

ORIGINAL

IN THE SUPREME COURT
OF THE STATE OF OHIO

The State of Ohio ex rel.	:	CASE NO. 2014-1141
Ohio Republican Party,	:	
	:	
Relator,	:	ORIGINAL ACTION IN MANDAMUS
	:	
v.	:	
	:	
Edward FitzGerald, et al.,	:	
	:	
Respondents.	:	

RESPONDENTS' MOTION FOR PROTECTIVE ORDER

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Majeed G. Makhlouf, Director

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County Executive Edward FitzGerald; and
Koula Celebrezze*

FILED
OCT 03 2014
CLERK OF COURT
SUPREME COURT OF OHIO

IN THE SUPREME COURT
OF THE STATE OF OHIO

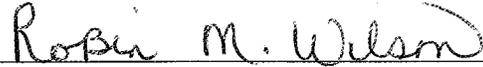
The State of Ohio <i>ex rel.</i>	:	CASE NO. 2014-1141
Ohio Republican Party,	:	
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Relator,	:	
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	:	<u>PROTECTIVE ORDER</u>
Edward FitzGerald, et al.,	:	
	:	
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Respondents County of Cuyahoga, County Executive Edward FitzGerald, and Public Records Manager for the Cuyahoga County Department of Public Works Koula Celebrezze move the Court pursuant to Ohio Civ. R. 26(C) for a protective order. Relator Ohio Republican Party has issued notices of deposition *duces tecum* to Mr. FitzGerald and Cuyahoga County Sheriff Frank Bova commanding their depositions on Monday, October 6, 2014. There is good cause for granting a protective order for the reasons set forth in the attached Memorandum in Support which is incorporated.

A certification showing that reasonable efforts were made to resolve this matter through discussions with counsel for Relator prior to filing this Motion is attached as Exhibit 1 and incorporated herein by reference.

Respectfully submitted,

CUYAHOGA COUNTY DEPARTMENT OF LAW
Majeed G. Makhoulf, Director



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County Executive Edward FitzGerald; and

Koula Celebrezze

[Representation pursuant to August 27, 2013
Agreement governing the division of
duties between the Cuyahoga
County Prosecutor's Office and
Department of Law]

MEMORANDUM IN SUPPORT

INTRODUCTION

This matter involves Relator Ohio Republican Party's request for the security key card swipe data that regulates access into the county's buildings from the Cuyahoga County Department of Public Works and Respondent Cuyahoga County's determination pursuant to R.C. § 149.433 that the requested security records are not public records subject to mandatory disclosure pursuant to R.C. § 149.43. Despite confusing newspaper accounts to the contrary, neither County Executive Edward FitzGerald nor County Sheriff Frank Bova are the custodians of the requested security records.

Relator, however, has noticed the depositions of Executive FitzGerald and Sheriff Bova. Neither of their depositions will provide relevant information or information reasonably calculated to lead to the discovery of admissible evidence. Instead, the noticed depositions seek simply to harass, embarrass, disparage and burden the deponents commanded for deposition.

The Court should enter a protective order barring the depositions.

STATEMENT OF FACTS

The records at issue in this case involve governmental building security key card swipe data—literally, data from a security system the purpose of which is to protect governmental offices by regulating who has access into different parts of governmental buildings. The design and installation of this security system is part and parcel of the security system for protecting governmental offices and those who occupy them.

In fact, working with the County's Common Pleas Court to implement the Ohio Supreme Court's security recommendations, the Department of Information Technology has just

completed deployment of the very same system at issue in this case in the Justice Center for the protection of the courthouse and the individuals who occupy it. *See* Exhibit 2, Notice from Common Pleas Court to All Attorneys regarding deployment of security key card swipe system.

On July 9, 2014, Relator filed this mandamus action claiming that Respondents had failed to respond to a public records request from Chris Schrimpf, Communications Director for Relator for security key card data for Mr. FitzGerald, and the County moved to dismiss the Complaint. On September 24, 2014, this Court granted an alternative writ setting the schedule in this matter, and indicating that evidence will be due on October 14, 2014. On September 29, 2014 Respondents filed a Motion to refer the case to mediation to help resolve this dispute, or at a bare minimum, work through discovery disputes.

With respect to the subject notices of deposition, Respondents' counsel received a phone call from Relator's counsel wherein he sought dates for the depositions of County Executive Edward FitzGerald and Cuyahoga County Sheriff Frank Bova. (*See* Exhibit 1, ¶2.) Since the County Executive is not the custodian of the documents at issue in this case and the Sheriff is not even a party to the litigation, Respondents' counsel asked Relator's counsel to explain the relevance of the requested depositions. Respondents' counsel also explained that whether the documents are security or infrastructure documents pursuant to R.C. § 149.433 is determinable without any such depositions. Relator's counsel responded that Ohio's discovery rules are very broad, and he owed no such explanation. Since the County is an entity, Respondents' counsel asked Relator's counsel to at least identify areas/subject matters on which he needs testimony as is usually the case pursuant to Ohio Civil Rule 30(B)(5). Relator's counsel refused again and responded with the same line that Ohio's discovery rules are very broad and that he owed the County no such explanation because Relator had named the County Executive—who is not the

custodian of the records—as a party. Respondents’ counsel eventually asked Relator’s counsel to send him an email explaining what he is seeking so that the County can properly understand what he needs to be able to see and how the County can address it. (Id.)

Following this conversation, Relator’s counsel sent an email to Respondents’ counsel. (Exhibit 1, ¶ 3.) Instead of responding to the request to identify the subject matters on which he sought testimony or even the relevance of such testimony, Relator’s counsel simply asked Respondents’ counsel to get back to him the following week with dates for the depositions. Further, recognizing that Sheriff Bova is not a party, Relator unilaterally determined that Sheriff Bova would be deposed as a representative of the County without regard to Civil Rule 30(B)(5). (Id.)

Respondents’ counsel responded to Relator’s counsel’s email and advised that Respondents had moved the Court to refer the matter to mediation, in the hope that the parties can work through the issues, including any confusion or issues with discovery. (Exhibit 1, ¶4.) Respondents’ counsel also advised that should the Court deny the motion to mediate, Respondents would be agreeable to extending the deadline for submission of evidence to give the parties an adequate opportunity to work through any of the issues or disputes. (Id.)

Relator’s counsel responded by complaining that Respondents did not seek extension of the case deadlines in their motion to refer the case to mediation and interpreting the County’s response as a refusal to provide him with dates for the depositions and declared that Relator “will proceed accordingly.” (Exhibit 1, ¶ 5.)

Respondents’ counsel responded and explained that, pursuant to the Court’s Rules, referral of the case to mediation stays the deadlines, so there would not be a need to file a separate motion to extend the deadlines. (Exhibit 1, ¶ 6.) Respondents’ counsel also explained

that the County's experience with the Court's mediation counsel has been very positive, and the parties can work out the case deadlines with the assistance of the Court's mediation counsel if the case is not resolved through the mediation. (Id.)

Relator's counsel responded by emailing the notices of deposition to Respondents' counsel. (Exhibit 1, ¶ 7.) Relator also took the highly unusual step of filing the notices of deposition with the Court, thus triggering media coverage. (Id.) See, e.g., "GOP to Question FitzGerald in Records Lawsuit", *Columbus Dispatch*, Sept. 30, 2014, available at: <http://www.dispatch.com/content/stories/local/2014/09/30/gop-to-question-fitzgerald-in-records-suit.html> (explaining that "Ohio Republican Party potentially has canceled any campaign events that Democratic gubernatorial candidate Ed FitzGerald had booked for Monday morning").

The Notice of Deposition directed to Mr. FitzGerald commands that he bring certain records to his deposition including:

All documents which support or justify the withholding or failure to produce copies of the records that are at issue herein.

All documents which support the existence of any claimed security threats against you or otherwise which support or justify the withholding or failure to produce copies of the records that are at issue herein.

All records (regardless of medium or format) in your possession, custody or control that address or reference the above-captioned lawsuit currently pending in the Ohio Supreme Court.

All records (regardless of medium or format) in your possession, custody or control that address or reference any public records request since January 1, 2014, which sought key card swipe data for accessing county buildings or facilities relative to County Executive Edward FitzGerald.

(Exhibit 1, ¶7 and Exhibit 1(E).)

The Notice of Deposition for Sheriff Bova was directed to him as follows: "Notice of Deposition Upon Oral Examination of Respondent Cuyahoga County through Frank Bova." The

duces tecum attached to Sheriff Bova's Notice commanded that he bring the following documents to his deposition:

All communications that you had with [Law Director] Majeed G. Makhoulf or any individual in the Cuyahoga County Law Department wherein you have confirmed or discussed the existence of verifiable security threats barring the release of key card swipe data for Cuyahoga County Executive Edward FitzGerald (as testified to by Mr. Makhoulf in the affidavit he filed herein);

All documents which support or justify the withholding or failure to produce copies of the records that are at issue herein;

All documents which support the existence of any claimed security threats against you or otherwise which support or justify the withholding or failure to produce copies of the records that are at issue herein;

All offense or incident reports in your possession, custody or control in which Edward FitzGerald (DOB: July 10, 1968) was identified in any of the following capacities: (i) reportee; (ii) complainant; or (iii) victim;

All records (regardless of medium or format) in your possession, custody or control that address or reference the above-captioned lawsuit currently pending in the Ohio Supreme Court;

All records (regardless of medium or format) in your possession, custody or control that address or reference any public records request since January 1, 2014, which sought key card swipe data for accessing county buildings or facilities relative to County Executive Edward FitzGerald;

All records (regardless of medium or format) in your possession, custody or control that address or reference security concerns relating to the disclosure of key card swipe data for accessing county buildings or facilities relative to County Executive Edward Fitzgerald [sic].

(Exhibit 1, ¶ 7 and Exhibit 1(F).)

Sheriff Bova, an employee of Cuyahoga County, is not a party to this mandamus action.

Neither he nor Mr. FitzGerald are the custodians of the records at issue in this case.

ARGUMENT

Ohio Civil Rule 26(C) provides that the court in which the action is pending may make any order that justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including that discovery not be had. Ohio R. Civ. P. 26(C)(1). Pursuant to Ohio R. Civ. P. 26, (made applicable to this original action pursuant to Rule 12.01(A)(2)(b) of the Supreme Court Rules of Practice), parties to an action may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action. It is only if the information sought appears reasonably calculated to lead to the discovery of admissible evidence that discovery may be had. *Id.*

The depositions sought by Relator are not calculated to lead to discovery of admissible evidence. They were noticed to create newspaper fodder in the middle of a gubernatorial campaign. The Court need look no further than Relator's very unusual act of filing the notices of deposition with the Court so as to trigger media coverage about the noticed depositions and its intent to cancel "any campaign events that Democratic gubernatorial candidate Ed FitzGerald had booked for Monday morning." See, e.g., "GOP to Question FitzGerald in Records Lawsuit", *Columbus Dispatch*, Sept. 30, 2014, available at:

<http://www.dispatch.com/content/stories/local/2014/09/30/gop-to-question-fitzgerald-in-records-suit.html> (explaining that "Ohio Republican Party potentially has canceled any campaign events that Democratic gubernatorial candidate Ed FitzGerald had booked for Monday morning").

The Court should not tolerate such conduct.

- 1) **Mr. FitzGerald is not the custodian of records at issue in this case, and his deposition will not lead to the discovery of admissible evidence.**

The records at issue in this matter are security key card swipes from the security system for the protection of the County's facilities. They are not kept by the County Executive or the

Executive's Office. Relator submitted its request to the Public Works Department, to the Communications Department, and to the Inspector General's Agency. It did not submit the request to the County Executive or the Executive's Office, and neither of them is the records custodian of the subject records.

Under the County's charter form of government, the appropriate defendant is the County of Cuyahoga, Ohio (the corporate entity established in the County Charter) and not the County Executive. And while a relator may name the custodian of records as a respondent in a public records action, the County Executive is not the custodian of the records. Relator cannot just arbitrarily name the County Executive as a defendant to avoid its obligations under Civil Rule 30(B)(5) to identify subject matters on which it seeks to conduct a deposition.

Moreover, Mr. FitzGerald does not have information that is relevant or reasonably calculated to lead to the discovery of admissible evidence, and deposing him has no proper purpose in this matter. Mr. FitzGerald's testimony is not relevant to whether the security key card swipe data—data that is part and parcel of a security system for the protection of governmental offices—is a public record.

Ohio Rev. Code §149.433 (A) (2) and (3) provides that security and infrastructure records are not public records and are not subject to mandatory disclosure, and defines both as follows:

“Infrastructure record” means any record that discloses the configuration of a public office's or chartered nonpublic school's critical systems including, but not limited to, communication, computer, electrical, mechanical, ventilation, water, and plumbing systems, security codes, or the infrastructure or structural configuration of the building in which a public office or chartered nonpublic school is located.

A security record means any of the following:

- (a) Any record that contains information directly used for protecting or maintain the security of a public office against attack, interference, or sabotage;
- (b) Any record assembled, prepared, or maintained by a public office or public body to prevent, mitigate or respond to acts of terrorism ...

Ohio Rev. Code §149.433(B) further provides that “[a] record kept by a public office that is a security record or an infrastructure record is **not** a public record under section 149.43 of the Revised Code and is not subject to mandatory release or disclosure under that section. (Emphasis added.)

As this Court has recognized in *Plunderbund*, if a record does not meet the definition of a public record, or falls within one of the exceptions to the law, the records custodian has no obligation to disclose the document. *State ex rel. Plunderbund Media, L.L.C., v. Born*, Slip Opinion No. 2014-Ohio-3679, ¶ 18.

The security key card system at issue in this case is marketed, purchased, and installed as a security system. Mr. FitzGerald is not the person who developed the security plans for the County’s facilities and is not the person who purchased and installed this security system.

Attached as Exhibit 3, for instance, is the justification memorandum for the County’s purchase and deployment of this system for one of its buildings and the accompanying form approving the purchase and deployment of the system. The October 1, 2012 Memorandum expressly provides that the system provides “the Sheriff’s Office and Protective Services with verifiable information that employees attempting to gain access to these are in fact current employees.” The approval form, at Question 12, expressly provides the purpose of the purchase and installation of this system is to “assist the County in providing a safe and secure environment for its employees and visitors to this facility.” (Exhibit 3.) Mr. FitzGerald’s testimony will not

add any value to whether these records constitute security records pursuant to R.C. 149.433 and are therefore not public records.

Furthermore, in light of the fact that Mr. FitzGerald is not the records custodian and was not included in any of the e-mailed public records requests or responses thereto, he has no information that would prove relevant to this matter. There is no basis on which he should be deposed and this Court should protect him from any annoyance, oppression or undue burden that a deposition of him would entail.

2) The Deposition Notice to Sheriff Bova is Improper and Seeks Privileged and Other Materials, and this Court Should Also Bar His Deposition.

Ohio R. Civ. P. 30(B)(5) provides:

A party, in the party's notice, may name as the deponent a public or private corporation, a partnership, or an association and designate with reasonable particularity the matters on which examination is requested. The organization so named shall choose one or more of its proper employees, officers, agents, or other persons duly authorized to testify on its behalf. The persons so designated shall testify as to matters known or available to the organization.

Along with Mr. FitzGerald, Relator noticed "Respondent Cuyahoga County through Frank Bova" for deposition on Monday. That is not a proper notice of deposition for an organization. The notice does not designate with reasonable particularity the matters on which examination of "Cuyahoga County through Frank Bova" was requested. Accordingly, Respondents have no idea as to what matters Relator plans to depose Sheriff Bova. Additionally, while the documents Relator has requested of Sheriff Bova shed some light on the matters on which Relator seeks to examine, the documents themselves are problematic for a number of reasons.

For example, Relator has requested that Sheriff Bova bring with him:

All communications that you had with [Law Director] Majeed G. Makhoulouf or any individual in the Cuyahoga County Law Department wherein you have

confirmed or discussed the existence of verifiable security threats barring the release of key card swipe data for Cuyahoga County Executive Edward FitzGerald (as testified to by Mr. Makhoul in the affidavit he filed herein);

All documents which support or justify the withholding or failure to produce copies of the records that are at issue herein;

All documents which support the existence of any claimed security threats against you or otherwise which support or justify the withholding or failure to produce copies of the records that are at issue herein;

All offense or incident reports in your possession, custody or control in which Edward FitzGerald (DOB: July 10, 1968) was identified in any of the following capacities: (i) reportee; (ii) complainant; or (iii) victim;

All records (regardless of medium or format) in your possession, custody or control that address or reference the above-captioned lawsuit currently pending in the Ohio Supreme Court;

All records (regardless of medium or format) in your possession, custody or control that address or reference any public records request since January 1, 2014, which sought key card swipe data for accessing county buildings or facilities relative to County Executive Edward FitzGerald;

All records (regardless of medium or format) in your possession, custody or control that address or reference security concerns relating to the disclosure of key card swipe data for accessing county buildings or facilities relative to County Executive Edward FitzGerald [sic].

Not only are some of the records requested by Relator subject to attorney-client privilege, they also are “security records” and thereby not subject to being produced even if Sheriff Bova’s deposition were properly noticed. See *Plunderbund v. Born*, 2014-Ohio-3679, ¶ 30 and ¶ 31 (holding that investigative reports of threats are security records and exempt from disclosure and **declining to view the records at issue in camera because they are “security records.”**)

Sheriff Bova, an employee of Cuyahoga County, is not a party to this mandamus action so commanding his deposition pursuant to a Rule 30 Notice of Deposition as Relator has done is improper. See Ohio R. Civ. P. 30(A) stating (“[t]he attendance of a witness deponent may be compelled by the use of subpoena as provided by Civ. R. 45. The attendance of a party deponent

may be compelled by the use of notice of examination as provided by division (B) of this rule.”) Based on Ohio Civ. R. 30(B)(5), a deposition of Sheriff Bova would only be proper should the County determine that he is the proper representative to respond to the topics noticed in the Deposition Notice, which topics Relator failed to include.

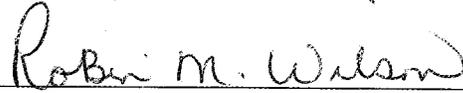
In light of the fact that Sheriff Bova was improperly noticed for deposition and the documents commanded by Relator in deposition are either privileged attorney/client communications or security records, this Court should order that Sheriff Bova’s deposition also not be had.

CONCLUSION

For the foregoing reasons, the Court should grant Respondents’ Motion for Protective Order and bar the taking of Mr. FitzGerald and Sheriff Bova’s depositions.

Respectfully submitted,

CUYAHOGA COUNTY DEPARTMENT OF LAW
Majeed G. Makhlouf, Director



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*Counsel for Respondents
County of Cuyahoga, Ohio;
County Executive Edward FitzGerald; and
Koula Celebrezze*

[Representation pursuant to August 27, 2013
Agreement governing the division of
duties between the Cuyahoga
County Prosecutor's Office and
Department of Law]

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on all parties of record by regular U.S.

mail and electronic transmission this 2nd day of October, 2014 to:

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Counsel for Relator



Counsel for Respondents

Exhibit 1

Exhibit 1

CERTIFICATION OF REASONABLE EFFORTS TO RESOLVE THIS DISCOVERY DISPUTE

- 1) I am the Director of Law for the County of Cuyahoga, and also Counsel of Record in the matter of *State ex rel. Ohio Republican Party v. FitzGerald, et al.*, Ohio Supreme Court Case No. 14-1141 (“Action”).
- 2) On September 24, 2014, I received a phone call from Relator’s counsel wherein he sought dates for the depositions of County Executive Edward FitzGerald and Cuyahoga County Sheriff Frank Bova. Since the County Executive is not the custodian of the documents at issue in this case and the Sheriff is not even a party to the litigation, I asked him to explain the relevance of the requested depositions. I also explained that whether the documents are security or infrastructure documents pursuant to R.C. 149.433 is determinable without any such depositions. He responded that Ohio’s discovery rules are very broad, and he owed me no such explanation. Since the County is an entity, I asked him to at least identify areas/subject matters on which he needs testimony as is usually the case pursuant to Civil Rule 30(B)(5). He refused again and responded with the same line that Ohio’s discovery rules are very broad and that he owed me no such explanation because Relator had named the County Executive—who is not the custodian of the records—as a party. I eventually asked him to send me an email to explain what he is seeking so that we can properly understand what he needs to be able to see how we can address it.
- 3) Following our conversation, Relator’s counsel sent me the email attached hereto as Exhibit A. Instead of responding to my request to identify the subject matters on which he sought testimony or even the relevance of such testimony, Relator’s counsel simply

asked me to get back to him the following week with dates for the depositions. Further, recognizing that Sheriff Bova is not a party, Relator unilaterally determined that Sheriff Bova would be deposed as a representative of the County without regard to Civil Rule 30(B)(5).

- 4) I responded to Relator's counsel's email and advised that Respondents had moved the Court to refer the matter to mediation, in the hope that we can work through the issues, including any confusion or issues with discovery. I also advised that should the Court deny the motion to mediate, Respondents would be agreeable to extending the deadline for submission of evidence to give the parties an adequate opportunity to work through any of the issues or disputes. A copy of my response email is attached as Exhibit B.
- 5) Relator's counsel responded by complaining that we did not seek extension of the case deadlines in our motion to refer the case to mediation and interpreting my response as a refusal to provide him with dates for the depositions and declared that Relator "will proceed accordingly." A copy of Relator's counsel's email is attached as Exhibit C.
- 6) I responded and explained that, pursuant to the Court's Rules, referral of the case to mediation stays the deadlines, so there would not be a need to file a separate motion to extend the deadlines. I also explained that our experience with the Court's mediation counsel has been very positive, and we can work out the case deadlines with the assistance of the Court's mediation counsel if the case is not resolved through the mediation. A copy of my email is attached as Exhibit D.
- 7) Relator's counsel responded by emailing me the notices of deposition, copies of which are attached hereto as Exhibits E and F. Relator also took the highly unusual step of filing the notices of deposition with the Court, thus triggering media coverage.

8) In light of the limited time period, my telephone conversation with Relator's counsel where he refused to discuss the relevance of the depositions or to even provide me with subject matters on which he sought testimony, and our following email communications, it became apparent to me that, without the assistance of a neutral like the Court's mediation counsel, no amount of additional discussion between us would help resolve this discovery dispute. We, therefore, decided to file this Motion.

Majeed G. Makhoulouf
Majeed G. Makhoulouf

October 2, 2014
Date

Exhibit 1A

Robin Wilson

From: chartman@fuse.net
Sent: Wednesday, September 24, 2014 2:13 PM
To: Majeed G. Makhlof
Subject: Fwd: State ex rel Ohio Republican Party v. FitzGerald

From: chartman@fuse.net
To: mmmakhlof@cuyahogacounty.us
Cc: rwilson@cuyahogacounty.us
Sent: Wednesday, September 24, 2014 1:59:58 PM
Subject: State ex rel Ohio Republican Party v. FitzGerald

Ohio Supreme Court, Case No. 2014-1141

Dear Mr. Makhlof -

As I indicated during our just completed telephone conversation, in light of the Supreme Court issuing an alternative writ and setting forth a short time frame for the submission of evidence, we desire, pursuant to Ohio R. Civ. 26 and 30, for available dates for the depositions of Mr. FitzGerald and the Cuyahoga County Sheriff. I would note that while Mr. FitzGerald is a named party in this action, the Sheriff has not been named but, based upon the prior contention of your office (through Ms. Wilson), he is being considered as a representative of the respondent Cuyahoga County. As you can appreciate, time is of the essence so please promptly provide me available date(s) for the depositions next week.

Sincerely,
Curt Hartman

Exhibit 1B

Robin Wilson

From: Majeed G. Makhlof
Sent: Monday, September 29, 2014 11:31 AM
To: 'chartman@fuse.net'
Cc: Robin Wilson
Subject: RE: State ex rel Ohio Republican Party v. FitzGerald

Dear Mr. Hartman:

You are correct. Under our charter form of county government, the appropriate defendant is the County of Cuyahoga, Ohio (the county corporation), and not any individual parties. Both Executive FitzGerald and Sheriff Bova are county officers under the Charter. We have moved the Court to refer the matter to mediation, where we will hopefully be able to work through the issues and any confusion. At a minimum, we can use the mediation to narrow the scope of issues or even use the mediation process to resolve discovery disputes. Subject to and without any waiving any objections, if the Court denies the referral to mediation, we are agreeable to extending the deadline for submission of evidence to give the parties an adequate opportunity to work through any of the issues or disputes.

Regards, Majeed

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This e-mail and any attachments to it may be privileged, confidential, or contain trade secret information. If this e-mail was sent to you in error, please notify me immediately by reply e-mail and please immediately delete and do not use, disseminate, retain, print, or copy the e-mail or its attachments.

From: chartman@fuse.net [<mailto:chartman@fuse.net>]
Sent: Wednesday, September 24, 2014 2:13 PM
To: Majeed G. Makhlof
Subject: Fwd: State ex rel Ohio Republican Party v. FitzGerald

From: chartman@fuse.net
To: mmakhlof@cuyahogacounty.us
Cc: rwilson@cuyahogacounty.us
Sent: Wednesday, September 24, 2014 1:59:58 PM
Subject: State ex rel Ohio Republican Party v. FitzGerald

Ohio Supreme Court, Case No. 2014-1141

Dear Mr. Makhoul -

As I indicated during our just completed telephone conversation, in light of the Supreme Court issuing an alternative writ and setting forth a short time frame for the submission of evidence, we desire, pursuant to Ohio R. Civ. 26 and 30, for available dates for the depositions of Mr. FitzGerald and the Cuyahoga County Sheriff. I would note that while Mr. FitzGerald is a named party in this action, the Sheriff has not been named but, based upon the prior contention of your office (through Ms. Wilson), he is being considered as a representative of the respondent Cuyahoga County. As you can appreciate, time is of the essence so please promptly provide me available date(s) for the depositions next week.

Sincerely,
Curt Hartman

Exhibit 1C

Robin Wilson

From: chartman@fuse.net
Sent: Monday, September 29, 2014 12:16 PM
To: Majeed G. Makhlof
Cc: Robin Wilson
Subject: Re: State ex rel Ohio Republican Party v. FitzGerald

Mr. Makhlof -

Thank you for apprizing me of the motion which you filed, though I have yet to receive a copy from your office -- either in your e-mail or otherwise. As for you statement as to "the appropriate defendant", if there was an issue as to who was or wasn't named as a respondent, such issue should have been raised previously with the Court in your motion to dismiss. Having not done so, the issue is waived. Furthermore, I would note that the Public Records Act imposes duties upon and provides for mandamus actions against "a public office or the person responsible for public records." Thus, individuals, *i.e.*, "persons responsible", are within the ambit of the Public Records Act, including being named as respondents in mandamus actions arising from the failure to comply with the failure to produce public records.

While you indicate that you are amenable to extending the deadlines, etc., in the event the Court should grant your motion to refer the matter to mediation, I note that you did not include such a motion in conjunction with the motion to refer to mediation. Thus, at this stage, we are subject to the schedule and deadlines promulgated by the Court when it issued the alternative writ. I take it from your e-mail that, notwithstanding our request for dates for depositions, you will not be providing any such dates. We will proceed accordingly.

Sincerely,
 Curt Hartman

From: "Majeed G. Makhlof" <mmakhlof@cuyahogacounty.us>
To: chartman@fuse.net
Cc: "Robin Wilson" <rwilson@cuyahogacounty.us>
Sent: Monday, September 29, 2014 11:30:46 AM
Subject: RE: State ex rel Ohio Republican Party v. FitzGerald

Dear Mr. Hartman:

You are correct. Under our charter form of county government, the appropriate defendant is the County of Cuyahoga, Ohio (the county corporation), and not any individual parties. Both Executive FitzGerald and Sheriff Bova are county officers under the Charter. We have moved the Court to refer the matter to mediation, where we will hopefully be able to work through the issues and any confusion. At a minimum, we can use the mediation to narrow the scope of issues or even use the mediation process to resolve discovery disputes. Subject to and without any waiving any objections, if the Court denies the referral to mediation, we are agreeable to extending the deadline for submission of evidence to give the parties an adequate opportunity to work through any of the issues or disputes.

Regards, Majeed

Majeed G. Makhlof, Director
 Cuyahoga County Department of Law

2079 East 9th Street
Cleveland, Ohio 44115
Tel: (216) 698-6464 / Fax: (216) 698-2744
Direct: (216) 698-6549
legal.cuyahogacounty.us / mmakhlouf@cuyahogacounty.us

This e-mail and any attachments to it may be privileged, confidential, or contain trade secret information. If this e-mail was sent to you in error, please notify me immediately by reply e-mail and please immediately delete and do not use, disseminate, retain, print, or copy the e-mail or its attachments.

From: chartman@fuse.net [<mailto:chartman@fuse.net>]
Sent: Wednesday, September 24, 2014 2:13 PM
To: Majeed G. Makhlouf
Subject: Fwd: State ex rel Ohio Republican Party v. FitzGerald

From: chartman@fuse.net
To: mmmakhlouf@cuyahogacounty.us
Cc: rwilson@cuyahogacounty.us
Sent: Wednesday, September 24, 2014 1:59:58 PM
Subject: State ex rel Ohio Republican Party v. FitzGerald

Ohio Supreme Court, Case No. 2014-1141

Dear Mr. Makhlouf -

As I indicated during our just completed telephone conversation, in light of the Supreme Court issuing an alternative writ and setting forth a short time frame for the submission of evidence, we desire, pursuant to Ohio R. Civ. 26 and 30, for available dates for the depositions of Mr. FitzGerald and the Cuyahoga County Sheriff. I would note that while Mr. FitzGerald is a named party in this action, the Sheriff has not been named but, based upon the prior contention of your office (through Ms. Wilson), he is being considered as a representative of the respondent Cuyahoga County. As you can appreciate, time is of the essence so please promptly provide me available date(s) for the depositions next week.

Sincerely,
Curt Hartman

Exhibit 1D

Robin Wilson

From: Majeed G. Makhoulouf
Sent: Monday, September 29, 2014 3:20 PM
To: 'chartman@fuse.net'
Cc: Robin Wilson
Subject: RE: State ex rel Ohio Republican Party v. FitzGerald
Attachments: Matter CEO-0188 Motion to Refer Case to Mediation w-transmittal ltr - Pleadings-Filings (Matter) (60406).pdf

Mr. Hartman: I thought you had already received a copy of the motion to refer the case to mediation. In case you didn't receive it, a pdf copy is attached for your convenience. As you are aware, the pendency of mediation automatically stays the deadlines under the Court's rules. We further moved the Court to do so as part of the motion. Thus, there is no need to move to extend the deadlines at this point. As explained, we are amenable to an extension of the deadlines, but are hopeful that we can work through all those issues with the assistance of the Court's mediation counsel. Our experience with the Court's mediation counsel has been very positive.

As you are aware, our motion to dismiss is based on procedural, subject-matter grounds. If the case is not resolved through the mediation, the question of who can be properly included as a defendant will be properly answered by the Court.

Thank you.

Majeed G. Makhoulouf, Director
 Cuyahoga County Department of Law
 2079 East 9th Street
 Cleveland, Ohio 44115
 Tel: (216) 698-6464 / Fax: (216) 698-2744
 Direct: (216) 698-6549
legal.cuyahogacounty.us / mmakhoulouf@cuyahogacounty.us

This e-mail and any attachments to it may be privileged, confidential, or contain trade secret information. If this e-mail was sent to you in error, please notify me immediately by reply e-mail and please immediately delete and do not use, disseminate, retain, print, or copy the e-mail or its attachments.

From: chartman@fuse.net [mailto:chartman@fuse.net]
Sent: Monday, September 29, 2014 12:16 PM
To: Majeed G. Makhoulouf
Cc: Robin Wilson
Subject: Re: State ex rel Ohio Republican Party v. FitzGerald

Mr. Makhoulouf -

Thank you for apprising me of the motion which you filed, though I have yet to receive a copy from your office -- either in your e-mail or otherwise. As for your statement as to "the appropriate defendant", if there was an issue as to who was or wasn't named as a respondent, such issue should have been raised previously with the Court in your motion to dismiss. Having not done so, the issue is waived. Furthermore, I would note that the Public Records Act imposes duties upon and provides for mandamus actions against "a public office or the person responsible for public records." Thus, individuals, *i.e.*, "persons responsible", are within the ambit of the

Public Records Act, including being named as respondents in mandamus actions arising from the failure to comply with the failure to produce public records.

While you indicate that you are amenable to extending the deadlines, etc., in the event the Court should grant your motion to refer the matter to mediation, I note that you did not include such a motion in conjunction with the motion to refer to mediation. Thus, at this stage, we are subject to the schedule and deadlines promulgated by the Court when it issued the alternative writ. I take it from your e-mail that, notwithstanding our request for dates for depositions, you will not be providing any such dates. We will proceed accordingly.

Sincerely,
Curt Hartman

From: "Majeed G. Makhoul" <mmakhoul@cuyahogacounty.us>
To: chartman@fuse.net
Cc: "Robin Wilson" <rwilson@cuyahogacounty.us>
Sent: Monday, September 29, 2014 11:30:46 AM
Subject: RE: State ex rel Ohio Republican Party v. FitzGerald

Dear Mr. Hartman:

You are correct. Under our charter form of county government, the appropriate defendant is the County of Cuyahoga, Ohio (the county corporation), and not any individual parties. Both Executive FitzGerald and Sheriff Bova are county officers under the Charter. We have moved the Court to refer the matter to mediation, where we will hopefully be able to work through the issues and any confusion. At a minimum, we can use the mediation to narrow the scope of issues or even use the mediation process to resolve discovery disputes. Subject to and without any waiving any objections, if the Court denies the referral to mediation, we are agreeable to extending the deadline for submission of evidence to give the parties an adequate opportunity to work through any of the issues or disputes.

Regards, Majeed

Majeed G. Makhoul, Director
Cuyahoga County Department of Law
2079 East 9th Street
Cleveland, Ohio 44115
Tel: (216) 698-6464 / Fax: (216) 698-2744
Direct: (216) 698-6549
legal.cuyahogacounty.us / mmakhoul@cuyahogacounty.us

This e-mail and any attachments to it may be privileged, confidential, or contain trade secret information. If this e-mail was sent to you in error, please notify me immediately by reply e-mail and please immediately delete and do not use, disseminate, retain, print, or copy the e-mail or its attachments.

From: chartman@fuse.net [<mailto:chartman@fuse.net>]
Sent: Wednesday, September 24, 2014 2:13 PM
To: Majeed G. Makhoul
Subject: Fwd: State ex rel Ohio Republican Party v. FitzGerald

From: chartman@fuse.net
To: mmmakhlouf@cuyahogacounty.us
Cc: rwilson@cuyahogacounty.us
Sent: Wednesday, September 24, 2014 1:59:58 PM
Subject: State ex rel Ohio Republican Party v. FitzGerald

Ohio Supreme Court, Case No. 2014-1141

Dear Mr. Makhoulf -

As I indicated during our just completed telephone conversation, in light of the Supreme Court issuing an alternative writ and setting forth a short time frame for the submission of evidence, we desire, pursuant to Ohio R. Civ. 26 and 30, for available dates for the depositions of Mr. FitzGerald and the Cuyahoga County Sheriff. I would note that while Mr. FitzGerald is a named party in this action, the Sheriff has not been named but, based upon the prior contention of your office (through Ms. Wilson), he is being considered as a representative of the respondent Cuyahoga County. As you can appreciate, time is of the essence so please promptly provide me available date(s) for the depositions next week.

Sincerely,
Curt Hartman

Exhibit 1E

**SUPREME COURT
OF THE STATE OF OHIO**

**STATE OF OHIO *ex rel.*
OHIO REPUBLICAN PARTY,**

Relator,

v.

**EDWARD FITZGERALD,
County Executive, Cuyahoga County, Ohio, et al.**

: Case No. 2014-1141

:

:

:

:

**: NOTICE OF DEPOSITION
: UPON ORAL EXAMINATION**

: OF RESPONDENT

: EDWARD FITZGERALD

Respondents.

Pursuant to Rules 26 and 30 of the Ohio Rules of Civil Procedure (made applicable to this original action pursuant to Rule 12.01(A)(2)(b) of the Supreme Court Rules of Practice), the State of Ohio, by and through Relator Ohio Republican Party, hereby gives notice of the **DEPOSITION UPON ORAL EXAMINATION OF RESPONDENT EDWARD FITZGERALD**, 310 W. Lakeside Avenue, Suite 700, Cleveland, Ohio 44113, which shall be recorded by stenographic means before a person authorized to administer oaths at the following date, time and location:

Monday, October 6, 2014, commencing at 10:00 a.m., at Law Office of Daniel P. Carter, 1400 West Sixth St. Suite 300, Cleveland, OH 44113

Additionally, pursuant to Rule 30(B)(4) of the Ohio Rules of Civil Procedure (made applicable to this original action pursuant to Rule 12.01(A)(2)(b) of the Supreme Court Rules of Practice), you are also hereby commanded to produce at said deposition the following documents and tangible things:

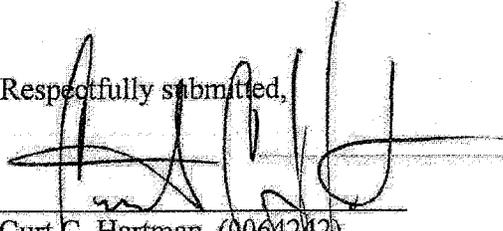
All documents which support or justify the withholding or failure to produce copies of the records that are at issue herein.

All documents which support the existence of any claimed security threats against you or otherwise which support or justify the withholding or failure to produce copies of the records that are at issue herein.

All records (regardless of medium or format) in your possession, custody or control that address or reference the above-captioned lawsuit currently pending in the Ohio Supreme Court.

All records (regardless of medium or format) in your possession, custody or control that address or reference any public records request since January 1, 2014, which sought key card swipe data for accessing county buildings or facilities relative to County Executive Edward FitzGerald.

Respectfully submitted,



Curt C. Hartman (0064242)
THE LAW FIRM OF CURT C. HARTMAN
7394 Ridgpoint Drive, Suite 8
Cincinnati, OH 45230
(513) 752-2878
hartmanlawfirm@fuse.net

Daniel P. Carter (0074848)
LAW FIRM OF DANIEL P. CARTER
1400 West Sixth Street, Suite 300
Cleveland, OH 44113
(216) 392-4509
dpc@dpcarterlaw.com

Christopher P. Finney (0038998)
FINNEY LAW FIRM LLC
4270 Ivy Pointe Blvd., Suite 225
Cincinnati, Ohio 45245
(513) 943-6655
chris@finneylawfirm.com

Attorneys for Relator

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing will be served upon the following via regular mail and e-mail on the 29th day of September 2014:

Majeed G. Makhlof
Robin M. Wilson
Cuyahoga County Department of Law
Cuyahoga County Administrative Headquarters
2079 East Ninth Street, 7th Floor
Cleveland, Ohio 44115

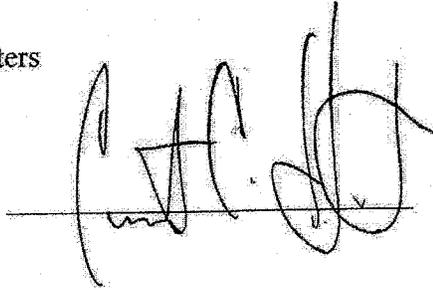
A handwritten signature in black ink, appearing to be 'M. Wilson', written over a horizontal line.

Exhibit 1F

SUPREME COURT
OF THE STATE OF OHIO

STATE OF OHIO *ex rel.*
OHIO REPUBLICAN PARTY,

Relator,

v.

EDWARD FITZGERALD,
County Executive, Cuyahoga County, Ohio, et al.

Respondents.

: Case No. 2014-1141
:
:
:
:
: NOTICE OF DEPOSITION
: UPON ORAL EXAMINATION
: OF RESPONDENT
: CUYAHOGA COUNTY
: through FRANK BOVA

Pursuant to Rules 26 and 30 of the Ohio Rules of Civil Procedure (made applicable to this original action pursuant to Rule 12.01(A)(2)(b) of the Supreme Court Rules of Practice), the State of Ohio, by and through Relator Ohio Republican Party, hereby gives notice of the **DEPOSITION UPON ORAL EXAMINATION OF RESPONDENT CUYAHOGA COUNTY through FRANK BOVA, Cuyahoga County Sheriff, 1215 West 3rd Street, Cleveland, OH 44113, which shall be recorded by stenographic means before a person authorized to administer oaths at the following date, time and location:**

Monday, October 6, 2014, commencing at 2:00 p.m., at Law Office of Daniel P. Carter, 1400 West Sixth St. Suite 300, Cleveland, OH 44113

Additionally, pursuant to Rule 30(B)(4) of the Ohio Rules of Civil Procedure (made applicable to this original action pursuant to Rule 12.01(A)(2)(b) of the Supreme Court Rules of Practice), you are also hereby commanded to produce at said deposition the following documents and tangible things:

All communications that you have had with Majeed G. Makhoulf or any individual in the Cuyahoga County Law Department wherein you have confirmed or discussed the existence of verifiable security threats barring the release of key card swipe data for Cuyahoga County Executive Edward FitzGerald (as testified to by Mr. Makhoulf in the affidavit he filed herein)

All documents which support or justify the withholding or failure to produce copies of the records that are at issue herein.

All documents which support the existence of any claimed security threats against you or otherwise which support or justify the withholding or failure to produce copies of the records that are at issue herein.

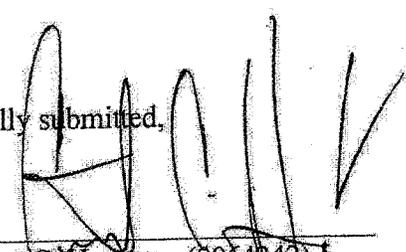
All offense or incident reports in your possession, custody or control in which Edward FitzGerald (DOB: July 10, 1968) was identified in any of the following capacities: (i) reportee; (ii) complainant; or (iii) victim.

All records (regardless of medium or format) in your possession, custody or control that address or reference the above-captioned lawsuit currently pending in the Ohio Supreme Court.

All records (regardless of medium or format) in your possession, custody or control that address or reference any public records request since January 1, 2014, which sought key card swipe data for accessing county buildings or facilities relative to County Executive Edward FitzGerald.

All records (regardless of medium or format) in your possession, custody or control that address or reference security concerns relating to the disclosure of key card swipe data for accessing county buildings or facilities relative to County Executive Edward Fitzgerald.

Respectfully submitted,



Curt C. Hartman (0064242)†
THE LAW FIRM OF CURT C. HARTMAN
7394 Ridgepoint Drive, Suite 8
Cincinnati, OH 45230
(513) 752-2878
hartmanlawfirm@fuse.net

Christopher P. Finney (0038998)
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4270 Ivy Pointe Blvd., Suite 225
Cincinnati, Ohio 45245
(513) 943-6655
chris@finneylawfirm.com

Daniel P. Carter (0074848)
LAW FIRM OF DANIEL P. CARTER
1400 West Sixth Street, Suite 300
Cleveland, OH 44113
(216) 392-4509
dpc@dpcarterlaw.com

Attorneys for Relator

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing will be served upon the following via regular mail and e-mail on the 29th day of September 2014:

Majeed G. Makhlouf
Robin M. Wilson
Cuyahoga County Department of Law
Cuyahoga County Administrative Headquarters
2079 East Ninth Street, 7th Floor
Cleveland, Ohio 44115

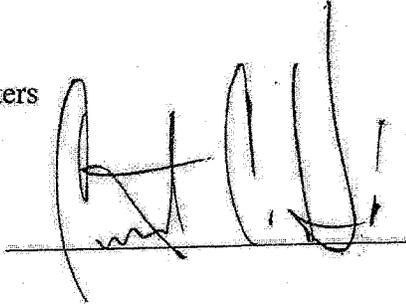
A handwritten signature in black ink, appearing to be 'M. Wilson', is written over a horizontal line. The signature is stylized and somewhat cursive.

Exhibit 2

Robin Wilson

From: cpcourt_administration@cuyahogacounty.us
Sent: Tuesday, September 30, 2014 2:21 PM
To: Robin Wilson
Subject: New Justice Center / Courthouse Security Protocol

To All Attorneys:

Administrative & Presiding Judge John Russo and the Court Security Committee have reviewed recommendations from the Supreme Court and from various other sources to determine what measures should be taken to improve security in the Justice Center/courthouse. One identified need was to better secure the areas behind the courtrooms for the safety of the Judges, Court staff, and attorneys who work in this area on a regular basis.

To this end, the Court made a substantial investment to secure the doors leading to the Judges' chambers and the areas immediately outside where attorneys conduct business with the Court. Specifically, card swipe readers were installed on all doors leading to chambers. Additionally, cameras and monitoring equipment were installed in the lobby and at the entrance to the doors located on the east side of the Justice Center which lead to chambers.

The new security equipment installed on the 17th floor of the Justice Center is now activated. All doors leading to a Judge's chambers on the 17th floor are now secured. No longer will the public or attorneys be able to access the areas surrounding a Judge's chambers (bailiff areas) through the courtroom door. The only doors attorneys will be able to use to gain access to the areas surrounding chambers are the ones located on the east side (located at the far end of the lobby) of the Justice Center. Attorneys appearing for court proceedings in civil and criminal cases can open these doors by swiping their County issued ID card. Any other persons wishing to gain access through these doors will only be permitted to pass with permission from the bailiff or other court personnel; they will need to be manually buzzed in by Court staff.

The improvements on the 17th floor will be reviewed and once approved they will be replicated on the other courtroom floors (15-23) with expected completion by year end.

If you are an attorney without a County issued ID and wish to obtain one, please contact Ruth Justice at (216) 443-7576 to schedule an appointment. Her office is on the 4th floor of the Justice Center next to the Common Pleas Court Jury Room. Please note that to obtain an ID, you must be an attorney in good standing with the Ohio Supreme Court. To process your request, Ms. Justice will need your Attorney Registration Card and Driver's License. The County charges twenty dollars (\$20.00) for the ID.

If applicable, please advise staff in your office who periodically drop off courtesy copies of motions or other documents with the Court that baskets will be placed outside the secured doors at the end of the lobby. If a signature is required or if a document needs to be hand delivered to the Judge or bailiff, the court runner or an attorney without proper identification, will need to be manually buzzed in to gain entrance to the bailiff area outside a Judge's chambers.

If you have any questions or concerns, please contact Court Administration at (216) 443-8560.

Exhibit 3



MEMORANDUM

TO: Jeff Mowry, CIO *DM*

FROM: David DeGrandis, Sr. Administrative Officer

DATE: October 20, 2012

RE: TAC Approval for Purchase & Installation of Two Video Verification Stations

Please accept this memorandum and supporting documentation as a request for approval from the Technical Advisory Committee (TAC) for the purchase of hardware and software to install two video verification stations for the Department of Children & Family Services (DCFS) at the Jane Edna Hunter Building.

The two video verification stations will be installed at each of the entrances. When an employee enters the building, he or she will present their County-issued photo identification badge to the proximity card reader. If they have a valid ID badge, their photo will appear on the monitor and they will be identified as a current/active County employee. If their ID is invalid, their photo will not appear and the event transaction will be highlighted in red.

This equipment currently is being used at the Justice Center, Courthouse Square, the Courthouse, the Marion Building and the Virgil E. Brown Building. It provides the Sheriff's Office and Protective Services with verifiable information that the employees attempting to gain access to these are in fact current employees.

Integrated Precision Systems, Inc., (IPS) is the only authorized vendor of Galaxy Control Systems on the State Term Schedule. In addition, by having one vendor provide service and equipment for this networked access control system, we are ensuring the integrity of the system. Multiple vendors could void existing warranties and increase the cost of providing secure facilities.

Please do not hesitate to contact me if you have any questions regarding this matter.

Enclosures



**CUYAHOGA COUNTY INFORMATION SERVICES CENTER
CUSTOMER SERVICE REQUEST (CSR)
TECHNICAL ADVISORY COMMITTEE RECOMMENDATION REQUEST**

CSR Tracking Number - for Internal Use Only

- ISC PROCESS ORDER TO COMPLETION NEEDS TAC APPROVAL ONLY
 ISC INTERNAL USE ONLY (NO TAC APPROVAL REQUIRED)

Change control use only -- Initial and date

1. REQUESTOR NAME: David DeGrandis 2. REQUESTOR PHONE #: 443-5095 3. REQUESTOR DEPARTMENT: DCFS

4. AUTHORIZED BY (type or print name): David DeGrandis 5. AUTHORIZED SIGNATURE: *David DeGrandis* 6. DATE SIGNED: October 20, 2012

7. INDEX CODE: CF 135467 HHS ONLY - USER CODE: 8. FUNDING SOURCE FOR THIS REQUEST: AGENCY FUND GRANT FUND GENERAL FUND HOMELAND SECURITY OTHER FUNDING
 8a. IF BOX 8 IS 'OTHER', PROVIDE REFERENCE # OR DESCRIPTION OF FUNDING SOURCE: 9. TOTAL ESTIMATED COST: \$7,915.40

10. TYPE OF REQUEST
- | | | | | | |
|---|---|---|---|---|--|
| <input checked="" type="checkbox"/> HARDWARE PURCHASE | <input checked="" type="checkbox"/> SOFTWARE PURCHASE | <input type="checkbox"/> REQUEST FOR PROPOSAL | <input type="checkbox"/> CONTRACT NEW | <input type="checkbox"/> CONTRACT RENEW/AMEND | <input checked="" type="checkbox"/> SECURITY REQUEST |
| <input type="checkbox"/> EQUIPMENT DISPOSAL | <input type="checkbox"/> WEB OR VIDEO DEVELOPMENT | <input type="checkbox"/> DESKTOP OR SERVER | <input type="checkbox"/> DATABASE OR GIS SERVICES | <input type="checkbox"/> PHONE, VOIP OR NETWORK | <input type="checkbox"/> OTHER |

11. STATEMENT OF REQUEST (INCLUDE NUMBER OF UNITS TO BE PURCHASED, IF APPLICABLE)
 The Department of Children & Family Services requests approval for the installation of two video verification stations at the Jane Edna Hunter Building. This procurement includes two access control panels, two card readers, two user accounts, installation and five years of gold maintenance.

12. HOW DOES THIS PROCUREMENT BENEFIT THE COUNTY? (ATTACH ADDITIONAL DOCUMENTATION AS NECESSARY)
 The purchase and installation of this equipment will assist the Count in providing a safe and secure environment for its employees and visitors to this facility.

13. COMPLETE THIS SECTION FOR SOFTWARE CONTRACT RENEWALS / AMENDMENTS / MAINTENANCE REQUESTS ONLY
- 13a. VENDOR NAME: _____
- 13b. HOW OFTEN IS THE VENDOR CONTACTED FOR MAINTENANCE? _____
- 13c. IS THIS THE LATEST VERSION OF THE SOFTWARE? YES NO
- 13d. IS THIS A COST INCREASE OR DECREASE FROM PREVIOUS YEARS? INCREASE DECREASE
- 13e. WHAT WAS THE ORIGINAL PURCHASE PRICE OF THE SOFTWARE? \$
- 13f. NUMBER OF LICENSES: 13g. COUNTY TERMS AND CONDITIONS? YES NO
- 13h. SERVICE QUALITY RATING: (1 IS LOWEST, 10 IS HIGHEST)
- 13i. HAS THE VENDOR COMPLETED ETHICS TRAINING WITH THE INSPECTOR GENERAL? YES NO

THIS SECTION TO BE COMPLETED BY BUSINESS GROUP ONLY:
 METHOD OF PROCUREMENT: STATE TERM FIELD BUY SOLE SOURCE COMPETITIVE BID/RFP Date:

THIS SECTION TO BE COMPLETED BY TECHNICAL ADVISORY COMMITTEE ONLY:
 Recommended for Approval by TAC Chair or Designee (Signature): _____ Date: _____

THIS SECTION TO BE COMPLETED UPON FINAL ACCEPTANCE OF COMPLETED OF REQUEST:
 ACCEPTED BY (signature): _____ Date: _____