BEFORE THE BOARD OF PROFESSIONAL CONDUCT OF THE SUPREME COURT OF OHIO

In re:

Complaint against	**Case No. 2022-045**
Hon. Timothy Joseph Grendell **Attorney Reg. No. 0005827**	**Findings of Fact, Conclusions of Law, and Recommendation of the Board of Professional Conduct**
Respondent	
Disciplinary Counsel **Relator**	

OVERVIEW

{¶1} This matter was heard on February 26-27, March 4-7 and 29, and April 23-24, 2024, before a panel consisting of Hon. Rocky A. Coss, Frank C. Woodside III, and Peggy J. Schmitz, panel chair. None of the panel members resides in the district from which the complaint arose or served as a member of the probable cause panel that reviewed the complaint pursuant to Gov. Bar R. V, Section 11.

{¶2} Respondent was present at the hearing and represented by George D. Jonson, Kimberly Vanover Riley, and Stephen W. Funk. Joseph M. Caliguiri and Martha S. Asseff appeared on behalf of Relator.

{¶3} This case involves allegations of misconduct stemming from three unrelated matters that were distinctly different from each other, but shared common threads of alleged impropriety, partiality, lack of integrity and fairness, and abuse by Respondent of his position and the prestige of his office.

{¶4} Count I, the Glasier Matter, involved a custody and visitation dispute. Respondent was charged with six rule violations: Jud. Cond. R. 1.2 [a judge shall act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary,

and shall avoid impropriety and the appearance of impropriety]; Jud. Cond. R. 2.2 [a judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially]; Jud. Cond. R. 2.9(A) [a judge shall not initiate, receive, permit or consider *ex parte* communications]; Jud. Cond. R. 2.11 [a judge shall disqualify himself in any proceeding in which the judge's impartiality might reasonably be questioned]; Jud. Cond. R. 2.11(A)(7)(c) [a judge shall disqualify himself in any proceeding in which the judge's impartiality might reasonably be questioned, including when the judge was a material witness concerning the matter]; and Prof. Cond. R. 8.4(d) [a lawyer shall not engage in conduct that is prejudicial to the administration of justice].

{¶5} Count III involved a dispute between the juvenile court, over which Respondent presided, and the county auditor's office. Respondent was charged with three violations: Jud. Cond. R. 1.2; Jud. Cond. R.1.3 [a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or of others]; and Jud. Cond. R. 2.10(A) [a judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court].

{¶6} Count IV involved Respondent's voluntary testimony before the Ohio House State and Local Government Committee in support of H.B. 624, the so-called Truth in COVID Statistics bill, of which his wife was the major sponsor. Respondent was charged with violations of Jud. Cond. R. 1.3 and Jud. Cond. R. 3.2(A) [except in connection with matters concerning the law, the legal system, or the administration of justice, a judge shall not appear voluntarily at a public hearing before, or otherwise consult with a legislative body].[1]

[1] Respondent raised constitutional questions regarding several of the conduct rules cited in Counts III and IV of the complaint. Based upon previous case law, the panel declined to rule on these issues, deeming them to be within the exclusive purview of the Supreme Court. The parties submitted written proffers of evidence regarding their arguments in order to preserve the record.

{¶7} At the beginning of the hearing, Relator moved to dismiss the alleged rule violations contained in Count II of the amended complaint. Hearing Tr. I-7. The panel granted the motion and, by order dated April 25, 2024, unanimously dismissed the following violations alleged in Count II: Jud. Cond. R. 1.2; Jud. Cond. R. 2.2; Jud. Cond. R. 2.4(B); and Jud. Cond. R. 2.9(A).

{¶8} Although the parties stipulated to the authenticity and admissibility of more than 300 exhibits consisting of thousands of pages, there were no stipulations regarding mitigating or aggravating factors or rule violations, and only two stipulations of fact that were submitted on the final day of the hearing, and formally filed on April 29, 2024. During the course of the nine-day hearing, the panel heard the testimony of 33 witnesses in addition to Respondent's testimony.

{¶9} Based upon the evidence presented during the hearing, the panel finds, by clear and convincing evidence, that Respondent engaged in professional misconduct as outlined below. Upon consideration of the applicable aggravating and mitigating factors and case precedents, the panel recommends that Respondent be suspended from the practice of law for 18 months, with six months stayed on the conditions set forth below.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

{¶10} Respondent was admitted to the practice of law in Ohio on November 20, 1978, and is subject to the Rules of Professional Conduct, the Rules for the Government of the Bar of Ohio, the Code of Judicial Conduct and the Rules for the Government of the Judiciary of Ohio.

{¶11} Respondent was appointed to the Geauga County Common Pleas Court, Probate and Juvenile Divisions, by Governor Kasich in September 2011. Currently, and at all times relevant to the allegations, he has been the sole elected judge of that court. Hearing Tr. IX-2747.

{¶12} At all times relevant to the allegations, Respondent was married to Diane Grendell. Diane Grendell served as Ohio State Representative, District 76, from May 29, 2019 until 2023.

Count I—The Glasier Matter

Background Information

{¶13} Stacy Hartman and Grant Glasier had three children during their nine-year marriage—CG1 (daughter), born in 2003; CG2 (son), born in 2004; and CG3 (son), born in 2006.

{¶14} The marriage was terminated by a final judgment of dissolution issued by a Florida court on September 27, 2010. The judgment incorporated a shared parenting plan that, among other things, designated Hartman as the residential parent for school purposes, and permitted Hartman to relocate with the children to Pennsylvania. Joint Ex. 2.

{¶15} Hartman moved to Geauga County with the three children in 2013, and Glasier followed in 2015. Hearing Tr. III-685.

Proceedings in Domestic Relations Court before Judge Paschke: June 2016-August 2019

{¶16} In June 2016, Hartman registered the Florida custody determination with the Geauga County Common Pleas Court, Case No. 15DK000864. Joint Ex. 13. Shortly thereafter, Hartman filed a motion for change of parental rights and responsibilities in the domestic relations division of the court. Joint Ex. 14.

{¶17} Several months later, CG1 stopped participating in visitation with her father, claiming he was abusive and alcoholic. CG1 was 13 years old at the time.

{¶18} Hartman's motion for change was pending in the domestic relations court on February 26, 2017 when police were called to Glasier's home following an incident involving alleged abuse that occurred while CG2 and CG3 were visiting with their father. During the incident, Glasier put his fist through the door of a bedroom that the boys had locked themselves

in, fearing Glasier's anger after they damaged his phone cord. The boys were wrestling in the locked bedroom and CG3 bumped his head and started crying, prompting Glasier to pound the door and break it. When CG2 exited the bedroom, Glasier grabbed him and threw him against the wall. The boys grabbed his phone and ran outside where they called their mother, and she called the police. Although no formal charges were filed against Glasier, CG2 and CG3 refused further visits with him in the aftermath of the February 26, 2017 incident. Joint Ex. 16.

{¶19} Prior to the incident on February 26, the court-appointed guardian ad litem, Lucinda Gazley,[2] had witnessed Glasier's angry overreaction and intimidating behavior first-hand. Shortly after her appointment as GAL, she attempted to conduct a home visit and interview of Glasier, who was extremely resistant. Eventually, she was able to arrange an appointment with him, but when she arrived at his home at the appointed time, he came out of the house "extremely angry...red-faced, appearing aggressive...and saying 'I told you not to come. I told you not to come.'" He had sent a text canceling the appointment, which she had not seen. Gazley testified that she was intimidated by Glasier, and that she would have been in fear of him had she not been standing outside, next to her car. Hearing Tr. II-465-467.

{¶20} When Gazley interviewed CG2 and GG3 in the course of her investigation of the February 26, 2017 incident, she found them to be very sincere when they described their fear of what had happened to them, and their fear that such occurrences would continue to happen. *Id.* at 464. She also learned from the children's counselor, Rosanne Jaworski, that the children had alleged at least one other incident in which Glasier had physically taken his anger out on them.

[2] Gazley has been a licensed attorney since 1987, currently focusing on guardian ad litem work that she has done since 2012. She is also a licensed professional clinical counselor with supervision endorsement. She holds master's degrees in education and counseling and has served as both a director of the mobile crisis team of the Child Guidance Center in Cuyahoga County, and as a CASA supervisor. She has served as a GAL in more than 100 cases. Hearing Tr. II-456-458.

Jaworski also told Gazley that the children were very afraid of Glasier and did not want to visit with him, an observation that was made by others throughout the proceedings. *Id.* at 468; Joint Ex. 17, at p.3.

{¶21} Glasier finally met with Gazley following the February 26 incident. Gazley was able to convince Glasier to suspend visitation temporarily while he obtained services to address his anger and allegations of alcohol abuse, but he failed to follow through with some of her requests, including the use of approved service providers, and obtaining and producing reports from them. Hearing Tr. II-462-466.

{¶22} Accordingly, Gazley filed a motion on May 25, 2017 to have Glasier's contact with the children formally suspended until he complied. Geauga County Common Pleas Court Magistrate Sarah Heffter issued an *ex parte* order (magistrate's decision) the following day, suspending Glasier's visitation rights pending his completion of an alcohol/drug assessment, anger management and parenting programs, and individual and family counseling. Heffter's order provided that visitation would resume "when recommended in collaboration by the children's current counselor…and Glasier's individual counselor." Joint Ex.18.

{¶23} On October 5, 2017, Glasier filed separate *pro se* motions, one to resume his full parenting time, and the other to request that a full custodial evaluation be performed. Joint Ex. 29-30. Glasier's motion to resume full parenting time was scheduled to be heard at the same time as Hartman's still-pending motion for change.

{¶24} Glasier's motion for a full custodial evaluation was granted, and the parties were ordered to submit to evaluation by Farshid Afsarifard, Ph.D.,[3] regarding the issue of allocation of parental rights and responsibilities and visitation pending before the court. Joint Ex. 33.

[3] Dr. Afsarifard is often referred to in hearing testimony and exhibits as "Dr. A."

{¶25} Dr. Afsarifard issued a 30-page report of his findings and recommendations dated March 9, 2018. Joint Ex. 55. The report included Dr. Afsarifard's opinion that, "It is clear that *based on some experience of their own with their father* and negative influence from their mother and Chris [Kostiah]:[4] the children have become seriously alienated from their father." *Id.* at 28-29 (emphasis added).

{¶26} The report also contained Dr Afsarifard's "considered opinion, based on reasonable psychological certainty," that the best interests of the children would be promoted by remaining in the custody of Hartman and participating in counseling to address the anger and frustration they had in their relationship with Glasier. With regard to visitation, the report recommended that the children have therapeutic visits with their father and their counselor, and that, within 90 days after the commencement of the therapeutic work, "consideration should be given to extending [Glasier's] time with the children as appropriate so that by the summer they could have standard order visitation schedule together." Dr. Afsarifard also recommended that Glasier, who had a previously diagnosed unspecified alcohol use disorder, "abstain from drinking in order to remove any questions regarding this issue," and participate in individual counseling, on a weekly basis, with a therapist who could help him manage his emotions effectively, and work on the development of appropriate parenting skills. *Id.* at pp. 29-30.

{¶27} Additionally, and gratuitously, since the termination of Glasier's parental rights was never in issue, the last paragraph of Dr. Afsarifard's opinion stated:

> Although there is some evidence that [Glasier] may have behaved inappropriately and ineffectively, none of them (sic) justify that his parental rights should be terminated. * * * Allowing the children to make decisions that involve eliminating a parent out of their lives *can* have serious negative psychological consequences and should not be a consideration (emphasis added).

[4] Chris Kostiah is the father of Hartman's two youngest children (half-siblings to CG1, CG2 and CG3). Dr. Afsarifard's report indicates that CG1, CG2 and CG3 called Kostiah "Dad.," and that CG1 told him that Kostiah "was the father [she] never had." *Id.* at 17, 25.

Id. at p. 30.

{¶28} The report contained no further mention of, nor information about, the alleged potential serious negative psychological consequences. Respondent never admitted the Afsarifard report into evidence in proceedings before him, Dr. Afsarifard never testified in proceedings before either the DR court or Respondent, and Respondent admittedly had no information from Dr. Afsarifard aside from what the report stated. Hearing Tr. I-38-39. Nonetheless, after Respondent became involved in the case, he latched onto the last sentence of the quote, and it became his oft repeated mantra, although he repeatedly misquoted it. See, *e.g.,* Hearing Tr. I-66, 127, 182. Respondent claimed that his decisions were guided by "Dr. A's warning" that, allowing a child to eliminate a parent from his life *would* (as opposed to *can*) have serious psychological consequences," and testified it was that statement "that drove all my decisions throughout this whole proceeding," Hearing Tr. I-66.

{¶29} The trial on Hartman's motion for change and Glasier's motion to resume full parenting time had been pushed back to March 23, 2018 to allow for completion of Dr. Afsarifard's custodial evaluation report, then pushed back to May 31, 2018 on the court's own motion, and finally scheduled for hearing on August 8, 2018.

{¶30} On August 8, 2018, in lieu of the trial that was scheduled to be held that day on Hartman's and Glasier's respective motions, the parties entered into a custody agreement that modified the Florida shared parenting order. The agreement was signed by both Hartman and Glasier and journalized in a court order of the same date. Joint Ex. 62.

{¶31} In accordance with the recommendations contained in Dr. Afsarifard's report and the recommendations of the GAL, the custody agreement provided, among other things, that Hartman would be designated as the residential parent and legal guardian, and that the children

would begin a reunification process with Glasier that was to include individual counseling for Glasier, Glasier's continued participation in family counseling with the children, and increasing visitation, as determined by the family counselor. The parties' agreement also contained an "ultimate goal of implementing the court's standard parenting guidelines, at a minimum, within 180 days, or as soon as determined by the family counselor." *Id.*

{¶32} Despite the custody agreement and despite weekly therapeutic counseling visits for much of the next two years, the Glasier children's resistance to reunification with their father persisted.

{¶33} On August 5, 2019, Glasier filed several *pro se* motions seeking judicial review of the matter and a request that the court order intensive treatment to facilitate reunification. Joint Ex. 70. Attached to the motion was a letter dated July 17, 2019 from the designated family counselor, indicating that progress with the reunification plan, to date, had been "minimal," and that, "[A]t this point, it is the opinion of this Clinician, that these sessions are not therapeutic." The counselor further noted that the services of the Community Counseling Center, by which she was employed, were voluntary and that she had no means "to hold the children at the sessions against their will." *Id.*

{¶34} One week later, on August 12, 2019, Geauga County Common Pleas Court Judge Carolyn J. Paschke sent an email to Respondent, asking if Respondent, in his capacity as judge of the juvenile court, would consider accepting a transfer of "a very difficult domestic relations matter," and suggesting that "perhaps in Juvenile Court you might have the authority to require the children to meet with their father in a safe, therapeutic setting and further you might have the resources in place to reunify the father with the children in some meaningful way." Joint Ex. 71.

Respondent's Involvement in the Glasier Matter

{¶35} In a judgment entry dated August 27, 2019, Respondent accepted jurisdiction of the matter and opened it as a complaint for custody. *Hartman v. Glasier,* Case No. 19CU000279. Joint Ex. 74.

{¶36} In October of 2019, Respondent appointed Lucinda Gazley as GAL for the children. Gazley had also served as GAL in the case presided over by Judge Paschke in the domestic relations court.

Proceedings before Juvenile Court Magistrate King—August 2019-December 2019

{¶37} Following a hearing on October 10, 2019 before Respondent's magistrate, Abbey King, Glasier's August 5, 2019 motion for intensive treatment was denied. The magistrate's order permitted Glasier to have therapeutic visitation with the children under the auspices of the juvenile court's customary provider, OhioGuidestone, on a schedule to be determined by the court's case management director. Joint Ex. 81.

{¶38} After an initial visit with the children by OhioGuidestone, its personnel informed the GAL and the juvenile court deputy case manager, Scott Wayt, that it would not force the children to visit with their father due to the voluntary nature of their program. Wayt followed up with the children after their meeting with OhioGuidestone and confirmed that the children were adamantly opposed to visiting with their father, even with OhioGuidestone's involvement. Joint Ex. 88, p. 14.

{¶39} During a hearing before Magistrate King on December 3, 2019, Wayt suggested that the court try a different approach. He suggested taking the pressure off the children to visit their father for a while, and instead, require the parents to meet weekly with him for discussion about how to move forward. The magistrate expressed agreement with the suggested approach,

and the GAL agreed that the children were feeling pressured and pushed, and that "the harder they're pushed, the more difficult it's going to become." Joint Ex. 88, pp.15-16.

{¶40} On December 10, 2019, Magistrate King issued an order suspending Glasier's visitation with the children pending further order of the court and ordering both parents to meet weekly with the court's case manager. Joint Ex. 89.

{¶41} Glasier filed objections to the magistrate's order suspending his visitation, and the matter was set for hearing on January 29, 2020. On January 14, 2020, Glasier filed motions to modify custody and child support, alleging a change of circumstances following the August 9, 2018 agreed entry in the domestic relations court. Joint Ex. 90. Glasier's motions to modify custody and child support were scheduled for hearing on May 27, 2020.

{¶42} The parties prepared to address Glasier's objections to the suspension of visitation at the hearing scheduled for January 29, and had subpoenaed witnesses for that day, but were notified by court personnel the afternoon of January 27 to appear the following day instead.

First Hearing before Respondent—January 28, 2020

{¶43} Respondent met with the parties and their counsel for the first time on January 28, 2020. The GAL, Wayt, and a court staff attorney were also present. The hearing consisted mostly of commentary by Respondent.

{¶44} Near the beginning of his first meeting with the parties, Respondent said, "I think Dr. A. mentioned there's some parental alienation from mom against dad and I'm being told by court staff the children don't want to see dad." Joint Ex. 93, p.6. What Dr. Afsarifard actually said was:

> It is clear that *based on some experience of their own with their father* and negative influence from their mother and Chris the children have become seriously alienated from their father (emphasis added).
>
> Joint Ex. 55, pp.28-29.

{¶45} But Respondent had already made up his mind that Hartman and Kostiah were the sole causes of any alienation. Respondent testified in the disciplinary hearing that Dr. Afsarifard "never said, nor was there any evidence of parental alienation by the father in Dr. A.'s report." Hearing Tr. I-40. It was "crystal clear" to Respondent, however, that Dr. Afsarifard found that "mother and her boyfriend ...had alienated the children...from their father." *Id.* at I-39. And while he acknowledged that "father had not helped his cause in some ways," he remained adamant that Glasier had not alienated the children: "No, not—not alienation the way that term is used in parental alienation." *Id.* at I-40.

{¶46} A bit later in the January 28 hearing, Respondent commented that:

> The issue of alienation yesterday is less of a concern to me because I'm not going backwards. The question is today what do we do going forward to help provide a loving and bonded relationship with these three children with their father as well as maintaining it with their mother. That's the question today, not finger pointing as to who yesterday, but who's going to help us today.
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> Joint Ex. 93, p.15.

{¶47} Nonetheless, throughout the course of the proceedings in the months that followed, Respondent continued to lay the blame for the children's alienation from their father solely at the feet of Hartman and Kostiah, and repeatedly asserted the opinion that there was no evidence of Glasier being abusive, "only allegations that were not supported." See, *e.g.*. Hearing Tr. I-50-51; Joint Ex. 163, pp.8-9. The latter claim was made despite his acknowledgment that he was aware that two magistrates, including his own, had suspended Glasier's visitation based on their concerns about Glasier's actions, that a domestic violence protection order was in place against Glasier until

2019, and that Glasier had admitted putting his fist through the door and putting CG2 up against the wall during his last visitation with the boys. Respondent also hinted that he had once been in Glasier's shoes. Joint Ex. 96, p.26.

{¶48} Respondent also commented that:

> [T]he court adheres to the Ohio law and that says that children do best when they have a loving and bonded relationship with both parents. And it is the function of the court to help facilitate both parents to encourage ...a loving and bonded relationship with both parents. * * * What I can do is put people in jail who interfere with the loving and bonded relationship.
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> Joint Ex. 93, p.6-8.

{¶49} This was Respondent's first veiled threat of potential incarceration, but not the last. Later in the same hearing he stated that a violation of his orders would be "subject to the full contempt powers of this Court," and admonished both parties not to "test" him, adding that if they violated his orders, they would "spend a month in the county jail, plain and simple." *Id.,* at 25.

{¶50} Respondent also expressed several surprising beliefs, in light of his later actions:

> I actually believe trying to force these kids to visit with dad until we have a therapeutic person in place will be more harmful than good for everybody, dad and the kids...you need a pro (inaudible) in that room to make it happen. Forcing teenagers to go visit with dad, for whatever reason they don't want to go, without having somebody there to help address that is only going to make this situation worse.
>
> *Id.* p. 23.
>
> [I]n this court, it's about the children. And messing with children's heads is just not acceptable.
>
> *Id.* p. 25-26.
>
> [I]f you try to jam it, it can actually get worse. And part of my process here is to not cause any more trauma to children than the process already causes...but the goal is to minimize the trauma that we're adding while trying to fix the problem.
>
> *Id.* p.39.

{¶51} Turning to the question of "what do we do going forward to help provide a loving and bonded relationship between these children and their father?" Respondent answered his own question:

> [W]e're going to come up with some sort of therapeutic visitation process that starts with some high-priced therapist who may require mom and dad to be in the same initial therapy session and mom saying, because the judge will be there, that, you know, kids, you got to have a relationship with your dad because it's right, because it's good for you, and because it, there's a judge sitting there... But I mean if I got to attend every damn visitation session for the first couple months I'll do that, but I'm not throwing in the towel here.

Id. p. 19.

{¶52} Respondent announced that he would have his case manager identify three potential therapists to conduct therapeutic visitation, including one recommended by the GAL, and that Respondent would then make the final decision.

{¶53} Hartman, who was indigent and behind in her payment obligations to her own attorney and the GAL, requested that the court take into consideration the cost involved, and whether the children's insurance would cover the therapist's fees. Respondent stated that he would be "glad to run it past the parties to see how it fits into their coverage, because that's a valid point. But at end of the day, I will decide who's going to do this." *Id.* at 23:1-5.

{¶54} In a judgment entry filed on January 29, 2020, Respondent assigned case management to review possible candidates to head therapeutic visitation in the matter. Joint Ex. 94.

{¶55} On February 20, 2020, without seeking input from the parties as he indicated he would do, Respondent issued a judgment entry ordering the parties to work with Dr. Stephen Neuhaus "for the purposes of evaluation and therapy based on the goals of decreasing parental alienation and reintroducing contact between Mr. Glasier and his children," ordering Hartman "to

ensure that CG1, CG2 and CG3 follow all recommendations of Dr. Neuhaus," and further ordering the parties to put down a retainer of $750 each with Dr. Neuhaus. Joint Ex.96.

{¶56} Neuhaus was the only therapist Respondent considered whose services were not covered by the children's insurance. Hearing Tr. III-714.

Aftermath of Respondent's February 20, 2020 Order

{¶57} Hartman contacted Dr. Neuhaus's office to discuss a payment plan for her share of the retainer and learned that the retainer was merely the beginning of the financial obligation of the parties. Dr. Neuhaus's fees would be billed at $250 per hour after the exhaustion of the retainer. Unable to afford the fees, she contacted a number of agencies in an attempt to secure funding but found none that could help with fees stemming from a court order. Hearing Tr. III-717. Upon the advice of one of the agencies, she filed an indigency application with the court seeking waiver of fees and costs, and the appointment of counsel, both of which were denied by an order issued by the magistrate, the latter due to ineligibility for a court appointed attorney in a private custody case per R.C.2151.352. Hearing Tr. III-718; Joint Ex. 97.

{¶58} On March 16, 2020, Glasier filed a *pro se* motion for Hartman to show cause why she should not be held in contempt for failing to follow the February 20, 2020 judgment entry. On March 26, 2020, Hartman filed a *pro se* motion to reconsider the February 20, 2020 judgment entry based on economic hardship. Joint Ex. 99-100.

{¶59} On April 20, 2020, Respondent held a telephonic pre-trial and show cause hearing on Glasier's March 16, 2020 motion. Glasier and Hartman both participated in the telephonic hearing without counsel. Wayt and Gazley were also on the call. At one point during the hearing, both Respondent and Gazley began to speak at the same time. Respondent was looking for the February 20, 2020 judgment entry and couldn't find it. Gazley had a copy in front of her and was

going to offer to read it to Respondent, who cut her off, and began yelling, "No. No. No. No. You'll speak when I give you the chance to speak, you'll not run my hearing, ma'am. You just will not do that." Joint Ex. 102 at 7:32 mark; Joint Ex. 103, p. 7.[5] Several minutes later, however, when Glasier interrupted him, not once, but twice, Respondent's reaction was markedly different. When Glasier caught himself interrupting the first time and said "excuse me?" Respondent apologized to him: "Go ahead. I'm sorry, go ahead." When it happened again several seconds later, Glasier said, "I apologize for interrupting, your Honor," and, again Respondent's reply was, "No. go ahead." Joint Ex. 102 at 15.03 mark; Joint Ex. 103, pp.12-13.

{¶60} Later in the hearing, after telling the parties he could "drag all of you people in this room every week…and…personally babysit this situation…if I have to do that," he stated:

> What I'm not going to do is abandon ship and I'm not going to fail like the other courts did and I'm not going to let either of you fail or get me to fail because that's just not the way it works.
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> Joint Ex. 103, p. 21.

{¶61} Subsequent events demonstrated just how far Respondent was willing to go to "not fail like the other courts did."

{¶62} Respondent ended the telephone hearing and continued it for an in-person hearing the following day. He ordered Hartman to bring the children in beforehand for *in camera* interviews, with the following admonishment:

> If either parent, *and mom, hear this very strongly*. If either parent talks to the children about these proceedings, about tomorrow, about anything other than the weather between now and 11:00 tomorrow morning and I determine that from talking to the children, I will hold that person in contempt and they will go to jail tomorrow (emphasis added).
>
> *Id.* at 25.

[5] During the disciplinary hearing of this matter, unaware that it was actually Gazley, not Hartman, whom he had shouted down during the telephonic pre-trial hearing on April 20, 2020, Respondent cited the incident as proof of his claim that Hartman wanted to control his courtroom. Hearing Tr., p. I-135-136, 138.

{¶63} On April 21, 2020, Respondent conducted individual *in camera* interviews of the three children, prefacing each of the interviews with an assurance that the conversation would be kept confidential. Joint Ex. 106, pp. 4, 30, and 41; Joint Ex. 105

{¶64} CG1, who was then 17 years old, was interviewed first. She told Respondent she stopped going on visits with Glasier in 2016, when she was 13 years old, because she finally "got fed up" with his mental, physical and religious abuse and alcoholism. She described her father's persistent and "painful" attempts to convince her that her Catholic religion beliefs were wrong and not true. She described feeling mentally abused when he would tell her, in the presence of family and friends and in public, that there was "something wrong with her" and she needed to go to counseling. She gave several examples of physical abuse she had either witnessed or endured, such as Glasier throwing her brother up against the wall, grabbing her by the arm, breaking things, and screaming, yelling and swearing at all of them. She also described locking herself and her brother in the bathroom until Glasier calmed down. Joint Ex. 106, pp. 8-11.

{¶65} Later in the interview, Respondent told CG1 that, "based on the things you've described I would not say Dad gets unsupervised visitation with his children right now because that would be putting the children at risk." *Id.* at 22.

{¶66} Respondent told CG1 there were several things he could do to make sure that the children would be safe during visitation: "We can require therapy, family counseling, I could put an ankle bracelet on your father so he can't drink when he's having his visitation, I can require supervised visitation." *Id.* at 12. He also told CG1 that he personally had "sat in visitations" before, and although he "would prefer not going that route," he would do it if he had to, because that was his job. *Id.* at 16. He then circled back to, "We will have to find a way that you folks participate in counseling, that you at least make an effort to try to address the issues." *Id.*

{¶67} When CG1 asked what would happen if she were to not participate in counseling because they had already "tried that for two years, and it made things actually worse," Respondent told her that "delinquency charges or contempt charges could be filed against you…And in the worst case scenario, you could end up in the detention center, but that sounds very draconian. Hopefully, that would never be necessary." *Id.* at 13-16, 19.

{¶68} Following the interview with CG1, Respondent conducted an *in camera* interview of then 15-year old CG2 that lasted fewer than nine minutes. Respondent asked CG2 if his dad had been physical with him in the past, and when that had last happened. CG2 responded that he had visitation with his father "basically every weekend" prior to the incident on February 26, 2017, and that, "Some weekends were worse than others, but every weekend it was physical." He described the February 26, 2017 incident as "the last visit…the last time he got physical." *Id.* at 35. He also told Respondent that his father drank a lot, and "how physical he got definitely got worse when he was drunk." *Id.* at 35-36. Respondent also inquired about prior attempts at therapeutic counseling with Glasier, which CG2 said did not work because, "every single time, [Glasier] would ruin it by making threats, or accusing the children of lying, and then telling a completely different story." *Id.* at 36-37.

{¶69} In Respondent's four-minute interview of then 13-year old CG3, CG3 responded in the negative to a question about whether his father ever slammed him against the wall, adding, "Just my brother. But [Glasier] scares me and he hurts me. He throws things at me." *Id.* at 42. When asked whether his dad ever apologized to him or his brother for those incidences, CG3 responded in the negative, adding, "He just says that we're lying and refuses to admit what he's done." *Id.* at 44.

{¶70} The hearing that was continued from the previous day's telephone hearing commenced immediately following the *in camera* interviews of the children. Neither Hartman nor Glasier was represented by counsel.

{¶71} Respondent announced that "the question today reverts back to the status of compliance with the judgment entry of February 20 [Joint Ex. 96] as it applies to Ms. Hartman and Mr. Glasier shall work with Dr. Stephen Neuhaus for the purpose of evaluation and therapy focused on the goals of decreasing parental alienation." He then asked Glasier if there was anything else he wished to say about that. Glasier responded that he had brought notes made in 2017 by the children's counsellor, Rosanne Jaworski, that he described as "overwhelmingly positive on their visitations with me." Joint Ex. 108, p. 4. Respondent accepted the notes from Glasier and sat silently reading them for almost six minutes. Joint Ex. 107, 2:03-7:52.

{¶72} When it was Hartman's turn to talk, she pointed out that Jaworski was not present to testify to what fully happened, and that the samples of Jaworski's notes provided by Glasier were "cherry-picked." Joint Ex. 108, pp. 8, 12.

{¶73} A bit later, Respondent interrupted Hartman:

> Let me ask you a question. According to this police report (referring to the February 26, 2017 incident) you, the police officer said that Mr. Grant (sic) wanted to keep the children until the end of his visitation, which was 1900 hours as stated in the court order and you stated that you were taking the boys to your residence and that you did not care if there's any repercussions from taking them. Is that accurate?

{¶74} Hartman responded affirmatively, and Respondent continued:

> How is that consistent with not stepping in the way of authority? There was a court order that said what you were supposed to do. How is that consistent with what you just told me?

{¶75} Hartman began to answer that the children (who were 11 and 13 at the time) were frightened and shaking when she arrived and told her that Glasier had slammed CG2 against the wall and broken the door. Joint Ex. 108, pp.12-13.

{¶76} Respondent turned to Glasier and asked an unrelated question, *i.e.,* if there had ever been an incident when all three children "had to run and lock into the side of the room because you had touched the boys." Glasier responded "no." Respondent then asked:

> So there's no prior incident where your daughter was also present and there was some confrontation between you and the boys and they all ran up and locked themselves in a room somewhere?

{¶77} Glasier responded that he did *not recall* CG1 locking herself in the bedroom or bathroom. Respondent asked Hartman if she was aware of any such incident. She replied:

> I was not there, but I was told by CG1 that numerous times she had to lock herself and CG3 in the bathroom and she pleaded with her dad to stop swearing, to stop throwing things, and they didn't want to come back out until he settled down.[6]
>
> Joint Ex. 108, pp. 13-14.

{¶78} Although the children's counselors and the GAL were convinced by the children's allegations of Glasier's abuse, it became clear that Respondent gave no credence to claims of Glasier's abuse by Hartman or any of the children.

{¶79} Without allowing Hartman to finish her answer to Respondent's question about taking the boys home early from the February 26, 2017 visit more than three years ago or allowing her an opportunity to speak or answer any questions about her pending motion for reconsideration of the February 20, 2020 order, the hearing ended abruptly with Respondent announcing that he

[6] Respondent testified that CG1 lied to him during her in camera interview, because she had made it sound like she was present when the boys locked themselves in the bedroom on February 26, 2017. Hearing Tr. I-85. That was simply a misinterpretation on Respondent's part, however. CG1 previously had told Respondent she stopped visiting with Glasier in 2016. She was talking about a different incident when she told him she had locked herself and her brother in the bathroom, not the bedroom.

was modifying the February 20, 2020 order to grant Hartman a "slight adjustment...because of her economic situation." Respondent's April 22, 2020 judgment entry ordered Hartman to pay $500 (instead of $750) and Glasier to pay $1,000 to Dr. Neuhaus by May 8, 2020, and reiterated his verbal admonition that, "if any party fails to comply with this order, that party will be subject to contempt of court proceedings." Joint Ex. 109.

May 27, 2020 Hearing on Glasier's Motion to Modify Custody

{¶80} On May 18, 2020, Glasier filed a motion to continue the May 27, 2020 hearing on his motions to modify custody and child support "pending Dr. Neuhaus' report and recommendations." The motions to continue the hearing were denied without explanation. Joint Ex. 113 and 114.

{¶81} On May 20, Gazley filed her guardian ad litem report that included a history of the case, a discussion of the best interest factors in R.C.3109.04(E), and her recommendations. Based on the lack of change of circumstances, and her assessment of each of the factors set forth in R.C. 3109.04(E) to determine the best interests of the children, her recommendation was that Hartman remain the residential parent and legal custodian. Additionally, since Dr. Neuhaus had not completed his work, she recommended that the court receive his recommendations before making additional orders regarding parenting time between Glasier and the children. Joint Ex. 115.

{¶82} On May 26, 2020, Dr. Neuhaus informed Wayt that Glasier was withdrawing his motion for custody. Joint Ex. 95, p. 10. In an email on May 26, 2020, Glasier informed Hartman that he was not planning to go forward with the hearing scheduled for the following day: "I am not calling any witnesses. I am moving to dismiss." Joint Ex. 116.

{¶83} At the hearing on May 27, 2020, both parties appeared without counsel. It was apparent that Respondent was aware of Glasier's intention to withdraw his motion for custody as

he opened the hearing by saying, "This is *tentatively* (emphasis added) set for trial on dad's Motion to Modify Custody. But before I get there, how are things going with Dr. Neuhaus, dad?" Glasier explained that Dr. Neuhaus's fees were going to be extremely high, and that Neuhaus had recommended a more affordable option for intensive in-home treatment through another provider, which, Glasier said, he "had initially requested, anyway." Joint Ex. 118, p.4.

{¶84} Glasier told Respondent his plan was to dismiss the motion. With no counsel present to object, Respondent refused to accept Glasier's withdrawal of the motion to modify custody, and *sua sponte* converted it to "an order seeking to enforce your right to parenting time with your children." Respondent cited no applicable law or rule that permitted him to do this. He asked Glasier about previous court orders for visitation, to which Glasier gave a brief history ending with the reunification plan in the August 8, 2018 agreed entry, and saying, "That's where we're at today, sir. It has not occurred."

{¶85} Respondent then turned to Hartman, and said, "Okay. Ma'am, why not?" In response, Hartman asked for permission to read a letter she had prepared for the hearing, that addressed her efforts to encourage the children to participate in visits with their father. Part way through her prepared testimony, Respondent interrupted, saying, "Yeah, but there's been no visitation for three and a half years…Let me cut through the crap." Respondent's demeanor toward Hartman was noticeably different than the times she had appeared before him with counsel. He began berating her:

> The record in front of me does not speak well for your encouragement, ma'am. And I don't know about his problems, but I know this. You don't seem to know what Court orders mean and like to do, talking about control, you seem to like to exercise quite a bit yourself over my proceedings in my Court,[7] and that's not the way the process works…And you have two choices today. One is to cooperate, assist and support this effort, or two, I will see a change in circumstances because one of the grounds for custody is a parent who fosters the relationship of the children with the

[7] See fn 5, *supra*, for reference.

> other parent...I'm going to make sure that when this man leaves here today, he has parenting time with at least his sons. We can talk about the daughter for a second. But at least the sons. You can cooperate in that process or not. If you do not, you do so at your own peril. Peril of being held in contempt of this Court, peril of being in risk of losing custody of your children.
>
> Joint Ex. 118, pp.10-12.

{¶86} Respondent then addressed Glasier, completely ignoring Glasier's expressed interest in engaging in the intensive in-home treatment recommended by Dr. Neuhaus. In utter disregard of his own previous exhortations about the critical importance of therapeutic visitation led by a trained professional, contrary to the recommendations of Dr. Afsarifard and the GAL, and totally adverse to the wishes of the children based on his own *in camera* interviews of them, he abruptly abandoned all plans for therapeutic visitation:

> So what kind of parenting time would work for you, dad? This isn't counseling and all this stuff doesn't work. That train's left the station. There has been efforts by me and others to get you reconciliation and counseling. That would have been better for everybody, but apparently that's just not going to happen. What I do know is that you're entitled to spend some time with your children.
>
> *Id.* at 13.

{¶87} He then began disparaging CG1, who was not present:

> I am prepared today to give you some time with your sons, having done the in-camera with your daughter, I will not do that today for the following reasons. One, I think she will sabotage the effort to have any time with your sons. Two, I think it's just asking for the police to be called every time you have five minutes with her anywhere that's not out in the public.[8]
>
> *Id.*, at 13-14.

{¶88} Glasier responded that he would like to have visitation two weekends per month. Respondent asked Hartman how she felt about that, and she replied, "Sir, I have created these binders to present today because we were supposed to have trial, with evidence from the last

[8] There is no evidence of record that there was any basis whatsoever for these comments.

several years that I have cooperated and I have encouraged the children." Respondent cut her off, saying, "Right. Then you're going to continue to do that. That's wonderful news." *Id. at 14.*

{¶89} Respondent then ordered visitation from "Friday at 5:00 o'clock until Sunday at 5:00 o'clock, alternating weekends, starting this weekend...only for the boys. I will not order visitation for the daughter at this time ...we will have the visitation transfers at the County Sheriff's Office...The Constable will be present." *Id.* at 15.

{¶90} Respondent's focus returned to Hartman, and the rant continued:

> If I start seeing police reports every time dad has visitation, ma'am, you and I are going to have one nasty hearing the next day. You will do everything positive to enforce, you will not fuel the children, you will not tell the children they should call you. There will be no contact with you during their visitation with dad, and that includes cell phone, smoke signals, or anything else. If I catch those shenanigans, there's going to be some serious discussion about jeopardizing one's custody in this case. * * * You will do everything physically possible to support your boys having a bonding and loving relationship with their father... Do we understand each other ma'am?[9]
>
> *Id. at 15-16.*

{¶91} Hartman responded, "We understand each other." *Id. at 16.*

{¶92} Respondent asked Hartman if she wanted to give him her binders as evidence and immediately told Glasier he was welcome to object, adding "There's probably a lot of hearsay in there." Glasier objected. Respondent asked Hartman what was in the binders, and she mentioned a number of items, including attendance and other reports from counselors that had worked with the children pursuant to court orders over the last few years, reports of the guardian ad litem, and threats made by Glasier to the children during reunification therapy sessions. She concluded by saying that she had not seen any change in circumstances, at which point Respondent interjected:

[9] Respondent had just stymied Hartman's attempt to provide information about her efforts to encourage and support visitation. There was no evidence before the court, only Respondent's baseless conclusions, that she had "fueled" the children.

> He withdrew that. We modified his motion from a custody change-...so none of this is relevant * * *. He's objected. * * * I'll sustain his objection because everything you've described to me, with rare exception, is hearsay and wouldn't be admissible without a live body to testify to it. * * * You can't just put pieces of paper in a binder and have the paper testify * * *. The paper is on[sic] itself hearsay in most cases. There would be a few public records in there, but none of it is relevant anyhow. * * * All I'm caring about here is that we modified the motion to one of parenting time, and modifying parenting time.
>
> *Id.* at 17-18.

{¶93} Respondent's remarks ignore the fact that Hartman's witnesses were not present because she had been informed by Glasier that he was not going to go forward with his motion, and she had no advance notice of Respondent's conversion of the motion to "an order seeking to enforce [Glasier's] right to parenting time." His exclusion of the counseling reports offered by Hartman was diametrically opposed to his acceptance of the handful of "cherry-picked" counseling reports Respondent accepted from Glasier, and read, during the April 21, 2020 hearing. Joint Ex. 107, 2:03-7:52; Joint Ex. 108, pp. 3-5.

{¶94} Hartman asked Respondent if it would be possible for the visitation exchanges to "be here in front of you," and his response, even though he had repeatedly suggested that he would personally supervise the visits, was, "No. No. It's going to be at the Sheriff's Office. I don't do exchanges."

{¶95} Hartman then asked if the guardian ad litem could speak about her dealings with the children, and whether she thought the visits would be successful. Respondent denied Hartman's request, and began threatening her again:

> If it's not successful, ma'am, the only person in this room who has even suggested that it's not going to be successful is you.*** And I will tell you this as I am sitting here today. If it's not successful, I'm going to be looking in this direction first as to why it's not successful, and then that direction second, because there's plenty here

to suggest that when Mr. Glasier claims what you really want is him out of the picture and the children and your family to be the step-dad or step-boyfriend, or whatever, that appears to be having some credence to it.

Id. at 20.

{¶96} Respondent still was not finished with his threats:

> And for the good of the children, if either of you screw this up, quite frankly, I'll just hit you with show cause motions and put you in jail. * * * But I got to give this chance for dad to salvage a relationship with his boys. It's too late for the girl. Good luck with that * * * I'm not a magician.

Id. at 21.

{¶97} Hartman asked Respondent if Glasier could provide a cell phone for her sons' use during the visits. Respondent replied by ordering Glasier to "let the child call the Constable if there's an issue." Hartman responded, "The only reason my son would call is because he would be terrified." *Id.* at 21. Hartman's statement triggered another barrage of accusations and insults by Respondent, who stated that she was to blame for the fact that counseling with Dr. Neuhaus did not take place, that her concern about her sons' safety and well-being was fabricated, and that she had manipulated the process. He criticized the fact that she had previously paid for private legal counsel, but couldn't afford Neuhaus's fees:

> You can afford Sue Seacrist and could afford what's his name, Zulandt,[10] but you can't afford to help us get the counselor in there to try to work this out better for the children. [B]ecause they're scared to death doesn't do much for me today.

Id. at 22-23

[10] Hartman explained in her indigency application (Joint Ex. 97) that her representation by attorney Zulandt was terminated due to her inability to pay the $12,592.84 she owed him, and that she had borrowed money from her mother to pay the deposits for the GAL and for attorney Seacrist, who had also terminated her services due to an outstanding balance of $1,875. In spite of the extensive information about Hartman's financial situation contained in the indigency application, Respondent testified that he didn't know she was indigent, and when questioned further, stated that he "was having some doubts as to the indigency," because she came to court with Sue Seacrist who was "the most expensive lawyer in Geauga County." Respondent admitted that he did not conduct a hearing to determine what Hartman's financial condition was, despite his doubts about her indigency. Hearing Tr. I-76-77.

{¶98} When the GAL asked Respondent whether he felt it was necessary to schedule a status hearing, he made it clear that he was expecting Hartman to defy his order:

> Oh, yeah, I don't think it's necessary to schedule it. I've got a feeling that that will schedule itself...And I don't think it's going to come in the form of a status hearing, to be honest with you, I've got a feeling it's going to look more like show cause than status.

Id. at *23.*

{¶99} Not only did Respondent fail to provide Hartman due process, his order was made in the complete absence of any testimony concerning the best interests of the children or changed circumstances as required by R.C. 3109.04(E). He gave legal advice to Glasier and prohibited Hartman from offering relevant information. He disregarded everything the children told him in *in camera* interviews, as well as the recommendations of the GAL, Dr. Afsarifard, and other professionals who had been involved with the children for a number of years. He defied his own admonitions that forcing the children to visit their dad would be more harmful than good for everyone, and that "messing with the children's heads" was not acceptable. He abandoned his stated goal of minimizing the children's trauma, and offered none of the safety measures he had previously discussed to help the children feel safe in the company of their father. The one and only safety precaution he took was to arrange for his armed constable to be present at the sheriff's department for drop-off and pick-up and monitor the visitation "for at least one hour." Ironically, in spite of all of the above, the visitation orders in the judgment entry following the May 27, 2020 hearing were preceded by the statement that, "The Court makes the following orders in the best interest of the children." Joint Ex. 119.

{¶100} The panel finds that Respondent's actions during the May 27, 2020 hearing violated Jud. Cond. R. 1.2, 2.2, and 2.11, as well as Prof. Cond. R. 8.4(d).

Visitation Attempt Resulting in Detention

{¶101} On Friday, May 29, 2020, in compliance with the order issued the day before, Hartman and CG1 drove CG2 and CG3 to the sheriff's department arriving approximately 15 minutes early for the 5:00 p.m. visitation exchange as ordered by Respondent.

{¶102} Constable John Ralph and Wayt met Hartman and the children in front of the sheriff's department, where the boys got out of the car with their overnight bags and were engaged in small talk by Ralph and Wayt.

{¶103} Hartman also exited the car, and asked Ralph whether he thought she should leave or stay there. Ralph told her he thought it would be better if she left, so she gave each of the boys a hug, and told them to have a fun weekend, and that everything was going to be fine. When asked by Relator whether she instructed the boys at that point that they had to go on the visit, Hartman's response was "no," because she had no reason to think they were not going to go. There had been no indication from the boys that they would not do so. She and CG1 left for home and saw Glasier arriving to pick up the boys as they were leaving. Hearing Tr. III-749-751.

{¶104} Like Hartman, neither Ralph nor Wayt had any doubts about whether the visit would occur at that point. Ralph testified that the boys were "calm and peaceful." Hearing Tr. IV-1040. Wayt testified that he saw no signs that the visitation might not go forward until after Hartman left. Hearing Tr. IV-1228.

{¶105} CG3 testified that when he and his brother walked into the sheriff's department and saw their dad, they "just got too scared to go with him because of what happened in the past." Hearing Tr. III-896.

{¶106} Wayt testified that he saw the boys standing outside the sheriff's department after their mother left, and that they seemed to be "getting nervous" so he walked over to talk with them.

Hearing Tr. IV-1229. CG2 told Wayt he "thought he was going to be able to do this," but now he didn't think he could. *Id.* Wayt said CG2 was "scared about the situation," prompting Wayt to attempt to deescalate him by suggesting things they could look into doing to help the situation, such as having someone other than Glasier drive them to his house and having someone stop by the house more often over the weekend. However, according to Wayt, "It was clear at that point that CG2 wasn't going to be able to go." Hearing Tr. IV-1231.

{¶107} Thereafter, the following events occurred:

5:01 p.m. Constable John Ralph calls Respondent but is unable to reach him. Relator's Ex.3, p.5.

5:02 p.m. Wayt texts Respondent asking him to "Please call John [Constable Ralph] ASAP. We have issue with the kids." Joint Ex. 223.

5:03p.m. Respondent calls Ralph and they speak for two minutes. Relator's Ex. 3, p.5.

5:05 p.m. Immediately thereafter, Respondent calls Beth Williams, the court's Director of Youth Services, and tells her he is authorizing two children to be placed in detention based on unruliness for not listening to their mother. Gives specific instructions that they are to be held separately from each other, because they are "co-defendants," and that they are to have no contact with their parents or anyone else except staff of the juvenile facility. Joint Ex. 220; Hearing Tr. IV-1282-1284.

5:09 p.m. Although Ralph does not recall making the call, his phone records show that he called the Geauga County sheriff's office (SO) within four minutes after speaking with Respondent. He knows of no reason he would have called the SO except to ask for an agency assist, which he agrees he needed in order to put the boys in custody. Relator's Ex. 3, p.5; Hearing Tr. IV-1016, 1017. The phone call by Ralph to the SO following Ralph's conversation with Respondent is also confirmed by Wayt. Hearing Tr. p. IV-1234. In addition, Wayt testified that, prior to Ralph's 5:03 p.m. telephone conversation with Respondent, there had been no mention of either unruly behavior or detention. Hearing Tr. IV-1234.

5:10:55 p.m. Sheriff's Deputy Gary Kracker is summoned to the lobby of the SO where he meets with John Ralph who tells him that CG2 and CG3

are supposed to go with their father for visitation, and if they refuse, they are going to detention. Kracker is uneasy about the situation and does not believe there is probable cause for an arrest. Kracker contacts his sergeant, Thomas Lombardo, who, after consultation with Kracker, agrees to speak with the boys. Hearing Tr. IV-1103.[11]

5:12 p.m. Wayt texts Beth Williams saying, "I may have two kids going to detention. I'll keep you posted." Joint Ex. 223.

5:12 p.m. Williams replies, "The judge already told me I am waiting for someone to give me the names so I can call it in." *Id.*

5:13 p.m. Per instructions he received from Respondent, Ralph calls Hartman. Joint Ex. 120 and 186, p. 24, ¶3 (Respondent's Response to Relator's Probable Cause Complaint). Ralph puts Hartman on speaker phone in the lobby of the sheriff's office in the presence of Glasier, Wayt, CG2, CG3 and a deputy, and tells her the boys are refusing to go with Glasier, and he, Ralph, needs her to tell them to go. He also tells her that the judge says if they do not go, they're going to be sent to juvenile detention. Hartman recalls that both boys were crying at the time. Hartman did her best to encourage the boys to go, reminding CG2 of his career goals, telling him he "didn't need a record," and to think of his future. She also talked about Glasier's new house, and said she was sure he had fun things planned for the weekend. She tried to reassure the boys that "everything's going to be fine." CG2 responded that he would rather go to juvenile detention than go with his father. CG3 said nothing during the phone call. The phone conversation lasted 8 minutes and 23 seconds, and ended abruptly when Ralph announced that because the boys were refusing an order from their parent, they were going to be charged as unruly, and that he needed to go because he was going to book the children at that time. Hearing Tr. III-752-756.

5:22 p.m. Ralph calls Respondent, who authorizes the unruly charges and detention. Relator's Ex.3, p. 5; Joint Ex. 186, p. 292 (Ralph Affidavit).

5:23 p.m. Wayt replies to Williams' 5:12 p.m. text, informing her that the kids being placed in detention are CG2, 15 years old, and CG3, 13 years old. Joint Ex. 223.

5:23 p.m. Hartman calls Ralph and pleads with him, "John, please don't do this. These are good boys. They're straight-A students. They've

[11] Kracker, who took the boys to the detention center, testified that he "felt horrible" about arresting and detaining them, and felt that he was bullied into it. Hearing Tr. IV-1111, 1117.

never even been to the principal's office. Please don't do this to them. I'll take their place." Hearing Tr. III-756-757.

5:28 p.m. Hartman heads back to the sheriff's department and texts Ralph that she would like a public defender for the boys. Joint Ex. 121.

5:34 p.m. Williams texts Wayt, "It's been called it (sic)...detention is expecting them around 6:30ish ...with the Judge's instructions to be in isolation with no contact with each other or parents..." Joint Ex. 223.

{¶108} By the time Hartman made it back to the sheriff's department, the boys were already *en* route to the detention facility with Deputy Gary Kracker, but Ralph was still in the parking lot. Hartman confronted Ralph and asked how this could have happened. He replied, "That's a question higher up on the pay scale than me. I'm only doing what the judge has ordered to happen." Hartman asked, "So the judge ordered this?" Ralph confirmed that he did. Hearing Tr. III-762-763.

{¶109} CG2 and CG3 were detained on charges of unruliness for allegedly disobeying their mother. R.C. 2151.022 defines an unruly child as one who "does not submit to the reasonable control of the child's parents, teachers, guardian, or custodian by reason of being wayward or habitually disobedient."

{¶110} Despite Ralph's insistence that the filing of the unruly charges was his idea and his decision and Respondent's testimony that Ralph did so "without my direction," [Hearing Tr. I-102], the facts clearly demonstrate Respondent's involvement and manipulation. In the first place, Ralph had never filed a complaint and had no idea how to go about doing so. His first move, after conversing with Respondent on the phone, was to contact the sheriff's office to request an agency assist. Then, per Respondent's instructions, he placed the call to Hartman. In front of witnesses, one of whom was Deputy Kracker who had responded to the request for an agency assist, Ralph

put Hartman on speaker phone and told her to tell the boys to go on the visit, or the judge was going to send them to juvenile detention.

{¶111} For his part, Respondent's first move after speaking with Ralph was to immediately alert Beth Williams that he was placing the boys in detention on unruly charges for failing to obey their mother. He also gave Williams specific instructions that the children were to be held separate from the general population due to safety concerns and separate from each other since they were "co-defendants." He prohibited the boys from having contact with anyone other than staff of the facility, including their parents, and each other. Hearing Tr. IV-1282-1285. The no contact order was subsequently changed to permit contact with their father, who never attempted to contact them, their attorneys, and their priest, but not their mother, sister or maternal grandmother. Hearing Tr. I-184.

{¶112} Respondent's rationale for these restrictions was two-fold. He claimed that the boys were not permitted to speak with their mother because she was the "victim" of their unruliness, although he also speculated that Hartman might have schemed to avoid contempt charges by telling the boys, "After I drop you off, refuse to go." Hearing Tr. I-187-188. He refused to allow the boys to have contact with their sister or their grandmother because he was concerned that they would be conduits for Hartman. *Id.* at 189. The boys could not be in contact with each other because the older boy might influence the younger one. *Id.* at 187. The restrictions were not only based on sheer speculation, they were also nonsensical since the boys had been in close contact with each other, with no restriction against discussion between themselves for more than three hours by the time they were booked and separated at the detention facility. Worst of all, the restrictions were purely punitive and added additional trauma to the already traumatic experience.

{¶113} Respondent's restrictions defied the Juvenile Rules[12] and placed a heavy burden on the detention facility that had released all but the most serious offenders and sanitized and shut down one of its two pods due to the COVID pandemic. In order to comply with the court's orders, that the boys be kept separate from the general population, and separate from each other, the facility had to open the second pod and call in extra staff over the weekend.

{¶114} The panel finds, by clear and convincing evidence, that although Respondent did not draft the complaint against the boys (which he acknowledges, at Hearing Tr. I-101, "would be highly improper"), he orchestrated the creation of the trumped-up charges, and ordered the placement of the boys in lock-up from Friday evening until their scheduled court appearance the following Monday, without giving any consideration to less restrictive placement alternatives required by R.C.2151.31(C)(1).

{¶115} Additionally, despite the efforts of Ralph and Respondent to portray the incident described above as habitual disobedience of their mother the panel finds that the facts do not support that conclusion. Hartman did her best to encourage the boys to go on the visit, but never claimed that they were disobedient or that she wished to have them detained. By all accounts, the boys refused to go on the visit because they were afraid of their father, not because they chose to disobey their mother. Furthermore, they never displayed any unruly behavior. Even Ralph, who charged the boys with being unruly, agreed they did not act out, and did nothing physical or aggressive. Hearing Tr. IV-1087. At most, according to Ralph, they were unresponsive to their mother's encouragement to go with their father and were "just shut down" at that point. Hearing Tr. IV-1074.

[12] Juv. R. 7(E)(1) requires that a child admitted to detention must be advised of the right to telephone parents and counsel immediately and at reasonable times thereafter.

{¶116} Respondent's employee, Wayt, who had tried to deescalate CG2's fear minutes before the speakerphone call with his mother, testified that based on his observations of the boys' conduct that evening and their interactions with their mother, there was no basis to charge them with being unruly. Hearing Tr. IV-1239-1240.

{¶117} According to Deputy Kracker, the boys were quiet and reserved throughout the process. They never acted out, became aggressive or tried to run away. Hearing Tr. IV-1104. Sergeant Lombardo testified that, when he talked to them to make sure they understood what was going on, they were extremely upset and crying, afraid of their father, and absolutely adamant that they did not want to go home with him but were never disrespectful or aggressive. Hearing Tr. IV-1144-1145. Both officers were extremely uncomfortable with the situation and did not believe there was probable cause for the arrest, an opinion that was shared by Lieutenant Gary Gribbons, who subsequently issued an email to all Geauga County sheriff's department deputies and sergeants stating that a verbal order from a judge was not sufficient to take a child into custody in the absence of the department's direct involvement in the matter and finding of probable cause. Otherwise, an arrest warrant or written court order was required. Relator's Ex. 5.

{¶118} Respondent argued for the first time during his disciplinary hearing that the boys were wayward. However, Respondent was not present at the sheriff's department, and presumably based this characterization solely on the information that Ralph imparted during their two brief (less than two minutes each) telephone conversations at 5:03 and 5:22. The panel finds this is hardly a sufficient basis for a conclusion that the boys were either wayward or habitually disobedient; a conclusion that resulted in the detention of CG2 and CG3 for nearly 72 hours from late Friday afternoon until the following Monday afternoon and under the threat of unruly charges for more than three weeks thereafter.

{¶119} Regardless of whether the unruly charges were warranted, the detention clearly was not. R.C.2151.31 specifies the circumstances under which a child may be taken into custody, none of which is applicable here. Respondent argued, nonetheless, that placing the boys in detention was in their "best interest," pointing to the unspecified potential negative psychological consequences mentioned in Dr Afsarifard's March 9, 2018 report, that "*can* occur" if children are allowed to make decisions that involve eliminating a parent out of their lives. Emphasis added. Joint Ex. 55, p. 30.[13] Even if it were true, however, that the boys' refusal to go, on two days' notice, on a single weekend long, unsupervised visit with their father, whom they feared and had not seen for three years, was "a decision to eliminate their father from their lives," there is no evidence to support a finding that their removal from their home *that night* was necessary to prevent "immediate danger from their surroundings [or] immediate or threatened physical or emotional harm" as required by R.C.2151.31. At no time prior to detention did Respondent journalize the basis for his decision to place CG2 and CG3 in detention or create any record that would have made his decision reviewable. Similarly, neither the boys nor their mother were informed of the grounds for the unruly charge until formal unruly charges were filed on June 11, 2020.

{¶120} The panel finds that Respondent's claim that his order to detain the boys was in their best interest is patently facetious, contrary to law, and apparently motivated by his determination to "not fail like the other courts did." See ¶60, *supra.*

[13] Dr. Afsarifard's report contained a similar caution about the effects of placing older children in the care of an alienated parent: "Recommendations from the literature on these types of situations suggests that when the children are younger, they should be placed with the other parent (in this case,[Glasier])for a substantial period of time so that they can reestablish their relationship. However, in this situation, given that the children are older, and [Glasier]does not have the resources to be with them the entire time, *this type of approach can have serious negative consequences.*" (emphasis added). Joint Ex. 55, p. 29. Respondent ignored that admonition in the Afsarifard report when he attempted to coerce the boys to visit with their father.

{¶121} Moreover, Respondent's decision to have the boys taken into custody defied the caution contained in the Supreme Court of Ohio Juvenile Justice Bench Cards about youth detention. As stated in the Research Context preceding the section on Detained Youth:

> Research has shown that placing a youth in detention for any amount of time can cause negative impacts, including increased recidivism, substance abuse, and decreased educational attainment, and employability.

{¶122} And the note following the Research Context states:

> Given the negative impacts of detention, national leaders recommend holding youth in detention only if they are a flight risk or the youth is a danger to others.
>
> Joint Ex. 195, p. 11.

{¶123} When asked if he agreed with the Bench Card sections quoted above, Respondent said he agreed that placing juveniles in detention has negative impacts, but he didn't agree with the entirety of the Research Context statement, and he didn't believe the contents of the Note. Hearing Tr. I-199-200.

{¶124} Tragically, the admonition contained in the Research Context quoted above proved to be prophetic in CG2's case. His mother, brother and sister all testified to drastic changes in CG2's behavior following the detention. Hartman testified that Respondent caused "irreversible damage" to her son, who became very depressed, began cutting himself, and started failing out of school, being mean to his brother, and not listening to his mother. He was criminally charged with possession of marijuana gummies, dropped out of school, and moved to Florida. He died in a motorcycle accident in May 2023, at the age of 18. Hearing Tr. III-682-683, 830-831.

{¶125} CG3 testified that, following the detention experience, his older brother "completely changed." He became more aggressive and less friendly to be around, did worse in school, and was not as kind as he used to be. Hearing Tr. III-916. CG1 testified that CG2 was a lot quieter than he had been, kept to himself, was more anxious and less trusting and open; began

having nightmares, did not finish high school, although he previously had been a straight A student, and "extremely, extremely smart." She also testified that "he began cutting himself," and eventually opened up to her about it, a year or two after the detention. She described seeing "scars all up and down * * * both of his arms." Hearing Tr. III-961-963.

{¶126} The panel finds by clear and convincing evidence that, based on his actions, Respondent violated Jud.. Cond. R. 1.2, and 2.2 and Prof. Cond. R. 8.4(d).

Post-Detention Proceedings

{¶127} On June 1, 2020, at 7:20 a.m., the court issued warrants to convey, commanding the Geauga County sheriff to convey CG2 and CG3 to the Geauga County Juvenile Court at 11:00 a.m. for a 12:00 p.m. detention hearing. Joint Ex. 132.

{¶128} At 8:52 a.m. that morning, two judgment entries were docketed, one of which appointed Jeffrey Orndorff to represent CG3 in his unruly case, and the other appointing Jay Crook to represent CG2. Crook had been retained by Hartman over the weekend to represent both boys, and he had met with each of them at the detention facility.

{¶129} Also, that morning, Juvenile Court prosecutor Natalie Ray, *nee* Harper received a call from Beth Williams advising her that two juveniles had been taken into detention over the weekend, letting her know that the detention hearing would be held later that day and that she should expect a police report from the Geauga County sheriff's oOffice. Hearing Tr. V-1459. Ray received and reviewed the police report (Joint Ex. 122-123) and determined that unruly charges were not warranted, let alone detention. Hearing Tr. V-1461, 1463-1464.

{¶130} Ray asked her boss, Geauga County Prosecutor James Flaiz, to review the matter, and he agreed that there was no probable cause for the charges. Hearing Tr. V-1465; 1467.

{¶131} Meanwhile, Ray received a call from a juvenile court clerk advising that there was not going to be a detention hearing and she did not need to appear. Ray again consulted with Flaiz and he advised that she go anyway. Ray went to the courtroom intending to let Respondent know that her office did not believe there was probable cause for the charges, but she was denied entry by a bailiff. Ray asked the bailiff to double-check. The bailiff went into the courtroom, and upon her return, advised Ray that she was not invited to the hearing. Hearing Tr. V-1467-1468.

{¶132} Sergeant John Copen, a 27-year member of the sheriff's department picked the boys up at the detention facility and transferred them to the court that morning. When CG3 was brought out from confinement for the transport, Sgt. Copen described him as very obviously distraught, crying, and having a look of terror on his face. The two boys, upon seeing each other for the first time since they were confined, tried to give each other a hug, but were stopped from doing so due to protocol. CG2 was trying to comfort CG3 and telling him that "it's going to be okay." Both were asking Copen when they were going to get to see their mother. Hearing Tr. IV-1156.

{¶133} Copen and the boys arrived at the courthouse at 12:11 p.m. Hearing Tr. IV-1158. While Ray was in the hallway waiting for the bailiff to return and let her know if she was going to be admitted to the detention hearing, she saw Copen escorting the boys down the hall toward what she referred to as a "holding cell" that had been converted from a conference room. Hearing Tr. V-1469. Copen testified that the boys were hungry, but all he could find to give them was water and a bag of pretzels. CG2 remained handcuffed, per protocol of the sheriff's department. CG3 was not wearing handcuffs because there were no cuffs that were small enough to fit him. Hartman, who was waiting in the hallway, approached Copen and asked if she could see the boys, but was told that she could not see them until after the detention hearing. Hearing Tr. IV-1159-1160.

{¶134} The detention hearing never took place. Contrary to both Respondent's answer to the amended complaint in this matter[14] and his response to Relator's letter of inquiry (LOI), [15] Respondent testified during the disciplinary hearing that he "moved [the hearing] up to noon and then cancelled it." Hearing Tr. II-213. However, no one told Hartman, who waited in the lobby for hours, or Sgt. Copen, who was keeping the boys in the locked conference room with CG2 still in handcuffs, that the hearing was cancelled. *Id.* at 1162.

{¶135} In lieu of holding the scheduled detention hearing, Respondent met with Crook and Orndorff, whom he had appointed that morning to represent the boys in the unruly cases. Respondent's staff members, Wayt and Williams, were also present for the *ex parte* meeting. The videotaped meeting, which took place in the courtroom, commenced with Respondent gleefully telling Crook, who had been retained by Hartman over the weekend to represent the boys, that he was going to become appointed counsel for one of the boys:[16]

> [A]nd Mom can use the money she was going to spend on you to pay Dr. Neuhaus as part of the family reconciliation counseling that she told the Court she can't afford. She can afford a lawyer, she can afford to pay for the family counseling.
>
> Joint Ex. 136, at 0.00.00; Joint Ex. 137, p.3.

{¶136} In blatant violation of Jud. Cond. R. 2.9(A), Respondent then presented his biased version of the facts of the custody case to the two attorneys he had appointed to represent the boys in the unruly case. He told them that, "Mother …clearly was involved with alienation of affection

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[14] Paragraph 89 of the answer states: "Respondent admits that on Monday morning, June 1, 2020, CG2 and CG3 were transported from PGCJDC to his courtroom in handcuffs for a detention hearing, per the Sheriff's policy. Respondent ordered the handcuffs be removed as soon as the boys entered the courtroom. Respondent also moved the hearing up 5 hours from its normally scheduled afternoon time to the morning, to reduce the boys' time in custody."

[15] The response to the LOI stated: "On Monday morning, June 1, 2020, the Court conducted a hearing in the boys' unruly case, as required under R.C. 2151.312 (B)(3) (normally Detention Hearings are held on Monday afternoons but Judge Grendell moved the hearing to the morning for the boys' best interests). The boys were present with private counsel retained by Hartman, along with Hartman who also had counsel. Judge Grendell referred the unruly matters to the Court's Diversion Program pursuant to Juv. R. 9." Joint Ex.183, p. 8.

[16] Respondent knew that Hartman had retained Crook to represent the boys because Respondent had to give permission for Crook to visit the boys in the detention center.

between the children and their father." He also blamed her for the failure of the therapeutic counseling attempts[17], and gave his opinion that, "to say that, according to the record as I read it, Mom has been less than cooperative would be a mild understatement." *Id.* at p. 4. He referred to the fact that Hartman had been represented at one point by attorney Seacrist and made a sarcastic remark about Hartman's inability to afford the therapeutic counseling fees, but "every time she needs a lawyer, she can somehow find the money." *Id.,* at p. 4-5. In addition, his prior unwarranted disparagement of CG1 escalated when he told her brothers' lawyers that he was not including her in the visitation order, "because that's just an invitation for the sheriff's office getting calls for sexual assault, whether they happened or not." *Id.,* at p.6. Respondent admitted in his hearing testimony, however, that CG1 had said nothing to indicate that her father had ever, in any way, sexually abused her. Hearing Tr. I-105.

{¶137} Respondent announced that he was going to process the unruly case informally under Juv. R. 9(B) (diversion), and that "we're going to attempt to get back into the Neuhaus Family Reconciliation Program." Joint Ex. 137, p.5.

{¶138} After Respondent told the lawyers that he was committed to seeing that "those boys have the opportunity to have a bonded, loving relationship with their father" and that he would like to be able to get there without having to put the kids in detention every other weekend, Crook informed him that, before appearing in court that morning, he had filed a notice of appeal of the judgment entry of May 28, 2020 that ordered the every other weekend visitation, and a notice of appearance on a motion to stay that order. *Id.* at p.6.

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[17] In fact, Hartman had no involvement in the failed therapeutic efforts. Visits were suspended, first, by Magistrate Heffter in the domestic relations court, on the recommendation of the GAL; secondly, by OhioGuidestone who declined to accept the assignment based on their business model of not forcing involuntary visitation; and third, on the recommendation of Respondent's case manager, Wayt, to take a time-out from the pressure being exerted on the children. Lastly, despite Hartman's vigorous attempts to find a way to pay for Dr. Neuhaus, Respondent himself pulled the plug on Neuhaus's program when he abruptly ordered unsupervised visitation, leading directly to the boys' detention for alleged unruliness.

{¶139} Crook had interviewed both boys separately while they were in detention and told Respondent that he found their stories about what had happened during the last visit with their dad "consistent" and shared his opinion that:

> If there's ever going to be any chance of this working * * * the biggest and first domino to fall would be Dad actually admitting that he was wrong that night and that he's at a minimum scared the holy crap out of [the boys].

Id. at p. 9-10.

{¶140} Respondent replied, "Well let me see if I can help you with that." He then proceeded to discuss the *in camera* interviews, which he had assured each of the three children were confidential. He contended that CG1's statements were "greatly inconsistent in some parts." The two boys, he said, "were more consistent, but not totally consistent...[and] clearly demonstrated some sign of coaching." Respondent also said he found it hard to believe that the boys would refuse to go with their dad "unless Mom had her hand in the pie, or sister had her hand in the pie, or both of them had their hand in the pie," and followed that with an apparent threat to Hartman and CG1, even though neither of them were present, that: "as this goes forward, I'm less likely to put the boys back in detention than I am possibly putting somebody else in jail." *Id.* at 10-11.

{¶141} The court session ended after Respondent announced that "we're not going to file a complaint yet," referring to the unruly charges, but that he was going to put an order on for Hartman to pay $400 to Dr. Neuhaus by Friday. Hartman, Copen, and the boys still had not been informed that there would be no hearing.

{¶142} Sgt. Copen testified that around 3:00 that afternoon, Respondent came out of his chambers, dressed in street clothes, and appeared to be heading toward the exit. Copen stopped

him and asked him what he should do with the boys. "And [Respondent] just said, 'Release them to the mother' and he kept walking." Hearing Tr. IV-1163.[18]

{¶143} The panel finds, by clear and convincing evidence, that Respondent violated Jud. Cond. R. 1.2, 2.2, 2.9(A), 2.11, and 2.11(A)(7)(c) and Prof. Cond. R. 8.4(d).

{¶144} On June 1, 2020 at 2:19 p.m., while the boys were still being held in custody at the courthouse, separate judgment entries signed by Respondent were docketed *In the Matter of CG2, Alleged Unruly Child*, and *In the Matter of CG3, Alleged Unruly Child.* Both entries included the following:

> Pursuant to Juvenile Rule 9, this matter shall be referred to the Court's Diversion Program in an effort to resolve this matter without a formal court proceeding. Therefore, said child will be released from the Portage Geauga Detention Center to the custody of his parents as applicable and shall follow all parenting times as previously ordered. If no resolution is attained this matter shall be referred to the Court for formal Court proceedings.
>
> Joint Ex. 138.

Failed Diversion , Appellate Court Involvement, and Filing of Unruly charges

{¶145} Also on June 1, 2020, Beth Williams prepared identical diversion contracts to be signed by the boys and their parents, that included the following special provisions, the first of which she testified was standard language in such contracts, and the second was customized:

> 1. Comply with laws of the State of Ohio, conditions of this contract, and not receive any new charges while in the Diversion Program.
>
> 2. CG2/CG3 and parents shall complete the therapeutic assessments from Dr. Neuhaus and follow all recommendations.
>
> Joint Ex. 140.

[18] Despite the draconian treatment that the boys endured from approximately 5:30 p.m. on Friday until approximately 3:00 p.m. on Monday, when asked how he would describe the boys' behavior, Copen testified that they were "two of the politest, respectful youths or even any prisoner" he had ever hauled in his 27 years with the sheriff's department.

{¶146} On June 3, 2020 Respondent denied Crook's motion to stay the May 28, 2020 visitation order [Joint Ex. 143], and Glasier filed a Motion to Vacate Order of May 28, 2020. Joint Ex. 142.

{¶147} On June 5, 2020, Crook filed an emergency motion to stay the judgment entry of May 28, 2020 with the Eleventh District Court of Appeals on behalf of Hartman and the boys. *Stacy Hartman, Plaintiff and CG2 and CG3 Appellants v. Grant Glasier, Defendant -Appellant, Case No. 2020-G-0254.* Joint Ex. 145. On the same date, Wayt sent an email to Williams advising that, "The family would not sign the diversion contracts." Joint Ex. 146.

{¶148} On June 10, 2020, the appellate court issued a judgment entry in Case No 2020-G-0254 ordering a temporary stay of the May 28, 2020 visitation order, pending the filing of appellee, Grant Glasier's, response to the motion for stay within ten days. Joint Ex. 147.

{¶149} On June 11, 2020, unruly charges were filed against CG2 and CG3 in the Juvenile Division of the Geauga County Common Pleas Court by Respondent's constable, John Ralph, along with a summons to appear before the court on June 25, 2020 at 2:00 p.m. *In the Matter of Alleged Unruly Child CG2, Case no. 20JU000112, Id. No. 36583, and In the Matter of Alleged Unruly Child CG3, Case no. 20JU000111, Id. No. 36582.*

{¶150} Also on June 11, 2020, Respondent issued judgment entries reappointing Crook as assigned counsel for CG2, and Orndorff as assigned counsel for CG3 and appointing Leah Stevenson as assigned counsel for Hartman. Joint Ex. 149-150. Each of these judgment entries included the following order:

> It is further ordered that the child and the parent(s) of said child complete a financial disclosure form to determine the parent's eligibility to receive court appointed counsel for their child. Parents who do not qualify as indigent or who fail to comply with this order shall be responsible for reimbursing Geauga County the costs of counsel.[19]

[19] The entry appointing counsel for Hartman, stated: "It is further ordered that the defendant complete a financial

{¶151} Additionally on June 11, Respondent issued a judgment entry appointing Donovan DeLuca to represent Glasier, "for the limited purpose of responding to the motion for stay" in the Eleventh District Court of Appeals, after approaching DeLuca without Crook's knowledge, and offering to pay DeLuca his customary hourly fee of $225, as opposed to the county commissioners' approved hourly rate of $40 per hour for out-of-court time. Unlike the court appointments of counsel for CG2, CG3, and Hartman, the judgment entry did not include an order requiring Glasier to file a financial disclosure form or to reimburse the county for his attorney's fees if he failed to qualify as indigent. Joint Ex. 151; Hearing Tr. VIII-2480-2481.

{¶152} On June 17, 2020, DeLuca filed Glasier's brief in opposition to the motion to stay the May 28, 2020 visitation order. Respondent ordered payment of DeLuca's fees in the amount of $1,980. Joint Ex. 174.

{¶153} On June 19, Juvenile Court prosecutor Natalie Harper sent a "No Charge" letter to the Geauga County sheriff's office to advise that her office was not filing unruly charges against CG2 and CG3 due to a lack of evidence supporting such charges. She also responded to Orndorff's request for discovery in case number 20 JU 000111 advising him that her office did not file the charges, enclosing a copy of the incident report and the No Charge letter, and stating that her office was not in possession of any other discoverable material. Joint Ex. 157.

{¶154} On June 24, 2020 Glasier filed a motion to waive his obligation to file a financial disclosure form, and to relieve him of any obligation to reimburse or pay for the appointment of Orndorff and Crook in the unruly cases against CG2 and CG3. Joint Ex. 158. Respondent granted the motion during the hearing the following day. Joint Ex, 163, p.13.

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disclosure form to determine eligibility to receive court appointed counsel. Those who do not qualify as indigent or who fail to comply with this order shall be responsible for reimbursing Geauga County the costs of counsel." Joint Ex. 150.

{¶155} During the afternoon of June 24, Hartman's attorney, Leah Stevenson, sent Hartman an email reminder of the hearing set for June 25. Hartman responded:

> I wanted to make you aware that my family, friends and church members organized a prayer gathering for the boys tomorrow before the Pretrial in Chardon Square. * * * For the record, I did not organize this, nor did I have any part in its conception.
>
> Relator's Ex. 7.

{¶156} At 4:10 p.m. on June 24, 2020, Respondent docketed a notice advising that the hearing scheduled for the following day was being advanced from 2:00 p.m. to 10:00 a.m. Respondent denied that the planned prayer meeting to support CG2 and CG3 had anything to do with the 11th hour change in the time of the hearing.

{¶157} At 8:40 a.m. on June 25, 2020, Respondent issued orders in the unruly cases "directing and requesting" attorney Joseph Weiss to "assist the Court by presenting evidence in support of the allegations" of the complaints.

{¶158} At 10:00 a.m. on June 25, 2020, the court-appointed attorneys for the boys, the GAL, Wayt, and other court staff gathered in the courtroom for the hearing. Weiss was not in attendance.

{¶159} Before the parties were admitted to the courtroom, Orndorff requested that the unruly charges be dismissed and that the family be ordered to continue counseling under the Neuhaus program, noting that he had not been able to find any support for the proposition that unruly charges are a remedy for the alleged failure to comply with a court order in a private custody matter. Respondent replied that the unruly charges were not based on the court order, but rather on the boys' failure to follow the authority of their mother, adding, "And if you read the statute, that is flat out of a definition of unruly." Joint Ex.163, p. 5-6.

{¶160} After the boys and their parents were admitted to the courtroom at Orndorff's request, Respondent once again began blaming Hartman for the failure of the reunification efforts. He inappropriately made reference to Hartman's psychological profile in Dr. Afsarifard's report, blamed her for the failure of the parties' August 8, 2018 agreed visitation order, the OhioGuidestone reunification attempt,[20] and the Neuhaus attempt, the latter having been aborted by Respondent himself when he converted Glasier's motion from a motion for custody to a motion for parenting time. Respondent also misquoted Dr. Afsarifard's conclusions regarding alienation, without ever having held a hearing or taking sworn testimony from any of the parties or from Dr. Afsarifard. Joint Ex. 163, at pp. 7-10.

{¶161} Respondent also stated, "for the record," that:

> [T]here's absolutely no evidence of Mr. Glasier ever having been convicted of or even arrested for child abuse. And there is no record, other than allegations by mom, and some police reports that were found to be unsubstantiated because no charges were brought that there is no basis to conclude that father is not entitled to visitation because of child abuse, and more importantly, mom admitted to that when she signed the document on August 8, 2018 that says the children shall begin reunification with the father.
>
> Joint Ex. 163, pp.8-9.

{¶162} Respondent then addressed the boys, telling him that his visitation order was being held in abeyance because of the court of appeals. Because of that, he said, he would dismiss the two unruly charges, without prejudice, and wait to see what the court of appeals did. The hearing concluded after Respondent told Glasier that he was granting his motion to waive the financial disclosure and his obligation to reimburse the county for the boys' attorneys' fees. He still had not advised the boys of the charges or the reason for their detention.

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[20]Wayt had corrected Glasier's improper assignment of blame to Hartman regarding the failure of the OhioGuidestone reunification order during the April 20, 2020 hearing. Guidestone declined to accept the assignment (*see,* ¶38, supra) due to the voluntary nature of the program and the children's unwillingness to see their father, "[A]nd at that time, the magistrate did not push the issue forward." Joint Ex. 3, p.17.

{¶163} Immediately after the hearing, Respondent *sua sponte* issued an order in Case No. 19 CU 000279 (the private custody case) finding it to be in the children's best interest to join "mother's paramour," Chris Kostiha, as a party to the proceedings pursuant to Juv. R. 2(Y). There is no evidence in the record as to the reason for the joinder.

{¶164} On June 29, 2020, Hartman filed a request for appointed counsel in the court of appeals, pointing out the inequity of Respondent's orders denying appointment of counsel for her, as opposed to his appointment of counsel and waiver of financial disclosure for Glasier. Joint Ex.167

{¶165} On June 30, 2020, Respondent issued six-page judgment entries in both of the unruly cases. In the entries, Respondent continued his excoriation of Hartman before dismissing the cases without prejudice but referred the matters back to diversion pursuant to Juv. R. 9, ordered Hartman and Glasier to fully participate in and facilitate in the diversion process, and retained jurisdiction for purposes of compliance with Juv. R. 9 and the terms of diversion. Joint Ex. 168 and 169.

{¶166} The panel finds, by clear and convincing evidence, that Respondent's actions in the wake of June 1 violated Jud. Cond. R. 1.2, 2.2, 2.11, and 2.11(A)(7)(c) and Prof. Cond. R. 8.4(d).

{¶167} On July 8, 2020, the court of appeals granted the emergency motion to stay the judgment entry of May 28, 2020, and remanded the matter to the trial court for a period of 30 days "for the sole purpose of allowing the trial court to rule on Glasier's June 3, 2020 Motion to Vacate the Judgment Entry of May 28, 2020." Joint Ex. 172.

GoFundMe Page

{¶168} Prior to the remand hearing, which was set for July 23, 2020, a friend of Hartman created a GoFundMe page to assist Hartman in raising money to pay for counsel to represent her in the custody case.

{¶169} On July 23, 2020, Respondent conducted the remand hearing on Glasier's motion to vacate the judgment entry of May 28, 2020. Hartman was represented by Annette Trivelli at the hearing, whom she was able to hire with funds donated to her via the GoFundMe page[21]. Crook was present and representing the boys. Glasier was present without counsel. All parties agreed to the vacation of the May 28 order, but since Glasier's motion to vacate included the substitution of a visitation order granting standard parenting time with several additional stipulations, Respondent said he would set a full evidentiary hearing on the remaining issues. Respondent also told Glasier, "Dad, do you understand that you will also have to have whatever witnesses you wish to present evidence to say why it's in the best interests for the children to visit with you.?" Joint Ex. 177, p.23. The parties agreed on a hearing date of October 12, 2020.

{¶170} Respondent then, *sua sponte*, raised the issue of the GoFundMe page, stating that he was prepared to issue an injunction against using the boys' names and likenesses to raise money. There was neither any evidence nor prior mention of the GoFundMe page on the record prior to this, indicative that it had been obtained by Respondent in an *ex parte* communication.

{¶171} After consulting with Hartman, Trivelli advised Respondent that Hartman would comply without the necessity of an injunction. *Id.* p.29. But Respondent was not satisfied. He stated he was going to address the issue in the October 12 hearing, as to why the clerk should not take the funds that had been raised and use them to repay the public funds that had been used to

[21] When asked why she felt it was necessary to have an attorney after being pro se, Hartman responded that she did not trust the court. Hearing Tr. III-817.

pay the court-appointed attorneys for the boys, adding, "And if those funds are spent before that date, the Court will consider a claw back." *Id.* at p. 30.

{¶172} He also took issue with what the GoFundMe page said about the case and talked at some length about specific statements on the page that he deemed not to be true. *Id.* at p. 30-34.

{¶173} After stating that he would issue an order and reiterating that the show cause hearing against Hartman would be held on October 12 along with the best interests hearing, and that the court "would consider for show cause any conduct in violation of orders up and to the date of the hearing," *Id.* at 34-35. He then adjourned the hearing.

{¶174} Several days after the hearing, and prior to the issuance of his order, Respondent engaged in yet another *ex parte* communication when he called Trivelli demanding to know why Hartman had not taken down the GoFundMe page. Trivelli explained that she was waiting for Respondent's order so that she could advise Hartman what to tell the person who had posted the page. Hearing Tr. V-1612.

Respondent Returns the Case to the Domestic Relations Division

{¶175} On August 10, 2020, the court of appeals issued a judgment entry denying the request for appointed counsel that Hartman had filed on June 29, 2020, explaining that a child's parent is not entitled to appointed counsel in cases in which the juvenile court was exercising jurisdiction pursuant to R.C. 2151.23(D), as in this case. In a concurring opinion, Judge Mary Jane Trapp wrote:

> Inasmuch as the trial court entered a June 15, 2020 order appointing Attorney Donovan DeLuca as counsel for appellee, Grant Glasier, * * * I can understand why Ms. Hartman believes she is entitled to court appointed counsel; however, the statutory exception to R.C. 2151.352 is clear and unambiguous. Neither parent is entitled to have counsel provided by any court.
>
> Joint Ex. 180.

{¶176} On September 14, 2020, an investigative reporter with News5 in Cleveland, sent an email to Respondent requesting an on-camera interview regarding an upcoming report she was preparing to broadcast about the May 29, 2020 detention of CG2 and CG3. Relator's Ex. 11, p. 13.

{¶177} Two days later, Respondent unexpectedly issued a judgment entry, "on the Court's own motion" transferring the case back to the Geauga County Court of Common Pleas, Domestic Relations Division.

Respondent's Failure to Follow the Law Applicable to the Case

{¶178} The panel finds that Respondent's testimony demonstrated that he failed to follow the law applicable to the case. On several occasions, when asked how he obtained information to justify his orders, Respondent stated the juvenile court was permitted to conduct hearings informally. Juv. R. 27(A) does allow a juvenile court to conduct its hearings informally. That term is not defined. However, the panel finds that it refers to the manner in which the hearing is conducted on the record. The rule does not state that testimony and evidence that is not placed on the record in an informal hearing can be used as the basis for a court ruling. If that were so, it would completely eliminate the rights of the parties on appeal, as an appellate court would have no record to review.

{¶179} Respondent also argued that he was entitled to amend Glasier's motion for modification of custody to a motion to enforce visitation under Juv. R. 22(B). That provision, however, pertains only to adjudicatory hearings, *i.e.,* hearings in juvenile, traffic, delinquency, unruly, abuse, neglect and dependency cases. It has no application to motions to modify custody in a post-divorce decree proceeding.

{¶180} Moreover, the panel finds that the Juvenile Rules clearly were not applicable to the Hartman-Glasier case. R.C. 2151.23(D), the statute under which the case was transferred to the juvenile court, grants jurisdiction to a juvenile court to hear matters relating to custody and support of children after a decree of divorce has been granted, including jurisdiction to modify the prior orders of the common pleas court. Juv. R. 1(C) provides that the Juvenile Rules do not apply in the trial of actions for divorce, annulment, legal separation, and related proceedings.

{¶181} Clearly, Glasier's motion to modify custody, as well as other motions filed in the case were "related proceedings" to the Hartman-Glasier divorce case. Respondent admitted this in his testimony on the last day of the disciplinary hearing. Hearing Tr. IX-2950-2951. Despite the clear language of the law, Respondent argued, in Appendix E to his post hearing brief, that the juvenile rules applied, citing several cases, including *Lowrey v. Lowrey*, 48 Ohio App.3d 184, 188 (4th Dist. 1988), a decision that predated the July 1, 1995 amendment to Juv. R. 1(C) to include "related proceedings" in its list of exceptions to the application of the juvenile rules. Only two cases have mentioned the current version of Juv. R. 1(C). *In Bond v.de Renaldis,* 2016-Ohio-3342 (10th Dist.), the court noted in footnote 6 at the end of the opinion:

> We note that Pandolfi relies on Juv. R. 40, not Civ. R. 53. We question the applicability of the Ohio Rules of Juvenile Procedure to this proceeding. See, *Juv. R.1(3) and (4).* However, as the relevant parts of Juv. R. 40 and Civ. R. 53 are identical, we need not decide this issue.

{¶182} In *Mathis v. Mathis,* 2016-Ohio-1084 (10th Dist.), the court stated in fn. 1 of the opinion: "Juvenile Rules do not apply to matters that are proceedings related to divorce, annulment, or legal separation. Thus, we apply the civil rules in this case." As the Supreme Court noted recently in *Disciplinary Counsel v. Hoover,* 2024-Ohio-4608 ¶217, "A judge 'may not blatantly disregard procedural rules simply to accomplish what he or she may unilaterally consider

to be a speedier or more efficient administration of justice,'" quoting *Disciplinary Counsel v. Medley,* 2004-Ohio-6402 ¶42.

{¶183} Additionally, Respondent's rush to judgment without receiving and considering any evidence after he *sua sponte* converted Glasier's motion to modify custody to a motion for modification of parenting time[22] also was clearly unlawful. Not only did Respondent deny Hartman due process as discussed previously, he also failed to apply the appropriate law. He claimed in his testimony that he was authorized to modify visitation in the best interests of the children pursuant to R.C. 3109.051. However, a modification of parenting time is governed by R.C. 3109.04(E)(1)(a). Both statutes require a finding of best interests, but R.C. 3109.04(E)(1)(a) also requires a change of circumstances. It states, in pertinent part:

> The court shall not modify a prior decree allocating parental rights and responsibilities for the care of children unless it finds, based on facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child, the child's residential parent, or either of the parents subject to a shared parenting decree and that the modification is necessary to serve the best interest of the child.

{¶184} Respondent not only failed to make the requisite findings, he failed to even hear and consider any evidence of either best interests or change of circumstances as required by R.C. 3109.04(E)(1).

{¶185} Respondent's appointment of Donovan DeLuca to represent Glasier for the purpose of opposing the motion to stay May 28, 2020 visitation order, discussed previously, is yet another failure to follow the law. The appointment was not only clearly and unequivocally contrary to

[22] On the record, after denying Glasier's oral motion to dismiss his motion to modify custody, Respondent stated that he was converting it to a motion to enforce visitation. Joint Ex.118, p. 6. In his order, however, he labeled it a motion for modification of parenting time [Joint Ex. 119], which was an accurate description of what he did, and what he admitted to in his testimony. Hearing Tr. IX-2956 ("if you read my order, I said enforce, but I treated it like a modification.")

law, it was self-serving[23] and patently unfair to Hartman, who had previously and appropriately been denied appointed counsel by Magistrate King. Joint Ex. 97. Further, Respondent allowed a rate of compensation much higher than the rate allowed by the county commissioners for payment of court-appointed counsel.

{¶186} All of these examples, along with other testimony of Respondent regarding the law applicable to the Hartman-Glasier case, show a decided ignorance of the law at best, and an intentional disregard of the law at worst. Neither is acceptable for a sitting judge. Together with Respondent's consistent failure to include any statute, rule of procedure or case law as the basis for his orders, the extent of Respondent's noncompliance with the law shows that he was simply acting in an arbitrary manner to achieve his goals without even considering the law.

{¶187} The panel has taken into consideration Comment [3] to Jud. Cond. R. 2.2, which states that good-faith errors of fact or law do not violate the rule. However, Respondent's blatant, repeated errors of fact and law, his refusal to acknowledge those errors time and time again, even when confronted with clear and unambiguous evidence, and his cavalier "If I was wrong, I was wrong" dismissal of his responsibility for his actions, constitute more than mere mistakes in the exercise of judicial discretion, especially by a judge with Respondent's extensive curriculum vitae as both a legislator and a jurist. See Hearing Tr. IX-2746-2756. Respondent's failures to follow the law were not mere good-faith errors. They included errors that deliberately side-stepped substantive law and deprived Hartman and the boys of due process and a fair hearing. As the Court stated in *Hoover, supra,* ¶45:

> We have explained before that when a judge has no appreciation for the fact that a reasonable person may recognize that these sorts of actions are problematic, this supports a determination that the judge "is not able to view his conduct objectively," which may create an appearance of impropriety.

[23] Respondent appointed DeLuca to challenge the stay of Respondent's visitation order filed by Crook on behalf of Hartman and the boys.

{¶188} The panel is also unpersuaded by Respondent's argument that these issues were not covered in the amended complaint and that there was no alleged violation in the complaint arising from these issues. Jud. Cond. R. 2.2 and Prof. Cond. R. 8.4(d), charged in the amended complaint, are clearly applicable, as confirmed by Respondent's inclusion of affirmative defense #4 in his answer to the amended complaint, wherein he specifically claimed to have "followed the law." The panel finds that Respondent did not meet his burden of proof with regard to the affirmative defense.

{¶189} Based on the foregoing findings of fact, the panel finds that Respondent committed each of the alleged rule violations in Count I of the complaint, most of them multiple times.

Count III—Dispute with the County Auditor's Office

Background Information on Events of June 27. 2019

{¶190} Charles Walder was appointed as Geauga County Auditor in 2018 following an embezzlement of almost $2 million by a staff member of the former auditor. Deeming the existing fiscal policies of the office to be inadequate to protect the money in the county treasury, Walder put new policies and procedures into place. Hearing Tr. VI-1713-1714.

{¶191} Prior to the events of June 27, 2019 discussed below, it was public knowledge that Respondent and some of his staff had been engaged in a long-standing dispute with Walder and some of his staff regarding the auditor's new policy for approving vouchers for court vendors.[24] Due to the on-going conflict, and, in particular, allegations of contentious interactions between Juvenile Court Administrator Kimberly Laurie and members of the auditor's staff, Walder

[24] Although there was testimony during the disciplinary hearing asserting fault by both parties to the dispute, the panel's concern is limited to whether Respondent's conduct involving the matter violated the Code of Judicial Conduct, regardless of which office was at fault in the dispute.

restricted Laurie's communications with his office to his compliance officer, Kate Jacobs. Hearing Tr. VII-2162.

{¶192} In spite of the restriction, on June 27, 2019, Laurie and juvenile court compliance officer, Seth Miller, a former employee of the auditor's office, went downstairs to the auditor's office[25] to inquire about an unpaid invoice (also referred to as a voucher). A deputy auditor placed a stack of paperwork containing original warrants, vouchers and checks that needed to be signed by Miller on the counter in front of him. When Laurie began asking the deputy auditor about the unpaid invoice and persisted in asking to see the auditor and other members of his staff, the deputy auditor left the room and reported to Walder that Laurie and Miller were demanding information about a particular invoice. Respondent's Ex. AA, p.203.

{¶193} Walder was preparing for a meeting, and asked his office administrator, Pam McMahon, to handle the matter since Jacobs was unavailable. *Id.* McMahon asked Laurie and Miller to leave the office since they were causing a disturbance.[26] Miller asked if he could stay and sign the vouchers but then decided to take the vouchers back to his office to sign and joked that he might or might not return them. Hearing Tr. VIII-2615. He and Laurie then left the auditor's office and returned to their offices. Hearing Tr. VI-1721; Relator's Ex. 13, p.3.

{¶194} Jacobs returned to the auditor's office and was briefed by McMahon about the occurrence. Jacobs reported the removal of the documents from the auditor's office to local law enforcement as a theft [Respondent's Ex. AA, p. 208], and Officer Bernakis from the Chardon Police Department responded. Respondent's Ex. AA, p. 1. Walder explained to Bernakis that he

[25] The auditor's office was on the first floor of the court annex, and the juvenile court was on the second floor.

[26] Although the motion activated security cameras in the auditor's office captured video footage of the interaction between staff members of the auditor's office, Laurie and Miller, there is no audio recording, and it is impossible to discern the extent of Laurie's and Miller's alleged disturbance from the video footage.

had personal responsibility for the documents that Miller took, and that those documents could not leave the auditor's office due to their evidentiary value. Relator's Ex. 13, p.4.

{¶195} Bernakis went to the juvenile court to see if he could retrieve the documents from Miller. While Bernakis was talking to Miller, Laurie advised Bernakis that Respondent would like to see him. Bernakis met with Respondent and advised him of the incident. Miller told Respondent that he had finished reviewing and signing the documents. Respondent told Miller to return them to the auditor's office and told Bernakis to let the auditor's office know that the juvenile court wanted its water bottle back.[27] Bernakis took the documents back to the auditor's office accompanied by Miller. Laurie followed them to the auditor's office, which prompted another request by the auditor's staff for Miller and Laurie to leave. Laurie responded that it was public property and they didn't have to leave. Bernakis walked Laurie and Miller outside to separate the parties and keep the situation from escalating. *Id.*

{¶196} At that point, Lt. Troy Duncan arrived and took over the investigation. While he was being briefed by Bernakis, Geauga County Sheriff Scott Hildenbrand arrived at the auditor's office. *Id.*

{¶197} Duncan advised Laurie and Miller that he would go see what was going on and would get back to them. *Id.* at p. 8.

{¶198} According to Walder and his staff, issues with juvenile court personnel, especially Laurie and Miller, were on-going, and had caused the auditor to lose employees because of the way they were treated by the juvenile court personnel. Walder stated that this had been going on

[27] Miller explained that, based on the belief by juvenile court staff that the auditor's evidentiary requests were "ridiculous," they submitted an empty 5-gallon water cooler jug, with the invoice for the water inside the jug, to the auditor's office as evidentiary proof of the purchase. Hearing Tr. VIII-2620-2621. See also, Relator's Ex. 23.

long enough and something needed to be done about it. He wanted to see criminal charges filed against Laurie and Miller. *Id.*at *p.9.*

{¶199} Duncan and Hildenbrand expressed skepticism about the propriety of criminal charges. *Id.*

{¶200} Geauga County Prosecutor James Flaiz, who had also been contacted about the matter by the auditor's office, arrived and was briefed. Flaiz recommended that a letter be sent by the auditor to Laurie, Miller, Respondent and the Chardon police department stating that Laurie and Miller were not permitted in the auditor's office, which would then be the basis for misdemeanor criminal trespass charges if the no trespass advisory was not followed. *Id.*

{¶201} Duncan was still uncertain about whether the Chardon police department should be involved in a matter between two county offices and wanted to check with Chardon police prosecutor, Jim Gillette before making a report. *Id.*

{¶202} Duncan then went to the juvenile court to follow up with Laurie and Miller. While waiting for Laurie and Miller to be located, Duncan received a call on the radio informing him that they were back at the auditor's office. Duncan went back to the auditor's office and asked them to step outside. They complied, and the three of them stood outside on the sidewalk in front of a window in the auditor's office. Duncan explained that they were not permitted to be in the auditor's office per the request of the auditor and that they could be charged with trespassing if they went back in. Laurie told Duncan that they had received a letter from the auditor previously saying that they were not permitted to be in the office, but that Respondent had issued an order saying they had a right to be there. *Id.*

{¶203} Duncan testified that the conversation, which had been on-going for approximately eight minutes, was cordial and professional until Respondent arrived at the scene, dressed in his robe. Hearing Tr. V-1554, 1556.

Respondent Confronts Lieutenant Duncan and Threatens Contempt Charges

{¶204} Lt. Duncan shook hands with Respondent. Laurie told Respondent that Duncan had just informed them that she and Miller were not supposed to be in the auditor's office and could be subject to criminal trespass charges if they returned. Duncan attempted to explain the situation to Respondent but was interrupted by Respondent and the conversation became one-sided. *Id.* at 1557,1559. See also, Joint Ex. 227 (security footage video of the confrontation).

{¶205} Respondent began raising his voice and yelling. Duncan described Respondent as angry and "pretty demonstrative" as he told Duncan he was going to issue an order stating that court employees are allowed in public offices and are allowed to interact with public officials to conduct public business, and if anybody made it difficult for them or got in their way, he would hold them in contempt, and that included law enforcement. *Id.* at 1559.

{¶206} Duncan testified that Respondent appeared to become even more upset, and turned to walk away, then turned back around shook his finger at Duncan's face and shouted that his order included Duncan.

{¶207} As Duncan started to follow Respondent and tried to talk to him, Respondent continued to yell, and said he didn't care what Duncan had to say, and he was going to issue a warrant. *Id.* at 1560.

{¶208} The confrontation, which took place on the sidewalk outside the auditor's office adjacent to a busy street with numerous passing vehicles and a few pedestrians, was observed by Rebecca Kotula who was sweeping the patio at the Square Bistro a few doors down the block from

the auditor's office. She estimated that she was approximately 500 feet from where Respondent was confronting Duncan. Her attention was called to the incident because "the judge was kind of loud." She could tell he was a judge because he was wearing a robe. *Id.*at 1644-1646. Although she couldn't make out what the judge was saying, she could tell he was angry, and said she was just taken back a little bit because "it's not every day you see a judge in a robe...on the street, yelling at somebody"***especially if that somebody is a police officer. *Id.* at 1648. Respondent's voice could also be heard through the closed windows of the auditor's office. Hearing Tr. VI-1727-1728.

{¶209} Although Joint Ex. 227 has no sound, Respondent's angry confrontation and Duncan's reaction are clearly visible. To the extent that the testimony of Respondent, Laurie, and Miller conflicts with that of Lt. Duncan, Kotula, the county auditor employees, and the video, the panel finds the testimony of Respondent and his employees not to be credible.

{¶210} When Lt. Duncan went back into the auditor's office after Respondent, Laurie and Miller returned to the court, he was visibly upset. His face was bright red and his hands were shaking. *Id.* at 1731.

{¶211} The panel finds that Respondent's appearance on a public street in his robe, observed by an unknown number of uninvolved passersby as he angrily yelled and shook his finger at a uniformed police officer, did not promote public confidence in the independence, integrity, and impartiality of the judiciary and failed to avoid impropriety or the appearance of impropriety in violation of Jud. Cond. R. 1.2. Respondent's threats to use his contempt powers in an effort to intimidate Duncan and the Chardon police department from investigating potential criminal charges against Respondent's employees was also an abuse of the prestige of judicial office to advance the personal interests of Respondent or others in violation of Jud. Cond. R. 1.3.

Respondent Threatens Chardon Police Chief William Niehus

{¶212} When Lt. Duncan arrived back at the Chardon police department shortly thereafter, Police Chief William Niehus noticed that he was upset and concerned about Respondent's threat to issue a warrant against him. Hearing Tr. VI-1973. The two had a very brief conversation, before being interrupted by a staff member who told Niehus that Respondent was in the lobby and wanted to see him. Respondent had never visited the Chardon police department before. *Id.*

{¶213} Niehus testified that Respondent was agitated and upset. Hearing Tr. VI-1978. Respondent reiterated what he had told Lt. Duncan about issuing an order that public officials were not permitted to interfere with his staff in the performance of their duties, and that anybody that violated the order would be subject to contempt charges. *Id.* at 1977.

{¶214} Respondent repeated several times that he couldn't understand why the Chardon police department was choosing to be involved in the matter. Niehus tried to explain that they had not chosen to get involved; their officers had responded to a call and were just doing their job. Respondent also claimed that Lt. Duncan had misrepresented what Respondent said to him and told Niehus that he would hate to see the Chardon police department involved in a federal 1983 action,[28] which Niehus understood to be a threat in the event that the department pursued an investigation. *Id.* at 1975 and 1978-1979. The panel finds that Respondent's actions were for the intended purpose of squelching the police department's investigation of potential criminal charges against Laurie and Miller.

{¶215} Although Niehus estimated that his conversation with Respondent lasted only three to five minutes, he said he personally was intimidated by what had occurred. Hearing Tr. VI-1978. He also testified that he had never seen Lt. Duncan "like he was when he came back here that day."

[28] 43 U.S C. §1983.

He explained that the intimidation experienced by Lt. Duncan, who is "a pretty good-sized guy," "in good shape," a long-serving officer, military veteran and SWAT commander for a long period of time, who had certainly been in many stressful situations before, was not about physical intimidation, but "more of a power intimidation." *Id.* at 2004-2005.

{¶216} The panel finds that Respondent's unprecedented visit to the Chardon police department and his threats to Chief Niehaus regarding contempt charges against anyone who interfered with his order, and a potential federal lawsuit against the police department, violated both Jud. Cond. R. 1.2 and 1.3.

Respondent Contacts Police Prosecutor Jim Gillette

{¶217} On the same day, Respondent contacted a friend to obtain the personal cell phone number of Jim Gillette, the police prosecutor for the city of Chardon, then tracked Gillette down while he was having lunch with his wife on his day off. Hearing Tr. II-373-374; V-1651. At that point, Gillette had no knowledge of the events that had taken place at the auditor's office that morning. He testified that Respondent was "excited" as he began telling Gillette there had been an incident at the auditor's office and Respondent's employees had been told to leave. Respondent also told Gillette he was going to put on an order prohibiting interference with the operation of his court and would hold officers of the Chardon police department in contempt if they violated his order. He also commented on a possible 1983 action. Hearing Tr. V-1652-1654. Respondent's contact with Gillette also violated Jud. Cond. R. 1.2 and 1.3.

{¶218} Gillette told Respondent during the call that if the Chardon police department received a call for assistance, they were going to respond. *Id.* at 1655. Gillette then contacted Chief Niehus and Lt. Duncan and attempted to allay their concerns about Respondent's threats.

He also advised them that they should respond, from this point forward, only if there was a threat of violence or of damage to property. *Id.* at 1655.

{¶219} Also on June 27, 2019, Walder sent a letter to Respondent in which he described the incident involving Laurie and Miller as "another incident today" in which the two of them "became disruptive and refused to leave when asked." The letter also stated that Miller had become "overly assertive" and took documents that were the property of the auditor's office without authority or permission. Additionally, the letter stated, "We have turned this entire matter over to local law enforcement for disposition," and further advised:

> In the best interest of the security of my employees and the protection of financial records, Kim Laurie and Seth Miller are no longer permitted in the Auditor's office. If they refuse to comply we will call Chardon Police and pursue criminal trespassing charges.
>
> Joint Ex. 229.

{¶220} On July 1, 2019, Respondent replied to Walder's letter denying any wrongdoing by his employees and stating that:

> [A]nyone] who attempts to impede Court staff's ability to perform their official duties on behalf of the Court, would face potential contempt proceedings and sanctions. ***
>
> Unfortunately, your actions on Thursday and your threat of criminal charges in your June 27, 2019 letter may result in unnecessary federal litigation at county taxpayers' expense.
>
> Joint Ex. 230.

{¶221} The panel finds Respondent's threats to Walder constituted violations of Jud. Cond. R. 1.2.

{¶222} On July 10, 2019 Respondent issued a hand delivered letter addressed to Lt. Duncan, with a copy to Chief Niehus, stating that he apologized "if [Duncan] mistook my explanation of the procedures I was going to take," and further stating, "It was neither my intent

nor purpose to threaten you...". He also took the opportunity to disparage Walder, saying "it would not be the first time the auditor played fast and loose with the facts," and reiterated the comment he had made to Chief Niehus previously, about not being able to understand "why Chardon PD would allow itself to become involved in an internal county issue...in the first place." The letter closed with the statement, "In any event, please accept my apology if I offended you during our conversation." Joint Ex. 234. The panel finds this to be an additional attempt on Respondent's part to dissuade Lt. Duncan from pursuing an investigation of the June 27 incident, and therefore a violation of Jud. Cond. R. 1.2.

{¶223} On July 17, 2019, Gillette sent an email to Laurie and Miller, copying Respondent and Chief Niehus, saying:

> Chief Niehus, Chardon PD, sent me the report concerning the alleged disturbance at the Geauga County Auditor's office for review. The report does not include signed statements from either of you, although summaries of the incident which either or both of you prepared are included. I am requesting that each of you prepare a written statement of what occurred, sign the statement and send it to Chief Niehus at Chardon PD.
>
> Joint Ex. 239.

{¶224} Respondent's testimony during the disciplinary hearing about his motives for contacting Chief Niehus and Gillette immediately after his confrontation with Lt. Duncan, and his actions following those contacts, simply was not credible. He claimed variously that "the whole purpose of that conversation with Niehus was to make sure we weren't going to have problems with the Chardon Police Department" [Hearing Tr. II-381], but that he had "no concern" when he went to visit Chief Niehus and called Gillette that the matter was under investigation by the Chardon police department [Hearing Tr. II-382-383]. He acknowledged that he received Walder's letter the same day as the incident at the auditor's office, advising that the matter had been turned over to law enforcement, but claimed that, "I knew he said he had. I don't know if he had."

Although he was copied on Gillette's email to Laurie and Miller on July 17, requesting that they submit signed statements about the incident at the auditor's office to Chief Niehus, he claimed that he had no reason to believe that the investigation was still pending. Hearing Tr. II-383. Additionally, although he testified [Hearing Tr. II-384-385] that he had not read an article published in the Geauga County Maple Leaf newspaper on July 11, 2019 about the on-going investigation [Relator's Ex. 17], his testimony was belied by his remarks to the Geauga County Tea Party on July 23, 2019.

Respondent Addresses the Geauga County Tea Party

{¶225} On July 23, 2019 Respondent attended a meeting of the Geauga County Tea Party and gave a videotaped presentation about the on-going issues between his office and the auditor's office. The presentation included a PowerPoint presentation about the June 27 incident titled "Just the Facts," and the security footage of Laurie and Miller, the two court employees involved in the incident in the lobby of the auditor's office on that day. Joint Ex. 242-244. The PowerPoint was prepared by Laurie.

{¶226} Walder had also been invited to speak at the meeting but declined due to the pending investigation of the June 27 incident. Hearing Tr. VI-1775.

{¶227} In his opening remarks, Respondent stated that Walder's "excuse" for not attending the meeting was "highly questionable" because "he's not being investigated, he won't be investigated because he's being protected by his buddy, the county prosecutor," referring to James Flaiz. Relator questioned Respondent about this statement during the disciplinary hearing:

> Q. Do you think that it was appropriate for a judge to tell residents of the county that the county prosecutor would commit corruption by shielding his friend from potential criminal charges?
>
> A. I felt the comment was appropriate under the facts.

Q. So – so you believed that if there were potential criminal charges against Charles Walder, that the county – the elected county prosecutor would cover them up and not pursue them, correct?

A. Yes. Oh, yes.

Hearing Tr. II-393

{¶228} Respondent also suggested, without any basis, that Walder was feeding information to the media, and commented that "[I]t's interesting that he'll hide behind the ability to put things in the paper, but not show up …to answer for his conduct." Joint Ex. 244, p.2. He also told the audience that Walder's conduct "constitutes intimidation, which is a felony of the third degree."

{¶229} Respondent, who was not involved in the events at the auditor's office that day with the exception of his public confrontation of Lt. Duncan, presented his staff members' one-sided version of what had transpired [*Id.* at pp. 22-26], gave his skewed version of the confrontation with Duncan, and stated falsely that the claim that he had threatened Duncan was "simply not true." *Id.* at pp. 27-29.

{¶230} Referring to the July 11, 2019 Geauga County Maple Leaf article about the on-going investigation of the June 27 incident at the auditor's office, which he testified he had not read (see ¶224, *supra*), Respondent told the Tea Party audience:

> [I]t's a page out of the Obama/Mueller handbook. The articles I was reading in the last Maple Leaf about, about special prosecutors brought back all the images of Mueller running around and, and misuse of authority. There's nothing for a special prosecutor to do except waste taxpayers' money.
>
> Joint Ex. 244, p. 29.

{¶231} Knowing full well that there was an ongoing investigation of the June 27 incident, Respondent encouraged audience members to take action against Walder and Flaiz, telling them:

> There is actions that you, that citizens can take both involving the prosecutor and the auditor. I'm not at liberty to give that advice, but there are actions out there and statutes and malfeasance is one of the statements. I can't do it. I won't do it…So if somebody else wants to—look, (inaudible) if you want – I mean all these facts are

true, we've given you some of the supporting documentation, you're welcome to see the rest of the documentation.

Id. at p. 36.

{¶232} A member of the audience, referring to Respondent's disparaging remarks and allegations about the Geauga County Maple Leaf newspaper, and his reference to several other local newspapers [*Id.* at p.30] asked:

> AUDIENCE QUESTION: I don't get either one of those papers, so I don't know anything about this, but I got two questions for you. Number one, why are you here? Is it just to defend yourself? *** And second question is, what do you want us to do?

Id. at p.38.

{¶233} Respondent replied: "I didn't invite myself, just give you the facts. You can do what you wish from here, I'm just giving the facts."

{¶234} Before closing his remarks, Respondent introduced the security footage of Laurie and Miller in the lobby of the auditor's office on June 27, prefaced by false representations:[29]

> [T]he film has been doctored by the auditor's office...[I]t's got 11 20-second interludes that didn't exist ...to make it look like [Laurie] sat there longer...it has subtitles that were ...added by the auditor's – some of them not correct, all of them self-serving...If they had sound, they didn't produce the sound. Instead, they added their own interpretive (inaudible).

Id. at p. 37.

{¶235} The panel finds that Respondent's baseless and disparaging remarks about Walder and Flaiz at the Tea Party meeting; his reckless and untrue accusations that the auditor's office had doctored the security video; his biased representation about the June 27 incident at the auditor's

[29] The film was not "doctored by the auditor's office" as Respondent claimed. The security camera that created the footage was motion activated [Hearing Tr. VI-1748] that caused the pauses to which Respondent referred as "interludes." Furthermore, the subtitles were added by John Karlovec, the owner and editor of the Geauga County Maple Leaf newspaper, whose affidavit [Joint Ex. 252] states that he received the video footage of the incident via a public records request to the auditor's office, and before publishing the video on the newspaper's website, he personally added the subtitles.

office, filled with inaccuracies and half-truths, when he clearly knew the matter was still under investigation; and his encouragement of the meeting attendees to pursue malfeasance actions against Walder and Flaiz violated Jud. Cond. R. 1.2. 1.3, and 2.10(A).

Additional Violations

{¶236} On July 24, 2019, the day after the Tea Party meeting, Flaiz, after consulting with Gillette and receiving his concurrence, filed an application for the appointment of a special prosecutor to handle the Chardon Police Report of the June 27, 2019 incident at the auditor's office. The application was filed under seal in the Geauga County Court of Common Pleas.

{¶237} When Respondent heard a rumor about a special prosecutor, he contacted the friend who had given him Jim Gillette's cell phone number and asked his friend to call Gillette to see what was going on with the investigation of the June 27 incident.

{¶238} In response to the inquiry, Gillette called and left a message for Respondent some time shortly before or shortly after his retirement on September 30, 2019. In his message [Respondent's Ex. 24], Gillette advised Respondent that his office was not going to take any action against Respondent's employees in connection with the June 27 incident, but that a special prosecutor had been appointed to take a look at the matter.

{¶239} Respondent also approached Chief Niehus at a Chardon Rotary Club event on November 2, 2019, and asked him if a special prosecutor had been appointed. Niehus responded that he was not directly involved but was aware that a special prosecutor had been appointed.[30] Hearing Tr. VI-1985.

[30] On May 27, 2020, Special Prosecutor David Grant filed misdemeanor complaints against Laurie and Miller for criminal mischief, a third degree misdemeanor. Joint Ex. 246-247. Both were ultimately acquitted. Joint Ex. 248-249.

{¶240} The panel finds that Respondent's inquiries of Gillette and Niehus violated Jud. Cond. Rules 1.2 and 1.3.

{¶241} All told, Respondent's conduct in Count III amounted to seven violations of Jud. Cond. R. 1.2, six violations of Jud. Cond. R. 1.3, and one violation of Jud. Cond. R. 2.10(A).

Count IV—Respondent's Testimony Before the House Committee

{¶242} Respondent's wife, Diane Grendell, an elected member of the Ohio House of Representatives, was running for reelection in a contested race in the November 2020 general election. Hearing Tr. II-414. Respondent was a former member of the Ohio House and had served on the legislative committee.

{¶243} On March 9, 2020, Governor Mike DeWine declared a state of emergency due to the COVID-19 pandemic.

{¶244} Thereafter, for the next several months, DeWine and the Ohio Department of Health provided daily television briefings on the status of the pandemic, and ODH's website maintained a COVID -19 Dashboard that was updated daily.

{¶245} Diane Grendell was the primary sponsor of House Bill 624, the essence of which, according to Respondent, was to require ODH to disclose daily numbers of COVID cases, hospitalizations, and deaths, rather than just cumulative statistics. Hearing Tr. II-417. His main concern, he said, was that the health department was not providing daily numbers.

{¶246} On June 2, 2020, Respondent closed his court at noon and went to Columbus to provide proponent testimony on behalf of the bill at the legislative committee meeting.

{¶247} In a speech at a Rotary club meeting on August 12, 2020, Respondent said that H.B. 624 was "Diane's bill," that he "was asked to give some testimony" at the hearing, and that when

your state representative asks you to do that, especially when your state representative shares your bed, you do it. Respondent's Ex. 33.

{¶248} Respondent's disciplinary hearing testimony differed, however. He testified that his statement to the Rotary club was meant to be a joke, and that his wife had *not* asked him to testify, but then changed his response to "That wasn't the primary reason. Let's put it that way." Hearing Tr. II 415-416. He confirmed that he was not subpoenaed to testify at the hearing, nor asked to testify by the Ohio State Bar Association or any judicial association. *Id.* at 417. He stated that his testimony was voluntary [*Id.* at 417], that he testified in his capacity as a judge [*Id.* at 424] and that his primary purpose in testifying was to address the detrimental impact that the lack of information provided by ODH was having on the judiciary and mainly his court. *Id.* at 418, 424.

{¶249} The "lack of information," according to what Respondent told the legislative committee, was ODH's failure to report *daily*, or current statistics, rather than just *cumulative* statistics. He told the legislative committee that ODH reported only "half of the facts – the scary half," and that "the atmosphere of fear could have been abated" if ODH had informed the public as to the "whole truth about the COVID situation in Ohio," but, instead "it continued to release daily only the most negative information, the cumulative cases, cumulative hospitalizations, cumulative deaths, without contextual data." Joint Ex. 256; Joint Ex. 257, pp. 3-5.

{¶250} However, the premise of Respondent's argument was simply wrong. ODH was, in fact, reporting both daily and cumulative information about the numbers of confirmed COVID cases, patients hospitalized due to COVID, and alleged or suspected COVID deaths. During the disciplinary hearing, when Respondent was shown screen shots of the ODH State of Ohio COVID 19 Dashboard, which showed the daily reporting of both the daily *and* cumulative statistics, as well as key indicators and trends, he conceded that although he had seen the Dashboard, he hadn't

noticed that it showed the daily statistics. Hearing Tr. II-434. Nonetheless, he refused to concede that he was wrong when he accused ODH of fear mongering and manipulating the numbers [*Id.* at 438, 448] and attempted to blame "ODC, the CDC and "[his] state health department," saying he relied on their research. *Id.* at 430. A few minutes later, he reversed course and said, "I'm still not convinced of that." *Id.* at 439.

{¶251} Jud. Cond. R. 3.2 prohibits a judge from appearing voluntarily at a public hearing before a legislative body except in three situations, one of which is, "(a) in connection with matters concerning the law, the legal system, or the administration of justice." Respondent contends that this exception is applicable to his otherwise improper conduct. He claims that H.B. 624 clearly affected the judiciary, and, primarily, his court. Hearing Tr. II-418, 424.

{¶252} There are several problems with this claim. One is that the legislative committee of the Ohio Judicial Conference (OJC) did not include H.B. 624 in any of its "Legislative News:Two-Week Review" biweekly newsletters. *Id.* at 419. Likewise, HB 624 did not make the OJC list of "Bills That Impact the Judiciary." *Id* .at 420. Respondent testified that he was not aware of the OJC publishing anything at all, or even formally discussing the bill, and agreed that OJC did not officially cover the bill [*Id.* at 422], suggesting that OJC did not believe the bill impacted the judiciary.

{¶253} In fact, Marta Mudri, who serves as legislative counsel to OJC and reports to OJC's Executive Director, Paul Pfeiffer, testified that she and her staff review every bill to determine whether it impacts the courts and should be tracked or covered by OJC. She confirmed that the fact that H.B. 624 was not listed on the OJC website as a bill that impacts the judiciary meant that OJC elected not to cover it and felt that it did not impact the judiciary. Hearing Tr. VI-1702. She also confirmed that, although her boss could override her decisions, he did not direct her to track

this bill. *Id.* at 1709. Although not dispositive of this issue, the fact that OJC did not consider the bill to have an impact on the judiciary is strong evidence that Respondent's argument was motivated by the personal interests and agendas of himself and his wife, rather than by concerns about the impact of the bill on the judiciary.

{¶254} The second problem with Respondent's claim that H.B. 624 clearly impacted the judiciary and his court, and therefore qualified as an exception to the general prohibition of a judge's appearance before a legislative body, is that the information Respondent provided to the legislative committee about how the ODH's allegedly faulty reporting of COVID-19 statistics impacted the judiciary and his court was tenuous, at best, and for the most part, based on inaccurate or untrue information.

{¶255} Respondent told the legislative committee that:

> I can tell you firsthand that domestic violence cases are on the uptick. * * * And I could tell you as also the Juvenile Judge of Geauga County, unruly cases have gone up. Our court never closed in the crisis…in part because the caseload started to increase. As the Probate Judge I can tell you that mental health civil commitments have increased. And yesterday I had a telephone conference with my fellow Common Pleas Judges putting together a letter trying to remind people of their civic duty of jury duty and assuring them that if they come to court to perform jury duty their lives will not be placed at risk.
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> Joint Ex. 257, p.7-8.

{¶256} The truth of the matter, however, which Respondent admitted, is that Respondent's "firsthand" knowledge that domestic violence cases were on the uptick had nothing to do with his court and was based on an article he read in the Cincinnati Enquirer, followed by a few conversations with some other judges, with no quantitative data to back up his claim. Hearing Tr. II-433. His own court's statistics on the number of unruly cases filed before and after the onset of the pandemic showed that the number of cases had *decreased*, rather than increased as he claimed.

Hearing Tr. II-437, 440-443. And since Respondent couldn't remember when he had last had a jury trial in his court, it is evident that he didn't need to worry about the impact of the pandemic on potential jurors in his court. Respondent was right about only one thing. His court records did show an increase in the number of mental health civil commitments in 2020, but he offered no explanation about how the erroneously alleged failure of ODH to report daily counts of COVID cases, hospitalizations and deaths impacted that number.

{¶257} Respondent also insinuated that ODH's alleged failure to provide the "less scary" daily COVID-19 statistics was causing, or at least fomenting, the "the drumbeat of fear" among Ohioans when he testified that:

> [W]hen the COVID crisis started in early March, decisions were based on what we know now were clearly erroneous models***By April 9th it became clear that fortunately the impact of COVID, especially on Ohioans under the age of 50, was nowhere near the dire model predictions. ***Unfortunately, the early ODH modeling information, coupled with the media drumbeat of COVID fear and death, created an atmosphere of fear. ***This atmosphere of fear could have been abated if, in mid-April, ODH had started to inform the public as to the whole truth about the COVID-19 situation in Ohio.***Unfortunately, ODH continued to release daily only the most negative information, the cumulative cases, the cumulative deaths, without contextual data.
>
> Joint Ex. 257 pp.4-5.

{¶258} Additionally, he testified:

> Providing the whole COVID story is important because the atmosphere of fear, the results of business closures and slow openings, and the lengthy stay at home period, have had damaging results for Ohioans.
>
> *Id.* p. 7.

{¶259} When questioned by Relator whether he was suggesting that ODH was complicit in creating the drumbeat of fear by simply reporting cumulative statistics, Relator's response was, "Not complicit, but contributing." Hearing Tr. II-438. He admitted that he was accusing the executive branch of the government of "manipulating numbers to increase the drumbeat of fear" when he concluded his remarks to the legislative committee by saying that the data presented by

ODH was "the manipulation of the numbers to come to some conclusion," whereas "All the information I've given you today is simply fact." Joint Ex. 257, p.17-18.

{¶260} The panel finds that Respondent's testimony to the legislative committee was not "in connection with matters concerning the law, the legal system, or the administration of justice." As Relator points out, less than one minute of Respondent's 18 minute and 55 second testimony was spent talking about information related to the court, and most, if not all of that was either inaccurate or inapplicable to COVID problems encountered in Respondent's court. Moreover, there was no explanation of how the failure of ODH to report daily, as opposed to cumulative COVID statistics–even if that had been true—had any impact whatsoever on the judiciary. The panel concludes that Respondent violated Jud. Cond. R. 3.2.

{¶261} The panel also concludes that Respondent violated Jud. Cond. R. 1.3. Respondent admittedly provided proponent testimony, in his capacity as a judicial officer, to urge passage of a bill for which his wife was the primary sponsor. Respondent argued that his wife's reelection was not in jeopardy, and that his testimony lent no benefit to the passage of the bill, since it was going to pass with or without his testimony. Be that as it may, Respondent's claim that he was acting in accordance with Comment [1] of Jud. Cond. R. 3.1, is preposterous. Jud. Cond. R. 3.1 is not in issue in this case, and even if it were, Comment [1], which encourages judges to engage in *appropriate* extrajudicial activities, certainly was not intended to override Jud. Cond. R. 1.3 or 3.2. The panel finds that there is no other plausible reason for Respondent to provide the testimony he provided except to promote his own, and his wife's personal interests.

AGGRAVATION, MITIGATION, AND SANCTION

{¶262} When recommending sanctions for attorney misconduct, the panel must consider all relevant factors, including the ethical duties violated by Respondent, precedent established by the

Supreme Court, and the existence of aggravating and mitigating factors. Gov. Bar R. V, Section 13(A).

Aggravating Factors

{¶263} The panel finds the following aggravating factors to be present in this case.

Respondent Acted with a Selfish or Dishonest Motive

{¶264} In all three counts, Respondent's motives were selfishly based on his own, his staff members' or his wife's interests. In Count I, his motive was also dishonest.

{¶265} In Count I, after vowing that he was "not going to fail like the other courts did," nor was he "going to let either of [the litigants] get [him] to fail" in his quest to succeed where "other courts"[31] had failed in reunifying Glasier and the children. [Joint Ex.103, p.21], Respondent abandoned his duty to act in the best interests of the children and embarked on a course of conduct that included baselessly disparaging one of the children and unlawfully ordering the other two children to be placed in detention, among other improper actions, all while dishonestly claiming he was acting in the children's best interest, without ever conducting a hearing on the best interest factors. Selfishly, he used the unruly charges and detention as coercive tools to achieve his desired outcome on behalf of Glasier in the private custody matter, and thus claim success where other courts had failed. As stated in Respondent's response to Relator's probable cause complaint:

> Declaring the boys "unruly" and placing them in detention was never Judge Grendell's first choice. However, three different Courts had repeatedly failed in reunifying the Glasier children with their father, and Glasier and the children had been deprived of all opportunities to reunify for over three years.
>
> ***

[31] Although Respondent claimed that multiple courts had failed before he got the case, there is no evidence that any court except the Geauga County Common Pleas Court, from which Respondent received the case, had not succeeded in enforcing visitation. In fact, the visitation agreement that Respondent claimed to be trying to enforce, was created and journalized in the GCCPC on August 8, 2018.

> Judge Grendell opted to employ this unpleasant short-term consequence in hopes it would motivate the children to avoid incurring the significantly greater lifelong harm Dr. Afsarifard warned would result from excising their father from their lives.
>
> Joint Ex. 186, pp.28,30.

{¶266} In Count III, Respondent threatened law enforcement officers and elected officials in an effort to protect his staff members from investigation and prosecution of criminal charges and encouraged the audience at a meeting of the Geauga County Tea Party to pursue legal action in furtherance of his political dispute with the county auditor and the county prosecutor. In *Disciplinary Counsel v. Hunter*, 2023-Ohio-4168, ¶32 the court affirmed that a selfish motive is not necessarily limited to the personal benefit of the respondent but may also apply when the respondent's misconduct benefits a family member or friend. Certainly, protecting his staff members in this case would benefit both Respondent and his staff.

{¶267} In Count IV, Respondent's only plausible motive, and the only reason for closing his court in order to testify in favor of a bill for which his wife was the primary sponsor was for the benefit of his and her personal and political interest, as he clearly had no special knowledge or expertise regarding the topic. *Ohio State Bar Assn. v. Reid,* 2020-Ohio-6732, ¶2. ("there was no reason for respondent to appear and speak on behalf of his partnership interest at zoning commission meetings." *Id.* at ¶11).

Respondent Committed Multiple Offenses

{¶268} Respondent committed eleven rule violations involving three separate matters over the course of approximately 14 months.

Respondent Engaged in a Pattern of Misconduct

{¶269} Although Respondent was charged only with one count of Jud. Cond. R. 1.2 in each of Counts I and III, he committed acts that failed to promote public confidence in the court's

independence, integrity and impartiality a minimum of three different times in Count I, and seven different times in Count II. Likewise, he failed to uphold and apply the law and to perform all duties of judicial office multiple times in both Counts 1 and III, and engaged in at least four *ex parte* conversations in Count I.

Respondent Submitted False Statements during the Disciplinary Process

{¶270} In his response to Relator's letter of inquiry, Respondent falsely stated that he conducted a detention hearing following the release of the Glasier boys from their weekend detention and said that he had even moved up the time of the hearing to minimize their time in detention. Joint Ex. 183, p.8. In his response to Relator's notice of intent, he falsely claimed that the boys attended the detention hearing on June 1, 2020 along with their mother and their counsel. Joint Ex. 186, 32. In his answer to the amended complaint, Respondent stated that "Respondent ordered the handcuffs removed as soon as boys entered the courtroom. Answer ¶89.

{¶271} All of these statements were patently false. During the disciplinary hearing, Respondent, admitted, and others confirmed, that no detention hearing was held, that the boys and their mother never entered the courtroom on June 1, 2020, and were never told that the scheduled detention hearing was not going forward. The boys, who were transported to the court that morning by a deputy sheriff, arrived shortly after noon, and were kept in a holding cell outside the courtroom for three hours, with no lunch, and with CG2 remaining in handcuffs the entire time. See ¶¶132-133, *supra.* Given the level of detail in the statements, it is clear that they were not accidental misstatements. Moreover, while testifying in the disciplinary hearing, Respondent claimed, for the first time, that no detention hearing was necessary because the boys were being released.

Respondent Caused Harm to Vulnerable Victims

{¶272} The harm caused by Respondent's order to place 15-year old CG2 and 13-year old CG3 in detention during the height of the COVID pandemic, separated from each other, and without the ability to communicate with their mother, even though parental contact was required by law, was horrific, and completely unnecessary and uncalled for. Respondent could have proceeded with the unruly charges without ordering detention, and, by law, should have done so, but chose not to.

{¶273} The facility's mental health counselor, Denise Williams, was very emotional when she testified nearly four years after the fact about her role in the detention of the two boys. She testified that detention is traumatic for all youth, but especially so for these boys.[32] She tearfully told about giving each of the boys a stress ball, which she said was about the only thing she was able to do so they would at least have something to hold onto and comfort them in their solitary confinements.

{¶274} As traumatic as the incident was for the boys, and for their mother, who contacted Denise Williams frequently over the weekend and was extremely distraught, it also impacted the staff at the detention facility who found the situation "hard," and "difficult," to think about and cope with. The staff leaned on each other for support. Hearing Tr. V-1534-1535. Denise Williams also noted that Beth Williams, Respondent's probation officer, had uncharacteristically asked her to make sure that the boys' mental health needs were being addressed, to check on them frequently, and to make sure they did not undergo further trauma, or at least that she attempt to minimize further trauma. Hearing Tr. V-1528-1529.

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[32] The boys were "both very innocent and naïve children," according to the GAL. Hearing Tr. II-487. CG3, in particular, appeared to be much younger than his age [Hearing Tr. II-487] and was so small that he could not be handcuffed. Denise Williams testified that CG3 would not have been able to see out of the narrow vertical window in his room because he was so small. Hearing Tr. V-1519.

{¶275} Even law enforcement officers were troubled by the situation. Dep. Kraker and Lt. Lombardo expressed their extreme discomfort and disagreement about taking the two scared boys into detention for alleged unruliness. Kraker testified that it made him feel "horrible" to drive the boys to the detention facility. Sgt. Copin was shocked when he picked the boys up from detention, describing CG3 as crying, obviously distraught, and having a look of terror on his face.

{¶276} The harm caused to the Hartman family is particularly egregious because it was gratuitous. Respondent's draconian solution of using unruly charges and detention as a coercive tool to force the boys to visit with their father was simply a means to accomplish his desired outcome in the private custody matter, enabling him to succeed where other courts had failed.

Respondent Refused to Acknowledge the Wrongful Nature of his Conduct

{¶277} Respondent maintains that he committed none of the violations with which he was charged and should not be sanctioned. Although a lawyer or judge charged with professional misconduct has every right to contest alleged rule violations, in this instance, Respondent's claims that he did nothing wrong are untenable in light of his own testimony and other evidence presented at the hearing.

Mitigating Factors

{¶278} Just as there has been little or no agreement by the parties regarding Respondent's culpability, there is also vast disagreement regarding mitigating factors. The panel finds the following:

Absence of a Prior Disciplinary Record

{¶279} Respondent has no prior professional discipline.

Evidence of Good Character and Reputation, Mitigated by Contrary Evidence

{¶280} Respondent presented three character witnesses and approximately 60 letters attesting to his good character and reputation. Joint Ex. 263. Approximately one-half of the letters are from local attorneys who have practiced or currently practice before him, another one-third are from sitting or retired probate and juvenile court judges who know Respondent through the state and national judicial organizations of which he is a member, and the remainder are from a variety of contacts representing non-profit organizations with which Respondent is affiliated, one former employee, several individuals who have been in Respondent's court in the capacity of CASA advocates, GALs or parent coordinators, one appellate court judge, and one litigant. All of the letters were highly complimentary of Respondent as a jurist and/or a valued community member, and only one mentioned that Respondent can become intemperate at times, and sometimes invites controversy. There is no question, based on the letters and the numerous recognitions and awards that have been bestowed upon him, that Respondent is well-liked and respected. Joint Ex. 264-267.

{¶281} However, only one of Respondent's character witnesses had reviewed the complaint against him,[33] and only two or three of the letters made any reference to the pending case or the allegations against Respondent, making it impossible to determine how many of Respondent's supporters would have a different opinion of his character if they had knowledge of all the facts.

[33] Dr. Afsarifard testified that he had not reviewed the complaint [Hearing Tr.. IX-2685] and limited his testimony to his perceptions of Respondent's judicial practices in the six or seven cases in which he had appeared in Respondent's court. Retired Supreme Court Justice Paul Pfiefer testified that he had "skimmed" the part of the complaint about "the two unruly teenagers who refused to visit their father," and knew about it because it got publicity. Hearing Tr. IX-2716-2717.

{¶282} In stark contrast to the accolades are the mean-spirited comments and unfair treatment endured by Hartman and the Glasier children at the hands of Respondent when no attorneys or advocates were present on their behalf.[34]

{¶283} Also starkly different from the character letters and character witnesses' opinions are the opinions shared by at least eight disciplinary hearing witnesses who see Respondent in a very different light: that of an intemperate bully. The County Auditor, Charles Walder, testified that Respondent is known as a "bully" who is an "expert at intimidation." Hearing Tr. VI-1749. County Prosecutor James Flaiz described Respondent as "untrustworthy", and a "bully" with a poor reputation in the legal community due to his abuses of power. Hearing Tr. V-1380. Former assistant prosecuting attorney Natalie Ray testified that Respondent is "erratic," and that his decisions are impacted by his mood" Hearing Tr. V-1482.

{¶284} Respondent's reputation as a bully extends to law enforcement as well. Sheriff Scott Hildenbrand testified that law enforcement officers "feel he is a bully," adding that Respondent has threatened to hold the Sheriff's deputies, the neighboring sheriff, and many other people in contempt if they don't do exactly what he wants. Hearing Tr. V-1635. Sheriff's Lieutenant Gary Gribbons testified that the deputies in the sheriff's office are afraid of Respondent, and that several of the deputies have been "targeted" by him over the last several years. Hearing Tr. IV-1182-1183. Deputy Kracker, who was adamantly opposed to placing the Glasier boys in custody, testified that he did so only because he believed that Respondent would put him in jail if he didn't follow Respondent's orders. Hearing Tr. IV-1110-1111. Chief Niehus and Lt. Troy Duncan of the Chardon police department were targets of Respondent's threats in Count III.

[34] Some of these statements are quoted in the section regarding the hearing on May 27, 2020 , on pages 21-28, *supra.*

{¶285} It was readily apparent that Respondent uses the threat of contempt to force people, including unrepresented litigants, to act according to his will. He regularly warned or threatened Hartman and Glasier with contempt if they did not follow his orders, and even told CG1 that she could be held in contempt or detained on delinquency charges if she failed to cooperate with his orders. Joint Ex. 105, 106, p.19. Finally, he illegally placed 13-year old CG3 and 15-year old CG2 in detention for nearly 72 hours in an attempt to coerce them into visiting their father.

{¶286} Based on the above, the panel accords little weight to Respondent's character evidence. See *Toledo Bar Assn. v. Bishop*, 2019-Ohio-5288 ¶17.

Other Factors Cited by Respondent

{¶287} Based on its review of the evidence as set forth in this report, the panel finds no clear and convincing evidence to support the following additional mitigating factors advanced by Respondent:

- The absence of a dishonest or selfish motive.
- A timely good faith effort to rectify the consequence of misconduct.
- Full and free disclosure to the Board and cooperative attitude toward the proceedings.
- Imposition of other penalties and sanctions.

Sanction

{¶288} The primary purposes of judicial discipline are to protect the public, guarantee the evenhanded administration of justice, and maintain and enhance public confidence in the integrity of the judiciary. *Disciplinary Counsel v. O'Neill,* 2004-Ohio-4704 ¶33. Sanctions serve as a deterrent to similar violations by judicial officers in the future, they notify the public of the self-regulating nature of the legal profession, and they build confidence in the legitimacy and integrity of the judiciary. *Disciplinary Counsel v. Horton,* 2019-Ohio-4139. In Ohio, "[w]e hold judges to

the highest standards of professional behavior because they are invested with the public trust." *Disciplinary Counsel v. Carr,* 2022-Ohio-3633 at ¶86, citing *O'Neil* at ¶57.

{¶289} After comparing and contrasting Respondent's misconduct and aggravating and mitigating factors with those in *Disciplinary Counsel v. Bachman,* 2020-Ohio 6732, *Disciplinary Counsel v. Repp*, 2021-Ohio-3923, *Cleveland Bar Assn. v. Cleary,* 93 Ohio St.3d 191, and *Disciplinary Counsel v. Carr,* 2022-Ohio-3633, Relator requested that the panel recommend a two-year suspension with no stay.

{¶290} Respondent, on the other hand, argues that the evidence and the "overwhelming balance of mitigating factors"[35] compel the panel to dismiss the action, or in the alternative, to determine that any perceived violations warrant no time off from the practice of law.

Analysis of Applicable Precedent

{¶291} In addition to the cases cited by Relator, the panel has also reviewed the cases of *Disciplinary Counsel v. Parker,* 2007-Ohio-5635 and *Disciplinary Counsel v. Hoover,* 2024-Ohio-4608, among others.

{¶292} In *Bachman,* a magistrate was suspended for six months for abuse of his contempt powers after he unlawfully incarcerated an adult woman because of her momentary scream outside his courtroom. Like Respondent in the instant case, Bachman violated Jud. Cond. R. 1.2 and 2.2. Bachman also violated Jud. Cond. R. 2.8(B) that requires a judge be patient, dignified and courteous in his or her dealings with individuals in an official capacity. The Court found that Bachman had four mitigating factors (no prior discipline; full and free disclosure to the board and a cooperative attitude toward the proceedings; evidence of good character and reputation; and other

[35] As noted previously, the panel found clear and convincing evidence of only one mitigating factor–absence of prior discipline—and gave little weight to a second mitigating factor of evidence of good character or reputation. The panel also found that there are six aggravating factors.

sanctions (loss of job), and three aggravating factors (harm to a vulnerable victim; a dishonest or selfish motive; and refusal to acknowledge the wrongful nature of his conduct).

{¶293} The Court rejected the panel's recommendation of a six-month stayed suspension, finding that a stayed suspension was not commensurate with Bachman's judicial misconduct. The Court held that, "When a judicial officer's conduct causes harm in the form of incarceration, that abuse of the public trust warrants an actual suspension from the practice of law." *Id.* at ¶21. The Court has also made clear that judicial misconduct that abuses the public trust will result in "significant consequences." *Disciplinary Counsel v. Horton,* 2019 Ohio 4139.

{¶294} In *Repp*, a judge violated Jud. Cond. R. 1.2, 2.2, and 2.8(B) and Prof. Cond. R. 8.4(d) based on his discourteous treatment of a defendant during a video probation violation hearing, and of his girlfriend, A.O., who was in the courtroom to observe the hearing. Although A.O. did nothing except sit quietly in the back of the courtroom, Repp stated he believed she was under the influence and ordered her to take a drug test. A.O. refused to submit to the drug test since she had done nothing wrong, so Repp held her in contempt and sentenced her to 10 days in jail. Repp had three aggravating factors (a selfish or dishonest motive, multiple offenses, and caused harm to two vulnerable victims), and two mitigating factors (no prior disciplinary record and full and free disclosure to the Board and a cooperative attitude toward the proceedings). Both the Board and the Court discounted Repp's character evidence because it did not appear that the authors of the letters were informed of the nature of his professional conduct. The Court suspended Repp for one year with no stay, and immediately suspended him from judicial office without pay for the duration of the suspension.

{¶295} In *Cleary,* a 21-year old woman, Yuriko Kawaguchi, pled guilty to a fifth -degree felony. While awaiting sentencing, she wrote a letter to Cleary stating that she was pregnant, and

begged the judge to grant her probation or let her bond out so she could have an abortion. When Kawaguchi appeared for sentencing, Cleary, who was morally opposed to abortion, offered her a quid pro quo: if Kawaguchi agreed to have the baby, Cleary would allow her to be released on probation; but if she insisted on going through with the abortion, she would be sentenced to six months in prison.

{¶296} Cleary's violations, like Bachman's and Repp's, were similar to some of those in this case. Cleary violated former Canons 3(B)(5) (a judge shall perform judicial duties without bias or prejudice) and 3(E)(1) (a judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned), as well as former DR 1-102(A)(5) (conduct prejudicial to the administration of justice). Finding that it was apparent from the record that Cleary misused her judicial office in an attempt to achieve her personal goal of ensuring Kawaguchi did not obtain an abortion, the Court suspended her from the practice of law for six months.

{¶297} Former judge Pinkey Carr violated many of the same rules as Respondent in this case, including Jud. Cond. R. 1.2, 2.2, 2.9(A), and 2.11 and Prof. Cond. R. 8.4(d), and had four of the six aggravating factors that are present in this case (dishonest or selfish motive, pattern of misconduct, multiple offenses, and harm to vulnerable victims). Unlike Respondent in this case, Carr acknowledged her wrongdoing, stipulating to more than 100 incidents involving approximately three times the number of violations committed in this case. Carr also presented evidence of mental disorders. Based on Carr's "breathtaking number of infractions" the Court imposed an indefinite suspension.

{¶298} Some of the misconduct in *Parker* parallels that of Respondent in this case. Parker jailed a gallery spectator without cause, whereas Respondent unlawfully placed two children in

detention for almost 72 hours. Parker improperly presided over a defendant's plea after participating in his arrest, whereas Respondent presided over the children's unruly cases after orchestrating the circumstances that led to the charges against them. Parker attempted to coerce plea bargains after predetermining the outcome of the cases, while Respondent unlawfully coerced the conversion of a motion that Glasier wanted to withdraw into a motion that Respondent then parlayed into a ruling that achieved his desired outcome in the case, without holding a hearing to determine whether the requisite change of circumstances and best-interests tests were met. He also attempted to coerce two innocent boys to visit their father, whom they feared, by unlawfully placing them in a detention facility on fabricated charges of unruliness. Both Parker and Respondent were discourteous to and mistreated litigants.

{¶299} The Board noted, and the Court agreed, that Parker's evasiveness and lack of candor were deeply troubling. "Respondent's effort to distort in order to justify his misconduct is an aggravating factor. It emphasizes Respondent's on-going inability to accept the wrongfulness of his conduct. That lack of insight, unless corrected, portends a comparable inability to modify his behavior." *Parker* at¶¶118-119. The Court also noted in *Parker* that, "this is not a case in which a judge committed misconduct without jeopardizing interests at stake in his courtroom." *Id.* at ¶122.

{¶300} The same is true in this case.

{¶301} After noting that "[P]rotective measures are required here. * * * As we have seen, the public remains at serious risk if respondent is permitted to remain on the bench unchecked", the Court suspended Parker from the practice of law in Ohio for 18 months and, pursuant to Gov. Jud. R. III, Section 7(A), concurrently suspended him, without pay, from his office as judge of the Mason Municipal Court. The last six months of the suspension were stayed on condition that

Respondent participate in psychotherapy with a qualified health professional to address his diagnosed personality disorder, obtain the healthcare professional's certification that he is able to practice law in a competent, ethical and professional manner, maintain a contract with OLAP until the stay takes effect, and for the following four years, and commit no further misconduct.

{¶302} The panel also reviewed the recent decision in *Disciplinary Counsel v. Hoover* in which Hoover was found to have committed 48 violations of the Code of Judicial Conduct and 16 violations of the Rules of Professional Conduct in matters involving 16 municipal court defendants. Hoover's misconduct included 16 violations of Jud. Cond. R. 1.2, 16 violations of Jud. Cond. R. 2.2, and 16 violations of Prof. Cond. R. 8.4(d), which were also rules violated by Respondent in this case. Also similar to this case, Hoover unlawfully incarcerated two individuals, failed to provide due process to his victims by ignoring the requirements of a statute, and misused his contempt powers to coerce 14 individuals to accede to his desired outcomes under threat of incarceration. In the instant case there were almost as many victims of Respondent's coercive tactics in Counts I and III, as in the 16 counts in the Hoover case, although a much smaller volume of total violations found. This case, however, involves a wider range of violations, including *ex parte* communications, failure to disqualify, and abuse of the prestige of judicial office, among others. Hoover's sanction was an 18-month suspension with six months stayed on condition of no further misconduct, and an immediate suspension from judicial office, without pay, for the duration of his disciplinary suspension.

Recommended Sanction

{¶303} The panel finds Respondent's misconduct in this case to be more egregious than the misconduct in the *Bachman*, *Repp* and *Cleary* cases. Although Respondent did not incarcerate anyone based on a finding of contempt, he unlawfully placed *two children* in detention for nearly

72 hours and testified that if presented with the same set of facts, he would do it again. Hearing Tr. IX-2894. Identical to the lack of due process afforded to the victims in the *Bachman, Repp,* and *Hoover* cases, the children in this case were not afforded due process. In addition to confining the children in Count I, Respondent abused his contempt powers by threatening public officials and law enforcement officers with contempt for unlawful purposes in Count III and committed additional violations of Jud. Cond. R. 1.2 and 2.2, and of Prof. Cond. R. 8.4(d), as well as multiple *ex parte* communications. He also failed to uphold the law, and to disqualify himself despite the reasonable questionability of his impartiality, abused the power of his office to advance the personal interests of himself and others, and made public statements that could reasonably be expected to affect the outcome, or impair the fairness, of an impending matter.

{¶304} Perhaps even more concerning is Respondent's utter failure to recognize and acknowledge the wrongful nature of his conduct. Respondent not only apparently believes he has done nothing wrong but testified that he would do it again. As did the Court in *Parker,* the panel believes that protective measures are needed here to shield the public from serious risk of allowing Respondent to remain on the bench unchecked.

{¶305} For these reasons, the panel recommends that Respondent be suspended from the practice of law in Ohio for 18 months, with six months stayed on the conditions that Respondent completes eight hours of continuing education regarding judicial ethics, including the appropriate use of contempt powers, before the suspension is lifted, and that he commits no further violations. The Board further recommends that pursuant to Gov. Jud. R. III, Section 7(A), Respondent be suspended, without pay, from his office of judge of the Geauga County Common Pleas Court, Division of Probate and Juvenile Court for the duration of his suspension.

BOARD RECOMMENDATION

Pursuant to Gov. Bar R. V, Section 12, the Board of Professional Conduct considered this matter on October 4, 2024. The Board voted to adopt findings of fact, conclusions of law, and recommendation of the hearing panel and recommends that Respondent, Timothy Joseph Grendell, be suspended from the practice of law in Ohio for a period of 18 months, with six months stayed on the condition that he refrains from further misconduct and that, pursuant to Gov. Jud. R. III, Section 7(A), the Supreme Court's disciplinary order include a provision immediately suspending Respondent from judicial office, without pay, for the duration of his disciplinary suspension. The Board further recommends that, as an additional condition of reinstatement, Respondent be required to complete eight hours of judicial ethics education that includes the appropriate use of contempt powers, those hours in addition to the requirements of Gov. Bar R. X and Gov. Jud. R. IV. The Board also recommends that Respondent be ordered to pay the costs of these proceedings.

Pursuant to the order of the Board of Professional Conduct, I hereby certify the forgoing findings of fact, conclusions of law, and recommendation as that of the Board.

RICHARD A. DOVE, Director