

**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  
JUNE 16, 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 1:30 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; Deputy Director/General Counsel Jed Hood, IT & FD Administrator Brian Ring; and HR & Fiscal Manager Alan Carlson. Investigative Attorney Molly Bruns was present via teleconference call.

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 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 1:34 p.m.

The Commission returned to open session at 2:00 p.m.

Joining the meeting via teleconference following the Executive Session were: Chief Advisory Attorney Karen King, Education and Communication Administrator Susan Willeke, and Assistant Attorney General Lydia Zigler.

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the April 30, 2021 Commission meeting.

MOTION by Ms. Tracy, seconded by Ms. Kelley, that the Commission approve the minutes of the April 30, 2021 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 charts included in the packet. He noted an uptick in advisory requests from counties and villages and requests involving outside employment. He also noted that entries on the Closure Report that were marked “pending” have since been completed. He thanked Ms. King for “going above and beyond” and putting in extra hours to keep up with the work-flow now that she is currently the only advisory attorney on staff while they are interviewing candidates to replace Mr. Gates. Mr. Brachman agreed.

Mr. Nick reviewed two entries on the Closure Report that he responded to. Mr. Bailey and Mr. Brachman asked questions about other entries on the Closure Report. Ms. King and Mr. Nick responded to Mr. Brachman’s and Mr. Bailey’s questions.

### EXECUTIVE DIRECTOR’S REPORT

Mr. Nick reviewed the report in the packet, including information regarding COVID and the reopening of the William Green Building as well as budget updates.

Mr. Nick also reviewed his report regarding the *Amicus* brief filed with the Ohio Supreme Court that has been filed in the case of State of Ohio v. Steven Towns. He reported that oral arguments are expected to be scheduled in the fall. He added that the Ohio Prosecuting Attorneys Association has also filed an *Amicus* brief.

Mr. Nick then reported on federal funds to be distributed in Ohio under the federal American Rescue Plan Act of 2021. Mr. Nick clarified that several billion dollars will be distributed in Ohio and that such funds could create the potential for misuse by public employees and officials who are subject to the Ohio Ethics Law. Mr. Brachman proposed that staff issue a news release as a reminder of Advisory Opinion 2009 – 06 which outlined restrictions as related to the 2009 Stimulus Funds. Ms. Tracy expressed support of this proactive step and other Commissioners agreed. Mr. Vander Laan requested that reference to Advisory Opinion 2009 – 06 be included in the public outreach. Mr. Nick stated that staff will create and issue the news release.

Finally, Mr. Nick reported that the job posting for an Advisory Attorney attracted 45 applicants and six interviews are scheduled for June 21 and 23.

### LEGISLATION UPDATE

Mr. Nick updated the Commission on a legislative initiative to require that some FDS statements be available on the Commission’s website. H.B. 335, which is pending in committee, would require the Ohio Ethics Commission to post the FDS statements of elected office holders and members of the Governor’s cabinet on the website. Staff will keep the Commission updated on this bill.

Mr. Hood reported on other legislation pending in the General Assembly, including H.B. 286 which would allow a party adversely affected by an agency order to appeal that order in their county of residence rather than Franklin County.

## PUBLIC EDUCATION AND INFORMATION

Ms. Willeke reviewed the information in the packet and reported that she has resumed in-person speeches in Central Ohio and will resume in-person speeches outside Central Ohio beginning in July. She also noted that the videos used in the recent CLE were well-received that she intends to use them again in the 2022 e-course. Mr. Nick praised Ms. Willeke and Nick Rohrbaugh for using creative content in Commission educational materials which makes training meaningful and memorable.

## DATE OF FUTURE MEETING

The Commission set the next meeting for Friday, August 13, 2021 at 12:00 pm (noon) and tentatively scheduled it in person at the William H. Green Building.

*At 2:43 pm, the Chairman had to excuse himself from the meeting and the Vice-Chairman conducted the remainder of the meeting.*

## FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring reported that the May 17 filing deadline went smoothly and that 3,800 additional forms have been received since the previous Commission meeting. FDS staff were able to notify late filers the day after the deadline and subsequently promptly sent the first warning letters to those who have still not complied.

## MOTIONS

### 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. Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, and Mr. Vander Laan 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, and Mr. Vander Laan voted “yes.” The motion was approved.

The meeting was adjourned at 2:47 p.m.

These minutes are respectfully submitted by:

/s/ Paul M. Nick

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Paul M. Nick  
Executive Director