CUYAHOGA COUNTY
BOARD OF ELECTIONS

Jeff Hastings, Chairman

Inajo Davis Chappell, Board Member

Lisa M. Stickan, Board Member

David J. Wondolowski, Board Member

Anthony W. Perlatti, Director

Anthony Kaloger, Deputy Director

*****SPECIAL MEETING*****

MEETING AGENDA **January 25, 2022** **2:00 P.M.**

THE PLEDGE OF ALLEGIANCE

ADMINISTRATIVE

1. Acknowledgment of withdrawal of recall petition
2. Hearing on the petitions received for the recall of the Mayor of Newburgh Heights.
3. Protest hearing pertaining to issues with the circulator clause filed by Mayor Elkins of Newburgh Heights regarding petitions received for the recall of Mayor Elkins of Newburgh Heights

FISCAL SERVICES

4. Approval of voucher

HUMAN RESOURCES

5. Approval of the personnel agenda

PUBLIC COMMENT[1]

EXECUTIVE SESSION

Discussion of personnel issues (to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official) and disputes involving the public body that are the subject of pending or imminent court action.

Video of this meeting can be viewed at https://www.youtube.com/CuyahogaCountyBOE

[1] Please email mbejjani@cuyahogacounty.gov or lwalker@cuyahogacounty.gov with your name and the nature of your comment so we can fully assist you.

CUYAHOGA COUNTY
BOARD OF ELECTIONS

2022 Board Meeting Schedule

January 2022

Tuesday, January 25th @ 2:00	** Special Meeting **

February 2022

Monday, February 14th @ 9:30AM	Certification of Candidates and Issues for the May 3, 2022 Primary Election

March 2022

Monday, March 7th @ 9:30AM	Certification of write-ins for the May 3, 2022 Primary Election Certification of remaining issues for the May 3, 2022 Primary Election

April 2022

Wednesday, April 6th @ 9:30AM	April Board Meeting
Friday, April 29th @ 9:30AM	Meeting for the May 3, 2022 Primary Election

May 2022

Tuesday, May 3rd	May 3, 2022 Primary Election
Monday, May 16th @ 9:30AM	Provisional verification for the May 3, 2022 Primary Election Certification of Issues for the August 2, 2022 Special Election
Tuesday, May 24th @9:30 AM	Certification of the May 3, 2022 Primary Election

June 2022

Monday, June 6th @ 9:30AM	Certification of remaining issues and charter amendments for the August 2, 2022 Special Election Certification of Independent candidates for the November 8, 2022 General Election

July 2022

Wednesday, July 13th @ 9:30AM	July Board Meeting

August 2022

Tuesday, August 2nd	August 2, 2022 Special Election
Monday, August 15th @ 9:30AM	Provisional Verification for the August 2nd Special Election Certification of the August 2, 2022 Special Election
Monday, August 22nd @ 9:30AM	Certification of Issues for the November 8, 2022 General Election

September 2022

Monday, September 12th @ 9:30AM	Certification of remaining issues and charter amendments for the November 8, 2022 General Election Certification of Write-In Candidates for the November 8, 2022 General Election

October 2022

Wednesday, October 12th @ 9:30AM	October Board Meeting

November 2022

Friday, November 4th @ 9:30AM	Meeting for the November 8, 2022 General Election
Tuesday, November 8th	November 8th General Election
Monday, November 21st @ 9:30AM	Provisional verification for the November 8, 2022 General Election
Tuesday, November 29th @ 9:30AM	Certification of the November 8, 2022 General Election

December 2022

Wednesday, December 14th @ 9:30AM	December Board Meeting

Revised 1/20/2022

Withdrawal of Recall Issue

1. Recall of Newburgh Heights Mayor Trevor Elkins (received 12-7-2021)

Trevor Elkins Recall Petition

adam mazur <polishlaundry@gmail.com>

Sat 1/22/2022 12:43 PM

To: Cory Milne <cmilne@cuyahogacounty.gov>; Brent Lawler <blawler@cuyahogacounty.gov>; Mary L. Bejjani <mbejjani@cuyahogacounty.gov>; Donald C. Brey <dbrey@isaacwiles.com>

1 attachments (1 MB)

Screenshot_20220122-123758_Messenger.jpg;

We the committee of petitioners hereby withdraw the petition for the recall of Newburgh Heights Mayor Trevor Elkins.

Please see the attached photo with statement and signatures of the committee members.

Committee Member
- Adam Mazur

VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS
RECEIVED
CANDIDATE & PETITIONS SERVICES

'22 JAN 26 AM 9:42

To: Cuyahoga County Board of Elections

RE: Petition to Recall Newburgh Heights Mayor Trevor Elkins

We, the Committee of Petitioners, do hereby withdraw the petition for the recall of Newburgh Heights Mayor Trevor Elkins.

Adam Mazur

3987 E. 52nd Street – Down, Newburgh Heights, OH

Ken Nehez

3636 Washington Park Blvd. Newburgh Heights, OH

Cindy Nehez

3636 Washington Park Blvd. Newburgh Heights, OH

'22 JAN 24 AM 8:42

VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

RECEIVED

CANDIDATE & PETITIONS SERVICES

CUYAHOGA COUNTY
BOARD OF ELECTIONS

Board of Elections Analysis of Petition

January 25, 2022 Board Meeting

Petition Filed: **December 7, 2021**
Petition Filed By: **Adam Mazur**

Candidate/Office: Mayor of the Village of Newburgh Heights, Trevor Elkins

Issue: Petition to recall Trevor Elkins of Mayor of the Village of Newburgh Heights

Election Date: May 3, 2022

Background

- On December 7, 2021 Adam Mazur filed a petition to recall Trevor Elkins as Mayor of the Village of Newburgh Heights.

- On December 20, 2021 Mark Musson sent a letter to the petition group members, Adam Mazur, Ken Nehez, and Cindy Nehez which included a legal opinion from the Law Director of the Village of Newburgh Heights establishing that the Village of Newburgh Heights is not organized under a charter and therefore the petition to recall is null.

- On January 14, 2022 Donald C. Brey, attorney for the petitioners responded to the December 20, 2021 letter challenging the legal opinion from the Newburgh Heights Law Director.

- On January 19, 2022 the Board processed the Trevor Elkins Recall Petition.
    - 49 signatures were filed and verified
    - The petition contained 32 valid signatures
    - The petition contained 17 not valid signatures

CUYAHOGA COUNTY BOARD OF ELECTIONS

General Receipt, ***Candidate & Petition Services***

Date Received: 12/7/21

From:

Adam Mazur

3987 East 52nd Street Down Unit

Newburgh Heights, OH 44105

Phone: 330-338-3079

Received:

- [x] Recall petition for Trevor Elkins Mayor of the Village of Newburgh Hts
- [x] 3 part petitions - 49 signatures
- [ ]
- [ ]

Notes:

Email polishlaundry@gmail.com

Received by Board of Elections Staff: Lawler, Brent E.

PETITION TO RECALL TREVOR ELKINS

Ohio Revised Code Sections 3501.38, 3503.06 and 705.92

NOTICE: Whoever knowingly signs this petition more than once; signs a name other than one's own on this petition, except as provided by general laws of the state; or signs this petition when not a qualified elector of the Village of Newburgh Heights, is liable to prosecution.

To the Board of Election, Cuyahoga County, Ohio:

We, the undersigned, electors of the Village of Newburgh Heights, Ohio, hereby petition for the recall of

Trevor Elkins who holds the office of Mayor in the Village of Newburgh Heights. The grounds for removal from office are as follows (not more than 200 words):

Mayor Elkins has been referred for prosecution by the Ohio Elections Commission over his misuse of roughly $134,000 in campaign funds to cover his personal expenses. Michael Crites, a former federal prosecutor who chaired the elections commission stated that Mr. Elkins' case is "...probably the most egregious and blatant violation I've seen during my tenure on this commission."

Furthermore, the overwhelming appearance of impropriety with regard to the selective enforcement of local building ordinances, combined with his poor management of village service personnel has put his constituents in an untenable situation.

We, the undersigned voters of the Village of Newburgh Heights, do hereby declare that Mayor Trevor Elkins does not possess the integrity, nor capacity to effectively serve our community.

PETITION TO RECALL TREVOR ELKINS

NOTICE: Whoever knowingly signs this petition more than once; signs a name other than one's own on this petition, except as provided by general laws of the state; or signs this petition when not a qualified elector of the Village of Newburgh Heights, is liable to prosecution.

We hereby designate the following petitioners as a committee to be regarded as filing this petition or its circulation:

NAME	RESIDENCE
Adam Mazur	**3987 E. 52nd Street Down, Newburgh Heights**
Ken Nehez	**3636 Washington Park Blvd., Newburgh Heights**
Cindy Nehez	**3636 Washington Park Blvd., Newburgh Heights**

	SIGNATURE OF QUALIFIED ELECTOR	PRINTED NAME OF QUALIFIED ELECTOR	RESIDENCE ADDRESS OF QUALIFIED ELECTOR	DATE OF SIGNING
1.		Jon Woods	3946 E 54th street Newburgh, Hts 44105	12/6/21
2.		Derrick Caldwell	3979 E 54st Newburgh Hts 44105	12/6/21
3.		Brenda Loces	4006 E 52nd St Newburgh Hts OH 44105	12/6/21
4.		Hasania M. Lawler	3961 E. 53rd St. Newburgh Hts. Ohio 44105	12/6/21
5.		Leonté Lawler	3961 E 53rd street Newburgh Hts OH 44105	12/6/21
6.		Lalazma Mims	3961 E 53rd Newburgh hts. Oh 44105	12/6/21
7.		Angelique Ippolito	4416 Alpha Ave Newburgh Hts 44105	12/6/21
8.		Cortney Taylor	4220 Alpha ave APT#2 Newburgh Hts 44105	12/6/21
9.		Taylor Day	3905 E. 42nd St. Newburgh Hts, 44105	12/6/21

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PETITION TO RECALL TREVOR ELKINS

CIRCULATOR STATEMENT – Must be completed and signed by circulator.

I, ADAM MAZUR, declare under penalty of election falsification that I
(Printed Name of Circulator)
reside at the address appearing below my signature; that I am the circulator of the foregoing petition containing 9 signatures; that I witnessed the affixing of every signature; that all signers were to
(Number)
the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and believe the signature of the person who signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

(Signature of Circulator)

3987 E. 52nd St. - Down
(Permanent residence address)

Newburgh Heights, OH 44105
(City, State and Zip Code)

PETITION TO RECALL TREVOR ELKINS

Ohio Revised Code Sections 3501.38, 3503.06 and 705.92

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Furthermore, the overwhelming appearance of impropriety with regard to the selective enforcement of local building ordinances, combined with his poor management of village service personnel has put his constituents in an untenable situation.

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NAME	RESIDENCE
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Ken Nehez	3636 Washington Park Blvd., Newburgh Heights
Cindy Nehez	3636 Washington Park Blvd., Newburgh Heights

	SIGNATURE OF QUALIFIED ELECTOR	PRINTED NAME OF QUALIFIED ELECTOR	RESIDENCE ADDRESS OF QUALIFIED ELECTOR	DATE OF SIGNING
1.	E. O'Veal	Karlena O'Veal	4602 Bridgeview Ave	11-9-21
2.	[illegible]	Sarah Routt	4416 gamma Ave	11/9/21
3.	Martin Behrens	MARTIN BEHRENS	4510 McGREGOR AVE	11/9/21
4.	Mary E Arnold	MARY E ARNOLD	4427 McGregor Ave	11/9/21
5.	Sandra Arnold	SANDRA ARNOLD	4427 MC GREGOR AVE	11/9/21
6.	Robin McCorkhill	ROBIN McCORKHILL	4710 PEARSE AVE	11/9/21
7.	David Bienier	DAVID BIENIER	4711 PEARSE	11/9
8.	Chris Thavenin	Chris Thavenin	4416 gamma Ave	11/9/21
9.	Joseph D. Oravec	JOSEPH ORAVEC	4027 EAST 29TH ST.	11/9/21

10.	Jerry D. Slove	Jerry D. Slove Jr.	3876 E. 42nd St. Newburgh Heights 44105	11-11-21
11.	Donna McCarver	Donna McCarver	3649 Washington Pk Newburgh Hts Ohio	11/16/21
12.	Donna Gerlak	DONNA GERLAK	3680 WASH. PK BLVD NEWBURGH HTS, O	11/16/21
13.	Mary Frizek	3 Mary Frizek	3742 Wash Pk.	11-16
14.	[illegible]	Ronald Kozak	3890 WASHINGTON PK	11-16
15.	[illegible]	Brandon Bosnick	3966 East 41st	11-19
16.	[illegible]	CRAIG STONE	3956 E 53rd NEWBURGH Hts, OH	12/01/21
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PETITION TO RECALL TREVOR ELKINS

CIRCULATOR STATEMENT – Must be completed and signed by circulator.

1, Branden Neher, declare under penalty of election falsification that I
(Printed Name of Circulator)
reside at the address appearing below my signature; that I am the circulator of the foregoing petition containing 16 signatures; that I witnessed the affixing of every signature; that all signers were to
(Number)
the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and believe the signature of the person who signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

(Signature of Circulator)

36036 washington park blvd
(Permanent residence address)

Newburgh Hts OH 44105
(City, State and Zip Code)

3

PETITION TO RECALL TREVOR ELKINS

Ohio Revised Code Sections 3501.38, 3503.06 and 705.92

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We hereby designate the following petitioners as a committee to be regarded as filing this petition or its circulation:

NAME	RESIDENCE
Adam Mazur	3987 E. 52nd Street Down, Newburgh Heights
Ken Nehez	3636 Washington Park Blvd., Newburgh Heights
Cindy Nehez	3636 Washington Park Blvd., Newburgh Heights

	SIGNATURE OF QUALIFIED ELECTOR	PRINTED NAME OF QUALIFIED ELECTOR	RESIDENCE ADDRESS OF QUALIFIED ELECTOR	DATE OF SIGNING
1.		ADAM MAZUR	3987 E. 52nd St. - Down Newburgh Heights, OH-44105	10/27/2021
2.	Martin Behrens	MARTIN BEHRENS	4510 McGREGOR AV NEWBURGH HTS, 44105	10/28/21
3.		Branden Nehez	4519 Beta ave 44105 Newburgh HTS OH	11/02/21
4.	Tiffany Barfield	Tiffany Barfield	4519 Beta Avenue Newburgh Heights Ohio 44105	11/02/21
5.		Debbie Mugg	4424 Beta Ave	11-2-21
6.	Elizabeth Sarol	Elizabeth Sarol	4403 Beta Ave Newburgh Hts OH 44105	11-2-21
7.		Ernest Mushinge	4403 Beta Ave 44105 Newburgh heights OH	11-2-21
8.		Miguel A. Velez	4520 Beta Ave.	11-2-21
9.	Cynthia Onchat	Cynthia Onchat	4612 McGregor Newburgh Hts. OH. 44105	11-2-21

10.		KEVIN O'BRIEN	Newburgh Hts. Ohio 3993 E 54th	11-02-21
11.		BRIAN O'BRIEN	3993 E 54th Newburgh Hts. Ohio 44105	11/02/21
12.		ROBERTA L. JONES	NEWBURGH HTS. 3972 E 54th	11-2-21
13.		LARRY D. JONES	NEWBURGH HTS 3972 E. 54TH ST	11-2-21
14.	Gloria Nowak Wilke	GLORIA NOWAK WILKE	NEWBURGH Hts 4027 E 53	11-2-21
15.		DENNIS ZAWACKI	4012 E 53 ST NEWBURGH HTS	11-2-21
16.		JACQUELINE ZAWACKI	4012 E 53 ST Newburgh HTS	11-2-21
17.		HENRY ZAWACKI	4012 E. 53 ST NEWBURGH HTS. OHIO	11.2.21
18.	~~JEFF~~ SMOLIN	JEFF SMOLINSKI	4428 Beta Newburgh Hts, OHIO	11-2-21
19.				
20.		Dan Snodgrass	3626 Washington Park Blvd Newburgh Heights.	11/5/21
21.		Heather L. Chair	4520 Beta Ave Newburgh Hts Ohio 44105	11/9/21
22.	Louann Oravec	Louann Oravec	4027 East 29th Newburgh Hts Oh 44105	11/9/2021
23.		Kenneth Nehez	3636 WASHINGTON PKBL Newburgh Heights Ohio 44105	11/9/2021
24.	Cynthia Nehez	CYNTHIA NEHEZ	3636 WASHINGTON PKBLVD Newburgh Hts. OHIO 44105	11/9/2021
25.		RENEE NOVAK	3984 E 42 NEWBURGH HT 44105	11-9-21

PETITION TO RECALL TREVOR ELKINS

CIRCULATOR STATEMENT – Must be completed and signed by circulator.

I, Branden Nuhez, declare under penalty of election falsification that I
(Printed Name of Circulator)
reside at the address appearing below my signature; that I am the circulator of the foregoing petition containing 24 signatures; that I witnessed the affixing of every signature; that all signers were to
(Number)
the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and believe the signature of the person who signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

(Signature of Circulator)

3636 Washington Park blvd
(Permanent residence address)

Newburgh Hts OH 44105
(City, State and Zip Code)

Michael C. O'Malley
CUYAHOGA COUNTY PROSECUTOR

December 20, 2021

VIA ELECTRONIC MAIL
Adam Mazur
3987 E. 52nd Street, Down
Newburgh Hts, Ohio 44105
polishlaundry@gmail.com

VIA REGULAR US MAIL
Ken Nehez
Cindy Nehez
3636 Washington Park Blvd
Newburgh Hts, Ohio 44105

RE: Void Petition for Recall Election of the Mayor of Newburgh Heights

Committee of Petitioners,

I write as counsel for the Cuyahoga County Board of Elections ("BOE") having received a document titled "Petition to Recall Trevor Elkins" as Mayor of the Village of Newburgh Heights.

The BOE is also in receipt of the enclosed legal opinion from the Law Director of the Village of Newburg Heights. The opinion establishes that the Village of Newburgh Heights is a statutory village that is not organized under a charter. The legal opinion is primarily founded upon the Supreme Court of Ohio decision in *State ex rel. Lockhart v. Boberek*, 45 Ohio St. 2d 292 (1976) to advise that the authority relied on for the petition does not apply to unchartered villages. Specifically, the Supreme Court held as follows:

> The clear meaning of R. C. 705.91 is that the provisions of R. C. 705.92 go into effect only to the extent that they have been adopted by the voters of a municipal corporation as part of a home-rule charter. Thus, *R. C. 705.92 can have no application to a non-chartered village* such as Valley View. *Removal of officials in non-chartered villages is governed by R. C. 733.34 through 733.39*; in municipal corporations, generally, by R. C. 733.72 through 733.77; and in the state, municipalities and counties by R. C. 3.07 through 3.10. *No provision for a recall is contained in any of those statutes.*

Lockhart at 294 (emphasis added). Accordingly, the document purporting to be a petition to recall the Mayor of the Village of Newburgh Heights is a nullity, and the Board of Elections is taking no action on the submission. Specifically, the BOE will not review, and conveys no determination concerning, the form or the sufficiency and validity of the signatures contained the materials submitted, and the BOE will not schedule an election on the question.

Very truly yours,

Mark R. Musson
Assistant Prosecuting Attorney

cc: Cuyahoga County Board of Elections
Law Director, Village of Newburgh Heights

Enclosure

NICOLA, GUDBRANSON & COOPER, LLC
ATTORNEYS AND COUNSELLORS
LANDMARK OFFICE TOWERS
REPUBLIC BUILDING, SUITE 1400
25 WEST PROSPECT AVENUE
CLEVELAND, OHIO 44115-1048
216/621-7227
Fax 216/621-3999
www.nicola.com

Direct e-mail: mcconville@nicola.com

MEMORANDUM

TO: Cuyahoga County Board of Elections
Attn: Mr. Brent Lawler

CC: Mayor Trevor Elkins
Members of Council

FROM: Luke F. McConville, Esq.

DATE: December 17, 2021

RE: Invalid Recall Petition in the Village of Newburgh Heights

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FACTS

On December 8, 2021, a recall petition (the "Petition") was filed by residents of the Village of Newburgh Heights with the Cuyahoga County Board of Elections. The Petition seeks to recall Newburgh Heights Mayor Trevor Elkins.

The Village of Newburgh Heights is a non-chartered statutory village under Ohio law. The Ohio Secretary of State has certified the results of the 2020 Federal Census determining that Newburgh Heights has a population of 1,862 and remains a village pursuant to Ohio law.

LAW AND ANALYSIS

There is no right of recall of an elected official for a non-chartered statutory village. *State ex rel. Lockhart v. Boberek* (1976), 45 Ohio St.2d 292. In *Lockhart*, the Ohio Supreme Court stated in its Syllabus:

> The provisions of R.C. 705.92, permitting recall of the elective officers of a municipal corporation, go into effect only to the extent that they have been adopted by the voters as part of a home-rule charter. (R.C. 705.91 and 705.92 construed.)

For purposes of this analysis, it is necessary to understand the difference between charter and non-charter municipalities in connection with their authority to adopt recall as part of their governing structure. The Ohio Constitution creates a framework for a municipality to adopt a charter and thereby define their own governmental structure. Ohio Const. art XVIII, §7. It is well established under Ohio law that a charter municipality has the authority to provide for the recall of its elected officials. *State ex rel. Hackley v. Edmonds* (1948), 150 Ohio St. 203, 80 N.E.2d 769 (Syllabus Para. 1). The Court in *Hackley* stated:

> Section 7 of Article XVIII of the Constitution of Ohio vests in a municipality adopting a charter pursuant thereto the power to prescribe the manner of selecting the members of its council, to fix the terms of such members, and to so restrict the tenure of office of such members as to make such tenure dependent upon the will of the electors.

A non-charter municipality, on the other hand, is bound by the governmental structure established by statutory law. *Village of Wintersville v. Argo Sales Co.* (1973), 35 Ohio St.2d 148, 299 N.E.2d 269. In particular, Ohio Constitution art. XVIII, §2 provides that:

> General laws shall be passed to provide for the incorporation and government of cities and villages, and additional laws may also be passed for the government of municipalities adopting the same; but no such additional law shall become operative in any municipality until it shall have been submitted to the electors thereof, and affirmed by a majority of those voting thereon, under regulations to be established by law.

Thus, the Ohio Constitution allows for two categories of statutory municipal governments: the form established by general laws and the optional forms of government which may be adopted by the electors of a municipality. *1989 Ohio Ap.*

Atty. Gen 2-212 (Ohio AG), 1989 WL 455395. The general laws establishing statutory forms of government for non-charter villages and cities are found at R.C. Chapters 731 and 733. Three additional forms of government may be adopted by the electors of a municipality pursuant to R.C. Chapter 705. The provisions of Chapter 705 were expressly adopted as "additional laws" pursuant to Ohio Constitution art XVIII, §2. *1989 Ohio Ap. Atty. Gen 2-212* (Ohio AG), 1989 WL 455395, referring to 1913 Ohio Laws 767 (H.B. 522, passed April 28, 1913.)

Since the Village of Newburgh Heights is a statutory village, has no charter, and has never adopted one of the optional statutory plans of government set forth in R.C. 704.41 to 705.86, the recall provisions set forth in R.C. 705.91 and 705.92 do not apply to it. *1989 Ohio Ap. Atty. Gen 2-212* (Ohio AG), 1989 WL 455395. The recall provisions set forth in R.C. 705.91 and R.C. 705.92 do not even apply to a chartered municipality unless the electors of that municipality have so elected.

> The procedure set forth in R.C. 705.91 for the adoption of the recall procedures of R.C. 705.92 applies only to cities exercising one of the optional statutory plans of government set forth in R.C. 705.41 to 705.86 and has no application to a charter municipality which chooses to incorporate statutory recall procedures into its charter pursuant to Ohio Const. art XVIII, §§7, 8 and 9.

Id., at Syllabus Paragraph 2.

There is no mechanism under Ohio law to recall elected officials of a non-chartered, statutory village. R.C. Chapters 731 and 733; *Lockhart*. In this instance, since Revised Code Sections 705.91 and 705.92 do not apply to the Village of Newburgh Heights (since it is a non-chartered statutory village) and since there is no mechanism under Ohio law to recall elected officials of a non-chartered, statutory village, the Petition is void *ab initio* and is of no legal effect.

The fact that the Federal Census determined that the population of Newburgh Heights is less than 2,000 has no impact whatsoever on the analysis set forth herein. The Federal Census confirms that Newburgh Heights is a village.

LFM

isaac wiles
Isaac Wiles Burkholder & Teetor, LLC

Donald C. Brey
In the Columbus Office
614-340-7457
dbrey@isaacwiles.com

January 14, 2021

Mark R. Musson, Esq.
Assistant Prosecuting Attorney – Civil Division
Cuyahoga County Prosecutor Michael O'Malley's Office
The Justice Center, Courts Tower
1200 Ontario Street, 8th Floor
Cleveland, Ohio 44113

Re: Petition to Recall Trevor Elkins

Dear Mr. Musson,

I am writing on behalf of my clients, the Petitioners' Committee for the Petition to Recall Trevor Elkins (the Mayor of Newburgh Heights). That Recall Petition was recently filed with the Cuyahoga County Board of Elections. I am in receipt of your December 20, 2021, letter to the members of the Petitioners' Committee: Adam Mazur, Ken Nehez, and Cindy Nehez.

Your December 20, 2021, letter and the memorandum attached to it are accurate and correct interpretations of the language of the *prior* version of R.C. 705.92, but disregard the amendments to R.C. 705.92 that were made by the Ohio General Assembly in H.B. 463 (131st G.A), effective April 6, 2017. I respectfully ask that you reconsider your opinion to the Cuyahoga County Board of Elections in light of the 2017 statutory changes to R.C. 705.92.

Mr. McConville correctly notes in his December 17, 2021, memorandum that "[a] non-charter municipality . . . is bound by the governmental structure established by statutory law." Prior to 2017, R.C. 705.92's general language that "any elective officer of a municipal corporation may be removed from office" by recall was interpreted in light of R.C. 705.91 to apply only to charter municipalities. However, from 2017 on, "the governmental structure established by statutory law" has provided that the right to use R.C. 705.92's procedure to remove "any elective officer of a municipal corporation" applies "[n]otwithstanding . . . any other provisions in the Revised Code to the contrary."

1. *State ex rel. Lockhart v. Boberek* interpreted R.C. 705.92 in light of R.C. 705.91

In *State ex rel. Lockhart v. Boberek* (1976), the Ohio Supreme Court interpreted R.C. 705.92 as applying only to charter municipalities – and not to non-charter municipalities. At the time, nothing in R.C. 705.92 precluded reliance on other provisions of the Revised Code to limit the application of R.C 705.92. At the time, the first sentence of R.C. 705.92 merely stated: "Any elective officer of a municipal corporation may be removed from office by the qualified voters of such municipal corporation." R.C. 705.92 then proceeded to describe the recall process.

R.C. 705.91 stated (and still states) that regarding charter plans, "Section 705.92 of the Revised Code shall be submitted, with each such plan, to the electors of the municipal corporation as prescribed in section 705.03 of the Revised Code, and shall go into effect and form a part of any such plan of government only to the extent to which such section has been adopted under section 705.03 of the Revised Code."

Thus, the *Lockhart v. Boberek* court concluded that "[t]he clear meaning of R.C. 705.91 is that the provisions of R.C. 705.92 go into effect only to the extent that they have been adopted by the voters of a municipal corporation as part of a home-rule charter."

The authorities following *State ex rel. Lockhart v. Boberek* (1976) that were cited in your letter and in the attachment to your letter all predated 2017, and interpreted the language of R.C. 705.92 in light of R.C. 705.91.

2. Since 2017, the provisions of R.C. 705.92 are no longer limited by R.C. 705.91.

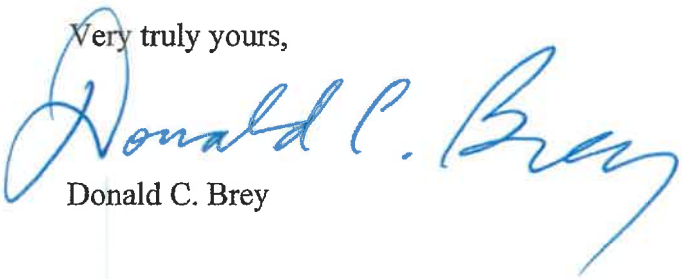
In 2017, the General Assembly changed the law to prevent R.C. 705.91 – or any other provision of the Revised Code – from making the language of R.C. 705.92 ineffective in non-charter municipalities. The General Assembly accomplished this by adding the following underlined language to the first sentence of R.C. 705.92:

> "Notwithstanding Section 38 of Article II, Ohio Constitution, or any other provisions in the Revised Code to the contrary, any elective officer of a municipal corporation may be removed from office by the qualified voters of such municipal corporation."

Since nothing in R.C. 705.92 limits "any elective officer" to charter municipalities, and since the General Assembly has now expressly prohibited relying on "any other provisions of the Revised Code to the contrary" to so limit it, your December 20, 2021, opinion letter is in error as to the scope of the *current* statute, and the citizens of the Village of Newburgh Heights have the right to recall their mayor, pursuant to the current version of R.C. 705.92.

Thus, I respectfully request that you reconsider your opinion in light of this 2017 statutory change, and that you advise your client, the Cuyahoga County Board of Elections to review and (if there are sufficient valid signatures) to certify the Petition to Recall Trevor Elkins.

Very truly yours,



Donald C. Brey

CUYAHOGA COUNTY
BOARD OF ELECTIONS

Jeff Hastings *Chairman* | **Inajo Davis Chappell** *Member* | **Lisa M. Stickan** *Member* | **David J. Wondolowski** *Member* | **Anthony W. Perlatti** *Director* | **Anthony N. Kaloger** *Deputy Director*

SENT VIA EMAIL AND REGULAR MAIL

January 19, 2022

Donald C. Brey, Esquire
Two Miranova Place, Ste. 700
Columbus, OH. 43215-5098

Dear Mr. Brey:

Please accept this letter as notice that the Cuyahoga County Board of Elections ("CCBOE") is in receipt of your correspondence dated January 14, 2021 (sic) to Assistant Prosecuting Attorney Mark Musson regarding the recall petitions that were filed against the Mayor of Newburgh Heights, OH. The CCBOE has scheduled a hearing on this matter for 2:00 p.m. on January 25, 2022. The meeting will be held at the Cuyahoga County Board of Elections, 2925 Euclid Avenue, Cleveland, OH, in the 4th Floor Board Room.

I have also enclosed documents filed with the CCBOE by Trevor Elkins as it relates to your clients. The Board will also hear this matter at its 2:00 p.m. Board meeting on January 25, 2022.

The Board will consider all written materials, testimony (if necessary) and oral argument for and against these matters. Enclosed is a copy of the procedure the Board requests that each party follow. The CCBOE has set a deadline of 12:00 p.m. on January 21, 2022, for the filing of any additional documents relative to this matter. I can be contacted at 216.443.6430/mbejjani@cuyahogacounty.gov.

Sincerely,

Mary Bejjani

Mary Bejjani, Clerk
Cuyahoga County Board of Elections

cc: Jeff Hastings, Chairman
Lisa M. Stickan, Board Member
Inajo Davis Chappell, Board Member
David Wondolowski, Board Member
Anthony Perlatti, Director
Anthony Kaloger, Deputy Director
Mark Musson, Assistant Cuyahoga County Prosecutor
Luke McConville, Law Director, Newburgh Heights
Trevor Elkins, Mayor Newburgh Heights
Adam Mazur
Ken and Cindy Nehez
Branden Nehez

Enclosures

VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

Jeff Hastings *Chairman* | **Inajo Davis Chappell** *Member* | **Lisa M. Stickan** *Member* | **David J. Wondolowski** *Member* | **Anthony W. Perlatti** *Director* | **Anthony N. Kaloger** *Deputy Director*

To: *Parties involved in Protest hearings*

From: *Jeff Hastings, Chairman of the Cuyahoga County Board of Elections*

Subject: *The Filing of a Protest*

Date: *January 18, 2022*

The Cuyahoga County Board of Elections ("Board") has enacted the following procedure regarding the filing of a Protest with the Board:

- *After a Protest is filed, no additional documents may be filed in support of the Protest, unless that document relates to events occurring after the date of the Protest. Notwithstanding, the Board reserves the right to request additional documentation from either party if necessary.*

- *Upon receipt of the Protest, the Board staff will timely provide the candidate and/or issue committee (Respondent) a copy of the Protest. The Respondent has the lesser of five (5) business days after receipt of the Protest or two (2) business days before the Board hearing to file a response with the Board. The day the Protest is received by the Respondent is not counted in the five-day response period.*

- *The Respondent is to provide the Protester with a copy of the Respondent's filed response. Additionally, upon receipt of the response, the Board staff will also provide the Protester with a copy of the Respondent's filed response.*

- *The Chairman of the Board (in consultation with the Board Members and staff) will schedule the Protest for Hearing and the Protestor and Respondent will be advised of the time and date of the Hearing should they want to participate.*

- *The Parties may present such additional evidence at the Hearing as each Party deems appropriate, subject to objection from the opposing Party and subject to the ruling of the Chairman of the Board.*

CUYAHOGA COUNTY
BOARD OF ELECTIONS

Board of Elections Analysis of Protest

January 25, 2022 Board Meeting

Protest Filed: December 17, 2021
Protest Filed By: Trevor Elkins

Candidate/Office: Mayor of the Village of Newburgh Heights, Trevor Elkins

Issue: Challenged validity of recall petitions

Election Date: May 3, 2022

Background

- On December 17, 2021 Trevor Elkins filed a complaint with Brent Lawler, Campaign and Petition Services Manager, regarding inconsistencies in circulator Branden Nehez's two part petitions due to:
    - Providing conflicting addresses:
        - The address provided by Mr. Branden Nehez on the circulator statements: 3636 Washington Park Blvd., Newburgh Heights
        - The address provided by Mr. Branden Nehez as a petition signer: 4519 Beta Ave., Newburgh Heights
    - That two members of the petitioner's committee conspired with the circulator in making the false statement.
- On January 12, 2021 Prosecutor Mark Musson sent Mayor Elkins a letter notifying him that an investigation of his allegations will not occur because the petition itself was invalid. The Board unanimously voted at the January 11, 2021 Board Meeting to approve a motion directing the prosecutor to notify Mayor Elkins that an investigation of the allegations would not occur.

Registration Manager Betty Edwards reviewed the protest and offered her observations below:

- Three part petitions were submitted to the Board of Elections:
  - Part Petition 1 – Circulated by Adam Mazur
  - Part Petition 2&3 – Circulated by Branden Nehez. He provided the 3636 Washington Park Blvd., Newburgh Heights address on the circulator statement.
- Part Petition 3, line 3 - Branden Nehez signed and provided the 4519 Beta Ave., Newburgh Heights address as his residential address which did <u>not</u> match his registration record in the DIMs database.
  - Branden Nehez signature was not valid due to him signing a part petition that he circulated.
- Part Petition 3, line 23 - Kenneth Nehez signed and provided the 3636 Washington Park Blvd., Newburgh Heights address as his residential address which matched his registration record in the DIMs database.
- Part Petition 3, line 24 - Cynthia Nehez signed and provided the 3636 Washington Park Blvd., Newburgh Heights address as her residential address which matched her registration record in the DIMs database.

VOTER INFORMATION REPORT

KENNETH S NEHEZ

PRINTED ON: 1/20/2022

VOTER ID: 2435079

NAME: KENNETH S NEHEZ
RESIDENCE: 3636 WASHINGTON PARK BLVD
CITY/STATE/ZIP: NEWBURGH HTS, OH 44105

CARE OF:
STREET/BX:
MAIL CITY:
MAIL STATE/ZIP:
COUNTRY:

PHONE NUMBER:

STATUS: ACTIVE
PARTY: UNAFFILIATED
REG DATE: 07/15/2010

PRECINCT: NEHT00A.01
PRECINCT NAME: NEWBURGH HEIGHTS -00-A

POLLING PLACE: NEWBURGH HEIGHTS VILLAGE HALL
3801 HARVARD AVENUE

SIGNATURE: Kenneth S Nehez

I hereby certify that the above document is a true and correct copy of the original filed at the Cuyahoga County Board of Elections.

VOTE
CUYAHOGA COUNTY
BOARD OF ELECTIONS

Election Official: Betty Grant Edwards
Title: Registration Manager
Date: Jan 20, 2022
Signature: Betty Grant Edwards

VOTER INFORMATION REPORT

KENNETH S NEHEZ

PRINTED ON: 1/20/2022

VOTER'S VOTING HISTORY

DATE	TITLE	PRECINCT	PARTY
11/3/20	November 3, 2020 Presidential General Election	NEWBURGH HEIGHTS -00-A	
11/5/19	November 5, 2019 General Election	NEWBURGH HEIGHTS -00-A	
11/8/16	NOVEMBER 8, 2016 PRESIDENTIAL GENERAL ELECTION	NEWBURGH HEIGHTS -00-A	
11/3/15	NOVEMBER 3, 2015 GENERAL ELECTION	NEWBURGH HEIGHTS -00-A	
11/4/14	NOVEMBER 4, 2014 GENERAL ELECTION	NEWBURGH HEIGHTS -00-A	
5/6/14	MAY 6, 2014 PRIMARY ELECTION	NEWBURGH HEIGHTS -00-A	DEM
5/7/13	MAY 7, 2013 PRIMARY ELECTION	NEWBURGH HEIGHTS -00-A	X
11/8/11	NOVEMBER 8, 2011 GENERAL ELECTION	NEWBURGH HEIGHTS -00-A	
5/4/10	MAY 4, 2010 PRIMARY ELECTION	NEWBURGH HEIGHTS -00-A	DEM
11/3/09	NOVEMBER 3, 2009 GENERAL ELECTION	NEWBURGH HEIGHTS -00-A	

VOTER INFORMATION REPORT

KENNETH S NEHEZ

PRINTED ON: 1/20/2022

VOTER'S TRANSACTIONS

FIELD	BEFORE	AFTER	TRANS DATE
LAST TRANS DATE	Nov 26 2019 1:28PM	Nov 24 2020 12:33PM	11/24/20 12:33 pm
LAST TRANS DATE	Jun 14 2018 11:09AM	Nov 26 2019 1:28PM	11/26/19 1:28 pm
LAST TRANS DATE	Dec 8 2016 12:22AM	Jun 14 2018 11:09AM	6/14/18 11:09 am
PARTY	DEM	NOPTY	6/14/18 11:09 am
REASON	VOTED PROVISIONAL	BATCH PARTY UPDATE	6/14/18 11:09 am
LAST TRANS DATE	Dec 8 2015 4:45PM	Dec 8 2016 12:22AM	12/8/16 12:22 am
BOE GENERATED VLN MAI		3636 WASHINGTON PARK BLV	9/27/16 12:00 am
LAST TRANS DATE	Dec 15 2014 1:06PM	Dec 8 2015 4:45PM	12/8/15 4:45 pm
LAST TRANS DATE	May 30 2014 11:11AM	Dec 15 2014 1:06PM	12/15/14 1:06 pm
HISTORY PARTY ID UPD	UPDATED PARTY VIA VOTER H	WRITEHISTORYDATA	5/30/14 11:11 am
LAST TRANS DATE	Jun 13 2013 10:28AM	May 30 2014 11:11AM	5/30/14 11:11 am
LAST TRANS DATE	Dec 14 2011 3:31PM	Jun 13 2013 10:28AM	6/13/13 10:28 am
LAST TRANS DATE	Jul 15 2010 12:40PM	Dec 14 2011 3:31PM	12/14/11 3:31 pm
VNC MAILED	MAIL DATE	07/19/2010	7/19/10 9:05 am
VNC GENERATED	GENERATED	YES	7/19/10 9:05 am
RECEIVE DATE	Sep 1 2009 12:00AM	May 4 2010 12:00AM	7/15/10 12:40 pm
REGISTRATION DATE	Sep 1 2009 12:00AM	Jul 15 2010 12:00AM	7/15/10 12:40 pm
SOURCE OF REGISTRATIC	RSMAI	POLLP	7/15/10 12:40 pm
VALIDATION DATE	Sep 1 2009 3:30PM	Sep 1 2009 12:00AM	7/15/10 12:40 pm
VNC		YES	7/15/10 12:40 pm
BY MAIL		YES	7/15/10 12:40 pm
DELIVERY METHOD	RD101	RD201	7/15/10 12:40 pm
DRIVERS LICENSE NUMBE			7/15/10 12:40 pm
IMAGE ID NUMBER	2969738	3046119	7/15/10 12:40 pm
LAST TRANS DATE	May 28 2010 9:53AM	Jul 15 2010 12:40PM	7/15/10 12:40 pm
SIGNATURE DATE	Aug 17 2009 12:00AM	May 4 2010 12:00AM	7/15/10 12:40 pm
REASON	99 - OFFICE CORRECTION	VOTED PROVISIONAL	7/15/10 12:40 pm
HISTORY PARTY ID UPD	UPDATED PARTY VIA VOTER H	WRITEHISTORYDATA	5/28/10 9:53 am
LAST TRANS DATE	Dec 29 2009 4:10PM	May 28 2010 9:53AM	5/28/10 9:53 am
PARTY	X	DEM	5/28/10 9:53 am
LAST TRANS DATE	Dec 29 2009 3:47PM	Dec 29 2009 4:10PM	12/29/09 4:10 pm
PARTY	NOPTY	X	12/29/09 4:10 pm
REASON		99 - OFFICE CORRECTION	12/29/09 4:10 pm
LAST TRANS DATE	Sep 1 2009 3:28PM	Dec 29 2009 3:47PM	12/29/09 3:47 pm
VNC GENERATED	GENERATED	YES	9/3/09 12:15 pm
VNC MAILED	MAIL DATE	09/03/2009	9/3/09 12:15 pm
STATE ID		OH0020836326	9/1/09 3:30 pm
VALIDATION DATE		Sep 1 2009 3:30PM	9/1/09 3:30 pm
BY MAIL		YES	9/1/09 3:28 pm
VNC		YES	9/1/09 3:28 pm
NEW RECORD			9/1/09 3:28 pm

VOTER INFORMATION REPORT

KENNETH S NEHEZ

PRINTED ON: 1/20/2022

VOTER'S DISTRICT INVENTORY

GROUP	NAME	
ALL	COUNTY WIDE DISTRICT	DISTRITO A NIVEL DE CONDADO
CCD	COUNTY COUNCIL DISTRICT 08	Consejo del Condado Distrito 08
CONG	CONGRESSIONAL DISTRICT 11	DISTRITO DEL CONGRESO 11
COURT	8TH DISTRICT COURT OF APPEALS	8 ° Distrito Tribunal de Apelaciones
HSE	HOUSE DISTRICT 11	CÁMARA DE DISTRITO 11
JUD	GARFIELD HTS MUNI CT DISTRICT	GARFIELD HTS DISTRITO DEL TRIBUN/
LIB	CLEVELAND LIBRARY DISTRICT	Distrito de la Biblioteca de CLEVELAND
MUN	NEWBURGH HEIGHTS	Municipio de Newburgh Heights
PARK	METROPARKS DISTRICT	
PCTDT	NEWBURGH HEIGHTS-00- A	
SBOE	STATE BOARD OF EDU DISTRICT 11	Junta Estatal de Educación Distrito 11
SCSD	CLEVELAND CSD -TAX ID # 1809	
SEN	STATE SENATE DISTRICT 21	DISTRITO DEL SENADO ESTATAL 21

Election Official Please Complete	For Board Use Only	
'oter's New/Current City:	☑ OK Ballot	☐ Rejected Ballot
Vard	Operator Name: Clape	Democrat Name
'recinct:	ID # 2435079	Republican Name

1

Provisional Ballot Affirmation (form ccboe 12-b-1)

VOTER; PLEASE COMPLETE ALL GRAY BOXES THAT APPLY TO YOU.

Kenneth Nchez, solemnly swear or affirm that I am a citizen of the United State
PRINTED NAME OF VOTER

will be 18 years of age at the time of the general election, I have lived in this state for 30 days immediately preceding th lection, I am a registered voter in the precinct in which I am voting this provisional ballot and that I am eligible to vote in the election in whic am voting this provisional ballot.

BOARD USE ONLY: NEWBURGH HTS A — BOARD USE ONLY: SAME

CURRENT/NEW ADDRESS

treet Address: 3636 Washington Park Blvd

partment #:

ity: Newburgh Zip Code: 44105

ounty: Cuy

FORMER/OLD ADDRESS

Street Address:

Apartment #:

City: Zip Code:

County:

NAME CHANGE

ormer Printed Name: Former Signature:

VOLUNTARY INFORMATION

our Daytime Phone Number: Your E-mail Address:

REASON FOR VOTING A PROVISIONAL BALLOT: (CHECK ALL THAT APPLIES)

☐ My name should appear on the official precinct list but does not.
☐ Change of address
☐ Change of name
☒ Requested but did not receive absent voter's ball
☒ Other DID NOT RETURN ABSENTEE BALLOT

FORM OF IDENTIFICATION PROVIDED: (CHECK AND COMPLETE FORM OF ID)

☐ Ohio Drivers License (provide #): Located left hand side, middle of card beginning with two letters
☐ Other valid photo Identification (specify):
☐ I cannot or will not provide valid photo identification; the **last four digits** of my social security number are 7499
☐ Other:
☐ None

understand that, if the above-provided information is not fully completed and correct, if the board of elections determines that I am not registered to vo resident of this precinct, or eligible to vote in this election, or if the board of elections determines that I have already voted in this election, my provisio allot will not be counted. I further understand that knowingly providing false information is a violation of law and subjects me to possible crimi rosecution. I hereby declare, under penalty of election falsification, that the above statements are true and correct to the best of my knowledge and beli

Partisan Primary Only (if partisan primary check one)

declare, if the election is a primary election, by requesting a partisan ballot of the: ☒ Democrat ☐ Republican ☐ Issues Or

☐ Other, Specify Party, I hereby state that I desire to be affiliated with and support that party.

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

X Signature of Voter: Kenneth Nchez Date of Birth 1967 Date: 5-4-10

X Signature Witnessing Election Official: Margaret Annette Balzano Date: 5-4-10

Election Official – Please complete the verification statement on the back of this envelope

FOLD HERE

1. Are you a U.S. citizen? ☒ Yes ☐ No
2. Will you be at least 18 years of age on or before the next general election? ☒ Yes ☐ No
If you answered NO to either of the questions, do not complete this form.

3. Last Name	First Name	Middle Name or Initial	Jr., II, etc.
Neher	Kenneth	S	

4. House Number and Street (Enter new address if changed)	Apt. or Lot #	5. City or Post Office	6. Zip Code
3636 Washington Park Blvd		Newburg hts	44105

7. Additional Rural or Mailing Address (if necessary)	8. County where you live

9. Birthdate (MO-DAY-YR) (required)	10. Ohio driver's license No. OR last 4 digits of Social Security No. (required to be listed if you have one)	11. Phone No. (voluntary)
-1967		216-849-5187

12. PREVIOUS ADDRESS IF UPDATING CURRENT REGISTRATION - Previous House Number and Street

Previous City or Post Office	County	State
	Cuy	Ohio

13. CHANGE OF NAME ONLY Former Legal Name	Former Signature

I declare under penalty of election falsification I am a citizen of the United States, will have lived in this state for 30 days immediately preceding the next election, and I will be at least 18 years of age at the time of the general election.

14. **Your Signature** →

Date 08 / 17 / 2009
MO DAY YR

Kenneth S Neher

SEP 01 '09 AM 11:07 CUY

FOR BOARD USE ONLY
SEC4010 (Rev. 1/08)

Cuyahoga County Board of Elections
2925 Euclid Avenue, Cleveland, Ohio 44115-2497

VOTER INFORMATION REPORT

CYNTHIA LYNN NEHEZ

PRINTED ON: 1/20/2022

VOTER ID: 2435080

NAME: CYNTHIA LYNN NEHEZ
RESIDENCE: 3636 WASHINGTON PARK BLVD
CITY/STATE/ZIP: NEWBURGH HTS, OH 44105

CARE OF:
STREET/BX:
MAIL CITY:
MAIL STATE/ZIP:
COUNTRY:

PHONE NUMBER:

STATUS: ACTIVE
PARTY: UNAFFILIATED
REG DATE: 09/01/2009

PRECINCT: NEHT00A.01
PRECINCT NAME: NEWBURGH HEIGHTS -00-A

POLLING PLACE: NEWBURGH HEIGHTS VILLAGE HALL
3801 HARVARD AVENUE

SIGNATURE: Cynthia L. Nehez

I hereby certify that the above document is a true and correct copy of the original filed at the Cuyahoga County Board of Elections.

VOTE
CUYAHOGA COUNTY
BOARD OF ELECTIONS

Election Official: Betty Grant Edwards
Title: Registration Manager
Date: Jan 20, 2022
Signature: Betty Grant Edwards

VOTER INFORMATION REPORT

CYNTHIA LYNN NEHEZ

PRINTED ON: 1/20/2022

VOTER'S DISTRICT INVENTORY

GROUP	NAME	
ALL	COUNTY WIDE DISTRICT	DISTRITO A NIVEL DE CONDADO
CCD	COUNTY COUNCIL DISTRICT 08	Consejo del Condado Distrito 08
CONG	CONGRESSIONAL DISTRICT 11	DISTRITO DEL CONGRESO 11
COURT	8TH DISTRICT COURT OF APPEALS	8 ° Distrito Tribunal de Apelaciones
HSE	HOUSE DISTRICT 11	CÁMARA DE DISTRITO 11
JUD	GARFIELD HTS MUNI CT DISTRICT	GARFIELD HTS DISTRITO DEL TRIBUN/
LIB	CLEVELAND LIBRARY DISTRICT	Distrito de la Biblioteca de CLEVELAND
MUN	NEWBURGH HEIGHTS	Municipio de Newburgh Heights
PARK	METROPARKS DISTRICT	
PCTDT	NEWBURGH HEIGHTS-00- A	
SBOE	STATE BOARD OF EDU DISTRICT 11	Junta Estatal de Educación Distrito 11
SCSD	CLEVELAND CSD -TAX ID # 1809	
SEN	STATE SENATE DISTRICT 21	DISTRITO DEL SENADO ESTATAL 21

VOTER INFORMATION REPORT

CYNTHIA LYNN NEHEZ

PRINTED ON: 1/20/2022

VOTER'S TRANSACTIONS

FIELD	BEFORE	AFTER	TRANS DATE
LAST TRANS DATE	Nov 26 2019 1:28PM	Nov 24 2020 12:33PM	11/24/20 12:33 pm
LAST TRANS DATE	Jun 14 2018 11:09AM	Nov 26 2019 1:28PM	11/26/19 1:28 pm
LAST TRANS DATE	Dec 8 2016 12:23AM	Jun 14 2018 11:09AM	6/14/18 11:09 am
PARTY	DEM	NOPTY	6/14/18 11:09 am
REASON	SOS BMV/SSA PREMATCH	BATCH PARTY UPDATE	6/14/18 11:09 am
LAST TRANS DATE	Dec 8 2015 4:45PM	Dec 8 2016 12:23AM	12/8/16 12:23 am
BOE GENERATED VLN MAI		3636 WASHINGTON PARK BLV	9/27/16 12:00 am
LAST TRANS DATE	Dec 15 2014 1:06PM	Dec 8 2015 4:45PM	12/8/15 4:45 pm
LAST TRANS DATE	May 30 2014 11:11AM	Dec 15 2014 1:06PM	12/15/14 1:06 pm
HISTORY PARTY ID UPD	UPDATED PARTY VIA VOTER H	WRITEHISTORYDATA	5/30/14 11:11 am
LAST TRANS DATE	Jun 13 2013 10:28AM	May 30 2014 11:11AM	5/30/14 11:11 am
LAST TRANS DATE	Jun 26 2012 4:51PM	Jun 13 2013 10:28AM	6/13/13 10:28 am
DRIVERS LICENSE NUMBE			6/26/12 4:51 pm
LAST TRANS DATE	Dec 14 2011 3:31PM	Jun 26 2012 4:51PM	6/26/12 4:51 pm
REASON	99 - OFFICE CORRECTION	SOS BMV/SSA PREMATCH	6/26/12 4:51 pm
LAST TRANS DATE	May 26 2011 12:58PM	Dec 14 2011 3:31PM	12/14/11 3:31 pm
HISTORY PARTY ID UPD	UPDATED PARTY VIA VOTER H	WRITEHISTORYDATA	5/26/11 12:58 pm
LAST TRANS DATE	May 26 2010 10:26AM	May 26 2011 12:58PM	5/26/11 12:58 pm
PARTY	X	DEM	5/26/11 12:58 pm
LAST TRANS DATE	Dec 29 2009 4:10PM	May 26 2010 10:26AM	5/26/10 10:26 am
LAST TRANS DATE	Dec 29 2009 3:47PM	Dec 29 2009 4:10PM	12/29/09 4:10 pm
PARTY	NOPTY	X	12/29/09 4:10 pm
REASON		99 - OFFICE CORRECTION	12/29/09 4:10 pm
LAST TRANS DATE	Sep 1 2009 3:55PM	Dec 29 2009 3:47PM	12/29/09 3:47 pm
STATE ID		OH0020836359	9/1/09 3:56 pm
VALIDATION DATE		Sep 1 2009 3:56PM	9/1/09 3:56 pm
NEW RECORD			9/1/09 3:55 pm

VOTER INFORMATION REPORT

CYNTHIA LYNN NEHEZ

PRINTED ON: 1/20/2022

VOTER'S VOTING HISTORY

DATE	TITLE	PRECINCT	PARTY
11/3/20	November 3, 2020 Presidential General Election	NEWBURGH HEIGHTS -00-A	
11/5/19	November 5, 2019 General Election	NEWBURGH HEIGHTS -00-A	
11/8/16	NOVEMBER 8, 2016 PRESIDENTIAL GENERAL ELECTION	NEWBURGH HEIGHTS -00-A	
11/3/15	NOVEMBER 3, 2015 GENERAL ELECTION	NEWBURGH HEIGHTS -00-A	
11/4/14	NOVEMBER 4, 2014 GENERAL ELECTION	NEWBURGH HEIGHTS -00-A	
5/6/14	MAY 6, 2014 PRIMARY ELECTION	NEWBURGH HEIGHTS -00-A	DEM
5/7/13	MAY 7, 2013 PRIMARY ELECTION	NEWBURGH HEIGHTS -00-A	X
11/8/11	NOVEMBER 8, 2011 GENERAL ELECTION	NEWBURGH HEIGHTS -00-A	
5/3/11	MAY 3, 2011 PRIMARY ELECTION	NEWBURGH HEIGHTS -00-A	DEM
5/4/10	MAY 4, 2010 PRIMARY ELECTION	NEWBURGH HEIGHTS -00-A	X
11/3/09	NOVEMBER 3, 2009 GENERAL ELECTION	NEWBURGH HEIGHTS -00-A	

FOLD HERE

1. Are you a U.S. citizen? ☒ Yes ☐ No
2. Will you be at least 18 years of age on or before the next general election? ☒ Yes ☐ No
If you answered NO to either of the questions, do not complete this form.

3. Last Name	First Name	Middle Name or Initial	Jr., II, etc.
Nehez	Cynthia	Lynn	

4. House Number and Street (Enter new address if changed)	Apt. or Lot #	5. City or Post Office	6. Zip Code
36036 Washington Pk. Blvd		Newburgh Hts	44105

7. Additional Rural or Mailing Address (if necessary)	8. County where you live

9. Birthdate (MO-DAY-YR) (required)	10. Ohio driver's license No. OR last 4 digits of Social Security No. (required to be listed if you have one)	11. Phone No. (voluntary)
1968	c	216-849-8823

12. PREVIOUS ADDRESS IF UPDATING CURRENT REGISTRATION - Previous House Number and Street

Previous City or Post Office	County	State
	Cuyahoga	Ohio

13. CHANGE OF NAME ONLY Former Legal Name	Former Signature
Cynthia L. Green	Cynthia L. Green

I declare under penalty of election falsification I am a citizen of the United States, will have lived in this state for 30 days immediately preceding the next election, and I will be at least 18 years of age at the time of the general election.

14. **Your Signature** →

Date 8 / 11 / 09
MO DAY YR

Cynthia L. Nehez

SEP 01 '09 AM 11:47

FOR BOARD USE ONLY
SEC4010 (Rev. 1/08)

Cuyahoga County Board of Elections
2925 Euclid Avenue, Cleveland, Ohio 44115-2497

VOTER INFORMATION REPORT

BRANDEN LOUIS DOUGLAS NEHEZ

PRINTED ON: 1/20/2022

VOTER ID: 2671434

NAME: BRANDEN LOUIS DOUGLAS NEHEZ
RESIDENCE: 3636 WASHINGTON PARK BLVD
CITY/STATE/ZIP: NEWBURGH HTS, OH 44105

CARE OF:
STREET/BX:
MAIL CITY:
MAIL STATE/ZIP:
COUNTRY:

PHONE NUMBER:

STATUS: ACTIVE
PARTY: UNAFFILIATED
REG DATE: 02/16/2016

PRECINCT: NEHT00A.01
PRECINCT NAME: NEWBURGH HEIGHTS -00-A

POLLING PLACE: NEWBURGH HEIGHTS VILLAGE HALL
3801 HARVARD AVENUE

SIGNATURE:

I hereby certify that the above document is a true and correct copy of the original filed at the Cuyahoga County Board of Elections.

VOTE
CUYAHOGA COUNTY
BOARD OF ELECTIONS

Election Official: Betty Grant Edwards
Title: Registration Manager
Date: Jan 20, 2022
Signature: Betty Grant Edwards

VOTER INFORMATION REPORT

BRANDEN LOUIS DOUGLAS NEHEZ

PRINTED ON: 1/20/2022

VOTER'S DISTRICT INVENTORY

GROUP	NAME	
ALL	COUNTY WIDE DISTRICT	DISTRITO A NIVEL DE CONDADO
CCD	COUNTY COUNCIL DISTRICT 08	Consejo del Condado Distrito 08
CONG	CONGRESSIONAL DISTRICT 11	DISTRITO DEL CONGRESO 11
COURT	8TH DISTRICT COURT OF APPEALS	8 ° Distrito Tribunal de Apelaciones
HSE	HOUSE DISTRICT 11	CÁMARA DE DISTRITO 11
JUD	GARFIELD HTS MUNI CT DISTRICT	GARFIELD HTS DISTRITO DEL TRIBUN/
LIB	CLEVELAND LIBRARY DISTRICT	Distrito de la Biblioteca de CLEVELAND
MUN	NEWBURGH HEIGHTS	Municipio de Newburgh Heights
PARK	METROPARKS DISTRICT	
PCTDT	NEWBURGH HEIGHTS-00- A	
SBOE	STATE BOARD OF EDU DISTRICT 11	Junta Estatal de Educación Distrito 11
SCSD	CLEVELAND CSD -TAX ID # 1809	
SEN	STATE SENATE DISTRICT 21	DISTRITO DEL SENADO ESTATAL 21

VOTER INFORMATION REPORT

BRANDEN LOUIS DOUGLAS NEHEZ

PRINTED ON: 1/20/2022

VOTER'S TRANSACTIONS

FIELD	BEFORE	AFTER	TRANS DATE
LAST TRANS DATE	Feb 18 2016 3:06PM	Dec 8 2016 3:51AM	12/8/16 3:51 am
BOE GENERATED VLN MAI		3636 WASHINGTON PARK BLV	9/27/16 12:00 am
ZIP	44118	44105	2/18/16 3:06 pm
STREET	WASHINGTON	WASHINGTON PARK	2/18/16 3:06 pm
CITY	UNIVERSITY HTS	NEWBURGH HTS	2/18/16 3:06 pm
LAST TRANS DATE	Feb 17 2016 1:55PM	Feb 18 2016 3:06PM	2/18/16 3:06 pm
PRECINCT	UNHT00A.01	NEHT00A.01	2/18/16 3:06 pm
STREET ID	75904	92715	2/18/16 3:06 pm
REASON	77 - AGENCY DUPLICATE	99 - OFFICE CORRECTION	2/18/16 3:06 pm
RECEIVE DATE	Jun 23 2015 12:00AM	Feb 16 2016 12:00AM	2/17/16 1:55 pm
BY MAIL		YES	2/17/16 1:55 pm
LAST TRANS DATE	Feb 16 2016 10:30AM	Feb 17 2016 1:55PM	2/17/16 1:55 pm
VALIDATION DATE	Jun 24 2015 11:42AM	Jun 24 2015 12:00AM	2/17/16 1:55 pm
MIDDLE NAME	L	LOUIS DOUGLAS	2/17/16 1:55 pm
REASON	SOS BMV/SSA PREMATCH	77 - AGENCY DUPLICATE	2/17/16 1:55 pm
FLAG 10	Y	N	2/17/16 1:55 pm
LAST MIDDLE PRIOR		L	2/17/16 1:55 pm
REGISTRATION DATE	Jun 23 2015 12:00AM	Feb 16 2016 12:00AM	2/17/16 1:55 pm
SIGNATURE DATE	Jun 14 2015 12:00AM	Feb 12 2016 12:00AM	2/17/16 1:55 pm
SOURCE OF REGISTRATIC	STRNW	626	2/17/16 1:55 pm
STATUS	I	A	2/17/16 1:55 pm
IMAGE ID NUMBER	3781067	3888631	2/17/16 1:55 pm
DRIVERS LICENSE NUMBE			2/16/16 10:30 am
LAST TRANS DATE	Sep 21 2015 3:59PM	Feb 16 2016 10:30AM	2/16/16 10:30 am
REASON	CONFIRMATION RETURNED U	SOS BMV/SSA PREMATCH	2/16/16 10:30 am
IMAGE ID NUMBER	3838547	3781067	9/21/15 4:06 pm
LAST TRANS DATE	Aug 20 2015 3:42PM	Sep 21 2015 3:59PM	9/21/15 3:59 pm
REASON	VNC RETURN UNDELIVERABL	CONFIRMATION RETURNED U	9/21/15 3:59 pm
IMAGE ID NUMBER	3781067	3838547	9/21/15 3:59 pm
ADDRESS CONFIRMATION	GENERATED	YES	8/24/15 10:34 am
ADDRESS CONFIRMATION	MAIL DATE	08/24/2015	8/24/15 10:34 am
ADDRESS CONFIRMATION		YES	8/20/15 3:42 pm
FLAG 10	N	Y	8/20/15 3:42 pm
LAST TRANS DATE	Jun 25 2015 1:52PM	Aug 20 2015 3:42PM	8/20/15 3:42 pm
REASON	99 - OFFICE CORRECTION	VNC RETURN UNDELIVERABL	8/20/15 3:42 pm
STATUS	A	I	8/20/15 3:42 pm
VNC GENERATED	GENERATED	YES	7/31/15 1:09 pm
VNC MAILED	MAIL DATE	07/31/2015	7/31/15 1:09 pm
APT NUMBER	BOU		6/25/15 1:52 pm
LAST TRANS DATE	Jun 24 2015 11:41AM	Jun 25 2015 1:52PM	6/25/15 1:52 pm
REASON		99 - OFFICE CORRECTION	6/25/15 1:52 pm
STATE ID		OH0023173413	6/24/15 11:42 am
VALIDATION DATE		Jun 24 2015 11:42AM	6/24/15 11:42 am
BY MAIL		YES	6/24/15 11:41 am
NEW RECORD			6/24/15 11:41 am
VNC		YES	6/24/15 11:41 am

VOTER INFORMATION REPORT

BRANDEN LOUIS DOUGLAS NEHEZ

PRINTED ON: 1/20/2022

VOTER'S VOTING HISTORY

DATE	TITLE	PRECINCT	PARTY
11/8/16	NOVEMBER 8, 2016 PRESIDENTIAL GENERAL ELECTION	NEWBURGH HEIGHTS -00-A	

1826

1. Are you a U.S. citizen? ☑ Yes ☐ No
2. Will you be at least 18 years of age on or before the next general election? ☑ Yes ☐ No
If you answered NO to either of the questions, do not complete this form.

3. Last Name	First Name	Middle Name or Initial	Jr., II, etc.
NEHEZ	BRANDEN	LOUIS DOUGLAS	

4. House Number and Street (Enter new address if changed)	Apt or Lot #	5. City or Post Office	6. Zip Code
3636 WASHINGTON PARK BLVD		NEWBURGH HTS	44105

7. Additional Rural or Mailing Address (if necessary)	County where you live
	CUYAHOGA

9. Birthdate (MO-DAY-YR)	10. Ohio driver's license No. OR last 4 digits of Social Security No. (required)	11. Phone No. (voluntary)
1995		

12 PREVIOUS ADDRESS IF UPDATING CURRENT REGISTRATION

Previous House Number and Street

Previous City or Post Office | County | State

13. CHANGE OF NAME ONLY Former Legal Name | Former Signature

I declare under penalty of election falsification I am a citizen of the United States, will have lived in this state for 30 days immediately preceding the next election, and I will be at least 18 years of age at the time of the general election.

14. **Your Signature**

Date 02 / 12 / 2016
MO DAY YR

FOR BOARD USE ONLY
SEC4010 (Rev.9/08)

City, Village, Twp.

Ward

Precinct

School Dist.

Cong. Dist.

Senate Dist.

House Dist.

FEB 16 16 AM 8:57 OVS

1. Are you a U.S. citizen? / ¿Es usted ciudadano de los EE.UU.? ☐ Yes / Sí ☐ No / No

2. Will you be at least 18 years of age on or before the next general election? ☐ Yes / Sí ☐ No / No / ¿Tendrá usted al menos 18 años de edad el día de las próximas elecciones generales o antes?

If you answered NO to either of the questions, do not complete this form. / Si respondió NO a cualquiera de las preguntas, no complete este formulario.

3. Last Name / Apellido	First Name / Nombre	Middle Name or Initial / Segundo Nombre o Inicial	Jr., II, etc.
Nehez	Brandon	LOUIS	

4. House Number and Street (Enter new address if changed) / Número de Casa y Calle (Escriba la nueva dirección si ha cambiado)	Apt. or Lot # / Apt. o No. de Parcela	5. City or Post Office / Ciudad u Oficina de Correos	6. ZIP Code / Código Postal
3636 Washington park blvd		Cleveland OH	44105

7. Additional Rural or Mailing Address (if necessary) / Dirección Postal o Rural Adicional (si es necesario)	8. County (where you live) / Condado (donde vive)
	Cuyahoga

9. Birthdate mo-day-yr (required) / Fecha de Nacimiento mes-día-año (obligatorio)	10. Ohio driver's license No. OR last 4 digits of Social Security No. (one form of ID required to be listed or provided) / No. de la licencia de conducir de Ohio o los últimos cuatro dígitos del No. del Seguro Social (es necesario indicar o facilitar una forma de identificación)	11. Phone No. (voluntary) / No. Tfno. (voluntario)
-1995		

12. PREVIOUS ADDRESS IF UPDATING CURRENT REGISTRATION - Previous House Number and Street / DIRECCIÓN RESIDENCIAL ANTERIOR SI ESTÁ ACTUALIZANDO EL REGISTRO ACTUAL - Número de Casa y Calle Anterior

Previous City or Post Office / Ciudad u Oficina de Correos	County / Condado	State / Estado

13. CHANGE OF NAME ONLY Former Legal Name / SÓLO CAMBIO DE NOMBRE Nombre Legal Anterior	Former Signature / Firma Anterior

14. I declare under penalty of election falsification I am a citizen of the United States, will have lived in this state for 30 days immediately preceding the next election, and will be at least 18 years of age at the time of the general election.

Declaro, so pena de fraude electoral, que soy ciudadano de los Estados Unidos, que habré vivido en este estado durante al menos los 30 días previos a las elecciones siguientes y que tendré al menos 18 años de edad en el momento de las elecciones generales.

Your Signature / *Su firma* ↓

Date / Fecha 6/14/25 (MO MES / DAY DÍA / YR AÑO)

FOR BOARD USE ONLY SEC4010 (Rev.06/14)

City, Village, Twp.

Ward

Precinct

School Dist.

Cong. Dist.

Senate Dist.

House Dist.

2278

CUYAHOGA COUNTY BOARD OF ELECTIONS

General Receipt, ***Candidate & Petition Services***

Date Received: 12/17/2021

From:

Trevor K. Elkins

3888 East 43rd Street

Newburgh Heights, OH 44105

Phone:

Received:

- [x] Complaint regarding Newburgh Hts Mayor Recall Petition
- [ ]
- [ ]
- [ ]

Notes:

Received by Board of Elections Staff: Brent E. Lawler

Trevor K. Elkins
3888 E 43rd Street
Newburgh Heights OH 44105

December 16, 2021

Cuyahoga County Board of Elections
2925 Euclid Avenue
Cleveland OH 44115

Dear Brent Lawler:

I, Trevor K. Elkins, state that the individuals named below have conspired collectively as well as independently to violate election law by fraudulently circulating and filing a petition for recall of the mayor of the Village of Newburgh Heights. As noted, and acknowledged by their submission and circulation of the petition, this is a felony of the 5th degree and should immediately be reviewed and referred to the Cuyahoga County Prosecutor's Office for prosecution.

The following is the irrefutable evidence of the commission of the felony election law violation:

1. Document A: Receipt of submittal of Recall petition in the form of 3 part-petitions and 49 signatures for consideration.
2. Document B: 3 part-petitions, each signed by the circulator and where part-petitions 2 and 3 "CIRCULATOR STATEMENTS" are signed independently and are not photocopies of a signature.
3. Document B: Ken Nehez and Cindy Nehez are 2 of the 3 petitioners as the "committee to be regarding as filing this petition or its circulation," indicating their legal address as 3636 Washington Park Boulevard, Newburgh Heights
4. Document C: CIRCULATOR STATEMENT of part-petition 2. Branden Nehez declares under penalty of election falsification that "I reside at the address appearing below my signature…" The address he declares is 3636 Washington Park Boulevard, Newburgh Heights OH 44105. He declares this by affixing his signature next to the bolded and boxed statement which reads: WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.
5. Document D: CIRCULATOR STATEMENT of part-petition 3. Branden Nehez declares a second time by signing separately (as this is not a photocopied part-petition circulator signature) under penalty of election falsification that "I reside at the address appearing below my signature…" The address he declares is 3636 Washington Park Boulevard, Newburgh Heights OH 44105. He declares this by affixing his signature next to the bolded and boxed statement which reads: WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

6. Document E: Branden Nehez signs part-petition 3, line 3 as a Qualified Elector declaring his residence address as 4519 Beta Avenue, Newburgh Heights, OH 44105.
7. Document F: Branden Nehez makes a Facebook post on December 7 at 2:55 PM stating the house upstairs from us (4519 Beta Ave) is for rent.
8. Document G: Tiffany Barfield sign part-petition 3, line 4 as a Qualified Elector declaring her residence address as 4519 Beta Avenue, Newburgh Heights, OH 44105.
9. Document H: Tiff Amber (Tiffany Barfield) makes a Facebook post on December 7 at 2:44 PM stating upstairs for rent $895 beta Avenue.
10. Document I: Email correspondence from the property manager, secured through valid public record request, indicating Branden Nehez and Tiffany Barfield live at 4519 Beta Avenue.
11. Branden Nehez is the subject of a news story indicating his vehicle had been hit in front of his home on April 5, 2021, just before he, his girlfriend (Tiffany Barfield), and his child were going to visit his sister. Link: https://www.cleveland19.com/2021/04/13/newburgh-heights-father-struggling-get-back-his-feet-after-car-totaled-by-driver-heroin/
12. Document J: Kenneth Nehez and Cynthia Nehez sign part-petition 3, lines 23 and 24 respectively as Qualified Electors declaring their residence address as 3636 Washington Park Boulevard, Newburgh Heights OH 44105. The same address Braden Nehez declared as his residency as circulator of part-petition's 2 and 3.

Calling for the removal of a duly elected and serving official from office is a serious matter that must meet the highest level of scrutiny and accountability, especially considering the dubious, scurrilous, and uninformed allegations made by this particular committee as to the reasoning for the effort to begin with.

Branden Nehez knowingly, fraudulently, and deceptively circulated a petition by stating his address as a circulator at 3636 Washington Park Boulevard despite the irrefutable evidence and his own admissions by signing as a Qualified Elector residing at 4519 Beta Avenue.

Ken Nehez and Cindy Nehez conspired with Branden Nehez to knowingly, fraudulently, and deceptively circulate and file this petition as the committee "to be regarded as filing this petition or its circulation" They knew Branden Nehez did not reside at 3636 Washington Park Boulevard as they had signed the same part-petition with their residence as 3636 Washington Park Boulevard.

Branden Nehez
4519 Beta Avenue
Newburgh Heights OH 44105

Ken Nehez
3636 Washington Park Blvd
Newburgh Heights OH 44105

Cindy Nehez
3636 Washington Park Blvd
Newburgh Heights OH 44105

I am respectfully asking for the Cuyahoga County Board of Elections to review the irrefutable facts and meet its obligation to refer this matter to the Cuyahoga County Prosecutor's Office for prosecution of a felony of the 5th degree, as stated by each part-petition and acknowledged by Branden Nehez, Ken Nehez, and Cindy Nehez through their participation in the circulation or filing of this petition, that such a violation constitutes.

Sincerely,

Trevor K. Elkins

SWORN TO BEFORE ME, and signed in my presence this 17th day of December 2021.

NOTARY PUBLIC

NOTARIAL SEAL
STATE OF OHIO

MAKAYLA BARFIELD
Notary Public, State of Ohio
My Commission Expires
08/22/2026

A

VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

General Receipt, ***Candidate & Petition Services***

Date Received: 12/7/21

From:

Adam Mazur

3987 East 52nd Street Down Unit

Newburgh Heights, OH 44105

Phone: 330-338-3079

Received:

- [x] Recall petition for Trevor Elkins Mayor of the Village of Newburgh Hts
- [x] 3 part petitions - 49 signatures
- [ ]
- [ ]

Notes:

Email polishlaundry@gmail.com

Received by Board of Elections Staff: Lawler, Brent E.

B

PETITION TO RECALL TREVOR ELKINS

Ohio Revised Code Sections 3501.38, 3503.06 and 705.92

NOTICE: Whoever knowingly signs this petition more than once; signs a name other than one's own on this petition, except as provided by general laws of the state; or signs this petition when not a qualified elector of the Village of Newburgh Heights, is liable to prosecution.

To the Board of Election, Cuyahoga County, Ohio:

We, the undersigned, electors of the Village of Newburgh Heights, Ohio, hereby petition for the recall of

Trevor Elkins who holds the office of Mayor in the Village of Newburgh Heights. The grounds for removal from office are as follows (not more than 200 words):

Mayor Elkins has been referred for prosecution by the Ohio Elections Commission over his misuse of roughly $134,000 in campaign funds to cover his personal expenses. Michael Crites, a former federal prosecutor who chaired the elections commission stated that Mr. Elkins' case is "...probably the most egregious and blatant violation I've seen during my tenure on this commission."

Furthermore, the overwhelming appearance of impropriety with regard to the selective enforcement of local building ordinances, combined with his poor management of village service personnel has put his constituents in an untenable situation.

We, the undersigned voters of the Village of Newburgh Heights, do hereby declare that Mayor Trevor Elkins does not possess the integrity, nor capacity to effectively serve our community.

PETITION TO RECALL TREVOR ELKINS

NOTICE: Whoever knowingly signs this petition more than once; signs a name other than one's own on this petition, except as provided by general laws of the state; or signs this petition when not a qualified elector of the Village of Newburgh Heights, is liable to prosecution.

We hereby designate the following petitioners as a committee to be regarded as filing this petition or its circulation:

NAME	RESIDENCE
Adam Mazur	3987 E. 52nd Street Down, Newburgh Heights
Ken Nehez	3636 Washington Park Blvd., Newburgh Heights
Cindy Nehez	3636 Washington Park Blvd., Newburgh Heights

	SIGNATURE OF QUALIFIED ELECTOR	PRINTED NAME OF QUALIFIED ELECTOR	RESIDENCE ADDRESS OF QUALIFIED ELECTOR	DATE OF SIGNING
1.		Jon Woods	3946 E. 54th street Newburgh, Hts 44105	12/6/21
2.		Derrick Caldwell	3979 E 54st Newburgh Hts 44105	12/6/21
3.		Brenda Lucas	4026 E 52nd St Newburgh Hts OH 44105	12/6/21
4.		Hasania M. Lawler	3961 E. 53rd St. Newburgh Hts. Ohio 44105	12/6/21
5.		Leonté Lawler	3961 E 53rd street Newburgh Hts OH 44105	12/6/21
6.		Latajma Mims	3961 E 53rd Newburgh hts. Oh 44105	12/6/21
7.		Angelique Ippolito	4416 Alpha Ave Newburgh Hts 44105	12/6/21
8.		Cortney Taylor	4220 Alpha ave APT#2 Newburgh Hts 44105	12/6/21
9.		Taylor Day	3905 E. 42nd St. Newburgh Hts, 44105	12/6/21

10.				
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25.				

PETITION TO RECALL TREVOR ELKINS

CIRCULATOR STATEMENT – Must be completed and signed by circulator.

I, ADAM MAZUR, declare under penalty of election falsification that I
(Printed Name of Circulator)
reside at the address appearing below my signature; that I am the circulator of the foregoing petition containing 9 signatures; that I witnessed the affixing of every signature; that all signers were to
(Number)
the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and believe the signature of the person who signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

(Signature of Circulator)

3987 E. 52nd St. - Down
(Permanent residence address)

Newburgh Heights, OH 44105
(City, State and Zip Code)

PETITION TO RECALL TREVOR ELKINS

Ohio Revised Code Sections 3501.38, 3503.06 and 705.92

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To the Board of Election, Cuyahoga County, Ohio:

We, the undersigned, electors of the Village of Newburgh Heights, Ohio, hereby petition for the recall of

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Furthermore, the overwhelming appearance of impropriety with regard to the selective enforcement of local building ordinances, combined with his poor management of village service personnel has put his constituents in an untenable situation.

We, the undersigned voters of the Village of Newburgh Heights, do hereby declare that Mayor Trevor Elkins does not possess the integrity, nor capacity to effectively serve our community."

PETITION TO RECALL TREVOR ELKINS

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We hereby designate the following petitioners as a committee to be regarded as filing this petition or its circulation:

NAME	RESIDENCE
Adam Mazur	**3987 E. 52nd Street Down, Newburgh Heights**
Ken Nehez	**3636 Washington Park Blvd., Newburgh Heights**
Cindy Nehez	**3636 Washington Park Blvd., Newburgh Heights**

	SIGNATURE OF QUALIFIED ELECTOR	PRINTED NAME OF QUALIFIED ELECTOR	RESIDENCE ADDRESS OF QUALIFIED ELECTOR	DATE OF SIGNING
1.	E. O'Veal	Karlena O'Veal	4602 Bridgeview Ave	11-9-21
2.	[illegible]	Sarah Routt	4416 gamma Ave	11/9/21
3.	Martin Behrens	MARTIN BEHRENS	4510 McGREGOR AVE	11/9/21
4.	Mary E Arnold	MARY E ARNOLD	4427 McGregor Ave	11/9/21
5.	Sandra Arnold	SANDRA ARNOLD	4427 MC GREGOR AVE	11/9/21
6.	Robin McCorkhill	ROBIN McCORKHILL	4710 PEARSE AVE	11/9/21
7.	David Bienier	DAVID BIENIER	4711 PEARSE	11/9
8.	Chris Thevenin	Chris Thevenin	4416 gamma Ave	11/9/21
9.	Joseph D. Oravec	JOSEPH ORAVEC	4027 EAST 29TH ST.	11/9/21

10.	Jerry D. Slove	Jerry D. Slove Jr.	3876 E. 42nd St. Newburgh Heights 44105	11-11-21
11.	Donna McCarver	Donna McCarver	3649 Washington Blvd Newburgh Hts Ohio	11/16/21
12.	Donna Gerlak	DONNA GERLAK	3680 WASH. PK BLVD NEWBURGH HTS, O	11/16/21
13.	Mary Frizzo	3 Mary Frizzo	3742 Wash Pk.	11-16
14.	[illegible]	Ronald Kozak	3890 WASHINGTON PK	11-16
15.	[illegible]	Brandon Basnick	3966 East 41st	11-19
16.	[illegible]	CRAIG STONE	3956 E 53rd NEWBURGH Hts, OH	12/01/21
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				

PETITION TO RECALL TREVOR ELKINS

CIRCULATOR STATEMENT – Must be completed and signed by circulator.

I, Branden Neher, declare under penalty of election falsification that I
(Printed Name of Circulator)
reside at the address appearing below my signature; that I am the circulator of the foregoing petition containing 16 signatures; that I witnessed the affixing of every signature; that all signers were to
(Number)
the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and believe the signature of the person who signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

(Signature of Circulator)

36036 Washington park blvd
(Permanent residence address)

Newburgh Hts OH 44105
(City, State and Zip Code)

PETITION TO RECALL TREVOR ELKINS

Ohio Revised Code Sections 3501.38, 3503.06 and 705.92

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Mayor Elkins has been referred for prosecution by the Ohio Elections Commission over his misuse of roughly $134,000 in campaign funds to cover his personal expenses. Michael Crites, a former federal prosecutor who chaired the elections commission stated that Mr. Elkins' case is "...probably the most egregious and blatant violation I've seen during my tenure on this commission."

Furthermore, the overwhelming appearance of impropriety with regard to the selective enforcement of local building ordinances, combined with his poor management of village service personnel has put his constituents in an untenable situation.

We, the undersigned voters of the Village of Newburgh Heights, do hereby declare that Mayor Trevor Elkins does not possess the integrity, nor capacity to effectively serve our community.

PETITION TO RECALL TREVOR ELKINS

NOTICE: Whoever knowingly signs this petition more than once; signs a name other than one's own on this petition, except as provided by general laws of the state; or signs this petition when not a qualified elector of the Village of Newburgh Heights, is liable to prosecution.

We hereby designate the following petitioners as a committee to be regarded as filing this petition or its circulation:

NAME	RESIDENCE
Adam Mazur	3987 E. 52nd Street Down, Newburgh Heights
Ken Nehez	3636 Washington Park Blvd., Newburgh Heights
Cindy Nehez	3636 Washington Park Blvd., Newburgh Heights

	SIGNATURE OF QUALIFIED ELECTOR	PRINTED NAME OF QUALIFIED ELECTOR	RESIDENCE ADDRESS OF QUALIFIED ELECTOR	DATE OF SIGNING
1.		ADAM MAZUR	3987 E. 52nd St. - Down Newburgh Heights, OH-44105	10/27/2021
2.	Martin Behrens	MARTIN BEHRENS	4510 McGREGOR AV NEWBURGH HTS, 44105	10/28/21
3.		Branden Nehez	4519 Beta ave 44105 Newburgh HTS OH	11/02/21
4.	Tiffany Barfield	Tiffany Barfield	4519 Beta Avenue Newburgh Heights Ohio 44105	11/02/21
5.		Deebbie Mugg	4424 Beta Ave	11-2-21
6.	Elizabeth Sarol	Elizabeth Sarol	4403 Beta Ave Newburgh HTS OH 44105	11-2-21
7.		Ernest Mushinge	4403 Beta Ave 44105 Newburgh heights OH	11-2-21
8.		Miguel A. Velez	4520 Beta Ave.	11-2-21
9.	Cynthia Onchat	Cynthia Onchat	4612 McGregor Newburgh Hts. OH. 44105	11-2-21

10.		KEVIN O'BRIEN	Newburgh Hts. Ohio 3993 E 54th	11-02-21
11.		BRIAN O'BRIEN	3993 E 54th Newburgh Hts. Ohio 44105	11-02-21
12.		ROBERTA L. JONES	NEWBURGH HTS. 3972 E 54th	11-2-21
13.		LARRY D. JONES	NEWBURGH HTS 3972 E. 54TH ST	11-2-21
14.	Gloria Nowak Wilke	GLORIA NOWAK WILKE	NEWBURGH Hts 4027 E 53	11-2-21
15.		DENNIS ZAWACKI	4012 E 53 ST NEWBURGH HTS	11-2-21
16.		JACQUELINE ZAWACKI	4012 E53 ST Newburgh HTS	11-2-21
17.		HENRY ZAWACKI	4012 E. 53 ST NEWBURGH HTS. OHIO	11.2.21
18.		JEFF SMOLINSKI	4428 Beta Newburgh Hts OHIO	11-2-21
19.				
20.		Dan Snodgrass	3626 Washington Park Blvd Newburgh Heights.	11/5/21
21.		Heather L. Clair	4520 Beta Ave Newburgh Hts Ohio 44105	11/9/21
22.		Louann Oravec	4027 East 29th Newburgh Hts Oh 44105	11/9/2021
23.		Kenneth Nehez	3636 WASHINGTON PKBL Newburgh Heights Ohio 44105	11/9/2021
24.		CYNTHIA NEHEZ	3636 WASHINGTON PKBLVD NewburghHts. OHIO 44105	11/9/2021
25.		RENEE NOVAK	3984 E42 NEWBURGH HT 44105	11-9-21

PETITION TO RECALL TREVOR ELKINS

CIRCULATOR STATEMENT – Must be completed and signed by circulator.

I, Branden Nuñez, declare under penalty of election falsification that I
(Printed Name of Circulator)
reside at the address appearing below my signature; that I am the circulator of the foregoing petition containing 24 signatures; that I witnessed the affixing of every signature; that all signers were to
(Number)
the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and believe the signature of the person who signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

(Signature of Circulator)

3636 Washington Parks blvd
(Permanent residence address)

Newburgh Hts OH 44105
(City, State and Zip Code)

C

PETITION TO RECALL TREVOR ELKINS

CIRCULATOR STATEMENT – Must be completed and signed by circulator.

1. Branden Weber, declare under penalty of election falsification that I reside at the address appearing below my signature; that I am the circulator of the foregoing petition containing 16 signatures; that I witnessed the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and believe the signature of the person who signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

(Printed Name of Circulator)

(Number)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

(Signature of Circulator)

3636 Washington Park blvd

(Permanent residence address)

Newburgh Hts OH 44105

(City, State and Zip Code)

D

PETITION TO RECALL TREVOR ELKINS

CIRCULATOR STATEMENT – Must be completed and signed by circulator.

I, Branden Weber, declare under penalty of election falsification that I
(Printed Name of Circulator)
reside at the address appearing below my signature; that I am the circulator of the foregoing petition containing 24 signatures; that I witnessed the affixing of every signature; that all signers were to
(Number)
the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and believe the signature of the person who signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

(Signature of Circulator)

36316 Washington Park blvd
(Permanent residence address)

Newburgh Hts OH 44105
(City, State and Zip Code)

E

PETITION TO RECALL TREVOR ELKINS

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Ken Nehez	3636 Washington Park Blvd., Newburgh Heights
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4.	Tiffany Barfield	Tiffany Barfield	4519 Beta Avenue Newburgh Heights Ohio 44105	11/02/21
5.				

F

Branden Nehez shared a link.
Admin · December 7 at 2:55 PM ·

https://www.zillow.com/.../4519-Beta.../33592143_zpid/...

House upstairs from us is officially for rent.

ZILLOW.COM

4519 Beta Ave, Newburgh Heights, OH 44105 | Zillow

For rent This 750 square foot townhome home has 2 bedrooms and 1.0 bathrooms. It is located at 4519 Beta Ave Newburgh Heights, Ohio.

6

Like Comment

G

PETITION TO RECALL TREVOR ELKINS

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5.				

H

Tiff Amber shared a link.

December 7 at 2:44 PM

Upstairs for rent $895 beta Avenue

ZILLOW.COM

4519 Beta Ave, Newburgh Heights, OH 44105 | Zillow

For rent This 750 square foot townhome home has 2 bedrooms and 1.0 bathrooms. It is located at 4519 Beta Ave Newburgh Heights, Ohio.

4

Like Comment

Write a comment...

Press Enter to post.

I

Addie Jensen

From:	Mary Burns <mary@neohiorents.com>
Sent:	Monday, June 22, 2020 5:07 PM
To:	Addie Jensen
Cc:	Karen Jones
Subject:	Re: Newburgh Heights Housing and Building Department

Hi Addie - good afternoon!

I am so sorry - I completely forgot we are to report this information to you. We will do better going forward! :) Yes, the address 4519 Beta has two new tenants. Down unit is Tiffany Balfield (216-970-4115) and Brandon Nehez (216-420-3828) and they moved in 5/4/2020. The Up unit at Beta is William Vactor (216-820-1574) and he moved in 6/1/2020. Also, at 3963 E 42nd Street - down unit - new move in Darius Ellison (216-931-6472), and he moved in last Friday, June 19, 2020. I again apologize for the oversight - this is a new process we have to get used to! Thanks, Addie - please let me know if you have any further questions on this.

Mary Burns
Property Manager
KW Citywide
Property Management Division
2001 Crocker Road, Suite 200
Westlake, OH 44145
office 440-253-9633
www.neohiorents.com

This confidential communication, including any documents accompanying it, is intended for use only by the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, reproduction, or distribution of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately at 440-253-9633. Thank you.

On Mon, Jun 22, 2020 at 12:09 PM Addie Jensen <ajensen@newburgh-oh.gov> wrote:

Hello Mary,

I received a voicemail from a tenant at 4519 Beta Ave. one of MWH Capital's rental properties. I was surprised to hear from a tenant at that property as it had not been reported to us as rented. You are required to report to us when a tenant moves into the property. He let us know that both units are rented. Please provide the names and phone numbers for the tenants currently living at the property.

Thank you,

J

20.	[illegible]	Dan Snodgrass	3636 Washington Park Blvd Newburgh Heights.	11/5/21
21.	[illegible]	Heather Clair	4520 Beta Ave Newburgh Hts Ohio 44105	11/9/21
22.	Louann Oravec	Louann Oravec	4027 East 29th Newburgh Hts Oh 44105	11/9/2021
23.	[illegible]	Kenneth Nehez	3636 WASHINGTON PKBL Newburgh Heights Ohio 44105	11/9/2021
24.	Cynthia Nehez	CYNTHIA NEHEZ	3636 WASHINGTON PKBLVD Newburgh Hts. Ohio 44105	11/9/2021
25.	[illegible]	RENEE NOVAK	3984 E42 NEWBURGH HT 44105	11-9-21

CUYAHOGA COUNTY
BOARD OF ELECTIONS

Jeff Hastings *Chairman* | **Inajo Davis Chappell** *Member* | **Lisa M. Stickan** *Member* | **David J. Wondolowski** *Member* | **Anthony W. Perlatti** *Director* | **Anthony N. Kaloger** *Deputy Director*

SENT VIA EMAIL AND REGULAR MAIL

January 19, 2022

Trevor Elkins, Mayor Newburgh Heights
3888 E. 43rd Street
Newburgh Heights, OH 44105

Dear Mayor Elkins:

Please accept this letter as notice that the Cuyahoga County Board of Elections ("CCBOE") is in receipt of your correspondence dated December 16, 2021 to Brent Lawler, Manager of the CCBOE's Candidate Services and Petitions regarding signatures on recall petitions filed against the Mayor of Newburgh Heights, OH. The CCBOE has scheduled another hearing on this matter for 2:00 p.m. on January 25, 2022. The meeting will be held at the Cuyahoga County Board of Elections, 2925 Euclid Avenue, Cleveland, OH, in the 4th Floor Board Room.

I have also enclosed documents filed with the CCBOE by attorney Donald Brey (and his clients) regarding the recall petitions that were filed against the Mayor of Newburgh Heights, OH. The Board will also hear this matter at its 2:00 p.m. Board meeting on January 25, 2022.

The Board will consider all written materials, testimony (if necessary) and oral argument for and against these matters. Enclosed is a copy of the procedure the Board requests that each party follow. The CCBOE has set a deadline of 12:00 p.m. on January 21, 2022, for the filing of any additional documents relative to this matter. I can be contacted at 216.443.6430/mbejjani@cuyahogacounty.gov.

Sincerely,

Mary Bejjani

Mary Bejjani, Clerk
Cuyahoga County Board of Elections

cc: Jeff Hastings, Chairman
Lisa M. Stickan, Board Member
Inajo Davis Chappell, Board Member
David Wondolowski, Board Member
Anthony Perlatti, Director
Anthony Kaloger, Deputy Director
Mark Musson, Assistant Cuyahoga County Prosecutor
Luke McConville, Law Director, Newburgh Heights
Donald C. Brey, Esquire

Enclosures

CUYAHOGA COUNTY
BOARD OF ELECTIONS

Jeff Hastings *Chairman* | **Inajo Davis Chappell** *Member* | **Lisa M. Stickan** *Member* | **David J. Wondolowski** *Member* | **Anthony W. Perlatti** *Director* | **Anthony N. Kaloger** *Deputy Director*

To: *Parties involved in Protest hearings*

From: *Jeff Hastings, Chairman of the Cuyahoga County Board of Elections*

Subject: *The Filing of a Protest*

Date: *January 18, 2022*

The Cuyahoga County Board of Elections ("Board") has enacted the following procedure regarding the filing of a Protest with the Board:

- *After a Protest is filed, no additional documents may be filed in support of the Protest, unless that document relates to events occurring after the date of the Protest. Notwithstanding, the Board reserves the right to request additional documentation from either party if necessary.*

- *Upon receipt of the Protest, the Board staff will timely provide the candidate and/or issue committee (Respondent) a copy of the Protest. The Respondent has the lesser of five (5) business days after receipt of the Protest or two (2) business days before the Board hearing to file a response with the Board. The day the Protest is received by the Respondent is not counted in the five-day response period.*

- *The Respondent is to provide the Protester with a copy of the Respondent's filed response. Additionally, upon receipt of the response, the Board staff will also provide the Protester with a copy of the Respondent's filed response.*

- *The Chairman of the Board (in consultation with the Board Members and staff) will schedule the Protest for Hearing and the Protestor and Respondent will be advised of the time and date of the Hearing should they want to participate.*

- *The Parties may present such additional evidence at the Hearing as each Party deems appropriate, subject to objection from the opposing Party and subject to the ruling of the Chairman of the Board.*

Michael C. O'Malley
CUYAHOGA COUNTY PROSECUTOR

January 12, 2022

VIA ELECTRONIC MAIL
Trevor K. Elkins
3888 East 43rd Street
Newburgh Heights, Ohio 44105
tk_elkins@yahoo.com

RE: Complaint Regarding Void Petitions for Recall Election

Mr. Elkins,

I write on behalf of the Cuyahoga County Board of Elections concerning the complaint that you filed on December 17, 2021 relating to the petition for a recall election of the Mayor of Newburgh Heights. The Board of Elections considered your complaint at its meeting on January 11, 2022, and the Board unanimously approved a motion directing me to notify you that an investigation of your allegations will not occur.

The Board of Elections declined to investigate your allegations because the petition itself was invalid for reasons previously explained to you. Since the Board of Elections will not verify the signatures, registrations or circulators appearing on the petition, no election falsification could have transpired. Moreover, the discrepancies you describe, which could result in signatures or part-petitions being discounted, typically would not give rise to an investigation for election falsification.

Thank you for raising your concerns. The matter is now closed.

Very truly yours,

Mark R. Musson
Assistant Prosecuting Attorney

cc: Cuyahoga County Board of Elections

Voucher Summary

Board Approval Date January 25, 2022

		Vendor	Department	Description	Amount
					$47,475.00
1	PO211108	Berman Moving & Storage	Fiscal Services	Delivery and return of voting equipment and supplies to 277 Tier 1 voting locations ($150/location) and 25 Tier 2 voting locations ($195/location) plus 7 additional stops for chair deliveries ($150/location) for the November 2, 2021 General Election.	$47,475.00