

SPECIAL MEETING OF THE OHIO INDUSTRIAL COMMISSION

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FEBRUARY 22, 2024

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Shelby Anderson  
Professional Reporter

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ARMSTRONG & OKEY, INC.  
222 East Town Street, Second Floor  
Columbus, Ohio 43215-9481

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1 APPEARANCES:

2 Chairman Jim Hughes

3 Commissioner Dan Massey

4 Commissioner Cheri Hottinger

5 Executive Director Tim Adams

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P R O C E E D I N G S

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MR. HUGHES: This is Chairman Jim Hughes and the special meeting of the Ohio Industrial Commission is now being called to order. This meeting is being conducted in person and is being held in the main hearing room of the William Green Building located at 30 West Spring Street in Columbus, Ohio.

The date is 02/22/2024 and the time is 1 o'clock. The meeting is also being streamed on the Ohio Industrial Commission's YouTube channel. The link to listen to this meeting is available on the Industrial Commission's public website.

The purpose of this special meeting is the appointment of the Director of Adjudication, an investigation held by the Office of Chief Legal Counsel pursuant to R.C. 4123.06, consideration and voting related to the medical exam manual, and resolution R19-01-01.

The agenda of the special meeting is as follows: The meeting call to order, the roll call, meeting minute approval, vote to enter Executive Session to discuss the hiring of candidates for the Director of Adjudication position and discuss the legal advice and recommendation of the Office of Chief Legal Counsel related to allegations of improper behavior against a

1 representative practicing before the Ohio Industrial  
2 Commission and the investigation of the Office of Chief  
3 Legal Counsel held pursuant to R.C. 4123.06; review,  
4 discuss, and vote on the medical exam manual; review,  
5 discuss, and vote on proposed changes to resolution  
6 R19-01-01; vote on hiring of a candidate for  
7 Director of Adjudication position, vote on the  
8 recommendation of the Office of Chief Legal Counsel  
9 regarding the statutory investigations held pursuant to  
10 R.C. 4123.06, and then adjournment.

11 During this meeting, it is important that  
12 prior to speaking the first time, each participant introduce  
13 themselves by stating their name and title. This is to  
14 ensure that the audio recording accurately reflects the  
15 proceeding and the public is properly informed.

16 For those of you who are listening on the  
17 Industrial Commission's YouTube channel, please be aware  
18 that if during a special meeting, the Commissioners vote to  
19 enter Executive Session, you will not be able to hear a  
20 live recording during that time. When the Commissioners  
21 exit Executive Session, the recording will resume.

22 I will go to the first order of business, which  
23 is roll call. I now ask our Executive Director, Mr. Tim Adams,  
24 to call the roll, please.

25 MR. ADAMS: This is Tim Adams, Executive

1 Director of the Ohio Industrial Commission. As I call  
2 your name, please restate your name and affirm your  
3 presence. Commissioner Hottinger?

4 MS. HOTTINGER: Cheri Hottinger, present.

5 MR. ADAMS: Commissioner Massey?

6 MR. MASSEY: Dan Massey, present.

7 MR. ADAMS: Chairman Hughes?

8 MR. HUGHES: Jim Hughes, present.

9 We do have a quorum. We'll first go look to the  
10 minutes of the meeting. First on our agenda is that and  
11 that's the meeting minutes from the special meeting held  
12 on October 24th, 2023, as well as two special meetings  
13 held at separate times on November 7th, 2023, and  
14 meeting minutes from the special meeting held December  
15 19th, 2023. Is there any discussion on any of the  
16 minutes -- meeting minutes from these special meetings?

17 Hearing and seeing none, I, Jim Hughes, will  
18 make a motion to approve the following meeting  
19 minutes: October 24th, 2023; November 7th, 2023; for  
20 both special meetings held on that day and the December  
21 19th, 2023. Do I have a second to the said motion?

22 MR. MASSEY: This is Commissioner Massey,  
23 I will second.

24 MR. HUGHES: This is Jim Hughes, Chairman.  
25 Thank you, Commissioner Massey, for your second. I now

1 will ask Executive Director, Mr. Tim Adams, to call the  
2 roll.

3 MR. ADAMS: This is Tim Adams, Executive  
4 Director of the Ohio Industrial Commission. As I call  
5 your name, please restate your name and state your vote.  
6 Commissioner Hottinger?

7 MS. HOTTINGER: Cheri Hottinger, yes.

8 MR. ADAMS: Commissioner Massey?

9 MR. MASSEY: Commissioner Dan Massey, yes.

10 MR. ADAMS: Chairman Hughes?

11 MR. HUGHES: Chairman Hughes, yes.

12 The motion does carry. Next, we'll go to the  
13 review and discussion of personnel matters and legal  
14 advice related to an investigation held pursuant to R.C.  
15 4123.06. These are personnel matters requiring  
16 discussion among the Commissioners in Executive Session.  
17 Executive Session is limited to discussion of the  
18 potential appointment of a Director of Adjudication and  
19 an investigation held by the Office of Chief Legal  
20 Counsel pursuant to R.C. 4123.06, as well as any  
21 necessary legal advice. All votes will be made in open  
22 session.

23 I, Jim Hughes, now move that the Commission now  
24 enter an Executive Session to discuss potential  
25 appointment of a Director of Adjudication and the

1 investigation held by the Office of Chief Legal Counsel  
2 pursuant to R.C. 4123.06. Do I have a second to the  
3 said motion for Executive Session?

4 MS. HOTTINGER: Commissioner Cheri  
5 Hottinger seconds the motion.

6 MR. HUGHES: Chairman Jim Hughes, thank  
7 you, Commissioner Hottinger, for your second. I now ask  
8 Executive Director, Mr. Tim Adams, to call the roll.

9 MR. ADAMS: This is Tim Adams, Executive  
10 Director of the Ohio Industrial Commission. As I call  
11 your name, please restate your name and state your vote.  
12 Commissioner Hottinger?

13 MS. HOTTINGER: Cheri Hottinger, yes.

14 MR. ADAMS: Commissioner Massey?

15 MR. MASSEY: Dan Massey, yes.

16 MR. ADAMS: Chairman Hughes?

17 MR. HUGHES: Chairman Hughes, yes.

18 Said motion does carry. We will now be moving  
19 into Executive Session. Anybody I would ask, please  
20 leave for that purpose, we'll let you back in as soon as  
21 we come back into the open, so we do appreciate it.

22  
23 (Break for Executive Session.)

24  
25 MR. HUGHES: I have now instructed that we

1 will be back on the record, which I was just shared with  
2 that we are, in addition to those that exited the  
3 room, which we appreciate, are now back in.

4 So at this point in time, having reviewed the  
5 personnel matter in Executive Session, this is the roll,  
6 we are going to have for a roll call vote to take the  
7 actual hiring a Director of Adjudication, and recommendations  
8 of the Office of Chief Legal Counsel following of the  
9 investigation pursuant to R.C. 4123.06.

10 Since we reviewed the personnel matter in executive session,  
11 I now make a motion to approve the appointment of Nick Soulas as  
12 Director of Adjudication as discussed in Executive  
13 Session. Do I have a second for the said motion?

14 MR. MASSEY: This is Commissioner Massey,  
15 I will second.

16 MR. HUGHES: This is Jim Hughes, Chairman.  
17 Thank you, Commissioner Massey, for your second. Having  
18 receiving the proper second, I will now ask our  
19 Executive Director, Mr. Tim Adams, to call the roll.

20 MR. ADAMS: This is Tim Adams, Executive  
21 Director of the Ohio Industrial Commission. As I call  
22 your name, please restate your name and state your vote.  
23 Commissioner Hottinger?

24 MS. HOTTINGER: Cheri Hottinger, yes.

25 MR. ADAMS: Commissioner Massey?



1 MR. MASSEY: Dan Massey, yes.

2 MR. ADAMS: Chairman Hughes?

3 MR. HUGHES: Jim Hughes, yes.

4 The motion has the necessary votes; it does  
5 pass.

6 The second matter discussed in Executive Session  
7 was the investigation held by the Office of Chief Legal  
8 Counsel pursuant to R.C. 4123.06. During Executive  
9 Session, the Commission received legal advice from the  
10 Office of Chief Legal Counsel regarding a complaint that was  
11 filed against attorney Shelby McMillan pursuant to R.C.  
12 4123.06. The allegation was that the attorney,  
13 McMillan, improperly altered, or caused to be altered, a  
14 medical release form.

15 I now, Jim Hughes, make a motion that the complaint  
16 is without merit and that no sanctions be imposed on Attorney  
17 McMillan. Further an order shall be issued in this decision  
18 when appropriate. Do I have a motion -- do I have a  
19 second for the said motion?

20 MS. HOTTINGER: Commissioner Cheri  
21 Hottinger seconds the motion.

22 MR. HUGHES: Jim Hughes, Chairman, thank  
23 you, Commissioner Hottinger, for your second. Having  
24 received the proper second, I will now ask our Executive  
25 Director, Mr. Tim Adams, to call the roll.

MR. ADAMS: This is Tim Adams, Executive Director of the Ohio Industrial Commission. As I restate your -- as I call your name, please restate your name and state your vote. Commissioner Hottinger?

MS. HOTTINGER: Cheri Hottinger, yes.

MR. ADAMS: Commissioner Massey?

MR. MASSEY: Dan Massey, yes.

MR. ADAMS: Chairman Hughes?

MR. HUGHES: Yes.

Said motion does carry. Now we'll move on to our last item we have, which is the medical exam manual and resolution R19-01-01. This is the -- I'll now ask Sarah Castle, who is our Director of Medical Services, as well our doctor, if necessary, to address the changes to these two items. You can come on up and welcome.

MS. CASTLE: Thank you. This is Sarah Castle, Director of Medical Services. I appreciate the opportunity to present the revisions for the examination--

MR. HUGHES: This room is kind of weird to hear; I want to make sure everybody hears what you have to say. You have a soft voice. Dr. Welsh is the same, I know.

MR. ADAMS: You may now approach the bench.

1 MR. HUGHES: Certainly.

2 MS. CASTLE: Thank you.

3 I appreciate this opportunity to present the  
4 revisions of that medical examination manual. Dr. Welsh  
5 and I routinely review our publications that come from  
6 Medical Services and in this case, it's been since 2019  
7 from the last review of the examination manual. With  
8 that, it was our objectives to address whether we were  
9 still in alignment with the process of PTD and our  
10 examinations and how it aligns with the adjudication  
11 process of PTD, as well as make sure that it matches the  
12 resources that we continue to produce on the public  
13 website for our specialist examiners.

14 So with that, we certainly appreciate the efforts  
15 that the Commissioners and their team of assistants did  
16 with providing us with information as well as the  
17 Commission Quality Committee and their team members to  
18 help us with updating it to our standards here in 2024.  
19 With that being said, Dr. Welsh, do you have anything  
20 to add?

21 DR. WELSH: I'd just like to say from a  
22 medical provider standpoint that with the result of all  
23 of this and I also want to thank our friends in Legal  
24 and Public Relations Department, is that we have now  
25 what we believe is an accurate and well-written

1 description of our expectations for our doctors as they  
 2 assist us in the process of medical examinations review  
 3 and process. I'd also like to say that it reflects  
 4 an (inaudible)-- well, it -- there's a lot of  
 5 expertise and intelligence that went into this from many  
 6 people, Commissioner, a lot of people looked at. It  
 7 reflects team work, it reflects a caring attitude from  
 8 the employees of the IC who helped develop the manual,  
 9 and it ultimately supports our mission of unbiased and  
 10 expeditious resolution of issues that come before the  
 11 Commission.

12 MR. HUGHES: Is there anything else?

13 MS. CASTLE: No. With that, we certainly  
 14 open up if anybody has any questions.

15 MR. HUGHES: First of all, thank you,  
 16 Ms. Castle, as well as Dr. Welsh. Do any of the  
 17 Commissioners have any questions?

18 MR. MASSEY: I do not, Mr. Chairman.  
 19 Thank you.

20 MS. HOTTINGER: I do not, thank you.

21 MR. HUGHES: You told me you did.

22 MR. MASSEY: I changed my mind.

23 MR. HUGHES: Hearing no questions, I, Jim  
 24 Hughes, chairman, make a motion to approve the proposed  
 25 changes to the medical exam manual and resolution

1 R19-01-01. Do I have a second to the said motion?

2 MR. MASSEY: This is Commissioner Massey,  
3 I will second.

4 MR. HUGHES: Jim Hughes, Chairman, thank  
5 you, Commissioner Massey, for your second. Having  
6 received a second, I'll now ask our Executive Director,  
7 Mr. Tim Adams, to call the roll, please.

8 MR. ADAMS: This is Tim Adams, Executive  
9 Director of the Ohio Industrial Commission. As I call  
10 your name, please restate your name and state your vote.  
11 Commissioner Hottinger?

12 MS. HOTTINGER: Cheri Hottinger, yes.

13 MR. ADAMS: Commissioner Massey?

14 MR. MASSEY: Dan Massey, yes.

15 MR. ADAMS: Chairman Hughes?

16 MR. HUGHES: Yes.

17 Said motion does carry. As we have considered  
18 all the items on the agenda for the special meeting, I,  
19 Jim Hughes, now move --

20 MS. HOTTINGER: I'm so sorry. We have  
21 that resolution still.

22 MR. HUGHES: We just did that.

23 MS. HOTTINGER: We did the manual, right?  
24 Yeah, we have to do the--

25 MR. HUGHES: I'll do the resolution.

1 Thank you.

2 MS. HOTTINGER: You're welcome. Sorry.

3 UNIDENTIFIED SPEAKER: If I can assist with that, we're  
4 actually combined with both for your vote, so I think  
5 you guys are covered.

6 MS. HOTTINGER: Oh, I apologize then. I  
7 thought we were doing it separately.

8 MR. HUGHES: I make mistakes, I just--

9 MS. HOTTINGER: No, my bad. Sorry.

10 MR. HUGHES: All right. As considered  
11 now, all the items on the agenda for the special  
12 meeting, I, Jim Hughes, move to adjourn. Do I have a  
13 second to the said motion?

14 MS. HOTTINGER: Commissioner Hottinger  
15 seconds the motion.

16 MR. HUGHES: This is Jim Hughes, chairman.  
17 Thank you, Commissioner Hottinger, for your second.  
18 Will Executive Director, Mr. Tim Adams, call the roll,  
19 please?

20 MR. ADAMS: This is Tim Adams, Executive  
21 Director of the Ohio Industrial Commission. As I call  
22 your name, please restate your name and state your vote.  
23 Commissioner Hottinger?

24 MS. HOTTINGER: Cheri Hottinger, yes.

25 MR. ADAMS: Commissioner Massey?

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MR. MASSEY: Dan Massey, yes.

MR. ADAMS: Chairman Hughes?

MR. HUGHES: Yes. Said motion does carry.

We are adjourned.

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(Whereupon, the special meeting was concluded.)

C-E-R-T-I-F-I-C-A-T-E

I do hereby certify that the foregoing is a true, correct and complete written transcript of the audiotaped proceedings in this matter, reduced by me into stenotypy, to the best of my ability, and transcribed from my stenographic notes on the 12th day of March, 2024.

  
Shelby Anderson