

The Construction Conversation

Ohio's Legislative, Administrative, and Judicial Two-Way Newsletter

September 2026

A Service of Luther L. Liggett, Attorney at Law
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Legislative: Candidate Legislation

In an unprecedented development, General Assembly leadership will call the legislature back to pass legislation proposed by the Republican candidate for Governor, as a campaign initiative. (Cont'd p. 2).

Administrative: Transportation Construction

The Ohio Department of Transportation awarded \$13.5 million to 13 counties for ancillary vertical construction of local transportation facilities and equipment. While most common construction to transportation is horizontal paving for roads and bridges, state and local transportation agencies also maintain buildings to service the local communities. (Cont'd p. 2).

Judicial: Mechanics' Lien Foreclosure Final Appealable Order

The Franklin County Court of Appeals rejected an appeal of a case to foreclose on real estate subject to a mechanics' lien, noting the lack of a final appealable order. (Cont'd p. 3).

Administrative: Electric Vehicle Charging Stations

On September 28, 2026, the Ohio Department of Transportation sought Controlling Board approval to award 9 contractors to install 49 fast EV-charging stations statewide. (Cont'd p. 3).

Legislative: Unbid Construction

Contracts

As a quasi-legislative body, the Ohio Controlling Board administers the statutory authority to waive competitive bidding for state agencies, colleges, and universities, to vary the terms of biannual appropriations in the award of construction contracts, R.C. 127.16. (Cont'd p. 4).

Administrative: OCILB New Executive

With the retirement of the long-serving Executive Secretary of the Ohio Construction Industry Licensing Board, Michael Baisden is ready to step into the position. (Cont'd p. 4).

Administrative: New Project Funding

The Ohio Tax Credit Authority administers the tax rebate incentive program for private construction which results in new job or job retention payrolls from employers, R.C. 122.17 et seq. (Cont'd p. 5).

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Legislative: Candidate Legislation **(Cont'd)**

Vivek Ramaswamy is running as the Republican nominee for Governor. On September 21, 2026, he called for immediate legislation to suspend Ohio's gas tax at the pump for 90 days, thus hoping to lower the cost of gasoline and diesel.

Senate President Rob McColley (R, Napoleon) also is the Republican nominee for Lieutenant Governor, to be voted on November 3, 2026.

Ohio's gas tax is \$.385 per gallon, on a current Ohio average of \$4.51 per gallon, or a possible reduction of less than 9%. Republicans estimate that the suspension will save Ohio families of two drivers \$165.00, or \$82.50 per driver over the 90 days, equivalent to 18 gallons of gas, about one car tank.

On the revenue side, the tax holiday is estimated to cost the state Department of Transportation and local County Engineers approximately \$640 to \$700 million in revenue.

Ohio Constitution Article XII, Section 5a requires that all gas taxes go only for the funding of public highways and bridges, and related expenses.

The County Engineers Association of Ohio reacted that, "ODOT and local governments need reliable resources to maintain them, not promises that sound good in Columbus but [end up with] ODOT and local governments holding the bill."

Similarly, the Ohio Contractors Association representing highway contractors stated that, "Any temporary suspension must include replacement

funding that makes the state and local transportation programs whole...".

In response, legislative leadership offered to divert other state revenues to fill in any loss. Senate Bill 475 and HB 1019 will provide for General Revenue funding of the tax holiday. It is unclear what programs will be unfunded as a result.

September 30th is set for the General Assembly to consider the initiative.

Administrative: Transportation **Construction (Cont'd)**

The Ohio Workforce Mobility Partnership Program assists with specific local agency requirements to expand accessible transit solutions. Projects include expanding transit facilities, improved signage, and replacement equipment.

By example:

Lake County, Painesville, \$2.7 million:
Replace undersized facility with modern multimodal hub.

Hamilton County, Cincinnati, \$1.5 million:
Bus Stop and Shelter Modernization along 75 routes.

Lucas County, TARTA: \$1.4 million:
Renovate 28 existing shelters and install 27 new shelters, improving ADA access, lighting, visibility, and pedestrian connectivity.

Mahoning County, WRTA, \$1.8 million:
Construct two bus stops along the #10 Belmont route, adding large shelters.

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Judicial: Mechanics' Lien Foreclosure Final Appealable Order (Cont'd)

Ohio's Constitution, Article II, Section 33, provides for a "direct lien upon the property, upon which [construction contractors, laborers, materialmen] have bestowed labor or for which they have furnished material."

The lien is created when work occurs, and perfected with the recordation of a lien affidavit. The lien creates a right of action to sue the landowner even if the landowner is not a party to the construction contract.

A lawsuit for a contractor's payment is two separate actions in one. First, the contractor sues for breach of contract (liability) and for damages against the contracting party. Second, the contractor sues to foreclose upon the real estate (security) of the construction, which may be owned by a person not party to the contract.

In this case, the trial court found breach of contract, and ordered the real estate to be sold by the County Sheriff, conditioned upon whether the landowner paid the amount due by a specified future date. Payment would avoid foreclosure sale.

At this point, the landowner appealed. The Court of Appeals dismissed the appeal as premature. Because the time for the landowner to pay remained pending, the judgment to foreclose was not final.

Operation Restoration, LLC v. Lian Zhao Wang, 10th Dist. Franklin, 2026-Ohio-3644.

Administrative: Electric Vehicle Charging Stations (Cont'd)

Ohio received \$140 million over five years under the National Electric Vehicle Infrastructure Formula Program. ODOT's current expenditure will fund new contracts for \$46.7 million.

ODOT reports that, "After two successful rounds of procurement, to date there are 19 operational stations, with 12 more under or nearing construction. Charging stations built under this program will ensure that EV drivers have safe, comfortable, and convenient places to charge."

Awards went to:

Love's Travel Stops & Country Stores, Inc.
13 locations;

Mid-Cour EV Charging Solutions, LLC, 8
locations;

Sheetz, Inc., 7 locations;

United Dairy Farmers, Inc., 5 locations;

Tesla, Inc., 4 locations;

Pilot Travel Centers, LLC, 4 locations;

Francis Energy Charging, LLC, 3 locations;

Heartland Charging Services, Inc., 3
locations;

Red E Charging, LLC, 1 location.

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Legislative: Unbid Construction Contracts (Cont'd)

The Controlling Board is a bipartisan panel of legislators, chaired by the Ohio Office of Budget and Management which meets every two weeks to review agency requests regarding appropriations. All materials are public records and accessible on-line, including detail of each agency's request.

Typical to construction waiver of competitive bidding is the selection of design professionals, who are selected through Qualifications-Based Selection, and not competitive bidding, R.C. 153.65 et seq.

Without Controlling Board approval, no state contract funding can be encumbered, or set-aside to pay invoices. Without such certification, a state contract is void ab initio, neither valid nor enforceable even if signed by the parties. R.C. 126.07.

In the world of design-build construction, typically the selecting agency will not bid the project, but first ask Controlling Board for a bidding waiver. Therefore, the Controlling Board agenda becomes a list of agencies and prime contractors who await funding before finalizing any construction contract.

By example, the latest Controlling Board meeting of September 28, 2026 includes these requests for approval of unbid contracts:

Central State University \$29 million, SPGB Architects, LLC, Adena Corporation, for Campuswide Improvements;

Ohio State University \$1.3 million Marion

Campus Upgrades;

Adjutant General's Dept. \$3.3 million Dawn Incorporated, Warren, Trumbull County and Heapy Engineering LLC, Dayton, Army National Guard Springfield Behind the Meter Microgrid project;

Dept. Developmental Disabilities \$8.5 million for community capital assistance projects in various cities and counties statewide;

Dept. Natural Resources \$7.6 million Action Contractors, LLC, and \$1 million for Domokur Associates, campground improvements at Findley State Park, Lorain County;

Dept. Public Safety, State Highway Patrol, \$3.7 million Simonson Construction Services, Inc., Ashland, for a new Ashland State Highway Patrol Post;

Dept. Rehabilitation and Correction \$3.3 million Joe Dickey Electric Inc., for Fire Alarm Panels Project at the Belmont Correctional Institution St. Clairsville, Belmont County.

Administrative: OCILB New Executive (Cont'd)

Baisden graduated in 2003 from Lee University in Cleveland, Tennessee with a degree in Biology Education. He started his career in the classroom, teaching science for three years.

In 2006, Baisden joined Heartland Bank as an Assistant Manager and became a Branch Manager by 2008. He transferred to the Ohio Department of Commerce in 2014 as an HR Business Partner.

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In March 2023, Baisden accepted the supervisor role at OCILB, focused on investigations of licensed work violations across Ohio. He was elected to the National Board of Directors for NASCLA, where he continues to serve.

Ohio's Board consists of four sections: Electrical, HVAC-Refrigeration, Plumbing-Hydronics, and Administrative, each section with two union-affiliated and two non-union contractors, and a fifth, inspector member. Accompanying this edition is a full list of Board members.

As Executive Secretary, Baisden seeks to advancing OCILB into its next era of licensure modernization, including online applications, streamlined renewals, and efficient processes that help qualified contractors become licensed more quickly. His goal is to support the growth of Ohio's construction industry. He can be reached at:

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Ohio Construction Industry Licensing Board
6606 Tussing Road
Reynoldsburg, OH 43068
Office: 614-644-2693
Cell: 216-287-8126
Fax: 614-728-1200
Michael.baisden@com.state.oh.us
www.com.ohio.gov

Administrative: New Project Funding **(Cont'd)**

The tax credits can be granted for up to fifteen years. Private project owners typically seek these tax credits as part of their construction financing, before contracting with construction companies.

The Ohio Tax Credit Authority routinely announces grants for construction through public news releases.

On September 28, 2026, the Authority announced five projects expected to create 1,173 new jobs, retain 601 jobs, result in \$79 million in new payroll, and incentivize \$431 million in private investment.

By example:

Polyethics Industries, Inc., "EcoPoly", Antwerp, Paulding County, constructing the company's first U.S. operation with a new manufacturing facility for private label packaging from recycled materials.

Sebang Lithium Battery Ohio LLC, Jeffersonville, Fayette County, constructing the company's first U.S. facility for manufacturing energy storage system modules and battery packs in the automotive industry.

Wal-Mart Associates, Inc., Turtlecreek Township, City of Monroe, Warren County, build-out of a new distribution center for next-day delivery in its supply chain network.

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The Construction Conversation Call-In

on

**Wednesday, October 14, 2026
3:30 pm**

Luther L Liggett is inviting you to a
scheduled Zoom meeting.

October Construction Conversation
Wednesday, October 14, 2026 03:30 PM
Eastern Time (US and Canada)

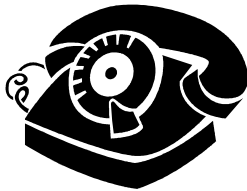
Join Zoom Meeting

<https://us02web.zoom.us/j/85843484229?pwd=qHyXExlYOiboTFArIuo6YUVspdqQPP.>

1

Meeting ID: 858 4348 4229
Passcode: 214247

Call-In: 646-931-3860



OHIO CONSTRUCTION INDUSTRY LICENSING BOARD

ELECTRICAL	HVAC	PLUMBING	ADMINISTRATIVE
Robert Wadden – NU CHAIRPERSON 30555 Cottage Drive Westlake, OH 44145 TEL: 440-899-5081 FAX: 216-688-2401 CELL: 216-956-7272 Term Expires: 7/31/27 EMAIL: rwaddenciti@aol.com	Dale Witte – U CHAIRPERSON 4178 Smith Pines Drive Columbus, OH 43230 CELL: 614-943-1516 Term Expires: 7/31/27 EMAIL: wittedfw@gmail.com	Bryan Barnes – NU CHAIRPERSON 405 N. Main Street Bethesda OH 43719 CELL: 440-308-7245 Term Expires: 7/31/27 EMAIL: bryan@barnesplumbing.net	William Koester – Public Member CHAIRPERSON 5651 Breezewood Dr. Cincinnati, OH 45248 TEL: 513-262-1976 CELL: 513-262-1976 FAX: N/A Term Expires: 7/31/28 EMAIL: wilko392@gmail.com Still needs reimbursement for 10/17
Richard Roberts - U VICE CHAIRPERSON 820 N. Hague Avenue Columbus, OH 43204 TEL: 614-276-0126 FAX: 614-276-0510 CELL: 614-419-0303 Term Expires: 7/31/27 EMAIL: rich@robertssg.com	Chris Ellis – NU VICE CHAIRPERSON 7809 Duvall Road Ashville, OH 43103 CELL: 614-949-8652 Term Expires: 7/31/27 EMAIL: info@legacyohio.com	Jason Norris – NU Vice Chairperson 3370 North Bank Road NE Millersport OH 43046 CELL: 614-206-9023 Term Expires: 7/31/27 EMAIL: jnorris@ars.com	Dale Witte – U VICE CHAIRPERSON 4178 Smith Pines Drive Columbus, OH 43230 CELL: 614-943-1516 Term Expires: 7/31/27 EMAIL: wittedfw@gmail.com
Chris Claypool – NU 1275 Lancaster Kirkersville Rd. NW Lancaster, OH 43130 TEL: 740-653-5683 x5771 FAX: 740-653-5729 CELL: 740-503-0422 Term Expires: 7/31/29 EMAIL: cclaypool@claypoolelectric.com	Angela Crawford - NU 5868 Stemen Rd Pickerington, OH 43147 CELL: 614-207-2404 Term Expires: 7/31/29 EMAIL: angicrawford@gmail.com	Michael Gallagher - U 37806 Brown Avenue Willoughby, OH 44095 CELL: 216-276-1333 Term Expires: 7/31/29 EMAIL: mjg@ifgallagherco.com	Jason Norris – NU 1768 Keela Dr Pataskala, OH 43062 CELL: 614-206-9023 Term Expires: 7/31/29 EMAIL: jnorris@ars.com
John Frantz - U 952 Winfield Ct. Sidney, OH 45365 TEL: 937-498-2357 CELL: 937-726-8450 FAX: 937-498-1178 Term Expires: 7/31/29 EMAIL: jfrantz@sidneyelectric.com	WILLIAM DETILLION - U 1540 Winchester Southern Road Canal Winchester, OH 43110 CELL: 614-398-9154 Term Expires: 7/31/29 EMAIL: bill@sbshvac.com	VACANT - U CELL: Term Expires: 7/31/29 EMAIL:	Richard Roberts - U VICE CHAIRPERSON 820 N. Hague Avenue Columbus, OH 43204 TEL: 614-276-0126 FAX: 614-276-0510 CELL: 614-419-0303 Term Expires: 7/31/27 EMAIL: rich@robertssg.com
Michael Thompson Bureau of Construction Compliance 6606 Tussing Rd Reynoldsburg, OH 43068 TEL: 614-728-5293 Term Expires: 7/31/28 Email: michael.thompson@com.ohio.gov	Michelle Grago Bureau of Construction Compliance 6606 Tussing Rd Reynoldsburg, OH 43068 TEL: 614-728-9104 CELL: 937-416-3063 Term Expires: 7/31/2028 Email: michelle.grago@com.ohio.gov	Aaron Streng Bureau of Construction Compliance 6606 Tussing Rd Reynoldsburg, OH 43068 TEL: 614-644-3153 CELL: 740-438-1942 Term Expires: 7/31/28 Email: aaron.streng@com.ohio.gov	Robb Coventry Administration 6606 Tussing Rd Reynoldsburg, OH 43068 TEL: 614-644-2223 Email: robb.coventry@com.ohio.gov APPOINTED BY DIRECTOR