

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
DECEMBER 18, 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 12:06 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. Tracy, and Mr. Vander Laan. Ms. Rutter was absent. 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 the appointment of a public employee. Mr. Bailey, Ms. Kelley, 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 12:07 p.m.

The Commission returned to open session at 12:32 p.m.

Joining the meeting via teleconference following the Executive Session were: Commissioner Julie Rutter; Chief Advisory Attorney Karen King; Advisory Attorney Tim Gates; Education & Communications Administrator Susan Willeke; Principal Assistant Attorney General Hilary Damaser and Assistant Attorney General Charles “Bill” Carter.

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the November 13, 2020 Commission meeting.

MOTION by Mr. Vander Laan, seconded by Ms. Tracy, that the Commission approve the minutes of the November 13, 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. Brachman asked questions concerning two pending advisory matters on the closure report. Ms. King and Mr. Gates responded to Mr. Brachman’s questions.

Mr. Nick updated the Commission on the Advisory Committee’s work on the question of whether a public agency’s payment of membership dues is a public contract. He also noted that the Committee is considering more simple and shorter forms of guidance that staff can provide to requesters without providing the requesters statutory immunity. Mr. Brachman thanked the Committee for its diligence in addressing these matters.

EXECUTIVE DIRECTOR’S REPORT

Mr. Nick reported that the William Green Building remains closed to the public but is available for use by tenants. He also reported that Governor DeWine signed Sub. H.B. 404 which, among other matters, extended until July 1, 2021 the authorization for members of public bodies to hold and attend meetings by electronic and telephonic means. He further noted that Mr. Hood has begun the process of reviewing administrative rules for the Commission that are up for their five-year review and staff will provide recommendations during the next year.

LEGISLATION UPDATE

Mr. Hood reviewed the legislative report for December with the Commission. He explained that he is tracking several bills pending in the General Assembly that may affect Commission operations. Specifically, Senate Bill 318, which extends the Women’s Suffrage Centennial Commission until 12/31/21, was signed by the Governor. Senate Bill 372, which creates the Holocaust and Genocide Memorial and Education Commission, was passed by the Senate and introduced in the House for consideration. Ms. Tracy asked if any of the members of these new boards will be required to file disclosure statements, and Mr. Nick replied that staff will review the final legislation and may bring back recommendations to the Commission. Mr. Hood explained to the Commission that if there are any additional bills of interest to them to contact him and they can be added to the report for next month.

PUBLIC EDUCATION AND INFORMATION

Ms. Willeke reviewed the information in the packet and informed any Commission members who are attorneys that she can send them a recording of the final CLE of the year if they need credit. She also reported that while there are numerous virtual classes scheduled for 2021, the first “in-person” scheduled in the new year is mid-May, pending improvement of pandemic conditions in Ohio. The Chairman thanked Ms. Willeke and her staff for using technology to continue a robust training program in difficult times. Mr. Nick and Ms. Willeke also reported on the online COGEL conference, which consisted of seven recorded sessions and three live sessions, including one plenary. Several staff members participated in the virtual event and Mr. Nick and Ms. Willeke both presented recorded sessions.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Brachman summarized the review process for confidential filers and Mr. Ring noted that when the review is complete, the public portions of the forms are made available upon request. Mr. Nick applauded the excellent progress on this review process has occurred considering that the filing deadline was extended to July 15, 2020 due to the pandemic. Mr. Ring informed the Commission that any new appointees through the end of the month will have 90 days to file for 2019.

Mr. Ring also reported that as expected, the total filing numbers were down slightly this year since it was a county election year; those numbers generally increase during a city election year. There were additional late filers in 2020 due to the pandemic which led to more waivers this year. Nonetheless, the Chairman noted that the number of non-compliant filers was still small and was pleased to hear that the number of filers filing electronically increases by two percent each filing year.

Ms. Bruns stated that no hearings were currently scheduled but that the Commission would be apprised of any future hearings.

MOTIONS

Late Fee Waivers:

MOTION by Ms. Tracy, seconded by Ms. Kelley, 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 Ms. Tracy, 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 MEETINGS

The Commission set the next meeting for January 28, 2021 at noon. The members of the Advisory Committee discussed and agreed to set the next Advisory Committee Meeting for Thursday, January 14, 2021, at 12:00.

The meeting was adjourned at 1:15 p.m.

These minutes are respectfully submitted by:

/s/ Paul M. Nick

Paul M. Nick
Executive Director