

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  
JUNE 28, 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 12:00 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; Education and Communications Administrator Susan Willeke; IT & Financial Disclosure Administrator Brian Ring; HR & Fiscal Manager Alan Carlson; Lead Advisory Attorney Christopher Woeste; Advisory Attorneys Kristin Cly and Katie Saks; and Investigative Attorney Molly Bruns. Assistant Attorney General Beth Fligner joined the meeting after the Executive Session.

EXECUTIVE SESSION

MOTION by Ms. Tracy, seconded by Ms. Kelley, 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 to consider the compensation of executive staff. 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 12:02 p.m.

The Commission returned to open session at 12:58 p.m.

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the May 24, 2023, Commission meeting.

MOTION by Ms. Kelley, seconded by Mr. Vander Laan, that the Commission approve the minutes of the May 24, 2023, Commission meeting. The motion passed unanimously.

### ADVISORY OPINIONS AND STATISTICS

The Commission reviewed the report in the packet. Mr. Nick noted that advisory staff wrote 16 opinions in 24 business days. Mr. Brachman inquired about an advisory request from Cuyahoga County and asked if staff had been informed of whether or not the County went forward with the appointment. Ms. Cly stated she will follow up and report back at the next Commission meeting.

### EXECUTIVE DIRECTOR'S REPORT

The Executive Director reviewed the information in the packet, including the budget update.

He also discussed the memo in the packet regarding a proposed amendment. Although the memo outlined a potential penalty enhancement for R.C. 102.03 (D), (E), and (F) from a first-degree misdemeanor to a fifth-degree felony, Mr. Nick suggested that R.C. 102.03(D) be removed from the proposed language. He explained that section 102.03(D) applies to a very broad range of conduct that does not always involve tangible, financial benefits accruing directly to a public official or employee. Instead, staff recommends that the penalty enhancement only apply to violations of R.C. 102.03(E) and (F), which typically address conduct such as offering or accepting gifts, trips, future employment, and similar quantifiable things of value. Mr. Nick also noted that it may be a good idea to have a dollar amount threshold that would be the basis for enhancing a violation from a misdemeanor to a felony. Mr. Nick also pointed out that the proposed language would only apply to those under the jurisdiction of the Ohio Ethics Commission..

Mr. Brachman commended this proposal, noting that prosecutors are more likely to commit resources for felony rather than misdemeanor cases. He also expressed hope that such a legislative change would bring attention to the statute and address concerns Ohio citizens have had with recently reported prosecutions across the State. Mr. Brachman pointed out that the legislature will be on a summer recess in July which will allow the Commission to review the proposal in more depth.

Mr. Nick added that he was invited by Rep. Derek Merrin to discuss H.B. 16, which would enact the Ethics and Financial Disclosure Reform Act. Mr. Brachman noted that he and Mr. Nick had previously met with House Speaker Jason Stephens and his aide to discuss potential changes to the Ethics Law in this legislative session.

### LEGISLATION UPDATE

Mr. Hood reported that he included two new bills in the legislation report in the packet. One of them would prohibit the use of the social media app "Tik Tok" on state computers and cell phones and the other bill, S.B. 91, which would expand anti-fraud protections over taxpayer funds in the public sector.

### PUBLIC EDUCATION AND INFORMATION

Ms. Willeke reviewed the report in the packet and noted the customized recorded trainings that have been completed and are underway. Completed customized and recorded webinars include public libraries, public colleges/universities, public school districts, and law enforcement. She noted that the law enforcement training has been available online for only two weeks and has already been viewed nearly 100 times. The training for fire safety professionals is currently underway and the next training to be created will focus on county Boards of Elections.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring reported that 96% of financial disclosure statements this year have been filed electronically. As of the morning of the Commission meeting, there are only 42 non-compliant filers; that number is expected to drop even further after the next round of warning letters are sent.

Ms. Bruns reported that three financial disclosure complaint referrals have arraignments pending in the Franklin County Municipal Court in July.

MOTIONS

R.C. 102.07 - Release Information

MOTION by Ms. Tracy, seconded by Mr. Bailey, to authorize staff to release to the Cuyahoga County Prosecutor the confidential investigative documents summarized and noted in the packet. The motion passed unanimously.

Complaint Dismissals:

MOTION by Ms. Tracy, seconded by Ms. Kelley, to dismiss the financial disclosure complaints listed in the packet report, for good cause shown. The motion passed unanimously.

Late Fee Waivers:

MOTION by Mr. Vander Laan, seconded by Mr. Bailey, to waive the late fees for the individuals listed in the packet report. The motion passed unanimously.

Collections

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

The Commission authorized the Chairman to proceed with the pay increases for executive staff.

DATE OF FUTURE MEETINGS

The Commission set the next meeting for Thursday, August 17, 2023, at noon.

The meeting was adjourned at 1:35 p.m.

These minutes are respectfully submitted by:

*/s/ Paul M. Nick*

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Paul M. Nick  
Executive Director