

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
MAY 31, 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; 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 Ms. Kelley, 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. 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 12:08 p.m.

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

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the April 18, 2024, Commission meeting.

MOTION by Mr. Vander Laan, seconded by Ms. Kelley, that the Commission approve the minutes of the April 18, 2024, Commission meeting. The motion passed unanimously.

ADVISORY OPINIONS AND STATISTICS

Mr. Nick summarized the Advisory Statistics and Advisory Activity Report. Mr. Woeste highlighted the Staff Opinion issued to Trudy Bartley. He explained that staff provided a detailed opinion but noted that due to confidentiality issues, some issues were referred to counsel for Ohio State University to determine. Mr. Brachman asked Mr. Woeste questions about the opinion, and Mr. Woeste responded. Mr. Brachman suggested that staff follow up with Ohio State's chief legal counsel on this opinion.

Mr. Brachman asked questions about the Staff Opinion issued to Renata Ramsini, and Mr. Woeste responded. Since she was present in the audience, Mr. Brachman also asked Ms. Ramsini about the opinion, and she explained that the City of Columbus is working on City-wide guidance. Mr. Nick noted that staff appreciate interacting with Ms. Ramsini on ethics issues affecting the City.

Mr. Nick introduced the Reconsideration Request from Michael Blevins. Mr. Hood explained the background of the underlying staff opinion. He stated that Mr. Blevins sent additional information about his request to the Commission and requested reconsideration of the opinion. Mr. Blevins also included an email from the township's attorney. Mr. Hood recommended that the Commission deny the request for reconsideration.

Ms. Ross-Dolen asked questions about the reconsideration request, and Mr. Hood responded. Mr. Brachman noted that this is an issue that affects public officials across the state. Mr. Bailey said that he agreed with denying the request for reconsideration and agreed with how the underlying staff opinion was written.

MOTION by Ms. Ross-Dolen, seconded by Mr. Vander Laan, that the reconsideration request be denied, and that the requester be notified. The motion passed unanimously.

Mr. Nick then introduced the discussion memorandum regarding dating relationships. Ms. Saks provided a summary of the memorandum including a background on the definition of "family member," how other Ohio agencies have considered the issue, and how other jurisdictions outside Ohio have considered the issue. Ms. Saks highlighted the seven options that staff had included in the memorandum. Mr. Brachman complimented Ms. Saks for her memorandum and the inclusion of other jurisdictions. Mr. Vander Laan and Mr. Bailey suggested that a legislative definition may be a route to consider. Mr. Nick explained that several court precedents and also the Ohio Jury Instructions published by the Ohio Judicial Conference have relied on the Commission's definitions in part because the General Assembly has never defined the terms "family member" or "business associate." Ms. Ross-Dolen asked why dating relations were not considered when the Commission addressed the definition of "family member" in 2008. Mr. Nick stated that the issue was still evolving at the time and the Commission took a more limited approach in 2008, but now state and local agencies have included dating relationships and domestic partnerships when providing health and other benefits. Mr. Brachman requested that the Advisory Committee review this further.

EXECUTIVE DIRECTOR'S REPORT

Mr. Nick reported that he, Mr. Carlson, and Ms. Parillo met with the budget analyst assigned to the Commission by the Office of Budget and Management this week, who will forward guidance regarding the Administration's instructions for budget request submissions. Final requests will likely be due to be filed in October. Mr. Nick stated that he will keep the Commission updated.

LEGISLATION UPDATE

Mr. Hood reviewed the legislative report in the packet, noting that H.B. 491 would expand the number of agencies providing data for the state's "virtual checkbook," noting that this would aid investigative staff. Mr. Brachman asked if Rep. Young added an amendment regarding oversight of the retirement systems. Mr. Hood stated that no such amendment has been introduced, though he and Mr. Nick did meet with Rep. Young and his staff recently to discuss a possible amendment.

Mr. Hood also noted an upcoming second hearing on S.B. 133, regarding the debarment of state vendors who engage in certain misconduct.

PUBLIC EDUCATION AND INFORMATION

Ms. Willeke summarized the information in the packet, addressed questions about virtual CLE classes, and informed the Commission that the second quarter newsletter has been issued. Mr. Brachman noted that Mr. Nick spoke about ethics and leadership at the State Government Affairs Council conference that was primarily attended by lobbyists, adding that former Governors Bob Taft and Ted Strickland also spoke at the conference.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

In Mr. Ring's absence, Mr. Nick reviewed the Financial Disclosure Report. Mr. Brachman asked if the number of non-compliant filers was larger than usual. Mr. Nick stated that this was a result of the recent May 15 FDS filing deadline and that compliance should improve as staff notifies late filers of their delinquencies.

Ms. Bruns reported on that day's FDS hearings and predicted that prosecution recommendations will be presented at the next Commission meeting.

MOTIONS

Late Fee Waivers:

MOTION by Mr. Vander Laan, 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. Kelley, 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.

Referrals to Ohio Attorney General's Office for Collections:

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

Formal Complaints:

MOTION by Ms. Kelley, seconded by Mr. Vander Laan to dismiss the formal complaints filed against the three individuals contained in the packet report, finding that the complaints are defective and do not meet the requirements in the Administrative Code because they are not based on personal knowledge of all of the elements of the alleged offenses; and that the complainant failed to set forth reasonable cause to believe that the facts alleged constitute violations of R.C. 102.03(A)(1), 102.03(D)/(E), or R.C. 2921.42. The motion passed unanimously.

RC 102.07:

MOTION by Mr. Vander Laan, seconded by Ms. Ross-Dolen, to authorize staff to release confidential investigative documents to the Auditor of State, the documentation in allegation 22-IR-0607-083. The motion passed unanimously.

MOTION by Mr. Vander Laan, seconded by Ms. Tracy, to authorize staff to release confidential investigative documents to the State Board of Education, Office of Professional Conduct from Inquiry No. 24-Q-0308-018. The motion passed unanimously.

DATE OF FUTURE MEETINGS

The Commission set the next meeting for Friday, July 12, 2024, at noon. The Advisory Committee will meet on June 27, 2024, at 11 a.m.

The meeting was adjourned at 1:32 p.m.

These minutes are respectfully submitted by:

/s/ Paul M. Nick

Paul M. Nick
Executive Director