

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
JULY 12, 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 12:00 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. Ross-Dolen, Ms. Tracy, and Mr. Vander Laan. Staff present: Executive Director Paul M. Nick; Education and Communications Administrator Susan Willeke; HR & Fiscal Manager Alan Carlson; Investigative Attorney Molly Bruns; and Assistant Attorney General Brittany Collins. Joining the meeting after Executive Session were IT & Financial Disclosure Administrator Brian Ring; Chief Advisory Attorney Christopher Woeste; and Advisory Attorney Katie Saks.

Commissioners Bailey and Kelley were not in attendance with excused absences.

EXECUTIVE SESSION

MOTION by Mr. Brachman, seconded by Mr. Vander Laan, to go into Executive Session to discuss matters that are statutorily confidential, including pending litigation, updates on investigations and complaints, the confidential financial disclosure report, and executive compensation. 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 12:01 p.m. All staff exited the room at 12:01 to allow the Commission to discuss executive compensation and returned to the room at 12:09 p.m.

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

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the May 31, 2024, Commission meeting.

MOTION by Mr. Vander Laan, seconded by Ms. Ross-Dolen, that the Commission approve the minutes of the May 31, 2024, Commission meeting. The motion passed unanimously.

ADVISORY OPINIONS AND STATISTICS

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

Mr. Brachman asked Ms. Saks about the Staff Opinion issued to Alexa Beeler. Ms. Saks answered that the response was consistent with the Commission's standard advice on serving on non-profit boards. Mr. Brachman then asked Ms. Saks about the Staff Opinion issued to Shannon Price. Ms. Saks answered that Ms. Price had left her position at the City.

Mr. Nick noted that the Advisory Committee met on June 27, 2024 to review the Memorandum on Dating Relationships. As a result of that meeting, staff prepared a draft syllabus to define the term "domestic partner." Mr. Nick stated that once the Committee finalizes the syllabus at its next Committee meeting, then it will be sent to the full Commission for consideration.

Mr. Brachman noted that Mr. Bailey indicated that he sees the importance of addressing this issue but continues to have concerns about the Commission's authority regarding enforcement. Mr. Vander Laan noted that there is concern about the Commission's administrative authority following the U.S. Supreme Court's decision in *Loper Bright Enterprises v. Raimondo*. Mr. Nick referenced the Ohio Supreme Court's decision in *TWISM Enterprises, LLC v. State Board of Registration for Professional Engineers and Surveyors*. Mr. Nick also noted that courts have frequently referred to the Commission's advisory opinions, especially in the context of jury instructions including the definition of "family member" for purposes of R.C. 2921.42(A)(1).

Mr. Nick introduced the memorandum on the Technical College Trustee Selection Committees. Mr. Woeste provided an overview of the memorandum and explained that staff's recommendation is that Committee members should file a financial disclosure statement with the Ethics Commission. Mr. Brachman and Ms. Ross-Dolen asked questions about the memorandum, and Mr. Nick and Mr. Woeste responded.

MOTION by Mr. Vander Laan, seconded by Ms. Tracy, that the Commission determines that the members of the Technical College Trustee Selection Committee are required to file an annual financial disclosure statement with the Commission, with the first statement being due within 90 days of this decision (and anyone appointed on or thereafter file within 90 days of their appointment). The motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Mr. Nick provided the Commission with updates on the Auditor of State's biennial audit and the upcoming budget that will be due in the fall.

LEGISLATION UPDATE

In Mr. Hood's absence, Mr. Nick summarized the legislative report in the packet.

PUBLIC EDUCATION AND INFORMATION

Ms. Willeke summarized the information shown in the packet and thanked the Commission members for recent positive comments regarding the newsletter. She commended staff member, Nick Rohrbaugh, for consistently providing a professional and visually appealing layout in graphics in all Commission communications, including the newsletters.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring reviewed the information reported in the packet. He stated that the focus has shifted from compliance to the annual confidential review process. Letters have been sent to entities and he expects responses to begin arriving within two months. Mr. Nick commended Mr. Ring and Ms. Boger for their efficiency and thoroughness in conducting these important reviews.

MOTIONS

Late Fee Waivers:

MOTION by Ms. Tracy, seconded by Ms. Ross-Dolen, 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. Tracy, seconded by Mr. Vander Laan, 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. Ross-Dolen, seconded by Mr. Vander Laan, 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 Ms. Ross-Dolen, to adopt the recommendations of the hearing examiner and 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.

Executive Compensation:

MOTION by Mr. Vander Laan, seconded by Ms. Tracy, to confirm the updating of the executive staff salaries for Mr. Nick and Mr. Hood in accordance with R.C. 102.05 and to notify the Ohio Department of Administrative Services of these approved increases. The motion passed unanimously.

DATE OF FUTURE MEETINGS

The Commission set the next meeting for Friday, August 23, 2024, at noon with the Investigative Committee meeting at 11 a.m. and the Advisory Committee meeting after the full Commission meeting.

The meeting was adjourned at 1:27 p.m.

These minutes are respectfully submitted by:

/s/ Paul M. Nick

Paul M. Nick
Executive Director