

**IN THE COURT OF COMMON PLEAS
GEAUGA COUNTY, OHIO**

State of Ohio ex rel.)	
BRIAN M. AMES)	CASE NO.:
2632 Ranfield Rd, Mogadore, OH 44260)	
)	JUDGE:
Relator)	
)	
v.)	VERIFIED COMPLAINT IN
)	MANDAMUS, DECLARATORY
GEAUGA COUNTY BOARD OF REVISION))	JUDGMENT, AND INJUNCTION FOR
231 Main Street, Chardon, OH 44024)	ENFORCEMENT OF R.C. 121.22
)	
Respondent)	
)	

JURISDICTION

1. This Court has original jurisdiction of this action.

STANDING

2. Relator has statutory standing under R.C. 121.22(I)(1) to bring this action.

PARTIES

3. Relator Brian M. Ames (“Mr. Ames”) resides in Randolph Township, in Portage County, Ohio.
4. Respondent Geauga County Board of Revision (the “BOR”) is the county board of revision established by R.C. 5715.02 for Geauga County.

STATEMENT OF FACTS

5. In the year 2020, the BOR consisted of the county treasurer, Christopher P. Hitchcock (the “Treasurer”); the county auditor, Charles E. Walder (the “Auditor”); and a member of the board of county commissioners selected by the board of county commissioners, Timothy C. Lennon (the “Commissioner”).

6. The BOR met on Monday, January 13, 2020, at 3:03 p.m. in the Auditor’s Conference Room on the first floor of the Courthouse Annex. 231 Main Street, Chardon, Ohio (the “Meeting”). (Exhibit 1)
7. Present in the Meeting were Chief Deputy Auditor Ron Leyde (“Leyde”), Chief Deputy County Treasurer Caroline Mansfield (“Mansfield”) and County Commissioner Gerard Morgan (“Morgan”). (Exhibit 1)
8. Also present in the Meeting were Chief Appraiser Chris Greenawalt and Deputy Auditor Rachel Blystone. (Exhibit 1)
9. Pursuant to ORC 5715.09, “each County Board of Revision shall organize annually on the second Monday of January be electing a Chairman for the ensuing year.” (Exhibit 1)
10. In the Meeting, it was moved by Caroline Mansfield, seconded by Ron Leyde to appoint Christopher P. Hitchcock as Board of Revision Chairman for 2020. Voice vote, three ayes. (Exhibit 1)
11. In the Meeting, it was moved by Ron Leyde, seconded by Caroline Mansfield to appoint Timothy C. Lennon as Board of Revision Vice Chairman for 2020. Voice vote, three ayes. Ron Leyde, Caroline Mansfield and Gerard Morgan. (Exhibit 1)
12. In the Meeting, it was moved by Gerard Morgan, seconded by Caroline Mansfield to appoint the following alternate members for 2020 in the event of a member's absence:

Alternates for Auditor Charles E. Walder

1. Chief Compliance Officer & Administrator Kate Jacob
2. Chief Deputy Auditor Ron Leyde

Alternates for County Treasurer Christopher P. Hitchcock:

1. Chief Deputy Treasurer Caroline Mansfield
2. Deputy Treasurer Donna Borsi

Alternates for County Commissioner Timothy C. Lennon:

1. County Commissioner Ralph Spidalieri
2. County Commissioner James W. Dvorak
3. County Commissioner Gerard Morgan

Voice vote, three ayes. Ron Leyde, Caroline Mansfield and Gerard Morgan.
(Exhibit 1)

13. Authorization of Auditor to Act for Board of Revision
14. In the Meeting, it was moved by Gerard Morgan, seconded by Caroline Mansfield to designate and authorize Geauga County Auditor Charles E. Walder to act on the Geauga County Board of Revision's behalf as it relates to all cases appealed from the Board, and grant Auditor Walder the Board's full authority and approval to so act. Voice vote, three ayes. Ron Leyde, Caroline Mansfield and Gerard Morgan. (Exhibit 1)
15. In the Meeting, it was moved by Gerard Morgan, seconded by Caroline Mansfield to accept Chris Greenawalt and engage his services to assist the BOR as its real property consultant in determining the market value of selected properties as of January 1, 2019. Voice vote, three ayes. Ron Leyde, Caroline Mansfield and Gerard Morgan. (Exhibit 1)
16. In the Meeting, it was moved by Gerard Morgan, seconded by Ron Leyde to remit and/or refund the following late payment penalties totaling \$147.67 due to reasonable cause and not willful neglect and based upon the recommendation of the County Treasurer

Christopher P. Hitchcock:

1. Michelle Hamlin 20-006500 \$137.00
2. Marilou Smith 10-160800 \$10.67

Voice vote, three ayes. Ron Leyde, Caroline Mansfield and Gerard Morgan.
(Exhibit 1)

17. In the Meeting, there being no further business to conduct it was moved by Caroline Mansfield to adjourn the January 13, 2020 BOR meeting at 3:09 p.m. (Exhibit 1)

18. R.C. 121.22, the Open Meetings Act, applies to the Meeting.

COUNT 1
Failure To Conduct Official Business In An Open Meeting

19. Relator incorporates the above paragraphs as if fully rewritten herein.

20. Neither the Treasurer, the Auditor, nor the Commissioner were present in the Meeting.

21. R.C. 121.22(C) requires that “[a] member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.

22. As there were no members of the BOR present in the Meeting, there was no quorum.

23. The conduct of the public business of the BOR in the absence of a quorum violated R.C. 121.22.

24. Neither Leyde, Mansfield, nor Morgan could legally make motions, seconds, or vote in the Meeting.

25. All actions taken in the Meeting are invalid by operation of R.C. 121.22(H).

26. The conduct of the Meeting was in violation of R.C. 121.22, the Open Meetings Act.

PRAYER FOR RELIEF

WHEREFORE, Relator prays for judgment against Respondent, and that the Court:

(1) Find that Respondent has committed a violation of the provisions of R.C. 121.22 as set forth in Count 1.

(2) Issue a mandatory injunction for the violation enjoining Respondent to comply with all the provisions of R.C. 121.22 as mandated by R.C. 121.22(I)(1).

(3) Order Respondents to pay to Relator a five hundred dollar civil forfeiture as mandated by R.C. 121.22(I)(2)(a).

(4) Award Relator all his court costs and reasonable attorney's fees under R.C. 121.22(I)(2)(a).

(5) Any other relief which this Court deems just and equitable.

Respectfully Submitted,



Brian M. Ames
Relator *pro se*

VERIFICATION

State of Ohio)
)SS
County of Portage)

Now comes Brian M. Ames, who, having first been duly cautioned and sworn deposes and says as follows:


1. I am, and have been during all time periods relevant to the foregoing Complaint, a citizen residing in Portage County.
2. I have read the foregoing Complaint and swear that I have personal knowledge of the facts stated therein and that the facts stated therein are true and accurate to the best of my information, knowledge, and belief.
3. Further, Affiant sayeth naught.



Brian M. Ames

Before me, a Notary Public in and for said county and state, personally appeared Brian M. Ames who swore to the truth of the foregoing Verification and subscribed same in my presence at Portstam, Ohio on this 21 day of May, 2021.





Notary Public

The Geauga County Board of Revision met on Monday, January 13, 2020, at 3:03 p.m. in the Auditor's Conference Room on the first floor of the Courthouse Annex, 231 Main Street, Chardon, Ohio.

Present: Chief Deputy Auditor Ron Leyde, Chief Deputy County Treasurer Caroline Mansfield and County Commissioner Gerard Morgan.

Also Present: Chief Appraiser Chris Greenawalt and Deputy Auditor Rachel Blystone.

Annual Organization Meeting

Pursuant to ORC 5715.09, "each County Board of Revision shall organize annually on the second Monday of January by electing a Chairman for the ensuing year."

Appointment of Chairman

Motioned by Caroline Mansfield, seconded by Ron Leyde to appoint Christopher P. Hitchcock as Board of Revision Chairman for 2020.

Voice vote, three ayes. Ron Leyde, Caroline Mansfield and Gerard Morgan.

Motion carried.

Appointment of Vice Chairman

Motioned by Ron Leyde, seconded by Caroline Mansfield to appoint Timothy C. Lennon as Board of Revision Vice Chairman for 2020.

Voice vote, three ayes. Ron Leyde, Caroline Mansfield and Gerard Morgan.

Motion carried.

Appointment of Alternate Members

Motioned by Gerard Morgan, seconded by Caroline Mansfield to appoint the following alternate members for 2020 in the event of a member's absence:

Alternates for Auditor Charles E. Walder

1. Chief Compliance Officer & Administrator Kate Jacob
2. Chief Deputy Auditor Ron Leyde

Alternates for County Treasurer Christopher P. Hitchcock:

1. Chief Deputy Treasurer Caroline Mansfield
2. Deputy Treasurer Donna Borsi

Alternates for County Commissioner Timothy C. Lennon:

1. County Commissioner Ralph Spidalieri
2. County Commissioner James W. Dvorak
3. County Commissioner Gerard Morgan

Voice vote, three ayes. Ron Leyde, Caroline Mansfield and Gerard Morgan.

Motion carried.

Authorization of Auditor to Act for Board of Revision

Motioned by Gerard Morgan, seconded by Caroline Mansfield to designate and authorize Geauga County Auditor Charles E. Walder to act on the Geauga County Board of Revision's behalf as it relates to all cases appealed from the Board, and grant Auditor Walder the Board's full authority and approval to so act.

Voice vote, three ayes. Ron Leyde, Caroline Mansfield and Gerard Morgan.

Motion carried.

GENERAL BUSINESS

Engage Christopher Greenawalt as Real Property Consultant

Motioned by Gerard Morgan, seconded by Caroline Mansfield to accept Chris Greenawalt and engage his services to assist the BOR as its real property consultant in determining the market value of selected properties as of January 1, 2019.

*Voice vote, three ayes. Ron Leyde, Caroline Mansfield and Gerard Morgan.
Motion carried.*

Remissions/Refund of Late Payment Penalties per ORC 5711.33 and 5711.39

Motioned by Gerard Morgan, seconded by Ron Leyde to remit and/or refund the following late payment penalties totaling \$147.67 due to reasonable cause and not willful neglect and based upon the recommendation of the County Treasurer Christopher P. Hitchcock:

- 1. Michelle Hamlin 20-006500 \$137.00
- 2. Marilou Smith 10-160800 \$10.67

*Voice vote, three ayes. Ron Leyde, Caroline Mansfield and Gerard Morgan.
Motion carried.*


Approval of Minutes

Motioned by Ron Leyde, seconded by Caroline Mansfield to table the minutes of December 18, 2019.

*Voice vote, three ayes. Ron Leyde, Caroline Mansfield and Gerard Morgan.
Motion carried.*

Being no further business to conduct it was moved by Caroline Mansfield to adjourn the January 13, 2020 BOR meeting at 3:09 p.m.

Three handwritten signatures are present on the left side of the page. The top signature is in black ink, the middle one is in black ink, and the bottom one is in blue ink. Each signature is written over a horizontal line.

Respectfully Submitted,

 Charles E. Walder, Auditor
 Secretary/Board of Revision