

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
NOVEMBER 13, 2020

MEMBERS OF THE COMMISSION

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|--------------------|-----------------|---------------------|
| 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 11:02 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 pending litigation, updates on investigations and complaints, the confidential financial disclosure report, and HIPPA. 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 11:04 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 Attorney 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 October 2, 2020 Commission meeting.

MOTION by Mr. Bailey, seconded by Ms. Tracy, that the Commission approve the minutes of the October 2, 2020 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 and activity report included in the packet. Mr. Nick also noted that the Advisory Committee held a meeting on Tuesday, November 10, 2020. He stated that the Committee reviewed a draft of an information sheet regarding a public official serving on a chamber of commerce and the advisory processes for providing guidance. Mr. Nick said that the Committee and staff will continue discussing these issues.

Mr. Brachman and Mr. Gates discussed several staff opinions on the activity report. Mr. Bailey asked about an opinion on the report and the connection between the CDC and the subject city.

Mr. Brachman and Mr. Nick thanked AAG Hilary Damaser for her work on a recent court case.

Mr. Hood reviewed a memorandum on the financial disclosure filing requirement for the Ohio Propane Council. He explained in his memorandum that because the Propane Council exercises administrative discretion in the formulation of public policy, expenditure of public funds, and the enforcement of laws, staff recommends that members of the Council be required to file statements. Mr. Brachman asked if the Council is compensated. Mr. Hood said that the enabling statute does not currently provide for compensation.

MOTION, pursuant to R.C. Section 102.02(B), that the Commission finds that the members of Ohio Propane Council engage in the substantial and material exercise of the sovereign authority of the state, and that any person serving on the Ohio Propane Board will be required to file a financial disclosure statement with the Ohio Ethics Commission, with the first statement, containing financial information for 2020, due on May 17, 2021, if appointed on or before February 15, 2021, or within 90 days of their appointment if appointed after February 15, 2021. Moved by Mr. Vander Laan, seconded by Ms. Kelley. Mr. Bailey, Mr. Brachman, Ms. Tracy, Ms. Rutter, and Mr. Vander Laan voted “yes.” The motion was approved.

EXECUTIVE DIRECTOR’S REPORT

Mr. Nick reviewed the report in the packet, highlighting the current building closure during the pandemic and the Administrative Rules review. He stated that Mr. Hood, Ms. Korte, and Ms. Bruns reviewed the rules up for a mandatory five-year review and recommend no changes. The Chairman asked for clarification on the confidentiality rules that are mandated by statute. Mr. Nick explained that the statute required agencies to create processes on how confidential information is accessed. For example, Mr. Ring created a system that logs who accesses the FDS confidential files.

Mr. Bailey inquired about the advisory process rules in this review process. Mr. Nick stated that the rules before the Commission right now are due this year and that the Commission can proceed on them. The review of some of the advisory rules is not due until next year. Mr. Brachman noted that the Commission will be looking at the advisory rules in the next few months.

MOTION by Mr. Bailey, seconded by Ms. Tracy, to authorize staff to file the six rules in the packet with JCARR as “no change” rules. Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted “yes.” The motion was approved.

LEGISLATION UPDATE

Mr. Hood reviewed the legislative report for November with the Commission. He explained that he is tracking several bills pending in the General Assembly that may affect Commission operations. Several of the newer bills have been assigned to committees, however, no hearings have been scheduled to date. Mr. Hood explained to the Commission that if there are any additional bills of interest to them, they can be added to the report for next month.

PUBLIC EDUCATION AND INFORMATION

Ms. Willeke reviewed the information in the packet and updated the Commission on CLE classes, noting that the Commission will host one final online CLE class for public practice attorneys approved for 2.5 attorney conduct hours. Should any of the Commission members wish to attend the CLE on December 18, they can ask Ms. Willeke to register them. She also highlighted the upcoming virtual COGEL conference which is free to all staff and the members. Staff will be provided the information on the conference that Ms. Willeke sent to the Commission members this week. Mr. Nick noted that he will be presenting the ethics update with the director of the Chicago Board of Ethics and that Ms. Willeke is serving in her final year as co-chair of the conference planning committee.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring noted the sole candidate who has not yet filed their disclosure statement and commented that, historically, candidates are the most difficult individuals to encourage to file on time. He also informed the Commission that the FDS staff is already working on the 2020 FDS form which will be available online the first week of January 2021. Ms. Bruns apprised the Commission of the individual with two outstanding FDS complaints for whom she attended a court hearing this week. The individual pled guilty and was sentenced to court costs and the case was dismissed.

MOTIONS

Complaint Dismissals:

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

Collections:

MOTION by Ms. Kelley, seconded by Mr. Vander Laan, to refer to the Attorney General's Office for collection 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 tentatively set the next meeting for December 18, 2020 at noon.

The meeting was adjourned at 12:38 p.m.

These minutes are respectfully submitted by:

/s/ Paul M. Nick

Paul M. Nick
Executive Director