



May 17, 2023

Chairman Young, Ranking Member Miller and members of the committee,

My name is Deborah Aubert Thomas. I am the President and CEO of Philanthropy Ohio. Philanthropy Ohio is a statewide membership community that leads and equips Ohio philanthropy to be effective, powerful change agents in our communities. We represent 200 philanthropic funders across the state. Ohio funders collectively, in 2020, invested \$1.9 billion into Ohio communities.

I am speaking to you today to ask that the language amended into HB 151 last week, concerning endowments, either be removed completely or significantly altered. Without thorough consideration and discussion, a change like this could have deep unintended consequences on Ohio's philanthropic sector, including the thousands of nonprofit organizations operating throughout our state. Should the legislature wish to examine this section of the Ohio Revised Code, we believe it should be done in a separate, stand-alone bill.

If current language were to remain unaltered, it would establish a private right of action for both donor and/or their legal representative in perpetuity, creating a substantial departure from Ohio law and nearly every jurisdiction across the country. Additionally, it expands the class of persons who may challenge foundation stewardship of gifted assets, undermining the protection of donor intent by giving future generations ability to impose their own views and interpretations of original intent.

On that note, it is important to state that protections are already in place through the Ohio Attorney General. Ohio's community foundations, who receive millions of dollars in such endowed gifts, see such restrictions included in their agreements with donors and honor them. In addition to their legal obligation contained in signed donor agreements, our foundations have numerous incentives for honoring these restrictions. They possess a deep commitment and passion to improving the lives of community residents with the dollars entrusted to them.

Finally, if passed as is, this would increase litigation and could divert charitable funds away from their intended purpose, lead to confusion and inconsistency under the law, and create enormous economic burdens on foundations across Ohio. Last week, in my letter to this committee I included a list of Ohio's community foundations. As you can see, the impact would be far reaching.

CENTRAL OHIO OFFICE
500 South Front St., Suite 900
Columbus, OH 43215-7628
614.224.1344

NORTHERN OHIO OFFICE
1111 Superior Ave., Suite 1112
Cleveland, OH 44114-2522
216.861.6223

philanthropyohio.org

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Deborah Aubert Thomas,
President & CEO

We acknowledge that this issue has been raised before. We remain committed to an open and meaningful discussion on how best to address the legislature's concerns. It is important that before changes are made, the foundations and donors who would be impacted be included in the decision-making process.

I would like to thank Chairman Young and members of this committee for meeting with us, listening to our concerns and discussing possible solutions with us. Your willingness to engage with us on this issue demonstrates your understanding as well.

We are here to assist you and to assure that Ohio's community foundations and their generous donors are not harmed or dis-incentivized from supporting the organizations and causes they care about. We stand ready to discuss the potential impact of this language with any member of the committee.

Sincerely,



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Deborah Aubert Thomas | President & CEO | Philanthropy Ohio

500 S. Front St., Suite 900 | Columbus, OH 43215 | 614.224.1344

www.philanthropyohio.org

