

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

OHIO ETHICS COMMISSION
MINUTES OF MEETING
May 29, 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 11:03 a.m. via conference call as authorized by Am Sub. HB 197.

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 were: Executive Director Paul M. Nick; IT & FD Administrator Brian Ring; and HR & Fiscal Manager Alan Carlson. Staff present via teleconference call were: Deputy Director/General Counsel Jed Hood; Chief Investigative Attorney Julie Korte; and Investigative Attorney Molly Bruns.

EXECUTIVE SESSION

MOTION by Mr. Vander Laan, seconded by Ms. Kelley, to go into Executive Session to discuss matters that are statutorily confidential, including updates on 12 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 11:05 a.m.

The Commission returned to open session at 11:30 a.m.

Joining the meeting via teleconference following the Executive Session were: Chief Advisory Attorney Karen King; Advisory Attorneys John Rawski and Tim Gates; Education & Communications Administrator Susan Willeke; and Principal Assistant Attorney General Hilary Damaser.

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the April 17, 2020 Commission meeting.

MOTION by Ms. Tracy, seconded by Mr. Vander Laan, that the Commission approve the minutes of the April 17, 2020 meeting minutes. Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted “yes.” The motion was approved.

The Commission next reviewed the draft minutes from the May 8, 2020 Advisory Committee meeting.

MOTION by Ms. Kelley, seconded by Ms. Rutter, that the Committee approve the minutes of the April 17, 2020 Advisory Committee meeting minutes. Ms. Kelley and Ms. Rutter voted “yes.” Mr. Bailey abstained from the vote. The motion was approved.

ADVISORY OPINIONS AND STATISTICS

Ms. King reviewed with the Commission the Advisory Activity Report. Mr. Brachman commented about the wide variety of topics addressed in the report and asked several questions regarding some of the opinions listed and summarized. Ms. Tracy noted that it would be helpful to also identify on future reports the county where the requests come from.

Mr. Nick then introduced the memo about two upcoming formal opinions. Ms. King provided an update on the progress to date on the two formals. She mentioned that the Ohio Chamber of Commerce has been contacted regarding one of the formals, and that staff will work with the Ohio Chamber of Commerce during the drafting process. Mr. Nick added that he has been contacted by the County Auditor’s Association and anticipates that they will be submitting a request to reconsider two staff opinions.

EXECUTIVE DIRECTOR’S REPORT

Mr. Nick discussed the COVID-19 response and mentioned that teleworking would continue as the Governor’s Administration has not yet authorized employees of state agencies, boards, and commissions to return to work full time. He mentioned that, to comply with the Governor’s order, only critical senior staff members report to the office, and they report to the office once per week to perform essential functions that cannot be performed remotely. All other staff have been teleworking. This arrangement will continue, and no announcement has been made regarding when state employees will be able to return to the workplace on a full-time basis.

Mr. Nick mentioned that the biennial audit is ongoing and that, so far, no significant concerns or discrepancies have been reported by representative from the Auditor’s office.

Mr. Nick then discussed state budget cuts and the Commission has been able to adhere to the 20 percent budget cuts and will continue to work with the budget analyst.

Mr. Nick stated that six administrative rules are coming due. An extension has been requested. Mr. Brachman asked what five of the rules would cover. Mr. Hood responded that the rules dealt with confidential information, and these rules were not unique to the Commission.

LEGISLATION UPDATE

Mr. Hood reviewed the Legislative Report in the packet. Mr. Hood mentioned that legislative activity has been affected by the current pandemic. Mr. Brachman asked questions about a bill described in the packet regarding the disclosure of information.

PUBLIC EDUCATION AND INFORMATION

Ms. Willeke reviewed the public education report and noted that in-person presentations are on hold in light of the COVID-19 pandemic but that webinars are often substituted. Mr. Brachman inquired about software to provide webinars to reach those in less populous counties and requested outreach in other formats to those counties. Mr. Nick updated the Commission on current budgetary restraints which prohibit the Commission from acquiring software to independently produce webinars and require, instead, that staff use software provided by other agencies. The Chairman supported pursuing the software in the upcoming biennial budget, if possible.

Ms. Willeke also stated that the on-site COGEL conference in Atlanta has been canceled and will be replaced by an abbreviated online version. Mr. Nick noted as the co-chair of the COGEL Program Committee, Ms. Willeke would play a central role in creating a truncated online version of the conference.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring reviewed the Financial Disclosure Report and noted that 1,100 statements were filed since the last Commission meeting. Mr. Ring also mentioned that the other two ethics bodies did not extend the filing deadline, which caused the need to do some recoding to reflect a different deadline for those who file with the Ohio Ethics Commission and have a later filing deadline. Mr. Brachman commented that, under the circumstances, it was appropriate for the Commission to extend the filing deadline.

Ms. Bruns mentioned that hearings related to financial disclosure complaints were scheduled for May 28, 2020, but no one appeared for any of the hearings. Those hearings will be rescheduled for later in the fall. She also mentioned that letters went out prior to the hearing informing those who were scheduled to appear for hearings that they could contact the Ethics Commission prior to the scheduled hearings and discuss the matters pending against them. Mr. Nick pointed out that the purpose and benefit of the hearings is not pursuing fines but rather compliance.

MOTIONS

Complaint Dismissals:

MOTION by Mr. Vander Laan, 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.

Late Fee Waivers:

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

Collections:

MOTION by Mr. Bailey, 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.

DATE OF FUTURE MEETING

The Commission set the next meeting for July 10, 2020 at 11:00 a.m.

The meeting was adjourned at 12:14 p.m.

These minutes are respectfully submitted by:

/s/ Paul M. Nick

Paul M. Nick
Executive Director