

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
William Green Building
30 West Spring Street, L3
Columbus, Ohio 43215-2256
Telephone: (614) 466-7090
Fax: (614) 466-8368

Paul M. Nick
Executive Director

www.ethics.ohio.gov

OHIO ETHICS COMMISSION
MINUTES OF MEETING
JANUARY 26, 2024

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 12:10 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, Ms. Kelley, Ms. Ross-Dolen, Ms. Tracy, and Mr. Vander Laan. Staff present: Executive Director Paul M. Nick; Deputy Director/General Counsel Jed Hood; Education and Communications Administrator Susan Willeke; IT & Financial Disclosure Administrator Brian Ring; HR & Fiscal Manager Alan Carlson; Chief Advisory Attorney Christopher Woeste; Advisory Attorney Katie Saks; Investigative Attorney Nicole Candelora-Norman; Case Management Coordinator Shana Rolfe; and Assistant Attorney General Brittany Collins.

Commissioner Bruce Bailey was not present at the meeting with an excused absence.

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 re-elect Mr. Vander Laan as Vice Chairman. Ms. Kelley, Ms. Ross-Dolen, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted “yes.” The motion was approved.

EXECUTIVE SESSION

MOTION by Mr. Vander Laan, seconded by Ms. Ross-Dolen, 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. Ms. Kelley, 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 12:13 p.m.

The Commission returned to open session at 12:53 p.m.

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the December 7, 2023, Commission meeting. Mr. Vander Laan noted a typographical error which Mr. Nick stated would be corrected in the final version of the minutes.

MOTION by Mr. Vander Laan, seconded by Ms. Tracy, that the Commission approve the minutes of the December 7, 2023, Commission meeting. The motion passed with Mr. Brachman, Mr. Vander Laan, Ms. Ross-Dolen, and Ms. Tracy voting “yes.” Ms. Kelley abstained.

ADVISORY OPINIONS AND STATISTICS

Mr. Woeste highlighted portions of the Advisory Year End Statistics. He noted that the Commission issued one informal and one formal advisory opinion in 2023, and that all advisory requests from 2023 were closed out. He explained that the report shows where requests came from and what topics were requested. Mr. Brachman noted that the report demonstrates the workload of the advisory section and asked if details are kept of all inquiries. Mr. Woeste explained that notes are recorded on all calls and follow-up calls in the Matrix document and case management system.

Mr. Nick introduced the Advisory Activity Reports and noted that the advisory team was productive and managed to avoid a backlog of opinions despite being down to two attorneys.

Mr. Vander Laan asked about the Staff Opinion issued to Back, and Mr. Woeste explained that the opinion relied upon prior precedent that distinguished between the two routes of appeal process. Mr. Nick explained that the opinion was restrictive. Mr. Brachman asked if a copy of the opinion was sent to legal counsel for the city, and Mr. Woeste confirmed that it was.

Ms. Ross-Dolen asked about the Staff Opinion issued to Hershberger and Mr. Woeste answered her question. Mr. Brachman asked about the Staff Opinion issued to Burger and Ms. Saks answered his questions.

Mr. Woeste explained that he has been working with the education section to add coversheets to overruled and obsolete opinions. Mr. Woeste invited feedback for the sample coversheet provided in the packet. Mr. Vander Laan stated that he thought the coversheet was helpful.

EXECUTIVE DIRECTOR’S REPORT

Mr. Nick reported that staff has posted a job opening to backfill a third Advisory Attorney and anticipates scheduling interviews in February.

Mr. Nick then asked Mr. Hood to review the annual investigative statistics for 2023 with the Commission. Mr. Hood highlighted numerous items, including: (1) Approximately 87 percent of allegations were filed in the past year by concerned citizens; (2) the top nine counties (with at least 10 allegations) are in metropolitan areas, though current pending allegations cover 69 total Ohio counties; (3) staff addressed 168 active investigations in 2023 with 65 cases closed, with local governments representing the majority of cases; and (4) there are 53 pending cases involving persons who have failed to file required financial disclosure statements.

Mr. Brachman commended staff for this robust reporting and requested that with the inclusion of the Matrix program, staff continue to provide this helpful and comprehensive reporting. Mr. Hood acknowledged Shana Rolfe for maintaining vast amounts of information accurately and clearly.

LEGISLATION UPDATE

Mr. Hood updated the Commission on SB 91 which becomes law this March. The legislation requires the Auditor of State to create a “fraud reporting” training program and specifies certain government officials who must report cases of fraud.

Mr. Vander Laan inquired about potential legislative movement allowing public bodies to gather virtually. Mr. Hood noted that a bill proposing to allow online public meetings passed the House last year but has not yet been heard in the Senate. The current version of the bill requires that any virtual public meetings allow for public inspection and participation. Mr. Nick added that he responded affirmatively to the Attorney General’s Office survey of boards and commissions when asked about the Commission’s opinion on authorizing virtual meetings. Ms. Kelley noted that virtual meetings worked well during the pandemic lockdown and Mr. Nick added that the BWC building is well-equipped to allow virtual meetings to take place once again.

Mr. Brachman inquired about SB 133 which would allow for the debarment of certain state vendors. Mr. Hood replied that the first hearing scheduled for December has been postponed, but that he will keep the Commission updated.

PUBLIC EDUCATION AND INFORMATION

Ms. Willeke reviewed the 2023 annual statistics as outlined in the packet and reflected that while conferences have regained popularity post-pandemic, fewer state agencies are requesting in-person trainings, relying instead on the online e-course. She also highlighted the numerous customized on-demand trainings available on the website for specific audiences (e.g., public universities, public schools, public libraries, newly elected officials, county board of elections, etc.). Ms. Willeke also noted the invaluable work of Education and Training Specialist Nick Rohrbaugh, who is technologically adept, helpful, and creative.

Mr. Brachman noted that this year is the 50th Anniversary of the enactment of the Ethics Law. Ms. Willeke noted that she has developed some ideas and Mr. Vander Laan suggested that staff review those with the Commission at a future meeting.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring reported that while there are no late filings yet in 2024, that is expected to change following the candidate deadline on February 20, 2024. Furthermore, he expects fewer filers in 2024 as the Attorney General’s Office is no longer requiring voluntary filing for nearly 500 Assistant AGs. In addition, due to restructuring at the Ohio Public Defender’s Office, there will be fewer filers from that office, as well. In all, he anticipates approximately 9,700 total filers this calendar year.

MOTIONS

Late Fee Waivers:

MOTION by Ms. Kelley, seconded by Ms. Tracy, 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 Ms. Tracy, to dismiss the financial disclosure complaints filed against the individuals listed in the packet report, for good cause shown. The motion passed unanimously.

Collections:

MOTION by Ms. Kelley, seconded by Ms. Ross-Dolen, to refer to the Attorney General's Office for collections the individuals listed in the packet report. The motion passed unanimously.

DATE OF FUTURE MEETINGS

The Commission set the next meeting for Friday, March 8, 2024, at noon with the Investigative Committee meeting at 11 a.m. the same day.

The meeting was adjourned at 1:43 p.m.

These minutes are respectfully submitted by:

/s/ Paul M. Nick

Paul M. Nick
Executive Director