

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' PRESENTATION OF EVIDENCE

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, OH 45245
 (513) 943-6655
 chris@finneylawfirm.com

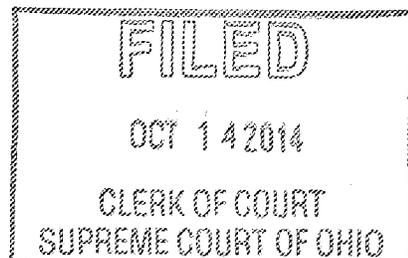
*Counsel for Relator Ohio Republican
 Party*

CUYAHOGA COUNTY DEPARTMENT OF LAW
 Majeed G. Makhlouf, Director

Majeed G. Makhlouf (0073853)*
 *Counsel of Record
 mmakhlouf@cuyahogacounty.us

Robin M. Wilson (0066604)
 rwilson@cuyahogacounty.us
 Cuyahoga County Department of Law
 2079 East 9th Street
 Cleveland, Ohio 44115
 Tel: (216) 698-6464
 Fax: (216) 698-2744

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



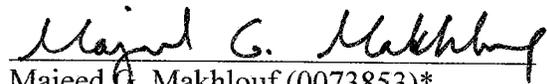
Pursuant to the Court's Briefing Schedule Entry of September 24, 2014 and S.Ct.Prac.R.

12.06, Respondents present their evidence, which consists of the following:

1. Affidavit of David DeGrandis, and Exhibits thereto;
2. Affidavit of D. Paul Soprek; and
3. Affidavit of Andrea F. Warner, and Exhibits thereto.

Respectfully submitted,

CUYAHOGA COUNTY DEPARTMENT OF LAW
Majeed G. Makhlouf, Director



Majeed G. Makhlouf (0073853)*

Counsel of Record

mmakhlouf@cuyahogacounty.us

Robin M. Wilson (0066604)

rwilson@cuyahogacounty.us

Cuyahoga County Department of Law

2079 East 9th Street

Cleveland, Ohio 44115

Tel: (216) 698-6464

Fax: (216) 698-2747

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 14th day of October, 2014 to:

Curt C. Hartman
The Law Firm of Curt C. Hartman
7394 Ridgepoint Drive, Suite 8
Cincinnati, OH 45230
(513) 752-2878
hartmanlawfirm@fuse.net

Daniel P. Carter
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, OH 45245
(513) 943-6655
chris@finneylawfirm.com

Counsel for Relator



Counsel for Respondents

EXHIBIT 1

AFFIDAVIT OF DAVID DEGRANDIS

Committee to deploy the County's security key-card system at the County's Jane Edna Hunter Building. As the CSR provides, the purpose of this system is to provide a "safe and secure environment" for the county's facilities and those who occupy them.

B. Exhibit B is a true and accurate copy of my October 20, 2012 Memorandum, which I submitted to the County's Chief Information Officer and the County's Technical Advisory Committee along with the October 20, 2012 CSR attached hereto as Exhibit A. As the Memorandum explains, the County's security key-card system utilizes a single vendor to ensure the integrity of the "networked access control system" to provide "secure facilities."

C. Exhibit C is a true and accurate copy of a December 6, 2013 CSR seeking approval from the County's Technical Advisory Committee to deploy the County's security key-card system at the County's Crime Lab. As the CSR expressly provides, the system is installed to "provide the required physical security for the Crime Lab."

D. Exhibit D is a true and accurate copy of a June 5, 2014 CSR seeking approval from the County's Technical Advisory Committee to further deploy the County's security key-card system in the Justice Center's Court Tower and General Division of the Cuyahoga County Court of Common Pleas. As the CSR expressly provides, this system is being installed to "provide a safer working environment for judges, court staff, lawyers, litigants, jurors, other county employees, and visitors to the Court."

6. The purchase and installation of this security key-card system is part and parcel of the County's security plan to protect its facilities. Different users have different levels of access based on the level of their security credentials, and the security key-card

system is used to determine whether the person seeking access has the appropriate security credentials to access the area they're seeking to enter. The access is regulated by hours, by floors, and even rooms on the same floor, and it is used by the Sheriff's Department for the protection of the County's facilities and those who use them.

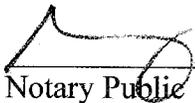
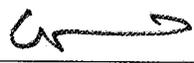
7. The security key-card data reveals sensitive security information, such as user patterns, not only in terms of hours of entry, but also in terms of access points. For instance, if an individual with high-level security credentials, such as the County Executive, utilizes a non-public entryway to enter an area that is secured via the key-card system without the presence of security personnel, the security key-card data will not only reveal the time patterns of entry, but it will also reveal the existence of the non-public, secured entryway itself.

FURTHER AFFIANT SAYETH NAUGHT.



David DeGrandis

Sworn to and subscribed before me this 10th day of October, 2014.

Notary Public



MAJEED G. MAKHLOUF
Attorney At Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Has
No Expiration Date
Section 147.03 O.R.C.

EXHIBIT A



**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

Change control use only - initial and date

ISC INTERNAL USE ONLY (NO TAC APPROVAL REQUIRED)

[Reset Form](#)

[Print Form](#)

1. REQUESTOR NAME 2. REQUESTOR PHONE # 3. REQUESTOR DEPARTMENT

David DeGrandis 443-5095 DCFS

4. AUTHORIZED BY (type or print name) 5. AUTHORIZED SIGNATURE 6. DATE SIGNED

David DeGrandis *David DeGrandis* October 20, 2012

7. INDEX CODE HHS ONLY - USER CODE 8. FUNDING SOURCE FOR THIS REQUEST

CF 135467 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

HARDWARE PURCHASE SOFTWARE PURCHASE REQUEST FOR PROPOSAL CONTRACT NEW CONTRACT RENEW/AMEND SECURITY REQUEST
 EQUIPMENT DISPOSAL WEB OR VIDEO DEVELOPMENT DESKTOP OR SERVER DATABASE OR GIS SERVICES PHONE, VOIP OR NETWORK 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? \$ 0.00

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:

EXHIBIT B



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.

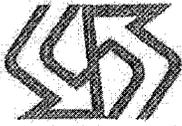
The two video verification stations will be installed at each of the entrances. When an employee enters the building, he or she will present their County-issued photo identification badge to the proximity card reader. If they have a valid ID badge, their photo will appear on the monitor and they will 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



**Galaxy
Control Systems**

3 North Main Street
Walkersville, MD 21793
301.845.6600 Phone
301.898.3331 Fax

September 19, 2012

Dear Sir or Madam,

This letter is to confirm that Integrated Precision Systems, Inc., with offices in Twinsburg and North Royalton Ohio, participates as a certified and fully trained Platinum Dealer of the Galaxy Control Systems line of Access Control products. In addition, Integrated Precision System, Inc. is the sole authorized distributor with a fully trained hardware and software staff, servicing the System Galaxy Access Control Line of products, with offices in northern Ohio.

Further, Integrated Precision System, Inc. is our largest systems integrator in the State of Ohio, the sole Galaxy Platinum Dealer in the state of Ohio, and also is the sole Galaxy Dealer, nationwide, that hold a current Ohio State Term Contract (STS#:800160) listing the Galaxy Control Systems products.

At Galaxy Control Systems, we appreciate your business and look forward to a continued relationship with your organization.

If I can be of further assistance, please do not hesitate to contact me directly.

Respectfully

Kenneth R. Caruthers
Executive Vice President
Galaxy Control Systems
A division of Digital Systems Corporation
301-845-6600
rcaruthers@galaxysys.com
www.galaxysys.com

Integrated Precision Systems, Inc.
 3184 Linden
 N. Royalton, OH 44133
 USA

Invoice

Invoice Number:
e7497

Invoice Date:

Page:

1

Voice: 330-963-0064 x320
 Fax: 330-963-0065

Duplicate

Sold To:

Cuyahoga County Central Svcs
 Central Administration
 1642 Lakeside Avenue
 Cleveland, OH 44114

Cuyahoga County-Jane Edna Hunter Center
 Video Verification
 3955 Euclid Avenue
 Cleveland, OH 44114

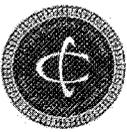
Customer ID	Customer PO	Payment Terms	
CCCS	David DeGrandis	Net 30 Days	
Sales Rep ID	Shipping Method	Ship Date	Due Date
OSC-Butkovic	UPS Ground		//

Quantity	Line Item ID	Description	Unit Price	Extension
	ACCESS	Reference Job Ticket #12197		
2.00	GA-600PACK4	600 Professional Series 4 Door	1,658.33	3,316.66
2.00	GA-90-0903-65	Passback & Door Groups	500.00	1,000.00
2.00	AD-NC-OP40HON	Switch Plate Proximity Reader	144.62	289.24
300.00	ACCESS	#AD-5B-6504FE877 22/6 OAS Plenum LIFT	0.31	93.00
4.97	Maintenance	5 year Gold Matenance Unit	500.00	2,485.00
-248.50	DISCOUNT	IPS Discount	1.00	-248.50
12.00	ACCESS	#IPS-INST Product Installation Unit Labor	77.50	930.00
1.00	ACCESS	#IPS-Misd-Kit50 Boxes, Wire Mold, Conduit, Connectors	50.00	50.00
		OHIO STATE TERM CONTRACT #800160 OHIO COOPERATIVE PURCHASING CERTIFICATE #7545		

Subtotal 7,915.40
 Sales Tax
 Freight
 Total Invoice Amount 7,915.40
 Payment Received
TOTAL 7,915.40

Check No:

EXHIBIT C



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

CSR Tracking Number - for Internal Use Only

--	--	--	--	--	--	--	--	--	--

Change control use only - initial and date

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

[Reset Form](#)

[Print Form](#)

1. REQUESTOR NAME David DeGrandis		2. REQUESTOR PHONE # 443-5095	3. REQUESTOR DEPARTMENT DoIT/Public Works/MEO
4. AUTHORIZED BY (type or print name) David DeGrandis		5. AUTHORIZED SIGNATURE 	6. DATE SIGNED 12/06/2013
7. INDEX CODE TBD	HHS ONLY - USER CODE	8. FUNDING SOURCE FOR THIS REQUEST <input checked="" type="checkbox"/> AGENCY FUND <input type="checkbox"/> GRANT FUND <input type="checkbox"/> GENERAL FUND <input type="checkbox"/> HOMELAND SECURITY <input type="checkbox"/> OTHER FUNDING	
8a. IF BOX 8 IS 'OTHER', PROVIDE REFERENCE # OR DESCRIPTION OF FUNDING SOURCE:			9. TOTAL ESTIMATED COST: \$97,081.69

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)

Requesting approval for the purchase of thirty-seven (37) indoor cameras, thirty-seven (37) card readers and associated panels, one (1) thirty (30) terabyte video server and one (1) audio/video intercom for the new Cuyahoga County Crime Lab. This level of security is required in order to maintain chain of custody and the integrity of the evidence gathering and investigative research being performed in this area. This equipment will be integrated into the County-wide Enterprise Security Systems.

12. HOW DOES THIS PROCUREMENT BENEFIT THE COUNTY? (ATTACH ADDITIONAL DOCUMENTATION AS NECESSARY)

This procurement will provide the required physical security for the Crime Lab.

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: _____

EXHIBIT D



**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)

[Reset Form](#)

[Print Form](#)

Change control use only - Initial and date

1. REQUESTOR NAME Michael Stanic		2. REQUESTOR PHONE # 443-8541		3. REQUESTOR DEPARTMENT Common Pleas Court	
4. AUTHORIZED BY (type or print name) Greg Popovich		5. AUTHORIZED SIGNATURE <i>Greg Popovich</i>		6. DATE SIGNED 06/05/2014	
7. INDEX CODE CO456111 SO 0725		8. FUNDING SOURCE FOR THIS REQUEST			
7a. IF BOX 8 IS 'OTHER' PROVIDE REFERENCE # OR DESCRIPTION OF FUNDING SOURCE:		<input checked="" type="checkbox"/> AGENCY FUND	<input type="checkbox"/> GRANT FUND	<input type="checkbox"/> GENERAL FUND	<input type="checkbox"/> HOMELAND SECURITY
		<input type="checkbox"/> OTHER FUNDING	9. TOTAL ESTIMATED COST \$456,299.67		

10. TYPE OF REQUEST

<input checked="" type="checkbox"/> HARDWARE PURCHASE	<input type="checkbox"/> SOFTWARE PURCHASE	<input type="checkbox"/> REQUEST FOR PROPOSAL	<input type="checkbox"/> CONTRACT NEW	<input type="checkbox"/> CONTRACT RENEW/AMEND	<input 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)

Requesting TAC approval for Court and County security project for the purchase of access control and intercom hardware/software and installation of this equipment and security cameras, video management servers, video storage servers and related equipment in the Justice Center's Court Tower and General Division of the Court of Common Pleas.

12. HOW DOES THIS PROCUREMENT BENEFIT THE COUNTY? (ATTACH ADDITIONAL DOCUMENTATION AS NECESSARY)

The procurement and installation of this equipment will provide a safer working environment for Judges, Court Staff, Lawyers, Litigants, Jurors, other County Employees and Visitors to the Court.

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? \$ 0.00

13f. NUMBER OF LICENSES: _____ 13g. COUNTY TERMS AND CONDITIONS? YES NO

13h. SERVICE QUALITY RATING: (1 IS LOWEST, 10 IS HIGHEST) 1 2 3 4 5 6 7 8 9 10

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: _____

EXHIBIT 2

AFFIDAVIT OF D. PAUL SOPREK

IN THE SUPREME COURT
OF THE STATE OF OHIO

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

AFFIDAVIT OF D. PAUL SOPREK

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

Affiant, D. Paul Soprek, having first been duly sworn to testify truthfully, deposes and states as follows:

1. I have personal knowledge of all facts set forth herein.
2. I am a career detective with the Cuyahoga County Sheriff's Department, and I direct the Sheriff's Department Principal Protection Unit. I have been employed by the Cuyahoga County Sheriff's Department for 20 years: 6 years as a correction officer, 14 years as a deputy sheriff, and have been a detective for the past 10 years.
3. My experience at the Sheriff's Department includes serving as the Terrorism Liaison Officer at the Homeland Security Northeast Ohio Fusion Center. I have also served as a member of the FBI-JHAT Task Force (the Joint Hazardous Materials Assessment Team). My

experience also includes 10 years as an operator on the SWAT team, holding Ohio and FBI advanced certifications in breaching and most modern weapons systems.

4. I have more than 500 hours of specialized training in law enforcement and security management subjects.

5. In addition to conducting multiple trainings, I have contributed content to *Principal Protection; Lessons Learned* (Colliver, 2011), as reflected in the Acknowledgments. This is the text book used for the principal protection training at the Ohio Peace Officer Training Academy (OPOTA) and many other venues.

6. The need for a principal protection unit at the Cuyahoga County Sheriff's Department became acute in the aftermath of a number of tragedies occurring throughout the United States, such as the shooting of Congresswoman Gabrielle Giffords. I was therefore tasked with the responsibility of establishing and leading the unit.

7. The Principal Protection Unit is charged with the responsibility of protecting public officials in Cuyahoga County, including the County Executive, County Council, County Judges, and visiting dignitaries. The Unit is also responsible for ensuring the safety of County employees in cases of threats and retaliation.

8. Detectives assigned to the Principal Protection Unit undergo extensive training and are certified by the Sheriff's Department using the OPOTA program.

9. In fulfilling their security responsibilities, the detectives in the Principal Protection Unit regularly interact and exchange information with their counterparts in other law enforcement agencies, including the U.S. Secret Service, the Federal Bureau of Investigation, the United States Marshall Service, the Fusion Center, and local law enforcement agencies.

10. The Principal Protection Unit, under my direction, is directly responsible for the protection of Cuyahoga County Executive Edward FitzGerald and have had this responsibility since 2011. Since the Executive won the primary as a major party candidate for the Office of Governor of the State of Ohio, I have been coordinating security details and efforts for his protection with the Ohio Department of Public Safety, Division of Highway Patrol.

11. The Cuyahoga County Executive is the highest official in the executive branch of Cuyahoga County, Ohio's largest county. By virtue of this position, the Executive is inherently vulnerable to threats and harm. In addition, as a former criminal prosecutor and FBI agent, Executive FitzGerald requires a heightened level of security protection based upon his law enforcement background.

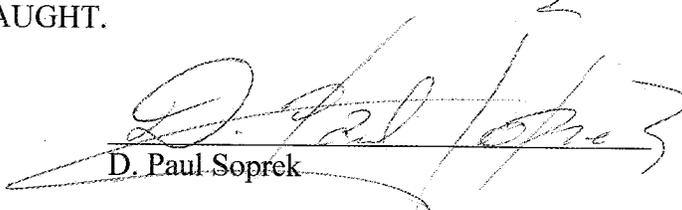
12. In the realm of protecting public officials, it is critical to protect the manner and pattern of travel, ingress and egress, and timing. This is precisely the kind of information that the County's security key-card data reveals. Release of the security key-card data for the County Executive diminishes the effectiveness of the Principal Protection Unit and its ability to protect the County Executive.

13. The Sheriff's Department Principal Protection Unit is investigating a number of verified threats and menacing against Executive FitzGerald—some of which were transmitted to the Sheriff's Department through other law enforcement agencies. This is highly confidential and extremely sensitive information the release of which jeopardizes the Sheriff's Department's investigations and the Executive's security.

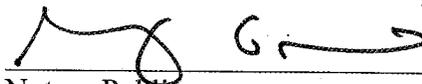
14. As repeated local tragedies around the country demonstrate, the Principal Protection Unit cannot disregard or minimize the seriousness of any threats against public

officials. This is especially true when it comes to high level individuals who are recognized by the general public like Executive FitzGerald.

FURTHER AFFIANT SAYETH NAUGHT.

²

D. Paul Soprek

Sworn to and subscribed before me this 10th day of October, 2014.


Notary Public



MAJEED G. MAKHLOUF
Attorney At Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Has
No Expiration Date
Section 147.03 O.R.C.

EXHIBIT 3

AFFIDAVIT OF ANDREA R. WARNER

IN THE SUPREME COURT
OF THE STATE OF OHIO

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

AFFIDAVIT OF ANDREA R. WARNER

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

Affiant, Andrea R. Warner, having first been duly sworn to testify truthfully, deposes and states as follows:

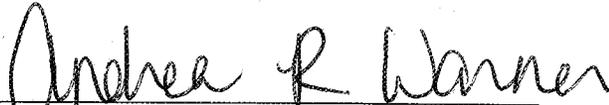
1. I have personal knowledge of all facts set forth herein.
2. I have a juris doctorate degree from the Cleveland-Marshall College of Law, Cleveland State University, Cleveland, Ohio.
3. I am employed as a paralegal in the Legal Department of the County of Cuyahoga, Ohio.
4. As part of my duties for Cuyahoga County, I am assigned to provide legal assistance in the matter of *State ex rel. Ohio Republican Party v. FitzGerald, et al.*, Ohio Supreme Court Case No. 14-1141.
5. On October 8, 2014, on direction of counsel, I downloaded from the Ohio Supreme Court Clerk of Court's electronic docketing system a copy of Respondent's Presentation of Evidence in its entirety in the matter of *State ex rel. Plunderbund Media, LLC v. John Born, Director, Ohio*

Department of Public Safety, Original Action in Mandamus, Ohio Supreme Court Case No. 2013-0596 ("*Plunderbund*"). Exhibit A attached is a true copy of Respondent's Presentation of Evidence as filed.

6. The Affidavits of James Christian Selch and David Brown included within Respondent's Presentation of Evidence reference DAS Information Technology Bulletin No. ITB-2006.01; which Relator filed with its evidence in *Plunderbund*.

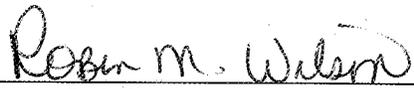
7. Exhibit B attached is a true copy of Bulletin No. ITB-2006.01 submitted as evidence to the Court in *Plunderbund*.

FURTHER AFFIANT SAYETH NAUGHT.



Andrea R. Warner

Sworn to and subscribed before me this 10th day of October, 2014.



Notary Public

ROBIN M. WILSON, ATTY
NOTARY PUBLIC • STATE OF OHIO
My Commission Has No Expiration Date
Section 147.03 O.R.C.

EXHIBIT A

ORIGINAL

IN THE SUPREME COURT OF OHIO

State ex rel. Plunderbund Media, LLC,	:	Case No. 2013-0596
	:	
Relator,	:	Original Action in Mandamus
	:	
v.	:	
	:	
John Born, Director,	:	
Ohio Department of Public Safety, ¹	:	
	:	
Respondent.	:	

RESPONDENT'S PRESENTATION OF EVIDENCE

VICTORIA E. ULLMANN* (0031468)
**Counsel of Record*
 1135 Bryden Road
 Columbus, Ohio 43205
 614-253-2692
 Victoria_ullmann@hotmail.com

 Counsel for Relator

MICHAEL DeWINE
 Ohio Attorney General

 HILARY R. DAMASER* (0059190)
**Counsel of Record*
 WILLIAM J. COLE (0067778)
 Assistant Attorneys General
 Executive Agencies Section
 30 East Broad Street, 26th Floor
 Columbus, Ohio 43215
 614-466-2980
 866-354-4086 fax
 Hilary.Damaser@OhioAttorneyGeneral.gov
 William.Cole@OhioAttorneyGeneral.gov

 Counsel for Respondent

FILED
 SEP 03 2013
 CLERK OF COURT
 SUPREME COURT OF OHIO

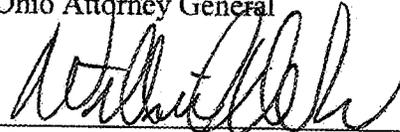
¹ John Born became Director of the Ohio Department of Public Safety on July 31, 2013. Pursuant to Civil Rule 25(D)(1), Mr. Born is automatically substituted for former Director Thomas P. Charles.

Pursuant to S. Ct. Prac. R. 12.06, Respondent presents his evidence, which consists of the following documents:

1. Affidavit of John Born
2. Affidavit of Paul Pride
3. Affidavit of Richard Baron
4. Affidavit of Patrick Kellum
5. Affidavit of James Christian Selch
6. Affidavit of David Brown

Respectfully submitted:

MICHAEL DeWINE
Ohio Attorney General



HILARY R. DAMASER* (0059190)

**Counsel of Record*

WILLIAM J. COLE (0067778)

Assistant Attorneys General

Executive Agencies Section

30 East Broad Street, 26th Floor

Columbus, Ohio 43215

614-466-2980

866-354-4086 fax

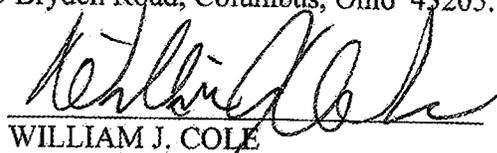
William.Cole@OhioAttorneyGeneral.gov

Hilary.Damaser@OhioAttorneyGeneral.gov

Counsel for Respondent

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served by regular and electronic mail, on September 3, 2013, upon Victoria E. Ullmann, 1135 Bryden Road, Columbus, Ohio 43205.



WILLIAM J. COLE

1. AFFIDAVIT OF JOHN BORN

Affidavit of John Born

STATE OF OHIO

COUNTY OF FRANKLIN: ss

Affiant, John Born, Director of the Ohio Department of Public Safety ("DPS") and former Superintendent of the Ohio State Highway Patrol ("OSHP"), having been first duly cautioned and sworn, and being competent to testify to all matters stated herein, states from his own personal knowledge:

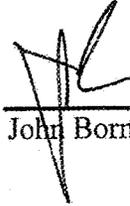
1. I hold a Master of Social Science in deviant behavior from Ohio University. I have also completed the Federal Bureau of Investigation's National Executive Institute, governance training at Harvard Business School, and leadership training at the United States Army War College.
2. I previously served on a combating domestic terrorism national advisory committee, as the vice chair of the High Intensity Drug Trafficking Areas Executive Board, and as a commissioner on the Ohio Peace Officer Training Commission.
3. For twenty-five years, I served in the OSHP, starting as a trooper in 1987 and rising to the rank of colonel. While at the OSHP, I served as squad leader of the Office of Investigative Services, commander of Strategic Services, field operations commander for the eastern half of Ohio, and finally as Superintendent.
4. The OSHP is charged with the security of all state offices, to include both the facilities and the office holders.
5. The OSHP ensures the security of the Office of the Governor and his family, as well as the security of the Governor's residence and state facilities. The Office of the

Governor encompasses the functions, decisions and policymaking of the public office.

6. Statewide elected officials, by virtue of their positions, are inherently vulnerable to threats and harm. The Governor, being the highest elected official in Ohio with supreme executive power of the State, is uniquely vulnerable to threats.
7. The OSHP investigates all threats against the Governor, his family, his residence, and all state facilities. Each threat and investigation thereof potentially reveals security and safety vulnerabilities.
8. OSHP security varies according to each officeholder's particular personal and family logistics. Public disclosure of the number of threats made against the Governor would expose security limitations and vulnerabilities.
9. Public disclosure of the content and credibility of threats, in both open and closed investigations, increases the risks to the safety and personal security of the Governor and his family, as well as to state buildings and facilities.
10. I have read and am familiar with the provisions of R.C. 149.433. Based on my expert knowledge, training, and experience, I believe that public disclosure of investigation records of threats made against the Governor is contrary to the text and purpose of R.C. 149.433.
11. I also believe that public disclosure of investigation records of threats made against the Governor will substantially increase the risks to the safety and personal security of the Governor, his family, his staff, his security, his cabinet, and state offices, buildings, and facilities.

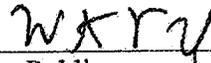
AFFIANT FURTHER SAYETH NAUGHT.

I swear under penalties of perjury and falsification that the foregoing is true and accurate to the best of my knowledge, information, and belief.



John Born

Sworn and subscribed to before me, a Notary Public, on this 3rd day of September, 2013.



Notary Public

Commission Expires Mar 1st expiration. Wn 4

WINSTON M. FORD, Attorney At Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date
Section 147.02 R.C.

2. AFFIDAVIT OF PAUL PRIDE

Affidavit of Paul Pride

STATE OF OHIO

COUNTY OF FRANKLIN: ss

Affiant, Paul Pride, Superintendent of the Ohio State Highway Patrol ("OSHP"), having been first duly cautioned and sworn, and being competent to testify to all matters stated herein, states from his own personal knowledge:

1. I have an Associate of Applied Science degree in Law Enforcement from Ohio University. I also completed Northwestern University's School of Police Staff and Command and training at the FBI's National Academy.
2. I have served in the OSHP for twenty-four (24) years, rising in rank from trooper to lieutenant colonel. I received the OSHP's Citation of Merit award, and was named Post and District Trooper of the year. Before being appointed Superintendent, I served as assistant superintendent, commander of the Office of Special Operations, district commander, post commander, and assistant post commander.
3. Before joining OSHP, I served seven (7) years in the United States Marine Corps.
4. The OSHP's Executive Protection Unit ("EPU") protects the Governor, other statewide officials, including Ohio Supreme Court justices, federal government officials, foreign government officials and dignitaries, the Capitol Square, and other state buildings, offices, and facilities.
5. As Superintendent, I am concerned with EPU officer safety as well as that of the Governor, or other state official or dignitary the EPU is assigned to protect. I do not want to publicly disclose any information that would jeopardize the safety of any

such positions. If the EPU's safety is jeopardized, then its officers' ability to protect the Governor and other officials is jeopardized.

6. Also as Superintendent, I authorize and manage the partnership between the OSHP, the United States Secret Service ("USSS"), and other law enforcement jurisdictions. If the OSHP publicly discloses threat intelligence, it would chill the willingness of outside law enforcement jurisdictions to partner with the OSHP in providing joint and cooperative security detail. This chilling effect would make the OSHP less effective in protecting the Governor, his family, his offices, and foreign or domestic dignitaries.
7. For purposes of OSHP executive protection, the term "public office" logically and necessarily refers to the office of the Governor, which includes the decision-making, the operation of the Governor's business, as well as the safety of the Governor himself, his family, staff, or cabinet. The EPU handles any threat intended to influence, intimidate, interfere with, or harm the office of Governor, as well as threats intended to physically harm the Governor, his family, or persons working for the office of the Governor.
8. Unlike former governors, Governor Kasich lives in his own residence instead of the traditional Governor's residence. Public release of threat information on multiple locations renders security more vulnerable to compromise. This creates more vulnerability because there are two locations where Governor Kasich resides and/or holds meetings and events.
9. Dignitary protection is a critically important task. The sophistication and speed with which information can be shared is a challenge for the EPU, as any disclosed threat

information can easily be shared (e.g., by Twitter, Facebook, or blogs), thereby increasing the number of potential sources of threats, and making it more difficult to protect the Governor. Additionally, there are more opportunities for domestic and foreign terrorism after the 9/11 attacks.

10. The OSHP needs to withhold all threat information from public disclosure. Releasing even seemingly minor or insignificant pieces of information can reveal patterns, techniques, or information directly related to the security that EPU provides. The need to protect such information from public disclosure is especially important to guard against domestic terrorism. If a terrorist can get enough information to piece together a picture of how the Governor travels, conducts meetings, schedules his day, and/or visits various state and out-of-state locations, the safety and security of the Governor, his family, his staff, and his cabinet is jeopardized.
11. The fact that Governor Kasich and his wife appear more in public and written media than previous Ohio governors is a particular challenge for the EPU; threat assessments are thus more difficult to analyze and investigate. Governor Kasich's national recognition is not a good reason to provide more information to the public; rather, it is a more compelling reason to protect from public release any threat information to better ensure that he, his family, staff, security, and cabinet are safe and secure.

AFFIANT FURTHER SAYETH NAUGHT.

I swear under penalties of perjury and falsification that the foregoing is true and accurate to the best of my knowledge, information, and belief.



Paul Pride

Sworn and subscribed to before me, a Notary Public, on this 3rd day of September, 2013.



Notary Public
Heather R. Friant
Commission Expires: NO expiration date
(attorney)

3. AFFIDAVIT OF RICHARD BARON

Affidavit of Richard Baron

STATE OF OHIO

COUNTY OF FRANKLIN: ss

Affiant, Richard Baron, Executive Director of Ohio Homeland Security ("OHS"), having been first duly cautioned and sworn, and being competent to testify to all matters stated herein, states from his own personal knowledge:

1. I hold a Bachelors of Science in Public Safety Management and graduated from the Southern Police Institute's Administrative Officers Course at the University of Louisville, the Ohio State Highway Patrol ("OSHP") Academy, and the Ohio Peace Officer Training Council ("OPOTC").
2. I have over twenty-nine (29) years of law enforcement experience as a police officer and Ohio State trooper, and I have held every rank at the OSHP to the level of captain.
3. I was a police instructor certified by the OPOTC from 1993 to 2012, and trained law enforcement personnel at the basic and advanced levels. Specifically, I taught investigatory methodologies and intelligence to law enforcement personnel and homeland security professionals in Ohio and nationally.
4. I spent most of my tenure with the OSHP in the Office of Investigation and Security ("OIS"), which is principally responsible for conducting criminal investigations and protecting the Governor and federal and foreign dignitaries.
5. From 1993 to 2011, I commanded executive protection details and performed dignitary protection for Governors of Ohio and other states as well as federal and foreign dignitaries. I provided, planned, and commanded dignitary protection

operations for gubernatorial inaugurations, State of the State addresses, Council of State Governments, federalism summits, and other events.

6. I have received specialized training from the OSHP and the United States Secret Service ("USSS") in dignitary protection operation. I have worked directly with the USSS in planning and providing dignitary protection to sitting Presidents of the United States, as well as presidential candidates while in Ohio. During my time in OIS, I commanded state law enforcement personnel in these operations and served in critical security positions within the dignitary protection operation.
7. From 2005 to 2008, I served as OHS's Chief of Operations, commanding the Strategic Analysis and Information Center, Ohio's primary fusion center.
8. Since October 2011, I have served as the Executive Director of OHS and the Homeland Security Advisor for the State of Ohio. In this capacity, I regularly review intelligence information and engage in briefings and discussions with law enforcement, the Federal Bureau of Investigation and the United States Department of Homeland Security on trends, techniques, and practices of international and domestic terrorists and criminals.
9. By virtue of being the elected official with supreme executive power of Ohio, the Governor, his residence, offices, and facilities are inherently and uniquely vulnerable to threatened or actual terrorist events, domestic and otherwise.
10. Security planning, response plans, protocols, and techniques used by the Governor, the OSHP, and/or state facilities, detail security limitations and vulnerabilities and are therefore deemed security records and/or infrastructure records. Such information, if released publicly, could be used to commit terrorism, intimidation, or violence.

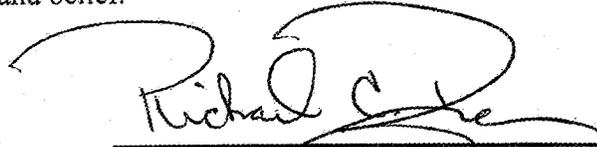
11. Given the increased sophistication and known long-term pre-operation planning of terrorists, especially after the 9/11 attacks, such individuals can make use of publicly disclosed security information to intimidate, threaten, or harm the Governor, his family, his staff, his security, as well as State buildings, offices, and facilities. Public disclosure of information regarding the frequency and handling of threats and other criminal activities enables terrorists and others seeking to cause harm to create countermeasures, enabling them to mitigate security and law enforcement operations. This would increase the risks to safety and security of the protected person and all involved parties.
12. While most information regarding pre-operational planning is exempt from disclosure – often labeled confidential, secret, or top secret – there have been several publicized cases involving actual or thwarted terror attacks in which the terrorists engaged in long-term pre-operational planning in an effort to harm public officials.
13. The content, number, or treatment of prior or current threats (whether credible or non-credible) to the Governor, his family, and/or State buildings, offices, and facilities, contain security information that, if disclosed (even piecemeal), could be used to commit terrorism, intimidation, or violence. Terrorists use fragments of information from various sources to develop a complete picture of their intended target, including vulnerabilities and risk assessments.
14. I have read and am familiar with the decision in *U.S. v. Fullmer*, 584 F.3d 132 (3d Cir. 2009), in which animal-rights activists tried a variety of ways to obtain information about a New Jersey company that tested its products on animals. The group posted such information publicly, harassed and intimidated the company, its

employees and their families, and cost the company thousands of dollars in economic damages.

15. I have read and am familiar with the provisions of R.C. 149.433.
16. From my professional experience, the term "public office" is logically and necessarily broader than just the physical structure of a state facility. The term encompasses the position itself, as well as the person holding the position at any particular time. From a security perspective, "office" includes any threats or acts that improperly influence, or attempt to improperly influence, the office of the Governor of Ohio by, and through which, decisions are made, irrespective of whether the influence or leverage is exerted on the Governor, his family, his cabinet, or his staff.
17. Several Ohio laws, specifically the corruption of office-related offenses, refer to "public office" as being the position itself rather than a physical structure.
18. During my time with OIS, I assisted with the investigation and prosecution of numerous individuals for corruption of office-related offenses. These cases dealt with offenses committed by individuals who held public positions (appointed, elected or otherwise).
19. Based on my knowledge, training, and experience, I believe that public disclosure of investigation records of threats made against the Governor is contrary to the purpose of R.C. 149.433. Such disclosure also increases the risks to the safety and personal security of the Governor and his family, as well as to the security of state buildings, offices, and facilities.

AFFIANT FURTHER SAYETH NAUGHT.

I swear under penalties of perjury and falsification that the foregoing is true and accurate to the best of my knowledge, information, and belief.


Richard Baron

Sworn and subscribed to before me, a Notary Public, on this 3rd day of September, 2013.


Notary Public
Heather R. Frient
Commission Expires: No expiration date
(attorney)

4. AFFIDAVIT OF PATRICK KELLUM

Affidavit of Patrick Kellum

STATE OF OHIO

COUNTY OF FRANKLIN: ss

Affiant, Patrick Kellum, Staff Lieutenant, Ohio State Highway Patrol ("OSHP"), having been first duly cautioned and sworn, and being competent to testify to all matters stated herein, states from his own personal knowledge:

1. I have extensive experience in law enforcement, including thirteen (13) years with Special Weapons and Tactics ("SWAT"), and seven (7) years in criminal investigations.
2. I have completed training in executive protection, including SWAT/Special Response Team ("SRT") training, secret service training, and U.S. Department of State Executive Protection Unit ("EPU") training. I have also completed training in counterterrorism and threat assessment.
3. I have instructed others on security surveillance, criminal investigation, as well as SWAT, EPU, and SRT training.
4. I have served on the FBI Joint Terrorism Task Force. I have also served as a case agent for the Arnold Classic, and as an assistant case agent for The Ohio State University.
5. I have held top secret security clearance from the FBI's Joint Terrorism Task Force. I currently hold secret clearance from the federal Department of Homeland Security.

6. My primary job responsibilities include protecting the Governor of Ohio. In my experience working with Governors Taft, Strickland, and Kasich, I have personally observed that Governor Kasich has a more hands-on leadership style relative to difficult and controversial public issues facing the State, which in my professional opinion exposes him to a higher degree of potential personal harm than the other governors I have protected.
7. Furthermore, because Governor Kasich previously served in a very important national position as Chairman of the Budget Committee of the United States House of Representatives, because he was the host of a nationally-broadcast television program, and because he has written books that have been national best-sellers, Governor Kasich is the most well-known Ohio governor nationally who I have protected. His national reputation and recognition—and thus his potential exposure to harm—transcend Ohio's borders. A threat that may be less significant in Ohio may be more significant outside the border, and vice versa. The OSHP is not always aware of public sentiment outside Ohio; therefore, public disclosure of what is deemed insignificant within a particular context may well be critical in another.
8. Because of Governor Kasich's national recognition, and his demonstrated hands-on approach to difficult and controversial issues facing Ohio and the nation, the EPU decided that it should accompany Governor Kasich on all travel, even of a personal nature. This practice differs from Governors Taft and Strickland.

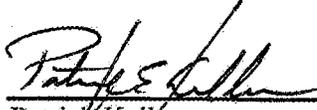
9. Even within Ohio, the geographical area of a threat may affect the credibility of that threat and the associated security planning. A threat that is insignificant in one geographical area or region may be significant or consequential in another area.
10. Public disclosure of threat-related information increases the vulnerability and security risks to the Governor, his family, staff, and those who protect him. Public disclosure of threat information also increases the danger to those who attend a public event with the Governor present.
11. EPU officers need to be fully informed of all threats—significant and insignificant, credible and non-credible—in order to safely and effectively protect the Governor and other officials and dignitaries. Having such information prevents the EPU officers from going into a situation uninformed, and is useful in the formation and potential alteration of the officers' protection strategy. Public disclosure of a threat—even an insignificant or non-credible threat—may require the EPU to change its tactics, especially if the person making the threat changes his or her plan based on the disclosure. This could jeopardize the safety and security of the Governor, his family, staff, and the EPU officers. It could also lead to copycat offenders choosing to carry out the threat.
12. Non-credible threats can turn into credible threats. For example, while a threat may be non-credible for logistical reasons (*e.g.*, the person making the threat is incarcerated), public disclosure could lead to others (such as accomplices or copy-cats) to act. Or, a threat deemed non-credible for

competency reasons could still be realized by another if information about the threat is publicly released.

13. Information regarding threats (credible and non-credible) against the Governor or other government officials and dignitaries should not be released publically. Such disclosure diminishes the effectiveness of the EPU and thereby jeopardizes the safety and security of the Governor, his family, staff, and those assigned to protect him. Public disclosure of threat information also increases the danger to those who attend a public event with the Governor present.
14. The EPU works with the United States Secret Service ("USSS") and other law enforcement jurisdictions in protecting foreign and domestic dignitaries. Threat intelligence is jointly shared by OSHP with other law enforcement agencies providing protection within Ohio. Public disclosure of threat information by OSHP would chill cooperative efforts with multiple law enforcement jurisdictions and thereby compromise continuity of security. If the OSHP were to release threat information about Governor Kasich, such disclosure would collaterally interfere with dignitary protection from the USSS and other law enforcement agencies.

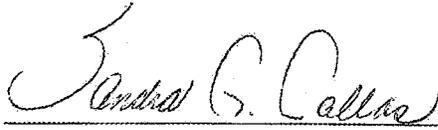
AFFIANT FURTHER SAYETH NAUGHT.

I swear under penalties of perjury and falsification that the foregoing is true and accurate to the best of my knowledge, information, and belief.



Patrick Kellum

Sworn and subscribed to before me, a Notary Public, on this 3rd day of September, 2013.



Notary Public

Commission Expires: 6/06/2017



Sandra G. Callas
Notary Public, State of Ohio
My Commission Expires 06-06-2017

5. AFFIDAVIT OF JAMES CHRISTIAN SELCH

Affidavit of James Christian Selch

STATE OF OHIO

COUNTY OF FRANKLIN: ss

Affiant, James Christian Selch, Deputy Director for State General Services with the Ohio Department of Administrative Services ("DAS"), having been first duly cautioned and sworn, and being competent to testify to all matters stated herein, states from his own personal knowledge:

1. I have been employed by DAS continuously since 2001. From 2001-2007, I was the administrator for State Information Technology ("IT") Policy.
2. While serving as IT administrator, the scope of my responsibility was limited to information technology and telecommunications (including data and infrastructure) policy.
3. I am not, and have never been, an attorney at law.
4. I was the lead author of DAS IT Bulletin No. ITB-2006.01, regarding public record requests regarding agency information technology and telecommunications systems and infrastructure ("Bulletin").
5. The purpose and scope of the Bulletin is limited to providing State entities with an action plan regarding public records requests regarding IT, telecommunications systems, and systems infrastructure, in light of legislative changes to R.C. 149.433.
6. The Bulletin was not intended to be an authoritative legal opinion or interpretation regarding the scope or applicability of R.C. 149.433.

AFFIANT FURTHER SAYETH NAUGHT.

I swear under penalties of perjury and falsification that the foregoing is true and accurate to the best of my knowledge, information, and belief.

James C Sell
James Christian Selch

Sworn and subscribed to before me, a Notary Public, on this 3RD day of September, 2013.

J Murray
Notary Public
Commission Expires: _____



JACQUELINE K. MURRAY
Notary Public, State of Ohio
My Commission Expires
March 27, 2016

6. AFFIDAVIT OF DAVID BROWN

Affidavit of David Brown

STATE OF OHIO

COUNTY OF FRANKLIN: ss

Affiant, David Brown, Chief Information Security Officer ("CISO") for the State of Ohio, having been first duly cautioned and sworn, and being competent to testify to all matters stated herein, states from his own personal knowledge:

1. I have a Bachelors of Science degree in Network and Communications Management from DeVry University.
2. Since 2003, I have been certified as an information systems security professional by International Information System Security Certification Consortium, Inc., a globally-recognized not-for-profit organization for certifying security professionals.
3. Since 2011, I have been certified in Global Information Assurance Legal Issues in Information Technology and Security by the SANS Institute, the largest source of information security training and security certification in the world.
4. Since 2012, I have been employed by the Ohio Department of Administrative Services ("DAS") as the State CISO. I was Deputy State CISO from 2011-2012, and CISO for the Ohio Department of Public Safety from 2006-2011.
5. I am not, and have never been, an attorney at law.
6. I am familiar with DAS Information Technology Bulletin No. ITB-2006.01, regarding public record requests regarding agency information technology and telecommunications systems and infrastructure ("Bulletin").

7. The purpose and scope of the Bulletin is limited to providing State entities with an action plan regarding public records requests regarding IT, telecommunications systems, and systems infrastructure, in light of legislative changes to R.C. 149.433.
8. The Bulletin is not, and has never been, an authoritative legal opinion or interpretation regarding the scope or applicability of R.C. 149.433.
9. The Bulletin does not expand, or attempt to or purport to expand, DAS' authority beyond IT issues, as set forth in R.C. 125.18.

AFFIANT FURTHER SAYETH NAUGHT.

I swear under penalties of perjury and falsification that the foregoing is true and accurate to the best of my knowledge, information, and belief.

David Brown

David Brown

Sworn and subscribed to before me, a Notary Public, on this 3rd day of September, 2013.

E. C. Harrell

Notary Public

Commission Expires: Never

ERIC C. HARRELL
ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION DATE
SECTION 147.03 R.C.

EXHIBIT B

To: Departments, Offices, Agencies, Commissions, Boards, Bureaus, and Institutions
From: Mary F. Carroll, Director / State Chief Information Officer
Cc: Christian Selch, Administrator, Statewide IT Policy
Re: Public records requests regarding agency information technology and telecommunications systems and infrastructure

PURPOSE

The purpose of this bulletin is to address public records requests for information pertaining to agency information technology (IT) and telecommunications systems and infrastructure. The Ohio Revised Code exempts certain types of security and infrastructure records from mandatory release or disclosure under Ohio's public records law. The exemption includes records that would disclose the configuration of a public office's critical systems or disclose information intended to prevent or mitigate acts of terrorism such as vulnerability assessments or specific response plans.

ACTION

Review public records requests regarding IT and telecommunications systems and systems infrastructure in consultation with agency legal counsel to determine what, if any, information may be subject to release. Information such as but not limited to configurations, schematics, IP addresses, systems administration, security controls, business continuity, and incident response may not constitute information subject to mandatory disclosure. Ensure "security records" and "infrastructure records" have been properly identified as required in section 149.433 of the Ohio Revised Code.

AUTHORITY AND REFERENCE

ORC 125.18, ORC 149.43 and ORC 149.433

INQUIRIES

Direct inquiries about this bulletin to:

Enterprise IT Architecture and Policy
Investment and Governance Division
Office of Information Technology
Ohio Department of Administrative Services
30 East Broad Street, 39th Floor
Columbus, Ohio 43215

Telephone: 614-466-6930
E-mail: State.ITPolicy.Manager@oit.ohio.gov

This and other Ohio IT Policies may be found online at: www.ohio.gov/itp