

ORIGINAL

In the Supreme Court of Ohio

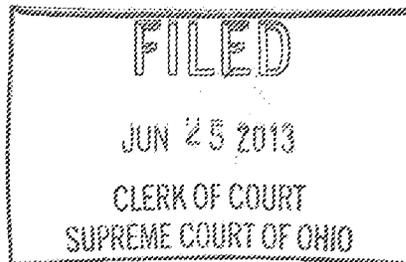
STATE, ex rel. PAUL CALVARUSO, et al.,
Relators,

v.

CHARLES BROWN,
Respondent

and

CITY OF AKRON,
Intervenor



ORIGINAL ACTION FOR A WRIT OF QUO WARRANTO

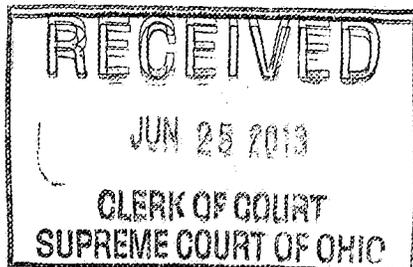
**AFFIDAVIT OF RESPONDENT CHARLES BROWN
FILED BY RESPONDENT, CHARLES BROWN AND
INTERVENOR, CITY OF AKRON**

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Charles Brown and Intervenor,
City of Akron*



**AFFIDAVIT OF
CHARLES BROWN**

STATE OF OHIO)
) SS:
COUNTY OF SUMMIT)

I, Charles Brown, based on personal knowledge and first being duly sworn, hereby depose and state that:

1. I began employment with the City of Akron on July 1, 1986, as a Police Officer, a position in the classified Civil Service. During my employment with the Akron Police Division, I was promoted to the classified ranks of Sergeant and Lieutenant. I resigned from my classified position as a Police Lieutenant on January 12, 2013.

2. On January 13, 2013, Mayor Donald Plusquellic appointed me to the unclassified position of Assistant to the Mayor. When offering me the appointment, Mayor Plusquellic told me that my duties would be to serve as an Assistant to the Chief of Police or "Assistant Chief of Police". The Mayor also stated he expected me to keep my peace officer commission so that I can take police action as necessary.

3. On January 13, 2013, I became a reserve Police Officer for the City of Akron. A true and accurate copy of the documents concerning my reserve police officer status for the City of Akron is attached as Exhibit # 1A through 1D. I am a certified peace officer in the State of Ohio.

4. As an Assistant to the Mayor, the Chief of Police has assigned me to tasks including but not limited to: communicating with the media, public and employees; making public and television appearances; administering the Ohio Attorney General's Safe Neighborhood Initiative – called Akron (Ceasefire) which is a group violence reduction strategy; and community outreach including meeting with faith based organizations, community groups, and organizations such as the Akron Urban League. I perform other duties as assigned by the Mayor and Police Chief and other duties as assigned.

5. I have not been assigned to supervise the Police Captains.

6. I have not been assigned the following duties of a Police Deputy Chief:

- Managing all aspects of the Police Division. I am not assigned to manage employees although I do manage some programs including the Police Division's hiring process;
- Planning and directing all activities of one or more subdivisions of the Akron Police Division;

- Participating in the development and administration of the division budget and forecasting necessary to staff and equip the Police Division;
- Preparing analytical reports on behalf of the Police Division for internal and external use; and
- Administering the Akron Police Department Rules, Regulations and Procedures.

7. I have not referred to myself as a Police Deputy Chief, and no one other than the Relators in this case has ever claimed that I am a Police Deputy Chief.

8. I have not been assigned to serve as Acting Chief of Police since this action was filed.

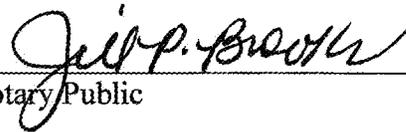
9. The "Assistant Chief of Police Summary of Job Duties" is not a job description. It is a document that was submitted to the Ohio Police and Fire Pension Fund (OP&F) in order to determine my continued membership in OP&F as an Assistant to the Mayor/Assistant Chief of Police. OP&F determined that I would remain a member of the Ohio Police and Fire Pension system in my unclassified employment. Attached hereto as Exhibit #2 is a true and accurate copy of the letter from OP&F.

FURTHER AFFIANT SAYETH NAUGHT.



Charles Brown

Sworn to and subscribed before me, a Notary Public, this 24th day of June, 2013.


Notary Public

JILL P. BROOKS
Resident of Summit County
Notary Public, State of Ohio
My Commission Expires 8/15/16

*Although sworn in as a reserve officer on 01/10/2013, Charles Brown will continue to be a full-time officer until 01/12/2013. His reserve status will begin on 01/13/2013.



MIKE DEWINE
* OHIO ATTORNEY GENERAL *



Ohio Peace Officer Training Commission
Office 800-346-7682
Fax 740-845-2675

P.O. Box 309
London, OH 43140
www.OhioAttorneyGeneral.gov

NOTICE OF PEACE OFFICER APPOINTMENT

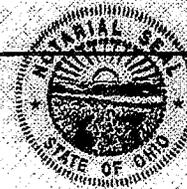
1. Within ten days of the appointment or status change, submit one copy of this form either by email, fax or mail.
2. Type or print legibly and complete all blanks. Enter N/A if not applicable.
3. Submit pages 1 and 2 for a New Appointment. A new appointment occurs when an officer is first sworn into your agency, or has previously left the agency and returns.
4. Submit only page 1 for a Status Change. A status change occurs when an officer continues to be appointed by your agency, but has a change from one status, as listed in Box 15, to a different status.
5. Enter any necessary information for a Correction to Record, submitting all affected pages, and attach a letter explaining the requested change.

OFFICER INFORMATION		1. Name (Last) Brown	(First) Charles	(Middle) Anthony	2. Social Security Number [REDACTED]
3. Alias (Last) N/A		(First)	(Middle)		
4. Birth date (mm/dd/yyyy) 06/17/1961	5. Email Address N/A			6. Phone Number [REDACTED]	
7. Home Mailing Address (#/Street/PO Box) [REDACTED]		(City) Akron	(State) OH	(Zip Code) 44312	(County Name) Summit
8. Basic Training Academy (Only complete if this is the officer's first appointment or OSP) N/A		(Academy Name)	(Academy Number)	(Dates of Training)	

AGENCY INFORMATION		9. Agency Name Akron Police Department			
10. Agency Email Address Mlong@akronohio.gov (contact person)			11. Agency Phone Number 330-375-2244		
12. Agency Mailing Address (#/Street/PO Box) 217 South High Street		(City) Akron	(Zip Code) 44308	(County Name) Summit	

APPOINTMENT INFORMATION (Complete Date, Status and ORC)		13. New Appointment Date 1 / 1	14. Status Change Date 01 / 13 / 2013
15. Select New Status <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Auxiliary <input checked="" type="checkbox"/> Reserve <input type="checkbox"/> Special <input type="checkbox"/> Seasonal			
16. Select New ORC <input type="checkbox"/> City/Municipality Full-Time/Part-Time (737.02) <input checked="" type="checkbox"/> City/Municipality Auxiliary/Reserve/Special (737.051) <input type="checkbox"/> City/Municipality Chief (737.02) <input type="checkbox"/> Village Full-Time/Part-Time/Special (737.16) <input type="checkbox"/> Village Auxiliary/Reserve (737.161) <input type="checkbox"/> Village Chief (737.15) <input type="checkbox"/> Township Police Officer (505.49) <input type="checkbox"/> Township Constable (509.01) <input type="checkbox"/> Other Chief - List ORC/Charter _____ <input type="checkbox"/> Other - List ORC/Charter _____ <input type="checkbox"/> Deputy Sheriff (311.04) <input type="checkbox"/> Sheriff (311)			

ATTESTATION OF REPORTING AUTHORITY		I attest that the information provided on this form is true and correct and is based on my personal knowledge or inquiry.	
17. Signature of Reporting Authority <i>Daniel D. Zampelli</i>	18. Name and Title Daniel D. Zampelli, Acting Chief of Police	19. Date 01 / 11 / 2013	
NOTARY			
Sworn to and subscribed before me this <u>11th</u> day of <u>January</u> , 20 <u>13</u> in the county of <u>Summit</u> , Ohio.			
<i>Marlene E. Long</i> Signature of Notary		My commission expires <u>April 18, 2017</u>	
		Affix Seal Here	

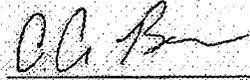


Marlene E. Long
Resident Summit County
Notary Public, State of Ohio
My Commission Expires: 04/18/2017

Officer Name (Last) (First) (Middle) Social Security Number
 Brown Charles Anthony 284-72-9909

20. OATH OF OFFICE

I do solemnly swear or affirm that I will support the Constitution and Laws of the United States of America, the Constitution and Laws of the State of Ohio, and Laws and Ordinances of the political subdivision to which I am appointed and to the best of my ability will discharge the duties of this office.



Signature of Appointee

Donald L. Plusquellic

Name of Appointing Authority (Typed or Printed Legibly)

Mayor

Title of Appointing Authority (Typed or Printed Legibly)

OHIO PEACE OFFICER APPOINTMENT HISTORY

Please list all prior appointments. Use additional copies of page 2, as needed, to list the entire appointment history.

21. Appointed By (Agency Name and County): Akron Police Department Summit	22. From(mm/dd/yyyy): 01 / 13 / 2013	To(mm/dd/yyyy): / /
23. Appointment Status (Check Appropriate Box) <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Auxiliary <input checked="" type="checkbox"/> Reserve <input type="checkbox"/> Special <input type="checkbox"/> Seasonal		
24. Appointed By (Agency Name and County): Akron Police Department Summit	25. From(mm/dd/yyyy): 07 / 01 / 1986	To(mm/dd/yyyy): 01 / 12 / 2013
26. Appointment Status (Check Appropriate Box) <input checked="" type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Auxiliary <input type="checkbox"/> Reserve <input type="checkbox"/> Special <input type="checkbox"/> Seasonal		
27. Appointed By (Agency Name and County):	28. From(mm/dd/yyyy): / /	To(mm/dd/yyyy): / /
29. Appointment Status (Check Appropriate Box) <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Auxiliary <input type="checkbox"/> Reserve <input type="checkbox"/> Special <input type="checkbox"/> Seasonal		
30. Appointed By (Agency Name and County):	31. From(mm/dd/yyyy): / /	To(mm/dd/yyyy): / /
32. Appointment Status (Check Appropriate Box) <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Auxiliary <input type="checkbox"/> Reserve <input type="checkbox"/> Special <input type="checkbox"/> Seasonal		
33. Appointed By (Agency Name and County):	34. From(mm/dd/yyyy): / /	To(mm/dd/yyyy): / /
35. Appointment Status (Check Appropriate Box) <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Auxiliary <input type="checkbox"/> Reserve <input type="checkbox"/> Special <input type="checkbox"/> Seasonal		
36. Appointed By (Agency Name and County):	37. From(mm/dd/yyyy): / /	To(mm/dd/yyyy): / /
38. Appointment Status (Check Appropriate Box) <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Auxiliary <input type="checkbox"/> Reserve <input type="checkbox"/> Special <input type="checkbox"/> Seasonal		



I, CHARLES ANTHONY BROWN, DO SOLEMNLY PLEDGE

UPON MY HONOR THAT I WILL UPHOLD AND SUPPORT THE CONSTITUTION OF THE UNITED STATES AND THE LAWS THEREOF, THE CONSTITUTION OF THE STATE OF OHIO AND THE LAWS THEREOF, THE CHARTER AND ORDINANCES OF THE CITY OF AKRON AND THE RULES AND REGULATIONS OF THE AKRON POLICE DEPARTMENT, AND THAT I WILL FAITHFULLY, HONESTLY AND IMPARTIALLY DISCHARGE AND PERFORM THE DUTIES OF A RESERVE OFFICER TO THE BEST OF MY ABILITY.

I DO SO PLEDGE.

A handwritten signature in cursive script, appearing to read "C.A. Brown", is written above a horizontal line.

Signature

**AFFIRMED BEFORE ME AND SUBSCRIBED IN MY PRESENCE
THIS 10TH DAY OF JANUARY, 2013.**

A handwritten signature in cursive script, appearing to read "Donald L. Plusquelieu", is written above a horizontal line.

DONALD L. PLUSQUELIEU, MAYOR



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★



Ohio Peace Officer Training Academy
Office 800-346-7682
Fax 740-845-2675

P.O. Box 309
London, Ohio 43140
www.OhioAttorneyGeneral.gov

January 31, 2013

Chief James Nice
Akron Police Department
217 South High Street
Akron, OH 44308

Re: Update Training Evaluation for Officer Charles Brown

Dear Chief Nice:

This letter shall serve as notice that no update training is required.

This determination is based solely upon the information reported to the Commission, and does not relieve this officer or the appointing authority of any obligation to comply with the training requirements of O.A.C. 109:2-1-12. This determination does not relieve this officer of the annual firearms re-qualification and Continuing Professional Training requirements.

Should you have any questions or concerns regarding this determination, please feel free to contact me at the number provided below.

Sincerely,

Arienne M. Fauber
Certification Officer
Professional Standards Section

cc: Officer

AF/jw

EXHIBIT 1D