May 13, 2026

Members of the House Judiciary Committee
Ohio House of Representatives
77 South High Street
Columbus, Ohio 43215

Re: Urging the committee to reject H.B. 720

Chairman Thomas, Vice Chair Swearingen, Ranking Member Synenberg, and Members of the Committee,

My name is Jeffrey Moritz. My father, Michael Moritz, is the namesake of The Ohio State University College of Law. Before outlining my specific concerns with the proposed legislation, I'd like to share a brief perspective with you that informs my opposition to House Bill 720.

As a young man of humble means, my father was incredibly fortunate to have received a full scholarship to attend Ohio State's College of Law in the early 1960s. That opportunity changed the course of his life. From that point on, my father believed he owed Ohio State a debt — one that scholarship money alone could never repay.

In 2001, he set out to repay it. He committed more than $30 million to The Ohio State University College of Law — at the time, the single largest gift in the history of the university. He negotiated a detailed endowment agreement with the university, line by line. At the heart of that agreement was a single commitment from OSU: *the endowment's earnings would be used to provide full scholarships to 30 law students each and every year, in perpetuity.*

Nine months later, my father was tragically killed in a car accident. While his legacy would live on through his good works and generosity, he sadly never saw whether his gift would do what he intended it to do.

For nearly two decades, it did not. OSU fell short on the scholarship commitment year after year. Worse, the university spent the endowment on things the agreement didn't allow. So much so that the fund dropped from over $30 million to just over $21 million in less than 15 years—even during strong investment years. That shouldn't happen.

The university had broken its word. The endowment had been pillaged. The young people my father intended to help had been denied the very thing his gift was meant to guarantee. And the only people with a personal stake in seeing the promise kept had no seat at the table.

That is the experience I bring to this matter. And it is the lens through which I read House Bill 720. Despite containing some welcome transparency provisions — such as requiring universities to report on the financial health of their endowments — the overall bill would make the situation my family faced worse, not better, and would do so for every future donor to Ohio's public universities.

My father gave to Ohio State because Ohio State gave to him. That virtuous cycle — student becomes alumnus, alumnus becomes benefactor, benefactor funds the next generation of students — depends on a single, simple proposition: *that a promise made by a public university is a promise the university can be held to.*

H.B. 720 weakens that proposition. I urge this committee to reject the legislation.

Endowments are negotiated deals — not vague "donor intent"

Large endowments don't happen casually. They're negotiated agreements. Both sides sign a document spelling out exactly what the benefactor will give and what the university promises to do in return. They bargain for each other's voluntary commitment, each of which becomes binding when they sign the agreement.

When a university complies with its commitment to spend endowed funds only for a purpose specified in the endowment agreement, the university is not complying with the "donor's intent."

To the contrary, the university is complying with its own signed commitment—which actually expresses the "university's intent" to which the benefactor agreed.

How endowments go off track

When an endowment becomes unstable or fails, it's usually because of one or more of these issues:

- **Raiding the endowment:** Spending earnings on things the agreement doesn't allow.
- **Not performing:** Simply not doing what the university promised.
- **Overspending:** Using the principal instead of sticking to the earnings.
- **Low earnings:** The fund doesn't generate enough income to meet the commitments.

H.B. 720 has two major problems

1. It makes it harder to investigate whether an endowment is financially sustainable

The bill would require universities to issue reports about endowments' financial conditions each year and about an endowment's "sustainability" every five years. The bill does not define "sustainability" or "unsustainability." Presumably, sustainability is an endowment's financial ability or inability to continue under the terms of the endowment agreement.

The financial and sustainability reports are supposed to include whether the university is complying with its commitments under an endowment agreement and the reports are to be public. But the bill lets universities redact from the public version anything they choose to label "confidential," without saying what kinds of information can qualify as "confidential."

The attorney general can take administrative action to address an endowment's "sustainability," but only after receiving a "notice of concern" from the donor — and the donor can submit that notice only if the university's own report gives the donor a "reasonable belief" that the endowment is unsustainable.

So, the university effectively controls whether a donor is even allowed to raise concerns.

Even worse, courts wouldn't be allowed to modify an endowment agreement unless the university's own sustainability review says the endowment is or will become unsustainable. That gives universities control over whether courts can act — even when the university itself caused the problem.

2. It blocks benefactors from enforcing their own agreements

H.B. 720 says the attorney general has "sole authority" to enforce the bill's provisions. That means the benefactor who funded the endowment cannot go to court to enforce the benefactor's own agreement.

Benefactors often have the strongest motivation to ensure universities keep their promises. As one court put it, "there is no substitute for a donor, who has a special personal interest in the enforcement" of their own agreement.

H.B. 720 would eliminate that safeguard.

Final thoughts

H.B. 720 claims to strengthen oversight of public university endowments. While some parts do improve transparency, the bill ultimately undermines oversight in several critical ways.

For the reasons outlined above, I urge the committee to reject H.B. 720.

Sincerely,

Jeffrey C. Moritz

Jeffrey Moritz

CC:
Speaker Matt Huffman
Speaker Pro Tempore Gayle Manning
Asst. Speaker Pro Tempore Phil Plummer
Majority Floor Leader Marilyn John
Asst. Majority Floor Leader Adam Bird
Majority Whip Riordan McClain
Majority Whip Steve Demetriou
Majority Whip Nick Santucci
Majority Whip Josh Williams
Mike Dittoe
Marcus Benjamin