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**IN THE SUPREME COURT OF OHIO**

**The State, ex rel. Dick Flanagan**

**Relator,**

**v.**

**David M. Lucas**

**Respondent.**

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**Original Action in Quo Warranto**

**Case No. 13-0239**

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**RELATOR'S EVIDENCE VOLUME 1 OF 1**

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Mark E. Landers (0026042)  
2071 Aspen Ridge  
Dayton, OH 45459  
Phone: (937) 609-5783  
Email: mark.landlers.esq@gmail.com

Counsel for Relator Dick Flanagan

Christopher J. Gagin (0062820)  
Of Counsel  
Tracey Lancione Lloyd (0046702)  
Lancione, Lloyd and Hoffman Law Office Co., L.P.A.  
3800 Jefferson Street, Suite 101  
Bellaire, Ohio 43906  
Phone: (740) 676-2034  
Fax: (740) 676-3931  
chris.gagin@gaginlegal.com  
traceylloyd@comcast.net

~~Counsel for Respondent David M. Lucas~~

**RECEIVED**  
JUL 16 2013  
CLERK OF COURT  
SUPREME COURT OF OHIO

**FILED**  
JUL 16 2013  
CLERK OF COURT  
SUPREME COURT OF OHIO

Relator's Volume 1 of 1 of evidence consists of the \_\_\_\_\_:

1. Affidavit of Dick Flanagan.
2. Affidavit of Dick Flanagan.
3. Qualification document of David M. Lucas.
4. Affidavit of Dick Flanagan.
5. Qualification document of Dick Flanagan.
6. Affidavit of Dick Flanagan.
7. Auditor of Belmont County statement of no paid employment of David M. Lucas.
8. Affidavit of Mark Landers and documents required in response to Ohio Open Records Request establishing David M. Lucas performed neither full-time police work nor supervisory work as a police officer from October 31, 2007 through December 31, 2012.
9. Village of Bellaire Employee Handbook and letter from Joe Vavra, Bellaire Solicitor.
10. Affidavit of Fred Thompson.
11. Results of Sheriff Election.

Respectfully submitted,

By Mark E. Landers

Mark E. Landers (0026042)  
2071 Aspen Ridge  
Dayton, Ohio 45459  
Phone: (937) 609-5783  
E-mail: mark.land.esq@gmail.com

*Counsel for Relator, Dick Flanagan*

**CERTIFICATE OF SERVICE**

Service of the foregoing Relator's Evidence Volume 1 of 1 was had upon counsel for the Respondent by mailing a true and correct copy thereof by U. S. mail, postage prepaid, this 15 day of July, 2013, to:

Christopher J. Gagin (0062820)  
Tracey Lancione Lloyd (0046702)  
Lancione, Lloyd & Hoffman Law Office Co., L.P.A.  
3800 Jefferson Street, Suite 101  
Bellaire, Ohio 43906  
Phone: (740) 676-2034  
Fax: (740) 676-3931  
E-mail: chris.gagin@gaginlegal.com  
traceylloyd@comcast.net

*Attorney for Respondent, David M. Lucas*

By   
Mark E. Landers (0026042)  
2071 Aspen Ridge  
Dayton, Ohio 45459  
Phone: (937) 609-5783  
E-mail: mark.landens.esq@gmail.com  
*Counsel for Relator, Dick Flanagan*



**ATTACHMENT NOT SCANNED**

STATE OF OHIO            )  
  )  
COUNTY OF BELMONT    )        SS:

NOW COMES Dick Flanagan, being duly sworn according to law, and hereby states as follows:

1. I am the Relator and qualified candidate for sheriff appearing on the ballot on November 6, 2012 and at all times meet the qualifications of O.R.C. §311.01, et al.

2. I have personal knowledge of the facts stated in this Affidavit and I am competent to testify if called as a witness.

3. The State of Ohio has adopted mandatory qualifications to serve as sheriff in the State of Ohio as a condition precedent to occupying said office as sheriff and said qualifications are contained in O.R.C. §311.01, et al.

4. On November 6, 2012, David M. Lucas was elected in the general election and certified by Belmont County Board of Elections.

5. On or about December 23, 2011, the original protest of David M. Lucas not meeting mandatory qualification criteria of O.R.C. §311.01(B)(8) and (B)(9) was filed by outgoing sheriff Fred Thompson. Subsequent filings protesting and challenging the qualifications of Respondent David M. Lucas with the Belmont County Board of Elections by Relator and Gary Landers, an elector of Belmont County, has occurred. The Belmont County Board of Elections refused to conduct any investigation as required by O.R.C. §3501.11(J) and (K) and have publicly so admitted.

6. On or about January 7, 2013, notwithstanding the protestations by me and others with the Belmont County Board of Elections, Mr. Lucas was sworn in as sheriff. This act is objected to by me as Relator and the duly elected sheriff of Belmont County.

7. No further action has been taken by the Belmont County Board of Elections or the Ohio Secretary of State notwithstanding requests to prevent the illegal occupation of the sheriff position by Respondent Dave M. Lucas. Additionally, the Prosecutor of Belmont County was asked to file a Writ of "Quo Warranto" to remove Respondent David M. Lucas from his illegal occupation of office.

8. Each day since January 7, 2013, Respondent David M. Lucas has occupied the office of sheriff of Belmont County and has purported to exercise the rights and duties of that office although illegally. The paperwork submitted by Respondent David M. Lucas shows unequivocally that he has not been a full-time paid officer within four years of the qualification date (December 6, 2011) nor has he performed in a supervisory capacity in two of the last five years of the qualification date. The aforementioned establishes that Respondent David M. Lucas is occupying the office of sheriff illegally as Respondent does not meet the qualifications of O.R.C. §311.01(B)(8) and (B)(9).

9. Respondent David M. Lucas misrepresented his status as a full-time police officer during the period of October 31, 2007 through September 1, 2011 as he performed no full-time police responsibilities with the Belmont County Sheriff's office during said period of time.

10. Respondent David M. Lucas wrote on his Qualification Documents that he served as a reserve officer with the Belmont County Sheriff's office during the period of October 31, 2007 through September 1, 2011 but there exists no documentation to substantiate Respondent David M. Lucas's work as a reserve officer.

11. Respondent David M. Lucas has been repeatedly asked since December, 2012 to answer the question of whether he performed full-time police work and acted as a supervisor as required by O.R.C. §311.01(B)(8) and (B)(9) but he has refused to answer said question from

members of the media.

12. Respondent David M. Lucas has provided a statement that Administrative Judge Sargus certified his qualifications. Judge Sargus, according to Ohio law, does not certify any qualifications of a candidate for sheriff as Judge Sargus acts in a ministerial capacity.

13. Respondent David M. Lucas, based on information and belief, has lived in Florida for a significant period of time from October 31, 2007 through present as evident by virtue of his personal residence at 4673 Sines Lane, Charlotte County, Florida, 33981. Respondent David M. Lucas's wife is presently residing in Florida at their Florida resident.

14. Respondent David M. Lucas did not list any residence in Florida on his qualifications paperwork notwithstanding the requirement to list all home addresses six years prior to qualification date.

**FURTHER AFFIANT SAYETH NAUGHT.**

  
Dick Flanagan

Sworn to before me and subscribed in my presence this 2 day of February, 2013.

  
Notary Public



MARK EDWARD SANDERS, Attorney at Law  
Notary Public, State of Ohio  
His Commission has no expiration date.  
Section 147.03 O. R. C.



**ATTACHMENT NOT SCANNED**

STATE OF OHIO            )  
                                  )  
COUNTY OF BELMONT    )        SS:

**NOW COMES** Dick Flanagan, being duly sworn according to law, and hereby states as follows:

1. I never saw the complaint filed by former Sheriff Fred Thompson until on or about the first week of December 2012 after the receipt of documents obtained from the Belmont County Board of Elections in response to an open records request. Sheriff Thompson's protest and other documents were produced as the documents related to the alleged qualifications of Dave Lucas.

2. I and others began a prompt protest to the Belmont County Board of Elections and to the Ohio Secretary of State concerning qualifications of Dave Lucas, Respondent herein. I specifically requested that the Board of Elections perform their statutory responsibilities pursuant to R.C 3501.11 (J) and (K) but to date they have done nothing.

3. The prosecuting attorney was asked to investigate and file an action in Quo Warranto but said Prosecutor refused both requests. I asked for the Secretary of State to intervene but to date said office has done nothing to my knowledge.

4. Open records requests were filed with the Belmont County sheriff's office to ascertain any and all documents that established any full time police work that Respondent Dave Lucas performed from the period of his retirement, October 31, 2007 through December 7, 2011. Said records were produced on or about February 3, 2013 which indicated no documentation of full time police work or any documentation of working as a sergeant or above as required by R.C. 311.01(B)(8) and (B)(9) respectively.

5. I am not a classified employee nor is my salary paid through federal dollars. The Hatch Act and R.C.124.57 have been complied with in all relevant areas.

6. The auditor of Belmont County has certified and stated that Respondent Dave Lucas was not paid any money for any service subsequent to Respondent's retirement on October 31, 2007. Any range training or certification was performed in a volunteer capacity as evident by lack of payment thereof.

7. Sheriff Fred Thompson has stated that Respondent Dave Lucas performed no functions as a reserve officer at any time from his retirement from October 31, 2007 through December 7, 2011.

8. Respondent Dave Lucas relatives, Sheriff Fred Thompson and other persons of knowledge informed Relator Dick Flanagan of the non-listed house owned by Dave Lucas in Florida which he now admits he did not list on his paperwork for sheriff.

9. Respondent Dave Lucas does not get to use his prior status as a Major because at all times he continued in a retirement status until recently occupying the position of sheriff.

10. I became a full time police officer in 1995 and served with the Bridgeport and the Martins Ferry Police Departments until I became a full time police officer with Bellaire on April 1, 2000.

11. I have continuously served with the Bellaire Police Department since I was promoted to Lieutenant on November 28, 2005 and have continuously served in said supervisory position to date.

12. I meet all requirements of R.C 311.01 et al to include the full time law enforcement requirement and supervisory experience requirement as mandated by R C.311.01 B(8) and (9) respectively.

**FURTHER AFFIANT SAYETH NAUGHT.**

  
Dick Flanagan

Sworn to before me and subscribed in my presence this 6 day of MARCH, 2013.

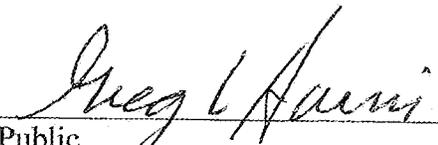
  
Notary Public  
GREG HARRIS, Notary Public  
State of OH  
My Commission Expires 9/13/2016



Exhibit 3 Contents of Qualification & Permit as provided  
BY BELMONT COUNTY Board of Elections

# Sheriff Fred A. Thompson

DISPATCHER  
(740) 695-2212  
(740) 695-7933  
Fax: (740) 695-9662

68137 HAMMOND ROAD  
ST. CLAIRSVILLE, OH 43950-8755



BELMONT COUNTY, OHIO

CIVIL OFFICE  
(740) 695-2121 ext. 109  
(740) 425-1118 ext. 109  
(740) 795-4030 ext. 109

EMERGENCY: 911

JAIL  
(740) 695-5124  
Fax: (740) 695-4781

October 6, 2011

Honorable Judge Jennifer Sargus  
Common Pleas Court  
101 West Main Street  
St. Clairsville, Ohio 43950

Re: Certification of David M. Lucas

Dear Judge Sargus,

This letter is to verify the work history of Dave Lucas. He served as a Part Time Police Officer with the Barnesville Police Department from October of 1978 to February of 1981. He then became a Full Time Deputy with the Belmont County Sheriff's Office on August 12, 1981. He was promoted to Sergeant in January of 1985 with his last promotion as Major on August 5, 2007. He retired as a Full Time Deputy on October 31, 2007 and currently remains as a Commissioned Special Deputy.

I have also attached a copy of his Ohio Peace Officer Training Academy paperwork to verify his appointment history.

Thank you for your time and attention in this matter. Should you have questions please do not hesitate to contact me at 740-695-7933 extension 116.

Sincerely,

A handwritten signature in cursive script that reads "Jill Kernik".

Jill Kernik  
Administrative Secretary

W/Enclosures

IN THE COURT OF COMMON PLEAS OF BELMONT COUNTY, OHIO

IN THE MATTER OF THE  
CANDIDACY OF

JOURNAL ENTRY  
RE: APPLICATION FOR CANDIDACY  
OF SHERIFF OF BELMONT COUNTY,  
OHIO

David M. Lucas  
(APPLICANT'S NAME)

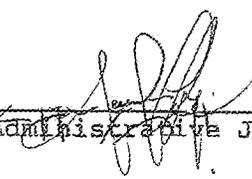
A verified application has been filed by David M. Lucas, a prospective candidate for the Office of Sheriff of Belmont County, Ohio. The Court, for purposes of carrying out its duties pursuant to R.C. 311.01 makes the following orders.

IT IS ORDERED THAT:

- (1) David M. Lucas shall present himself or herself to the Identification Bureau of the Belmont County Sheriff's Department to be fingerprinted in accordance with R.C. 311.01, during regular business hours on a date and time determined by the Sheriff's Department, but in no event later than five (5) business days after this Order.
- (2) The Identification Bureau of the Belmont County Sheriff's Department shall take three (3) sets of fingerprints of the prospective candidate as follows:
  - (a) One (1) set of fingerprints shall be taken on an Ohio Bureau of Criminal Identification and Investigation Applicant Card (BCI card), which shall be clearly marked "LAW ENFORCEMENT APPLICANT".
  - (b) One (1) set of fingerprints shall be taken on a Federal Bureau of Investigation Applicant Card (FBI card) which shall be clearly marked "LAW ENFORCEMENT APPLICANT".
  - (c) One (1) set of fingerprints shall be taken on a local law enforcement fingerprint card as recognized and utilized by the Belmont County Sheriff's Department (BCSD card) and shall be clearly marked "LAW ENFORCEMENT APPLICANT".

- (3) Upon completion of the fingerprinting, the BCI card and the FBI card shall be delivered by the officer taking said fingerprints to the Administrative Judge of the Common Pleas Court of Belmont County for forwarding to the appropriate agencies and the BCSD card shall be retained by the Belmont County Sheriff's Department for purposes of a record check of all local law enforcement agencies, which shall be conducted forthwith.
  
- (4) Upon completion of the local records check the Sheriff or his designee shall deliver the results of the local record check to the Administrative Judge of the Common Pleas Court of Belmont County, Ohio.

DATED:

  
\_\_\_\_\_  
Administrative Judge

IN THE COURT OF COMMON PLEAS OF BELMONT COUNTY, OHIO

IN THE MATTER OF THE  
CANDIDACY OF :

David M. Lucas  
(APPLICANT'S NAME)

: JOURNAL ENTRY  
: RE: APPLICATION FOR CANDIDACY  
OF SHERIFF OF BELMONT COUNTY,  
OHIO

Pursuant to R.C. 311.01, the Court makes the following findings regarding the applicant's eligibility as a candidate for the Office of Sheriff of Belmont County, Ohio:

- (1) Applicant is a United States citizen;
- (2) Applicant has been a resident of Belmont County, Ohio for not less than one (1) year prior to the qualification date for this election;
- (3) Applicant is qualified as an elector of Belmont County, Ohio pursuant to R.C. 3503.01;
- (4) Applicant has attained a high school diploma or a recognized equivalent;
- (5) Applicant has not been convicted of or pleaded guilty to a felony or any offense involving moral turpitude under the laws of this state or any other state or the United States, and has not been convicted of or pleaded guilty to an offense that is a misdemeanor of the first degree under the laws of this state or an offense under the laws of this state or an offense under the laws of any other state or the United States that carries a penalty that is substantially equivalent to the penalty for a misdemeanor of the first degree under the laws of this State;
- (6) Applicant has the law enforcement experience required pursuant to the R.C. 311.01(9).

IT IS THEREFORE THE FINDING that David M. Lucas is eligible to be a candidate for the Office of Sheriff of Belmont County, Ohio.

It is therefore ORDERED that the Clerk forward a certified copy of these findings and the verified application, to the Board of Elections of Belmont County, Ohio forthwith.

**ATTACHMENT NOT SCANNED**



**ATTACHMENT NOT SCANNED**

PEACE OFFICER APPOINTMENT AND OATH OF OFFICE\*

If first appointment: SCHOOL NAME \_\_\_\_\_ SCHOOL # \_\_\_\_\_

I. TO BE COMPLETED BY APPOINTEE AND APPOINTING AUTHORITY:

On this date, you are hereby appointed as a peace officer to serve as a DEPUTY SHERIFF  
for the BELMONT COUNTY SHERIFF'S OFFICE pursuant to 311.04  
department name position/title ORC Section

As such, you shall swear or affirm the following:

I, DAVID M. LUCAS, do solemnly swear or affirm that I will support the  
appointee's printed name

Constitution and Laws of the United States of America, the Constitution and Laws of the State of Ohio,  
and the Laws and Ordinances of Belmont and to the  
political subdivision

best of my ability will discharge the duties of the office of DEPUTY SHERIFF  
position/title

[Signature] 10/31/2007  
Signature of Appointee Date of Appointment (mm/dd/yyyy)

II. TO BE COMPLETED BY APPOINTING AUTHORITY:

By signing below, I hereby swear or affirm that the above named individual is appointed to the  
above position pursuant to the authority vested in me by 311.04, and  
ORC Section

that the individual has personally appeared before me and signed this oath in my presence.

[Signature] FRED A. THOMPSON, SHERIFF  
Signature of Appointing Authority Typed/Printed Name of Appointing Authority and Title

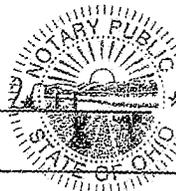
NOTARY:

Sworn to and subscribed before me this 17<sup>th</sup> day of November, 2007

in the county of Belmont and the state of Ohio.

[Signature]  
Signature of Notary/Attorney/Clerk of Courts

My commission expires 1-8-2011



[Signature]  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES  
8 DAY OF Oct, 2011

\* If you submit a department oath of office, the document must include the officer's name, date of appointment, ORC section under which you are appointed and the signature and title of the appointing authority (mayor, safety director, chief of police, etc.) as listed in the ORC section under which you are appointed.

**ATTACHMENT NOT SCANNED**

*Exhibit 4*

**IN THE SUPREME COURT OF OHIO**

**The State, ex rel. Dick Flanagan**

**Relator,**

**v.**

**David M. Lucas**

**Respondent.**

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**Original Action in Quo Warranto**

**Case No. 13-0239**

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**AFFIDAVIT OF DICK FLANAGAN**

---

Mark E. Landers (0026042)  
2071 Aspen Ridge  
Dayton, OH 45459  
Phone: (937) 609-5783  
Email: mark.landlers.esq@gmail.com

Counsel for Relator Dick Flanagan

Christopher J. Gagin (0062820)  
Of Counsel  
Tracey Lancione Lloyd (0046702)  
Lancione, Lloyd and Hoffman Law Office Co., L.P.A.  
3800 Jefferson Street, Suite 101  
Bellaire, Ohio 43906  
Phone: (740) 676-2034  
Fax: (740) 676-3931  
chris.gagin@gaginlegal.com  
traceylloyd@comcast.net

Counsel for Respondent, David M. Lucas

STATE OF OHIO )  
 )  
 COUNTY OF BELMONT ) SS:

NOW COMES Dick Flanagan, being duly sworn according to law, and hereby states as follows:

1. David M. Lucas did not perform any full-time police work within the Belmont County Sheriff's Department at any time subsequent to his retirement in October 2007 through calendar year 2012.

2. David M. Lucas was a paid consultant on a one-time basis in 2010 as David M. Lucas was issued a check for \$595. Consultants/Independent Contractors paid by the Auditor's office in Belmont County are not employees of the Belmont County Sheriff's office.

3. David M. Lucas did not act as a corporal or above at any time subsequent to his October 31, 2007 retirement in a supervisory capacity as required by O.R.C. 311.01(B)(9) as a condition precedent to occupying the office of Sheriff.

4. David M. Lucas did not provide any substantiated documentation that David M. Lucas performed any full-time police work that met or exceeded a normal eight hour day from October 31, 2007 through calendar year 2012.

5. David M. Lucas himself admits that he and his wife travelled to Florida from June 30, 2010 through December 2011 thus establishing a false statement that David M. Lucas was subject to deployment with Special Operations Branch 24 hours, 7 days a week, and 365 days a year from 2007 through 2012.

6. Belmont County Sheriff's office has no written records of David M. Lucas being deployed within the Special Operations Branch as verified by former Sheriff Fred Thompson at any time subsequent to David M. Lucas' retirement.

7. Belmont County Board of Elections conducted no investigation of David M. Lucas' qualifications notwithstanding protests by former Sheriff Thompson, Gary Landers and Relator. In fact, Belmont County Board of Elections has so admitted said fact.

8. I never had a discussion with David M. Lucas concerning Sheriff Thompson's protest/challenge at any time to include February 2, 2012 as I was not aware of said specific assertion by Sheriff Thompson until December 2012. Additionally, I had no discussion with David M. Lucas about his qualifications or lack thereof but through my undersigned attorney.

9. The Village of Bellaire, pursuant to open records request, provided documentation to David M. Lucas's attorney that the Village of Bellaire is not subject to state civil service statutes and Relator Flanagan's salary was not paid with federal funds.

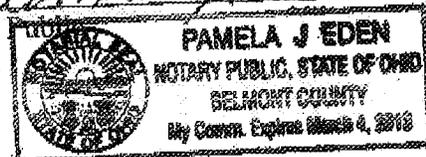
10. Sergeant Tom DeVaul was the firearms instructor in charge of re-qualifications at all times since David M. Lucas retired through the term of Sheriff Thompson. David M. Lucas was paid one time as an independent contractor and not as a member of the Sheriff's Office as exemplified in Exhibit D to Respondent's Motion for Judgment on the Pleadings

**FURTHER AFFLIANT SAYETH NAUGHT.**

*Dick Flanagan*  
Dick Flanagan

Sworn to before me and subscribed in my presence this 13 day of MAY, 2013.

*Pamela J Eden*  
Notary Public





*Exhibit 5*

**Belmont County  
Court of Common Pleas**

JENNIFER L. SARGUS  
JUDGE

JOHN M. SOLOVAN II  
JUDGE

PAULA HOUSTON  
COURT ADMINISTRATOR  
EXT. 1045

101 WEST MAIN STREET  
ST. CLAIRSVILLE, OHIO 43950  
TEL. (740) 695-2121 FAX (740) 695-5305

CONNIE J. POLLOCK  
COURT ADMINISTRATOR  
EXT. 1048

BOB WILLIAMS  
ADMINISTRATIVE ASSISTANT  
EXT. 1046



LAURA ZUPKO  
ADMINISTRATIVE ASSISTANT  
EXT. 1049

KRISTI L. TAKACS  
COURT REPORTER  
EXT. 1052

ED GORENCE  
CHIEF PROBATION OFFICER  
(740) 695-3917

October 24, 2011

Belmont County Board of Elections  
103 Plaza Drive  
St. Clairsville, OH 43950

ATTN: William Shubat, Director

Dear Mr. Shubat:

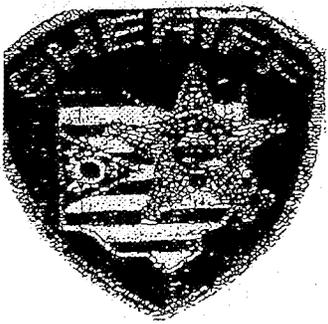
Attached please find the necessary order verifying that Richard A. Flanagan has fulfilled the requirements of Ohio Revised Code Section 311.01 as determined by this Court in its assigned capacity.

Should you have any questions, please contact me.

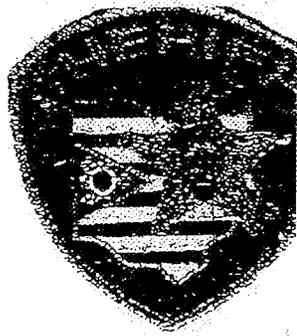
Very truly yours,

*Jennifer L. Sargus*  
JENNIFER L. SARGUS  
JUDGE

JLS/pjh  
enclosure



**BELMONT COUNTY SHERIFF'S OFFICE**  
**SHERIFF FRED A. THOMPSON**  
 68137 HAMMOND ROAD  
 ST. CLAIRSVILLE, OH 43950  
**JAIL TEL 740-695-5124**  
**JAIL FAX 740-695-4781**  
 Jail Administrator  
 Allen G. Porter



Records Check

Name: Richard A. Flanagan Jr.

SSN: [REDACTED]

DOB: 10/04/60

In Compliance with ORC 3319.39. The above named individual was found to have:

No Criminal History

Was Not Fingerprinted

A Criminal History

Was Fingerprinted

Sgt. A.E. Beckett  
 Signature of Person Completing Report

Sgt. Title 10-17-11 Date



**Mike DeWine**

Ohio Attorney General

BCI - Identification  
Office 877-224-0043  
Fax 740-845-2633

P.O. Box 365  
London OH 43140  
[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

OCTOBER 27, 2011

BELMONT COUNTY COURT OF COMMON PLEAS  
JENNIFER L SARGUS  
ADMINISTRATIVE JUDGE  
101 WEST MAIN STREET  
ST. CLAIRSVILLE OH 43950

**NO BCI&I RECORD ON FILE  
AUTHENTICATION NO: NF10036633**

The Ohio Bureau of Criminal Identification and Investigation (BCI&I) has completed a criminal history record check on the applicant listed below. Based upon information furnished by your agency, BCI&I has **NO CRIMINAL HISTORY RECORD** on file for:

**Name:** FLANAGAN, RICHARD A (JR)  
**Date of Birth:** OCTOBER 04, 1960  
**SSN:** XXX-XX-6193  
**BCI Completion Date:** OCTOBER 26, 2011  
**Reason Fingerprinted:** Law Enforcement/Sheriff Candidate

This "No Record" verification is valid for one year from the record check completion date. This letter may be photocopied by the prospective employer and retained by the applicant.

Thomas J. Stickrath, Superintendent  
Ohio Bureau of Criminal  
Identification & Investigation



Ohio Bureau of Criminal Identification and Investigation

P.O. Box 365  
London, OH 43140  
Telephone: (740) 845-2000  
Facsimile: (740) 845-2020



An Internationally Certified Law Enforcement Agency

[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

1560 State Route 56 SW  
London, OH 43140  
Telephone: (740) 845-2000  
Facsimile: (740) 845-2020



# MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

Civilian Identification  
Office 877-224-0043  
Fax 740-845-2633

P.O. Box 365  
London, OH 43140  
[www.OhioAttorneyGeneral.gov](http://www.OhioAttorneyGeneral.gov)

October 27, 2011

Belmont County Court of Common Pleas  
Jennifer L Sargus  
Administrative Judge  
101 West Main Street  
St. Clairsville Ohio 43950

RE: Candidate for Sheriff: Richard A Flanagan, Jr.

PLEASE FIND ENCLOSED THE COMPLETED FINGERPRINT CARD(S) ON THE ABOVE NAMED CANDIDATE FOR SHERIFF OF YOUR COUNTY.

- A BCI Fingerprint Card Reveals "**No Criminal Record**" at the Ohio Bureau
- BCI Background Record Checks Reveals "**A Record**" at the Ohio Bureau. A copy is attached.
- BCI Background Record Check Reveals a "**Sealed Record**" at the Ohio Bureau. In accordance with ORC 2953.31-36 (D) (E) a copy is attached.
- An FBI Applicant Fingerprint Card Reveals "**No Criminal Record**" at the Federal Bureau.
- An FBI Fingerprint Record Check Reveals "**A Record**" on File at the Federal Bureau. A copy is attached.

Sincerely,  
Mike DeWine  
Attorney General

Lonnie Rudasill  
Deputy Director of Identification  
(740) 845-2215



**Mike DeWine**  
Ohio Attorney General

**BCI - Identification**  
Office: 877-224-0043  
Fax: 740-845-2633

P.O. Box 365  
London, OH 43140  
[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

October 27, 2011

BELMONT CO SO SAINT CLAIRSVILLE  
SHERIFF'S OFFICE  
68137 HAMMOND RD  
ST CLAIRSVILLE OH 43950-0024

**NO FBI RECORD ON FILE**  
**AUTHENTICATION NO. FF00057324**  
**ICN. E201129900000114862**

The Federal Bureau of Investigation (FBI) has completed a criminal history record check on the applicant listed below. Based upon the information furnished by your agency, the FBI has **NO CRIMINAL HISTORY RECORD** on file for:

**Applicant Name:** FLANAGAN, RICHARD A, JR  
**Date of Birth:** October 04, 1960  
**SSN:** XXX-XX-6193  
**Date Completed by FBI:** October 26, 2011  
**Reason Fingerprinted:** 311 01B Sheriff Election

This "No Record" verification is valid for one year from the record check completion date. This letter may be photocopied by the prospective employer and retained by the applicant.

Thomas J. Stickrath, Superintendent  
Ohio Bureau of Criminal  
Identification and Investigation

ACJ074

OH0070000

Ohio Bureau of Criminal Identification and Investigation



P.O. Box 365  
London, OH 43140  
Telephone: (740) 845-2000  
Facsimile: (740) 845-2020



An Internationally Certified  
Law Enforcement Agency



An ASCLD/LAB® Accredited  
Laboratory (since 2002)

IN THE COURT OF COMMON PLEAS OF BELMONT COUNTY, OHIO

IN THE MATTER OF THE  
CANDIDACY OF

:  
:  
:  
:  
:  
:

JOURNAL ENTRY  
RE: APPLICATION FOR CANDIDACY  
OF SHERIFF OF BELMONT COUNTY,  
OHIO

Richard A. Flanagan, Jr.  
(APPLICANT'S NAME)

-----

A verified application has been filed by Richard A. Flanagan, Jr., a prospective candidate for the Office of Sheriff of Belmont County, Ohio. The Court, for purposes of carrying out its duties pursuant to R.C. 311.01 makes the following orders.

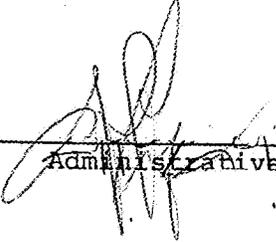
IT IS ORDERED THAT:

- (1) Richard A. Flanagan, Jr. shall present himself or herself to the Identification Bureau of the Belmont County Sheriff's Department to be fingerprinted in accordance with R.C. 311.01, during regular business hours on a date and time determined by the Sheriff's Department, but in no event later than five (5) business days after this Order.
- (2) The Identification Bureau of the Belmont County Sheriff's Department shall take three (3) sets of fingerprints of the prospective candidate as follows:
  - (a) One (1) set of fingerprints shall be taken on an Ohio Bureau of Criminal Identification and Investigation Applicant Card (BCI card), which shall be clearly marked "LAW ENFORCEMENT APPLICANT".
  - (b) One (1) set of fingerprints shall be taken on a Federal Bureau of Investigation Applicant Card (FBI card) which shall be clearly marked "LAW ENFORCEMENT APPLICANT".
  - (c) One (1) set of fingerprints shall be taken on a local law enforcement fingerprint card as recognized and utilized by the Belmont County Sheriff's Department (BCSD card) and shall be clearly marked "LAW ENFORCEMENT APPLICANT".

COPY

- (3) Upon completion of the fingerprinting, the BCI card and the FBI card shall be delivered by the officer taking said fingerprints to the Administrative Judge of the Common Pleas Court of Belmont County for forwarding to the appropriate agencies and the BCSD card shall be retained by the Belmont County Sheriff's Department for purposes of a record check of all local law enforcement agencies, which shall be conducted forthwith.
- (4) Upon completion of the local records check the Sheriff or his designee shall deliver the results of the local record check to the Administrative Judge of the Common Pleas Court of Belmont County, Ohio.

DATED:

  
\_\_\_\_\_  
Administrative Judge

IN THE COURT OF COMMON PLEAS OF BELMONT COUNTY, OHIO

IN THE MATTER OF THE  
CANDIDACY OF :

Richard A. Flanagan, Jr.  
(APPLICANT'S NAME)

: JOURNAL ENTRY  
: RE: APPLICATION FOR CANDIDACY  
OF SHERIFF OF BELMONT COUNTY,  
OHIO

Pursuant to R.C. 311.01, the Court makes the following findings regarding the applicant's eligibility as a candidate for the Office of Sheriff of Belmont County, Ohio:

- (1) Applicant is a United States citizen;
- (2) Applicant has been a resident of Belmont County, Ohio for not less than one (1) year prior to the qualification date for this election;
- (3) Applicant is qualified as an elector of Belmont County, Ohio pursuant to R.C. 3503.01;
- (4) Applicant has attained a high school diploma or a recognized equivalent;
- (5) Applicant has not been convicted of or pleaded guilty to a felony or any offense involving moral turpitude under the laws of this state or any other state or the United States, and has not been convicted of or pleaded guilty to an offense that is a misdemeanor of the first degree under the laws of this state or an offense under the laws of this state or an offense under the laws of any other state or the United States that carries a penalty that is substantially equivalent to the penalty for a misdemeanor of the first degree under the laws of this State;
- (6) Applicant has the law enforcement experience required pursuant to the R.C. 311.01(9).

IT IS THEREFORE THE FINDING that Richard A. Flanagan, Jr. is eligible to be a candidate for the Office of Sheriff of Belmont County, Ohio.

It is therefore ORDERED that the Clerk forward a certified copy of these findings and the verified application, to the Board of Elections of Belmont County, Ohio forthwith.

**ATTACHMENT NOT SCANNED**

**ATTACHMENT NOT SCANNED**



# The City of *Bellaire*

3197 BELMONT STREET • BELLAIRE, OHIO 43906  
(614) 676-6539

TINO ESPOSITO • MAYOR

November 10, 1995

Mr. Richard Flanagan  
3437 Trumbull Street  
Bellaire, OH 43906

Provisional Appointment to Part-time Police Position

Dear Officer Flanagan:

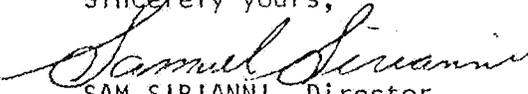
Congratulations on having successfully passed Civil Service Testing and been listed on the eligibility list.

Pursuant to your request, you have been selected for appointment for a provisional part-time position of Police Officer, also known as Patrolman, for the Division of Police of the City of Bellaire, Ohio.

The effective date of this appointment is November 19, 1995.

Congratulations, and good luck in your duties.

Sincerely yours,

  
SAM SIRIANNI, Director  
of Public Safety

cc: Mayor  
Chief of Police  
Auditor

COPY

# City of Bellaire

3197 Belmont St. Bellaire, OH 43906

James B. Piatt, Director of Public Safety

## PEACE OFFICER COMMISSION AND OATH OF OFFICE

On this date, you are hereby commissioned as a peace officer to service in the Division of Police, City of Bellaire as a **Patrolman (full-time) probationary appointment**, pursuant to the authority vested in Section **737.05**, Ohio Revised Code. As such, you shall affirm the following:

I, **RICHARD FLANAGAN**, do solemnly swear that I will support the Constitution and Laws of the United States of America, the Constitution and Laws of the State of Ohio, and the Ordinances of the City of Bellaire, Ohio and I will discharge the responsibilities and duties of the office of **Patrolman (police officer) full-time**, to which I have been appointed, to the best of my ability.

Richard A. Flynn Jr. 3-10-2000 Ronald Warner 3-10-2000  
Signature of Appointee Date Signature of Witness Date

By the affixing of my signature, I do hereby swear that the commission issued to the appointee,

**RICHARD FLANAGAN**, is given pursuant to the authority vested in me the Ohio Revised Code, and that the individual has personally appeared before me and affixed his signature to this oath in my presence.

James B. Piatt  
James B. Piatt, Director of Public Safety  
Appointing Authority

Sworn to and subscribed before me this 10 day of March, 2000

Michael P. King  
Signature of Notary/Clerk of Court

(seal)

My Commission Expires Nov. 15, 2004

**ATTACHMENT NOT SCANNED**

# Village of Bellaire

3197 Belmont Street  
Bellaire, OH 43906  
Jerry L. Fisher, Mayor



740-676-6539  
FAX: 740-671-6055

November 7, 2005

Officer Richard Flanagan  
Bellaire Police Department  
Municipal Building  
Bellaire, OH 43906

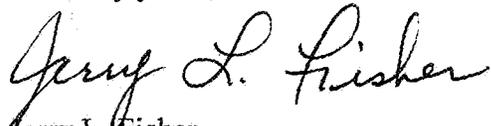
Letter of Appointment

Dear Officer Flanagan:

Upon the recommendation of the Chief of Police and in consideration of your faithful performance and professionalism, you are hereby appointed to the position of Lieutenant in the Bellaire Police Department. The effective date for this appointment shall be November 28, 2005.

You are well qualified and deserving of this appointment. I would like to offer my congratulations and wish you good luck in your duties.

Sincerely yours,

  
Jerry L. Fisher  
Mayor

CC: Chief of Police  
Village Clerk

**ATTACHMENT NOT SCANNED**

**ATTACHMENT NOT SCANNED**



Exhibit 6

IN THE SUPREME COURT OF OHIO

The State, ex rel. Dick Flanagan

Relator,

v.

David M. Lucas

Respondent.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Original Action in Quo Warranto

Case No. 13-0239

---

AFFIDAVIT OF DICK FLANAGAN

---

Mark E. Landers (0026042)  
2071 Aspen Ridge  
Dayton, OH 45459  
Phone: (937) 609-5783  
Email: mark.landere.sq@gmail.com

Counsel for Relator Dick Flanagan

---

Christopher J. Gagin (0062820)  
Of Counsel  
Tracey Lancione Lloyd (0046702)  
Lancione, Lloyd and Hoffman Law Office Co., L.P.A.  
3800 Jefferson Street, Suite 101  
Bellaire, Ohio 43906  
Phone: (740) 676-2034  
Fax: (740) 676-3931  
chris.gagin@gaginlegal.com  
traceylloyd@comcast.net

Counsel for Respondent, David M. Lucas

STATE OF OHIO            )  
                                  )  
COUNTY OF BELMONT    )        SS:

**NOW COMES** Dick Flanagan, being duly sworn according to law, and hereby states as follows:

1.       I am over the age of 18 and a resident of Belmont County, Ohio.
  
2.       I became a full-time police officer in 1995 for the Bridgeport and Martins Ferry Police Department in Belmont County, Ohio. In 1995, I joined the City of Bellaire Police Department in Belmont County, Ohio. In both positions I was a police officer.
  
3.       I have continuously served as a member of the Bellaire Police Department since 1995 and I was promoted to Lieutenant on November 28, 2005 and have continuously served in said supervisory capacity as a Lieutenant thereafter.
  
4.       I have served the citizens of Bellaire as a police officer when it was classified as a city and in its present status as a village whereby the Village of Bellaire is exempt from civil service classification status.
  
5.       I am qualified to be the Sheriff of Belmont County because:
  - a.       I am a citizen of the United States.
  
  - b.       I have been a resident of Belmont County for not less than one year prior to the qualification date for the appointment of Belmont County Sheriff.
  
  - c.       I have the qualifications of an elector as specified in Section 3503.01 of the Revised Code and have complied with all applicable election laws.

d. I have been awarded a high school diploma or a certificate of high school equivalence issued for achievement of specified minimum scores from the general education development test of the American council on education.

e. I have not been convicted of or pled guilty to a felony or any offense involving moral turpitude under the laws of this or any other state or the United States and have not been convicted or nor pled guilty to an offense that is a misdemeanor of the first degree under the laws of this state, or an offense under the laws of any other state or the United States that carries a penalty that is substantially equivalent to the penalty for a misdemeanor of the first degree under the laws of this state.

f. I have been fingerprinted and have been the subject of a search of local, state and national fingerprint files to disclose any criminal record. Such fingerprints were taken under the direction of the Administrative Judge of the Court of Common Pleas who, prior to the applicable qualification date, notified the Board of Elections, Board of County Commissioners, or County Central Committee of the proper political party as applicable, of the Judge's findings.

g. I have prepared a complete history of my places of residence for a period of six years immediately preceding the qualification date and a complete history of my places of employment for a period of six years immediately preceding the qualification date indicating the name and address of each employer and the period of time employed by that employer. The residence and employment histories were filed with the Administrative Judge of the Court of Common Pleas of the county who forwarded them with the findings set forth in Section f above to the appropriate Board of Elections, Board of County Commissions or County Central

Committee of the proper political party prior to the applicable qualification date of December 7, 2011.

h. I meet the following condition: I have obtained or held within the four year period ending immediately prior to the qualification date, a valid basic peace officer certificate of training issued by the Ohio peace officer training commission or have been issued a certificate of training pursuant to Section 5503.05 of the Revised Code, and, within the four year period ending immediately prior to the qualification date, have been employed as an appointee pursuant to Section 5503.01 of the Revised Code or as a full-time peace officer as defined in Section 109.71 of the Revised Code performing duties related to the enforcement of statutes, ordinances or codes.

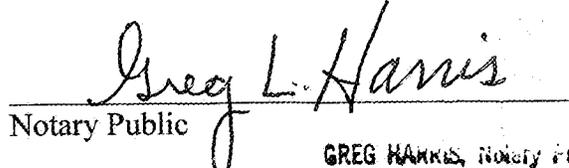
i. I have at least two years of supervisory experience as a peace officer at the rank of corporal or above, or have been appointed pursuant to Section 5503.01 of the Revised Code and served at the rank of sergeant or above in the five year period ending immediately prior to the qualification date of December 7, 2011.

6. I personally alerted the Belmont County Board of Elections that David M. Lucas lacked the statutory qualifications required by Revised Code 311 et al. but the Belmont County Board of Elections never investigated my assertions to my knowledge.

**FURTHER AFFIANT SAYETH NAUGHT.**

  
Dick Flanagan

Sworn to before me and subscribed in my presence this 10 day of JULY, 2013.

  
Notary Public

GREG HARRIS, Notary Public  
State of Ohio  
My Commission Expires Sept 13, 2016



**ATTACHMENT NOT SCANNED**

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Exhibit A

IN THE SUPREME COURT OF OHIO

<b>The State, ex rel. Dick Flanagan</b>	*	<b>Original Action in Quo Warranto</b>
	*	
<b>Relator,</b>	*	<b>Case No. 13-0239</b>
	*	
<b>v.</b>	*	
	*	
<b>David M. Lucas</b>	*	
	*	
<b>Respondent.</b>	*	
	*	

---

AFFIDAVIT OF MARK E. LANDERS

---

Mark E. Landers (0026042)  
2071 Aspen Ridge  
Dayton, OH 45459  
Phone: (937) 609-5783  
Email: mark.landlers.esq@gmail.com

Counsel for Relator Dick Flanagan

Christopher J. Gagin (0062820)  
Of Counsel  
Tracey Lancione Lloyd (0046702)  
Lancione, Lloyd and Hoffman Law Office Co., L.P.A.  
3800 Jefferson Street, Suite 101  
Bellaire, Ohio 43906  
Phone: (740) 676-2034  
Fax: (740) 676-3931  
chris.gagin@gaginlegal.com  
traceylloyd@comcast.net

Counsel for Respondent, David M. Lucas

STATE OF OHIO )  
 )  
COUNTY OF MONTGOMERY ) SS:

NOW COMES Mark E. Landers, being duly sworn according to law, and hereby states as follows:

1. I submitted an Open Records Request to David M. Lucas on January 7, 2013 whereby I requested any and all documents through the Belmont County Sheriff that establish David M. Lucas performed full-time police duties and acted in a capacity at corporal or above. The documents produced are attached hereto.

**FURTHER AFFIANT SAYETH NAUGHT.**

  
\_\_\_\_\_  
Mark E. Landers

Sworn to before me and subscribed in my presence this 15 day of July, 2013.

  
\_\_\_\_\_  
Notary Public



CARMEN SHUPERT, Notary Public  
in and for the State of Ohio  
My Commission Expires May 25, 2016



# Sheriff David M. Lucas

## Belmont County Sheriff's Office

68137 Hammond Road • St. Clairsville, Ohio 43950

~ Emergency: 911 ~

Sheriff's Office: 740.695.7933 • Dispatcher: 740.695.2212 • Fax: 740.699.2582

Jail: 740.695.5124 • Jail Fax: 740.695.4781

---

February 6, 2013

In response to your request regarding "...produce any and all documents that establish that you served as a full time police officer from Nov 1, 2007 though Dec 7, 2012..." no documents exist to satisfy your request.

As to the second request regarding "...produce any documentation that establish that you served in any supervisory capacity as a police officer in Ohio from Nov 1, 2007 through Dec 7, 2012..." no documents exist to satisfy your request.

A handwritten signature in cursive script, appearing to read "Jill Kernik", written over a horizontal line.

Jill Kernik

Administrative Secretary

**ATTACHMENT NOT SCANNED**



Exhibit 9

VAVRA LAW OFFICE

132 West Main Street  
P.O. Box 430  
St. Clairsville, OH 43950

John A. Vavra, Esq.  
Joseph A. Vavra, Esq.

Phone & Fax: 740-695-4331

July 12, 2013

Mark Landers, Esq.

RE: Village of Bellaire - Records Request

Dear Attorney Landers:

In response to your records request relating to the Village of Bellaire, Ohio, I would offer the following information in my capacity as Village Solicitor. Bellaire became a Village after the year 2000 census. Enclosed for your review is a copy of the U.S. Census Bureau's report for the year 2000 showing that Bellaire had a total population of less than 5,000 thereby making it a Village. The Village's population has not increased over 5,000 since that census, therefore Bellaire remains a Village to this date.

With respect to your inquiry about Mr. Flanagan's compensation, no federal funds are utilized in paying him or any other member of the police force. In fact, the Village receives no federal assistance whatsoever. Additionally, the Village is exempt from Ohio Civil Service Rules and no Village employees are required to abide by those rules and regulations.

I hope you find this information helpful. Please feel free to contact me with any further questions or concerns.

Sincerely,

VAVRA LAW OFFICE

BY: Joseph A. Vavra  
Joseph A. Vavra



**THE VILLAGE OF BELLAIRE, OHIO  
EMPLOYEE HANDBOOK**

Effective Date \_\_\_\_\_

Revised \_\_\_\_\_

### **Equal Employment Opportunity**

Village employment decisions will be based on merit and qualifications. The Village does not discriminate in employment decisions on the basis of race, color, religion, sex, national origin, age, disability, pregnancy, or any other characteristics protected by law; however, when making employment decisions, the Village does take nondiscriminatory factors into consideration such as qualifications, knowledge, skills, abilities, and job performance.

The Village will make reasonable accommodations for qualified individuals with legitimate disabilities, unless doing so would result in an undue hardship. This policy applies to hiring, promotion, pay, discipline, discharge, etc.

### **Applications, Reference Checks, Background Checks, and Employment Records**

The Village requires all job applicants to fill out an application form or submit a resumé. The Village also checks employment references of job applicants. A background check is also conducted. The Village depends on information that applicants provide when they apply for employment. If an applicant lies or misleads the Village during the application process, he/she should not expect to be hired.

If an applicant does not give the Village material information that the Village has asked for, the Village considers that to be the same as misleading. If the Village discovers after hiring a person that he/she misled the Village, the person should expect to be discharged.

Furthermore, each employee record of employment with the Village of Bellaire is a matter of public record. Therefore, the Village encourages all employees to establish and maintain the best possible work record while working for the Village.

### **Residency Requirement**

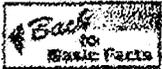
Under section 9.481 of the Ohio Revised Code, Village employees are free from residency requirements. However, as the section provides, local legislation may be passed to have certain employees reside locally, especially those who may need to respond to emergency situations or disasters.

### **Contact Information**

Please notify your department supervisor if you change your telephone number, mailing address, or name of the person you would like us to contact in the case of an emergency by completing the attached Contact Information Form. Copies of the completed form will be filed with your department, the Clerk/Treasurer's Office and the Mayor's or the Administrator's Office ~~depending on your department~~. The Village needs accurate information to remain in contact with all employees.

**U.S. Census Bureau** **American FactFinder**

Main | Search | Feedback | FAQs | Glossary | Help



**Quick Tables**

**DP-1. Profile of General Demographic Characteristics: 2000**  
 Data Set: Census 2000 Summary File 1 (SF 1) 100-Percent Data  
 Geographic Area: **Bellaire city, Ohio**

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://factfinder.census.gov/home/en/datatools/expaf1u.htm>

Subject	Number	Percent
<b>Total population</b>	<b>4,892</b>	<b>100.0</b>
<b>SEX AND AGE</b>		
Male	2,238	45.7
Female	2,654	54.3
Under 5 years	275	5.6
5 to 9 years	341	7.0
10 to 14 years	356	7.3
15 to 19 years	317	6.5
20 to 24 years	233	4.8
25 to 34 years	622	12.7
35 to 44 years	686	14.0
45 to 54 years	536	12.2
55 to 69 years	230	4.7
60 to 64 years	239	4.9
65 to 74 years	472	9.6
75 to 84 years	414	8.5
85 years and over	111	2.3
Median age (years)	39.8	(X)
18 years and over	3,712	75.9
Male	1,819	33.1
Female	2,093	42.8
21 years and over	3,552	72.6
62 years and over	1,137	23.2
65 years and over	997	20.4
Male	348	7.1
Female	651	13.3
<b>RACE</b>		
One race	4,806	98.2
White	4,504	92.1
Black or African American	279	5.7
American Indian and Alaska Native	6	0.1
Asian	9	0.2
Asian Indian	0	0.0
Chinese	0	0.0
Filipino	6	0.1
Japanese	1	0.0
Korean	2	0.0
Vietnamese	0	0.0
Other Asian <sup>1</sup>	0	0.0
Native Hawaiian and Other Pacific Islander	1	0.0
Native Hawaiian	1	0.0
Guamanian or Chamorro	0	0.0
Samoan	0	0.0
Other Pacific Islander <sup>2</sup>	0	0.0

Subject	Number	Percent
Some other race	7	0.1
Two or more races	88	1.8
<b>Race alone or in combination with one or more other races<sup>2</sup></b>		
White	4,583	93.7
Black or African American	335	6.8
American Indian and Alaska Native	29	0.6
Asian	19	0.4
Native Hawaiian and Other Pacific Islander	3	0.1
Some other race	18	0.4
<b>HISPANIC OR LATINO AND RACE</b>		
Total population	4,882	100.0
Hispanic or Latino (of any race)	15	0.3
Mexican	2	0.0
Puerto Rican	3	0.1
Cuban	1	0.0
Other Hispanic or Latino	9	0.2
Not Hispanic or Latino	4,877	99.7
White alone	4,491	91.8
<b>RELATIONSHIP</b>		
Total population	4,882	100.0
In households	4,874	99.8
Householder	2,110	43.1
Spouse	807	16.5
Child	1,465	29.9
Own child under 18 years	1,048	21.4
Other relatives	257	5.3
Under 18 years	107	2.2
Nonrelatives	235	4.8
Unmarried partner	133	2.7
In group quarters	18	0.4
Institutionalized population	10	0.2
Noninstitutionalized population	8	0.2
<b>HOUSEHOLDS BY TYPE</b>		
Total households	2,110	100.0
Family households (families)	1,300	61.6
With own children under 18 years	574	27.2
Married-couple family	807	38.2
With own children under 18 years	297	14.1
Female householder, no husband present	391	18.5
With own children under 18 years	223	10.6
Nonfamily households	810	38.4
Householder living alone	725	34.4
Householder 65 years and over	396	18.8
Households with individuals under 18 years	640	30.3
Households with individuals 65 years and over	772	36.6
Average household size	2.31	(X)
Average family size	2.95	(X)
<b>HOUSING OCCUPANCY</b>		
Total housing units	2,607	100.0
Occupied housing units	2,110	84.2
Vacant housing units	397	15.8
For seasonal, recreational, or occasional use	2	0.1
Homeowner vacancy rate (percent)	2.5	(X)
Rental vacancy rate (percent)	9.1	(X)

Subject	Number	Percent
<b>HOUSING TENURE</b>		
Occupied housing units	2,110	100.0
Owner-occupied housing units	1,169	55.4
Renter-occupied housing units	941	44.6
Average household size of owner-occupied unit	2.30	(X)
Average household size of renter-occupied unit	2.32	(X)

(X) Not applicable

<sup>1</sup> Other Asian alone, or two or more Asian categories.

<sup>2</sup> Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

<sup>3</sup> In combination with one or more other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000 Summary File 1, Matrices P1, P3, P4, P8, P9, P12, P13, P17, P18, P19, P20, P23, P27, P28, P33, PCT5, PCT8, PCT11, PCT15, H1, H3, H4, H5, H11, and H12.



Exhibit 10

IN THE SUPREME COURT OF OHIO

<b>The State, ex rel. Dick Flanagan</b>	*	<b>Original Action in Quo Warranto</b>
	*	
<b>Relator,</b>	*	<b>Case No. 13-0239</b>
	*	
<b>v.</b>	*	
	*	
<b>David M. Lucas</b>	*	
	*	
<b>Respondent.</b>	*	
	*	

---

AFFIDAVIT OF FRED THOMPSON

---

Mark E. Landers (0026042)  
2071 Aspen Ridge  
Dayton, OH 45459  
Phone: (937) 609-5783  
Email: mark.landlers.esq@gmail.com

Counsel for Relator Dick Flanagan

Christopher J. Gagin (0062820)  
Of Counsel  
Tracey Lancione Lloyd (0046702)  
Lancione, Lloyd and Hoffman Law Office Co., L.P.A.  
3800 Jefferson Street, Suite 101  
Bellaire, Ohio 43906  
Phone: (740) 676-2034  
Fax: (740) 676-3931  
chris.gagin@gaginlegal.com  
traceylloyd@comcast.net

Counsel for Respondent, David M. Lucas

STATE OF OHIO            )  
  )  
COUNTY OF BELMONT    )        SS:

NOW COMES Fred Thompson, being duly sworn according to law, and hereby states as follows:

1. I was the Sheriff of Belmont County prior to David M. Lucas' illegal occupation of said office beginning in January 2013.

2. I was the Sheriff at the time of David M. Lucas' retirement on October 31, 2007 and therefore, I have personal knowledge of any police work performed by David M. Lucas within the Belmont County Sheriff's office from October 31, 2007 through December 31, 2012.

3. David M. Lucas performed no full-time police duties as a special deputy within Belmont County Sheriff's office at any time subsequent to his retirement. Additionally, David M. Lucas performed no full-time police duties at the rank of corporate or above in a supervisory capacity within the jurisdiction of my office during the time I was Sheriff.

4. David M. Lucas retired at the rank of major and was subsequently appointed as a special deputy and not a deputy at the rank of corporal or above.

5. I never discussed the lack of qualifications of David M. Lucas or the basis of my complaint to the Belmont County Board of Elections with Dick Flanagan at any time.

**FURTHER AFFIANT SAYETH NAUGHT.**

  
Fred Thompson

Sworn to before me and subscribed in my presence this 11 day of July, 2013.



Jeannie Hannahs  
Notary Public, State of Ohio  
Belmont County  
Commission Expires 06-05-2018

  
Notary Public



Exhibit 11

**Election Summary Report**  
**Belmont County**  
**November 6th, 2012 General Election**  
**Summary For Jurisdiction Wide, All Counters, All Races**  
**Official Results**

Date: 11/28/12  
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Registered Voters 49629

President and Vice-President		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	31688	
Stewart Alexander	14	0.04%
Richard Duncan	165	0.52%
Virgil Goode	60	0.19%
Gary Johnson	232	0.73%
Barack Obama	14156	44.67%
Mitt Romney	16758	52.88%
Jill Stein	178	0.56%
Randall A. Terry	1	0.00%
Write-in Votes	124	0.39%

County Commissioner 1-2-13		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	29991	
Matt Coffland	12832	42.79%
Jerry Echemann	9352	31.18%
Doug Longenette	7807	26.03%

County Commissioner 1-3-13		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	22215	
Ginny Favede	22215	100.00%

U.S. Senator		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	30776	
Sherrod Brown	15021	48.81%
Josh Mandel	14370	46.69%
Scott A. Rupert	1385	4.50%

Prosecuting Attorney		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	22632	
Chris Berhalter	22632	100.00%

Representative to Congress 6th		
District	Total	
Times Counted	32181/49629	64.8 %
Total Votes	30819	
Bill Johnson	15182	49.26%
Charlie Wilson	15637	50.74%

Clerk of the Court		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	21726	
Cynthia K. McGee	21726	100.00%

State Senator		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	30802	
Lou Gentile	16714	54.26%
Shane Thompson	14088	45.74%

County Sheriff		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	31068	
Dick Flanagan	14209	45.74%
David M. Lucas	16859	54.26%

State Representative 95th		
	Total	
Times Counted	15010/21960	68.4 %
Total Votes	14200	
Charlie Daniels	7247	51.04%
Andy Thompson	6953	48.96%

County Recorder		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	22288	
Mary Catherine Nixon	22288	100.00%

State Representative 96th		
	Total	
Times Counted	17171/27669	62.1 %
Total Votes	12495	
Jack Cera	12495	100.00%

County Treasurer		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	21590	
K. Kelich-Curffman	21590	100.00%

County Engineer		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	21919	
Frederick F. Bennett	21919	100.00%

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Registered Voters 49629

County Coroner		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	21281	
Troy Balgo	21281	100.00%

Justice of the Supreme Court 1-1-13		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	21953	
Terrence O'Donnell	14306	65.17%
Mike Skindell	7647	34.83%

Justice of the Supreme Court 1-2-13		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	22660	
Robert R. Cupp	9589	42.32%
William M. O'Neill	13071	57.68%

Supreme Court Unexpired 12-31-14		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	22762	
Yvette McGee Brown	7303	32.08%
Sharon L. Kennedy	15459	67.92%

Court of Appeals 2-9-13		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	23996	
Mary DeGenaro	11492	47.89%
Mark Anthony Hanni	12504	52.11%

Judge of County Court 1-1-13		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	29884	
Charles H. Bean	4516	15.11%
Eric Costine	7888	26.40%
Kevin Flanagan	6317	21.14%
Todd M. Kildow	3869	12.95%
William L. Thomas	2689	9.00%
Helen Yonak	4605	15.41%

Judge of County Court 1-2-13		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	21222	
Frank Fregiato	21222	100.00%

State Issue 1		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	29151	
YES	8444	28.97%
NO	20707	71.03%

State Issue 2		
	Total	
Times Counted	32181/49629	64.8 %
Total Votes	28002	
YES	9192	32.83%
NO	18810	67.17%

Village of Bridgeport (2 Mills)		
	Total	
Times Counted	754/1386	54.4 %
Total Votes	726	
FOR THE TAX LEVY	452	62.26%
AGAINST THE TAX LEVY	274	37.74%

Village of Bridgeport (3 Mills)		
	Total	
Times Counted	754/1386	54.4 %
Total Votes	720	
FOR THE TAX LEVY	409	56.81%
AGAINST THE TAX LEVY	311	43.19%

Village of Flushing		
	Total	
Times Counted	421/636	66.2 %
Total Votes	408	
FOR THE TAX LEVY	272	66.67%
AGAINST THE TAX LEVY	136	33.33%

Village of Belmont		
	Total	
Times Counted	220/339	64.9 %
Total Votes	214	
FOR THE TAX LEVY	144	67.29%
AGAINST THE TAX LEVY	70	32.71%

Village of Yorkville		
	Total	
Times Counted	199/341	58.4 %
Total Votes	197	
FOR THE TAX LEVY	141	71.57%
AGAINST THE TAX LEVY	56	28.43%

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Pease TWP Operating		
	Total	
Times Counted	1945/3241	60.0 %
Total Votes	1861	
FOR THE TAX LEVY	698	37.51%
AGAINST THE TAX LEVY	1163	62.49%

Buckeye Local		
	Total	
Times Counted	420/663	63.3 %
Total Votes	416	
FOR THE TAX LEVY	159	38.22%
AGAINST THE TAX LEVY	257	61.78%

Pease TWP Repair		
	Total	
Times Counted	1945/3241	60.0 %
Total Votes	1846	
FOR THE TAX LEVY	813	44.04%
AGAINST THE TAX LEVY	1033	55.96%

Jefferson JVS		
	Total	
Times Counted	420/663	63.3 %
Total Votes	406	
FOR THE TAX LEVY	152	37.44%
AGAINST THE TAX LEVY	254	62.56%

Smith TWP (0.9 Mills)		
	Total	
Times Counted	716/1050	68.2 %
Total Votes	699	
FOR THE TAX LEVY	501	71.67%
AGAINST THE TAX LEVY	198	28.33%

Switzerland of Ohio Local School District		
	Total	
Times Counted	1490/2356	63.2 %
Total Votes	1466	
FOR THE TAX LEVY	489	33.36%
AGAINST THE TAX LEVY	977	66.64%

Smith TWP (2 Mills)		
	Total	
Times Counted	716/1050	68.2 %
Total Votes	691	
FOR THE TAX LEVY	459	66.43%
AGAINST THE TAX LEVY	232	33.57%

Memorial Park District		
	Total	
Times Counted	6932/9800	70.7 %
Total Votes	6723	
FOR THE TAX LEVY	3067	45.62%
AGAINST THE TAX LEVY	3656	54.38%

Smith TWP (4 Mills)		
	Total	
Times Counted	716/1050	68.2 %
Total Votes	698	
FOR THE TAX LEVY	543	77.79%
AGAINST THE TAX LEVY	155	22.21%

OR W Fire District		
	Total	
Times Counted	3120/4614	67.6 %
Total Votes	3007	
FOR THE TAX LEVY	1660	55.20%
AGAINST THE TAX LEVY	1347	44.80%

Bellaire Local School		
	Total	
Times Counted	4413/7122	62.0 %
Total Votes	4306	
FOR THE TAX LEVY	1843	42.80%
AGAINST THE TAX LEVY	2463	57.20%

Cumberland Trail Fire District		
	Total	
Times Counted	6932/9800	70.7 %
Total Votes	6722	
FOR THE TAX LEVY	4435	65.98%
AGAINST THE TAX LEVY	2287	34.02%

Pease- Colerain Fire District No. 1		
	Total	
Times Counted	1081/1917	56.4 %
Total Votes	1016	
FOR THE TAX LEVY	609	59.94%
AGAINST THE TAX LEVY	407	40.06%

Senior Citizens Tax Levy		
	Total	
Times Counted	32180/49629	64.8 %
Total Votes	31259	
FOR THE TAX LEVY	21465	68.67%
AGAINST THE TAX LEVY	9794	31.33%

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Belmont County 911		
	Total	
Times Counted	32180/49629	64.8 %
Total Votes	31120	
FOR THE TAX LEVY	16892	54.28%
AGAINST THE TAX LEVY	14228	45.72%

Bethesda Local Opion		
	Total	
Times Counted	542/934	58.0 %
Total Votes	531	
FOR	325	61.21%
AGAINST	206	38.79%

*Frankie Lee Cannon*  
*Chloe M. Fregate*  
*John H.*

*William F. Schubert*  
 Director