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June 9, 2022

Aimee Shadwick
Interim Director
RecoveryOhio
Riffe Center, 30th Floor, 77 South High Street
Columbus, OH 43215

Martha Sweterlitsch & Holly Gross
Benesch, Friedlander, Coplan & Aronoff LLP
41 South High Street, Suite 2600
Columbus, OH 43215

Re: Harm Reduction Ohio

Dear Ms. Shadwick, Ms. Sweterlitsch, and Ms. Gross:

On behalf of our client Harm Reduction Ohio, we write to express our concerns with certain actions taken by the recently established OneOhio Recovery Foundation, Inc. (the Foundation).

Although the Foundation purports to be a private entity exempt from the purview of R.C. §121.22 (the Open Meetings Act), the Memorandum of Understanding adopted by the Foundation and its affiliates asserts the following:

The Foundation, Expert Panel, and any other entities under the supervision of the Foundation shall operate in a transparent manner. Meetings shall be open, and documents shall be public to the same extent they would be if the Foundation was a public entity.

Although the Foundation is incorporated as a private non-profit, it has operated as a de facto public entity. The Foundation has been funded, staffed, and coordinated by employees of the Governor's office. Additionally, the Foundation has not applied for tax exempt status under § 501(c)(3) of the Internal Revenue Code.

The first meeting of the Foundation was held at the Ohio Department of Public Safety building and the meeting was announced exclusively on the Governor's website. The interim director of the Foundation's board is an employee of the governor's office acting in her official capacity as a public employee. Crucially, the first meeting of the Foundation arbitrarily excluded certain members

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of the public, including our client, from attending while other members of the public were permitted to attend. This is a direct violation of the Open Meetings Act and the MOU provision referenced above.

The mission the Foundation was established to pursue is of tremendous importance to the state of Ohio as it will oversee the spending of several hundred million dollars of public funds directed at serving the citizens of our state. Accordingly, we request the May 16 meeting of the Foundation be reconvened in full compliance with the Open Meetings Act, a written acknowledgement that the Foundation will comply at all future meetings, and rescission of the actions and appointments executed at the May 16 meeting.

Very truly yours,

GRAYDON HEAD & RITCHEY LLP

/s/ John C. Greiner

John C. Greiner

JCG:cmc