

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
MARCH 12, 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 12:03 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. Rutter, 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. Kelley, seconded by Mr. Vander Laan, to go into Executive Session to discuss matters that are statutorily confidential, including pending litigation, updates on investigations, the confidential financial disclosure report, and a staff member update. 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 12:04 p.m.

The Commission returned to open session at 12:30 p.m.

Joining the meeting via teleconference following the Executive Session were: Chief Advisory Attorney Karen King; Advisory Attorney Tim Gates; and Assistant Attorney General Charles “Bill” Carter.

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the January 28, 2021 Commission meeting. Note made by Ms. Rutter to remove her name from the January 28th, 2021 Executive Session vote as she was not present until public open session.

MOTION by Mr. Vander Laan, seconded by Ms. Tracy, that the Commission approve the minutes of the January 28, 2021 Commission meeting, with the edit noted. 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 included in the packet.

Ms. King introduced and summarized a draft of Formal Advisory Opinion No. 2021-01. Ms. King noted that the draft is based on the precedent in Advisory Opinion No. 2016-01, but specifically addresses the question of whether a city official can serve as the executive director of an organization (such as a local chamber of commerce, regional planning commission, municipal league, state library council, municipal clerk’s association, state government finance officers’ association, etc.) if the city pays membership dues to the organization. The answer in the draft was yes, provided that the official can meet the applicable requirements and exceptions to the public contract law (R.C. 2921.42(A)(3), (A)(4), and (C))) and withdraw from matters before the city that definitely and directly affect the membership organization (R.C. 2921.42(A)(1) and R.C. 102.03(D) and (E)).

Mr. Brachman commented that on page 3, paragraph 4, there should be some mention of the precedent that provides the 25% or more funding rule. Ms. King stated that a reference could be made to Advisory Opinion No. 2016-01, which is the formal opinion that set the rule. Mr. Brachman also commented on the concluding paragraph and asked whether it provided enough clarity for a non-lawyer. Mr. Bailey noted that the brief answer to the question presented in the draft was, “yes.”

MOTION by Ms. Kelley, seconded by Mr. Vander Laan, that the Commission approve the 2021-01 draft Advisory Opinion with the amendment. Mr. Bailey, Mr. Brachman, Ms. Tracy, Ms. Rutter, and Mr. Vander Laan voted “yes.” The motion was approved.

Mr. Brachman asked questions concerning advisory matters on the closure report. Mr. Gates responded to Mr. Brachman’s questions. Mr. Brachman suggested that, where applicable, a “yes” or “no” answer be added to the brief answer.

EXECUTIVE DIRECTOR’S REPORT

Mr. Nick mentioned that the General Assembly has extended the ability to hold meetings remotely through July 2021 due to the pandemic. Mr. Nick referred to the Commissions budget request and his testimony before the House Finance Subcommittee on Higher Education. He noted that he included a copy of his testimony in the packet and also the summary prepared by the Legislative Service Commission.

LEGISLATION UPDATE

Mr. Hood reviewed the bills summarized in the packet, including an update on SB 87 that would create the Asian-American and Pacific Islander Affairs Commission.

PUBLIC EDUCATION AND INFORMATION

Mr. Nick reviewed the summary in Ms. Willeke’s absence as she was attending a webinar. Mr. Nick noted the upcoming appearance on March 19, 2021 with the Cincinnati City Council. Mr. Nick

commended Ms. Willeke and Mr. Rohrbaugh for providing an engaging experience with all live and recorded sessions that have provided and the positive feedback he has received.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring reviewed the Financial Disclosure Report statistics and reminded the Commissioner's that the candidate filing deadline for candidates running in this year's May primary election is Monday April 5, 2021 and that the general filing deadline is May 17, 2021 this year due to the 15th falling on a Saturday this year.

MOTIONS

Complaint:

MOTION by Mr. Vander Laan, seconded by Ms. Tracy, to dismiss Complaint Nos. 21-C-0205-001 and 21-C-0205-002, for failing to comply with statutory requirements of R.C. 102.06. Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted "yes." The motion was approved.

Late Fee Waivers:

MOTION by Ms. Kelley, seconded by Mr. Vander Laan, 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.

Confidential Files:

MOTION by Ms. Tracy, seconded by Ms. Kelly, to authorize staff to share confidential financial disclosure complaint files with the Attorney General's Office to assist with their collection efforts. 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 April 30, 2021 at 10AM.

The meeting was adjourned at 1:20 p.m.

These minutes are respectfully submitted by:

/s/ Paul M. Nick

Paul M. Nick
Executive Director