

Todd McGonigle

Note to File

Unity Resource Solutions

04/30/2014 – Harry came into my office and asked if I had processed Unity Resource Solutions. I stated I had not that the file had just recently and been given to me. Harry closed my office door and asked, do we fast track files from anyone other than the MBACs. I stated yes, several coordinators and other officials have asked for some files to be fast tracked for several different reasons i.e. a contract is pending, an upset client, etc. He stated that Unity Resource Solutions was his wife's company and wanted the package fast tracked due to a pending contract. He also stated that I was not to do anything that I would not normally do in the course of this certification. I told him we would fast track it due to the contract and his request. Harry left my office at which time I call Stacy Cornett C/O into my office and stated that I needed her to fast track Unity Resource Solutions and that I was assigning the packet to her. I also told her that this was Harry's wife's company and that she was to follow all normal processes and to make her recommendation without concern for who owned the company. I told her not to broadcast it to the division that she was reviewing Harry's wife's package as there were many personal items in the file i.e. tax returns, net-worth, and private information and I did not want anyone to try and get this information by reading the file or pressuring her to give out information.

5/5/2014 – Harry asked me if the packet was completed, I told him I did not know as I was off on Thursday and Friday. I checked with Stacy and she told me the file was in my office and that she had disapproved the packet. I asked her why and she stated the company had not been in business for one-year. I reviewed the packet and Stacy's disapproval letter and agreed with her recommendation.

05/06/2014 – Spoke to Harry in his office about the packet. I stated that the C/O recommended disapproval due to not being in business for one-year. Harry said haven't we approved companies in the past that did not meet the one-year rule and I stated yes, coordinators have approved companies based on their interpretation of the OAC code and other reasons unknown to me. Harry stated could the one-year apprenticeship be considered "in business". I told him that past coordinators had used experience as a substitute for "in business" for example, if a person had done concrete work for the past 10 years and got laid off and started a business some coordinators have approved their expertise as in business the same as like a new doctor. Harry stated that he thought he was ok in approving this company and if he did not approve how could he go out to the community and talk about getting companies to certify when he disapproved based on one-year interpretation and that we had discussed repeatedly in the outreach meetings on the rules to the community that he wanted to remove this rule. I told Harry that I had concerns that this may look like he was doing something for this company that he did not do for other companies. He stated that he had told use to be liberal in our interpretation of "in business" and in the past and what was the definition of "in business". I told him there was no definition written anywhere and that most coordinators interpret this term on their own opinion. He said I think I am ok with approving this company. He then stated that he had contacted the Ethics Commission before ever having his wife apply and that the Ethics Commission had said everything was ok with him reviewing the

Exhibit 1

Page 2 of 3

packet and that a state employee's wife could own a company and do work for the state. I went on to say, I understand but I would think that the administration would hold him to a higher standard based upon his relationship with the company. I also mentioned that if this was done by him, would he be ok if this got into the Dispatch and he said I'm Ok with this. I discussed that the division would eventually hear of the certification from the C/O and that they call IG thinking that he had a conflict of interest. He stated that he was not doing anything for this company that he has not done for other companies. I said that maybe he would want someone else to approve or disapprove the company i.e. David Payne/Orvell so there was no appearance of impropriety. He said no, I do not think I want to go down that road and that I think I am ok. He told me to finish the process and submit the packet to him. I then went to Stacy and told her to complete the review by setting up an interview. Stacy told me later that day that she left a message and recommended on the message to do the interview on Wednesday or Thursday.

05/07/2014 – I spoke with Orvell Johns and discussed with him all of the above. I asked him if I had any obligation to say anything to anybody, about this situation. He said if I had done everything the normal way i.e. how I normally would process a certification and the fact that the approved has not been made yet that there was nothing to report. I said what if Harry does approves, do I have any obligation at that point, based on my review of the code? Orvell said no, because it is the coordinator's responsibility to approve and disapprove certifications and that Harry had stated the Ethics Commission Ok'd the action and that coordinator has the authority to interpret the code and for all I knew, Harry had already discussed the issue with David and that it might appear that I was a snitch to the management when there might not even be an issue, then what would my working relationship be with Harry. He further stated that I had told him and done everything he could think of in this area and that I had no obligation to said anything that I just had difference of interpretation. Orvell stated now that I had told him, he was trying to figure out if he has an obligation to say anything. I said well just be aware that if an investigate would be done that I had notified him. He said ok, but he did not think there was anything illegal or improper as the coordinator and past coordinator have had the right to interpret the code. He said it might look bad though, if this came to light and Harry was wrong. I said I understand, but shouldn't we give David a heads up just in case Harry has not discussed this and this becomes an issue due to Harry's relationship with the company. I said, even if in the future an investigation is completed because someone felt he had done something wrong and Harry was found to be correct that the appearance to the public might be a conflict of interest and look bad upon DAS. He said no, you do not need to say anything and that I had told him and that it was David's responsibility to create an environment with Harry were he feels like he could discuss this type of an issue freely the same way that I felt free to discuss this issue with Harry and himself. And if Harry did not discuss then Harry must feel he is correct in making this call. He said they put Harry in the coordinators position and they relied on Harry to interpret the code and that I had done everything I should have.

05/08/2014 spoke to Harry that the interview for Unity Resource Solutions was set to be completed today. I told him the C/Os recommendation is still the same (Deny), I told Harry, that I would bring the 119 letter and if he accepts the recommendation or not. He said I do not normally complete anything for these types of decisions, I just usually tell you and you make the changes. I said yes this is how it has and was done in the past. He said so then certify the company as you normally do. Sent memo to Hary

stating "Hi Harry, per your discussion and at your direction, I have approved Unity Resource Solutions as an MBE and EDGE certified company in the Omnicom system." Gave Pam a copy as proof of submission to Harry and asked her to hold on to it.

Ohio Department of Administrative Services
John R. Kasich, *Governor*
Robert Blair, *Director*
Harry T. Colson, *Interim Deputy Director/State EEO Coordinator*

Memorandum



Department of Administrative Services
Equal Opportunity Division

To: Harry Colson, State EEO Coordinator
From: Todd McGonigle, EEO Program Manager
Date: May 8, 2014
Re: Unity Resource Solutions Certification

Hi Harry, per your discussion and at your direction, I have approved Unity Resource Solutions as an MBE certified company in the Omnicom system.

*given to P. oslem
on 5/8/14
[Signature]*

From: King, Karen [mailto:Karen.King@ethics.state.oh.us]
Sent: Friday, April 04, 2014 10:19 AM
To: Colson, Harry
Subject: Adv. Ops. No. 96-004; 2009-02; Imm (12-27-05), and IS 3

Dear Mr. Colson:

Thank you for contacting the Ethics Commission. The Commission's policy is for staff to provide **general information** about the Ethics Law and Commission precedent whenever possible. In accordance with that policy, I have attached Commission publications that may provide you with **general information** regarding the Ohio Ethics Law.

<http://ethics.ohio.gov/advice/opinions/96-004.pdf>

<http://ethics.ohio.gov/education/factsheets/InfoSheet3-StateContracts.pdf>

<http://ethics.ohio.gov/advice/opinions/2009-02.pdf>

This is NOT an advisory opinion and does not reach any conclusions as to the specific facts you described. An advisory opinion of the Commission is a written document based on a written request disclosing the relevant facts. The Commission staff CANNOT provide verbal or written advisory opinions in response to questions posed on the telephone or in an email, questions involving the actions of someone other than the requester, or questions involving events that have already occurred.

I hope this information is helpful to you. Please feel free to visit our web-site at www.ethics.ohio.gov if you need further information.

Sincerely,

Karen R. King
Staff Advisory Attorney
Ohio Ethics Commission
William Green Building
30 West Spring Street, L3
Columbus, Ohio 43215-2256
Telephone: (614) 466-7090
Fax: (614) 466-8368
karen.king@ethics.state.oh
www.ethics.ohio.gov

Jun. 4. 2014 2:41PM

No. 1657 P. 1



Date 4/4/2014

Last Name: Colson First Name: Harry

Agency: State Business

Address:

City: State: OH Zip: 0

Nature of Call

- FDS
- Gifts
- Land use/Property Matters
- Nepotism
- Revolving Door
- Selling Goods or Services
- Supplemental Compensation
- TML
- General Questions/Other
- Not our Jurisdiction

Notes of Call

his wife may start a private business doing IT consulting - may sell to state and/or state vendors
Can he start a private business himself

Was Information Sent? Attorney: Karen King

Information Sent:

Adv. Ops. No. 96-004; 2009-02; Imm (12-27-05) and IS 3

Primary Phone: 614-466-0657

Secondary Phone:

Fax Number:

E-mail: harry.colson@das.ohio.gov

Closed



Department of Administrative Services

May 12, 2014

Harry Colson
[REDACTED]
[REDACTED]

Dear Mr. Colson:

Pursuant to the authority granted in section 124.388 of the Ohio Revised Code, I am placing you on administrative leave with pay from your position of Interim Equal Opportunity Coordinator of the Equal Opportunity Division of the Department of Administrative Services. This action is effective May 12, 2014.

You are not to return to work until further notified by Chief of Staff, David Payne, of the Director's Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Blair", is written over a light blue horizontal line.

Robert Blair
Director

c: personnel file



Department of Administrative Services
Equal Opportunity Division

May 20, 2014

Eron Colson, Owner
Unity Resource Solutions



Dear Mrs. Colson:

On May 9, 2014, the Division of Equal Opportunity issued a letter notifying you that your company, Unity Resource Solutions, had been granted certification as a Minority Business Enterprise under Section 123.151 of the Ohio Revised Code and Rule 123:2-15-01 of the Ohio Administrative Code. It has come to my attention that the May 9, 2014 letter and purported certification were issued in error.

On behalf of the Department of Administrative Services, I am hereby withdrawing the letter and rescinding the certification effective immediately. Please note that your application for certification as a Minority Business Enterprise remains pending and under review by the Division of Equal Opportunity. You will be notified of its approval or denial in the near future.

Should you have any questions, please contact Todd McGonigle at (614) 466-8380.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Blair", with a horizontal line extending to the right.

Robert Blair
Director
Department of Administrative Services

cc: Todd McGonigle, EOD