

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



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Paul M. Nick
Executive Director

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OHIO ETHICS COMMISSION
MINUTES OF MEETING
APRIL 8, 2022

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 11:05 a.m. via teleconference call as authorized by Sub. HB 51.

ROLL CALL

The following Commission Members were present on the teleconference 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 Deputy Director/General Counsel Jed Hood. Assistant Attorney General Hilary Damaser was also present in the virtual meeting.

EXECUTIVE SESSION

MOTION by Mr. Vander Laan, seconded by Ms. Tracy, 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. 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 11:06 a.m.

The Commission returned to open session at 11:32 a.m. Advisory Attorney Chris Woeste joined staff in the Ethics Commission Office Conference Room following the Executive Session. Joining the meeting via teleconference following the Executive Session: HR & Fiscal Manager Alan Carlson, Education/Communication Administrator Susan Willeke, and Advisory Attorney Kristin Cly.

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the February 23, 2022, Commission meeting.

MOTION by Mr. Vander Laan, seconded by Ms. Kelley, that the Commission approve the minutes of the February 23, 2022, Commission meeting. Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted “yes.” The motion was approved.

MOTION by Ms. Kelley, seconded by Mr. Bailey, that the Advisory Committee approve the minutes of the March 14, 2022, Advisory Committee meeting. Mr. Bailey, Ms. Kelley, and Ms. Rutter voted “yes.” The motion was approved.

ADVISORY OPINIONS AND STATISTICS

Mr. Brachman stated that he would like staff to continue to examine its process of providing advice, either via email, phone, or written opinions. Mr. Nick noted that the Advisory Committee compared the processes used by the Joint Legislative Ethics Committee and the Board of Professional Conduct of the Ohio Supreme Court to provide advice to inquirers. Mr. Brachman noted that he would like an extensive discussion before considering any changes to longstanding procedures.

Mr. Nick introduced the advisory opinion statistics from January 31, 2022, to March 30, 2022. He complimented advisory staff for the quality and quantity of opinions issued. Mr. Brachman asked for clarification regarding two opinions issued regarding public officials’ interaction with non-profit organizations. He raised concerns that the specific officials’ identities were not disclosed and questioned how the immunity granted in the opinions would be properly exercised by those officials. Mr. Woeste and Ms. Cly answered Mr. Brachman’s questions.

Mr. Nick introduced a memorandum regarding the proposed donations from Harvey Solar I, LLC to the Hartford Township and Hartford Village. Mr. Woeste summarized the memorandum, noting Harvey Solar I, LLC, in connection with its desire to construct a solar farm, offered both entities sizeable donations. Mr. Woeste noted that Harvey Solar I, LLC may be interested in matters pending before the Village and Township. Mr. Nick noted that the application of this particular statute (R.C. 5727.75) is a matter of first impression to the Commission. The Commission commended advisory staff for its efforts in researching the matter so far and asked staff to continue these efforts in anticipation of future discussions at upcoming meetings. The Commission directed staff to contact the Ohio Power Siting Board expressing initial concerns regarding the donations. Mr. Bailey recommended that the matter be referred to the Advisory Committee for further discussion of a draft opinion.

EXECUTIVE DIRECTOR’S REPORT

Mr. Nick provided the Commission with updates on staff and the Commission’s proposal on enhancing certain penalties for violations of the Ohio Ethics Law. The Chairman added that many legislative activities have been delayed due to complications posed by the redistricting issue. Mr. Nick added that he had attached to the report a 2019 memo regarding potential changes to financial disclosure, conflict of interest and gift restrictions, as well as public contract and confidentiality requirements. He welcomed feedback from members on this memo and stated that though it is not an urgent matter, it is helpful for staff to understand Commission priorities.

Mr. Nick also reported that staff met with the Ohio Auditor’s Office last month regarding the biennial audit of the Commission’s processes and procedures.

LEGISLATION UPDATE

Mr. Hood noted the updates in the report and invited Commissioners to contact him with any questions.

PUBLIC EDUCATION AND INFORMATION

Ms. Willeke noted one typing error in her report and clarified that the upcoming virtual CLE will take place on May 10, 2022, should any Commission members wish to attend.

She also pointed out in her speech list a “Lunch and Learn” with the Hawaii Ethics Commission. Ms. Willeke had been contacted by that Commission’s General Counsel who stated that the Ohio Ethics Commission is “setting the bar” in training and outreach and invited her to interact with staff during a staff meeting for ideas and brainstorming.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring reviewed with the Commission his report in the packet and noted it had been a particularly busy week due to the recent candidate filing deadline. More than 600 forms have been filed within the last week. FDS staff anticipate more than 5,000 filings within the next few weeks due to the upcoming general filing deadline.

Ms. Bruns updated the Commission on three cases pending before the court, including 2 upcoming sentencing hearings for persons who failed to file required disclosure statements. She also reported on a phone call from someone who had previously failed to file and now cannot renew their driver’s license because they failed to appear for court.

Ms. Bruns also reported that she anticipates filing complaints at an upcoming Commission meeting for those who did not file in the last filing cycle. Mr. Brachman inquired about the process for multiple referrals and Ms. Bruns responded that, whenever possible, staff typically attempts to consolidate the referrals and have them all addressed at the same time by the same judge.

Mr. Nick noted the volume of work in the FDS section and commended the work of Mr. Ring, Ms. Bruns, and FDS Specialist Jen Boger.

DATE OF FUTURE MEETINGS

The Commission set the next meeting for Friday, May 20, 2022, at 12 pm.
The Advisory Committee will meet virtually on Friday, April 22, 2022, at 2:30 pm.

MOTIONS

Late Fee Waivers:

MOTION by Mr. Vander Laan, 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.

Complaint Dismissals:

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

EXECUTIVE SESSION

MOTION by Ms. Rutter, seconded by Ms. Kelley, to go into Executive Session to consider the appointment, employment, and compensation of a public employee. 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 12:27 p.m.

The Commission returned to open session at 12:57 p.m.

The meeting was adjourned at 12:58 p.m.

These minutes are respectfully submitted by:

A handwritten signature in black ink, appearing to read "Paul M. Nick", is written over a horizontal line. The signature is fluid and cursive.

Paul M. Nick
Executive Director