

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, ex rel. TIMOTHY )  
A. SWANSON, )  
 )  
Relator, )  
 )  
vs. )  
 )  
GEORGE T. MAIER, )  
 )  
Respondent. )

CASE NO. 2013-0274

ORIGINAL ACTION IN  
QUO WARRANTO

NOTICE OF EVIDENCE SUBMITTED BY RELATOR  
(VOLUME 2 OF 5)

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FILED  
APR 10 2013  
CLERK OF COURT  
SUPREME COURT OF OHIO

**NOTICE OF EVIDENCE SUBMITTED BY RELATOR**

The Relator, Timothy A. Swanson, on relation of the State of Ohio and pursuant to S.Ct. Prac. R. 10.7, hereby provides notice that the following items have been tendered to the Court as evidence in this matter:

**Volume 1**

1. Affidavit of Timothy A. Swanson.
2. Affidavit of John D. Ferrero.
3. Affidavit of Gregory A. Beck (authenticating City of Massillon, Ohio, response to public record request, with Exhibits).
4. Affidavit of Brenda Vogley (with Exhibits).

**Volume 2**

5. Deposition of George T. Maier

**Volume 3**

Exhibits to George T. Maier Deposition (Part 1).

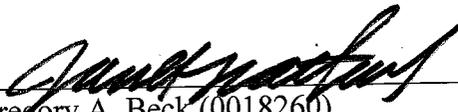
**Volume 4**

Exhibits to George T. Maier Deposition (Part 2).

**Volume 5**

6. Deposition of Ronald J. Myers (with Exhibits).

Respectfully submitted,

  
\_\_\_\_\_  
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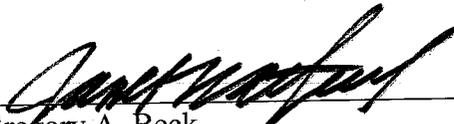
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**PROOF OF SERVICE**

A copy of the foregoing notice of evidence submitted by relator (with attachments) was served by regular U.S. mail this 10<sup>th</sup> day of April, 2013, to:

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WILEY & MATHEWS

EVIDENCE SUBMITTED BY RELATOR

CASE NO. 2013-0274

Item 5. Deposition of George T. Maier (with Exhibits)

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IN THE SUPREME COURT OF OHIO

CASE NO. 2013-0274

STATE OF OHIO, ex rel, )  
TIMOTHY A. SWANSON, )  
Relator, )  
versus )  
GEORGE T. MAIER, )  
Respondent. )

DEPOSITION OF  
GEORGE T. MAIER

-----

Deposition of GEORGE T. MAIER, the Respondent herein, called by the Relator for Cross-Examination pursuant to the Supreme Court Rules of Ohio, taken before me, the undersigned, Deanna Gleckler, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public in and for the State of Ohio, at the offices of Roetzel & Andress, 222 South Main Street, Akron, Ohio, on Thursday, the 4th day of April 2013, at 5:50 p.m.

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APPEARANCES:

On behalf of the Relator:

GREGORY A. BECK, ESQUIRE  
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MATHEWS  
400 South Main Street  
North Canton, Ohio 44720

On behalf of the Respondent:

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ROETZEL & ANDRESS  
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OBJECTION LOG

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1 WHEREUPON,

2 GEORGE T. MAIER,

3 who, after being first duly sworn,  
4 testified as follows:

5 - - - - -

6  
7 CROSS-EXAMINATION

8  
9 BY MR. BECK:

10 Q. Would you please state your full name and provide  
11 me with your business address.

12 A. George Theodore Maier, 4500 Atlantic Boulevard,  
13 N.E., Canton, Ohio, 44705.

14 Q. Sir, have you ever had your deposition taken  
15 before?

16 A. Yes, I have.

17 Q. And in what circumstances has that been?

18 A. It was in capacity of my employment with the State  
19 of Ohio.

20 Q. And which job was that?

21 A. It was as a State Trooper.

22 Q. Have you ever been named as a defendant in a  
23 lawsuit before?

24 A. Maybe in that case, in that case where I had the  
25 deposition, possibly.

1 Q. And what was that about?

2 A. There was a lawsuit filed as a result of a news  
3 article that was put in the Athens newspaper  
4 regarding arrest of a defendant, and I was the  
5 Commander of the District and so I was named in the  
6 lawsuit. I wasn't involved in the arrest or any of  
7 the particulars, but because I was the Commander, I  
8 was named in the lawsuit.

9 Q. You are aware that I represent Timothy Swanson and  
10 that I brought a Quo warranto action?

11 A. I am aware of that.

12 Q. It's my understanding that you filed an Application  
13 to be appointed Sheriff of Stark County?

14 A. Yes, sir.

15 Q. Before that Application was filed, had you ever  
16 spoken to my client, Mr. Swanson, about appointing  
17 you to a full-time position as a Deputy Sheriff in  
18 Stark County?

19 A. There was a conversation. I was not present with  
20 Sheriff Swanson at the time. I received a phone  
21 call from Sheriff Swanson and others, I'm not sure  
22 who all was on the line, and asked me if I was  
23 interested in the Sheriff's Office.

24 Q. Who initiated that call?

25 A. I'm not sure. It was not me. I received the call.

1 It was either Commissioner Bernabei or Chairman  
2 Randy Gonzalez.

3 Q. Was there an inquiry made to your knowledge to  
4 Mr. Swanson to appoint you as the Deputy in Stark  
5 County?

6 A. There may have been, yes.

7 Q. Well, the reason I'm asking that question is, that  
8 wasn't asked of Mr. Swanson today in his  
9 deposition, which I think you were there.

10 A. I was.

11 Q. Do you know why there was an inquiry to have you  
12 appointed as a Stark County Deputy in January 2013?

13 A. Well, my understanding of it was, and I'm not sure  
14 who made the inquiry, when I received the call, the  
15 conversation was pretty much one-way conversation  
16 with the parties on the other end, and it was my  
17 understanding that if considered for the Stark  
18 County Sheriff's vacancy as a result of the health  
19 issue of Sheriff Elect Mike McDonald, for to  
20 present a smooth transition of the Sheriff's  
21 office, would I consider, or would there be some  
22 consideration to bring me on with the Sheriff's  
23 office to facilitate that with Sheriff Swanson.

24 Q. Was this conversation before Mike McDonald  
25 announced that he would be unable to assume the

1 office of Sheriff?

2 A. I don't believe it was.

3 Q. It would have been afterwards?

4 A. At least -- I'm not sure publicly, but it was after  
5 internally the Sheriff's Office was aware of it and  
6 the Party was aware of it, the Democratic Party was  
7 aware of it.

8 (Plaintiff's Exhibit No. 1, 1-3-13  
9 Letter from Michael A. McDonald to To  
10 Whom It May Concern, was marked for  
11 identification.)

12 BY MR. BECK:

13 Q. Sir, I'm handing you what we've previously marked,  
14 this would actually be the Relator's Exhibit 1. Do  
15 you recognize this document?

16 A. I do not.

17 Q. I'll represent to you that this is a January 3,  
18 2013 letter from Mike McDonald in which he  
19 announces that he will be unable to assume the  
20 position of Sheriff or the office of Sheriff  
21 because of his medical condition, and that's dated  
22 January 3, 2013; is that correct?

23 A. Yes.

24 MR. ROSENBERG: Wait a minute. I  
25 apologize. You said it's dated January 13?

1 MR. BECK: I'm sorry.

2 Q. January 3, 2013; is that correct?

3 A. From what I see here, yes.

4 Q. And it's your understanding that in early January  
5 Mr. McDonald did announce that he could not assume  
6 the office of sheriff because of medical  
7 conditions?

8 A. That is my understanding, yes.

9 Q. And you also understood that, or do you understand  
10 that once that office is vacant, then applicants  
11 have a certain time in which they must present  
12 their Applications?

13 A. No, I'm not sure that I do know that.

14 Q. Were you aware that you were under any time line to  
15 have your Application filed with the Common Pleas  
16 Court?

17 A. The only time line that I was aware of was prior to  
18 the scheduled appointment, that had to -- the only  
19 time line I was aware of was for like a background  
20 if you were turning in an Application.

21 Q. Ultimately you did submit an Application?

22 A. I did.

23 (Plaintiff's Exhibit No. 2, Journal  
24 Entry Re: Application for Candidacy  
25 for Sheriff of Stark County, Ohio,



1 Application?

2 A. Supporting documentation that they required. They  
3 requested.

4 Q. You understood, didn't you, that in order to even  
5 qualify for Candidacy for, as an Applicant for  
6 Sheriff, you had to meet certain statutory  
7 requirements?

8 A. Yes, sir.

9 Q. And those appear to be outlined in R.C. section  
10 311.01 (B)?

11 A. Yes, sir.

12 Q. This is a document in which, the Application  
13 itself, is something that you signed under oath?

14 A. Yes, sir.

15 Q. And what you swore was, is that the facts contained  
16 in the Application were true?

17 A. To the best of my knowledge and belief, yes, sir.

18 Q. And you signed this on, it looks like January 16,  
19 2013?

20 A. Correct.

21 Q. Did you ever amend your Application?

22 A. I did.

23 Q. And when did you amend it and how did you amend it?

24 A. I think I amended it whenever I had to turn in  
25 additional documents for the Court. The

1 fingerprints and the background information.

2 Q. So you supplied additional supplemental back-up  
3 documents?

4 A. I don't think I supplied supplemental back-up  
5 documents, but this was the initial Application,  
6 and I want to correct myself. At the time of this  
7 Application I didn't turn any supporting documents  
8 in, and so then when I had to turn in the  
9 supporting documents, that's when there was an  
10 amendment to this.

11 Q. And was the amendment the documents themselves?

12 A. I'll have to look and see. I thought I had them.  
13 There was a typographical error or something I  
14 thought that was amended on the document. I can't  
15 recall.

16 Q. Did the error have anything to do with the  
17 qualifications that you listed and articulated in  
18 eight individual paragraphs in the Application?

19 A. I can't recall specifically. I might have a copy  
20 of it. This is the Addendum, but I don't recall  
21 what was -- what was changed actually.

22 Q. May I see that.

23 A. Absolutely. (Tendering document.) That's just a  
24 copy of what --

25 Q. It looks like the only change in this document that

1           you handed to me, which it actually has Addendum on  
2           it, was that you included in your employment  
3           history the Harrison County Sheriff's Office from  
4           January 6, 2013 to the present?

5           A.     That could be the change. I thought there was  
6           something -- I thought there was a typographical  
7           error on the actual Application, but --

8           Q.     Now, the copy that you provided to me is not dated  
9           and it's actually --

10          A.     That was my -- that was a copy that I had from what  
11          I submitted to the Court.

12          Q.     It also looks as if you made some additional  
13          changes to include a claim that you met provisions  
14          on both 311.01 (B)(9)(a), as well as (B)(9)(b).

15          A.     Okay.

16          Q.     Does that sound familiar?

17          A.     Yes.

18          Q.     Do you know when this was submitted?

19          A.     It would have been at the same time that I  
20          submitted the supporting documentation, because I  
21          had all of my supporting documentation in the  
22          folder. The Judge had me pull -- I asked him if I  
23          could submit the Addendum, and then I pulled out  
24          the additional documentation that he had requested  
25          to be filed with the Application, along with, I

1 believe that was at the same time as the  
2 fingerprints.

3 Q. well, if you take a look at this Addendum --

4 MR. BECK: Can we mark this?

5 MR. ROSENBERG: I want to go make a couple  
6 copies, make it easier.

7 MR. BECK: Okay.

8 (Short break was taken)

9 (Plaintiff's Exhibit No. 3,  
10 Application for Candidacy (Addendum),  
11 was marked for identification.)

12 BY MR. BECK:

13 Q. I'm going to hand you what we've marked as  
14 Relator's Exhibit 3, and this is the Addendum that  
15 you and I have been speaking about; is that  
16 correct?

17 A. Yes, sir.

18 Q. And it was filed after your original Application  
19 for Candidacy, which looks like it was time stamped  
20 on January 16, 2013.

21 A. The original?

22 Q. Yes.

23 A. Yes.

24 Q. And other than some typos, it looks like, the  
25 substantive changes, it looks like it would show up

1 on the second page of Exhibit 3 under the paragraph  
2 8 is the first change, because if I'm not mistaken,  
3 in the original Application, paragraph 8, you  
4 claimed qualification only under 311.01 (B)(9)(b),  
5 but in the Addendum you're claiming you qualify  
6 under both sections (9)(a) and (9)(b)?

7 A. Yes, sir.

8 Q. And that's a change?

9 A. Yes.

10 Q. Why did you make that change?

11 A. Well, when I originally considered applying and  
12 filled out the Application, I had not filed it with  
13 the Court, I printed that one off, and when I went  
14 in on the 16th and I filed that one, and then I  
15 discovered that the updates that I had made on this  
16 one I did not incorporate in this one, and so when  
17 I went back to the Court I asked the Judge if I  
18 could file an Addendum and he said I could, and so  
19 I made that change to accurately depict my  
20 employment with Harrison County Sheriff's Office.

21 Q. And that's the other change, you added to Exhibit 3  
22 your job status with Harrison County Sheriff's  
23 Department?

24 A. Yes, sir.

25 Q. So would it be fair to say that with respect to

1 paragraph 7 of your original Application, which  
2 appears to be identical on the Addendum, it's your  
3 belief that you qualify for Sheriff under paragraph  
4 8 only under section 311.01 (B)(8)(a)?

5 A. Yes, sir.

6 Q. Let's talk about that. And that means that you're  
7 not claiming that you qualify under section 8(b),  
8 which would require you to be a full-time Peace  
9 Officer for the last three years, performing duties  
10 related to the enforcement of statutes, ordinances,  
11 or codes; you're not claiming that?

12 A. No.

13 Q. And so if we look at this particular statute,  
14 311.01 (B)(8), which I'm showing you, there are two  
15 sections, this section (B) you're not claiming  
16 qualification under, are you?

17 A. No.

18 Q. The qualification that you believe applies to this  
19 section is in section 8(a), which requires, among  
20 other things, that you were a full-time Peace  
21 Officer as defined in section 109.71 of the Revised  
22 Code, performing duties related to the enforcement  
23 of statutes, ordinances, or codes?

24 A. I'm sorry. Is that a question?

25 Q. Yes.

1 A. Okay. I'm sorry.

2 Q. I'll show you the statute. You're claiming, sir,  
3 that you qualify under section (a), and  
4 specifically you claim that within this time frame  
5 as set forth in the statute you have been a  
6 full-time Peace Officer?

7 A. Yes.

8 Q. Performing duties related to the enforcement of  
9 statutes, ordinances, or codes?

10 A. Yes, sir.

11 Q. And can you tell me when you had been a full-time  
12 Peace Officer within the last four years in which  
13 you actually performed duties enforcing statutes,  
14 ordinances, or codes?

15 A. Yes, sir.

16 Q. Tell me about that.

17 MR. ROSENBERG: Within four years from  
18 today or four years from some previous day?

19 MR. BECK: Well, within four years of your  
20 Application, because that's the only time that's  
21 important.

22 Q. You do agree with that, don't you?

23 A. No, I don't agree with that. I think it's within  
24 four years of the vacancy. The day the vacancy,  
25 according to the statute, but that's neither here,

1 nor there.

2 Q. So let's talk about within four years of the  
3 vacancy, which we have established through  
4 Relator's Exhibit 1 to have been, at least --

5 A. January 7.

6 Q. January 3rd is the date, but if it's January 7th --

7 A. That was the commission date.

8 Q. So, again, what full-time Peace Officer positions  
9 have you held in which you performed duties related  
10 to the enforcement of statutes, ordinances, or  
11 codes?

12 A. Well, I was a full-time Ohio Investigative Agent  
13 with the Ohio Investigative Unit.

14 Q. Is that while you were working for the Department  
15 of Public Safety?

16 A. Yes, sir.

17 Q. As the Assistant Director?

18 A. Yes, sir, and as the Director.

19 Q. And those are full-time jobs, aren't they?

20 A. Yes, sir.

21 Q. It's specified as a full-time job?

22 A. Yes.

23 Q. Full-time benefits?

24 A. Yes, sir.

25 Q. In that capacity as a full-time job, that meant

1 that all of your regular working hours would have  
2 been devoted to that particular job?

3 A. Well, the regular working hours would have been  
4 devoted to whatever my particular assignments were,  
5 yes, sir.

6 Q. Right, but if someone were to ask you, and it looks  
7 like you even verified this on your job history,  
8 what your full-time job was from May 21, 2007  
9 through January 11, 2011, you claimed that you  
10 worked for the Department of Public Safety, that's  
11 true, isn't it?

12 A. Yes, sir.

13 Q. As the Assistant Director and as the Director?

14 A. Yes, sir.

15 Q. That was your full-time job?

16 A. It was.

17 Q. And you were paid, I presume, commensurate with a  
18 salary or wages for the Assistant Director and  
19 Director of Public Safety?

20 A. That's correct.

21 Q. Did you receive any additional wages for any other  
22 alleged full-time job that you had?

23 A. No.

24 Q. So all of your regular working hours during this  
25 time period with the Department of Public Safety

1 was in your job title as Assistant Director and  
2 Director of the Department of Public Safety?

3 A. Yeah. The responsibilities under the job title,  
4 yes, sir.

5 Q. So you mentioned that in that particular job as the  
6 Assistant Director and Director of Public Safety  
7 you may have had some responsibilities as a Peace  
8 Officer?

9 A. I had oversight responsibilities of several  
10 investigative units, one of them being the Ohio  
11 Investigative Unit and the Ohio State Highway  
12 Patrol as the Assistant Director and as the  
13 Director. There are eight divisions within the  
14 department.

15 Q. But is it your claim that you were a full-time  
16 Peace Officer during that period of time?

17 A. That is true, yes.

18 Q. And so you were devoting all of your regular  
19 working hours at being a Peace Officer?

20 A. No. I was devoting my working hours to my  
21 responsibilities as the Director and the Assistant  
22 Director.

23 Q. Of the Department of Public Safety?

24 A. Yes.

25 Q. And it is true, isn't it, that the enforcement of

1 statutes, ordinances, and codes was left to the men  
2 and women in the various departments over whom you  
3 may have supervised?

4 A. I'm not sure how to answer that. Is the question  
5 did I enforce codes and -- I'm not sure what the  
6 question is.

7 Q. The question I asked you was, isn't it true that  
8 the actual performance of duties related to the  
9 enforcement of statutes, ordinances and codes was  
10 left to the men and women who were actually the  
11 Troopers or the other Agents that were assigned to  
12 perform those duties to enforce the law?

13 A. That's not exactly true.

14 Q. Well, did you yourself make any arrests?

15 A. I worked with the Agents in the field, and in  
16 surveillance and making arrests, I myself,  
17 overseeing the processing of arrests as the  
18 supervisor, I worked with the Agents in the field  
19 on search warrants and raids, I worked with the  
20 Agents in the field on enforcement efforts, such as  
21 enforcement efforts at the Athens Halloween  
22 Festival, where we had a contingent of Agents  
23 there. I participated with them in those  
24 enforcement efforts and actually detained under-age  
25 drinkers and assisted with the Agents in their

1 day-to-day operations.

2 Q. Did you carry a badge?

3 A. Yes, I did.

4 Q. And a weapon?

5 A. Yes, I did.

6 Q. But that responsibility then ended on January 11,  
7 2011; is that correct?

8 A. Yes, it did.

9 Q. And then after that you -- well, what did you do;  
10 did you have a job?

11 A. I had the period of nonemployment between January  
12 of 2011 and January 2012, in which I relocated into  
13 Stark County from central Ohio, and then of course  
14 in January of 2012 I was appointed by the Mayor to  
15 serve as the Safety and Service Director for the  
16 City of Massillon.

17 Q. And in your capacity as part of the Investigative  
18 Unit, were you still known as the Director or the  
19 Assistant Director?

20 A. By who?

21 Q. By anyone.

22 A. That was my title, yes.

23 Q. And is a part of that title, does that title  
24 require one to also be a Peace Officer?

25 A. It's not a requirement.

1 Q. And in what period of time were you the Director of  
2 the Department of Public Safety?

3 A. It was a short period of time following the  
4 retirement of - or I'm sorry - the resignation of  
5 the Director and the transition of Governors. I  
6 don't recall exactly how long it was. Maybe two  
7 weeks.

8 Q. So the majority of the time was as Assistant  
9 Director?

10 A. That's correct.

11 Q. So if we looked at the job description for the  
12 Assistant Director, that would basically tell us  
13 what you did for the vast majority of your time at  
14 the Department of Public Safety?

15 A. Yes.

16 (Plaintiff's Exhibit No. 4, Document  
17 entitled George T. Maier Stark County  
18 Sheriff candidate, was marked for  
19 identification.)

20 BY MR. BECK:

21 Q. Sir, this is Relator's Exhibit 4. This actually  
22 was produced today at Mr. Swanson's deposition. I  
23 took the liberty of Bate stamping that. You'll see  
24 at the bottom there's a number on each page, so if  
25 we look through these things it helps us a little

1 bit. Can you tell me first of all have you seen  
2 this before?

3 A. Yes.

4 Q. Who put this Exhibit 4 together?

5 A. I did.

6 Q. What was its purpose?

7 A. Well, the purpose was to, for my Application for  
8 the Stark County Sheriff's Candidacy position.

9 Q. Was this supplied as part of your Application?

10 A. I attempted to supply it, but the Judge would not  
11 allow me to supply all of this.

12 Q. So certain portions of --

13 A. He had me take certain portions out. Going back to  
14 the, I don't know what the subsequent date when I  
15 turned in all the documents, I was prepared to turn  
16 this entire document in, and I followed a template  
17 from what I had seen other candidates do in the  
18 past and the Judge asked that I just take out -- he  
19 told me what documents to provide.

20 Q. If you turn to page 78 of Exhibit 4, this was  
21 within your materials, which is a description of  
22 the job duties of the Assistant Director; is that  
23 correct?

24 A. Position description, yes, sir.

25 Q. And this exhibit page 78 must have been obtained by

1           you from the Department of Public Safety?

2           A.     Yes.

3           Q.     And it sets forth a number of responsibilities that  
4           you have. It does indicate under, it looks like  
5           paragraph 40, that you supervise and direct and  
6           coordinate all criminal investigations with the  
7           Governor's Chief Legal Counsel and State Highway  
8           Patrol; is that right?

9           A.     That's 40% of your time. That's just kind of an  
10          outline of how much of your time you spend on  
11          different areas, yes, sir.

12          Q.     Right. In other words, a percentage of your time  
13          is devoted to that?

14          A.     Correct.

15          Q.     And other things, as listed on this exhibit?

16          A.     Yes, sir.

17          Q.     So the scope of your full-time job was greater than  
18          just criminal investigations?

19          A.     Absolutely. Eight divisions within the department,  
20          nearly 4,000 employees, yes, it was.

21          Q.     Well, other than this Appointment or this work that  
22          you did as the Assistant Director of Public Safety,  
23          do you believe that you have any other  
24          qualifications as a full-time Peace Officer?

25          A.     Yes, I do.

1 Q. That falls within this four-year window between the  
2 date of the vacancy?

3 A. Yes, I do.

4 Q. And what is that?

5 A. Well, with the Sheriff Department or Sheriff's  
6 Office in Harrison County.

7 Q. Now, the job in Harrison County was something that  
8 you just recently obtained?

9 A. Yes, sir.

10 Q. And why was that necessary?

11 A. I'm not sure I understand the question. Was it  
12 necessary for?

13 Q. Well, you had a full-time job as the Safety Service  
14 Director in Massillon; isn't that right?

15 A. Yes.

16 Q. That was a full-time job?

17 A. Yes.

18 Q. Full-time benefits?

19 A. Yes.

20 Q. All of your regular working hours were devoted to  
21 that particular job for the City of Massillon?

22 A. Regular working hours, yes.

23 Q. I mean, that job required you to devote your  
24 regular working hours, the time you had allotted to  
25 work --

1 A. Monday through Friday, yes, 8:00 to 4:00 or  
2 whatever, yes.

3 Q. Were you on call; in other words, were you  
4 responsible to respond?

5 A. I did receive calls.

6 Q. So you essentially had to be at least accessible --

7 A. And I was, yes.

8 Q. -- 24/7?

9 A. Yes.

10 Q. So if you had a full-time job, why was it necessary  
11 for you to go down to Cadiz in Harrison County and  
12 get another full-time job?

13 A. Well, I don't know that it was necessary. I had  
14 talked to Sheriff Myers and he had offered me a  
15 position as a full-time Deputy and asked if I would  
16 consider helping him with a few projects that they  
17 were working on there and so, you know, this  
18 actually transpired before I even had considered or  
19 even knew about whether I was going to apply for  
20 the Sheriff's position in Stark County.

21 Q. So when did this occur with -- this conversation  
22 occur with Sheriff Myers?

23 A. Around the first of the year the Sheriff and I had  
24 talked and he had actually done a background early  
25 January and actually, was scheduled to work with

1           them, I need to look at the calendar, I think it  
2           was the 12th or 13th of January was my starting  
3           time. Starting date.

4           Q.    It's your testimony that before you were even aware  
5           that there was going to be a Stark County opening  
6           at the Sheriff's Department?

7           A.    I don't know if I was aware of it. When I was  
8           swore in I was aware of it, but I hadn't made a  
9           decision whether I was going to apply for the  
10          position. As a matter of fact, there was even a  
11          newspaper article where the newspaper reporter  
12          called and said, what are you going to do? And I  
13          had told them I hadn't decided yet, and I was  
14          thinking about it, and that was actually either the  
15          same day or the day before I was scheduled to go to  
16          work for Sheriff Myers.

17          Q.    Isn't it true, sir, that you felt that if you  
18          didn't have a full-time job listed somewhere in  
19          your resume within the last four years as a Peace  
20          officer, your Application would be faulty?

21          A.    I'm sorry?

22          Q.    Isn't it true that you felt that you had to have  
23          this alleged full-time Peace Officer position in  
24          Harrison County, because without it your  
25          Application would be faulty, you would not qualify?

1 A. No, that's not true.

2 Q. So you didn't need this position at all?

3 A. I don't believe I did.

4 Q. So if we were going to look at your Application, we  
5 could simply disregard it because it's not  
6 important?

7 MR. ROSENBERG: Objection. Go ahead.

8 A. You could.

9 Q. And we should?

10 MR. ROSENBERG: Objection. Go ahead.

11 Q. From what you're telling me. I mean, in all  
12 fairness, you're saying, I didn't need this job, so  
13 we shouldn't even have to consider it; is that  
14 right?

15 MR. ROSENBERG: Objection. Go ahead.

16 A. Well, I'm not saying it shouldn't be considered,  
17 but I don't feel that it was absolutely necessary  
18 for me to have this job to put on this Application.  
19 I would say that that's why I did the Addendum. It  
20 wasn't on the original Application.

21 Q. Well, this goes back to my original question. You  
22 put that Addendum on there because you felt that if  
23 you didn't have this job on your Application, your  
24 Application would be defective?

25 A. No, sir.

1 Q. what was the job that Sheriff Myers wanted you to  
2 do for him?

3 A. Sheriff Deputy.

4 Q. A Deputy Sheriff?

5 A. Yes.

6 Q. Was that a line position, in the sense that you  
7 would be in the chain of command below a Sergeant,  
8 below Lieutenant, below a Captain?

9 A. Yes.

10 Q. How many full-time Deputies did Harrison County  
11 have at the time?

12 A. I'm not sure.

13 Q. How many Reserve?

14 A. I don't know.

15 Q. Part-time, do you know?

16 A. I have no idea of the organizational structure of  
17 their office.

18 Q. What did he want you to be other than a Deputy;  
19 that's what he wanted you to do?

20 A. Yes.

21 Q. He wanted you to be a Deputy?

22 A. Yes, sir.

23 Q. Not a Correction Officer?

24 A. No, sir.

25 Q. Did he want you to work the road?

1 A. I'm sorry?

2 Q. Did he want you to work the road?

3 A. Yes.

4 Q. Did you work the road?

5 A. Yes.

6 Q. And apparently you worked what, two days?

7 A. Yes, sir.

8 Q. Have you resigned from that position?

9 A. I did, yes, sir.

10 Q. When did you resign?

11 A. I resigned, and I don't recall specifically, but  
12 once I had made a decision to make the Application  
13 for the Stark County Sheriff's position, I resigned  
14 on or about that time. I had verbally communicated  
15 to him that I had decided to put in for it and then  
16 he took me off the roster.

17 (Plaintiff's Exhibit No. 5, Harrison  
18 County Sheriff's Office Application,  
19 was marked for identification.)

20 BY MR. BECK:

21 Q. Sir, I'm handing you what we've marked as Relator's  
22 Exhibit 5. I submitted a public records request to  
23 the Harrison County Sheriff and these were the  
24 documents that were supplied to me, and they are  
25 Bate stamped 1 through 33 and I welcome you to look

1 through this, but I don't see any written  
2 resignation at all, and I obtained these documents  
3 in the latter part of February or early March,  
4 2013.

5 MR. ROSENBERG: I'm just going to object.  
6 I haven't heard a question.

7 Q. So my question to you is, if you resigned shortly  
8 after you decided to run for Sheriff, where is your  
9 resignation letter?

10 MR. ROSENBERG: Objection. Go ahead.

11 A. I verbally communicated to Sheriff Myers that I was  
12 going to make Application, I think on the 16th of  
13 January and shortly after that I sent him a  
14 resignation letter, but I don't know the exact  
15 date. It may have been a week or so later, but I  
16 can't recall.

17 Q. It looks like, according to Exhibit 5, that you  
18 processed your Application on January 7, 2013; is  
19 that right?

20 A. That was probably a Monday when he processed it,  
21 yes.

22 Q. And then if you turn to page 19 in Exhibit 5, it  
23 shows that on a Saturday and Sunday, January 12th  
24 and 13th, you worked two eight-hour shifts; is that  
25 right?

1 A. I'm sorry. Page what?

2 MR. ROSENBERG: 19.

3 Q. 19.

4 A. Yes, sir.

5 Q. Now, what benefits were extended to you as a  
6 full-time Deputy?

7 A. You mean as far as payment?

8 Q. Sure. If you were a full-time Deputy, you would  
9 have had benefits commensurate with full-time --

10 A. Yes. I had whatever the hourly rate was for a  
11 full-time Deputy, and I had declined any health  
12 insurance or anything like that, so I'm not sure  
13 what all benefits came with the position, but I  
14 already had health insurance so I declined that.

15 Q. You were assigned unit number 3415?

16 A. Yes, sir.

17 Q. In the two days that you worked there on, for  
18 instance, January 12th, did you work the road?

19 A. Yes, I did.

20 Q. So you were assigned a cruiser then?

21 A. Yes, sir.

22 Q. Did you have a partner with you?

23 A. I did not.

24 Q. What shift did you work?

25 A. Day shift.

1 Q. And it's your testimony then that apparently  
2 shortly after you worked these two days you  
3 resigned?

4 A. Yes, sir.

5 Q. And you're saying that the only reason you took  
6 this job is because you actually received a call  
7 from the Harrison County Sheriff asking you if you  
8 would come down and be a full-time Deputy?

9 A. No, that's not what I said.

10 Q. All right. Well, correct me.

11 A. I said I had talked to the Harrison County Sheriff  
12 on a number of occasions and had talked about -- he  
13 asked in the past would I be interested in working  
14 for him, and at this time, I think it was on the  
15 6th of January, he did a background and asked me to  
16 come down, did a background check, and I committed  
17 to working with him.

18 Q. And this was during the same time that you were  
19 beginning to process and gather materials together  
20 for your Application for Appointment to the Stark  
21 County Sheriff?

22 A. Well, I think it was at the same time frame which I  
23 was considering whether I would apply for that  
24 position. I wasn't really gathering anything.

25 Q. Are you saying that you put together this

1 Application, which was signed on January 16, 2013,  
2 on that day?

3 A. Not on that day, no.

4 Q. So it is true, isn't it, that when you were down in  
5 Harrison County working as a Deputy on January 12th  
6 and 13th, you were in the process of preparing an  
7 Application seeking an Appointment as a Stark  
8 County Sheriff?

9 A. No, I was not.

10 Q. So it's your testimony that three days before you  
11 filed your Application with the Court of Common  
12 Pleas in Stark County, you hadn't decided to put  
13 your name in --

14 A. I was considering it.

15 Q. Let me finish my question. Your testimony is, that  
16 three days before you actually processed your  
17 Application, you had not decided you were going to  
18 fill out your Application for Appointment to the  
19 Stark County Sheriff's Office?

20 A. I had not.

21 Q. So was it the following day, January 14, 2013, that  
22 you decided that you were going to run for Sheriff,  
23 or run for -- apply for Sheriff?

24 A. I had been considering it. I had not decided. I  
25 can't say I decided until the week that I made the

1 Application. I don't know exactly what day it was,  
2 Counsel. I think it was a Wednesday or something.

3 Q. You filed your Application on a Wednesday, January  
4 16th. You worked Saturday and Sunday, January 12th  
5 and 13th. So it's your testimony that you didn't  
6 formulate your decision to run or put in your  
7 Application for the Stark County Sheriff until  
8 either the 14th, 15th or 16th; that's your  
9 testimony?

10 A. Yes, sir.

11 Q. And that you didn't take this job down in Harrison  
12 County as a Deputy, even though you had a full-time  
13 job, to strengthen your Application?

14 A. I didn't take this job to strengthen my  
15 Application. I had already prepared my thought  
16 process on this, but had not decided to run, so it  
17 wouldn't have had anything to do with --

18 Q. I'm just trying to make sure I understand.

19 A. Okay.

20 Q. So it's your testimony that there is no  
21 relationship whatsoever to the job that you were  
22 working in Harrison County and your Application for  
23 Appointment to the Stark County Sheriff, no  
24 relationship whatsoever?

25 MR. ROSENBERG: I'm sorry. Say that again.

1 Q. It's your testimony that there is no relationship  
2 whatsoever between the job that you were placed in  
3 in Harrison County as a Deputy Sheriff for two days  
4 and your Application for Appointment to the Stark  
5 County Sheriff?

6 MR. ROSENBERG: Objection. Go ahead.

7 A. I don't feel there's a relationship.

8 Q. So your answer is, there is no relationship?

9 MR. ROSENBERG: Objection. Go ahead.

10 A. I don't feel there's a relationship.

11 Q. So you didn't take the job down in Harrison County  
12 for purposes of assisting your Application or  
13 making sure that your Application was appropriate?

14 MR. ROSENBERG: Objection. I think that's  
15 been asked and answered about three times. You can  
16 answer it again, but it's been asked and answered  
17 several times already.

18 A. I wasn't taking the job to assist in my  
19 Application.

20 Q. And there was no discussion with Sheriff Myers  
21 about that; in other words, before he actually  
22 appointed you as a Deputy, there was no discussion  
23 with Sheriff Myers of Harrison County about the  
24 reason why you wanted this full-time position?

25 A. I'm trying to recall what we discussed for the

1 position, and I don't ever believe that I said to  
2 him anything about, I need this job for my  
3 Application.

4 Q. Again, on Exhibit 5, if you turn to page 22.  
5 Actually, I'm sorry. 21.

6 A. Yes, sir.

7 Q. This is a -- it's a form from the Ohio Attorney  
8 General's Office, and it's entitled Notice of Peace  
9 Officer Appointment; is that right?

10 A. Yes, sir.

11 Q. Through your career, and I notice that we've seen  
12 in Exhibit 4 several versions of Appointments over  
13 the years that you've had.

14 A. Yes, sir.

15 Q. These forms for Peace Officer Appointment also set  
16 forth the Appointment history, which we find on  
17 page 22 of Exhibit 5, and what I'm interested, sir,  
18 is, what is the difference between these various  
19 positions? You'll notice, for instance, in, it  
20 says, Appointment history, there's a box that says  
21 full-time and then there's a box that says  
22 part-time. What's the difference between those two  
23 positions?

24 A. The difference between the positions, there are six  
25 boxes, and I guess the difference would be what

1 capacity you served at the time you were appointed.

2 Q. So, for instance, in 1981 you were an auxiliary  
3 officer at that time, on page 22, according to this  
4 history form; is that right?

5 A. Yes.

6 Q. Who fills out this form?

7 A. The agency. The appointing authority.

8 Q. In this case it would be Sheriff Myers from  
9 Harrison County?

10 A. Yes, for that Appointment.

11 Q. And where did the Sheriff from Harrison County  
12 obtain the history?

13 MR. ROSENBERG: Objection. Go ahead if you  
14 know.

15 A. I may have given it to him.

16 Q. Yeah, I guess that would have been a better  
17 question. Was that history provided by you?

18 A. Yeah, I may have. I don't recall. Honestly I  
19 don't recall. I probably did.

20 Q. I notice, for instance, down on page 22 of Exhibit  
21 5, the reference to Pickaway County Sheriff's  
22 Office, you were a Reserve Officer from December  
23 2008 until July of 2011. What did you do as a  
24 Reserve Officer?

25 A. I worked at the direction of the Sheriff and as a

1 reserve Deputy commissioned through the Ohio Peace  
2 Officer, or through him, and same form was sent to  
3 the Ohio Peace Officer Training Council for my  
4 Appointment. I worked special details, fairs,  
5 parades, or if he would call upon me for anything  
6 else.

7 Q. But in the reserve capacity you would be available  
8 upon call; if they called you, you would respond if  
9 you could?

10 A. Subject to call.

11 Q. Now, when you accepted the job down in Harrison  
12 County, were you also subject to call?

13 A. It was never defined.

14 Q. But you already had a full-time job?

15 A. Uh-huh.

16 Q. But with the City of Massillon?

17 A. Yes.

18 Q. And you communicated that to the Sheriff?

19 A. Yes.

20 Q. And so he was going to give you a full-time  
21 position for the weekends?

22 A. He was going to give me a modified schedule. We  
23 had not worked it out.

24 Q. And I notice from looking at your --

25 A. I was going to fill in, I guess is a better term.

1 Q. You didn't take any vacation time in January so you  
2 could work down in Harrison County, did you?

3 A. No.

4 Q. You received your full salary and you reported to  
5 work Monday through Friday in Massillon?

6 A. Yes.

7 Q. In January, didn't you?

8 A. Uh-huh.

9 Q. Because you didn't resign from there until  
10 February?

11 MR. ROSENBERG: That's a question. You  
12 didn't resign until February?

13 Q. You didn't resign until February?

14 A. Oh, I'm sorry. Yes, whenever the date was. Yes,  
15 February 7. I don't recall if I took any vacation,  
16 going back to that question.

17 (Plaintiff's Exhibit No. 6, 2-7-13

18 Letter to Mayor Kathy Catazaro-Perry  
19 from George T. Maier, was marked for  
20 identification.)

21 Q. Just along those lines, Relator's Exhibit 6, this  
22 is your resignation letter to the City of Massillon  
23 dated February 7, 2013; is that right?

24 A. Yes, sir.

25 Q. Which means that up until February 7, 2013, through

1 all of 2012 and then certainly all of January 2013,  
2 you were working full-time for the City of  
3 Massillon?

4 A. Yes, sir.

5 Q. You don't recall whether you took vacation but you  
6 received your full salary from the City of  
7 Massillon?

8 MR. ROSENBERG: I'm sorry. Start that  
9 again. I didn't hear it.

10 Q. I said you don't recall whether you took any  
11 vacation in January 2013 from the City of  
12 Massillon, but you received your full salary that  
13 month, didn't you?

14 A. Yes.

15 Q. Did you ask or did someone on your behalf to your  
16 knowledge ask Tim Swanson, when he was acting  
17 sheriff after Mr. McDonald announced his inability  
18 to assume the role, did someone ask Mr. Swanson or  
19 did you ask Mr. Swanson to appoint you as a  
20 full-time Deputy?

21 A. I did not ask him, no.

22 Q. Do you know if someone asked on your behalf?

23 A. They may have, but I don't have firsthand knowledge  
24 of that.

25 Q. Now, it appears from your Application that you also

1 claim that you qualify for Sheriff under 311.01  
2 (B)(9) under both sections (a) and (b); is that  
3 right?

4 A. Yes, sir.

5 Q. Now, in section (a) of 311.01 (B)(9) you claim that  
6 you had two years of supervisory experience as a  
7 Peace Officer at the rank of Corporal or above, or  
8 served at the rank of Sergeant or above in the  
9 five-year period ending immediately prior to the  
10 qualification date. Now, we've looked at your job  
11 description for the Director of Public Safety, and  
12 that does not appear to be a ranked position; is  
13 that correct?

14 A. I don't believe it's a military rank, no, sir.

15 MR. ROSENBERG: Object. I'm going to  
16 object. I don't think we've looked at his job  
17 description for Director. You said we've looked at  
18 his job description as a Director. He's been  
19 Assistant Director.

20 MR. BECK: Thank you. You are correct.

21 Q. We've looked at your job description as Assistant  
22 Director, and when I said ranked position, what I  
23 meant was, the Sheriff's Department, many Peace  
24 officers are paramilitary in the sense they use  
25 ranked position.

1 A. Yes.

2 Q. And for instance, your work down in Harrison County  
3 for those two days, you did not hold rank; you were  
4 a Deputy Sheriff?

5 A. Correct.

6 Q. And in the chain of command you would have reported  
7 to any Corporals or Sergeants or Lieutenants or the  
8 Sheriff himself?

9 A. Yes, sir.

10 Q. And so when this statute talks about Corporal or  
11 Sergeant, they are referring to ranked positions  
12 with which you are familiar?

13 MR. ROSENBERG: Objection. Go ahead.

14 A. I am familiar with the ranks, yes.

15 Q. So did you hold the rank of Corporal or Sergeant as  
16 the Assistant Director for Public Safety?

17 A. No, sir.

18 Q. Did you hold either of those ranks as the Director  
19 of Public Safety?

20 A. I'm sorry?

21 Q. In your two weeks as Director of the Department of  
22 Public Safety, did you hold the rank of Corporal or  
23 Sergeant or above?

24 A. Above, yes.

25 Q. And the same question, as the Assistant Director of

1 Public safety, you feel that you held a rank higher  
2 than Sergeant?

3 A. Yes, sir.

4 Q. And did you have a title of Captain, Commander,  
5 Major, Colonel, General, anything of that nature;  
6 any paramilitary designation, was that ever given  
7 to you as the Assistant Director of Public Safety?

8 A. Other than Director and Assistant Director, no,  
9 sir.

10 Q. So if you didn't hold even a designation of a  
11 ranked position, why do you feel that you qualify  
12 as someone with supervisory experience as a Peace  
13 Officer at the rank of Corporal or above or the  
14 rank of Sergeant or above?

15 A. Well, I feel that I fulfilled that requirement  
16 because in those positions I was in the chain of  
17 command for the organization. If you come up from  
18 the Corporal - of course, there weren't any  
19 Corporals - Sergeant, Lieutenant and on up, as you  
20 moved up the succession of ranks, the people who  
21 move up the ranks then report to the person above  
22 them, and those folks in those divisions reported  
23 to me.

24 Q. Right. The division heads directly reported to  
25 you?

1 A. That's correct.

2 Q. So you had eight direct reports from eight division  
3 heads?

4 A. I had eight -- yes, that's correct, I think.

5 Q. As we call them in the line of business, it would  
6 be a direct report?

7 A. Yes.

8 Q. And so you think that your work as the Assistant  
9 Director of Public Safety, you had the equivalent  
10 of a rank?

11 A. I don't know if I had the equivalent of what you're  
12 defining as a rank here today, but I was in the  
13 chain of command as the civilian authority over  
14 those units.

15 Q. And that's exactly right, you were the civilian  
16 authority over eight separate divisions?

17 A. That's correct.

18 Q. One of which was the State Patrol?

19 A. Yes, sir.

20 Q. And what were the other divisions?

21 A. The Ohio Investigative Unit, Ohio Homeland  
22 Security, Criminal Justice Services, Ohio EMA,  
23 Emergency Management Services, Ohio Medical  
24 Services, EMS, Ohio Traffic Safety Office,  
25 Administrative Division, and the Bureau of Motor

1 vehicles.

2 Q. Do you also oversee the supervision of the office  
3 of Human Resources?

4 A. That was part of the Administrative Division.

5 Q. And again, if we look at page 78 of Exhibit 4, it  
6 looks like 35% of your time would have been  
7 allotted to that type of supervision?

8 A. I'm sorry. What was the page again, 78?

9 Q. 78.

10 A. Yes, for administrative purposes it was broken down  
11 into 40%, 25%, 35%. It didn't always work out that  
12 way, but yes.

13 Q. Well, just for clarity, could you flip to page 84  
14 of Exhibit 5. That is also your Appointment as the  
15 Interim Director of Service and Safety?

16 A. What was the page?

17 MR. ROSENBERG: You said Exhibit 5. Did  
18 you mean Exhibit 4?

19 MR. BECK: I'm sorry. Exhibit 4.

20 A. Okay. I'm sorry.

21 Q. Exhibit 4.

22 A. 84?

23 Q. 84.

24 A. Yes, sir. And that is what now?

25 Q. This is your Appointment as the Interim Director of

1 Service and safety for the City of Massillon?

2 A. Yes.

3 Q. And the last line says, He shall be afforded all  
4 benefits available to full-time employees of the  
5 City of Massillon; is that right?

6 A. Yes, sir.

7 Q. So you were a full-time employee in that position?

8 A. Yes.

9 Q. So with respect to this section A, it's your  
10 testimony that because these division heads  
11 reported to you from these eight divisions, some of  
12 which involved law enforcement, because not all of  
13 them involved law enforcement, did they?

14 A. Not all of them, no, sir.

15 Q. You had the equivalent supervisory experience of a  
16 ranked officer?

17 A. Yes, sir.

18 Q. Anything else?

19 A. Just at page 78, at the bottom there, that's the  
20 positions that I directly supervised, and these  
21 Deputy Directors, for example, the Colonel or the  
22 Superintendent on the Highway Patrol is a Deputy  
23 Director 3 or 4. That's the Administrative Code  
24 for their positions. Their rank structure within  
25 their organization, certainly they were the Colonel

1 or whatever it would be, or in the rank structure  
2 of the Ohio Investigative Unit, it's the same  
3 thing, you see under there Liquor - they call it  
4 Liquor. At one time it's the Ohio Investigative  
5 Unit - Liquor Enforcement Administration, the  
6 people that were, for example, during this time, I  
7 don't know if it's the same now, but the person  
8 that was the head of the Ohio Investigative Unit or  
9 the former Liquor Control, was a Deputy Director 3  
10 or 4, I don't recall now. Those people fall under  
11 my direct supervision as the Director and the  
12 Assistant Director, and honestly, some of those  
13 people were civilians, authority over the Ohio  
14 Investigative Unit, much like at some Sheriff's  
15 offices there are civilian authority over jails or  
16 certain divisions, but they are in the chain of  
17 command.

18 Q. All right. You also claim apparently that you  
19 qualify under section 311.01 (B)(9)(b)?

20 A. Yes, sir.

21 Q. And this particular section deals with having at  
22 least two years of post secondary education or  
23 equivalent in semester quarter hours in a college  
24 or university authorized to confer degrees by the  
25 Ohio Board of Regents.

1 A. Yes.

2 Q. Upon what do you base that?

3 A. I base that on my secondary education, both from  
4 transcripts and through prior life experience  
5 evaluation.

6 Q. If you turn in Exhibit 4 to page 43, it looks like  
7 there is the transcript for hours from the  
8 University of Louisville.

9 A. Yes, sir.

10 Q. You may have earned what, 15 credits?

11 A. I believe so, yes, sir.

12 Q. And then page 44 there is a transcript from Ohio  
13 University where you might have earned another  
14 what, five credits?

15 A. I'm not sure what I earned on that.

16 MR. ROSENBERG: Speak up.

17 A. I'm not sure what I earned on that.

18 Q. It's hard to tell from there.

19 A. Yeah, I can't.

20 Q. But in both of those particular transcripts from  
21 the University of Louisville and Ohio University,  
22 you attended class?

23 A. Yes.

24 Q. And successfully passed those classes?

25 A. Yes.

1 Q. You were tested in those classes?

2 A. Yes.

3 Q. And obtained passing grades?

4 A. Yes.

5 Q. Looks like A's and B's, mostly A's. How many hours  
6 would you need to qualify under section (b) here  
7 for this post secondary education?

8 MR. ROSENBERG: Objection. Go ahead.

9 A. I don't know that I know that or that I knew that,  
10 and so I really had to reach out to the  
11 professionals, both at Stark State and with the  
12 Buckeye State Sheriff's Association to kind of  
13 guide me on that, because as I read the law, it  
14 seemed a bit ambiguous as to what the requirement  
15 was, because it said equivalence of two years post  
16 secondary education, and so I was guided by both  
17 the BSSA -- basically the BSSA on how to get that  
18 equivalency evaluation. When I say BSSA, that's  
19 Buckeye State Sheriff's Association. I apologize.

20 Q. Now, have you ever taken a class at Stark State  
21 college?

22 A. Not an accredited class, no.

23 Q. Are you enrolled now?

24 A. Yes.

25 Q. Have you signed up for classes?

1 A. I have not.

2 Q. You don't have a schedule either?

3 A. I do not.

4 Q. And so no credits have actually been given to you  
5 by Stark State College?

6 A. I don't believe they have, no, sir.

7 Q. But what you submitted in support of your  
8 Application, it looks like it's on page 41 of  
9 Exhibit 4, this shows apparently some equivalency  
10 hours?

11 A. Yes, sir. Actually, it shows a couple different  
12 things. It's really hard to read from this, and I  
13 actually had to have them explain this to me. It  
14 shows credit hours for the Ohio University credit  
15 and it shows credit for the Louisville education,  
16 and then it also shows then prior learning  
17 experience, an evaluation or equivalency. I know  
18 with this, some of the classes that were offered  
19 from OU were - this is my term - advanced and not  
20 offered at Stark State, so they really weren't able  
21 to give me credit for those. I don't know which --  
22 again, I can't tell by this. This is just the way  
23 that it was explained to me.

24 Q. You understand that Stark State College has a  
25 requirement that before actual equivalency credits

1 are given, you actually have to take courses and  
2 pass twelve hours?

3 A. Yes.

4 Q. And you also know, don't you, that the most hours  
5 that they will give for equivalency is 30 hours?

6 A. Well, I don't know if I know that or not.

7 Q. Well, if that's true, that even if you were granted  
8 these equivalencies of 30 hours, do you know  
9 whether or not that would be sufficient for you to  
10 qualify for this particular provision of two years  
11 of postgraduate training?

12 MR. ROSENBERG: Objection. Go ahead.

13 A. I don't know.

14 Q. Did you ever talk to the provost?

15 A. I did not.

16 Q. If you turn to page 11 of Exhibit 4, it's a letter  
17 apparently offered by your attorney to you.

18 A. Yes, sir.

19 Q. I presume you asked him before this time, before  
20 that date, to give you an opinion?

21 A. Shortly before then, yes.

22 Q. The day before?

23 A. I don't recall.

24 Q. Because the day before you were actually working  
25 down in Harrison County, January 13th.

1 A. I don't think it was the day before, but I don't  
2 recall.

3 Q. You're not sure, though?

4 A. I mean, I know -- I know when I was working in  
5 Harrison County. I'm not sure when I asked for  
6 this.

7 Q. Do you know when you went to Stark State?

8 A. No, I don't recall.

9 MR. BECK: why don't we take a couple of  
10 minutes. I think I'm almost done.

11 (Short break was taken)

12 BY MR. BECK:

13 Q. Other than these educational credits that we've  
14 talked about or the information you obtained from  
15 Stark State College, is there any other information  
16 or evidence that you meet these statutory  
17 requirements for post secondary education?

18 A. Other than what I received from Stark State you  
19 mean?

20 Q. Yes.

21 A. A letter and --

22 Q. Yes. In Exhibit 4 it appears that the information  
23 that you're using to support your claim that you  
24 have met the requisite educational requirements  
25 under section (B)(9)(b) is the information from

1           stark state college, university of Louisville and  
2           Ohio University; is that right?

3           A.     Again, when I read the statute and it said, you  
4           know, determine equivalency, I wasn't real sure on,  
5           you know, how to go about that or what that meant,  
6           and so I was really guided to go to the community  
7           college by the Buckeye State Sheriff's Association.  
8           It was explained to me as that's how it's been done  
9           in the past with folks in a position seeking that  
10          office under that code, and so I really did take  
11          what -- take the stuff, everything, including my  
12          transcripts from my other college studies, to Stark  
13          State to be evaluated.

14          Q.     But that's the only information that you're  
15          presenting to meet those qualifications?

16          A.     Yes.

17          Q.     And who did you speak with at Stark State?

18          A.     I spoke with -- I don't recall the name. It was a  
19          secretary. I don't want to say secretary. I'm not  
20          sure what the title was. An administrative person  
21          in the department that does the prior learning  
22          equivalencies.

23          Q.     On page 40 of Exhibit 4 there's a Brenda Vogley.  
24          Is that her?

25          A.     I did speak with her, yes.

1 Q. Was there somebody else?

2 A. I'm sorry?

3 Q. Was there another person that you spoke with?

4 A. An administrative person who set up the, you know,  
5 the time frame for me to come. There was a  
6 gentleman, wally, I don't remember his last name,  
7 that also apparently is involved in the evaluation  
8 process.

9 MR. BECK: Thank you. That's all I have.

10 THE WITNESS: Thank you, sir.

11 MR. ROSENBERG: Sheriff, since this is  
12 going to be used as evidence at trial, I have some  
13 questions for you.

14

15 DIRECT-EXAMINATION

16

17 BY MR. ROSENBERG:

18 Q. Let's start, tell us a little bit about your  
19 background. Where did you grow up and what's your  
20 family background in law enforcement?

21 A. I grew up in Massillon, Ohio, born and raised in  
22 Massillon, Ohio, Stark County, attended Massillon  
23 Washington High School. As you can see from my  
24 resume, early in my career I was interested in the  
25 law enforcement, or early in my life I was

1 interested in a law enforcement career. I actually  
2 was an Auxiliary Police Officer, a Volunteer Police  
3 Officer for the Lawrence Township Police  
4 Department. I'm not sure where I really fostered  
5 the interest in law enforcement, although I can  
6 tell you that I'm a second generation law  
7 enforcement officer. My late father and several of  
8 my uncles were in law enforcement, and I have a  
9 brother that's a retired law enforcement officer,  
10 and I have two of my three sons that are law  
11 enforcement officers. So I guess it's something  
12 that's in my blood, I'm not sure, but I have a  
13 passion for public service and professional law  
14 enforcement services.

15 Q. How many years have you been in law enforcement?  
16 And feel free, if need be, to look at Exhibit 4.

17 A. I started the academy and was appointed to the  
18 Lawrence Township Police Department in 1980 or  
19 1981, and then from there, you know, decided if  
20 this is something I wanted to do, I probably need  
21 to figure out how to get some income from that so I  
22 could support my family. So I went to the  
23 Hartville Police Department, where I worked for  
24 nearly two years as a full-time patrolman at the  
25 Hartville Police Department, and from there I had

1 the opportunity to join the Ohio State Highway  
2 Patrol in 1982. November of 1982 I began my career  
3 with the Ohio State Highway Patrol in the Highway  
4 Patrol Academy in Columbus, Ohio. After, I don't  
5 know if it was 18 or 19 weeks, was able to be  
6 appointed as a Trooper, assigned to the Wooster  
7 Post of the Ohio State Highway Patrol.

8 I spent approximately seven years as a  
9 Trooper at the Ohio State Highway Patrol Post in  
10 Wooster and worked a number of assignments as a  
11 Trooper and then I transferred to the Massillon  
12 Post of the Ohio State Highway Patrol.  
13 Approximately three years later I was promoted to  
14 Sergeant and reassigned to the Cambridge Post of  
15 the Ohio State Highway Patrol. I worked at the  
16 Cambridge Post for a couple of years and ended up  
17 transferring to the New Philadelphia Post of the  
18 Patrol as a Sergeant, and from there I was promoted  
19 to the Post Commander or the Lieutenant's position  
20 at the Steubenville Highway Patrol Post in  
21 Jefferson County.

22 Part of my responsibilities as the  
23 Steubenville Post Commander, I had about 13 or 14  
24 Troopers that worked for me and about 6 or 7 other  
25 civilian employees, and I had responsibility of,

1 Highway Patrol responsibility of Jefferson County  
2 and Harrison County. I at that time lived in  
3 Harrison County. From there, I was -- I worked  
4 there about four years, I was promoted to Staff  
5 Lieutenant and transferred back to the Massillon  
6 District Headquarters as the Assistant District  
7 Commander at the Massillon Headquarters. I worked  
8 there for, as Assistant District Commander, both as  
9 a Staff and Line Lieutenant - Staff being staff  
10 functions, Line being line functions - for two  
11 years, a little over two years, about two years and  
12 I don't exactly remember, but a little over two  
13 years, and I was promoted to Captain or Commander  
14 for the Jackson District of the Ohio State Highway  
15 Patrol. I moved my family and transferred to  
16 Jackson, Ohio, southern Ohio, where I spent about  
17 three years as the Commander there, and finished my  
18 career with the Highway Patrol in May of 2007.

19 Q. Okay. And then what did you do in May of 2007?

20 A. In May of 2007 I was asked by then Governor  
21 Strickland if I would consider a position with the  
22 Ohio Department of Public Safety as the Assistant  
23 Director.

24 Q. And from when to when were you either Assistant  
25 Director or Director of Public Safety?

1 A. Well, I was the Assistant Director beginning May of  
2 2007, May 21st I think of 2007, and I held that,  
3 maintained that position. At a couple points in  
4 time I was the Acting Director when the Director  
5 was out of the country, and there was a transition  
6 of Directors on two occasions where I filled in as  
7 Acting Director during a transition. Towards the  
8 end of my tenure there, the Director Thomas  
9 Stickrath, he took another position in state  
10 government and resigned his position and I was  
11 appointed by Governor Strickland as the Interim  
12 Director until the end of his term.

13 Q. And when was that, what was the end date as you  
14 being the Director?

15 A. It actually was January the 10th, or midnight  
16 January the 10th of 2011.

17 Q. Did that coincide with the change in governor from  
18 Strickland to Kasich?

19 A. Yes, sir, it did.

20 Q. Let's look -- actually, before we get to that,  
21 let's go back to Exhibit 3 for a second, the  
22 Addendum. Just one question about the Addendum.  
23 The version that's been marked into evidence does  
24 not have your signature. Did you verify and sign  
25 this on page 3?

1 A. The one that I gave to the Court, yes, I did.

2 Q. Okay. And do you know whether or not the  
3 Administrative Judge also signed it?

4 A. I believe he did, yes, sir.

5 Q. Who was the Administrative Judge?

6 A. Judge Forchione.

7 Q. Frank Forchione?

8 A. Yes, sir.

9 Q. All right. Let's look at this Assistant Director  
10 position description.

11 A. Okay.

12 Q. We've looked at it before. It's Bate stamped page  
13 78 in Exhibit 4 to today's testimony.

14 A. Yes, sir.

15 Q. Now, is this the position description for the work  
16 you performed as Assistant Director?

17 A. This is the position description that was  
18 associated with the position that I held as the  
19 Assistant Director, yes, sir.

20 Q. Now, I want to ask you a couple questions about it.  
21 It starts off, the very first sentence, Acts as  
22 Director in absence of Director, do you see that?

23 A. Yes, sir.

24 Q. What does that mean?

25 A. Any time the Director was incapacitated for a

1 period of time, or in my case, the Director was out  
2 of the country a couple times on either vacation or  
3 business, and I would act as the Director in the  
4 Director's absence.

5 Q. If you go ahead about four or five pages in the  
6 book, and figure out the Bate stamp number, we have  
7 a position description for Director, do you see  
8 that?

9 A. Yes, sir. I see it, but I can't get to it.

10 Q. What's the Bate stamp?

11 A. 82.

12 Q. 82. All right. Would this be the functions you  
13 would perform during those times when the Director  
14 was absent?

15 A. Yes.

16 Q. Okay. We'll come back to that. Let's go back to  
17 the Assistant Director position description. Okay.  
18 It says, Acts as Director in absence of Director,  
19 we've talked about that. I want to ask you about  
20 another one. It says, Supervises and directs  
21 coordination of all criminal investigations with  
22 the Governor's Chief Legal Counsel and State  
23 Highway Patrol per Governor's procedure on  
24 reporting of suspected illegal activities. What  
25 does that mean?

1 A. I worked, as I stated before, I was the report  
2 to -- the Colonel would report to me on active  
3 investigations and I would oversee the progress of  
4 those investigations, offer input and help manage  
5 those criminal investigations, and I was also the  
6 liaison to the Governor's Chief Legal Counsel as a  
7 result of those state investigations.

8 Q. And as far as State Highway Patrol goes, what was  
9 the title, position or rank of the head of the  
10 State Highway Patrol at that time?

11 A. Superintendent, or the Colonel was the rank. It  
12 was the Superintendent, but it was the rank of  
13 Colonel.

14 Q. And is that who you oversaw?

15 A. Yes, sir.

16 Q. Now, let's look at Bate stamp page number 82, which  
17 is the position description for Director. You  
18 indicated that you were appointed by the Governor  
19 to be the Director for a period of time, correct?

20 A. Yes, sir.

21 Q. In fact, let's go back actually two pages. Let's  
22 start with Bate stamp 80. All right. Bate stamp  
23 80 says at the top, State of Ohio Executive  
24 Department Office of the Governor Columbus, and it  
25 says, I, Ted Strickland, Governor of the State of

1 Ohio, do hereby appoint George Maier, from  
2 Pickerington, Fairfield County, Ohio, as Interim  
3 Director of the Department of Public Safety for a  
4 term beginning January 1, 2011 and continuing at  
5 the pleasure of the Governor, replacing Thomas  
6 Stickrath, who resigned. I read that correct,  
7 right?

8 A. Yes, sir.

9 Q. It's signed at the bottom by then Governor  
10 Strickland?

11 A. Yes, sir.

12 Q. Was this your Appointment as Director?

13 A. Yes.

14 Q. Then the next page, just so we have it, Bate  
15 stamped page 81, it's got an oath of office. What  
16 is this?

17 A. That is the oath of office administered by the  
18 Governor for the position of Director.

19 Q. Okay. Now let's go to the position description,  
20 page 82, and this is the position description for  
21 the Director of Public Safety?

22 A. Yes, sir.

23 Q. It indicates that your immediate supervisor at the  
24 top would be whom?

25 A. The Governor.

1 Q. Now, here we have this percentage and it has 100%,  
2 does that 100% apply just to the top paragraph that  
3 says, Acts as Governor's appointee, or does it  
4 apply to the entirety of the page?

5 A. It's the entirety of the page.

6 Q. Okay. I want to go over a couple things that are  
7 on here. It says at the top, Acts as Governor's  
8 appointee, directs operations of a large and most  
9 complex department, and then it says i.e., Ohio  
10 Department of Public Safety; directs over 3800  
11 employee statewide in divisions of Administration,  
12 Bureau of Motor Vehicles, State Highway Patrol,  
13 Emergency Medical Services, Emergency Management  
14 Agency, and Liquor and Food Stamp Enforcement.  
15 Directs, coordinates, and evaluates all internal  
16 and external operations of Department of Public  
17 Safety and directs activities of all major  
18 divisions involving highly complex activities in  
19 numerous locations. Was that part of your job  
20 duties?

21 A. Yes, sir.

22 Q. Now, what does it mean, what did it mean and how  
23 did you handle this, Direct the operations of State  
24 Highway Patrol?

25 A. Well, it was multi-faceted really, you know, I

1 worked closely with the staff of the Highway Patrol  
2 on a number of projects. Especially at this time,  
3 during transition, there was a lot of things being  
4 finalized before a new administration was coming  
5 into office, some HR issues obviously, and then  
6 there were some investigations that were being  
7 finalized and some, I want to say HR issues that  
8 had to be finalized, so I worked very closely with  
9 the senior staff of the Highway Patrol, including  
10 the Superintendent, and many of those below him on  
11 coordinating, during this time, coordinating  
12 activities in the Highway Patrol.

13 Also worked with, you know, every agency  
14 as -- there was no Assistant Director, so not only  
15 did I have these responsibilities, I was still  
16 filling the responsibilities pretty much as  
17 Assistant Director, keeping open communications  
18 with each department head and the departments for  
19 efficiency of government. For example, the BMV,  
20 working with them to address any issues that they  
21 may have, the Ohio Investigative Unit, I worked  
22 with the Executive Director, who was direct report  
23 to me as the Assistant Director, worked very  
24 closely with them during some transition. There  
25 were some people that were transferring, moving.

1 One example might be, there were some people that  
2 were phasing out of state government and so I  
3 worked very closely with them on that. And prior  
4 to that, worked closely with both the Highway  
5 Patrol and the Ohio Investigative Unit in  
6 reorganizing the crime lab. There was two crime  
7 labs, one for the Ohio State Highway Patrol and one  
8 for the Ohio Investigative Unit, and we worked  
9 collectively together to improve our efficiency and  
10 effectiveness.

11 Q. You've mentioned a couple times this Ohio  
12 Investigative Unit. What is that; what does it do?

13 A. Formerly called the Liquor Control or Food Stamp  
14 Enforcement Agents. They are Peace Officers under  
15 the Code. Their title is Agent. They investigate  
16 liquor violations on liquor license premises, they  
17 investigate under-age drinking on both liquor  
18 premises and non-liquor premises, they investigate  
19 food stamp fraud.

20 Q. Okay. To use a phrase we heard earlier, are these  
21 people who have a badge and carry a gun?

22 A. Yes, sir, they do.

23 Q. All right. Let's go back into the job description.  
24 The second paragraph says, Formulates and sets  
25 policy (i.e., defines goals objectives and

1 formulation of policies, procedures and  
2 administrative rules necessary for efficient  
3 management and operation of department).

4 what did you do in that roll?

5 A. All policy revisions, corrections, updates, both as  
6 the Assistant Director and as the Director, would  
7 flow through me. As Assistant Director, they would  
8 come to me before they went to the Director for  
9 evaluation and approval, and then they would go to  
10 the Director for final sign-off. So in either  
11 position, I was reviewing all policies, and many  
12 times working with the department heads or the  
13 agencies to update policies, if needed, for  
14 specific reasons, changing legislation. Especially  
15 with the law enforcement agencies, if there was a  
16 change in legislation, our law enforcement policies  
17 would have to be adjusted to meet the legislative  
18 changes.

19 Q. So were you involved in the enforcement of these  
20 policies, procedures and administrative rules  
21 necessary for the efficient management and  
22 operation of the Ohio Department of Public Safety?

23 A. Yes, I was.

24 Q. It goes on and it says, Implements programs, the  
25 third paragraph, through complex decision processes

1 involving extensive research, coordination and  
2 cooperation within department and with other  
3 departments and agencies.

4 what did you do in that regard?

5 A. Well, with the Ohio Investigative Unit, we  
6 implemented a hiring and promotion program, whereas  
7 we developed a -- there had been a lawsuit filed  
8 against the Agency and a labor grievance filed  
9 against the Agency regarding the process for  
10 promotions. I worked very closely with the  
11 Executive Director in developing the promotional  
12 process and putting that into place. I also worked  
13 very closely with the Executive Director on a daily  
14 basis on implementing a program for the hiring,  
15 retention of Investigative Agents, and actually  
16 providing them with the opportunity to go through  
17 the Peace Officers Training Academy.

18 Q. It then says, Meets with legislature to explain  
19 departmental operations and to identify new  
20 legislation needed. Did you work on the creation  
21 of new legislation?

22 A. At times, yes.

23 Q. Now, down in the bottom left corner of this page,  
24 page 82, Bate stamped 82 of Exhibit 4, it says,  
25 List Position Numbers and Class Titles of Positions

1 directly supervised. Do you see that?

2 A. Yes.

3 Q. Now, the first one says, Assistant Director 3, the  
4 second one says, Highway Patrol C-O-L. Is C-O-L  
5 Colonel?

6 A. Yes.

7 Q. So does this mean that you directly supervised the  
8 Highway Patrol Colonel?

9 A. Yes, sir.

10 Q. And that would be the person you also described as  
11 Superintendent, right?

12 A. Yes, sir. The same position.

13 Q. Who was that, this individual?

14 A. There was a couple individuals.

15 Q. Okay. So there were a couple during your term?

16 A. Yes.

17 Q. All right.

18 MR. ROSENBERG: I want to mark this as  
19 Exhibit P, Respondent Exhibit P.

20 (Defendant's Exhibit No. P, Department  
21 of Public Safety Senior Staff  
22 Organizational Chart, was marked for  
23 identification.)

24 BY MR. ROSENBERG:

25 Q. Sheriff, you've been handed what's been marked as

1 Exhibit P. Have you seen this document before?

2 A. Yes, sir.

3 Q. What is it?

4 A. It's a Department of Public Safety Senior Staff  
5 Organizational Chart.

6 Q. Is this the organizational chart in place when you  
7 were either Assistant Director or Director of  
8 Public Safety?

9 A. Yes, it is.

10 Q. So walk me through it as far as what it means when  
11 you were Director or Assistant Director as far as  
12 the supervisory responsibilities you had here as  
13 depicted in this org chart.

14 A. Well, if you start at the top, you have the  
15 Director, and if you follow the lines connecting  
16 immediately under the Director is the Assistant  
17 Director, and then under the Assistant Director, to  
18 the right is the Legal Services, which would be the  
19 law department of the -- law section of the  
20 department. To the left of that is Communications  
21 section, and then just below that is the  
22 Legislative Liaison, who you'll see are connected  
23 to the center line, report up through the chain of  
24 command to the Assistant Director and then to the  
25 Director, and then below that you have your

1 divisions. To the far left is the Administrative  
2 Division. Next to that to the right is the Bureau  
3 of Motor Vehicles, and next to that is the Criminal  
4 Justice Services. To the right of that is  
5 Emergency Management Agency. Then you go down, the  
6 next line down, far left, is Emergency Medical  
7 Services, and Homeland Security is to the right of  
8 that. The Ohio Investigative Unit's to the right  
9 of that, and the Ohio State Highway Patrol, Highway  
10 Patrol Colonel, is next to that.

11 Q. So were these all direct reports to the Assistant  
12 Director and then from the Assistant Director to  
13 the Director?

14 A. Throughout my tenure, yes.

15 Q. I want to turn your attention for a few minutes to  
16 Exhibit 5, which is the Harrison County documents.  
17 Let's try to keep 4 together so we can go back to  
18 it. Here is Exhibit 5. I want to ask you a few  
19 questions about some of the documents here. They  
20 are Bate stamped. Would you go to page 32, second  
21 to last page of these documents from Harrison  
22 County.

23 A. Yes, sir.

24 Q. Okay. Now, page 32, the letterhead says Harrison  
25 County Sheriff's Office, Sheriff Ronald J. Myers

1 and somebody wrote up at the top, To: Gregory A.  
2 Beck, 2 sheets, From: Mark J. Soos, Deputy  
3 Auditor. We'll skip that because I don't think  
4 that was on the original, but Harrison County  
5 Sheriff's Office, Sheriff Ronald J. Myers. It's a  
6 letter to the Harrison County Auditor in care of  
7 Mark Soos. Can you read that to us as far as what  
8 this document says.

9 A. Yes. Dear Mr. Soos, please use this as  
10 notification that the Harrison County Sheriff's  
11 Office has hired a new full time member to the  
12 staff of the Office. George T. Maier was hired  
13 full time as a Deputy Sheriff as of January 6, 2013  
14 and started on the 12th of January, 2013. I'm  
15 requesting all paper work for the new hire as well.

16 Q. And who signed that?

17 A. Sheriff Ronald J. Myers.

18 Q. And then it's got a stamp. Do you see the stamp on  
19 the right, received Harrison County?

20 A. Yes.

21 Q. And whose stamp is that?

22 A. The auditor's.

23 Q. County Auditor?

24 A. Yes.

25 Q. would you turn to page 21 of this document. It was

1 a little unclear, which this is the Notice of Peace  
2 Officer Appointment. I want to spend a little bit  
3 more time on this document in a few minutes, but  
4 did you fill this out or did somebody else fill  
5 this out?

6 A. I may have filled it out like in pen and then -- I  
7 don't believe I typed this out. I did not.

8 Q. All right. Well, it does say, down at the bottom  
9 it says, Signature of Reporting Authority. See  
10 that, Attestation of Reporting Authority?

11 A. Yes.

12 Q. And then line 17, Signature of Reporting Authority,  
13 whose signature is that?

14 A. Sheriff R.J. Myers.

15 Q. And again, he's the Sheriff of what county?

16 A. Harrison.

17 Q. And just so we're clear, your name and his name are  
18 somewhat similar. Are they spelled the same or  
19 spelled different?

20 A. Spelled differently.

21 Q. You're M-A-I-E-R. What's he?

22 A. M-Y-E-R-S.

23 Q. So there's no relation between you two?

24 A. No, sir.

25 Q. That's correct, right?

1 A. That's correct.

2 MR. ROSENBERG: Mark this as Exhibit Q.  
3 (Defendant's Exhibit No. Q, Journal Entry  
4 Re: Application for Candidacy for Sheriff  
5 of Stark County, Ohio, was marked for  
6 identification.)

7 BY MR. ROSENBERG:

8 Q. I've handed you what's been marked as Exhibit Q.  
9 Now, some of these pages are the same as a prior  
10 exhibit we saw earlier this evening, but what is  
11 Exhibit Q?

12 A. The first page is the Journal Entry for Application  
13 For Candidacy for Sheriff of Stark County, Ohio.

14 Q. But it's got a lot of pages to it, probably about  
15 40 pages or so.

16 A. Yes.

17 Q. I mean, do you know, was this everything the Court  
18 had or what?

19 A. Was it everything that I -- I'm trying to think. I  
20 don't know if it's everything they had.

21 Q. All right. Now, I want to ask you some questions  
22 about it. Okay. The first page is Journal Entry,  
23 it's a two-page document. Do you see on page 2 a  
24 signature of January 24, 2013?

25 A. Yes, sir.

1 Q. Do you recognize that signature?

2 A. Yes. That's Judge Frank Forchione's.

3 Q. And he signs it Administrative Judge Stark County  
4 Common Pleas?

5 A. Yes.

6 Q. Now, it says, Pursuant -- it's a little hard to  
7 read. Pursuant to Revised Code 311.02 (F)(1), the  
8 applicant is sworn before me, the Administrative  
9 Judge for the Court of Common Pleas for Stark  
10 County, Ohio as to the truth of his qualifications  
11 for the Office of Sheriff for Stark County, Ohio,  
12 as set forth in his Application for Candidacy  
13 attached hereto and incorporated herein by  
14 reference, including that he:, and then we have a 1  
15 through 9, but I read that correct, right?

16 A. Yes, sir.

17 Q. Or 1 through 7 I should say. I'm sorry.

18 A. Yeah.

19 Q. All right. Now, just so we're clear, even though I  
20 don't think there's any dispute about it, number 1,  
21 you are a United States citizen, right?

22 A. Yes, sir.

23 Q. Number 2, you're a resident of Stark County for at  
24 least one year prior to the qualification date?

25 A. Yes, sir.

1 Q. Number 3, you're qualified as an elector of Stark  
2 County?

3 A. Yes, sir.

4 Q. Number 4, you had a high school diploma?

5 A. Yes, sir.

6 Q. Number 5, not been convicted or pled guilty to a  
7 felony, etcetera?

8 A. No, sir.

9 Q. That's correct?

10 A. That's correct.

11 Q. Let's focus on 6. It says, Has met the law  
12 enforcement training and employment qualifications  
13 of Revised Code 311.02 (8). Do you see that?

14 A. Yes, sir.

15 Q. I want to ask you a couple questions about it.  
16 First of all, are you aware that there is no 311.02  
17 (8), but there's a 311.01 (8)?

18 A. Yes, sir.

19 Q. And are you aware that the law enforcement training  
20 and employment qualifications are found in 311.01  
21 (8)?

22 A. Yes, sir.

23 Q. Now, Judge Forchione says you have met them.

24 MR. BECK: Objection. Is that a question?

25 Q. I'm getting to my question. Judge Forchione says

1 here you have met the law enforcement training and  
2 employment qualifications.

3 MR. BECK: Objection. That's not what he  
4 says.

5 Q. Do you know what --

6 MR. BECK: That's not what it says, but go  
7 ahead.

8 Q. Do you know what he did in making that  
9 determination?

10 MR. BECK: Objection. Move to strike. Go  
11 ahead.

12 A. Well, I know I had met with him on a number of  
13 occasions. He had me provide him with documents  
14 related to the law enforcement training and  
15 employment qualifications under 311.01 or the  
16 Revised Code for the Sheriff's qualifications.

17 Q. You said you met with him on a number of occasions.  
18 How many times did you meet with him?

19 A. I'm trying to count backwards. At least four  
20 times.

21 Q. Were these face to face or over the phone?

22 A. Face to face and there were probably a couple  
23 conversations - maybe one conversation over the  
24 phone - setting up an Appointment or something.

25 Q. The four of them, were those face to face?

1 A. At least four, yes.

2 Q. And were these two, three minute meetings or were  
3 these longer meetings?

4 A. When I filed on the last, this filing actually, was  
5 not a longer meeting, maybe five, ten minutes.  
6 Prior to that, it varied, but there were some  
7 lengthy discussions when I was considering whether  
8 I was going to even apply for the position, on what  
9 the requirements were, and I think at that point in  
10 time the Court provided me with a document on the  
11 format on how to -- what you need and the format on  
12 how to apply.

13 Q. Did Judge Forchione ask you a lot of questions?

14 A. Yes, sir.

15 Q. Did he ask you about your training and employment  
16 background?

17 A. Yes, he did.

18 Q. Did you answer all those questions?

19 A. I answered them and I provided him with documents.  
20 I think every time I was in he asked for documents.

21 Q. Now, number 7 says, Judge Forchione says that you  
22 have, has, the law enforcement supervisory  
23 experience required pursuant to Revised Code 311.02  
24 (9). Now, I want to ask you a couple questions  
25 about that.

1 A. Can I correct something on my last answer?

2 Q. Sure.

3 A. Except with the exception of the first time I met  
4 with the Judge was just really more what's the  
5 procedure, I did not have to provide any documents  
6 to him. I'm sorry.

7 Q. All right. Let's talk about number 7 where Judge  
8 Forchione says you has, has or have, the law  
9 enforcement supervisory experience required  
10 pursuant to Revised Code 311.02(9). First of all,  
11 are you aware that there is no 311.02 (9)?

12 A. Yes, sir.

13 Q. But are you aware that there's a Revised Code  
14 311.01 (9) that deals with the law enforcement  
15 supervisory experience requirements?

16 A. Yes, sir, I am.

17 Q. Did you, in these meetings with Judge Forchione,  
18 discuss your law enforcement supervisory  
19 experience?

20 A. Yes, sir.

21 Q. Did you give him the history of your law  
22 enforcement supervisory experience, as you've  
23 testified today?

24 A. Yes, I did.

25 Q. Do you know whether Judge Forchione reached out in

1 any way to Stark State College?

2 A. Yes, he did. I do know that, yes.

3 Q. So do you know whether he obtained information  
4 directly from Stark State College prior to making  
5 his determinations?

6 A. He told me he was going to call them and/or write  
7 them, but I don't know if there was -- what the  
8 response was.

9 Q. Okay. Now, I want to go to -- I want to continue  
10 through this Exhibit Q. The third page, this is  
11 the Addendum to your Application you talked about  
12 before, right?

13 A. Yes, sir.

14 Q. And this one has your signature, correct?

15 A. Yes, sir.

16 Q. And then below that, sworn to before me and  
17 subscribed in my presence at Stark County, Ohio,  
18 looks like January 29, 2011, whose signature is  
19 that?

20 A. Administrative Judge Frank Forchione.

21 Q. I want you to go past your driver's license and  
22 past the certificate of Peace Officer Training  
23 Council, but you've got a January 14, 2013 letter  
24 from Stark State College. Do you see that?

25 A. Yes, I do.

1 Q. Okay. It's signed by a Brenda vogley. Is this the  
2 person you were talking about before that you  
3 interacted with?

4 A. Yes.

5 Q. Now, it says, Dear Mr. Maier: Thank you for  
6 submitting your portfolio of experience and college  
7 transcripts to Stark State college for review for  
8 prior learning credit assessment, (PLA)/ work  
9 experience credit. I read that correctly, right?

10 A. Yes, sir.

11 Q. Now, is that the transcripts, or what is it that  
12 you submitted?

13 A. I submitted a number of documents, both the  
14 transcripts from OU and from Louisville and a  
15 number of other documents, training and life  
16 experience, they asked me for samples of work  
17 product, a number of documents that I submitted to  
18 them. Whatever they had asked me for in my  
19 portfolio is what I submitted.

20 Q. Now, did you just submit it and never hear from  
21 them until you got this letter or was there  
22 interaction between you and from the college?

23 A. There was some interaction.

24 Q. Did they ask questions or what?

25 A. Yeah. I'm sorry. Yes, they did, sir.

1 Q. Okay. Second paragraph says, Based on our review  
2 of your materials and transcripts, we have  
3 determined an equivalency of 67 college-level  
4 semester hours. According to the Ohio Board of  
5 Regent's Operating Manual for Two-Year Campus  
6 Programs, each Associate of Arts and/or Associate  
7 of science degree requires successful completion of  
8 a minimum of ninety quarter (or sixty semester)  
9 credit hours. Full-time students are required to  
10 enroll in a minimum of 12 credit hours per  
11 semester. These equivalency hours will be  
12 documented as transfer credits.

13 Did I read that correctly?

14 A. Yes, sir.

15 Q. Okay. Now, just so we're clear, did you ever  
16 attend a class at Stark State?

17 A. No, sir.

18 Q. What was the purpose of you approaching Stark  
19 State?

20 A. To determine a PLA work experience equivalency for  
21 post secondary education.

22 Q. Is it your understanding that that's what they  
23 meant that they've determined an equivalency of 67  
24 college level semester hours?

25 A. Yes, I do.

1 Q. It then goes on in the third paragraph and it says,  
2 No training hours, certifications or curriculum  
3 that is included in the Ohio Peace Officers  
4 Training Academy were included in the calculation  
5 of the 67 equivalent hours. I'm sorry. Of the 67  
6 equivalent credit hours. With that correction, did  
7 I read it correctly?

8 A. Yes, sir.

9 Q. What was your understanding of what that meant?

10 MR. BECK: Objection. Go ahead.

11 Q. Go ahead.

12 A. Okay. My understanding of that is based on my  
13 communication with Brenda and that in my guidance  
14 from the Buckeye State Sheriff's Association, that  
15 Ohio Peace Officers Training Academy were not to be  
16 included in equivalency hours towards the  
17 requirement under 311 for Sheriff, O.R.C. 311.01.

18 Q. So you were not including the class work you had  
19 taken at the Peace Officers Training Academy?

20 A. When I provided them with my documentation,  
21 obviously there were documents in there related to  
22 Ohio Peace Officers Training Academy, and I asked  
23 them to not include, to actually exclude those  
24 documents from the equivalency evaluation, which  
25 they did.

1 Q. You were asked some questions by Mr. Beck about a  
2 discussion. Let me find it. It was a discussion,  
3 and I think you indicated there was a phone  
4 conference and County Commissioner Bernabei was on  
5 the phone and Stark County Democratic Chairman  
6 Gonzalez was on the phone. Do you recall that?

7 A. Yes, sir.

8 Q. Tell us what you recall occurring in that  
9 conversation.

10 A. I received a call, and again, I don't know if it  
11 was from Commissioner Bernabei or Chairman  
12 Gonzalez, at this time I don't remember who called,  
13 but it was an unexpected call. On the other end of  
14 the line were several people, who I don't even know  
15 who all was in the call. At the time I didn't know  
16 who was on the other end. I know that it was  
17 Commissioner Bernabei, Sheriff Swanson and Randy  
18 Gonzalez.

19 Q. And what do you recall being --

20 A. There may have been others.

21 Q. -- stated in that call?

22 MR. BECK: Objection. Go ahead.

23 A. Stated in that call was, they informed me that  
24 Sheriff Elect McDonald was not going to be able to  
25 take the office. There was some discussion about

1 candidates, if I would be interested in filling  
2 that position. I think I specifically was asked at  
3 that time over the phone if I would have any  
4 interest, and my response was I would consider it,  
5 and then there was some discussion on smooth  
6 transition of, because there seemed to be some  
7 turmoil as a result of the, you know, unfortunate  
8 circumstances with Sheriff Elect McDonald, if I  
9 would have an interest in working with Sheriff  
10 Swanson, to come on board in some capacity for a  
11 smooth transition, if I was going to be appointed,  
12 or appointed by the Party. And honestly, I didn't  
13 really know how all that worked. I wasn't that --  
14 I wasn't privileged or educated in the whole  
15 process of how it worked, and my response was I  
16 probably would be interested in that if that was  
17 something I decided to do. There was some  
18 additional discussion on Mr. Lou Darrow was the  
19 Operations Commander, and if I would come on, would  
20 there be any intent to remove him or anybody. And  
21 again, my just immediate response was, I didn't  
22 know enough about it to say that I was going -- if  
23 that would happen, that I would remove anybody or  
24 do anything, and that was really -- it was a pretty  
25 short conversation. It really wasn't that long.

1 Q. Was there anything about being hired for one day?

2 A. No.

3 Q. Now, I want you to look at Exhibit 4, which the  
4 record is also Respondent's Exhibit N. You've got  
5 it in front of you, and I want to -- and you said  
6 before, why was this document put together by you?  
7 Or let me strike that. Was this document put  
8 together by you?

9 A. Yes, sir.

10 Q. Okay. Why?

11 A. As I was preparing the documents for the  
12 Application, I went to the Board of Elections and  
13 physically reviewed other previous applicants'  
14 documents to see how they were put together and  
15 there was, honestly, there was a couple of  
16 different ways, and so just I formulated this to  
17 put what I thought was the required documents  
18 together for the Application, although the Judge  
19 didn't want all of these documents.

20 Q. All right. Let's go through it. We open up the  
21 front cover and there's a photo; is that you?

22 A. Yes, sir.

23 Q. We go past the photo and we've got this cover  
24 letter from you, correct?

25 A. Yes, sir.

1 Q. We go past that, and we've got a four-page resume?

2 A. Yes, sir.

3 Q. I want to ask you a couple of questions about this  
4 resume. It says at the top, Veteran Law  
5 Enforcement Executive with numerous awards and  
6 commendations including State Trooper of the Year.  
7 What's that about?

8 A. In 1991 I was selected by my peers at the Massillon  
9 Highway Patrol Post as the Post Trooper of the  
10 Year. Then from that point, the management or  
11 District staff then conducts a process, or an  
12 interview process, and beyond an interview, but  
13 some other things they look at to determine if  
14 you -- there were like six, there were six  
15 candidates, who would be the District Trooper of  
16 the Year, and then from that they select one person  
17 from the District. That's submitted to the State,  
18 and from there, the Superintendent or the Colonel  
19 of the Highway Patrol then, there are ten  
20 applicants, one from each District in the State,  
21 then the Colonel selects the State Trooper of the  
22 Year, and that is reflective of being selected as  
23 the State Trooper of the Year.

24 Q. You received that award?

25 A. I did, yes.

1 Q. This resume, is it true and accurate?

2 A. Yes, sir.

3 Q. I'm not going to go every single line of it, but we  
4 do see, and the Court when they review this will  
5 see there's selected Excerpts from Commendations.  
6 Are these things that you took word for word from  
7 written statements of the individuals?

8 A. Yes. These were commendation letters that I had  
9 received throughout my career and these were  
10 excerpts used as part of this package, yes, sir.

11 Q. Now, when we have career history, I see you  
12 included Assistant Public Safety Director, but you  
13 didn't include that interim time when you were  
14 Director?

15 A. I did not update it with that, no, sir.

16 Q. But if we were to update it, would it include the  
17 Director position?

18 A. Yes, sir.

19 Q. All right. Let's go, I want to go through a couple  
20 other things in this book. Let's get past the  
21 legal analysis, your birth certificate, driver's  
22 license. I'm assuming these kinds of documents,  
23 are they accurate, birth certificate, license,  
24 diplomas, things of that sort?

25 A. Yes.

1 Q. Including the voter registration, that's accurate?

2 A. Yes, sir.

3 Q. Then we go to local, state and national background.  
4 Do you see that?

5 A. Yes, I do, sir.

6 Q. We start with a January 6, 2011 letter from Paula  
7 George, Supervisor in the Canton Municipal Court,  
8 right?

9 A. Yes.

10 Q. I want to actually focus on the next page. It's  
11 Bate stamped -- do we have a Bate stamp on this?

12 A. Not on this.

13 Q. All right. I think it would be page 25 if it was  
14 Bate stamped.

15 A. Here it says 25 of 162.

16 Q. Yeah. Okay. It's Bate stamped 25 in Exhibit 4,  
17 it's also in Exhibit N. It's a form on Attorney  
18 General Mike Dewine letterhead dated January 6,  
19 2013. What is this, Sheriff?

20 A. That is a web check criminal history through the  
21 Bureau of Criminal Identification and Investigation  
22 for any record check and basically a fingerprint  
23 check.

24 Q. Now, what was the purpose of obtaining this?

25 A. This was obtained for my employment with Harrison

1 County.

2 Q. And how do you know it's Harrison County?

3 A. Well, that's the date that it was done, January  
4 6th.

5 Q. of 2013?

6 A. And I believe this is their agency ID here where it  
7 says agency ID. Right below it it says, Reason for  
8 fingerprint, law enforcement, and then the agency  
9 ID.

10 Q. This CUV 578 you believe is the Harrison County  
11 agency ID?

12 A. I do, yes, sir.

13 Q. The next page to this, dated the same day, it says,  
14 No FBI record on file, Bate stamped 26, what is  
15 this document?

16 A. This is a similar document. It's the same date and  
17 same location, or web check or a records check and  
18 fingerprint check for FBI records.

19 Q. Is this part of your Harrison County Application?

20 A. Yes, sir.

21 Q. Then if we go to the next section in these  
22 documents, because there's a lot here, I don't want  
23 to go over every single one of them, but there's a  
24 heading that says Peace Officer Training  
25 Certificate.

1 A. Yes, sir.

2 Q. You're on the same page as I am?

3 A. Yes, sir.

4 Q. And then Bate stamped 35. Now we've got a series  
5 of about four or five diplomas. What was your  
6 purpose in putting these in here?

7 A. Well, the first one that's Bate stamped 35 I  
8 believe is the Ohio Peace Officers Training  
9 Council, this is the certificate I received for  
10 going through the Ohio Peace Officers basic  
11 training program with the Lawrence Township Police  
12 Academy, and graduated, awarded the 16th day of  
13 June, 1981. The next document, Bate stamped 36, is  
14 the Ohio Law Enforcement Officers Training Trade  
15 and Industrial Education Services of the Ohio  
16 Department of Education, and it just shows that I  
17 completed Law Enforcement Officer Training.

18 Q. Okay. And the next to it, somewhat similar?

19 A. Very similar. Lawrence Township Academy.

20 Q. Let's skip over the post secondary education. I  
21 think we've addressed that. Then we have the  
22 section called Peace Officer Appointments.

23 A. Yes, sir.

24 Q. Okay. Bate stamped in Exhibit 4, 45 and also  
25 Exhibit N. We've got a number of documents. What

1 was your purpose in putting these documents  
2 together? They're, I don't know, about 30 pages in  
3 this Peace Officer Appointments?

4 A. Well, under the rules for OPOTA and the Peace  
5 Officers Training Council, you have to show any  
6 breaks in service, so I included these in this  
7 document to show when there was -- what I call a  
8 break in service is any time you changed agencies,  
9 and actually, when I first started my career in law  
10 enforcement, that's exactly how they assessed a  
11 break in service, if you actually, you could have  
12 left Lawrence Township Police on May 11th and  
13 started somewhere else on May 12th, that was  
14 considered a break in service. It's not evaluated  
15 in that manner now. However, I wanted to show the  
16 career path.

17 Q. Okay. Now, you mentioned, just so people reading  
18 your testimony will understand, you said OPOTA,  
19 that's O-P-O-T-A?

20 A. Yes, sir.

21 Q. And what is that?

22 A. That's the, under the Ohio Attorney General's  
23 office, that's the Ohio Peace Officers Training  
24 Academy.

25 Q. Now, I want to go to, if you go in about ten pages

1           you'll find a Notice of Peace Officer  
2           Appointment/Termination on Jim Petro, Attorney  
3           General letterhead. Have you got that, Bate  
4           stamped 55, correct?

5           A.     Yes, sir.

6           Q.     Okay. Now, at the top it says, Notice of Peace  
7           Officer Appointment/Termination and then the box is  
8           checked off, Appointment, correct?

9           A.     Yes.

10          Q.     What is this document?

11          A.     This is the SF-400 administrative form used by the  
12          Ohio Attorney General's Office and the Ohio Peace  
13          Officers Training Commission. Any time there is an  
14          Appointment, a status change in an Appointment or a  
15          termination for a law enforcement, certified Peace  
16          officer, certified officer in the state of Ohio.

17          Q.     And is this your Appointment as a Peace Officer?

18          A.     Yes.

19          Q.     Effective what day?

20          A.     24, July, 2008.

21          Q.     And under section C, Appointment Information, it  
22          says, Appointment Status; what's marked off there?

23          A.     Full-time.

24          Q.     Full-time?

25          A.     Yes, sir.

1 Q. Okay. And then it's got down at the bottom,  
2 Attestation of Reporting Official, who signed it?

3 A. Cathy Collins-Taylor.

4 Q. What was her role?

5 A. At the time she was the Executive Director.

6 Q. Of?

7 A. The Ohio Investigative Unit.

8 Q. Was she also the Director of Public Safety at that  
9 time?

10 A. She was. Right around that time, I don't know the  
11 exact date, yes, sir.

12 Q. Now, go to the next page. Okay. And we've got  
13 two boxes here, the top one signed by you and  
14 the bottom one signed by, is that again  
15 Ms. Collins-Taylor?

16 A. Yes, sir.

17 Q. Okay. And it says, By signing below, I hereby  
18 swear or affirm that the above named individual is  
19 appointed to the above position pursuant to the  
20 authority vested in me by 5502.14, Ohio Revised  
21 Code Section, and that the individual has  
22 personally appeared before me and signed this oath  
23 in my presence. And that's where  
24 Ms. Collins-Taylor, as Executive Director of the  
25 Ohio Investigations Unit, signed it, correct?

1 A. Yes, sir.

2 Q. And then it says, Sworn to and subscribed before  
3 me. What's the date?

4 A. The date is 25, July, 2009.

5 Q. 2009. Now, July 25, 2009, that's less than four  
6 years ago, right?

7 MR. BECK: Objection. Go ahead.

8 A. Yes.

9 Q. Okay. I mean, we haven't -- it's April 4, 2013,  
10 not July 25, 2013, correct?

11 A. Correct.

12 Q. All right. Go to the next page. Do you understand  
13 what is meant by termination dates?

14 A. Yes.

15 Q. Explain to us what a termination date is.

16 A. When you break service, and again, that's probably  
17 my term now, but when you leave the agency or you  
18 go to another agency, then the agency that you are  
19 leaving, the Administrator or the department  
20 head -- or not department head. The Administrator  
21 or the Chief Executive is required to file a  
22 termination, or this SF-400 termination, with the  
23 Ohio Peace Officers Training Commission.

24 Q. And was there a termination date for this Peace  
25 officer appointment?

1 A. Yes.

2 Q. And what was the termination date?

3 A. On 59, page 59 of 162, I forget what exhibit this  
4 is, but --

5 Q. Exhibit 4.

6 A. There is a form that was filled out by Richard  
7 Cologie, Interim Executive Director of the Ohio  
8 Investigative Unit, giving an effective date of  
9 termination of 1-7-2011, which was I believe a  
10 Friday.

11 Q. Okay. And you're into the Peace Officer  
12 Appointment on the documents of then Attorney  
13 General Richard Cordray, correct?

14 A. Yes.

15 Q. So when was your termination date according to  
16 these documents?

17 A. January the 7th, 2011.

18 Q. Okay. Now, so up until then, is it your  
19 understanding that you were a Peace Officer?

20 A. Yes.

21 Q. Appointed by Attorneys General Petro and Cordray?

22 A. Yes.

23 Q. Now, if we go past the termination one dated  
24 January 7, 2011, we have actually the Appointment  
25 by Attorney General Cordray, correct, the Peace

1           Officer?

2           A.     Yes.

3           Q.     And what's the date of that?

4           A.     12-23.   December 23, 2008.

5           Q.     Now, we have, down at the bottom it says,  
6           Attestation of Reporting Official, do you see that,  
7           and it says Dwight E. Radcliff, who's that?

8           A.     That is Retired Sheriff Radcliff of Pickaway  
9           County.

10          Q.     Was he the Sheriff of Pickaway County at the time?

11          A.     Yes, sir, he was.

12          Q.     And what's the date that he signed it?

13          A.     November 18, 2009.

14          Q.     Okay.  And then if we go to the next page, we've  
15          got your signature and then Sheriff Radcliff's  
16          signature again, correct?

17          A.     Correct.

18          Q.     And the notary public lists what date for both of  
19          your signatures?

20          A.     November 18, 2009.

21          Q.     Okay.  We go to the next page, it says, Ohio, and  
22          this would be Bate stamp 63 out of 162, Ohio Peace  
23          Officer Appointment History and it says at the top,  
24          after the reference to your name, Appointed by Ohio  
25          Investigative Unit from July 24, 2008 to present,

1 the position titled Agent. Do you see that?

2 A. Yes, sir.

3 Q. And then this Appointment status, what's the  
4 Appointment status?

5 A. Full-time.

6 Q. And this is the one that's dated November 18, 2009?

7 A. Yes, sir.

8 Q. I want to go to the end of this section of the  
9 documents, about four pages in from the end of this  
10 section. It would be the Mike Dewine Attorney  
11 General Notice of Peace Officer Appointment.

12 A. Yes, sir. 72.

13 Q. Okay. Bate stamp 72 of 162. And this is a Notice  
14 of Peace Officer Appointment, and what's the date  
15 of the Attestation of the Sheriff, can you read  
16 that?

17 A. The 11th day of January, 2013.

18 Q. And who's the Sheriff that signed this Peace  
19 Officer Appointment?

20 A. Sheriff Ronald J. Myers.

21 Q. And that's the Harrison County Sheriff?

22 A. Yes, it is.

23 Q. Appointment information, box 15, it says, select  
24 status, and what's checked off?

25 A. Full-time.

1 Q. And then section 16 it references the position,  
2 what's the position that's checked off?

3 A. A Deputy Sheriff.

4 Q. And while the date is a little difficult to read,  
5 the notary public below that says it was signed on  
6 January 11, 2013; is that accurate?

7 A. Yes, sir.

8 Q. All right. If we go past those couple pages, we go  
9 to the last page in this section, and it looks like  
10 an ID package of some sort. What is that?

11 A. That's the ID that was issued to me on the Deputy's  
12 position at the Harrison County Sheriff's Office.

13 Q. As a Deputy Sheriff?

14 A. Yes, sir.

15 Q. We've talked about the state personnel job  
16 descriptions. If we get past that, we've got a  
17 section marked Public Administration Appointments,  
18 City of Massillon, Director of Public Safety and  
19 Service. Do you see that?

20 A. Not yet. 83.

21 Q. Okay. We don't have to spend much time on it, but  
22 were you the Director of Public Safety and Service  
23 for the City of Massillon?

24 A. I was the Safety and Service Director for the City  
25 of Massillon.

1 Q. From when to when?

2 A. January 1, 2012 to, I think it was February 6th or  
3 7th. 7th, 2013.

4 Q. Then when we get past -- when did you cease being  
5 the Safety Director? I think we've seen a  
6 resignation letter. Do you recall approximately  
7 when?

8 A. It was the 7th of February.

9 Q. To take the Sheriff's job?

10 A. Correct.

11 Q. Then we've got a whole host of certificates. I  
12 don't want you to go through them, but just in  
13 general, what are these, under specialized training  
14 and recognitions?

15 A. Actually, what you see first, on like 91, 92, 93,  
16 94, those are a listing of dates and specific  
17 training that I took throughout. Obviously, you  
18 can see this starts way back in 1983 through 2010,  
19 so it's kind of a data sheet that I've kept over  
20 the years, a training summary of training that I've  
21 taken to sharpen my skills in whatever area that  
22 was identified.

23 Q. Okay. Let's get past those. Then towards the end  
24 of this book we've got a section that says, Stark  
25 County Sheriff Candidate Letters of Support. Do

1           you see that?

2           A.     Yes, sir.

3           Q.     Bate stamp 158.

4           A.     Yes.

5           Q.     I'm not going to ask you about all of these, but I  
6           just want to ask you about a couple. Go to the  
7           second page, it's a letter to Kathy Catazaro-Perry.  
8           Who was she or is she as of November 10, 2011?

9           A.     She was the Mayor Elect for the City of Massillon.

10          Q.     Is she the current Mayor of Massillon?

11          A.     Yes, she is.

12          Q.     This is a letter of recommendation from whom?

13          A.     This is a letter of recommendation from Thomas J.  
14          Stickrath, who was the Superintendent of Ohio BCI &  
15          I.

16          Q.     Is that the Bureau of Criminal Investigation?

17          A.     It is, yes.

18          Q.     So this is a recommendation from Mr. Stickrath?

19          A.     Yes, sir.

20          Q.     Then the next one, Ronald Nichols, former Sheriff  
21          of Ross County?

22          A.     Yes, sir.

23          Q.     Is that a recommendation from him?

24          A.     Yes.

25          Q.     I want to go to the last one in here. Glenn L.

1 Taylor Sr. who's that?

2 A. Glenn Taylor was the Executive Director of the Ohio  
3 Investigative Unit, who had direct report to me as  
4 the Assistant Director and the Director of the  
5 Department of Public Safety.

6 Q. Okay. Now, he says, in part, From 2011 through  
7 2012, Director Maier served as my direct supervisor  
8 during my tenure as Deputy Director and subsequent  
9 Executive Director for the Ohio Investigative Unit  
10 at the Department of Public Safety. So is this an  
11 accurate statement?

12 A. Yes. He was originally a Deputy Director under the  
13 Executive Director and then after a vacancy, became  
14 the Executive Director for the unit.

15 Q. He says in the next paragraph, As Director and the  
16 highest ranking law enforcement official for the  
17 Ohio Investigative Unit, his, meaning you,  
18 oversight included the management of a  
19 multi-million dollar budget, a staff of 120  
20 employees, five million dollars of state of Ohio  
21 assets and 25 million dollars in federal grant.

22 To the best of your knowledge, is that an  
23 accurate statement?

24 MR. BECK: Objection.

25 A. Yes, sir.

1 Q. Just so we heard your answer?

2 A. Yes, sir.

3 MR. BECK: And I still object to it.

4 Q. Tim Swanson, obviously you know Tim Swanson,  
5 correct?

6 A. Yes, I do.

7 Q. Did Tim Swanson ever recommend you for a position  
8 at the Ohio Highway Patrol?

9 A. Yes, he did.

10 Q. Tell us about that.

11 A. In 2007 I was a candidate for the Superintendent or  
12 the Colonel's position for the Ohio State Highway  
13 Patrol and Tim Swanson had wrote a letter to, I  
14 want to say the Governor, in support of my  
15 candidacy for that position.

16 Q. I'm handing you what's been previously marked as  
17 Exhibit F.

18 MR. ROSENBERG: Do you have it?

19 MR. BECK: I don't, but that's alright.

20 Q. Is this the letter you're referring to?

21 A. This is a copy of it. The context of it's the  
22 same. It was on Stark County Sheriff's letterhead,  
23 the letter that I seen, but yeah, that's the same  
24 letter.

25 Q. In the past, let's say from beginning of January to

1 the present, did Mr. Swanson ever contact you to  
2 discuss your qualifications to be Sheriff?

3 MR. BECK: Objection.

4 A. He did not.

5 Q. And how long have you known Mr. Swanson?

6 A. I first become acquainted with Sheriff Swanson when  
7 he worked for the Sheriff's office and I was a  
8 Patrolman in Hartville, so in the early 80's. 25  
9 plus years.

10 Q. Did he ever ask to see any of your documents, the  
11 things we've looked at today?

12 MR. BECK: Objection. Go ahead.

13 A. He did not.

14 MR. ROSENBERG: That's all the questions I  
15 have. Could we go off the record for one second?

16 MR. BECK: Sure.

17 (Short break was taken)

18  
19 RE-CROSS-EXAMINATION

20  
21 BY MR. BECK:

22 Q. You were asked about I guess Exhibit Q, which  
23 should be in front of you, and the first page  
24 appears to be a Journal Entry, and just so the  
25 record's clear, this is not a finding by the

1 Administrative Judge. He's actually reciting what  
2 you're claiming. It says, You have sworn before  
3 me, the Administrative Judge, as to the truth of  
4 his qualifications, including that he, and then  
5 he's simply listing what you're claiming; isn't  
6 that true?

7 MR. ROSENBERG: Objection, but go ahead.

8 A. You know, through the process, I believe the Judge  
9 was trying to determine whether or not I met the  
10 qualifications.

11 Q. But what we have in front of you is, the first page  
12 of Exhibit Q, is in fact his recitation about what  
13 you claim; isn't that true?

14 A. That could be.

15 Q. I mean, I read that to you. I mean, boiled down,  
16 it says, Pursuant to R.C. 311.02, and I think it's  
17 your name under there, has sworn before me, the  
18 Administrative Judge, as to the truth of his  
19 qualifications for the office of sheriff as set  
20 forth in his Application attached hereto, including  
21 that he, and then he lists your seven points.

22 A. Yeah. I mean, I'm not disputing that.

23 Q. Okay. Now, but it is true that Judge Forchione had  
24 issues with respect to your educational  
25 requirements?

1 A. You'd have to ask Judge Forchione that.

2 Q. Did you see the series of letters he sent to Stark  
3 State on that very issue?

4 A. Yes, sir.

5 Q. Did you receive copies of those letters?

6 A. I did not.

7 (Plaintiff's Exhibit No. 7, Series of  
8 Letters, was marked for  
9 identification.)

10 BY MR. BECK:

11 Q. I'm handing you what we have marked as Relator's  
12 Exhibit 7. This appears to be a series of letters  
13 from, do you see on January 14, 2013 the Judge is  
14 writing already to Brenda Vogley, do you see that?

15 A. I'm sorry?

16 Q. On January 14, 2013, Judge Forchione is writing to  
17 Brenda Vogley asking her questions about a letter  
18 that he had sent four days earlier, on January 10,  
19 2013.

20 A. Yes, I see that.

21 Q. And this had to do with your documents that you had  
22 supplied to Ms. Vogley regarding credits for Stark  
23 State; isn't that right?

24 A. You're saying credits, but I really didn't go and  
25 ask the -- to clarify that, I didn't go to Stark

1 State and say, what's my credits? Give me credits.  
2 I went and asked them to evaluate my portfolio to  
3 see what the equivalency was towards post secondary  
4 education. And yes, I see this, and I'm not sure  
5 what the question is, but I see that he did write  
6 the person who did that evaluation, asking some  
7 additional questions. Originally I had provided  
8 the Judge with the letter from the university.

9 Q. If you turn to the second to the last page of  
10 Exhibit 7, there is a letter dated January 8, 2013  
11 from Brenda Vogley at Stark State College to you,  
12 January 8, 2013.

13 A. Yes.

14 Q. Here's what I'm curious about. You told me  
15 previously that you didn't go down to Harrison  
16 County to get a full-time job as a Peace Officer to  
17 buttress your qualifications for Sheriff.

18 A. Uh-huh.

19 Q. That's true, that's what you told me?

20 A. Yes.

21 Q. And you said that that was completely unrelated,  
22 because you really hadn't made any decision with  
23 respect to whether you were going to do it?

24 A. I had not.

25 Q. But here we see on January 8th you had already

1 submitted your portfolio, as you've called it, to  
2 Stark State, before January 8, 2013.

3 A. I did, yes. I had not made a decision whether I  
4 was going to apply.

5 Q. And you admit that you do not have any credits from  
6 Stark State College?

7 A. I did not take any classes at Stark State.

8 Q. And this document that is the last page of Exhibit  
9 7 doesn't give you any credits at all, does it?

10 A. I'm sorry?

11 Q. The last page of the exhibit.

12 A. Yeah.

13 Q. Does not provide you any credits from Stark State  
14 College?

15 A. I don't believe so, no.

16 Q. And are you even aware of how you would actually be  
17 entitled to this equivalency evaluation from Stark  
18 state college?

19 A. The fine particulars of it, maybe not, but the way  
20 it was explained to me by Stark State College, I  
21 would have to enroll in a tech course, or they  
22 would develop a tech course for me based on my  
23 prior learning experience, and then I would have to  
24 take classes, and they did explain you have to take  
25 a minimum of so many credit hours to receive these

1 credits.

2 Q. And you haven't done that; you haven't taken any  
3 classes?

4 A. I have not.

5 Q. You do admit, though, don't you, sir, that if you  
6 do not meet the statutory qualifications for  
7 Sheriff, then you should not be Sheriff?

8 MR. ROSENBERG: Objection. Go ahead.

9 A. Well, I guess that if you don't meet the  
10 qualifications, you probably shouldn't have the  
11 position, but I feel that I do.

12 Q. Well, I understand that.

13 A. Okay.

14 Q. But there are specific articulated qualifications  
15 mandated by the General Assembly, and you  
16 understand, don't you, that if you don't meet those  
17 qualifications, then your right to be Sheriff is in  
18 question?

19 MR. ROSENBERG: Objection.

20 A. I understand.

21 Q. You were asked a series of questions regarding your  
22 Peace Officer Certification, your Peace Officer  
23 Appointments, and if you turn to Exhibit 4, page  
24 55.

25 A. Yes, sir.

1 Q. This document has your signature in two places. It  
2 has it on 56 and it has it on 57; is that right?

3 A. Yes, sir.

4 Q. Now, both dates that you signed this is July 24,  
5 2008; isn't that right?

6 A. Yes.

7 Q. What I don't understand is how Cathy Taylor, Cathy  
8 Collins-Taylor, could have notarized your signature  
9 on July 25, 2009 when you signed it apparently on  
10 July 24, 2008 on both pages, and in fact, if you  
11 look at page 57, she also signs the same day as  
12 you, on July 24, 2008, doesn't she?

13 A. Yes. And just to, maybe this will clear this up,  
14 it wasn't Cathy Collins-Taylor that notarized it.  
15 It was somebody by the name of Jaclyn Snyder, who  
16 was probably a clerical employee. My guess is,  
17 guess, they put the wrong date, because all these  
18 other dates were July 24th of '08. This was July  
19 25th of '09. My guess is they put the wrong date.  
20 I can't answer that.

21 Q. It should be '08?

22 A. I think it should be.

23 Q. And so this Appointment was more than four years  
24 ago, July 24, 2008?

25 A. I don't think so. The end of the Appointment was

1           January 7, 2011. So the Appointment would have  
2           been from January 7, 2011, add four years, it's  
3           going to be January 7, 2015.

4           Q.     But I'm just responding to the questions that your  
5           lawyer asked on that very issue.

6           A.     Okay.

7           Q.     You at least agree with me that --

8           A.     I think it's an error in the person that notarized  
9           it. I really do.

10          Q.     So this was signed, we're talking July of 2008?

11          A.     I believe so, yes.

12          Q.     All right.

13          A.     I can't imagine why it would have been signed a  
14          year later.

15          Q.     Now, when you were with the Ohio State Patrol, you  
16          clearly were a Peace Officer and that was your  
17          full-time job?

18          A.     I was a Peace Officer with the Ohio State Highway  
19          Patrol, yes.

20          Q.     And you retired there in May of 2007; is that  
21          correct?

22          A.     Yes.

23          Q.     And during that time, as a member of the Ohio State  
24          Patrol, you were a Peace Officer, a full-time Peace  
25          officer in that capacity?

1 A. I was.

2 Q. Now, since that time, you haven't had that  
3 situation before, where you were actually, your  
4 only full-time job was a Peace Officer?

5 A. That's not true.

6 Q. Well, when you worked for the Department of Public  
7 Safety, I think we've already established, that  
8 your full-time job was the Assistant Director and  
9 occasionally the Director?

10 A. Okay. Since that time. I apologize. Since that  
11 time. I thought you meant in total. Yes.

12 Q. No. No. I'm talking about since May 2007.

13 A. Yes.

14 Q. Whenever you allege that you were a full-time Peace  
15 Officer, you also had another full-time job, which  
16 was your primary job?

17 A. Yes.

18 Q. That is true, that's a fair statement, isn't it?

19 A. Yes.

20 Q. Take, for instance, in January of 2013, your  
21 full-time job was the Safety Service Director, and  
22 you claim that you qualify as a full-time Peace  
23 Officer, enforcing codes and ordinances, because  
24 you worked two days in Harrison County for the  
25 Harrison County Sheriff's Department; that's what

1           you're telling us, right?

2           A.     I didn't say that. I've never testified to that.

3           Q.     You're not making that allegation, are you?

4           A.     I didn't say that.

5                     MR. ROSENBERG: Objection.

6           Q.     I mean, you're not -- are you taking the position  
7                     that this two days that you worked in Harrison  
8                     County assists your qualification as Sheriff?

9                     MR. ROSENBERG: Objection. Go ahead.

10          A.     I'm not sure that I'm taking that position.

11          Q.     Well, if you're not taking it, then we can forget  
12                     about that particular job or that particular work  
13                     that you did down in Harrison County on January  
14                     12th and January 13, 2013, can't we?

15                     MR. ROSENBERG: Objection.

16          A.     I would say that that's a legal question that I'm  
17                     not qualified to answer.

18          Q.     Well, you recognize the dilemma, don't you; you had  
19                     a full-time job, and you want us to believe that  
20                     the only reason you went down to take another  
21                     full-time job was just to help out the Harrison  
22                     County Sheriff's Department, is that it?

23                     MR. ROSENBERG: Objection. Argumentative.

24                     Asked and answered about five, six times.

25          Q.     Is that your testimony?

1 MR. ROSENBERG: You can answer it, but as I  
2 say, objection, argumentative, asked five or six  
3 times already today.

4 A. I really haven't asked I believe anything in  
5 relationship to that.

6 Q. Well, you filed an Addendum to your Application to  
7 include that.

8 A. I did.

9 Q. So you must have thought it was important.

10 A. Well, I thought it was important to include  
11 everything.

12 Q. And it is true, isn't it, that you could have  
13 worked down at Harrison County Sheriff's  
14 Department, just as you did, as a part-time Deputy?

15 MR. ROSENBERG: Objection. Speculative.

16 A. I'm not sure what the question is.

17 Q. You could have helped out the Harrison County  
18 Sheriff's Department by working as a Deputy on a  
19 part-time basis?

20 MR. ROSENBERG: Objection. Irrelevant.  
21 Speculative.

22 A. I guess I could have. I don't know.

23 Q. Or you could have been a Reserve Officer?

24 MR. ROSENBERG: Objection. Irrelevant.  
25 Speculative.

1 Q. As you had been with other agencies; that's true,  
2 isn't it?

3 MR. ROSENBERG: Same objection.

4 A. I have been a Reserve Officer.

5 Q. Right. Pickaway, you were a Reserve Officer; isn't  
6 that right?

7 A. Yes.

8 Q. And you were a Reserve Officer for Pickaway for  
9 almost three and a half years?

10 A. Yes.

11 Q. And when you worked as a Reserve Officer for  
12 Pickaway, how often did you work for Pickaway?

13 A. I don't know exactly how often. Maybe once every  
14 couple months or so.

15 Q. And they paid you for that?

16 A. No.

17 Q. Were you paid anything extra by the Department of  
18 Public Safety for any of this Peace Officer work  
19 that you did?

20 A. No.

21 Q. It was all part of your general salary?

22 A. They got a good deal.

23 Q. In other words, so your pay didn't change, your pay  
24 grade didn't change?

25 A. No.

1 Q. It was all part of the same job?

2 A. Right. Just like the people who were the head of  
3 the department, they're paid in charge. They were  
4 Deputy Directors.

5 Q. And these department heads, like, for instance, the  
6 Colonel of the State Patrol, reported to you?

7 A. Yes.

8 Q. And he ran his whole department?

9 A. I'm sorry?

10 Q. And he ran his whole department; his whole  
11 division, he was in charge of the rank and file?

12 A. There was a hierarchy, a chain of command and a  
13 hierarchy in the organization, yes.

14 MR. BECK: That's all I have. Thank you.

15

16 RE-DIRECT-EXAMINATION

17

18 BY MR. ROSENBERG:

19 Q. I just want to follow up on Exhibit 7, if you could  
20 look at what was presented to you. There's one  
21 letter we didn't touch upon. Would you go to page  
22 3, which is the January 10, 2013 letter, and this  
23 is from Judge Forchione to Brenda Vogley at Stark  
24 State, correct?

25 A. Yes.

1 Q. Okay. The second paragraph, it says, At this  
2 point, Mr. Maier is considering a candidacy for the  
3 Stark County Sheriff. January 10, 2013, you hadn't  
4 made up your mind yet, right?

5 A. I had not.

6 Q. He then says, As the Administrative Judge for Stark  
7 County, it is my role to determine if Mr. Maier has  
8 met all qualifications for candidates for Sheriff.  
9 I read that correctly, didn't I?

10 A. Yes, sir.

11 Q. And is it your understanding that Judge Forchione  
12 approved your candidacy for Stark County Sheriff?

13 MR. BECK: Objection. Go ahead.

14 A. Yes, it is.

15 Q. I mean, you are the Stark County Sheriff, correct?

16 A. Yes, I am.

17 MR. ROSENBERG: Okay. Nothing further.

18  
19 FURTHER-EXAMINATION

20  
21 BY MR. BECK:

22 Q. You understand that a Judge only speaks through his  
23 Judgment Entry; do you know that premise?

24 MR. ROSENBERG: Objection.

25 Q. That a Court only speaks through its entries; do

1           you understand that?

2           A.     Yes.

3                         MR. ROSENBERG:  Objection.

4           Q.     And it wasn't Judge Forchione that appointed you  
5                         Stark County Sheriff, was it?

6           A.     No.  But I believed in the process he was trying to  
7                         determine whether I met the qualifications.  He  
8                         made that pretty clear.

9           Q.     But there's no Judgment Entry that you've seen that  
10                        says that your qualifications were approved?

11                       MR. ROSENBERG:  Objection.  Argumentative.

12                       MR. BECK:  That's all I have.  Thank you.

13                       MR. ROSENBERG:  We're done.  We will, to  
14                        the extent we're permitted to, we will read it.  
15                        we'll read it quickly.

16

17                                 (Deposition concluded at 8:50)

18

19

20

21

22

(Signature was not waived)

23

24

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C E R T I F I C A T E

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25

I, GEORGE T. MAIER, do hereby certify that I have read the foregoing deposition in the case of STATE OF OHIO, ex rel TIMOTHY A. SWANSON, Relator, versus GEORGE T. MAIER, Respondent, and said deposition constitutes a true and correct transcript of my testimony given at that time.

\_\_\_\_\_  
GEORGE T. MAIER

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_ subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
Notary Public  
My commission expires \_\_\_\_\_

C E R T I F I C A T E

1  
2 STATE OF OHIO )

3 STARK COUNTY )

4 I, Deanna Gleckler, a Registered  
5 Professional Reporter and Notary Public in and for the  
6 State of Ohio, duly commissioned and qualified, do hereby  
7 certify that the within named witness, GEORGE T. MAIER,  
8 by me first duly sworn to testify the truth, the whole  
9 truth and nothing but the truth in the case aforesaid;  
10 that the testimony given was by me reduced to stenotypy  
11 and afterwards transcribed upon a computer, and that the  
12 foregoing is a true and correct transcription of the  
13 testimony so given by him as aforesaid.

14 I do certify that this deposition was taken at  
15 the time and place in the foregoing caption specified. I  
16 do further certify that I am not a relative, counsel or  
17 attorney of either party, or otherwise interested in the  
18 event of this action.

19 IN WITNESS WHEREOF, I have hereunto set my  
20 hand and affixed my seal of office at Canton, Ohio on  
21 this 8th day of April, 2013.

22   
23 \_\_\_\_\_  
24 DEANNA GLECKLER, RPR-CRR, Notary Public  
25 My commission expires 1-6-15



A				
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