

**MINUTES  
OF  
THE OHIO ELECTIONS COMMISSION**  
Meeting of April 22, 2021

The Ohio Elections Commission came to order at 10:00 A.M. on Thursday, April 8, 2021, in Room 1948 on the nineteenth floor of the Riffe Center, located at 77 South High St., Columbus, Ohio and also remotely through Microsoft TEAMS where all members of the Commission were present.

MEMBERS PRESENT

D. Michael Crites, Chair  
Otto Beatty III, Vice Chair  
Dennis B. Brommer  
Catherine A. Cunningham  
Natasha Kaufman  
Scott Norman

STAFF PRESENT

Philip C. Richter, Staff Attorney  
Christopher Hughes, Administrative Assistant

Chair Crites called the meeting to order. After a roll call vote, all members of the Commission were present with the exception of Charleta Taveras. Mr. Brommer moved to excuse Ms. Taveras from the meeting for good cause. Ms. Cunningham seconded the motion. The motion passed 6 – 0. Ms. Kaufman moved approval of the minutes of the meeting of April 8, 2021. Mr. Beatty seconded the motion. The motion passed 6 – 0.

HEARINGS

Duralia v. Protect Geauga Parks (Case No. 2020G-008). Chair Crites recapped the case for the benefit of Commission members and stated that the presentation of evidence had been concluded at the meeting of April 8, 2021, when counsel for both parties were directed to submit closing arguments on the case for the Commission to consider. Those submission had been received and circulated to Commission members by Mr. Richter. Mr. Richter outlined the essential allegation in the case and reminded the Commission that they were in position to make a determination in the case now that the closing arguments had been received.

Commission members had questions for Mr. Richter concerning the statutory definition of a political action committee, standard for determining whether a group fit that definition and the importance of contributions to establish membership. All Commission members offered comments on the case and expressed their position on whether a violation had occurred or not. At the conclusion of the comment period, Mr. Norman moved to find that there was no violation in the case. Mr. Beatty seconded the motion. Commission members offered final comment before the vote was taken. The motion then passed 5 – 1 (Mr. Brommer voted no).

Trevor Elkins, Elkins Committee, et al (Case Nos. 2019R-318, 2020R-057, 2020R-058, 2020R-059). Mr. Richter informed the Commission that a final version of the Decision and Finding in the case had been circulated to all members for their review and comment. Ms. Cunningham directed Mr. Richter to a typographical error on page 4 of the documents. After this, Ms. Cunningham moved approval of the Decision and Finding in this case. Mr. Norman seconded the motion. The motion passed 6 – 0.

PRELIMINARY REVIEWS

Thaxton v. Fisher. (Case No. 2019D-014). Mr. Richter outlined the allegations in the complaint and reminded the members that this case had been argued and the evidentiary portion of the review concluded at the Commission meeting of March 25, 2021, at which time Mr. Richter had been directed to further investigate the law on this case and provide the Commission members with a recommendation. Mr. Richter had done that investigation and provided Commission members with a Memorandum on the issue and included a recommendation to find no violation on this type of Facebook page. Mr. Norman moved to accept Mr. Richter's recommendation to find no violation. Mr. Brommer seconded the motion. The motion passed 6 – 0.

Tiemeyer v. Bergtrup, et al., (Case No. 2021G-002). Mr. Richter outlined the allegations in the complaint, informed the Commission that he had forwarded all materials submitted in the case to them which he had synopsisized for their review. He informed the Commission that he was recommending to the Commission that they find no violation. Chad Clark, Treasurer for the respondent's committee was present but offered no additional statement when apprised of Mr. Richter's recommendation. Ms. Kaufman then moved to find no violation. Mr. Beatty seconded the motion. The motion passed 6 – 0.

Bud Henschen, et al., (Case No. 2020R-379). Mr. Richter outlined the allegations in the complaint, informed the Commission that he had forwarded all materials submitted in the case to them which he had synopsisized for their review. He informed the Commission that he was recommending to the Commission that they find a violation but for good cause do not impose a fine or refer the matter for further prosecution. Derek Clinger, counsel for the respondents, was present and offered a statement to the Commission. Mr. Richter explained that he had received an e-mail from the attorney at the Wood County Prosecuting Attorney's office who had worked on this matter on behalf of the Board of elections and facilitated the filing of the referral. He stated that she indicated she would not be present to make a statement to the Commission concerning this matter. Commission members had questions for Mr. Richter who responded to those questions and offered an explanation of his recommendation. After an additional comment period, Mr. Norman then moved to accept Mr. Richter's recommendation and to find that there was a violation of the statute but for good cause not impose a fine or refer the matter for further prosecution. Chair Crites seconded the motion. After a roll call vote, the motion passed 5 – 1 (Ms. Cunningham voted no).

Purdy v. Simeone, et al (Case No. 2021G-001). Mr. Richter outlined the circumstances in this case for the benefit of Commission members. Mr. Richter informed the Commission that he had forwarded all materials submitted in the case to them and explained the basis for his recommendation. After complainant, Kathleen Purdy, initially had a problem with her ability to link into the Commission meeting, she was eventually able to address the Commission and outline the case from her perspective after being sworn to make a statement. Julie Mack, counsel for the respondent, was present and addressed the Commission on behalf of her client. Ms. Mack asked the Commission to dismiss the complaint. Commission members had questions for the parties and for Mr. Richter. Additional comments were offered by Ms. Purdy and Ms. Mack and Brian Simeone responded to the Commission after being sworn to provide explanations. Chair Crites offered a comment on the matter and Ms. Mack and Mr. Richter offered additional statements. At the conclusion of the discussion period, Ms. Cunningham moved to set the matter for further hearing. Ms. Kaufman seconded the motion. The motion passed 4 – 1 (Mr. Brommer voted no. Also, Mr. Beatty was obligated to leave the Commission meeting for another commitment before the conclusion of this matter).

## **RECONSIDERATIONS**

Ethan Reynolds, et al. (Case No. 2015R-069). Mr. Richter outlined the status of this case and recommended that the Commission reconsider the matter, vacate the previous imposition of the per diem fine, and instead impose a fine in the amount of the payments already made by the respondent through the collections Division of the office of the Attorney General that amounts to approximately \$8400. Further, Mr. Richter recommended that the Commission declare the committee terminated. Mr. Richter responded to question of the Commission after which Mr. Brommer moved to accept Mr. Richter's recommendation. Ms. Cunningham seconded the motion. The motion passed 6 – 0.

Brenda Fry, et al. (Case No. 2019R-474). Mr. Richter outlined the status of this case and recommended that the Commission reconsider the matter, vacate the previous imposition of the per diem fine, and instead impose a fine of \$100. Mr. Richter responded to questions of the Commission after which Mr. Brommer moved to accept Mr. Richter's recommendation. Ms. Kaufman seconded the motion. The motion passed 6 – 0.

**HEARING**

Friend to Elect Nino Vitale, et al (Case No. 2020S-002). Chair Crites and Mr. Richter outlined the basic elements contained in the referral from the office of the Secretary of State and reminded the Commission members that they had already found a violation of Count 1 of the referral at the December meeting. For that violation, the Commission had found that good cause was present not to impose a fine or refer the matter for further prosecution. Thus, the Commission was reviewing this matter today only concerning Counts 2 – 6. He informed the Commission that he had forwarded to them all materials submitted to the Commission in the case. Mr. Richter also informed the Commission that Donald Brey, who had appeared at the December meeting on behalf of the complaint had submitted a withdrawal of his representation to the Commission. Mr. Richter swore Mr. Vitale to make a statement of the Commission. Mr. Vitale made a statement and offered additional exhibits for the Commission's consideration. Commission members had question for Mr. Vitale who responded to the Commission. Commission members had questions for Mr. Richter who responded to those questions.

Mr. Vitale offered explanation to the Commission as to how money was swept from the account and how this circumstance had been repeatedly explained to staff at the office of the Secretary of State. Who had not offered an objection to this type of accounting. After an additional question and answer period, Commission members offered their comments on the matter. At the conclusion of the comment period, the evidentiary portion of the case was closed.

Mr. Norman then moved to find no violation in Counts 2, 3 and 4. Mr. Brommer seconded the motion which passed 5 – 0. Mr. Norman then moved to find a violation of R.C. §3517.10(D)(3)(a) in count 5. Mr. Brommer seconded the Motion. The motion passed 5 – 0. Mr. Norman also moved to find a violation of R.C. §3517.13(O) as contained in count 6. Mr. Brommer seconded the Motion. The motion passed 5 – 0. The Commission members then offered comment on the appropriate sanction to impose for the violations found today. At the conclusion of the discussion period, Mr. Norman moved to impose a total fine of \$500 for the violations found. Ms. Kaufman seconded the motion. After a roll call vote, the motion passed 5 – 0.

**OTHER BUSINESS**

Mr. Richter announced that the next meeting of the Commission will be May 6, 2021.

Mr. Norman moved adjournment. Ms. Kaufman seconded the motion. The motion was approved unanimously.

A video recording of The Commission meeting was made within the Microsoft TEAMS software.

The court reporter for today's meeting was Allison Coss of US Court Reporters.

APPROVED:

D. Michael Crites  
D. Michael Crites, Chair

Otto Beatty, III  
Otto Beatty III, Vice Chair

Dennis Brommer  
Dennis B. Brommer

Catherine A. Cunningham  
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Natasha Kaufman  
Natasha Kaufman

Scott Norman  
Scott Norman