

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



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Executive Director

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OHIO ETHICS COMMISSION
MINUTES OF MEETING
APRIL 18, 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 12:07 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. 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 Attorneys Katie Saks and Melissa Riggins; Investigative Attorneys Molly Bruns and Nicole Candelora-Norman; Case Management Coordinator Shana Rolfe; and Assistant Attorney General Brittany Collins.

EXECUTIVE SESSION

MOTION by Mr. Vander Laan, seconded by Mr. Bailey, 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. 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 12:09 p.m.

The Commission returned to open session at 12:25 p.m.

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the March 8, 2024, Commission meeting. Ms. Ross-Dolen noted a typo in the minutes which Mr. Nick stated will be corrected in the final version.

MOTION by Mr. Vander Laan, seconded by Ms. Ross-Dolen, that the Commission approve the minutes of the March 8, 2024, Commission meeting. The motion passed with Mr. Brachman, Mr. Vander Laan, Ms. Kelley, Ms. Ross-Dolen, and Ms. Tracy voting "yes." Mr. Bailey abstained.

ADVISORY OPINIONS AND STATISTICS

Mr. Nick introduced the Advisory Statistics and the Advisory Activity Report.

Mr. Woeste highlighted the Staff Opinion issued to December West. Ms. Ross-Dolen asked a question about the opinion, and Mr. Woeste responded.

Mr. Brachman noted that several opinions were outside of the Commission's jurisdiction and asked how staff decide what guidance to provide under these circumstances. Mr. Woeste explained that staff try to provide the best guidance possible, which may include a referral to another agency or attaching previously issued advisory opinions.

Mr. Brachman highlighted the Staff Opinion issued to Mike Blevins and stated that the issue may need more attention from the Commission. Mr. Nick explained that the Commission has defined "family member" previously and has not extended that definition to include domestic partners. Mr. Nick noted that staff is working on researching this matter and will provide the Commission with a memorandum at a future meeting.

Mr. Nick introduced the Memorandum to the Commission regarding the Financial Disclosure Filing Requirement for the Center for Community Health Worker Excellence Board. Mr. Woeste summarized the memorandum and explained that staff's recommendation is that the board members should be required to file confidential financial disclosure statements. Mr. Brachman noted that some of the board members are already serving in public positions where they would be required to file in those capacities.

EXECUTIVE DIRECTOR'S REPORT

Mr. Nick reviewed the information shown in the packet material and introduced the newest Advisory Attorney, Melissa Riggins, to the members. The Chairman welcomed her on behalf of the Commission.

Mr. Nick reported that he and the Chairman had met on April 11, 2024, with counsel to the Ohio Senate regarding ethics reform legislation. Discussion items included: increasing some conflict-of-interest violations from first degree misdemeanors to fourth degree felonies; requiring some officials, such as township trustees, to file financial disclosure statements; and other potential legislative changes that the Commission has discussed in past meetings.

Mr. Nick also reported that the Commission's biennial audit by the Ohio Auditor of State is beginning and will be concluded shortly after the end of the current fiscal year, which ends on June 30, 2024. Mr. Carlson and Ms. Parillo will be the Auditor's primary contacts throughout the audit process.

Finally, Mr. Nick and Mr. Hood reviewed the Administrative Rules Amendment memo in the packet. Mr. Hood noted that this amendment will give latitude to staff to issue "Potential Notices of Violations" in place of the current term "Censure," which can have negative connotations. This language will be more consistent with similar agencies and is designed to avoid repeated violations. Mr. Nick and Mr. Hood acknowledged Ms. Candelora-Norman's work in her research for this proposal.

Mr. Hood stated that the proposal cannot be implemented until the Joint Committee on Agency Rule Review's process is concluded, and the language is formally amended. Mr. Hood noted that the Commission is not required to hold its own public hearing on this matter.

LEGISLATION UPDATE

Mr. Hood referenced the previous discussion in the Advisory report regarding requiring financial disclosure for a new state commission.

He also stated that he is awaiting further legislative movement on HB 257 which would authorize virtual public meetings and will keep the Commission updated. Mr. Hood also reported that the next packet will contain a correction regarding township law in his summary of HB 315.

Mr. Brachman inquired about the upcoming budget bill and Mr. Nick responded that the next budget cycle will begin in July of 2024. Mr. Carlson added that budget guidance will be released in mid-July with final documentation due in mid-October.

PUBLIC EDUCATION AND INFORMATION

Ms. Willeke summarized the information shown in the packet and invited the members to contact her if they would like to attend any of the upcoming webinars or CLE classes.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring reported that the general disclosure filing deadline is May 15, 2024, so an additional 3,500 forms are expected to be filed in the next few weeks. Currently, 96 percent of filers are using the online portal. He further stated that staff has already sent out the statutorily required letter reminders to approximately 900 filers and post card and email reminders will be sent to the remaining filers.

Ms. Ross Dolen inquired why there appear to be so many repeat delinquent filers listed in Ms. Bruns' report. Ms. Bruns responded that filers who fail to file for multiple years are listed for each year and can be referred to the Columbus City Attorney's Office for filing criminal charges in municipal court. If they fail to appear in court, then the court issues a warrant block, which prevents delinquent filers from renewing a driver's license or vehicle registration.

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.

Complaint Approvals:

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

Complaints to be referred for Prosecution

MOTION by Mr. Vander Laan, seconded by Mr. Bailey, to refer to the Columbus City Attorney's Office the financial disclosure complaints filed against the individuals listed in the packet report, for good cause shown. The motion passed unanimously.

Referrals to OAG for 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.

RC 102.02 (B) Review

MOTION by Mr. Vander Laan, seconded by Ms. Tracy, pursuant to Revised Code Section 102.02(B), that the Ethics Commission determines that the members of the Center for Community Health Worker Excellence Board engage in the substantial and material exercise of the sovereign authority of the state, and that any person appointed to the Center for Community Health Worker Excellence Board will be required to file a financial disclosure statement with the Commission, with the first statement being due within 90 days after their appointment. Mr. Bailey, Ms. Kelley, Ms. Ross-Dolen, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted "yes." The motion was approved.

OAC 102-11-02(D) Administrative Rule Change

MOTION by Ms. Kelley, seconded by Mr. Vander Laan, to adopt the proposed administrative rule amendment language changes included in the memorandum dated April 9, 2024, regarding proposed censure process changes and authorize staff to execute any necessary documents to file the rule change with the Joint Committee on Rule Review. Mr. Bailey, Ms. Kelley, Ms. Ross-Dolen, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted "yes." The motion was approved.

Mr. Bailey then commented that he interacts frequently with public officials at the state and local level and many of them compliment Ms. Willeke on being a helpful and positive face of the Commission. He also complimented Mr. Woeste and Ms. Saks for always striving to draft guidance and advice in a way that is easy for all public officials and employees to understand, not just attorneys. He stated that while it appears to be impossible to draft the statute itself in a simplistic way, their efforts help those regulated by the law to better understand and comply with it.

DATE OF FUTURE MEETINGS

The Commission set the next meeting for Friday, May 31, 2024, at noon with the Investigative Committee meeting at 11 a.m. the same day.

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

These minutes are respectfully submitted by:

/s/ Paul M. Nick

Paul M. Nick
Executive Director