

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

Paul M. Nick
Executive Director



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OHIO ETHICS COMMISSION
MINUTES OF MEETING
DECEMBER 17, 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 11:10 a.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; Deputy Director/General Counsel Jed Hood; Chief Advisory Attorney Christopher Woeste; Education and Communications Administrator Susan Willeke; IT & Financial Disclosure Administrator Brian Ring; HR & Fiscal Manager Alan Carlson; Investigative Attorneys Molly Bruns and Nicole Candelora-Norman; and Assistant Attorney General Brittany Collins. Joining the meeting after Executive Session were Advisory Attorneys Katie Saks and Melissa Riggins.

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

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, the confidential financial disclosure report. 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 11:12 a.m.

The Commission returned to open session at 11:28 a.m.

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the November 1, 2024, Commission meeting.

MOTION by Ms. Tracy, seconded by Ms. Ross-Dolen, that the Commission approve the minutes of the November 1, 2024, Commission meeting. The motion passed unanimously.

ADVISORY OPINIONS AND STATISTICS

Mr. Nick introduced the Advisory Statistics and Advisory Activity Report. Mr. Woeste discussed the staff opinion issued to Ken Thomas. Mr. Brachman noted the staff opinion issued to Frank Consolo regarding in-term pay increases, stating that it was a good reminder to public officials. Mr. Vander Laan agreed with Mr. Brachman and stated that Ms. Saks' conclusion was correct.

Mr. Woeste introduced the draft formal advisory opinion regarding a refinement of the Commission's "official capacity" exception. Mr. Woeste highlighted the Advisory Committee's extensive work on the opinion. Mr. Woeste discussed the opinion's clarification of existing guidance by removing the formality requirements in criteria two and three of the official capacity exception. Mr. Woeste noted that this was the first time the Commission had considered joint appointments using the official capacity exception. Mr. Brachman appreciated the complete review of an important, complex issue and asked Renata Ramsini, Chief Ethics Officer for the City of Columbus, for her feedback. Ms. Ramsini stated that these issues arise on a weekly basis and that this opinion would help streamline the city's processes of appointing officials and staff to nonprofit boards. Mr. Vander Laan complimented the advisory team for their excellent work. Mr. Brachman asked that the opinion be distributed to stakeholders. Mr. Nick stated that the opinion would be distributed on the Commission's website, in a news release, and directly to select stakeholders.

MOTION by Mr. Vander Laan, seconded by Ms. Ross-Dolen, that the Commission approve the formal advisory opinion. The motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Mr. Nick noted that the Commission's budget request is before the Office of Budget and Management, and they have expressed no concerns to date regarding the Commission's request for additional funding above FY25 appropriation levels.

Mr. Nick then discussed a new process to require potential Public Utilities Commission of Ohio board member candidates file disclosure statements to the Nominating Council to identify any potential conflicts of interest that could pose issues in serving on the board. He noted that the Nominating Council would notify the Ethics Commission of identified potential conflicts of interest and that the candidates' financial disclosure statements which would be a public record. Mr. Brachman inquired about deadlines for board appointments; Mr. Nick noted that the statute provides mandated appointing timelines and dates.

Mr. Nick also updated the Commission on discussions with Senate leadership and staff regarding enhancing the penalty for certain conflicts of interest.

Finally, Mr. Nick informed the Commission that an unpaid legal extern will soon be working at the Commission and that she plans to be present at the January Commission meeting. Mr. Brachman asked that care be taken in terms of the legal extern's access to confidential information.

LEGISLATION UPDATE

Mr. Hood summarized the legislative report and reported that the bill regarding virtual meetings excludes boards and commissions with elected or compensated members, which includes the Ethics Commission.

He also stated he is watching three bills that would create new state boards and commissions; should the bills pass; the Commission would have to determine whether members would be required to file financial disclosure statements.

PUBLIC EDUCATION AND INFORMATION

Ms. Willeke highlighted a few speeches since the last Commission meeting, noted that her annual report will be available by the next Commission meeting, and updated the members regarding the recent COGEL conference and presentations made by her and Mr. Nick.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring noted that the 2024 FDS statement will be available for downloading from the website by January 2, 2025. He also provided additional information regarding the PUCO Nominating Council process: (1) applicants are required to file statements by January 10, 2025; (2) the Nominating Council will process applicant information and meet on January 30, 2025, and will recommend four applicants to the Governor; (3) the Governor has 30 days to appoint members or request a new list of applicants.

Mr. Nick stated that he and Mr. Ring will work jointly to review FDS statements submitted by PUCO applicants and appointees.

Ms. Bruns reported that Newark City Councilman Colton Rine had four criminal charges filed against him for his failure to file required financial disclosure statements. He pleaded guilty on August 28 to two of the misdemeanor charges and was ordered to pay a \$50 fine for each charge as well as court costs. The other two charges were dismissed. Ms. Bruns reminded him that he will have to file again next year.

New failure to file financial disclosure statement complaints will be filed in January 2025. Ms. Bruns is requesting a Commission Member volunteer to serve as a hearing examiner for FDS Hearings that will occur in March or April 2025. Mr. Nick stated that hearings can be scheduled at the commission member's convenience as long as the hearings take place within 90 days of the complaints being filed.

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. 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.

Referrals to Ohio Attorney General's Office for Collections:

MOTION by Mr. Vander Laan, seconded by Ms. Tracy, 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 scheduled its next meeting for Tuesday, January 21, 2025, at 11 a.m. with the Investigative Committee planning to meet at 10 a.m. that same day.

The meeting was adjourned at 12:06 p.m.

These minutes are respectfully submitted by:

/s/ Paul M. Nick

Paul M. Nick
Executive Director