

NON-PROSECUTION AGREEMENT

This Agreement is entered into this 1st day of September, 2013 between the State of Ohio (the State); and

Diane Funk
308 Young Drive
Lodi Ohio 44254 1-330-421-5251

Referred to as the "Owner/Keeper"

RECITALS:

In July of 2013, a Humane Agent began an investigation in response to an animal neglect complaint regarding a dog with a large tumor named "Townsend," kept by the Owner/Keeper. The State represents that evidence exists that would justify charging Owner/Keeper with one or more charges of companion animal cruelty in violation of Ohio Revised Code 969.131, each being a misdemeanor of the second degree.

Owner/Keeper wishes to avoid prosecution, and is willing to address the State's concerns as outlined in this Agreement.

THEREFORE the parties agree as follows:

1. The State will not file criminal charges against Owner/Keeper relating to the above alleged event of animal cruelty so long as Owner/Keeper strictly complies with all the terms of this Agreement for its duration. This agreement does not cover acts other than those referenced above, or those which occur after the signing of this Agreement.
2. The term of this Agreement is two years from the date of its execution.
3. Owner/Keeper agrees that she shall ~~not~~ own, possess or care for any dogs for the term of this Agreement. Any other animal possessed by Owner/Keeper shall be kept in a humane, lawful and sanitary manner, spayed or neutered, and kept current on all recommended vaccinations. Owner/Keeper shall abide by all instructions by the Medina County SPCA, or her veterinarian for the care of her animals. Owner/Keeper shall provide the name and contact information for his/her most current veterinarian, and hereby consents to allow the SPCA to inspect all veterinary records, and to speak candidly with Owner/Keeper's veterinarian. *only one dog*
4. Owner/Keeper shall pay \$100.00 to the Medina County SPCA to reimburse them for care provided for Owner/Keeper's animals. Payment shall be made in full no *\$20.00/month starting Oct. 2013*

Handwritten signatures and initials:
JUNKY
FUNK
S/N

later than April 2014

- 5. During the term of this Agreement, the State shall have the right to enter and inspect Owner/Keeper's then current residence, or properties she owns or leases including her home all structures on said property, to determine whether Owner/Keeper is complying with the all terms of this Agreement. Owner/Keeper hereby gives irrevocable consent for such inspections. Inspections shall be conducted between 8:00 a.m. and 8:00 p.m. any day of the week, and may be with or without prior notice. While Owner/Keeper resides in Medina County, the Medina County SPCA or their agents, shall conduct such inspections. Any county SPCA, dog warden or other law enforcement agency shall have this right and responsibility if Owner/Keeper moves out of Medina County. Owner/Keeper consents to having any animal removed from her premises by the State or the County SPCA without prior notice if the State determines that Owner/Keeper has violated any term of this agreement.
- 6. Owner/Keeper will indemnify and hold harmless the State, the Medina County SPCA, Medina County and all other governmental or law enforcement agencies against all liability and claims for losses and damages to persons or property which has arisen or may arise from the subject matter or execution of this Agreement, unless caused by the gross negligence or willful misconduct of said parties. Owner/Keeper waives any remedy for damages which is not specifically contained in this Agreement.
- 7. This Agreement constitutes the entire agreement between the parties. Any prior understanding or representation of any kind shall not be binding upon either party except to the extent incorporated in this Agreement. This Agreement may not be amended or modified without a writing signed by both parties. The failure of the State to insist upon the performance of any of the terms of this Agreement, or the waiver of any breach of any of the terms and conditions of this Agreement, shall not be construed as waiving the future enforcement of any such terms and conditions. In the event that any provision of this Agreement is held to be invalid by any Court, the parties agree that the remaining provisions shall remain in full force and effect as if they had been executed by both parties subsequent to the expungement of the invalid provision.

Agreed by the parties as of the date first written above.

STATE OF OHIO

Mary Jo Johnson
by Mary Jo Johnson, Humane Agent

[Signature]
Owner/Keeper

Ker
JANZUM
FUND

Directors Report November 2013

Please refer to Director Work Plan for specifics

YTD intake: 1412

Adoptions- 667

Euthanasia- 370

RTO- 65

DOA- 12

Died-68

Intake November: 83

Owner surrender=21

Returns=3

Strays=55

Transfers In=4

November 2013 Cruelty Report

During this month the MCSPCA received 000 cruelty complaints. There was quite a variety of calls. It appears as the leaves fall from the trees in the season, it reveals many thin and neglected animals. The month's numbers were as followed:

19 cruelty cases were worked

5 new cruelty cases were opened

7 follow-up visits were completed

5 case related phone calls

2 veterinary referrals were required

The Hudson case involving a designer dog breeder has gotten the medical attention for 5 out of her 9 dogs including getting them spay and neutered. We will continue to monitor the woman until all of the female dogs have been spat and medically treated. This should be completed by January 2014.

The Nowlin case involving six horses and 2 goats that had overgrown hooves is still under investigation. The goats hooves were so badly overgrown that they were walking on their knees. The veterinarian has come out and instructions were given to get the horses back to a healthy weight. The goats will need medical attention to get the hooves to there correct length. We will continue to monitor the situation until the animals are in proper condition.

The Vapenik case was settled. We are still waiting on his sentencing. One dog was put down due to aggression, but the other dog has been adopted. These dogs were emaciated and suffering from malnutrition. They were living in a car, and tried to get out of the window which could have cost the one dog his life due to hanging. We worked this case with the Brunswick Animal

Control officer, Mike Kellums. We have successfully rebuilt a good relationship with the city of Brunswick.

The Scott case has been sentenced and we were given \$500.00 from the Medina Municipal court. The Scott case involved a Jack Russell Terrier that was shot while on his property. The key was the dog was running away from the property when I was shot.

We have filed charges on the Young case. This case involved a very thin Boxer which weighed 27.4lbs at the time of intake. A violation of ORC 959.131©(1). We still do not have a court date.

We also filed charges on the Candow case. We placed three charges on each suspect which involved medical neglect of two dogs. A violation of ORC 959.131©(2), (3), and (5). We are still waiting for a court date.

Thank you,
Mary Jo Johnson, Humane Officer for Medina County SPCA

Outcomes for November: 104
Adoptions= 42
Died=4
Euthanized=42
Return to owners=6
Transfers out=10

Medina County Sheriff's Office

Notes from Sgt. Bev Fraser

Topic: Meeting(s) etc on Medina SPCA concerns.

1-30-14 9:00am Meeting with Judge Dunn, Sheriff Miller & Sgt. Fraser in the Sheriff's Office. Judge Dunn advised that he had a conversation with Commissioner Hambley about the Medina SPCA. Commissioner Hambley had been receiving Complaints about the Human Officer of the SPCA shaking down people for fees, the moral charter of the Director and Human Officer, improper seizure of animals, etc. Commissioner Hambley was concerned because the County has given the SPCA money and is now in a contract with the SPCA to handle the Counties cats. Judge Dunn was also concerned about animal seizures and authority as he is the one responsible for swearing in the Humane Officer. There was a question as to who is on the SPCA Board which I was able to answer because they are listed on the front of the SPCA news letter. The Judge was then concerned because the SPCA's Attorney was also a board member and said their may be a conflict of interest if he is also helping to decide who to prosecute.

Please note that the Judge was also informed that Sgt. Fraser is and has been a Volunteer for the SPCA and that she had just requested of Director Moore to be considered for an opening on the Board of Directors for the SPCA.

**I enrolled in the Humane Officer training course at OPOTA London for Feb 18-20, 2014 and contacted Deputy Kroger about doing the same.

1-31-14 Meeting with Capt. Baca and Sgt. Fraser in Captain Baca's office. The Capt. had reviewed the file and delegated Sgt. Fraser to put it in book order and make the documentation easier to navigate before we meet with Prosecutor Holman.

1-31-14 Called Seville Animal Hospital and asked to speak to Kim. Was advised by Nicole that Kim would not be back to work until Monday at 8:00am. No message left and I did not identify myself.

2-3-14 **Per Capt. Baca the plate on Stephine Moores car and a CCH were run.**
There was no criminal history.

2-3-14 9:50 am Called Seville Animal hospital to speak to Kim, Kim (Fish) said she was familiar with the case I didn't even have to mention Mrs. Funk's name, she wanted to pull the file so she could go over things in order. Then someone else came on the line and asked for a number where Kim could call me back.

Diane had a dog named Townsend Sept 2012 with mass on right side of body removal suggested. Townsend was a 12 year old lab.

Diane spoke to Crystal said mass was growing, didn't know what to do. Crystal asked basic questions and told her she would know when it was time. Basically it was a quality of life issue and the decision of when there was not quality of life was up to the owner. The Vet gives Gold Standard care and therefore must present all the options.

Diane had problems with brother and had to move out, Kim didn't know all the details. The brother called SPCA because the dog was living with them at the home they shared, SPCA came and took the dog to Dr. Richard Roberts who euthanized the dog immediately. She also said Diane wanted the dogs remains back and never got them.

MaryJo started a case against Diane. Diane sons gets a puppy (puts it in Dianes name) and takes it to vets. (Diane looks to be in her 50's so son may be an adult unk). MaryJo shows up at Dianes house Diane thinks shes getting the remains back and signs the paper without reading it. MaryJo is upset she got another dog. So MaryJo makes her follow rules vac's and neutered. which were already done at quick fix and monthly home checks, and she has to pay MaryJo \$20.00 each month. Diane doesn't have a checking account so she pays in cash.

Kim said that MaryJo leaves neon notices on Diane's door and that Diane said once when she knew she would be coming she piled up a bunch of trash on her porch to block the door and has a photo of MaryJo climbing over it to post the notice.

MaryJo came to Seville Animal Hospital on the 23rd (January) and talked to Beth for 45 minutes (they noted she was very intimidating). Tuesday 28th Seville again and wants photo copies of all records (very intimidating), Kim said give us 24 hrs and it will be at the front desk, MaryJo has not shown up since to pick up the documents.

I asked about Diane's past history of vet care. Kim noted that some people vet hop but Diane had been there 2005 vac's and ear infection with her dog. So she did appear to seek vet care when there was an issue.

Kim went on to say that the Vet has called the SPCA on what they would consider real animal cruelty cases for example:

Mr. Greg who has over 40 cats who were very sick. Vet reported them but SPCA, but MaryJo went in without a warrant so non of the photos could be used. The cats all very sick Feline Luke, FIV, Flea anemia, Kim said the smell of ammonia was so strong when Mr. Greg came in it would make you sick. And non of his cats were fixed so they kept repopulating. He stopped coming in 2011 after they filed the complaint with the SPCA. The had files on 20 cats.

Two weeks ago one of clients, Susan Paxton with Bosco since 2003 very extensive history comes in if the dog has a hangnail etc. Indicating a very concerned dog owner who takes the care of her animal very serious. Ms. Paxton was cited by MaryJo for leaving her dog outside and for the dog getting frostbite, MaryJo ordered her to have her dog examined by vet. The vet found no issue with the dog, no frostbite, she noted the dog even wanted to go outside while Ms. Paxton was paying the bill.

Kim said it's just her opinion but she thinks MaryJo is on a Power Trip and pushes the people around who she thinks she can but not the ones who push back, like when she did about the records.

Because of MaryJo the Seville Vet hospital now makes more extensive records of phone calls from clients about their airmails care.

2-3-14 11:07am Called Mrs. Funk (330-421-5251) (cell phone) she was just pulling into the Lodi Police Department to sneak to the Chief about this issue. She did say that

This has been going on since July/August when she had to leave her home briefly and live in a hotel because her brother, his girlfriend and his son had moved into her home and were causing trouble. The brother then said he didn't know what happened to the dog. MaryJo said she had to pay \$100 in lieu of being prosecuted and that she has to let her into her home for unannounced visits anytime she wants for the next two years. She has been making payments of \$20 per month. She said she leaves notices all over her door and that last week she barged into her bedroom.

I gave Mrs Funk my name and direct line and asked her to ask the Chief to give me a call when they were done talking.

2-3-14 11:50am Mrs. Funk called me. Said that she suffers from PTSD and explained she has issues from when Rick Schmidt broke into her home. She said that reference Townsend she and her adult children had discussions about when it would be time to let him go since they had him since he was 5 months old and they got him from the pound, he was 12 years and 3 months old when they lost him. She said she just signed the paper that MaryJo gave her to make her go away because that's how she deals is to avoid the stress. She didn't read it at the time. She said the new puppy was a gift from her adult children who thought she needed a dog to help her get over her loss. She said that Chief Kehoe said he contacted MaryJo and told her to stay off Mrs Funk's property or she faces arrest for trespassing. She said she has only paid \$20 of the \$100 and that the paper said she had until April 2014 to pay starting October 2013, but MaryJo wrote in the \$20 per month. She said the papers are just made up by the SPCA using bits of Legal jargon they are not from a Lawyer, though she said they do have their own prosecutor (Jeff Holland) who is a paid SPCA Board member with his wife.

I told Mrs. Funk we would get back to her when a conclusion had been reached.

2-3-14 12:48pm Spoke to Lodi Chief Keheo who will be faxing a copy of the paperwork left for Mrs. Funk. He said he has had contact with Mrs. Funk on an off for the last apx. 4 years on various issues, many revolving around her inviting her brother to stay at her home then wanting him out. The Chief said they had nothing to do with the dog other than welfare checks on the home and advising Mrs. Funk about eviction process.

2-3-14 Capt. Baca and Sgt. Fraser met with Fred Wolk and Dean Holman ref. the SPCA complaints. After reviewing the documents, Prosc. Holman stated that Mrs. Funk should obtain a Civil Protection order if Humane Officer Johnson comes to her property again. He further strongly suggested that we talk to the SPCA Attorney Jeff Holland about the caliber of persons they employ and their conduct in the community. Capt. Baca will contact Atty. Holland and once that is concluded Sgt. Fraser will contact Mrs. Funk to advise her of the conclusion of the complaint.

2-3-14 Capt. Baca met with Atty. Holland. Atty. Holland will be contacting Prosc. Holman, Sgt. Fraser will wait to contact Mrs. Funk until we know the outcome of that meeting.

2-6-14 Capt. Baca advised that there were four more SPCA complaints. He gave Sgt. Fraser one from the Katona family in Hinckley. He asked Sgt. Fraser to contact Mrs. Katona

and advised her that the Sheriff's Office was looking into her complaint. At 2:55pm Sgt. Fraser attempted to contact the Katona's and got an answering machine. A message was left with a return number and times to call.

- 2-11-14 Received voice mail from Capt. Baca advising to get a copy of the Katona case from Medina Muni. I called Medina Muni and at first they couldn't find anything and said it wasn't a valid case number and to have the Katona's write something to the judge if they wanted records. I explained again that this wasn't for the Katona's it was for Capt. Baca who was looking into some complaints. I was then advised that the Prosc keeps the records because this is a strange case and I was give Jeff Hollands phone number.
- 2-11-14 Spoke to Mrs. Katona. She said first MaryJo said she received a phone complaint, she said it was an e-mail complaint. She said MaryJo told her she would be back with a warrant and said the Prosc would do whatever she wanted. She said she has had to sell off jewelry to help pay the \$25,000 in Attorney fees. She said that her Attorney said to put in an "ALFRED PLEA" which she said she would do as long as it was not admitting guilt which she said she was not. She later found out that it was the same as no contest. She said the SPCA took one rooster to vet Gary Riggs who put the rooster under and said the rooster had bone cancer, the rooster died from the procedure. She said she had two goldens that were rescued because they were going to be put down that had megashogus. She told Stephaine Moore which animals were fixed and which were not. They opened up the dog that was fixed by mistake to spay it and forced food into it's lungs, it got pneumonia and they euthanized it. She said a friend of hers from Bath has been following the SPCA (Rene Hafer) on Line. She thinks OSHA needs to be called in because she knows people at the SPCA who have told her that cats take 15 minutes to die with euthanized. And that you need to be a vet or vet tech to euthanize animals and they don't have one at the SPCA. She went on and on about issues, and said that she does have documentation and we would need a large table to view it. We ended with her making an apt. to bring in her documentation on Feb 28th at 9:00am.
- 2-20-14 Sgt. Fraser and Deputy Kroger completed and passed the OPOTA Humane Agent basic course. This training will allow officers to have a better understanding of how Humane Agents are trained to handle investigations and cases.
- 2-21-14 Apx 10:30am received a phone call from a Tammy Collins who advised that she would like to speak to me about the Medina SPCA. She was off work today so we set a 1:00pm meeting.
- 2-21-14 1:00pm Met with Tammy Collins in the Sheriff's Conference room. Mrs. Collins asked me where she should start, I told her how about at the beginning so I can get a clear picture of your involvement with the Medina SPCA. Mrs Collins stated that she moved to Medina County apx 5 years ago and almost immediately began fostering horses for the SPCA and that she even adopted a mini horse from the SPCA. She said her problems with the SPCA began the week of the Chardon shootings she was taking her mini horse there for animal therapy at the school and she had some other people helping her and gathering up her dogs to put them in the house one dog got left outside an old male Basset Hound named Rex. One of the

SPCA volunteers who was delivering news papers saw Boz in Mrs. Collins field and thought that he was a stray and coaxed him from the property and took him to the SPCA. I asked her how she knew he was coaxed from the property she said because the Alyssa Foder (the volunteer) admitted that she did. She said Boz had a tumor

on his rear end and that he had been seen by a vet but due to his age (15 years old) and the risk associated with surgery it was decided that as long as the tumor did not cause Boz any pain to leave it. Mrs. Collins said that the SPCA had the tumor removed at a cost of \$2,000 and that even though she won the case she could not afford the \$2,000 and her attorney fees so on the advice of her attorney she signed Boz over to the SPCA. Mrs. Collins said she has three main issues:

- With MaryJo who used to be her friend because Maryjo has stated that she suffers from Mental issues and Emotional issues and she doesn't feel that Someone with emotional issues should be a humane officer. She brought up a law suit where Maryjo is being sued for something unrelated to her job. I explained that the law suit was a civil action, unrelated to her job. Mrs Collins was disappointed.
- With Stephine Moore the SPCA Director because she preforms improper Euthanasia on animals and has been arrested for abandoning animals.
- With Attorney Jeff Holland because she states he is a liar because he was noted in the paper as saying he contacted Ms. Moores former employer and they gave a glowing recommendation. Mrs. Collins said she spoke to Atty Holland and asked him who he talked to at the Jefferson County SPCA about Ms. Moore and he told her "None of your business". She said she told him she spoke to the board at the Jefferson SPCA and they advised her they did not talk to anyone at the Medina SPCA about Ms. Moore nor did they give her a good reference as they fired her. Mrs. Collins said that Ms. Moore was also fired from her job before that one with another Humane Society.

Next Mrs. Collins told me about a Mrs. Wilford who lives on Blake Rd and had 30 horses seized by the SPCA. She said that the SPCA put a gage order on her. I asked her to explain. She said that Stephanie Moore told Mrs. Wilford with Mike Bomboris present that if she complained they would see her kids were taken away. I asked her why and she said there was no reason nothing was wrong with the children who were teens. She said Mrs. Wilford would also like to talk to the Sheriff's Office.

I asked Mrs. Collins what did she want from all this being brought out, what was the outcome she was hoping for. Mrs. Collins stopped for a second and then replied that she would like Stephine Moore to be removed from the Medina SPCA because she does not feel that she is doing justice for the animals in Medina County.

Next she said that Wendy Mirrotto the Head of Kitten Krazy also wanted to speak to me about things she has observed at the Medina SPCA, specifically about when Ms. Moore asked her to hold a cat while it was euthanatized by Ms. Moore. She said Wendy was upset because it took the cat twenty minutes to die and that an unk volunteer told Wendy

that you just hold them until they are dead. I ask Mrs. Collins if she knew if Wendy had any certification in euthanasia to know that it was not done correctly and she said that Wendy did.

Mrs. Collins also said she spoke to the Wayne County Humane Society Director where MaryJo use to work and asked why he let Maryjo go. She said that he told her that there were financial issues and that when he looked around the room the decision was easy, he picked to let Maryjo go because "she had claws". She also said that Mike Bomboris will want to speak to me. She also mentioned Angie who use to work at the Dog Pound.

I informed Mrs. Collins that I do know Mike and that Angie is a friend of mine. I told her that I was specifically asked to look into these concerns because I am a volunteer with the Medina SPCA and have an understanding of animal issues. I also told her I have no allegiance to any persons at the SPCA and that I am first and foremost a law enforcement officer. I told her that I base all my findings only on facts that can be confirmed. I also told her that the Medina SPCA is well aware of what I do for a living and where I work, however they are not aware that I have been assigned to look into these concerns and I would really appreciate if she and those she talks to could keep that to themselves and not post it on the internet at this time. I told her that she will need to understand that this is not a witch hunt, there may be things that the SPCA does that she doesn't like but that the Sheriff's Office is not here to correct how an organization is run, some issues may be Civil and will need to be handled by the respective parties Attorneys. It is our job to listen to the concerns of the citizens and to review the corroborated facts to see if any criminal actions have taken place. Mrs. Collins responded by stating "it looks like the right person was chosen for the job".

Mrs. Collins then brought up the Dales ponies complaint from Anna Hill in Louisiana. I explained to Mrs. Collins that I was aware of the Dales pony issue and that it had been looked into, however since the SPCA admitted that the wrong pony was accidentally shipped and has been trying to work out a resolution with Ms. Hill there was not criminal intent and that this was a civil issue. Mrs. Collins wasn't pleased that nothing could be done but she said she was glad to know that the Sheriff's Office had looked into it.

Mrs. Collins also said we should look up Hooves Hogs & Hamsters in Medina County and speak to the lady who runs it. She will tell us that Stephine Moore wanted to put down a Dales Stallion who she said was foundering, the lady stepped in and adopted the Stallion which the SPCA had gelled.

Due to the amount of information Mrs. Collins has I asked her if she would mind filling out a statement form in her own words. She asked me what she should write and where to start. I told her I would just suggest starting at the beginning and her statement should be the facts that she wants to include in her own words. She asked if she could take it home and work on it because it would take awhile and she didn't have her glasses. I told her that would be fine and gave her several blank statement forms and asked if she could try to get it to me sometime next week. I also gave her one of my business cards.

Reference all the other people she said wanted to talk to the Sheriff's Office I told her that they are welcome to call me. But she needs to understand that if they think that something

criminal has happened that they are a witness to they will be asked to fill out and sign an official statement and that sometimes people are very willing to tell their concerns to friends but when asked to put those same things in an official written statement, sometimes they change their mind. I also told her that she will need to be patience it will take time to speak to all the concerned parties, get statements and review the facts.

Mrs. Collins gave me copies of notes of people and phone numbers to contact and three more pages of information on a court case with Stephine Moore. These will be added to the investigation book. Mrs. Collins left at 2:20pm.

2-24-14 11:27am Received a call from Mrs. Funk who wanted to know if there was any progress on the SPCA case. I informed her I had met with someone else (I did not identify who or what was discussed) and that I had another meeting later this week. Mrs. Funk was upset because Humane Officer Johnson went to her vets office after we last spoke and demanded her vet records. I informed Mrs. Funk she is welcome to come in and make a statement but she needs to understand that if this turns out to be a civil matter that there is nothing the Sheriff's Office can do for her. She request to come in today and will be here at 1:00pm

2-24-14 1:00pm Mrs Funk came on station to talk about her 12 yr old dog Townsend that had a fatty tumor and was under vet care. Mrs. Funk stated her dog was seized by the SPCA while she was at Wadsworth Court filing eviction papers on her bother who was staying at her home and would not leave. She said when she got back with the papers her neighbor told her that the SPCA had just been at her house and taken a large crate out of the house which she believed to be Mrs. Funks dog. She said by the time she could contact her son to advise him what was going on the SPCA took her dog to Dr. Roberts and killed it. She said she tried contacting the SPCA and wanted to at least get her dogs ashes back but they would not respond, she also sent two long e-mails to Atty Holand and he would not respond, she was then able to reach Atty Holland on the phone and she says that he told her "Your lucky we Killed your dog". She said that she said that the Humane Officer Mary Jo Johnson is harassing her and that she has even observed her sitting in her running vehicle for an hour at the Circle K near her home. She said that Officer Johnson has not been back to her home since Chief Keho told her to stay off the property. Mrs. Funk asked to speak to Capt. Baca who came to the interview room and told Mrs. Funk again that we can not act on civil complaints only criminal, that we will look at all the statements to see if any criminal acts have been committed. Mrs. Funk decided to take the statement forms home to complete. At one point Mrs. Funk played a voice mail she received on her phone from Humane Officer Johnson, after listening to it I informed Mrs. Funk that it was not a threatening phone message, Officer Johnson's voice was calm and her statements were factual, Mrs. Funk replied I know it was the one where I answered the phone where she threatened me. Please note that I did go over the wording on the forms with Mrs. Funk so she would understand that anything she wished to write needed to be true as they are official statement forms. Mrs. Funk left at apx. 2:15pm.

2-28-14 9:15pm Capt Baca and I met with Augie and Stephanie Katona. Stephanie Katona brought two photos of her dog and a copy of a document with the name of the dog.

details of their issues with the SPCA which matched the letters they had sent to Commissioner Hambley. Before leaving at apx. 11:00am Augie and Stephanie allowed me to make copies of some court papers they had about their case, these have been added to the book. Stephaine Katona noted that her horse was taken because it had "Rainscald". *I looked this condition up and if that is correct it "Normally heals on its own, however as the condition can spread to involve a large areas, prompt treatment is recommended." "Most rain scald is minor and can be easily and cheaply treated at home naturally". This is according to Wikipedia. Another issue was "free roaming chickens". At humane Agent training we learned that free roaming chickens are acceptable and that chickens can survive on eating bugs in the spring.*

2-28-14 1:45pm after returning to my office from a meeting with Capt Baca there was a voice mail from Augie stating that she had called her attorney and advised them to answer all our questions when we call. She said her Attorney said she would call Augie if she had any questions, which Augie said I don't know why she would do that when I gave her permission to disclose everything.

3-4-14 Apx 9:30 am Capt Baca and Sgt. Fraser attempted to call Atty Muster, the Katona's Attorney.

3-4-14 9:57am Received a call from Augie Katona. She stated she heard I (Sgt. Fraser) was a volunteer at the SPCA and what thrown back at first. I said you've been talking to Tammy Collins? Which she confirmed. I explained most of the time I volunteer in the evenings creating/painting cat rooms and working with dogs. That the SPCA knows where I work and what I do for a living, but they are Not aware that I have been working on this specific task. She was then ok. Augie brought up the euthanasia I explained to her that non of the people Tammy said wanted to talk to us have contacted me and without a witness that something illegal was done we can't do anything. I also told her per the Capt. Baca at this time we have not seen anything criminal therefore we are not seeking out people to talk to, however we will talk to anyone who wants to contact us and talk to us. I also told her that just a half hour ago we had tried to make contact with her Attorney, but she was in court. Augie said she will be making some calls to people who had mentioned they wanted to talk. Augie also said that MaryJo told her it only takes three days to rehabilitate an animal.

3-4-14 10:14am Received a voice mail from Attorney Muster, advised Capt. Baca.

3-4-14 Apx 10:20am Capt. Baca returned Attorney Muster's call and advised her we were on speaker phone and that I was present. Capt. Baca asked her how her contact was with the SPCA, she advised that all her contact/information was from her client(s) and that she had not had any personal contact. She stated that concern was about the SPCA not being up front and truthful in their contacts with the Katona's. She said that there was no disclosure as to the disposition of the animals.

Capt. Baca asked her about how she felt about Attorney Holland. Attorney Muster replied that nothing really stood out. Of course she disagreed with him because she was the Katona's Attorney

Capt. Baca asked her why take a plea and not go to trial. Attorney Muster stated that the plea offer came up like a week before the trial and that a plea is a sure thing that you know the outcome of. She said there wasn't a lot of information flowing from the SPCA, however she thought if they had gone to trial there would have been more. I asked if they produced individual photos of the animals taken and she said there were only a few photos of the animals being removed from the property but none of the individual animals.

3-4-14

12:25pm Received a call From Augie Katona. She said she had left a message for Mike Bomboris to contact me. She said we should be hearing from her Attorney soon also. I advised her we had spoken to her Attorney earlier today. She asked how that went and I told her she was very cooperative but didn't give us anything that would suggest a criminal action had taken place. I told her the Attorney said she had no personal contact with the SPCA and that nothing stood out as being abnormal in her contacts with Attorney Holland. I told her I did ask if she had seen or had individual photos of the animals who were seized and she advised the only photos she had were from the day the animals were seized. I explained again that her case is sealed and we can not get any records because of that. I even read the court document to her that she gave me. She wanted to know if Mr. Holman or Judge Dunn could open the file. Augie asked what does she need to do contact the News Media to investigate because she has people encouraging her to do that. I explained to Augie that the people who say they have supporting evidence and who are "encouraging" her, ask why are they not stepping forward themselves. I suggested she not contact the news media at this time and that she let us finish and forward our documentation to Prosc. Holman. I did tell her that we have reviewed all the documents she gave us. I asked her again what was the FIRST time you had contact with Officer Johnson of the SPCA, she replied that it was May 23rd 2011. I told her the court documents she gave us indicate the complaint runs from April 1st 2011 to May 23rd 2011. Augie said that's not correct and why didn't my Attorney catch that. She said she thinks she has another paper with incorrect dates on them and she was going to look through her stuff and bring it to me if she can find it.

3-4-14

3:40pm Augie Katona on station with more documentation which included, copies of the SPCA vet intake records for the animals seized from her property, typed statements from Humane Officer Johnson, Mike Bomboris and others who assisted in the removal of her animals, letters of support from veterinarians, neighbors, persons who adopted animals from the Katonas and more. Augie also brought photos that she said were mostly taken by the SPCA the day they seized her animals. She noted that the black rooster with the deformed feet and the dead chickens in the cager were not from her property and she does not understand why they were included. She said that Molly a Shizu dog had a tumor on her vulvo and that the SPCA missed it but the person who adopted Molly contacted Augie and Augie paid for the surgery After the dog had been seized by and adopted out of the SPCA. Augie also wanted it noted that at the time of the seizure she had two Pallets of dog food in her basement that MaryJo didn't want to see. In reference to a photo of a dog house with a torn up bed in it she said that as soon as she put something in there the dogs would tear it up and that they only went in there when

it rained. She stated that at the time of the seizure she did have a kennel license. Augie said that of the two horses that were taken that one had rain scald on its back and possible cancer on its front. That the horse was very old and was there to live out its days and was not going to be treated for cancer. She said the SPCA said she had several pregnant dogs however non were. She stated that the older Shizu that had a mammary gland tumor had been seen by a vet and it was decided not to due surgery at that time unless it opens, Augie had the dog put down. While looking at the photo's I did point out to Augie that the water did appear to be very brown and that I also have well water and it is not brown like this and that the water wouldn't be acceptable for drinking as brown as it was. She said that she doesn't run it through the softener for the dogs outside. I told her if its for drinking she should think about a filter that takes out all the rust and minerals, she said MaryJo told her to buy bottled water. I told her that would also be acceptable.

3-5-14

10:08am I received a call from Tory Wilford 330-606-9955, she said she had spoken to Tammy Collins and that Tammy had asked her to call but she wasn't sure why except it was about her experience with the SPCA. She said the SPCA lied. Then went on to explain about a pig she had purchased that had a hernia and that she took to a Wadsworth Vet years ago who told her the pig was not in pain to let it grow and then slaughter it. She said a mail Humane officer had shown up at her home about the pig and said everything looked fine but she should slaughter it now. She said this was long before Moore and Johnson joined the SPCA.

She said that she had some horses and that she had a person who would take care of the horses when they went on vacation. She said when she returned this person failed to inform her that they had let the Stallion get in with the Mares. She thinks it is this person who called the SPCA. She said her horses got good vet care until her husband lost his job. However their vet continued to answer her calls and give her advice on issues with her horses. She said the farrier would come and take of the horses hooves. She said that when Humane Officer Johnson came out she didn't know the difference between a Morgan horse and a Miniature horse. She said most of MaryJo's issues were not valid and that some were like the horse troth was empty, she had filled it in the morning but didn't realize it had a hole in it so all the water leaked out. She said Stephaine Moore told her she couldn't have it fixed it had to be replaced. She said when Stephanie Moore spoke to her the first thing she said was "are all these horses registered". I asked why that would be important and she explained if they were registered they were worth a lot more money. She told Stephanie that they all were or could be. She said her and her husband canceled their fourth of July plans and worked all weekend to correct all the issues the SPCA stated needed to be fixed. She said they didn't show up for 18 months. She said she had two horses die, one 24 year old horse and one pregnant horse, it was then the SPCA showed up. Mike showed up and She requested he wait until Saturday as she had to take care of her kids and ill grandmother. This was at the start of the week, by Thursday he was back again. She said Mike and MaryJo showed up on April 11 with a warrant to come in her home and threatened to break down her front door. I asked why would they want to come in your house if the issue was horses. She said that MaryJo said she had seen a dog with overgrown nails through the window through the blinds, she said

this is a lie because the dog was kept in the office and she couldn't have seen through the closed door she could have only heard the dog bark. In the end the SPCA seized 24 horses including Dales Ponies and some sick cats that were outside that she told them were not hers, they also took a cat from inside her home tested it for fel-luke and put it down. She said the people the SPCA brought to her property knew nothing about handling horses and she has a witness who saw them flip a foal and break its jaw, something MaryJo threatened to charge her

with. She said MaryJo told her she was going to jail for a very long time if she didn't sign over her horses to them. She said MaryJo and Stephaine went on TV and said they only had enough feed for three days, she said the feed store is ten minutes away and that she was buying and had receipts for \$2,500 in hay a month. She was breeding Chihuahua's and had a kennel licence. She did this to help support the horses. All the dogs were fixed or had appointments to be fixed. She said that people she knew would call the SPCA and spoke to Director Moore to find out about her horses and that Director Moore indicated how she took care of her horses she probably doesn't take care of her children. She said that Director Moore furthered threatened to make sure her husbands security clearance was removed and thus he would loose his job. She said that the SPCA even had her 14 year old daughter put her own horse on the trailer the day the seized them. She said of course they looked bag they waited until it had rained for two days straight and the horses were shedding their winter coats. She said her Attorney from Stow a Attorney Tom Leohr wanted to fight the case but she was afraid of the effect the continued issues with the SPCA would have on her children, one of which is still in therapy because of her horse being taken away and how Humane Officer Johnson acts when she comes to their home. I asked her if she wanted to make an official statement and she said she did but she has a fear that the SPCA will retaliate. I asked how, she said part of her deal is that instead of 5 years if she cooperates things can end after 2 years and she feels they will drag it out also that they may try to take her children's dogs. I told her that she didn't have to make a statement it was up to her. That we were just gathering information that would be given to the Prosecutor and Judge for their review and that so far we had not found anything criminal I couldn't promise her that making a statement would do anything it was totally her decision. She said she wanted to and that she would be at the Sheriff's Office on 3-6-14 at 1:00pm and would have other documentation with her. She said we could contact her vet if we wanted Dr. Yost Cell number 330-465-7417 and she would let him know it was ok to talk to us. She did bring up the sale of the Dales Ponies and said that Director Moore was the one who contacted the lady in Louisiana and asked her if she wanted to buy the horse and that she then switched the horses. I told her we were aware of this complaint however the SPCA admitted sending the wrong horse therefore it was a civil matter.

3-6-14

9:20pm Received call from Augie Katona she wanted to know if Mike Bomboris had called me, I told her no not yet. She said Mike told her that he called and left a message I told her I did not have any messages from him and if I had I would have called him back. She started talking about the dirty water dishes

maybe a dog peed in them, etc. We briefly discussed the photos and I told her that some of the dogs did appear that they might need a good bath and grooming and others appeared like they had just been groomed. She asked if I had gotten every thing copied and I told her I had gotten everything copied except for scanning all the photos. She said she will be dropping off more documentation and calling Mike back to see why he hasn't contacted me.

3-6-14

apx 1:00pm Mrs. Tori Wilfred came on station with her young son. Mrs. Wilfred had horses seized by the SPCA. She said that her problems started when a Mary Sell who was watching her horses while the family was away let a stallion in with the Mares and failed to tell Mrs. Wilfred that this happened so that she could give the Mares a morning after shot. Mrs. Wilfred didn't find out about the incident until after it was too late. She said where they would expect one or two foals a year they had quite a few more which created a burden for the family. She produced an affidavit for a search warrant and pointed out things that she said were lies. She said the affidavit states she had 1) Two donkeys that were in plain view when she only owned one donkey 2) That a dog was in plain view on her front porch which she said the dogs were never on the front porch, and the blinds were on the windows and the dogs were in a room that you could not see by plain view because the door was shut. Tori stated that she was contacted by Mike on a Monday and he wanted to come out on Tuesday, she was caring for her ill grandmother and four children and her husband was out of town so she asked for a meeting on Saturday. She said that the agreed upon date in the affidavit is a lie. She said where Mike said he could see stacks of dog crates in plain view in the second story windows of the house was not correct and that she even took him up there later and showed him the room and it was one large ferret cage. She said the black cat that was seized in a puddle was not her cat it And that she has it in Writing (see attached) that she would not be charged for that cat and she in fact was. Affidavit and Notice of impound are signed by D. Michael Bomboris. Mrs. Wilfred stated that Mike was always nice when dealing with her however MaryJo was threatening and her children are afraid in their own home because she might show up at any time. As for the alleged threats to take her children away that she said Stephaine Moore made, Tori said that these were not made directly to her and that friends of hers called the SPCA and spoke to Stephaine on the phone and she told them if the way she took care of her animals was any indication then maybe her children needed to be removed. I explained that first Humane Officers are mandatory reporters and if they had observed any child Abuse/neglect issues they would be required to contact Children Services. Next I asked how do these friends know that they were speaking to Stephaine Moore when they called and also since the alleged threats were not made to her directly only the people they were made to would be able to complete official statements. Mrs. Wilfred stated that when the SPCA was on her property with a vet that the Vet told the SPCA not to seize the animals and that it was MaryJo who insisted. She said Mike is a witness to this.

3-7-14

apx 8:45am Capt. Baca came to my office he said that he had a call from Augie who said a Mike had called and left two messages for me and that I hadn't returned his call. I told the Capt. that is not correct. Mike is telling them that he

if he does call or stop in I would be happy to talk to him.

3-7-14

9:00am Received a call from Tammy Collins. She said she has heard that Mike is leaving me messages and I have not returned his call. I advised her that is not correct and that my phone has a history that the department can pull up and see I have not received a call from him, also from when he worked at the SPCA and I was a volunteer he has my cell number not that I want him to use it but just to demonstrate he has more than one way to reach me. Also if he just shows up at the Sheriff's Office while I am working I would be more than happy to talk to him. Tammy said you have been easy to get a hold of.

3-7-14

Apx. 9:30am Augie called stating that she has spoken to Mike and he said he left me messages Monday and Wednesday. I went over with Augie that this is not correct and that if he does call or stop in I would be more than happy to talk to him. She asked about him doing statements can they take him some. I said yes but if he doesn't sign them in front of us then they need to be notarize. Augie said she doesn't understand this, I explained to her sometimes people tell you what you want to hear and then they don't follow through. Augie is on her way to pick up statement forms and she wants the address to Kitten Crazy, which is listed on the web as 930 Lafayette Rd. Unit A 330-558-1540. Address and phone number have been written down for her. I did explain to Augie that they have moved some of their facility but I do not have an address for that.

3-7-14

Apx 12:10pm Augie showed up with more documentation and photos. I gave her all the things I had already copied. Augie was upset again that I wasn't going over to see Mike and wanted to know why. I explained that Capt. Baca said so far this isn't criminal and I can talk to anyone who contacts us but I am not to go out chasing people down. Augie said she may have to get the Media involved and that this is going to blow up big. I reminded her that she needs to let us do our job and forward what we get to Mr. Holman who can make a determination on how we are to proceed and that contacting the Media at this time is not recommended. She asked about her photos and I said while scanning them I did see what appears to be a black rooster, she said that she didn't have a black rooster like the one the SPCA showed with the bad feet. I told her the birds were in the corral outside her barn and when I blew up that area of the photo it appeared to be a black rooster to me. She then said oh well I don't know maybe it was mine. I also told her I knew she cares about the animals but maybe she had a few too many and that it appeared from the photos she gave me that the conditions at the time on her property were not ideal for their best care. She then gave me photos of her yard afterward that looks better and photos of what she said was a dog at the SPCA with brown water in it's cage that they posted. And a photo of a bird by a pool that had dirty water which is where she said the SPCA took some of her animals. She also gave me copies of an article on donated pet medications which she said is not acceptable. And a copy of face book entries mostly between Tracey Miller and Stephaine Moore of the SPCA in which they discuss someone who has an issue with them where Stephine Moore swears. Augie stated what do you expect of white trash. Augie then left to go to Kitten Crazy. Capt. Baca was briefed on Augie's visit. All items will be copied and added to the books.

3-10-14 8:00am, checked voice mails from the weekend. One from Sunday 3-9-14 at 1:02pm from Mike Bomboris 330-421-2165.

3-10-14 8:47am returned call to Mike Bomboris. I know Mike from when he ran the SPCA shelter. Mike said that Augie Katona had been to where he works twice and dropped off a stack of papers for him to fill out and he was confused what we wanted him to write. I explained that a few people had some issues/concerns they brought to a Commissioners attention and that being the Sheriff's office is the County Law Enforcement agency we were asked to look into their concerns and to see if there was anything criminal. I told him I couldn't go into specifics of their concerns and that they had said that he wanted to speak to us and that we are only looking for facts. If there was something criminal going on that he wanted to tell us about or put in writing that would be helpful. He said Augie said she has already gone to the State and they are opening an investigation. He said that Augie stated there was something fishy about Sgt. Fraser and she has contacted her supervisor also. I told him she did express concerns with Euthanasia and people being licenced and if he knew anything about that. He said he knows he has a certificate from the American Humane Society and he took a class in Sandusky and there is no expiration date. He said the process in Ohio is you take the class you pass the test, get a certificate and that's it. You don't have to file paperwork for an additional license. He said Augie mentioned to him about Heart Sticks and he tried to tell her that in Ohio you can do them. Mike said he didn't know about anyone else's license because you just don't ask to see them. Mike said he knew who Augie was but hadn't contacted her, he said he after he left the SPCA he had a conversation with Tammy Collins because she was saying things about him that were libelous and he wanted it to stop. He said he did write a letter to the SPCA Board Members about things that were wrong that he felt they should know about and that he got a phone call from Stephaine Moore right after the letter was sent.

Key Points:

- Mike stated that Augie was classified as a Rescue Horder and that **she was Bullied**. He said that was standard practice if you didn't have money and they knew you couldn't fight them. But people with money who did much worse were treated differently.
- I asked Mike how they document photos when they seize an animal. He said they take a lot of photos and they have a dry erase board that is in the photos with info on the animal. They also do this for other things related to the case. The reason for asking was none of the photos from the Katonas had markers. Mike said that Augie had a friend who was taking photos that day.
- I asked Mike how they store their cases. He said they are in the SPCA if they are working on them but once they are closed Attorney Holland wants them so that he can ensure nothing gets leaked out. However Attorney Holland is very busy so it's up to the individual Humane Officer to see that closed case documentation is forwarded because Attorney Holland will not be checking on them.

- In reference to the horses on Blake road Mike stated that the Vet advised NOT to take the horses but his boss (Stephanie Moore) told him to take them or he was fired. **This would support Mrs. Wilfred's statement of what the vet said.**
- Mike stated that when **MaryJo Johnson was teaching him how to be a Humane officer they went in to several barns illegally**, he then started to site what he was taught in training about only being able to go where the Postman goes. Mike stated that just within the last month his Aunt was at home and her dogs were barking and MaryJo had been in her back where she should not have been. MaryJo said she had a phone call about his Aunts dogs but she could see they were Ok and gave the Aunt a yellow slip. Mike said the yellow slip covered them they would mark off what the disposition was like checked but ok.
- I asked Mike if he could explain the procedure on how they were to handle non prosecution. He said these are all drafted by Attorney Holland on a case by case basis. I asked if it was customary they for the Humane Officer's to make the collections of fees or did the office send something out. **Mike said the Humane Officers never handle money and that there is no money attached to a non prosecution.** If there is a fee or fine then the case goes through the court and the court sends the SPCA the fee. I didn't explain to Mike why I was asking this but it was in reference to the complaint by Diane Funk.
- I asked Mike if he knew if the County gave the SPCA money other than the recent cat deal. Mike said that every year the SPCA bills the County For \$3,000-\$4,000. I asked what this was for and he said stuff like animal pick up. He said they also bill the cities and TWP's and that's why they don't go into Brunswick because they will not pay. ****Concern here is if the Townships and Cities are paying the SPCA to pick up animals is the County paying for the same animals to be picked up or are they covering for the areas that refuse to pay. Or is the 3-4 Thousand they are billed for each year for something different.**

Mike Bomboris said he would be willing to fill out statements about the above issues and maybe some other things that are of a concern. He said many things that were not illegal just personal issues were sent to the SPCA Board of Directors and that overall he feels the SPCA works for the animals it's just a few individuals that are giving the organization a bad reputation.

- 3-10-14 Voice mail from Augie Katona that she has left Statement forms for Wendy of Kitten Crazy and that she made contact with Mike where he works and that she has more stuff she will be bringing up.
- 3-10-14 Call from Tammy Collins. Said she will bring her statement forms up on Tuesday morning. Said she has been going at this for three years and is tired. That she won her case and has let go but wants to be able to move on. She also said that the SPCA needs to be more professional and that they should be more organized.

for them. I told her that the last of the documentation is expected on Tuesday morning and that everything will go to Prosc. Holman for his review. That it is up to Prosc. Holman to review the documentation.

- 3-10-14 11:37am Received a call from Augie, she is on her way with paperwork. Said she dropped off forms for Wendy wanted to know if Wendy had dropped them off. I advised that I had not received any yet. She said Wendy just kinda looked at her when she dropped them off. She asked if Mike had dropped off his, I said I have spoken to him and he plans on it, she replied "good girl".
- 3-10-14 Apr 1:10pm, Augie Katona on station with more photos of her property that she said were taken by the Medina County SPCA and her notarized statement from 3-9-14 in which she states she met with Mike Bomboris on 2-28-14. Augie asked if I had heard from Tammy, I said yes, Augie asked if Mike had dropped off his statement and I said no not yet. Augie showed me the photos that she said the SPCA took, I confirmed that the SPCA took these and the last ones you gave me because I don't see any markers in any of the photos, she confirmed they did and that they gave her lawyer a disk. She brought up the Euthanasia again. I told her all I could find on the computer, which is that the Medina SPCA does have a licence for the meds and that Stephaine Moore is listed as the "responsible person" to which Augie rolled her eyes and went off about record keeping and what if's someone is upset with someone and takes some of the meds and uses them on that person. I told Augie this is not a Lifetime movie. The fact is they are allowed to have the medication and there is documentation that needs to be kept and the pharmacy board can audit them. We are interested here only in facts and not what if's.
- 3-10-14 Printed out a copy of Ohio License Center showing that the Medina SPCA does have a license for Euthanasia medication with Stephaine Moore being the responsible party. Next I called the Ohio Veterinary Medical Board and spoke to Joe McClain who advised that shelters are considered to own their animals and therefore fall under different rules. He gave me the number to call at the Pharmacy Board to check certifications 614-466-4143 where I spoke to Sharon. Sharon said I would need to e-mail Jennifer at jennifer.utterdyke.bop.ohio.gov and explain who I was and why I needed to know who at a specific facility was licensed to preform euthanasia. This disputes Augie Katonas claim that this information appears on line and shows MaryJo as not being certified until January of 2014 it also disputes Mike Bomboris claim that all you had to do was take a class and there was no requirement to be licensed in Ohio. I will check with Capt. Baca on 10-11-14 for permission to contact Pharmacy board.
- 3-11-14 7:55am Spoke to Capt. Baca and asked for permission to e-mail the pharmacy board. I explained that a documented answer would end any misconceptions as to who is or is not licensed to preform euthanasia at the Medina SPCA. Capt. Baca advised me to proceed and 8:19am sent an e-mail request to Jennifer Utterdyke requesting confirmation of license.
- 3-11-14 9:13am - 9:39 am Received e-mails from Tammy Collins ref. attached letter from Tammy Collins ref. attached letter from Tammy Collins ref. attached letter

had to keep advising Tammy of same. She said she will get it printed out and be up shortly.

3-11-14

9:55am received a phone call from Mike Bomboris, he said that he is sick and that this has stressed him out, also Augie Katona went to his place of work at 1pm yesterday and stated that she doesn't like the job Sgt. Fraser is doing and feels she is biased to the SPCA, which Mike told her he didn't feel that was correct. He said Augie badgered him about what to write in his statement and that this is the third time she has shown up at his job and his boss told him if it happens again he will no longer be employed there. Mike said as much as I know I don't want to be the one to do all the talking. He said if anything comes of this and we absolutely need him to let him know. He said he also didn't even know where to begin that there are a lot of things he overheard but didn't witness and as what point do you start. I told him we are only interested in facts not hearsay and are not on a witch hunt we are just trying to verify facts and no matter what direction the facts take us that's all we are interested in. Mike stated that Augie also brought up euthanasia at his place of work. Mike did state during the phone conversation that sometimes the SPCA euthanasia log is "fudged a little" like he didn't do horses but if someone went to the barn and puts something down and the log stays at the SPCA so they forget to make an entry. Mike stated that the SPCA does not weigh animals but always gives more than enough he said some times it does take awhile for an animal to die because they do not sedate them first. He said the method that Augie was talking about "IP" is acceptable for animals under ten pounds. I asked him if he was there when Vincent was put down (Vincent was a big with Pit Bull that had been at the SPCA for over a year and failed the Safer Test, he was taken to a local soccer field for one last run and put down on the field). Mike said he was, I said I heard Maggie had to go back for something any idea what, first he said that maybe a needle then he said no Stephanie forgot the muzzle. He said Vincent didn't want to go and staggered around the field, Stephanie had to call Dr. Purder for permission to give him a sedative after he had gotten the euthanasia medication.

Mike went on to comment that all the people he knows of who are complaining the problem he has is they all were neglectful to animals in some way. He said like the Winfreds Dr. Orr said we should leave the horses and then my boss said she will fire me if I do, then a week later I talk to Dr. Slegg from the same vet office and don't tell him I spoke to the other vet and he said the horses would have been dead in a week if we hadn't taken them because of worms. And he said Augie, all of her animals were rescues and only a few had issues like a protruding eye and grooming, but he recalled this because her pig charged him and messed up his knee cap. He said Augie was disorganized but she had vet records and that things were done wrong because if her animals were as bad as stated the eight dogs that left the property should not have been allowed to leave and then later returned to her. He said that the Tammy Collins case the SPCA lost that only because the vet a Dr Garr from Akron Vet Hospital wouldn't confirm that the dog she was shown a photo of was the dog that she had treated.

Mike also said that he and Stephanie Moore took the Humane Officer training in Cleveland at the APL, it was videos they had to watch. He didn't know where MaryJo had taken her training. I closed by wishing him a speedy recovery and

3-14-14

10:38am Tammy Collins on station with a few more papers, most look like ones we already have. She ask if Mike has shown up with his statement and I told her not yet (I didn't tell her about my recent phone call). She mentions Augie's persistence and how she keeps calling her and sometimes she just doesn't answer. She said Augie said she has friends in the State and is going to call them, Augie said they are not licensed for euthanasia. I told her I know and I have actually sent a request in myself for the information on license's. I explain what is on line for anyone to view and she has been to that site already. She indicates Augie is concerned about how the inquiry is going, I point to the four large binders on top of the wood file cabinet and tell her that everything I have been given has been copied and put in a binder and will be forwarded today to Mr. Holman. Tammy states she is impressed that there is so much and that I have everything so neatly divided and comments on how much work I've done. We go over again what is and is not criminal and that so far no criminal activity has been supported by documentation, that some things like completed court cases are not an issue for us those are things that an employer may be concerned but they are not criminal. She said she understands. She said there are so many people who have issues with the SPCA and have brought up so much. I told her that we have listened to everyone who contacted us, taken all the documentation they wanted to give us and asked for official statements from the. I explained that sometimes people like to talk and when you ask them to put facts in writing on an official police statement that they know can be used against them if they lie, sometimes they don't feel comfortable making a written statement for whatever reason. I did tell her some people however have made official statements. I could see that Tammy had her statement started, she said again she didn't know what to put down or where to start and she felt we had a lot to work with and what she was hoping is that when this is done that the Medina SPCA would no longer have the power they do, that maybe the Sheriff's Office would be involved or the Dog Warden. I said the outcome or recommendations for an outcome are not up to us, what does or does not happen is a decision to be made higher up. **In the end, Tammy Collins left and did not leave an official statement.**

3-14-14

11:30am tried calling Jennifer Utterdyke at the Pharmacy Board to make sure she had received my e-mail request and to see if she could provide the requested information. There was no answer, I left a voice mail request for a return call.

Summary:

In conclusion there were three original complainants; Tammy Collins, Augie & Stephaine Katona and Diane Funk. From there Tori Wilfred spoke to us and Mike Bomboris. Capt. Baca had a conversation with Attorney Jeff Holland who represents the Medina County SPCA. This issue was brought to the Sheriff's Office on January 3th, 2014 and will be forwarded to Prosc. Dean Holman on March 14th 2014. This was not presented as a criminal complaint only an inquiry into complaints of a few residents. The Sheriff's Office made time to speak to and take statements from anyone who contacted us. The Sheriff's Office did not seek out persons to talk to, nor did the Sheriff's Office have conversations with anyone else at the Medina County SPCA other than Attorney Holland. No records from the Medina County SPCA have been requested and/or reviewed by the Medina County Sheriff's Office at this time. There is a question as to public records (which the SPCA's may be due to receiving some public funds) and some of the cases have been sealed. In the end when asked to make official statements on Sheriff's Office statement forms only Diane Funk and Tori Wilfred were willing to. All others either refused or provided statements in their own format not on the official forms as requested.

- **There seems to be a lack of transparency in the operations of the Medina CO SPCA.**
 - written Policy & Procedures and/or protocols
 - posting of certifications/license (i.e. Euthanasia certification).

- **A failure of articulation with the public on the part of the Medina County SPCA.**
 - lack of interpersonal communication skills when dealing with some possible offenders - i.e. perceived as threatening and bullying.
 - inconsistent - stating no charges will be filed then filing charges.
 - reports and other documentation
 - unprofessional facebook comments on personal facebook pages, however employees are known to be employees/director of SPCA.

- **Appears to be a lack of accountability**
 - in the disposition of animals of the animals seized (as stated by complainants)
 - logging of Euthanasia drugs (*not requested or reviewed by Sheriff's Office at this time but questioned were raised by several complainants*).
 - accountability of funds (*not requested or reviewed by the Sheriff's Office at this time but questions on where funding comes from and how funding is being spent specifically funds from Medina County, Cities, Townships, etc.*). **One of the Counties Commissioners is concerned about accounting for county funds.**
 - **One of the Common Pleas Judges is concerned that Humane Agents are operating within the ORC. And if there is a conflict of interest with Attorney Jeff Holland being on the SPCA Board of Directors and also being the Prosecutor for the SPCA.**