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Megan C. Kelley, Vice Chair
Bruce E. Bailey
Julie A. Rutter
Elizabeth E. Tracy
Mark A. Vander Laan

Paul M. Nick
Executive Director



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Advisory Committee Minutes

Thursday, January 14, 2021

Present:

Bruce Bailey, Megan Kelley, Julie Rutter, Commission Members

Karen King, Chief Advisory Attorney
Tim Gates, Staff Attorney
Jed Hood, General Counsel
Paul Nick, Executive Director

The meeting began at 12:03 p.m. by teleconference.

The Committee Members reviewed the draft minutes from the November 10, 2021 Advisory Committee meeting.

MOTION by Mr. Bailey, seconded by Ms. Kelley, that the Committee approve the minutes of the November 10, 2020 Advisory Committee meeting. Mr. Bailey, Ms. Kelley, and Ms. Rutter, voted “yes.” The motion was approved.

Mr. Hood introduced a discussion memo regarding public contract and Ethics Law implications of public entities paying membership dues to join nonprofit entities. Mr. Hood explained that in reviewing the several different types of memberships in organizations that many municipalities may join, it appears that each of them do provide a “service” that would meet the statutory definition of a “public contract.” He further explained, however, that it also appears that in most cases, any interest that a public official may have in such membership contracts would not be a prohibited interest, because they will be able to meet one or more of the existing exceptions to the public law prohibitions. Mr. Hood referenced Advisory Opinion No. 2016-01 noting the withdrawal requirement in R.C. 2921.42(A)(1) and R.C. 102.03, the exception to R.C. 2921.42(A)(3), as defined in Advisory Opinion No. 2016-01 and the exception to R.C. 2921.42(A)(4) in R.C. 2921.42(C).

Mr. Bailey agreed and suggested that staff draft a new formal advisory opinion that makes it clear that a public official may serve as a director of an entity of which his municipality is a member provided that the official is able to meet these requirements and exceptions.

The committee members agreed.

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Mr. Nick said that staff would have a draft ready before the February/March Commission meeting and would circulate the draft to the committee members beforehand by email.

Mr. Nick also noted the Commission's office building will be closed from midnight on Saturday, January 16 through 6 a.m. on Thursday, January 21 and that there will be no mail pickup or delivery to the office next week until Thursday, January 21.

The meeting was adjourned at 12:23 p.m.

These minutes were prepared by Chief Advisory Attorney Karen R. King.