

IN THE SUPREME COURT OF OHIO

In re: Judicial Campaign Complaint
Against Jeanette Moll,

Case No. 2012-1186

Respondent.

PROCEEDINGS BEFORE THE FIVE
JUDGE COMMISSION APPOINTED
PURSUANT TO RULE II, SECTION
5(D)(1) OF THE SUPREME COURT
RULES FOR THE GOVERNMENT
OF THE JUDICIARY OF OHIO, AND
SECTION 2701.11 OF THE OHIO
REVISED CODE

COMPLAINANT LYNN RIFE'S MOTION TO SUPPLEMENT THE RECORD, OR
ALTERNATIVELY, TO REMAND TO THE HEARING PANEL FOR THE RECEIPT
OF ADDITIONAL EVIDENCE OF RESPONDENT'S CONTINUING VIOLATIONS OF
CANON 4

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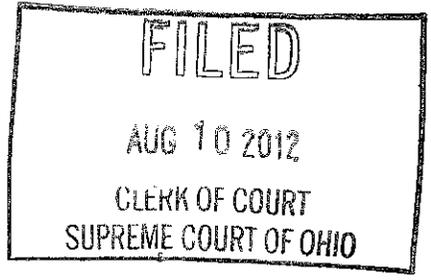
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Respondent Pro Se

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Attorneys for Complainant Lynn Rife



**COMPLAINANT LYNN RIFE'S MOTION TO SUPPLEMENT THE RECORD, OR
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OF ADDITIONAL EVIDENCE OF RESPONDENT'S CONTINUING VIOLATIONS OF
CANON 4**

Pursuant to Rule II, Section 5(D)(1) of the Supreme Court of the Ohio Rules for Government of the Judiciary, Complainant Lynn Rife hereby moves the five-judge Commission to permit the record to be supplemented with the affidavit of Complainant Lynn Rife (attached as Exhibit A), to show Respondent's post-hearing actions, which are relevant to the Commission's determination. Alternatively, for the same reason, Ms. Rife request the Commission to remand this matter to the hearing panel for the receipt of additional evidence.

On July 30, 2012 Respondent filed three affidavits attached to Respondent's objections to the hearing panel's recommendation. The affidavits were not part of the hearing panel record. In addition, the affidavit of Lynn Rife demonstrates potential Canon 4 violations by Respondent in response to the hearing panel's recommendation.

A memorandum in support follows.

Respectfully Submitted,



David F. Axelrod (0024023)

Counsel of Record

AXELROD TODD LALIBERTE LLP

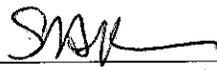
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MEMORANDUM IN SUPPORT

On July 16, 2012, the hearing panel found that Respondent Jeanette Moll violated Canon 4 by distributing a misleading campaign brochure. In response to the report, Respondent has engaged in further violations of Canon 4 related to the grievance and hearing in two ways:

- Respondent has submitted three affidavits to this five-judge Commission concerning information about the brochure, made knowing the information to be false, or with reckless disregard of whether or not the information was false;¹ and
- Respondent has threatened perjury charges against an independent witness, Debbie Feichter, and ethical employment violations against a retired prosecuting attorney, Sue Ann Reulbach, who observed the public hearing and offered assistance to Complainant's counsel. Respondent's accusations were made knowing the underlying factual allegations to be false, or with reckless disregard of whether or not the information was false.

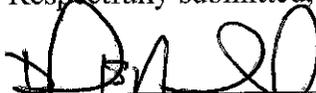
The affidavit of Complainant Lynn Rife is attached as Exhibit A. It is necessary to supplement the record in this matter in response to the actions taken by Respondent in submitting matters outside the record and engaging in abusive tactics which cannot be tolerated and evidence continuing violations of Canon 4.

Canon 4 states that a judicial candidate shall not engage in political or campaign activity that is inconsistent with the *independence, integrity, or impartiality* of the judiciary. Yet, as evidenced by Ms. Rife's affidavit and supporting documentation, Respondent has done so by submitting false and/or misleading affidavits, and by threatening witnesses or citizens involved the hearing process.

¹ From their nearly identical wording, the affidavits appear all to have been drafted by the same person. As the common thread, Respondent is the obvious choice.

Accordingly, Complainant requests that the Commission permit her to supplement the record be supplemented or that this matter be remanded to the hearing panel pursuant to Rule II, Section 5(D)(1) of the Supreme Court of the Ohio Rules for Government of the Judiciary to take additional evidence as to Respondent's violations relating to the initial probable cause grievance.

Respectfully submitted,



David F. Axelrod (0024023)

Counsel of Record

AXELROD TODD LALIBERTE LLP

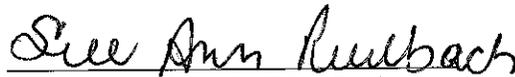
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Attorneys for Complainant Lynn Rife

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Complainant Lynn Rife's Motion to Supplement the Record, or Alternatively, To Remand to the Hearing Panel for the Receipt of Additional Evidence of Respondent's Continuing Violations of Canon 4, has been served, this 10th day of August, 2012, by regular United States Mail, on the following:

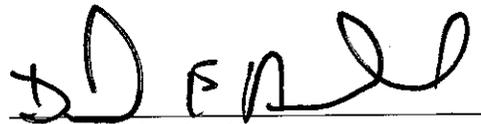
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Zanesville, Ohio

Respondent Pro Se

Steven C. Hollon
Administrative Director and Secretary to the
Commission
The Supreme Court of Ohio
65 South Front Street
Columbus, Ohio 43215-3431

D. Allan Asbury, Esq.
Administrative Counsel
The Supreme Court of Ohio
Office of the Administrative Director
65 South Front Street
Columbus, Ohio 43215-3431

Additionally, true and accurate copies of the foregoing have also been served this 10th day of August, 2012, by facsimile on Respondent at 740.297.7782, and by email on Mr. Asbury at a.asbury@sc.ohio.gov.



David F. Axelrod

Exhibit A

IN THE SUPREME COURT OF OHIO

In re: Judicial Campaign Complaint
Against Jeanette Moll:

Case No. 2012-1186

AFFIDAVIT

I, Lynn Rife, declaring to be a resident of the state of Ohio and County of Delaware, do hereby affirm and certify that I am competent to give the following declarations based on my personal knowledge, unless otherwise stated, and that the facts are as follows:

1. I have an M.A. from Kent State University in Political Science, with a certificate in Campaign Management from Kent State University (1981). After graduation I was employed by the Ohio Democratic Party for more than ten years, 1981 to 1992. I started as Assistant to the Chairman where I worked with all 88 county chairmen from across the state. In 1986 I was promoted to Executive Political Director. I organized campaign workshops statewide and secured expert witnesses to train candidates in campaign rules and ethics. I attended these workshops.
2. I am a supporter for the re-election of Judge Patricia A. Delaney, Fifth District Court of Appeals. Through volunteering, I became aware that Jeanette Moll, the Judge's opponent, was distributing campaign literature that misleadingly implied her incumbency as a Guernsey County Magistrate (Complainant's Exhibit 1). Upon review, I felt it was my civic responsibility to file a complaint with the Board of Commissioners on Grievances and

Discipline of the Supreme Court of Ohio. A hearing took place on July 6, 2012 and panel findings, conclusions, and recommendations were issued on July 13, 2012.

3. Since, I learned that Jeanette Moll sent a letter dated July 22, 2012 to Franklin County Prosecuting Attorney Ron O'Brien requesting an investigation of perjury against hearing witness Deborah Feichter, a retired dispatcher for the State Highway Patrol. [Exhibit 1, attached hereto]. Ms. Feichter testified at the July 6th hearing that she entered the Stark County Republican Headquarters on July 5, 2012 and received a copy of the literature in question. She also observed a stack of this literature in the headquarters.
4. In Ms. Moll's letter to Mr. O'Brien, she indicated that her objections to the hearing panel's findings that included affidavits from the Stark County Republican Party Executive Director Elisabeth Leonard and Garrett Goehring, her intern, were attached. The affidavits were referred to as Exhibit C and Exhibit D respectively. She further stated "there was no literature on display on July 5, 2012 as Elizabeth Leonard had destroyed it previously per her request."
5. Ms. Moll's request for a perjury investigation of an up-standing citizen concerns me because I also received the literature from the Stark County Republican Party on July 5th. On July 5th, I wanted to know and confirm if the misleading literature was still in circulation, as Ms. Feichter was unsure if she could travel to Columbus and present testimony at the hearing on July 6th. I

called the Stark County Republican Headquarters to find out. The details are as follows:

- 11:29A -- I called my neighbor, Mr. Bill Harrison, to ask permission to use his fax as I do not have one.
- 11:34A -- I called the Stark County Republican Headquarters and spoke with a man identifying himself as Garrett. I described the brochure and asked him if he could fax a copy to me. He said he had the brochure and would fax it immediately.
- 11:41A -- Garrett called me and said that he is faxing the back of the brochure which contained Ms. Moll's qualifications.
- 11:56 A - I phoned Mr. Harrison and learned that the fax from the Stark County Republican Party arrived and I was welcome to pick it up.

My cell phone record from Verizon Wireless is attached to verify the above timeline [Exhibit 2, attached hereto].

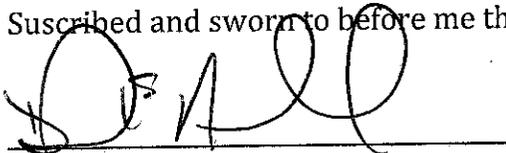
6. Also attached is a copy of the July 5th fax received from the Stark County Republican Party [Exhibit 3, attached hereto]. It is important to note that Mr. Harrison's fax was not adjusted to Daylight Savings Time and the fax indicates the document arrived at 10:41A. The accurate time of arrival was 11:41A.

7. I am concerned that Ms. Moll's actions and threats will undermine the hearing process and discourage others from pursuing judicial campaign complaints.

FURTHER AFFIANT SAYETH NAUGHT


Lynn Rife

Suscribed and sworn to before me this 10th day of August, 2012.


Notary Public



DAVID FREEMAN AXELROD, Attorney At Law
Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 147.03 R.C.

Exhibit 1

Jeanette M. Moll, Esq.

803B Market Street
Zanesville, OH 43701
740-408-0431

July 22, 2012

Mr. Ron O'Brien
Prosecuting Attorney
Franklin County
3735 South High Street
14th Floor
Columbus, OH 43215

Re: Perjury

Dear Mr. O'Brien:

On Friday, July 6, 2012, I appeared before a hearing panel of the Ohio Supreme Court's Board of Commissioners on Grievances and Discipline due to a grievance filed against my campaign for Judge of the 5th District Court of Appeals.

At that hearing in the Supreme Court's building, one witness took the stand against me, Deborah Feichter. At issue was a piece of campaign literature I had used at the beginning of the campaign. I testified that I was no longer using the piece. I also testified that I had asked the Stark County Republican Party to destroy any of that piece that they had in their possession. Ms. Feichter testified under oath that she was at the Stark County Republican Headquarters on July 5. She stated that there was a 6 inch stack of the literature in question on display on a table. I have attached the transcript of her testimony.

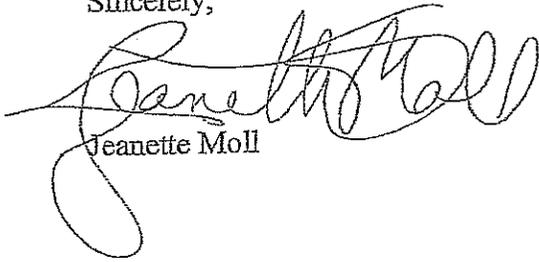
Also attached, please find my objections to the hearing panel's findings which includes affidavits from Elisabeth Leonard, Executive Director of the Stark County Republican Party (Exhibit C), and Garrett Goehring, Ms. Leonard's Intern (Exhibit D). These affidavits and my own confirm that there never was a 6 inch stack of this literature at the Stark Republican Headquarters (See also Exhibit B). Further, there was none of this literature on display on July 5, 2012 as Elisabeth Leonard had destroyed it previously per my request.

I respectfully ask that you investigate this perjury.

I further ask that you investigate the involvement of your Assistant Prosecuting Attorney Sue Ann Reulbach in this incident. Attorney Reulbach signed the original grievance against my campaign and served as an unofficial co-counsel to the Petitioner's Attorney throughout these proceedings. She frequently engaged in conferences during the one day hearing with Petitioner's Attorney, David Axelrod.

Thank you in advance for your assistance with these issues. Please contact me if I can provide further information.

Sincerely,



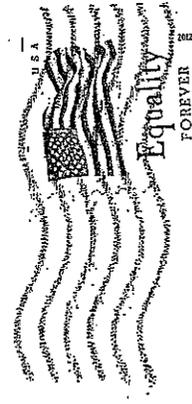
Jeanette Moll

b.c. Patricia Delaney w/o attachments

MOLL, ESQ.
803 MARKET ST.
ZANESVILLE, OH
43701

JUDGE PATRICIA DELANEY
5th DISTRICT CT. OF APP.
20 W. CENTRAL AVE.
DELAWARE, OH

PERSONAL
CONFIDENTIAL



CONGRESSional MAIL
23 JUL 2002 11:41



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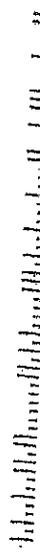


Exhibit 2

Detail for David E Rife: 740-815-7315

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
7/05	11:25A	[REDACTED]	Peak	Friends & Family	Dublin OH	Columbus OH	3	---	---	---
7/05	11:29A	740-881-0030	Peak	PlanAllow	Dublin OH	Rathbone OH	2	---	---	---
7/05	11:34A	330-453-6708	Peak	PlanAllow	Dublin OH	Canton OH	4	---	---	---
7/05	11:41A	330-453-6708	Peak	PlanAllow	Dublin OH	Incoming CL	2	---	---	---
7/05	11:44A	[REDACTED]	Peak	Friends & Family	Dublin OH	Columbus OH	8	---	---	---
7/05	11:56A	740-881-0030	Peak	PlanAllow	Dublin OH	Rathbone OH	2	---	---	---

Exhibit 3

JEANNETTE MOLL FOR JUDGE

5th District Court of Appeals

Education and Experience:

- University of Notre Dame, BA
- Oxford University, England
- The Ohio State University, JD

Magistrate, Guernsey County

- Court of Common Pleas
- Heard Over 2,000 Cases
- Never Reversed on Appeal
- Strict Constructionist / Conservative

Owner, Jeannette M. Moll LLC

- Attorney & Counselor at Law
- Handled over 200 Cases
- Practiced Before Courts in SE and East Central Ohio

For More Info:

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