

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
FEBRUARY 23, 2022

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 11:10 a.m. via teleconference call as authorized by Sub. HB 51.

ROLL CALL

The following Commission Members were present on the teleconference 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 Deputy Director/General Counsel Jed Hood. Assistant Attorney General Patrick Denier was also present in the virtual meeting.

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. 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 11:12 a.m.

The Commission returned to open session at 11:50 a.m.

Joining the meeting via teleconference following the Executive Session: HR & Fiscal Manager Alan Carlson, Education/Communication Administrator Susan Willeke, and Advisory Attorneys Chris Woeste and Kristin Cly.

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the December 15, 2021, Commission meeting.

MOTION by Mr. Vander Laan, seconded by Ms. Tracy, that the Commission approve the minutes of the December 15, 2021, Commission meeting. Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted “yes.” The motion was approved.

ELECTION OF OFFICERS

Mr. Brachman invited discussion and nominations for a Chairman and Vice Chair.

MOTION by Ms. Tracy, seconded by Ms. Kelley, to re-elect Mr. Brachman as Chairman and to elect Mr. Vander Laan as Vice Chairman. 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. Woeste discussed the 2021 end-of-year report and noted that some of the numbers had rebounded from the decreases in 2020.

Mr. Nick noted that the closed opinions were provided in two lists to distinguish activity from 2021 and 2022. Mr. Nick described a staff opinion that will appear on the next meeting’s Advisory Activity Report that cited to the Commission’s recent formal opinion on attending ceremonial events and highlighted the requester’s positive feedback.

Mr. Brachman noted the outcomes in three of the advisory matters from the closure report. Mr. Bailey and Mr. Vander Laan asked for a copy of the opinion issued to the Belmont County Commissioners. Mr. Nick and Mr. Woeste responded to Mr. Bailey and Mr. Vander Laan’s questions on the matter. Mr. Bailey raised potential topics for the next Advisory Committee meeting, including a review of what discretion staff has when responding to phone calls and taking a closer look at the staff advisory opinion provided to the Belmont County Commissioners.

EXECUTIVE DIRECTOR’S REPORT

Mr. Nick reviewed the information in the packet and provided details on some of goals listed, including: the permanent placement of Mr. Hood as head of the investigative unit; the posting of a new investigative attorney position; identifying and implementing a document and case management system to benefit all sections of the office; establishing permanent hybrid work protocols for staff; succession planning; working with the General Assembly to pursue legislative recommendations; and reviewing the retention schedule for financial disclosure statements. Mr. Bailey asked that the list also include potential amendments to the Ohio Ethics Law to make it more readable, to pursue the possibility of providing immunity on advisory calls, and to ponder the feasibility of such calls not being a public record to encourage dialogue between the office and those subject to the statute.

Mr. Brachman suggested that an Advisory Committee meeting be scheduled and held prior to the next Commission meeting. Mr. Nick stated that he will contact the Committee members to find a convenient date when the Committee could meet via Microsoft Teams.

Mr. Nick noted that staff is working on preparing a 2021 annual report. Mr. Brachman commented that such a report would be useful. Mr. Nick stated that the annual report will be more comprehensive than the recently issued “Voice of Ethics” newsletter and will be released on the Commission’s web site.

Mr. Nick then reviewed with the Commission a memorandum describing proposals to enhance the penalties for Ethics Law violations. Mr. Brachman reported on a meeting with the Speaker of the House and counsel for the Senate President regarding a proposal to enhance the conflict of interest penalties to include debarment from public contracts. He requested that the letters to both legislative leaders be added to the minutes. Mr. Vander Laan suggested that the Commission and staff should study the issue in a broader context to establish which offenses may best be deterred by the different penalties outlined in the memorandum.

Both Mr. Brachman and Mr. Vander Laan commented that the memo was comprehensive, well-written, and very helpful.

LEGISLATION UPDATE

Mr. Hood noted the updates in the report and invited Commissioners to contact him with any questions.

PUBLIC EDUCATION AND INFORMATION

Ms. Willeke reviewed the information in the packet and reported that webinars for a deeper study into the statute have been scheduled again this year due to the positive feedback received last year. She has not scheduled regional trainings this year due to low attendance last year, likely due to the pandemic and accessibility of online learning. Instead, she will reach out to individual counties and all public colleges and universities to offer free customized webinars.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring reported that to date, 2,500 forms have been filed which is on target for the year. He also noted that the current candidate deadline for the primary election is April 13, 2022. That date would be revised accordingly should the legislature change the date of the primary.

He also informed the Commission that due to the 2020 census, five villages in Ohio were converted to cities. As a result, elected candidates from those five new cities will be required to file financial disclosure statements.

DATE OF FUTURE MEETINGS

The Commission set the next virtual meeting for Friday, April 8, 2022, at 11 am.
The Investigative Committee will meet virtually on Thursday, April 7, 2022, at 11 am.

MOTIONS

Late Fee Waivers:

MOTION by Mr. Vander Laan, 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.

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.

EXECUTIVE SESSION

MOTION by Mr. Vander Laan, seconded by Ms. Kelley, to go into Executive Session to consider the appointment, employment, and compensation of a public employee. 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 1:00 p.m.

The Commission returned to open session at 1:14 p.m.

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

These minutes are respectfully submitted by:

A handwritten signature in black ink, appearing to read "Paul M. Nick", is written over a horizontal line. The signature is fluid and cursive.

Paul M. Nick
Executive Director