

IN THE COMMON PLEAS COURT OF BUTLER COUNTY, OHIO

STATE OF OHIO,

CASE NO. CR2022 02 0162

State,

-vs-

TRANSCRIPT OF PROCEEDINGS
(JURY TRIAL)

ROGER REYNOLDS,

Defendant.

PRESIDING: Hon. Daniel T. Hogan

APPEARANCES: ON BEHALF OF THE STATE
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ON BEHALF OF THE DEFENDANT
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DATES: December 16, 2022

ELECTRONICALLY
RECORDED BY: Electronically Recorded

TRANSCRIBED BY: Alana R. Brock, CDLT-273

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None			
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<u>Defendant's Exhibit:</u>		<u>ID</u>	<u>ADM</u>
None			
	* * *		



1 (Friday, December 16, 2022, 8:57 a.m.)

2 (Outside the presence of the jury)

3 THE COURT: No rush. I think we're a little bit early
4 anyway.

5 Anything that we need to do on the record from the State?

6 MR. TAMMARO: There is going to be one thing, Your Honor,
7 talking about --

8 THE COURT: Do you mean --

9 MR. TAMMARO: -- before we start with witnesses.

10 THE COURT: Let's wait for Mr. Wood.

11 MR. TAMMARO: Yes, Your Honor.

12 THE COURT: Okay.

13 MR. ZIEPFEL: I think we have the same thing.

14 MR. TAMMARO: Same thing.

15 MR. ZIEPFEL: Okay.

16 THE COURT: Okay. Here we go.

17 MR. WOOD: Good morning, Your Honor.

18 THE COURT: Good morning, Mr. Wood.

19 MR. WOOD: I was told that you were staring at my empty
20 chair.

21 THE COURT: I was trying not to but I couldn't help
22 myself.

23 You guys can be at ease. What do we need to accomplish
24 here?

25 MR. ZIEPFEL: Your Honor, it's my understanding that the



1 State intends to call two witnesses this morning who are
2 attorneys. They both work for the Butler County Prosecutor's
3 Office. So we're going to object to those two witnesses on
4 attorney-client privilege grounds. The two witnesses they
5 expect to call are a gentleman named Dan Ferguson and a
6 gentleman named Roger Gates.

7 And I'll start with Mr. Ferguson. It's our understanding
8 Mr. Ferguson works for the Butler County Prosecutor's Office.
9 Of course, the Butler County Prosecutor's Office represents
10 elected officials in the County, including the auditor. So
11 there's an attorney-client relationship there. Mr. Ferguson,
12 as an employee of the prosecutor's office, is an attorney for
13 the client, the auditor. We think it's blatantly improper to
14 call an attorney to testify against a current client, unless
15 the client voluntarily consents or testifies on the same
16 subject. Obviously, Mr. Reynolds has not consented and has not
17 testified about any subjects.

18 It's our understanding that, based on the review of the
19 discovery, Mr. Ferguson's testimony is going to relate to two
20 things. First, we expect he's going to testify about a
21 conversation with Mr. Reynolds. And during that conversation,
22 there were two topics. First, there was the discussion of
23 records requests that had been filed by the media and by the
24 Butler County Sheriff's Office. And during that conversation,
25 Mr. Ferguson was directly advising Mr. Reynolds on his response



1 to those records requests. That's direct attorney-client
2 communication. That's privileged, and it hasn't been waived.

3 We also believe that, during that conversation, there was
4 a discussion of the allegations made by Mr. Parks in the civil
5 lawsuit. And there's been some discussion of that civil
6 lawsuit in the trial, but it was filed on September 30, 2021.
7 And there were a host of Defendants, but Mr. Reynolds was sued
8 in both his individual capacity and as the auditor. Now, the
9 Butler County Prosecutor's Office is the attorney for the
10 auditor with respect to civil complaints like this. So again,
11 there's an attorney-client relationship here. And during the
12 conversation that Mr. Reynolds had with Mr. Ferguson, there was
13 a discussion about the allegations in this complaint -- things
14 about the CAUV, and I'm not sure what else. So we think that's
15 blatantly improper and blatantly violates the attorney-client
16 privilege.

17 The second topic we expect Mr. Ferguson to testify about
18 is whether or not Mr. Reynolds obtained a legal opinion from
19 the prosecutor's office about some issues regarding Lakota
20 Schools. So I believe the first witness who's going to testify
21 this morning is going to finally discuss the Lakota Schools
22 count, Your Honor. And my expectation is they're going to put
23 on Mr. Ferguson to testify that Mr. Reynolds never obtained a
24 legal opinion from the prosecutor's office or legal advice from
25 the prosecutor's office about the Lakota issues. We think



1 that's improper.

2 There has not been any advice of counsel defense made
3 here. If a defendant were to make the argument at trial that
4 he or she was advised by counsel to do a certain act, then of
5 course, that advice comes into play, right? And it can be
6 proper for attorneys to testify about whether or not that
7 advice was given. But simply calling someone's current
8 attorney and asking them if they gave certain advice to the
9 client is improper and violates the attorney-client privilege.
10 So we object to those two witnesses -- or Mr. Ferguson.

11 Mr. Gates, it's unclear to us based on the discovery what
12 testimony Mr. Gates intends to offer. I don't really know. I
13 do know that he worked at the prosecutor's office. My hunch is
14 that they intend to ask Mr. Gates about whether or not Mr.
15 Reynolds obtained a legal opinion. Again, I think that's a
16 violation of the attorney-client privilege, and I don't think
17 either of them should be allowed to testify.

18 THE COURT: Response?

19 MR. WOOD: Yes, Your Honor. Thank you. Revised Code
20 2317.02(A)(1) governs that attorney-client privilege, and
21 states, "if the client voluntarily reveals the substance of
22 attorney-client communications in a nonprivileged context [...]
23 the attorney may be compelled to testify on the same subject."

24 In this case, we are focusing on a communication. We
25 anticipate testimony from our first witness Jenni Logan, that



1 will indicate that a privileged communication was revealed to
2 her, a nonprivileged person in a nonprivileged context.
3 Specifically, as the Defense alluded to just a moment ago, we
4 anticipate her testimony would be that the Defendant told her
5 that he had obtained an opinion from the County Prosecutor's
6 Office, and the County Prosecutor said everything was okay. By
7 revealing the substance of that communication to a
8 nonprivileged person, it's the State's opinion that that
9 destroys the attorney-client privilege, and therefore, the
10 attorneys could be compelled to testify on that same subject.

11 Obviously, there will be a requirement of foundational
12 testimony, which we intend to lay through the testimony of
13 Jenni Logan. That is, essentially, the sole privileged subject
14 upon which the State would expect these attorneys to testify.
15 There might be some basic getting-to-know-you testimony -- what
16 is the County Prosecutor's Office? What role do they play?
17 How do they represent people? But the core of the testimony
18 would be the subject of whether an opinion was obtained from
19 the County Prosecutor's Office.

20 I think the second half of Mr. Ziepfel's objection
21 actually addresses more the issue of relevance. Why would this
22 testimony be relevant to the trial? It's the State's position
23 that this reveals the Defendant's state of mind as he is
24 seeking to enter into this public contract, that he knows or
25 has an awareness that his conduct might be problematic and that



1 he is pursuing that course of conduct in spite of the issues
2 that it might present for him legally, later speaking. It's
3 not so much a advice as counsel defense as it is his awareness
4 that his conduct might not be on the up and up, and moving
5 forward with that conduct anyway.

6 So that is the basis of what's going on here. Again, the
7 State expects the foundational testimony to be fairly clear,
8 fairly limited and again, the testimony of Mr. Ferguson and Mr.
9 Gates to also be fairly clear and fairly limited.

10 The reason that Mr. Ferguson and Mr. Gates have both been
11 called is that this relates back to 2017. Even though Mr.
12 Gates is no longer with the office, he was back at that time in
13 2017. And these were the two individuals who basically handled
14 anything that would come from the Auditor's Office. So when
15 the question is, who did he speak to from the County
16 Prosecutor's Office on this subject, these are the individuals
17 that it could have been.

18 THE COURT: Okay. Response?

19 MR. ZIEPFEL: Your Honor, same grounds as before. It's a
20 privileged conversation, and there hasn't been a waiver here.
21 Simply saying, I got an opinion, that's not a waiver of a
22 privileged conversation. It's just not. Saying I talked to my
23 attorney, that's not a waiver of the privilege between the
24 attorney and the client. It's not.

25 THE COURT: Okay. Well, let me make two observations.



1 One is at a bare minimum, I need to hear the testimony of Ms.
2 Logan before I know what's going on with precision.

3 Secondly, I'm going to suggest that this issue must have
4 occurred to somebody prior to this morning. And why this would
5 not have been brought to my attention sooner, so I could give
6 it thought and study, as opposed to having to make a decision
7 lickety-split, I guess I'm fairly unamused.

8 But anything else before we bring the jury in?

9 MR. WOOD: Not from the State, Your Honor.

10 MR. ZIEPFEL: Not from the Defense, Your Honor.

11 THE COURT: Okay. Can we have the jury, please.

12 THE BAILIFF: Yes, sir.

13 (Jury entering courtroom)

14 THE COURT: Please be seated, folks.

15 Good morning, ladies and gentlemen.

16 IN UNISON: Good morning.

17 THE COURT: Sorry we're starting late. We were out here
18 playing cards and telling jokes and drinking --

19 (General laughter)

20 UNIDENTIFIED JUROR: So were we. We -- yeah.

21 THE COURT: -- drinking coffee, and we lost track of the
22 time. From time to time, we need to do work in here out of
23 your presence, so if we get started a little late, please be
24 patient with us. We really aren't playing cards.

25 State may call their next witness.



1 MR. WOOD: Thank you, Your Honor. The State calls Ms.
2 Jennifer Logan.

3 JENNIFER LOGAN

4 a witness of lawful age, being first duly cautioned and sworn
5 was examined and testified as follows:

6 THE COURT: Mr. Wood, you may inquire.

7 MR. WOOD: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY MR. WOOD:

10 Q Good morning, Ms. Logan.

11 A Good morning.

12 Q Could you state your name for the record, please?

13 A Jenni Logan.

14 Q And could you spell it as well??

15 A J-E-N-N-I L-O-G-A-N.

16 Q Ms. Logan, what's your current address?

17 A My current address is 1730 Hunters Wood Court, Milford,
18 Ohio, 45150.

19 Q Where are you currently employed?

20 A I am currently employed with the Butler County Educational
21 Service Center as a consultant.

22 Q What's your job there as a consultant? What does that
23 mean?

24 A So I am currently serving as an interim treasurer for Ross
25 Local Schools, here in Butler County, and I'm also serving as a



1 mentor coach for a few other school treasurers in the area.

2 Q Prior to your current job, where were you employed?

3 A Lakota Local Schools.

4 Q What was your job title there?

5 A I was the treasurer/CFO.

6 Q And how long did you work there?

7 A 11 -- over 11 years.

8 Q Always with that same job title?

9 A Correct.

10 Q What does it mean to be the treasurer/CFO of the school
11 district?

12 A So the treasurer/CFO of the school district is responsible
13 for making sure that all of the money that comes into the
14 district and out of the district is properly accounted for, is
15 in alignment with the budget that is approved by the Board of
16 Education, and the treasurer/CFO reports directly to the Board
17 of Education too.

18 Q All right. And the Board Of Education, what are their
19 duties?

20 A So the Board Of Education is elected by their community,
21 and they are responsible for hiring a treasurer and a
22 superintendent, developing a strategic plan for the district.
23 They meet at least once a month. And they're responsible for
24 the policies and the adherence of those policies.

25 Q Who decides how the school district's money gets spent?



1 A So the Board of Education adopts a budget, appropriations
2 every year that begin on July 1. And all money that is spent
3 within that school district is in accordance with that budget
4 that is adopted by the Board of Education.

5 Q You said that it's the job of the CFO/treasurer to track
6 money coming in and out. Where does that money come from?

7 A So for school districts, specifically for Lakota, over 60
8 percent of their revenue came from the local taxpayers from
9 real estate taxes. The other 40 percent was from the State of
10 Ohio, and that was our in general operating money. And then
11 they did get some federal grants as well -- some small federal
12 grants.

13 Q Okay. So a federal grant might be spent on, like, a very
14 specific purpose?

15 A Very specific, yes.

16 Q But the in general budget, you said 60 percent taxes and
17 real estate, 40 percent from the State of Ohio?

18 A Correct.

19 Q Now, let's talk about tax money that Lakota would receive.
20 What was the -- what were the ways that Lakota would get that
21 tax money?

22 A So taxes -- real estate taxes, you receive a bill twice a
23 year. And so when those taxes are paid to the County, then
24 that money is settled up at the County. And then the school
25 district receives that money from the County.



1 Q Did the school district ever receive any money from the
2 Auditor's Office?

3 A Well, the money actually -- any money that comes from the
4 County is drawn on the County Auditor's -- that's where it
5 comes from. But there was specific money that we did receive,
6 I believe, every year but one year when I was treasurer for
7 Lakota. And it was a refund of monies that were charged for
8 the collection of taxes. There's fees that can be associated
9 with that, and it was a refund of some of those fees that were
10 collected.

11 Q Okay. So if the Auditor's Office doesn't use up all of
12 that fee money, the unused money would come back to the school
13 district; is that right?

14 A In general terms, I believe that's correct, yes.

15 Q Okay. Just again, a very in general way of describing it.

16 A Yeah. Okay.

17 Q And you said that came in -- you started there in 2011?

18 A Um-hum.

19 Q And for your entire time there, it was every year but one
20 that the district would get that money?

21 A Yes.

22 Q All right. When that money would come in, the return of
23 the fees money, was that specially earmarked by the school in
24 any way?

25 A No, it was not earmarked. It came back when we received



1 our tax settlement, it would be noted on those settlement
2 sheets. It was deposited into our in general fund. And then
3 that money was spent on all other things, and -- just like
4 everything else in the in general fund, it was not earmarked.

5 Q Okay. So we spoke about a federal grant earlier. The
6 federal grant money could only be used for a very specific
7 purpose?

8 A Correct.

9 Q Okay. But the fee money that would come back from the
10 Auditor's Office, that would just go into the in general fund
11 and could be spend on whatever the district wanted?

12 A In accordance with the budget, correct.

13 Q Okay. And that budget is set by the Board of Education?

14 A Correct.

15 Q All right. The auditor was not on the Board of Education,
16 correct?

17 A That is correct.

18 Q So the auditor didn't get a vote in how that money was
19 spent?

20 A No.

21 Q It would just be returned to the schools, and then the
22 school would decide?

23 A Correct.

24 Q Or rather, the district?

25 A Um-hum.



1 Q Do you know a individual named Roger Reynolds?

2 A Yes.

3 Q How do you know Roger Reynolds?

4 A Roger Reynolds is the County Auditor, and any treasurer --
5 school district treasurer in this County knows who the County
6 Auditor is.

7 Q All right. Ever met in person?

8 A Yes, many times.

9 Q Do you see him in the courtroom today?

10 A I do.

11 Q Could you describe where he's sitting?

12 A He's sitting right directly in front of me.

13 MR. WOOD: Your Honor, the State would request the record
14 reflect that the witness has identified the Defendant, Roger
15 Reynolds.

16 THE COURT: The record may so reflect.

17 MR. WOOD: Thank you.

18 BY MR. WOOD:

19 Q Ms. Logan, I'm going to direct your attention back to
20 January of 2017. Did you have a meeting with Roger Reynolds in
21 January of 2017?

22 A Yes.

23 Q What was that meeting about?

24 A So the meeting that we had in January of '17 was a follow
25 up -- so I'm going to go back to December of '16. So --



1 Q Sure.

2 A -- in December of '16, I requested a meeting with the
3 County Auditor to talk about our bond millage and setting that
4 bond millage.

5 Q What does bond millage mean?

6 A So bond millage is the amount that is collected from the
7 taxpayers to pay for the debt for a school district. So a bond
8 is a promise to pay. And so any school district who's building
9 facilities -- which Lakota had many facilities, and they had
10 debt associated with those facilities. And millage is set
11 annually in accordance with the debt that is payable and the
12 amount that you have sitting in your funds, the cash available.
13 And there's a millage rate that is passed on to the taxpayers.
14 And then they pay that portion to help us pay for that debt.

15 So --

16 Q So I'm going to try to use an analogy here.

17 A Yes.

18 Q Lakota might need to build a facility in the same way that
19 a person might want to build a house.

20 A Um-hum.

21 Q And just like a person might get a mortgage, Lakota might
22 also get a loan to build this facility, correct?

23 A Yes.

24 Q And then, just like a regular person would have a mortgage
25 payment that they'd have to repay within interest and these



1 sorts of things, Lakota would also have to repay its loans for
2 these facilities that have been built?

3 A Yes.

4 Q Right. But where a normal person would go to work and
5 would get the money to pay it back, the school district has to
6 get their money from the taxpayers?

7 A Correct.

8 Q Right. And that bond millage rate is how much money you
9 have to receive from taxpayers to pay back on those loans?

10 A Yes.

11 Q Is all that an accurate sort of --

12 A Yes.

13 Q -- general understanding?

14 A Yes.

15 Q Okay. So in December '16, you said you requested this
16 meeting about bond millage rates. And then, January 2017 is a
17 follow up on that request?

18 A Correct.

19 Q All right. So this meeting in January of 2017, where was
20 that being held?

21 A So the meeting in January of '17, there was a meeting at
22 Lakota Schools, in which Mr. Reynolds and the golf pro at Four
23 Bridges -- and his name is escaping me -- myself, and Chris
24 Passarge were -- were in that meeting.

25 Q Okay. Well, let's back up, then. We'll talk about the



1 bond millage meeting.

2 A Yes.

3 Q So this bond millage meeting that you're having, where is
4 that being held?

5 A That is being held at Mr. Reynolds's offices.

6 Q Okay. And where are those offices located?

7 A I don't know the exact address, but they're right down the
8 street.

9 Q Okay. Here in Hamilton, Ohio?

10 A Here in Hamilton, Ohio.

11 Q Is that in Butler County?

12 A Yes.

13 Q Okay. So who's at the bond millage meeting?

14 A At that meeting, it was myself, my assistant, Adam Zink,
15 Mr. Reynolds, and Mike Stein, deputy auditor.

16 Q And so just generally speaking, what was discussed at that
17 meeting?

18 A We discussed the bond millage and the needs. We also
19 talked about a prospective bond levy that the district was
20 talking about. We were discussing the master plan and all of
21 those things.

22 Q Okay. So you have this meeting, and when it finishes up,
23 what happens at the end of the meeting?

24 A So at the end of the meeting, Mr. Reynolds asked if he and
25 I could have some time to discuss something without the other



1 two. So he asked Adam Zink and Mike Stein to leave the room.

2 Q Did they leave?

3 A They did.

4 Q What happened after they left the room?

5 A When they left, Roger brought up the refund -- the tax --
6 for the tax money that I had discussed. He --

7 Q So this would be the unspent fee money --

8 A Correct.

9 Q -- that would be refunded to the district from the
10 Auditor's Office?

11 A Correct.

12 Q Was that the subject of the meeting that you had just
13 held?

14 A No. It -- it was not the subject, but he did inform me
15 that he was going to be able to refund money back to us again,
16 which was wonderful, great news. And then, he also spoke about
17 that money, and he said, you know, I've never given the
18 district my thoughts on how that money should be spent, but I
19 have ideas on how that money should be spent now.

20 Q Did he tell you how he wanted to see that money spent?

21 A Yes.

22 Q What did he say?

23 A A golf academy for our golf students at Four Bridges.

24 Q Did he say more about how that would work, what was going
25 on?



1 A I don't recall all the specifics -- how many specifics
2 that we got into in that first meeting. I remember the idea
3 being brought forward.

4 Q Had Mr. Reynolds ever asked to speak with you one-on-one
5 like that, before?

6 A Mr. Reynolds and I had had discussions on other topics.
7 Have -- had I ever been in a room where he asked other people
8 to leave so that we could talk one-on-one? No.

9 Q So at the end of this discussion where the room was
10 cleared, then he made this suggestion to you, did you want to
11 speak to anybody from Lakota about the suggestion?

12 A I wanted to talk to our legal counsel.

13 Q And why was that?

14 A Because building a facility on private property for a
15 school district was a no-no, I believed, but I'm not an
16 attorney, and I wanted to confirm that.

17 Q Did you have any other concerns about the suggestion?

18 A Yes.

19 Q What where they?

20 A The -- the other concerns for me where conflict of
21 interest, if I can speak frankly.

22 Q What do you mean by that?

23 A I knew that Mr. Reynolds lived at Four Bridges. I also
24 knew that his daughter was on the golf team. And so I was
25 worried about a conflict of interest there.



1 Q Had the auditor ever tried to direct how Lakota spent its
2 money before this incident?

3 A No.

4 Q And what was your reaction to that?

5 A It was concerning to me.

6 Q So after that suggestion was made, did you have any
7 contact with members of Lakota Schools or attorneys?

8 A I did speak to our legal counsel, Matt Stout, and I also
9 spoke to Chris Passarge, our chief operations officer, and the
10 assistant superintendent who was also serving as our interim
11 superintendent at the time, Robb Vogelmann.

12 Q Okay. Now, you mentioned that there was a second meeting
13 that happened sometime in January.

14 A Um-hum.

15 Q Who was at that meeting?

16 A So at that meeting, Chris Passarge, who I mentioned is our
17 COO, myself, Roger Rental (sic) -- Roger Reynolds, and Gene
18 Powell.

19 Q Who's Gene Powell?

20 A Gene Powell was serving as our golf coach at East High
21 School, as well as the golf pro for Four Bridges.

22 Q Now, you mentioned a gentleman named Chris Passarge, and
23 you said he's the COO.

24 A Um-hum.

25 Q What's the COO?



1 A So the COO is kind of like our business manager at the
2 school district. So he -- his responsibility included all of
3 our facilities -- athletics, food services, transportation,
4 those type of things.

5 Q All right. And why was he coming to this meeting?

6 A Because this idea, this concept included athletics as well
7 as facilities.

8 Q So you mentioned that you'd had some concerns coming out
9 of the first meeting, where the Defendant first made the
10 suggestion to you. Going into the second meeting, did you have
11 any concerns?

12 A I -- the concerns remained with me, yes.

13 Q What was the discussion at the second meeting about?

14 A So the discussion at the second meeting, I believe is
15 where we got into the exact dollar amount that was going to be
16 needed to build the facility. I don't remember if there were
17 any renderings or drawings. I don't recall that, but we
18 specifically talked to the money, how much money that it was
19 going to take, and how to get this done.

20 Q All right. So the amount of money that was being
21 proposed, what was that?

22 A So the proposal was to take half of the money that we
23 would get back as a refund. So approximately, the refund was
24 about \$500,000 a year. So to take 250,000 of that for three
25 years -- so a total of \$750,000.



1 Q And that money would be -- under this initial proposal,
2 that money would be used to do what?

3 A Would be used to build a golf -- a golf academy at Four
4 Bridges.

5 Q And what was the district's position on the ability to use
6 the district's money to build that golf academy?

7 A Based on conversations with our legal counsel, as well as
8 in writing, we were told that we should not do that because it
9 was a private property, and so to use public dollars to build a
10 facility on private property was a no. And so that -- that's
11 what we -- we got back from legal.

12 Q Did you tell the Defendant that the school district
13 couldn't spend its money that way?

14 A That's correct, yes. I relayed that legal opinion.

15 Q And what was the Defendant's response?

16 A So the Defendant talked about other options. Another
17 option that was brought forward -- I guess we talked about two
18 different options. One was if the County kept the money, and
19 then maybe they could build it and use it that way, or the --
20 Four Bridges would build the facility, and charge Lakota
21 Schools the access fee. And the access fee would be \$250,000
22 for three years, which would, then, still get it done.

23 Q Okay. So as I understand it, there's a first proposal,
24 which is Lakota builds at Four Bridges. And you determined the
25 school district wasn't allowed to spend its money that way?



1 A Correct.

2 Q There's another proposal, which is that the facility gets
3 built, Lakota spends the same 250, and that's just for the
4 students to attend the school that gets built at Four Bridges?

5 A Correct.

6 Q Okay. Who proposed that version of the arrangement?

7 A That proposal was from Mr. Reynolds.

8 Q Then you said there's also a third version. And in the
9 third version, the fee money would not be returned to the
10 school; it'd be kept by the auditor, and somehow that money
11 would be used to build the school for the students to attend;
12 am I understanding that correctly?

13 A Correct.

14 Q And that third version, where the money doesn't come back
15 to the school district, who proposed that?

16 A Mr. Reynolds.

17 Q Why was Gene Powell at this meeting? We talked a little
18 earlier about who he is, but I mean, why was he there?

19 A He was there because this facility -- this golf academy
20 would be built at Four Bridges where he was the golf pro, so he
21 would have been the one in charge of that golf academy.

22 Q And he was already the coach for the golf team?

23 A That's correct.

24 Q When you heard this new access proposal, what was your
25 reaction to that?



1 A It sounded -- well, \$250,000 for access sounded a bit
2 steep in my opinion.

3 Q Okay. Are you a golfer?

4 A I have a set of clubs, but I do not golf.

5 Q All right. Are you just generally familiar with how much
6 it might cost to have a round of golf?

7 A Yes.

8 Q Based on that --

9 A Expensive, but no -- yes.

10 Q Expensive, but not \$250,000 expensive?

11 A Correct.

12 Q The third possibility was a possibility that the auditor
13 might retain the money. What was your reaction to that
14 proposal?

15 A I -- I always get nervous when money that is going to come
16 into the district that we're counting on to spend for our
17 students would not be available, so that -- I didn't like that
18 option.

19 Q Okay. And I want to clarify: under the first two
20 proposals, the money would come to the district, and the
21 district would either build the building or get the access for
22 50 percent of the money that came in, right?

23 A Um-hum.

24 Q 500,000 coming in, the school would send out 250 of that.
25 So the school would be keeping 250,000, correct?



1 A Correct.

2 Q Under this third proposal where the Auditor's Office would
3 retain the money, is the school getting any of that?

4 A No.

5 Q Where did you leave things at the end of that meeting?

6 A So at the end of that meeting, I was going to follow up
7 with our legal counsel, and also approach legal counsel about
8 the access fee question. And Mr. Reynolds was going to try to
9 get something in writing from the prosecutor's office.

10 Q Did he have any discussion with you about the prosecutor's
11 office?

12 A When we talked about our legal opinion and how our legal
13 opinion was negative towards moving forward or that this would
14 be an option, he did state that he had an opinion that was
15 different.

16 Q And did he say where he got that from?

17 A The prosecutor's office.

18 Q As close as you can remember, what did he say to you?

19 A As close as I can remember, he said to me, well, I have a
20 different opinion from the prosecutor's office.

21 Q You mentioned, in the first meeting, that you had some
22 concerns about conflict of interest. Did you ever raise those
23 concerns with Mr. Reynolds?

24 A I did. I don't recall whether it was at the end of the
25 second or the third meeting, but I remember saying to Mr.



1 Reynolds, are you worried about this and the appearance of how
2 this looks?

3 And he said he was not worried. He was doing nothing wrong.

4 Q Did you tell him more specifically what you meant about
5 how this looks and appearance, or did you just sort of leave it
6 at that?

7 A No, when I said, are you worried? You live at Four
8 Bridges, your daughter's on the golf team, are you worried?
9 And he said, no, I'm not doing anything wrong.

10 Q Did you ever exchange text messages with Mr. Reynolds?

11 A Yes.

12 Q You had his cell phone number?

13 A Yes.

14 MR. WOOD: I'm going to approach and show you what's been
15 marked previously as State's Exhibit 44.

16 THE COURT: Yeah, thanks.

17 MS. LOGAN: Thank you.

18 BY MR. WOOD:

19 Q Take a look at State's Exhibit 44. Page through it.

20 Before coming to court today, did you have any opportunity
21 to review these text messages?

22 A Yes.

23 Q Are these messages that you exchanged with Roger Reynolds?

24 A Yes.

25 Q Are they fair and accurate representations of the messages



1 you exchanged?

2 A Yes.

3 Q These are actually screen shots from a phone, correct?

4 A Yes.

5 Q All right. I'm going to start by showing the first page
6 here of 44 if we can bring things into focus here. It looks
7 like we can do it but only if we're zoomed in quite a bit.
8 Let's start at the top of the page. What's the date of the
9 first text message that we're talking about here?

10 A January 17th, 2017.

11 Q And this message on the left, the one that's in gray,
12 who's that message coming from?

13 A That message is coming from Roger Reynolds.

14 Q What does that message say?

15 A "Hi, Jenni. Did you get my voicemail last week? I forgot
16 about the Monday holiday. Thanks, Roger."

17 Q We'll move on down the page here to the follow up message.
18 What's going on here?

19 A I was responding back saying that I did get his message.
20 I was out with my father, and that I was going to look at my
21 calendar and get right back with him.

22 Q Okay. So we'll move on to page 2. These text messages
23 still on January 17th?

24 A Yes.

25 Q And the top message on the right side, this blue bubble



1 here, is that still you speaking?

2 A Yes.

3 Q What do you say there?

4 A I'm getting back with him, as promised, and asking if
5 Monday morning would be okay, at 8 or 8:30.

6 Q What's his response there on the left in gray?

7 A That Gene is out of town all next week, and so he is
8 proposing meeting either the following day or Monday of the
9 next week.

10 Q The Gene we're talking about here, that would be Gene
11 Powell?

12 A Gene Powell.

13 Q The golf pro we already mentioned?

14 A Um-hum.

15 Q Now, this meeting that you're setting up, is this the
16 second meeting, the one that --

17 A This is the second meeting.

18 Q Okay. That's the one that Gene and Chris both attended?

19 A Yes.

20 Q All right. Moving on down, here, January 17th, 7:48 p.m.,
21 what's the message there in blue?

22 A So I'm getting back and confirming that Chris Passarge and
23 I are available for 12:45 the following day. I'm wondering if
24 that would work for he (sic) and Gene.

25 Q Okay. And then, he responds on the left, in gray?



1 A "That's perfect. See you tomorrow at your office."

2 Q So the meeting was going to be January 18th?

3 A Correct.

4 Q All right. And this is the meeting with Gene and Chris
5 and you and Mr. Reynolds?

6 A Yes.

7 Q And that's the one where you talked about the three
8 different options for dealing with the money?

9 A Yes.

10 Q Your response here in the upper right, actually, in green
11 this time, for some reason?

12 A Yes. "See you then."

13 Q All right. And then, after that, these messages jump
14 ahead. What's the next date that we've got text messages here?

15 A So the next date is February 1st.

16 Q And what does Mr. Reynolds send to you there in the gray
17 text message?

18 A He's asking for an update.

19 Q All right. So let's pause there. You had had the meeting
20 with -- the second meeting, the one that Chris and Gene
21 attended, and you left that. And what was everybody going to
22 do at the end of that meeting?

23 A At the end of that meeting, I was going to connect with
24 our legal counsel, and Mr. Reynolds was going to connect with
25 his legal counsel.



1 Q When you say his legal counsel, who do you mean?

2 A The prosecutor's office, sorry.

3 Q And what were you expecting from Mr. Reynolds about that
4 connection?

5 A I was expecting another legal opinion to compare.

6 Q Okay. The one that he had referenced earlier for he said,
7 I've got one that's different?

8 A Yes.

9 Q You were expecting him to bring that back and show it to
10 you?

11 A Yes.

12 Q All right. So in the interim, did you actually wind up
13 talking to the district's legal counsel?

14 A Yes.

15 Q Who was that again?

16 A Matt Stout.

17 Q Okay. And before we get into this communication that you
18 had with Matt Stout, I'm going to pause and ask: you've had
19 these two messages with Roger Reynolds, the one where he
20 cleared the room and it was the two of you; and then the next
21 one where it was you and Roger and Chris and Gene. After those
22 two meetings, what was your, I guess -- what was the position
23 of the district about whether or not using the money this way
24 was going to be a good idea?

25 Let me rephrase that question. Is this how the district wanted



1 to spend their money?

2 A No.

3 Q Did you have those discussions with Chris or the
4 superintendent or other people in the district?

5 A Yes.

6 Q And who did you talk to about that?

7 A Chris Passarge, myself, and the assistant superintendent.

8 Q Why didn't the district want to spend the money that way?

9 A Well, we believed, number one, building a facility on a
10 private golf course was -- could be seen as controversial, and
11 we needed our community to -- let me just say, before I came to
12 the district, our district had lost credibility. There was no
13 trust between our community and the school district. And so
14 that trust had been rebuilt, and it was very important to us to
15 maintain it. So number one, that was something that I believe
16 that our community would not -- we believed our community would
17 not agree with was in the best interest of our taxpayers.
18 Two, that amount of money on a small amount of student
19 athletes, we believed, was a problem. And so we believed that
20 it was not the right way to spend the money.

21 Q Okay. And so the district believed this wasn't the right
22 way to spend the money, but you're still going forward and
23 having these messages and contacting your attorneys. Why are
24 you going through all that?

25 A Because it's the County Auditor.



1 Q Can you explain that a little more?

2 A It's important to try to maintain good relationships with
3 your officeholders, especially your county auditor. Your
4 county auditor is that officeholder you meet with on your
5 millage rates each year. It's that person who distributes your
6 tax money. There is a great deal of influence with -- with
7 that office. And he was a member of our community, so we felt
8 like it was important to maintain a good relationship.

9 Q So you're going through, you're talking to your legal
10 counsel. Why did you want a opinion from your legal counsel,
11 as opposed to just telling him yourself?

12 A It's a lot easier to say no to the county auditor if
13 there's a legal opinion backing that up, and it's not just
14 Jenni Logan saying I don't think this is a good idea.

15 Q I'm going to approach and show you State's Exhibit 43.
16 Here it is. Take a look at State's 43; do you recognize that?

17 A Yes.

18 Q Generally speaking, what is that?

19 A Generally speaking, this is an email sent to Matt Stout,
20 our legal, about this situation asking for their legal opinion.

21 Q And this is actually a two-page document -- or I guess
22 three-page document, correct?

23 A Yes.

24 Q And there's several emails and sort of an email chain
25 here, right. The oldest of those emails being on page 2; is



1 that right?

2 A Correct.

3 Q Okay. So let's take a look at page 2. I really hope the
4 focus is going to work here.

5 (Pause)

6 MR. WOOD: I apologize for the delay on this, Ms.

7 Logan. For the length of trial, the camera works.

8 You know what, what we're going to try to do here is, we'll see
9 if we can use an electronic copy instead.

10 THE COURT: Mr. Wood, I suspect Alan has gone to ask for
11 help from one of the IT folks.

12 MR. WOOD: We'll see if we can simultaneously work on two
13 solutions to the problem.

14 (Counsel confer)

15 (Pause)

16 BY MR. WOOD:

17 Q Okay, Ms. Logan, what we're going to do is instead of
18 using the document camera and a physical copy, we're going to
19 use an electronic copy of that same exhibit. But what we're
20 bringing up here, does this match the State's Exhibit 43 that
21 you have in your hands, there?

22 A Yes.

23 Q All right. So we're going to scroll to page 2, what we
24 agreed was the first email in that chain; what date was that
25 being sent?



1 A February 1st, 2017.

2 Q Who's sending that email?

3 A I am sending that email.

4 Q And who are you sending that to?

5 A Matt Stout at Bricker & Eckler.

6 Q All right. Who's Matt Stout?

7 A Legal for Lakota Local Schools.

8 Q All right. Let's start with the first sentence there in
9 that email; what does that say there?

10 A "Matt, per your request, I am sending you the details of a
11 situation I need a legal opinion on."

12 Q Okay. So we'll pause there. When you say, "Matt, per
13 your request," this is the first email in the chain.

14 A Yes.

15 Q How did you get this request from Matt?

16 A We spoke on the phone, and I relayed the same information
17 to him verbally, but he wanted me to put it in writing and send
18 him a request in writing.

19 Q Okay. And then, what you put in here in writing, did that
20 reflect your understanding on February 1st, of what was being
21 proposed about this golf school?

22 A Yes.

23 Q All right. So continuing on, beginning with the second
24 sentence with the word, our, would you continue reading your
25 email to Matt Stout?



1 A "Our County Auditor, Roger Reynolds, approached me with an
2 idea. He would like to take on half of the fee money he is
3 expecting to return to us, approximately \$250,000 each year for
4 the next three years, \$750,000 total, and use it towards a
5 partnership with Four Bridge (sic) Country Club, who is
6 planning to build a new golf academy. I'm attaching a press
7 release from the past that gives further details on this
8 refund."

9 Q So let's pause there. When you're speaking about further
10 details on the refund, you're just talking about the mechanism
11 where the auditor's money returns the unspent fees to the
12 school district?

13 A Correct.

14 Q Okay. Let's continue from there.

15 A "He indicated he has never suggested how we use this fee
16 money but he would now like to. We met with the golf pro of
17 the Four Bridges Country Club and Mr. Reynolds to discuss the
18 details of this facility and how something like this could even
19 come about. I did explain we could not use our money to build
20 a facility on their land. The conversation then went into
21 maybe this could be considered an access fee. I told Mr.
22 Reynolds we would first find out legally if something like this
23 could be done, and how, and then we would discuss should it be
24 done. I need you to look at all angles and provide guidance.
25 Thank you."



1 Q So had you previously spoken with Matt and sort of gotten
2 his feel on this?

3 A Yes.

4 Q But this is just you finally putting it in writing?

5 A Correct.

6 Q At his request?

7 A Yes.

8 Q Did he reply to this email?

9 A He did.

10 Q So as -- that was page 2. As we move up to page 1, at the
11 very bottom, are you able to see an email sent February 9th at
12 2:58 p.m.?

13 A Yes.

14 Q Who's that email from?

15 A That email is from Matt Stout.

16 Q Is that coming in response to the email you just read?

17 A Yes.

18 Q Let's go ahead and have you read Matt's response to you,
19 please.

20 A "Jenni, I have taken a look at this proposal and consulted
21 with a few other lawyers at the firm. A couple thoughts.
22 Number one, if the County returns the money to the school
23 district, we can find no statutory authority for the school
24 district to use the money or any other money of the school
25 district to fund a private golf academy at a private country



1 club.

2 "Number two, if the County keeps the money instead of the
3 refund, it seems that it is a question for the County
4 prosecutor as to whether or not the County would be authorized
5 to use county funds to fund a private golf academy."

6 Q Okay. Let's pause there. In your email you had just
7 read, that you sent to Matt Stout, you didn't mention the
8 possibility of the County retaining money. So how does Matt
9 know about that possibility to write you back in number two?

10 A I had verbally expressed it, but then erroneously left it
11 out of the email.

12 Q Okay. So he answers the question that you raised
13 verbally, even though you hadn't put that part in writing?

14 A Correct.

15 Q All right. So Matt sends you this email, and let's move
16 up from there. Excuse me. I think I'm -- I think we just
17 missed one, here.

18 Here we go. I'll direct your attention to the middle of the
19 page, an email dated Monday, February 13th at 1:52 p.m.; do you
20 see that?

21 A Yes.

22 Q Who's sending that email?

23 A I'm sending that.

24 Q Who are you sending it to?

25 A To Matt Stout.



1 Q And what are you asking him in that email?

2 A Does this opinion cover the concept of giving them the
3 money for access?

4 Q So in your very first email in the chain that we read, you
5 had asked about the access fee, but Matt had not given you that
6 response in his February 9th email?

7 A Correct.

8 Q All right. And you're asking for clarification about
9 that?

10 A Yes.

11 Q And continuing up towards the top of the page there, does
12 Matt finally send you his opinion on the access fee?

13 A Yes, he does.

14 Q And that's in the February 13th, 2017 email at 2:08 p.m.

15 A Yes.

16 Q What's Matt's advice to you about that access fee?

17 A "This opinion would not apply to an access fee if it is an
18 access fee in the true sense of the word. I assume that school
19 districts enter into agreements to use facilities for sports
20 such as golf and other activities on a regular basis. However,
21 I am pretty certain the access fees are not in the range of
22 \$250,000 annually. In this case, I think the access fee would
23 be viewed as a way to funnel the money to" -- "funnel the money
24 to fund a private golf academy and circumvent the law."

25 Q So basically, the long and short of it is: from Lakota's



1 perspective, Matt didn't like any of these plans?

2 A That's correct.

3 Q And the plan where the auditor would keep the money, Matt
4 said, I'm not the County Prosecutor; I don't give advice about
5 that?

6 A Correct.

7 Q All right. So let's return to State's Exhibit 44, and
8 again we're going to continue with the electronic copies here.
9 I'll ask you to turn to page 3 of that. Are you able to take a
10 look there, at page 3?

11 A Yes.

12 Q All right. And does page 3 match what you can see on your
13 monitor, there?

14 A Yes.

15 Q Okay. February 1st, 2017, you get a message in gray; is
16 that from Roger?

17 A Yes.

18 Q And what's he saying in that message?

19 A He's -- he's checking in for an update.

20 Q And what's your response?

21 A That I've reached out to legal and given them the details,
22 that we're in the middle of a superintendent search, and I
23 would check on the status.

24 Q All right. And we had just went through the email you
25 sent to Matt Stout. You got the reply on February 9th. So



1 this is sort of happening concurrently; is that correct?

2 A Yes.

3 Q Let's turn to page 4. What's Mr. Reynolds' response there
4 at the top of 4?

5 A He's saying thank you, and I will pass it along to Gene.
6 And -- yes.

7 Q And the next message in this thread comes in on February
8 13th of 2017; is that right?

9 A Correct.

10 Q Who's sending that?

11 A Roger Reynolds.

12 Q What does he say?

13 A He's saying congrats on the new superintendent, and can we
14 get a meeting set up to discuss the concept with the attorney?

15 Q What's your response?

16 A I will get with them. I'm sure I can set something up.
17 And I'll get back with him.

18 Q He responds with?

19 A Thumbs up. Good.

20 Q We move on to page 5? The text message shown on page 5,
21 when is that sent?

22 A That's me letting him know that we did receive follow up
23 from legal and that they -- we could enter into an agreement
24 for access but they advise against it because in their view, it
25 could be viewed as a way to funnel the money to circumvent the



1 law. My next step is to communicate the legal opinion to the
2 Board. And I'm asking, do you have an opinion from the
3 prosecutor that would give a different stance?

4 Q Why were you asking him that question?

5 A Because again, we had had the discussion prior that he was
6 trying to get something in writing from the prosecutor for that
7 different opinion, and I'm just following up.

8 Q When was this text message sent?

9 A February 14th at 1:48 p.m.

10 Q So this is after you've exchanged all of those emails with
11 Matt Stout that we just saw in Exhibit 43?

12 A Correct.

13 Q Let's move on to page 6. Who sends the message at the top
14 of 6?

15 A Roger Reynolds.

16 Q What does that say?

17 A Asking for a meeting to clarify before I talk to the
18 Board.

19 Q And what's your response to that?

20 A Sure. We'll set up a phone call. Let me know his
21 availability.

22 Q And the text message at the bottom of that page in gray,
23 what's --

24 A It --

25 Q -- that say?



1 A -- is Roger saying that he's free Thursday or Friday,
2 anytime the following week. He is not understanding the
3 funneling part of the legal opinion. And in the meantime, he
4 will talk to the prosecutor.

5 Q Let's move to page 7. At the top of page 7, we see the
6 trail end (sic) of the text message we just talked about; is
7 that correct?

8 A Yes.

9 Q Okay. And then, we see new messages coming up on February
10 15th. What's the first message on the 15th, in blue?

11 A So I am reaching out and asking what about Friday morning
12 at 9 a.m.?

13 Q His response?

14 A Works for him, and can they come and meet in our office
15 for the call?

16 Q Your response to him?

17 A Yes, and that we'll call the attorney when they arrive.

18 Q And what does he say in response?

19 A "Perfect. Thank you."

20 Q Was that the end of the text messages there, in State's
21 Exhibit 44?

22 A Yes.

23 Q Did you exchange any other text messages with Mr. Reynolds
24 on this subject of the golf school?

25 A No.



1 Q So you set up this conference call Friday at 9 a.m. after
2 these February 15th text messages. What happens during that
3 conference call?

4 A During that conference call, Matt Stout is on the phone
5 while we're in the room, and he relays what he put in writing
6 regarding this concept.

7 Q And essentially, the same things that were in the email?

8 A Yes.

9 Q Essentially, the same things that were --

10 A Yeah, nothing new.

11 Q Nothing new discussed at that meeting, basically? And
12 what happened after the meeting with regard to this golf
13 academy idea?

14 A I never received a different legal opinion from the
15 Prosecutor's Office, and it kind of went away.

16 Q Is it important for Lakota Schools to keep a good
17 relationship with the Auditor's Office?

18 A Absolutely.

19 Q Why's that?

20 A Because the County Auditor is one of the County
21 officeholders having a relationship with that officeholder,
22 specifically the person who we work with on getting our tax
23 advances. We work with them; we rely on them for timely
24 receipt of our tax money and the accurate reporting of our tax
25 money. It's important.



1 Q Tax advances, what are those?

2 A So tax advances are -- again, you pay your taxes -- or
3 you're billed on them twice a year. You can pay them once a
4 year if you so like.

5 Q When you say, you, you mean a normal citizen?

6 A Taxpayers, yes, real estate --

7 Q Okay.

8 A -- bills. But in advance of that tax settlement, there's
9 collections that go on. People pay them early. And so as that
10 money is collected, a school district can ask for an advance of
11 their money to be given to them in advance of when everything's
12 settled, and they send you your final amount.

13 Q And that depends on the Auditor's Office?

14 A Yes.

15 Q And it's the auditor's authority to give those advances or
16 not give those advances?

17 A Yes.

18 Q How about the auditor's influence, just staying in the
19 auditor's good graces; was that important to Lakota Schools?

20 A Yes.

21 Q Why is that?

22 A He's an officeholder -- a County officeholder. He's been
23 a County officeholder for a number of years, lived in our
24 community. It was important to maintain that good
25 relationship.



1 Q Did those considerations affect your decision to have this
2 series of meetings about the golf academy?

3 A Yes.

4 Q How so?

5 A This concept, if it would have been brought up from
6 someone else, it probably would not have gotten the legs that
7 it got because it was brought up by Mr. Reynolds.

8 Q Excuse me for just a moment.

9 A Um-hum.

10 MR. WOOD: Ms. Logan, that's all I have right now. If you
11 could just --

12 MS. LOGAN: Okay.

13 MR. WOOD: -- sit tight, I think the Defense probably has
14 a few questions for you. Thank you.

15 MS. LOGAN: Okay.

16 MR. ZIEPFEL: Your Honor, I know it's a little early, but
17 could we take the morning break just so I can try to make sure
18 the technology works before I get up there?

19 THE COURT: Sure.

20 MR. ZIEPFEL: Thank you.

21 THE COURT: We'll do that.

22 Folks, let's take a break. Let's call it 15 minutes. Be
23 ready to go at 20 minutes after the hour. Please remember and
24 follow the admonitions. You're excused.

25 (Jury exiting courtroom)



1 THE COURT: Anything on the record from the State?

2 MR. WOOD: Not from the State, Your Honor.

3 THE COURT: Defense?

4 MR. ZIEPFEL: Not from the Defense, Your Honor.

5 THE COURT: Okay, 15 minutes, please.

6 (Recess taken)

7 THE COURT: Please be seated, folks.

8 Mr. Ziepfel, you may inquire.

9 MR. ZIEPFEL: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. ZIEPFEL:

12 Q Good morning, Ms. Logan.

13 A Good morning.

14 Q We've never met before.

15 A No.

16 Q My name's Chad Ziepfel. As I'm sure you've figured out by
17 now, I represent Mr. Reynolds in this case.

18 A Yes.

19 Q So I'm going to ask you some questions similar to how the
20 prosecutor did. Let's start with some easy stuff. You
21 indicated that you were the treasurer at Lakota Schools. And
22 for what time period? How long were you the treasurer of
23 Lakota School district?

24 A From January 2011 until this past August.

25 Q I'm sorry. I didn't hear that.



1 A Until this past August, so I --

2 Q Okay.

3 A -- left July 31st, 2020.

4 Q About 11 years?

5 A Yes.

6 Q Okay. And the treasurer, I think you indicated, that's
7 not an elected position.

8 A That's correct.

9 Q Okay. The only elected position I think you referred to
10 are the Board members or the school board members; is that
11 right?

12 A Correct. Yes.

13 Q And the -- yes?

14 A Yes.

15 Q Okay. And as the treasurer, you would report to the
16 school board members?

17 A Correct.

18 Q You made a reference to the school board setting a budget;
19 you remember that?

20 A Yes.

21 Q So tell me more about how that budget gets set?

22 A So the budget gets set based on budget hearings. So we
23 have budget hearings throughout the year with our department
24 heads, with our school principals. And it's a joint effort to
25 come up with what that budget looks like. And it's in



1 accordance with the strategic plan, and also as well as we have
2 to do a five-year forecast. And so all of those things work
3 together for that budget.

4 Q And the public hearings on the budget, you indicated their
5 public. I assume that means the community can come there?

6 A So there -- there are meetings. Yeah, every school board
7 meeting is a public meeting, yes.

8 Q And ultimately, that budget that everybody works on and
9 has to get voted on or approved by the school board, right?

10 A Correct.

11 Q And the school board because they're the decisionmakers
12 for the district; is that correct?

13 A Yes.

14 Q So if the school is going to take on a new construction
15 project or be involved in a construction project, that would be
16 something that would be in that budget; is that right?

17 A Yes.

18 Q And that would have to get approved by the school board
19 members?

20 A Correct.

21 Q So as the treasurer, you don't have the ability to approve
22 the expenditure of those funds, right? It has to be in the
23 budget?

24 A It has to be in the budget first.

25 Q Okay. Now, on direct examination, you talked to this golf



1 academy idea. And we're going to get into it a little more but
2 I just want to make sure I'm clear here. The golf academy idea
3 was never brought in front of the board; is that correct?

4 A No.

5 Q That's not correct?

6 A You're correct, it was not brought before the board.

7 Q Okay, I apologize --

8 A Yes.

9 Q -- for the miscommunication. Is was not put before the
10 board?

11 A Correct.

12 Q And so it was never -- it was never discussed at a public
13 school board meeting?

14 A It was discussed between me and the board members but not
15 during -- the concept of it. But the proposal was never
16 discussed during a board meeting, correct.

17 Q Okay. And the word, proposal, the proposal that you're
18 talking about in your answer -- and correct me if I'm wrong --
19 is this idea, as opposed to some sort of written contract that
20 was given to you; is that correct?

21 A Correct.

22 Q Okay. So I just want to make sure that the record's
23 clear. There wasn't a contract that Mr. Reynolds or Gene
24 Powell handed to you guys for consideration by the board
25 members, fair?



1 A That's correct.

2 Q You also mentioned a gentleman named Chris Passarge, and I
3 think he's been talked about a little bit in this courtroom as
4 the snowman, the guy that let's everybody know when there's a
5 snow day, but --

6 A That's correct.

7 Q -- tell us again what Mr. Passarge's title is and what his
8 role is in the district?

9 A He is the COO, the chief operations officer, and he is --
10 he reports directly to the superintendent. And he oversees
11 transportations, facilities, and maintenance, athletics. So
12 he's responsible for those things.

13 Q He's not elected either?

14 A No.

15 Q And he's not any final decisionmaker for the district,
16 right? It's still the school board?

17 A The school board still votes on the budget.

18 Q You also talked about, during direct examination, these
19 refunds that come from the Auditor's Office?

20 A Yes.

21 Q And I think you described them as, in this type of manner,
22 if the Auditor's Office is run efficiently, and has leftover
23 funds, they will refund monies to the school districts and
24 other various districts in the county; is that a fair summary?

25 A Yes.



1 Q And the amount that is refunded to the school districts or
2 any other public bodies in the county, that's based on a set
3 calculation, correct?

4 A Correct.

5 Q So the Auditor's Office doesn't get to just take that
6 money and decide well, this person gets it, and this person
7 gets it, but this person doesn't. That's not how it works,
8 correct?

9 A My understanding is if that refund is given, then all
10 entities get that refund, no exceptions.

11 Q Right.

12 A Correct.

13 Q Okay. So this isn't just a pot of money that the auditor
14 can use to move around where he wants, that's all I -- is that
15 fair?

16 A Yes, fair.

17 Q And I think you've testified you been at Lakota for 11
18 years, and Mr. Reynolds has made those refunds every year
19 except once, right?

20 A Correct.

21 Q And that one time when Lakota didn't get a refund, that
22 was because nobody in the county got a refund, right?

23 A Correct.

24 Q Okay. So it wasn't a situation where Mr. Reynolds was
25 withholding that money from you but giving it to other people?



1 A No.

2 Q And those refunds, Mr. Reynolds never used those refunds
3 as a threat in your 11 years at Lakota; is that fair?

4 A When --

5 Q Maybe I'll rephrase --

6 A -- the way I --

7 Q -- the question.

8 A Yes.

9 Q Perhaps that's a bad question.

10 A Yes.

11 Q He never said to you, do what I want or else I won't give
12 you the refund?

13 A No.

14 Q And he never said, if you do this, I'll give you more
15 refund? He never said anything like that, did he?

16 A No.

17 Q Now, let's talk a little bit about the Lakota golf team.

18 A Um-hum.

19 Q And we talked about a gentleman named Gene Powell.

20 A Yes.

21 Q And I think you identified Mr. Powell as the Four Bridges
22 club pro --

23 A Um-hum.

24 Q -- right? But he's also the golf coach at Lakota, right?

25 A Correct.



1 Q Okay. So for him to be involved in messages with Lakota
2 wouldn't be strange because he's the golf coach at Lakota,
3 right?

4 A He was one of our golf coaches, that's correct.

5 Q Okay. So it would make sense for the Lakota golf coach,
6 who also happens to be the Lakota club pro, to be involved in
7 discussions about a potential partnership between Lakota and
8 Four Bridges; is that fair?

9 A That's fair.

10 Q Now, Lakota's golf team, Lakota school district doesn't
11 have its own golf course?

12 A That's correct.

13 Q Like, it had its own football field but not a golf course?

14 A Correct.

15 Q Lakota doesn't have its own golf practice facilities?

16 A Correct.

17 Q It doesn't have a driving range or a putting green or
18 nothing like that?

19 A No.

20 Q So all Lakota golf practices have to take place at a local
21 golf course; is that right?

22 A Yes.

23 Q And that's how all school districts in this area operate;
24 is that fair?

25 A That's fair.



1 Q All their golf teams -- I'm not aware anyway. Are you
2 aware of any school districts in this area who have their own
3 golf course?

4 A No.

5 Q Right. So they all practice and play at a local golf
6 course?

7 A Correct.

8 Q And school districts, they generally have something that
9 is often referred to as a home course, which is just to say
10 it's a course where they practice at and play some of their
11 matches at; is that fair?

12 A That's fair. That's --

13 Q Right, so if the Lakota golf team is going to go play the
14 Mason golf team, right, and it may be at Mason golf team's home
15 golf course, whatever --

16 A Um-hum.

17 Q -- that is, right?

18 A Yes.

19 Q And Lakota's golf teams, they practiced at Four Bridges;
20 is that fair?

21 A Yes.

22 Q Okay. And they played a lot of their matches at Four
23 Bridges?

24 A Yes.

25 Q So while the golf team will certainly play matches



1 elsewhere, right, and they'll travel around the area, Four
2 Bridges was the unofficial home course for the Lakota golf
3 teams, correct?

4 A I can't confirm that. I -- I know they played a lot
5 there, but I cannot confirm whether that was their homebase, if
6 you will.

7 Q All their practices were there; is that fair?

8 A I don't even have intimate knowledge of -- of where all of
9 their practices were. I was not that connected with their
10 schedule and practices. I'm sorry.

11 Q Okay. And I just want to make clear it's not unusual for
12 Lakota or any other high school to use outside facilities for
13 their sports teams?

14 A That's correct.

15 Q For example, Lakota uses Goggin Ice arena, up at Miami
16 University for its hockey team, correct?

17 A Yes.

18 Q Does Lakota pay to use that facility?

19 A Any facility that we would use that would be outside of
20 the district's facilities, unless we had a partnership with
21 them where they didn't charge us a fee, we would have to pay,
22 yes.

23 Q And the Lakota swim team practices and has matches at the
24 YMCA?

25 A Yes.



1 Q And the bowling team -- Lakota's bowling team would have
2 to go to a bowling alley?

3 A Yes.

4 Q All right. Let's talk about those meetings. So on direct
5 examination, you talked about two meetings. And I want to
6 start with the first one.

7 A Um-hum.

8 Q And the first meeting that you talked about was a meeting
9 that you had with Roger Reynolds, a gentleman named Mike Stein,
10 and I believe a gentleman named Adam Zink; is that correct?

11 A That's correct.

12 Q And this was a meeting to talk about millage something or
13 other; is that --

14 A Yes.

15 Q -- correct?

16 A Yes.

17 Q And millage has to do with how much tax revenue the school
18 district's going to get, something to that effect?

19 A Um-hum.

20 Q And so just generally speaking, that millage issue, that's
21 county auditor-type business, right?

22 A That's correct.

23 Q That's stuff that you deal with with the county auditor?

24 A That's correct.

25 Q So this is a professional meeting at the Auditor's Office



1 to talk about county auditor business, right?

2 A Yes.

3 Q And then, you testified that after you talked about
4 millage, after you talked about the county business, Mr.

5 Reynolds asked Mr. Stein and Mr. Zink to step out of the room
6 for a minute so he could talk to you about something else?

7 A Correct.

8 Q Is that right?

9 A Yes.

10 Q Okay. And what he wanted to talk about was something --
11 the golf academy, correct?

12 A Yes. Yes.

13 Q And he said something to the effect of he had never made
14 any recommendations or had any ideas about how the school had
15 used the refund money in the past, but this time he had an
16 idea, right?

17 A Yes.

18 Q And that's true: he had never before made any
19 recommendations or requests about how the school district spent
20 its money, right?

21 A That's correct.

22 Q Okay. So this time he had an idea.

23 A Yes.

24 Q And he proposed this golf academy partnership idea --

25 A Um-hum.



1 Q -- correct?

2 A Yes.

3 Q Now, when he did that, he didn't make any threats, right?

4 He didn't say you better do this or else, nothing to that
5 effect, correct?

6 A No. No.

7 Q And ultimately, a second meeting was setup; remember that?

8 A Yes.

9 Q And we went through some of the text messages on your
10 direct examination setting up those messages, talking about
11 those messages. And I just want to be clear, there was nothing
12 said in those text messages that you felt was inappropriate; is
13 that fair?

14 A That's fair.

15 Q All right. So let's move on to the second meeting.

16 Where was the second meeting?

17 A The second meeting was at the central office -- Lakota
18 central office in the Beckett (phonetic) room.

19 Q Okay. So this meeting to talk about the golf academy,
20 this one's not at the county offices, right?

21 A That's correct.

22 Q Okay. Because it's not county business, fair enough?

23 A Fair enough.

24 Q And who was at that meeting?

25 A Myself, Chris Passarge, Mr. Reynolds, and Gene Powell.



1 Q And the in general idea that was presented there is this
2 partnership between Four Bridges and Lakota to expand something
3 called a golf academy at Four Bridges?

4 A Yes.

5 Q And a golf academy is really just a fancy way to talk
6 about a training facility; is that fair?

7 A From my understanding, yes.

8 Q The golfers, they like to use fancy words, right --

9 A Yes.

10 Q -- golf academy. But it's a training facility, right?

11 A Um-hum.

12 Q And Lakota -- or excuse me, Four Bridges, they had a golf
13 academy or training facility already at their golf course,
14 didn't they?

15 A I believe they did but it was nothing fancy.

16 Q Right.

17 A Yes.

18 Q So they have an outdoor driving range and an outdoor
19 putting green?

20 A Yes.

21 Q And then they had a small pole barn that had some garage
22 doors that would roll up, so that if it was raining outside,
23 you could hit golf balls into the driving range --

24 A Um-hum.

25 Q -- is that right?



1 A I will take your word for it. I never saw it so --

2 Q Okay.

3 A -- I'm not sure.

4 Q Is that how it was described to you?

5 A It was described to me in that way.

6 Q Okay.

7 A When you mention a pole barn, that's from my recollection,
8 yes.

9 Q All right. And the idea that's being presented is that
10 you're either going to expand that existing pole barn, or even
11 maybe just tear it down and build a nicer new one; is that
12 fair?

13 A That's correct.

14 Q And it was going to be larger?

15 A Yes.

16 Q And the idea was it's going to be something we can use
17 even in the winter? So they we wanting to put in some -- I
18 don't know, like nets or simulators or something like that to
19 be able to use it in the winter for practice; is that correct?

20 A It was intended to be a year-round, yes.

21 Q And the presentation or the proposal, the idea that's
22 being thrown out there is that this new golf academy would be
23 build, and then the Lakota golf teams would be able to practice
24 there, right?

25 A Correct,



1 Q Because the Lakota golf teams were already practicing at
2 the old academy, too -- the old training facility, right?

3 A Correct.

4 Q That's where all their practices were? So the idea is
5 hey, let's build a bigger, nicer practice facility that the
6 Lakota golf team will have access to, right?

7 A Yes.

8 Q And this idea, of course it's not free to build buildings,
9 right? So somebody's got to pay for it. And the idea, the
10 proposal was that Lakota and Four Bridges would share in the
11 cost of building that facility, correct?

12 A I don't remember the sharing concept coming about. All I
13 recall is the amount of money that it was going to take of
14 Lakota's --

15 Q Okay.

16 A -- money.

17 Q So I guess this is a good way to clarify that: did you
18 have any conversations with the owners at Four Bridges?

19 A No.

20 Q So Mr. Powell, he's the club pro or the golf pro there,
21 but he doesn't own the place, right?

22 A That's correct.

23 Q So if this partnership, this idea, was going to go
24 forward, at some time, the owners at Four Bridges are going to
25 have to get involved on some level, correct?



1 A Correct.

2 Q During the meeting, we heard some testimony on direct
3 examination that you didn't think it was a good way to spend
4 the school district's money. Did you tell Mr. Reynolds and Mr.
5 Powell at that meeting that you thought it was a bad idea?

6 A I did not.

7 Q Did Mr. Passarge tell them that it was a bad idea?

8 A No.

9 Q So when everybody came out of that meeting, everybody
10 thought it was a good idea; is that fair?

11 A No, that's not fair. I would say that we did not express
12 our opinions openly about how we felt about this project.

13 Q Okay. What kind of an opinion did you express to them?
14 What did you tell them?

15 A I did not express my opinion. We were there to discuss
16 the concept and how it could be done, but I did not express my
17 opinion on whether it was good or bad.

18 Q Did Mr. Passarge express any opinion about whether it was
19 a good --

20 A I don't recall. I don't recall.

21 Q Now, you talked about during that meeting, there were
22 three proposals, I think you said, about how this could be
23 funded; is that fair?

24 A Yes.

25 Q And the first one that you talked about was Lakota was



1 going to send the money to Four Bridges, basically; is that
2 fair?

3 A Yes.

4 Q All right. And that never happened, right? You guys
5 never sent any money to Four Bridges for this?

6 A No, we did not.

7 Q The second one that was discussed was an access fee idea,
8 right?

9 A Yes.

10 Q And the access fee idea is similar to a lot of the other
11 sports that we talked about, right, that practice at facilities
12 off school grounds, there's often an access fee that the school
13 district has to pay to practice there --

14 A Yes.

15 Q -- correct? So the idea is, well, if we've got a
16 facility, and we're building it on private ground, on this golf
17 course, perhaps the school district can pay an access fee to
18 use that facility --

19 A Yes.

20 Q -- right? And we'll talk about the amount in just a
21 minute, and we'll get to that. But that's the basic idea,
22 right?

23 A Um-hum.

24 Q Similar to how the other school district -- or the other
25 school sports operate that have facilities off school grounds?



1 A Yes.

2 Q Okay. All right. And the third proposal or funding idea
3 is that the county was going to send money directly?

4 A Yes.

5 Q And I just want to make sure I understand your testimony
6 on that. Is your idea that the county was going to withhold
7 all of the refund, or the county was going to withhold half of
8 the refund? I just didn't -- I wasn't clear on that.

9 A From my recollection, it would have been the portion
10 needed to fund the golf academy -- so half.

11 Q Okay. So half. So half of it's still going to come to
12 Lakota, and the other half, they were going to try to come up
13 with a way --

14 A To earmark it --

15 Q -- to pay that to Lakota?

16 A Yeah.

17 Q Right? And we saw some text messages on this -- or I
18 think it was the emails, and we'll get to them in a minute.
19 But basically, the conversation was well, if the county's going
20 to pay, right -- if the money's going to go from the county,
21 we're going to have to get an opinion from the Butler County
22 prosecutor to make sure that's okay?

23 A Yes.

24 Q That's the in general discussion?

25 A Yes.



1 Q All right. Now, the Butler County prosecutor never gave
2 you any opinion on that, right?

3 A I -- I never saw anything --

4 Q And --

5 A -- no.

6 Q -- the idea just kind of died before it went anywhere?

7 A Yes.

8 Q During that meeting with Mr. Powell, Mr. Reynolds, and Mr.
9 Passarge, was there also an idea suggested that perhaps Lakota
10 could buy some of the farm next door to Lakota East High
11 School, and perhaps put the academy there? Do you recall that
12 discussion?

13 A A farm? I -- no, I do not recall that.

14 Q During this conversation, the second meeting, did you tell
15 Mr. Reynolds and Mr. Powell that you were going to have to get
16 an opinion from legal counsel before anybody moves forward on
17 this?

18 A Yes.

19 Q Okay. So the idea is proposed during this meeting.
20 There's some funding mechanisms thrown out there. We just went
21 through them. And then, your side of the table says, we need
22 to run this by district lawyers first to make sure that this is
23 something we're allowed to do?

24 A Correct.

25 Q Okay. Now, you testified on direct examination that this



1 idea or this proposal made you a little nervous; is that a fair
2 summary?

3 A Yes.

4 Q And one of the -- one of the issues you said gave you a
5 little bit of concern is that Mr. Reynolds has a daughter who
6 played on the golf team?

7 A Yes.

8 Q Okay. That daughter, right, at that point in time, who
9 played on the golf team, she was a senior; is that correct?

10 A Yes.

11 Q So if this project ever went anywhere, pretty likely that
12 that daughter is not going to be in high school anymore playing
13 on the golf team by the time that academy gets built; is that
14 fair?

15 A That's fair.

16 Q Now, I'm going to show you -- you looked at this on your
17 direct examination, State's Exhibit 43. And if you just look
18 at the screen up there, I think we've got it working again.
19 Remember this email chain we looked at with Matt Stout?

20 A Yes.

21 Q Okay. I just want to touch on a couple of -- a couple of
22 items in this. If we flip to the second page of it -- and
23 again, I'll show you on the screen. And you don't have to pick
24 it up, but you're welcome to if you'd like. We've got this
25 email that you sent to Matt Stout; remember that?



1 A Yes.

2 Q Okay. And down here, the portion I've highlighted on my
3 copy and showed on the screen, I just highlighted a sentence.
4 You said to Mr. Stout, I told Mr. Reynolds we would first find
5 out legally if something like this could be done and how, and
6 then, we would discuss should it be done?

7 A Um-hum.

8 Q And that's an accurate statement, right?

9 A That is.

10 Q And that's what you told them at the meeting?

11 A Yes.

12 Q First, let's figure out if this is legal, then we'll talk
13 about whether it's a good idea, okay? And that's exactly what
14 you're doing, right --

15 A Yes.

16 Q -- is find out if it's legal?

17 A Yes.

18 Q All right. And Mr. Stout responds to you on February 9th.
19 Took a look at the proposal, and you went through this one with
20 the prosecutor, right? And down here, number two, "if the
21 county keeps the money instead of a refund, it seems there is a
22 question for the county prosecutor as to whether or not the
23 county would be authorized to use county funds to fund a
24 private golf academy"; do you see that?

25 A Yes.



1 Q So this is just another reference to what we talked about
2 before, that if that idea was going to be pursued, everybody
3 understood we got to -- we got to make sure that's okay, fair?

4 A That's fair.

5 Q And then, he concludes down here at the bottom, "based on
6 this, we don't believe this idea works under Ohio law."

7 A Um-hum.

8 Q We've got an idea, we run it by the lawyers, they don't
9 think it works; is that --

10 A Correct.

11 Q -- a fair summary?

12 A Yes.

13 Q And then, you talked a little bit about a follow up
14 meeting that you had with Mr. Reynolds and Mr. Powell --

15 A Um-hum.

16 Q -- correct, where they came to your offices for a phone
17 call with the lawyer?

18 A Yes.

19 Q Okay. And the point of that meeting was for the lawyer to
20 explain to Mr. Reynolds and to Mr. Powell his opinion; fair --

21 A Correct.

22 Q -- to say?

23 A Yes.

24 Q And that incident, you go and you talk to the lawyers, the
25 lawyers explain this to Mr. Reynolds and Mr. Powell, that was



1 the end of it; is that fair?

2 A Yes.

3 Q So after that, the idea just died, right? It didn't go
4 any further?

5 A Correct.

6 Q So Mr. Reynolds proposed the idea. Everybody said, well,
7 we got to run it by legal to see if it's legal first. And if
8 it is, then we'll talk about whether it's a good idea, right?

9 A Um-hum.

10 Q Is that correct?

11 A Um-hum.

12 Q And then, you guys ran it by legal. Legal said, can't do
13 it that way, not a good idea. None of these are good. Don't
14 do it. And the idea --

15 A Correct.

16 Q -- died?

17 A Correct.

18 Q Is that a fair summary?

19 A That's a fair summary.

20 Q So over the course of all these interactions, Mr. Reynolds
21 never threatened to withhold funding from the school district
22 over this?

23 A No.

24 Q He never said he wasn't going to hold back those tax
25 advances you talked about?



1 A No.

2 MR. ZIEPFEL: I have no further questions. Thank you very
3 much, ma'am.

4 MS. LOGAN: Thank you.

5 THE COURT: Redirect.

6 MR. WOOD: Thank you.

7 REDIRECT EXAMINATION

8 BY MR. WOOD:

9 Q Ms. Logan, a couple minutes ago, the Defense went through
10 the budget process and public hearings for the school boards
11 and those sort of things, right?

12 A Yes.

13 Q When Mr. Reynolds proposed spending the money this way to
14 you, did he make that proposal to the public hearing?

15 A No.

16 Q Was the whole school board there on the record taking
17 notes?

18 A No.

19 Q Did he make this proposal when there were a bunch of other
20 citizens there also making proposals about how the district
21 spends its money?

22 A No.

23 Q Where was he when he was making this proposal to you?

24 A The first time was in his offices, and the second time was
25 at our administrative offices for Lakota.



1 Q And the first time he made this proposal to you, who else
2 was in the room with you?

3 A Just myself.

4 Q Why were you the only one in the room with him?

5 A I -- I can't answer that question. I don't know.

6 Q Were there other people there earlier?

7 A Yes.

8 Q And they left?

9 A Yes.

10 Q Do you remember why they left?

11 A They were asked to leave.

12 Q Who asked them to leave?

13 A Mr. Reynolds.

14 Q When the Defense was asking you questions a few minutes
15 ago about these school funds, he said, Mr. Reynolds never used
16 these fee refunds as a threat; do you recall that question?

17 A Yes.

18 Q And then there was a big pause while you thought about it,
19 right?

20 A Um-hum.

21 Q And then he rephrased the question differently, and you
22 answered the different question. But I want to go back to that
23 first one. The Defense said that he never used the funds as a
24 threat. Did you ever perceive him as using those fee refunds
25 as a threat?



1 A I felt uncomfortable with the request, and while I would
2 not use the word, threatened, I felt uncomfortable enough that
3 it made me nervous if we were going to say no to this proposal.

4 Q Why did you feel uncomfortable? What was making you
5 nervous about this?

6 A Because of the office that he holds, the political power
7 that that office holds, and quite honestly, I didn't want to
8 make an enemy. You never want to make an enemy of someone in
9 that position.

10 Q This first meeting, the one where he asked for the room to
11 be cleared so that you could talk to him, the meeting was about
12 a millage issue, correct?

13 A Yes.

14 Q And he was at that meeting as the county auditor, correct?

15 A Yes.

16 Q And that was the meeting that was at the Defendant's
17 office?

18 A Yes.

19 Q And by the Defendant's office, I meant the Auditor's
20 Office.

21 A Yes.

22 Q It wasn't at some private office that he has for a private
23 business or something like that?

24 A No.

25 Q The Defense asked some questions about -- to the effect



1 of, did you ever tell the Defendant that you thought this was a
2 bad idea? Did you express that you thought that this was a bad
3 idea; do you recall those questions?

4 A Yes.

5 Q Why didn't you tell the Defendant that Lakota schools
6 thought this was a bad idea, and you didn't want to spend your
7 money that way?

8 A I didn't want to make him mad.

9 Q Why didn't you want to make him mad?

10 A Because I -- I worried if I made him mad -- I was always
11 looking out for -- I didn't want anything that I did -- or to
12 make someone mad that then it would come back on the district
13 or on the students that I served. So there were a lot of times
14 I held my tongue and/or kept my opinion to myself. And this
15 was one.

16 Q This all happened back in 2017?

17 A Yes.

18 Q When did you finally report this to some sort of law
19 enforcement authority?

20 A I didn't report it. I got a phone call asking me if I
21 would sit down and talk, and --

22 Q When was that?

23 A That was June, maybe. June of 2022.

24 Q How long was that before you retired?

25 A I retired at the end of July.



1 Q Did that factor into your willingness to speak to law
2 enforcement?

3 A Yes.

4 Q How so?

5 A No matter what happens today, and the fact that I am here
6 and I am testifying, I -- Lakota Schools, I'm not connected to
7 them anymore. And so even if someone gets mad at me about this
8 testimony, I know now that the students or the school district
9 will not be put in a bad position because of me.

10 Q The last set of questions that Mr. Ziepfel asked were
11 about running this by legal, right? You said you wanted to run
12 it by legal, see if it was legal, see if we could do it, right?
13 Now, in Exhibit 43, which I'll put up here, the questions that
14 you were running by Matt Stout, you were wondering whether it
15 was legal for Lakota to spend the money in this way; is that
16 correct?

17 A That's correct.

18 Q When you were quote/unquote running this by legal, you
19 weren't checking to see -- or you weren't asking Matt Stout's
20 opinion about whether it was illegal for Mr. Reynolds to
21 propose this?

22 A No.

23 Q You were just seeing, is the school district able to spend
24 money this way?

25 A Correct.



1 MR. WOOD: Excuse me for just a moment.

2 MS. LOGAN: Um-hum.

3 MR. WOOD: Ms. Logan, that's all I have. Thank you.

4 MS. LOGAN: Thank you.

5 MR. ZIEPFEL: Briefly --

6 THE COURT: Recross?

7 MR. ZIEPFEL: -- Your Honor, briefly.

8 RE CROSS-EXAMINATION

9 BY MR. ZIEPFEL:

10 Q Ms. Logan, that last email you looked at, Exhibit 43,
11 talked about three years, remember that in the email?

12 A Yes.

13 Q I just want to make sure it's clear. The golf team --
14 under this proposal, under this idea, the golf team was going
15 to have access to that academy for more than three years,
16 correct?

17 A Correct --

18 Q Right.

19 A -- the payments were just going to be for three years.

20 Q Right. So the access is going to continue on way into the
21 future?

22 A Um-hum.

23 Q The payments are only for three years? You're not paying
24 \$750,000 just for three years of access?

25 A Correct.



1 Q It continues into the future?

2 A Yes.

3 Q You were also asked some questions on redirect about
4 meeting with Mr. Reynolds one-on-one.

5 A Um-hum.

6 Q You've met with Reynolds many times -- Mr. Reynolds many
7 times, correct?

8 A Yes.

9 Q Have you ever met with him one-on-one before that one?

10 A Yes.

11 Q Okay. So you had had one-on-one meetings with him,
12 correct?

13 A Yes.

14 Q And then, you were asked questions on redirect about these
15 fee refunds, right?

16 A Um-hum.

17 Q And said -- you testified, I think that you were worried
18 about them?

19 A Um-hum.

20 Q I just want to make it clear, Mr. Reynolds never
21 threatened to withhold a fee refund?

22 A He did not.

23 Q And in fact, he never did withhold a fee refund, did he?

24 A No.

25 Q You had one year where you didn't get a fee refund but



1 nobody got it?

2 A Correct.

3 Q And that was because the County Auditor's Office was
4 changing computer systems?

5 A Yes?

6 Q Is that your recollection?

7 A Yes, it is.

8 Q Okay. So nobody got it that year, but you got it all the
9 other years, right?

10 A Correct.

11 MR. ZIEPFEL: No further questions.

12 THE COURT: Anything further?

13 MR. WOOD: No, Your Honor. Thank you.

14 THE COURT: Ms. Logan, thank you for your testimony. You
15 can step down.

16 MS. LOGAN: Thank you.

17 THE COURT: The State may call its next witness.

18 MR. WOOD: Your Honor, may we approach?

19 THE COURT: You may.

20 (At sidebar)

21 MR. WOOD: Judge, we have an issue with Defense bringing
22 (indiscernible) next witness because the State's position is
23 that (indiscernible).

24 MS. GREVE: (Indiscernible) have an issue with that
25 (indiscernible).



1 MR. WOOD: Is that (indiscernible) jury (indiscernible)
2 that there's the attorney-client privilege (indiscernible).

3 UNIDENTIFIED SPEAKER: (Indiscernible).

4 MR. WOOD: (Indiscernible) jury was listening in.
5 (Indiscernible) essentially (indiscernible) --

6 UNIDENTIFIED SPEAKER: (Indiscernible) earlier.

7 THE COURT: Here's what I'd like to do is ask the jury to
8 take break so we can discuss this (indiscernible) --

9 MR. WOOD: He's actually been (indiscernible) --

10 THE COURT: -- more (indiscernible). I just --

11 UNIDENTIFIED SPEAKER: (Indiscernible) --

12 THE COURT: -- I just do what I'm told, here. I really
13 don't know the schedule, but could simply find out.

14 MR. ZIEPFEL: I just -- I didn't want us to get
15 (indiscernible).

16 THE COURT: Okay. And please copy Alan, who's in charge
17 of this whole thing. So (indiscernible) --

18 MR. ZIEPFEL: No, I think it won't replace Mr.
19 (Indiscernible).

20 THE COURT: Let's let the jury go, then talk.

21 MR. WOOD: Thank you, Judge.

22 (End sidebar)

23 THE COURT: Ladies and gentlemen, we've gotten to a point
24 where I need to make a legal decision, and I need to talk to
25 the lawyers. And we could stand up here and whisper to each



1 other, but that'd be more comfortable for me and them, I think,
2 if I give you a break. Let's call it ten minutes. Please
3 remember to follow the admonitions. And I hope we're back to
4 you within ten minutes. If it gets longer than that, I'll send
5 a message back to you through Alan. You're excused.

6 (Jury exiting courtroom)

7 THE COURT: Please be at ease, folks.

8 Who from the State would be doing the direct examination
9 of the two lawyers from the prosecutor's office?

10 MS. GREVE: I would.

11 MR. TAMMARO: Mr. Wood.

12 MR. WOOD: I would, Your Honor.

13 THE COURT: Okay. From what you told me earlier, the
14 notion that I have is that the purpose of them testifying is
15 that they A) they would have been the two people that the
16 auditor would have gone to for advice, first of all.

17 MR. WOOD: That's correct.

18 THE COURT: And that both of them would say that they were
19 never asked about this issue?

20 MR. WOOD: Your Honor, that's what I anticipate. They
21 have varying opinions on their ability to discuss that with me,
22 pre-trial. So for one witness, I firmly anticipate that. The
23 other witness was -- I guess I don't know how to say it -- was
24 unwilling to say exactly what his testimony would be unless he
25 was ordered by the Court. I would expect that it is not going



1 to be too different, but that's just my expectation.

2 THE COURT: I understand the situation. I don't suppose
3 anybody's interested in a simple stipulation that something
4 didn't happen? I'm trying to move forward here with this
5 trial, and --

6 MR. WOOD: So --

7 THE COURT: -- and it's fine if you're not. I'm just
8 exploring ways to get around the attorney-client issue.

9 MR. ZIEPFEL: Your Honor, I think we would be willing to
10 just have a simple stipulation that the prosecutor's office
11 didn't offer an opinion on this.

12 THE COURT: Well, I suspect what the State's trying to
13 show is -- I could be wrong -- but that the prosecutor was
14 never asked to offer an opinion. So --

15 MR. ZIEPFEL: I would stipulate to that as well.

16 MR. WOOD: Judge, if the Defense is willing to stipulate
17 that Mr. Reynolds did not ask the prosecutor's office for an
18 opinion on this issue, and that because they were never asked,
19 they did not give one, we would be comfortable with that.

20 MR. TAMMARO: Not just --

21 MR. ZIEPFEL: I'll stipulate to that, Your Honor.

22 THE COURT: Wonders never cease.

23 Now, our jury's gone for about seven minutes before I
24 should bring them back. Use your seven minutes any way you see
25 fit.



1 MR. WOOD: Well, Your Honor, that would put us, of course,
2 at the end of the witnesses we had prepared for today.

3 THE COURT: Well, if that's the case, then maybe we're in
4 better shape than we thought we were.

5 MR. ZIEPFEL: That they might be happy?

6 THE COURT: What time do we need to be out of here?

7 THE CLERK: 11:30.

8 THE COURT: What time?

9 THE CLERK: (No audible response)

10 THE COURT: Yeah, 11:30 is the bewitching hour, here, so
11 we're going to lose what amounts to 20 minutes. And I suspect
12 we've gained more than that by not putting these witnesses on,
13 so this is a net gain for moving the train forward.

14 Are we anywhere near back on track? Can you give me an
15 estimation of --

16 MR. TAMMARO: We should finish on Monday.

17 THE COURT: AM or PM?

18 MR. TAMMARO: Depending on the length of the -- it's
19 possible morning but early afternoon if nothing else.

20 MR. WOOD: Since Mr. Tammaro's asking the questions, PM,
21 Your Honor.

22 THE COURT: Okay. Assuming that your case can proceed
23 beginning Monday afternoon, just a ballpark?

24 MR. ZIEPFEL: I don't think -- we would be done probably
25 by the end of the day on Tuesday, if not earlier. I don't



1 anticipate putting on a lengthy presentation, Your Honor.

2 THE COURT: Okay. So there's some chance that we could be
3 doing closing arguments Wednesday morning?

4 MR. ZIEPFEL: Yes, Your Honor.

5 THE COURT: And the jury could be deliberating on
6 Wednesday?

7 MR. ZIEPFEL: Yes, Your Honor.

8 THE COURT: Okay. And once again, this is ballpark, I
9 understand.

10 MR. WOOD: I think, out of an abundance of optimism, the
11 State will be prepared to close on Tuesday afternoon if
12 everything falls into place, Your Honor.

13 MR. ZIEPFEL: That is an abundance of optimism.

14 THE COURT: Okay. Well, everybody understands the
15 position we're in with this jury and our ability to have this
16 room. So I'm hoping, at the point where we hear from the very
17 last witness, everybody's ready for closing argument, so keep
18 that in mind.

19 MR. TAMMARO: We will, Your Honor.

20 MR. ZIEPFEL: Will we use the weekend to court?

21 MR. WOOD: We will.

22 THE COURT: Well, since we're going to excuse the jury,
23 Alan, why don't you stick your head in there. As soon as you
24 can get all 16 of them, bring them on in and I'll let them go
25 until Monday.



1 (Counsel confer)

2 (Jury entering courtroom)

3 (Pause)

4 THE COURT: Please be seated, folks.

5 Now, ladies and gentlemen, the State had planned to call
6 two more witnesses this morning, but our discussions here have
7 made that unnecessary, so there are no more witnesses for
8 today. We were going to have to quit at 11:30, so I think
9 we've probably lost about 23 minutes here. Although, in the
10 long-run, I think we've probably gained some time because we're
11 not going to hear from these two witnesses. So I'm going to
12 excuse you for the weekend. We were planning on not working
13 this afternoon, and I think you all knew that.

14 We're going to be back Monday morning at 9:00. Please
15 come on in the way you have on a regular basis. Please
16 remember and follow the admonitions, please. Look both ways
17 when you cross the street. Try and stay away from anybody that
18 might show any signs of coming down with the flu or anything
19 else. Nobody wants to go through this experience for a second
20 time. So we need all of you healthy and ready and willing and
21 able to come on back on Monday.

22 I've asked the lawyers to look into their crystal ball and
23 tell me where we are, and here is the consensus. The State
24 believes that they can finish their evidence Monday, probably
25 PM, maybe AM -- probably PM. The Defense believes that they



1 could finish their evidence Tuesday. So it could very well be
2 that we will hear arguments Tuesday or Wednesday. In any
3 event, there is belief that you folks will have this case for
4 deliberation at least by Wednesday.

5 And then, we have Thursday as well, if you need it. But
6 once again, if it goes beyond that, we were going to need to
7 come back here that first week of January. I don't think
8 anybody wants that but if it turns out to be that way, so be
9 it; that's the way it is. So there's the plan at best I can
10 see it at this point.

11 So go enjoy your weekend as best you can. Forget about
12 all of this during that period of time. Come on back Monday
13 morning ready to go. Remember the admonitions. You're
14 excused.

15 UNIDENTIFIED SPEAKER: Thank you, Judge.

16 THE COURT: Take care.

17 (Jury exiting courtroom)

18 THE COURT: Be at ease, folks.

19 Anything on the record from the State?

20 MR. TAMMARO: No, Your Honor.

21 THE COURT: Anything from the Defense?

22 MR. ZIEPFEL: No, Your Honor.

23 THE COURT: We had planned to start talking about jury
24 instructions. Why don't you folks take five, ten minutes,
25 whatever you need, and then we'll find a spot back here



1 somewhere, hammer out these things as best we can at this
2 point. Any observations anybody has to anything we can
3 summarize on the record later; is that satisfactory with the
4 State?

5 MR. TAMMARO: Yes, Your Honor.

6 MR. WOOD: Yes.

7 THE COURT: Defense?

8 MR. ZIEPFEL: Just a quick question as to how -- are you
9 thinking working through lunch? My only reason I ask is I have
10 to check out of my hotel room at some point before 1:00.

11 THE COURT: Okay. Why don't we take the ten minutes and
12 then we'll figure that out.

13 MR. ZIEPFEL: Okay.

14 THE COURT: To answer your question, yes, I had thought
15 about working through lunch.

16 MR. ZIEPFEL: Okay.

17 THE COURT: So okay. Al, where do you want to put us?

18 (Proceedings concluded at 11:11 a.m.)

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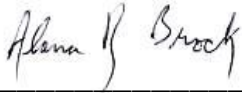
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C E R T I F I C A T E

I, ALANA R. BROCK, Transcriptionist, do hereby certify that the foregoing pages, 1 - 86, constitute a full, true and accurate transcript, from electronic recording, transcribed by me, of the proceedings had in the foregoing matter, STATE OF OHIO VS. ROGER REYNOLDS, Case No. CR2022 02 0162, on the docket of the Butler County Common Pleas Court, a court of record, and all prepared to the best of my skill and ability.

SIGNED and dated this 28th day of May, 2023.



ALANA R. BROCK, CDLT-273
Transcriber

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