

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 6, 2020

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 11:06 a.m. in Meeting Room 2 on the 2nd floor of the William Green Building, at 30 W. Spring Street, in Columbus, Ohio.

ROLL CALL

The following Commission Members were present: Mr. Brachman, Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, and Mr. Vander Laan. Staff present: Executive Director Paul M. Nick, Deputy Director/General Counsel Jed Hood, Chief Investigative Attorney Julie Korte, Chief Advisory Attorney Karen King, Advisory Attorney John Rawski, HR & Fiscal Manager Alan Carlson, IT & FD Administrator Brian Ring, and Investigative Attorney Molly Bruns. Also present was Principal Assistant Attorney General Hilary Damaser.

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the February 19, 2020 Advisory Committee meeting. Mr. Bailey offered an amendment to the draft minutes mentioning the 30-day benchmark for processing advisory opinion requests. He said that the 30-day benchmark is fine but that the Committee also had a broader discussion concerning some requests that are more complex and may take more time to research while other requests may not take so long.

MOTION by Ms. Kelley, seconded by Ms. Rutter, that the Advisory Committee members approve the minutes of the February 19th, 2020 meeting with the edits discussed. Mr. Bailey, Ms. Kelley, and Ms. Rutter voted “yes”. The motion was approved.

The Commission next reviewed the draft minutes from the January 23, 2020 Commission meeting. Mr. Nick offered an amendment to the draft minutes to correct an omission.

MOTION by Ms. Tracy, seconded by Ms. Kelley, that the Commission approve the minutes of the January 23, 2020 meeting minutes with the edits discussed. Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted “yes.” The motion was approved.

Mr. Brachman discussed the sequence of items on the meeting agenda and noted that at future meetings the topics may be rearranged.

ADVISORY OPINIONS AND STATISTICS

Mr. Nick reported that Mr. Hood is reworking the 2020-02 Formal Advisory Opinion draft based on feedback we requested from the Ohio Attorney General's Office. He said staff will present the draft to the Advisory Committee and bring it to the Commission at a later meeting. Mr. Nick also said that the Advisory Committee will be reviewing a draft of an informal opinion based on a request from the Executive Director of the Ohio State Board of Registration for Professional Engineers and Surveyors.

Mr. Nick advised the Commission that he received notice from a representative of the County Auditor's Association of their intention to seek reconsideration of two prior staff opinions. He explained the reconsideration process to the Commission. Mr. Brachman asked if a motion was needed at this time and Mr. Hood replied that a motion is not necessary. Mr. Vander Laan noted that after the Association performs their research on the subject, their needs may change. Mr. Nick said that the Commission will need to vote to approve any opinion written in response to the reconsideration request.

Mr. Brachman asked several question regarding opinions listed on the "Advisory Activity Report." He noted situations where it would be beneficial to provide the legal counsel for the requester's public agency copies of the opinion sent to the requester. Ms. Rutter noted in some situations, this could have a chilling effect on requests, like when a person is asking a "job-seeking" question.

EXECUTIVE DIRECTOR'S REPORT

Mr. Nick stated he extended an offer to Timothy Gates for the Advisory Attorney position on March 4th and Mr. Gates accepted the offer. Mr. Nick mentioned that Mr. Gates had previous employment with the Ethics Commission and was valuable enough to bring him back after he left office for another position in a general contractor role for multiple years. Mr. Bailey requested that Mr. Gates' resume be distributed to Commission members.

Mr. Nick then discussed the upcoming Biennial Audit for fiscal years 2019-2020 with the Auditor of State and their new "Stars" rating system regarding access to public records. Mr. Nick stated that he and Mr. Hood have reviewed the best practice recommendations by the Auditor and concluded that although the Commission has already implemented most of them, there is room to improve. In addition to updating the Commission's web site to make it easier to request public records, the web site will also start including the meeting minutes. Mr. Nick noted that portions of the minutes containing statutorily confidential materials will no longer be included in the minutes reviewed after each meeting but, instead, will be added to the Investigation Report. Mr. Brachman suggested that in the future, motions to go into executive session should include a reference to note the number of investigations being discussed.

LEGISLATION UPDATE

Mr. Hood reviewed the Legislative Report in the packet. Two bills of particular interest to the Commission were discussed, including one concerning county inspectors general. Mr. Brachman asked about the potential duplication of duties with the Commission.

PUBLIC EDUCATION AND INFORMATION

Mr. Nick reviewed the Public Information report as seen in the packet in Ms. Willeke's absence. He highlighted the Commission's e-course, 2020 1st Quarter newsletter, and an upcoming annual report that staff is drafting.

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 March primary election was on February 18, 2020. He mentioned a recent article published in the Columbus Dispatch which reported that 40 candidates for the Ohio General Assembly had failed to file a financial disclosure statement with JLEC more than a week following the deadline. He pointed out that comparatively the Commission had over 1,100 candidates required to file by the same deadline, around four times the number required to file with JLEC, yet only 24 of those had failed to file within the same time period. He also noted that the number was down to only 13 candidates as of the meeting. Mr. Ring attributed that success to the work of Jen Boger, the Commission's FDS Analyst, and her extra efforts, when possible, to notify all candidates required to file ahead of the deadline.

Mr. Ring also noted that, as of the meeting, over 40% of all required filers for calendar year 2019 had already filed their statements even though the general deadline is still over two months away.

EXECUTIVE SESSION

MOTION by Ms. Rutter, seconded by Ms. Tracy, to go into Executive Session to discuss matters that are statutorily confidential, including updates on 17 investigations, pending litigation, 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 12:14 p.m. All staff and others present were excused except Mr. Nick, Mr. Hood, Ms. Korte, Ms. Bruns, Mr. Ring, and Ms. Damaser.

The Commission returned to open session at 12:43 p.m.

MOTIONS

Late Fee Waivers:

MOTION by Ms. Kelley, 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, Mr. Vander Laan, and Mr. Brachman voted "yes." The motion was approved.

Complaint Dismissals:

MOTION by Ms. Rutter, 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.

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

Collections:

MOTION by Ms. Rutter, seconded by Mr. Bailey, 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.

DATE OF FUTURE MEETING

The Commission set the next meeting for April 17, 2020 at 11:00 a.m. and scheduled the next Investigative Committee meeting for 10:00 a.m. on that same date.

The meeting was adjourned at 12:48 p.m.

These minutes are respectfully submitted by:

/s/ Paul M. Nick

Paul M. Nick
Executive Director