

**Jeff Hastings, Chairman**

**Anthony W. Perlatti, Director**

**Inajo Davis Chappell, Board Member**

**Anthony Kaloger, Deputy Director**

**Terence M. McCafferty, Board Member**

**Lisa M. Stickan, Board Member**

**MEETING AGENDA**

**February 13, 2023**

**9:30 a.m.**

**THE PLEDGE OF ALLEGIANCE**

**ADMINISTRATIVE**

1. Approval of the minutes from the January 18, 2023, Board Meeting
2. Acknowledgment of Secretary of State Directive 2023-03: Substitute House Bill 458 (134th General Assembly)
3. Acknowledgment of municipal ward boundaries and corresponding precinct boundaries for Parma Heights and Solon

**FISCAL SERVICES**

4. Approval of vouchers & resolutions

**BALLOT**

5. Approval to outsource the printing and mailing of Vote-by-Mail ballots for the May 2, 2023, Primary Election.

**CANDIDATE AND PETITION SERVICES**

6. Acknowledgment of intent to retire, resignations from, and appointments to elected office
7. Acknowledgment of candidates and issues withdrawals
8. Certification of candidates for the May 2, 2023, Primary Election
9. Certification of issues for the May 2, 2023, Primary Election
10. Certification of Candidates nominated without Primary Election to the November 7, 2023, General Election (primaries eliminated per ORC 3513.02)
11. Discussion whether to schedule Recall Elections for East Cleveland Council Members Blochowiak, Gowdy, and Stevenson
12. Protest hearing filed by Patricia Blochowiak regarding petitions for the recall of Councilor Patricia Blochowiak

**HUMAN RESOURCES**

13. Approval of the personnel agenda

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

<sup>1</sup> Please email [mbejjani@cuyahogacounty.gov](mailto:mbejjani@cuyahogacounty.gov) or [dwhite1@cuyahogacounty.gov](mailto:dwhite1@cuyahogacounty.gov) with your name and the nature of your comment so we can fully assist you.

### **NEW BUSINESS**

- New Voting Equipment Update
- 2023 Polling Location PPE Safeguards

### **PUBLIC COMMENT<sup>1</sup>**

### **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.

## 2023 Board Meeting Schedule

### February 2023

**Monday, February 13<sup>th</sup> @ 9:30AM**

Certification of candidates and issues for the May 2, 2023 Primary Election

### March 2023

Reorganization of the Board

**Monday, March 6<sup>th</sup> @ 9:30AM**

Certification of write-in candidates for May 2, 2023 Primary Election

Certification of Berea candidates and remaining issues for May 2, 2023 Primary Election

### April 2023

**Wednesday, April 5<sup>th</sup> @ 9:30AM**

April Board Meeting

**Friday, April 28<sup>th</sup> @ 9:30AM**

Meeting for the May 2, 2023 Primary Election

### May 2023

**Tuesday, May 2<sup>nd</sup>**

May 2, 2023 Primary Election

**Monday, May 15<sup>th</sup> @ 9:30AM**

Provisional verification for May 2, 2023 Primary Election

**Tuesday, May 23<sup>rd</sup> @ 9:30AM**

Certification of the May 2, 2023 Primary Election

### June 2023

**Week of June 5, 2023 (Date TBD)**

Potential Audit/Recount Certification Meeting of the May 2, 2023 Primary Election

Certification of remaining issues and charter amendments for the August 8, 2023 Special Election

**Wednesday, June 21<sup>st</sup> @ 9:30AM**

Certification of candidates and issues for the September 12, 2023 Primary Election

Certification of independent candidates for the November 7, 2023 General Election

## July 2023

**Monday, July 17<sup>th</sup> @ 9:30AM**

Certification of write-ins for September 12, 2023 Primary Election  
Certification of remaining issues for September 12, 2023 Primary Election

## August 2023

**Monday, August 7<sup>th</sup> @ 9:30AM**

Meeting for the August 8, 2023 Special Election

**Tuesday, August 8<sup>th</sup>**

August 8, 2023 Special Election

Provisional verification for the August 8, 2023 Special Election

**Monday, August 21<sup>st</sup> @ 9:30AM**

Certification of candidates and issues for the November 7, 2023 General Election

**Tuesday, August 29<sup>th</sup> @ 9:30AM**

Certification of the August 8, 2023 Special Election

## September 2023

**Monday, September 11<sup>th</sup> @ 9:30AM**

Audit/Recount Certification of the August 8, 2023 Special Election  
Certification of remaining candidates for the November 7, 2023 General Election  
Certification of remaining issues and charter amendments for the November 7, 2023 General Election  
Certification of write-in candidates for the November 7, 2023 General Election

**Tuesday, September 12<sup>th</sup>**

September 12, 2023 Primary Election

**Wednesday, September 27<sup>th</sup> @ 9:30AM**

Provisional verification for the September 12, 2023 Primary Election  
Certification of the September 12, 2023 Primary Election

## October 2023

**Wednesday, October 18<sup>th</sup> @ 9:30AM**

October Board Meeting

## November 2023

**Friday, November 3<sup>rd</sup> @ 9:30AM**

Meeting for the November 7, 2023 General Election

**Tuesday, November 7<sup>th</sup>**

November 7, 2023 General Election

**Monday, November 20<sup>th</sup> @ 9:30AM**

Provisional Verification for the November 7, 2023 General Election

**Tuesday, November 28<sup>th</sup> @ 9:30AM**

Certification of the November 7, 2023 General Election

## December 2023

**Monday, December 18<sup>th</sup> @ 9:30AM**

Audit Certification of the November 7, 2023 General Election  
Certification of candidates and issues for the March 5, 2024 Primary Election

## January 2024

**Monday, January 8<sup>th</sup> @ 9:30AM**

Certification of remaining issues and charter amendments for the March 5, 2024 Primary Election  
Certification of write-in candidates for the March 5, 2024 Primary Election



# Agenda Item

## #1



Board Meeting  
1/18/2023

**Attending:**

Jeff Hastings, Chairman  
Inajo Davis Chappell, Board Member  
Terence M. McCafferty, Board Member  
Lisa M. Stickan, Board Member  
Anthony Perlatti, Director  
Tony Kaloger, Deputy Director

Mary Bejjani, Clerk to the Board  
Skip White, Clerk to the Board

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The Cuyahoga County Board of Elections Meeting began at 9:30 a.m. Hereinafter referred to as the CCBOE/Board.

Chairman Hastings noted that all Board Members were in attendance.

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**Agenda Item 1: Approval of the minutes from the December 14, 2022, and December 22, 2022, Board Meetings**

Chairman Hastings moved to approve the minutes from the December 14, 2022, and December 22, 2022, Board Meetings. Board Member Davis Chappell seconded the motion and abstained from approving the December 22, 2022, minutes. The motion passed unanimously.

**Agenda Item 2: Acknowledgment of Secretary of State (SOS) Directives: Directive 2023-01; United States Election Assistance Commission ("EAC") Election Administration and Voting Survey; 2022 Annual Expense Report; Directive 2023-02; Instructions Regarding the Examination of a Petition to Form a Minor Political Party**

Board Member Davis Chappell asked if the CCBOE is expected to receive an SOS Directive regarding House Bill 458, which changes the voter's photo identification requirements and the now shortened processing times. Once the Directive is received and there is an understanding of the impacts, the CCBOE will need to communicate these changes to the voters and manage expectations. Board Member Davis Chappell stated the changes are still being reviewed by the SOS to determine the impact on the voting process going forward. At the 2023 Ohio Association of Election Officials (OAE) Winter Conference, there were large and small counties raising an issue that this law now creates a shortened time for boards of elections to process ballots and for voters to cure a ballot.

Director Perlatti stated the CCBOE anticipates receiving at least one, if not multiple, directives from the SOS. House Bill 458 changes several processes, including acceptable photo identifications, provisional ballots, and drop boxes. Director Perlatti stated that SOS is determining what changes can be made for the 2023 May Primary and beyond. The CCBOE staff is anxious to receive the SOS Directives as there

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Narrative that is underlined in the CCBOE minutes relates to a motion that was acted on by the Board.

is a need to train poll workers and have an education plan for the public. The Board will continue to be updated.

Board Member Davis Chappell stated the OAEO Conference was a success, with a lot of good information shared. She did speak with Secretary of State LaRose regarding the 630 cases of voter fraud and asked how many cases were in Cuyahoga County if any. Secretary LaRose did say he would follow up and that the prosecutor's office would receive any referrals from the SOS. Board Member Davis Chappell would like to be in a position to say all those 630 were somewhere else or not that many in Cuyahoga County. The CCBOE should know the number of cases from the SOS to help identify if the CCBOE missed something in the numerous kinds of trip wire functions and flags that the CCBOE has in its processes. Secretary LaRose indicated that if there were any, the cases would likely be related to outside-the-state voters. Secretary LaRose was very agreeable and stated he would tell somebody on the staff. Board Member Davis Chappell asked Rachel Ruffer, SOS Liaison, to follow up on the CCBOE email inquiries requesting the information as the CCBOE staff and voters need to know if the CCBOE is doing a great job or if something is being missed.

Chairman Hastings moved to acknowledge the Secretary of State Directives: Directive 2023-01; United States Election Assistance Commission ("EAC") Election Administration and Voting Survey; 2022 Annual Expense Report; Directive 2023-02: Instructions Regarding the Examination of a Petition to Form a Minor Political Party. Member Davis Chappell seconded. The motion passed unanimously.

### **Agenda Item 3: Approval of vouchers**

Chairman Hastings asked why the CCBOE is now paying for election custodial services from the May 2022 Election. Director Perlatti stated there are three items on the voucher list pertaining to custodial charges from the Cleveland Municipal School District (CMSD). In the Ohio Revised Code (ORC), public buildings are not allowed to charge rent to utilize public buildings as polling locations. The ORC does allow to charge custodial fees that they incur for being a poll place on election days. Not every municipality, whether a school district or city invoices the CCBOE for those costs.

Previously, the Cleveland School District had billed the CCBOE regularly. In 2020 and 2021, the CCBOE did not receive any charges from the district, and then in 2022 a representative from the CMSD reached out to the CCBOE Fiscal Department and stated the CMSD had three years' worth of custodial charges to bill. The Fiscal Department responded that payment could not be made on three years of costs as the books had already been closed on the previous years. It appears there was a personnel change at CMSD, which caused the custodial charges to fall through the cracks at CMSD. When it came to the CCBOE's attention in 2022, Shaunquitta Walker, Fiscal Services Manager, worked with CMSD to accept the 2022 custodial charges, but no payment could be made on the older charges. Chairman Hastings clarified that CMSD delayed invoicing to the CCBOE, and the CCBOE does not inquire why bills have not been invoiced by organizations. Chairman Hastings asked if the money is encumbered in 2022. Director Perlatti stated Ms. Walker spoke with the County Office of Budget and Management (OBM) liaison. These costs will hit the CCBOE 2023 budget, and the OBM is aware if there is a shortfall in the CCBOE 2023 budget, an appropriation will be asked of County Council. There should not be any difficulties in getting the appropriation if necessary.

Director Perlatti stated the CCBOE would build in a safeguard to the polling location contracts. The CCBOE currently has a simple contract approved by Assistant Prosecutor Musson, which is sent to all entities. There is a private and public location version of the contract. The CCBOE will work to include verbiage regarding the required number of days the CCBOE must be invoiced.

Chairman Hastings moved to approve the vouchers set forth in the board materials. Board Member Davis Chappell seconded. The motion passed unanimously.

#### **Agenda Item 4: Preliminary approval of the ballot order for the May 2, 2023, Primary Election**

Director Perlatti stated the SOS requires the CCBOE to preliminarily allocate the ballot order ninety days or more prior to an election. For this preliminary approval, the CCBOE is assuming there may be a county-wide election and is only able to make a determination after the February 1, 2023, filing deadline. There is a good chance the May 2, 2023, Primary Election will not be county-wide, so when it is time for the final ballot order approval, which occurs 30 days before an election, the numbers will be reduced with the ballot orders and within other agenda items.

Chairman Hastings moved to approve the preliminary ballot order for the May 2, 2023, Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

#### **Agenda Item 5: Acknowledgment of resignations from and appointments to elected office**

Chairman Hastings moved to acknowledge the resignations from and appointments to elected office as provided in the meeting material. Board Member Davis Chappell seconded. The motion passed unanimously.

#### **Agenda Item 6: Acknowledgment of the PEO Performance Report for the November 8, 2022, General Election**

Marlene Robinson Statler, Election Officials Assistant Manager, presented information from the board packet regarding the Precinct Election Official (PEO) Performance Report.

Chairman Hastings asked about the significance of signing the zero tape summary reports, and if it was a security precaution. Ms. Robinson Statler stated yes, and to ensure a balance of the parties are reviewing the tapes. The CCBOE captures and reviews the tapes after they are returned to ensure each location does have the signatures. Chairman Hastings confirmed the tapes show how many people have voted at the location. Ms. Robinson Statler stated the CCBOE would be making changes in training and the packing of zero reports in special envelopes, which will improve the process overall.

Ms. Statler Robinson stated the changes from House Bill 458 would impact training and will be incorporated into the CCBOE training procedures. The provisional training process will also be reviewed, and changes will be implemented based on language changes resulting from House Bill 458.

Board Member Davis Chappell stated the report indicates, in terms of properly issuing provisional ballots, that 136 locations had one or more provisional ballots rejected due to PEO error, which is a 47.5% error rate based on PEO error. She asked if that was the same number it has always been. Ms. Robinson Statler referred to the report chart, which indicates the numbers are consistent with past elections. The comparables are the same. The errors can fall into several categories, including no name, missing address, or other incomplete information on the envelope. Board Member Davis Chappell asked why it is considered a PEO error if the voter needs to complete the information on the envelope correctly. Ms. Robinson Statler stated the PEOs at the Voter Assistance table have a template that overlays the envelope. The PEO should review the envelope to catch any errors the voter made. Chairman Hastings clarified that in these instances it is the voter that caused the error and it is the PEO that did not catch the error. Director Perlatti stated the CCBOE considers it a PEO error because it is catchable due to the overlay template.

While the PEO error rate is currently 47.5%, it should be noted that when the Registration Department reviews the provisionals for valid or rejected, the CCBOE is well over a 90% acceptance rate. However, this report helps identify areas where the PEOs need further training.

Chairman Hastings stated the wrong precinct/wrong location could be a PEOs error, not the voter's error. Director Perlatti said that was correct. Board Member Davis Chappell inquired why the electronic poll books did not fix the problem. Director Perlatti stated the wrong precinct/location should be avoidable, if the PEO uses the electronic poll book correctly. The poll book will pull up correct information and the PEO can print out a confirmation of the information to hand to the voter. There may be a few instances where voters are adamant about voting because they do not want to go to another location. However, there is a form that can be affixed which alleviates poll worker error. Chairman Hastings said the PEO could be missing the step of not affixing the label when they should be. Ms. Robinson Statler stated they do a precinct lookup by the location and enter the person's address to direct the voter to the correct place. Deputy Director Kaloger said the label is designed to be used when the voter is at the correct location but refused to get the correct precinct ballot. The PEOs are trained to affix it to the document indicating the person was at the wrong place or refused to go to the proper precinct. The label shows the PEO did attempt due diligence.

Board Member Davis Chappell asked if there was an overlap of problems at one or two locations or did these locations have multiple issues. Ms. Robinson Statler said no. There was a pattern in previous years, but no current consistent pattern exists.

Director Perlatti added that House Bill 458 definitely impacts the provisional process, and the CCBOE will have to see how it affects this report in the future. Previously, an individual could go into a poll place, and by putting the last four digits of their social security number or know their driver's license number, they could write it on the envelope, which would be considered valid identification for provisional voting. That has now changed where a person must now show photo identification at the polls and record the identification number on the provisional envelope. The CCBOE is waiting on SOS Directives regarding the provisional envelopes, as it is an SOS form that is affixed to an envelope. The CCBOE currently has approximately 70,000 provisional envelopes, but because of the changes caused by House Bill 458, these provisional ballots are outdated. The CCBOE will need to immediately print to replenish the stock or come up with a workaround to get through the May 2, 2023 Primary Election depending on the timeliness of information from the SOS. Additionally, the changes in what documents are permitted to be used for identification will be incorporated into the CCBOE's training.

The CCBOE will continue to make improvements leading to the 2024 Presidential Election. In the instance where an individual cannot show their identification, they can come down to the CCBOE to show identification. There used to be a seven-day post-election cure period. Now, it is four days. In the past, zero people came to the CCBOE because they knew the last four digits of the social security number. Now there will be more of a need for people to come to the CCBOE post-election. If they do not come down, it may be a reason to reject the provisional. Board Member Davis Chappell stated it is so concerning from a training and voter standpoint as a disenfranchisement issue. The CCBOE must have enough time to educate our poll workers and do some voter education. It is hard because there are different interpretations of the law, but the CCBOE must push to get definitive answers as quickly as possible. Board Member Davis Chappell emphasized her serious concerns about having enough time to address the new changes.

Board Member McCafferty commented on his past experience working the voter assistance table. The provisional process is confusing to the voter, and training should be emphasized to the voting location managers and deputies. Through his experience, the provisional voters should be gathered near the voter

assistance table, and the PEOs need to use the template to capture all the details correctly. Ms. Robinson Statler stated there would be the consideration to reinforce during training that the voting location deputy be present at the voter assistance table. In Board Member McCafferty's experience working the polls, it is necessary to monitor the provisional voters to assist them. Setting up a voting booth near the voter assistance table, making sure the ballot is placed back in the provisional envelope and sealed, and returning the ballot to the voter assistance table for a final check with the template to eliminate any mistakes.

Chairman Hastings moved to acknowledge the PEO Performance Report for the November 8, 2022, General Election. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 7: Approval to appoint not less than two precinct election officials for each precinct pursuant to ORC §3501.22 for the May 2, 2023, Primary Election**

Chairman Hastings moved to approve to appoint not less than two precinct election officials for each precinct pursuant to ORC §3501.22 for the May 2, 2023, Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 8: Allocation of voting booths for the May 2, 2023, Primary Election. Allocation quantities are based on Social Distancing and room size per polling location. A total of 4,567 voting booths will be allocated + 721 DS200 precinct scanners + 286 ADA AutoMark voting units and 980 Electronic Poll books.**

Chairman Hastings moved to approve the allocation of voting booths for the May 2, 2023, Primary Election. Allocation quantities are based on Social Distancing and room size per polling location. A total of 4,567 voting booths will be allocated + 721 DS200 precinct scanners + 286 ADA AutoMark voting units, and 980 Electronic Poll books. Board Member Davis Chappell seconded. The motion passed unanimously.

**NEW BUSINESS**

**Voting Equipment Update**

Director Perlatti stated representatives from Clear Ballot were at the OAEO Winter Conference. CCBOE staff had an opportunity to meet with Clear Ballot and ensure they understand the CCBOE wants to keep the process moving and get it done. On a weekly basis, the CCBOE conducts an internal team meeting with CCBOE legal counsel to discuss documents and also meet with Clear Ballot and their legal counsel. Discussions are moving along slower than what was anticipated. Clear Ballot provided an initial version of their contract to their customers, and some of their other customers said the contract was good enough. However, that is not the Cuyahoga County standard. The document is being reworked, including the Master Service Agreement and the order for the Statement of Work; both require a few items to be finalized. Director Perlatti said the two legal representatives from Calfee, Halter & Griswold LLP have been a positive addition to the process with their knowledge of software contracts. There is also a cyber security agreement that the SOS requires all vendors and counties to engage in. Some counties purchased their equipment before the SOS cyber security directive. The CCBOE and Clear Ballot created a security agreement that the SOS modified and approved. Clear Ballot now has a template that all 88 counties can utilize.

The CCBOEs initial plan was to use the Clear Ballot equipment in the May 2, 2023, Primary Election, which will not happen. Since the CCBOE does not have a contract, the first time the CCBOE will use the Clear Ballot equipment will be the September 12, 2023, Primary, which is anticipated to be



approximately 100 precincts. There is a need to get the equipment delivered for acceptance testing, which is a battery of tests to ensure the equipment works properly. Once the testing is complete, notice is provided to the SOS, and the payment goes to the vendor. The CCBOE wants the testing process completed by the May 2, 2023, Primary. Half of the Halle Building will be used for testing while executing the May 2 Election. Currently, there are approximately 60 precincts involved in the May Election. Most of the CCBOE staff will not be trained until after the May Primary and will focus on in-depth knowledge to execute a successful September Election. Clear Ballot will be on site in September as well as the CCBOE is pre-purchasing service days so that Clear Ballot will remain here for the county-wide election on November 7, 2023.

The CCBOEs goal is to have the contract done and agreed to by all parties by January 31, 2023. The approval then goes to County Council to approve the purchase of voting equipment. The goal is to introduce the contract at the February 7, 2023, Council Meeting and then at the Council meeting on February 21, 2023, for final approval of the contract. A presentation will also be made by Director Perlatti to a County Council committee.

Board Member Davis Chappell stated the OAE Conference allowed her an opportunity to speak with the CEO of Clear Ballot. While being only one Board Member, she felt very comfortable saying on behalf of Board that the CCBOE needs the contracts done. The CEO was very gracious in assuring there were just a few items to be completed. The CEO indicated they are committed to doing a great job, and he would make himself available to ensure the contract was completed.

Director Perlatti stated that Summit County also selected Clear Ballot equipment and will be implementing their Clear Ballot equipment in the May Primary. Several CCBOE staff will be visiting Summit County to observe the off-loading of equipment, which will help prepare for receiving the CCBOE's nine semis of equipment.

### **Cyber Security Update**

Director Perlatti stated SOS Directive 2022-38; Help America Vote Act ("HAVA") Funds, Security Improvements, and Vendor Contracts, was published on June 27, 2022 and had a December 30, 2022, deadline. Cuyahoga County was able to meet the deadline of December 30, 2022, on all items except for four items. The SOS has granted the CCBOE an extension in the following four areas. The first two include additional security cameras in the Hughes and Halle Buildings. The Halle camera installation has been completed, and the cameras will be installed by January 27, 2023. The third item is for software backup, which was purchased and needed to be configured and installed, which has also been completed. The fourth item is for enhancements to the Halle Building security system for an alternate partitioning plan of the zoning of the alarms. There will be some programming charges that will be incurred. The CCBOE has continued to reach out to the County, which oversees the vendor for the project. The CCBOE is in a good position regarding complying and continues to communicate with the SOS if further extensions are necessary.

### **National Change of Address Supplemental Process (NCOA)**

Director Perlatti stated the CCBOE is working on two of the NCOA processes. The first is from 2018 for the cancellation of the records from the mailing that occurred in 2018. In 2018, the CCBOE mailed out over 68,000 confirmation notices, and in the past four years, 12,890 people have not had any activity. The CCBOE is waiting for the SOS to give the go-ahead to cancel the records.

The 2022 NCOA process is now in the outbound mailing of confirmation notices in two parts. There is the NCOA compared to the Statewide Voter Registration Database compared to the United States

Postal Services (USPS) records of who has moved. The CCBOE has approximately 38,000 individuals who have notified the USPS they moved but did not update their voter registration. Those individuals will get a mailing. Then a supplemental mailing will go to approximately 29,000 individuals who have not engaged in voter activity within the past two years. There is a deadline of January 27, 2023, to have the notices in the mail. The CCBOE is working with a vendor to mail the notices to almost 70,000 individuals. The CCBOE has proofed the information and will begin to send the confirmation notices on January 25, 2023, and have all the notices mailed by the January 27, 2023 deadline.

Board Member Davis Chappell asked when the APRI exception ends for this voter maintenance registration. Director Perlatti said there is generally a notice in the unofficial/official certification directive for provisional processing, as that is when APRI is applied. Deputy Director Kaloger stated certain mailings qualify for the APRI exception. There was previously verbiage on mailings that the court found exceptions needed to be made for those people within those mailings. There was a point where the language was updated, and the number of people who would qualify for the APRI exception will be reduced.

### **Directive 2023-02; Instructions Regarding the Examination of a Petition to Form a Minor Political Party**

Director Perlatti stated that Directive 2023-02 is regarding the circulation and processing of a petition for the formation of a minor political party called the “No Labels Party.” The CCBOE has received the petitions, which includes 52,852 signatures that need to be reviewed by March 3, 2023, deadline. The CCBOE will be able to meet the deadline.

### **City of East Cleveland Recall Petitions**

The CCBOE was made aware that three recall petitions for East Cleveland Councilmembers were pulled in December 2022. The East Cleveland Charter states a 30-day window to collect signatures and turn in the petitions. When the petitions are received by the CCBOE, they will be verified.

Board Member Davis Chappell asked if the Directive 2023-01; Election Administration and Voting Survey; 2022 Annual Expense Report, creates additional work for the CCBOE. Director Perlatti stated the information is something the CCBOE has and anticipates reporting on an annual basis. There are two parts to the survey. In the first part, Peter James, the Election and Compliance Administrator, completes the survey due on Friday, January 20, 2023. The information includes voter registration numbers, the number of Vote-by-Mail applications, etc. The second part of the report is the Annual Expense Report and is more involved and is completed by Shaunquitta Walker and Patrick McAlea in the Fiscal Services Department. Fiscal knows the items that must be reported on and will build the information throughout the year.

### **PUBLIC COMMENT**

Korean C. Stevenson provided public comment regarding the acknowledgment of appointments to elected office for the City of East Cleveland.

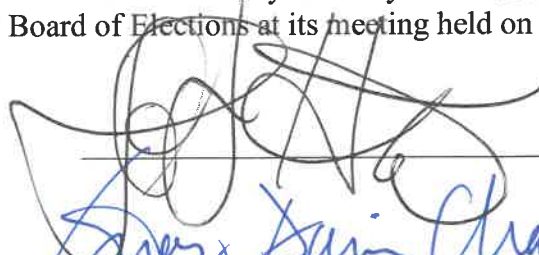
Reverend Pamela M. Pinkney provided public comment regarding items on the agenda.

### **EXECUTIVE SESSION**

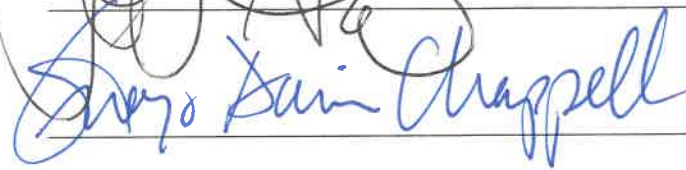
Chairman Hastings moved to adjourn the meeting at 10:21 a.m. Board Member Davis Chappell seconded. The motion passed unanimously.

Certification: I have reviewed the above minutes and certify that they are an accurate summary of the actions taken by the Cuyahoga County Board of Elections at its meeting held on January 18, 2023.

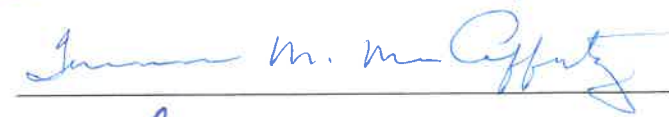
Jeff Hastings, Chairman



Inajo Davis Chappell, Board Member



Terence M. McCafferty, Board Member



Lisa M. Stickan, Board Member



Anthony Perlatti, Director



# Agenda Item #2

RELEASED: February 7, 2023

## SUMMARY

- *Directive 2023-03* informs the Cuyahoga County Board of Elections (CCBOE) of changes to election administration policies and procedures resulting from the passage of Substitute House Bill 458 (H.B. 458).
- The CCBOE must implement the changes from H.B. 458 in time for the start of early voting in the May 2, 2023 Primary/Special Election, including the start of UOCAVA voting.

## Voter ID

- In general, a voter must have photo ID to vote in person. For Vote-by-Mail, a voter may still provide an Ohio driver license number or state ID card number, or the last four digits of their SSN.
- Beginning on April 7, 2023, any person ages 17 and over who applies for and receives a state ID card from the BMV may receive it for free.
- When Voting-by-Mail (VBM), a voter may provide the last four digits of their SSN as a valid form of ID. This is different from the requirements for voting in-person.
- Confined or disabled voters (e.g., nursing home voters) may follow the same ID requirements as a VBM voter.
- To register or update an existing voter registration, a voter *must* provide an Ohio driver license number or state ID card number, or the last four digits of the SSN. A voter who registered using a form of ID not just listed *does not* have to re-register.

## Provisional Voting

- A provisional voter *must show* a photo ID (or a copy of) to meet the threshold of providing a valid form of ID. It is no longer sufficient for a voter to provide the last four digits of their SSN.
- The cure period for a provisional ballot has been shortened to the 4<sup>th</sup> day after Election Day.

## Vote-by-Mail

- The deadline to submit a VBM application is now the close of business on the 7<sup>th</sup> day before Election Day. For the May 2, 2023 Primary/Special Election, close of business is 8:30 p.m. on Tuesday, April 25.
- Non-UOCAVA absentee voters may only use an application form prescribed by the SOS. If a voter submits a VBM application on the SOS's previously prescribed form, the application may be accepted so long as the voter includes a valid form of ID.
- UOCAVA voters may still apply on the Federal Post Card Application or submit a Federal Write-in Absentee Ballot.
- The deadline for VBM ballots to arrive at the CCBOE is now the 4<sup>th</sup> day after the election. Non-UOCAVA ballots must still be postmarked by the day before Election Day.
- The deadline for UOCAVA voters to return/postmark their ballot is now 7:30 p.m. on Election Day. Previously it was 12:01 a.m. on Election Day.

- The cure period for VBM ballots is now the 4th day after Election Day, same as for provisional ballots.
- The CCBOE must begin counting late arriving and cured VBM ballots on the 5th day after Election Day, and provisional ballots by the 8<sup>th</sup> day.

### **Drop Box**

- The CCBOE may provide only **one** drop box on the property on which the office is located for the purpose of receiving absentee ballots.
- The drop box must be open to receive ballots only from the first day after the close of voter registration through 7:30 p.m. on Election Day. Drop boxes may be utilized for other purposes year-round.
- Each drop box must be monitored by video surveillance at all times, and the video recordings are a public record.

### **Early In-Person Voting Hours**

- The Monday immediately before Election Day has been eliminated as an Early In-Person voting day.
- The SOS is required to reallocate those hours by adding six hours on Monday through Friday of the preceding week.
- For the May 2, 2023 Primary/Special election, boards must be open for EIP voting the final week from 7:30 a.m. to 7:30 p.m., except for Tuesday, when they must be open until 8:30 p.m.

### **Other Changes**

- Special elections held in August are eliminated except when a political subdivision or school district is in a state of fiscal emergency.
- A voter must be *physically unable to enter a polling location* to be permitted to vote a curbside ballot. Election officials *must not* challenge a voter's attestation that he or she has a disability and is physically unable to enter a polling place.
- The bill removes the requirement that a high school student be a senior to be a poll worker through the Youth and the Booth program. All other existing provisions still apply.
- For the May 2, 2023 Primary/Special Election, boards must use the newly prescribed SOS forms or modify existing stock to match the new language on the forms.

## **INSTRUCTIONS**

### **I. VOTER IDENTIFICATION**

H.B. 458 changes the types of ID an individual may use for voter registration and voting. In general, a voter must have photo ID to vote in person. For Vote-by-Mail, a voter may still provide an Ohio driver license number or state ID card number, the last four digits of their SSN, or a photocopy of the voter's photo identification. Beginning on April 7, 2023, any person ages 17 and over who applies for and receives a state ID card from the BMV may receive it for free.



## **A. ACCEPTABLE FORMS OF PHOTO ID**

Beginning on the first day of early voting for the May 2, 2023 Primary/Special Election, the following documents will be acceptable photo ID for voting if the ID is not expired and includes the individual's name and photograph:

- Ohio driver license, state ID card, or interim ID form issued by the Bureau of Motor Vehicles ("BMV").
  - This includes a commercial driver's license, motorcycle operator's license, probationary or restricted license, or temporary instruction permit.
- U.S. passport or passport card; or
- U.S. military ID card, Ohio National Guard ID card, or U.S. Department of Veterans Affairs ID card (collectively referenced in this Directive as "military ID").

**Note:** A suspended driver's license that is not expired may still be used as ID for voting.

## **B. IDENTIFICATION FOR VOTER REGISTRATION**

H.B. 458 requires a person who registers or updates their voter registration to provide at least one of the following:

- An Ohio driver license number or state ID card number; or
- The last four digits of the voter's SSN.

The following forms of identification may no longer be used to register to vote:

- A copy of a photo ID;
- A military ID;
- A copy of any of the formerly valid types of voter ID (utility bill, bank statement, government check, paycheck, or other government document).

The change in law applies to new voter registrations and updates to voter registration. It does *not* require anyone to re-register to vote.

## **C. IDENTIFICATION FOR ELECTION DAY VOTING**

Voters will be required to show photo ID to cast a regular ballot on Election Day. A voter who does not provide photo ID may cast a provisional ballot.

## **D. IDENTIFICATION FOR IN-PERSON ABSENTEE VOTING**

A voter who comes to vote Early In-Person (EIP) must provide photo ID in the same manner as a voter voting on Election Day. If the person does not provide photo ID and wants to vote EIP, they may cast a provisional ballot. If a person who comes to vote EIP and does not wish to cast a provisional ballot, the CCBOE may offer the voter an absentee ballot application to receive a ballot by mail.

## **E. IDENTIFICATION FOR ABSENTEE VOTING-BY-MAIL**

A voter who is completing a Vote-by-Mail application or an identification envelope must provide one of the following forms of ID:

- An Ohio driver license or state ID number;
- The last four digits of the voter's SSN; or
- A *copy* of the voter's photo ID.

Confined or disabled voters (e.g., nursing home voters) who receive assistance from visiting election officials to vote absentee may follow the VBM voter ID requirements (providing last four digits of SSN or Driver License/State ID number) or, if the voter chooses, may show photo ID to the bipartisan team of election officials who come to their location to facilitate voting. The deadline to submit an application for a confined or disabled voter is the close of business on the 7th day before Election Day.

## **F. IDENTIFICATION FOR PROVISIONAL VOTING**

### **1. Voters Who Cannot Provide Photo ID**

Voters without ID may still cast a provisional ballot when they appear in person to vote. Those voters will have four days after Election Day to appear at the CCBOE to show photo ID (except in the case of a religious objector). Voters must show a photo ID or provide a copy of an acceptable form of ID. It is not sufficient to provide the Ohio driver license or state ID card number or the last four digits of the voter's SSN.

### **2. Religious Objectors**

If a voter does not have a photo ID because of a religious objection to being photographed, the voter must be provided an affidavit of religious objection on a form that the SOS will prescribe and will vote a provisional ballot. Election officials must attach the affidavit to the provisional ballot affirmation. The CCBOE must transmit the completed affidavit of religious objection to the SOS, which then must consult the BMV's database to determine whether they issued a currently unexpired photo ID to that voter.

### **3. Cure Period for Provisional Ballots**

The time period when a provisional voter may cure a ballot by going to the CCBOE has been shortened to the 4<sup>th</sup> day after Election Day.

## **II. ABSENTEE VOTING BY MAIL**

### **A. APPLICATION DEADLINE**

The deadline to submit a valid VBM application is now the **close of business on the 7th day before Election Day**. "Close of business" is the time that in-person voting ends on the Tuesday before Election Day. For the May 2, 2023 Primary/Special Election, the absentee application deadline is 8:30 p.m. on April 25, 2023.

A voter may still apply for an absentee ballot after the regular application deadline and not later than 3p.m. on Election Day if they or their minor child has been unexpectedly hospitalized.

## **B. FORM OF APPLICATION**

Beginning with the May 2, 2023 Primary/Special Election, **non-UOCAVA absentee voters may use only an application form prescribed by the Secretary of State**. UOCAVA voters may still apply on the Federal Post Card Application or submit a Federal Write-in Absentee Ballot. If the CCBOE receives an application that is not submitted on an appropriate form, it must promptly direct the applicant to use an appropriate form.

If a voter submits a VBM application on the SOS's previously prescribed form, the application may be accepted so long as the voter includes a valid form of ID. If the CCBOE desires to make formatting changes to the prescribed VBM form, it must submit the proposed form to the SOS for review and approval by Feb. 21, 2023. A modified form *may not* be used prior to receiving approval.

## **C. ABSENTEE BALLOT RETURN PROCEDURES**

### **1. Ballot Return and Cure Period Deadlines**

The deadline for absentee ballots to arrive at the CCBOE will be the **4th day after Election Day**. Under continuing law, absentee ballots for non-UOCAVA voters that arrive after the polls close must be postmarked by the day before Election Day.

The new law changes the deadline for UOCAVA voters to complete their ballots. Going forward, a UOCAVA voter must sign their ballot by the close of the polls (7:30 p.m.), regardless of whether they are postmarked or where the voter is located.

The cure period for VBM ballots is now the 4<sup>th</sup> day after Election Day, same as for provisional ballots.

### **2. Accelerated Final Ballot Examination**

The CCBOE must begin counting late arriving and cured VBM ballots on the 5th day after Election Day, and must begin counting cured provisional ballots by the 8th day after Election Day. The calendar provisions for the final canvass remain the same: the CCBOE must begin an official canvass not earlier than the 11th or later than the 15th day after an election and must complete it by the 21st day after.

### **3. Secure Receptacles (Drop Boxes)**

The CCBOE may provide only **one** drop box on the property on which the office is located for the purpose of receiving absentee ballots. The drop box must be open to receive ballots only from the first day after the close of voter registration through 7:30 p.m. on Election Day. The drop box must be open to receive ballots at all times during that period.

Before early voting begins and after Election Day, signage should indicate that ballots *cannot* be deposited in the drop box. Drop boxes may be utilized for other purposes year-round.

Each drop box must be monitored by video surveillance at all times, and the video recordings are a public record.

#### 4. New Statutory Reporting

During the absent voting period, the board must send a daily report to the SOS each day the board is open for business that contains:

- The number of return envelopes purported to contain absentee ballots, both UOCAVA and non-UOCAVA, the board received by personal delivery (not through the drop box); and
- The number of return envelopes received in the drop box.

#### 5. Processing Ballots Before the Close of Polls

The CCBOE is now required to process absentee ballots before the close of the polls on Election Day (this is current practice). It may begin processing absentee ballots as early as the day following the close of registration.

#### 6. Change from “Director” to “Board”

Numerous references in the law governing absentee voting are changed from the director receiving ballots to the board of elections receiving, sending, and processing applications and ballots.

### D. EARLY VOTING SCHEDULE

The Monday immediately before Election Day has been eliminated as an Early In-Person voting day. The SOS is required to reallocate those hours by adding six hours on Monday through Friday of the preceding week. H.B. 458 states that the General Assembly intends to enact legislation that specifies the days and hours for in-person absentee voting (this has yet to occur).

For the May 2, 2023 Primary/Special election, boards must be open for EIP voting the final week from 7:30 a.m. to 7:30 p.m., except for Tuesday, when they must be open until 8:30 p.m.

### III. AUGUST SPECIAL ELECTIONS

Special elections held in August are eliminated except when a political subdivision or school district is in a state of fiscal emergency as determined by the Auditor of State. If an August election is held, the entire cost of the special election will be charged to the political subdivision or taxing authority.

### IV. ADDITIONAL ADMINISTRATIVE CHANGES

#### A. CURBSIDE VOTING

H.B. 458 states: “A board of elections must permit an elector with a disability who is **physically unable to enter a polling place** to vote in the elector’s vehicle or at the door of the polling place with the assistance of a bipartisan team of election officials.” The bill prohibits an elector from being permitted to vote curbside under any other circumstance.

Election officials *must not* challenge a voter’s attestation that he or she has a disability and is physically unable to enter a polling place.

**B. 17-YEAR-OLD POLL WORKERS**

17-year-old poll workers are no longer required to be seniors in high school to participate in a Youth at the Booth program. The student must be at least 17, a U.S. citizen, and a resident of the county, and must apply through a program at the student's school.

**C. LOGIC AND ACCURACY TESTING FOR VOTING EQUIPMENT**

Pre-election logic and accuracy testing is required for all voting equipment that will be used in that election (this is current practice).

**D. ELECTION ADMINISTRATION PLANS**

H.B. 458 codifies the Election Official Manual's requirement that the CCBOE prepare an Election Administration Plan ("EAP") before each presidential primary election and each general election held in an even-numbered year.

**E. GOVERNOR'S COMMISSION FEE**

H.B. 458 eliminates the fee that a newly elected state or county officer or judge must pay in order to receive a commission from the Governor.

**V. NEWLY PRESCRIBED FORMS AND OLD STOCK**

For the May 2, 2023 Primary/Special Election, boards must use the newly prescribed SOS forms or modify existing stock to match the new language on the forms.

**VI. PUBLIC AWARENESS CAMPAIGN**

Each board must review its website, social media, and other communication resources to ensure that accurate information is provided to the public. The SOS is preparing to launch a robust public information campaign so that Ohio voters know about the changes in law. Boards should be proactive in educating their local communities about the changes in law.



## **DIRECTIVE 2023-03**

February 7, 2023

To: All County Boards of Elections  
Board Members, Directors, and Deputy Directors

Re: Substitute House Bill 458 (134<sup>th</sup> General Assembly)

### **BACKGROUND**

The purpose of this Directive is to inform boards of elections of changes to elections administration policies and procedures resulting from the passage of Substitute House Bill 458 ("H.B. 458").<sup>1</sup> The Secretary of State's Office is working to develop new forms, directives, and training manuals to implement the changes in law. In order to maintain statewide uniformity in election administration and to reduce potential voter confusion, boards must implement the changes in time for the start of early voting in the May 2, 2023 Primary/Special Election, including the start of voting for uniformed and overseas voters.<sup>2</sup>

### **INSTRUCTIONS**

#### **I. VOTER IDENTIFICATION**

H.B. 458 changes the types of identification ("ID") Ohioans may use for voter registration and voting. In general, a voter must have photo ID to vote in person, unless the voter has a religious objection to being photographed and attests to this on the form prescribed by the Secretary of State. For absentee voting by mail, a voter may still provide an Ohio driver's license number or state ID card number, the last four digits of their Social Security Number ("SSN"), or a photocopy of the voter's photo identification. Beginning on April 7, 2023, any person ages 17 and over who applies for and receives a state ID card from the Bureau of Motor Vehicles ("BMV") may receive it for free.

The graphic on the next page shows the types of ID that will be acceptable for registering to vote, voting early in person, voting by mail, and voting by provisional ballot (comparing prior law to the new law).

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<sup>1</sup> Additional changes to Ohio's election laws were included in H.B. 45 with the intent to supersede any conflicting provisions in H.B. 458; this Directive addresses the changes in H.B. 458, in conformity with H.B. 45.

<sup>2</sup> Litigation is pending in federal court regarding the voter ID, absentee, provisional voting changes, elimination of Monday in-person voting prior to Election Day, and ballot drop box requirements in H.B. 458. The Secretary of State's Office will promptly notify boards of elections of any court order relevant to this directive and change in law.



## Voter Identification Requirement Chart

| Forms of Voter ID   | Register to Vote |          | Election Day Voting |          | In-person Absentee Voting |          | Absentee Voting by Mail |          | Provisional Voting |          |
|---|------------------|----------|---------------------|----------|---------------------------|----------|-------------------------|----------|--------------------|----------|
|   | Prior            | H.B. 458 | Prior               | H.B. 458 | Prior                     | H.B. 458 | Prior                   | H.B. 458 | Prior              | H.B. 458 |
| Ohio DL/ID with current address   | ✓                | ✗        | ✓                   | ✓        | ✓                         | ✓        | ✓                       | ✓        | ✓                  | ✓        |
| Ohio DL/ID with former address  | ✓                | ✗        | ✓                   | ✓        | ✓                         | ✓        | ✓                       | ✓        | ✓                  | ✓        |
| Military ID   | ✓                | ✗        | ✓                   | ✓        | ✓                         | ✓        | ✓                       | ✓        | ✓                  | ✓        |
| U.S. passport or passport card  | ✗                | ✗        | ✗                   | ✓        | ✗                         | ✓        | ✗                       | ✓        | ✗                  | ✓        |
| Utility bill, bank statement, government check, paycheck, or other government document with current address | ✓                | ✗        | ✓                   | ✗        | ✓                         | ✗        | ✓                       | ✗        | ✓                  | ✗        |
| Ohio DL/ID number   | ✓                | ✓        | ✗                   | ✗        | ✓                         | ✗        | ✓                       | ✓        | ✓                  | ✗        |
| Last four digits of SSN   | ✓                | ✓        | ✗                   | ✗        | ✓                         | ✗        | ✓                       | ✓        | ✓                  | ✗        |

## **A. ACCEPTABLE FORMS OF PHOTO ID**

Beginning on the first day of early voting for the May 2, 2023 Primary/Special Election, the following documents will be acceptable photo ID for voting as long as the ID is not expired and includes the individual's name and photograph:<sup>3</sup>

- Ohio driver's license, state ID card, or interim ID form issued by the Bureau of Motor Vehicles ("BMV").
  - This includes a commercial driver's license, motorcycle operator's license, probationary or restricted license, or temporary instruction permit.
  - An interim identification form is a BMV document issued to a person who has just applied for a driver's license or state ID card, to use until the permanent card arrives in the mail;
- U.S. passport or passport card; or
- U.S. military ID card, Ohio National Guard ID card, or U.S. Department of Veterans Affairs ID card (collectively referenced in this Directive as "military ID").

**Note:** A suspended driver's license that is not expired may still be used as photo identification for voting.

## **B. IDENTIFICATION FOR VOTER REGISTRATION**

H.B. 458 requires a person who registers or updates their voter registration to provide at least one of the following:

- An Ohio driver's license number or state ID card number; or
- The last four digits of the voter's SSN.

The following forms of identification may no longer be used to register to vote:

- A copy of a photo ID;
- A military ID;
- A copy of any of the formerly valid types of voter ID (utility bill, bank statement, government check, paycheck, or other government document).

The change in law applies to new voter registrations and updates to voter registration. It does *not* require anyone to re-register to vote. Just as before, to register online, a person must provide **both** an Ohio driver's license number or state ID card number **and** the last four digits of the person's SSN.<sup>4</sup>

## **C. IDENTIFICATION FOR ELECTION DAY VOTING**

Voters will be required to show photo ID to cast a regular ballot on Election Day. A voter who does not provide photo ID may cast a provisional ballot. See the above list of acceptable forms of ID.

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<sup>3</sup> R.C. 3501.01(AA).

<sup>4</sup> R.C. 3503.14 and 3503.20.

Additionally, a voter must sign their name in the pollbook as opposed to writing their name and address in the pollbook. This change is consistent with continuing law that requires the election officials to compare the voter's signature with the signature on file.<sup>5</sup>

#### **D. IDENTIFICATION FOR IN-PERSON ABSENTEE VOTING**

A voter who comes to vote early in person at the board of elections must provide photo ID in the same manner as a voter voting on Election Day. If the person does not provide photo ID and wants to vote early in person, they may cast a provisional ballot. If a person who comes to vote early in person at the board of elections does not wish to cast a provisional ballot, the board of elections may offer the voter an absentee ballot application to receive a ballot by mail.

#### **E. IDENTIFICATION FOR ABSENTEE VOTING BY MAIL**

A voter who is completing an absentee ballot application or an identification envelope must provide one of the following forms of ID:

1. An Ohio driver's license or state ID number;
2. The last four digits of the voter's SSN; or
3. A *copy* of the voter's photo ID.

A "copy" of a photo ID requires images of both the **front and back** of one of the forms of photo ID acceptable on Election Day (see above), except in the case of a U.S. passport. A "copy" of a passport means a copy of the ID page of the passport that includes the voter's name, photograph, and other identifying information and the passport's expiration date.

Voters may no longer provide a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the voter's name and address.

Confined or disabled voters (e.g. nursing home voters) who receive assistance from visiting election officials to vote absentee may follow the by-mail voter ID requirements (providing last four digits of SSN or Driver's License/State ID number) or, if the voter chooses, may show photo ID to the bipartisan team of election officials who come to their location to facilitate voting.<sup>6</sup> The deadline to submit an application for a confined or disabled voter is the close of business on the seventh day before Election Day.

#### **F. IDENTIFICATION FOR PROVISIONAL VOTING**

##### **1. Voters Who Cannot Provide Photo ID**

Voters without ID may still cast a provisional ballot when they appear in person to vote. Those voters will have four days after Election Day to appear at the board of elections office to show photo ID (except in the case of a religious objector, as described below). Voters must show a photo ID or provide a copy of an acceptable form of ID. It is not sufficient to provide the Ohio driver's license number or state ID card number or the last four digits of the voter's SSN.<sup>7</sup>

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<sup>5</sup> R.C. 3505.18.

<sup>6</sup> R.C. 3501.01(AA)(2), 3509.03, 3509.04 to 3509.08, 3511.02, 3511.05, and 3511.09.

<sup>7</sup> R.C. 3505.18, 3505.181, 3505.182, and 3505.183.

## **2. Religious Objectors**

If a voter does not have a photo ID because of a religious objection to being photographed, the precinct election official or board staff, as applicable, must provide the voter an affidavit of religious objection on a form that our Office will prescribe. This may occur either when the voter casts the provisional ballot or at the office of the board by the fourth day after Election Day. Election officials must attach the affidavit to the provisional ballot affirmation. The board must transmit the completed affidavit of religious objection to the Secretary's Office, which then must consult the BMV's database to determine whether they issued a currently unexpired photo ID to that voter.

The affidavit of religious objection is not valid if the BMV has issued a currently unexpired photo ID or if the last four digits of the voter's SSN provided on the affidavit do not match those digits in the Statewide Voter Registration Database.<sup>8</sup>

This Office will prescribe the form of the affidavit based on the wording in statute.

## **3. Cure Period for Provisional Ballots**

The time period when a provisional voter may cure a ballot by going to the board of elections and providing a photo ID, signing a religious objection affidavit, or providing other information needed to count the person's ballot is shortened. Provisional voters now have until the **fourth** day after Election Day to do so.<sup>9</sup>

## **II. ABSENTEE VOTING BY MAIL**

H.B. 458 made several changes in processes associated with voting absentee by mail, as described below.

### **A. APPLICATION DEADLINE**

The deadline to submit a valid absentee application for absentee ballots by mail will now be the **close of business on the seventh day before Election Day**. However, a voter may still apply for an absentee ballot after the regular application deadline and not later than 3:00 p.m. on Election Day if they or their minor child has been unexpectedly hospitalized.<sup>10</sup>

"Close of business" is the time that in-person voting ends on the Tuesday before Election Day. For the May 2, 2023 Primary/Special Election, the absentee application deadline is 8:30 p.m. on April 25, 2023.

### **B. FORM OF APPLICATION**

Beginning with the May 2, 2023 Primary/Special Election, non-UOCAVA absentee voters may use only an application form prescribed by the Secretary of State.<sup>11</sup> UOCAVA voters may still apply on the Federal Post Card Application or submit a Federal Write-in Absentee Ballot. A board of elections that receives an application that is not submitted on an appropriate form must

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<sup>8</sup> R.C. 3505.181, 3505.182, and 3505.183, and 3505.19.

<sup>9</sup> Same as footnote 8.

<sup>10</sup> R.C. 3503.16(E), 3509.03(D), 3509.031(A)(2), 3509.08, 3511.02, and 3511.04.

<sup>11</sup> R.C. 3509.03(B).

promptly direct the applicant to use an appropriate form.<sup>12</sup> The board must use all available contact information (phone and/or email) to contact the voter and provide the correct application form prior to the application deadline.

If a voter submits an absentee ballot application on the Secretary of State's previously prescribed form, the application may be accepted so long as the voter includes a valid form of ID required by H.B. 458. As explained above, the application must include one of the following:

1. An Ohio driver's license number or state ID card number;
2. The last four digits of the voter's SSN; or
3. A *copy* of the voter's photo ID.

If a county board of elections desires to make formatting changes to the prescribed absentee application form, the board must submit the proposed form to the Secretary of State's Office for review and approval. The Secretary of State may then prescribe a modified form for the board of elections.

### **C. ABSENTEE BALLOT RETURN PROCEDURES**

#### **1. Ballot Return and Cure Period Deadlines**

The deadline for absentee ballots to arrive at a board of elections office will be the **fourth day after Election Day**. Under continuing law, absentee ballots for non-UOCAVA voters that arrive after the polls close must be postmarked by the day before Election Day. The new law changes the deadline for UOCAVA voters to complete their ballots. Going forward, a UOCAVA voter must sign their ballot by the close of the polls, regardless of whether they are postmarked or where the voter is located.<sup>13</sup> Absentee voters who need to provide additional or corrected information have until the **fourth day** after Election Day to do so, which is similar to the changes to the cure period for provisional ballots described above.<sup>14</sup>

#### **2. Accelerated Final Ballot Examination**

Boards of elections must begin counting late arriving and cured absentee ballots on the **fifth day** after Election Day, instead of the eleventh day as required under prior law.<sup>15</sup> Additionally, boards must begin counting cured provisional ballots by the **eighth day** after Election Day, instead of the eleventh day.<sup>16</sup> However, the calendar provisions for the final canvass remain: a board must begin an official canvass not earlier than the 11<sup>th</sup> or later than the 15<sup>th</sup> day after an election and must complete it by the 21<sup>st</sup> day after.<sup>17</sup>

More information concerning the canvass timeline will be provided in a future directive.

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<sup>12</sup> R.C. 3503.16(E), 3509.03, 3509.04, 3511.02, and 3511.04. *See also* 52 United States Code (U.S.C.) 20302(a); Ohio Secretary of State, Forms 11-A through 11-I-2, available at [www.ohiosos.gov/elections/elections-officials/forms-petitions](http://www.ohiosos.gov/elections/elections-officials/forms-petitions) and Federal Voting Assistance Program, available at [www.fvap.gov](http://www.fvap.gov).

<sup>13</sup> R.C. 3511.09(A).

<sup>14</sup> R.C. 3509.06 and 3509.07.

<sup>15</sup> R.C. 3509.05, 3509.06, 3511.05, 3511.09, and 3511.11.

<sup>16</sup> R.C. 3505.183(G)(2).

<sup>17</sup> R.C. 3505.32(A).

### 3. Secure Receptacles (Drop Boxes)<sup>18</sup>

A board of elections may provide only **one** secure receptacle outside of the office of the board, on the property on which the office is located, for the purpose of receiving absentee ballots. A board that maintains multiple offices in the county may designate any of its offices for the return of absentee ballots, but it may designate only **one** of those offices for its drop box.

Only a bipartisan team of election officials may open a drop box or handle its contents. The team must collect the contents of each drop box and deliver them to the board at least once each day and promptly at 7:30 p.m. on Election Day. If there are persons waiting in line to deposit ballots in a drop box at the close of polls, those persons must be permitted to do so.

Any drop box the board provides must be open to receive ballots only from on the first day after the close of voter registration before the election through 7:30 p.m. on Election Day. The drop box must be open to receive ballots at all times during that period.<sup>19</sup> Before early voting begins and after Election Day, signage should indicate that ballots *cannot* be deposited in the drop box. Drop boxes may be utilized for other purposes year-round. Each drop box must be monitored by video surveillance at all times, and the video recordings are a public record.

The new law gives boards two options for complying with public records requests related to their video surveillance. Each board must either (1) make the recordings available for inspection immediately upon request or (2) make each day's recording available online for free streaming or download within 24 hours after the recording ends. For the first option, access to the recordings must be provided as soon as practicable. Boards must also make the recordings available to the public upon request in accordance with normal procedures under the Public Records Act.

### 4. New Statutory Reporting

During the absent voting period, the board must send a daily report to the Secretary of State each day the board is open for business that contains:

- The number of return envelopes purported to contain absentee ballots, both UOCAVA and non-UOCAVA, the board received by personal delivery (not through the drop box); and
- The number of return envelopes received in the drop box.

The Secretary's Office must make that daily report publicly available on the official website as soon as practicable after receiving the reports.<sup>20</sup> We will provide instructions to the boards on the submission of these reports.

### 5. Processing Ballots Before the Close of Polls

Boards are now *required* to process absentee ballots before the close of the polls on Election Day. Boards may begin processing absentee ballots as early as the day following the close

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<sup>18</sup> R.C. 3509.05(C)(3).

<sup>19</sup> Although H.B. 458 states that a drop box is to be open to receive ballots only during the board's hours of operation during that period, the General Assembly separately amended that in H.B. 45 to require a drop box to be open at all times during that period.

<sup>20</sup> R.C. 3509.05(C).



of voter registration. Boards are still prohibited from tabulating the ballots before the close of the polls. Under continuing law, processing an absent voter's ballot means all of the following:<sup>21</sup>

- Examining the ID envelope in order to verify that the ballot is eligible to be counted;
- Opening the ID envelope, if the ballot is eligible to be counted;
- Determining whether the ballot is valid;
- Preparing and sorting the ballot for scanning by automatic tabulating equipment; and
- Scanning the ballot by automatic tabulating equipment, if the equipment permits the ballot to be scanned without tabulating or counting the votes on the ballots scanned.

#### **6. Change from “Director” to “Board”**

Numerous references in the law governing absentee voting are changed from the director receiving ballots to the board of elections receiving, sending, and processing applications and ballots. This clarifies that the director is not required to personally carry out those duties. Under continuing law and practice, the board delegates many of its duties to the director and deputy director and to other employees.

#### **D. EARLY VOTING SCHEDULE**

In-person absentee voting must be permitted for all voters starting the day after the close of voter registration before an election and ending on the Sunday before the election. The Monday immediately before Election Day is eliminated as an in-person absentee voting day. To make up for that loss of six hours of voting time, the Secretary of State is required to reallocate those hours by adding six hours on Monday through Friday of the preceding week. H.B. 458 states that the General Assembly intends to enact legislation that specifies the days and hours for in-person absentee voting.<sup>22</sup> Our office will work closely with the legislature to assure that the concerns of our election officials are considered when establishing early voting hours in law. For the May 2, 2023 Primary/Special Election, the in-person absentee hours are as follows:

##### ***Weeks One, Two, and Three of Voting***

Voting begins the day after the close of registration for the election. Boards must not be open for early in-person absentee voting on any holiday established by state or federal law.

- ☐ 8:00 a.m. to 5:00 p.m. on each weekday (Monday through Friday)

##### ***Week Four of Voting***

Boards must be open for early in-person absentee voting during the hours listed below. Boards must not be open for early in-person absentee voting on any holiday established by state or federal law.

- ☐ 7:30 a.m. to 7:30 p.m. (Monday)
- ☐ 7:30 a.m. to 8:30 p.m. (Tuesday)
- ☐ 7:30 a.m. to 7:30 p.m. (Wednesday through Friday)
- ☐ 8:00 a.m. to 4:00 p.m. (Saturday)
- ☐ 1:00 p.m. to 5:00 p.m. (Sunday)

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<sup>21</sup> R.C. 3509.06(F) and [Chapter 7](#), Section 7.06 of the Election Official Manual.

<sup>22</sup> Section 4(A) of H.B. 458.

Absentee ballot applications are due by close of business on the seventh day before Election Day (*i.e.*, Tuesday, April 25, 2023 at 8:30 p.m.)

### **III. AUGUST SPECIAL ELECTIONS**

Special elections held in August are eliminated except when a political subdivision or school district is in a state of fiscal emergency as determined by the Auditor of State “at the time the board of elections certifies the office, question, or issue for placement on the ballot.” If an August election is held, the entire cost of the special election will be charged to the political subdivision or taxing authority.<sup>23</sup>

### **IV. ADDITIONAL ADMINISTRATIVE CHANGES**

#### **A. CURBSIDE VOTING**

According to H.B. 458, a voter with a disability (rather than “handicap”) who is physically unable to enter a polling place must be permitted to vote in their vehicle or at the door of the polling place with the assistance of a bipartisan team of election officials. This is the only circumstance where curbside voting is permitted. Election officials must not challenge a voter’s attestation that he or she has a disability and is physically unable to enter a polling place.<sup>24</sup>

#### **B. 17-YEAR-OLD POLL WORKERS**

17-year-old poll workers are no longer required to be seniors in high school to participate in a Youth at the Booth program. The student must be at least 17, a U.S. citizen, and a resident of the county, and must apply through a program at the student’s school.<sup>25</sup>

#### **C. LOGIC AND ACCURACY TESTING FOR VOTING EQUIPMENT**

H.B. 458 updates the law requiring pre-election testing of voting equipment consistent with existing Secretary of State directives. Pre-election logic and accuracy testing is required for all voting equipment that will be used in that election. No voting machine, marking device, or piece of automatic tabulating equipment may be used in an election without undergoing successful testing by a bipartisan team. Boards must give public notice of the time and place of all testing, including the testing and auditing of software codes.<sup>26</sup>

#### **D. ELECTION ADMINISTRATION PLANS**

H.B. 458 codifies the Election Official Manual’s requirement that each board prepare an Election Administration Plan (“EAP”) before each presidential primary election and each general election held in an even-numbered year. The new law requires boards to submit the EAP no later than 75 days before the election. The topics are the same as those found on the current EAP template and may include additional topics prescribed by the Secretary in the future.<sup>27</sup>

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<sup>23</sup> R.C. 3501.022.

<sup>24</sup> R.C. 3501.29(C).

<sup>25</sup> R.C. 3501.22(C).

<sup>26</sup> R.C. 3506.14

<sup>27</sup> R.C. 3501.10(BB).

#### **E. GOVERNOR'S COMMISSION FEE**

H.B. 458 eliminates the fee that a newly elected state or county officer or judge must pay in order to receive a commission from the Governor. Those officers still must receive formal commissions to take office, but fees are no longer required.<sup>28</sup>

#### **V. NEWLY PRESCRIBED FORMS AND OLD STOCK**

For the May 2, 2023 Primary/Special Election, boards must use the newly prescribed forms or modify existing stock to match the new language on the forms. For example, if a board is not able to produce a sufficient number of ID envelopes with the updated Form 12-A, the board may cover over any outdated information to be consistent with the changes in law. Boards must be cautious to ensure all changes are accurate and that any updated information is applied in a manner not easily removed (i.e., some labels may otherwise be removed inadvertently).

#### **VI. PUBLIC AWARENESS CAMPAIGN**

Each board must review its website, social media, and other communication resources to ensure that accurate information is provided to the public. The Secretary of State's Office is preparing to launch a robust public information campaign so that Ohio voters know about the changes in law. Boards should be proactive in educating their local communities about the changes in law. Our Office will inform boards once both printed and digital resources are developed or updated.

If you have any questions about this Directive, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,



Frank LaRose  
Ohio Secretary of State

# Agenda Item #3

## Ward and Precinct Boundary Modifications for Parma Heights and Solon

### Overview

Following a decennial census, all cities (municipalities with a population of 5,000 or more) must review their ward boundaries and adjust, if necessary, to maintain population balance among the wards. Cities are to follow the conditions of [O.R.C 731.06](#) unless their charter contains provisions that differ from the Ohio Revised Code.

Each city council passes legislation to adjust ward boundaries, and this legislation (along with legal descriptions and a map) is sent to the CCBOE by the Clerk of Council.

### Role of the CCBOE

The Board will acknowledge the ward boundary modifications as the CCBOE does not have a role in creating ward boundaries. Moving a ward boundary, however, automatically impacts the precinct structure within the impacted ward. Per [O.R.C. 3501.18](#), boards of elections are responsible for defining precinct boundaries. The key criteria when determining a precinct boundary are:

- Precincts cannot exceed 1,400 registered voters.
  - The CCBOE has an internal goal of trying to keep precincts to about 1,150 registered voters to allow for population shifts.
- Precincts do **not** cross over ward boundaries.
- Precincts are grouped together by census blocks.
  - The CCBOE attempts to define precinct boundaries in a manner to minimize the creation of a split precinct.

## Parma Heights

- The following remain the **same** between the Current (Old) and Proposed (New) ward boundaries for Parma Heights:
  - Precincts – 12
  - Precincts per ward – 3
  - Average voters per precinct – 1,103
- Voters impacted by ward/precinct changes – 445 of 13,239 (3%)
- Key points for each ward:
  - Ward 1
    - Precinct 1A is smaller, with a portion moving to Ward 4B.
    - Precinct 1B expands to incorporate a portion of 1C.
    - Precinct 1C is smaller, with a portion moving to 1B.
  - Ward 2
    - Precincts 2A, 2B, and 2C are unchanged.
  - Ward 3
    - Precincts 3A and 3C are unchanged.
    - Precinct 3B expands to include a small portion of Ward 4C.
  - Ward 4
    - Precinct 4A expands to incorporate a portion of 4B.
    - Precinct 4B expands to incorporate a portion of Ward 1A.
    - Precinct 4C is smaller, with a portion moving to Ward 3B.

## Solon

- The following **changes** from the Current (Old) to Proposed (New) ward boundaries for Solon include:
  - Precincts – Increase from 15 to 18 precincts (1 additional precinct in Wards 1, 5, and 6)
  - Average voters per precinct – Decrease from 1,171 to 976
- Voters impacted by ward/precinct changes – 2,824 of 17,574 (16%)
- Key points for each ward:
  - Ward 1
    - Precinct 1A is smaller, with a portion moving to the newly created 1C.
    - Precinct 1B is smaller, with a portion moving to the newly created 1C.
    - Precinct 1C is new.
  - Ward 2
    - Precinct 2A expands to include a portion of Ward 7A.
    - Precinct 2B is unchanged.
  - Ward 3
    - Precinct 3A is slightly changed, with a portion of 3A moving to 3B, while gaining a small portion of Ward 6B.
    - Precinct 3B is slightly changed, with a portion moving to the newly created Ward 1C, while adding a portion of 3A.
  - Ward 4
    - Precincts 4A and 4B are unchanged.
    - Precinct 4C expands to include a portion of Ward 6B.
  - Ward 5
    - Precinct 5A no longer has a split. The previous .02 split (Orange City School District) is now its own precinct (5C). Overall, Precinct 5A is larger, as it expands to include a portion of 5B.
    - Precinct 5B overall is smaller, with a portion moving to 5A. It does expand to include a portion of Ward 7B.
    - Precinct 5C is new and the only precinct in Solon that is in the Orange City School District.



- Ward 6

- Precinct 6A is smaller, with a portion moving to the newly created 6C as well as Ward 7B.
- Precinct 6B is much smaller, with a large portion moving to the newly created 6C.
- Precinct 6C is new.

- Ward 7

- Precinct 7A is about the same, expanding to include a portion of 7B, while a portion moves to Ward 2A.
- Precinct 7B is about the same, expanding to include a portion of Ward 6A, while a portion moves to 7A and Ward 5B.

# Cuyahoga County Board of Elections



Current Precincts



Old Wards

## New Parma Heights Ward Boundaries: Ordinance No: 2021-29 With Current Precincts and Voter Counts

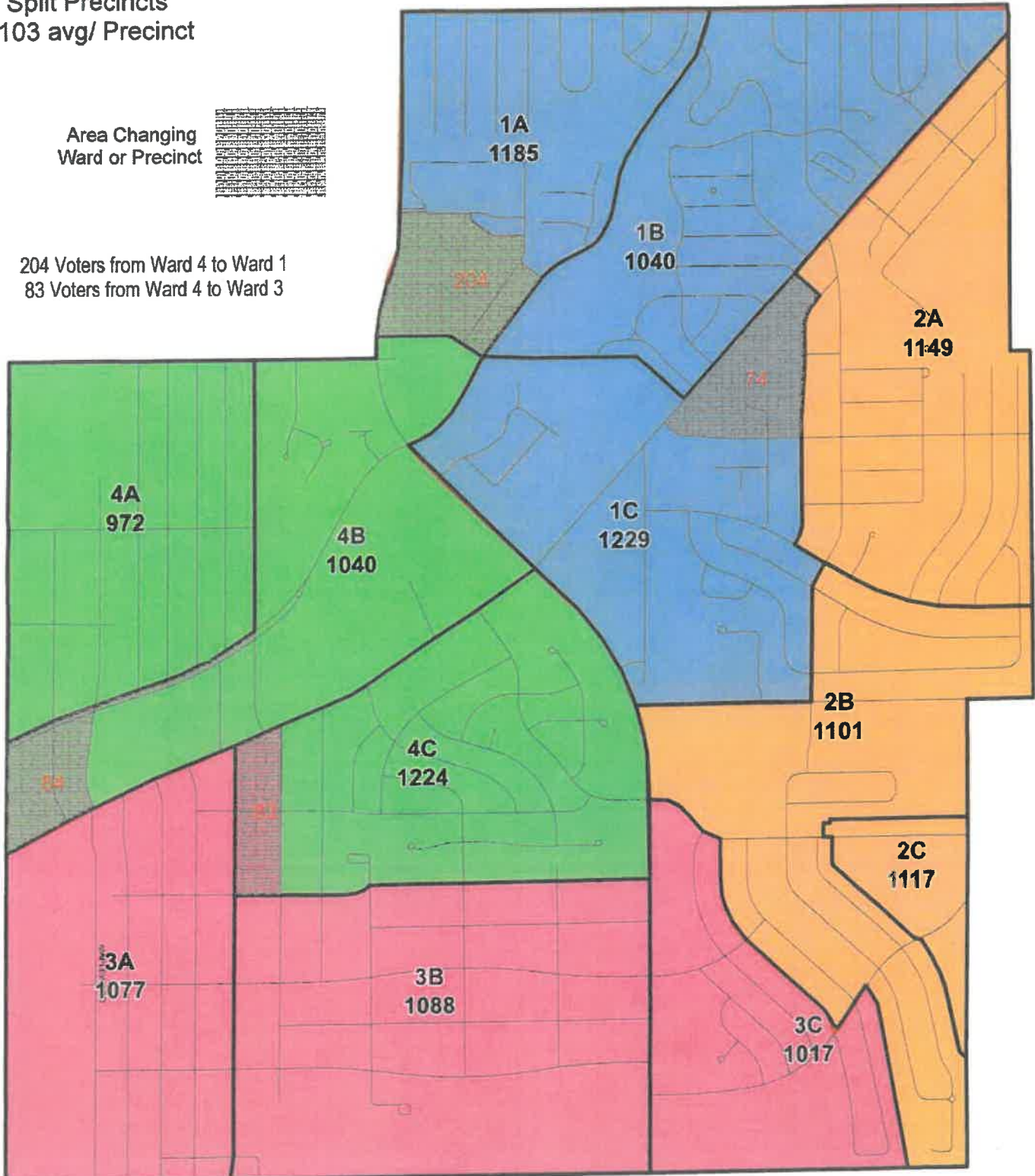
Current Precincts  
City of Parma Heights 13239 voters  
12 Voting Precincts  
0 Split Precincts  
1103 avg/ Precinct

### New Wards\_PAHT by Ward

- Ward 1 - 1A 1B 1C - 1,151 Avg Voters/Precinct
- Ward 2 - 2A 2B 2C - 1,122 Avg Voters/Precinct
- Ward 3 - 3A 3B 3C - 1,060 Avg Voters/Precinct
- Ward 4 - 4A 4B 4C - 1,077 Avg Voters/Precinct

Area Changing  
Ward or Precinct

204 Voters from Ward 4 to Ward 1  
83 Voters from Ward 4 to Ward 3



# Cuyahoga County Board of Elections



Proposed Precincts



Old Wards

## New Parma Heights Ward Boundaries: Ordinance No: 2021-29 With Proposed Precincts and Voter Counts

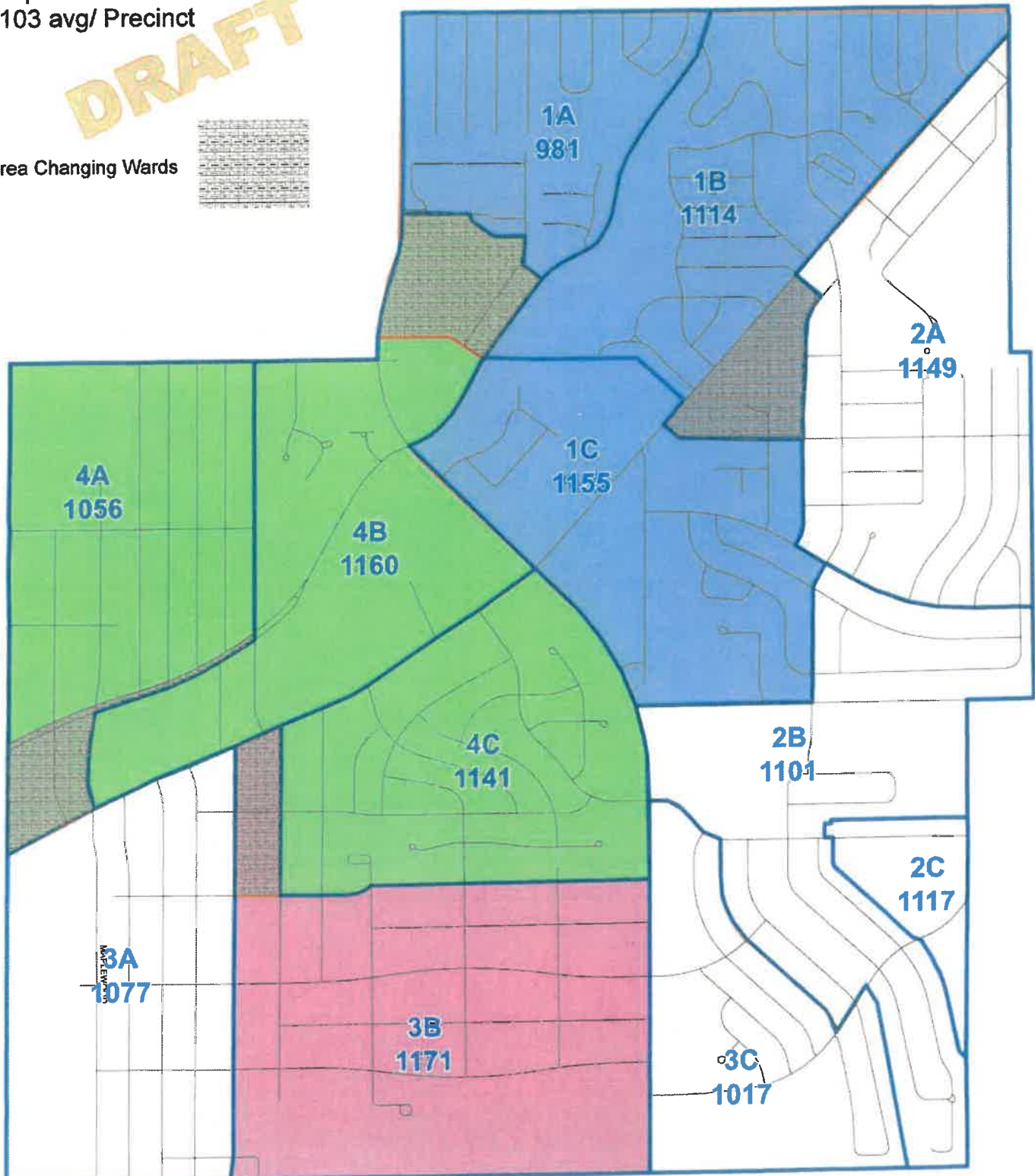
Proposed Precincts  
City of Parma Heights 13239 voters  
12 Voting Precincts  
0 Split Precincts  
1103 avg/ Precinct

### New Wards PAHT by Ward

- Ward 1 - 1A 1B 1C
- Ward 2 - 2A 2B 2C
- Ward 3 - 3A 3B 3C
- Ward 4 - 4A 4B 4C

**DRAFT**

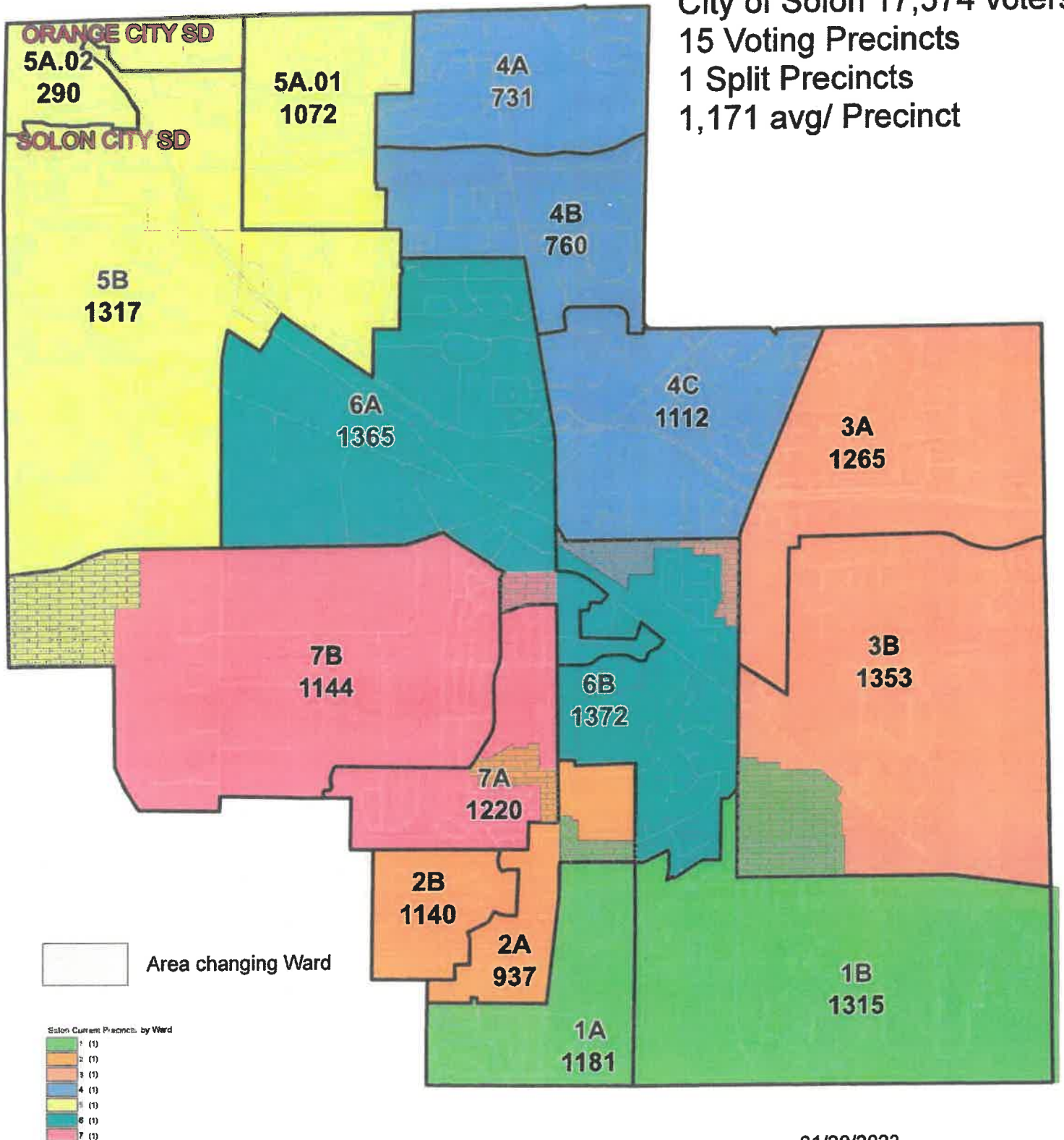
Area Changing Wards





**Cuyahoga County Board of Elections**  
**Solon Current Ward Boundaries & Current Precincts**

**Current Precincts**  
 City of Solon 17,574 voters  
 15 Voting Precincts  
 1 Split Precincts  
 1,171 avg/ Precinct



01/20/2023

**New Solon Ward Boundaries: Ordinance No: 2022-144**  
**As Incorporated into Cuyahoga County GIS**

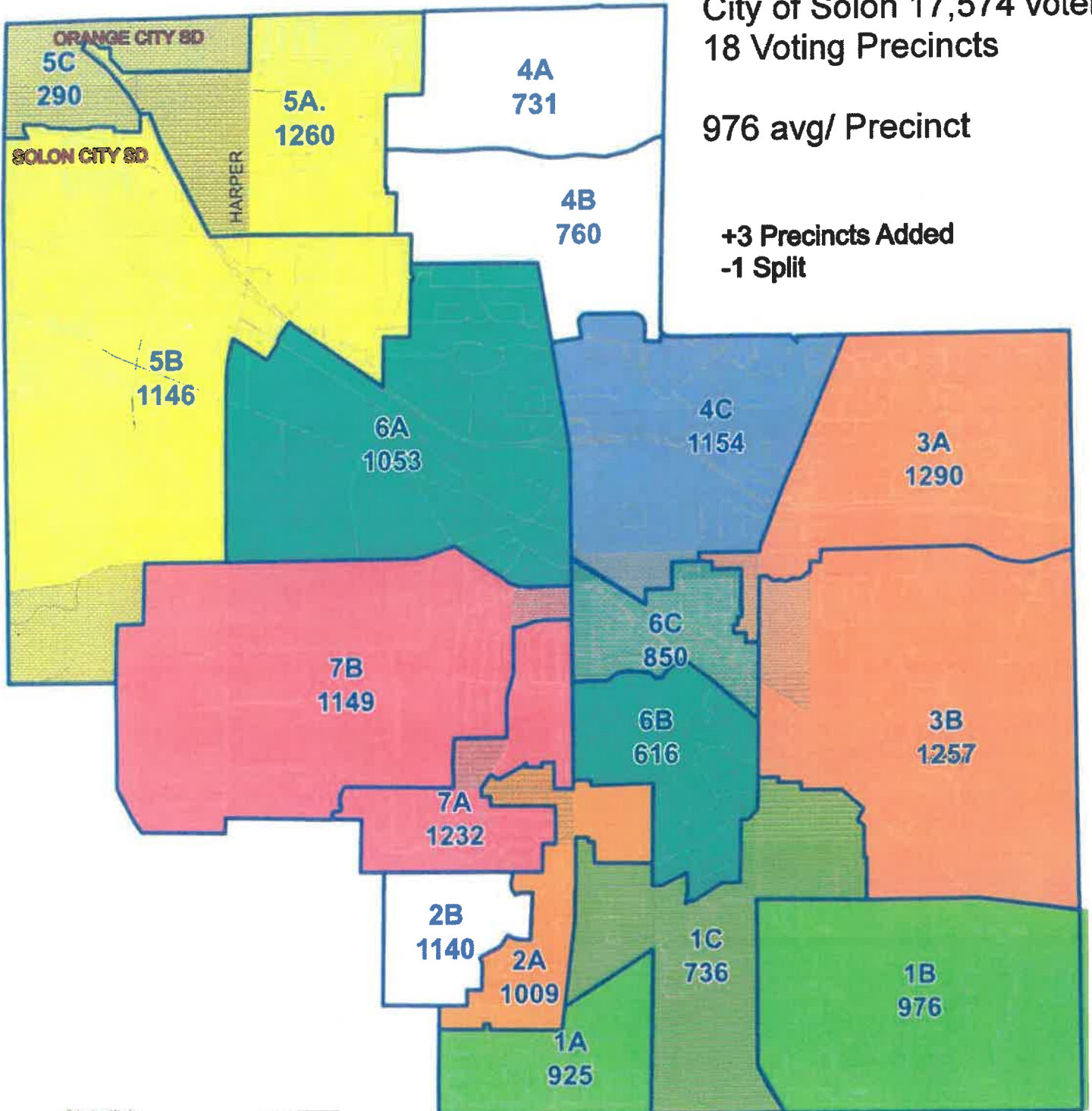
Cuyahoga County Board of Elections

New Solon Ward Boundaries: Ordinance No: 2022-144  
As Incorporated into Cuyahoga County GIS

Proposed Precincts  
City of Solon 17,574 voters  
18 Voting Precincts

976 avg/ Precinct

+3 Precincts Added  
-1 Split



Solon New Wards

- 1 (1)
- 2 (1)
- 3 (1)
- 4 (1)
- 5 (1)
- 6 (1)
- 7 (1)



Area Changing Precinct or Ward



Precincts not changing in white

1/20/2023

# Agenda Item

#4

**Resolution No. R2023-2.13-4-1**

WHEREAS, the Cuyahoga County Fiscal Office (CCFO) requires the Cuyahoga County Board of Elections (CCBOE) to provide multiple documents to the CCFO to facilitate the procurement and subsequent accounts payable functions associated with CCBOE contracts for goods and services from vendors. The Resolution is necessary for the CCBOE to continue to provide for the usual operational services critical to election administration.

RESOLVED, that the Cuyahoga County Board of Elections hereby authorizes the Director, on behalf of the Board, to undertake all actions necessary to procure and subsequently pay the items identified as the annual license and maintenance fee for 10X University online pool worker training in an amount not to exceed \$30,000.00 (Invoice Attached).

RESOLVED, this Resolution shall take effect and be in force immediately upon receiving the affirmative vote of a quorum of members of the CCBOE. All formal actions of this Board relating to the adoption of this Resolution were adopted in an open meeting of the Board, open to the public, and in compliance with all legal requirements of the Ohio Revised Code.

FURTHER RESOLVED, the Director and Chair are authorized to authenticate this resolution upon adoption through their signatures thereon, and the Director is instructed to transmit copies of this resolution to those individuals deemed necessary to effectuate the intent of its adoption.

Board Meeting Date: February 13, 2023

Agenda Item: Fiscal Services 4-1

Vendor: Tenex Software Solutions

Motion: (as presented on the agenda with any edits made during the meeting)

Motion made by: ----- Chairman Hastings

Motion seconded by: ----- Board Member Davis Chappell

Vote of the Board Members:

|                              |   |                              |
|------------------------------|---|------------------------------|
| Jeff Hastings, Chairman      | <input checked="" type="checkbox"/> Yay | <input type="checkbox"/> Nay |
| Inajo Davis Chappell, Member | <input checked="" type="checkbox"/> Yay | <input type="checkbox"/> Nay |
| Lisa M. Stickan, Member      | <input checked="" type="checkbox"/> Yay | <input type="checkbox"/> Nay |
| Terence McCafferty, Member   | <input checked="" type="checkbox"/> Yay | <input type="checkbox"/> Nay |

Resolution adopted at the Cuyahoga County Board of Elections meeting on 13th

February 2023

Signature of Chairman

Signature of Director



Tenex Software Solutions, Inc.  
5021 W Laurel Street  
Tampa, FL 33607 US  
+1 8136183639

## Invoice 1658

**BILL TO**  
OH Cuyahoga County  
Elections

DATE  
10/04/2022

PLEASE PAY  
\$30,000.00

DUE DATE  
11/03/2022

| DATE | DESCRIPTION   | QTY | RATE      | AMOUNT    |
|------|---|-----|-----------|-----------|
|      | 10x University - License & Maintenance (12 Months)<br>Jan 2023 - Dec 2023 | 1   | 30,000.00 | 30,000.00 |

TOTAL DUE

\$30,000.00

THANK YOU.

**Voucher Summary**

**Board Approval Date February 13, 2023**

|   |                                      |                   |   |                    |
|---|--------------------------------------|-------------------|---|--------------------|
|   |                                      |                   |   | <b>\$30,000.00</b> |
|   | <b>Vendor</b>                        | <b>Department</b> | <b>Description</b>  | <b>Amount</b>      |
| 1 | PO210587<br>Tenex Software Solutions | Fiscal Services   | Annual license and maintenance fee 10x University online poll worker training 1/1/23 - 12/31/23. (Yearly payment approved at the March 12, 2021 Board Meeting). | \$30,000.00        |

**Resolution No. R2023-2.13-4-2**

WHEREAS, the Cuyahoga County Fiscal Office (CCFO) requires the Cuyahoga County Board of Elections (CCBOE) to provide multiple documents to the CCFO to facilitate the procurement and subsequent accounts payable functions associated with CCBOE contracts for goods and services from vendors. The Resolution is necessary for the CCBOE to continue to provide for the usual operational services critical to election administration.

RESOLVED, that the Cuyahoga County Board of Elections hereby authorizes the Director, on behalf of the Board, to undertake all actions necessary to procure and subsequently pay the items identified as the postal service meter allocation for the year in an amount not to exceed \$200,100.00 (Purchase Order Attached).

RESOLVED, this Resolution shall take effect and be in force immediately upon receiving the affirmative vote of a quorum of members of the CCBOE. All formal actions of this Board relating to the adoption of this Resolution were adopted in an open meeting of the Board, open to the public, and in compliance with all legal requirements of the Ohio Revised Code.

FURTHER RESOLVED, the Director and Chair are authorized to authenticate this resolution upon adoption through their signatures thereon, and the Director is instructed to transmit copies of this resolution to those individuals deemed necessary to effectuate the intent of its adoption.

Board Meeting Date: February 13, 2023

Agenda Item: Fiscal Services 4-2

Vendor: US Postmaster

Motion: (as presented on the agenda with any edits made during the meeting)

Motion made by: ----- Chairman Hastings

Motion seconded by: ----- Board Member Davis Chappell

Vote of the Board Members:

|                              |   |                              |
|------------------------------|---|------------------------------|
| Jeff Hastings, Chairman      | <input checked="" type="checkbox"/> Yay | <input type="checkbox"/> Nay |
| Inajo Davis Chappell, Member | <input checked="" type="checkbox"/> Yay | <input type="checkbox"/> Nay |
| Lisa M. Stickan, Member      | <input checked="" type="checkbox"/> Yay | <input type="checkbox"/> Nay |
| Terence McCafferty, Member   | <input checked="" type="checkbox"/> Yay | <input type="checkbox"/> Nay |

Resolution adopted at the Cuyahoga County Board of Elections meeting on 13th  
February 2023

Signature of Chairman

Signature of Director

# DEPARTMENT APPROVAL

## CUYAHOGA COUNTY BOARD OF ELECTIONS

**Vendor Name:** US Postmaster

**Vendor Number:** 27308

**PO Number:** 23000491 EXTB

**BILL TO:**

Board of Elections  
2925 Euclid Avenue  
Cleveland, OH 44115

**DELIVER TO:**

Board of Elections  
2925 Euclid Avenue  
Cleveland, OH 44115

**Requested By:** Patrick McAlea, Fiscal Services

**Date:** 1/27/23


| Item | Quantity | UOM | Description                | Unit Price    | Total Price   |
|------|----------|-----|----------------------------|---------------|---------------|
|      |          |     | USPS Postage Replenishment |               |               |
| 1    | 1        | LO  | BE100100 Replenishment     | \$ 16,600.00  | \$ 16,600.00  |
| 2    | 1        | LO  | BE100105 Replenishment     | \$ 31,000.00  | \$ 31,000.00  |
| 3    | 1        | LO  | BE100115 Replenishment     | \$ 152,500.00 | \$ 152,500.00 |

**PO TOTAL:** \$ 200,100.00

**Justification for not receiving three quotes:**

According to Article VII. Section G(1) of the CCBOE Procurement Policy, postage payments and postage permit fees to the USPS are deemed permanently exempt from competitive bidding.

|                            |                                  |
|----------------------------|----------------------------------|
| <b>Accounting Unit(s):</b> | BE100100<br>BE100105<br>BE100115 |
| <b>Account:</b>            | 54250                            |
| <b>Sub-Account:</b>        | 0                                |
| <b>Type:</b>               | Service                          |
| <b>Asset:</b>              | No                               |

  
Authorized Department Signature

**Resolution No. R2023-2.13-4-3**

WHEREAS, the Cuyahoga County Fiscal Office (CCFO) requires the Cuyahoga County Board of Elections (CCBOE) to provide multiple documents to the CCFO to facilitate the procurement and subsequent accounts payable functions associated with CCBOE contracts for goods and services from vendors. The Resolution is necessary for the CCBOE to continue to provide for the usual operational services critical to election administration.

RESOLVED, that the Cuyahoga County Board of Elections hereby authorizes the Director, on behalf of the Board, to undertake all actions necessary to procure and subsequently pay the items identified as the two-year parking agreement for 30 parking spaces. The agreement will be for a 10-months for 2023 in an amount not to exceed \$16, 500 and a 12-month agreement for 2024 in an amount not to exceed \$21,600. (Parking Agreement).

RESOLVED, this Resolution shall take effect and be in force immediately upon receiving the affirmative vote of a quorum of members of the CCBOE. All formal actions of this Board relating to the adoption of this Resolution were adopted in an open meeting of the Board, open to the public, and in compliance with all legal requirements of the Ohio Revised Code.

FURTHER RESOLVED, the Director and Chair are authorized to authenticate this resolution upon adoption through their signatures thereon, and the Director is instructed to transmit copies of this resolution to those individuals deemed necessary to effectuate the intent of its adoption.

Board Meeting Date: February 13, 2023

Agenda Item: Fiscal Services 4-3

Vendor: Madison Development Consulting

Motion: (as presented on the agenda with any edits made during the meeting)

Motion made by: ----- Chairman Hastings

Motion seconded by: ----- Board Member Davis Chappell

Vote of the Board Members:

|                              |   |                              |           |
|------------------------------|---|------------------------------|-----------|
| Jeff Hastings, Chairman      | <input checked="" type="checkbox"/> Yay | <input type="checkbox"/> Nay |           |
| Inajo Davis Chappell, Member | <input type="checkbox"/> Yay            | <input type="checkbox"/> Nay | ABSTAINED |
| Lisa M. Stickan, Member      | <input checked="" type="checkbox"/> Yay | <input type="checkbox"/> Nay |           |
| Terence McCafferty, Member   | <input checked="" type="checkbox"/> Yay | <input type="checkbox"/> Nay |           |

Resolution adopted at the Cuyahoga County Board of Elections meeting on 13  
February 2023

Signature of Chairman

Signature of Director

## **PARKING SPACE LICENSE AGREEMENT**

THIS PARKING SPACE LICENSE AGREEMENT (this "License") is made and entered into as of February 8, 2023 by and between ROBERT P. MADISON (the "Licensor"), and the CUYAHOGA COUNTY BOARD OF ELECTIONS (the "Licensee").

### **WITNESSETH:**

WHEREAS, Licensor owns a certain parking facility located 2930 Euclid Avenue Cleveland Ohio, 44115 (the "Parking Facility"), and;

WHEREAS, Licensee and Licensor desire to license certain parking spaces at the Parking Facility to Licensee during the term of this License on the terms and conditions provided herein.

WHEREAS, Licensee and Licensor agree to terminate the previous parking agreement(s).

NOW, THEREFORE, in consideration of the mutual covenants and obligations set forth herein, Licensor and Licensee agree as follows:

1. Term. The term of this License (the "Term") shall be for the period of March 1, 2023 (the "Commencement Date") through December 31, 2024, unless sooner terminated as set forth hereinafter.
2. The License.
  - a. On the Commencement Date, Licensor shall make available to Licensee on the terms and conditions set forth herein, thirty (30) parking spaces located in the Parking Facility (the "Spaces") AS IS, without representation or warranty of Licensor of any kind with respect to the condition of the Parking Facility or its fitness for any particular purpose.
  - b. This License does not constitute a bailment and at no time shall Licensor take custody, possession, or control of any automobile, but at all times Licensee and its officers, directors, employees, contractors and agents (collectively "Designees") shall have and retain the keys to and the exclusive custody and control of their automobiles that they park in the Spaces.
  - c. Licensee acknowledges that this License does not permit long-term storage of any automobile.
  - d. Licensor reserves the right to deny parking privileges to those automobiles that create excessive maintenance or cleanup requirements due to leakage, drainage, or other similar issues. Licensor reserves the right to remove any automobile at Licensee's expense that is not kept in operable condition abiding by local, state, and federal regulations. All Designees must follow the rules and regulations of Licensor as it relates to the Parking Facility to remain able to park in the Parking Facility.
3. License Fees. (see Exhibit "A" for reference) In exchange for use of the Spaces, Licensee shall pay \$16,500 to the Licensor in 2023 (\$1,650.00 per month, March through December) and \$21,600 to the Licensor in 2024 (\$1,800.00 per month, January through December). There shall be no deductions, refunds, offsets, or allowances from the Licensee Fee for any reason, except as may be expressly provided for in this License. Licensor shall submit verified invoices for payment in a form acceptable

to Licensee on a timely basis, and any right for Licensor to receive payment on invoices submitted more than two months after accrual shall be deemed waived.

4. Parking Facilities. This License granted hereunder is exclusive to the Licensee. Throughout the Term of this License, the Licensee shall always have the sole right to use the Spaces, unless an agreement is made, in writing, between the Licensor and Licensee for third party use. Provided, however, the Licensor shall retain the right to access to 1 (one) Space at the Parking Facility for its own personal use at all times.
5. Unbiased Business Conduct. The Licensor acknowledges that this parking agreement is integral to the Board's ability to administer free and fair elections, which constitutes the essence of the parking agreement. The Board must consider any action, appearance of impropriety, or political bias that the Licensor might impute to the Board. The Licensor will not act or engage in any conduct at the Parking Facility that gives the appearance of impropriety or exhibits political bias or taints the elections process by reason of any partisanship of any kind, perceived or otherwise. The Licensor agrees to i) conduct its operations so as not to cause disrepute, contempt or scandal on the Board or otherwise interfere, directly or indirectly, with the Board's election administration process, and ii) the Licensor acknowledgements and agreements are a material inducement to the Board's selection of the Licensor for the parking agreement.
6. Security. Licensee shall provide, at Licensee's sole cost and expense, reasonable security measures in the Parking Facility during the term of this License.
7. Indemnification. Licensor acknowledges that the Licensee is a political sub-division of the State of Ohio and that the Licensee is self-insured and has sufficient self-insurance to cover any liability arising from Licensee's use of the parking lot. Licensee agrees to be responsible to the extent it is liable for any and all claims, demands, damages, costs, and expenses, including reasonable attorney's fees for its own defense thereof, arising from the negligence or the actions, lack of actions, conduct, or management of Licensee, and any of Licensee's employees, agents, contractors, sub-Licensees, concessionaires, or licensees in or about the Premises. This License does not waive or otherwise limit Licensee's tort immunity or establish any rights of third-party beneficiaries. To the extent not covered by Licensor's insurance, Licensor agrees to indemnify and hold harmless Licensee against any and all claims, demands, damages, costs, and expenses, including reasonable attorney's fees for the defense thereof, arising from the negligence or the actions, lack of actions, conduct, or management of Licensor, and any of Licensor's employees, agents, contractors, sub-contractors, concessionaires, or other licensees in or about the Premises.

Any language herein shall not affect the right of the injured party to recover under such policy. Cuyahoga County, as a governmental entity, is self-insured for general liability. This insurance is administered through the Department of Public Works, Division of Risk Management. All claims and/or inquires should be forwarded to the attention of:

**Risk Management Division**  
Cuyahoga County Law Department  
2079 East 9<sup>th</sup> Street  
Cleveland, Ohio 44114  
(216) 698-6464



8. Licensor's Liability. To the extent that Licensor is deemed excluded from liability under this Agreement, Licensee shall not seek recourse against Licensor's members, managers, officers, employees, affiliates, principals, or lenders.
9. Termination. Licensee shall have the right to terminate this License for any reason effective upon 30 days written notice to the Licensor. Termination of this License shall extinguish all obligations hereunder, and no rights or duties shall continue thereafter except for those described under Section 7., Indemnification, which shall survive the expiration or earlier termination of this License.
10. Snow Removal. In the event Cuyahoga County determines that snow removal is necessary, the Licensee will be responsible for snow removal for the parking lot. The Licensor shall be responsible for snow removal from the sidewalks adjacent to the Parking Facility.
11. Notices. All notices or demands under this License shall be in writing and shall be served in person or by registered or certified mail, return receipt requested, addressed to:

Licensor:

Cuyahoga County Board of Elections  
Attn: Shaunquitta Walker, Fiscal Manager  
2925 Euclid Avenue  
Cleveland, Ohio 44115-2497

Licensee:

Madison Development Consulting  
Attn: Jeanne Madison  
3722 Normandy Road  
Shaker Heights, Ohio 44120

Or to such other address as either party may therefore have designated by written notice so delivered. Each such notice or demand shall be deemed delivered and received on the date upon which the return receipt is signed or delivery is refused or the notice is designated by the postal authorities as not deliverable, as the case may be.

12. Licensor warrants and represents that Licensor is the owner of the Parking Facility and that this License shall be binding upon said party in accordance with the terms and conditions herein.
13. This License agreement shall be governed by the laws of the State of Ohio.

IN WITNESS OF THE FOREGOING, the parties hereto have caused this License to be executed by their duly authorized representatives.

**LICENSOR:**

**Robert P. Madison**

**LICENSEE:**

**CUYAHOGA COUNTY BOARD OF ELECTIONS**

By: \_\_\_\_\_

Robert P. Madison

By: \_\_\_\_\_

Anthony Perlatti, Director

# Agenda Item

## #5

## Agenda Item #5:

Approval to outsource the printing and mailing of Vote-by-Mail ballots for the May 2, 2023, Primary Election.

Agenda Item

#6

**Intent to Retire from Elected Office (ORC 145.38)**

1. Timothy J. DeGeeter, City of Parma, Mayor

**Resignations from Elected Office**

1. Vito Dipierro, Parma City Council, Member of Council (Ward 1)
2. Amanda Karpus, Parma City Schools Board of Education, Member<sup>1</sup>

**Appointment to Elected Office**

1. Steven Coyle, Brooklyn City Council, Member of Council<sup>2</sup>
2. Mark Madden, North Olmsted City Council, Member of Council at Large<sup>3</sup>
3. Vito Dipierro, Parma City Council, President of Council<sup>4</sup>
4. Angela Schwark, Parma City Schools Board of Education, Member
5. Michael R. Morrow, Seven Hills City Council, Member of Council (Ward 4)

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<sup>1</sup> ***Term ends 12-31-2025. A special election is required to fill the two-year balance of the unexpired term at the 11-7-2023 General Election.***

<sup>2</sup> Vacancy acknowledged by the CCBOE at the 12-20-2022 Meeting. Term ends 12-31-2023; no special election is required.

<sup>3</sup> Vacancy acknowledged by the CCBOE at the 1-18-2022 Meeting. Term ends 12-31-2023; no special election is required.

<sup>4</sup> Vacancy acknowledged by the CCBOE at the 12-20-2022 Meeting. Term ends 12-31-2023; no special election is required.

Date: January 27, 2023

**Hand Delivered**

From: Timothy J. DeGeeter  
6009 Dawn Vista Oval  
Parma, Ohio 44129

To: Brent Lawler  
Cuyahoga County Board of Elections  
2925 Euclid Ave.  
Cleveland, Ohio 44115

Dear Mr. Lawler,

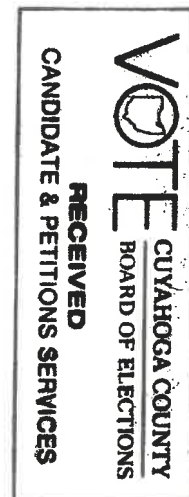
Please allow this correspondence to serve as written notice of my intent to retire from my elected office as Mayor, City of Parma effective on December 31, 2023 in accordance with the Ohio Public Retirement System and Ohio Revised Code Section 145.38

This notice is submitted ninety (90) days prior to the general election date for 2023, which on that day, I will be seeking re-election for Mayor, City of Parma, and if elected, my new will begin January 1, 2024.

Respectfully submitted,

  
Timothy J. DeGeeter

1-27-2023



JAN 27 '23 AM 10:25

January 14, 2023

Council Clerk Kristin L. Saban  
6611 Ridge Road  
Parma, Ohio 44129

Re: Resignation

Dear Mrs. Saban,

Due to my recent appointment as President of Parma City Council on January 14, 2023, I am resigning my position on Parma City Council, Ward 1, effective January 14, 2023.

It was an honor and privilege serving as Parma City Council Member Ward 1.

Sincerely,



Vito Dipierro

'23 JAN 18 PM 1:53





January 19th, 2023

President Steve Vaughn, Board Members Cyndee Bratz, Jack Krise, and Mark Ruda,

This is very different from the letter I had intended to give you when this first unfolded. I was going to explain it has become ever apparent the more hats I wear within the district in my capacity as a board member and active parent intermingle, the more opportunities for speculation there are; and continuing to move between both capacities will create vulnerability for another situation such as this to grow legs. I was going to explain how devastating this accusation has been to my family, my children in particular. Who faced the unimaginable going back to school this week, and did it with grace and their heads held high. They were surrounded by staff who lifted them up, and supported them, folks who know us, who know me. ***And while I wholeheartedly believe in the efficacy of the criminal justice system and my innocence, I am far too aware that the court of public opinion has already handed down a guilty verdict.*** I was going to say that I felt we had very few choices moving forward in regards to my role as a board member.

I was going to say to those of you I spoke with **before the story hit the news and told you I was prepared to resign in the best interests of the district**, and you assured me "I'll support you whatever your decide, however, you're an important part of the team" - Mr. Vaughn or "not to go to the dark side yet" and "this too shall pass"- Mrs. Bratz; That I appreciated those words, but have seen first hand the monster this story has morphed into and the dozens of rumors feeding it. How it had permeated every facet of the district, and that wasn't healthy for us as an organization.

I was going to tell you that this has been unequivocally the worst week of my life, and not because of the public scrutiny, or even the experience of being charged with a crime for the first time in my life. ***It was the accusation that I would take anything away from those boys, whom I love like my own, that has been absolutely soul crushing.*** These are the boys that spent holidays with my family, that climb in and out my car and greet me with "hey Ma", and climb out with "thanks for the ride, love ya Ma", these are the boys that I sent gatorade and goodies to when they had Covid, these are young men I've watched grow over the years, and mean the absolute world to me. That these kids are why I ran for the board in the first place. These are the boys that I sent you a photo of on September 9th, 2022 and told you they are my why, and always will be.

I was going to tell you that it was for them, and all the other students in our district that I felt it best that I tender my resignation, despite all those pleading with me not to because they felt PCSD needed me, and I had more to give to this community. I was going to say that even though I would be conceding to this accusation in the form of my resignation; I was going to say I thought it was time.

'23 JAN 19 PM2:33

But now I have something else to say before I officially tender my resignation. I can't reconcile what this board has just shown its students, staff, and communities- That one of our country's founding principles holds no merit to you, that innocent until proven guilty is simply a phrase people use. We tell our community that our students are resilient, and they can overcome anything thrown their way; yet when something knocks on our door, you distance yourself for the "good of the district", when really it's for the cleanliness of the next campaign cycle. You've shown our children and our community that resiliency in the face of adversity is only expected when you don't have an election to win, or a levy to pass.

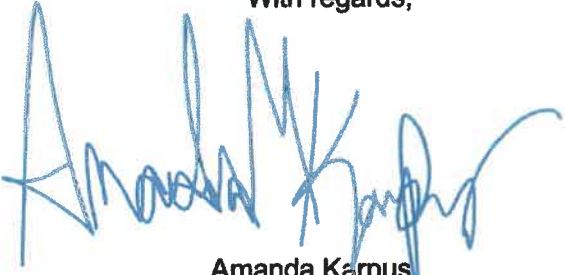
So with my final words as the Vice President of the Parma City School District Board of Education I would like to tell our students, our staff, and our communities this...

In my time on the board, I have advanced our policies to protect our staff and students who are members of the LBGTQIA+ community, I have helped close the gap for students from different socio-economic backgrounds to have equal opportunities. I was part of the team that righted the ship and staved off the Fiscal Emergency by ensuring we had the right people in the right positions. I have supported our curriculum growth and expansion, and voted yes on every adoption to further our children's education within the district. I supported and approved contracts for our Unions that ensured fair compensation for our labor force, which is always in the best interest of our district. I handed high school diplomas to students who I have watched grow into incredible young people, and head off to change the world. Please know that every moment was my honor and privilege.

I hope this community can finally begin to heal from the wounds inflicted in years past, and any that I may have unintentionally caused in my time on the board. I truly believe this community needs to support a bond issue and begin moving our students into 21st century facilities. It is my hope that my seat is filled by someone who will continue that work and share those values. Someone who knows exactly how remarkable it is to be a part of the Parma City School District.

With that, I officially tender my resignation as a member of the Parma City School District Board of Education effective immediately.

With regards,



Amanda Karpus

23 JAN 19 PM2:38



**Re: Parma Schools**

**Sean Nuccio** <nuccios@parmacityschools.org>

Thu 1/19/2023 12:59 PM

**To:** Cory Milne <cmilne@cuyahogacounty.gov>

**Cc:** Brent Lawler <blawler@cuyahogacounty.gov>

Yes, I am aware that we will have three spots open in November. We will have two spots for four-year terms and Amanda Karpus' two-year unexpired term.

On Thu, Jan 19, 2023 at 12:54 PM Cory Milne <cmilne@cuyahogacounty.gov> wrote:

Hi Sean,

Thanks for the update. Please provide a copy of her resignation for our records.

Also, it appears there will be two years (term ends 12/31/25) left on her term, requiring it to go on the ballot this November; can you please confirm so we can proceed with arrangements?

Thanks,

**Cory C. Milne**, Supervisor

Candidate & Petition Services Dept.

Phone: 216-443-3230 | [www.443vote.us](http://www.443vote.us)



**CUYAHOGA COUNTY**  
**BOARD OF ELECTIONS**

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**From:** Sean Nuccio <nuccios@parmacityschools.org>

**Sent:** Thursday, January 19, 2023 12:45 PM

**To:** Brent Lawler <blawler@cuyahogacounty.gov>; Cory Milne <cmilne@cuyahogacounty.gov>

**Subject:** Parma Schools

Amanda Karpus resigned her position as school Board member effective today. Let me know if you need any documentation.

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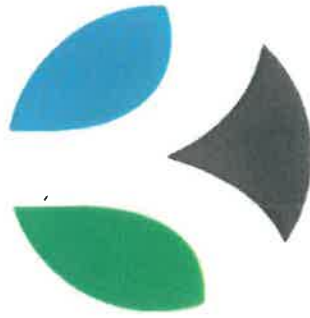
Sean Nuccio, CPA

Treasurer/CFO

Parma City School District

5311 Longwood Avenue

Parma, OH 44134

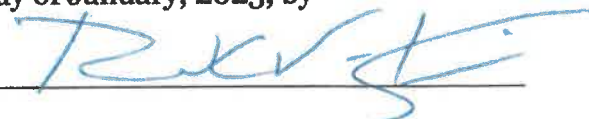


## OATH OF OFFICE Of Steven Coyle

I, Steven Coyle, recognizing my duty to the citizenry of Brooklyn, Ohio, do solemnly promise and swear that I will support the Constitution and Laws of the United States of America, the Constitution and Statutes of the State of Ohio, and the Charter and Ordinances of the City of Brooklyn; and that I will faithfully and impartially discharge and perform all of the duties incumbent upon me as a Member of Council of the City of Brooklyn, according to the best of my ability and understanding, so help me God.

  
\_\_\_\_\_  
Steven Coyle  
Member of Council

This oath administered on this 23  
day of January, 2023, by

  
\_\_\_\_\_

Print name: RON VAN KIRK

Title: MAYOR, CITY OF BROOKLYN



23 JAN 24 PM 3:19

**RE: Brooklyn Council Oath of Office (vacancy filled)**

Kevin Butler <kbutler@brooklynohio.gov>

Tue 1/24/2023 3:50 PM

To: Cory Milne <cmilne@cuyahogacounty.gov>; MaryJo Banish <mbanish@brooklynohio.gov>; Brent Lawler <blawler@cuyahogacounty.gov>

I agree. Mr. Coyle's term ends 12/31/2023. Thanks.

**KEVIN M. BUTLER**

Law Director

**CITY OF BROOKLYN**

7619 Memphis Avenue

Brooklyn, Ohio 44144

D 216-635-4223

M 216-225-4744



**From:** Cory Milne <cmilne@cuyahogacounty.gov>

**Sent:** Tuesday, January 24, 2023 3:20 PM

**To:** MaryJo Banish <mbanish@brooklynohio.gov>; Brent Lawler <blawler@cuyahogacounty.gov>

**Cc:** Kevin Butler <kbutler@brooklynohio.gov>

**Subject:** Re: Brooklyn Council Oath of Office (vacancy filled)

**\*\*EXTERNAL EMAIL WARNING\*\***

**\*\*AUTHENTICATE** the sender of this email before responding | **IF IN DOUBT** contact the sender to authenticate the source of this email | **DO NOT OPEN** any attachments or click any links unless you authenticate this sender\*\*

Hello again,

My records indicate that he is filling a term that ends in 12/31/2023, and not 12/31/2025. Please confirm.

Thanks,

Cory

---

**From:** MaryJo Banish <[mbanish@brooklynohio.gov](mailto:mbanish@brooklynohio.gov)>

**Sent:** Tuesday, January 24, 2023 1:59 PM

**To:** Cory Milne <[cmilne@cuyahogacounty.gov](mailto:cmilne@cuyahogacounty.gov)>; Brent Lawler <[blawler@cuyahogacounty.gov](mailto:blawler@cuyahogacounty.gov)>

**Cc:** Kevin Butler <[kbutler@brooklynohio.gov](mailto:kbutler@brooklynohio.gov)>

**Subject:** RE: Brooklyn Council Oath of Office (vacancy filled)

Gentlemen,

Attached is the Oath of Office for our Councilmember-at-Large, Steven Coyle, who replaces Ron Van Kirk, who succeeded to Mayor. He was sworn in 01/23/2023. He fills the unexpired term ending 12/31/2025. And he has actually already filed his Financial Disclosure (Jen Boger at Ohio Ethics also verified that he has to me today). I will be sending a copy of his Oath to the Secretary of State tomorrow.

Steven Coyle

9415 Beech Avenue  
Brooklyn, OH 44144  
216-952-5812  
[scoyle@brooklynohio.gov](mailto:scoyle@brooklynohio.gov)

Please let me know if you need anything else!

Have a good rest of the week,

MARY-JO BANISH  
Clerk of Council

CITY OF BROOKLYN  
7619 Memphis Avenue  
Brooklyn, Ohio 44144  
P 216-351-2133  
D 216-635-4216



---

**From:** Cory Milne [<mailto:cmilne@cuyahogacounty.gov>]  
**Sent:** Wednesday, January 04, 2023 11:19 AM  
**To:** MaryJo Banish <[mbanish@brooklynohio.gov](mailto:mbanish@brooklynohio.gov)>; Brent Lawler <[blawler@cuyahogacounty.gov](mailto:blawler@cuyahogacounty.gov)>  
**Cc:** Kevin Butler <[kbutler@brooklynohio.gov](mailto:kbutler@brooklynohio.gov)>  
**Subject:** Re: Brooklyn Mayor Oath of Office

**\*\*EXTERNAL EMAIL WARNING\*\***

**\*\*AUTHENTICATE** the sender of this email before responding | **IF IN DOUBT** contact the sender to authenticate the source of this email | **DO NOT OPEN** any attachments or click any links unless you authenticate this sender\*\*

Hi MaryJo -

Received; thank you. Happy New Year to all in Brooklyn too!

Just a friendly reminder to have the new councilmember do their financial disclosure within 15 days of appointment with the Ohio Ethics Commission: [Financial Disclosure - OEC \(ohio.gov\)](https://www.ohio.gov/financial-disclosure).

Thanks again and have a nice day,

**Cory C. Milne, Supervisor**

Candidate & Petition Services Dept.

Phone: 216-443-3230 | [www.443vote.us](http://www.443vote.us)



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**From:** MaryJo Banish <[mbanish@brooklynohio.gov](mailto:mbanish@brooklynohio.gov)>  
**Sent:** Wednesday, January 4, 2023 11:12 AM  
**To:** Brent Lawler <[blawler@cuyahogacounty.gov](mailto:blawler@cuyahogacounty.gov)>; Cory Milne <[cmilne@cuyahogacounty.gov](mailto:cmilne@cuyahogacounty.gov)>

**Cc:** Kevin Butler <[kbutler@brooklynohio.gov](mailto:kbutler@brooklynohio.gov)>

**Subject:** Brooklyn Mayor Oath of Office

Good morning,

Attached is the Oath of Office for the Mayor of City of Brooklyn - former Council President Ron Van Kirk, in accordance with our Charter, for the unexpired term ending 12/31/2023.

Ron Van Kirk, 10122 Manoa Ave, Brooklyn, OH 44144. His work number at City Hall is 216-635-4220.

When a City Councilmember position is filled for that vacancy, I will send that. We are hoping to swear in a person at the Jan. 23<sup>rd</sup> City Council meeting, after conducting interviews the week prior.

Happy New Year!

**MARY-JO BANISH**

Clerk of Council

**CITY OF BROOKLYN**

7619 Memphis Avenue

Brooklyn, Ohio 44144

D 216-635-4216

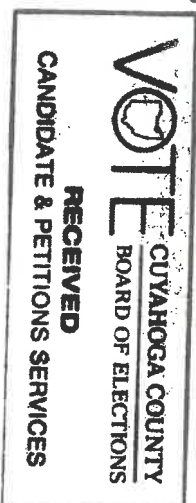
F 216-351-2133





# Oath of Office

*I, Mark Madden, do solemnly swear that I will support  
the Constitution of the United States of America, the  
Constitution and Laws of the State of Ohio, the Charter and  
Ordinances of the City of North Olmsted; and that I will  
faithfully, honestly and impartially discharge the duties of  
Council Member at-Large to the best of my ability, this date  
of January 24, 2023. So help me God.*



23 JAN 25 AM 10:30

*Mark Madden*  
Mark Madden

By: *Nicole Dailey Jones*  
Nicole Dailey Jones, Mayor



**RE: 2023 Municipal Election Calendar North Olmsted****Beatrice Taylor** <taylorb@north-olmsted.com>

Wed 1/25/2023 10:16 AM

**To:** Cory Milne <cmilne@cuyahogacounty.gov>**Cc:** Brent Lawler <blawler@cuyahogacounty.gov>

Hi Cory,

Our new At-Large Council Member, Mark Madden, was sworn in at 3:15 p.m. yesterday, please see attached Oath of Office.

[M Madden Oath of Office Council at Large.pdf \(open link\)](#)

His contact information is below:

Mark Madden  
4530 Selhurst Road  
North Olmsted, OH 44070  
440-520-8778  
maddenm@north-olmsted.com

I will be meeting with him today and will advise of the 15 day deadline in which to submit his financial disclosure.

Thank you!

Bea Taylor  
Clerk of Council  
440.716.4143  
**CITY of NORTH OLMSTED**  
City Council  
5200 Dover Center Road  
North Olmsted, OH 44070  
[North-Olmsted.com](http://North-Olmsted.com)

**From:** Cory Milne [mailto:cmilne@cuyahogacounty.gov]  
**Sent:** Tuesday, January 3, 2023 12:46 PM  
**To:** Beatrice Taylor <taylorb@north-olmsted.com>  
**Cc:** Brent Lawler <blawler@cuyahogacounty.gov>  
**Subject:** Re: 2023 Municipal Election Calendar North Olmsted

Caution: This email originated from outside the organization. Please take care when clicking links or opening attachments. When in doubt, please contact the IT Department.

Got it this time. I'll keep an eye out for the replacement's information when available.

Thanks gain,

**Cory C. Milne**, Supervisor  
Candidate & Petition Services Dept.  
Phone: 216-443-3230 | [www.443vote.us](http://www.443vote.us)

# Certificate by Party Central Committee to Fill Vacancy in County Office or City Office

R.C. 305.02, 731.43, 733.08, 733.31. If charter county or municipality, refer to charter for specific requirements.

January 14, 2023  
(MM/DD/YYYY)

PARMA, Ohio

To the Board of Elections of Cuyahoga County\*

The undersigned respectfully certify that a vacancy in the office of City Council President  
for the City of PARMA has occurred on \_\_\_\_\_,  
(City or County) (MM/DD/YYYY)

due to the Resignation of Sean Brennan who was a member of the  
(Death, Resignation, Etc.)  
Democratic Party.

The Central Committee of the Cuyahoga County Democratic Party has appointed, in accordance with law,  
Vito Dipiero, who is a qualified elector residing at  
12307 Tucson Drive, Parma Ohio 44130, to hold the office and to perform the  
duties thereof until a successor is elected and qualified as provided by law.

Cuyahoga County Central Committee

Signed: Daniel G. Bush, Chairperson

Address 4120 W. 144th St. Cleveland, OH 44135

Signed: Rudy M. Stalck, Secretary

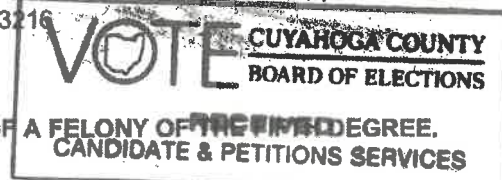
Address 6096 ANDOVER GARFIELD HTS OHIO 44129

## Statement of Acceptance

Vito Dipiero hereby accept appointment to the office of PARMA City Council President  
for the City of PARMA, in accordance with the provisions of law.  
(City or County)

[Signature], Appointee

\*A copy of this certificate must be sent to the Secretary of State, 180 E. Broad Street, 15th Floor, Elections Division, Columbus OH 43215 or P.O. Box 2828, Columbus, OH 43216



WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIRST DEGREE.

JAN 19 2023 PM 12:55

**Re: Fw: Parma Council President Vacancy effective 1.2.23**

Karolyn Isenhardt <kisenhardt@cuydem.com>

Thu 1/19/2023 12:19 PM

To: Brent Lawler <blawler@cuyahogacounty.gov>; parmaward1 <ParmaWard1@gmail.com>

Cc: Anthony W. Perlatti <aperlatti@cuyahogacounty.gov>; Cory Milne <cmilne@cuyahogacounty.gov>; Jen Boger Ethics <jen.boger@ethics.ohio.gov>

Brent, please see attached paperwork for Vito Dipierro's appointment to City Council President in Parma.

His email is [parmaward1@gmail.com](mailto:parmaward1@gmail.com), phone: 216.215.8877.

Vito, you are required to file an Financial Disclosure Form with the Ohio Ethics Commission within 15 days of being sworn in. Their web address for the disclosure form is <https://ethics.ohio.gov/fds/index.html>. If you have any questions, please contact Brent Lawler at the Board of Elections.

On Fri, Dec 9, 2022 at 11:02 AM Brent Lawler <[blawler@cuyahogacounty.gov](mailto:blawler@cuyahogacounty.gov)> wrote:

Good morning

Please be advised that the Board of Elections has been notified effective 1.2.23 Parma Council President Sean P. Brennan will resign his office.

Please complete the attached form when you hold the meeting to fill the vacancy and send us the original.

Also, please provide us at that time the appointee's contact information.

Additionally, please ensure that the appointee is aware of the requirement to file an Financial Disclosure Form with the Ohio Ethics Commission within 15 days of being sworn in. Their web address for the disclosure form is <https://ethics.ohio.gov/fds/index.html>

Let me know if you have any questions.

Regards,  
Brent

Brent E. Lawler, Manager  
Candidate & Petition Services  
Cuyahoga County Board of Elections  
2925 Euclid Avenue  
Cleveland, OH 44115-2497  
Phone: 216.443.6509  
Fax: 216.443.6466  
Email: [blawler@cuyahogacounty.gov](mailto:blawler@cuyahogacounty.gov)

OATH OF OFFICE

CUYAHOGA COUNTY:

: SS

STATE OF OHIO:

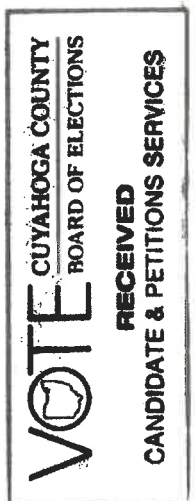
I, ANGELA SCHWARK, DO SOLEMNLY SWEAR THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES AND THE CONSTITUTION OF THE STATE OF OHIO; AND THAT I WILL FAITHFULLY AND IMPARTIALLY DISCHARGE MY DUTIES AS A MEMBER OF THE BOARD OF EDUCATION OF THE PARMA CITY SCHOOL DISTRICT, CUYAHOGA COUNTY, OHIO, TO THE BEST OF MY ABILITY, AND IN ACCORDANCE WITH THE LAWS NOW IN EFFECT AND HEREAFTER TO BE ENACTED, DURING MY CONTINUANCE IN SAID OFFICE, AND UNTIL MY SUCCESSOR IS ELECTED AND QUALIFIED.

  
Angela Schwark  
Parma Board of Education Member

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 30<sup>th</sup> DAY OF  
JANUARY, 2023.



Mr. Sean Nuccio, Treasurer/CFO



23 JAN 31 AM 9:07

**BOARD OF EDUCATION  
PARMA CITY SCHOOL DISTRICT  
Parma, Ohio**

**RESOLUTION 2023-01-61**

**RESOLUTION TO FILL BOARD OF EDUCATION VACANCY**

**WHEREAS**, a vacancy has been caused in this Board of Education by the resignation of Amanda Karpus; and

**WHEREAS**, this Board of Education has by law authority to fill a vacancy for the unexpired term thereof; and

**WHEREAS**, this Board of Education has received eighteen applications; and


**WHEREAS**, this Board of Education conducted seven first round interviews and three second interviews to fill this position.

**NOW, THEREFORE, BE IT RESOLVED** by a majority vote of all the remaining members of the Board of Education of the Parma School District that Angela Schwark be and hereby is, appointed to serve as a member of the Board of Education of this school district until December 31, 2023. An election will be held in November 2023 to fill the unexpired term of Amanda Karpus ending on December 31, 2025.

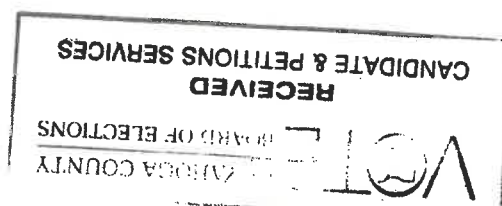
ADOPTED: January 30, 2023

Attest:

  
Sean Nuccio  
Treasurer / Chief Financial Officer

  
Steven Vaughn  
School Board President

pmb



23 JAN 31 AM 9:07

## Fwd: PCSD New Appointed Board Member

Sean Nuccio <nuccios@parmacityschools.org>

Mon 1/30/2023 10:37 PM

To: Brent Lawler <blawler@cuyahogacounty.gov>; Cory Milne <cmilne@cuyahogacounty.gov>

 1 attachments (536 KB)

PCSD New Board Member.pdf;

----- Forwarded message -----

From: **Pamela Bartkowski** <[bartkowskip@parmacityschools.org](mailto:bartkowskip@parmacityschools.org)>

Date: Mon, Jan 30, 2023 at 9:53 PM

Subject: PCSD New Appointed Board Member

To: Sean Nuccio <[nuccios@parmacityschools.org](mailto:nuccios@parmacityschools.org)>

Angela Schwark  
8222 Stratford Drive  
Parma, OH 44129

734-363-3470

--

*Pam Bartkowski*

Administrative Assistant to the Treasurer

Parma City School District

440-885-2324

[bartkowskip@parmacityschools.org](mailto:bartkowskip@parmacityschools.org)

--

Sean Nuccio, CPA  
Treasurer/CFO  
Parma City School District  
5311 Longwood Avenue  
Parma, OH 44134  
440-885-2324



# City of Seven Hills Ohio

7325 SUMMITVIEW DRIVE • SEVEN HILLS, OHIO 44131 • PHONE 216/524-4421


## OATH OF OFFICE

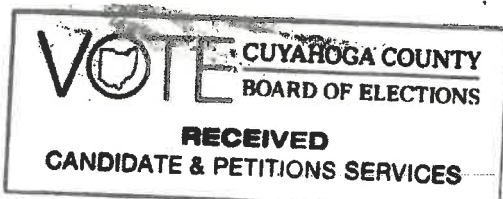
STATE OF OHIO       )  
                              )  
CUYAHOGA COUNTY    )

I,       MICHAEL R. MORROW, DO SOLEMNLY SWEAR THAT I  
WILL SUPPORT AND UPHOLD THE CONSTITUTION OF THE UNITED STATES OF  
AMERICA, THE CONSTITUTION OF THE STATE OF OHIO, THE CHARTER AND  
THE ORDINANCES AND RESOLUTIONS OF THE CITY OF SEVEN HILLS, OHIO,  
AND THAT I WILL FAITHFULLY, HONESTLY, AND IMPARTIALLY DISCHARGE  
THE DUTIES AS WARD 4 COUNCILMAN OF THE CITY OF SEVEN HILLS, STATE  
OF OHIO, DURING MY CONTINUANCE IN SAID OFFICE.

  
MICHAEL R. MORROW

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THE  
12 DAY OF JANUARY 2023.

  
ANTHONY D. BIASIOTTA  
MAYOR  
CITY OF SEVEN HILLS



23 JAN 18 PM 1:55



**From:** Law Department <law@sevenhillsohio.org>

**Sent:** Friday, January 13, 2023 9:57 AM

**To:** Brent Lawler <blawler@cuyahogacounty.gov>

**Cc:** 'Eric J. Moore' <ejm@clevelandaccidentlawyers.com>; Phillip Kiriazis <PKiriazis@sevenhillsohio.org>; Judy Goslin <JGoslin@sevenhillsohio.org>; Michael Morrow <mmorrow@sevenhillsohio.org>

**Subject:** RE: Seven Hills Council Ward 4 replacement

Good Morning Mr. Lawler

Please find above attached a copy of the Oath of Office for Michael R. Morrow who fulfilling the remainder of Richard Dell'Aquila term as Ward 4 councilman in the City of Seven Hills. Mr. Morrow's contact information is Michael R. Morrow

3425 Jasmine Drive  
Seven Hills, Ohio 44131  
216-702-0543

[mmorrow@sevenhillsohio.org](mailto:mmorrow@sevenhillsohio.org) (city email) [mmorrow4@gmail.com](mailto:mmorrow4@gmail.com)

(personal email)

We will notify Mr. Morrow that he needs to complete the Ethics filing within the next 15 days.

Have a good day  
Teri Matson  
City of Seven Hills  
Law Department  
City of Seven Hills  
216-525-6237

# Agenda Item

#7

# VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

## **Candidate / Issue Withdrawal Acknowledgment**

### **Candidates Withdrawn from the May 2, 2023 Primary Election**

| <b><u>Office</u></b>         | <b><u>Name</u></b> | <b><u>Party</u></b> |
|------------------------------|--------------------|---------------------|
| Fairview Park Council Ward 3 | Daniel Jicha       | Nonpartisan         |
| Oakwood Mayor                | Brandon Agnew      | Nonpartisan         |

| <b><u>Issue</u></b>                                      | <b><u>Name</u></b>    |
|--|-----------------------|
| Local Liquor Option: Euclid Ward 8 Precinct E            | Skinny's Bar & Grille |
| Local Liquor Option: Warrensville Hts. Ward 7 Precinct A | Adrenaline Monkey LLC |

### **Candidate Withdrawn from the November 7, 2023 General Election**

| <b><u>Office</u></b>              | <b><u>Name</u></b> | <b><u>Party</u></b> |
|-----------------------------------|--------------------|---------------------|
| Middleburg Heights Council Ward 4 | John J. Grech      | Nonpartisan         |



# CUYAHOGA COUNTY BOARD OF ELECTIONS

Date: 1/27/2023

I, DANIEL SICHA, withdraw my candidacy for

(check one):

- ☒ May 2, 2023 Primary Election  
☐ September 12, 2023 Primary Election  
☐ November 7, 2023 General Election  
☐ Other: \_\_\_\_\_

Party (if applicable): \_\_\_\_\_

Office: FAIRVIEW PARK WARD 3 COUNCIL

Term date (if applicable): \_\_\_\_\_

Signature: 

Printed Name: DANIEL SICHA

Street Address: 20760 VALLEY FORGE Dr.

City / Zip Code: FAIRVIEW PARK OH 44126

Phone: 216-470-6266

Email: DANSSICHA @ GMAIL Com

23 JAN 27 PM 1:27

**VOTE** **CUYAHOGA COUNTY**  
**BOARD OF ELECTIONS**

Date: 2/3/23

I, BRANDON M. AGUIRRE, withdraw my candidacy for  
(check one):

☒ May 2, 2023 Primary Election

☐ September 12, 2023 Primary Election

☐ November 7, 2023 General Election

Other: \_\_\_\_\_

Party (if applicable):  
\_\_\_\_\_

Office:

MAYOR OF OAKWOOD VILLAGE

Term date (if applicable):  
\_\_\_\_\_

Signature:

[Signature]

Printed Name:

BRANDON M. AGUIRRE

Street Address:

5929 ROBIN-DALE RD

City / Zip Code:

OAKWOOD VILLAGE 44114

Phone:

(216) 570-5776

Email:

brandon.aguirre@yahoon.com

23 FEB 3 AM 8:30



CUYAHOGA COUNTY  
BOARD OF ELECTIONS

Date: February 6, 2023

I, Fred J Kreiner, withdraw my  
local option for

(check one):

- ☒ May 2, 2023 Primary Election  
☐ September 12, 2023 Primary Election  
☐ November 7, 2023 General Election

Name of Business: Tim Flynt dba Skinny's Bar and Grille

Owner/Agent Signature:

Owner/Agent Printed Name: Fred J Kreiner, Agent

Street Address: 780 East 222<sup>nd</sup> St

City / Zip Code: Euclid, Ohio 44123

Phone:

2165268239

Email:

fred.kreiner@gmail.com

23 FEB 6 PM 4:20

# VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

Date: 2/7/23

I, Kenneth Dull, withdraw my local option for

(check one):

☒

May 2, 2023 Primary Election

☐

September 12, 2023 Primary Election


☐

November 7, 2023 General Election

Name of Business:

Adrenaline Monkey LLC

Owner/Agent Signature:



Owner/Agent Printed Name: Kenneth Dull

Street Address:

26800 Renaissance PKY

City / Zip Code:

Cleveland, 44128

Phone:

216 970 4011

Email:

kenny@adrenalinemonkeyfun.com

23 FEB 7 PM 2:32



# VOTE



## CUYAHOGA COUNTY BOARD OF ELECTIONS

Date:

1/23/23

I,

JOHN T. GRECH

withdraw my candidacy for

(check one):



November 8, 2022 General Election

7, 2023



Other:

Party (if applicable):

Office:

COUNCIL MIDDLEBURG HTS WARD 4

Term date (if applicable):

Signature:

Printed Name:

JOHN T. GRECH

Street Address:

13872 TRENTON TR.

City / Zip Code:

MIDDLEBURG HTS. 44130

Phone:

940-864-8448

Email:

JGRECH7@YAHOO.COM

23 JAN 23 PM 1:12

# Agenda Item #8



**Certification of Candidates to the May 2, 2023 Primary Election**

| Office                                     | Name       | Last Name | Party       |
|--|------------|-----------|-------------|
| Parma Council Ward 1                       | Daniel P.  | McCarthy  | Democratic  |
| Parma Council Ward 1                       | Mark A.    | Schneider | Democratic  |
| Parma Council Ward 1                       | Monica     | Wilson    | Democratic  |
| Bedford Municipal Court Judge (FTC 1-1-24) | Nick       | Papa      | Democratic  |
| Bedford Municipal Court Judge (FTC 1-1-24) | Robert N.  | Pelunis   | Democratic  |
| Berea Municipal Court Judge (FTC 1-2-24)   | Chris      | Greene    | Democratic  |
| Berea Municipal Court Judge (FTC 1-2-24)   | Sean       | Kilbane   | Democratic  |
| Oakwood Council at Large                   | Elaine Y.  | Gaither   | Nonpartisan |
| Oakwood Council at Large                   | Andrea     | Lowe      | Nonpartisan |
| Oakwood Council at Large                   | Erica L.   | Nikolic   | Nonpartisan |
| Oakwood Council at Large                   | Johnnie A. | Warren    | Nonpartisan |
| Oakwood Council at Large                   | Alvin      | Wilson Jr | Nonpartisan |

**Petition for Board Review**  
**Insufficient Signatures**

**Nicole Goode – Oakwood Village Council at Large - Nonpartisan**

**Overview**

Candidate filed part-petitions containing:

- Valid Signatures Required: 50
- Signatures filed: 52
- Valid Signatures: 46
- Petition signatures short: 4

Candidate was notified by voice message and email advising petition was insufficient by four signatures and encouraged her to withdraw and will be discussed at the Board meeting on February 13, 2023 at 9:30 am; 4<sup>th</sup> floor of the Board of Elections.

**RECOMMENDATION:** The candidate's petition does not have the qualifying minimum valid signatures, and therefore should not be certified to the May 2, 2023 Primary Election.

# Agenda Item #9

## Certification of Issues for the May 2, 2023 Primary Election

**Note:** Issue language is subject to review/revision prior to printing on the ballot.

### School/Library/Special Issues

#### **BEACHWOOD CITY SCHOOL DISTRICT**

##### **Proposed Bond Issue Proposed Bond Issues**

Shall bonds be issued by the Beachwood City School District for the purpose of constructing, furnishing and equipping new elementary school buildings and facilities, renovating, rehabilitating, remodeling, adding to, constructing, furnishing, equipping and otherwise improving other School District buildings and facilities, and clearing, equipping and otherwise improving sites for those School District buildings and facilities in the principal amount of \$65,000,000, to be repaid annually over a maximum period of 37 years, and an annual levy of property taxes be made outside the ten mill limitation, estimated by the county fiscal officer to average over the repayment period of the bond issue 3.95 mills for each \$1 of taxable value, which amounts to \$138.25 for each \$100,000 of the county fiscal officer's appraised value, commencing in 2023, first due in calendar year 2024, to pay the annual debt charges on the bonds, and the pay debt charges on any notes issued in anticipation of those bonds?

#### **GARFIELD HTS CITY SCHOOL DISTRICT**

##### **Proposed Bond Issue and Tax Levy**

Shall the Garfield Heights City School District be authorized to do the following:

(1) Issue bonds for the purpose of constructing, furnishing, equipping, renovating, rehabilitating, remodeling, adding to, and otherwise improving School District buildings and facilities, and clearing, equipping and otherwise improving sites for those School District buildings and facilities in the principal amount of \$19,500,000, to be repaid annually over a maximum period of 37 years, and levy a property tax outside the ten-mill limitation, estimated by the county fiscal officer to average over the bond repayment period of 2.6 mills for \$1 of taxable value, which amounts to \$80.54 for each \$100,000 of the county fiscal officer's appraised value, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?

(2) Levy an additional property tax to provide funds for the acquisition, construction, enlargement, renovation, and financing of general permanent improvements, that the county fiscal office estimates will collect \$3,365,354 annually, at a rate not exceeding 8.6 mills for each \$1 of taxable value, which amounts to \$301 for each \$100,000 of the county fiscal officer's appraised value, for a continuing period of time?

#### **INDEPENDENCE LOCAL SCHOOL DISTRICT**

##### **Proposed Tax Levy (Renewal and Increase)**

Shall a levy renewing \$4,252,863 and providing an increase of \$3,000,000 be imposed by the Independence Local School District for the purpose of providing emergency requirements of the Independence Local School District in the sum of \$7,252,863 and a levy of taxes to be made outside of the ten-mill limitation estimated by the county fiscal officer to average 13.96 mills for each \$1 of taxable value, which amounts to \$452.77 for each \$100,000 of the county fiscal officer/s appraised value, for a period of 10 years?

#### **PARMA CITY SCHOOL DISTRICT**

##### **Proposed Bond Issue**

Shall bonds be issued by the Parma City School District for the purpose of constructing, furnishing and equipping a new high school, renovating, rehabilitating, remodeling, constructing, adding to, furnishing, equipping and otherwise improving other School District buildings and facilities, and clearing, equipping and otherwise improving sites for those School District buildings and facilities in the principal amount of \$199,000,000, to be repaid annually over a maximum period of 36 years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county fiscal officer to average over the repayment period of the bond issue 4.0 mills for each \$1 of taxable value, which amounts to \$140 for each \$100,000 of the county fiscal officer's appraised value, commencing in 2023, first due in calendar year 2024, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?

**WESTLAKE LIBRARY DISTRICT**  
**Proposed Tax Levy (Renewal and Increase)**

A renewal of 2.8 mills and an increase of 0.6 mill for each \$1 of taxable value to constitute a tax for the benefit of the Westlake Porter Public Library for the purpose of current expenses, that the County Fiscal Officer estimates will collect \$5,096,177 annually, at a rate not exceeding 3.4 mills for each \$1 of taxable value, which amounts to \$87.82 for each \$100,000 of the County Fiscal Officer's appraised value, for five years, commencing in 2023, first due in calendar year 2024.

## **Municipal Issues**

**BROADVIEW HEIGHTS -01-B**  
**Local Liquor Option**

Shall the sale of beer, wine and mixed beverages and spirituous liquor be permitted for sale on Sunday by Broadview Brewing Company, LLC an applicant for a D-6 liquor permit and holder of an A1A and A1C liquor permit, authorizing on-premise sales who is engaged in the business of the manufacture of beer and operation of a taproom at 4001-A Towpath Rd., Broadview Heights, OH 44147 in this precinct?

**CITY OF BROOKLYN**  
**Proposed Zoning Amendment**

Shall the Zoning Code of the City of Brooklyn be amended to create the Public Facilities (PF) District and the Parks and Open Space (PO) District?

**CITY OF BROOKLYN**  
**Proposed Zoning Amendment**

Shall the Zoning Code of the City of Brooklyn be amended to change various parcels from be changed from their current zoning districts to the Public Facilities (PF) District?

**CITY OF BROOKLYN**  
**Proposed Zoning Amendment**

Shall the Planning and Zoning Code of the City of Brooklyn be amended to change various parcels from be changed from their current zoning districts to the Parks and Open Spaces (PO) District?

**CITY OF BROOKLYN**  
**Proposed Zoning Amendment**

Shall the Planning and Zoning Code of the City of Brooklyn be amended to change various parcels on Memphis Ave from their current G-B District to the General Industrial (GI) District?

**CITY OF BROOKLYN**  
**Proposed Zoning Amendment**

Shall the Planning and Zoning Code of the City of Brooklyn be amended to change various parcels from their current zoning districts to the General Business (GB) District?

**CITY OF BROOKLYN**  
**Proposed Zoning Amendment**

Shall the Planning and Zoning Code of the City of Brooklyn be amended to change various parcels from their current zoning districts to the Dwelling House (D-H) District?

**CITY OF BROOKLYN**  
**Proposed Zoning Amendment**

Shall the Planning and Zoning Code of the City of Brooklyn be amended to change Parcel No. 43223018, located at 4476 Ridge Rd from its current Single-Family Dwelling House to the Retail Business (R-B) District, and Parcel No. 43208001, located at 10003 Memphis Ave, from its current Apartment House Zoning District to the Retail Business (R-B) District?



**CITY OF BROOKLYN**  
**Proposed Zoning Amendment**

Shall the Planning and Zoning Code of the City of Brooklyn be amended to change Parcel No. 43305002, located at 256 Northridge Oval, from its current Single Family Dwelling House District to the Apartment House (A-H) District?

**CLEVELAND -14-I**  
**Local Liquor Option**

Shall the sale of wine and mixed beverages and spirituous liquor be permitted for sale on Sunday by Dunlap Partners, LLC an applicant for a D-6 liquor permit and a holder of a D-5 Liquor permit authorizing on/off premise sales to customers 21 and over who is engaged in a business of operating a neighborhood bar at 3258 W 32nd St., 1st floor & bsmt & patio, Cleveland, OH 44109 in this precinct?

**NORTH ROYALTON -03-D**  
**Local Liquor Option**

Shall the sale of wine and mixed beverages, and spirituous liquor be permitted for sale on Sunday by Casa Bonita Food, L.L.C. an applicant for a D-6 liquor permit who is engaged in the business of operating a restaurant at 11204 Royalton Road, Front building and patio, North Royalton, Ohio 44133 in this precinct?

**PARMA -09-D**  
**Local Liquor Option**

Shall the sale of wine and mixed beverages & spirituous liquor be permitted for sale on Sunday by HUDREST, LLC doing business as COZUMEL MEXICAN RESTAURANT an applicant for a D6 liquor permit who is engaged in the business of a family oriented, full-service Mexican restaurant at 2071 Snow Rd. (& Patio), Parma, Ohio 44131 in this precinct?

**ROCKY RIVER -03-A**  
**Local Liquor Option**

Shall the sale of wine and mixed beverages be permitted for sale on Sunday by Bilaal Inc dba Rocky River Sunmart an applicant for a D-6 liquor permit, holder of C-1 and C-2 liquor permits who is engaged in the business of a convenience store and gas station at 20045 Lake Road, Rocky River, OH 44116 in this precinct?

**CITY OF SEVEN HILLS**  
**Proposed Tax Levy (Renewal)**

A renewal of a tax for the benefit of the City of Seven Hills for the purpose of providing for the collection of garbage or refuse that the County Fiscal Officer estimates will collect \$953,420 annually, at a rate not exceeding 2.9 mills for each \$1 of taxable value, which amounts to \$70.77 for each \$100,000 of the County Fiscal Officer's appraised value, for five years, commencing in 2022, first due in calendar year 2023.

**SOUTH EUCLID -04-A**  
**Local Liquor Option**

Shall the sale of wine and mixed beverages be permitted for sale on Sunday by Grove Kosher Cleveland, dba Grove Kosher Market an applicant for a D-6 liquor permit authorizing off-premise sales of wine and mixed beverages who is engaged in the business of operating a grocery store at 1930 Warrensville Center Rd., South Euclid, OH 44121 in this precinct?

**CITY OF WARRENSVILLE HTS**  
**Proposed Tax Levy (Renewal)**

A renewal of a tax for the benefit of the City of Warrensville Heights for the purpose of current expenses that the County Fiscal Officer estimates will collect \$321,578 annually, at a rate not exceeding 2.9 mills for each \$1 of taxable value, which amounts to \$26.87 for each \$100,000 of the County Fiscal Officer's appraised value, for five years, commencing in 2023, first due in calendar year 2024.

**Local Option Petitions for Board Review**  
**Sufficiency of Petition Contents**

- At the Board meeting on August 15, 2022 our Board heard a similar issue regarding Broadview Brewing Company where the issue was the petitioner needed to state on the petition in addition to holding the A1A & A1C permits, they needed to also state they were an “applicant for a D-6 liquor.” Our Board held that Broadview Brewing Company was required to state all the permits they were “holders of” and “applicant for” and the local option was not certified to the ballot.
- The Guide to Local Liquor Options Elections Page 17 & 18; (Exhibit A)
  - **R.C. 4301.333 mandates that each part of a **5-R** petition contain all of the following information: (Exhibit B)**
  - #3: “The address and proposed use of the particular location within the election precinct to which the results of the question or questions specified in R.C. 4301.355 apply. The law provides that, for purposes of this petition, “use” means all of the following:  
**The type of each liquor permit applied for by the applicant or held by the liquor permit holder as described in R.C. 4303.11 to 4303.183, including a description of the type of beer or intoxicating liquor sales authorized by each permit as provided in those sections (for example: C-2 liquor permit authorizing off-premise sales);**
- Liquor Control provided staff with a “how to” guide on reading the status of permit applications. (Exhibit C)

**Exhibits**

A - Guide to Local Liquor Options Elections Pages 16 - 19

B - ORC 4301.333 Local option petition contesting a particular location

ORC 4301.355 Election and form of ballots contesting a particular location

ORC 4303.182 – D-6 permit

C - “How to” read permit application status

D – Opinion from Assistant Prosecutor Musson

**Local Liquor Option: Parma Ward 09 Precinct D – Cozumel Mexican Restaurant**

**Overview:**

- Petitioner filed a 5-R – specific location local option petition. (Exhibit E)
  - **Petitioner listed that they were an “applicant for a D6 liquor permit.”**
- Copy of one part petition was sent by the BOE to the Division of Liquor Control to determine the status of the liquor permit application stated on the petition.
- **Liquor Control responded back that Cozumel was is an applicant for a D1, D2, D3, D5I and D6 liquor permits.** (Exhibit F)
- Petition is valid in all other respects.

Petitioner was notified by email that Cozumel Mexican Restaurant local option will be discussed at the Board meeting on February 13, 2023 at 9:30 am; 4<sup>th</sup> floor of the Board of Elections.

**Exhibits**

E - Cozumel Mexican Restaurant local option petition

F - Liquor Control response to BOE on permit status

**Local Liquor Option: North Royalton 03 Precinct D – Casa Bonita Food**

**Overview:**

- Petitioner filed a 5-R – specific location local option petition. (Exhibit G)
  - **Petitioner listed that they were an “applicant for a D6 liquor permit.”**
- Copy of one part petition was sent by the BOE to the Division of Liquor Control to determine the status of the liquor permit application stated on the petition.
- **Liquor Control responded back that Cozumel is a holder of D1, D2 and D3 liquor permits and an applicant for a D6 liquor permits.** (Exhibit H)
- Petition is valid in all other respects.

Petitioner was notified by email that Casa Bonita Food local option will be discussed at the Board meeting on February 13, 2023 at 9:30 am; 4<sup>th</sup> floor of the Board of Elections.

**Exhibits**

G - Casa Bonita Food local option petition

H - Liquor Control response to BOE on permit status

**Local Liquor Option: South Euclid Ward 04 Precinct A – Grove Kosher Market**

**Overview:**

- Petitioner filed a 5-R – specific location local option petition. (Exhibit I)
  - **Petitioner listed that they were an “applicant for a D6 liquor permit.”**
- Copy of one part petition was sent by the BOE to the Division of Liquor Control to determine the status of the liquor permit application stated on the petition.
- **Liquor Control responded back that Grove Kosher Market is an applicant for a D6 liquor permit and holder of C1, C2 and D8 liquor permits.** (Exhibit J)
- Petitioner was advised on January 10, 2023, after they filed the **Casa Bonita Food LO petition**, of the ORC requirement to list each permit the petitioner is a holder of / applicant for. The petitioner began circulating this petition on January 21, 2023.
- Petition is valid in all other respects.

Petitioner was notified by email that Grove Kosher Market local option will be discussed at the Board meeting on February 13, 2023 at 9:30 am; 4<sup>th</sup> floor of the Board of Elections.

**Exhibits**

I - Grove Kosher Market local option petition

J - Liquor Control response to BOE on permit status

# Exhibit A

Guide to Local Liquor Options Elections Pages 16 - 19

## **Process for Particular Use at a Specific Location Local Liquor Option Election (Non-nuisance: Form 5-R)**<sup>49</sup>

### **Generally**

This type of election authorizes the sale of three categories of alcoholic beverages at a specific location in an election precinct:

Category 1: Beer;

Category 2: Wine and mixed beverages; and

Category 3: Spirituous liquor.

**Note:** *"Wine and mixed beverages" is a single category, requiring BOTH wine and mixed beverages. Thus, petition may request "beer and wine and mixed beverages" or "wine and mixed beverages and spirituous liquor," but NOT "beer and wine" or "beer and mixed beverages" or "mixed beverages and spirituous liquor."*

The petition may request authorization to sell only one of the three categories, or any combination of the three, or all three categories of alcoholic beverages.

A petition for a particular use at a specific location can only be used by the following four entities:

1. Holder of the liquor permit(s) listed on the petition,
2. Applicant for the issuance or transfer of the liquor permit(s) for the location named in the petition,<sup>50</sup>
3. Applicant who seeks to operate a liquor agency store, or
4. Designated agent of the holder or applicant for the liquor permit(s) for, or the operator of a liquor agency store at, the location named in the petition.

No one other than a holder or applicant for the necessary permit, operator of a liquor agency store, or the designated agent of the holder/applicant/operator may petition for a particular use election.

### **Petition Form; Petitioner Requirement**

The procedure for particular use local liquor option elections differs significantly from other local liquor option elections. The petitioner, who must be a party legally associated with the premises named in the petition – i.e., the only premises to be affected by the election – files with the board of elections a valid and sufficient petition (**Form 5-R**), properly executed affidavit (**Form 5-N**), and, if the petitioner is the designated agent of a permit holder, applicant, or operator of a liquor agency store, written evidence of that designation.

Because only the location named in the petition will be affected by the election, there is no requirement that notice be given to the Division of Liquor Control or to any other permit holder who might be located within the precinct named in the petition before the petition is circulated.

**Petitioners - Note well:** *The name used on the petition to designate the permit holder, permit applicant, or operator of a liquor agency store – including, if applicable, any trade or fictitious name*

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<sup>49</sup> R.C. 4301.323, 4301.333, 4301.355, 4301.365, 4301.39.

<sup>50</sup> For questions about an Economic Development Transfer (TREX), please contact the Division of Liquor Control.

*under which it does, or intends to do, business – and the address of the location specified on the petition must be **identical** in all respects to the name and address then on file with the Division of Liquor Control for that location. If either the name or address on file with Liquor Control as of the date the board of elections certifies the validity and sufficiency of the petition is not identical to the petition, the question(s) will not be certified to the ballot. Ohio law specifically prohibits anyone from changing or withdrawing a petition after it has been filed.<sup>51</sup>*

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The petitioner serves as the contact person for the local liquor option issue. Consequently, the petitioner must:

- Provide their name and mailing address to the board of elections, and
- Sign all documents to be filed with the board of elections that pertain to the local liquor option issue.

### **Pick up Petition and Other Materials**

The **petitioner** – not the board of elections or any of its employees – determines which local liquor option question to place on the ballot. The petitioner is responsible for obtaining the appropriate petitions and other forms by a date far enough in advance of the targeted election to allow the petitioner sufficient time to meet all the statutory requirements, including the statutory filing deadline 90 days before the election.

The board of elections must provide the petitioner with the following materials:

1. **Petition (Form 5-R);**
2. **Form 5-N Affidavit of Intended Use;**
3. **Guide to Local Liquor Option Elections;** and
4. **Form 5-F, Certificate of Required Number of Signatures**, containing the minimum number of valid signatures required to place on the ballot the question(s) indicated on the petition. The board of elections must issue **Form 5-F** to the petitioner within 15 days after the petitioner's request. The petition (**Form 5-R**) must be signed by a number of qualified electors of the precinct that is equal in number to at least 35 percent of the total number of votes cast in that precinct for the office of governor at the most recent gubernatorial election, except that if the petition is solely for a Sunday sales question, the petition only needs the signatures of 50 qualified electors.

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**Note:** A circulator of a local liquor option petition is not required to be an elector, but must be at least 18 years of age.

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**R.C. 4301.333** mandates that each part of a **5-R** petition contain all of the following information:

1. A notice that the petition is for the submission of the question or questions set forth in R.C. 4301.355;
2. The name of the applicant for the issuance or transfer, or the holder, of the liquor permit or, if applicable, the name of the liquor agency store, including any trade or fictitious names under which the applicant, holder, or liquor agency store either intends to do or does business at the particular location;

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<sup>51</sup> R.C. 3501.38(I).



3. The address and proposed use of the particular location within the election precinct to which the results of the question or questions specified in R.C. 4301.355 apply. The law provides that, for purposes of this petition, "use" means **all** of the following:

- The **type of each liquor permit** applied for by the applicant or held by the liquor permit holder as described in R.C. 4303.11 to 4303.183, **including a description of the type of beer or intoxicating liquor sales authorized by each permit** as provided in those sections (for example: C-2 liquor permit authorizing off-premise sales);

**Note:** Failure to list the type of sales authorized by the permit on the petition will invalidate the petition. Some examples of the type of sales authorized include, but are not limited to, "on-premise sales," "off-premise sales," and "on/off premise sales," depending upon the type of liquor permit.

- If a **liquor agency store**, the fact that the business is operated as a liquor agency store authorized to operate by this state; and
- A **description of the general nature of the business** of the applicant, liquor permit holder, or liquor agency store (for example: convenience store).

### File Petition

The petitioner must file all of the following documents with the board of elections not later than 4 p.m. on the 90th day before a general election or a special election held on a day on which a primary election may be held:

1. **Petition (Form 5-R).**

2. **Form 5-N Affidavit of Intended Use.**

3. If the permit holder/applicant or liquor agency store designated an agent for purpose of circulating and filing the **5-R** petition, **separate written evidence of that designation of agent**, signed by the permit holder/ applicant or liquor agency store.

**Note:** There is no form prescribed by the Secretary of State for designating the agent. The parties who want the **5-R** petition filed are responsible for producing the necessary documentation, such as a letter from the applicant identifying the agent as such.

4. **Appropriate filing fee.**<sup>52</sup>

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**Note to Petitioners:** The law requires you to file the affidavit (**Form 5-N**) and, if applicable, the written evidence of the designation of agent, at the time you file the petition (**Form 5-R**). Failure to comply will result in the invalidation of the entire petition.<sup>53</sup>

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### Board of Elections Must Determine Petition's Validity and Sufficiency

Not later than the 78th day before the election, the board of elections must examine and determine the validity and sufficiency of the petition for certification of the question(s) to the ballot.<sup>54</sup>

### Board of Elections' Notice Requirements

Upon the filing of a **5-R** Petition seeking an election on a particular use at a specific location, the board of elections may email a copy of the front side of one part of the petition to the Division of

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<sup>52</sup> R.C. 3513.10 (B)(2).

<sup>53</sup> R.C. 4301.333(C)(2).

<sup>54</sup> R.C. 4301.33, 4301.331, 4305.14.



Liquor Control at [liquorlicensingmailunit@com.state.oh.us](mailto:liquorlicensingmailunit@com.state.oh.us) for verification prior to certification that the petitioner is an applicant, permit holder, or liquor agency store at the location specified on the petition.

The board of elections must submit the Notice of Election to be Held (**Form 126-A**) to the Secretary of State's office and the Division of Liquor Control upon the board's certification of the issue and determination of the date of the election.

Not later than 10 days before the election, the board of elections must post or publish a public notice of the election.<sup>55</sup>

## **Special Instructions**

### **Twenty-Nine Day Rule for Liquor Permit Holder Whose Permit is Made Partially or Wholly Unlawful Due to Results of Certain Local Liquor Option Elections**

Where a permit is made partially unlawful as the result of a local liquor option election held pursuant to:

- R.C. 4301.35 (choice of questions);
- R.C. 4301.351 (Sunday sales in entire precinct);
- R.C. 4301.353 (sales in a portion of a precinct);
- R.C. 4303.29 (sale of spirituous liquor by the glass); or
- R.C. 4305.14 (sale of beer),

A particular location local liquor option election may be held if both of the following occur no later than 29 days after the Division of Liquor Control receives the final notice of the results of such election:

1. The affected permit holder files with the board of elections a valid and sufficient petition for a particular use at a specific location (**Form 5-R**) to hold a particular location local liquor option election pursuant to R.C. 4301.333; and
2. The affected permit holder files with the Division of Liquor Control's superintendent a copy of that petition (**Form 5-R**) bearing the board of elections' file stamp.

If both of those conditions are met, the results of the local liquor option election that made the permit partially unlawful will not take effect as to that liquor permit holder until the Division of Liquor Control receives final notice from the board of elections of either of the following events (whichever occurs earlier):

1. The board of elections determines that the petition (**Form 5-R**) filed by the permit holder pursuant to R.C. 4301.39 (G) is invalid; or
2. An election held pursuant to R.C. 4301.355 concerning the liquor permit holder resulted in a majority no vote.

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<sup>55</sup> R.C. 3501.03.

## **Exhibit B**

- **ORC 4301.333 Local option petition contesting a particular location**
- **ORC 4301.355 Election and form of ballots contesting a particular location**
- **ORC 4303.182 – D-6 permit**



## Ohio Revised Code

### Section 4301.333 Local option petition contesting a particular location.

Effective: March 23, 2022

Legislation: Senate Bill 102

(A) The privilege of local option conferred by section 4301.323 of the Revised Code may be exercised if, not later than four p.m. of the ninetieth day before the day of a general election or a special election held on a day on which a primary election may be held, a petition is presented to the board of elections of the county in which the precinct is situated by a petitioner who is one of the following:

(1) An applicant for the issuance or transfer of a liquor permit at, or to, a particular location within the precinct;

(2) The holder of a liquor permit at a particular location within the precinct;

(3) A person who operates or seeks to operate a liquor agency store at a particular location within the precinct;

(4) The designated agent for an applicant, liquor permit holder, or liquor agency store described in division (A)(1), (2), or (3) of this section.

(B) If the petition is for the submission of the question specified in division (B)(1) of section 4301.355 of the Revised Code or both questions specified in divisions (B)(1) and (2) of that section, the petition shall be signed by the electors of the precinct equal in number to at least thirty-five per cent of the total number of votes cast in the precinct for the office of governor at the preceding general election for that office. If the petition is solely for the submission of the question specified in division (B)(2) of section 4301.355 of the Revised Code, the petition shall be signed by fifty electors.

The petition shall contain all of the following:

(1) A notice that the petition is for the submission of the question or questions set forth in section 4301.355 of the Revised Code;



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- (2) The name of the applicant for the issuance or transfer, or the holder, of the liquor permit or, if applicable, the name of the liquor agency store, including any trade or fictitious names under which the applicant, holder, or liquor agency store either intends to do or does business at the particular location;
- (3) The address and proposed use of the particular location within the election precinct to which the results of the question or questions specified in section 4301.355 of the Revised Code shall apply. For purposes of this division, "use" means all of the following:
- (a) The type of each liquor permit applied for by the applicant or held by the liquor permit holder as described in sections 4303.11 to 4303.183 of the Revised Code, including a description of the type of beer or intoxicating liquor sales authorized by each permit as provided in those sections;
  - (b) If a liquor agency store, the fact that the business operated as a liquor agency store authorized to operate by this state;
  - (c) A description of the general nature of the business of the applicant, liquor permit holder, or liquor agency store.
- (C)(1) At the time the petitioner files the petition with the board of elections, the petitioner shall provide to the board both of the following:
- (a) An affidavit that is signed by the petitioner and that states the proposed use of the location following the election held to authorize the sale of beer or intoxicating liquor authorized by each permit as provided in sections 4303.11 to 4303.183 of the Revised Code;
  - (b) Written evidence of the designation of an agent by the applicant, liquor permit holder, or liquor agency store described in division (A)(1), (2), or (3) of this section for the purpose of petitioning for the local option election, if the petitioner is the designated agent of the applicant, liquor permit holder, or liquor agency store.
- (2) Failure to supply the affidavit, or the written evidence of the designation of the agent if the



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petitioner for the local option election is the agent of the applicant, liquor permit holder, or liquor agency store described in division (A)(1), (2), or (3) of this section, at the time the petition is filed invalidates the entire petition.

(D) Not later than the seventy-eighth day before the day of the next general election or the next special election held on a day on which a primary election may be held, whichever occurs first, the board shall examine and determine the sufficiency of the signatures and the validity of the petition. If the board finds that the petition contains sufficient signatures and in other respects is valid, it shall order the holding of an election in the precinct on the day of the next general election or the next special election held on a day on which a primary election may be held, whichever occurs first, for the submission of the question or questions set forth in section 4301.355 of the Revised Code.

(E) A petition filed with the board of elections under this section shall be open to public inspection under rules adopted by the board.

(F) An elector who is eligible to vote on the question or questions set forth in section 4301.355 of the Revised Code may file, not later than four p.m. of the seventy-fourth day before the day of the election at which the question or questions will be submitted to the electors, a protest against a local option petition circulated and filed pursuant to this section. The protest shall be in writing and shall be filed with the election officials with whom the petition was filed. Upon the filing of the protest, the election officials with whom it is filed shall promptly establish a time and place for hearing the protest and shall mail notice of the time and place for the hearing to the applicant for, or the holder of, the liquor permit who is specified in the petition and to the elector who filed the protest. At the time and place established in the notice, the election officials shall hear the protest and determine the validity of the petition.



## Ohio Revised Code

### Section 4301.355 Election and form of ballots contesting a particular location.

Effective: March 23, 2022

Legislation: Senate Bill 102

(A) If a petition is filed under section 4301.333 of the Revised Code for the submission of the question or questions set forth in this section, it shall be held in the precinct as ordered by the board of elections under that section. The expense of holding the election shall be charged to the municipal corporation or township of which the precinct is a part.

(B) At the election, one or more of the following questions, as designated in a valid petition, shall be submitted to the electors of the precinct:

(1) "Shall the sale of \_\_\_\_\_ (insert beer, wine and mixed beverages, or spirituous liquor) be permitted by \_\_\_\_\_ (insert name of applicant, liquor permit holder, or liquor agency store, including trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either intends to do, or does, business at the particular location), an \_\_\_\_\_ (insert "applicant for" or "holder of" or "operator of") a \_\_\_\_\_ (insert class name of liquor permit or permits followed by the words "liquor permit(s)" or, if appropriate, the words "liquor agency store for the State of Ohio"), who is engaged in the business of \_\_\_\_\_ (insert general nature of the business in which applicant or liquor permit holder is engaged or will be engaged in at the particular location, as described in the petition) at \_\_\_\_\_ (insert address of the particular location within the precinct as set forth in the petition) in this precinct?"

(2) "Shall the sale of \_\_\_\_\_ (insert beer, wine and mixed beverages, or spirituous liquor) be permitted for sale on Sunday by \_\_\_\_\_ (insert name of applicant, liquor permit holder, or liquor agency store, including trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either intends to do, or does, business at the particular location), an \_\_\_\_\_ (insert "applicant for a D-6 liquor permit," "holder of a D-6 liquor permit," "applicant for or holder of an A-1-A, A-2, A-2f, A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 liquor permit," if only the approval of beer sales is sought, or "liquor agency store") who is engaged in the business of \_\_\_\_\_ (insert general nature of the business in which applicant or liquor permit holder is



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engaged or will be engaged in at the particular location, as described in the petition) at \_\_\_\_\_  
(insert address of the particular location within the precinct) in this precinct?"

(C) The board of elections shall furnish printed ballots at the election as provided under section 3505.06 of the Revised Code, except that a separate ballot shall be used for the election under this section. The question set forth in this section shall be printed on each ballot, and the board shall insert in the question appropriate words to complete it. Votes shall be cast as provided under section 3505.06 of the Revised Code.



## Ohio Revised Code Section 4303.182 D-6 permit.

Effective: March 23, 2022

Legislation: Senate Bill 102

(A) Except as otherwise provided in divisions (B) to (K) of this section, permit D-6 shall be issued to the holder of an A-1-A, A-2, A-2f, A-3a, A-5, C-2, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under that permit on Sunday. However, such a sale only may be allowed if the sale has been approved under a question specified in division (B) of section 4301.351 or 4301.354 of the Revised Code, in division (B)(2) of section 4301.355 of the Revised Code, or in section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, under the restrictions of that authorization.

(B) Permit D-6 shall be issued to the holder of any permit, including a D-4a and D-5d permit, authorizing the sale of intoxicating liquor issued for a premises located at any publicly owned airport, as defined in section 4563.01 of the Revised Code, at which commercial airline companies operate regularly scheduled flights on which space is available to the public, to allow sale under such permit on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

(C) Permit D-6 shall be issued to the holder of a D-5a permit, and to the holder of a D-3 or D-3a permit who is the owner or operator of a hotel or motel that is required to be licensed under section 3731.03 of the Revised Code, that contains at least fifty rooms for registered transient guests, and that has on its premises a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and is affiliated with the hotel or motel and within or contiguous to the hotel or motel and serving food within the hotel or motel, to allow sale under such permit on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

(D) The holder of a D-6 permit that is issued to a sports facility may make sales under the permit on any Sunday on which a professional baseball, basketball, football, hockey, or soccer game is being played at the sports facility. As used in this division, "sports facility" means a stadium or arena that





has a seating capacity of at least four thousand and that is owned or leased by a professional baseball, basketball, football, hockey, or soccer franchise or any combination of those franchises.

(E) Permit D-6 shall be issued to the holder of any permit that authorizes the sale of beer or intoxicating liquor and that is issued to a premises located in or at the Ohio history connection area or the state fairgrounds, as defined in division (B) of section 4301.40 of the Revised Code, to allow sale under that permit on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

(F) Permit D-6 shall be issued to the holder of any permit that authorizes the sale of intoxicating liquor and that is issued to an outdoor performing arts center to allow sale under that permit on Sunday, whether or not that sale has been authorized under section 4301.361 of the Revised Code. A D-6 permit issued under this division is subject to the results of an election, held after the D-6 permit is issued, on question (B)(4) as set forth in section 4301.351 of the Revised Code. Following the end of the period during which an election may be held on question (B)(4) as set forth in that section, sales of intoxicating liquor may continue at an outdoor performing arts center under a D-6 permit issued under this division, unless an election on that question is held during the permitted period and a majority of the voters voting in the precinct on that question vote "no."

As used in this division, "outdoor performing arts center" means an outdoor performing arts center that is located on not less than eight hundred acres of land and that is open for performances from the first day of April to the last day of October of each year.

(G) Permit D-6 shall be issued to the holder of any permit that authorizes the sale of beer or intoxicating liquor and that is issued to a golf course owned by the state, a conservancy district, a park district created under Chapter 1545. of the Revised Code, or another political subdivision to allow sale under that permit on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

(H) Permit D-6 shall be issued to the holder of a D-5g permit to allow sale under that permit on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.



(I) Permit D-6 shall be issued to the holder of any D permit for a premises that is licensed under Chapter 3717. of the Revised Code and that is located at a ski area to allow sale under the D-6 permit on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

As used in this division, "ski area" means a ski area as defined in section 4169.01 of the Revised Code, provided that the passenger tramway operator at that area is registered under section 4169.03 of the Revised Code.

(J) Permit D-6 shall be issued to the holder of any permit that is described in division (A) of this section for a permit premises that is located in a community entertainment district, as defined in section 4301.80 of the Revised Code, that was approved by the legislative authority of a municipal corporation under that section between October 1 and October 15, 2005, to allow sale under the permit on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

(K) A D-6 permit shall be issued to the holder of any D permit for a premises that is licensed under Chapter 3717. of the Revised Code and that is located in a state park to allow sales under the D-6 permit on Sunday, whether or not those sales have been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

As used in this division, "state park" means a state park that is established or dedicated under Chapter 1546. of the Revised Code and that has a working farm on its property.

(L) If the restriction to licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises is applicable, the division of liquor control may accept an affidavit from the permit holder to show the proportion of the permit holder's gross receipts derived from the sale of food and other goods and services. If the liquor control commission determines that affidavit to have been false, it shall revoke the permits of the permit holder at the premises concerned.

(M) The fee for the D-6 permit is five hundred dollars when it is issued to the holder of an A-1-A, A-2, A-2f, A-3a, A-5, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-



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5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The fee for the D-6 permit is four hundred dollars when it is issued to the holder of a C-2 permit.

(N) Sunday sales of beer, wine, mixed beverages, or spirituous liquor authorized under a valid D-6 permit issued prior to, on, or after the effective date of this amendment may occur during the same hours that a permit holder may sell those products on Monday through Saturday.

# Exhibit C

**“How to” read permit application status**

RE: Application status requested: South Euclid 04-A Grove Kosher Market

localoption@com.ohio.gov <localoption@com.ohio.gov>

Thu 2/2/2023 12:02 PM

To: Brent Lawler <blawler@cuyahogacounty.gov>

You are seeing:

Upper left: permit number, taxing district (county + city/twp)

Upper right: permit holder and permit premise address

Middle columns: Classes they have applied for / are issued / were cancelled in the past.

Bottom red oval: status of permit classes. Yes = current issued, drypend = pending app, known dry, pend = pending app, noopen = pending app, no opening yet in the quota, and variations of "cancelled" and below that the date of cancellation.

Let me know if you have any more questions!

| PERMIT NUMBER - 3409460   |                              | NAME AND ADDRESS            |               | PGLBD                | 092323   |
|---|------------------------------|-----------------------------|---------------|----------------------|----------|
| COUNTY - 18 CUYAHOGA LLC  |                              | GROVE KOSHER CLEVELAND LLC  |               |                      |          |
| TAXING DISTRICT - 550 SOUTH EUCLID  |                              | DBA GROVE KOSHER MARKET     |               |                      |          |
| NO EXISTING VIOLATIONS  |                              | 1930 WARRENSVILLE CENTER RD |               |                      |          |
| SUB SALE INFO BEER  |                              | SOUTH EUCLID OH 44121       |               |                      |          |
| PROBLEM CODE  |                              |                             |               |                      |          |
| PROBLEM DATE  |                              |                             |               |                      |          |
| LAST INSPECTION   |                              |                             |               |                      |          |
| HOLDER BAR CODE   |                              |                             |               |                      |          |
|   |                              | OUTLET NUMBER               | AGENCY NUMBER |                      |          |
| RESTRICTION:  |                              |                             |               |                      |          |
| CLASS   | C1                           | C2                          | D5            | D5                   |          |
| TYPE OF APPLICATION   | N                            | REN                         | N             | N                    |          |
| APPLICATION DATE  | 12/06/22                     | 08/23/22                    | 11/24/21      | 12/06/22             |          |
| FILING STATUS   | TIMELY                       | TIMELY                      | TIMELY        | TIMELY               |          |
| RECEIPT NUMBER  | 0061480                      | 0051800                     | 0023136       | 0061475              |          |
| FEE AMOUNT  | 252.00                       | 376.00                      | 400.00        | 500.00               |          |
| APPLICATION PENDING DATE  |                              |                             | 11/24/21      |                      |          |
| RENEWAL PENDING STATUS  | NO                           | NO                          | NO            | NO                   |          |
| SITE LOCATION VOTE  |                              |                             |               |                      |          |
| ORIGINAL ISSUE DATE   | 01/19/23                     | 11/12/21                    |               | 01/19/23             |          |
| SOURCE OF ORIGINAL ISSUE  | NEW-OTA                      | NEW-OTA                     |               | NEW-NOT              |          |
| CURRENT ISSUE DATE  | 01/19/23                     | 10/01/22                    |               | 01/19/23             |          |
| MAILING DATE  | 01/20/23                     | 01/20/23                    |               | 01/20/23             |          |
| TYPE OF ISSUE   | REIS                         | REIS                        |               | REIS                 |          |
| STATUS OF FEE AMOUNT  | DISTRIB                      | DISTRIB                     | D.T.L.F.      | DISTRIB              |          |
| REFUND AMOUNT   |                              |                             |               |                      |          |
| PENALTY RECEIPT NUMBER  |                              |                             |               |                      |          |
| BUYER   |                              |                             |               |                      |          |
| SELLER  |                              |                             |               |                      |          |
| PROCESS FEE STATUS  | Y                            |                             | Y             | Y                    |          |
| TYPE OF NO ISSUE  |                              |                             |               |                      |          |
| ISSUED STATUS   | YES                          | YES                         | DRYPEND       | YES                  |          |
| CANCELLATION DATE   |                              |                             |               |                      |          |
| QUOTA EXEMPT STATUS   |                              |                             |               |                      |          |
| ENTER TO CONTINUE PROCESSING // PF7 REVERSE // PF8 FORWARD // PF9 RETURN          |                              |                             |               |                      |          |
| TO ORIGINAL PROCESSING // CLEAR /OR/ PA2 TO RETURN TO MENU                        |                              |                             |               |                      |          |
| XXXXXXX   | 001 OF 001 WORD FILE INQUIRY |                             |               | TERM DATE            | TIME     |
| MD  |                              |                             |               | 0065 02/02/23        | 11:07:49 |
| Connected to remote server/host 66.144.176.215 using lu/pool TCP00065 and port 23 |                              |                             |               | PDF995 on PDF995PORT |          |

Applicant for since it says "pending" at the bottom of the D5. Holder of would = "yes." Yes = license issued.

## **Exhibit D**

### **Opinion from Assistant Prosecutor Musson**

**Exhibit E**

**Cozumel Mexican Restaurant**

**Local Option petition**

## Local Liquor Option Election Petition

A petition to submit the question of the sale of beer, wine and mixed beverages, or spirituous liquor at a particular location within a precinct if the petitioner for the local option election is an applicant for the issuance or transfer of a liquor permit at, or to, a particular location within a precinct; or the holder of a permit at a particular location within the precinct; or a person who operates or seeks to operate a liquor agency store at a particular location within the precinct; or the designated agent of one of these persons.

R.C. 3501.38, 3501.382, 3503.06, 4301.323, 4301.333 and 4301.355

### Instructions

1. Either or both of the two questions set forth below may be submitted.
2. The petition section for any question to be submitted must be completed before any signature may be obtained on this petition.
3. The petition must be filed with the Board of Elections of the county in which the precinct is located, not later than 4 p.m. of the 90<sup>th</sup> day before the day of a general or primary election, except as follows:

If the petition is being filed with respect to a previous local option election, the petitioner must satisfy both of the following conditions:

- a. No later than 29 days after the Ohio Division of Liquor Control receives final notice of the result of such election affecting the liquor permit holder, the petition must be filed with the Board of Elections in which such precinct is located; and
- b. No later than 29 days after the Ohio Division of Liquor Control receives final notice of the result of such election affecting the liquor permit holder, a copy of the petition with the Board of Elections' file stamp must be filed with the Superintendent of the Division of Liquor Control.

To the Board of Elections of CUYAHOGA County, Ohio:

Name of County Board of Elections

We, the undersigned, qualified electors of the precinct hereinafter defined, respectfully petition that you submit to the electors of such precinct the following question(s):

(1) Shall the sale of

Insert above one or more of the following three choices: "beer"; "wine and mixed beverages"; or "spirituous liquor" be

permitted by

Insert name (as submitted to Division of Liquor Control) of liquor permit holder or applicant, or liquor agency store, including, if applicable, trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either does, or intends to do, business at the particular location

a(n)

Insert "an applicant for" or "a holder of" or "an operator of"

a

Insert name of the type of liquor permit or permits, or if appropriate, "liquor agency store for the State of Ohio" liquor permit(s).

authorizing

Insert brief description of the type of sales authorized by the permits listed above, such as "on-premise sales," "off-premise sales," or "on/off premise" sales

who is engaged in the business of

Insert general nature of the business in which liquor permit holder or applicant is engaged, or will be engaged, at the particular location

at

Insert address of the particular location within the precinct

In this precinct?

(2) Shall the sale of

WINE AND MIXED BEVERAGES & SPIRITUOUS LIQUOR

Insert above one or more of the following three choices: "beer"; "wine and mixed beverages"; or "spirituous liquor" be

permitted for sale on Sunday by HUDREST, LLC doing business as COZUMEL MEXICAN RESTAURANT

Insert name (as submitted to Division of Liquor Control) of liquor permit holder or applicant, or liquor agency store, including, if applicable, trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either does, or intends to do, business at the particular location

a(n)

APPLICANT FOR A D6 LIQUOR PERMIT

Insert all that applies: "an applicant for a D-6 liquor permit, holder of a D-6 liquor permit," or "liquor agency store," "an applicant for or holder of an A-1-A, A-2, A-2f, A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5a, D-5c, D-5e, D-5f, D-5h, D-6, D-6f, D-6h, D-6i, D-6j, D-6k, D-6m, D-6n, D-6o or D-7 liquor permit," (if only the approval of beer sales is sought), or "liquor agency store"

authorizing

ON/OFF PREMISE SALES

Insert brief description of the type of sales authorized by the permits listed above, such as "on-premise sales," "off-premise sales," or "on/off premise" sales

who is engaged in the business of

A FAMILY ORIENTED, FULL-SERVICE MEXICAN RESTAURANT

Insert general nature of the business in which liquor permit holder or applicant is engaged, or will be engaged, at that particular location

at

2071 SNOW RD. (& PATIO), PARMA, OHIO 44131

In this precinct?

Insert address of the particular location within the precinct

PARMA 9-D



**Exhibit F**

**Cozumel Mexican Restaurant**

**Liquor Control response**

**on permit status**

1/9/23, 11:17 AM

Mail - Brent Lawler - Outlook

RE: Application status requested: Parma 09-D Hudrest, LLC dba Cozumel Mexican Rest. q2

localoption@com.ohio.gov <localoption@com.ohio.gov>

Mon 1/9/2023 11:03 AM

To: Brent Lawler <blawler@cuyahogacounty.gov>

Cc: Cory Milne <cmilne@cuyahogacounty.gov>

Good afternoon,

Hudrest LLC is an applicant for a D1 D2 D3 D5 D5I D6

|                                      |                                     |                  |               |
|--------------------------------------|-------------------------------------|------------------|---------------|
| PERMIT NUMBER - 4039050              | NAME AND ADDRESS                    | PGEID            | 694310        |
| COUNTY - 18 CUYAHOGA LLC             | HUDREST LLC                         |                  |               |
| TAXING DISTRICT - 462 PARMA          | DBA COZUMEL MEXICAN                 |                  |               |
| NO ACTIVE VIOLATIONS - F6 TO DISPLAY | RESTAURANT                          |                  |               |
| SUN SALE INFO BEER                   | 2071 SNOW RD                        |                  |               |
| PROBLEM CODE                         | PARMA OH 44131                      |                  |               |
| PROBLEM DATE                         |                                     |                  |               |
| LAST INSPECTION                      |                                     |                  |               |
| HOLDER BAR CODE                      |                                     |                  |               |
|                                      | OUTLET NUMBER 401                   | AGENCY NUMBER    |               |
| RESTRICTION:                         |                                     |                  |               |
| CLASS                                | D1                                  | D2               | D3            |
| TYPE OF APPLICATION                  | NEW                                 | NEW              | NEW           |
| APPLICATION DATE                     | 06/10/22                            | 06/10/22         | 06/10/22      |
| FILING STATUS                        | TIMELY                              | TIMELY           | TIMELY        |
| RECEIPT NUMBER                       | D046837                             | D046980          | D046838       |
| FEE AMOUNT                           | 376.00                              | 564.00           | 750.00        |
| APPLICATION PENDING DATE             | 06/10/22                            | 06/09/22         | 06/10/22      |
| RENEWAL PENDING STATUS               | NO                                  | NO               | NO            |
| SITE LOCATION VOTE                   |                                     |                  |               |
| ORIGINAL ISSUE DATE                  |                                     |                  |               |
| SOURCE OF ORIGINAL ISSUE             |                                     |                  |               |
| CURRENT ISSUE DATE                   |                                     |                  |               |
| MAILING DATE                         |                                     |                  |               |
| TYPE OF ISSUE                        |                                     |                  |               |
| STATUS OF FEE AMOUNT                 | D.T.F.                              | REDEPOSIT D.T.F. | ONPAID        |
| REFUND AMOUNT                        |                                     |                  |               |
| PENALTY RECEIPT NUMBER               |                                     |                  |               |
| BUYER                                |                                     |                  |               |
| SELLER                               |                                     |                  |               |
| PROCESS FEE STATUS                   | Y                                   | Y                | Y             |
| TYPE OF NO ISSUE                     |                                     |                  |               |
| ISSUED STATUS                        | PENDING                             | PENDING          | PENDING       |
| CANCELLATION DATE                    |                                     |                  |               |
| QUOTA EXEMPT STATUS                  |                                     |                  |               |
| ENTER TO CONTINUE PROCESSING         | // PF7 REVERSE                      | // PF8 FORWARD   | // PF9 RETURN |
| TO ORIGINAL PROCESSING               | // CLEAR /OR/ PA2 TO RETURN TO MENU |                  |               |
| *****                                | 001 OF 001 WORD FILE INQUIRY        | TERM DATE        | TIME          |
| MA                                   | A                                   | 0001 01/09/23    | 10:57:24      |
|                                      |                                     |                  | 43/002        |

Connected to remote server/host 66.144.176.215 using lu/pool TCP00001 and port 23

PDF995 on PDF995PORT

From: Brent Lawler <blawler@cuyahogacounty.gov>

Sent: Friday, January 06, 2023 1:17 PM

To: COM LIQ Local Option <localoption@com.ohio.gov>

Cc: Cory Milne <cmilne@cuyahogacounty.gov>; Brent Lawler <blawler@cuyahogacounty.gov>

Subject: Application status requested: Parma 09-D Hudrest, LLC dba Cozumel Mexican Rest. q2

Hello,

Please confirm the application status for the attached local option petition filed for Hudrest, LLC dba Cozumel Mexican Restaurant at 2071 Snow Rd Parma OH located in precinct Parma 09-D

Thank you

Brent

Brent E. Lawler, Manager

Candidate & Petition Services

Cuyahoga County Board of Elections

**Exhibit G**

**Casa Bonita Food**

**Local Option petition**

## Local Liquor Option Election Petition

A petition to submit the question of the sale of beer, wine and mixed beverages, or spirituous liquor at a particular location within a precinct if the petitioner for the local option election is an applicant for the issuance or transfer of a liquor permit at, or to, a particular location within a precinct; or the holder of a permit at a particular location within the precinct; or a person who operates or seeks to operate a liquor agency store at a particular location within the precinct; or the designated agent of one of these persons.

R.C. 3501.38, 3501.382, 3503.06, 4301.323, 4301.333 and 4301.355

### Instructions

1. Either or both of the two questions set forth below may be submitted.
2. The petition section for any question to be submitted must be completed before any signature may be obtained on this petition.
3. The petition must be filed with the Board of Elections of the county in which the precinct is located, not later than 4 p.m. of the 90<sup>th</sup> day before the day of a general or primary election, except as follows:

If the petition is being filed with respect to a previous local option election, the petitioner must satisfy both of the following conditions:

- a. No later than 29 days after the Ohio Division of Liquor Control receives final notice of the result of such election affecting the liquor permit holder, the petition must be filed with the Board of Elections in which such precinct is located; and
- b. No later than 29 days after the Ohio Division of Liquor Control receives final notice of the result of such election affecting the liquor permit holder, a copy of the petition with the Board of Elections' file stamp must be filed with the Superintendent of the Division of Liquor Control.

To the Board of Elections of Cuyahoga County, Ohio:  
Name of County Board of Elections

We, the undersigned, qualified electors of the precinct hereinafter defined, respectfully petition that you submit to the electors of such precinct the following question(s):

(1) Shall the sale of Insert above one or more of the following three choices: "beer"; "wine and mixed beverages"; or "spirituous liquor" be

permitted by

Insert name (as submitted to Division of Liquor Control) of liquor permit holder or applicant, or liquor agency store, including, if applicable, trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either does, or intends to do, business at the particular location

a(n)

Insert "an applicant for" or "a holder of" or "an operator of"

a Insert name of the type of liquor permit or permits, or if appropriate, "liquor agency store for the State of Ohio" liquor permit(s),

authorizing

Insert brief description of the type of sales authorized by the permits listed above, such as "on-premise sales," "off-premise sales," or "on/off premise" sales

who is engaged in the business of

Insert general nature of the business in which liquor permit holder or applicant is engaged, or will be engaged, at the particular location

at

Insert address of the particular location within the precinct

In this precinct?

(2) Shall the sale of wine and mixed beverages, and spirituous liquor be  
Insert above one or more of the following three choices: "beer"; "wine and mixed beverages"; or "spirituous liquor"

permitted for sale on Sunday by

Casa Bonita Food, L.L.C.

Insert name (as submitted to Division of Liquor Control) of liquor permit holder or applicant, or liquor agency store, including, if applicable, trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either does, or intends to do, business at the particular location

a(n)

applicant for a D-6 liquor permit

Insert all that applies: "an applicant for a D-6 liquor permit, holder of a D-6 liquor permit," or "liquor agency store," "an applicant for or holder of an A-1-A, A-2, A-2f, A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o or D-7 liquor permit," (if only the approval of beer sales is sought), or "liquor agency store"

authorizing on/off premise sales of wine and mixed beverages, and on-premise sales of spirituous liquor

Insert brief description of the type of sales authorized by the permits listed above, such as "on-premise sales," "off-premise sales," or "on/off premise" sales

who is engaged in the business of

operating a restaurant

Insert general nature of the business in which liquor permit holder or applicant is engaged, or will be engaged, at that particular location

at

11204 Royalton Road, Front building and patio,  
North Royalton, Ohio 44133

In this precinct?

Insert address of the particular location within the precinct

**Exhibit H**

**Casa Bonita Food  
Liquor Control response  
on permit status**

1/10/23, 9:47 AM

Mail - Brent Lawler - Outlook

RE: Application status requested: North Royalton 03-D Casa Bonita Food

localoption@com.ohio.gov <localoption@com.ohio.gov>

Tue 1/10/2023 9:44 AM

To: Brent Lawler <blawler@cuyahogacounty.gov>

Good afternoon,

*Holder D1, D2, D3.*

Casa Bonita Food LLC is an applicant for a D6

|   |                                      |               |                      |
|---|--------------------------------------|---------------|----------------------|
| PERMIT NUMBER - 1305585   | NAME AND ADDRESS                     | PGEED         | 69277J               |
| COUNTY - 18 CUYAHOGA LLC  | CASA BONITA FOOD LLC                 |               |                      |
| TAXING DISTRICT - 407 NORTH ROYALTON  | 11204 ROYALTON RD FRONT BLDG & PATIO |               |                      |
| NO EXISTING VIOLATIONS  | NORTH ROYALTON OH 44133              |               |                      |
| SUN SALE INFO DEER  |                                      |               |                      |
| PROBLEM CODE  |                                      |               |                      |
| PROBLEM DATE  |                                      |               |                      |
| LAST INSPECTION   |                                      |               |                      |
| HOLDER BAR CODE   |                                      |               |                      |
|   | OUTLET NUMBER 993                    | AGENCY NUMBER |                      |
| RESTRICTION:  |                                      |               |                      |
| CLASS   | D1                                   | D2            | D3                   |
| TYPE OF APPLICATION   | REN                                  | REN           | REN                  |
| APPLICATION DATE  | 09/19/22                             | 09/19/22      | 09/19/22             |
| FILING STATUS   | PENALTY                              | PENALTY       | PENALTY              |
| RECEIPT NUMBER  | D059345                              | D059345       | D059345              |
| FEE AMOUNT  | 376.00                               | 564.00        | 750.00               |
| APPLICATION PENDING DATE  |                                      |               | 09/03/21             |
| RENEWAL PENDING STATUS  | NO                                   | NO            | NO                   |
| SITE LOCATION VOTE  |                                      |               |                      |
| ORIGINAL ISSUE DATE   | 08/10/22                             | 08/10/22      | 08/10/22             |
| SOURCE OF ORIGINAL ISSUE  | NEW-QTA                              | NEW-QTA       | NEW-QTA              |
| CURRENT ISSUE DATE  | 10/01/22                             | 10/01/22      | 10/01/22             |
| MAILING DATE  | 10/19/22                             | 10/19/22      | 10/19/22             |
| TYPE OF ISSUE   | REN                                  | REN           | REN                  |
| STATUS OF FEE AMOUNT  | DISTRIB                              | DISTRIB       | DISTRIB              |
| REFUND AMOUNT   |                                      |               | D.T.F.               |
| PENALTY RECEIPT NUMBER  | D059345                              | D059345       | D059345              |
| BUYER   |                                      |               |                      |
| SELLER  |                                      |               |                      |
| PROCESS FEE STATUS  |                                      |               | Y                    |
| TYPE OF NO ISSUE  |                                      |               |                      |
| ISSUED STATUS   | YES                                  | YES           | YES                  |
| CANCELLATION DATE   |                                      |               | DRYPEND              |
| QUOTA EXEMPT STATUS   |                                      |               |                      |
| ENTER TO CONTINUE PROCESSING // PF7 REVERSE // PF8 FORWARD // PF9 RETURN          |                                      |               |                      |
| TO ORIGINAL PROCESSING // CLEAR /OR/ PA2 TO RETURN TO MENU                        |                                      |               |                      |
| 003 OF 003 WORD FILE INQUIRY  |                                      |               |                      |
| TERM DATE   |                                      |               | TIME                 |
| C042 01/10/23   |                                      |               | 09:40:32             |
| 437002  |                                      |               |                      |
| Connected to remote server/host 66.144.176.215 using lu/pool TCP00042 and port 23 |                                      |               | PDF995 on PDF995PORT |

From: Brent Lawler <blawler@cuyahogacounty.gov>

Sent: Monday, January 09, 2023 1:32 PM

To: COM LIQ Local Option <localoption@com.ohio.gov>

Cc: Cory Milne <cmilne@cuyahogacounty.gov>; Brent Lawler <blawler@cuyahogacounty.gov>

Subject: Application status requested: North Royalton 03-D Casa Bonita Food

Hello,

Please confirm the application status for the attached local option petition filed for Casa Bonita foo, L.L.C. at 11204 Royalton Rd North Royalton OH 44133 located in precinct North Royalton 03-D

Thank you

Brent

Brent E. Lawler, Manager

Candidate & Petition Services

Cuyahoga County Board of Elections

## **Exhibit I**

**Grove Kosher Market**

**Local Option petition**

## Local Liquor Option Election Petition

A petition to submit the question of the sale of beer, wine and mixed beverages, or spirituous liquor at a particular location within a precinct if the petitioner for the local option election is an applicant for the issuance or transfer of a liquor permit at, or to, a particular location within a precinct; or the holder of a permit at a particular location within the precinct; or a person who operates or seeks to operate a liquor agency store at a particular location within the precinct; or the designated agent of one of these persons.

R.C. 3501.38, 3501.382, 3503.06, 4301.323, 4301.333 and 4301.355

### Instructions

1. Either or both of the two questions set forth below may be submitted.
2. The petition section for any question to be submitted must be completed **before** any signature may be obtained on this petition.
3. The petition must be filed with the Board of Elections of the county in which the precinct is located, not later than 4 p.m. of the 90<sup>th</sup> day before the day of a general or primary election, except as follows:

If the petition is being filed with respect to a previous local option election, the petitioner must satisfy both of the following conditions:

- a. No later than 29 days after the Ohio Division of Liquor Control receives final notice of the result of such election affecting the liquor permit holder, the petition must be filed with the Board of Elections in which such precinct is located; and
- b. No later than 29 days after the Ohio Division of Liquor Control receives final notice of the result of such election affecting the liquor permit holder, a copy of the petition with the Board of Elections' file stamp must be filed with the Superintendent of the Division of Liquor Control.

To the Board of Elections of Cuyahoga County, Ohio:  
Name of County Board of Elections

We, the undersigned, qualified electors of the precinct hereinafter defined, respectfully petition that you submit to the electors of such precinct the following question(s):

(1) Shall the sale of \_\_\_\_\_ be  
Insert above one or more of the following three choices: "beer"; "wine and mixed beverages"; or "spirituous liquor"

permitted by \_\_\_\_\_

Insert name (as submitted to Division of Liquor Control) of liquor permit holder or applicant, or liquor agency store, including, if applicable, trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either does, or intends to do, business at the particular location

a(n) \_\_\_\_\_ a \_\_\_\_\_ liquor permit(s),  
Insert "an applicant for" or "a holder of" or "an operator of" Insert name of the type of liquor permit or permits, or if appropriate, "liquor agency store for the State of Ohio"

authorizing \_\_\_\_\_

Insert brief description of the type of sales authorized by the permits listed above, such as "on-premise sales," "off-premise sales," or "on/off premise" sales

who is engaged in the business of \_\_\_\_\_

Insert general nature of the business in which liquor permit holder or applicant is engaged, or will be engaged, at the particular location

at \_\_\_\_\_ in this precinct?  
Insert address of the particular location within the precinct

(2) Shall the sale of wine and mixed beverages be  
Insert above one or more of the following three choices: "beer"; "wine and mixed beverages"; or "spirituous liquor"

permitted for sale on Sunday by Grove Kosher Cleveland, L.L.C., dba Grove Kosher Market

Insert name (as submitted to Division of Liquor Control) of liquor permit holder or applicant, or liquor agency store, including, if applicable, trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either does, or intends to do, business at the particular location

a(n) \_\_\_\_\_ applicant for a D-6 liquor permit

Insert all that applies: "an applicant for a D-6 liquor permit, holder of a D-6 liquor permit," or "liquor agency store." "an applicant for or holder of an A-1-A, A-2, A-2f, A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5a, D-5e, D-5f, D-5h, D-5i, D-5j, D-6k, D-6l, D-6m, D-6n, D-6o or D-7 liquor permit," (if only the approval of beer sales is sought), or "liquor agency store"

authorizing off-premise sales of wine and mixed beverages

Insert brief description of the type of sales authorized by the permits listed above, such as "on-premise sales," "off-premise sales," or "on/off premise" sales

who is engaged in the business of \_\_\_\_\_ operating a grocery store

Insert general nature of the business in which liquor permit holder or applicant is engaged, or will be engaged, at that particular location

at 1930 Warrensville Center Road, South Euclid, Ohio 44121 in this precinct?  
Insert address of the particular location within the precinct

South Euclid 04 A

FEB 17 23 PM 12:28



**Exhibit J**

**Grove Kosher Market  
Liquor Control response  
on permit status**

2/2/23, 9:22 AM

Mail - Brent Lawler - Outlook

RE: Application status requested: South Euclid 04-A Grove Kosher Market

localoption@com.ohio.gov <localoption@com.ohio.gov>

Wed 2/1/2023 4:53 PM

To: Brent Lawler <blawler@cuyahogacounty.gov>

Good afternoon,

*Holder of C1, C2, D8*

Grove Kosher Cleveland LLC is an applicant for a D6

|  |                             |               |                      |
|--|-----------------------------|---------------|----------------------|
| PERMIT NUMBER - 3409480  | NAME AND ADDRESS            | PGEBO         | 69232J               |
| COUNTY - 18 CUYAHOGA LLC   | GROVE KOSHER CLEVELAND LLC  |               |                      |
| TAKING DISTRICT - 550 SOUTH EUCLID                                       | DBA GROVE KOSHER MARKET     |               |                      |
| NO EXISTING VIOLATIONS   | 1930 WARRENSVILLE CENTER RD |               |                      |
| SUN SALE INFO - BEER   | SOUTH EUCLID OH 44121       |               |                      |
| PROBLEM CODE   |                             |               |                      |
| PROBLEM DATE   |                             |               |                      |
| LAST INSPECTION  |                             |               |                      |
| HOLDER BAR CODE  |                             |               |                      |
|  | OUTLET NUMBER               | AGENCY NUMBER |                      |
| RESTRICTION:   |                             |               |                      |
| CLASS  | C1                          | C2            | D6                   |
| TYPE OF APPLICATION  | N                           | REN           | N                    |
| APPLICATION DATE   | 12/06/22                    | 08/23/22      | 11/24/21             |
| FILING STATUS  | TIMELY                      | TIMELY        | TIMELY               |
| RECEIPT NUMBER   | D061480                     | D051800       | D023136              |
| FEE AMOUNT   | 252.00                      | 376.00        | 400.00               |
| APPLICATION PENDING DATE   |                             |               | 11/24/21             |
| RENEWAL PENDING STATUS   | NO                          | NO            | NO                   |
| SITE LOCATION VOTE   |                             |               |                      |
| ORIGINAL ISSUE DATE  | 01/19/23                    | 11/12/21      | 01/19/23             |
| SOURCE OF ORIGINAL ISSUE   | NEW-OTA                     | NEW-OTA       | NEW-NOT              |
| CURRENT ISSUE DATE   | 01/19/23                    | 10/01/22      | 01/19/23             |
| MAILING DATE   | 01/20/23                    | 01/20/23      | 01/20/23             |
| TYPE OF ISSUE  | REIS                        | REIS          | REIS                 |
| STATUS OF FEE AMOUNT   | DISTRIB                     | DISTRIB       | D.T.F.               |
| REFUND AMOUNT  |                             |               |                      |
| PENALTY RECEIPT NUMBER   |                             |               |                      |
| BUYER  |                             |               |                      |
| SELLER   |                             |               |                      |
| PROCESS FEE STATUS   | Y                           |               | Y                    |
| TYPE OF NO ISSUE   |                             |               |                      |
| ISSUED STATUS  | YES                         | YES           | DRYPEND              |
| CANCELLATION DATE  |                             |               | YES                  |
| QUOTA EXEMPT STATUS  |                             |               |                      |
| ENTER TO CONTINUE PROCESSING // PF7 REVERSE // PF8 FORWARD // PF9 RETURN |                             |               |                      |
| TO ORIGINAL PROCESSING // CLEAR ZOR/ PA2 TO RETURN TO MENU               |                             |               |                      |
| 002 OF 002 WORD FILE INQUIRY   |                             |               |                      |
| TERM DATE  |                             |               | 035 02/01/23         |
| TIME   |                             |               | 16:52:10             |
| 432002   |                             |               |                      |
| Printed 1 screen(s).   |                             |               | PDF995 on PDF995PORT |

From: Brent Lawler <blawler@cuyahogacounty.gov>

Sent: Wednesday, February 01, 2023 3:44 PM

To: COM LIQ Local Option <localoption@com.ohio.gov>

Cc: Brent Lawler <blawler@cuyahogacounty.gov>

Subject: Application status requested: South Euclid 04-A Grove Kosher Market

Hello,

Please confirm the application status for the attached local option petition filed for Grove Kosher Market located at 1930 Warrensville Center Road South Euclid in precinct South Euclid 04-A.

Thank you  
Brent

Brent E. Lawler, Manager

Candidate & Petition Services

Cuyahoga County Board of Elections

2925 Euclid Avenue

# Agenda Item #10

| <b>Office</b>                   | <b>Name</b> | <b>Last Name</b> | <b>Party</b> |
|---------------------------------|-------------|------------------|--------------|
| Oakwood Village Mayor           | Gary V.     | Gottschalk       | Nonpartisan  |
| Oakwood Village Council Ward 01 | Chris       | Callender        | Nonpartisan  |
| Oakwood Village Council Ward 01 | Taunya      | Scruggs          | Nonpartisan  |
| Strongsville Mayor              | Tom         | Perciak          | Nonpartisan  |
| Strongsville Council Ward 01    | Jim         | Kaminski         | Nonpartisan  |
| Strongsville Council Ward 02    | Karan       | Farhat           | Nonpartisan  |
| Strongsville Council Ward 02    | Ann         | Roff             | Nonpartisan  |
| Strongsville Council Ward 03    | Thomas M.   | Clark            | Nonpartisan  |
| Strongsville Council Ward 04    | Gordon C.   | Short            | Nonpartisan  |



**Certification of Candidates Nominated without Primary Election to the Nov. 7, 2023 General Election**  
**(primaries eliminated per ORC 3513.02)**

| Office  | Name        | Last Name   | Party       |
|---|-------------|-------------|-------------|
| Parma Mayor                                       | Timothy J.  | DeGeeter    | Democratic  |
| Parma President of Council                        | Vito        | Dipierro    | Democratic  |
| Parma Auditor                                     | Brian       | Day         | Democratic  |
| Parma Director of Law                             | Scott M.    | Tuma        | Democratic  |
| Parma Council Ward 02                             | Deborah A.  | Lime        | Democratic  |
| Parma Council Ward 03                             | Mark C.     | Casselberry | Democratic  |
| Parma Council Ward 04                             | Kelly M.    | Zacharias   | Democratic  |
| Parma Council Ward 05                             | Jolene B.   | Austin      | Republican  |
| Parma Council Ward 05                             | Allan       | Divis       | Democratic  |
| Parma Council Ward 06                             | Kevin C.    | Kussmaul    | Republican  |
| Parma Council Ward 07                             | Kammy       | Shuman      | Democratic  |
| Parma Council Ward 08                             | Amanda      | Boyd        | Democratic  |
| Parma Council Ward 08                             | Robert      | Porvasnik   | Republican  |
| Berea Municipal Court Clerk (FTC 1-1-2024 )       | Joseph C.   | DeMio       | Democratic  |
| Berea Municipal Court Judge (FTC 1-2-2024 )       | Michele     | Lynch       | Republican  |
| Garfield Hts Municipal Court Judge (FTC 1-1-2024) | Jessica E.  | Alvis       | Democratic  |
| Garfield Hts Municipal Court Judge (FTC 1-1-2024) | Sergio      | DiGeronimo  | Republican  |
| Garfield Hts Municipal Court Judge (FTC 1-2-2024) | Deborah J.  | Nicastro    | Democratic  |
| Lyndhurst Municipal Court Judge (FTC 1-1-2024)    | Dominic     | Coletta     | Republican  |
| Parma Municipal Court Judge (FTC 1-1-2024)        | Timothy     | Dobeck      | Democratic  |
| Rocky River Municipal Court Judge (FTC 1-1-2024)  | Joseph      | Burke       | Republican  |
| Rocky River Municipal Court Judge (FTC 1-1-2024)  | Thomas J.   | Kelly       | Democratic  |
| Shaker Hts Municipal Court Judge (FTC 1-1-2024)   | Anne Walton | Keller      | Democratic  |
| Fairview Park Mayor                               | Patrick J.  | Cooney      | Nonpartisan |
| Fairview Park Mayor                               | Bill        | Schneider   | Nonpartisan |
| Fairview Park Council at Large                    | John        | Mandula     | Nonpartisan |
| Fairview Park Council at Large                    | Kimberly    | Mann        | Nonpartisan |
| Fairview Park President of Council                | Gregory     | Burger      | Nonpartisan |
| Fairview Park President of Council                | Michael P.  | Kilbane     | Nonpartisan |
| Fairview Park Council Ward 01                     | Bryan       | Simmerly    | Nonpartisan |
| Fairview Park Council Ward 02                     | William F.  | Minek       | Nonpartisan |
| Fairview Park Council Ward 03                     | Troy J.     | Greenfield  | Nonpartisan |
| Fairview Park Council Ward 03                     | Daniel J.   | Jicha       | Nonpartisan |
| Fairview Park Council Ward 04                     | Sarah       | Wering      | Nonpartisan |
| Fairview Park Council Ward 05                     | Bridget     | King        | Nonpartisan |
| Fairview Park Council Ward 05                     | Jeffrey J.  | Szemplak    | Nonpartisan |

# Agenda Item

#11

## **Overview East Cleveland Recall Petitions**

**Recall Petitions Filed:**           **January 24, 2023**  
**Filed by:**                           **Law Director Hemmons**

**Candidate/Office:**               **East Cleveland Recall Petition**

- **Council at Large member Patricia Blochowiak**
- **Ward 2 Councilmember Juanita Gowdy**
- **Ward 4 Councilmember Korean Stevenson**

### ***Background***

- On January 24, 2023, the Cuyahoga County Board of Elections received recall petitions for East Cleveland Councilors Blochowiak, Gowdy and Stevenson.
- Petition was filed by Law Director Willa Hemmons serving as the “ministerial” Clerk of Council of East Cleveland.
- Also filed:
  - Legal opinion from Law Director Hemmons relating to when there is no appointed Clerk of Council. (see Musson opinion)
  - Sworn statement from East Cleveland Council at Large Martin appointing the Law Director as the Council Clerk Pro Tem to perform the recall functions. (exhibit B)
- On January 30, 2023 Law Director Hemmons filed a letter with Director Perlatti ordering the recall election for Council at Large Blochowiak. (exhibit C)
- On February 3, 2023 Law Director Hemmons filed letters to Director Perlatti ordering the recall elections of Council members Gowdy and Stevenson. (exhibit C)

### **Exhibits**

- A - Opinion from Assistant Prosecutor Musson
- B - Council at Large Martin Clerk of Council appointing letter
- C - Law Director Hemmons letter ordering recall elections for Blochowiak, Gowdy and Stevenson
- D - East Cleveland Charter Section “The Council”
- E – East Cleveland Codified Ordinance Chapter 111: Council

## **Exhibit A**

**Opinion from Assistant Prosecutor Musson**



**Exhibit B**

**Council at Large Martin**

**Clerk of Council appointing letter**



## The City of East Cleveland Council Office

**Nathaniel Martin**  
*Councilor At-Large*



**216-417-9808**  
*Nathaniel.martin@att.net*

January 13, 2023

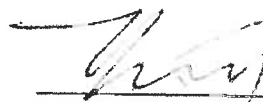
Nathaniel Martin, being first duly sworn says as follows:

1. I, Nathaniel Martin, am the legally elected Councilor-at-Large for the City of East Cleveland.
2. As part of my fiduciary responsibility as the elected official of Councilor-at-Large, I, Nathaniel Martin, was in attendance at the 6:30 p.m. official scheduled Regular City of East Cleveland Council meeting held on January 3, 2023.
3. As per RULE 23 PRESIDENT AND VICE PRESIDENT OF CITY COUNCIL; ORGANIZATION, REORGANIZATION AND FILLING OF VACANCIES, under (b) of the City of East Cleveland Charter: Reorganization. The reorganization of Council may occur at any time, by motion, upon the vote of three-fifths of the members of Council. Ward 2 Councilwoman Juanita Gowdy, made a motion to reorganize the City Council and Patricia Blochowiak, seconded said motion. The vote was 3 in favor of reorganizing the City Council. The 3 votes in favor came from Ward 2 Councilwoman Juanita Gowdy, Ward 4 Councilwoman Korean Stevenson and Patricia Blochowiak, Councilor at-large. At that time Councilwoman Korean Stevenson was voted in as President of Council
4. Immediately following the January 3, 2023 Regular Council meeting, the newly elected Council President proceeded to fire all Council Office staff members consisting of the Clerk of Council and the Assistant Clerk of Council leaving the Council office unable to perform certain ministerial duties and functions assigned to the Clerk of Council as outlined in the Charter.

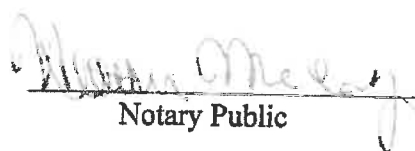
23 JAN 24 PM 4:11

5. In the absence of an appointed Clerk of Council, as required by the Charter to perform ministerial duties of the Council office, and being the only Councilmember who is not up for recall, did so designate the East Cleveland Law Director effective January 4, 2023 as the Council Clerk Pro Tem in order to perform the recall functions in order to effectuate the Charter process. The Law Director, as an attorney, has an ethical duty to perform such functions in a neutral, impartial manner on pain of violating ethical canons endemic to the legal profession.

Further affiant sayeth naught.

  
\_\_\_\_\_  
Nathaniel Martin

BEFORE ME, A NOTARY PUBLIC, did appear Nathaniel Martin who did swear to and subscribed in my presence the foregoing Affidavit this 20<sup>th</sup> day of January 2023.

 (Atty No Expiration)  
\_\_\_\_\_  
Notary Public

## **Exhibit C**

**Law Director Hemmons letter  
ordering recall elections for Blochowiak,  
Gowdy and Stevenson**



## *The City of East Cleveland*

14340 EUCLID AVENUE • EAST CLEVELAND, OHIO 44112 • PHONE (216) 681-2208 • FAX (216) 681-2650

Brandon L. King  
Mayor

Mr. Anthony Perlatti, Director  
Cuyahoga County Board of Elections  
2925 Euclid Avenue  
Cleveland, Ohio 44115

January 30, 2023

RE: Special Recall Election of Patricia Blochowiak, Councilor-at-Large

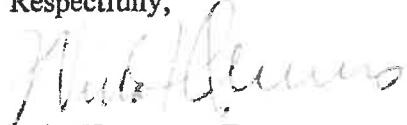
Dear Mr. Perlatti,

I, being the duly appointed, qualified Law Director performing the ministerial recall duties in the absence of an East Cleveland City Council Clerk, by issuance of this letter, am hereby officially notifying you that on January 24, 2023, pursuant to SECTION 53 of the City of East Cleveland Charter as part of the lawful duties of such Clerk's position, I notified Patricia Blochowiak, Councilor-at-Large of the City of East Cleveland that the Elector Signatures on the Recall Petitions had been verified and validated by myself using the Board of Election's public terminals and my staff.

I further notified her, pursuant to East Cleveland CHARTER SECTION 54, RECALL ELECTION of the two options available. The five-day window was at the end of day, January 29, 2023.

Since Patricia Blochowiak, Councilor-at-Large opted not to resign as per SECTION 54 of the Charter, and pursuant to said Section of the Charter, I hereby order the Cuyahoga County Board of Elections to fix a day for holding a Special Recall Election for the removal of Patricia Blochowiak, Councilor-at-Large, East Cleveland, Ohio.

Respectfully,



Willa Hemmons, Esq.

Attachment (1) Notification Letter sent to Councilor-at-Large Patricia Blochowiak regarding Petitions

cc: Korean Stevenson, Council President  
Juanita Gowdy, Council Vice President  
Nathaniel Martin, Councilor-at-Large  
Mark McClain, Councilor Ward 3  
Brent Lawler, BOE

23 JAN 30 PM 2:40



## *The City of East Cleveland*

14340 EUCLID AVENUE • EAST CLEVELAND, OHIO 44112 • PHONE (216) 681-2208 • FAX (216) 681-2650

Brandon L. King  
Mayor

Mr. Anthony Perlatti, Director  
Cuyahoga County Board of Elections  
2925 Euclid Avenue  
Cleveland, Ohio 44115

February 3, 2023

RE: Special Recall Election of Juanita Gowdy, Ward 2 East Cleveland Councilor

Dear Mr. Perlatti,

I, being the duly appointed, qualified Law Director, performing the ministerial recall duties in the absence of an East Cleveland City Council Clerk, by issuance of this letter, am hereby officially notifying you that on January 28, 2023, as part of the lawful duties of such Clerk's position pursuant to SECTION 53 of the East Cleveland Charter, I notified Juanita Gowdy, East Cleveland Ward 2 Councilor as CORRECTED that the Elector Signatures on the Recall Petitions had been verified and validated by myself using the Board of Election's public terminals and my staff.

I further notified her, pursuant to SECTION 54, RECALL ELECTION of the City of East Cleveland CHARTER, of the two options available. The five-day window was at the end of day, February 2, 2023.

Since Juanita Gowdy, Ward 2 East Cleveland Councilor opted not to resign as per SECTION 54 of the Charter, and pursuant to said Section of the Charter, I hereby order the Cuyahoga County Board of Elections to fix a day for holding a Special Recall Election for the removal of Juanita Gowdy, Ward 2 Councilor of East Cleveland, Ohio.

Respectfully,

Willa Hemmons, Esq.

Attachment (1) Notification Letter sent to Juanita Gowdy, East Cleveland Ward 2 Councilor regarding Petitions

cc: Korean Stevenson, Council President  
Patricia Blochowiak, Councilor-at-Large  
Nathaniel Martin, Councilor-at-Large  
Mark McClain, Councilor Ward 3  
Brent Lawler, BOE



## *The City of East Cleveland*

14340 EUCLID AVENUE • EAST CLEVELAND, OHIO 44112 • PHONE (216) 681-2208 • FAX (216) 681-2650

Brandon L. King  
Mayor

Mr. Anthony Perlatti, Director  
Cuyahoga County Board of Elections  
2925 Euclid Avenue  
Cleveland, Ohio 44115

February 3, 2023

RE: Special Recall Election of Korean Stevenson, East Cleveland Ward 4 Councilor

Dear Mr. Perlatti,

I, being the duly appointed, qualified Law Director performing the ministerial recall duties in the absence of an East Cleveland City Council Clerk, by issuance of this letter, am hereby officially notifying you that on January 28, 2023, as part of the lawful duties of such Clerk's position pursuant to SECTION 53 of the East Cleveland City CHARTER, I notified Korean Stevenson, Ward 4 Councilor of the City of East Cleveland as CORRECTED that the Elector Signatures on the Recall Petitions had been verified and validated by myself using the Board of Election's public terminals and my staff.

I further notified her, pursuant to SECTION 54, RECALL ELECTION of the City of East Cleveland CHARTER, of the two options available. The five-day window was at the end of day, February 2, 2023.

Since Korean Stevenson, Ward 4 Councilor of the City of East Cleveland opted not to resign as per SECTION 54 of the Charter, and pursuant to said Section of the Charter, I hereby order the Cuyahoga County Board of Elections to fix a day for holding a Special Recall Election for the removal of Korean Stevenson, Ward 4 Councilor of the City of East Cleveland, Ohio.

Respectfully,

  
Willa Hemmons, Esq.

Attachment (1) Notification Letter sent to Korean Stevenson, East Cleveland Ward 4 Councilor regarding Petitions

cc: Juanita Gowdy, Councilor Ward 2  
Patricia Blochowiak, Councilor-at-Large  
Nathaniel Martin, Councilor-at-Large  
Mark McClain, Councilor Ward 3  
Brent Lawler, BOE

23 FEB 9 AM 10:08

*Recalling Law Director's Signature*  
*www.eastcleveland.org*

**Exhibit D**

**East Cleveland Charter Section  
“The Council”**



## **THE COUNCIL**

### **§ 98 THE COUNCIL; POWERS; ELECTION AND TERM OF OFFICE.**

A. Council - Powers: The legislative power of the city, except as limited by this Charter, shall be vested in a Council consisting of five members. Commencing with the regular municipal election to be held in the year 2001, three members of Council shall, in each case, be resident of and elected from each of the three wards of the city, which currently are established and existing pursuant to the general election laws of the State of Ohio and may from time to time be changed pursuant to such laws, and two of whom shall be elected at large. When not prescribed in this Charter, or determined by Council, such powers shall be exercised in such manner as may or hereafter be provided by the general laws of the State of Ohio.

B. Council - Election and Term of Office: The terms of all members elected to Council shall be for four years, starting January 1, 2002, following their election, and they shall serve until their successors are chosen and qualified; provided, however, that Council members elected in the year 2001 to an at large membership by receiving the second highest number of votes and to a ward membership by receiving the third highest number of votes in their respective categories (in cases of a tie in the respective categories, there shall be a special election in the year 2002 for the sole purpose of determining which members of the respective categories shall serve four-year terms) shall be elected for a two-year term expiring in the year 2003 and the two Council members elected in 2003 and their successors shall thereafter serve for four-year terms. The candidates for election to the vacancies in the office of Council member receiving the highest number of votes at such regular elections shall be declared elected.

(Amended 11-7-00)

### **§ 99 QUALIFICATION OF MEMBERS.**

Each member of the Council, for at least one year immediately prior to his or her election shall have been, and during the term of office shall continue to be, a resident of the City of East Cleveland, Ohio, and shall have the qualifications of an elector therein. No person shall be a member of Council who holds any employment with the City of East Cleveland, the East Cleveland Board of Education, or other incompatible public employment or holds other public office except that of notary public or member of the State Militia.

Any member becoming guilty of gross misconduct or malfeasance in office, being convicted of a crime involving moral turpitude while in office, or ceasing to possess the qualifications herein provided, shall thereby forfeit his office.

The Council shall be judge of the election and qualifications of its own members. It may expel any member for gross misconduct, or malfeasance in, or disqualification for office or for conviction of a crime involving moral turpitude while in office; provided, however, that such expulsion shall not take place without the concurrence of four members nor until the delinquent member shall have been notified of the charge against him and given an opportunity to be heard.

(Amended 5-3-88)

### **§ 100 VACANCY.**

When the office of a member of Council shall become vacant, the vacancy shall be filled by election for the unexpired term by a majority vote of all the remaining members of the Council. If the Council fails within 30 days to fill such a vacancy, the President of Council shall fill it by appointment.

(Adopted 5-7-85)

### **§ 101 SALARY.**

Each member of the Council, except the President, shall receive a salary of Four Thousand Five Hundred Dollars (\$4,500.00) per year and the President of the Council shall receive a salary of Six Thousand Dollars (\$6,000.00) per year, payable in equal monthly installments.

(Adopted 5-7-85)

### **§ 102 ORGANIZATION OF COUNCIL.**

At 7:30 p.m. on the 2nd day of January, following a regular municipal election, or if such date be a Sunday, on the day following, the incoming Council members as well as Council members continuing in office shall meet at a mutually agreed upon place by the Mayor and the Council as the legislative body of the City of East Cleveland. The Mayor, or Mayor's designee, shall call this meeting and shall preside as temporary chairperson only until all Council members have been sworn in and the President of Council has been elected. The first official business meeting of the incoming Council shall be within five (5) business days after the commencement of their term. The President of Council, in addition to the Council's obligations, rights, and duties as a Councilperson at large, shall preside at all meetings and shall perform such duties as may be imposed upon him or her by the Council. In the absence of both the President and Vice President of the Council, the senior-most member of Council shall be chairperson of the meeting, provided a quorum is present. The Council shall also choose or appoint a Clerk and such other officers and employees of the sitting Council as it deems necessary, to serve at the pleasure and during the term of the sitting Council. The Clerk shall keep the records of the Council and perform such

other duties as may be required by this Charter or the Council but within the scope of the Council's daily business.

(Amended 11-7-00)

### **§ 103 TIME OF MEETINGS; PUBLIC MEETINGS; EXCEPTIONS.**

(a) The Council shall meet at such times as may be prescribed by ordinance or resolution, except that it shall meet regularly only during the months from September through June, inclusive, not less than once each two weeks. The President, any two members of the Council, or the Mayor, may call special meetings of the Council, upon at least twelve hours' written notice to each member, served personally or left at his or her usual place of residence.

(b) All meetings of the public bodies of the city and of the Council, whether regular or special, shall be open and public, except for the purposes and as permitted by the law of Ohio.

(c) Any citizen may have access to the minutes and records of the Council at all reasonable times.

(d) The Council shall determine its own rules and order of business and shall keep a journal of its proceedings.

(e) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings, except for the purposes and as provided by the law of Ohio as provided within this Charter.

(Amended 11-6-90)

### **§ 104 PENALTY FOR ABSENCE.**

Absence from five consecutive regular meetings shall operate to vacate the seat of a member unless the absence is excused by the Council by resolution setting forth such excuse and entered upon the journal.

(Adopted 5-7-85)

### **§ 105 LEGISLATIVE PROCEDURE.**

A majority of all the members elected to the Council shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The Council shall legislatively act only by ordinance or resolution. The affirmative vote of at least three members shall be necessary to adopt any ordinance or resolution; and the vote upon the passage of all ordinances and resolutions shall be taken by "yeas" and "nays" and entered upon the journal.

(Adopted 5-7-85)

### **§ 106 ORDINANCE ENACTMENT.**

Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject, which shall be clearly stated in the title. General appropriation ordinances may, however, contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances passed by the Council shall be: "Be it ordained by the Council of the City of East Cleveland, Ohio". The enacting clause of all ordinances submitted to popular election by the initiative shall be: "Be it ordained by the people of the City of East Cleveland, Ohio."

No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings not less than two weeks apart, or the requirement of such reading has been dispensed with by the vote of at least four members of the Council. No ordinance or resolution or section thereof shall be revised or amended, unless the new ordinance or resolution contain the entire ordinance or resolution or section so revised or amended.

No resolution declaring it necessary to proceed with any public improvement shall be adopted until complete drawings, specifications, profiles and estimates have been submitted to the Council and approved by it; and the same, or a copy thereof, shall thereafter remain on file in the office of the Mayor, subject to inspection by the public.

(Adopted 5-7-85)

### **§ 107 EMERGENCY MEASURES.**

All ordinances and resolutions passed by the Council shall be in effect on and after the thirtieth day from the date of their passage except that the Council may, by the vote of four members, pass emergency measures to take effect at the time indicated therein, subject to the veto power of the Mayor.

An emergency measure is an ordinance or resolution providing for the immediate preservation of the public peace, property, health or safety, in which the emergency is set forth and defined in a preamble thereto. Ordinances appropriating money may be passed as emergency measures. No measure making a grant, renewal or extension of a lease for one or more years or franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall ever be passed as an emergency measure.

(Adopted 5-7-85)

## **§ 108 RECORD AND PUBLICATION.**

Every ordinance or resolution upon its final passage shall be recorded in a journal kept for that purpose, and shall be authenticated by the signatures of the President and the Clerk of Council.

Every ordinance or resolution of a general or permanent nature shall be published once within ten (10) business days after its final passage in the manner hereafter provided. City planning or any other municipal codes or regulations or the general codification of city ordinances or amendments of such codes, regulations or codifications shall be published within ten (10) business days after the passage by a notice containing in general terms only the purpose, the date of the passage, and the effective date of such ordinance and resolutions.

Further, copies of such ordinances and resolutions shall be on file with the Clerk of Council for public examination and placed on the bulletin board in the main entrance of City Hall for at least fourteen (14) days.

The Council shall, however, before issuing bonds to pay for any public improvement, publish a notice headed, "Notice of Bond Issue for Public Improvement", describing said improvement in general terms and setting forth the time within which assessments of property specially benefited may be paid in cash, and the period of maturity and the rate of interest of said bonds for that portion of the assessment not so paid in cash.

(Amended 11-7-00)

## **§ 109 PRICE AND MODE OF PUBLICATION.**

All the above mentioned publications, as well as all other newspaper publications made by the city, except as hereinafter provided, shall be published where legally permissible but once and in one newspaper of general circulation in the city, printed in the English language, to be designated by the Council. Before designating the newspaper to carry such publications, the Council shall request all such newspapers to submit sealed bids for such publishing, together with their published rate card for commercial advertising, and a sworn statement of their bona fide net paid circulation within the City of East Cleveland, and in making such designation the Council shall take into consideration both the rate and circulation of the newspaper, and the city shall thereupon enter into a contract with the newspaper so designated for such period of time, not exceeding three years, as the Commission shall determine.

All such publications shall be set solid in the regular reading type of the newspaper so designated, but not larger than eight-point type and nine-point body, with an eighteen point headline specifying the nature of the publication; provided that by order of the Council special notices or advertising may be set in larger type than above specified, and notice of the sale of bonds may be published in not to exceed two newspapers. The newspaper carrying any or all of such publications shall be paid for the quantity of space used at a rate no higher than it charges for the same space for commercial display advertising. Whenever it may appear to the Council that the rates offered by such newspapers are unfair, such other means of securing due publicity may be employed, in lieu of newspaper advertising, as the Council may by resolution determine.

(Adopted 5-7-85)

## **§ 110 SALARIES AND BONDS.**

The Council shall fix by ordinance, the salary, rate, or amount of compensation of all officers and employees of the city, except as otherwise provided in this Charter. The Council may establish minimum employment qualifications not otherwise in conflict with general State Law for any officer or employee, except for the Mayor and the members of Council and as is otherwise provided in the Charter or required by law and may require any officer or employee to give a bond for the faithful performance of his duty in such an amount as it may determine and it may provide that the premium thereof shall be paid by the city. The Council shall establish and require that the Finance Director give a bond for the faithful performance of his or her duties, in such amount as determined appropriate by Council and shall provide that the premium thereof shall be paid by the city.

(Adopted 5-7-85)

## **§ 111 GENERAL DISQUALIFICATIONS.**

No member of the Council, the Mayor, or any other officer or employee of the city, shall be directly or indirectly interested in any contract, job, work or service with or for the city; nor in the profits or emoluments thereof; nor in the expenditure of any money on the part of the city; and any contract with the city in which any officer or employee is, or becomes interested, may be declared void by the Council.

No member of the Council, the Mayor, or other officer or employee of the city shall knowingly accept any gift, frank, free ticket pass, reduced price or reduced rate of service from any person, firm, or corporation operating a public utility or engaged in business of a public nature within the city; or from any person known to him to have or to be endeavoring to secure, a contract with the city. The provisions of this section shall not apply to the transportation of policemen or firemen in uniform or wearing their official badges, when the same is provided for by ordinance.

(Adopted 5-7-85)

## **Exhibit E**

### **East Cleveland Codified Ordinance**

#### **Chapter 111: Council**

## **THE COUNCIL**

### **§ 98 THE COUNCIL; POWERS; ELECTION AND TERM OF OFFICE.**

A. Council - Powers: The legislative power of the city, except as limited by this Charter, shall be vested in a Council consisting of five members. Commencing with the regular municipal election to be held in the year 2001, three members of Council shall, in each case, be resident of and elected from each of the three wards of the city, which currently are established and existing pursuant to the general election laws of the State of Ohio and may from time to time be changed pursuant to such laws, and two of whom shall be elected at large. When not prescribed in this Charter, or determined by Council, such powers shall be exercised in such manner as may or hereafter be provided by the general laws of the State of Ohio.

B. Council - Election and Term of Office: The terms of all members elected to Council shall be for four years, starting January 1, 2002, following their election, and they shall serve until their successors are chosen and qualified; provided, however, that Council members elected in the year 2001 to an at large membership by receiving the second highest number of votes and to a ward membership by receiving the third highest number of votes in their respective categories (in cases of a tie in the respective categories, there shall be a special election in the year 2002 for the sole purpose of determining which members of the respective categories shall serve four-year terms) shall be elected for a two-year term expiring in the year 2003 and the two Council members elected in 2003 and their successors shall thereafter serve for four-year terms. The candidates for election to the vacancies in the office of Council member receiving the highest number of votes at such regular elections shall be declared elected.

(Amended 11-7-00)

### **§ 99 QUALIFICATION OF MEMBERS.**

Each member of the Council, for at least one year immediately prior to his or her election shall have been, and during the term of office shall continue to be, a resident of the City of East Cleveland, Ohio, and shall have the qualifications of an elector therein. No person shall be a member of Council who holds any employment with the City of East Cleveland, the East Cleveland Board of Education, or other incompatible public employment or holds other public office except that of notary public or member of the State Militia.

Any member becoming guilty of gross misconduct or malfeasance in office, being convicted of a crime involving moral turpitude while in office, or ceasing to possess the qualifications herein provided, shall thereby forfeit his office.

The Council shall be judge of the election and qualifications of its own members. It may expel any member for gross misconduct, or malfeasance in, or disqualification for office or for conviction of a crime involving moral turpitude while in office; provided, however, that such expulsion shall not take place without the concurrence of four members nor until the delinquent member shall have been notified of the charge against him and given an opportunity to be heard.

(Amended 5-3-88)

### **§ 100 VACANCY.**

When the office of a member of Council shall become vacant, the vacancy shall be filled by election for the unexpired term by a majority vote of all the remaining members of the Council. If the Council fails within 30 days to fill such a vacancy, the President of Council shall fill it by appointment.

(Adopted 5-7-85)

### **§ 101 SALARY.**

Each member of the Council, except the President, shall receive a salary of Four Thousand Five Hundred Dollars (\$4,500.00) per year and the President of the Council shall receive a salary of Six Thousand Dollars (\$6,000.00) per year, payable in equal monthly installments.

(Adopted 5-7-85)

### **§ 102 ORGANIZATION OF COUNCIL.**

At 7:30 p.m. on the 2nd day of January, following a regular municipal election, or if such date be a Sunday, on the day following, the incoming Council members as well as Council members continuing in office shall meet at a mutually agreed upon place by the Mayor and the Council as the legislative body of the City of East Cleveland. The Mayor, or Mayor's designee, shall call this meeting and shall preside as temporary chairperson only until all Council members have been sworn in and the President of Council has been elected. The first official business meeting of the incoming Council shall be within five (5) business days after the commencement of their term. The President of Council, in addition to the Council's obligations, rights, and duties as a Councilperson at large, shall preside at all meetings and shall perform such duties as may be imposed upon him or her by the Council. In the absence of both the President and Vice President of the Council, the senior-most member of Council shall be chairperson of the meeting, provided a quorum is present. The Council shall also choose or appoint a Clerk and such other officers and employees of the sitting Council as it deems necessary, to serve at the pleasure and during the term of the sitting Council. The Clerk shall keep the records of the Council and perform such

other duties as may be required by this Charter or the Council but within the scope of the Council's daily business.

(Amended 11-7-00)

### **§ 103 TIME OF MEETINGS; PUBLIC MEETINGS; EXCEPTIONS.**

(a) The Council shall meet at such times as may be prescribed by ordinance or resolution, except that it shall meet regularly only during the months from September through June, inclusive, not less than once each two weeks. The President, any two members of the Council, or the Mayor, may call special meetings of the Council, upon at least twelve hours' written notice to each member, served personally or left at his or her usual place of residence.

(b) All meetings of the public bodies of the city and of the Council, whether regular or special, shall be open and public, except for the purposes and as permitted by the law of Ohio.

(c) Any citizen may have access to the minutes and records of the Council at all reasonable times.

(d) The Council shall determine its own rules and order of business and shall keep a journal of its proceedings.

(e) This section shall be liberally construed to require public officials to take official action and to Conduct all deliberations upon official business only in open meetings, except for the purposes and as provided by the law of Ohio as provided within this Charter.

(Amended 11-6-90)

### **§ 104 PENALTY FOR ABSENCE.**

Absence from five consecutive regular meetings shall operate to vacate the seat of a member unless the absence is excused by the Council by resolution setting forth such excuse and entered upon the journal.

(Adopted 5-7-85)

### **§ 105 LEGISLATIVE PROCEDURE.**

A majority of all the members elected to the Council shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The Council shall legislatively act only by ordinance or resolution. The affirmative vote of at least three members shall be necessary to adopt any ordinance or resolution; and the vote upon the passage of all ordinances and resolutions shall be taken by "yeas" and "nays" and entered upon the journal.

(Adopted 5-7-85)

### **§ 106 ORDINANCE ENACTMENT.**

Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject, which shall be clearly stated in the title. General appropriation ordinances may, however, contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances passed by the Council shall be: "Be it ordained by the Council of the City of East Cleveland, Ohio". The enacting clause of all ordinances submitted to popular election by the initiative shall be: "Be it ordained by the people of the City of East Cleveland, Ohio."

No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings not less than two weeks apart, or the requirement of such reading has been dispensed with by the vote of at least four members of the Council. No ordinance or resolution or section thereof shall be revised or amended, unless the new ordinance or resolution contain the entire ordinance or resolution or section so revised or amended.

No resolution declaring it necessary to proceed with any public improvement shall be adopted until complete drawings, specifications, profiles and estimates have been submitted to the Council and approved by it; and the same, or a copy thereof, shall thereafter remain on file in the office of the Mayor, subject to inspection by the public.

(Adopted 5-7-85)

### **§ 107 EMERGENCY MEASURES.**

All ordinances and resolutions passed by the Council shall be in effect on and after the thirtieth day from the date of their passage except that the Council may, by the vote of four members, pass emergency measures to take effect at the time indicated therein, subject to the veto power of the Mayor.

An emergency measure is an ordinance or resolution providing for the immediate preservation of the public peace, property, health or safety, in which the emergency is set forth and defined in a preamble thereto. Ordinances appropriating money may be passed as emergency measures. No measure making a grant, renewal or extension of a lease for one or more years or franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall ever be passed as an emergency measure.

(Adopted 5-7-85)

## **§ 108 RECORD AND PUBLICATION.**

Every ordinance or resolution upon its final passage shall be recorded in a journal kept for that purpose, and shall be authenticated by the signatures of the President and the Clerk of Council.

Every ordinance or resolution of a general or permanent nature shall be published once within ten (10) business days after its final passage in the manner hereafter provided. City planning or any other municipal codes or regulations or the general codification of city ordinances or amendments of such codes, regulations or codifications shall be published within ten (10) business days after the passage by a notice containing in general terms only the purpose, the date of the passage, and the effective date of such ordinance and resolutions.

Further, copies of such ordinances and resolutions shall be on file with the Clerk of Council for public examination and placed on the bulletin board in the main entrance of City Hall for at least fourteen (14) days.

The Council shall, however, before issuing bonds to pay for any public improvement, publish a notice headed, "Notice of Bond Issue for Public Improvement", describing said improvement in general terms and setting forth the time within which assessments of property specially benefited may be paid in cash, and the period of maturity and the rate of interest of said bonds for that portion of the assessment not so paid in cash.

(Amended 11-7-00)

## **§ 109 PRICE AND MODE OF PUBLICATION.**

All the above mentioned publications, as well as all other newspaper publications made by the city, except as hereinafter provided, shall be published where legally permissible but once and in one newspaper of general circulation in the city, printed in the English language, to be designated by the Council. Before designating the newspaper to carry such publications, the Council shall request all such newspapers to submit sealed bids for such publishing, together with their published rate card for commercial advertising, and a sworn statement of their bona fide net paid circulation within the City of East Cleveland, and in making such designation the Council shall take into consideration both the rate and circulation of the newspaper, and the city shall thereupon enter into a contract with the newspaper so designated for such period of time, not exceeding three years, as the Commission shall determine.

All such publications shall be set solid in the regular reading type of the newspaper so designated, but not larger than eight-point type and nine-point body, with an eighteen point headline specifying the nature of the publication; provided that by order of the Council special notices or advertising may be set in larger type than above specified, and notice of the sale of bonds may be published in not to exceed two newspapers. The newspaper carrying any or all of such publications shall be paid for the quantity of space used at a rate no higher than it charges for the same space for commercial display advertising. Whenever it may appear to the Council that the rates offered by such newspapers are unfair, such other means of securing due publicity may be employed, in lieu of newspaper advertising, as the Council may by resolution determine.

(Adopted 5-7-85)

## **§ 110 SALARIES AND BONDS.**

The Council shall fix by ordinance, the salary, rate, or amount of compensation of all officers and employees of the city, except as otherwise provided in this Charter. The Council may establish minimum employment qualifications not otherwise in conflict with general State Law for any officer or employee, except for the Mayor and the members of Council and as is otherwise provided in the Charter or required by law and may require any officer or employee to give a bond for the faithful performance of his duty in such an amount as it may determine and it may provide that the premium thereof shall be paid by the city. The Council shall establish and require that the Finance Director give a bond for the faithful performance of his or her duties, in such amount as determined appropriate by Council and shall provide that the premium thereof shall be paid by the city.

(Adopted 5-7-85)

## **§ 111 GENERAL DISQUALIFICATIONS.**

No member of the Council, the Mayor, or any other officer or employee of the city, shall be directly or indirectly interested in any contract, job, work or service with or for the city; nor in the profits or emoluments thereof; nor in the expenditure of any money on the part of the city; and any contract with the city in which any officer or employee is, or becomes interested, may be declared void by the Council.

No member of the Council, the Mayor, or other officer or employee of the city shall knowingly accept any gift, frank, free ticket pass, reduced price or reduced rate of service from any person, firm, or corporation operating a public utility or engaged in business of a public nature within the city; or from any person known to him to have or to be endeavoring to secure, a contract with the city. The provisions of this section shall not apply to the transportation of policemen or firemen in uniform or wearing their official badges, when the same is provided for by ordinance.

(Adopted 5-7-85)

# Agenda Item #12



## **Board of Elections Analysis of Protest February 13, 2023 Board Meeting**

**Protest Filed:** January 30, 2023  
**Protest Filed By:** Patricia Blochowiak

**Candidate/Office:** East Cleveland Recall Petition

- Council at Large member Patricia Blochowiak
- Ward 2 Councilmember Juanita Gowdy
- Ward 4 Councilmember Korean Stevenson

**Issue:** Law Director not Clerk of Council

### *Background*

- On January 23, 2023, the Cuyahoga County Board of Elections received recall petitions for East Cleveland Councilors Blochowiak, Gowdy and Stevenson.
- Petition was filed by Law Director Willa Hemmons serving as the “ministerial” Clerk of Council of East Cleveland.
- Also filed:
  - Legal opinion from Law Director Hemmons relating to when there is no appointed Clerk of Council.
  - Sworn statement from East Cleveland Council at Large Martin appointing the Law Director as the Council Clerk Pro Tem to perform the recall functions.
- Ms. Blochowiak is a *qualified elector* in East Cleveland and is *eligible* to bring forth said protest.

### *Protest:*

- Law Director Hemmons has never been appointed nor confirmed by Council for the current term, therefore she is not the Law Director.
- The Law Director has not been appointed as the Clerk of Council and has no authority to act as the Clerk.
- The Law Director is prohibited to transmit legal opinions without the consent of Council and the Law Director has provided the Board of Elections numerous legal opinions without first obtaining Council consent.
- When issuing letters as prescribed by charter, to the three (3) Council members attempted to being recalled, the Law Director failed to accurately state the Council members name and positions.
- Claims that the verification of the petition signatures are not correct with signatures of circulators also signing their own petition counted and missing complete address's.

### **Exhibits**

A – Blochowiak protest letter and exhibits.

## **Exhibit A**

Blochowiak protest letter and exhibits

# Protest re petitions for recall of Councilor Patricia Blochowiak

1/30/23

There are numerous flaws with the presentation of petitions for recall of Councilors Gowdy, Stevenson, and Blochowiak by "Law Director" Willa Hemmons, and in the petitions themselves.

Willa Hemmons claims to be the Law Director of the City of East Cleveland; however, Section 23 of the Charter of the City of East Cleveland states that the Director of Law must be appointed by the Mayor and approved by the Council. [APPENDIX A]

Since the election of November, 2022, and the beginning of his term on January 1 2023, Mayor King has not made any appointments that have been made apparent to the Council, nor has he brought any Law Director before Council for approval. Therefore, Willa Hemmons is not the Law Director of the City of East Cleveland, nor has she been at any time during this term.

Mayor King did not appoint Willa Hemmons to be Law Director during his previous term, nor did he bring her before Council for approval during his term beginning on January 1, 2019.

In part because Willa Hemmons has not been approved by Council in 2023, Council voted on Thursday, January 26, 2023, Council approved with four (4) votes Ordinance 02-23, A RESOLUTION TO DEEM THE DEPARTMENT OF LAW DIRECTOR VACANT AND TO IMMEDIATELY REMOVE THE OUTSOURCED LAW DIRECTOR FROM THE SEAT, TO HIRE A LAW DIRECTOR PER THE CITY OF EAST CLEVELAND CHARTER REQUIREMENTS PURSUANT TO SECTION 23: DIRECTORS. [APPENDIX B]

## Rule 8, Section (d) Legal opinions

Legal opinions by the Law Director shall be requested and transmitted in the same manner as legislation. All legal opinions shall be considered confidential, except in cases wherein opinions are directed by motion, carried by three affirmative votes of the Council members at a regular public meeting to be read and incorporated in the minutes of such meeting. [APPENDIX C]

In other words, Willa Hemmons had no authority to present any opinion whatsoever to the Board of Elections without a majority affirmative vote of the full Council. It is also a conflict of interest for her to be writing an opinion that attempts to validate her own appointment as Clerk of Council.

The Cuyahoga County Board of Elections has received numerous "legal opinions" from Willa Hemmons, and as you may recall, has brought suit against the Board of Elections in the Supreme Court. More recently, Willa Hemmons sent LEGAL OPINION ON CHARTER SECTION 111.03, SECTION 53, AND SECTION 54 AS TO WHAT HAPPENS WHEN COUNCIL CHOOSES NOT TO EMPLOY A CLERK [APPENDIX D] and an opinion regarding the Petition for Recall of Patricia Blochowiak, Councilor-at-Large. [APPENDIX E]

A later affidavit from Councilor Martin, dated January 13, 2023, and notarized by Heather McCullough on January 23, 2023, stated that he was appointing Willa Hemmons. [APPENDIX F]

The "logic" employed in the "legal opinion" and affidavit is flawed for many reasons.

1.) While Nathaniel Martin may have been the only Councilor on December 20, 2022, who was a disinterested party regarding all three of the proposed recalls, he is not the only Councilor on January 20, 2023, who was disinterested regarding all three of the possible recalls. Both Councilor Nathaniel Martin and Lateek Shaba are disinterested regarding all three possible recalls. Councilor Martin does not constitute a majority of the Councilors in office on this date.

2.) Nathaniel Martin may have been the only Councilor on December 20, 2022, who was

13 JAN 30 PM 4:19

disinterested regarding all three recalls, but each set of recall petitions is a separate case requiring separate petitions; therefore, each separate recall is a separate issue, and each had three disinterested parties on December 20, 2022, i.e., the four (4) Councilors minus the one being considered for recall, and each had four disinterested parties on January 20, 2023, namely all of the current five (5) Councilors minus the one whose petitions are being considered for recall.

3.) Willa Hemmons has been appointed by Mayor Brandon King, but she has not been approved by the Council, as is required by the Charter. She is not the Law Director of the City of East Cleveland.

4.) Willa Hemmons effectively only works for the Executive Branch, i.e., Mayor Brandon King. In the recent past, Council found it necessary to hire Attorney Jonathan McDonald in matters regarding the Council of the City of East Cleveland, and the City of East Cleveland refused to pay for his services out of the Council budget.

In summary, Willa Hemmons is not authorized to perform any functions regarding the Council of the City of East Cleveland or the Cuyahoga County Board of Elections.

In addition, Willa Hemmons has not functioned as a Clerk of Council for the City of East Cleveland City Council. She has not staffed the Council office, answered the telephone, functioned as Clerk during Council meetings, taken Minutes for the Council meetings, etc. She has not functioned as Clerk of Council.

In addition, her function as Clerk of Council for the purpose of dealing with petitions has been seriously flawed.

In a letter written to Councilor Juanita Gowdy on Tuesday, January 24, 2023, and delivered to her home, Willa Hemmons included Councilor Gowdy at the top of the letter, but referred to her as "Councilor at Large" wrote "RE: Petition for Recall of Patricia Blochowiak, Councilor at Large," and wrote "Dear Councilor Patricia Blochowiak." Later in the letter, Willa Hemmons referred to Councilor Gowdy as "Councilor for Ward 4," stating that Ward 4 had 565 votes in November, 2022, election, so 142 signatures were required for recall. Unfortunately for Willa Hemmons, Councilor Gowdy is not Councilor Blochowiak, and neither Councilor Gowdy nor Councilor Blochowiak is the Councilor for Ward 4. [APPENDIX G]

Ms. Hemmons wrote comparably accurate letters to Councilors Blochowiak and Stevenson. Councilor Blochowiak's letter referred to her as the Councilor for Ward 2, rather than the Councilor at Large. [APPENDIX H]

Councilor Stevenson's letter referred to her as Councilor at Large. [APPENDIX I]

On Wednesday, January 25, 2023, an email was sent to Councilors Blochowiak and Martin with an attachment "Gowdy Letter of Recall Submission.pdf" This email was also sent to Mayor King and to Heather Mccollough, but not to Councilor Gowdy. [APPENDIX J]

On Wednesday, January 25, 2023, an additional email was sent to Councilors Blochowiak and Martin, plus Mayor King and Heather McCullough, providing accurate information regarding her status as Councilor at Large and her petitions. [APPENDIX K]

On January 24, Willa Hemmons also delivered a letter to the Board of Elections, addressed to



Anthony Perlatti, Director "RE:RECALL PETITIONS FOR PATRICIAL BLOCHOWIAK" (sic) She stated that Ernest Smith submitted sixty-five (65) petitions purporting to contain nine hundred and four (904) signatures, and that she certified 784 as valid signatures. [APPENDIX L]  
I requested that email copies of petitions for all three (3) potential recalls from Willa Hemmons via email on Wednesday, January 26, 2023, at 11:06 a.m. [APPENDIX M]

On Wednesday, January 26, 2023, at 2:57 p.m., Maxine Mackey responded that my copies were ready to be picked up for \$1.80. [APPENDIX N]

On Wednesday, January 26, 2023, at 3:01 p.m., I responded that I had not requested paper copies to be picked up, I had requested that email copies be sent to me. [APPENDIX O]  
No response to this was ever received.

An analysis of the petitions for the recall of Councilor Blochowiak shows that the circulators are Wendell Lovelace, Ernest Smith, Terrie Richardson, Donald Law, Walter Melton, Michael Smedley, Nathaniel Martin, Lee Coleman, Che Gadison, Brandon King, Wanda Jacobs, Patricia Powell, Henry Smith, Michelle Spencer, Fred Barkley, Lola Reeder, Shirley Hatcher, Wanda Jacobs, and Frank Ricchi. [APPENDIX ALPHA 1-] *on flash drive*

I find no one in East Cleveland is registered under the name Patricia Powell.  
I find one person named Ernest Lee Smith, but he is registered at 1374 Elwood, not at 14009 Northfield address that he used to sign as circulator. [APPENDIX O+]

I find no one on the Board of Elections website in East Cleveland named Michelle Spencer.

The Board of Elections will recall that Che Gadison was appointed to the East Cleveland City Council, but failed in her bid to be elected to that seat, losing to Councilor Gowdy. She circulated petitions for the recall of Councilor Gowdy, and circulated petitions with sufficient signatures to place the recall on the ballot. Unfortunately, affidavits and witnesses were found who swore that Che Gadison was the circulator, even though Kelly Bright's name was the one that Heather McCullough notarized. Che Gadison admitted to the Board of Elections that she had been the actual circulator, so the recall of Councilor Gowdy was removed from the ballot.

Walter Melton lives in an apartment complex between Euclid Avenue and Terrace, between Superior and Forest Hills Blvd, but he lists his address only as 1840 Forest Hills Blvd, with no apartment number included. His signature is on petition 20, with 8 valid signatures, and on petition 26, with 12 signatures.

Donald Law, Michael Smedley, Walter Melton, Henry Smith, Michelle Spencer, and Brandon King signed the petitions that they circulated, but their signatures were not excluded.

Wendell Lovelace stated to me as he harassed me outside the Kirk Middle School polling place in November, 2022, that he rented out his property at 15617 Hazel and didn't live there, but his petitions 57, with 18 signatures are all counted.

On petition 39 Pecolia Stanberry 1655 Bryn Mawr, signed the petition, but after she told Charles Holmes that she hadn't known what the lady who came to her door wanted her to sign, I called her and she said that "the lady" had confused her. Her petition was circulated by Lee Coleman, whose photograph from the day he harassed me at the polls at Kirk Middle School shows that no one would confuse him for a lady. [APPENDIX P]

23 JAN 30 PM 4:19

Brandon King gives his voting address as 1735 Elsinore. [APPENDIX Q]  
The following people also give 1735 as their voting address: Cecil King, Sheldon Cecil King, Norman E. King, and Norma L King. All five (5) members of the King family voted in the November, 2022, election. [APPENDIX R]

On February 22, 2022, Brandon L. King married Stephanie Marie McCarroll. [APPENDIX S]  
Stephanie Marie McCarroll, who gives her last name as McCarroll-King on LinkedIn, gives her address as 3837 E. Antisdale, South Euclid, and used that address to vote in the November, 2022, election. [APPENDIX T]

Stephanie M. McCarroll, Brandon L King's wife, sold her home on Antisdale on February Bernard Fryshman and Rivka Gittel Lerman on February 27, 2022. [APPENDIX U] and, according to a personal call with my friend, Marjorie Preston, 3827 E Antisdale, she didn't recall having seen Stephanie at the house since some time before February, 2022.

Nathaniel Martin was seen in a Facebook post by Fred Barkley in December, 2022, circulating petitions for the recall of Councilor Blochowiak at an apartment building on Terrace Road. They are similar enough that I can't identify whether the building is 14000 Terrace, 14020 Terrace, or 14100 Terrace. [APPENDIX V - flash drive]

Enclosed are screen shots at 29 seconds [APPENDIX W] showing Nathaniel Martin holding a petition with about six (6) signatures and 30 seconds [APPENDIX X], showing Nathaniel Martin holding the petition with no circulator's signature. The photographs are not high quality, but it is apparent that there are petition signatures, but none for the circulator.

On the petitions, there are many signatures that are not followed by a full address, Most of these lack an apartment number. Some have a house number and an apartment number, but lack a street name.  
(In addition to this, there are a number that have apparently had the apartment numbers added afterwards in the same handwriting.)

Regarding the petitions for the recall of Councilor Stevenson, there are 154 when those without an apartment number are removed. When those circulated by Walter Melton, whose own apartment number is missing, are also removed, there are 144 remaining. (Wendell Lovelace had an additional 20, and Brandon King an additional 8, leaving only 116.)

The copies are of such poor quality that actually checking each signature is not possible, but it is clear that Willa Hemmons did not do an adequate job of validating the signatures, just as she did not do an adequate job of sending out letters to the Councilors regarding the recall. Her accuracy and competence are not of adequate quality to determine that the recalls should go on the ballot and require the residents of East Cleveland to pay for a special election.

In addition, Willa Hemmons sent various email messages and letters [EXHIBIT Y] identifying Mark McClain as Ward 3 Councilor, in spite of the fact that the voting record sent to us by the Board of Elections shows that he did not change his voter registration from Cleveland back to East Cleveland until August, 2022, and did not again vote in East Cleveland until November, 2022. Thus he was not a qualified elector for a full year as required by the East Cleveland Charter.

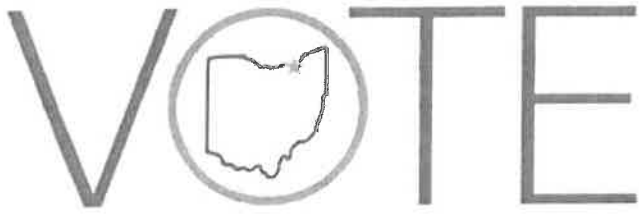
### Qualification of Members

In summary, Willa Hemmons is not Law Director or Clerk of Council, and does an inadequate job when attempting to do any of these jobs. These petitions should be discarded.

Councilor Patricia Blochowiak

1/30/2023

EXHIBIT Z  
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# CUYAHOGA COUNTY BOARD OF ELECTIONS

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

**Date Received:** 1.30.2023

**From:**

**Phone:** 216.288.7512

Patricia Blochowiak

1894 Farmington Road

East Cleveland, OH 44112

**Received:**



☐ Protest of Blochowiak recall petitions



flash drive also



*No Appendix D, I, R*

**Notes:**

email pblochowiak@gmail.com

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



### **§ 23 DIRECTORS.**

There shall be a director of each department who shall have the supervision and control thereof, who shall be immediately responsible to the Mayor for the administration of the department. The Director of Public Health shall be a physician, who shall have been duly admitted to practice in the State of Ohio, and who shall have been engaged in the active practice of medicine continuously for a period of three years next preceding his appointment. The Director of Law shall be an attorney-at-law, who shall have been duly admitted to practice in the State of Ohio, and who shall have engaged in the active practice of law continuously for a period of three years next preceding his appointment.

The Director of Law and the Director of Finance shall be appointed by the Mayor, but such appointments must be confirmed by at least three-fifths of the Council. The Director of Law or the Director of Finance may be removed by the Mayor, provided the removal is confirmed by at least three-fifths of the Council.

(Ord. 75-12, passed 7-31-2012)





**RESOLUTION NO: ORDINANCE NO. 02-23**

**A RESOLUTION TO DEEM THE DEPARTMENT OF LAW DIRECTOR VACANT AND TO IMMEDIATELY REMOVE THE OUTSOURCED LAW DIRECTOR FROM THE SEAT, TO HIRE A LAW DIRECTOR PER THE CITY OF EAST CLEVELAND CHARTER REQUIREMENTS PURSUANT TO § 23 DIRECTORS.**

**The Director of Law and the Director of Finance shall be appointed by the Mayor, but such appointments must be confirmed by at least three-fifths of the Council. The Director of Law or the Director of Finance may be removed by the Mayor, provided the removal is confirmed by at least three-fifths of the Council. (Ord. 75-12, passed 7-31-2012)**

**Requested by Juanita Gowdy: Councilor for the City of East Cleveland  
Sponsored by: Juanita Gowdy, Councilor for the City of East Cleveland  
Placed before Council at an Emergency Council Meeting on the January 26, 2023,  
Agenda and Adopted by Four (4) out of Five (5) Councilors**

---

**WHEREAS,** the City of East Cleveland has adopted by vote of four (4) out of five (5) Council members to deem the City of East Cleveland's Law Department vacant on January 26, 2023 by and through ORDINANCE NO. 02-23: and

**WHEREAS,** the City of East Cleveland Charter requires persons serving in the office of Law Director be an employee of the City, appointed by the Mayor and confirmed by three fifths of Council; and

**WHEREAS,** the City has not had an employed Law Director as of January 5, 2015. At such time former Mayor Gary Norton entered into a contract with Willa Hemmons to provide legal representation to the City of East Cleveland. Mayor Norton did not obtain approval for the contract for the outsourced law department. Willa Hemmons is not recognized by the current Council, which deems the office currently held by Willa Hemmons as unlawful and not in alignment with the requisites of the City of East Cleveland Charter; and

**WHEREAS,** Willa Hemmons has failed to abide by the City of East Cleveland Charter when providing legal opinions. Willa Hemmons often provides uninvited legal opinions to City Council, City of East Cleveland employees, and residents in violation of the City of East Cleveland Charter RULE 8 LEGISLATION AND LEGAL OPINIONS:

REQUESTS, PREPARATION AND TRANSMITTAL; TEMPORARY LEGISLATION NUMBER. Sections 4(c)(1)(2)(3)(4) & (5)(d); and

**WHEREAS**, Willa Hemmons has settled cases on behalf of the City of East Cleveland without Council's knowledge and or resolution and has acted unlawfully in the seat of Law Director; and

**WHEREAS**, Willa Hemmons has failed to properly notify the City of East Cleveland's Elected Body of pending litigations brought against and by the City; and

**WHEREAS**, Willa Hemmons has acted unethically and unprofessionally in Court proceedings and has at least one (1) time been sanctioned for her conduct in the Northern District Court by Judge James Gwinn; and

**WHEREAS**, Willa Hemmons attempted to unlawfully enter into a monetary agreement with Defendants in the matter of the deaths of Timothy Russell and Malissa Williams in violation of the Professional Standards of Conduct for Attorneys in the State of Ohio; and

**WHEREAS**, Willa Hemmons has represented Mayor Brandon King in a non-city related matter and assessed costs to the representation to the City without the knowledge, consent, and or resolution of this Elected Body; and

**WHEREAS**, Willa Hemmons has represented Heather McCollough in a non-city related matter and assessed costs to the representation to the City without the knowledge, consent, and or resolution of this elected Body; and

**WHEREAS**, Willa Hemmons has moved Courts to consolidate non-city matters involving herself and Heather McCollough with City-related matters without the knowledge, consent, and or resolution of this Elected Body; and

**WHEREAS**, Willa Hemmons has used City time and funds to defend and grant indemnification of peace officers' misconduct in courts throughout the State of Ohio without the knowledge, consent, or resolution by this Elected Body; and

**WHEREAS**, Willa Hemmons has not abided by the City of East Cleveland Charter and has self-elected herself to serve as the Clerk of Council to certify recall petitions for members of this Elected Body. The City of East Cleveland Charter § 49 RECALL PROCEDURE requires the Clerk of Council, who is appointed by the Elected Body, to certify all recall petitions; and

**WHEREAS**, Willa Hemmons has not been appointed and or confirmed to stand in the absence of a Clerk of Council by the Elected Body and has acted unlawfully; and

**WHEREAS**, Willa Hemmons has violated the City of East Cleveland Charter by submitting recall petitions to the Cuyahoga County Board of Elections to recall members of this Body in violation of §102 of the City of East Cleveland Charter; and

**WHEREAS**, Willa Hemmons has not had Bond, Malpractice, and Liability Insurance during her tenure of providing legal representation to the City of East Cleveland; and

**WHEREAS**, Willa Hemmons has failed to timely file court pleadings, conduct discovery, and represent the City with integrity caused a 22 million dollar judgment to be increased to 50 million dollars. Willa Hemmons has contributed to the instability of the fiscal budget and has caused irreparable damages to the City; and

**WHEREAS**, Willa Hemmons, being notified by the State of Ohio Peace Officer Training Academy that peace officers are not in good standing and failed to take the required statutory and mandated trainings as required by law, has allowed such persons to remain within the City of East Cleveland Police Department, and later certain persons were indicted by the Cuyahoga County Prosecutor's Office and out of court settlement agreements were entered into without the knowledge, consent, or by resolution of this Elected Body; and

**WHEREAS**, Willa Hemmons has not acted according to law and the City of East Cleveland Charter, has obtained thousands of taxpayer dollars on an unapproved contract by this and the former Elected Body, and is hereby removed from this position immediately; and

**WHEREAS**, Willa Hemmons prosecuted a citizen for the alleged assault on Mayor King having such knowledge there was no evidence an assault occurred;

**WHEREAS**, Willa Hemmons has failed to instill a culture of professionalism and ethics with persons she supervises; and

**WHEREAS**, Willa Hemmons has signed contracts on behalf of the City of East Cleveland without the knowledge, consent, or by resolution of this Elected Body; and

**WHEREAS**, Willa Hemmons has failed to review body and dash cam evidence in criminal prosecutions and has allowed Heather McCollough to act as the City

Prosecutor and to enter into criminal prosecutions of citizens assaulted by person who were hired as dispatchers with no OPOTA certifications; and

**WHEREAS**, the Elected Body of the City of East Cleveland authorizes the Mayor to immediately declare the office of Law Director vacant and to appoint an attorney other than Willa Hemmons to comply with the City of East Cleveland's Charter; and

**WHEREAS**, the Elected Body of the City of East Cleveland states the outsourced Law Department is not recognized and deems the office of Law Director as vacant since January 1, 2015 in violation of the City of East Cleveland Charter.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of East Cleveland, Cuyahoga County, within the State of Ohio, four-fifths ( $\frac{4}{5}$ ) of all members therein concurring:

**SECTION 1.** That the Mayor is hereby authorized and directed to appoint a licensed practicing attorney for at least three (3) years to the office of Law Director.

**SECTION 2.** That the Mayor is directed to submit the resumé and recommendations to this Elected Body immediately for consideration and confirmation to fill the City of East Cleveland requirements of Law Director.

**SECTION 3.** That the Mayor is directed by this Council to immediately remove Willa Hemmons from the City of East Cleveland and to cease providing access to city records and court cases in regards to the City.

**SECTION 4:** That the Mayor is directed to immediately end the unauthorized contract with Willa Hemmons.

**SECTION 5:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**SECTION 6.** That this Resolution shall take effect and be in force and after the earliest period allowed by law.

**KOREAN STEVENSON,  
PRESIDENT OF COUNCIL**

**APPROVED:**

**ATTEST:**

**CLERK OF COUNCIL**

**BRANDON L. KING, MAYOR**

**APPROVED AS TO FORM:**

**VETO: YES \_\_\_\_ NO \_\_\_\_**

**DIRECTOR OF LAW**

**DATE SIGNED: \_\_\_\_\_**

**PASSED:**

**Councilor Korean Stevenson  
Councilor Patricia Blochowiak  
Councilor Lateek Shabazz  
Councilor Nathaniel Martin  
Councilor Juanita Gowdy**

**Yea**

**Nay**

\_\_\_\_\_

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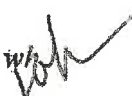
(d) *Legal opinions.* Legal opinions by the Law Director shall be requested and transmitted in the same manner as legislation. All legal opinions shall be considered confidential, except in cases wherein opinions are directed by motion, carried by three affirmative votes of the Council members at a regular public meeting to be read and incorporated in the minutes of such meeting.



**LEGAL OPINION ON CHARTER §111.03, §53 AND §54 AS TO WHAT HAPPENS WHEN COUNCIL CHOOSES NOT TO EMPLOY A CLERK**

To: Mayor Brandon L. King

January 13, 2023

From: Willa Hemmons, Law Director 

Re: Charter §111.03, §53 And §54 As To What Happens When Council Chooses Not To Employ A Clerk of City Council

**FACTS**

On or about the 20<sup>th</sup> day of December, 2022, Recall petitions were pulled against City Council members, Korean Stevenson, Patricia Blochowiak and Juanita Gowdy. At that time Nathaniel Martin was Council President and Tracy Udrija-Peters was the Council Clerk. On or about January 3, 2023, Councilor Korean Stevenson became City Council President and fired Ms. Udrija-Peters. As of this date a replacement for the East Cleveland City Council Clerk position has not been appointed. This leaves the question as to who will fulfill the Council Clerk's duties with reference to Charter Sections 111.03, 53 and 54 as presented below.

**LAW**

**§ 111.03 COUNCIL EMPLOYEES.**

- (a) As authorized and mandated by § 102 of the Charter, in addition to and apart from the five elected public officials who are Council members making up the legislative body of the city consisting of one President of City Council, one Vice President and three members of Council, together with a President Pro Tem who may be elected by Council as deemed necessary in the absence of the President and Vice President, the regular and part-time employees of the city within the organizational structure of Council, the legislative branch of the city government, which may be deemed for purposes of structure discussion as being similar to a "municipal department", the employees may consist of a Clerk who shall be appointed and/or terminated by the President of Council, and Council may also elect such other officers and employees of Council as it deems necessary, to serve at the pleasure of Council. The President of Council shall adjust compensation for the Clerk. In the event that the Council disagrees with a personnel decision that has been made by the President of Council, the decision shall be overturned provided a written letter signed by at least three members of Council is submitted to the President of Council stating the decision that should be overturned and the reasons for overturning the decision.

AND

- (c) Council hereby expressly reserves the authority and right granted to it under § 102 of the City Charter, to designate, elect and to appoint such other officers and employees of Council as it may deem necessary to serve at Council's pleasure; further, in addition to and notwithstanding the provisions in division (b) above, as Council deems necessary, Council may also appoint any officer or employee of the city under its jurisdiction, in its discretion, to serve as Clerk Pro Tempore or as Deputy Clerk, in the absence of the Clerk upon such terms, on such conditions and for such time as Council may determine.

**§ 53 NOTICE.**

At the expiration of said period of thirty days, the Clerk of the Council shall certify upon such petition whether the signature of electors thereto amount in number to at least twenty-five (25) percent of the voters voting at the

last regular municipal election of officers. If such signatures do amount to such percent, he shall at once serve notice of that fact upon the member or members of the Council designated in the petition, and also deliver to the election authorities a copy of the original petition with his certificate as to the percentage of voters voting at the last regular municipal election of officers who signed the same, and a certificate as to the date of his said notice to the member or members of the Council designated in the petition.  
(Amended 11-8-77).

## **§ 54 RECALL ELECTION.**

If a member or members of the Council, or any of them, designate in the petition, file with the Clerk of the Council within five days after said notice from the Clerk of the Council, his or their written resignation, the same shall be irrevocable and the Clerk of the Council shall at once notify the election authorities of the fact and the election authorities shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Such election shall be held not less than sixty nor more than ninety days after the expiration of the period of five days last mentioned, at the same time as any other general or special election held within such period; but if no general or special election be held within such period, the election authorities shall call a special recall election.

The question of what happens if there is no Clerk of Council was addressed in the case *State ex rel. Thompson v. Becker*, 1985 Ohio App. LEXIS 7984 [attached]. In *Thompson*, the Court approved the perspective that the clerk's function is purely ministerial. In other words, the clerk is not required to pass on the merits of the reasons for recall. As with the city in *Thompson*, the East Cleveland Charter does not endow the clerk with partisan discretion.

This view is reflected in the recent case of *Stevenson v. City of E. Cleveland Council President*, 2022-Ohio-4521 [also attached]. In that case the Court pointed out that the employees of City Council "may consist of a Clerk..." In other words, although many of the subsequent City code provisions use a "shall" semantic, the employment of a City Council Clerk itself by City Council appears to be discretionary with Council.

## **CONCLUSION**

Based upon case law then, Council may appoint anyone to do the ministerial duties of the Clerk of Council. In the instant case, as three of the Council members who were in office on December 20<sup>th</sup>, 2022 are also up for recall, they would not be disinterested parties in appointing someone to do the ministerial duties that would have inured to a Council clerk. The only Council member from December 20<sup>th</sup>, 2022 who is not up for recall is Nathaniel Martin. Councilor Martin has, therefore, so designated the East Cleveland Law Director to perform the recall functions in order to effectuate the Charter process. The Law Director, as an attorney, has an ethical duty to perform such functions in a neutral, impartial manner on pain of violating ethical canons endemic to the legal profession. What those City Councilors, who are currently subject to recall, can do is to ask that observers be present to further ensure the integrity of the process. Once the respective observers are identified, the time and place of the recall petition return will be communicated to them.





## The City of East Cleveland Council Office

**Nathaniel Martin**  
**Councilor At-Large**



**216-417-9808**  
**Nathaniel.martin@att.net**

January 13, 2023

Nathaniel Martin, being first duly sworn says as follows:


1. I, Nathaniel Martin, am the legally elected Councilor-at-Large for the City of East Cleveland.
2. As part of my fiduciary responsibility as the elected official of Councilor-at-Large, I, Nathaniel Martin, was in attendance at the 6:30 p.m. official scheduled Regular City of East Cleveland Council meeting held on January 3, 2023.
3. As per RULE 23 PRESIDENT AND VICE PRESIDENT OF CITY COUNCIL; ORGANIZATION, REORGANIZATION AND FILLING OF VACANCIES. under (b) of the City of East Cleveland Charter: Reorganization. The reorganization of Council may occur at any time, by motion, upon the vote of three-fifths of the members of Council. Ward 2 Councilwoman Juanita Gowdy, made a motion to reorganize the City Council and Patricia Blochowiak, seconded said motion. The vote was 3 in favor of reorganizing the City Council. The 3 votes in favor came from Ward 2 Councilwoman Juanita Gowdy, Ward 4 Councilwoman Korean Stevenson and Patricia Blochowaik, Councilor at-large. At that time Councilwoman Korean Stevenson was voted in as President of Council
4. Immediately following the January 3, 2023 Regular Council meeting, the newly elected Council President proceeded to fire all Council Office staff members consisting of the Clerk of Council and the Assistant Clerk of Council leaving the Council office unable to perform certain ministerial duties and functions assigned to the Clerk of Council as outlined in the Charter.

5. In the absence of an appointed Clerk of Council, as required by the Charter to perform ministerial duties of the Council office, and being the only Councilmember who is not up for recall, did so designate the East Cleveland Law Director effective January 4, 2023 as the Council Clerk Pro Tem in order to perform the recall functions in order to effectuate the Charter process. The Law Director, as an attorney, has an ethical duty to perform such functions in a neutral, impartial manner on pain of violating ethical canons endemic to the legal profession.

Further affiant sayeth naught.

  
Nathaniel Martin

BEFORE ME, A NOTARY PUBLIC, did appear Nathaniel Martin who did swear to and subscribed in my presence the foregoing Affidavit this 23<sup>rd</sup> day of January 2023.

  
Notary Public

Brandon L. King  
Mayor

January 24, 2023



Juanita Gowdy  
Councilor at Large  
Council Office  
14340 Euclid Avenue  
East Cleveland, OH 44112

*RE: Petition for Recall of Patricia Blochowiak, Councilor-at-Large*

*Dear Councilor Patricia Blochowiak,*

Section 102 of the East Cleveland Charter, in pertinent part, states:

**§ 102 ORGANIZATION OF COUNCIL.**

The President of Council, in addition to the Council's obligations, rights, and duties as a Councilperson at large, shall preside at all meetings and shall perform such duties as may be imposed upon him or her by the Council. In the absence of both the President and Vice President of the Council, the senior-most member of Council shall be chairperson of the meeting, provided a quorum is present. The Council shall also choose or appoint a Clerk and such other officers and employees of the sitting Council as it deems necessary, to serve at the pleasure and during the term of the sitting Council. The Clerk shall keep the records of the Council and perform such other duties as may be required by this Charter or the Council but within the scope of the Council's daily business. (Amended 11-7-00) Highlight added.

As you are also aware, Korean Stevenson was elected to be City Council President on January 3, 2023, at which she immediately fired the Council Clerk. Since that date, contrary to the City's Charter, a replacement has not been appointed either by President Stevenson or the majority of Council. Given this Charter breach, Councilor Nathaniel Martin appointed me, the Law Director, to fill the void caused by this omission.

Therefore, I, Willa Hemmons, as the duly appointed, qualified Law Director, serving in the ministerial capacity for solely this purpose as Clerk of the East Cleveland City Council, by the issuance of this letter, am hereby officially notifying you that on January 20, 2023, Ms. Che Gadison, submitted twenty (20) petitions to the Department. The submitted petitions purported to contain two hundred nine (209) signatures for the purpose of removing you from the Office of Councilor-at-Large of the City of East Cleveland of which 153 have been certified.

On January 25, 2023 per Section 53 of the City Charter, I, acting in the absence of a Council Clerk, collected the Electors' signatures on said Petitions and hand-delivered them to the Cuyahoga County Board of Elections.

It is my duty, as the Clerk of Council, to officially notify you that the Elector Signatures on the Recall Petitions have been verified and validated using the Board of Elections public terminals and my staff for such purposes.

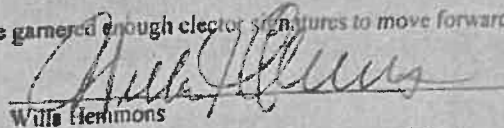
*Rebuilding East Cleveland Together*  
[www.EastCleveland.org](http://www.EastCleveland.org)



It is my duty, as the Pro tem Clerk of Council, to officially notify you that the Elector Signatures on the Recall Petitions have been verified and validated using the Board of Elections public terminals and my staff for such purpose.

The total votes cast in the November 2019 last regular municipal election where the office of Councilor for Ward 4 was on the ballot was 565. Therefore, twenty-five (25) percent must be at least 142 signatures.

I hereby Certify that the Recall Petitions have garnered enough elector signatures to move forward with a special recall election.

  
Willa Hemmons

January, 2023.

Sworn to and subscribed before me in my presence this 24<sup>th</sup> day of



Finally,

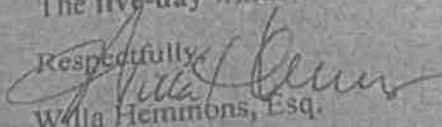
Please be cognizant of SECTION 54, as per the city of East Cleveland's Charter.

#### SECTION 54. RECALL ELECTION.

If a member or members of the Council, or any of them, designate in the petition, file with the Clerk of the Council within five days after said notice from the Clerk of the Council, his or their written resignation, the same shall be irrevocable and the Clerk of the Council shall at once notify the election authorities of the fact and the election authorities shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Such election shall be held not less than sixty nor more than ninety days after the expiration of the period of five days last mentioned, at the same time as any other general or special election held within such period; but if no general or special election be held within such period the election authorities shall call a special recall election.

The five-day window is at the end of day, January 29, 2023.

Respectfully,

  
Willa Hemmons, Esq.  
Law Director

Cc: Anthony Perlatti, Director, Cuyahoga County BOE  
Brent Lawler, Manager Candidate & Petition Services  
Nathaniel Martin, Councilor-at-Large  
Mark McClain, Councilor Ward 3  
Juanita Gowdy, Council Vice President  
Patricia Blochowiak, Councilor-at-Large

H



## *The City of East Cleveland*

14340 EUCLID AVENUE • EAST CLEVELAND, OHIO 44112 • PHONE (216) 681-2208 • FAX (216) 681-2650

Brandon L. King  
Mayor

Patricia Blochowiak  
Councilor at Large  
Council Office  
14340 Euclid Avenue  
East Cleveland, OH 44112

January 24, 2023

RE: Petition for Recall of Patricia Blochowiak, Councilor-at-Large

Dear Councilor Patricia Blochowiak,

Section 102 of the East Cleveland Charter, in pertinent part, states:

### **§ 102 ORGANIZATION OF COUNCIL.**

The President of Council, in addition to the Council's obligations, rights, and duties as a Councilperson at large, shall preside at all meetings and shall perform such duties as may be imposed upon him or her by the Council. In the absence of both the President and Vice President of the Council, the senior-most member of Council shall be chairperson of the meeting, provided a quorum is present. The Council shall also choose or appoint a Clerk and such other officers and employees of the sitting Council as it deems necessary, to serve at the pleasure and during the term of the sitting Council. The Clerk shall keep the records of the Council and perform such other duties as may be required by this Charter or the Council but within the scope of the Council's daily business.

(Amended 11-7-00) Highlight added.

As you are also aware, Korean Stevenson was elected to be City Council President on January 3, 2023, after which she immediately fired the Council Clerk. Since that date, contrary to the City's Charter, a replacement has not been appointed either by President Stevenson or the majority of Council. Given this Charter breach, Councilor Nathaniel Martin appointed me, the Law Director, to fill the void caused by this omission.

Therefore, I, Willa Hemmons, as the duly appointed, qualified Law Director, serving in the ministerial capacity for solely this purpose as Clerk of the East Cleveland City Council, by the issuance of this letter, am hereby officially notifying you that on January 20, 2023, Mr. Ernest Smith, submitted sixty-five (65) petitions to the Law Department. The submitted petitions purported to contain nine hundred four (904) signatures for the purpose of removing you from the Office of Councilor-at-Large of the City of East Cleveland of which 784 have been certified.

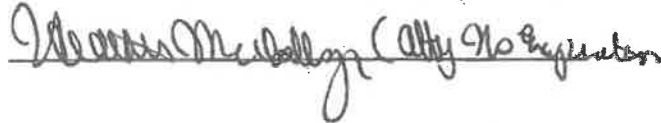
On January 25, 2023 per Section 53 of the City Charter, I, acting in the absence of a Council Clerk, verified the Electors' signatures on said Petitions and hand-delivered them to the Cuyahoga County Board of Elections.

The total votes cast in the November 2019 last regular municipal election where your office of Councilor Ward 2 was on the ballot was 417. Therefore, twenty-five (25) percent must be at least 105 signatures.

I hereby Certify that the Recall Petitions have garnered enough elector signatures to move forward with a special recall election.

  
Willa Hemmons

Sworn to and subscribed before me in my presence this 24<sup>th</sup> day of January, 2023.

  
Notary Public

Finally,


Please be cognizant of SECTION 54, as per the city of East Cleveland's Charter:

**SECTION 54. RECALL ELECTION.**

If a member or members of the Council, or any of them, designate in the petition, file with the Clerk of the Council within five days after said notice from the Clerk of the Council, his or their written resignation, the same shall be irrevocable and the Clerk of the Council shall at once notify the election authorities of the fact and the election authorities shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Such election shall be held not less than sixty nor more than ninety days after the expiration of the period of five days last mentioned, at the same time as any other general or special election held within such period; but if no general or special election be held within such period the election authorities shall call a special recall election.

The five-day window is at the end of day, January 29, 2023.

Respectfully,

  
Willa Hemmons, Esq.  
Law Director

Cc: Anthony Perlatti, Director, Cuyahoga County BOE  
Brent Lawler, Manager Candidate & Petition Services  
Nathaniel Martin, Councilor-at-Large  
Mark McClain, Councilor Ward 3  
Patricia Blochowiak, Councilor-at-Large  
Korean Stevenson, Council President



LAW DEPARTMENT

***The City of East Cleveland***

14340 EUCLID AVENUE • EAST CLEVELAND, OHIO 44112

*Patricia Blochowick  
1894 Farmington Rd.  
East Cleveland, Ohio 44112*



Patricia Blochowiak &lt;pblochowiak@gmail.com&gt;

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**Reminder of Five Day Deadline**

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**Willa Hemmons** <whemmons@eastcleveland.org>

Wed, Jan 25, 2023 at 8:35 AM

To: Patricia Blochowiak &lt;pblochowiak@gmail.com&gt;, Patricia Blochowiak &lt;pblochowiak@eastcouncil.org&gt;

Cc: Mayor King &lt;mayorking@eastcleveland.org&gt;, "EC Nathaniel Martin, Councilman" &lt;nathaniel.martin@att.net&gt;, Heather Mccollough &lt;hmccollough@eastcleveland.org&gt;

Good Morning,

Please see the attached, reminder that was delivered to your residence, yesterday.

Sincerely,

***Willa Hemmons***

Law Director

City of East Cleveland

14340 Euclid Avenue

East Cleveland, Ohio 44112

(216) 681-2169

(216) 681-2199 Facsimile

whemmons@eastcleveland.org

**Gowdy Letter of REcall Submission.pdf**

491K





## *The City of East Cleveland*

14340 EUCLID AVENUE • EAST CLEVELAND, OHIO 44112 • PHONE (216) 681-2208 • FAX (216) 681-2650

Brandon L. King  
Mayor

Juanita Gowdy  
Councilor at Large  
Council Office  
14340 Euclid Avenue  
East Cleveland, OH 44112

January 24, 2023

RE: Petition for Recall of Patricia Blochowiak, Councilor-at-Large

Dear Councilor Patricia Blochowiak,

Section 102 of the East Cleveland Charter, in pertinent part, states:

### **§ 102. ORGANIZATION OF COUNCIL.**

The President of Council, in addition to the Council's obligations, rights, and duties as a Councilperson at large, shall preside at all meetings and shall perform such duties as may be imposed upon him or her by the Council. In the absence of both the President and Vice President of the Council, the senior-most member of Council shall be chairperson of the meeting, provided a quorum is present. The Council shall also choose or appoint a Clerk and such other officers and employees of the sitting Council as it deems necessary, to serve at the pleasure and during the term of the sitting Council. The Clerk shall keep the records of the Council and perform such other duties as may be required by this Charter or the Council but within the scope of the Council's daily business. (Amended 11-7-00) Highlight added.

As you are also aware, Korean Stevenson was elected to be City Council President on January 3, 2023, after which she immediately fired the Council Clerk. Since that date, contrary to the City's Charter, a replacement has not been appointed either by President Stevenson or the majority of Council. Given this Charter breach, Councilor Nathaniel Martin appointed me, the Law Director, to fill the void caused by this omission.

Therefore, I, Willa Hemmons, as the duly appointed, qualified Law Director, serving in the ministerial capacity for solely this purpose as Clerk of the East Cleveland City Council, by the issuance of this letter, am hereby officially notifying you that on January 20, 2023, Ms. Che Gadison, submitted twenty (20) petitions to the Law Department. The submitted petitions purported to contain two hundred nine (209) signatures for the purpose of removing you from the Office of Councilor-at-Large of the City of East Cleveland of which 153 have been certified.

On January 25, 2023 per Section 53 of the City Charter, I, acting in the absence of a Council Clerk, verified the Electors' signatures on said Petitions and hand-delivered them to the Cuyahoga County Board of Elections.

It is my duty, as the Clerk of Council, to officially notify you that the Elector Signatures on the Recall Petitions have been verified and validated using the Board of Elections public terminals and my staff for such purpose.

*Respectfully,  
Willa Hemmons, Law Director*

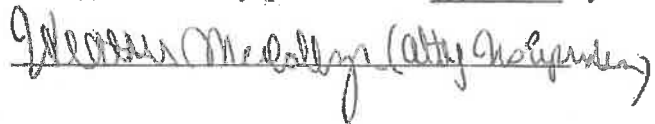
It is my duty, as the Pro tem Clerk of Council, to officially notify you that the Elector Signatures on the Recall Petitions have been verified and validated using the Board of Elections public terminals and my staff for such purpose.

The total votes cast in the November 2019 last regular municipal election where the office of Councilor for Ward 4 was on the ballot was 565. Therefore, twenty-five (25) percent must be at least 142 signatures.

I hereby Certify that the Recall Petitions have garnered enough elector signatures to move forward with a special recall election.

  
Willa Hemmons

Sworn to and subscribed before me in my presence this 24<sup>th</sup> day of  
January, 2023.

  
Notary Public

Finally,

Please be cognizant of SECTION 54, as per the city of East Cleveland's Charter:

#### **SECTION 54. RECALL ELECTION.**

If a member or members of the Council, or any of them, designate in the petition, file with the Clerk of the Council within five days after said notice from the Clerk of the Council, his or their written resignation, the same shall be irrevocable and the Clerk of the Council shall at once notify the election authorities of the fact and the election authorities shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Such election shall be held not less than sixty nor more than ninety days after the expiration of the period of five days last mentioned, at the same time as any other general or special election held within such period; but if no general or special election be held within such period the election authorities shall call a special recall election.

The five-day window is at the end of day, January 29, 2023.

Respectfully,

  
Willa Hemmons, Esq.

Law Director

Cc: Anthony Perlatti, Director, Cuyahoga County BOE  
Brent Lawler, Manager Candidate & Petition Services  
Nathaniel Martin, Councilor-at-Large  
Mark McClain, Councilor Ward 3  
Juanita Gowdy, Council Vice President  
Patricia Blochowiak, Councilor-at-Large



Patricia Blochowiak <pblochowiak@gmail.com>

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## Reminder of Five Day Deadline

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**Willa Hemmons** <whemmons@eastcleveland.org>

Wed, Jan 25, 2023 at 8:36 AM

To: Patricia Blochowiak <pblochowiak@gmail.com>, Patricia Blochowiak <pblochowiak@eastcouncil.org>

Cc: Mayor King <mayorking@eastcleveland.org>, "EC Nathaniel Martin, Councilman" <nathaniel.martin@att.net>, Heather Mccollough <hmccollough@eastcleveland.org>

[Quoted text hidden]

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**From:** Willa Hemmons <whemmons@eastcleveland.org>

**Sent:** Wednesday, January 25, 2023 8:35 AM

**To:** Patricia Blochowiak <pblochowiak@gmail.com>; Patricia Blochowiak <pblochowiak@eastcouncil.org>

**Cc:** Mayor King <mayorking@eastcleveland.org>; EC Nathaniel Martin, Councilman <nathaniel.martin@att.net>; Heather Mccollough <hmccollough@eastcleveland.org>

**Subject:** Reminder of Five Day Deadline

[Quoted text hidden]

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**Blochowiak letter of Recall Submission.pdf**

472K



## *The City of East Cleveland*

14340 EUCLID AVENUE • EAST CLEVELAND, OHIO 44112 • PHONE (216) 681-2208 • FAX (216) 681-2650

Brandon L. King  
Mayor

Patricia Blochowiak  
Councilor at Large  
Council Office  
14340 Euclid Avenue  
East Cleveland, OH 44112

January 24, 2023

RE: Petition for Recall of Patricia Blochowiak, Councilor-at-Large

Dear Councilor Patricia Blochowiak,

Section 102 of the East Cleveland Charter, in pertinent part, states:

### **§ 102 ORGANIZATION OF COUNCIL.**

The President of Council, in addition to the Council's obligations, rights, and duties as a Councilperson at large, shall preside at all meetings and shall perform such duties as may be imposed upon him or her by the Council. In the absence of both the President and Vice President of the Council, the senior-most member of Council shall be chairperson of the meeting, provided a quorum is present. The Council shall also choose or appoint a Clerk and such other officers and employees of the sitting Council as it deems necessary, to serve at the pleasure and during the term of the sitting Council. The Clerk shall keep the records of the Council and perform such other duties as may be required by this Charter or the Council but within the scope of the Council's daily business.

(Amended 11-7-00) Highlight added.

As you are also aware, Korean Stevenson was elected to be City Council President on January 3, 2023, after which she immediately fired the Council Clerk. Since that date, contrary to the City's Charter, a replacement has not been appointed either by President Stevenson or the majority of Council. Given this Charter breach, Councilor Nathaniel Martin appointed me, the Law Director, to fill the void caused by this omission.

Therefore, I, Willa Hemmons, as the duly appointed, qualified Law Director, serving in the ministerial capacity for solely this purpose as Clerk of the East Cleveland City Council, by the issuance of this letter, am hereby officially notifying you that on January 20, 2023, Mr. Ernest Smith, submitted sixty-five (65) petitions to the Law Department. The submitted petitions purported to contain nine hundred four (904) signatures for the purpose of removing you from the Office of Councilor-at-Large of the City of East Cleveland of which 784 have been certified.

On January 25, 2023 per Section 53 of the City Charter, I, acting in the absence of a Council Clerk, verified the Electors' signatures on said Petitions and hand-delivered them to the Cuyahoga County Board of Elections.

*Robert R. King, Jr., City Clerk*

It is my duty, as the Clerk of Council, to officially notify you that the Elector Signatures on the Recall Petitions have been verified and validated using the Board of Elections public terminals and my staff for such purpose.

The total votes cast in the November 2021 last regular municipal/general election where your office of Councilor-at-Large was on the ballot was 2,240. Therefore, twenty-five (25) percent must be at least 560 signatures.

I hereby Certify that the Recall Petitions have garnered enough elector signatures to move forward with a special recall election.

  
Willa Hemmons

Sworn to and subscribed before me in my presence this 24<sup>th</sup> day of  
January, 2023.

  
Matthew McCallister (Attorney No Expiration)

Finally,

Please be cognizant of SECTION 54, as per the city of East Cleveland's Charter:

#### **SECTION 54. RECALL ELECTION.**

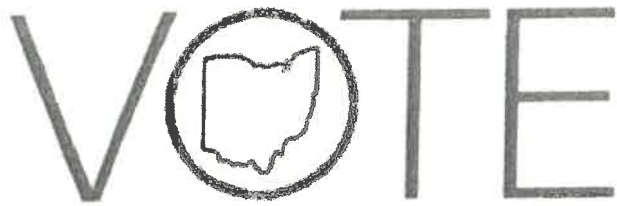
If a member or members of the Council, or any of them, designate in the petition, file with the Clerk of the Council within five days after said notice from the Clerk of the Council, his or their written resignation, the same shall be irrevocable and the Clerk of the Council shall at once notify the election authorities of the fact and the election authorities shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Such election shall be held not less than sixty nor more than ninety days after the expiration of the period of five days last mentioned, at the same time as any other general or special election held within such period; but if no general or special election be held within such period the election authorities shall call a special recall election.

The five-day window is at the end of day, January 29, 2023.

Respectfully,

Willa Hemmons, Esq., Law Director

Cc: Anthony Perlatti, Director, Cuyahoga County BOE  
Brent Lawler, Manager Candidate & Petition Services  
Nathaniel Martin, Councilor-at-Large  
Mark McClain, Councilor Ward 3  
Juanita Gowdy, Council Vice President  
Korean Stevenson, Council President



# CUYAHOGA COUNTY BOARD OF ELECTIONS

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

**Date Received:** 1.24.2023

**From:**

**Phone:**

Willa Hemmons, Law Director  
City of East Cleveland  
14340 Euclid Ave.  
East Cleveland, OH 44112

**Received:**

☒ 64 Recall part-petitions for Councilor at Large Patricia Blochowiak

*Supp Bk 1*

☒ Letter to Director Perlati

☐☐

**Notes:**

Copy of letter to Councilor at Large Patricia Blochowiak from Law Director dated 1/24/23  
Copy of sworn statement from Nathaniel Martin dated 1/13/23  
Copy of legal opinion dated 1/13/23 from Law Director re: no Clerk of Council

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



## *The City of East Cleveland*

14340 EUCLID AVENUE • EAST CLEVELAND, OHIO 44112 • PHONE (216) 681-2208 • FAX (216) 681-2650

Brandon L. King  
Mayor

Anthony Perlatti, Director  
Cuyahoga County Board of Elections  
2925 Euclid Avenue  
Cleveland, Ohio 44115

January 24, 2023

### RE: RECALL PETITIONS FOR PATRICIAL BLOCHOWIAK

I, Willa Hemmons, hereby certify that I am the duly appointed, qualified Law Director of the City of East Cleveland serving ministerially in the absence of an appointed East Cleveland City Council Clerk and that on January 20<sup>th</sup>, 2023, Mr. Ernest Smith submitted sixty-five (65) petitions to me purporting to contain nine hundred and four (904) signatures for the purpose of removing Patricia Blochowiak from the office of Councilor at Large of the City of East Cleveland of which I have certified 784 as valid signatures

Willa Hemmons, Law Director  
City of East Cleveland

Sworn to and Subscribed before me this 24<sup>th</sup> day of January, 2023.

Notary

23 JAN 24 PM 3:47



Patricia Blochowiak <pblochowiak@gmail.com>

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## Please send petitions today

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Patricia Blochowiak <pblochowiak@gmail.com>

Wed, Jan 25, 2023 at 11:06 AM

To: Willa Hemmons <whemmons@eastcleveland.org>

Cc: Korean Stevenson <stevenson\_52@yahoo.com>, Juanita Gowdy <councilgowdy@gmail.com>, Lateek Shabazz <lateek.shabazz@aol.com>, Nate Martin <nathaniel.martin@att.net>

Please send all of the petitions for recall of all 3 councilors to me via email today. Be sure to include a copy of each affidavit.

Councilor Blochowiak





Patricia Blochowiak <pblochowiak@gmail.com>

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## requested copies of petitions

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**Maxine Mackey** <mmackey@eastcleveland.org>  
To: Patricia Blochowiak <pblochowiak@gmail.com>

Wed, Jan 25, 2023 at 2:57 PM

Good Afternoon, your requested copies of petitions are available for pickup, your amount due is \$1.80 (correct amount). Please contact Maxine Mackey-Eberhart (216) 681-2169 and/or mmackey@cityofeastcleveland.org when you are ready to pick up your copies,



Patricia Blochowiak <pblochowiak@gmail.com>

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## requested copies of petitions

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Patricia Blochowiak <pblochowiak@gmail.com>  
To: Maxine Mackey <mmackey@eastcleveland.org>

Wed, Jan 25, 2023 at 3:01 PM

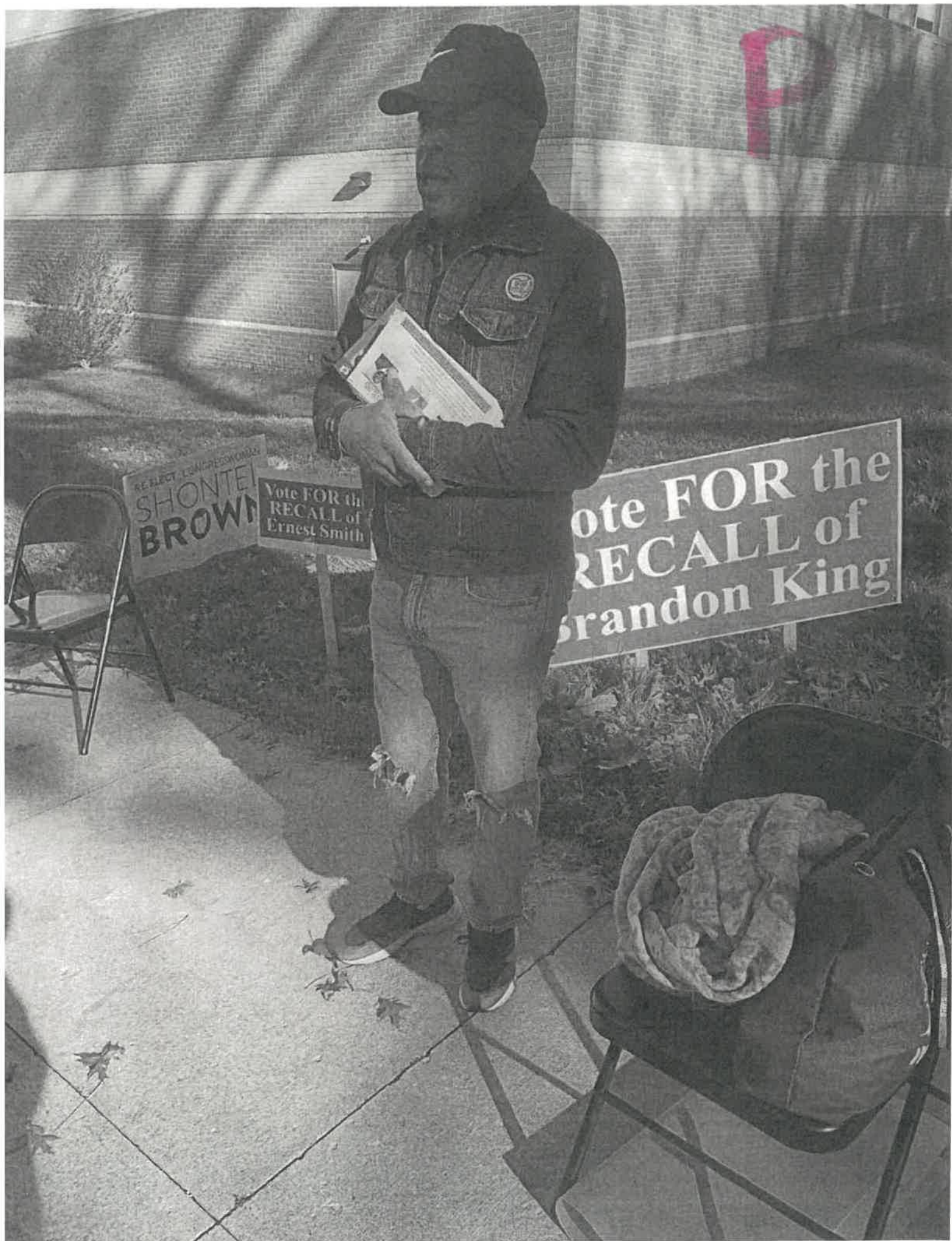
I did not request to pick up paper copies.  
I requested to have the copies sent to me via email, which is free.

On Jan 25, 2023, at 2:57 PM, Maxine Mackey <mmackey@eastcleveland.org> wrote:

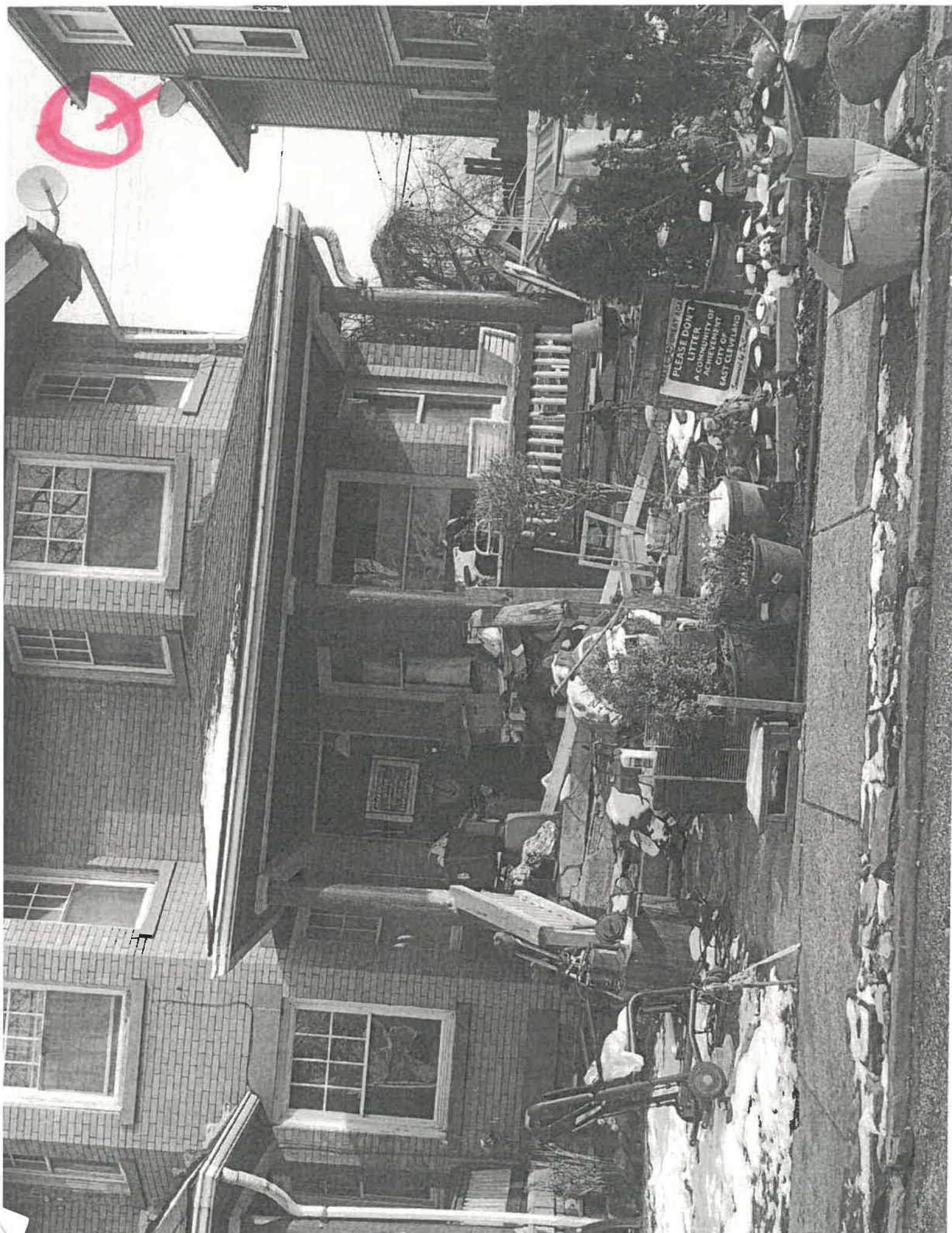
Good Afternoon, your requested copies of petitions are available for pickup, your amount due is \$1.80 (correct amount). Please contact Maxine Mackey-Eberhart (216) 681-2169 and/or mmackey@cityofeastcleveland.org when you are ready to pick up your copies,



voter\_id\_o\_city      wa\_pctname\_lname\_fir: nam Sta l Last Registi house street      ; birth\_ SrG\_11\_08P\_08P\_05G\_1P\_0P\_CP\_(S\_O:S\_OG\_1S\_0  
2349994 EAST CL 4 F SMITH ERNEST LEE A      9/1/2021 1374 ELWOOD RD      1948 BMV - SHAKER HTS









# Marriage Certificate

THIS PAGE TO BE RETURNED PROMPTLY TO THE PROBATE COURT

2022ML67551



2963072

PDF

MLR

The State of Ohio,  
Cuyahoga County

I do hereby certify that on the 22<sup>nd</sup> day of February  
2022 I solemnized the Marriage of STEPHANIE MARIE MCCARROLL and  
BRANDON LEE KING and I do further certify that on the 22<sup>nd</sup> day of  
February, 2022, I made due return to the Court of the  
Marriage Certificate.

N.B. This Certificate must be returned  
to the Probate Court within THIRTY (30)  
days of performance of the Marriage under  
penalty of fine.

Reverend Karen R. Shepherd  
(Printed Name)

Reverend Karen R. Shepherd  
(Signature)

440-786-0359

(Phone)

City: Oakwood Village, Ohio

If both parties reside outside of the State of Ohio, then the marriage  
ceremony must take place in Cuyahoga County, OH

Date Licensed Issued 02/14/2022

T

|            |              |           |            |     |     |       |           |          |           |     |        |      |       |         |    |   |             |
|------------|--------------|-----------|------------|-----|-----|-------|-----------|----------|-----------|-----|--------|------|-------|---------|----|---|-------------|
| voter_id_o | city         | name_last | name_first | nan | Sta | party | Last      | Registra | house     | pre | street | apar | zip   | birth_c | So | G | _11_08_2022 |
| 1804750    | SOUTH EUCLID | MCCARROLL | STEPHANIE  | M   | A   | DEM   | 7/27/2011 | 3837 E   | ANTISDALE | RD  | 44118  | 1979 | 7 - Y |         |    |   |             |

704-26-005

FRYSHMAN, BERNARD &amp; LERMAN, RIVKA GITTEL

3837 EAST ANTISDALE RD

SOUTH EUCLID, OH. 44118

## Transfer History

Transfer Date: 02/27/2022

Transfer Date: 2/27/2022 5:02:00 PM

AF Number:

Receipt:

| Parcel     | Deed Type         | Vol / Page | Sales Amt    | Convey Fee | Convey No | Multiple Sale / No of Parc |
|------------|-------------------|------------|--------------|------------|-----------|----------------------------|
| 704-26-005 | Survivorship Deed | /          | \$115,000.00 | \$460.00   | 532197    | 0 / 1                      |

Grantee(s)

Grantor(s)

FRYSHMAN, BERNARD &amp; LERMAN, RIVKA GITTEL MCCARROLL, STEPHANIE M.

Transfer Date: 07/09/2010

Transfer Date: 12/23/2003

Transfer Date: 12/23/2003

Transfer Date: 04/01/1993

Transfer Date: 01/01/1975

Top

View Map

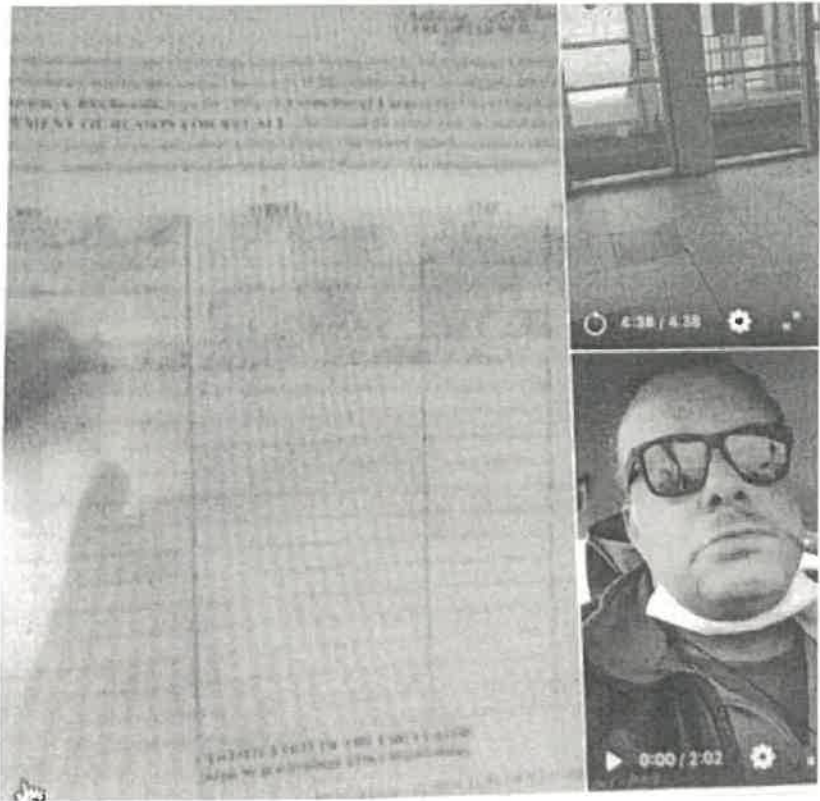
Updated :01/27/2023 03:15:37 AM

Disclaimer: Cuyahoga County provides this geographic data and related analytical results as a free public service on an "as is" basis. Cuyahoga County makes no guarantee(s) or warranty(ies) as to the accuracy, completeness, or timeliness of the information contained herein, and said information is not intended to, nor does it, constitute an official public record of Cuyahoga County. While much of the data contained herein is compiled from public records, the official records of the public office or agency from which they were compiled remains the official record of any such public office or agency. **By accessing, viewing or using any part of the site, you expressly acknowledge you have read, agree to and consent to be bound by all of the terms and conditions listed on this site. Routine maintenance is performed on Fridays and disruptions may occur. We apologize for any inconvenience.**

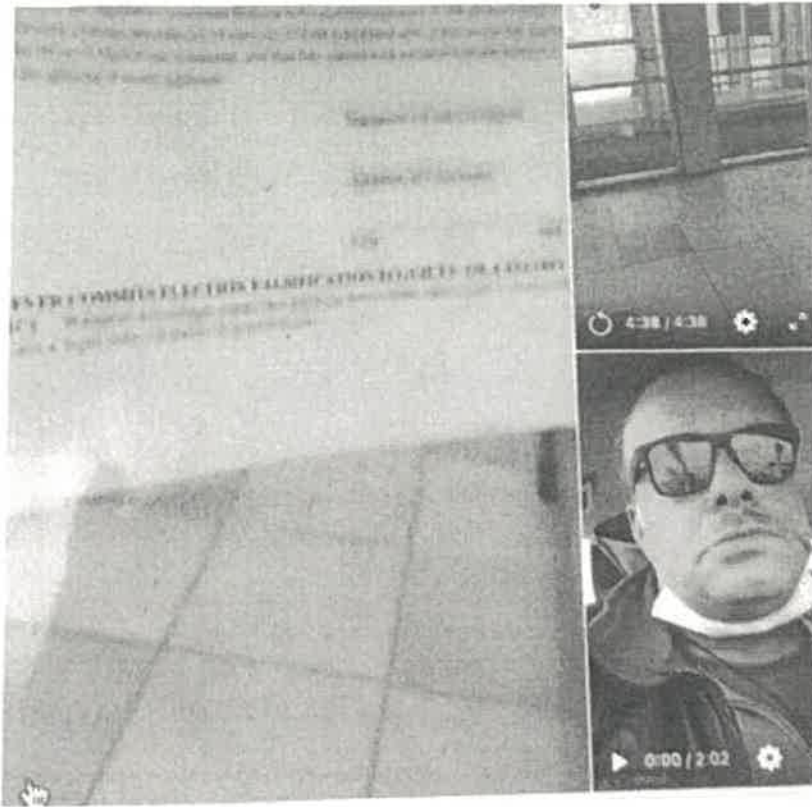
WATER DEPARTMENT OFFICIALS: AS OF JANUARY 1, 2021 PLEASE UTILIZE THE TRANSFER TAB ON THE MYPLACE SITE TO DETERMINE OWNERSHIP FOR CREATING OR CLOSING ACCOUNTS. PARCEL DATA ON PROPERTY TRANSFERS ARE UPDATED DAILY. THEREFORE, YOU CAN NOW RELY ON THIS SITE FOR ACCURATE REAL PROPERTY OWNERSHIP. YOU ARE ALSO WELCOME TO ACCEPT COPIES OF RECORDED DEEDS FROM OUR OFFICE.

THANK YOU





W





## *The City of East Cleveland*

14340 EUCLID AVENUE • EAST CLEVELAND, OHIO 44112 • PHONE (216) 681-2208 • FAX (216) 681-2650

Brandon L. King  
Mayor

Patricia Blochowiak  
Councilor at Large  
Council Office  
14340 Euclid Avenue  
East Cleveland, OH 44112

January 24, 2023

RE: Petition for Recall of Patricia Blochowiak, Councilor-at-Large

Dear Councilor Patricia Blochowiak,

Section 102 of the East Cleveland Charter, in pertinent part, states:

### **§ 102 ORGANIZATION OF COUNCIL.**

The President of Council, in addition to the Council's obligations, rights, and duties as a Councilperson at large, shall preside at all meetings and shall perform such duties as may be imposed upon him or her by the Council. In the absence of both the President and Vice President of the Council, the senior-most member of Council shall be chairperson of the meeting, provided a quorum is present. The Council shall also choose or appoint a Clerk and such other officers and employees of the sitting Council as it deems necessary, to serve at the pleasure and during the term of the sitting Council. The Clerk shall keep the records of the Council and perform such other duties as may be required by this Charter or the Council but within the scope of the Council's daily business.

(Amended 11-7-00) Highlight added.

As you are also aware, Korean Stevenson was elected to be City Council President on January 3, 2023, after which she immediately fired the Council Clerk. Since that date, contrary to the City's Charter, a replacement has not been appointed either by President Stevenson or the majority of Council. Given this Charter breach, Councilor Nathaniel Martin appointed me, the Law Director, to fill the void caused by this omission.

Therefore, I, Willa Hemmons, as the duly appointed, qualified Law Director, serving in the ministerial capacity for solely this purpose as Clerk of the East Cleveland City Council, by the issuance of this letter, am hereby officially notifying you that on January 20, 2023, Mr. Ernest Smith, submitted sixty-five (65) petitions to the Law Department. The submitted petitions purported to contain nine hundred four (904) signatures for the purpose of removing you from the Office of Councilor-at-Large of the City of East Cleveland of which 784 have been certified.

On January 25, 2023 per Section 53 of the City Charter, I, acting in the absence of a Council Clerk, verified the Electors' signatures on said Petitions and hand-delivered them to the Cuyahoga County Board of Elections.

The total votes cast in the November 2019 last regular municipal election where your office of Councilor Ward 2 was on the ballot was 417. Therefore, twenty-five (25) percent must be at least 105 signatures.

I hereby Certify that the Recall Petitions have garnered enough elector signatures to move forward with a special recall election.

  
Willa Hemmons

2023.

Sworn to and subscribed before me in my presence this 24<sup>th</sup> day of January,

  
Notary Public (Atty No Registration)

Finally,


Please be cognizant of SECTION 54, as per the city of East Cleveland's Charter:

#### **SECTION 54. RECALL ELECTION.**

If a member or members of the Council, or any of them, designate in the petition, file with the Clerk of the Council within five days after said notice from the Clerk of the Council, his or their written resignation, the same shall be irrevocable and the Clerk of the Council shall at once notify the election authorities of the fact and the election authorities shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Such election shall be held not less than sixty nor more than ninety days after the expiration of the period of five days last mentioned, at the same time as any other general or special election held within such period; but if no general or special election be held within such period the election authorities shall call a special recall election.

The five-day window is at the end of day, **January 29, 2023.**

Respectfully,

  
Willa Hemmons, Esq.  
Law Director

Cc: Anthony Perlatti, Director, Cuyahoga County BOE  
Brent Lawler, Manager Candidate & Petition Services  
Nathaniel Martin, Councilor-at-Large  
Mark McClain, Councilor Ward 3  
Patricia Blochowiak, Councilor-at-Large  
Korean Stevenson, Council President

## **SECTION 99. QUALIFICATION OF MEMBERS.**

Each member of the Council, for at least one year immediately prior to his or her election shall have been, and during the term of office shall continue to be, a resident of the City of East Cleveland, Ohio, and shall have the qualifications of an elector therein. No person shall be a member of Council who holds any employment with the City of East Cleveland, the East Cleveland Board of Education, or other incompatible public employment or holds other public office except that of notary public or member of the State Militia.

Any member becoming guilty of gross misconduct or malfeasance in office, being convicted of a crime involving moral turpitude while in office, or ceasing to possess the qualifications herein provided, shall thereby forfeit his office.

The Council shall be judge of the election and qualifications of its own members. It may expel any member for gross misconduct, or malfeasance in, or disqualification for office or for conviction of a crime involving moral turpitude while in office; provided, however, that such expulsion shall not take place without the concurrence of four members nor until the delinquent member shall have been notified of the charge against him and given an opportunity to be heard. (Amended 5-3-88.)



## Courts and Justice

# Judge finds East Cleveland law director acted unethically in wrongful imprisonment case, disqualifies her from representing police officers

Updated: May. 13, 2020, 5:07 p.m. | Published: May. 13, 2020, 1:30 p.m.



East Cleveland Law Director Willa Hemmons, shown here in a July 2019 trial in East Cleveland Municipal Court, acted with an obvious conflict of interest in simultaneously representing both the city and two former police officers in a wrongful imprisonment case.