BEFORE THE BOARD OF PROFESSIONAL CONDUCT
OF THE SUPREME COURT OF OHIO

Disciplinary Counsel
65 East State Street, Suite 1510
Columbus, Ohio 43215-4215

Relator,

v. Case No. 2022-045

Hon. Timothy Grendell
Attorney Registration No. 0005827
Geauga County Probate and Juvenile Court
231 Main Street, Suite 200
Chardon, Ohio 44024

Respondent.

Complaint and Certificate

Relator alleges that Timothy Grendell, an attorney admitted to the practice of law in the state of Ohio, has committed the following misconduct:

1. Respondent was admitted to the practice of law in the state of Ohio on November 20, 1978.

2. Respondent is subject to the Ohio Rules of Professional Conduct, the Ohio Code of Judicial Conduct, the Rules for the Government of the Judiciary, and the Rules for the Government of the Bar of Ohio.

3. At all times herein, respondent has been the sole judge of the Geauga County Court of Common Pleas, Probate and Juvenile Divisions.

4. At all times herein, respondent is and has been married to Diane Grendell ("Diane"), Ohio State Representative, District 76.

Count One

The Glasier Matter

5. Stacy Hartman ("Hartman") and Grant Glasier ("Glasier") had three children during their marriage—Cassidy, born in 2003; Carson, born in 2004; and Conner, born in 2006.

6. In or around 2010, Glasier filed for a dissolution of the marriage in Lee County, Florida, before the Hon. Elizabeth Adams. The dissolution was granted in September 2010.

7. In 2013, Hartman moved to Geauga County, Ohio, with the three children.

8. In or about 2015, shortly after Glasier moved to Geauga County, Hartman moved to have jurisdiction over the dissolution transferred to Geauga County Court of Common Pleas, Domestic Relations Division. *Hartman v. Glasier*, 15DK000864.

9. In May 2017, the guardian ad litem ("GAL"), Attorney Lucinda Gazley ("Gazley"), filed an ex parte motion to suspend Glasier's visitation due to his failure to follow her recommendations, which included an alcohol assessment, anger management, parenting classes and counseling.

10. Gazley's recommendations followed a February 26, 2017 incident in which the Orwell Police Department responded to a call that Glasier was being violent towards Carson and Conner. No charges were filed against Glasier.

11. On May 26, 2017, Magistrate Heffter of the Geauga County Common Pleas Court, Domestic Relations Division, granted Gazley's ex parte motion to suspend visitation and ordered, among other things, that Glasier undergo a drug and alcohol assessment and complete anger management classes and a parenting program. Moreover, Magistrate Heffter ordered that Glasier engage in family counseling when recommended by the children's counselor.

12. For the next three years, Hartman took her children to the Career Counseling Center in Geauga County each week to assist in reuniting them with Glasier under the direction and supervision of the assigned family counselor, Joleen Sundquist.

13. The Glasier children attended the counseling sessions, but never met personally with Glasier.

14. In March 2018, Dr. Farshid Afsarifard, Ph.D, submitted a 30-page report to the domestic relations court. In his report, Dr. Afsarifard stated, among other things, that the children were alienated from Glasier due to the negative experiences of the children with Glasier and by Hartman allowing the children to make their own decisions regarding visitation with Glasier.

15. By Agreed Entry dated August 9, 2018, Hartman was designated as the residential parent and custodian of the three children. The agreement called for the children to begin the reunification process with Glasier as recommended by the GAL and Dr. Afsarifard. Furthermore, the agreement allowed for the family counselor to determine the terms of reunification.

16. Under R.C.3109.04(E)(1)(a), any modification of the Agreed Entry, required a finding, based on facts that arose since the prior decree or that were unknown at the time of the prior decree, that a change had occurred in the circumstances of the children or the residential parent.

17. On August 16, 2019, the Geauga County Domestic Relations Division certified the case to the Geauga County Court of Common Pleas as to allocation of parental rights and responsibilities under R.C. 3109.06.

18. On August 27, 2019, the Juvenile Court accepted jurisdiction of the matter and opened it as a complaint for custody. *Hartman v. Glasier*, Case No. 19CU000279. Respondent presided over the matter.

19. Before August 27, 2019, respondent had no involvement in the matter or any familiarity with either party or the Glasier children.

20. In October 2019, respondent appointed Gazley as GAL for the three children. As stated in paragraph 9, Gazley had served as the GAL in the dissolution proceedings since 2015.

21. On October 15, 2019, respondent ordered therapeutic visitation for Glasier through Ohio Guidestone.

22. After the initial home visit, due to the voluntary nature of the program, coupled with the children's unwillingness to see Glasier, Guidestone personnel informed the GAL and respondent that it would not force the children to see their father.

23. On January 14, 2020, Glasier filed a *Motion to Modify Custody* and *Motion to Modify Child Support* alleging a "change in circumstances" from the date of the August 9, 2018 Agreed Entry. See paragraph 15.

24. Respondent set Glasier's motion for a hearing on May 27, 2020.

25. On February 20, 2020, respondent appointed Dr. Stephen Neuhaus, Ph.D., for purposes of evaluation and therapy focused on decreasing parental alienation and reintroducing contact between Glasier and his three children.

26. On or about April 21, 2020, respondent conducted consecutive in camera interviews with each child. The GAL was present during the interviews.

27. During the meeting with Cassidy, age 17, respondent accused Cassidy of sabotaging her brothers' relationship with Glasier, stating to her, "You are the problem."

28. Respondent told Cassidy that he had already decided that he was going to allow visitation between Glasier and Cassidy's brothers, even though respondent had yet to interview Carson, age 15, or Conner, age 13.

29. Immediately following his interview with Cassidy, respondent met with Carson for a short time. During the meeting with Carson, respondent told Carson that he was not going to let a child decide on parenting time.

30. Immediately following his interview with Carson, respondent met with Conner for a short time. Respondent repeated to Conner what he had told Carson—that respondent was not going to allow a child to decide on parenting time.

31. On or around May 7, 2020, Dr. Neuhaus conducted a one-hour Zoom meeting with Hartman.

32. A week later, Dr. Neuhaus interviewed the three children via Zoom.

33. On May 20, 2020, Gazley submitted her GAL report to respondent. In it, she recommended that the three children remain in Hartman's custody and that respondent refrain from issuing any orders until Dr. Neuhaus finished his evaluations.

34. In her GAL report to respondent, Gazley stated:

- Gazley was not aware of any change in circumstance since the April 9, 2018 Agreed Entry;
- The children stated to me they do not want to interact with their father in any manner;
- The children reported to me they have affection and respect for their mother's "significant other", Chris Kostiha, the father of their two younger half siblings.
- The children describe living in a loving, harmonious, and orderly household…The individual counselors for the children have reported that they are well adjusted in all areas of their lives other than their relationship with their father;

- Defendant [Glasier] alleges that the Plaintiff has actively engaged in alienating the children from him. Dr. Asfarifard's March 2018 report acknowledges the children have become alienated from him, due to (1) the negative experience of the children with their father and (2) mother and her significant other have been a negative influence in the children's relationship with their father due to mother allowing the children to "make their own decisions." Since that report, I have observed both aspects of the problem, as he described it, continuing.

- Based upon the existence of the Agreed Judgment Entry, journalized August 9, 2018; based upon apparent lack of change of circumstances since that entry was journalized, and based upon information which I have discussed in this report responsive to the best interest factors (RC 3109.04(E)), I recommend the Plaintiff remain the Residential Parent and Legal Custodian of the children.

- I recognized that the children and Defendant have not engaged in any parenting time during the pendency of this case. To that end, the Court Ordered interventions, the most recent of which is the involvement of Dr. Steven Neuhaus. Dr. Neuhaus has not yet completed his work pursuant to the Order and he has not made recommendations at this time. I recommend the Court receive his recommendations before making additional orders regarding parenting time between the Defendant and children and how to best accomplish that goal.

35. On May 26, 2020, at 9:31 a.m., Hartman emailed Glasier asking for his witness list for the hearing scheduled for the following day. Glasier replied, stating that he did not have any witnesses and that he intended to dismiss his motion for custody and support at the hearing the following day.

36. On May 27, 2020, Glasier and Hartman appeared pro se, along with the GAL, for a hearing on Glasier's *Motion for Change of Custody* and *Motion to Modify Child Support*.

37. As of May 27, 2020, respondent had not received any information, reports, or recommendations from Dr. Neuhaus.

38. Glasier informed respondent that he had spoken to Dr. Neuhaus the previous day, but that Dr. Neuhaus did not have any recommendations.

39. Glasier claimed that a case manager had suggested he participate in "intensive in-home [therapy]" through an agency called "Ravenwood."

40. Six months earlier, in November 2019, respondent's magistrate, Abbey King, had denied Glasier's request for intensive in-home therapy.

41. Glasier then informed respondent that he wanted to "dismiss" his *Motion for Change of Custody* and his *Motion to Modify Support*.

42. Respondent denied Glasier's request to dismiss the motions and *sua sponte* "converted" the motions into an "order seeking to enforce your right to parenting time with the children."

43. Respondent then asked Glasier how much parenting time he wanted with Carson and Conner, despite the fact that Glasier had not been in the boys' presence for almost three years.

> What I do know is that you're entitled to spend some time with your children. I am prepared today to give you some time with your sons, having done the in-camera with your daughter, I will not do that today for the following reasons. One, I think she will sabotage the effort to have any time with your sons. Two, I think it's just asking for the police to be called every time you have five minutes with her anywhere that's not out in the public. I do not wish to put your other children through that, nor do I wish to put you or the community through that. So what is it that you think would be suitable parenting time with you and your sons?[1]

44. Glasier stated that he wanted to have Carson and Conner two weekends each month.

45. After allowing Hartman to make a statement, respondent chastised, threatened, and disparaged Hartman:

> Let me cut through the crap. We're not going backwards. That's number one. * * * The record in front of me does not speak well for your encouragement, ma'am. And I don't know about his problems, but I know this. You don't seem to know what Court orders mean and like to do, talking about control, you seem to like to exercise quite a bit yourself over my proceedings in my Court, and that's not the way the process works.
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> * * *

[1] All quoted text appears in original form, including spelling and grammatical errors.

> And you have two choices today. One is to cooperate, assist and support this effort, or two, I will see a change in circumstances because one of the grounds for custody is a parent who fosters the relationship of the children with the other parent. And if you're not willing to do that, that is grounds for me to give him sole custody of the children if necessary because you're not being a parent who is supporting the bonding and loving relationship of the alternate parent. So those are your choices today. *So today I have modified his motion to be one of parenting time.* I'm going to make sure that when this man leaves here today, he has parenting time with at least his sons. We can talk about the daughter for a second. But at least the sons. You can cooperate in that process or not. If you do not, you do so at your own peril. Peril of being held in contempt of this Court, peril of being in risk of losing custody of your children. Do you understand that's what we're going today? (Emphasis added.)

46. After respondent threatened Hartman with contempt and the potential of losing custody of her children, Hartman explained that she had been cooperating and encouraging her children to visit with their father. In response to Hartman, respondent stated:

> That's wonderful news. Then you will help to continue to do that as we go forward. Father, you will get visitation from Friday at 5:00 o'clock until Sunday at 5:00 o'clock, alternating weekends, starting with this weekend, so you will have the boys on Father's Day weekend only for the boys. I will not order visitation for the daughter at this time. We will have the visitation transfers at the County Sheriff's Office on Route 44. The Constable will be present. The Constable will get both of your phone numbers to call if there's a problem. If I start seeing police reports every time dad has visitation, ma'am, you and I are going to have one nasty hearing the next day. You will do everything positive to enforce, you will not fuel the children, you will not tell the children they should call you. There will be no contact with you during their visitation with dad, and that includes cell phone, smoke signals, or anything else. You will not tell them to call the police unless they are actually physically at risk. If I catch those kind of shenanigans, there's going to be some serious discussion about jeopardizing one's custody in this case. You will do everything physically possible to support your boys having a bonding and loving relationship with their father during his parenting time with the children. Do we understand each other, ma' am?

47. Realizing that respondent ordered *immediate* and *unsupervised* visitation, Hartman asked respondent to speak with the GAL to see if the GAL thought respondent's plan would be successful.

48. Rather than seek input from the GAL, who was present, respondent replied:

> I have her report. I appreciate her input. What she thinks as to the success or not success is reflected I believe in her report, and it doesn't change. If it's not successful, ma'am, the only person in this room who has even suggested that it's not going to be successful is you. And I will tell you this as I am sitting here today. If it's not successful, I'm going to be looking in this direction first as to why it's not successful, and then that direction second, because there's plenty here to suggest that when Mr. Glasier claims what you really want is him out of the picture and the children and your family to be the step-dad or step-boyfriend, or whatever, that that appears to be having some credence to it. I don't even care about that because the point that the law doesn't say that's good or bad, although one could suggest it's probably not going for the kids. But the law says he's supposed to have a loving and bonded relationship with his children. And the only way that I can follow that law is to give him time with the children. You cannot have a loving and bonding relationship with children you don't see for three years or four years, or that when you see them, they get on the phone with mom and then they're calling the police. That doesn't foster a loving and bonded relationship. What fosters a loving and bonded relationship is the children seeing dad, and mom encouraging them to have a good time when they see dad, and dad being smart and taking them out to play ball or to go on a picnic, or fish, or whatever dad likes to do with the boys that they can bond. That's wonderful stuff, and I hope to hear that's what's going on. But if the children come over with an attitude and that's not a good thing, and children don't develop attitudes on their own. Somebody has to help them develop the attitude, and I will be watching, ma'am. I will be watching. And sir, I will be watching you, as well. * * * And for the good of your children, if either of you screw this up, quite frankly, I'll just hit you with show cause motions and put you in jail. That's what's going to happen because you're screwing your own children up. That's just wrong, terribly, terribly wrong. But I got to give this chance for dad to salvage a relationship with his boys. It's too late for the girl. That's too late. Good luck with that.
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> * * *

49. Respondent ordered that the children were not allowed to call their mother while visiting with their father, ordering that if there was a problem, the children were to call respondent's constable, John Ralph ("Ralph").

50. When the GAL asked respondent if he thought it was necessary to schedule a status hearing, respondent replied:

> Oh, yeah, I don't think it's necessary to schedule it. I've got a feeling that that will schedule itself. All right. And I don't think it's going to come in the form of a status hearing, to be honest with you. I've got a feeling it's going to look more like show cause than status. But we will not schedule anything today. We will let nature take its course. If I find that I need to have another hearing because people aren't playing nice in the sand box or something went wrong –

51. Earlier in the hearing, Hartman advised respondent that she had prepared binders of evidence to show no change in circumstance in anticipation of the scheduled change in custody hearing. Respondent dismissed Hartman's concerns, stating, "*We* modified his motion from a custody change –so none of this is relevant because change of circumstance is not the issue…All I'm caring about here is that *we* modified the motion to one of parenting time, and modifying parenting time. And *we're* modifying the parenting time with the boys so that Mr. Glasier gets two weekends a month, which I think is a fair request under the circumstances." (Emphasis added).

Drop-off at the Geauga County Sheriff's Office

52. As directed, on Friday, May 29, 2020, Hartman and Cassidy drove Carson and Conner to the Geauga County Sheriff's Office to drop them off for visitation with Glasier, whom the boys had not seen since 2017.

53. When Hartman arrived, she asked respondent's constable, Ralph, if he wanted Hartman to stay or go. Ralph told Hartman that it would be better if she left before he turned Carson and Conner over to Glasier. Hartman and Cassidy left Carson and Conner with Ralph and drove away.

54. Upon seeing their father, Carson told Ralph that neither he nor Conner would visit with their father. Ralph advised Carson and Conner that they were obligated to visit with the father, but the boys still refused.

55. At that point, Ralph called respondent and informed him that Carson and Conner were refusing to go with Glasier. Respondent instructed Ralph to call Hartman and order her to advise Carson and Conner to visit with Glasier or the boys would be placed in detention.

56. As ordered by respondent, Ralph called Hartman and advised her that she needed to instruct Carson and Conner to visit with Glasier or that "the judge was going to send them to the juvenile detention center."

57. While Hartman was on the line, Ralph handed the phone to Carson. As ordered by respondent, Hartman told Carson that he had to visit with his father, stating that it would be fun, and that Glasier had a new house. Ralph remarked, "Yes, he has a very nice house, I was there yesterday."

58. Despite Hartman's instruction and encouragement, Carson, who was crying, refused to go with his father.

59. As instructed by respondent, Ralph advised Hartman that because Carson and Conner were refusing an order from their parent, that they were going to be charged as unruly children. Ralph said he needed to take care of this now and hung up the phone.

60. At that point, Ralph contacted respondent who ordered Carson (15) and Conner (13) taken into custody and placed in the Portage-Geauga County Juvenile Detention Center ("JDC").

61. Officers from the Geauga County Sheriff's office handcuffed Carson and Conner and transported them to JDC in the back of the squad car, and transported them to JDC.

62. At this point, no charges had been filed against Carson or Conner, and there was a lack of probable cause to detain them.

63. As of May 29, 2020, much of the state of Ohio was in a lockdown due to COVID-19 and many jails were releasing nonviolent offenders to assist in slowing the spread of the virus.

64. At 5:43 p.m., on May 29, 2020, Hartman texted Ralph, "I have been told there is a covid-19 issue in juvenile detention center. How will I know that they will not be in danger? And what will they bring home to me? I have Lupus."

65. At 5:47 p.m., Hartman texted Ralph again, "These are good boys, please do not do this to them. Like I said, I will take their place!"

66. Ralph replied, "The boys will be in isolation and safe the facilities has strict guidelines."

67. Hartman rushed back to the drop-off location; however, the sheriff's deputies had already left with Carson and Conner.

68. Hartman saw Ralph and he stopped his car to speak to Hartman. When Hartman questioned how Ralph could do such a thing to her boys, Ralph stated, "I am just taking orders from Judge Grendell." Hartman replied, "So Judge Grendell is the one who ordered this?" Ralph replied, "Yes."

69. After a back and forth with Hartman, Ralph told Hartman that he's been doing this for 16 years now and has only seen something like this happen one other time.

70. As of May 29, 2020, the JDC was not allowing visitors due to COVID-19; consequently, the superintendent permitted the juveniles greater access to phone calls.

71. Moreover, under Juv.R. 7, a child placed in detention has the "right to telephone parents and counsel immediately and at reasonable times thereafter."

72. Respondent, through his chief probation officer, Beth Williams, ordered that JDC enforce maximum restrictions against Carson and Conner, including:

a. Prohibiting Carson and Conner from calling their mother, Hartman;

b. Only allowing phone calls to their father, Glasier;

c. Keeping Carson and Conner in isolation and in separate rooms;

d. Prohibiting any contact between Carson and Conner; and,

e. Physical checks every 15 minutes around the clock.

73. Upon receiving respondent's orders, Beth Williams contacted Denise Williams, a social worker at JDC and relayed respondent's orders.

74. The JDC Intake Sheet, which Denise Williams completed on May 29, 2020, contained the following fields:

Offered two calls at intake: Yes No

Comments:

75. Williams circled "No," and wrote in the comment section, "Calls not offered per Judge Grendell."

76. Because respondent had ordered "full restrictions" on Carson and Conner, JDC had to call in additional staff to implement respondent's orders regarding Carson and Conner.

77. Moreover, Denise Williams and JDC staff had to make special room arrangements to ensure that Carson and Conner could *not* see each other per respondent's orders.

78. At approximately 6:30 p.m., on May 29, 2020, Hartman contacted Denise Williams at JDC and provided her with Cassidy's phone number and Carson and Conner's grandmother's phone number.

79. Denise Williams contacted Beth Williams to request permission for the boys to call their sister and grandmother.

80. Beth Williams reiterated that respondent would only permit calls to the boys' father.

81. That evening, Hartman tried frantically to find a lawyer for Carson and Conner.

82. Later that evening, Hartman was able to retain Attorney Jay Crook ("Crook") to represent Carson and Conner.

83. Hartman contacted Denise Williams a second time and asked if Crook and her parish priest could visit Carson and Conner.

84. Denise Williams contacted Beth Williams to request permission for the boys to see their attorney and parish priest.

85. Beth Williams contacted respondent who granted permission for the boys to see their attorney, Crook, and their parish priest.

86. That same evening, when the GAL, Gazley, heard that the boys had been detained, she called JDC. Gazley explained that she was the GAL for Carson and Conner and asked to visit the boys. Denise Williams told Gazley that respondent prohibited any visitation except for the individuals identified above.

87. Carson and Conner remained in custody Friday night, Saturday night, and Sunday night. Per respondent's instruction, at no time were they permitted to see each other, or to visit or call their mother, sister, or their maternal grandmother.

88. Glasier never contacted JDC to check on his children.

Post-Detention Proceedings

89. On Monday morning, June 1, 2020, Carson and Conner were transported from JDC to respondent's courtroom in handcuffs for a detention hearing—informally known as a "lock-up" hearing.

90. Beth Williams, respondent's chief probation officer, contacted Natalie Harper ("Harper"), Assistant Geauga County Prosecutor, who at the that time, was the assigned juvenile

prosecutor, to inform her of the "lock-up" hearing scheduled for 10:00 a.m. Beth Williams told Harper that Harper was not "invited" to the hearing.

91. At the time of her contact with Beth Williams, Harper had no knowledge of the matter or that Carson or Conner had been detained for three nights.

92. When Harper advised the County Prosecutor, James Flaiz ("Flaiz"), of Beth Williams' call, Flaiz directed Harper to attend the hearing.

93. Upon arrival at respondent's courtroom, respondent's bailiff told Harper that respondent did not want her in the courtroom.

94. When Harper insisted, the bailiff checked with respondent, who confirmed that Harper was not permitted in the courtroom. Consequently, Harper did not attend the "lock-up" hearing.

95. Despite respondent's continuing personal involvement in the legal proceedings pertaining to Glasier, Hartman, Carson, and Conner, respondent failed to recuse himself from presiding over the *Glasier v. Hartman* custody case and the impending "lock-up" hearing for Carson and Conner.

96. On the morning of the "lock-up" hearing, respondent met with Crook and Attorney Jeffrey Orndorff ("Orndorff"), whom respondent had just appointed to represent Conner.

97. After meeting with Crook and Orndorff for almost an hour, respondent entered the courtroom and announced that under Juv.R. 9(B)[2] he was not going to hold a hearing and that he would informally screen the matter in the "best interest of the children."

[2] Ohio Juv.R. 9(B) states, "Screening; referral. Information that a child is within the court's jurisdiction may be informally screened prior to the filing of a complaint to determine whether the filing of a complaint is in the best interest of the child and the public."

98. Respondent indicated that Carson and Conner would have to sign a Diversion Contract; however, Hartman refused as she wanted to speak with a lawyer.

99. Respondent released Carson and Conner and rescheduled the hearing for Wednesday, June 3, 2020, at 1:00 p.m.

100. On June 1, 2020, at 11:48 a.m., Crook filed a *Motion to Stay* enforcement of respondent's May 28, 2020, order and a *Notice of Appeal*.

101. On the following day, June 2, 2020, Sgt. Gary Gribbons of the Geauga County Sheriff's Office sent an email to all Sheriff's Office Law Enforcement Sergeants and Deputies regarding the unlawful detention of the Glasier children. The email read:

> -------- Original message --------
> From: "Gribbons, Gary" <GGribbons@CO.GEAUGA.OH.US>
> Date: 6/2/20 1:56 PM (GMT-05:00)
> To: Sheriff Office Law Enforcement Sgts
> <SOLawEnforcementSergeants@CO.GEAUGA.OH.US>
> Cc: Sheriff Office Law Enforcement Deps
> <SOLawEnforcementDeps@CO.GEAUGA.OH.US>
> Subject: Juvenile Detentions
>
> We had an unusual incident the other day ref; a custody case involving two minor children refusing to go with their father. John Ralph was involved and contacted the Judge who ordered the two juveniles into custody and to be taken to Portage. There are a couple of issues that we need to be aware of in case this happens again. The only times we should be taking juveniles into custody or to portage is when;
>
> 1. we have had direct involvement with a juvenile via an unruly or delinquent issue and have PC for a charge and we contact the Judge directly for placement and he orders the juvenile into custody. His verbal ok, in conjunction with our charge, is satisfactory for placement. This is generally how we have been doing this.
> 2. we have an arrest warrant or written court order in hand from the judge to take the child into custody.
>
> In this abovementioned incident we had no charges and no PC for the lock up, simply the judges verbal order, which is not enough. Should a situation arise where the Judge orders someone into custody without a written court order or arrest warrant, contact me/and or the county prosecutor for guidance.

102. On that same day, June 2, 2020, Hartman went to the courthouse to apply for a court-appointed attorney to represent her in the juvenile proceedings; however, respondent had closed the juvenile and probate court at noon[3], so he could travel to Columbus, OH, to provide proponent testimony in support of HB 624 that his wife, Diane, was sponsoring in the Ohio House regarding the reporting of COVID-19 statistics by the Ohio Department of Health. *See* Count Four.

103. On Wednesday, June 3, 2020, respondent denied the *Motion to Stay* at 11:33 a.m.

104. On Wednesday, June 3, 2020, Hartman appeared at the hearing scheduled for 1:00 p.m.

105. At the hearing, respondent verbally appointed Leah Stevenson ("Stevenson") to represent Hartman in the Unruly matters and rescheduled the hearing to "sign the diversion contract" for Friday, June 5, 2020.

106. In the judgment entry appointing Stevenson, respondent stated, "It is further ordered that the [Hartman] complete a financial disclosure form to determine the eligibility to receive court appointed counsel. Those who do not qualify as indigent or who fail to comply with this order may be responsible for reimbursing Geauga County the costs of counsel."

107. Respondent made it clear to the lawyers that if Hartman did not sign the diversion contract, that the court would file a complaint charging Carson and Conner as Unruly children under R.C. 2151.022(A).[4]

108. Crook and Orndorff advised Hartman to sign the contract so that Carson and Conner could avoid being charged as Unruly children.

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[3] Respondent claimed to close the courthouse at noon due to a planned Black Lives Matter protest scheduled on Chardon Square; however, no other public office closed, and the protesters never met on the square.

[4] R.C. 2151.022(A) states that an unruly child is "any child who does not submit to the reasonable control of the child's parents, teachers, guardian, or custodia, by reason of being wayward or habitually disobedient."

109. Hartman, who had yet to speak with Stevenson, and citing her inability to abide by the terms of the diversion contract that dealt with payment of Dr. Neuhaus' fees, refused to sign it.

110. On June 5, 2020, Crook filed an *Emergency Motion to Stay the Judgment Entry of May 28, 2020* in the 11th District Court of Appeals.

111. On June 10, 2020 at 1:00 p.m., the 11th District Court of Appeals granted a temporary stay pending Glasier's response to the motion for stay within 10 days.

112. On June 11, 2020, at 2:21 p.m., at respondent's direction, Ralph, filed Unruly charges against Carson and Conner in respondent's court. *In re Carson Glasier,* 20JU111 and *In re Conner Glasier* 20JU112. Respondent set both matters for hearing on June 25, 2020, at 2:00 p.m.

113. The Unruly charge against each child read:

> In the County of Geauga, State of Ohio, on or about May 29, 2020 to, said child did not subject himself to the reasonable control of his parents, teachers, guardian or custodian, by reason of being wayward or habitually disobedient, to-wit: said child did not subject himself to the reasonable control of his mother when said child refused to go with father for Court ordered visitation, contrary to and in violation of 2151.022(A), UNRULY CHILD.

114. On or about June 11, 2020, Attorney Donovan DeLuca ("DeLuca") appeared for a hearing in juvenile court on an unrelated matter. DeLuca had no involvement in or knowledge of the *Glasier* custody or unruly matters.

115. Respondent approached DeLuca and advised him of what respondent described as the Glasier *custody* matter. Specifically, respondent told DeLuca that Glasier needed legal representation because he had been through the system without counsel and that respondent did not think Glasier had been treated fairly. Respondent asked DeLuca if he

would represent Glasier by filing a response to Hartman's *Emergency Motion to Stay the Judgment Entry of May 28, 2020,* in the *custody* matter, Case No. 19CU000279.

116. Respondent told DeLuca that he would appoint him to represent Glasier on the motion and that the court would pay DeLuca.

117. R.C. 2151.352[5] expressly prohibits a juvenile court from appointing counsel where the juvenile court exercises jurisdiction under R.C. 2151.23(D).[6]

118. At 2:42 p.m., respondent sua sponte appointed DeLuca to represent Glasier solely to respond to Crook's *Emergency Motion to Stay the Judgment Entry of May 28, 2020.* Glasier never requested a lawyer, nor was he indigent.

119. In the entry appointing DeLuca, respondent omitted any reference to Glasier being required to complete a financial disclosure form to determine his eligibility for court-appointed counsel.

120. Later, Glasier filed a pro se *Motion to Waive Financial Disclosure and Obligation* in Case No. 20 JU 000111, regarding respondent's appointment of Crook and Orndorff to represent Carson and Conner respectively.

121. In that motion, Glasier wrote, "Requiring the Father to reimburse or pay for the legal counsel in this case would be the same as requiring a rape victim to pay for the legal

[5] R.C. 2151.352 states, "A child, the child's parents or custodian, or any other person in loco parentis of the child is entitled to representation by legal counsel at all stages of the proceedings under this chapter or Chapter 2152. of the Revised Code. If, as an indigent person, a party is unable to employ counsel, the party is entitled to have counsel provided for the person pursuant to Chapter 120. of the Revised Code except in civil matters in which the juvenile court is exercising jurisdiction pursuant to division (A)(2), (3), (9), (10), (11), (12), or (13); (B)(2), (3), (4), (5), or (6); (C); (D); or (F)(1) or (2) of section 2151.23 of the Revised Code."

[6] R.C. 2151.23(D) states, "The juvenile court, except as provided in division (I) of section 2301.03 of the Revised Code, has jurisdiction to hear and determine all matters as to custody and support of children duly certified by the court of common pleas to the juvenile court after a divorce decree has been granted, including jurisdiction to modify the judgment and decree of the court of common pleas as the same relate to the custody and support of children."

deffence [sic] of her assailant." Respondent granted Glasier's motion but never waived Hartman's obligation to disclosure her finances.

County Prosecutor Declines to File the Unruly Charges

122. Upon receipt of the filed unruly charge, County Prosecutor, Flaiz, declined to prosecute the matter.

123. On June 19, 2020, Harper sent a "no-charge" letter to the Geauga County Sheriff's Office, which stated:

> My office is not filing Unruly charges against the juveniles. There is no evidence supporting Unruly charges against either of the juveniles. The report indicates this was a custody exchange as a result of an order issued in a private custody matter, case no. 19 CU 279. Please be advised that Unruly charges are not a remedy for allegedly failing to comply with a court order issued in a private custody matter.

124. On June 24, 2020, at 2:07 p.m., Hartman advised Stevenson that her family and friends had organized a prayer gathering at Chardon Square at 1:00 p.m. on June 25, 2020, in support of Carson and Conner, who were scheduled to appear before respondent on the same day at 2:00 p.m.

125. At 3:11 p.m., Stevenson responded, "Ok."

126. At approximately 3:41 p.m., Stevenson texted Hartman and told her that a court employee had just advised Stevenson that tomorrow's hearing would be moved from 2:00 p.m. to 10:00 a.m.

127. On that same day, June 24, 2020, at 3:50 p.m., respondent issued an order moving the June 25, 2020 hearing from 2:00 p.m. to 10:00 a.m.

128. On that same day, Hartman filed a *Request for Court Appointed Counsel* in the *custody* matter (19CU000279) in the 11th District Court of Appeals.

129. Despite having already notified Hartman's lawyer, Stevenson, in the Unruly cases of the scheduling change, respondent instructed his constable, Ralph, to personally serve Hartman.

130. As directed by respondent, Ralph went to Hartman's residence; however, she was not present.

131. At approximately 9:00 p.m., Ralph arrived at Chris Kostiha's ("Kostiha") home, located in Lake County, to serve Hartman with the notice of the rescheduled hearing.

132. Kostiha is Hartman's fiancé; however, he was not involved in the matters pending before respondent.

133. Kostiha informed Ralph that Hartman was not present and questioned why Ralph was at his home. Ralph remained at Kostiha's residence for approximately 25 minutes, despite several requests by Kostiha for Ralph to leave.[7]

134. The recorded encounter between Ralph, who was armed with a pistol on his hip, and Kostiha, was heated and intense. At one point, Ralph called Kostiha a "psycho."

135. Ralph eventually left Kostiha's property and, at approximately 9:55 p.m., Ralph arrived at Hartman's residence and served her with notice of the rescheduled hearing, which was set to begin 12 hours later.

The June 25, 2022 Hearing

136. Since Flaiz declined to pursue the Unruly charges that respondent filed, respondent, appointed Joseph Weiss ("Weiss"), to prosecute the Unruly charges against the Glasier

[7] Ralph was later charged with Trespass on Kostiha's property; however, Ralph was acquitted after a jury trial.

children.[8]

137. The entry appointing Weiss was filed at approximately 8:40 a.m. The hearing was set for 10:00 a.m. that same morning.

138. Upon learning that respondent had appointed Weiss to prosecute the case, Flaiz immediately called Weiss and told him that he was going to file a motion to have Weiss removed since Weiss was not the County Prosecutor.

139. When Flaiz asked Weiss why he was not at the hearing scheduled for 10:00 a.m., Weiss said that respondent had called him and stated that Weiss did not need to appear because respondent was dismissing the Unruly charges against Carson and Conner.

140. That same morning, June 25, 2020, Hartman appeared in court with Carson and Conner at 10:00 a.m. The vestibule was packed with people, many of whom were using their cell phones while waiting for court to begin. Upon arrival, the bailiff took Hartman's cell phone.

141. When Hartman asked the bailiff why she took her cell phone when it appeared everyone else in the vestibule was permitted to use their cellphone, the bailiff said she had been instructed to take Hartman's cell phone.

142. At the beginning of the hearing, the following exchange occurred between Orndorff and respondent:

> Orndorff: Your honor, I would like to ask for the State to dismiss the Unruly charges. I have done and I have tip-toed through some of the case law, and I haven't found any support for the proposition that Unruly charges are a remedy for the alleged failure to comply with a Court order in the private custody matter.

[8] On April 26, 2021, respondent created and adopted Local Rule 21(A)(4), which states: Denial of Allegations. If the Child denies the allegations in such complaint, then no attorney of the Geauga County Prosecutor's Office may assist the Court in presenting evidence, or otherwise participating in the legal proceeding, unless the Court directs the Geauga County Prosecutor's Office to do so by court order pursuant to Juv. R. 29(E)(1) rather than directing another attorney to do so.

> Respondent: But the Unruly charge isn't based on the Court order in the private custody matter. It's based on the two boys failure to follow the authority of their mother who told them to go on the visitation. And if you read the statute, that is flat out of a definition of Unruly. So in that respective, I don't—

143. There was no prosecutor or representative of the State at the hearing.

144. Despite the absence of a prosecutor, respondent informed the parties that he was dismissing the Unruly charges without prejudice; however, he insinuated that if the 11th District Court of Appeals denied the stay, respondent would refile the charges:

> But without prejudice means they can be refiled, and I will wait to see what the Court of Appeals does. * * *. So to avoid having this hanging over them officially during this period of stay, I will dismiss without prejudice today, but it may reoccur, depending on what the Court of Appeal does.

145. On the same day, respondent *sua sponte* added Kostiha as a party to the 19CU000279 custody case. In the entry, respondent stated, "The Court finds it to be in the children's best interest and hereby joins mother's *paramour*, Chris Kostiha, as a party to these proceedings pursuant to Juv. R. 2(Y)." (Emphasis added).

146. Respondent had been presiding over the custody case for 10 months and had never indicated that Kostiha was a necessary party to the matter, yet the day after Ralph's intense encounter with Kostiha, respondent added him as a party.

147. Five days later, on June 30, 2020, respondent sua sponte dismissed the Unruly charges "without prejudice," but immediately referred the matter for diversion, citing his alleged authority under Juv. R. 9.

148. In dismissing the Unruly charges that he filed through his constable, respondent issued a six-page journal entry in which he again chastised Hartman: "A court can work with parties to resolve matters for the child's best interest and public, however, when a party

frustrates their court ordered obligations, such process becomes futile. As a result of an unsuccessful referral process, a formal unruly complaint was filed."

149. Respondent further defended Glasier, stating, "Additionally, a false statement entered the public domain alleging that Glasier is a 'documented abusive father.' No such documentation is in the lengthy record of the case. There is no documentation or evidence that Glasier was arrested, charged or convicted of any abuse of the alleged unruly child or his siblings."

150. As stated in paragraph 10, in May 2017, the GAL had filed an ex-parte motion to suspend Glasier's parenting time based in part on Glasier's violent behavior toward Carson and Conner for which the Orwell Police Department had been called. Although Glasier was not arrested, his abuse toward Carson and Conner on February 26, 2017 was documented.

151. Moreover, Magistrate Heffter temporarily suspended Glasier's parenting time after the February 2017 incident on recommendation of the GAL. *Hartman v. Glasier*, Case No. 15DK000864, Geauga County Court of Common Pleas, Domestic Relations Division.

152. Finally, Dr. Afsarifard's March 2018 report contained detailed descriptions of the abuse the children suffered at the hands of their father, including the February 26, 2017 incident when Glasier allegedly slammed Carson against a wall.

Remand from the 11th District Court of Appeals

153. On June 3, 2020, two days after respondent released Carson and Conner from detention, Glasier filed a pro se *Motion to Vacate May 28, 2020 Order*; however, respondent never ruled on the motion. In the motion, Glasier raised six additional issues pertaining to parenting time, counseling, and parental alienation.

154. At the time Glasier filed the pro se motion, Crook had already filed an *Emergency Motion to Stay the Order of May 28, 2020,* in the 11th District Court of Appeals.

155. On July 8, 2020, the Court of Appeals issued a judgment entry remanding the case to the trial court "for the sole purpose of allowing the trial court to rule on [Glasier's] motion to vacate."

156. After remand, respondent held a hearing on July 23, 2020. During the hearing, respondent granted Glasier's motion to vacate respondent's May 28, 2020 order; however, respondent continued to address other issues raised in Glasier's motion, despite the clear mandate from the Court of Appeals to only address the motion to vacate.

157. Crook, the lawyer for Carson and Conner, and Annette Trivelli ("Trivelli"), the lawyer for Hartman, objected to respondent addressing any matters beyond the motion to vacate the May 28, 2020, order:

> Crook: --there is no objection to the vacation of the May 28, 2020 order. That's actually the subject of the appeal. With regard to anything else, your Honor, I do believe that the remand is limited solely to the vacate, not the other parts of that motion. And quite frankly, the fastest way to put an end to the appeals process and any procedural round and round, for lack of a better term, is simply to set it back up—
>
> Respondent: Well, you're wrong, counselor. The order says the Trial Court to rule on the Motion to Vacate. The Motion to Vacate is everything I just read to you.
>
> Crook: Your Honor—
>
> Respondent: The six paragraphs in that, and the Court of Appeals in no way bifurcated it. It's the Motion to Vacate.
>
> Crook: Your Honor, that's—it did not, and I don't believe this Court has any jurisdiction on the limited remand to make new orders. And—
>
> Respondent: I disagree with you. I have a right to rule on, according to the Court of Appeals, the entire Motion to Vacate.

158. Before the July 23, 2020 hearing on remand, respondent had learned independently that someone had organized a GoFundMe[9] page on Hartman's behalf to help with legal fees. The GoFundMe page was entitled, "Honor roll students incarcerated by Judge Grendell," with a picture of Carson and Conner with Hartman.

159. Even though neither party had brought the matter to respondent's attention, respondent, while holding a printout of the GoFundMe page, stated:

> The Court's prepared today to issue an injunction and [en]join mom and anybody connected with mom, including fiancé, from continuing to use the likeness or the names of the boys in anything with the public in connection with these proceedings.
>
> You can call me any name you want. You can use my likeness; you can march around the square. That's your right. I respect that.
>
> But my job is to protect your children despite the parents. And it's not in the best interests of these boys to be exploited to raise money. It's not in the best interests of these boys to be exploited and being told that they have been incarcerated, which they haven't.
>
> It's not in their best interests to be said that their father was an abuser when he isn't, and to do that in connection with their names is wrong.
>
> So I will either put the order on today enjoining anybody from using their name, likeness, description, directly or indirectly, in any publication because it's not in their best interests in connection with the Unruly proceedings or these proceedings, or you folks can agree to that and will do it by agreement.
>
> But that stops today. It's not about me. You can say anything you want. You've got a right to do that. But using their names or likenesses and saying that dad's abusive, which violates paragraph 16,[10] I might add, of the agreement that you signed, that stops today. So that much I think is important. You guys want to take a minute to think about it, or do you want me to just order it?
>
> * * *

[9] GoFundMe is an online fundraising platform.

[10] Respondent was referring to the August 9, 2018 Agreed Entry on Shared Parenting.

160. Respondent then directed his employee to find the address of the person who started the GoFundMe fundraiser. Respondent then stated to Hartman:

> While I'm on that, I'm looking at the GoFundMe thing, and the Court is going to ask you to address this issue on the date of our hearing, why the Clerk shouldn't take those dollars and use those to pay the public funds that have been paid for by the taxpayers for lawyers that have been appointed for your client and the sons, her two sons, so that's something for you to think about.
>
> And if those funds are spent before that date, the Court will consider a claw back. Number Two, as to the stuff in the GoFundMe, I don't know who Nancy Tishner[11] (phonetically) is, but there are so many false statements in this, I think for the record they need to be addressed.

161. Despite chastising Hartman for receiving court-appointed counsel for herself[12] and her sons at taxpayer's expense, respondent failed to mention that he personally solicited and appointed counsel (DeLuca) for Glasier, and ordered that DeLuca be paid with taxpayer dollars.

162. In fact, the day before the July 23, 2020 hearing, respondent authorized the Geauga County Juvenile Court to pay $1,980 to DeLuca for the reply brief he filed on behalf of Glasier, who was not eligible for court-appointed counsel, never requested a lawyer, and who was not indigent.

163. On July 28, 2020, respondent called Hartman's lawyer, Trivelli, ex parte, and questioned why Hartman had not removed the GoFundMe page. Trivelli advised respondent that she was waiting for respondent's order, since Trivelli did not take notes at the hearing. Respondent advised Trivelli that he would issue the order the following day.

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[11] Nancy Tichenor, a friend of Hartman's from out-of-state organized the GoFundMe page.

[12] Respondent appointed Leah Stevenson to represent Hartman in the Unruly cases; however, Stevenson withdrew after the initial court appearance.

164. The following day at 7:14 a.m., respondent issued the order, which exceeded the scope of the Court of Appeal's mandate on remand. In addition to vacating the May 28, 2020 order, respondent also:

- Set the matter for an evidentiary hearing on October 12, 2020 to address "whether visitation between Glasier and Carson and Conner is in the children's best interests."
- Ruled that the April 22, 2020 visitation order was in effect, but subject to a stay;
- Ordered that Hartman and Glasier agree to not use or publicly disseminate or display the likeness or image of Carson and Conner in regard to this and any related proceedings.

165. On August 10, 2020, the Court of Appeals denied Hartman's request for appointed counsel. See paragraph 102. In a concurring opinion, Judge Mary Jane Trapp wrote:

> Inasmuch as the trial court entered a June 15, 2020 order appointing Attorney Donovan Deluca as counsel for appellee, Grant Glasier, for the "limited purpose of responding to the motion for stay" filed in this court, I can understand why Ms. Hartman believes she is entitled to court appointed counsel; however, the statutory exception to R.C. 2151.352 is clear and unambiguous. Neither parent is entitled to have counsel provided by any court.

The ABC News 5 Cleveland Story

166. On or about September 14, 2020, Sarah Buduson ("Buduson"), a reporter for ABC News 5 Cleveland, contacted respondent via email about a story she was planning to air regarding respondent's actions in detaining the Glasier boys. Respondent denied Buduson's multiple requests for an interview.

167. Two days later, and before Buduson' s story broke,[13] respondent transferred the custody case, 19CU000279, to the Geauga County Court of Common Pleas, Domestic Relations Division.

[13] ABC News 5 Cleveland ran Buduson's story on October 8, 2020.

168. In the entry transferring the matter to the Domestic Relations Division, respondent continued citing Dr. Afsarifard's outdated, and unchallenged report from March 2018, despite respondent's appointment of Dr. Neuhaus in 2020. Moreover, respondent continued to chastise Hartman. In the entry he stated:

- Hartman, *with the benefit of two attorneys,* entered into an Agreed Judgment Entry in the Geauga County Court of Common Pleas; (Emphasis added).
- Unfortunately, it appears that Father's parenting time/visitation has been frustrated—partly by actions of Mother and the children—and the process, which had been agreed to under the Agreed Judgment Entry to reunify and reestablish Father's relationship with the children, has subsequently not yielded the intended result.

169. Despite having presided over the custody matter for almost 13 months, and having inappropriately set the matter for a "full evidentiary hearing" on October 12, 2020, respondent claimed in the entry that the Domestic Relations Division was suddenly the proper forum to decide the dispute:

> Since the matter between Mother and Father originated in Geauga County Court of Common Pleas, Domestic Relations Division, and the Agreed Judgment Entry was rendered by that Court, it is best situated to decide, in the best interest of the children, whether Mother or Father has or has not abided by the Agreed Judgment Entry, and if not, what appropriate actions are warranted. R.C. 2151.235.

170. Respondent's conduct in Count One violates:

- Jud.Cond.R. 1.2 [A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety];

- Jud.Cond.R. 2.2 [A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially];
- Jud.Cond.R. 2.9(A) [A judge shall not initiate, receive, permit, or consider ex parte communications];
- Jud.Cond.R. 2.11 [A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned];
- Jud.Cond.R. 2.11(A)(7)(c) [A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned including when the judge was a material witness concerning the matter]; The basis for this violation relates to respondent instructing Hartman, through Ralph, to order the Glasier children to visit with their father, then ordering their detention when the children refused.; and,
- Prof.Cond.R. 8.4(d) [A lawyer shall not engage in conduct that is prejudicial to the administration of justice].

Count Two

The Kimberly Page Matter

171. Kimberly Page ("Page") and Richard Sherrick ("Sherrick") never married but had two children together: SS and JS, while they were both living in New York.

172. JS was born in 2014, while SS was born in 2016. JS is asthmatic and on the spectrum for autism.

173. In or around July 2016, Page and Sherrick moved to Geauga County, Ohio.

174. At that time, Page had always had custody of JS and SS, and Sherrick had never established paternity, although he was listed on the children's birth certificates as their father.

175. In August 2017, Page left Ohio with JS and SS and moved to her hometown in Texas.

176. On September 5, 2017, Sherrick filed *a Motion to Determine Rights and Responsibilities* in the Geauga County Juvenile Court, *Sherrick v. Page*, Case No. 17CU000241.

177. On that same day, Sherrick also filed an *Emergency Motion for Custody* alleging that Page had absconded with JS and SS and moved to Texas without Sherrick's knowledge or consent.

178. Later that day, respondent granted the motion awarding temporary custody to Sherrick and named Sherrick the legal custodian and residential parent during the pendency of the matter. Respondent set the matter for a full hearing on September 15, 2017.

179. On September 15, 2017, Sherrick appeared with counsel for the hearing, but Page did not. Page had never been served with notice of the hearing.

180. With Sherrick present, respondent telephoned Page on her cell phone. Page told respondent that she was represented by Attorney Melanie GiaMaria ("GiaMaria"). Respondent ignored Page's requests that he speak with her lawyer and told Page that if she did not return the children, he would write a writ of habeas corpus and the children would be returned to Ohio and that Page would be arrested. Page repeatedly asked respondent to contact her lawyer, GiaMaria.

181. Shortly thereafter, respondent's constable, John Ralph, called GiaMaria and advised her that respondent had set the matter for an attorney-only conference with the lawyers on September 19, 2017.

182. After the attorney-only conference, on October 18, 2017, Page, through her lawyer, GiaMaria, filed a *Motion for Reconsideration and a Motion to Hold Decision in Abeyance Pending Investigation.*

183. Respondent granted Page's motion and set the matter for a hearing on October 24, 2017.

184. Before the hearing, GiaMaria filed a motion asking respondent to excuse JS and SS from appearing with Page for the October 24, 2017, hearing, as GiaMaria and Page did not want to expose the children to the proceedings.

185. Respondent granted the request but required Page to provide the court with the exact location of the children and contact information.

186. On or about October 23, 2017, Page traveled from Texas to Ohio for the hearing. Page had made arrangements for her best friend's mother, Jean Miller, to care for the children in Page's hotel room while Page attended the hearing. Page, through GiaMaria, had previously notified the court of the location where the children would be during the hearing and the contact information of the children's caretaker.

187. Before the hearing started, respondent had dispatched his constable, Ralph, to the hotel where Miller was caring for Page's children.

188. During the hearing, respondent ordered temporary custody of JS and SS to the Geauga County Job and Family Services ("GCJFS").

189. Ralph, who was at the hotel at the time of the order, physically removed the children (ages three and one) from Page's caretaker before the hearing ended.

190. Ralph delivered the children to GCJFS, who then delivered the children to Sherrick's elderly mother, Bonnie Sherrick ("Bonnie"). Before that day, the children had never had a relationship with Bonnie.

191. GiaMaria was so distressed by respondent's decision to place the children with GCJFS that she advised Page that she could no longer effectively represent her. GiaMaria withdrew from representing Page on October 31, 2017.[14]

192. The children remained with Bonnie for approximately six months.

193. After Sherrick and Page submitted to court-ordered psychiatric evaluations, and participated in GCJFS's investigation, GCJFS concluded that there was no basis to preclude the children's placement with either parent.

194. On March 12, 2018, respondent terminated temporary custody with GCJFS and returned the children to Sherrick and Page under a temporary shared parenting agreement.

195. On April 19, 2018, Sherrick and Page, through counsel, advised respondent that they had reached an agreed shared parenting plan under R.C. 3109.04.

196. On June 5, 2019, Page, through counsel, filed a *Motion to Terminate Shared Parenting Plan*, seeking to be named the children's sole residential parent and legal custodian.

197. On June 24, 2019, Page filed a *Motion to Appoint Expert for Custody Evaluation.*

198. After several continuances, respondent held a hearing on September 23, 2019 to address Page's motions. However, just before the hearing, the parties advised respondent that they had reach a resolution; consequently, respondent adopted a New Shared Parenting Plan, effective September 24, 2019.

199. On March 9, 2020, Ohio Governor, Mike DeWine, declared a state of emergency due to the COVID-19 pandemic.

[14] On or about November 9, 2017, Attorney John Ramsey ("Ramsey") entered his appearance on behalf of Page.

200. On May 8, 2020, Sherrick filed an *Emergency Ex Parte Motion for Custody* claiming Page declined to surrender the children for his shared custody time by raising unsubstantiated claims of COVID-19 exposure to hinder the parties' shared custody schedule.

201. That same day, May 8, 2020, respondent called Page on her cell phone, despite knowing that Ramsey represented her. During the call, respondent instructed Page to return the children to Sherrick or he would have her arrested. Page told respondent that she would not speak to him and that he needed to speak with her lawyer.

202. Respondent then called Ramsey and advised him that Page needed to return the children to Sherrick.

203. Immediately, Ramsey called Page and instructed her to return the children to Sherrick. Page complied.

204. On June 29, 2020, respondent held a pretrial hearing on Sherrick's motion.

205. During the hearing, respondent stated:

> Pardon me for being little skeptical when I've got 15 or more women coming in here, some guys, saying that they shouldn't go see their other parent because of COVID-19.
>
> And back in March, I was okay with that, when nobody knew exactly what COVID-19 was. But in Ohio, we had our first person under 30 die last week. She was 19 years old, living in a nursing home with acute health issues and immune disorders.
>
> So even in her case, she was the exception not the rule. And there's no evidence that six year olds are getting it. Heck, there were tests that say they can't even give it to somebody. There's a model, and we all know how great these models have been, that say that you can.
>
> But there's three life studies that says you can't. And more importantly, even if they gave it to a 30 and 45 year old parent, the likelihood of them being critically ill is slim and nil, and I don't know if you've got grandparents who you are taking the kids to, that are in nursing homes that

> you might kill? Has she got grandparents in a nursing home that she might take the kids to?
>
> And I don't know how you would get in right now anyhow. You can't get into the nursing homes.
>
> But I mean, the fear factor here in March made sense. In almost July 1st, it's not doing much for me.

206. During the hearing, respondent referred to COVID-19 as the "COVID-19 panic-ademic."[15]

207. On July 2, 2020, respondent issued a judgment entry detailing the parenting schedule through September 8, 2020.

208. On August 26, 2020, the parties entered into a shared parenting agreement, which the court accepted.

209. On Wednesday, September 23, 2020, while JS was with Sherrick pursuant to the shared parenting agreement, JS encountered difficulty breathing. JS's pediatrician recommended that he be brought to the emergency room or an urgent care facility. With Sherrick's consent, Page picked JS up from Sherrick's home and brought him to the emergency room. While there, hospital personnel administered a COVID test for JS.

210. On September 24, 2020, Sherrick, acting pro se, filed a hand-written *Emergency Ex Parte Motion* seeking temporary sole custody and legal custody of JS and SS. In support of the motion, Sherrick wrote, "This has been an ongoing pattern of the mother not returning the children during the Covid pandemic. Mother has not been following the most recent parenting orders from 8/26 and has been making unilateral decisions regarding the children and has resulted in missed hours/days at school already."

[15] On several occasions in 2020, respondent spoke publicly about COVID-19, oftentimes downplaying the risks and floating unsubstantiated theories, thus calling into question his impartiality.

211. Sherrick also wrote, "I am requesting the Court to have mother return my oldest child, JS, immediately and discuss placing the children solely in my possession and having all medical making decisions."

212. While Sherrick was physically filing the motion in the court, he spoke ex parte with respondent, who placed a telephone call to Page on her cell phone, despite respondent's knowledge that Page was represented by Attorney Kyleigh Weinfurtner ("Weinfurtner").[16] In Sherrick's presence, respondent left the following message on Page's cell phone:

> Respondent: If this is Kimberly Page, this is Judge Tim Grendell from the Geauga County Juvenile Court. Mr., uh, Richard Sherrick has filed a motion seeking the return of the two children, [JS] and [SS], uh, pardon me?
>
> Sherrick: Just [JS].
>
> Respondent: Oh, I'm sorry, just [JS]. Uh, apparently, you still have them past your designated parental time period. Uh, if I don't hear from you by noon today at 440-279-1830, 440-279-1830, if I don't hear from you from noon today, we will set this for a hearing, uh, immediately so that we can get a court order complied with. Um, I certainly would like an explanation and I don't believe COVID at this time period is a, uh, a legitimate one unless you have a positive COVID test result for somebody. Please call me or else we'll set this up for hearing. Thank you. Have a great day.

213. On the evening of September 24, 2020, Page met Sherrick to deliver JS to Sherrick; however, when she arrived, she decided not to leave JS with Sherrick and left. Shortly thereafter, Page spoke to her lawyer who advised her to deliver JS to Sherrick. Page complied and delivered JS to Sherrick later that night at the Chardon Police Department.

[16] Ramsey withdrew from representing Page on September 17, 2020.

214. Between September 24, 2020, when respondent met ex parte with Sherrick, and October 2, 2020, respondent had no contact with either party nor had he obtained any additional information through the court proceedings.

Respondent Precludes COVID-19 Testing Without Court Approval

215. On October 2, 2020, respondent, on his own motion, issued a sua sponte judgment entry in which he stated, "This matter comes on the Court's own motion. The Court finds that it is in the best interest of the children for neither parent to have [JS and SS] undergo COVID-19 testing, without Court approval, pending further hearing from this Court."[17]

216. Respondent set the matter for a hearing on November 4, 2020, at 11:00 a.m.

217. On or about October 31, 2020, JS was at home with Page when he began having difficulty breathing. Page called Sherrick and informed him that JS would be staying overnight since JS was not feeling well.

218. Aware of respondent's order preventing COVID-19 testing, Page reached out to her lawyer for guidance, as illustrated below:

Page:	James is sick. See iCloud Drive. Now what?
Weinfurtner:	We can discuss on Monday. The iCloud does not show there is any emergency and the temperature is fluctuating. See how he does this weekend and touch base Monday.
Page:	He is audibly wheezing and having an asthmatic and allergic response. That's a no go. After meds. We will not revisit on Monday. I will properly tend to the health of my child. And 100 and 99.9 is not a fluctuation.
Weinfurtner:	You are not prohibited from taking him to a doctor. Just don't have a covid test done.

[17] [JS] had been tested three times for COVID before November 2, 2020. On two occasions, he was admitted to the ACH ER for breathing difficulty associated with his asthma. On the third occasion in June 2020, the Cleveland Clinic administered a COVID test due to James' difficulty breathing. Page had never *requested* a COVID test for [JS].

Page: I called for an appointment for him. They don't have weekend hours. They sent me to the nurse on call. She heard him breathe and talked to him. He told her that there are 5 kids at school sick walking to the bathroom to try to vomit with runny noses. He said he feels like he can't breathe. She told me he has to go to the ER and she sent a note to his Dr.

I haven't contacted Richard. I don't know what to do here. My hands are so tied all around me.

If I take him to an ER right now I would essentially be knowing that they would want to test him for covid. She also mentioned strep throat testing.

I'm stuck between a rock and a hard place.

Weinfurtner: There is nothing more that I can tell you. You are not prohibited from taking the kids to the doctor. There is an explicit court order prohibiting you from having them tested for covid without receiving an order from the court to do so.

It is imperative that you communicate with Richard if you believe the kids need immediate medical attention. You and Richard need to make decisions together about what is to occur, or not.

Page: I'll give him a call.

I'm not a pediatrician or a pulmonologist or an MD/DO. I just know what I was told to do. And told not to do. And I'm scared and confused.

Weinfurtner: Jennifer and I are not medical professionals in anyway, we are family law attorneys. We can, and will, only provide advice in our capacity as your family law attorneys.

There is a court order prohibiting you and/or Richard from having the children tested for covid without prior order of court. It's Saturday at 7:00 EST. We will not get in touch with the court or Bob today. We will not advise you in anyway to violate a court order.

You are not prohibited from getting medical care for your children. You do have to communicate openly and regularly with Richard if you believe medical attention is appropriate. You and Richard are

> to agree as to how to proceed or not. Ideally, these communications would be in writing.
>
> This is all we can say about this issue.

219. That evening, Sunday, November 1, 2020, as directed by Weinfurtner, Page called Sherrick and advised him that she was going to keep JS overnight due to his labored breathing and that she would take JS to the pediatrician the following day.

220. On November 2, 2020, Page, with Sherrick's knowledge and consent, and after being instructed by JS's pediatrician, took JS to Akron Children's Hospital ("ACH"), where he was admitted and kept overnight. While in the hospital, medical professionals administered multiple breathing treatments to JS.

221. Upon entering the ER, Page provided ER personnel with respondent's October 2, 2020, entry prohibiting COVID-19 testing without court approval; however, ACH medial staff administered a respiratory viral panel, which included a COVID-19 test under its protocol.

222. Due to COVID-19, ACH would not allow other children in the hospital; consequently, Page dropped her younger child, SS, off at Bonnie's (Sherrick's mother) home.

223. On that same day, November 2, 2020, at 1:33 p.m., Sherrick, through counsel, filed another *Emergency Ex Parte Motion* asking that the court grant temporary exclusive custody to Sherrick. The motion stated, "The defendant, Kimberly Page, continues to disregard this Court's Orders and unilaterally keeps the children and not return them to the Plaintiff for his parenting time."

224. In the accompanying affidavit, Sherrick claimed, among other things, that "The Defendant has failed to take JS to school today, November 2, 2020, and he is absent, which is unexcused."

225. On November 2, 2020, at approximately 4:45 p.m., Ralph and two Stark County Deputies appeared at Page's home; however, Page was at ACH with JS.

226. On November 3, 2020, at 3:20 p.m., respondent issued a Writ of Habeas Corpus directing "The Sheriff of Summit County and all local Summit County Local Police Departments" to assist his constable, John Ralph, in delivering JS and SS to Sherrick "who has been awarded custody of said children."[18]

227. Respondent authorized his constable to take custody of JS and SS.

228. On that same day, November 3, 2020, Ralph drove to Page's home and entered her garage, which was attached to her home, with a pistol on his hip and tried to obtain information from Page's housekeeper.

229. Ralph called Page and left a message on her voicemail stating that he was in her garage and that he might be forced to enter Page's home if Page did not contact him.

230. Ralph contacted Page's husband, who worked as a physician at the Cleveland Clinic; however, he refused to speak with Ralph.

231. Ralph then texted Page, who was at ACH with JS, and had been since the previous day:

Ralph:	Please contact me immediately or the Judge is going to have arrest warrant out for you and your husband.
Page:	I'm sorry, who is this?
Ralph:	The Constable John
	I'm @ your house waiting for you
Page:	Please give me the number of Akron Children's Hospital Social Work to call
Ralph:	My # 216-390-0464

[18] Respondent initially issued the Writ at 2:21 p.m., but it was issued to *Stark* County Law Enforcement Personnel, which was where Page lived. ACH is located in *Summit* County.

Are @ hospital?

Page: Yes sir..

Social work will call you shortly.

Ralph: 

232. Upon information and belief, Ralph advised respondent that Page was in ACH with JS.

233. That same day, respondent instructed Ralph to physically seize JS and SS; consequently, Ralph went to ACH and physically removed JS from the hospital. Ralph then traveled to Sherrick's mother's home and physically removed SS from her home and delivered both children to Sherrick.

234. On November 3, 2020, respondent issued a judgement entry suspending Page's custodial rights and parenting time until further order of the court. Respondent set the matter for a full hearing on November 6, 2020.

235. On November 9, 2020, respondent issued a Summons and Order to Show Cause ordering Page to appear on November 20, 2020, at 9:00 a.m., and show cause why she should not be held in contempt of court for failing to abide by the parenting time agreement and "for failing to abide by the order prohibiting COVID-testing, unless approved by the Court first. *See* Exhibits."

236. On November 18, 2020, respondent, on his own motion, converted the hearing scheduled for November 20, 2020, to a telephonic attorney-only conference call at 8:55 a.m. and rescheduled the in-person hearing to December 19, 2020.

237. On November 20, 2020, respondent issued an interim order regarding COVID testing: "If either parent believes their child(ren) is showing symptoms of COVID-19 the custodial

parent, shall contact their primary pediatrician at the Cleveland Clinic. Upon the doctor's recommendations, the parent shall follow the pediatrician's recommendation if a COVID test is warranted…"

238. Shortly thereafter, respondent arranged for a visiting judge due to his impending vacation. Thereafter, respondent recused himself from Page's case. The show cause hearing regarding Page's failure to obtain court approval to have JS tested for COVID never occurred.

239. Respondent's conduct in Count Two violates:

- Jud.Cond.R. 1.2 [A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety];
- Jud.Cond.R. 2.2 [A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially];
- Jud.Cond.R. 2.4(B) [A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment]; and,
- Jud.Cond.R. 2.9(A) [A judge shall not initiate, receive, permit, or consider ex parte communications].

Count Three

Dispute at the County Auditor's Office

240. Charles Walder ("Walder") was appointed the Geauga County Auditor on April 3, 2018. He was elected to a four-year term on November 6, 2018.

241. Almost immediately, Walder and respondent clashed over the auditor's policy for approving vouchers for court vendors. The dispute, which was public knowledge, worsened over time.

242. On June 27, 2019, Kimberly Laurie ("Laurie"), respondent's court administrator, and Seth Miller ("Miller"), respondent's compliance officer, entered the Geauga County Auditor's Office to sign court vouchers. The Auditor's Office is located on first floor of the Courthouse Annex. The probate court is located on the second floor of the Courthouse Annex.

243. Previously, Walder had advised respondent in writing that respondent's employees were not permitted in the Auditor's Office due to the disrespectful manner in which respondent's employees treated Walder's staff.

244. While in the Auditor's Office, a dispute arose between Laurie and Miller and Pam McMahan ("McMahan"), an employee of the Auditor's Office, regarding vouchers and payments to vendors.

245. At some point, Miller removed approximately 16 vouchers from the Auditor's Office, despite McMahan's directive that Miller was not permitted to leave the office with the vouchers.

246. McMahan informed Walder that Miller had removed the vouchers; consequently, Walder's compliance officer, Attorney Katherine Jacob ("Jacob"), called the Chardon Police Department ("CPD") to report a theft of the auditor's records.

247. Officer William Bernakis of the CPD responded to the call.

248. After assessing the situation, Officer Bernakis proceeded upstairs in the courthouse to speak with Laurie and Miller.

249. While upstairs, Officer Bernakis spoke to respondent and advised him of the situation. Bernakis told respondent that Walder wanted the vouchers returned. Respondent instructed Miller to return the vouchers to Walder with Officer Bernakis' assistance.

250. Miller and Laurie returned the vouchers in Officer Bernakis' presence; however, they remained at the counter of the Auditor's Office, at which time an employee accused Miller and Laurie of trespassing.

251. To mitigate the dispute, Officer Bernakis asked Laurie and Miller to step outside.

252. At that point, Lieutenant Troy Duncan of the Chardon Police Department arrived and took over the investigation after being briefed by Officer Bernakis.

253. Lt. Duncan advised all parties that he did not believe that the incident warranted criminal charges since they were all county employees arguing about county property (i.e., the vouchers).

254. Lt. Duncan asked Laurie and Miller to return to work while he spoke to members of the Auditor's Office.

255. While in the Auditor's Office, Lt. Duncan gathered information from those present, including McMahan, Jacob, and Walder.

256. The Geauga County Prosecutor, James Flaiz, whose office is two floors above the Auditor's Office, arrived and spoke with Lt. Duncan. Flaiz advised Duncan that the Auditor had the right to instruct Laurie and Miller that they are not allowed in the auditor's office and suggested a letter be sent memorializing the directive.

257. Flaiz advised that any potential charges against Laurie and Miller would be misdemeanors and that the CPD should prepare a report and send it to the Chardon Law

Director/Police Prosecutor, Jim Gillette ("Gillette") for review of any potential criminal charges.

258. Lt. Duncan then proceeded upstairs to speak with Laurie and Miller; however, he was advised that Laurie and Miller had returned to the Auditor's Office.

259. Lt. Duncan entered the Auditor's Office and asked Laurie and Miller to step outside.

260. Once outside, Lt. Duncan explained that Laurie and Miller were not allowed in the Auditor's Office or there could be potential trespassing charges, and that Lt. Duncan was going to speak with Gillette about theft charges for removing the vouchers. Lt. Duncan pleaded with Laurie and Miller to not return to the Auditor's Office, as it would put the CPD in a difficult position.

Respondent Confronts Lt. Duncan Outside the Auditor's Office

261. While Lt. Duncan was speaking with Laurie and Miller, respondent, dressed in his black judicial robe, came walking down the sidewalk toward Lt. Duncan, Laurie, and Miller.

262. Lt. Duncan shook respondent's hand, and then respondent started yelling and pointing at Lt. Duncan stating that respondent was going to issue an order stating that his employees were allowed to interact with public official to conduct court business and that anyone who interferes, including law enforcement, would be held in contempt of court.

263. When Laurie said that Lt. Duncan had just advised her and Miller that they were not permitted in the Auditor's Office, respondent yelled at Lt. Duncan that respondent's order pertained to Lt. Duncan and that respondent would issue a warrant for him.

264. Respondent was yelling so loudly that staff inside the Auditor's Office could hear respondent. A restaurant employee across the street provided a statement, stating, "I was sweeping the patio at Square Bistro and heard a man in a judge robe yelling at a police

officer a few doors down. Couldn't hear what they were saying but the man in the judge robe was loud and pointing at officer."

265. When Lt. Duncan tried to speak with respondent, respondent walked away and yelled that he did not care what Lt. Duncan had to say.

266. Shaken, Lt. Duncan returned to the Auditor's Office and informed Walder, Jacob, McMahan, and Flaiz, that respondent had threatened him with contempt and an arrest warrant.

267. Security cameras captured video of the incident inside and outside of the Auditor's Office; however, there was no audio.

Respondent Confronts CPD Chief Scott Niehus

268. Immediately following the incident at the Auditor's Office, respondent appeared unannounced at the CPD and spoke to CPD Police Chief Scott Niehus ("Niehus").

269. Before that day, Niehus had never seen respondent at CPD.

270. During the conversation, respondent threatened Niehus and the CPD with a federal lawsuit if any of Niehus' employees interfered with respondent's employees. Respondent stated to Niehus, "I would hate to see the CPD tied up in a 1983 action in federal court." [19]

271. On the same day, in the early afternoon, respondent called Gillette, who was responsible for reviewing the incident to determine if there would be criminal charges against Laurie and Miller. At the time of respondent's call, Gillette had no knowledge that an incident had occurred earlier in the day at the Auditor's Office.

[19] 43 U.S.C Section 1983 refers to a lawsuit alleging an unlawful deprivation of one's civil rights.

272. On the call, respondent told Gillette, "If the CPD continues to interfere with court business, I will issue a warrant for Lt. Duncan's arrest."

273. After the call, Gillette learned from Niehus that respondent had threatened Niehus with a Section 1983 action.

274. Gillette reached out to Lt. Duncan to reassure him that, in Gillette's opinion, respondent would not issue a warrant for his arrest, despite what respondent had told Gillette on the phone call.

275. Gillette, as the attorney for CPD, advised Niehus and Lt. Duncan not to respond to these types of work-related disputes in the future.

276. Later that day, Walder sent a letter to respondent advising respondent that Laurie and Miller were not permitted in the Auditor's Office. Moreover, Walder advised respondent, "We have turned this entire matter over to local law enforcement for disposition."

277. In response, respondent sent a letter to Walder, and copied Gillette, the Chardon Law Director responsible for reviewing Lt. Duncan's report regarding possible criminal charges against Laurie and Miller.

278. In his letter to Walder, respondent stated, in part, "The order will clearly provide that anyone who attempts to impede upon Court staff's ability to perform their official duties on behalf of the Court, would face potential contempt proceedings and sanctions."

279. On July 1, 2019, respondent, sua sponte, issued Administrative Order 2019-183 (Juvenile) and 2019-83 (Probate), stating, in part, "Any person who unlawfully attempts to interfere with or impede upon Court staff's ability to perform their official duties on behalf of this Court, will be subject to the Court's authority to enforce its orders."

280. On July 10, 2019, respondent wrote a letter to Lt. Duncan stating, "I am writing to apologize to you if you mistook my explanation of the procedures I was going to take to assure my Court personnel could still conduct statutorily required official court business in a public area within a public office as a threat."

281. On the same day, Laurie and Miller wrote a letter to Walder apologizing for the incident that occurred on June 27, 2019.

282. On July 11, 2019, the Geauga County Maple Leaf Newspaper published an article entitled, "Threats, Investigations Continue in Grendell/Walder Row." In the article, the reporter noted, "Charges have not been filed in the auditor's misdemeanor complaint against Laurie and Miller for theft of paperwork, although Chardon Police Prosecutor Jim Gillette said he could not comment on an ongoing criminal investigation. According to sources familiar with the investigation, prosecutors are discussing having a special prosecutor appointed to review the matter."

283. On July 17, 2019, Gillette asked Laurie and Miller via email to provide signed statements of the events that transpired on June 27, 2019.

284. The following day, July 18, 2019, Laurie and Miller provided signed, written statements to Gillette.

Respondent's Speech to the Geauga County Tea Party

285. Respondent knew that CPD was actively investigating the matter and that Gillette was in the process of deciding on whether to pursue criminal charges. Nonetheless, on July 23, 2019, respondent appeared at a Tea Party event with a prepared PowerPoint presentation entitled, "Just the Facts," along with the video of the June 27, 2019 incident that was captured by security cameras.

286. During his remarks to the audience, respondent made disparaging remarks about Walder, Flaiz, and the media, and commented publicly about the June 27, 2019 incident, which respondent knew was under investigation for potential criminal charges. In fact, a special prosecutor eventually filed criminal charges against Laurie and Miller in the Chardon Municipal Court against Miller and Laurie.

287. During his speech, respondent acknowledged that there was an ongoing criminal investigation and cast false aspersions on the County Prosecutor and the County Auditor. Respondent suggested that Auditor Walder had committed a crime but would not face prosecution due to his relationship with Prosecutor Flaiz:

> I have to say I'm disappointed that [Walder's] not here because I would like to have a chance to talk to him about some of these events and I find his excuse that there's some sort of criminal proceeding highly questionable because, number one, he's not being investigated, he won't be investigated because he's protected by his buddy the county prosecutor.

288. In his effort to mislead the audience into thinking that the auditor and his compliance officer were making unfounded criminal allegations against respondent and his staff, respondent stated:

> It's a page out of the –it's a page out of the Obama/Mueller handbook. The articles I was reading in the last Maple Leaf about, about special prosecutors brought back all the images of Mueller running around and, and misuse of authority. There's nothing for a special prosecutor to do except waste taxpayers' money.

289. Respondent falsely claimed Walder's "conduct constitutes intimidation, which is a felony of the third degree."

290. During his biased and misleading explanation of his feud with Walder, respondent again maligned Flaiz stating, "So I asked our beloved county prosecutor to help us get our bills paid."

291. Respondent maligned the press, stating "...so that I will be vilified by those wonderful papers like the "Maple Leaf Rag."

292. During his presentation, respondent made several additional false statements:

- And, number two, the idea that there's some sort of investigation hasn't stopped [Walder] from talking to the Maple Leaf or The Courier or the Chagrin Valley Times and it's interesting he'll hide behind the ability to put things in the paper, but not show up and take your invitation to be able to answer for his conduct.
    - Walder never spoke to the press about the incident.
- Remember Mr. Shaefer and the Chelsea Gardens, six months after [Walder] wouldn't pay him, the state auditor finally issues this opinion that all his allegations aren't true and that the vendor should be paid. He cut the check for Mr. Shaefer and then sat on the check for three more weeks before he would release it to Mr. Shaefer, even though there was no legal basis to sit on that payment. It was just sort of punishing Mr. Shaefer and us for, you know, trying to challenge his authority.
    - Shaefer's invoice was delayed following the Auditor of State's review, because it was determined to be non-compliant with R.C. 5705.41(D). In order for the Auditor to legally pay Shaefer, respondent's court had to correctly process a Then-and-Now Purchase Order to bring the encumbrance into compliance.
- The frustration is this: We've had over 100 legitimate court expenditures that either have not been paid or payment's been substantially delayed. The problem is when we ask why, we're not told why. We can't even cure the problem because when we ask what is the problem, we don't, in most cases, we're not told what the problem is.
    - With every returned voucher, the Auditor provided a cover sheet explaining the reason for the denial along with a recommended solution.
- And we asked our prosecutor to help us and, instead, he's advised, he's advised the, the county auditor that they should file criminal charges against us and pursue special prosecutors and waste lots of taxpayers' time and money.
    - Flaiz never advised Walder or anyone at the Auditor's Office to pursue criminal charges. Rather, Flaiz advised the police to submit a report to the police prosecutor, Gillette, so that Gillette could determine if crimes were committed.

- This film has been doctored by the auditor's office…Number two, it has subtitles that were not there, they were added by the auditor's—some of them not correct, all of them self-serving.

    - Neither Walder, nor anyone from his staff, altered the video (see ¶ 267) that was produced pursuant to a public records request or added subtitles.

293. As respondent was explaining why he would not bring a mandamus action against the auditor's office, respondent railed against the auditor's office, stating, "And they won't talk about the legitimacy of the suit and they won't talk about unpaid bills, it will just be that mean, ugly Grendell is throwing his weight around suing everybody that's in front of him. That's what they want."

294. At that point, an audience member asked respondent a legal question: "Does a citizen have the standing to be able to file for a lawsuit?

295. Respondent replied, "Yeah," then proceeded to encourage the audience to take action against the auditor and prosecutor:

> Yeah. There is actions that you, that citizens can take both involving the prosecutor and the auditor. I'm not at liberty to give that advice, but there are actions out there and statutes and malfeasance is one of the statements. I can't do it, I won't do it. That's what they want. They're pushing for a lawsuit and, and just not going to do it because I know how that's going to end up. So if somebody else wants to -look, (inaudible) if you want -- I mean all these facts are true, we've given you some of the supporting documentation, you're welcome to see the rest of the documentation.

296. One audience member interrupted respondent's speech, asking:

> Attendee: I got two questions for you. Number one, why are you here, is it just to defend yourself?
>
> Respondent: I was invited by Jim to debate Mr. Walder here."
>
> ***
>
> Attendee: And second question is, what do you want us to do?

Respondent I'm just here just to tell you the facts, that's what he asked me to do. I'm just here because Jim invited me. I didn't invite myself, just give you the facts. You can do as you wish from here. I'm just giving the facts.

Attendee: Is this a county political battle?

Respondent: Yes, it's a county political battle clearly. Well said. That's all it is.

Respondent's Second Attempt to Contact the Police Prosecutor, Jim Gillette

297. The day after respondent spoke to the Tea Party, on July 24, 2019, Flaiz filed an *Application for Appointment of Special Prosecuting Attorney* in the Geauga County Court of Common Pleas relative to Chardon Police Report No. T19-4402 (i.e., the June 27, 2019 incident).

298. In his motion, Flaiz stated, "The undersigned has spoken extensively with Police Prosecutor Jim Gillette and both feel the appointment of a special prosecutor by this Court is the appropriate course of action."

299. Around that same time, respondent called Joseph Weiss, and asked Weiss to contact Gillette to get a status update on the investigation, despite respondent's knowledge that Gillette was responsible for reviewing potential criminal charges against respondent's employees.

300. As directed by respondent, Weiss called Gillette to inquire as to the status of the investigation.

301. In response to Weiss' call, Gillette called respondent and left the following voicemail on respondent's phone:

> Hello Judge. This is Jim Gillette, uh, calling you. I spoke to Judge, uh, to uh, Joe Weiss. He indicated that, uh, you wanted to talk to me about the status of what happened, uh, last June. Um, as far as I'm concerned, I discussed this with Chief Niehus, and, um, my office is not going to take

> any action against the employees of your office or the employees of the auditor's office. Um, so, at this point, as far as I'm concerned, uh, there's, there's nothing going on, at, at least from my standpoint, as the former Chardon Police Prosecutor, um, and it's my understanding that my, uh, successor is probably, is not gonna take any action either. I think I've discussed this with him as a closed investigation. Now, uh there is, uh, one other aspect of this and that is a special prosecutor. Uh, Jim Flaiz, did contact me and, and indicated that he was going to request a special prosecutor. Uh, that was done. He, he, filed a motion under seal and there was an order under seal appointing a, uh, police prosecutor to, I believe investigate this situation from his standpoint. So, I don't know what else I can tell you about that. Uh, I don't feel comfortable disclosing who that is. I think that that's a decision that Jim Flaiz has to make as to whether or not that name will be disclosed. Any questions, please give me a call back. Thank you.

302. On May 27, 2020, Special Prosecutor David Grant filed misdemeanor complaints against Laurie and Miller for Criminal Mischief, a third-degree misdemeanor. *State v. Laurie*, Chardon M.C. Case No. 2020 CRB 00390, *State v. Miller*, Chardon M.C. Case No. 2020 CRB 00389. After a jury trial, Laurie and Miller were acquitted.

303. Respondent's conduct in Count Three violates:

- Jud.Cond.R. 1.2 [A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety];
- Jud.Cond.R. 1.3 [A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or of others]; and,
- Jud.Cond.R. 2.10(A) [A judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court].

Count Four

Testimony Before a Government Body and Abuse of Prestige of Judicial Office

304. Throughout 2020, respondent's wife, Diane Grendell, was serving as an elected member of the Ohio House of Representatives, 76th District, and was also running for reelection.

305. Before becoming a judge, respondent had served as a member of the Ohio Senate from 2005-2011 and a member of the Ohio House from 2000-2004.

306. On March 9, 2020, the Governor of Ohio, Mike DeWine ("DeWine"), declared a state of emergency resulting from the spread of COVID-19.

307. Afterward, DeWine and Dr. Amy Acton ("Acton"), then the Director of the Ohio Department of Health ("ODH"), held daily briefings to provide information to Ohioans on the spread of COVID-19.

308. In May 2020, Diane introduced HB 624, also known as the Truth in COVID Statistics Bill. Diane alleged publicly that the government, namely DeWine and Acton, were misreporting COVID-19 statistics by reporting to the public cumulative data to create an atmosphere of fear to justify the state's COVID response.

309. In or around May 2020, Diane asked respondent to testify in support of her bill.

310. Respondent later stated while speaking at an August 2020 Rotary Club event, "I was asked to give some testimony at that hearing and when your state representative asks you to do that, especially when you share a bed with that state representative, you can't say no, so I gave the testimony."

311. As alleged in ¶ 102, on June 2, 2020, respondent closed the Geauga County Juvenile and Probate Court at 12:00 noon and traveled to Columbus, Ohio to testify as a proponent of

Diane's bill before the Ohio House State and Local Government Committee, of which he was a member during his time in the legislature.

312. At the time of respondent's remarks to the Committee, Diane was actively campaigning for reelection to the Ohio House of Representatives.

313. The committee chair introduced respondent as the Geauga County Juvenile and Probate Court Judge. When respondent stood to speak, the Chairman stated, "Welcome, judge."

314. Immediately, respondent thanked the committee for "allowing me to present *proponent* testimony on HB 624." (Emphasis added).

315. Respondent began his prepared speech with the following:

> As a judge, when I swear in a witness, I ask them to tell the truth, the whole truth, nothing but the truth. Who possibly could be an opponent to the truth, the whole truth? When it comes to reporting to Ohioans, though, it's important that the information that Ohioans receive about COVID is the truth, the whole truth and nothing but the truth. Unfortunately, that has not been the case in the past three months. Every day at 2 o'clock the Ohio Department of Health releases half the facts to the public, the scary half of the facts…

316. Respondent testified in support of Diane's bill and called into question the integrity of the Department of Health for its statistical reporting. Respondent offered criticism of Dr. Acton and the media for using the daily briefings to "create an atmosphere of fear."

317. Respondent offered his opinion to the legislature, stating, "Unfortunately, the early ODH modeling information, coupled with the media drumbeat of COVID fear and death created an atmosphere of fear."

318. Respondent accused the ODH of misreporting COVID data. "I saw the information on which we closed the state of Ohio. It was wrong. It has been proven to be wrong and it is still wrong. It's being misreported using cumulative data to make it look less wrong. But it's wrong."

319. Respondent continued to malign ODH by making comparison to the 2018 seasonal flu, stating: "The difference was we didn't close down the world. We didn't misreport that every human being was exposed to dying tomorrow because of the seasonal flu."

320. Moreover, respondent claimed that ODH "continued to release daily only the most negative information-the cumulative cases, cumulative hospitalizations, cumulative deaths without contextual data."

321. Contrary to respondent's' assertions, the ODH—everyday—released individual *and* cumulative data, as evidenced by its COVID-Dashboard, an online interactive tool that allowed users to access the information using a variety of indicators including, but not limited to, daily individual data or cumulative data.

322. The interactive graphic, which was available to the public on ODH's website, reflected "Total Cases" but also displayed the "Daily Count" information in the color-coded charts. Moreover, any user could access the dropdown menu to switch between cumulative and individual cases.

323. Respondent's testimony before the House Committee did not concern the law, the legal system or the administration of justice, nor did his testimony relate to matters about which respondent had acquired knowledge or expertise in the course of his official duties as a judge.

324. In fact, respondent invoked his role as the Probate and Juvenile Court Judge to criticize Ohio's COVID response.

325. Rather than offer testimony based on his expertise as a juvenile or probate judge, respondent offered his personal opinions, such as:

- "[Testing] will not change the fact that COVID-19 today has a 99.9+ survivability rate for every Ohioan not in a nursing home."
- "The problem with testing is that if I test negative today and tomorrow run into somebody who has COVID-19, I have a false sense of security."
- "If more testing will help show that this plague was not the plague it was sold to be, great."
- "…Waiting for some vaccine is not good policy and frankly should be a decision individuals make for themselves not that the government makes for those individuals."
- "There's a difference between data and fact. Fact is actual reality. Data is manipulation of the numbers of reality to come to some conclusion."
- "As far as I am personally concerned, the [COVID] testing is a bit of a red herring."

326. Respondent's testimony was recorded and posted on the Health Freedom Ohio's[20] Facebook page. Afterward, hundreds of people posted comments, the majority of which perpetuated respondent's claims that the executive branch and the ODH were misleading Ohioans. Examples include:

- Finally the judge is able to tell the truth as it is. You can bet Facebook will take his down pretty quick. I hope all listens to it completely. We have been tricked big time
- Excellent! "There is a difference between data and facts." Data has been used to manipulate and instill fear in the people on purpose. The TRUTH will set us free.
- So, has the governor been confronted about these factual truth's. On a national scale, the FAKE NEWS LIBERALS won't share the real facts because they

[20] Health Freedom Ohio is a politically active 501(c)(4) organization whose mission is to raise awareness about holistic health pathways and stand to up to legislation that limits freedom to choose. www healthfreedomohio.org

actually hate the current administration , why? Because there is a R (Republican) by Donald Trump's name. If he had run as a D (Democrat), the virus would have been minimalized and his healthy economy influence wouldn't have been sabatoged.

- absolutely! very good point . not only do too many believe everything they read and see. which is terrifying in itself. but it is very easy to manipulate as you suggest. bending the data to fit ...especially with sophistication CGI and other computer graphics. now its possible to make a fictitious video and suggest it was fact.

- Thank you Judge ppl need to have that sink in and that is going on in every state WOW

- Our Governor loves the glory of being on tv and ruining people's lives. Thanks for the truth.

- Thank you judge. Finally someone who understands what is going on has been allowed to speak!

- Points that I've been making for over a month. One of the many classes I took in college, statistics, showed us how to manipulate in order to support your agenda. I look for the whole truth because of this lesson, although this wasn't the purpose of the professor. He was teaching us this to use for manipulative reasons...

- Finally someone stepped up and asked why are we being lied too

- WHY THE HECK CAN't DEWINE SND ACTON be MANDATED TO report ONLY what is true! and properly! Why can't they be punished or fined or better yet, forced to stop reporting inaccurate data , PROVIDING MISLEADING INFORMATION? AND reporting numbers FALSLEY!!!!

- So now that all this is coming out why won't Ohio get on with our life's? Why is the governor still spreading fear and wanting this ridiculous power grab of the people

- Thank You!! For standing up for Truth! Too bad they didn't hear a word of it and are STILL playing number games.

- Our media and the politicial climate created this fear and should be held accountable

- Ok great! What so many of us know already that this whole thing was shady from the beginning, and why is it still going on? Shame on the Govenor and all the officials that keep feeding the sheep false info and continue to ruin everyone's life and changing the world as we once knew it! It's really sickening

- Representative Kelly is RIDICULOUS!!!! A TRUE LIBERAL

- We did not need to close the country down. There is something much bigger at work. And yes, the destructing of America as we know it.

- God bless you sir for telling the truth. We all need more of this kind of talk... it's very disheartening to hear of the things that people did because they were sooo scared. Thanks DeWine & Dr. Amy you really saved the day for those poor souls didn't ya.

- Election year is why this is happening,Bottom Line,to elect Biden and blame Trump for everything as they have been last 3 years,TRUMP 2020 I'm voting all Republican over Crooked Lying Democrats.

- That is a ditto by many doctors. The Great Covid was/ is a sham! Why, we may never really know the truth, or who all the players are. But, they want to destroy the American economy, keep America devided, keep Americans dependent. Be concerned...

327. Three weeks before testifying in support of Diane's COVID bill, a post appeared on respondent's Facebook page, in which respondent's "friend" maligned Ohio's government and referred to Dr. Acton as "Dr. Doomsday." The post read:

> **Marcia Winfield** is with **Tim Grendell**.
>
> From a friend
> Decided I had enough of Ohio, and the doomsday predictions every weekday at 2pm.
> Got on a $33 flight to Orlando and am isolating down here. In the sun.
> Where restaurants and beaches and pools are open.
> Instead of fear and made up numbers, the Florida government is actually trying to calm citizens while educating them on how to keep their own self safe.
> I took this pic in the elevator of the condo complex.
> I think it's fair messaging and much better than any thing I've seen from Dr. Doomsday. And Dewine

328. In a comment below the post, one Chardon resident stated that she had just watched respondent's testimony before the Committee:

> I'm in Florida but I just saw a video of you speaking on HB 624. THANK YOU so much for presenting factual truth. You are right, WE have a right

to know the facts. Bob and I were praying one morning and I had a statement come to my mind. "There is a FOOTHOLD in our FREEDOM through manufactured FEAR. I refuse to live this way #nofearhear

329. Respondent's conduct in Count Four violates:

- Jud.Cond.R. 1.3 [A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so]; and,
- Jud.Cond.R. 3.2(A) [A judge shall not appear voluntarily at a public hearing before, or otherwise consult with, an executive or a legislative body or official].

Conclusion

Relator requests that respondent be found in violation of the Ohio Code of Judicial Conduct and the Ohio Rules of Professional Conduct and be sanctioned accordingly.

Respectfully submitted,

/s Joseph M. Caligiuri
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Relator

Certificate

The undersigned, Joseph M. Caligiuri, Disciplinary Counsel, hereby certifies that he is authorized to represent relator in the action and has accepted the responsibility of prosecuting the complaint to its conclusion.

Dated: November 9, 2022

/s Joseph M. Caligiuri
Joseph M. Caligiuri (0074786)
Disciplinary Counsel