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Paul M. Nick
Executive Director

December 16, 2016

CONFIDENTIAL

Alan B. Schaeffer
Law Director
City of Huber Heights
Pickrel, Schaeffer & Ebeling
2700 Kettering Tower
40 North Main Street
Dayton, 45423-2700

Dear Mr. Schaeffer:

On December 8, 2016, the Ohio Ethics Commission received an allegation from you on behalf of the City of Huber Heights (City) regarding potential ethics violations by the City's Mayor Tom McMasters. Specifically, it is alleged that McMasters engaged in discussions with a potential bidder about the qualifications of the bidder, the qualification of other bidders and the qualifications of the recommended bidder. In addition, the bidder provided the mayor with additional information regarding the bid and about energy aggregation that was not share with council or other bidders.

After thoroughly reviewing the documents and materials you forwarded, the Ethics Commission is unable to respond to the issues you raised. The materials provided do not reflect that McMasters had a prohibited relationship, such a family member or business associate, with the potential bidder that would give rise to a conflict of interest. Also, the materials do not reflect that McMasters disclosed confidential information that would give rise to a violation under Revised Code section 102.03(B).

Although conduct of a public official or employee may appear to be improper or unethical in a broader sense, the Ethics Commission, as a state agency challenging the actions of a public official or employee, is limited to reviewing those actions within the criminal provisions of the Ethics Law and related statutes.

Because of the lack of supporting documentation evidencing an issue within its jurisdiction, the Commission will close its initial review of this matter. If you obtain additional supporting documentation or information, please forward it and the matter will be reexamined. If you have any questions, please contact me at (614) 466-7090.

Sincerely,

Julie M. Korte
Chief Investigative Attorney