



# DAVE YOST

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**Ohio Attorney General's Charitable Advisory Council**  
**10 a.m., November 15, 2021**  
**Meeting by Teams**

**Minutes**

**Participants:**

**Advisory Council Members:** David Ball, Erynn Beaton, Mary Gallagher, Claudia Herrold, Marcy Williams, Erik Farley, Mary Gallagher, Catherine Scheller (on behalf of Howie Beigelman), Kip Morse, Jane Pfeifer, Tom Poulson, and Monica Moloney. **Ohio Attorney General Charitable Law Staff:** Daniel Fausey, Matthew Jalandoni, Kimberly Bossman, Amy Hardbarger, Abigail Jacobs, Beth Short, and Connor Lemons. Charitable

The meeting was called to order by David Ball and participants introduced themselves.

**Minutes** -- On motion of David Ball seconded by Monica Moloney, minutes of the previous meeting were approved.

**Charitable Law Section Case Update** – Ms. Short introduced Ms. Jacobs who shared a summary of a recent case regarding a charitable trust in Clark County that came to the section through an anonymous complaint. Ms. Jacobs shared that there were numerous suspicious and problematic transaction and activities involving the trust, including the trust's property were not being used as a nature park as required. Instead, a trustee was using the property as a residence, not for charitable purposes. Our enforcement efforts included a financial recovery and the removal of the trustee who can not serve on a charitable board moving forward. The property will likely be sold and the proceeds will be used in the community to support charitable purposes.

Mr. Fausey explained the process of receiving a complaint in the Charitable Law Section and the general timeline from when a complaint is filed, when and if an investigation begins, and how long any situation may take to close, noting there can be broad variations depending on the details.

Mrs. Short expanded on how certain complaints are investigated and others are not, and the varying extent of the different types of results that can occur following the section's work.

**COVID-19 Updates** – Mr. Poulson and Ms. Gallagher shared that despite increasing wages, staffing issues persist in healthcare-related fields. In the healthcare industry certain services have been halted or limited to certain days of the week. Ms. Williams shared that many organizations are still operating remotely, and there is still confusion about what they are permitted to do over Zoom/ Microsoft Teams, such as voting and holding official meetings.

Ms. Short advised members that if they know of any charitable organizations have questions about their responsibilities during the COVID-19 pandemic, they can take a look at the various resources that have been provided on the section’s webpage, or reach out to the Charitable Law Section for assistance. Prof. Beaton suggested a survey could help shed some light on the continuing challenges charities are experiencing.

### **Legislative Updates**

**Budget Bill** --Mr. Fausey gave an update on the budget bill and its effects on the section. The budget bill included changes permitting electronic bingo which has already created new responsibilities for the section. Mr. Fausey also discussed the budget bill’s creation of tax credits for donors to qualifying scholarship granting organizations that support students in grades K-12. The section developed rules that outline the application and approval process within the section, the Ohio Tax Department’s responsibilities under the new provisions.

**HB 135** -- Mr. Fausey spoke on SB 135, which addresses donors’ rights to contest a charity’s use of an ancestor’s gift. Under common law, these types of actions are prohibited because of a lack of standing by family members while recognizing the Attorney General has the authority to regulate the activities of charitable trusts. Ms. Herrold seconded the concern over HB 135, especially the possibility that it could be expanded to apply to all not-for-profits, which would create burdens for the sector.

### **General Charitable Law Section Update**

Mr. Fausey shared that there are a “number of large cases” that are ongoing. He said that the section is considering refining the charitable registration database so that it is more user-friendly for potential donors looking for information about charities. He said these changes could take up to two years to be completed. He shared that there will be new webinars available to the public soon – hopefully within 6 months.

Mr. Jalandoni shared that the section has added several new employees recently that he thinks will greatly strengthen the section. Ms. Short shared that she has began doing in-person trainings again.

**Other Items and Updates** – Ms. Short said she has compiled some dates for potential meeting dates in 2022, and will be sharing these dates with the group shortly so that a 2022 calendar can be set in stone.

**Adjournment.** Meeting was adjourned.

Respectfully Submitted,

Connor Lemons