

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
FEBRUARY 20, 2025

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 12:17 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 and Financial Disclosure Administrator Brian Ring; HR & Fiscal Manager Alan Carlson; Investigative Attorneys Molly Bruns and Nicole Candelora-Norman; Investigative Assistant Shana Kaplan, and Assistant Attorney General Brittany Collins. Joining the meeting after Executive Session were Chief Advisory Attorney Christopher Woeste; Advisory Attorneys Katie Saks and Melissa Riggins, as well as Legal Extern Diana de los Santos Torres.

Commissioner Bailey was not in attendance with an excused absence.

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. 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 12:18 p.m.

The Commission returned to open session at 12:37 p.m.

PREVIOUS MEETING MINUTES

The Commission reviewed the draft minutes from the January 21, 2025, Commission meeting.

MOTION by Mr. Vander Laan, seconded by Ms. Kelley, that the Commission approve the minutes of the January 21, 2025, Commission meeting. Ms. Kelley, Ms. Ross-Dolen, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted yes. The motion was approved.

REVIEW OF NEW CHARTS IN PACKET

Mr. Nick reviewed with the Commission examples of new statistical charts in the packet that were created by Investigative Assistant Shana Kaplan. The charts identify numbers of advisory opinions and investigations and in the last chart (known as a “Butterfly” chart), compares the two. Mr. Nick used a similar version with 2024 statistics in his recent budget testimony.

Commission members expressed approval for the new charts and encouraged the future use of similar presentations of data.

For the next Commission meeting, charts in the packet will include information spanning January to March of this year.

REMEMBERING PAST COMMISSION MEMBER

The Chairman informed members and staff of the recent passing of Robert Y. Farrington who served on the Ohio Ethics Commission from 1981 to 1989, having been appointed by former Governor Jim Rhodes. In addition to his service to the Ohio Ethics Commission, Mr. Farrington was the long-time CEO of the Ohio State Building Trades Association.

ADVISORY OPINIONS AND STATISTICS

Mr. Nick introduced the Advisory Statistics and Advisory Activity Report. Mr. Woeste summarized the new format for the Advisory Activity Report. Ms. Ross-Dolen commented that she thought that the font was too small. Mr. Vander Laan suggested that the “Age (Days)” column be deleted since the number of days can be determined from the dates in the other columns.

Mr. Brachman asked how staff handles a situation when it appears that someone requesting an opinion has violated the Ethics Law. Mr. Nick explained that staff would ask if the requester wanted to self-report a potential violation. Mr. Hood stated that requesters are given the opportunity to contact a Commission investigator and that the matter may be resolved using the Commission’s settlement authority.

Ms. Saks reviewed the domestic partners formal advisory opinion draft, noting the changes that had been made since the last meeting. She highlighted endnote #42, which acknowledges the Ohio Supreme Court’s decision in *State v. Carswell*, 2007-Ohio-3723, regarding the constitutionality of the R.C. 2919.25 definition of “person living as a spouse.”

Ms. Saks also referred to line #285 of the draft and the use of the word “includes.” Since the last meeting, Mr. Bailey had suggested that “includes” should be replaced with “means.” Mr. Vander Laan agreed with Mr. Bailey’s suggestion.

Mr. Vander Laan questioned the use of “common law marital relationship,” as used in line #286, since common law marriage is no longer recognized in Ohio. Ms. Kelley explained that the Advisory Committee sought to mirror the language in R.C. 2919.25. Ms. Kelley and Mr. Vander Laan

recommended that an endnote should be inserted acknowledging the status of common law marriage in Ohio.

Mr. Woeste then reviewed the Lipperman draft informal advisory opinion. Prior to the meeting, Mr. Bailey had asked whether a phone call should be used to answer the questions instead of issuing an advisory opinion. Mr. Brachman cautioned that the position of the Fraternal Order of Police, not just its counsel's position, should be considered. Mr. Vander Laan suggested publishing the opinion without the officer's name. Mr. Brachman referred the matter for additional consideration by the Advisory Committee.

MOTION by Mr. Vander Laan, seconded by Ms. Kelley, that the Commission approve the formal advisory opinion with amendments discussed during the Commission meeting. Ms. Kelley, Ms. Ross-Dolen, Ms. Tracy, Mr. Vander Laan, and Mr. Brachman voted yes. The motion was approved.

EXECUTIVE DIRECTOR'S REPORT

Mr. Nick updated the Commission on the budget information contained in the packet. Staff had worked with the Office of Budget Management on the biennial budget request which included funding for a second Financial Disclosure analyst, and third staff member dedicated to the Financial Disclosure program area, a position which had previously existed at the Commission but had not been backfilled for several years. The budget received by the administration did not include funding for the requested position. The explanation provided was a desire to keep agency staffing at current levels across the state.

Other expenses to be discussed in the next two years include a lease increase for the Commission's offices of fifty cents per square foot as well as the possibility of replacing aging vehicles.

Mr. Nick reported that the Chairman of the Development Committee inquired about the possibility of increasing FDS fees which have not changed since 2012. In response, Mr. Ring is compiling a forecast model on what a fee increase might mean for the Commission's budget. Mr. Brachman agreed that potential FDS fee increases are a necessary conversation, but that care must be taken especially if the fees for the legislature and judges are not increased. Ms. Kelley added that the Commission must enter the conversation but pointed out that FDS fee increases merely shift the burden from one governmental entity to another, especially in situations where public agencies, such as state agencies, pay the fees for their filers.

Mr. Nick reported on a new bill that would require city managers, assistant city managers, village administrators, and assistant village administrators to file financial disclosure statements with filing fees set at \$35. If passed, the bill would generate an estimated \$55,000 in annual filing fees, which would not cover the costs of a second FDS analyst at the Commission.

Mr. Ring added that although school filers currently are assessed the lowest filing fee, Commission staff dedicates a lot of time answering questions related to these filers, and to the statutory confidential review process which might justify increasing the filing fees for this category of filers.

Ms. Kelley commended Mr. Nick's budget testimony and reminded members that his testimony can be viewed online. Mr. Nick encouraged Commission members if they have further questions or concerns about the budget process to reach out to him directly.

LEGISLATION UPDATE

Mr. Hood noted that he is monitoring SB 4 and will update the Commission if the bill moves forward. He also updated the Commission that the budget bill, which has been formally introduced, is HB 96. Finally, he informed the members that another bill, HB 113, will be included in the next packet and references annexation and school funding measures. The bill has ten co-sponsors so far.

PUBLIC EDUCATION AND INFORMATION

Ms. Willeke reviewed the information in the packet and encouraged any Commission members who need Continuing Legal Education credit to contact her for registration.

FINANCIAL DISCLOSURE STATISTICS REPORT/COMPLAINT REPORT

Mr. Ring reviewed the information in the packet and reported that the deadline for most candidates running for office in the May mid-term elections is April 7, 2025.

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 pass unanimously.

Referrals to Ohio Attorney General's Office for Collections:

MOTION by Mr. Vander Laan, 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 scheduled its next meeting: Thursday April 3, 2025, at 12 p.m. with the Investigative Committee meeting at 11 a.m. that same day.

The meeting was adjourned at 2:06 p.m.

These minutes are respectfully submitted by:

/s/ Paul M. Nick

Paul M. Nick
Executive Director