

1 BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS

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3 IN RE: :

4 Board Meeting :

5 - - - - -

6 Proceedings before Chairman William A.  
7 Anthony, Jr., Board Member Kimberly E.  
8 Marinello, Board Member Michael E. Colley,  
9 and Board Member Carolyn C. Petree, taken at  
10 the Franklin County Board of Elections, 280  
11 East Broad Street, Columbus, Ohio, on Friday,  
12 January 11, 2008, at 3:28 o'clock p.m.

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1 APPEARANCES:

2 Franklin County Prosecuting Attorney

3 373 South High Street

4 13th Floor

5 Columbus, Ohio 43215

6 By Mr. Patrick Piccininni,

7 Assistant County Prosecutor,

8

9 On behalf of the Board of

10 Elections.

11 Perez & Morris, LLC

12 8000 Ravine's Edge Court

13 Suite 300

14 Columbus, Ohio 43235

15 By Ms. Angela Alexander Savino,

16 Attorney at Law,

17

18 On behalf of the Petitioner,

19 Mariachi Mexican Restaurant.

20

21 ALSO PRESENT:

22

23 Mr. Matthew Damschroder, Director

24 Mr. Dennis White, Deputy Director

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1 INDEX (Cont'd)

2 Witnesses Page No.

3 Victoria Parks 69

4 Marian Lupo 73

5 Dan Stanton 82

6 Carla Patton 104

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18 B - Transcript Excerpt 112

19 C - Salaries List --

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21 Witnesses Page No.

22 Paddy Shaffer 43

23 Leonard Samuelson 55

24 Teresa Blakely 66

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2 PROCEEDINGS

3 -----

4 CHAIRMAN ANTHONY: Hello. I'd like

5 to call the Franklin County Board of

6 Elections meeting to order, please.

7 DIRECTOR DAMSCHRODER: Mr. Colley.

8 BOARD MEMBER COLLEY: Here.

9 DIRECTOR DAMSCHRODER:

10 Ms. Marinello.

11 BOARD MEMBER MARINELLO: Here.

12 DIRECTOR DAMSCHRODER: Ms. Petree.

13 BOARD MEMBER PETREE: Yes.

14 DIRECTOR DAMSCHRODER: Chairman

15 Anthony.

16 CHAIRMAN ANTHONY: Here.

17 DIRECTOR DAMSCHRODER: All members

18 are present.

19 The first item on the agenda is the

20 approval of previous minutes that have been

21 distributed to the Board.

22 CHAIRMAN ANTHONY: Is there a

23 motion to approve the minutes of that Board

24 meeting?

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1 BOARD MEMBER PETREE: I make a  
 2 motion.  
 3 CHAIRMAN ANTHONY: All those in --  
 4 well, let me do it right.  
 5 I move that the Board approve the  
 6 minutes of the meeting of Franklin County  
 7 Board of Elections, November 5th, 2007, and  
 8 November 27th, 2007, as submitted.  
 9 Is there a second?  
 10 BOARD MEMBER PETREE: Second.  
 11 CHAIRMAN ANTHONY: All those in  
 12 favor, say aye.  
 13 (Board votes aye unanimously.)  
 14 DIRECTOR DAMSCHRODER: That motion  
 15 carries.  
 16 The next item on the public portion  
 17 of the agenda is candidate certification.  
 18 There before you in the large packet is the  
 19 list of all of the candidates having timely  
 20 filed petitions last Friday to appear on the  
 21 March 4th, 2008 Primary Election ballot.  
 22 Everyone contained on this list was  
 23 identified by staff as having filed, timely  
 24 filed, ballots, sufficient petitions.

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1 And this list has been gone  
 2 through, also, so that we can take out the  
 3 individual motions that each Board member has  
 4 to vote on for the roll call for extensions.  
 5 So it will be staff's  
 6 recommendation that we accept this list in an  
 7 omnibus kind of resolution as printed on  
 8 the -- on the agenda. And then, we'll go  
 9 through the other ones individually.  
 10 CHAIRMAN ANTHONY: Okay. So how do  
 11 you want us to start again, now?  
 12 DIRECTOR DAMSCHRODER: Let's handle  
 13 the first paragraph that appears under  
 14 candidate certification as one motion.  
 15 CHAIRMAN ANTHONY: Okay.  
 16 BOARD MEMBER MARINELLO:  
 17 Mr. Chairman?  
 18 CHAIRMAN ANTHONY: Yes.  
 19 BOARD MEMBER MARINELLO: I move  
 20 that the Board certify to the March 4th, 2008  
 21 Primary Election ballot those candidates  
 22 whose petitions have been timely filed on or  
 23 before Friday, January 4th, 2008, were found  
 24 to be valid and sufficient, and that the list

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1 of those candidates submitted by the Director  
 2 and Deputy Director and reviewed by the Board  
 3 be attached to the record of the proceedings  
 4 as Exhibit A.  
 5 CHAIRMAN ANTHONY: Is there a  
 6 second?  
 7 BOARD MEMBER PETREE: I second  
 8 that.  
 9 CHAIRMAN ANTHONY: All those in  
 10 favor, say aye.  
 11 (Board votes aye unanimously.)  
 12 DIRECTOR DAMSCHRODER: And I will  
 13 give this to the court reporter to attach to  
 14 the record.  
 15 The next four resolutions we need  
 16 to handle one-by-one, because some Board  
 17 members need to abstain, either because they  
 18 themselves are the candidate being certified  
 19 or it's a family member or close associate.  
 20 CHAIRMAN ANTHONY: Okay. And this  
 21 is for the County Central Committees?  
 22 DIRECTOR DAMSCHRODER: The first  
 23 one is the candidacy of Michael Colley. So  
 24 once that motion has been made and seconded,

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1 we'll do a roll call vote with Mr. Colley  
 2 abstaining.  
 3 CHAIRMAN ANTHONY: Okay. Then I  
 4 would entertain a motion.  
 5 BOARD MEMBER PETREE: Mr. Chairman?  
 6 CHAIRMAN ANTHONY: Yes, ma'am.  
 7 BOARD MEMBER PETREE: I move that  
 8 Michael F. Colley be certified to the March  
 9 4th, 2008 Primary Election ballot, as a  
 10 candidate for member of the Republican State  
 11 Central Committee from the 16th Ohio Senate  
 12 District.  
 13 CHAIRMAN ANTHONY: Okay. We ought  
 14 to do a roll call vote on that.  
 15 DIRECTOR DAMSCHRODER: A second.  
 16 CHAIRMAN ANTHONY: Oh, is there a  
 17 second for that?  
 18 BOARD MEMBER MARINELLO: Second.  
 19 CHAIRMAN ANTHONY: Okay. Roll  
 20 call.  
 21 DIRECTOR DAMSCHRODER: Roll call  
 22 vote: Mr. Colley.  
 23 BOARD MEMBER COLLEY: Abstain.  
 24 DIRECTOR DAMSCHRODER:

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<p>1 Ms. Marinello. 2 BOARD MEMBER MARINELLO: Yes. 3 DIRECTOR DAMSCHRODER: Ms. Petree. 4 BOARD MEMBER PETREE: Yes. 5 DIRECTOR DAMSCHRODER: Chairman 6 Anthony. 7 CHAIRMAN ANTHONY: Yes. 8 DIRECTOR DAMSCHRODER: And motion 9 carries. 10 The next motion is the candidacy of 11 Carolyn Petree for State Central Committee, 12 with once the motion is made and seconded Ms. 13 Petree needs to abstain. 14 CHAIRMAN ANTHONY: I would 15 entertain a motion. 16 BOARD MEMBER MARINELLO: 17 Mr. Chairman? 18 CHAIRMAN ANTHONY: Yes. 19 BOARD MEMBER MARINELLO: I move 20 that Carolyn C. Petree be certified to the 21 March 4th, 2008 Primary Election ballot as a 22 candidate for the member of the Republican 23 State Central Committee from the 15th Ohio 24 Senate District.</p>	<p>1 respectively. 2 Is there a second? 3 BOARD MEMBER PETREE: Second. 4 CHAIRMAN ANTHONY: We need a roll 5 call vote. 6 DIRECTOR DAMSCHRODER: Mr. Colley. 7 BOARD MEMBER COLLEY: Yes. 8 DIRECTOR DAMSCHRODER: 9 Ms. Marinello. 10 BOARD MEMBER MARINELLO: Abstain. 11 DIRECTOR DAMSCHRODER: Ms. Petree. 12 BOARD MEMBER PETREE: Yes. 13 DIRECTOR DAMSCHRODER: Chairman 14 Anthony. 15 CHAIRMAN ANTHONY: Yes. 16 DIRECTOR DAMSCHRODER: And again, 17 the last one, with Chairman Anthony 18 abstaining. 19 BOARD MEMBER MARINELLO: I move 20 that Ruth E. Lawson, David S. Anthony, 21 Richard L. Vinson, be certified to the March 22 4th, 2008 Primary Election ballot as 23 candidates for members of the Democratic 24 County Central Committee from Wards 3, 4, and</p>
Page 11	Page 13
<p>1 CHAIRMAN ANTHONY: Is there a 2 second? 3 BOARD MEMBER COLLEY: Second. 4 CHAIRMAN ANTHONY: Roll call vote. 5 DIRECTOR DAMSCHRODER: Mr. Colley. 6 BOARD MEMBER COLLEY: Yes. 7 DIRECTOR DAMSCHRODER: 8 Ms. Marinello. 9 BOARD MEMBER MARINELLO: Yes. 10 DIRECTOR DAMSCHRODER: Ms. Petree. 11 BOARD MEMBER PETREE: Abstain. 12 CHAIRMAN ANTHONY: Chairman 13 Anthony. 14 CHAIRMAN ANTHONY: Yes. 15 DIRECTOR DAMSCHRODER: Motion 16 carries. 17 The next one, we'll handle again 18 with Ms. Marinello abstaining. 19 CHAIRMAN ANTHONY: All right. Then 20 I move that Joy Fielder, Dennis L. White, be 21 certified to the March 4th, 2008 Primary 22 Election ballot as candidates for members of 23 the Democratic County Central Committee from 24 Columbus Ward 29 and Madison Township</p>	<p>1 51 respectively. 2 CHAIRMAN ANTHONY: Is there a 3 second? 4 BOARD MEMBER COLLEY: Second. 5 CHAIRMAN ANTHONY: Roll call vote. 6 DIRECTOR DAMSCHRODER: Mr. Colley. 7 BOARD MEMBER COLLEY: Yes. 8 DIRECTOR DAMSCHRODER: 9 Ms. Marinello. 10 BOARD MEMBER MARINELLO: Yes. 11 DIRECTOR DAMSCHRODER: Ms. Petree. 12 BOARD MEMBER PETREE: Yes. 13 DIRECTOR DAMSCHRODER: Chairman 14 Anthony. 15 CHAIRMAN ANTHONY: I abstain. 16 DIRECTOR DAMSCHRODER: Motion 17 carries. 18 The next group of petitions that we 19 need to discuss are all the candidates or all 20 the petitions that were found as having some 21 question either of substantial compliance 22 that needs to be handled by the Board or 23 other petitions that were just outright 24 insufficient or invalid.</p>

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<p>1 The Board does not have to act on 2 the insufficient or invalid. 3 Denny? 4 DEPUTY DIRECTOR WHITE: We didn't 5 act on Kim's Central Committee petition. 6 DIRECTOR DAMSCHRODER: Oh, I'm 7 sorry. 8 BOARD MEMBER MARINELLO: I'm not on 9 there. 10 BOARD MEMBER PETREE: Oh, that's 11 true. 12 CHAIRMAN ANTHONY: Oh, you're on 13 the Central Committee? 14 What's your ward? 15 BOARD MEMBER MARINELLO: 49. 16 CHAIRMAN ANTHONY: 41? 17 BOARD MEMBER MARINELLO: 49. 18 DEPUTY DIRECTOR WHITE: Somebody 19 just needs to make that motion. 20 CHAIRMAN ANTHONY: I'll make that 21 motion. 22 DEPUTY DIRECTOR WHITE: And she 23 would abstain. 24 CHAIRMAN ANTHONY: And I move --</p>	<p>1 petitions that have questions. There were a 2 number that were just found to have 3 insufficient number of valid signatures; 4 others that failed to properly execute their 5 circular statement. 6 There are a couple, Jeni Horn, Ryan 7 Frazee, Tim Kenney, Kari Hertel, Michael 8 Cline, and Shawn Dingus, that made some kind 9 of, each different, but minor clerical errors 10 that have either been found in the past, 11 through court decisions, recommendations from 12 Prosecuting Attorney, or from the Secretary 13 of State, or prior action of the Board, to be 14 found to be, like I said, minor clerical 15 errors, that do meet substantial compliance. 16 You can go through each one of those and 17 discuss them if you would like to, or you can 18 move forward with staff recommendation and 19 just begin with the motions. 20 CHAIRMAN ANTHONY: Now, are you 21 saying that these have problems or -- 22 DEPUTY DIRECTOR WHITE: The 23 original list that he gave over, on the first 24 resolution, these are ones that we had some</p>
Page 15	Page 17
<p>1 yeah. I move that Kim Marinelli [sic] be 2 certified to the March 4th, 2000 [sic] 3 Primary Election ballot as a candidate for 4 the member of the Democratic Central 5 Committee from Ward -- 6 BOARD MEMBER MARINELLO: 49, Ward 7 49. 8 CHAIRMAN ANTHONY: Ward 49. 9 Is there a second? 10 BOARD MEMBER PETREE: I'll second. 11 DIRECTOR DAMSCHRODER: Mr. Colley. 12 BOARD MEMBER COLLEY: Yes. 13 DIRECTOR DAMSCHRODER: 14 Ms. Marinello. 15 BOARD MEMBER MARINELLO: Abstain. 16 DIRECTOR DAMSCHRODER: Ms. Petree. 17 BOARD MEMBER PETREE: Yes. 18 DIRECTOR DAMSCHRODER: Chairman 19 Anthony. 20 CHAIRMAN ANTHONY: Yes. 21 DIRECTOR DAMSCHRODER: Sorry about 22 that, Kim. 23 The next group, as we were talking 24 about, are the candidates that have --</p>	<p>1 concerns with, so we got with either the 2 Prosecutor's Office or Brian from the 3 Secretary of State's office, and they said 4 that it would be okay to put these on the 5 ballot. They weren't on the original 6 resolution. 7 CHAIRMAN ANTHONY: Okay. All 8 right. Then I would entertain a motion. 9 BOARD MEMBER MARINELLO: 10 Mr. Chairman? 11 CHAIRMAN ANTHONY: Yes, ma'am. 12 BOARD MEMBER MARINELLO: I move 13 that Jeni Horn, Ryan Frazee, Timothy Kenney, 14 and Kari Hertel be certified to the March 15 4th, 2008 Primary Election ballot as 16 candidates for member of the Republican 17 County Central Committee from Ward 3, Ward 18 59, Reynoldsburg Ward 4, and Dublin Ward 2 19 respectively. 20 CHAIRMAN ANTHONY: Is there a 21 second? 22 BOARD MEMBER PETREE: I'll second. 23 CHAIRMAN ANTHONY: All those in 24 favor, say aye.</p>

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1 (Board votes aye unanimously.)  
 2 DEPUTY DIRECTOR WHITE: The other  
 3 two the same.  
 4 DIRECTOR DAMSCHRODER: The other  
 5 two are the same way.  
 6 DEPUTY DIRECTOR WHITE: The next  
 7 two are the same, too.  
 8 CHAIRMAN ANTHONY: I'll entertain a  
 9 motion.  
 10 BOARD MEMBER PETREE: Mr. Chairman?  
 11 CHAIRMAN ANTHONY: Yes, ma'am.  
 12 BOARD MEMBER PETREE: I move that  
 13 Michael Cline be certified to the March 4th,  
 14 2008 Primary Election ballot as a candidate  
 15 for Democratic County Central Committee from  
 16 Plain Township.  
 17 CHAIRMAN ANTHONY: Is there a  
 18 second?  
 19 BOARD MEMBER MARINELLO: Second.  
 20 CHAIRMAN ANTHONY: All those in  
 21 favor, say aye.  
 22 (Board votes aye unanimously.)  
 23 DIRECTOR DAMSCHRODER: And then the  
 24 last one.

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1 BOARD MEMBER MARINELLO:  
 2 Mr. Chairman, I move that Shawn Dingus be  
 3 certified to the March 4th, 2008 Primary  
 4 Election ballot as a Democratic candidate for  
 5 Judge of the Court of Common Pleas, General  
 6 Division, with full term commencing July 1st,  
 7 2009.  
 8 CHAIRMAN ANTHONY: Is there a  
 9 second?  
 10 BOARD MEMBER PETREE: Second.  
 11 CHAIRMAN ANTHONY: All those in  
 12 favor, say aye.  
 13 (Board votes aye unanimously.)  
 14 DIRECTOR DAMSCHRODER: That motion  
 15 carries.  
 16 The next item on the agenda is to  
 17 consider an appeal of a local option that was  
 18 previously filed by the Board -- before the  
 19 Board, that the Board denied based on  
 20 interpretation from both the Secretary of  
 21 State and the Prosecuting Attorney's Office.  
 22 I think the appeal was mailed to each of the  
 23 Board members. I think we do have some  
 24 copies, if you need to review it.

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1 And I believe someone is here  
 2 representing the Mariachi Mexican Restaurant.  
 3 The local option was for 4740 East Main  
 4 Street in Whitehall. I believe someone is  
 5 here representing the petitioner.  
 6 CHAIRMAN ANTHONY: Yes, ma'am.  
 7 How are you?  
 8 MS. ALEXANDER SAVINO: I'm fine,  
 9 thank you. Thank you for your time.  
 10 I trust you --  
 11 CHAIRMAN ANTHONY: Can you give us  
 12 your name?  
 13 MS. ALEXANDER SAVINO: My name is  
 14 Angela Alexander Savino. I'm counsel for  
 15 Mariachi and petitioner.  
 16 She's reminding me I was before you  
 17 not long ago.  
 18 Thank you for your time, again.  
 19 I trust you received the appeal.  
 20 And it looks like, after talking with your  
 21 counsel --  
 22 BOARD MEMBER MARINELLO: Can you  
 23 speak louder, please?  
 24 MS. ALEXANDER SAVINO: Sure.

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1 It looks like, after talking with  
 2 your counsel, the issue seems to stem on the  
 3 statute 4301.333(B)(3)(a), specifically that  
 4 in addition to identifying the type of liquor  
 5 permit on each petition, it should include a  
 6 description of the type of beer or  
 7 intoxicating liquor sales authorized by each  
 8 permit as provided by these sections.  
 9 I should mention, I'm assuming you  
 10 already know, but there was adequate  
 11 signatures.  
 12 The question came down to what was  
 13 considered to be a flaw to the description of  
 14 the liquor permits on the petition. I submit  
 15 to you that nothing within that statute says  
 16 where on the petition the description of the  
 17 type of liquor permits has to be included.  
 18 On our petition, we did include  
 19 that it's a D-5 and D-6, and that they were a  
 20 holder of the D-5 and D-6, and they were not  
 21 applying for any other permit. We also  
 22 described that, as a holder of a D-5 and D-6,  
 23 they were seeking to sell what they could  
 24 sell under those permits, beer, wine, mixed

