

OPINION NO. 86-091**Syllabus:**

1. The executive director of a community mental health board under R.C. Chapter 340 is "a provider or related to a provider of services to mentally retarded, developmentally disabled, or mentally ill persons" for purposes of R.C. 5123.60(D) and is, therefore, ineligible to serve as a member of the Ohio Legal Rights Service Commission.
2. A member of the board of trustees of a nonprofit corporation that leases property to persons who are providers of services to mentally retarded, developmentally disabled, or mentally ill persons is not "a provider or related to a provider of services to mentally retarded, developmentally disabled, or mentally ill persons" for purposes of R.C. 5123.60(D) and is not, by virtue of membership as such trustee, rendered ineligible

to serve as a member of the Ohio Legal Rights Service Commission.

3. The Ohio Legal Rights Service Commission is a "public body" for purposes of R.C. 121.22, Ohio's open-meeting law. The Commission may consider in executive session such matters as come within R.C. 121.22(G).

To: Michael T. Gavin, Chairman, Ohio Legal Rights Service Commission,
Columbus, Ohio

By: Anthony J. Celebrezze, Jr., Attorney General, December 10, 1986

You have requested an opinion on three questions relating to the Ohio Legal Rights Service Commission. Your first two questions concern the eligibility of two particular individuals to sit on the Commission. Your third question concerns the application of Ohio's open-meeting law, R.C. 121.22, to the Commission.

I note first, with respect to your first two questions, that it is not the function of this office, in connection with the rendering of legal opinions, to make findings of fact or determinations as to the rights of particular individuals. See generally 1986 Op. Att'y Gen. No. 86-039; 1983 Op. Att'y Gen. No. 83-087 at 2-342 ("[t]he determination of particular parties' rights is a matter which falls within the jurisdiction of the judiciary..."); 1983 Op. Att'y Gen. No. 83-057 at 2-232 ("[t]his office is not equipped to serve as a fact-finding body; that function may be served by your office or, ultimately, by the judiciary"). Further, this office is not authorized to exercise on behalf of other state officials discretion which has been delegated to them. See generally 1985 Op. Att'y Gen. No. 85-007; 1984 Op. Att'y Gen. No. 84-098; 1984 Op. Att'y Gen. No. 84-067. My authority in rendering legal advice to a body such as the Ohio Legal Rights Service Commission is defined by R.C. 109.12 as giving legal advice in matters relating to the official duties of the Commission. I am, therefore, in discussing your first two questions, considering the general principles of law that are applicable to a determination of who may serve on the Commission and am not making findings concerning the eligibility of particular individuals. See generally 1985 Op. Att'y Gen. No. 85-006.

The Ohio Legal Rights Service Commission was created by Am. Sub. S.B. 322, 116th Gen. A. (1986) (eff., in part, April 4, 1986). Provisions governing the Commission appear in R.C. 5123.60(D), which states in part:

The legal rights service commission is hereby created for the purposes of appointing an administrator of the legal rights service, advising the administrator, assisting the administrator in developing a budget, and establishing general policy guidelines for the legal rights service. The commission may receive and act upon appeals of personnel decisions by the administrator.

The commission shall consist of seven members. One member, who shall serve as chairman, shall be appointed by the chief justice of the supreme court, three members shall be appointed by the speaker of the house of representatives, and three members shall be appointed by the president of the senate. At least

two members shall have experience in the field of developmental disabilities and at least two members shall have experience in the field of mental health. No member shall be a provider or related to a provider of services to mentally retarded, developmentally disabled, or mentally ill persons. (Emphasis added.)

Your first question asks whether the executive director of a joint-county community mental health board is a "provider or related to a provider of services to mentally retarded, developmentally disabled, or mentally ill persons" for purposes of R.C. 5123.60(D) and, therefore, ineligible to serve as a member of the Ohio Legal Rights Service Commission.

Community mental health boards are established and governed pursuant to the provisions of R.C. Chapter 340. Pursuant to R.C. 340.03(A), a community mental health board serves as the community mental health planning agency for the county or counties under its jurisdiction. The duties of such a board with respect to the provision of mental health services are set forth in R.C. 340.03(G), as follows:

Subject to rules of the director of mental health, the community mental health board shall:

...
(G) Enter into contracts with public and private agencies for the provision of mental health services and facilities. A board in a district having a population of less than five hundred thousand may operate a mental health service, program, or facility for no longer than one year with the prior approval of the chief if there is no other qualified private or public agency that is immediately available and willing to operate such service, program, or facility. In an emergency situation and with the prior approval of the chief, any board may operate a mental health service, program, or facility in order to provide essential services. A board in a district having a population of less than one hundred thousand may operate a mental health service, program, or facility for more than one year with the approval of the chief and of the board of county commissioners in a single-county district or of the majority of boards of county commissioners in a joint-county district. The approval of the chief may not be given unless he has determined that continued board operation will provide greater administrative efficiency and more or better services or programs than would contract operation. The chief shall not approve more than one year of board operation of a service, program, or facility previously operated by a contract agency unless the board has established to the chief's satisfaction that the agency is unable to effectively operate the service, program, or facility or that the agency has requested the board to take over operation. The chief shall review and evaluate any board operation of a mental health service, program, or facility.

Nothing in this division authorizes a board to administer or direct the daily operation of any community mental health contract agency. However, an agency may contract with a board for administrative services or staff direction to be provided by the board under the direction of the agency board. (Emphasis added.)

Pursuant to R.C. 340.03(G), a community mental health board is authorized to enter into contracts for the provision of mental health services and facilities by public and private agencies or, in certain circumstances, to operate directly a mental health service, program, or facility. See 1986 Op. Att'y Gen. No. 86-049. It is, further, required to provide an annual report of the programs under its jurisdiction. R.C. 340.03(I); see 1982 Op. Att'y Gen. No. 82-067. See generally Greene County Guidance Center, Inc. v. Greene-Clinton Community Mental Health Board, 19 Ohio App. 3d 1, 4, 482 N.E.2d 982, 986 (Greene County 1984) (a community mental health board "has the primary responsibility for the mental health program in its county or district").

Pursuant to R.C. 340.03(B), a community mental health board is authorized to employ an executive director and prescribe the director's duties. In addition to such other duties as may be imposed, the executive director is required to serve as executive officer of the board and, with the board's approval, execute contracts on its behalf, see R.C. 340.04(A), and also to recommend to the board "the changes necessary to increase the effectiveness of mental health services," see R.C. 340.04(D). Pursuant to R.C. 340.04(B), the executive director of a community mental health board shall "[s]upervise services and facilities provided, operated, contracted, or supported by the board to the extent of determining that programs are being administered in conformity with [R.C. Chapter 340] and rules of the director of mental health." The executive director is also required to "[p]rovide consultation to agencies, associations, or individuals providing services supported by the board," see R.C. 340.03(C), and to prepare "an annual report of the programs under the jurisdiction of the board," see R.C. 340.04(G).

It is, thus, clear that a community mental health board has the responsibility of providing mental health services and facilities, either directly or through contract. See generally R.C. 5123.63 (recognizing that services may be provided either directly or through a contract); Op. No. 86-049; Op. No. 82-067. It is also clear that the executive director of such a board has the duty of aiding the board in carrying out its responsibilities. See R.C. 340.04. In particular, the executive director is given the express duty of supervising services and facilities "provided, operated, contracted, or supported by the board" in order to determine that they are administered pursuant to law. R.C. 340.04(B).

R.C. 5123.60(D), which states that no member of the Ohio Legal Rights Service Commission "shall be a provider or related to a provider of services to mentally retarded, developmentally disabled, or mentally ill persons," does not define the terms "provider" and "related to a provider." "Provider" is, however, commonly understood as referring to one who makes something available or supplies something. See Webster's New World Dictionary 1144 (2d college ed. 1978). See generally R.C. 1.42. The executive director of a community mental health board is directly involved in the process by which mental health services and facilities are provided and must, therefore, be considered a person who is "a provider or related to a provider of services to mentally retarded, developmentally disabled, or mentally ill persons" for purposes of R.C. 5123.60(D). I conclude, therefore, that the executive director of a community mental health board is ineligible to serve as a member of the Ohio Legal Rights Service Commission.

I find that this conclusion is consistent with the concept that the Legal Rights Service is an independent body, see R.C. 5123.60(E), with the duty of protecting and advocating the rights of mentally ill persons and persons with developmental disabilities, see R.C. 5123.60(A). See generally James H. v. Department of Mental Health and Mental Retardation, 1 Ohio App. 3d 60, 439 N.E.2d 437 (Franklin County 1980). R.C. 5123.60(E) contemplates that, in the performance of its duties, the Legal Rights Service may need access to records and personnel of a community mental health board and to persons receiving services under R.C. Chapter 340. It is apparent that the Service may at times be in the position of investigating, monitoring, or even challenging actions of a community mental health board. See generally R.C. 5123.60(A), (B), (G), (H); R.C. 5123.601-.604; R.C. 5123.62-.64. It would be incongruous to interpret the legislative scheme as permitting the executive director of such a board to be a member of the Ohio Legal Rights Service Commission, which appoints, advises, and assists the administrator of the Legal Rights Service.

Your second question asks whether a member of the board of trustees of a particular nonprofit corporation is eligible to serve on the Ohio Legal Rights Service Commission. The articles of incorporation of the nonprofit corporation set forth the corporation's purposes as follows:

The purposes for which the corporation is formed are:

1. To acquire, by purchase, construction, gift or any other lawful method, residential housing units for persons subject to handicapping conditions and/or developmental disabilities and to make such residential units available to individuals in need of such housing.
2. To undertake programs of education and communication both to individuals and the general public regarding the housing and community needs of persons with handicapping conditions and developmental disabilities.
3. To solicit and receive contributions of funds, services, property or other things of value to assist in carrying out the above purposes.
4. To own, lease, rent, buy, sell, hold, encumber or dispose of property whether real or personal, and to borrow or invest money or other assets and to employ staff and perform any other lawful activity necessary to assist in carrying out the above purposes.
5. To limit its activities pursuant to the above purposes to those activities which qualify as educational and charitable acts within the meaning of the Section 501 (c)(3) of the Internal Revenue Code. No part of the net earnings of the corporation, if any, shall inure to the benefit of any member of the corporation. In the event of dissolution of the corporation, the provisions of Sec. 1702-47 through Sec. 1702-52 shall be followed. (Emphasis added.)

It is my understanding that the corporation operates by acquiring real property, developing that property so that it is suitable as housing for persons subject to handicapping conditions or developmental disabilities, and leasing the property to persons who operate the property as housing facilities for the handicapped or developmentally disabled. The corporation does not itself operate any housing facilities or retain responsibility for any aspect of such operation. The lessees are responsible for all aspects of operation of the

facilities, including maintenance. The corporation's focus is on the development and renovation of property as housing for the handicapped or developmentally disabled, so that it can be made available to persons who will apply it to such a use.

As noted above, there is no statutory definition of "provider" or "related to a provider" as that language is used in R.C. 5123.60(D). Used in its ordinary sense, "provider" means one who makes something available. R.C. 5123.60(D) states specifically that "[n]o member [of the Ohio Legal Rights Service Commission] shall be a provider or related to a provider of services to mentally retarded, developmentally disabled, or mentally ill persons" (emphasis added). The corporation in question operates by developing property and making that property available for the use of persons who operate facilities for the handicapped or developmentally disabled. It does not provide services to handicapped or developmentally disabled persons and, therefore, is not a "provider...of services" for purposes of R.C. 5123.60(D).

There remains the question whether the corporation is "related to a provider of services" for purposes of R.C. 5123.60(D). Again, no statutory definition applies. The word "related" ordinarily means "connected or associated, as by origin or kind; specif., connected by kinship, marriage, etc." Webster's New World Dictionary 1198 (2d college ed. 1978). Used in its narrow sense, "related" may mean "of the same family" as one who is a provider. See generally, e.g., R.C. 340.02 ("[n]o person shall serve as a member of the [community] mental health board whose spouse, child, parent, brother, sister, grandchild, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law serves as a member of the board of any agency with which the mental health board has entered into such a contract"). The word "related" may, however, also encompass other kinds of relationships or associations. I believe that a broader meaning is appropriate in this instance, in order to preserve the independence of the Legal Rights Service, as discussed above, and in order to avoid any conflict between the purposes of the Ohio Legal Rights Service Commission and the interests of its members. I conclude, therefore, that the term "related to a provider," as used in R.C. 5123.60(D), includes persons who are connected or associated with a provider through certain types of business relationships, as well as those who are related through kinship or marriage.

While, as discussed above, no statutory definition of the term "related to a provider" is supplied for purposes of R.C. 5123.60(D), R.C. 5123.172 contains a definition that is helpful. R.C. 5123.172 requires that a provider entering into contracts with the Department of Mental Retardation and Developmental Disabilities for the provision of services for the mentally retarded under R.C. 5123.18 make reports including information about the persons who have financial interests or management responsibilities for the residential facility and information about "[e]very contract or business transaction between the provider and any person or governmental agency related to the provider if such contract or transaction would affect rates of reimbursement under [R.C. 5123.18]." R.C. 5123.172(A) contains the following definitions:

(A) As used in this section:

(1) "Provider" means any person or governmental

agency that owns, operates, manages, or is employed or under contract to operate a residential facility licensed under section 5123.19 of the Revised Code.

(2) "Related to a provider" means that a person or governmental agency is affiliated with a provider, or has control over the provider or is controlled by the provider, or is a member of the provider's family. (Emphasis added.)

The definition contained within R.C. 5123.172(A)(2) thus includes, as persons who are related to a provider, persons who are affiliated with the provider and persons who have control over or are controlled by the provider. I believe that a definition of this sort should be applied to the term "related to a provider" as used in R.C. 5123.60(D), since such application would serve to assure that persons who serve on the Ohio Legal Rights Service Commission are independent of the providers that the Service monitors.

The adoption of such a definition of "related to a provider" does not, however, mean that any relationship with a provider, however minor, is sufficient to disqualify an individual from serving on the Ohio Legal Rights Service Commission. Rather, to be disqualifying, the relationship must be sufficient to constitute an affiliation with a provider, or must involve the control of, or control by, a provider. The word "affiliate" is defined as: "to take in as a member or branch...to connect or associate." Webster's New World Dictionary 23 (2d college ed. 1978). It thus holds the connotation of being a part of, rather than merely sharing some interaction. I find, therefore, that the term "related to a provider," as used in R.C. 5123.60(D), applies to persons who are connected with a provider in a relationship that makes them a part of the provider or puts them in a position of controlling or being controlled by the provider. I do not find that it extends to persons who merely have business or contractual relationships with a provider, where such relationships do not involve affiliation or the exercise of control.

Applying this definition to the situation that you have presented, I find that the nonprofit corporation in question, which develops property and leases it to persons who are providers, is not, by virtue of such leases, "related to a provider of services to mentally retarded, developmentally disabled, or mentally ill persons" for purposes of R.C. 5123.60(D). That corporation has no management affiliation with the providers and is neither in control of them nor controlled by them. Its relationships with the providers are purely contractual and businesslike in nature. I conclude, therefore, that a person who serves as a member of the board of trustees of such a nonprofit corporation is not, by virtue of such membership, rendered ineligible to serve as a member of the Ohio Legal Rights Service Commission.

I find that this conclusion serves to protect the independence of the Legal Rights Service, as discussed above. I believe that it also recognizes the fact that a provider of services to mentally retarded, developmentally disabled, or mentally ill persons may, in the course of ordinary operations, become involved in a wide variety of transactions with a wide variety of participants, and that such transactions do not necessarily give the participants any special interest in, connection with, or responsibility for the provision of such

services. I cannot find that incidental transactions, undertaken in the course of carrying out ordinary operations, constitute relationships of the sort contemplated by R.C. 5123.60(D).

Your third question asks whether the Ohio Legal Rights Service Commission is subject to R.C. 121.22, Ohio's open-meeting law, "in that the Commission will be dealing regularly with issues about 'regulated individuals' and pending and imminent court actions." R.C. 121.22 states, in part:

(A) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings, unless the subject matter is specifically exempted by law.

(B) As used in this section:

(1) "Public body" means any board, commission, committee, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution.

(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.

(3) "Regulated individual" means:

(a) Any student in a state or local public educational institution;

(b) Any person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness or retardation, disease, disability, age, or other condition requiring custodial care.

(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body must be present in person at a meeting open to the public in order to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.

The minutes of a regular or special meeting of any such public body shall be promptly recorded and open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) of this section.

....
(F) Every public body shall, by rule, establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting

shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

The rule shall provide that any person may, upon request and payment of a reasonable fee, obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.

(G) The members of a public body may hold an executive session only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

(1) Unless the public employee, official, licensee, or regulated individual requests a public hearing to consider the appointment, employment, dismissal, discipline, promotion, or demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual. Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of his official duties or for his removal from office.

(2) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member shall use this division as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

If the minutes of the public body show that all meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

(3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;

(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;

(5) Matters required to be kept confidential by federal law or rules or state statutes;

(6) Specialized details of security arrangements where disclosure of the matters discussed might reveal

information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.

(H) A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (G) of this section and conducted at an executive session held in compliance with this section. (Emphasis added.)

R.C. 121.22(B)(1) defines "public body," for purposes of R.C. 121.22, to include "any...commission...or similar decision-making body of a state agency, institution, or authority." The Ohio Legal Rights Service Commission is created pursuant to R.C. 5123.60(D) and is given certain statutory duties that involve the making of decisions, including the duty of appointing the administrator of the Legal Rights Service. See R.C. 5123.60(D). I find, therefore, that the Commission comes within the definition of "public body" set forth in R.C. 121.22(B)(1) and is subject to the provisions of R.C. 121.22. See generally Stegall v. Joint Township District Memorial Hospital, 20 Ohio App. 3d 100, 484 N.E.2d 1381 (Auglaize County 1985); 1985 Op. Att'y Gen. No. 85-044; 1979 Op. Att'y Gen. No. 79-110; 1978 Op. Att'y Gen. No. 78-059. R.C. 121.22(D) and (E) set forth specific exceptions to the provisions of R.C. 121.22, but those exceptions are not applicable to the Ohio Legal Rights Service Commission.

R.C. 121.22(C) states expressly that "[a]ll meetings of any public body are declared to be public meetings open to the public at all times." R.C. 121.22(A) directs that R.C. 121.22 "shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings, unless the subject matter is specifically excepted by law." It follows that meetings of the Ohio Legal Rights Service Commission are to be open to the public, except to the extent that the subject matter of the meetings is specifically excepted by law.

R.C. 121.22(G) provides that the members of a public body may hold executive sessions to consider certain matters. The executive sessions are not open to the public, but may be held only at regular or special meetings, and are limited to the subjects authorized by law. Further, R.C. 121.22(C) provides that the minutes of a meeting of a public body "need only reflect the general subject matter of discussions in executive sessions authorized under [R.C. 121.22(G)]." See generally Matheny v. Frontier Local Board of Education, 62 Ohio St. 2d 362, 405 N.E.2d 1041 (1980); Op. No. 85-044; 1980 Op. Att'y Gen. No. 80-083.

Your letter indicates that the Commission will be dealing regularly with issues about regulated individuals, as defined in R.C. 121.22(B)(3)(b), and with issues about pending and imminent court actions. Certain of these issues may be matters that are subject to consideration at executive session under

R.C. 121.22(G)(1)¹ and (3),² quoted above. Other matters addressed by the Commission may, similarly, come within the subjects set forth in R.C. 121.22(G). For example, R.C. 121.22(G)(5) provides that a public body may address in executive session "[m]atters required to be kept confidential by federal law or rules or state statutes." The Commission may, because of the nature of its duties, find it necessary to consider materials that are subject to such provisions. See, e.g., R.C. 5123.89 (providing for the limited confidentiality of certain certificates, applications, records, and reports made for the purpose of R.C. Chapter 5123, "which directly or indirectly identify a resident or former resident of an institution for the mentally retarded or person whose institutionalization has been sought" under R.C. Chapter 5123).

The fact that the Commission may consider a number of matters that are, under R.C. 121.22(G), to be addressed in executive session, rather than at an open meeting, does not mean that the Commission is exempt from R.C. 121.22. It is to be anticipated that at least some of the Commission's actions will not involve matters that are subject to consideration in executive session. See, e.g., R.C. 5123.60(D) (the Commission has among its purposes "assisting the administrator [of the Legal Rights Service] in developing a budget, and establishing general policy guidelines for the legal rights service"). Further, executive sessions of public bodies are authorized by R.C. 121.22(G) to be held "only at a regular or special meeting." It is, therefore, necessary for a public body to schedule a meeting and provide the required notice, see R.C. 121.22(F), in order to hold an executive session.

I conclude, in response to your third question, that the Ohio Legal Rights Service Commission is subject to R.C. 121.22, and that the Commission may consider in executive session such matters as come within R.C. 121.22(G).

It is, therefore, my opinion, and you are hereby advised, as follows:

1. The executive director of a community mental health board under R.C. Chapter 340 is "a provider or related to a provider of services to mentally retarded, developmentally disabled, or mentally ill persons" for purposes of R.C.

¹ R.C. 121.22(G)(1) does not apply to all matters concerning regulated individuals, but only, "[u]nless the...regulated individual requests a public hearing," to "the investigation of charges or complaints against a...regulated individual." It does, however, apply, "[u]nless the public employee, official, [or] licensee...requests a public hearing," to consideration of "the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, [or] licensee."

² R.C. 121.22(G)(3) does not apply to all matters concerning pending or possible litigation, but only to "[c]onferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action."

5123.60(D) and is, therefore, ineligible to serve as a member of the Ohio Legal Rights Service Commission.

2. A member of the board of trustees of a nonprofit corporation that leases property to persons who are providers of services to mentally retarded, developmentally disabled, or mentally ill persons is not "a provider or related to a provider of services to mentally retarded, developmentally disabled, or mentally ill persons" for purposes of R.C. 5123.60(D) and is not, by virtue of membership as such trustee, rendered ineligible to serve as a member of the Ohio Legal Rights Service Commission.
3. The Ohio Legal Rights Service Commission is a "public body" for purposes of R.C. 121.22, Ohio's open-meeting law. The Commission may consider in executive session such matters as come within R.C. 121.22(G).