a formal opinion regarding a public official’s service with a membership organization at the next Commission meeting,

Mr. Brachman asked questions concerning two advisory matters on the closure report. Ms. King and Mr. Gates responded to Mr. Brachman’s questions.

EXECUTIVE DIRECTOR’S REPORT

Mr. Nick expressed appreciation to Mr. Hood for assisting with investigative duties in Julie Korte’s absence.

Mr. Nick also informed the Commission that he was contacted by former Commission Chair Ann Marie Tracey who was appointed to chair a committee for the City of Cincinnati to make recommendations on forming a local ethics commission. Ms. Tracey invited Mr. Nick to address the committee to discuss his experiences of assisting public entities that have faced corruption issues.

Ms. Kelley asked if staff knew when the budget bill would be introduced. Mr. Nick stated that it is usually introduced sometime in February or March.

LEGISLATION UPDATE

Mr. Hood reviewed the bills summarized in the packet. Mr. Nick reported that Rep. Jean Schmidt contacted him about a possible bill she may introduce that would require that the Commission post online financial disclosure statements filed by statewide officeholders and candidates for those offices.

PUBLIC EDUCATION AND INFORMATION

Ms. Willeke reviewed the information in the packet, noting that several “live” speeches have been scheduled for later in the year, though those will depend on the status of the pandemic. She also reported that the e-course is now available on the Commission’s web site and that staff will be advertising the 2021 training options in the next Commission newsletter and in emails to agency chief legal counsel.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring reported that the 2020 FDS form is available on the website and in the electronic filing system; more than 500 filings occurred on the first day the form was available online with an additional 1,700 filed since. This represents 15 percent of the expected volume for the year. Mr. Brachman asked about the expected total number of filers for the year. Mr. Ring estimates that approximately 10,400 forms will be filed in 2021 for the calendar year 2020. He also noted that eight universities have requested 30-day extensions for filing this year due to challenges raised by working remotely.

Ms. Bruns reported that the report in the packet regarding delinquent or non-filers is consistent with previous years in that city elected candidates were once again the most typical delinquent non-filers.

MOTIONS

Late Fee Waivers:

MOTION by Ms. Kelley, seconded by Ms. Tracy, 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.

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 MEETINGS

The Commission set the next meeting for March 12, 2021 at noon.

The meeting was adjourned at 1:13 p.m.

These minutes are respectfully submitted by:

/s/ Paul M. Nick

Paul M. Nick
Executive Director