

Merom Brachman, *Chairman*
Mark A. Vander Laan, *Vice Chairman*
Bruce E. Bailey
Megan C. Kelley
Mary M. Ross-Dolen
Elizabeth E. Tracy



OHIO ETHICS COMMISSION
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Paul M. Nick
Executive Director

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OHIO ETHICS COMMISSION
MINUTES OF MEETING
DECEMBER 7, 2023

MEMBERS OF THE COMMISSION

Merom Brachman	Megan C. Kelley	Bruce E. Bailey
Elizabeth E. Tracy	Mary M. Ross-Dolen	Mark A. Vander Laan

CALL TO ORDER

The meeting of the Ohio Ethics Commission was called to order at 12:05 p.m. in Room 2 on Level 2 of the William Green Building, at 30 West Spring Street, in Columbus, Ohio.

ROLL CALL

The following Commission Members were present: Mr. Brachman, Mr. Bailey, Ms. Ross-Dolen, Ms. Tracy, and Mr. Vander Laan. Staff present: Executive Director Paul M. Nick; Deputy Director/General Counsel Jed Hood; IT & Financial Disclosure Administrator Brian Ring; HR & Fiscal Manager Alan Carlson; Chief Advisory Attorney Christopher Woeste; Advisory Attorneys Kristin Cly and Katie Saks; Investigative Attorney Molly Bruns; Case Management Coordinator Shana Rolfe; and Assistant Attorney General Hilary Damaser.

Commissioner Megan Kelley was not present at the meeting with an excused absence.

EXECUTIVE SESSION

MOTION by Mr. Vander Laan, 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. Ross-Dolen, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted “yes.” The motion was approved, and the Commission, pursuant to Section 102.06 and 121.22 of the Revised Code, went into Executive Session at 12:06 p.m.

The Commission returned to open session at 12:20 p.m.

PREVIOUS MEETING MINUTES

The Advisory Committee members reviewed the draft minutes from the October 27, 2023, Advisory Committee meeting.

MOTION by Mr. Bailey, seconded by Ms. Ross-Dolen, that the Advisory Committee approve the minutes of the October 27, 2023, Advisory Committee meeting. The motion passed unanimously.

The Commission reviewed the draft minutes from the October 27, 2023, Commission meeting.

Ms. Ross-Dolen noted her title was inconsistent in the notation from Advisory Committee minutes to Commission meeting minutes. Mr. Nick noted that staff would correct this so they are consistent.

MOTION by Ms. Tracy, seconded by Mr. Bailey, that the Commission approve the minutes of the October 27, 2023, Commission meeting. The motion passed unanimously.

ADVISORY OPINIONS AND STATISTICS

Mr. Nick introduced the statistics from the advisory and investigation sections, noting staff continues to report statistics by percentage of totals rather than raw numbers. Mr. Brachman and Mr. Bailey asked questions regarding specific advisory opinions to which Ms. Saks, Mr. Woeste, and Ms. Cly responded.

Mr. Woeste discussed the informal opinion draft regarding the City of Columbus' request involving the Mid-Ohio Regional Planning Commission (MORPC). He noted how the draft clarifies Commission precedent to provide better guidance, in addition to considering MORPC's own ethics codes. Mr. Nick added that the requestor of the opinion, Columbus Chief Ethics Officer Renata Ramsini, was present in the audience in case the Commissioners had any questions. Commission staff recommended issuing the draft as an Informal Opinion. Mr. Bailey expressed concerns about voting to approve the draft and suggested it be issued as a staff opinion because it is not extending current precedent. Mr. Vander Laan stated that he agreed with Mr. Bailey's suggestion to issue the draft as a staff opinion rather than an informal opinion. Mr. Nick noted that although all written opinions potentially provide the requester and those similarly situated with immunity, staff opinions typically are not posted on the Commission's website. Mr. Vander Laan requested that the final opinion be made available on the Commission's website and the other commissioners agreed.

MOTION by Mr. Vander Laan, seconded by Mr. Bailey, to issue the draft opinion as a staff opinion and make it available on the website. The motion passed unanimously.

Mr. Brachman noted to Ms. Ramsini that, regarding Columbus city officials, in earlier years there has been guidance from the Commission on the care to follow the Ethics Law in situations where city officials with elective or appointed duties may be serving in other roles for non-City of Columbus boards or service groups. He encouraged attention to such dual activities or roles, adding that it might be helpful to review if the views in this opinion would cover ongoing duties of other City officials.

EXECUTIVE DIRECTOR'S REPORT

Mr. Nick reported that the Sixth Circuit Court of Appeals recently dismissed a civil lawsuit that had been filed against the Commission and other public agencies, noting that a copy of the opinion was included with his report.

Mr. Nick then stated that Ms. Cly is leaving the Commission and has accepted a position at the Ohio Department of Insurance. Mr. Bailey thanked her for her service and commended her for picking things up quickly. Mr. Nick stated that staff is in the process of hiring an advisory attorney to replace her.

Mr. Nick then reported that he and Mr. Hood met with legal counsel at the Department of Administrative Services (DAS) to discuss new policy guidelines concerning the collection of telematics data on state-managed fleet vehicles. He reported that DAS agreed to establish a protocol so that the Office of Fleet Management would be directed to not collect location data on the two vehicles used by Commission investigators if they are being used to investigate persons in state government who might have access to this data.

Mr. Brachman inquired about the Council on Governmental Ethics Law (COGEL) conference that Mr. Nick and Ms. Willeke attended and presented at earlier in December. Mr. Nick discussed some of the highlights of this national conference in Kansas City, including a presentation by a former Oklahoma senator who was investigated and convicted of embezzlement and his personal experiences throughout this process. Mr. Bailey asked about the Commission's investigative timelines. Mr. Hood described how the new Matrix software will help to continuously monitor progress on investigations.

LEGISLATION UPDATE

Mr. Hood reported that HB 257 had been amended and the Substitute House Bill passed and was introduced in the Senate. HB 304 referred to committee after packet material was issued, it would create a new Commission which would need to be reviewed to determine whether their members would be required to file annual financial disclosure statements. Mr. Hood stated SB 133 is a bill that was reintroduced from the prior General Assembly and related to debarment of state vendors.

Mr. Hood then reviewed a staff proposal to expand the Commission's censure process and amend the Administrative Code. Mr. Bailey expressed some concern about using the term "censure," and suggested that staff research and recommend some alternative terminology. Mr. Vander Laan concurred and asked about possibly changing the term to "cease and desist" or something similar. Mr. Hood stated that he will do some research and report back to the Commission.

PUBLIC EDUCATION AND INFORMATION

In Ms. Willeke's absence due to a speaking conflict, Mr. Nick summarized the information in the packet.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring explained that staff is currently preparing for the upcoming filing year and plans to have the calendar year 2023 financial disclosure statements available for download on the Commissions web site on January 2, 2024. Mr. Ring also pointed out that there is an early primary election next year due to it being a presidential election year. He explained that the financial disclosure filing deadline for most candidates in the March 19, 2024 primary election will be February 20, 2024.

MOTIONS

Late Fee Waivers:

MOTION by Mr. Vander Laan, seconded by Mr. Bailey, to waive the financial disclosure statement late fees for the individuals listed in the packet report. The motion passed unanimously.

Complaint Dismissals:

MOTION by Ms. Ross-Dolen, seconded by Mr. Bailey, to dismiss the financial disclosure complaints filed against the individuals listed in the packet report, for good cause shown. The motion passed unanimously.

Complaint Approvals:

MOTION by Mr. Tracy, seconded by Ms. Ross-Dolen, to approve filing the financial disclosure complaints against the individuals listed in the packet report, for knowingly failing to timely file their required statements. The motion passed unanimously.

DATE OF FUTURE MEETINGS

The Commission set the next meeting for Friday, January 26, 2024, at noon.

The meeting was adjourned at 1:39 p.m.

These minutes are respectfully submitted by:

/s/ Paul M. Nick

Paul M. Nick
Executive Director