

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
JULY 10, 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: Executive Director Paul M. Nick; IT & FD Administrator Brian Ring; and HR & Fiscal Manager Alan Carlson. Staff present via teleconference call: Deputy Director/General Counsel Jed Hood; Chief Investigative Attorney Julie Korte; and Investigative Attorney Molly Bruns.

EXECUTIVE SESSION

MOTION by Ms. Tracy, seconded by Mr. Vander Laan, to go into Executive Session to discuss matters that are statutorily confidential, including updates on 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 May 29, 2020 Commission meeting.

MOTION by Mr. Vander Laan, seconded by Ms. Tracy, that the Commission approve the minutes of the May 29, 2020 meeting minutes. 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 and activity report included in the packet. Mr. Nick commended the advisory staff for keeping up with advisory matters while teleworking.

Mr. Brachman asked Ms. King, Mr. Rawski, and Mr. Gates about staff opinions on the activity report. Mr. Brachman suggested that legal counsels for public agencies be copied on opinions in certain situations where it may be necessary for them to monitor the requester’s compliance.

Mr. Nick reviewed Mr. Hood’s memorandum on the County Auditor’s Association requests for reconsideration of two staff opinions. He noted that staff had also received a letter from the Ohio Attorney General’s Office on the issue. Ms. King reviewed the updated memorandum on proposed new formal opinions regarding public officials serving with local chambers of commerce and public officials and employees attending ceremonial events. She said that staff had written drafts on both opinions. She noted that staff would be sending courtesy copies of the draft regarding ceremonial events to the Joint Legislative Ethics Committee, the Governor’s Office, and the Board of Professional Conduct of the Ohio Supreme Court for their input and feedback. Mr. Gates discussed the status of the chamber of commerce draft and summarized his contact with Kevin Shimp, Director of Legal Affairs at the Ohio Chamber of Commerce. Mr. Brachman commented that the Ohio Chamber of Commerce does not generally get involved in issues at the local level, and thanked staff for contacting the Ohio Chamber of Commerce to make them aware that the Commission is going to consider a formal opinion involving local chambers of commerce. Mr. Bailey asked that Mr. Gates call him the following week to discuss the draft.

Mr. Nick stated that an advisory committee meeting would be scheduled before the next commission meeting to review and discuss these issues.

EXECUTIVE DIRECTOR’S REPORT

Mr. Nick discussed the COVID-19 response and noted that teleworking has been challenging but commended the staff for their hard work. He complimented the managers for their ongoing communication with and support of their teams.

Mr. Nick also outlined the budget information in the packet noting that Mr. Carlson and his staff member, Ms. Parillo, are working with the Office of Budget and Management to ensure the Commission stays within necessary fiscal restraints. Mr. Nick acknowledged that the state’s hiring freeze has been particularly challenging to the Investigative staff as there are two open positions in that section, but thanked Mr. Hood for filling in as needed. He noted that in addition to a salary freeze the administration has also required all exempt state employees to take ten cost savings days during FY 21 which equate to

80 hours of leave without pay and result in a pay reduction of 3.8%. He noted that this will impact eight members on staff.

Mr. Brachman commended the entire staff for its exemplary work during very challenging times. He also noted that the announced cost savings days also occurred during the Strickland administration. Mr. Nick added that it is unclear yet whether these reductions will also be applied to members of the bargaining unit.

LEGISLATION UPDATE

Mr. Hood reviewed the Legislative Report in the packet, noting that an additional bill was introduced, HB 723, which would authorize the Attorney General to prosecute crimes that occur on state property.

PUBLIC EDUCATION AND INFORMATION

Ms. Willeke reviewed the public education report and noted that in-person presentations are still on hold in light of the COVID-19 pandemic, but that webinars and e-courses are often substituted. She also expressed appreciation to the numerous professional associations who have assisted in disseminating information to local governments regarding the Commission's webinars and e-courses. Mr. Brachman suggested that staff send written letters to those associations thanking them for their assistance.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring reviewed the Financial Disclosure Report and noted that more than 600 statements were filed since the meeting packet was sent to the Commission and that he expects an additional 1,700 to be filed within the next week. Mr. Ring also mentioned that staff sent notecards to those who have left their public positions since late last year to remind them of their requirement to file one last time. He reported that the filing numbers are where they should be and that he doesn't anticipate any problems during the filing week.

Mr. Nick added that 92 percent of filers have filed their statements electronically this year and pointed out the significant drop in late filings over the past few years. He informed the Commission that since the FDS deadline is July 15, several staff members will be in the office next week, including Eric Bruce at the front desk to answer calls and greet visitors. He also reported that staff has notified the security guards of potential visitors to the office next week and has arranged with statewide elected office-holders specific dates and times to drop off their statements.

Ms. Bruns updated the Commission regarding arraignments, including one this week and further reported that additional hearings are upcoming in late summer or early fall, including one sentencing. Ms. Bruns will be in contact with Commission members to schedule hearings sometime in the fall.

MOTIONS

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.

Late Fee Waivers:

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

DATE OF FUTURE MEETING

The Commission set the next meeting for Friday, August 28, 2020 at 11:00 a.m. with an Investigative Committee hearing to occur on August 27, 2020.

The meeting was adjourned at 12:15 p.m.

These minutes are respectfully submitted by:



Paul M. Nick
Executive Director