

BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS

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In Re: :
Special Meeting. :

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PROCEEDINGS

before Chairman Douglas J. Preisse, Director Edward Leonard, Deputy Director David Payne, and Board Members Bradley K. Sinnott, Kimberly E. Marinello, and Michael Sexton, at the Franklin County Board of Elections, 1700 Morse Road, Columbus, Ohio, called at 2:36 p.m. on Wednesday, August 29, 2018.

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1 APPEARANCES:

2 FRANKLIN COUNTY PROSECUTOR'S OFFICE
3 By Timothy A. Lecklider, Esq.
4 Assistant Prosecuting Attorney
5 373 South High Street, 13th Floor
6 Columbus, Ohio 43215
7 (614) 525-3520,

8 On behalf of the Board.

9 THOMAS C. DRABICK, JR., Esq.
10 6805 Oak Creek Drive
11 Columbus, Ohio 43229
12 (614) 332-9472,

13 On behalf of Challenger Leo Almeida.

14 AMANDA M. GRANDJEAN, Esq.
15 MARIA J. ARMSTRONG, Esq.
16 Bricker & Eckler
17 100 South Third Street
18 Columbus, Ohio 43215
19 (614) 227-2300,

20 On behalf of Respondent
21 Bobby L. Mitchell.

22 Also present:

23 Leo Almeida
24 Ron Brown
25 Bobby Mitchell
Minnie Smalls-Green
Gregory Frazier

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BOARD EXHIBITS (CONT'D)

IDENTIFIED

Additional Exhibits submitted by
Challenger Leo Almeida (cont'd):

Exhibit W -
Mortgage loan info, 14 pages

Exhibit X -
Real estate data for 9329 Hocking Run,
1 page

Exhibit Y -
Photocopy of map from Google Maps,
1 page

Exhibit Z -
Photocopy of map from Google Maps,
1 page

Exhibit AA -
Photoopy of check kfrom Genesis
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Exhibit BB -
Photocopy of page from The Father's
House International, 1 page

- - -

Documents submitted, not marked:

Motion to Quash or Limit Testimony,
7 pages (Unmarked Doc 1)

Photocopy of calendar for July 2018
and August 2018, 2 pages (Unmarked Doc 2)

Brief of Bobby L. Mitchell,
8 pages (Unmarked Doc 3)

- - -

1 Wednesday Afternoon Session
2 August 24, 2018
3 2:39 p.m.

4 - - -

5 CHAIRMAN PREISSE: Okay. It's looks
6 like we're all assembled. And I don't know that we
7 need to call the roll Or should we because --

8 DEPUTY DIRECTOR PAYNE: Legal
9 counsel advised that we probably should.

10 We've returned from recess, so I'll
11 take roll.

12 Kim Marinello.

13 MEMBER MARINELLO: Here.

14 DEPUTY DIRECTOR PAYNE: Mike Sexton.

15 MEMBER SEXTON: Here.

16 DEPUTY DIRECTOR PAYNE: Doug

17 Preisse.

18 MEMBER PREISSE: Here.

19 DEPUTY DIRECTOR PAYNE: Brad

20 Sinnott.

21 MEMBER SINNOTT: Here.

22 DEPUTY DIRECTOR PAYNE: We have a
23 quorum. We are returned from recess.

24 CHAIRMAN PREISSE: To continue our
25 hearing and deliberations on the challenge of right
to vote or correction of registration which we took

1 up on Monday. Right?

2 MEMBER SINNOTT: Yes, it was Monday.

3 CHAIRMAN PREISSE: So --

4 MEMBER SINNOTT: At this point we've
5 heard the challenge. We have not heard the
6 response to the challenge. The challenge took
7 about 35 minutes to present. So I would think that
8 an equal allocation for presentation of the
9 response would be fitting, and then we'll
10 deliberate and decide after that.

11 Mr. Drabick, you wish to be heard?

12 MR. DRABICK: Mr. Sinnott, if I may.
13 I have some additional documents that I think would
14 be relevant to today's testimony.

15 MS. GRANDJEAN: And we're going to
16 object to that.

17 MEMBER SINNOTT: I don't know what
18 the additional documents are. The contention of
19 the Board is to receive everything that somebody
20 submits. Now, in terms of oral presentation time,
21 that from the challenger has been exhausted at this
22 point. So if you have something you want to put
23 into the record, you may present it to the court
24 reporter and we'll make it a part of the record.
25 To my knowledge we've never excluded from the

1 record anything that was tendered.

2 Have you shared this with
3 Ms. Grandjean?

4 MR. DRABICK: I will.

5 And being aware of what you just
6 stated about additional oral presentation, I have
7 an additional witness here who I think is more of a
8 rebuttal witness. I don't know that you'll allow
9 her to testify either now or later. So I'm looking
10 for some advice from the Board in that respect.

11 MS. GRANDJEAN: And for the record,
12 we would object to that as well and have a motion
13 to quash to support our objection.

14 MEMBER SINNOTT: Of course, we don't
15 know at this point who the witness is or what the
16 witness would say, but my view is that we were
17 going to have presentation by the challenger and
18 then a response and then we were going to
19 deliberate and decide. We'll take any documents
20 that people want to submit, but I don't see
21 elongating this proceeding by having rebuttal
22 presentation and surrebuttal going on indefinitely.

23 Does that sound fair?

24 MEMBER SEXTON: Sounds fair.

25 MEMBER SINNOTT: Okay. So there's

1 to be no more oral presentation of any sort,
2 Mr. Drabick.

3 Ms. Grandjean, do you want to create
4 some sort of record in terms of objection to what's
5 been marked Exhibit W and to which you've just
6 been -- and which you've just been handed?

7 MS. GRANDJEAN: We would formally
8 object to that and I'm happy to present our
9 official motion to quash the subpoena.

10 MEMBER SINNOTT: Okay. If you have
11 a motion to quash you'd like to submit, same rule
12 applies to everybody. Go ahead and tender it and
13 it will be received by the Board.

14 MR. DRABICK: And my last question
15 for the Board, Mr. Sinnott and Mr. Chairman, with
16 respect to will we have an opportunity -- counsel
17 have an opportunity to close, to wrap up at the end
18 of the hearing?

19 MEMBER SINNOTT: No. I think that
20 we've heard all the oral presentation from the
21 challenger that we're intending on hearing. We
22 will hear the presentation of the response today
23 and then we'll immediately move to deliberation and
24 decision as a board.

25 MR. DRABICK: Thank you, sir.

1 MEMBER SINNOTT: All right. Well,
2 Mr. Mitchell, do you wish to be heard?

3 MR. MITCHELL: Yes, sir.

4 MS. GRANDJEAN: I am going to
5 present our exhibits and a short brief, if that's
6 okay.

7 MEMBER SINNOTT: We will receive
8 into evidence whatever you present by way of
9 documentation.

10 MS. GRANDJEAN: Thank you.

11 MEMBER SINNOTT: Has Mr. Drabick
12 been presented with a copy of this?

13 MS. GRANDJEAN: Right here. I think
14 he left the room, but --

15 MEMBER SINNOTT: Well, let's wait
16 for his return.

17 MS. GRANDJEAN: Okay.

18 MEMBER SINNOTT: Okay. Well, I have
19 about 2:43. Why don't we see if this can be
20 concluded in terms of your presentation by 3:15.

21 MS. GRANDJEAN: Okay. Thank you.

22 Good afternoon, Chairman Preisse and
23 members of the Franklin County Board of Elections.
24 My name is Mandy Grandjean and I'm here along with
25 my colleague, Maria Armstrong, on behalf of

1 Dr. Bobby Mitchell.

2 Complainant Leonardo Almeida filed a
3 challenge of right to vote pursuant to Ohio Revised
4 Code 3503.24 against Dr. Mitchell. Complainant
5 argues that Dr. Mitchell does not in fact live at
6 the address that appears on the Franklin County
7 Board of Election's website. The address that is
8 listed on the Board's website is 6057 Falla Drive,
9 Canal Winchester, Ohio.

10 Pursuant to Ohio Supreme Court
11 precedent, complainant has the burden of proving by
12 clear and convincing evidence that Dr. Mitchell did
13 not meet the statutory requirements to vote.

14 As you know and as was presented
15 earlier, the Ohio Revised Code sets forth factors
16 when this Board is determining residency. Those
17 are set forth in Ohio Revised Code 3503.02.

18 Ohio law requires elections
19 officials to follow standards when determining the
20 residence of such person offering to vote. In
21 determining a perspective voter's residence, that
22 place shall be considered the residence of a person
23 in which the person's habitation is fixed and to
24 which whenever the person is absent the person has
25 the intention of returning. Intention is something

1 that the Supreme Court has throughout case law
2 determined to be the number one factor in
3 determining a person's voting residence.

4 As you likely know, there's also a
5 factor in 3503.02(D) that is in regards to the
6 presumption as to married people. The Ohio Supreme
7 Court has already stated and thoroughly analyzed
8 the specific statutory requirements and held that
9 in the Husted case that it was error to rely
10 exclusively on 3503.02(D) to decide the residency
11 issue. In fact, they stated, and I quote, By
12 effectively treating the Ohio Revised Code
13 3503.02(D) factor as the exclusive factor
14 applicable to Jon Husted, the secretary created an
15 irrebuttable presumption to classify Husted as a
16 nonresident of Montgomery County, which is not
17 constitutionally permissible.

18 Furthermore, when the applicability
19 of multiple sections of 3503.02 leads to
20 conflicting results, it cannot be shown by the
21 heightened standard of clear and convincing
22 evidence that a person is not a resident of that
23 county and great weight must be accorded to the
24 person's claimed voting residence.

25 Again, as I stated, and as the brief

1 in front of you will set forth in greater detail,
2 this is not new to the Ohio Supreme Court. And the
3 intention of the voter is what is most important.

4 Here complainant failed to meet his
5 burden. You heard testimony on Monday from
6 complainant that only proves that Dr. Mitchell was
7 inappropriately stalked by complainant and his
8 counterparts. Complainant set forth no evidence
9 that establishes that Dr. Mitchell's intent is not
10 to return to his residence.

11 Today you will hear evidence and
12 testimony that will lead to only one conclusion,
13 Dr. Mitchell does in fact reside at the address of
14 6057 Falla Drive, Canal Winchester, Ohio.
15 Dr. Mitchell has resided at this address since
16 October of 2017.

17 You will hear from Dr. Mitchell's
18 church administrator and his business partner. You
19 will hear from Dr. Mitchell himself. You will see
20 his driver's license, concealed carry handgun
21 license, utility bills, account statements,
22 letters, photographs, affidavits, including
23 affidavits from Dr. Mitchell's wife and the leasing
24 agent of his residence complex.

25 Again, all of the evidence and

1 testimony will show you that Dr. Mitchell resides
2 at 6057 Falla Drive and that whenever he is away
3 from his residence he has the intention of
4 returning to it.

5 Additionally, as I'm sure you'll see
6 from Dr. Mitchell's testimony, Dr. Mitchell is a
7 man of faith, a veteran, and believes in the
8 justice system and engaging in ethical behavior.
9 He has served this country and admirably wishes to
10 continue serving this country and his community.

11 This challenge is about politics and
12 not about the law or the facts. In fact, this
13 Board stated at Monday's hearing, and I quote, that
14 notices were mailed to the person challenged,
15 Dr. Mitchell, and that the Board has in its
16 possession, first, a valid registration with the
17 6057 Falla Drive address on file with the BMV as of
18 November 1st, 2017; second, a hand-delivered
19 registration with the 6057 Falla Drive address
20 received on November 7th, 2017; third, a copy of
21 the provisional ballot that he cast on
22 November 7th, 2017; and fourth, a copy of the poll
23 pad slip from the May 8th, 2018, primary showing
24 machine vote cast at the 6057 Falla Drive address.
25 Most notably, members of the Board, the Board did

1 not receive any return or undeliverable mail from
2 this address. Actually, in fact, Dr. Mitchell came
3 here and registered to vote in person.

4 Members of the Board, as you will
5 see throughout today's testimony and evidence, the
6 law in fact supports the conclusion that
7 Dr. Mitchell's undisputed intent is to reside at
8 6057 Falla Drive. Thank you.

9 We would like to call Leonardo
10 Almeida first.

11 (Witness sworn by reporter.)

12 MS. ARMSTRONG: Good afternoon,
13 Chairman Preisse, members of the Board. My name is
14 Maria Armstrong. I'll be tag teaming with Mandy
15 today on some of this presentation.

16 - - -

17 LEONARDO ALMEIDA,
18 being first duly sworn, testifies as follows:

19 EXAMINATION

20 BY MS. ARMSTRONG:

21 Q. Mr. Almeida, thank you for coming
22 back. I appreciate that you were willing to return
23 here today. I just have a few questions based on
24 your testimony from Monday.

25 You testified and you presented the

1 Board with a log of times when you observed or
2 didn't observe certain things happening in your
3 complex. Can you remind us again, when did you
4 move into that apartment complex?

5 A. I moved in -- It would have been
6 December of 2017.

7 Q. So your knowledge would only be from
8 December 2017 to the present?

9 A. That's correct.

10 Q. When did the log start?

11 A. I'd have to look at it to give you
12 the exact date, but in July.

13 Q. Okay. Tell us again how you
14 prepared that log. What did you do to prepare that
15 for the Board?

16 A. So I essentially when I was coming
17 and leaving the complex I would look at the parking
18 area near 6057 Falla Drive where someone would park
19 if they were living there and looked for one of the
20 two vehicles, the white Lexus sedan or white Lexus
21 SUV.

22 Q. How did you know that those vehicles
23 belonged to the Mitchells?

24 A. I was informed that those belonged
25 to them and was shown pictures of their vehicles.

1 Q. So that's not your personal
2 knowledge that those belong to them?

3 A. From the pictures that I saw --

4 Q. From --

5 A. -- that they belong to them. That
6 is my personal knowledge.

7 Q. But how do you know that they're
8 their vehicles? Do you have any proof of that?
9 Did you -- You're the complainant and you should
10 have personal knowledge of facts that you allege.
11 Well, how do you know that they are their vehicles?

12 A. Well, Mr. Mitchell said it was his
13 vehicle when he testified on Monday.

14 Q. All right. So you were looking for
15 the two vehicles?

16 A. Yes.

17 Q. I'm going to hand you -- I'll hand
18 you this so you can see it. This is your exhibit.

19 A. Yep.

20 Q. And I'd also like to hand you the
21 same information in calendar form. Can you point
22 for the Board one single instance on there where
23 you observed these cars prior to 7:30 a.m. or made
24 any observation of any kind prior to 7:30 a.m.?

25 A. Prior to 7:30?

1 Q. Yes, please.

2 A. So July 27th, 6:58.

3 Q. Okay. That's one.

4 A. And it looks like that's the only
5 one prior to 7:30.

6 Q. I'm going to hand you the same data
7 in calendar form.

8 A. Sure.

9 Q. Of the 28 times that you reported
10 that you looked for these vehicles, there's a blank
11 there between the 21st and the 26th. What happened
12 during those days?

13 A. I was on vacation.

14 Q. And I think you testified that you
15 kept this log contemporaneously, that it's
16 accurate, that it reflects your actual observation
17 from coming in and out of the parking lot. So
18 would it be fair to say that you observed these
19 situations for a minute or less than a minute?

20 A. You mean like looking at the
21 parking?

22 Q. Yes.

23 A. Fair.

24 Q. So less than a minute. With the
25 exception of one day, all after 7:00 a.m. Most on

1 the weekends, some during the week.

2 A. Uh-huh.

3 Q. Without any knowledge or evidence of
4 whose vehicles you're looking for. Is that
5 correct?

6 A. I -- Well, I knew what vehicles I
7 was looking for. Like I said, I knew the two
8 vehicles that I was looking for.

9 Q. Your testimony is that when you came
10 in, according to your log, you didn't see those
11 vehicles during those minutes that you observed
12 them?

13 A. Correct.

14 Q. You also have information there that
15 there are no lights on on a handful of occasions?

16 A. Correct.

17 Q. Since this log is in your testimony
18 accurate, would that mean that the other instances
19 that were after dark where you don't have that
20 notation you did observe lights on and some
21 signification of people being present?

22 A. No, I would not say that. I would
23 say that if it doesn't say that there were no
24 lights on it would mean that it was either still
25 too light out for me to assume that the lights

1 would be on. I mean, typically lights are on after
2 dark. And I mean, this is summertime, so it
3 doesn't get dark that early.

4 Q. Although, you do have other times on
5 here, 22:00 hours, 20:00 hours, that you don't have
6 any notation of lights not being on?

7 A. Uh-huh.

8 Q. Since this is your accurate
9 reflection contemporaneous, is it fair to assume
10 that you observed lights after those hours on those
11 dates?

12 A. No. I never saw the lights on.
13 Those were the times where I felt like it was dark
14 enough that I would expect to see the lights on.

15 Q. Okay. Did you ever personally
16 witness Mr. Mitchell at the complex?

17 A. No.

18 Q. You know what he looks like?

19 A. Yes.

20 Q. Do you use the workout facility
21 there?

22 A. The workout facility, no, but I use
23 the building that it's in.

24 Q. The swimming pool, the community
25 facilities?

1 A. Yes.

2 Q. And you never observed Mr. Mitchell
3 there?

4 A. No.

5 Q. Never observed him getting in and
6 out of these cars?

7 A. No.

8 Q. Never observed him getting in and
9 out of his vehicle?

10 A. No.

11 Q. Do you have any information as to
12 whether or not he owns other cars?

13 A. Other than his testimony on Monday
14 saying he owned multiple cars.

15 Q. Do you have any information as to
16 what his normal work hours are?

17 A. No.

18 Q. Do you have any information as to
19 where he would typically park in that complex?

20 A. Other than you typically park by
21 where you live. Right?

22 Q. Do you have any information as to
23 where he parks in the complex?

24 A. No.

25 Q. Okay. Did you peek in the windows

1 there?

2 A. No.

3 Q. Are you aware that the place is
4 furnished or not?

5 A. I have no idea.

6 Q. Look for mail?

7 A. No.

8 Q. See people coming and going?

9 A. Well, and let me clarify. There's
10 no mail delivered at the door. There's a center
11 area of mailboxes.

12 Q. Have you ever been at the Hocking
13 Run address?

14 A. No.

15 Q. Are you familiar with Dr. Mitchell's
16 wife and children?

17 A. No.

18 Q. So if you saw them, you wouldn't
19 know that?

20 A. Correct.

21 Q. Okay. I'm going to turn your
22 attention in your exhibit packet very quickly here
23 so I can leave the remainder of the time to my
24 colleague. Would you please look at Exhibit H and
25 tell the Board when that photo was taken?

1 A. I mean, according to this, it says
2 September 2nd, 2016.

3 Q. 2016?

4 A. Yes.

5 Q. So prior to October of 2017.
6 Exhibit I, when was that taken?

7 A. April 15, 2017.

8 Q. Again, prior to October of 2017.

9 Can you describe the car that's in
10 the picture there in a driveway?

11 A. It looks like a black sedan vehicle.
12 I can't quite tell what that logo is.

13 Q. Not a white Lexus SUV?

14 A. I would not think that that is.

15 Q. Turn to Exhibit J. The date it was
16 taken?

17 A. May 6th, 2017.

18 Q. And Exhibit K?

19 A. June 8th, 2017.

20 Q. All before October of 2017?

21 A. Correct.

22 Q. Can you turn to Exhibit O and read
23 the date of that one, please?

24 A. June 30th.

25 Q. Okay. To the best of your

1 knowledge, do you know what day of the week that
2 is?

3 A. No.

4 Q. If I told you that was a Saturday,
5 would you have any reason to disbelieve that?

6 (Recess for reporter.)

7 A. I'm sorry. Can you repeat the last
8 part?

9 Q. Do you know what day of the week
10 June 30th is?

11 A. No.

12 Q. If I told you it was a Saturday, do
13 you have any reason to disagree with that?

14 A. No, because I don't know.

15 (Recess taken for reporter.)

16 Q. Turn back to your log. Is there a
17 single time there that you have logged the date or
18 a time, ending time, for the observation prior to
19 9:00?

20 A. And just to clarify, you want to
21 know if there's any time here before 9:00 p.m.?

22 Q. Actually, I'll withdraw that
23 question. I think the Board can take note of that
24 from the testimony.

25 Can you please tell us, Mr. Almeida,

1 why you did this? Why did you start this log?

2 A. I started this log because I was
3 informed that Bobby Mitchell claimed to live at the
4 same apartment complex as I and I was asked to keep
5 a log of any vehicles that -- or the two vehicles
6 that I know to belong to him, if they were there or
7 not.

8 Q. Who informed you of that?

9 A. I was informed by Rich Brown.

10 Q. Okay. And you never saw any
11 information about Mr. Mitchell, who he was, you
12 hadn't met him, you didn't see his vehicles, didn't
13 know about the vehicles he drove. Is that your
14 testimony today?

15 A. So I knew who he was because he's
16 running for office. I'm politically engaged. I
17 care about who represents me. So I knew that he
18 was a candidate for office, but I never met him or
19 even saw him in person until this past Monday.

20 MS. ARMSTRONG: I have no further
21 questions.

22 MEMBER SINNOTT: Very much like
23 soccer, I am keeping track of stoppage time here.

24 Ms. Grandjean.

25 MS. GRANDJEAN: Can I please call

1 Bobby Mitchell to the table?

2 (Witness sworn by reporter.)

3 - - -

4 BOBBY MITCHELL,

5 being first duly sworn, testifies as follows:

6 EXAMINATION

7 BY MS. GRANDJEAN:

8 Q. Good morning, Mr. Mitchell.

9 A. Good morning.

10 Q. And by morning, I mean afternoon.

11 Could you please tell us a little
12 bit about yourself?

13 A. My name is Bobby Mitchell. I'm an
14 Air Force veteran, church pastor, and small
15 business owner. And I'll leave it there.

16 Q. And I'm going to ask you out of
17 respect for the court reporter, try to be as loud
18 as you can so she can get everything.

19 A. Okay.

20 Q. What is your education?

21 A. My education is I had went to the
22 military, graduated from the contracting academy,
23 Air Force contracting academy, graduated from the
24 Air Force police academy. I have an associate's
25 degree, a bachelor's degree in business from

1 Franklin University. I have a bachelor's,
2 master's, and doctorate in theology from the
3 Institute of Christian Works located in South
4 Carolina.

5 Q. Thank you.

6 Can you tell me a little bit about
7 your family?

8 A. I've been married to my wife for
9 17 years. We have three children. We have a
10 17-year-old who is going to the Coast Guard in
11 October. We have an eight-year-old, Bella Joy,
12 that is baby girl. And I have a son, little Bobby,
13 and he's five years old.

14 Q. And what's your occupation or
15 occupations?

16 A. Well, I'm a church pastor. We also
17 have a food pantry that we oversee in partnership
18 with the Mid-Ohio Food Bank. I also own a car
19 dealership, Trusted Motors. I also own an
20 investment property rehab company with Genesis
21 Management Group. And that's what we do.

22 Q. Sounds like you're pretty busy.

23 What are your normal working hours
24 would you say or do you not -- is it fair to say
25 you don't have normal working hours?

1 A. Well, my hours I usually work is
2 from 7:00, 7:30 to about midnight. I have a lot of
3 different things on my plate, a lot of different
4 things that we do throughout the day. So I take a
5 lot of appointments, whether it's with the church,
6 whether it's with the car dealership, whether it's
7 with rental issues that come up. And so we stay
8 pretty busy and we like to work.

9 Q. Can you tell me about your
10 involvement in your church? I know you said you're
11 a pastor. Do you do anything else with your
12 church?

13 A. Yeah. We're at the shelters. We do
14 a food pantry that's open two nights a week. We do
15 a free farmers market with 10,000 pounds of fruits
16 and vegetables given out the last Saturday of every
17 month. Currently we just tore down our barn. We
18 had bought ten acres of land. We're changing our
19 church into a daycare on one side and a full food
20 pantry on the other side and building our new
21 church out in the ten acres of land that we have.
22 So we stay pretty active in the community.

23 Q. Where is your church located at?

24 A. It's located in Canal Winchester at
25 9670 Schoolhouse Road.

1 Q. And Dr. Mitchell, where do you
2 reside?

3 A. I reside at 6057 Falla Drive, Canal
4 Winchester 43110.

5 Q. Can you please tell us how long
6 you've lived there?

7 A. I've lived there since October of
8 2017.

9 Q. And you said you own a car
10 dealership. How far away is your residence from
11 your car dealership?

12 A. About 10 to 11 minutes away.

13 Q. And how far away is your residence
14 from your church?

15 A. About four to five minutes.

16 Q. As the owner of a car dealership is
17 it common for you to drive different cars daily or
18 even weekly?

19 A. Yes, absolutely. Just yesterday we
20 bought seven vehicles from Manheim's Auto Auction,
21 and over the last year I think we bought 88
22 different cars. So we drive different vehicles all
23 the time. I had a Porsche that I've driven, a BMW.
24 I drive the Impalas and different vehicles all the
25 time.

1 Q. What vehicle are you driving today?

2 A. I'm driving the Chevy Impala.

3 Q. And what vehicle did you drive on
4 Monday?

5 A. Chevy Impala.

6 Q. I am going to hand you complainant's
7 Exhibit G, which I think everybody has.

8 Could you please tell me what that
9 is?

10 A. This is the transfer, it looks like
11 a real estate conveyance, of 9329 Hocking Run going
12 from Nicholas Hupp, who is an Air Force pilot, to
13 Janeisha Mitchell, my wife.

14 Q. And Janeisha's name is on that deed?

15 A. Yes.

16 Q. And why is that?

17 A. Because this -- living out in the
18 country has always been a dream of hers. She grew
19 up in inner city New Orleans where there's just a
20 lot of blocks and bricks and projects, and she
21 always wanted a country home. And I told her --
22 She went to Iraq for six months and she just said
23 one day I want to be able to buy a home in the
24 country. And she was able to find this home in the
25 country in 2016. She used her VA home mortgage

1 loan to buy it. And I had to support her dream.
2 And happy wife, happy life.

3 Q. I understand. Thank you.

4 I'm also going to hand you Exhibit H
5 of complainant's exhibits.

6 A. Yes.

7 Q. Could you please tell us what that
8 is?

9 A. This is a picture of me in the foyer
10 of 9329 Hocking Run. It's dated September 2nd,
11 2016.

12 Q. And is that before you moved to your
13 residence?

14 A. Yes. I didn't move to my residence
15 till October of 2017.

16 Q. I'm going to hand you complainant's
17 Exhibit I. Could you tell us what it is and what
18 the date of that is as well?

19 A. A picture of a BMW in front of the
20 house, and it was in front of 9329, and it's
21 April 15th, 2017. And this is before I moved into
22 the residence at 6057 Falla Drive.

23 Q. I'm going to hand you complainant's
24 Exhibit J. Tell us what it is.

25 A. This is when the lights got

1 installed at the house at 9329 Hocking Run and it's
2 dated May 6th, 2017, and this is before I moved
3 into 6057 Falla Drive.

4 Q. And I'm going to hand you
5 complainant's Exhibit K. Would you tell us what
6 that is, please?

7 A. This is a picture of me holding a
8 cup. This is June 8th, 2017, before I moved into
9 the residence at 6057 Falla Drive.

10 Q. Thank you.

11 I'm next going to hand you
12 complainant's Exhibit A and ask you a few questions
13 about that.

14 A. Okay.

15 Q. What is this?

16 A. This is a -- Bobby Mitchell's cars
17 at Madison at the Lakes. This is someone that had
18 been watching my family and I from this time, from
19 July to August 14th.

20 And I do want to let the Board know
21 I feel very uncomfortable with this. I have a
22 little girl. I have a wife. Someone looking into
23 our house to see if the lights are on or if they
24 can see any type of shape, we feel very
25 uncomfortable with this and we let our apartment

1 complex know. And they apologized and said they're
2 going to deal with this because this is just not
3 acceptable policy for residents to have to deal
4 with this.

5 Q. Could you again -- sorry -- just
6 remind me of your working hours again?

7 A. About 7:00, 7:30, around that time,
8 and till about midnight we're working doing one of
9 our businesses during that time.

10 Q. And that log only accounts for
11 certain periods of time that look to be generally,
12 you know, from around 8:00 or 7:45 maybe at the
13 earliest to not that late at night. So is it fair
14 to presume that you could not have been there
15 because you were working?

16 A. Yes.

17 Q. I am now handing you complainant's
18 Exhibit C. Could you tell me what that is after
19 you've had a chance to review it?

20 A. Yes. This is an affidavit of
21 Patrick Craycraft.

22 Q. Okay.

23 A. Yes. And there's some pictures of a
24 Lexus truck and a Lexus car it appears. And I
25 don't know what type of car the other car is, but

1 it looks like a Lexus truck pulling up. And a
2 Lexus car and a Lexus truck in the driveway.

3 Q. Are you in any of those pictures?

4 A. No, I'm not.

5 Q. Is your wife in any of those
6 pictures?

7 A. No, she's not.

8 Q. So is it possible that those cars
9 had been sitting there for who knows how long?

10 A. Yeah. That could definitely be.

11 Q. Is it possible that there are other
12 people, either a family member or your daughter
13 that's going into the Coast Guard, that often
14 drives your vehicles?

15 A. Yes. My daughter drives the
16 vehicles. My goddaughter, she actually works for
17 our dealership. She's actually driving the truck
18 now and she was driving the truck on Monday when we
19 came. And we didn't have any idea. She routinely
20 does that. She helps take our kids to gymnastics
21 practice. So many times I'm not driving the Lexus
22 truck or the Lexus car.

23 Q. And we have no idea if those
24 pictures were taken during the week or on the week
25 days?

1 A. No. We have no idea.

2 Q. Or on the weekend. Excuse me.

3 A. Yeah. We have no idea.

4 Q. And you don't deny that you go to
5 your wife's home occasionally on the weekends.

6 Correct?

7 A. Yeah. Absolutely. Absolutely, yes.

8 Q. I am handing you complainant's
9 Exhibit O. Can you tell me what that is?

10 A. Yes. This is a picture of me and my
11 friend from Germany and a picture of me and his
12 parents, military captains from Germany as well,
13 and they're taking a picture in front of my wife's
14 country home for a fundraiser that we had there.

15 Q. Can you tell me what the time stamp
16 is on that?

17 A. It's June 30th at 2:24 p.m.

18 Q. And if I told you that was a
19 Saturday, would you believe that?

20 A. I would believe that.

21 Q. I'm now going to turn to respondent,
22 our exhibits. So if you could please direct your
23 attention to Exhibit 1. Could you please tell me
24 what Exhibit 1 is?

25 A. This is a picture of my driver's

1 license that we got and it expires 10-13-2019 and
2 it was issued on 11-1-2017.

3 Q. And what's the address on that?

4 A. It is 6057 Falla Drive, Canal
5 Winchester, Ohio 43110.

6 Q. Thank you.

7 I'm going to direct your attention
8 to respondent's Exhibit 2. Could you tell us what
9 that is?

10 A. This is my Franklin County, Ohio
11 license to carry a concealed handgun permit. And
12 it's my name, Bobby Mitchell, and it's 6057 Falla
13 Drive, Canal Winchester, Ohio 43110. Issue date
14 11-13-17.

15 Q. Could you please turn your attention
16 to respondent's Exhibit 3, please?

17 A. Yes.

18 Q. And what is this?

19 A. This is a copy of my lease, dated
20 October 31st, 2017. And it's Jackie Jennings who
21 is the associate that works there at Madison at the
22 Lakes, and it is her signature.

23 Q. And could you -- sorry -- just for
24 the record, could you please tell me what the
25 address of the lease is for?

1 A. 6057 Falla Drive, Canal Winchester,
2 43110.

3 Q. Thanks.

4 I'm going to draw your attention to
5 respondent's Exhibit 4, please. Can you tell us
6 what this is?

7 A. This is my account history. This is
8 me paying the monthly bill, paying insurance,
9 paying for cable, saying for storm water, common
10 electric, my personal water bill, trash. That's --
11 And it goes through each month of me paying on
12 time, paying these bills and utilities.

13 Q. In your residence do they keep this
14 account history?

15 A. Yes, they keep the account history.

16 Q. I'm going to turn your attention to
17 Exhibit 5. Could you please tell me what this is?

18 A. This is energy usage. It's in my
19 wife's name, Janeisha T. Mitchell, and it's at
20 6057 Falla Drive, and our account number, and it
21 shows consistent energy usage.

22 Q. I'm going to draw your attention to
23 respondent's Exhibit 11. Could you tell me what
24 that is?

25 A. This is a picture of us Monday in

1 the parking lot with me next to the Chevy Impala
2 LS, and the dealer tag in the back with my phone
3 being held up to show the time and date.

4 Q. And that's not a white Lexus?

5 A. No, it's not.

6 Q. And it's not a white Lexus SUV?

7 A. No, it's not.

8 MEMBER SINNOTT: Ms. Grandjean,
9 you're now moving into that stoppage time.

10 MS. GRANDJEAN: Okay. Can I have
11 two more minutes?

12 MEMBER SINNOTT: Three minutes.

13 MS. GRANDJEAN: Okay.

14 BY MS. GRANDJEAN:

15 Q. Mr. Mitchell, is it your intention
16 to return to 6057 Falla Drive whenever you leave
17 it?

18 A. Yes, absolutely.

19 MS. GRANDJEAN: We do you have two
20 more witnesses, so I guess I'd like to reserve that
21 time for them.

22 MEMBER SEXTON: Chairman, are we
23 going to be able to ask Mr. Mitchell questions?

24 MEMBER SINNOTT: I believe that
25 there will be an opportunity for that at the

1 conclusion of the presentation made by
2 Mr. Mitchell. We've always had the Board members
3 interact with witnesses who are present.

4 MS. GRANDJEAN: Ms. Minnie Smalls.
5 (Witness sworn by reporter.)

6 - - -

7 MINNIE SMALLS-GREEN,
8 being first duly sworn, testifies as follows:

9 EXAMINATION

10 BY MS. GRANDJEAN:

11 Q. Could you please introduce yourself
12 to the Board?

13 A. My name is Minnie Smalls-Green. I
14 work at the church as administrator at
15 9670 Schoolhouse Road.

16 Q. How do you know Mr. Mitchell?

17 A. He's my pastor and I work with him
18 every day as his assistant.

19 Q. Where does he live?

20 A. 6057 Falla Drive.

21 Q. And have you been there to the
22 residence?

23 A. Often, yes.

24 Q. How often?

25 A. Oh, maybe about every week or so.

1 Q. And he's always there when you're
2 there?

3 A. Yes.

4 Q. And what do you do when you're
5 there?

6 A. We may have a meeting about church
7 business or other business. We have coffee or he
8 he's at the gym.

9 Q. And if Mr. Mitchell leaves his
10 residence, do you believe it's his intention to
11 return to his residence?

12 A. I believe that.

13 Q. Is it -- Do you see Mr. Mitchell
14 driving different vehicles often?

15 A. All the time, yes.

16 Q. What kind of vehicles?

17 A. Vehicles from the dealership.
18 Besides his Lexus truck, he'll have the Impala, he
19 has the BMW. I've seen him with a Porsche. All
20 types of vehicles.

21 Q. Okay. Thank you very much.

22 A. You're welcome.

23 MS. GRANDJEAN: Mr. Frazier.

24 (Witness sworn by reporter.)

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GREGORY FRAZIER,

being first duly sworn, testifies as follows:

EXAMINATION

BY MS. GRANDJEAN:

Q. Mr. Frazier, would you please introduce yourself to the Board?

A. My name is Gregory Frazier.

Q. And what's your occupation?

A. I work at Mac Tools in logistics and I also have a business, Trusted Motors car dealership. I partner with Dr. Mitchell as well.

Q. Is that how you know Dr. Mitchell?

A. Well, I'd known him prior to that. He's like a mentor for me, a business mentor and just like a life coach.

Q. And where does Dr. Mitchell reside?

A. 6057 Falla Drive.

Q. Have you been to his residence?

A. Absolutely.

Q. How often?

A. Multiple times. My kids have been over there. I have three daughters, and my older two daughters are like best friends with his middle daughter. So they go swimming together. I mean, all -- we've had different parties over there.

1 So --

2 Q. And do you believe that when
3 Mr. Mitchell leaves his residence that it's his
4 intention to return to it?

5 A. Yes.

6 Q. And is it commonplace in your area
7 of practice with owning a car dealership or
8 partnering owning a car dealership to drive
9 different vehicles often?

10 A. All the time. I mean, I probably
11 drive -- we got so many cars you have to drive, you
12 know, for maintenance issues. It's just -- You're
13 in a different car, sometimes more than one car in
14 one day.

15 MEMBER SINNOTT: Ms. Grandjean, is
16 there anything left that you really have to tell
17 us?

18 MS. GRANDJEAN: No. Other than to
19 just review the evidence that we've submitted to
20 the Board as we were unable to get through all of
21 it.

22 MEMBER SINNOTT: Would your brief
23 apprised the Board of your view of the case?

24 MS. GRANDJEAN: I'm sorry, I didn't
25 hear you.

1 MEMBER SINNOTT: Would your brief
2 apprise the Board of your view of the case?

3 MS. GRANDJEAN: Yes. Thank you.

4 MEMBER SINNOTT: Mike, we've always
5 interacted with others who have come before us. Do
6 you have questions for someone?

7 MEMBER SEXTON: Yes. For
8 Mr. Mitchell.

9 Good afternoon, Mr. Mitchell.

10 MR. MITCHELL: Good afternoon.

11 MEMBER SEXTON: I have some
12 questions here. In terms of your apartment, how
13 many bedrooms are in your apartment?

14 MR. MITCHELL: Two bedrooms.

15 MEMBER SEXTON: How many bathrooms
16 are in the apartment?

17 MR. MITCHELL: Two bathrooms.

18 MEMBER SEXTON: Would it be correct
19 to say your apartment is probably between 900 and a
20 thousand square feet or do you know?

21 MR. MITCHELL: I'm not sure.

22 MEMBER SEXTON: How many total rooms
23 including the bedrooms and bathrooms are in the
24 apartment?

25 MR. MITCHELL: Including the

1 bedrooms and bathrooms, seven.

2 MEMBER SEXTON: Is it correct to say
3 that the apartment is considerably smaller than the
4 Hocking Run house?

5 MR. MITCHELL: Yes.

6 MEMBER SEXTON: According to the
7 lease agreement you signed, the term of the lease
8 on the apartment, does that commence October 31st?

9 MR. MITCHELL: It started
10 October 31st.

11 MEMBER SEXTON: 2017.

12 And the end is January 24th, 2019.

13 Is that --

14 MR. MITCHELL: Yes.

15 MEMBER SEXTON: Is that correct?

16 MR. MITCHELL: Yes.

17 MEMBER SEXTON: You completed and
18 signed another voter registration form on
19 November 7th of 2017. Is that correct?

20 MR. MITCHELL: I believe so.

21 MEMBER SEXTON: And that
22 registration form is in your own handwriting?

23 MR. MITCHELL: I don't have it in
24 front of me, but I believe so.

25 MEMBER SEXTON: It's right here.

1 MR. MITCHELL: Okay. I believe so.

2 MEMBER SEXTON: Okay. On both of
3 these forms you listed your previous address as
4 9329 Hocking Run, Canal Winchester, Fairfield
5 County. Is that correct?

6 MR. MITCHELL: I believe so.

7 MEMBER SEXTON: After completion of
8 these you still had property, including clothes, at
9 the Hocking Run home. Is that correct?

10 MR. MITCHELL: I did have some items
11 there, yes.

12 MEMBER SEXTON: Did you have clothes
13 there?

14 MR. MITCHELL: I had clothes there,
15 yes.

16 MEMBER SEXTON: You had personal
17 possessions there. Is that correct?

18 MR. MITCHELL: Yes.

19 MEMBER SEXTON: And you still had a
20 TV, furniture, household items, other items at the
21 Hocking Run house. Is that correct?

22 MR. MITCHELL: Yes, I did.

23 MEMBER SEXTON: And you and your
24 wife have not sold the Hocking Run home. Is that
25 correct?

1 MR. MITCHELL: No, we didn't sell
2 it.

3 MEMBER SEXTON: And as stated
4 before, you use the Hocking Run home for
5 entertaining, demonstrated by a fundraiser that you
6 had there. Is that correct?

7 MR. MITCHELL: We have used it
8 before.

9 MEMBER SEXTON: Okay. According to
10 the Fairfield County Auditor's records, the
11 house -- the Hocking Run house is 3,460 square
12 feet, five bedrooms, four bathrooms. Do you have
13 any reason to believe that this information on the
14 Auditor's records is wrong?

15 MR. MITCHELL: I believe that it's
16 wrong. There's a finished basement and some square
17 footage could be added.

18 MEMBER SEXTON: Okay. But you would
19 say the five bedrooms and four bathrooms is
20 correct?

21 MR. MITCHELL: That's correct.

22 MEMBER SEXTON: You also said that
23 it has a finished basement?

24 MR. MITCHELL: It does.

25 MEMBER SEXTON: And is it correct

1 that your wife's name is on the deed to that
2 property?

3 MR. MITCHELL: Yes.

4 MEMBER SEXTON: And that your
5 signature and your wife's signature are on the
6 mortgage of that property. Is that correct?

7 MR. MITCHELL: I'm not sure.

8 MEMBER SEXTON: I don't have any
9 further questions.

10 MEMBER MARINELLO: Where do you
11 sleep most nights?

12 MR. MITCHELL: 6057 Falla Drive.

13 MEMBER MARINELLO: Where does your
14 wife sleep most nights?

15 MR. MITCHELL: She's retired, so it
16 just depends on the day of the week. Summertime
17 she's been over at the Falla Drive a lot more
18 because the kids like to use the swimming pool. We
19 don't have a swimming pool at Hocking Run. So I'm
20 sure maybe in the wintertime she'll be at the
21 Hocking Run more.

22 MEMBER MARINELLO: So your children
23 would sleep the nights that your wife sleeps at
24 Falla or Hocking Run? Like wherever she goes they
25 go?

1 MR. MITCHELL: Well, no. It
2 depends. Because we have two teenage girls that
3 graduated high school, and so sometimes they may
4 stay there. Me and my wife may go out to dinner
5 and a movie and stay at Falla, but they have a big
6 sister and a god-sister there to watch them.

7 MEMBER MARINELLO: Do they have
8 their own rooms in the apartment?

9 MR. MITCHELL: No, they don't.

10 MEMBER MARINELLO: Where do the kids
11 go to school?

12 MR. MITCHELL: They're home
13 schooled.

14 MEMBER MARINELLO: Oh, that's right.
15 Where does the home schooling take
16 place?

17 MR. MITCHELL: It just depends on
18 where we're at. They can do it anytime. Sometimes
19 my daughter Bella does it at her gymnastics
20 facility, sometimes she's at Falla, sometimes she's
21 at Hocking Run. She can do it at a Tim Horton's.
22 It doesn't really matter.

23 MEMBER MARINELLO: When your family
24 eats meals together, the majority of those meals
25 are at the Hocking Run house probably. Correct?

1 MR. MITCHELL: No. They'll come
2 in -- If I get a break, they'll come in and we'll
3 do dinner at Hocking -- at 6057 Falla Drive. So it
4 just kind of depends.

5 MEMBER MARINELLO: Where do the kids
6 have most of their toys and stuff?

7 MR. MITCHELL: Most of their toys I
8 would say would be at Hocking Run.

9 MEMBER MARINELLO: I was looking at
10 your exhibit about the -- I didn't see any -- All I
11 saw was a lot of takeout food for the refrigerator
12 at Falla. I mean, it doesn't seem like a kids'
13 refrigerator. And in the bathroom I only saw one
14 toothbrush, no kids toothbrushes.

15 MR. MITCHELL: Yeah. The one with
16 the refrigerator had pizza. Actually, my kids did
17 eat the pizza with me. There's a pizza box in
18 there. They love Donato's. Do you see that there
19 at the bottom?

20 MEMBER MARINELLO: I see a lot of
21 take -- like Chinese or something.

22 MR. MITCHELL: I had testified on
23 Monday that Sunday night I had Chinese food. And
24 you're right, that's the box there.

25 And the toothbrush, one, there's

1 a -- what do you call it? -- a little mirror and
2 there's a place behind there for toothbrushes. And
3 then that's not the bathroom they usually use.
4 There's another bathroom and that's where the kids
5 have their toothbrushes.

6 MEMBER MARINELLO: I only saw one
7 toothbrush.

8 MR. MITCHELL: That was in the
9 master. It was in the cabinet.

10 MEMBER MARINELLO: And we discussed
11 social media posts that you agree they were all
12 your posts on social media?

13 MR. MITCHELL: Before I moved into
14 Falla, yes.

15 MEMBER MARINELLO: All right. Thank
16 you.

17 MR. MITCHELL: Thank you.

18 CHAIRMAN PREISSE: I have a
19 question.

20 What time is the farmer's market on
21 the last Saturday of the month?

22 MR. MITCHELL: It starts at 11:00.

23 CHAIRMAN PREISSE: And you attend
24 those?

25 MR. MITCHELL: Yes, sir.

1 CHAIRMAN PREISSE: Okay.

2 MEMBER SINNOTT: Well, we've had two
3 excellent presentations from the challenger and
4 from the voter. And I'll share some observations
5 and I'll make a motion, we'll have discussion if
6 you would like, and we'll decide the matter.

7 I would begin by noting that this
8 seems to be a growing theme at the Board, we're
9 called upon to make a decision that involves the
10 interpretation of statute and case law. We've been
11 doing quite a bit of that during the course of the
12 past week.

13 As was true of our decisions last
14 week on different topics, there are numerous
15 judicial decisions that provide guidance to us on
16 this matter. There are principles that can be
17 derived from various decisions discussing how to
18 decide a challenge to a contention that a voter
19 does not reside where he is registered.

20 First, -- and this may be more
21 important than anything -- the challenger must
22 demonstrate by clear and convincing evidence that
23 the voter does not reside where he is registered.
24 That is the teaching of the Husted case and others.
25 In order to sustain the challenge, the Board must

1 not merely be persuaded of the probability of the
2 challenger's correctness; the correctness of the
3 challenger must be both clear and fully convincing.
4 The intent of the voter to establish and maintain
5 residence is important. The intent to reside at a
6 particular residence is manifested by, among other
7 things, registration and voting from a residence.
8 I note that in the Peerson (phonetic) case, decided
9 by the 11th District, where a candidate voted is
10 considered by the Board to be the most persuasive
11 evidence of where the voter resided. That was a
12 conclusion that was supported by the court.

13 As a matter of general practice,
14 this Board has long considered the place of
15 registration as being the best indicator of where
16 someone resides and should vote, subject only to
17 clear and convincing proof that such a presumption
18 is not correct.

19 There's indication in the statute
20 that consideration should be given to where an
21 individual's family can be found in determining
22 where a voter resides. I am struck, however, by
23 the number of times in the decisions of the courts
24 where we are reminded this is only one indicator.
25 In numerous cases the courts have supported

1 determinations that a voter is actually residing at
2 a place different than where his family is
3 residing. There is an excellent discussion of this
4 principle in the Husted decision from the Ohio
5 Supreme Court and the Second District Court of
6 Appeals decision in the Robinson-Bond matter. I
7 find the Robinson-Bond decision to be instructive
8 for another reason too. After noting that
9 Ms. Robinson-Bond's family lived in Franklin
10 County, whereas she was registered to vote in
11 Champaign County, the court said there needed to be
12 consideration of other evidence. The court said --
13 and I'm going to quote here for accuracy -- the
14 Board was required to give great weight to
15 Robinson-Bond's unequivocal declaration, closed
16 quote, that she was and intended to be a resident
17 and voter in Champaign County.

18 Now, I do find interesting the
19 anecdotal evidence from neighbors about what they
20 observed in terms of Mr. Mitchell's comings and
21 goings and what they don't. I also found
22 interesting that Mr. Mitchell's family resides at a
23 different residence at which the children are home
24 schooled by Mr. Mitchell's wife. It is, as a
25 matter of fact, unusual for an individual to

1 maintain two residential dwellings as near to each
2 other as those maintained by Mr. Mitchell. Those
3 observations, however, are not clear and convincing
4 evidence that Mr. Mitchell does not reside where he
5 says he resides and does not reside where he votes.

6 I would follow the suggestion of the
7 Second District and give great weight to the direct
8 evidence of Mr. Mitchell's residence and intention
9 to reside provided by his own unequivocal testimony
10 today.

11 Considering all the evidence
12 presented to the Board and taking into account how
13 Ohio's courts have interpreted the statute on
14 determination of residency, I cannot conclude that
15 this Board has been presented with clear and
16 convincing evidence that Mr. Mitchell does not
17 reside where he says he does.

18 Accordingly, I move to deny the
19 challenge.

20 CHAIRMAN PREISSE: I would observe,
21 if I may, that I wondered if I would hear today and
22 see today an abundance of evidence that would
23 refute principally anecdotal evidence we heard on
24 Monday, and I'm fully satisfied that I have.

25 And finally, I'll add to that.

1 Since we're picking apart the contents of the
2 refrigerator, it appears to my feeble eyes that one
3 of the best-by dates is June of 2018 on a cap of a
4 product in the refrigerator, which I think is also
5 a bit of an issue, elementary issue.

6 So I would second the motion.

7 DEPUTY DIRECTOR PAYNE: There's been
8 a motion.

9 Any additional discussion?

10 MEMBER SEXTON: I'd just like to
11 state that the residency rules under ORC 3503.02
12 talks about residency, a place where a person's
13 habitation is fixed, the place where the family of
14 a married person resides shall be considered to be
15 the person's place of residence. Evidence that the
16 Hocking Run home in Fairfield County is his real
17 residence. The family ownership of the Hocking Run
18 property, a \$459,000 home, five bedrooms, four and
19 a half baths, and according to Mr. Mitchell a full
20 finished basement. Mr. Mitchell signed the
21 mortgage. Auditor records show his family gets a
22 property tax credit that is only for your principal
23 residence. Testimony and affidavits from Hocking
24 Run neighbors that in their opinion Bobby Mitchell
25 and his family live there. Social media posts

1 where Bobby Mitchell refers to the Hocking Run
2 house as his home. A fundraiser at his home at
3 Hocking Run. Evidence that the apartment is only
4 to fulfill a residency requirement. His lease
5 commencing on October 31st, the day before Bobby
6 Mitchell changed his voter registration. The lease
7 ends right after the new legislative term begins.
8 Registration records showing Bobby Mitchell changed
9 his voter registration on November 1st, 2017, just
10 a few days before the one-year legislative
11 residency deadline. Testimony of Leo Almeida, a
12 neighbor in the complex, that he never sees Bobby
13 Mitchell at the apartment.

14 So I'm going to choose to give
15 greater weight to the overwhelming volume of common
16 sense evidence that indicates that Mr. Bobby
17 Mitchell's residence for voting purposes is the
18 Hocking Run address in Fairfield County, not the
19 6057 Falla Drive residence in Franklin County. And
20 therefore, it's my position that Bobby Mitchell
21 should be removed from the Franklin County voter
22 rolls.

23 MEMBER MARINELLO: Second.

24 MEMBER SINNOTT: We have a motion to
25 deny the challenge. Now, Kim, if you want to speak

1 to that, now would be a good time.

2 MS. MARINELLO: I agree with
3 Mr. Sexton that to me it's an overwhelming volume
4 of common sense evidence, and I would accept the
5 challenge.

6 DEPUTY DIRECTOR PAYNE: Further
7 discussion?

8 MEMBER SINNOTT: Why don't you call
9 the roll.

10 DEPUTY DIRECTOR PAYNE: There's been
11 a motion to deny the voter registration challenge
12 filed by Leonardo Almeida against Bobby Mitchell.
13 I'll take roll.

14 Kim Marinello.

15 MEMBER MARINELLO: No.

16 DEPUTY DIRECTOR PAYNE: Mike Sexton.

17 MEMBER SEXTON: No.

18 DEPUTY DIRECTOR PAYNE: Doug
19 Preisse.

20 CHAIRMAN PREISSE: Yes.

21 DEPUTY DIRECTOR PAYNE: And Brad
22 Sinnott.

23 MEMBER SINNOTT: Yes.

24 DEPUTY DIRECTOR PAYNE: We have a
25 tie vote. So this will go to the Secretary of

1 State?

2 DIRECTOR LEONARD: Correct. This is
3 a subject matter that is appropriate for referral
4 to the Secretary of State's office. There's a
5 14-day period in which both groups on the Board
6 will prepare submissions along with the minutes and
7 the actual motion itself.

8 MEMBER SINNOTT: Well, since this is
9 a matter that relates to the November election by
10 implication, let's see if we can get a sense as to
11 how quickly we might get our statements together.
12 Would a week be realistic?

13 MEMBER SEXTON: I would think so.

14 MEMBER SINNOTT: It seems to be a
15 straight forward matter in many respects. Why
16 don't we aspire, then, to do as we've done in the
17 past, a simultaneous submission of writings in
18 support of our positions to the Secretary by the
19 close of business on Wednesday of next week.

20 CHAIRMAN PREISSE: Makes sense.

21 MEMBER SEXTON: Fine.

22 MR. LECKLIDER: Mr. Chairman, as a
23 matter of housekeeping, I haven't seen all the
24 exhibits that were submitted. I haven't seen any
25 of the exhibits that were submitted, but I did hear

1 testimony regarding a driver's license. This being
2 a public hearing and all the documentary evidence
3 having been submitted being a matter of public
4 record, you may wish to see that certain
5 confidential information is redacted. At a minimum
6 I would think the driver's license number.

7 DIRECTOR LEONARD: That will appear
8 on the voter registration as well as the last four
9 of Mr. Mitchell's Social Security number. So we'll
10 take steps to ensure, I guess, at the direction of
11 the Board to make sure that any of the identifying
12 information be redacted.

13 MEMBER SINNOTT: Mr. Drabick,
14 Ms. Armstrong, do you care?

15 MR. DRABICK: I think that's
16 appropriate to whatever extent that the law
17 requires.

18 MS. ARMSTRONG: I'm not aware that
19 there is any confidential information, but we
20 appreciate the Board checking.

21 DEPUTY DIRECTOR PAYNE: Is there any
22 other items to come before the Board today?

23 MEMBER SINNOTT: I don't know of
24 any. I move we adjourn.

25 DEPUTY DIRECTOR PAYNE: Is there a

1 second?

2 MEMBER SEXTON: Second.

3 DEPUTY DIRECTOR PAYNE: All those in
4 favor of adjournment signify by saying aye.

5 (Vote taken.)

6 DEPUTY DIRECTOR PAYNE: All opposed,
7 same sign.

8 (No response.)

9 DEPUTY DIRECTOR PAYNE: We are
10 adjourned.

11 - - -

12 Thereupon, the proceedings were
13 concluded at approximately 3:38 p.m.

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C E R T I F I C A T E

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THE STATE OF OHIO:

SS:

COUNTY OF FRANKLIN:

I, Carla D. Castle, a Professional Reporter and Notary Public in and for the State of Ohio, do hereby certify that the foregoing is a true, correct, and complete written transcript of the proceedings in this matter;

That the foregoing was taken by me stenographically and transcribed by me with computer-aided transcription;

That the foregoing occurred at the aforementioned time and place;

That I am not an attorney for or relative of any of the parties and have no interest whatsoever in the event of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of office at Columbus, Ohio, this 31st day of August, 2018.

/s/Carla D. Castle
Notary Public, State of Ohio

My Commission Expires: September 29, 2021.

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