

IN THE COURT OF CLAIMS OF OHIO

JOSHUA MORRISON

Requester

v.

CITY OF MOUNT VERNON, OFFICE OF
THE SAFETY SERVICE DIRECTOR

Respondent

Case No. 2023-00226PQ

Judge David E. Cain

JUDGMENT ENTRY

{¶1} In this public-records case, on November 26, 2024, Requester, proceeding as a self-represented litigant, filed a Motion For Contempt of Court against Respondent. The Court scheduled a show-cause hearing, ordering Respondent, through a representative, and Respondent’s counsel of record, attorney P. Robert Broeren, Jr. (69166), to appear before this Court on January 13, 2025, at 10:00 a.m., to show cause why Respondent, through the Safety Service Director of the City of Mount Vernon, Ohio, or Respondent’s counsel of record, should not be held in contempt of court for failing to comply with the Court’s order dated February 29, 2024.¹ The Court expressly advised: “***A failure, without good cause, by Respondent, through its representative, or by Respondent’s counsel of record, to appear at the hearing scheduled for January 13, 2025, shall be deemed to be contemptuous conduct.***” (Emphasis sic.)

{¶2} On January 13, 2025, the Court held a show-cause hearing. Requester appeared at the show-cause hearing. However, neither Mr. Tanner Salyers, Safety Service Director of the City of Mount Vernon, Ohio, nor Respondent’s counsel of record, attorney P. Robert Broeren, Jr. (69166), Director of Law for the City of Mount Vernon,

¹ In public-records cases, this Court has the power to punish for contempt. See R.C. 2743.75(H) (“[t]he powers of the court of claims prescribed in [R.C.2743.05] apply to the proceedings in that court under this section”); R.C. 2743.05 (“[e]xcept as stated in section 2743.63 of the Revised Code, the court of claims has the same powers to subpoena witnesses, require the production of evidence, and punish for contempt as the court of common pleas”).

Ohio, appeared at the show-cause hearing. The Court heard credible testimony from Requester about events that transpired since the Court issued its entry on February 29, 2024, including a lack of responsiveness by attorney P. Robert Broeren, Jr. to Requester's inquiries about payment of certain monies, which, in turn, required Requester to expend time to act as a "bill collector." Requester noted that, after he moved for contempt, in December 2024 Respondent eventually complied with the Court's order of February 29, 2024, and payment was remitted to Requester. At the hearing Requester asked the Court to find both Mr. Tanner Salyers and attorney P. Robert Broeren, Jr. in contempt of court and to sanction attorney P. Robert Broeren, Jr.

{¶3} Since, according to Requester, as of December 2024, Respondent has complied with the Court's order of February 29, 2024, it follows that Requester has not shown by clear and convincing evidence that Respondent is in contempt of this Court's order of February 29, 2024. Requester's Motion For Contempt of Court filed on November 26, 2024, is therefore DENIED. Notably, however, since Respondent failed to file a response to Requester's Motion For Contempt of Court and, since neither Respondent's representative nor Respondent's counsel of record appeared for the show-cause hearing held on January 13, 2025, the Court is without an explanation for Respondent's delay in complying with the Court's order of February 29, 2024, and Respondent's counsel's lack of responsiveness to Requester's inquiries.

{¶4} Wherefore, for reasons announced at the show-cause hearing held on January 13, 2025, the Court finds that, by clear and convincing evidence, Mr. Tanner Salyers, in his capacity as Safety Service Director of the City of Mount Vernon, Ohio, and attorney P. Robert Broeren, Jr. (69166), in his capacity as Director of Law, City of Mount Vernon, Ohio, are in indirect civil contempt for failing appear at the show-cause hearing held on January 13, 2025, absent good cause shown. The Court ORDERS the following:

1) A civil fine of \$500.00 (USD) is hereby imposed on attorney P. Robert Broeren, Jr. (69166), Director of Law, City of Mount Vernon, Ohio. Attorney P. Robert Broeren, Jr., may purge his contempt and Mr. Tanner Salyers' contempt by remitting \$500.00 (USD) to Requester on or before *February 12, 2025*;

2) A failure by attorney P. Robert Broeren, Jr. to remit payment of the civil fine of \$500.00 (USD) to Requester on or before February 12, 2025, thereby purging the

contempt of attorney Broeren and the contempt of Mr. Salyers, may result in further proceedings against Respondent City of Mount Vernon, Office of the Safety Director, Mr. Tanner Salyers, Safety Service Director, City of Mount Vernon, Ohio, and attorney P. Robert Broeren, Jr., Director of Law, City of Mount Vernon, Ohio.

3) Court costs associated with the show-cause hearing held on January 13, 2025, are assessed equally against Respondent and Respondent's counsel of record, attorney P. Robert Broeren, Jr.

DAVID E. CAIN
Judge

Filed January 14, 2025
Sent to S.C. Reporter 2/13/25