

Merom Brachman, *Chairman*  
Mark A. Vander Laan, *Vice Chairman*  
Bruce E. Bailey  
Megan C. Kelley  
Julie A. Rutter  
Elizabeth E. Tracy



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Paul M. Nick  
*Executive Director*

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OHIO ETHICS COMMISSION  
MINUTES OF MEETING  
NOVEMBER 18, 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 12:04 p.m. in Room G on Level 3 of the William Green Building, at 30 West Spring Street, in Columbus, Ohio.

ROLL CALL

The following Commission Members were present: Mr. Bailey, Mr. Brachman, Ms. Kelley, Ms. Rutter, and Ms. Tracy. Mr. Vander Laan was excused from attending the meeting due to illness. Staff present: Executive Director Paul M. Nick, IT & FD Administrator Brian Ring, Deputy Director/General Counsel Jed Hood, HR & Fiscal Manager Alan Carlson, Education and Communications Administrator Susan Willeke, Advisory Attorneys Chris Woeste and Kristin Cly, and Investigative Attorneys Molly Bruns and Nicole Candelora-Norman. Assistant Attorney General Beth Fligner joined the meeting at 12:23pm following the Executive Session.

EXECUTIVE SESSION

MOTION by Ms. Kelley, seconded by Ms. Tracy, to go into Executive Session to discuss matters that are statutorily confidential, including pending litigation, updates on investigations and complaints, and the confidential financial disclosure report. Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, 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 12:05 p.m.

The Commission returned to open session at 12:23 p.m.

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the October 7, 2022, Commission meeting.

MOTION by Mr. Bailey, seconded by Ms. Kelley, that the Commission approve the minutes of the October 7, 2022, Commission meeting. Mr. Bailey, Ms. Kelley, Ms. Rutter, Ms. Tracy, and Mr. Brachman voted “yes.” The motion was approved.

### ADVISORY OPINIONS AND STATISTICS

Mr. Nick introduced the advisory statistics and noted the higher number of requests this year as compared with 2021. Ms. Cly discussed the staff opinion issued to Jeanine Hummer in follow up to questions from October's meeting. Mr. Brachman asked about the staff opinion issued to Mr. Charles Jake and whether it related to a previously issued staff opinion. Ms. Cly stated that the new opinion related to the previously issued opinion and explained the reasoning behind both opinions. Ms. Kelley and Mr. Brachman asked questions regarding the staff opinion issued to Mr. Nathanael Jonhenry and Mr. Woeste answered their questions. Ms. Kelley requested a copy of the opinion. Mr. Nick read an email from Mr. Mike Duffey complimenting the advisory team on their professionalism and quick response time.

### EXECUTIVE DIRECTOR'S REPORT

Mr. Nick reported that staff submitted the Commission's budget proposal on October 7, 2022, and he explained the next steps in the process. He noted that the proposal included funding to support an electronic case and document management system to be created and maintained by Matrix Pointe Software LLC and two critically needed staff positions. Staff met with the designer/programmer and are excited for the automation, access, communication, and productivity it will offer. Currently, 60 county prosecutors and the Attorney General's Office use the system. Ms. Rutter commented that the \$25K set up price is quite reasonable, especially considering it will be a new system.

Mr., Nick then reported that on November 9, 2022, the Ohio Auditor of State released its Management Letter, noting that their audit of the Commission did not identify any issues. Mr. Nick added that each Commission should receive a copy of this Letter by email.

Mr. Nick then summarized the recent, unanimous ruling by the Ohio Supreme Court in the case of State of Ohio v. Steven Towns, holding that prosecutors may file criminal charges for Ethics Law violations without first submitting them to the Ethics Commission. He noted that a copy of the opinion was included in the packet and that he assisted the Solicitor General's Office with writing the amicus brief filed with the Court.

Finally, Mr. Nick noted that no changes are recommended for the Administrative Rule review. Mr. Hood pointed out that a subset of rules is due by the end of January and information regarding those rules will be in the next Commission packet though changes are not expected to those rules, either.

### LEGISLATION UPDATE

Mr. Hood reviewed the Legislation Report and reported that while very little activity has occurred due to the election season, he will continue to monitor legislative activity, especially House Bills 286 and 510.

### PUBLIC EDUCATION AND INFORMATION

Ms. Willeke reported on planning for 2023 educational and training activities and invited Commissioners and staff who need CLE credit to attend her virtual class on December 13.

### FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring reviewed the financial disclosure statistics in the packet and reported that there are still three individuals who were write-in candidates for state elected office who have yet to file their financial disclosure statements. One ran for Lt. Governor but states that the candidate never intended to be on the ballot. She has been advised of potential fees and fines and a suggestion was made for her to contact the Ohio Secretary of State's office.

Ms. Bruns reported that Ms. Tracy recently served as hearing examiner for three non-compliant filers. Staff will request that the Commission review her recommendation to refer these filers for prosecution if they do not comply and file their required statements prior to the Commission's next meeting.

The Chairman inquired about a list in the packet that lists names of those who have cases pending before the courts for failing to appear at arraignments for failure to file FDS. Ms. Bruns noted that the filers would be unable to renew drivers' licenses until they file the required FDS.

#### DATE OF FUTURE MEETINGS

The Commission set the next meeting for Thursday, January 19, 2023, at 11:00 a.m.

#### 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, and Mr. Brachman voted "yes." The motion was approved.

##### Late Fee Waivers:

MOTION by Mr. Bailey, 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, and Mr. Brachman voted "yes." The motion was approved.

Mr. Bailey inquired if it was necessary for the Commission to always do roll call votes on these matters. Mr. Hood stated that he would research the question.

The meeting was adjourned at 1:03 p.m.

These minutes are respectfully submitted by:

*/s/ Paul M. Nick*

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Paul M. Nick  
Executive Director