

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

OHIO ETHICS COMMISSION
MINUTES OF MEETING
AUGUST 19, 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 12:03 p.m. in Room 2 on Level 2 of the William Green Building, at 30 West Spring Street, in Columbus, Ohio.

ROLL CALL

The following Commission Members were present: Mr. Bailey, Mr. Brachman, Ms. Kelley, Ms. Rutter, Ms. Tracy, and Mr. Vander Laan. Staff present: Executive Director Paul M. Nick, IT & FD Administrator Brian Ring, Deputy Director/General Counsel Jed Hood, HR & Fiscal Manager Alan Carlson, Education and Communications Administrator Susan Willeke, Advisory Attorneys Chris Woeste and Kristin Cly, and Investigative Attorneys Molly Bruns and Nicole Candelora-Norman. Assistant Attorney General Hilary Damaser joined the meeting at 12:30pm following the Executive Session.

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, 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 12:04 p.m.

The Commission returned to open session at 12:25 p.m.

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the June 29, 2022, Commission meeting.

MOTION by Mr. Vander Laan, seconded by Ms. Kelley, that the Commission approve the minutes of the June 29, 2022, 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 reviewed the advisory graphs and noted that the Commission has issued 28 opinions and a few letters since June 18, 2022. Mr. Nick introduced the activity report. Mr. Brachman asked for clarification regarding one opinion and Ms. Cly answered his questions.

EXECUTIVE DIRECTOR'S REPORT

Mr. Nick reviewed the report in the packet, including information regarding staff and the biennial audit. He reported that the teleworking policy has been finalized which will continue to save money and time and has proven to allow staff to be highly productive. Mr. Brachman asked about methods to track productivity; Mr. Nick reported that since March 2020, all staff have maintained timesheets and teleworking logs while teleworking.

Ms. Kelly inquired if ongoing teleworking will eventually have an impact on physical space and the lease at the BWC building. Mr. Nick replied that the lease is tied to the budget, and the current MOU extends the Commission's \$9.42 per square foot rate through the end of the biennium in 2025. Mr. Brachman confirmed that \$9.42 per square foot is very reasonable for downtown Columbus office space. Mr. Nick added that the Commission's office space is concentrated on the east side of the third floor with only one entrance and staff is utilizing nearly all of the space.

In terms of staff updates, Mr. Nick congratulated Mr. Woeste for his recent promotion to Lead Advisory Attorney and noted what an asset he and Ms. Cly are to the Commission. He commended them for their remarkable productivity since joining the staff this past year.

Mr. Nick also updated the Commission on the audit, noting that the auditors have not noted any problems or discrepancies.

Finally, the Executive Director reported that staff had received budget guidance from the administration and he and Mr. Carlson are working to complete the required data which is due October 15, 2022.

LEGISLATION UPDATE

Mr. Hood reviewed the Legislation Report, noting nothing new has been added as the General Assembly is still on recess. They are expected to return to session before the November election.

Mr. Nick noted that there are several Ethics-related bills pending before the General Assembly, including a Commission-recommended bill to debar vendors from public contracts statewide if they are convicted of Ethics Law violations.

He suggested another potential proposal would be to recommend enhancing the penalties for those who file false financial disclosure statements with the Commission. Mr. Nick reviewed with the Commission some of the research he did for the Commission in January 2020 regarding other states' financial disclosure requirements and compared them with Ohio's laws. He noted that some states have specific dollar disclosure requirements and others require that filers disclose income by range. He opined that such increased requirements could be helpful for transparency but also could dissuade some people from serving in positions that require financial disclosures. Mr. Brachman agreed, noting that some filers work in uncompensated or very minimally compensated positions and may be concerned about privacy issues.

Ms. Rutter responded that some filers may object not just to perceived privacy concerns, but potential burdensome research if requirements become too specific. She added that she would support potential enhancements to disclosure requirements but wants the Commission to be clear on the issue or problem being addressed by such proposals.

Mr. Vander Laan requested that staff return to the Commission with more specific recommendations for members to review and consider. Mr. Nick indicated staff will continue its research and submit such a document in the next several months.

PUBLIC EDUCATION AND INFORMATION

Ms. Willeke reviewed the report in the packet and informed the Commission that the City of Atlanta had reached out to her regarding assistance in creating their e-course as they were impressed by the quality of Ohio's e-courses. Mr. Nick commended Ms. Willeke and Nick Rohrbaugh for setting high standards that other Ethics agencies seek to emulate.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring reviewed the Financial Disclosure statistics in the packet and reported that there is an upcoming deadline for candidates running in the November 8 election; their forms are due on or before October 11, 2022.

Mr. Brachman asked if delinquent fees are being collected and Mr. Ring replied that there has been a backlog recently due to a new debt collection system, but that the Commission has been receiving payments regularly.

Ms. Bruns reported that several arraignments have recently occurred, leading to two filers coming into compliance. More hearings will be scheduled in November and Ms. Tracy has volunteered to serve as hearing examiner.

DATE OF FUTURE MEETINGS

The Commission set the next meeting for Friday, October 7, 2022 at noon with the investigative committee meeting at 11 a.m. and the advisory committee meeting after the regular meeting has ended.

MOTIONS

Confidential Information: MOTION by Mr. Vander Laan, seconded by Ms. Tracy, to authorize staff to release to the Ohio Department of Education the Commission's investigative files in the cases 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.

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

Complaint Approvals:

MOTION by Ms. Kelley, seconded by Ms. Tracy, to approve filing the financial disclosure complaints against the individuals listed in the packet report for knowingly failing to timely file their required financial disclosure statements. Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted “yes.” The motion was approved.

Collections:

MOTION by Mr. Vander Laan, seconded by Ms. Tracy, to refer to the Ohio 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.

The meeting was adjourned at 1:10 p.m.

These minutes are respectfully submitted by:

/s/ Paul M. Nick

Paul M. Nick
Executive Director