

IN THE SUPREME COURT OF OHIO

IN THE MATTER OF ROGER REYNOLDS,	:	
	:	CASE NO:
COUNTY AUDITOR, BUTLER COUNTY, OHIO,	:	CHIEF JUSTICE MAUREEN O’CONNOR

**REQUEST TO COMMENCE SUSPENSION PROCEEDINGS
AGAINST ROGER REYNOLDS, COUNTY AUDITOR, BUTLER COUNTY, OHIO.**

The Ohio Attorney General Dave Yost hereby requests Chief Justice O’Connor and this Court to commence suspension proceedings against Roger Reynolds, County Auditor for Butler County, Ohio in accordance with R.C. 3.16.

I. INTRODUCTION

On February 9, 2022, Roger Reynolds, County Auditor for Butler County, Ohio was indicted by a grand jury for one count of Bribery, a third-degree felony, two counts of Unlawful Interest in a Public Contract, both fourth-degree felonies, one count of Unlawful Use of Authority, and one count of Conflict of Interest, both first-degree misdemeanors. A copy of the indictment is attached as Exhibit A.

Roger Reynolds was appointed as the Butler County Auditor in 2008 and was elected to complete the full term on November 4, 2008. Auditor Reynolds was elected to a four-year term of office on November 4, 2010 and is currently serving his third four-year term. “Butler County Auditor” <https://www.butlercountyauditor.org/About-the-Office/Auditor-biography> last accessed February 8, 2022. In addition to being the County Auditor, Reynolds is a Certified Public Accountant and Certified Governmental Financial Manager and has experience as a Chief Fiscal Officer. *Id.*

Reynolds and/or his father, Raymond Reynolds, own real estate along Hamilton-Mason Road in Butler County. Though Reynolds and/or his father wanted to develop the property, their ability to do so was impeded by access issues along Hamilton-Mason Road. Specifically, a portion of that road narrowed to go under train tracks at a point called the “mouse hole”.

In 2019 a private developer was interested in developing Mr. Parks’ land on Hamilton-Mason Road and offered him \$1.9 million for the property. Roger Reynolds owned a 2 to 3-acre property adjacent to land owned by Mr. Parks on which the development was to occur. The Butler County Auditor valued the 2 to 3-acre Reynolds parcels at \$21,000.00. Auditor Reynolds met with a representative of the company developing the Parks land and expressed concern that the Parks land lacked the required amount of green space. Reynolds offered to sell the development company his father’s land for \$500,000.00 and proposed that he (Reynolds) serve as a consultant to guide the development company through the various requirements for Butler County and the Liberty Township, in which the land is located. Reynolds suggested that the developer pay him a \$200,000.00 “consulting” fee to guide the development proposal through the approval process. When the development company refused both of Reynolds offers to sell the property and serve as a consultant, Reynolds made clear to a representative of the company that he would use his power to stop the development. The proposal to develop Mr. Parks’ land ultimately fell through.

Reynolds knowingly solicited the \$200,000.00 to corrupt or improperly influence the development of the Parks and Reynolds land. Consequently, on February 9, 2022 a Butler County grand jury indicted him for one count of Bribery, a third-degree felony, in violation of R.C. 2921.02(B).

While Reynolds was pursuing avenues to develop his father's land he became interested in obtaining public Tax Increment Financing ("TIF") to fund improvements along Hamilton-Mason Road which would permit the development. Because of the large amount of TIF financing needed for the improvements the goal was for Liberty Township and West Chester Township, through which Hamilton-Mason Road runs, and Butler County to split the financing. Thus, both townships and Butler County would have to vote to approve the TIF.

While serving as the sitting Butler County Auditor, Reynolds made direct contact with public officials from Liberty Township, West Chester Township, and Butler County to influence their decision in approving the TIF financing. The proposed TIF-financed improvements to Hamilton-Mason Road were needed to pursue lucrative development of Roger Reynolds' property. Reynolds employed the authority or influence of his position as the Butler County Auditor to influence and/or attempt to secure the authorization of a public contract (the TIF financing) in which he and/or a member of his family had an interest and/or would benefit. The public contract would have been entered into by West Chester Township, Liberty Township and Butler County, for which Reynolds is the County Auditor. Consequently, a Butler County grand jury indicted Reynolds for having an Unlawful Interest in a Public Contract, a felony of the fourth degree, in violation of R.C. 2921.42(A).

The Ohio Attorney General asserts that the indicted felonies relate to Reynolds' administration of, or conduct in the performance of his duties as the Butler County Auditor, and that his criminal conduct adversely affects the functioning of his office and the rights and interests of the public under R.C. 3.16(B)(1). A summary of the investigation into these matters is attached hereto as Exhibit B. Therefore, the Ohio Attorney General respectfully requests that the Chief Justice commence suspension proceedings against Reynolds and that he be provisionally

suspended from his public office pending the resolution of the felony charges in the Butler County Common Pleas Court. *See* R.C. 3.16(C).

II. LAW AND ARGUMENT

A. Statutory Suspension Procedures

R.C. 3.16 authorizes the suspension of a public official who, like Roger Reynolds, has been charged with a felony in a state or federal court when the felony relates to the performance of the official's duties, and which adversely affects the functioning of that office or adversely affects the rights and interests of the public. R.C. 3.16(A)(2) defines "public official" as "any elected officer of a political subdivision as defined in section 2744.01 of the Revised Code." Roger Reynolds as the elected County Auditor of Butler County, is a "public official" as defined by R.C. 3.16(A)(2). Butler County is a municipal corporation and therefore a political subdivision as defined in R.C. 2744.01.

R.C. 3.16(B)(1) states in pertinent part, "If a public official is charged with a felony in a state or federal court and if the attorney general, if the attorney general is prosecuting the case, or prosecuting attorney with responsibility to prosecute the case determines that the felony relates to the public official's administration of, or conduct in the performance of the duties of, the office of the public official, the attorney general, if the attorney general is prosecuting the case, or prosecuting attorney with responsibility to prosecute the case shall transmit a copy of the charging document to the chief justice of the supreme court with a request that the chief justice proceed as provided in division (C) of [R.C. 3.16]."

The detailed procedures set forth in R.C. 3.16(C) for the suspension of a public official in circumstances identical to those presented in Reynolds' case. R.C. 3.16(C)(1) states, "Not sooner than fourteen days after the chief justice's receipt of the attorney general's or prosecuting

attorney's request ...the chief justice shall establish a special commission composed of three retired justices or judges of a court of record." Once established, the special commission "shall review the document that charges the public official with the felony, all other documents and materials pertaining to the matter that were provided to the chief justice...and the facts and circumstances related to the offense charged." R.C. 3.16(C)(2). Then, within fourteen days, "the special commission shall make a preliminary determination as to whether the public official's administration of, or conduct in the performance of the duties of, the official's office, as covered by the charges, adversely affects the functioning of that office or adversely affects the rights and interests of the public and, as a result, whether the public official should be suspended from office." *Id.*

A public official may challenge the special commission's preliminary determination that he or she should be suspended from office by submitting written objections and may also attend a meeting to contest the finding. *Id.* At the conclusion of the challenge, the special commission shall issue a final determination by written report. R.C. 3.16(C)(3). Finally, the public official may appeal the special commission's final determination to the Supreme Court. R.C. 3.16(D). The Supreme Court shall uphold the special commission's final determination if the findings are "reasonable and lawful." *Id.*

B. Reynolds' alleged criminal conduct directly relates to the performance of his duties as the Butler County Auditor, and adversely affects the functioning of this office and the rights and interests of the public.

Without question, the felony acts alleged in the indictment and the additional misdemeanor offenses, are directly tied to Reynolds' position as Butler County Auditor. The indictment alleges violations of the very laws that guard against the misuse of public office and authority for personal gain. Reynolds misused his influence and position as the elected Butler County Auditor in an

attempt to obtain personal pecuniary benefits for himself and/or his family member. This abuse of authority would not have been possible but for Reynolds' position as the Butler County Auditor.

Moreover, Reynolds' criminal acts as alleged in the indictment adversely affect not only the functioning of his office, but also the entire Butler County government and the townships which rely on the County. When the citizens entrust individuals to run their government on their behalf, they vest those elected officials with significant authority to make decisions that affect their lives and communities in critical ways. Butler County voters are entitled to have those decisions made in a fair and ethical manner. The facts alleged in the indictment destroy any expectation that Reynolds will exercise independent judgment to benefit the community in acting on any official matters for the City and not for the purpose of lining his own pockets. Reynolds cannot be left to continue to exercise the rights and privileges as the Butler County Auditor while under indictment for misusing the authority of that very office. Further, Reynolds' efforts to unlawfully influence public contracts for his own pecuniary gain erodes trust and confidence in the Butler County government as a whole.

To be sure, Reynolds' alleged criminal conduct adversely affects the interests of the public. Elected officials hold offices of trust and confidence. The allegations leveled against him lay waste to the public's expectation that elected leaders are committed to serving their constituents' interests, and not lining their own pockets. Reynolds betrayed the trust and confidence placed in him by the public when he used his position to further his own personal interests.

III. CONCLUSION

For the forgoing reasons, the Ohio Attorney General respectfully requests that the Chief Justice establish a special commission for the purposes of suspending Butler County Auditor Reynolds from office pursuant to R.C. 3.16. Roger Reynolds' performance of his duties, as alleged

in the indictment, adversely affect the functioning of his office and it adversely affects the rights and interests of the public.

Respectfully submitted,

DAVE YOST
Ohio Attorney General



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Request to Commence Suspension Proceedings Against Roger Reynolds, Butler County Auditor was sent on this the **14th** day of **February** via *E-Mail to Chad Ziepfel, Counsel for Roger Reynolds* at:

Chad.Ziepfel@taftlaw.com



BRIDGET C. COONTZ (0072919)
Assistant Attorney General

COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

FILED

CASE NO. CR2022-02-0162

STATE OF OHIO

Plaintiff

2022 FEB -9 AM 8:45

vs.

MARY INDICTMENT
BUTLER COUNTY
CLERK OF COURT
PAGE 1 OF 2

ROGER REYNOLDS

Defendant

STATE OF OHIO,
COUNTY OF BUTLER, SS:

In the Year 2022

THE JURORS OF THE GRAND JURY OF THE STATE OF OHIO, within and for the body of the County aforesaid, on their oaths, in the name and by the authority of the State of Ohio, do find and present that:

COUNT ONE
BRIBERY

Between or about at least November 08, 2019, and on or about September 17, 2021, in Butler County, Ohio, or by some manner enumerated in R.C. 2901.12, whereby venue is placed in Butler County, in a continuing course of conduct, Roger Reynolds, did knowingly solicit a thing of value or valuable benefit to corrupt or improperly influence a person or another public official with respect to the discharge of the person's or the other public servant's duty. This offense is contrary to and in violation of the form of the offense of BRIBERY, a Felony of the Third Degree, Statute R.C. 2921.02(B), and against the peace and dignity of the State of Ohio. The commission of the offense was part of a course of continuing conduct involving offenses committed in Butler County as per R.C. 2901.12.

COUNT TWO
UNLAWFUL INTEREST IN A PUBLIC CONTRACT

Between on or about at least April 06, 2021, and on or about at least August 31, 2021, in Butler County, Ohio, or by some manner enumerated in R.C. 2901.12, whereby venue is placed in Butler County, in a continuing course of conduct, Roger Reynolds did authorize, or employ the authority or influence of the public official's office to secure authorization of, any public contract in which the public official, a member of public official's family, or any of the public official's business associates has an interest and/or did have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the public official is connected. This offense is contrary to and in violation of the form of the offense of UNLAWFUL INTEREST IN A PUBLIC CONTRACT, a Felony of the Fourth Degree, Statute R.C. 2921.42(A), and against the peace and dignity of the State of Ohio. The commission of the offense was part of a course of continuing conduct involving offenses committed in Butler County as per R.C. 2901.12.

COUNT THREE
UNLAWFUL USE OF AUTHORITY

On or about at least October 01, 2015, through on or about at least October 31, 2017, in Butler County, Ohio, or by some manner enumerated in R.C. 2901.12, whereby venue is placed in Butler County, in a continuing course of conduct, Roger Reynolds did use or authorize the use of the authority or influence of office or employment to secure something of value. This offense is contrary to and in violation of the form of the offense of UNLAWFUL USE OF AUTHORITY, a Misdemeanor of the First Degree, Statute R.C. 102.03(D), and against the peace and dignity of the State of Ohio. The commission of the offense was part of a course of continuing conduct involving offenses committed in Butler County as per R.C. 2901.12.

Exhibit A

COUNT FOUR
HAVING AN UNLAWFUL INTEREST IN A PUBLIC CONTRACT

From between on or about at least August 1, 2015, and on or about at least September 30, 2021, in Butler County, Ohio, or by some manner enumerated in R.C. 2901.12, whereby venue is placed in Butler County, in a continuing course of conduct, Roger Reynolds did authorize, or employ the authority or influence of the public official's office to secure authorization of, any public contract in which the public official, a member of public official's family, or any of the public official's business associates has an interest and/or did have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the public official is connected. This offense is contrary to and in violation of the form of the offense of UNLAWFUL INTEREST IN A PUBLIC CONTRACT, a Felony of the Fourth Degree, Statute R.C. 2921.42(A), and against the peace and dignity of the State of Ohio. The commission of the offense was part of a course of continuing conduct involving offenses committed in Butler County as per R.C. 2901.12.

COUNT FIVE
CONFLICT OF INTEREST

From between on or about at least August 01, 2021, and on or about at least October 30, 2021, in Butler County, Ohio, or by some manner enumerated in R.C. 2901.12, whereby venue is placed in Butler County, in a continuing course of conduct, Roger Reynolds did promise and/or give a public official or employee a thing of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties. This offense is contrary to and in violation of the form of the offense of CONFLICT OF INTEREST, a Misdemeanor of the First Degree, Statute R.C. 102.03(F), and against the peace and dignity of the State of Ohio. The commission of the offense was part of a course of continuing conduct involving offenses committed in Butler County as per R.C. 2901.12.

Filed _____

Defendant arraigned, and pleads:

_____ Guilty to this indictment

By _____
MARY L. SWAIN
CLERK OF COURTS

By _____
Deputy

DAVE YOST, OHIO ATTORNEY GENERAL
SPECIAL PROSECUTOR

BY 
AAG BRADFORD L. TAMMARO (0030156)
30 E. Broad Street, 23rd Floor
Columbus, OH 43215

A TRUE BILL



FOREPERSON, GRAND JURY

/vw

Office of the Sheriff

Sheriff
Richard K. Jones



705 Hanover St.
Hamilton, Ohio 45011

Chief Deputy
Anthony E. Dwyer

Hamilton 513.785.1000
Middletown 513.424.2456
www.butlersheriff.org

Butler County, Ohio

Bribery

- During the course of land development starting in 2019, Roger Reynolds, an elected official of Butler County, solicited a cash payment from representatives of Jimenez Haid Custom Builders. In return for the cash payment of \$200,000 Roger Reynolds offered to be a “consultant” and use his political influence to get a TIF, tax increment financing, assigned to an area of Hamilton Mason Rd. in Butler County to assist in the development of properties along that road.
- Detectives spoke with Brian Jimenez and Tim Haid of Jimenez Haid Custom Builders. Mr. Jimenez stated he and Tim Haid spoke with Roger Reynolds on multiple occasions where he referred to working on their behalf to secure a TIF on Hamilton Mason Rd. for their development for a consulting fee. Mr. Jimenez and Mr. Haid stated Roger Reynolds also made an offer to sell them 2 acres of land he owned adjacent to Mr. Parks’ for \$500,000 as part of the consulting deal. Mr. Jimenez and Haid provided hand written notes from two phone calls with Roger Reynolds and a recording of a third call. I spoke with Mr. Jimenez and Mr. Haid after receiving the notes and recording and they explained the consulting fee and how it was discussed in all three conversations.
- Mr. Jimenez and Mr. Haid stopped trying to develop property in Butler County in August 2021 due to their development being denied on all levels of application in Butler County and Liberty Township. They feel this is directly connected to them not paying the consulting fee to Roger Reynolds and do not plan on returning to Butler County because of Roger Reynolds involvement in the development process.
- During the investigation detectives spoke with West Chester Trustee Mark Welch. During the interview Mr. Welch stated he made contact with Roger Reynolds to ask him to be on his host committee for an upcoming election. After Mr. Reynolds agreed to be on the host committee he offered Mr. Welch a donation of \$1000.00. After that statement Mr. Reynolds asked Mr. Welch about the TIF proposal on Hamilton Mason Rd. and asked for his support. Later in the investigation detectives spoke with Mr. Welch again and he stated he never received the donations from either Roger or Raymond Reynolds.

Office of the Sheriff

Sheriff
Richard K. Jones



705 Hanover St.
Hamilton, Ohio 45011

Chief Deputy
Anthony E. Dwyer

Hamilton 513.785.1000
Middletown 513.424.2456
www.butlersheriff.org

Butler County, Ohio

Ethics Violations

- 2015 Roger Reynolds presented a land contract to Gerald Parks for purchase of 11.07 acres of land on the North side of Hamilton Mason Rd. for \$9,000 down and total purchase price of \$475,000. Mr. Parks declined the deal after speaking with his daughter, Tina Barlow. When Mr. Parks declined the contract Roger Reynolds told him he would land lock him so he could not sell his property.
- September 2018 Mr. Parks received a letter that his land no longer qualified for the CAUV, current agricultural use value program. Upon investigation of the status change detectives spoke with Bob Routson and he stated while he was working for the Auditor's Office he was told by Harold Baxter, the director of that program, that he was told to revoke Mr. Parks' status in the CAUV program by Roger Reynolds. When detectives spoke with Harold Baxter he stated the way Mr. Parks' status was removed would have been at the order of Roger Reynolds
- Brian Jimenez and Tim Haid stated that in 2019 Roger Reynolds told them he would use all of his "political capital" to prevent Gerald Parks from making any money from his property. Mr. Jimenez and Mr. Haid provided hand written notes from phone calls where this was discussed and plans where Roger Reynolds intended to make it hard for Mr. Parks to develop his property.
- Detectives have also recovered several text messages where Roger Reynolds is speaking with a Liberty Township Trustee to set up the TIF to assist in the development of his father's property. When detectives spoke with Trustee Steve Schramm he stated he advised Roger Reynolds that he felt they were close to crossing a line "politically" that he was not comfortable with. Mr. Schramm stated Roger Reynolds continued with the TIF attempt by speaking with other trustees in Liberty and West Chester Townships.