

Testimony opposed to HC 1793, amendment to give probate judges additional, overreaching powers to punish those who “interfere” with park districts

Dear Committee Members,

I come not to praise Geauga County Probate Judge Timothy “Caesar” Grendell, but to bury him.

Let’s face it. That’s why so many people had to waste so much of their time on this ridiculous amendment to Ohio’s budget bill. One man. One man with his ongoing vendettas and demands for total control. To quote Mahoning County Probate Judge Robert Rusu, *“To do a knee-jerk reaction to something that’s happening in one or two counties that’s going to affect the whole state, I’m not in favor of.”*

I’ve attached an April 24, 2017 article from the *Gauga Maple Leaf* entitled *“Proposed Law Would Impose Fines for Interference with Park Districts”*. It shows that Representative Seitz did not discuss or introduce this proposal in any house committee or subcommittee. Likewise, this amendment was not vetted with the Ohio Probate Judges Association. It was not discussed with the Ohio Parks and Recreation Association. NO ONE in Ohio, outside of Judge Grendell and State Representative William Seitz had ANY input into this. And it shows.

Although both of these men are attorneys, they produced the most laughably broad and vague language I’ve ever seen in a legislative proposal. Section 1545.06 (B) (5) as proposed reads: A probate court may *“Impose duties or restrictions on a person or party who interferes with the park district’s purposes as provided by this chapter or the court’s order creating the park district”*.

What “duties”? What “restrictions”? “Duties” is often thought of as a tax or fine. Or is this talking about some undefined legal duty? What restrictions can be imposed? Can a judge restrict a citizen’s free speech rights at park board meetings? Can the judge restrict the right of groups to assemble on park property? The language goes on to talk about these duties and restrictions being imposed by a probate judge on a person or party who “interferes with the park district’s purposes”. What does THAT mean?

I’m attaching the Ohio News Media Association’s analysis of this amendment for an in depth discussion of case law which finds multiple constitutional problems with the language.

In Mahoning County we had 200 people show up to voice their displeasure with the park board and director due to a mass firing of staff just two months after we passed a FIFTEEN YEAR tax levy to support the park. The board president wanted to shut off public comment but was voted down. Under this new language if the county probate judge decides that such a large public protest at board meetings “interferes with park district purposes” (ie hiring and firing staff at will), will we citizens be subject to a court hearing, have a duty (fine) imposed and restricted in our access to future board meetings?

I really can't believe that I have to take up my time and yours with this obvious attempt to grant wildly excessive and undefined power to Ohio county probate judges. My hope is that you'll do the right thing and toss this amendment onto the scrap heap of bad ideas where it belongs.

But wait ... maybe there is a bright side to this. Maybe this blatant power grab by a single probate judge will illuminate the problem with giving probate judges total authority over county park districts. This is the perfect time for the legislature to consider putting county parks under the jurisdiction of county commissioners.

In Mahoning County we see the poor results of having a single probate judge appoint park board members. The probate judge before our current one expanded the Mill Creek MetroParks county park board from 3 to 5 members. He did this before being forced to resign after an FBI investigation into money taken from guardianship accounts and other improper actions.

Before that judge was forced off the bench by law enforcement he gave us a park board member whose professional background was ownership of a single beer drive through in another county. I wish I was kidding. Unfortunately, this person was reappointed by our current probate judge who cited this man's "business experience" in running the beer drive through as sufficient qualifications for overseeing a \$10 million annual park operating budget. This board member rose through seniority to become board president. Last year, two new board members who had prior experience at running meetings had to educate this board president in public at a board meeting on the proper procedure of how to conduct a vote - after the board president had been on the park board for 5 years. He continues on the board as we speak.

So maybe granting a single probate judge unlimited discretion to appoint park board members isn't a good idea. Maybe the legislature can address this problem with the solution proposed again last week by the *Cleveland Plain Dealer*. "*Remove oversight of park districts from probate judges and give it to county commissioners – where many citizens probably already presume it resides.*"

I have a copy of the entire editorial attached for your review. We can do better in Ohio. I'm counting on this committee to move our county parks away from rule by one single individual and toward a more citizen friendly process in line with our state and federal constitutions.

Sincerely,  
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