

(Mayor Potter)  
(Amended October 7, 2021)

**CITY OF KIRTLAND**

**RESOLUTION NUMBER 21-R-53**

**A RESOLUTION ISSUING FINDINGS OF FACT,  
ADOPTING THE BASIS FOR THE TERMINATION OF  
LANCE R. NOSSE, AND DECLARING AN EMERGENCY.**

**WHEREAS**, on or about July 3, 2017, Lance R. Nosse was promoted to Chief of Police charged with the duties and responsibilities set out by the general rules and regulations proscribed the Director of Public Safety under Ohio Revised Code 737.06; and

**WHEREAS**, on or about July 7, 2021, the Director of Public Safety for the City of Kirtland issued a notice of termination to Mr. Nosse, pursuant to Ohio Revised Code 733.35, *et seq.* the City of Kirtland's Charter, and Kirtland Codified Ordinance 244.01(d), and charging him with malfeasance, nonfeasance, misconduct in office, gross neglect of duty and/or habitual drunkenness resulting in termination for cause as a result of: (1) violation of the City's Vehicle and Equipment Use Policies, (2) violation of the City of Kirtland Police Department Rules and Regulations; (3) violation of Ohio Revised Code 149, and (4) violation of the City of Kirtland Codified Ordinance 254.28; and

**WHEREAS**, the members of City Council conducted an evidentiary hearing on these issues on July 12, 2021, August 2, 2021 and August 3, 2021; and

**WHEREAS**, the members of City Council considered exhibits and testimony from Teresa Szary, Amy Buchanan, Cynthia Gabor, Eric LaTurner, Jamey Fisher, Anthony Hutton, and Kevin Potter, as well as exhibits and the testimony from Mr. Nosse wherein he admitted certain acts alleged by the Director of Public Safety; and

**WHEREAS**, at the conclusion of the evidentiary hearing, and after consideration of the evidence and testimony provided by the City of Kirtland and Mr. Nosse, this Council voted to concur with the Mayor's termination of Mr. Nosse upon an affirmative vote of six in favor and one against; and

**WHEREAS**, a transcript of the testimony and exhibits presented during the evidentiary hearing was prepared by Fincun-Mancini Court Reporters located at 1801 East Ninth Street, Suite 1720, Cleveland Ohio 44114 and is attached to this Resolution as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Kirtland, Lake County, Ohio, that:

**SECTION I:** This Council hereby adopts, accepts and approves the transcript in the form set forth on Exhibit A as a true and accurate representation of the facts and materials relied upon by Council in rendering its decision to terminate Mr. Nosse.

**SECTION II:**

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to provide for the needs of the municipality in preserving the record on appeal; wherefore, this Resolution shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Resolution shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: The readings  
Second Reading: were  
Third Reading: waived.

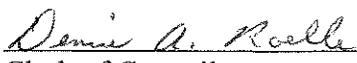
DATE PASSED: October 7, 2021

  
\_\_\_\_\_  
President of Council

Submitted to the Mayor for his  
Approval on this 7<sup>th</sup> day of  
October, 2021.

ATTEST:

Approved by the Mayor, this 7<sup>th</sup> day of  
October, 2021.

  
\_\_\_\_\_  
Clerk of Council  
Adopt Findings of Fact re: Nosse

  
\_\_\_\_\_  
Mayor Kevin F. Potter

**In The Matter Of:**  
*Kirtland City Council Meeting*

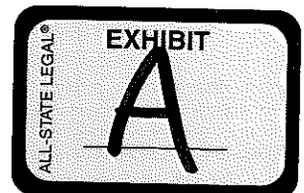
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*Termination of Police Chief Lance Nosse*  
*Vol. 1*  
*July 12, 2021*

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*Fincun-Mancini, Inc.*  
*1801 E. Ninth Street*  
*Suite 1720*  
*Cleveland, Ohio 44114*  
*(216) 696-2272*

Min-U-Script® with Word Index



Page 1

1 CITY OF KIRTLAND, OHIO  
2 PUBLIC HEARING  
3  
4 - - - - - :  
5 In Re: :  
6 Termination of Police Chief :  
7 Lance Nosse :  
8 - - - - - :  
9  
10 Volume 1 - Pages 1 - 54  
11  
12 Transcript of proceedings before the  
13 Kirtland City Council, taken at Kirtland  
14 City Hall, 9301 Chillicothe Road, Kirtland,  
15 Ohio on Monday, July 12, 2021 at 7:11 p.m.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Page 2

1 APPEARANCES:  
2 Matthew Lallo, Esq - Law Director  
3 Frank Consolo, Esq. - On behalf of Lance Nosse  
4 Kevin Potter, Mayor  
5 Lance Nosse, Chief of Police  
6 Richard Lowery, Council President  
7 John Lesnick Jr., Council Member  
8 Jeffrey Ruple, Council Member  
9 Joe Smolic, Council Member  
10 Scott Haymer, Council Member  
11 Matthew G. Schulz, Council Member  
12 Kelly Wolfe, Council Member  
13 Denise Roelle, Clerk of Council  
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15 - - -  
16  
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Page 3

1 PROCEEDINGS  
2 PRESIDENT LOWREY: We will move  
3 right into the hearing to consider the Mayor's  
4 request for the termination of Lance Nosse  
5 pursuant to the Ordinance Number 244.01 (d).  
6 Before we start the hearing, I will  
7 address council and request if there are any  
8 preliminary statements or preliminary  
9 requests, that we offer those up currently  
10 before we begin the hearing. I'll let  
11 Mr. Consolo go first.  
12 MR. CONSOLO: Thank you, Council  
13 President, Council. Normally I think Law  
14 Director Lallo will give his opening  
15 statement. So this isn't really an opening  
16 statement, this is a request. So you have  
17 received my correspondence this afternoon. I  
18 hope most of you. As a preliminary issue, we  
19 disagree with the Revised Code statute that  
20 this proceeding is going under.  
21 As you saw in my correspondence, we  
22 have case law that shows that the Revised Code  
23 Section 733.35 and 733.36, that relates to  
24 villages and not to cities. And that my  
25 understanding, because the City determined

Page 4

1 that was the proper statute to proceed under,  
2 that was why the urgency for this meeting  
3 tonight, since this is your next regularly  
4 scheduled council meeting.  
5 As I pointed out in my statement, I  
6 never received notice of this hearing until  
7 Thursday, July 8th, right around noontime. I  
8 was in the midst of and finally concluded a  
9 two-week jury trial in the lovely city of  
10 Elyria, in Lorain County. Obviously had no  
11 time to meet with my client before that, that  
12 being just one-and-a-half business days  
13 before.  
14 Now I talked with Law Director Lallo,  
15 and we do have a dispute over whether the  
16 statute applies, that Revised Code section.  
17 My argument would be it would not.  
18 However, without waiving that  
19 argument that proceedings under that Revised  
20 Code section do give me the opportunity to  
21 request indulgence of council and request a  
22 continuance of the hearing.  
23 So at this point, that is what I would  
24 do. Our concern is that Chief Nosse's due  
25 process rights, and his rights to a fair

Page 5

1 hearing and a fair defense have been  
2 compromised.  
3 Law Director Lallo has worked very  
4 diligently with us and provided us documents,  
5 but there are some things if you read the  
6 charges that are just very broad.  
7 There are allegation of various  
8 individuals who have claims against my client.  
9 I do want to have the opportunity to have  
10 those individuals specifically identified to  
11 me. If you read in the charges, they were  
12 not. You just have a general statement that  
13 certain individuals are alleging hostile work  
14 environment, or off duty impropriety that  
15 affects the Chief's ability to work on the  
16 next shift.  
17 So I would like, respectfully, the  
18 opportunity to inquire as to the City  
19 administration who exactly they are talking  
20 about. Did they interview them? If so, did  
21 they take any notes of them? If not, I would  
22 like an opportunity to interview them as well,  
23 so I know.  
24 If this were just a normal civil case,  
25 I'm not sure how many of you are lawyers, I'm

Page 6

1 sorry, I didn't do my homework, hopefully not  
2 too many of you, but we would in a civil  
3 proceeding have the ability to do discovery  
4 beforehand and be able to address any  
5 statements made by witnesses, or victims, or  
6 any allegations. I haven't had the chance to  
7 interview those people, right?  
8 So some of the people on the witness  
9 list, Cassie Phillips, Jose Corillo, I don't  
10 know what they are going to say, and I don't  
11 want to be surprised. My client, Chief Nosse,  
12 deserves the right to know what they are going  
13 to say so we can prepare a defense.  
14 So those are the types of things that  
15 I'm asking for your indulgence to allow us to  
16 go forward and have a chance to meet and  
17 interview those people.  
18 You also saw in my statement from this  
19 afternoon that we believe that this is a  
20 pattern that's happened in the City of  
21 Kirtland over the last several years. That  
22 pattern being the OPBA, the police union,  
23 inserting themselves into your police  
24 department and dictating who is going to run  
25 it.

Page 7

1 I gave you some examples that we're  
2 aware of, beginning back in 2002 and 2003 when  
3 Chief Baumgart had charges brought against  
4 him, complaints brought against him by a  
5 Sergeant Tavano with the assistance of the  
6 OPBA, with the express purpose of trying to  
7 oust Chief Baumgart so that Sergeant Tavano  
8 could take his place. That again, I don't  
9 know how many of you may have been around here  
10 for that or remember any of that. But my  
11 understanding, there is a file, there is  
12 disciplinary proceedings. This whole incident  
13 was documented.  
14 That happened again in 2013 and 2014  
15 when new charges were leveled by Sergeant  
16 Tavano against Chief Baumgart to try and get  
17 him out again. Again, they were unfounded.  
18 So the first time this happened it was  
19 under Mayor Ed, who had just passed away. He  
20 told the OPBA get the F out of my office, it's  
21 not your business.  
22 The second time Mayor Davidson said no  
23 way. Sergeant Tavano got demoted from  
24 sergeant and eventually moved on from the  
25 City.

Page 8

1 So this is now the third time the OPBA,  
2 as you saw in the charges, was intimately  
3 involved in bringing complaints against my  
4 client, Chief Nosse for the sole purpose of  
5 now getting Sergeant Fisher to replace the  
6 Chief.  
7 I've got to tell you, I'm the Law  
8 Director of the City of Maple Heights, I'm the  
9 Law Director for the Village of Woodmere.  
10 Been a council person myself for the city of  
11 University Heights. When I heard about this,  
12 I just couldn't believe this is happening,  
13 that the Mayor, the council would allow the  
14 police union to dictate who runs your  
15 department.  
16 So I want a fair chance to look at  
17 Sergeant Fisher's personnel file, because I  
18 understand Sergeant Fisher was originally  
19 terminated when he was a patrolman for  
20 violating one of your resident's civil rights.  
21 He made an arrest without a warrant, without  
22 probable cause, entered that resident's home.  
23 Sergeant Tavano was the one who intervned and  
24 got him his job back through the police union.  
25 So I would like a chance to see about

Page 9

1 this pattern that's developed. To see  
 2 Sergeant Fisher's personnel file. To see  
 3 Sergeant Tavano's personnel file. To see the  
 4 record of proceedings over the last decade  
 5 when complaints have been made by the police  
 6 union against your police chief, which until  
 7 today have been summarily denied by the Mayor.  
 8 The police union was told to stay out of  
 9 Kirtland's business, it's our police  
 10 department.  
 11 So I would like the chance to  
 12 investigate that and see why this is  
 13 happening. Because to me this smells exactly  
 14 the same, folks. The off duty -- or the  
 15 charges before you all concern off-duty  
 16 incidents. This isn't even an incident that  
 17 concerns on-duty conduct.  
 18 So again, I do want to be able to  
 19 explore that. I want to see the personnel  
 20 file for Cassie Phillips, for Jose Corillo who  
 21 are two witnesses who I believe they are going  
 22 to say have evidence that Chief Nosse made  
 23 some inappropriate comments. Well, let's see.  
 24 Let's see what Chief Nosse did with them.  
 25 What's in their personnel file.

Page 10

1 So with those just limited instances  
 2 and reasons why, we are requesting a  
 3 continuance to allow us our due process  
 4 rights, allow Chief Nosse to clear his name.  
 5 It's my understanding that statement of  
 6 charges went to the news media before it even  
 7 went to you guys. I don't know why. It  
 8 certainly went out to the news media before it  
 9 came to me, or my client. So we would like an  
 10 opportunity to prepare an adequate defense in  
 11 this matter. We request that you allow us  
 12 that. My suggestion would be 30 days. I'll  
 13 leave that up to you. Thank you.  
 14 PRESIDENT LOWERY: Thank you,  
 15 Mr. Consolo.  
 16 MR. LALLO: Mr. Lowery, if I may  
 17 be heard. Can you hear me? So just  
 18 addressing the concern as outlined in his  
 19 letter dated today, that we got this  
 20 afternoon, relative to 733.35 and those  
 21 subsequent provisions of the statute, Revised  
 22 Code, Mr. Consolo cited a case, I believe it  
 23 was Prentice versus Middleburg Heights. In  
 24 that case the opinion specifically notes at  
 25 that time that the statutes that I just

Page 11

1 referenced were contained in the division of  
 2 the Revised Code entitled Executive Power and  
 3 Villages. At that time that was accurate.  
 4 However, if you look at the Ohio  
 5 Revised Code now, Chapter 733, there is  
 6 probably at least 10 to 15 different  
 7 subsections, where it is cities, president  
 8 with legislative authority, city auditors,  
 9 cities, board of control.  
 10 Then it goes to villages; mayor, clerk,  
 11 treasurer. Then beyond that it says general  
 12 provisions, Mayor. Then beyond that it says  
 13 delinquent officers. 733.35 starts that  
 14 section. So it is outside of that, the older  
 15 provision from that Prentice case, where it  
 16 was under the executive power in villages.  
 17 Just so you are aware, that Prentice case that  
 18 I cited was from 1967.  
 19 Also citing the statute itself, it  
 20 doesn't say the mayor of a village, it says  
 21 the mayor or a municipal corporation shall  
 22 bring charges.  
 23 So it's our position that 733.35 in the  
 24 subsequent provisions do apply here. With  
 25 that, the requirement is that the charging

Page 12

1 document be served, and that a hearing be held  
 2 at the next regularly scheduled meeting.  
 3 The issue we have is we had a council  
 4 meeting, regularly scheduled council meeting  
 5 on Wednesday, and then we have another one  
 6 today. So it's unfortunate the time frame,  
 7 but that's what the statute dictated, so we  
 8 have to follow the statute.  
 9 The statute does, as Mr. Consolo  
 10 indicates, does give council the discretionary  
 11 ability, or the discretion to consider a  
 12 continuance, if brought by the accused. It's  
 13 not mandatory, but it is discretionary.  
 14 As relates to the reasons for  
 15 Mr. Consolo's request for a continuance, I do  
 16 ask that you take note of the following:  
 17 There was a substantial amount of  
 18 documents that were transmitted to Mr. Consolo  
 19 back on, I believe, May 19th, which  
 20 encompassed, I believe, all of the evidence  
 21 that we are set to present today.  
 22 I know there is a discussion about one  
 23 letter that was not in that Dropbox folder.  
 24 However, I believe, according to my assistant  
 25 law director, that was handed to him at a

Page 13

1 meeting earlier as well, at around that time.  
 2 Nonetheless, I believe Mr. Consolo was  
 3 well aware of the facts surrounding this case,  
 4 the allegations that were outlined. When  
 5 looking at the reasons, or the rationale for  
 6 his request for the continuance, he says he  
 7 wants to dig a little deeper and understand  
 8 exactly what's happening.  
 9 I believe from his recitation, he knows  
 10 a great deal of the city's history. He  
 11 already knows some of the findings in Sergeant  
 12 Fisher's personnel file. He knows about  
 13 Sergeant Tavano, and he knows about all of the  
 14 issues that happened with the OPBA a decade  
 15 ago. So he's well aware of the history of the  
 16 City. He's done his homework. He's done his  
 17 due diligence.  
 18 He is also asking for a continuance as  
 19 it relates to the personnel files and to  
 20 discuss and attempt to have a discussion with  
 21 two of the potential witnesses, Officer  
 22 Phillips and Officer Corillo and wants to take  
 23 a look at their personnel files. I can tell  
 24 you if it helps allay any of Mr. Consolo's  
 25 concerns, we won't call them today. So we

Page 14

1 will not call them as witnesses. I think that  
 2 addresses some of his substantial concerns for  
 3 a continuance.  
 4 As relates to Sergeant Fisher, I think  
 5 he is well aware of Sergeant Fisher, as he  
 6 already cited, his prior termination, his  
 7 prior issues that he had back 20-plus years  
 8 ago.  
 9 So I do believe that we've sufficiently  
 10 addressed any the concerns as outlined from  
 11 Mr. Consolo. We do ask that you proceed here  
 12 today.  
 13 PRESIDENT LOWERY: Thank you, Mr. Lallo.  
 14 I want to ask a question, if I may. This is  
 15 not a civil case, correct?  
 16 MR. LALLO: That is correct.  
 17 PRESIDENT LOWERY: Can anyone clarify  
 18 the difference between a civil case versus  
 19 this case in this instance?  
 20 MR. LALLO: This is an  
 21 administrative proceeding. The Rules of  
 22 Evidence are relaxed. It's a little more lax  
 23 of a procedure, if that helps answer your  
 24 question.  
 25 PRESIDENT LOWERY: Yes, thank you. With

Page 15

1 regard to the demand for all of this evidence,  
 2 is this normal? I've never done one of these  
 3 before, so is providing all of the things that  
 4 are being demanded -- I don't know what's been  
 5 given to them. I wouldn't know. Have they  
 6 been given information?  
 7 MR. LALLO: I can tell you the  
 8 records we provided were cell phone records,  
 9 invoices, the policies and procedures for the  
 10 Kirtland Police Department, a video and  
 11 photos, and an inventory of an office search.  
 12 There is a vehicle search with photos, and an  
 13 inventory and report on that. There's videos  
 14 from a Nest video camera that were provided.  
 15 There was an email from me to the OPBA  
 16 addressing a concern from February. There is  
 17 estimated retirement payouts. There's FMLA  
 18 documents and read receipts. Key fob entry  
 19 time cards. I believe a declination of  
 20 charges letter from the Bureau of Criminal  
 21 Investigation, the BCI. There is a leave of  
 22 absence email from the Chief. There is a  
 23 signed consent to search document. An email  
 24 to the Chief about his leave, his personnel  
 25 file. OPBA's letter about a concern from

Page 16

1 February. The vehicle use policy, and his  
 2 signature on that policy.  
 3 All those documents -- and there is  
 4 also like a blue flash drive that was, I  
 5 believe, relative to other unrelated issues  
 6 that were provided as well.  
 7 We've sent over a healthy amount of  
 8 information back in May to Mr. Consolo.  
 9 MR. LESNICK: These are all the  
 10 things that were listed in the notice.  
 11 MR. CONSOLO: I'm sorry, if I can  
 12 just respond as well.  
 13 PRESIDENT LOWERY: Very briefly, please.  
 14 Very briefly you can respond. Go ahead.  
 15 MR. LESNICK: I wasn't finished  
 16 with my question. If you could just hang on  
 17 one second now. So we have provided  
 18 everything that is listed in the letter.  
 19 We've been doing this since April, May time  
 20 frame, correct?  
 21 MR. LALLO: Yes.  
 22 MR. LESNICK: At some point in all  
 23 of this we were notified there was a  
 24 resignation.  
 25 MR. LALLO: That's correct.

Page 17

1 MR. LESNICK: How was that done?  
 2 MR. LALLO: That was via text  
 3 communication from Mr. Consolo to me that the  
 4 Chief was resigning effective July 2nd.  
 5 MR. LESNICK: Leading up to that  
 6 point, was all of this evidence given to them  
 7 by that point?  
 8 MR. LALLO: Yes, sir.  
 9 MR. LESNICK: Why were they  
 10 deciding to resign at that time? Because of  
 11 the evidence, or what?  
 12 MR. LALLO: I don't know the  
 13 answer to that.  
 14 MR. LESNICK: Okay.  
 15 MR. LALLO: I don't know if they  
 16 provided it.  
 17 MR. LESNICK: I'll leave that  
 18 question for you then.  
 19 PRESIDENT LOWREY: Mr. Consolo, go  
 20 ahead.  
 21 MR. CONSOLO: Thank you, council.  
 22 So real quick here, your first question,  
 23 Council President, whether it's an  
 24 administrative hearing or a civil hearing in  
 25 court. Our position is Chief Nosse is still

Page 18

1 afforded due process rights no matter what you  
 2 call the hearing.  
 3 Number two, there is no question Law  
 4 Director Lallo has provided us with all these  
 5 documents. I take him at his word that there  
 6 are no other documents he's going to produce  
 7 to us. That's not what I was focusing on.  
 8 I'm not focusing on a lack of documents.  
 9 What I was telling you, there is a lack  
 10 of me being able to respond to some  
 11 allegations. I'll just quickly point you to,  
 12 if you look at your charges, Number 4, Charge  
 13 4 says that there is going to be evidence that  
 14 the Chief left the city. The Mayor had made  
 15 some reference to something called the Flock  
 16 system. I don't know what that is. I don't  
 17 know, some way of tracking? My understanding,  
 18 the City of Kirtland doesn't even belong to  
 19 that. So somebody here in the administration  
 20 went to a neighboring community and used this  
 21 Flock system, if I'm pronouncing that right,  
 22 to track the Chief, which I don't know how you  
 23 can do that under the law.  
 24 Number 5 says that there is going to be  
 25 evidence that the Chief left the city for no

Page 19

1 municipal purpose. My question would be what  
 2 evidence? Who says he left for no municipal  
 3 purpose? I mean, that is not a document  
 4 question, that is who is making that  
 5 allegation. I would like to know that.  
 6 Number 7, Charge 7 says that he was  
 7 impaired and unfit for his next duty shifts.  
 8 Again, that is not documentary evidence that  
 9 I'm requesting. Somebody told the City that.  
 10 I want to know who said that, why they said  
 11 it, when they said it. I would like to  
 12 explore that, right?  
 13 Number 11 said that there were  
 14 conversations. 13, inappropriate  
 15 conversations with belittled subordinates.  
 16 Who are these subordinates, right? If it's  
 17 just the two, if it's Cassie Phillips and Jose  
 18 Corillo, great. That is fine. I would still  
 19 like to interview them. But Charge 13 is  
 20 pretty broad. It doesn't limit it to just  
 21 them. So I would like to know what  
 22 subordinates are you talking about. Again,  
 23 that is not a documentary question.  
 24 Then, Councilman Lesnick, if I am  
 25 saying that correctly, to directly answer your

Page 20

1 question, yes, we worked diligently with the  
 2 Law Director, he worked with us. We were at a  
 3 point where a resignation was being  
 4 considered.  
 5 Unfortunately, a couple of things did  
 6 happen. I laid those out to you in my email  
 7 dated July 6, 2021, I believe that I sent to  
 8 you.  
 9 Number one, the payout amount that we  
 10 expected was significantly less. Whose fault  
 11 that was, I don't know. But that was  
 12 significant, right?  
 13 On the day that the resignation was  
 14 supposed to occur, in the local newspaper, I  
 15 forget what it's called, The Kirtland  
 16 Chronicle, there is a headline, before my  
 17 client can even go forward and submit the  
 18 resignation that says, the headline said,  
 19 police chief resigns amid investigation.  
 20 Leaving the impression to the public that oh,  
 21 this investigation was going to lead to his  
 22 downfall, and that is why he resigned. No,  
 23 folks, we tried to work this out. We wanted  
 24 an agreement where everybody just walks away  
 25 from each other. That's it. Be done, right?

Page 21

1 No harm. Nobody say anything about the other.  
 2 Let's just move on with our lives. We were  
 3 certainly onboard with that. When you see  
 4 that headline, that is unfair. You know, it  
 5 casts the Chief in a false light to the  
 6 public, right?  
 7 But the topper of it all was as the Law  
 8 Director and I are trying to work out a  
 9 release so everybody walks away, the City did  
 10 not want to put in a provision called  
 11 non-disparagement.  
 12 I've been practicing law for 32 years  
 13 and settled a lot of cases. Everything I  
 14 settled, where both sides are up front and say  
 15 they truly want to walk away from each other,  
 16 you put in a provision that says I won't  
 17 disparage. I won't talk bad about you, you  
 18 don't talk bad about me.  
 19 Well, when the Law Director notified us  
 20 that he wouldn't be able to put that provision  
 21 in, the city did not want that provision, gee,  
 22 folks, I got to tell you that gave us pause,  
 23 and I think rightfully so. I think you would  
 24 too.  
 25 If you are trying to resolve

Page 22

1 everything, and everybody just walked away,  
 2 but one side says yeah, but we won't agree not  
 3 to talk bad about you, that gave us pause.  
 4 That's the answer why we decided, you know  
 5 what, we need to go forward with this. If you  
 6 feel that it's appropriate to terminate Chief  
 7 Nosse based on the evidence, then that is  
 8 council's decision, and we will proceed after  
 9 that accordingly.  
 10 MR. LESNICK: I don't know anything  
 11 about the funds. Is there some kind of  
 12 documentation we would see that would show why  
 13 that existed, or did it actually even happen?  
 14 I don't know.  
 15 MR. LALLO: I believe there was  
 16 an estimated payout that was provided back in  
 17 May when we sent over all those  
 18 documents. Then there was the updated one.  
 19 It had less accrued sick time. Or I believe  
 20 it may have been a calculation error where  
 21 they didn't take one-fourth of the accrued  
 22 sick days. They just put in 480 hours. It  
 23 just pumped in the 480 payout, and it didn't  
 24 take into consideration the calculation you  
 25 have to make before you do that. I think it

Page 23

1 was a finance issue or a calculation --  
 2 MR. LESNICK: Who develops that?  
 3 MR. LALLO: I don't know the  
 4 answer to that one.  
 5 MR. LESNICK: Is it part of the --  
 6 MR. LALLO: I think someone in  
 7 finance maybe. I'm not certain. I got the  
 8 document. I forwarded the document to him.  
 9 Same as the last time. Got the document,  
 10 forwarded it to him.  
 11 MR. LESNICK: On this thing about  
 12 disparagement.  
 13 MR. LALLO: Sure.  
 14 MR. LESNICK: Talk about this when  
 15 it's over with. This is a public office.  
 16 This is not something that can be kept private  
 17 under the Freedom of Information Act, unless  
 18 I'm wrong. I don't know.  
 19 MR. LALLO: No, that is correct.  
 20 I think the concern from Mr. Consolo is he  
 21 essentially wanted all council, all the city  
 22 to remain silent on it. They could disburse  
 23 records that are public but remain silent. I  
 24 indicated to him that I don't have the  
 25 authority to require all of council, and all

Page 24

1 of the city to stay silent on certain issues.  
 2 What if somebody is no longer elected in  
 3 office and now they want to speak? What if  
 4 somebody else comes into office and they want  
 5 to speak about it? Now all of a sudden we're  
 6 in violation of that agreement, and they could  
 7 come back, you know, six months, a year later,  
 8 and sue us for breach of contract.  
 9 So I felt that with that mutual  
 10 non-disparagement clause, it set us up for  
 11 failure. I was honest with him about it. I  
 12 said I couldn't foresee the city agreeing to  
 13 that, let alone abiding by those terms.  
 14 I didn't want to submit something to  
 15 the City that I knew was a great deal of  
 16 likelihood that it may have been subject to a  
 17 breach.  
 18 MR. RUPLE: Mr. Consolo, this is  
 19 Councilman Jeff Ruple. I just have a few  
 20 questions for you here. It may end up  
 21 becoming longer. In terms of working around a  
 22 non-disparagement clause, how would you  
 23 address Mr. Lallo's concerns?  
 24 MR. CONSOLO: Well, the Law  
 25 Director's right, but I think we are confusing

Page 25

1 apples and oranges. So what the Law Director  
 2 is talking about is confidentiality. I get  
 3 that. I am a law director, and I know we're  
 4 all subject to the Public Records Act. There  
 5 was a request that I made, that I wanted  
 6 nothing provided except documents. That's all  
 7 you have to do under the Public Records Act.  
 8 I didn't want any stray comments. He told me  
 9 that. I said, that's fine, forget that.

10 But non-disparagement is different.  
 11 Non-disparagement means, Councilman Ruple, you  
 12 are not going to come out to the Kirtland  
 13 Chronicle and say Chief Nosse was a terrible  
 14 chief, and he did this. That is what I was  
 15 talking about with non-disparagement.

16 MR. RUPLE: Sure. But what about  
 17 his concern that after somebody is off of  
 18 council, it's 10 years down the line,  
 19 something comes out. How do you possibly --  
 20 how can a city be held for something like  
 21 that? I mean, you have to have each  
 22 individual I assume would have to sign off on  
 23 that for one.

24 I mean, it also would depend on what we  
 25 even knew. Some of it may just be public

Page 26

1 record anyway. You can't issue a  
 2 non-disparagement of something that is already  
 3 public record.

4 MR. CONSOLO: I get it, Councilman,  
 5 that's a great question. All I was asking for  
 6 is that the sitting council right at the time  
 7 that we enter into this be told not to  
 8 disparage, and the department  
 9 heads. Obviously it can't go to your  
 10 custodian or who cleans here. I didn't  
 11 require it be all employees. I just wanted  
 12 the elected officials; the mayor, the council,  
 13 and the department heads to just agree not to  
 14 disparage Chief Nosse. That's all I  
 15 requested.

16 MR. RUPLE: On this question. If  
 17 the money can be worked out and the  
 18 disparagement language worked out, I mean is  
 19 this going to go away or not? Or just are you  
 20 bound and determined to fight no matter what?

21 MR. CONSOLO: No, sir. I've never  
 22 been bound and determined to fight. If we had  
 23 our druthers, we would rather not be here  
 24 before you. We would still like to be able to  
 25 work something out, absolutely, sir.

Page 27

1 See, the difference, Councilman  
 2 Lesnick, in the two estimates was \$10,000.  
 3 And I'm not saying Law Director Lallo did  
 4 anything wrong or your finance director. A  
 5 mistake was a mistake. But, when your  
 6 client's relying on that, you're relying on  
 7 it, and then when it comes time to actually  
 8 resign and there is a \$10,000 difference, I  
 9 mean, that gave us pause.

10 So yes, we would be willing to sit here  
 11 and try and work things out tonight, if  
 12 possible, sure. That's an alternative. I'll  
 13 talk with my client, absolutely.

14 MR. LESNICK: If that's the case,  
 15 how come you never sent us that email? All  
 16 the last emails we got from you were for a  
 17 fight.

18 MR. CONSOLO: Because I got the  
 19 letter from the Mayor requesting termination  
 20 for notice of charges. We're not fighting.  
 21 Chief Nosse is your chief, right? He's your  
 22 police chief. The Mayor is requesting that he  
 23 be terminated and brought to charges.

24 MR. SMOLIC: \$10,000 was mentioned  
 25 in the course of the last couple of weeks?

Page 28

1 MR. LALLO: The last document  
 2 that was sent to them, it is my understanding  
 3 that that is accurate.

4 MR. LESNICK: I guess that is my  
 5 question. If there was a discrepancy, it  
 6 seems as though -- again, we only see what we  
 7 have. We see your email. We see a document  
 8 from the Law Director, whatever. I mean, it  
 9 just seemed it was very abrupt, no we're not  
 10 doing this. It was like three or four or five  
 11 o'clock or something on either a Friday or  
 12 Saturday afternoon. I mean, there is a chance  
 13 to fix it. This could have been fixed weeks  
 14 ago. Why the immediate?

15 MR. CONSOLO: Councilman, if you  
 16 are looking for somebody to blame, I'll fall  
 17 on the sword. I don't know how that is  
 18 relevant. All I can tell you is on July 6th I  
 19 told you guys the reason for us not resigning.  
 20 Up until that point I was told by the  
 21 administration that it didn't matter whether  
 22 we said we weren't going to resign or not. So  
 23 as of July 6th, I was told the Mayor  
 24 considered the Chief resigned, period, right?  
 25 That's what I was told. That was the position

Page 29

1 that the administration took.  
 2 They then changed and said well, okay,  
 3 we will rescind that. I think the Mayor says  
 4 that in his July 7th charges, right? He says  
 5 in the very first page, he tells you why he's  
 6 going forward to termination.  
 7 So up until -- I let you guys know on  
 8 July 6th here is the reason why we couldn't  
 9 agree to the resignation. At that point the  
 10 Mayor said it doesn't matter, we consider you  
 11 resigned. Then all of a sudden he changed it  
 12 and wrote this July 7th letter and did agree  
 13 that the Chief didn't resign and move forward  
 14 with termination.  
 15 MR. LESNICK: The rescinding of the  
 16 -- the withdrawing of the resignation was  
 17 actually done on July 3rd.  
 18 MR. CONSOLO: July 2 I believe,  
 19 yes. On July 3 I was notified that it  
 20 wouldn't be recognized and that the City  
 21 considered the Chief to be retired as of  
 22 July 2, yes.  
 23 MR. HAYMER: So when we talk about  
 24 another negotiation, and the private Chronicle  
 25 puts out another ad, are we going to be right

Page 30

1 back where we are at again? I don't know why  
 2 you keep bringing up the Chronicle. It's a  
 3 private company. It has nothing to do with  
 4 us. You keep bringing it up several times.  
 5 MR. CONSOLO: No, councilman --  
 6 MR. HAYMER: My name is Scott.  
 7 MR. CONSOLO: I'm sorry?  
 8 MR. HAYMER: My name is Scott.  
 9 MR. CONSOLO: Councilman Scott, the  
 10 only reason I brought it up is because it was  
 11 information provided by the administration at  
 12 the time we were trying to work out a  
 13 resolution. Then the administration sends out  
 14 information to the media that made it look  
 15 like the Chief --  
 16 MR. HAYMER: We don't have control  
 17 what the Chronicle puts out.  
 18 MR. CONSOLO: I'm sorry, sir?  
 19 MR. HAYMER: We don't have control  
 20 what the Chronicle puts out.  
 21 MR. CONSOLO: I'm not suggesting  
 22 that you do. But the administration can  
 23 control what it gives to a private company,  
 24 absolutely.  
 25 MR. LALLO: If I may for a

Page 31

1 second, about that article. It was stemming  
 2 from a meeting that prior Wednesday where the  
 3 Mayor simply announced that Chief Nosse was  
 4 going to resign and retire effective that  
 5 Friday, July 2nd. If I'm not mistaken, the  
 6 author of that article kind of connected the  
 7 dots.  
 8 The Mayor never indicated there was an  
 9 investigation of the Chief. I believe the  
 10 author of the article indicated he was  
 11 resigning, retiring, and then also indicated  
 12 that there was the investigation. I think she  
 13 indicated that it was relative to the police  
 14 chief. But there was nothing from the Mayor  
 15 that was given to the Chronicle. There was  
 16 nothing that was planted. I can assure you of  
 17 that.  
 18 MR. RUPLE: Mr. Consolo, I guess  
 19 a few things. One is I wish you hadn't waited  
 20 until 4:15 this afternoon for this request.  
 21 Were you done with trial last Thursday?  
 22 Friday? When were you done?  
 23 MR. CONSOLO: We had another one  
 24 that begins Wednesday. Yes, I know,  
 25 Councilman Scott, I know it doesn't mean much

Page 32

1 to you and I'm sorry I didn't get it to you  
 2 sooner, I really tried.  
 3 MR. HAYMER: Maybe you should take  
 4 less clients.  
 5 MR. RUPLE: If I may continue  
 6 though. I do think the statute falls under  
 7 the municipal corporation statute. However,  
 8 as you indicated before under that statute,  
 9 you are allowed to ask for a continuance.  
 10 This is my opinion, I don't know how  
 11 this works, I have to look at the Law Director  
 12 for this, is I would be inclined, if you're  
 13 telling me in good faith that there is a  
 14 chance to get this resolved without going  
 15 through all this, without potentially causing  
 16 pain to a lot of different people, I would  
 17 recommend that we -- if you're willing to sit  
 18 down and talk afterwards or at whatever date,  
 19 I would recommend a continuance. I don't know  
 20 if I have to do it by motion or not, but I  
 21 would grant you that for that purpose.  
 22 PRESIDENT LOWERY: We will have to do  
 23 it by motion, call for a vote, so council  
 24 knows.  
 25 MR. SMOLIC: To Mr. Ruple's point,

Page 33

1 the continuance, does that go to the next  
 2 meeting, or can you organize a special  
 3 meeting?  
 4 MR. RUPLE: I think the law says  
 5 between 15 and 30 days I think he has to --  
 6 MR. LALLO: I think what you're  
 7 citing is the suspension.  
 8 So the hearing can always be  
 9 rescheduled, and you can reschedule it for a  
 10 special meeting. The only time the statute  
 11 specifically mentions when it should be heard  
 12 is the initial hearing, which is where we are  
 13 at today, which is at a regularly scheduled  
 14 meeting. So we can schedule a special meeting  
 15 at a later date to consider the removal  
 16 proceedings if you would so desire.  
 17 MR. RUPLE: Mr. Consolo, I saw  
 18 you discussing with your client.  
 19 MR. CONSOLO: If I can have a  
 20 minute to confer with my client, and I'll let  
 21 you know.  
 22 MR. RUPLE: Of course.  
 23 PRESIDENT LOWERY: Council, just so you  
 24 know, please speak in the microphone. The  
 25 people on Zoom cannot hear this. So do your

Page 34

1 best to speak into the microphone so they can  
 2 hear us. I appreciate that.  
 3 So while we're waiting counsel, just to  
 4 understand this, Mr. Lallo, you can speak up  
 5 or object. He's the attorney. This is the  
 6 first time I've been on the other side of the  
 7 law, say it that way. But --  
 8 MR. RUPLE: You mean on the right  
 9 side?  
 10 PRESIDENT LOWERY: I don't think it is  
 11 the right side or the wrong side. It doesn't  
 12 feel that way, I can assure you. So as I  
 13 understand, as we continue moving forward  
 14 here, if we do in fact consider a continuance  
 15 to this as was proposed by Mr. Consolo, we do  
 16 have to, you know, dialogue, and we must put  
 17 this to a vote either way. That is required.  
 18 So if we decide that's the path we want  
 19 to take, then we'll put it to a vote. If the  
 20 vote passes, then we will move this and  
 21 continue the continuance on this at a further  
 22 date that we must set tonight.  
 23 If the vote does not pass, we will  
 24 proceed with the hearings this evening. So  
 25 that is kind of -- does that make sense? Do

Page 35

1 we understand that?  
 2 MR. SMOLIC: Mr. Lallo, would that  
 3 continuance -- would there be a date set with  
 4 that continuance as you voted on it then?  
 5 MR. LALLO: I would tell you the  
 6 first request would be whether it should be  
 7 continued. Then as the council you can try  
 8 and figure out a mutually agreeable date.  
 9 Then you just set a special meeting for that  
 10 date. To pass that motion is a simple  
 11 majority.  
 12 MR. LESNICK: So there is a  
 13 question because I know there is a what you  
 14 think the words may mean, what they actually  
 15 mean in a court of law. So when I think of a  
 16 continuance, we start and continue again at  
 17 another date. What you are suggesting though,  
 18 I think, is really a postponement, in my  
 19 English terms, not in legal terms, where we're  
 20 just not going to do anything tonight and do  
 21 it another time.  
 22 MR. LALLO: That is correct. It  
 23 is essentially to pause the proceedings and  
 24 resume then at a later date.  
 25 PRESIDENT LOWERY: Is that what you are

Page 36

1 suggesting?  
 2 MR. RUPLE: If we can. If there  
 3 is a chance of resolution, if not.  
 4 MR. LESNICK: Mr. Lallo, do we feel  
 5 as though, we've been through this, do we feel  
 6 as though we're going to be right back in the  
 7 same position?  
 8 MR. LALLO: Don't know.  
 9 MR. LESNICK: If we continue  
 10 another two, three, four, five weeks and then  
 11 be back in the same, it's not good for the  
 12 City.  
 13 MR. LALLO: For everybody's sake,  
 14 any time you have a case, the goal is always  
 15 to always resolve it out before trial, right,  
 16 so before a hearing or anything along those  
 17 lines. That is always the goal. Does that  
 18 always happen? No.  
 19 But if you can achieve some sort of  
 20 resolution, that's usually the desired result  
 21 for all parties.  
 22 MR. LESNICK: So as most people  
 23 know, the Law Director, it helps the  
 24 legislative body, the council as well as the  
 25 Mayor, so looking to the legislative body at

Page 37

1 the moment, what would be your recommendation  
2 for --  
3 MR. LALLO: I will not provide a  
4 recommendation.  
5 PRESIDENT LOWREY: I knew that.  
6 MR. HAYMER: If we do extend this,  
7 and we do get a resignation, what would be the  
8 official resignation? Because obviously a  
9 text didn't work. What will you two agree on  
10 as the official resignation notification?  
11 MR. LALLO: If we can come to  
12 that. If we can come to that --  
13 MR. HAYMER: What are the rules  
14 that we have to follow for the official  
15 resignation?  
16 MR. LALLO: I would imagine there  
17 would be a piece of legislation where  
18 Mr. Consolo and his client would sign the  
19 agreement. Then we have a special legislation  
20 authorizing their signing the agreement. Then  
21 as soon as that passes, they've already signed  
22 it, he signs it, it's done.  
23 MR. SMOLIC: Mr. Lallo and  
24 Mr. Consolo, I guess the only sticking point  
25 to this point was the proper hours, the

Page 38

1 \$10,000 or whatever that was that was somehow  
2 miscommunicated, and the disparagement clause,  
3 are those the only two factors involved in  
4 this right now, from what I understand from  
5 you, sir?  
6 MR. CONSOLO: So, in speaking with  
7 my client, we had a couple of initial  
8 positions that we had taken, that we would  
9 like to explore, that dealt with more than --  
10 that dealt with money. That dealt with  
11 buyout. So I can't narrow it down there. I'm  
12 just -- I'm like you, I'm not here to waste  
13 anybody's time. We will meet with the Law  
14 Director and go forward in trying to resolve  
15 it.  
16 But if it can't -- I just don't want my  
17 client, or me, to be, you know, that you are  
18 looking at us with prejudice because it didn't  
19 get resolved. You know what I mean? So,  
20 Councilmember, I appreciate your suggestion  
21 and willingness to do it.  
22 I would spend whatever you guys think  
23 is appropriate. If you want to give us two  
24 weeks, and if it can't be reached, then come  
25 back here, it's two weeks. I requested 30

Page 39

1 days. At this point I just want enough time  
2 to be able to, if we can't work it out,  
3 prepare a proper defense for my client. More  
4 than a day and a half notice. That's all I'm  
5 asking for.  
6 MR. LESNICK: I would like to think  
7 that if those are the only two sticking  
8 points, you should be able to do this by  
9 Friday. You were that close. The only reason  
10 you withdrew, according to the email you sent  
11 us, was because of those two points. So I  
12 wouldn't think it would take two weeks, or 30  
13 days. That would be my -- if it was that  
14 close, those were the only two sticking  
15 points. Unless there is something else.  
16 MR. CONSOLO: Again, we would go  
17 back to the initial discussions that we had  
18 had with the Law Director and the city when  
19 this first started back in May. So there  
20 might have been one or two items. I don't  
21 like to hold it to two because honestly I  
22 don't remember what they were at that point.  
23 But, again, and the reasons why we may  
24 do that is because now that the city knows  
25 that some of the information we intend to

Page 40

1 bring up at the hearing, or want more  
2 information on, may change the city's stance a  
3 little bit. I don't know. I don't know.  
4 So, yes, we could certainly -- we could  
5 try and get something resolved by Friday.  
6 That's fine. So are you saying then a hearing  
7 would be Saturday I guess? I'm confused at  
8 what you are saying. We could work as quickly  
9 as you would like us to.  
10 PRESIDENT LOWERY: If I just heard him  
11 correctly, potentially Friday you guys could  
12 resolve this behind the scenes. So I would  
13 like to consider a motion from council to  
14 allow for the two attorneys to discuss this,  
15 and try to resolve this, and I'll say Friday.  
16 If that doesn't work, then we will set  
17 the hearing. I would like to propose a  
18 hearing date of the following Monday, the  
19 26th, which is then 14 days from today.  
20 MAYOR POTTER: Council President  
21 Lowery.  
22 PRESIDENT LOWERY: Yes.  
23 MAYOR POTTER: I will be on vacation  
24 with my family. I won't change it for that.  
25 PRESIDENT LOWERY: Okay. Let's pick

Page 41

1 another date. I don't want to give two weeks  
 2 of time if our attorneys can figure this thing  
 3 out and resolve it and move on. I don't need  
 4 our community continuing to focus on it if we  
 5 don't have to. I would prefer that if the  
 6 attorneys can get this resolved in a short  
 7 period of time, then that's reasonable. If  
 8 not, then I would like to again get this back,  
 9 hearing back on line. Let's pick a date then.  
 10 If the 26th doesn't work, let's pick a date.  
 11 You're out all next week or all that week?  
 12 MAYOR POTTER: I'll come back the  
 13 1st or 2nd. How about that Monday?  
 14 PRESIDENT LOWERY: That's the following  
 15 Monday, that's the 2nd. Our council meeting  
 16 is not scheduled until the 23rd. August 2nd  
 17 is what we're proposing this time. Again,  
 18 that is Monday. I say 6:00 p.m.  
 19 MR. SCHULZ: Barring a successful  
 20 mediation, if you want to use that word, we  
 21 will be back here to continue. We won't  
 22 notice that special meeting, correct?  
 23 MR. LALLO: What you need is 24  
 24 hours notice for a special meeting.  
 25 MR. SCHULZ: For a special

Page 42

1 meeting. If things work out, there is no need  
 2 for the notice.  
 3 PRESIDENT LOWERY: Mr. Lallo can give  
 4 his two cents.  
 5 MR. LALLO: I'm okay with that.  
 6 PRESIDENT LOWERY: There needs to be a  
 7 motion on the table. But it sounds like  
 8 council can certainly at least negotiate this,  
 9 and we will set a date of Friday --  
 10 MR. SCHULZ: The first thing is I  
 11 will just make a motion to continue this  
 12 hearing. Then we can pick a date.  
 13 MR. LALLO: Now that the council  
 14 has kind of settled on a date, you could  
 15 include that in your motion.  
 16 MR. SCHULZ: Make a motion to  
 17 continue this hearing on Monday, August 8th --  
 18 PRESIDENT LOWREY: August 2nd.  
 19 MR. SCHULZ: Pardon me, August  
 20 2nd.  
 21 PRESIDENT LOWERY: Correction, August  
 22 2nd. There is a motion on the table.  
 23 MR. LESNICK: Second.  
 24 PRESIDENT LOWERY: Second by  
 25 Mr. Lesnick.

Page 43

1 Further discussion by our council  
 2 members?  
 3 MR. SMOLIC: For the continuance. But,  
 4 Mr. Consolo, with the idea that you guys --  
 5 you are hung up on what you stated today was  
 6 on the financial amount that you thought was  
 7 in question, and the disparagement clause  
 8 also. I'm just a little worried about the  
 9 goal post being moved and things being  
 10 changed. Those are the two items. I figure  
 11 you guys as counsel are going to work on,  
 12 Mr. Consolo.  
 13 MR. CONSOLO: Again, Councilman  
 14 Smolic, I don't want to be unclear or  
 15 misleading.  
 16 MR. SMOLIC: You stated that is  
 17 the main concern why you moved it to the 2nd.  
 18 MR. CONSOLO: I understand that.  
 19 In light of the other evidence that we think  
 20 would come out, what we're saying is we would  
 21 go back to our initial discussions with the  
 22 city, which might have included items other  
 23 than those two.  
 24 So I don't want to be misleading to  
 25 you, sir. Again, if there is other things --

Page 44

1 well, first of all, I'm not sure whether it's  
 2 proper to discuss settlement negotiations  
 3 anyway. Your lawyer will talk to you about  
 4 that.  
 5 MR. LESNICK: Mr. Consolo, I'm  
 6 going to interrupt. I'm sorry. You either  
 7 can or cannot get this done by Friday. I  
 8 don't care what the reasons are. I really  
 9 don't. We have been at this for four months.  
 10 We asked before. You are willing to  
 11 negotiate. Yes or no? Will you work your  
 12 best to get it done by Friday? Yes or no?  
 13 MR. CONSOLO: Yes, sir. But you do  
 14 understand it's a two-way street. I'm not the  
 15 only one.  
 16 MR. LESNICK: I already have  
 17 assurances from our Law Director.  
 18 MR. CONSOLO: Okay.  
 19 MR. LESNICK: That is really where  
 20 I am looking for. So with that, Mr. Lallo, is  
 21 there some way we put that into this motion?  
 22 Or do we have to have a different motion?  
 23 MR. LALLO: No.  
 24 PRESIDENT LOWERY: Mr. Lesnick,  
 25 Mr. Smolic, any other comments or any other

Page 45

1 questions?  
 2 MR. SMOLIC: My vote is yes for  
 3 the continuance.  
 4 PRESIDENT LOWERY: We will call the  
 5 roll. I just want to make sure everybody has  
 6 got their due diligence and shared their  
 7 thoughts or comments.  
 8 MR. HAYMER: Are we going to be  
 9 back here on Friday?  
 10 MR. LALLO: No. Should this  
 11 motion pass, I can notify council whether  
 12 there is an agreement, a tentative agreement  
 13 or not. If there is no tentative agreement,  
 14 then we're going forward on August 2nd with  
 15 the removal proceedings. If there is an  
 16 agreement, we can alternatively schedule a  
 17 special meeting to address the legislation  
 18 that would be to authorize the Mayor to sign  
 19 that agreement.  
 20 PRESIDENT LOWERY: That's clearly the  
 21 motion that is on the table right now.  
 22 MR. LALLO: The motion on the  
 23 table right now is just to continue this  
 24 hearing until August 2nd at 6:00 p.m. I  
 25 believe.

Page 46

1 PRESIDENT LOWERY: 6:00 p.m., correct.  
 2 MR. SMOLIC: Call the roll first,  
 3 right? Is that where we are headed? Have we  
 4 gotten to that point?  
 5 PRESIDENT LOWERY: I'll call the roll.  
 6 Don't worry.  
 7 MR. SMOLIC: I thought you already  
 8 had.  
 9 PRESIDENT LOWERY: No, I did not. Any  
 10 other questions or comments from council? You  
 11 all understand the motion on the table by  
 12 nodding your head yes?  
 13 Hearing no further discussion,  
 14 Ms. Roelle, can you call the roll, please?  
 15 MS. ROELLE: Mr. Smolic?  
 16 MR. SMOLIC: Yes.  
 17 MS. ROELLE: Ms. Wolfe?  
 18 MS. WOLFE: Yes.  
 19 MS. ROELLE: Mr. Haymer?  
 20 MR. HAYMER: Yes.  
 21 MS. ROELLE: Mr. Lesnick?  
 22 MR. LESNICK: Yes.  
 23 MS. ROELLE: Mr. Lowery?  
 24 PRESIDENT LOWERY: Yes.  
 25 MS. ROELLE: Mr. Ruple?

Page 47

1 MR. RUPLE: Yes.  
 2 MS. ROELLE: Mr. Schulz?  
 3 MR. SCHULZ: Yes.  
 4 MAYOR POTTER: Mr. Lallo, City  
 5 Council, I would ask that relative to Section  
 6 733.37 of the Ohio Revised Code, suspension of  
 7 accused pending hearing, pending any  
 8 proceedings under Section 733.35, 733.36 of  
 9 the Revised Code, the accused person may be  
 10 suspended by majority vote of all members  
 11 elected to the legislative authority of a  
 12 municipal corporation. But such suspension  
 13 should not be longer than the period of 15  
 14 days, unless the hearing of such charges is  
 15 extended, which is what you just did, upon the  
 16 application of the accused, which happened  
 17 here. In which event, the suspension shall  
 18 not exceed 30 days. I'm asking for a motion  
 19 to suspend Lance Nosse for 30 days without pay  
 20 as this resolves itself.  
 21 PRESIDENT LOWERY: Thank you, Mayor.  
 22 Council?  
 23 MR. LALLO: It's our position  
 24 that the city is proceeding under those  
 25 relevant portions of the statute. So this

Page 48

1 provision would apply. Should you so choose.  
 2 MR. LESNICK: If we don't do this?  
 3 MR. LALLO: What?  
 4 MAYOR POTTER: So if we don't do  
 5 this, then he continues to get paid, in  
 6 effect, and is the acting police chief, which  
 7 is a pretty big deal in my opinion seeing  
 8 everything that we know and the charges. We  
 9 had a resignation. The resignation was  
 10 rescinded at the 11th hour. So we know all  
 11 that.  
 12 It's my position that the charges were  
 13 filed for a reason, and to protect this  
 14 department, the morale of this department, and  
 15 the finances of the city, I'm asking you to  
 16 suspend Chief Nosse without pay for 30 days.  
 17 MR. SMOLIC: So we need a motion  
 18 to suspend Chief Nosse for 30 days.  
 19 MR. LALLO: Pursuant to Ohio  
 20 Revised Code 733.37.  
 21 MR. SMOLIC: Pursuant to Ohio  
 22 Revised Code 733.37.  
 23 PRESIDENT LOWERY: We have a motion on  
 24 the table.  
 25 MR. CONSOLO: Council, my

Page 49

1 objection, you've heard it already, we don't  
 2 think that provision applies.  
 3 But secondly, the Mayor's request is  
 4 for 30 days. The hearing will be 21 days from  
 5 today. So if you clear Chief Nosse of any  
 6 charges and decide not to remove him, then it  
 7 would be unfair for him to be suspended  
 8 another nine days. So I would just like you  
 9 to take that into account, please.  
 10 PRESIDENT LOWERY: Thanks, Mr. Consolo.  
 11 The question is can we restate the motion to  
 12 basically identify when the hearing is  
 13 completed, the outcome of the hearing would be  
 14 the final day, or do we have to set a date, a  
 15 number?  
 16 MR. SMOLIC: Council just  
 17 addressed the time, when the -- for 30 days  
 18 right now. Then if things were to change, we  
 19 can address --  
 20 MR. LALLO: That is correct. Or  
 21 if we have a hearing on August 2nd, and he is  
 22 not terminated, at that point you can make a  
 23 determination to reinstate him at that point.  
 24 PRESIDENT LOWERY: Stay with 30 day,  
 25 motion for 30 day suspension.

Page 50

1 MR. SMOLIC: Motion on the table  
 2 for 30 days.  
 3 MR. LESNICK: Second.  
 4 PRESIDENT LOWERY: Second by  
 5 Mr. Lesnick. Any further discussion?  
 6 Everybody understand the motion on the  
 7 table? Suspension of Lance Nosse for 30 days,  
 8 which is -- I want a date -- through August  
 9 11th. Any further comments or questions from  
 10 city council?  
 11 MAYOR POTTER: 30 days without pay?  
 12 I did not hear that.  
 13 MR. SMOLIC: Oh, we didn't state  
 14 that, did we? Did I state that correctly? 30  
 15 days suspension, without pay.  
 16 MR. LALLO: You did not say it,  
 17 so you may need to amend your motion.  
 18 MR. SMOLIC: I would like to amend  
 19 the motion to a 30-day suspension, without  
 20 pay, of Chief Nosse, and taking effect today,  
 21 and effective until August 11th would be --  
 22 MR. LALLO: So we're going --  
 23 just for clarity purposes, that's an amendment  
 24 to the motion. So that means we seconded and  
 25 voted on to formally amend the original

Page 51

1 motion.  
 2 MR. SCHULZ: Also has to be by  
 3 emergency, correct, effective today?  
 4 MR. LALLO: No, this is purely  
 5 statutory.  
 6 PRESIDENT LOWERY: We have a motion on  
 7 the table.  
 8 MR. SMOLIC: Motion to amend on  
 9 the table.  
 10 PRESIDENT LOWERY: Motion to amend,  
 11 that's correct.  
 12 MR. SCHULZ: Seconded.  
 13 PRESIDENT LOWERY: Okay, Mr. Schulz  
 14 seconded.  
 15 MR. LALLO: Did he second it?  
 16 PRESIDENT LOWERY: Yes, he did. Any  
 17 other discussion? Ms. Roelle, call the roll,  
 18 please.  
 19 MS. ROELLE: Mr. Smolic?  
 20 MR. SMOLIC: Yes.  
 21 MS. ROELLE: Ms. Wolfe?  
 22 MS. WOLFE: No.  
 23 MS. ROELLE: Mr. Haymer?  
 24 MR. HAYMER: Yes.  
 25 MS. ROELLE: Mr. Lesnick?

Page 52

1 MR. LESNICK: Yes.  
 2 MS. ROELLE: Mr. Lowery?  
 3 PRESIDENT LOWERY: Yes.  
 4 MS. ROELLE: Mr. Ruple?  
 5 MR. RUPLE: Yes.  
 6 MS. ROELLE: Mr. Schulz?  
 7 MR. SCHULZ: Yes.  
 8 PRESIDENT LOWERY: Now you've got to --  
 9 try your motion again.  
 10 MR LALLO: No, no, no, now the  
 11 motion is already amended. It's been  
 12 seconded. So now discussion.  
 13 PRESIDENT LOWERY: Any further  
 14 discussion on the amended motion? Any further  
 15 discussion? Hearing none, Ms. Roelle, can you  
 16 call the roll, please?  
 17 MS. ROELLE: Mr. Smolic?  
 18 MR. SMOLIC: Yes.  
 19 MS. ROELLE: Ms. Wolfe?  
 20 MS. WOLFE: No.  
 21 MS. ROELLE: Mr. Haymer?  
 22 MR. HAYMER: Yes.  
 23 MS. ROELLE: Mr. Lesnick?  
 24 MR. LESNICK: Yes.  
 25 MS. ROELLE: Mr. Lowery?

1 PRESIDENT LOWERY: Yes.  
 2 MS. ROELLE: Mr. Ruple?  
 3 MR. RUPLE: Yes.  
 4 MS. ROELLE: Mr. Schulz?  
 5 MR. SCHULZ: Yes.  
 6 (Hearing concerning the motion for termination of  
 7 to Chief Lance Nosse adjourned at 8:10 p.m.)  
 8  
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1 State of Ohio, )  
 2 County of Cuyahoga. ) SS:  
 3  
 4 C E R T I F I C A T E  
 5 This certifies that the foregoing is a true  
 6 and correct transcript of the proceedings had  
 7 before the Kirtland City Council, on July 12,  
 8 2021, commencing at 7:11 p.m.  
 9  
 10 In Re:  
 11 Termination of Police Chief Lance Nosse  
 12  
 13  
 14  
 15  
 16 COURT REPORTER  
 17 FINCUN-MANCINI COURT REPORTERS  
 18 1801 East Ninth Street  
 19 Suite 1720  
 20 Cleveland, Ohio 44114  
 21 (216) 696-2272  
 22 email@fincunmancini.com  
 23  
 24  
 25

	5:15	<b>announced (1)</b> 31:3	<b>back (19)</b> 7:2;8:24;12:19;14:7; 16:8;22:16;24:7;30:1; 36:6,11;38:25;39:17, 19;41:8,9,12,21;43:21; 45:9	5:6;19:20
<b>§</b>	<b>afforded (1)</b> 18:1	<b>apples (1)</b> 25:1	<b>brought (5)</b> 7:3,4;12:12;27:23; 30:10	
<b>\$10,000 (4)</b> 27:2,8,24;38:1	<b>afternoon (5)</b> 3:17;6:19;10:20; 28:12;31:20	<b>application (1)</b> 47:16	<b>Bureau (1)</b> 15:20	
<b>A</b>	<b>afterwards (1)</b> 32:18	<b>applies (2)</b> 4:16;49:2	<b>bad (3)</b> 21:17,18;22:3	<b>business (3)</b> 4:12;7:21;9:9
<b>abiding (1)</b> 24:13	<b>again (17)</b> 7:8,14,17,17;9:18; 19:8,22;28:6;30:1; 35:16;39:16,23;41:8, 17;43:13,25;52:9	<b>apply (2)</b> 11:24;48:1	<b>Barring (1)</b> 41:19	<b>buyout (1)</b> 38:11
<b>ability (3)</b> 5:15;6:3;12:11	<b>against (6)</b> 5:8;7:3,4,16;8:3;9:6	<b>appreciate (2)</b> 34:2;38:20	<b>based (1)</b> 22:7	<b>C</b>
<b>able (7)</b> 6:4;9:18;18:10; 21:20;26:24;39:2,8	<b>ago (3)</b> 13:15;14:8;28:14	<b>appropriate (2)</b> 22:6;38:23	<b>basically (1)</b> 49:12	<b>calculation (3)</b> 22:20,24;23:1
<b>abrupt (1)</b> 28:9	<b>agree (5)</b> 22:2;26:13;29:9,12; 37:9	<b>April (1)</b> 16:19	<b>Baumgart (3)</b> 7:3,7,16	<b>call (10)</b> 13:25;14:1;18:2; 32:23;45:4;46:2,5,14; 51:17;52:16
<b>absence (1)</b> 15:22	<b>agreeable (1)</b> 35:8	<b>argument (2)</b> 4:17,19	<b>BCI (1)</b> 15:21	<b>called (3)</b> 18:15;20:15;21:10
<b>absolutely (3)</b> 26:25;27:13;30:24	<b>agreeing (1)</b> 24:12	<b>around (4)</b> 4:7;7:9;13:1;24:21	<b>becoming (1)</b> 24:21	<b>came (1)</b> 10:9
<b>according (2)</b> 12:24;39:10	<b>agreement (9)</b> 20:24;24:6;37:19,20; 45:12,12,13,16,19	<b>arrest (1)</b> 8:21	<b>beforehand (1)</b> 6:4	<b>camera (1)</b> 15:14
<b>accordingly (1)</b> 22:9	<b>ahead (2)</b> 16:14;17:20	<b>article (3)</b> 31:1,6,10	<b>begin (1)</b> 3:10	<b>can (41)</b> 6:13;10:17;13:23; 14:17;15:7;16:11,14; 18:23;20:17;23:16; 25:20;26:17;28:18; 30:22;31:16;33:2,8,9, 14,19;34:1,4,12;35:7; 36:2,19;37:11,12;41:2, 6;42:3,8,12;44:7; 45:11,16;46:14;49:11, 19,22;52:15
<b>account (1)</b> 49:9	<b>allay (1)</b> 13:24	<b>assistance (1)</b> 7:5	<b>beginning (1)</b> 7:2	<b>cards (1)</b> 15:19
<b>accrued (2)</b> 22:19,21	<b>allegation (2)</b> 5:7;19:5	<b>assistant (1)</b> 12:24	<b>begins (1)</b> 31:24	<b>care (1)</b> 44:8
<b>accurate (2)</b> 11:3;28:3	<b>allegations (3)</b> 6:6;13:4;18:11	<b>assume (1)</b> 25:22	<b>behind (1)</b> 40:12	<b>case (12)</b> 3:22;5:24;10:22,24; 11:15,17;13:3;14:15, 18,19;27:14;36:14
<b>accused (4)</b> 12:12;47:7,9,16	<b>alleging (1)</b> 5:13	<b>assurances (1)</b> 44:17	<b>belittled (1)</b> 19:15	<b>cases (1)</b> 21:13
<b>achieve (1)</b> 36:19	<b>allow (6)</b> 6:15;8:13;10:3,4,11; 40:14	<b>assure (2)</b> 31:16;34:12	<b>belong (1)</b> 18:18	<b>Cassie (3)</b> 6:9;9:20;19:17
<b>Act (3)</b> 23:17;25:4,7	<b>allowed (1)</b> 32:9	<b>attempt (1)</b> 13:20	<b>best (2)</b> 34:1;44:12	<b>casts (1)</b> 21:5
<b>acting (1)</b> 48:6	<b>alone (1)</b> 24:13	<b>attorney (1)</b> 34:5	<b>beyond (2)</b> 11:11,12	<b>cause (1)</b> 8:22
<b>actually (4)</b> 22:13;27:7;29:17; 35:14	<b>along (1)</b> 36:16	<b>attorneys (3)</b> 40:14;41:2,6	<b>big (1)</b> 48:7	<b>causing (1)</b> 32:15
<b>ad (1)</b> 29:25	<b>alternative (1)</b> 27:12	<b>auditors (1)</b> 11:8	<b>bit (1)</b> 40:3	<b>cell (1)</b> 15:8
<b>address (5)</b> 3:7;6:4;24:23;45:17; 49:19	<b>alternatively (1)</b> 45:16	<b>August (10)</b> 41:16;42:17,18,19, 21;45:14,24;49:21; 50:8,21	<b>blame (1)</b> 28:16	<b>cents (1)</b> 42:4
<b>addressed (2)</b> 14:10;49:17	<b>always (5)</b> 33:8;36:14,15,17,18	<b>author (2)</b> 31:6,10	<b>blue (1)</b> 16:4	<b>certain (3)</b> 5:13;23:7;24:1
<b>addresses (1)</b> 14:2	<b>amend (5)</b> 50:17,18,25;51:8,10	<b>authority (3)</b> 11:8;23:25;47:11	<b>board (1)</b> 11:9	<b>certainly (4)</b> 10:8;21:3;40:4;42:8
<b>addressing (2)</b> 10:18;15:16	<b>amended (2)</b> 52:11,14	<b>authorize (1)</b> 45:18	<b>body (2)</b> 36:24,25	<b>chance (8)</b>
<b>adequate (1)</b> 10:10	<b>amendment (1)</b> 50:23	<b>authorizing (1)</b> 37:20	<b>both (1)</b> 21:14	
<b>adjourned (1)</b> 53:7	<b>amid (1)</b> 20:19	<b>aware (5)</b> 7:2;11:17;13:3,15; 14:5	<b>bound (2)</b> 26:20,22	
<b>administration (7)</b> 5:19;18:19;28:21; 29:1;30:11,13,22	<b>amount (4)</b> 12:17;16:7;20:9; 43:6	<b>away (6)</b> 7:19;20:24;21:9,15; 22:1;26:19	<b>breach (2)</b> 24:8,17	
<b>administrative (2)</b> 14:21;17:24			<b>briefly (2)</b> 16:13,14	
<b>affects (1)</b>		<b>B</b>	<b>bring (2)</b> 11:22;40:1	
			<b>bringing (3)</b> 8:3;30:2,4	
			<b>broad (2)</b>	

<p>6:6,16:8;16,25;9:11; 28:12;32:14;36:3 <b>change (3)</b> 40:2,24;49:18 <b>changed (3)</b> 29:2,11;43:10 <b>Chapter (1)</b> 11:5 <b>Charge (3)</b> 18:12;19:6,19 <b>charges (17)</b> 5:6,11;7:3,15;8:2; 9:15;10:6;11:22;15:20; 18:12;27:20,23;29:4; 47:14;48:8,12;49:6 <b>charging (1)</b> 11:25 <b>Chief (40)</b> 4:24;6:11;7:3,7,16; 8:4,6;9:6,22,24;10:4; 15:22,24;17:4,25; 18:14,22,25;20:19; 21:5;22:6;25:13,14; 26:14;27:21,21,22; 28:24;29:13,21;30:15; 31:3,9,14;48:6,16,18; 49:5;50:20;53:7 <b>Chief's (1)</b> 5:15 <b>choose (1)</b> 48:1 <b>Chronicle (7)</b> 20:16;25:13;29:24; 30:2,17,20;31:15 <b>cited (3)</b> 10:22;11:18;14:6 <b>cities (3)</b> 3:24;11:7,9 <b>citing (2)</b> 11:19;33:7 <b>City (29)</b> 3:25;4:9;5:18;6:20; 7:25;8:8,10;11:8; 13:16;18:14,18,25; 19:9;21:9,21;23:21; 24:1,12,15;25:20; 29:20;36:12;39:18,24; 43:22;47:4,24;48:15; 50:10 <b>city's (2)</b> 13:10;40:2 <b>civil (6)</b> 5:24;6:2;8:20;14:15, 18;17:24 <b>claims (1)</b> 5:8 <b>clarify (1)</b> 14:17 <b>clarity (1)</b> 50:23 <b>clause (4)</b> 24:10,22;38:2;43:7 <b>cleans (1)</b></p>	<p>26:10 <b>clear (2)</b> 10:4;49:5 <b>clearly (1)</b> 45:20 <b>clerk (1)</b> 11:10 <b>client (13)</b> 4:11;5:8;6:11;8:4; 10:9;20:17;27:13; 33:18,20;37:18;38:7, 17;39:3 <b>clients (1)</b> 32:4 <b>client's (1)</b> 27:6 <b>close (2)</b> 39:9,14 <b>Code (11)</b> 3:19,22;4:16,20; 10:22;11:2,5;47:6,9; 48:20,22 <b>comments (6)</b> 9:23;25:8;44:25; 45:7;46:10;50:9 <b>communication (1)</b> 17:3 <b>community (2)</b> 18:20;41:4 <b>company (2)</b> 30:3,23 <b>complaints (3)</b> 7:4;8:3;9:5 <b>completed (1)</b> 49:13 <b>compromised (1)</b> 5:2 <b>concern (8)</b> 4:24;9:15;10:18; 15:16,25;23:20;25:17; 43:17 <b>concerning (1)</b> 53:6 <b>concerns (5)</b> 9:17;13:25;14:2,10; 24:23 <b>concluded (1)</b> 4:8 <b>conduct (1)</b> 9:17 <b>confer (1)</b> 33:20 <b>confidentiality (1)</b> 25:2 <b>confused (1)</b> 40:7 <b>confusing (1)</b> 24:25 <b>connected (1)</b> 31:6 <b>consent (1)</b> 15:23 <b>consider (6)</b></p>	<p>3:3;12:11;29:10; 33:15;34:14;40:13 <b>consideration (1)</b> 22:24 <b>considered (3)</b> 20:4;28:24;29:21 <b>Consolo (44)</b> 3:11,12;10:15,22; 12:9,18;13:2;14:11; 16:8,11;17:3,19,21; 23:20;24:18,24;26:4, 21;27:18;28:15;29:18; 30:5,7,9,18,21;31:18, 23;33:17,19;34:15; 37:18,24;38:6;39:16; 43:4,12,13,18;44:5,13, 18;48:25;49:10 <b>Consolo's (2)</b> 12:15;13:24 <b>contained (1)</b> 11:1 <b>continuance (17)</b> 4:22;10:3;12:12,15; 13:6,18;14:3;32:9,19; 33:1;34:14,21;35:3,4, 16;43:3;45:3 <b>continue (9)</b> 32:5;34:13,21;35:16; 36:9;41:21;42:11,17; 45:23 <b>continued (1)</b> 35:7 <b>continues (1)</b> 48:5 <b>continuing (1)</b> 41:4 <b>contract (1)</b> 24:8 <b>control (4)</b> 11:9;30:16,19,23 <b>conversations (2)</b> 19:14,15 <b>Corillo (4)</b> 6:9;9:20;13:22; 19:18 <b>corporation (3)</b> 11:21;32:7;47:12 <b>Correction (1)</b> 42:21 <b>correctly (3)</b> 19:25;40:11;50:14 <b>correspondence (2)</b> 3:17,21 <b>council (34)</b> 3:7,12,13;4:4,21; 8:10,13;12:3,4,10; 17:21,23;23:21,25; 25:18;26:6,12;32:23; 33:23;35:7;36:24; 40:13,20;41:15;42:8, 13;43:1;45:11;46:10; 47:5,22;48:25;49:16; 50:10</p>	<p><b>Councilman (10)</b> 19:24;24:19;25:11; 26:4;27:1;28:15;30:5, 9;31:25;43:13 <b>Councilmember (1)</b> 38:20 <b>council's (1)</b> 22:8 <b>counsel (2)</b> 34:3;43:11 <b>County (1)</b> 4:10 <b>couple (3)</b> 20:5;27:25;38:7 <b>course (2)</b> 27:25;33:22 <b>court (2)</b> 17:25;35:15 <b>Criminal (1)</b> 15:20 <b>currently (1)</b> 3:9 <b>custodian (1)</b> 26:10</p>	<p><b>defense (4)</b> 5:1;6:13;10:10;39:3 <b>delinquent (1)</b> 11:13 <b>demand (1)</b> 15:1 <b>demanded (1)</b> 15:4 <b>demoted (1)</b> 7:23 <b>denied (1)</b> 9:7 <b>department (8)</b> 6:24;8:15;9:10; 15:10;26:8,13;48:14, 14 <b>depend (1)</b> 25:24 <b>deserves (1)</b> 6:12 <b>desire (1)</b> 33:16 <b>desired (1)</b> 36:20 <b>determination (1)</b> 49:23 <b>determined (3)</b> 3:25;26:20,22 <b>developed (1)</b> 9:1 <b>develops (1)</b> 23:2 <b>dialogue (1)</b> 34:16 <b>dictate (1)</b> 8:14 <b>dictated (1)</b> 12:7 <b>dictating (1)</b> 6:24 <b>difference (3)</b> 14:18;27:1,8 <b>different (4)</b> 11:6;25:10;32:16; 44:22 <b>dig (1)</b> 13:7 <b>diligence (2)</b> 13:17;45:6 <b>diligently (2)</b> 5:4;20:1 <b>directly (1)</b> 19:25 <b>Director (20)</b> 3:14;4:14;5:3;8:8,9; 12:25;18:4;20:2;21:8, 19;25:1,3;27:3,4;28:8; 32:11;36:23;38:14; 39:18;44:17 <b>Director's (1)</b> 24:25 <b>disagree (1)</b> 3:19</p>
<b>D</b>				
<p><b>date (17)</b> 32:18;33:15;34:22; 35:3,8,10,17,24;40:18; 41:1,9,10;42:9,12,14; 49:14;50:8 <b>dated (2)</b> 10:19;20:7 <b>Davidson (1)</b> 7:22 <b>day (5)</b> 20:13;39:4;49:14,24, 25 <b>days (20)</b> 4:12;10:12;22:22; 33:5;39:1,13;40:19; 47:14,18,19;48:16,18; 49:4,4,8,17;50:2,7,11, 15 <b>deal (3)</b> 13:10;24:15;48:7 <b>dealt (3)</b> 38:9,10,10 <b>decade (2)</b> 9:4;13:14 <b>decide (2)</b> 34:18;49:6 <b>decided (1)</b> 22:4 <b>deciding (1)</b> 17:10 <b>decision (1)</b> 22:8 <b>declination (1)</b> 15:19 <b>deeper (1)</b> 13:7</p>	<p><b>date (17)</b> 32:18;33:15;34:22; 35:3,8,10,17,24;40:18; 41:1,9,10;42:9,12,14; 49:14;50:8 <b>dated (2)</b> 10:19;20:7 <b>Davidson (1)</b> 7:22 <b>day (5)</b> 20:13;39:4;49:14,24, 25 <b>days (20)</b> 4:12;10:12;22:22; 33:5;39:1,13;40:19; 47:14,18,19;48:16,18; 49:4,4,8,17;50:2,7,11, 15 <b>deal (3)</b> 13:10;24:15;48:7 <b>dealt (3)</b> 38:9,10,10 <b>decade (2)</b> 9:4;13:14 <b>decide (2)</b> 34:18;49:6 <b>decided (1)</b> 22:4 <b>deciding (1)</b> 17:10 <b>decision (1)</b> 22:8 <b>declination (1)</b> 15:19 <b>deeper (1)</b> 13:7</p>			

<b>disburse (1)</b> 23:22	<b>duty (3)</b> 5:14;9:14;19:7	47:17	<b>felt (1)</b> 24:9	<b>follow (2)</b> 12:8;37:14
<b>disciplinary (1)</b> 7:12	<b>E</b>	<b>eventually (1)</b> 7:24	<b>few (2)</b> 24:19;31:19	<b>following (3)</b> 12:16;40:18;41:14
<b>discovery (1)</b> 6:3	<b>earlier (1)</b> 13:1	<b>everybody (5)</b> 20:24;21:9;22:1; 45:5;50:6	<b>fight (3)</b> 26:20;22;27:17	<b>foresee (1)</b> 24:12
<b>discrepancy (1)</b> 28:5	<b>Ed (1)</b> 7:19	<b>everybody's (1)</b> 36:13	<b>fighting (1)</b> 27:20	<b>forget (2)</b> 20:15;25:9
<b>discretion (1)</b> 12:11	<b>effect (2)</b> 48:6;50:20	<b>evidence (12)</b> 9:22;12:20;14:22; 15:1;17:6,11;18:13,25; 19:2,8;22:7;43:19	<b>figure (3)</b> 35:8;41:2;43:10	<b>formally (1)</b> 50:25
<b>discretionary (2)</b> 12:10,13	<b>effective (4)</b> 17:4;31:4;50:21; 51:3	<b>exactly (3)</b> 5:19;9:13;13:8	<b>file (8)</b> 7:11;8:17;9:2,3,20, 25;13:12;15:25	<b>forward (8)</b> 6:16;20:17;22:5; 29:6,13;34:13;38:14; 45:14
<b>discuss (3)</b> 13:20;40:14;44:2	<b>either (3)</b> 28:11;34:17;44:6	<b>examples (1)</b> 7:1	<b>filed (1)</b> 48:13	<b>forwarded (2)</b> 23:8,10
<b>discussing (1)</b> 33:18	<b>elected (3)</b> 24:2;26:12;47:11	<b>exceed (1)</b> 47:18	<b>files (2)</b> 13:19,23	<b>four (3)</b> 28:10;36:10;44:9
<b>discussion (9)</b> 12:22;13:20;43:1; 46:13;50:5;51:17; 52:12,14,15	<b>else (2)</b> 24:4;39:15	<b>except (1)</b> 25:6	<b>final (1)</b> 49:14	<b>frame (2)</b> 12:6;16:20
<b>discussions (2)</b> 39:17;43:21	<b>Elyria (1)</b> 4:10	<b>Executive (2)</b> 11:2,16	<b>finally (1)</b> 4:8	<b>Freedom (1)</b> 23:17
<b>disparage (3)</b> 21:17;26:8,14	<b>email (7)</b> 15:15,22,23;20:6; 27:15;28:7;39:10	<b>existed (1)</b> 22:13	<b>finance (3)</b> 23:1,7;27:4	<b>Friday (11)</b> 28:11;31:5,22;39:9; 40:5,11,15;42:9;44:7, 12;45:9
<b>disparagement (4)</b> 23:12;26:18;38:2; 43:7	<b>emails (1)</b> 27:16	<b>expected (1)</b> 20:10	<b>finances (1)</b> 48:15	<b>front (1)</b> 21:14
<b>dispute (1)</b> 4:15	<b>emergency (1)</b> 51:3	<b>explore (3)</b> 9:19;19:12;38:9	<b>financial (1)</b> 43:6	<b>funds (1)</b> 22:11
<b>division (1)</b> 11:1	<b>employees (1)</b> 26:11	<b>express (1)</b> 7:6	<b>findings (1)</b> 13:11	<b>further (7)</b> 34:21;43:1;46:13; 50:5,9;52:13,14
<b>document (8)</b> 12:1;15:23;19:3; 23:8,8,9;28:1,7	<b>encompassed (1)</b> 12:20	<b>extend (1)</b> 37:6	<b>fine (3)</b> 19:18;25:9;40:6	<b>G</b>
<b>documentary (2)</b> 19:8,23	<b>end (1)</b> 24:20	<b>extended (1)</b> 47:15	<b>finished (1)</b> 16:15	<b>gave (4)</b> 7:1;21:22;22:3;27:9
<b>documentation (1)</b> 22:12	<b>English (1)</b> 35:19	<b>F</b>	<b>first (10)</b> 3:11;7:18;17:22; 29:5;34:6;35:6;39:19; 42:10;44:1;46:2	<b>gee (1)</b> 21:21
<b>documented (1)</b> 7:13	<b>enough (1)</b> 39:1	<b>fact (1)</b> 34:14	<b>Fisher (4)</b> 8:5,18;14:4,5	<b>general (2)</b> 5:12;11:11
<b>documents (9)</b> 5:4;12:18;15:18; 16:3;18:5,6,8;22:18; 25:6	<b>enter (1)</b> 26:7	<b>factors (1)</b> 38:3	<b>Fisher's (3)</b> 8:17;9:2;13:12	<b>given (4)</b> 15:5,6;17:6;31:15
<b>done (11)</b> 13:16,16;15:2;17:1; 20:25;29:17;31:21,22; 37:22;44:7,12	<b>entered (1)</b> 8:22	<b>facts (1)</b> 13:3	<b>five (2)</b> 28:10;36:10	<b>gives (1)</b> 30:23
<b>dots (1)</b> 31:7	<b>entitled (1)</b> 11:2	<b>failure (1)</b> 24:11	<b>fix (1)</b> 28:13	<b>goal (3)</b> 36:14,17;43:9
<b>down (3)</b> 25:18;32:18;38:11	<b>entry (1)</b> 15:18	<b>fair (3)</b> 4:25;5:1;8:16	<b>fixed (1)</b> 28:13	<b>goes (1)</b> 11:10
<b>downfall (1)</b> 20:22	<b>environment (1)</b> 5:14	<b>faith (1)</b> 32:13	<b>flash (1)</b> 16:4	<b>good (2)</b> 32:13;36:11
<b>drive (1)</b> 16:4	<b>error (1)</b> 22:20	<b>fall (1)</b> 28:16	<b>Flock (2)</b> 18:15,21	<b>grant (1)</b> 32:21
<b>Dropbox (1)</b> 12:23	<b>essentially (2)</b> 23:21;35:23	<b>falls (1)</b> 32:6	<b>FMLA (1)</b> 15:17	<b>great (4)</b> 13:10;19:18;24:15; 26:5
<b>druthers (1)</b> 26:23	<b>estimated (2)</b> 15:17;22:16	<b>false (1)</b> 21:5	<b>fob (1)</b> 15:18	<b>guess (4)</b> 28:4;31:18;37:24; 40:7
<b>due (5)</b> 4:24;10:3;13:17; 18:1;45:6	<b>estimates (1)</b> 27:2	<b>family (1)</b> 40:24	<b>focus (1)</b> 41:4	<b>guys (7)</b> 10:7;28:19;29:7; 38:22;40:11;43:4,11
	<b>even (6)</b> 9:16;10:6;18:18; 20:17;22:13;25:25	<b>fault (1)</b> 20:10	<b>focusing (2)</b> 18:7,8	
	<b>evening (1)</b> 34:24	<b>February (2)</b> 15:16;16:1	<b>folder (1)</b> 12:23	
	<b>event (1)</b>	<b>feel (4)</b> 22:6;34:12;36:4,5	<b>folks (3)</b> 9:14;20:23;21:22	

<b>H</b>	<b>honest (1)</b> 24:11	43:21 <b>inquire (1)</b> 5:18	15:18 <b>kind (4)</b> 22:11;31:6;34:25; 42:14	11:6;42:8 <b>leave (4)</b> 10:13;15:21,24; 17:17
	<b>half (1)</b> 39:4 <b>handed (1)</b> 12:25 <b>hang (1)</b> 16:16 <b>happen (3)</b> 20:6;22:13;36:18 <b>happened (5)</b> 6:20;7:14,18;13:14; 47:16 <b>happening (3)</b> 8:12;9:13;13:8 <b>harm (1)</b> 21:1 <b>HAYMER (15)</b> 29:23;30:6,8,16,19; 32:3;37:6,13,45;8; 46:19,20;51:23,24; 52:21,22 <b>head (1)</b> 46:12 <b>headed (1)</b> 46:3 <b>headline (3)</b> 20:16,18;21:4 <b>heads (2)</b> 26:9,13 <b>healthy (1)</b> 16:7 <b>hear (4)</b> 10:17;33:25;34:2; 50:12 <b>heard (5)</b> 8:11;10:17;33:11; 40:10;49:1 <b>hearing (30)</b> 3:3,6,10;4:6,22;5:1; 12:1;17:24,24;18:2; 33:8,12;36:16;40:1,6, 17,18;41:9;42:12,17; 45:24;46:13;47:7,14; 49:4,12,13,21;52:15; 53:6 <b>hearings (1)</b> 34:24 <b>Heights (3)</b> 8:8,11;10:23 <b>held (2)</b> 12:1;25:20 <b>helps (3)</b> 13:24;14:23;36:23 <b>history (2)</b> 13:10,15 <b>hold (1)</b> 39:21 <b>home (1)</b> 8:22 <b>homework (2)</b> 6:1;13:16	<b>honestly (1)</b> 39:21 <b>hope (1)</b> 3:18 <b>hopefully (1)</b> 6:1 <b>hostile (1)</b> 5:13 <b>hour (1)</b> 48:10 <b>hours (3)</b> 22:22;37:25;41:24 <b>hung (1)</b> 43:5	<b>inserting (1)</b> 6:23 <b>instance (1)</b> 14:19 <b>instances (1)</b> 10:1 <b>intend (1)</b> 39:25 <b>interrupt (1)</b> 44:6 <b>intervened (1)</b> 8:23 <b>interview (5)</b> 5:20,22;6:7,17;19:19 <b>intimately (1)</b> 8:2 <b>into (8)</b> 3:3;6:23;22:24;24:4; 26:7;34:1;44:21;49:9 <b>inventory (2)</b> 15:11,13 <b>investigate (1)</b> 9:12 <b>Investigation (5)</b> 15:21;20:19,21;31:9, 12 <b>invoices (1)</b> 15:9 <b>involved (2)</b> 8:3;38:3 <b>issue (4)</b> 3:18;12:3;23:1;26:1 <b>issues (4)</b> 13:14;14:7;16:5; 24:1 <b>items (3)</b> 39:20;43:10,22	<b>Kirtland (5)</b> 6:21;15:10;18:18; 20:15;25:12 <b>Kirtland's (1)</b> 9:9 <b>knew (3)</b> 24:15;25:25;37:5 <b>knows (6)</b> 13:9,11,12,13;32:24; 39:24
	<b>I</b>	<b>J</b>	<b>L</b>	
	<b>idea (1)</b> 43:4 <b>identified (1)</b> 5:10 <b>identify (1)</b> 49:12 <b>imagine (1)</b> 37:16 <b>immediate (1)</b> 28:14 <b>impaired (1)</b> 19:7 <b>impression (1)</b> 20:20 <b>impropriety (1)</b> 5:14 <b>inappropriate (2)</b> 9:23;19:14 <b>incident (2)</b> 7:12;9:16 <b>incidents (1)</b> 9:16 <b>inclined (1)</b> 32:12 <b>include (1)</b> 42:15 <b>included (1)</b> 43:22 <b>indicated (6)</b> 23:24;31:8,10,11,13; 32:8 <b>indicates (1)</b> 12:10 <b>individual (1)</b> 25:22 <b>individuals (3)</b> 5:8,10,13 <b>indulgence (2)</b> 4:21;6:15 <b>information (7)</b> 15:6;16:8;23:17; 30:11,14;39:25;40:2 <b>initial (4)</b> 33:12;38:7;39:17;	<b>Jeff (1)</b> 24:19 <b>job (1)</b> 8:24 <b>Jose (3)</b> 6:9;9:20;19:17 <b>July (13)</b> 4:7;17:4;20:7;28:18, 23;29:4,8,12,17,18,19, 22;31:5 <b>jury (1)</b> 4:9	<b>Lack (2)</b> 18:8,9 <b>laid (1)</b> 20:6 <b>Lallo (53)</b> 3:14;4:14;5:3;10:16; 14:13,16,20;15:7; 16:21,25;17:2,8,12,15; 18:4;22:15;23:3,6,13, 19;27:3;28:1;30:25; 33:6;34:4;35:2,5,22; 36:4,8,13;37:3,11,16, 23;41:23;42:3,5,13; 44:20,23;45:10,22; 47:4,23;48:3,19;49:20; 50:16,22;51:4,15; 52:10 <b>Lallo's (1)</b> 24:23 <b>Lance (4)</b> 3:4;47:19;50:7;53:7 <b>language (1)</b> 26:18 <b>last (7)</b> 6:21;9:4;23:9;27:16, 25;28:1;31:21 <b>later (3)</b> 24:7;33:15;35:24 <b>Law (26)</b> 3:13,22;4:14;5:3;8:7, 9;12:25;18:3,23;20:2; 21:7,12,19;24:24;25:1, 3;27:3;28:8;32:11; 33:4;34:7;35:15;36:23; 38:13;39:18;44:17 <b>lawyer (1)</b> 44:3 <b>lawyers (1)</b> 5:25 <b>lax (1)</b> 14:22 <b>lead (1)</b> 20:21 <b>Leading (1)</b> 17:5 <b>least (2)</b>	
		<b>K</b>		
		<b>keep (2)</b> 30:2,4 <b>kept (1)</b> 23:16 <b>Key (1)</b>		

<p><b>lot (2)</b> 21:13;32:16 <b>lovely (1)</b> 4:9 <b>LOWERY (42)</b> 10:14,16;14:13,17, 25;16:13;32:22;33:23; 34:10;35:25;40:10,21, 22,25;41:14;42:3,6,21, 24;44:24;45:4,20;46:1, 5,9,23,24;47:21;48:23; 49:10,24;50:4;51:6,10, 13,16;52:2,3,8,13,25; 53:1 <b>LOWREY (4)</b> 3:2;17:19;37:5; 42:18</p>	<p>41:20 <b>meet (3)</b> 4:11;6:16;38:13 <b>meeting (18)</b> 4:2,4;12:2,4,4;13:1; 31:2;33:2,3,10,14,14; 35:9;41:15,22,24;42:1; 45:17 <b>members (2)</b> 43:2;47:10 <b>mentioned (1)</b> 27:24 <b>mentions (1)</b> 33:11 <b>microphone (2)</b> 33:24;34:1 <b>Middleburg (1)</b> 10:23 <b>midst (1)</b> 4:8 <b>might (2)</b> 39:20;43:22 <b>minute (1)</b> 33:20 <b>miscommunicated (1)</b> 38:2 <b>misleading (2)</b> 43:15,24 <b>mistake (2)</b> 27:5,5 <b>mistaken (1)</b> 31:5 <b>moment (1)</b> 37:1 <b>Monday (5)</b> 40:18;41:13,15,18; 42:17 <b>money (2)</b> 26:17;38:10 <b>months (2)</b> 24:7;44:9 <b>morale (1)</b> 48:14 <b>more (4)</b> 14:22;38:9;39:3; 40:1 <b>most (2)</b> 3:18;36:22 <b>motion (33)</b> 32:20,23;35:10; 40:13;42:7,11,15,16, 22;44:21,22;45:11,21, 22;46:11;47:18;48:17, 23;49:11,25;50:1,6,17, 19,24;51:1,6,8,10;52:9, 11,14;53:6 <b>move (5)</b> 3:2;21:2;29:13; 34:20;41:3 <b>moved (3)</b> 7:24;43:9,17 <b>moving (1)</b> 34:13</p>	<p><b>much (1)</b> 31:25 <b>municipal (5)</b> 11:21;19:1,2;32:7; 47:12 <b>must (2)</b> 34:16,22 <b>mutual (1)</b> 24:9 <b>mutually (1)</b> 35:8 <b>myself (1)</b> 8:10</p>	<p><b>Nosse (19)</b> 3:4;6:11;8:4;9:22, 24;10:4;17:25;22:7; 25:13;26:14;27:21; 31:3;47:19;48:16,18; 49:5;50:7,20;53:7 <b>Nosse's (1)</b> 4:24 <b>note (1)</b> 12:16 <b>notes (2)</b> 5:21;10:24 <b>notice (7)</b> 4:6;16:10;27:20; 39:4;41:22,24;42:2 <b>notification (1)</b> 37:10 <b>notified (3)</b> 16:23;21:19;29:19 <b>notify (1)</b> 45:11 <b>Number (8)</b> 3:5;18:3,12,24;19:6, 13;20:9;49:15</p>	<p>8:20,23;12:5,22; 15:2;16:17;20:9;22:2, 18;23:4;25:23;31:19, 23;39:20;44:15 <b>one-and-a-half (1)</b> 4:12 <b>one-fourth (1)</b> 22:21 <b>only (9)</b> 28:6;30:10;33:10; 37:24;38:3;39:7,9,14; 44:15 <b>OPBA (6)</b> 6:22;7:6,20;8:1; 13:14;15:15 <b>OPBA's (1)</b> 15:25 <b>opening (2)</b> 3:14,15 <b>opinion (3)</b> 10:24;32:10;48:7 <b>opportunity (5)</b> 4:20;5:9,18,22;10:10 <b>oranges (1)</b> 25:1 <b>Ordinance (1)</b> 3:5 <b>organize (1)</b> 33:2 <b>original (1)</b> 50:25 <b>originally (1)</b> 8:18 <b>oust (1)</b> 7:7 <b>out (26)</b> 4:5;7:17,20;9:8; 10:8;20:6,23;21:8; 25:12,19;26:17,18,25; 27:11;29:25;30:12,13, 17,20;35:8;36:15;39:2; 41:3,11;42:1;43:20 <b>outcome (1)</b> 49:13 <b>outlined (3)</b> 10:18;13:4;14:10 <b>outside (1)</b> 11:14 <b>over (6)</b> 4:15;6:21;9:4;16:7; 22:17;23:15</p>
<b>M</b>		<b>N</b>	<b>O</b>	
<p><b>main (1)</b> 43:17 <b>majority (2)</b> 35:11;47:10 <b>making (1)</b> 19:4 <b>mandatory (1)</b> 12:13 <b>many (3)</b> 5:25;6:2;7:9 <b>Maple (1)</b> 8:8 <b>matter (5)</b> 10:11;18:1;26:20; 28:21;29:10 <b>may (19)</b> 7:9;10:16;12:19; 14:14;16:8,19;22:17, 20;24:16,20;25:25; 30:25;32:5;35:14; 39:19,23;40:2;47:9; 50:17 <b>maybe (2)</b> 23:7;32:3 <b>Mayor (27)</b> 7:19,22;8:13;9:7; 11:10,12,20,21;18:14; 26:12;27:19,22;28:23; 29:3,10;31:3,8,14; 36:25;40:20,23;41:12; 45:18;47:4,21;48:4; 50:11 <b>Mayor's (2)</b> 3:3;49:3 <b>mean (12)</b> 19:3;25:21,24;26:18; 27:9;28:8,12;31:25; 34:8;35:14,15;38:19 <b>means (2)</b> 25:11;50:24 <b>media (3)</b> 10:6,8;30:14 <b>mediation (1)</b></p>		<p><b>name (3)</b> 10:4;30:6,8 <b>narrow (1)</b> 38:11 <b>need (6)</b> 22:5;41:3,23;42:1; 48:17;50:17 <b>needs (1)</b> 42:6 <b>negotiate (2)</b> 42:8;44:11 <b>negotiation (1)</b> 29:24 <b>negotiations (1)</b> 44:2 <b>neighboring (1)</b> 18:20 <b>Nest (1)</b> 15:14 <b>new (1)</b> 7:15 <b>news (2)</b> 10:6,8 <b>newspaper (1)</b> 20:14 <b>next (6)</b> 4:3;5:16;12:2;19:7; 33:1;41:11 <b>nine (1)</b> 49:8 <b>Nobody (1)</b> 21:1 <b>nodding (1)</b> 46:12 <b>non-disparagement (7)</b> 21:11;24:10,22; 25:10,11,15;26:2 <b>none (1)</b> 52:15 <b>Nonetheless (1)</b> 13:2 <b>noontime (1)</b> 4:7 <b>normal (2)</b> 5:24;15:2 <b>Normally (1)</b> 3:13</p>	<p><b>object (1)</b> 34:5 <b>objection (1)</b> 49:1 <b>Obviously (3)</b> 4:10;26:9;37:8 <b>occur (1)</b> 20:14 <b>o'clock (1)</b> 28:11 <b>off (4)</b> 5:14;9:14;25:17,22 <b>off-duty (1)</b> 9:15 <b>offer (1)</b> 3:9 <b>office (5)</b> 7:20;15:11;23:15; 24:3,4 <b>Officer (2)</b> 13:21,22 <b>officers (1)</b> 11:13 <b>official (3)</b> 37:8,10,14 <b>officials (1)</b> 26:12 <b>Ohio (4)</b> 11:4;47:6;48:19,21 <b>older (1)</b> 11:14 <b>onboard (1)</b> 21:3 <b>on-duty (1)</b> 9:17 <b>one (15)</b></p>	<b>P</b>

<p>23:5  <b>parties (1)</b>                  36:21  <b>pass (3)</b>                  34:23;35:10;45:11  <b>passed (1)</b>                  7:19  <b>passes (2)</b>                  34:20;37:21  <b>path (1)</b>                  34:18  <b>patrolman (1)</b>                  8:19  <b>pattern (3)</b>                  6:20,22;9:1  <b>pause (4)</b>                  21:22;22:3;27:9;                  35:23  <b>pay (5)</b>                  47:19;48:16;50:11,                  15,20  <b>payout (3)</b>                  20:9;22:16,23  <b>payouts (1)</b>                  15:17  <b>pending (2)</b>                  47:7,7  <b>people (6)</b>                  6:7,8,17;32:16;                  33:25;36:22  <b>period (3)</b>                  28:24;41:7;47:13  <b>person (2)</b>                  8:10;47:9  <b>personnel (9)</b>                  8:17;9:2,3,19,25;                  13:12,19,23;15:24  <b>Phillips (4)</b>                  6:9;9:20;13:22;                  19:17  <b>phone (1)</b>                  15:8  <b>photos (2)</b>                  15:11,12  <b>pick (4)</b>                  40:25;41:9,10;42:12  <b>piece (1)</b>                  37:17  <b>place (1)</b>                  7:8  <b>planted (1)</b>                  31:16  <b>please (6)</b>                  16:13;33:24;46:14;                  49:9;51:18;52:16  <b>pm (4)</b>                  41:18;45:24;46:1;                  53:7  <b>point (16)</b>                  4:23;16:22;17:6,7;                  18:11;20:3;28:20;29:9;                  32:25;37:24,25;39:1,                  22;46:4;49:22,23</p>	<p><b>pointed (1)</b>                  4:5  <b>points (3)</b>                  39:8,11,15  <b>police (13)</b>                  6:22,23;8:14,24;9:5,                  6,8,9;15:10;20:19;                  27:22;31:13;48:6  <b>policies (1)</b>                  15:9  <b>policy (2)</b>                  16:1,2  <b>portions (1)</b>                  47:25  <b>position (6)</b>                  11:23;17:25;28:25;                  36:7;47:23;48:12  <b>positions (1)</b>                  38:8  <b>possible (1)</b>                  27:12  <b>possibly (1)</b>                  25:19  <b>post (1)</b>                  43:9  <b>postponement (1)</b>                  35:18  <b>potential (1)</b>                  13:21  <b>potentially (2)</b>                  32:15;40:11  <b>POTTER (6)</b>                  40:20,23;41:12;47:4;                  48:4;50:11  <b>Power (2)</b>                  11:2,16  <b>practicing (1)</b>                  21:12  <b>prefer (1)</b>                  41:5  <b>prejudice (1)</b>                  38:18  <b>preliminary (3)</b>                  3:8,8,18  <b>Prentice (3)</b>                  10:23;11:15,17  <b>prepare (3)</b>                  6:13;10:10;39:3  <b>present (1)</b>                  12:21  <b>PRESIDENT (45)</b>                  3:2,13;10:14;11:7;                  14:13,17,25;16:13;                  17:19,23;32:22;33:23;                  34:10;35:25;37:5;                  40:10,20,22,25;41:14;                  42:3,6,18,21,24;44:24;                  45:4,20;46:1,5,9,24;                  47:21;48:23;49:10,24;                  50:4,51:6,10,13,16;                  52:3,8,13;53:1  <b>pretty (2)</b>                  19:20;48:7</p>	<p><b>prior (3)</b>                  14:6,7;31:2  <b>private (4)</b>                  23:16;29:24;30:3,23  <b>probable (1)</b>                  8:22  <b>probably (1)</b>                  11:6  <b>procedure (1)</b>                  14:23  <b>procedures (1)</b>                  15:9  <b>proceed (4)</b>                  4:1;14:11;22:8;                  34:24  <b>proceeding (4)</b>                  3:20;6:3;14:21;                  47:24  <b>PROCEEDINGS (8)</b>                  3:1;4:19;7:12;9:4;                  33:16;35:23;45:15;                  47:8  <b>process (3)</b>                  4:25;10:3;18:1  <b>produce (1)</b>                  18:6  <b>pronouncing (1)</b>                  18:21  <b>proper (4)</b>                  4:1;37:25;39:3;44:2  <b>propose (1)</b>                  40:17  <b>proposed (1)</b>                  34:15  <b>proposing (1)</b>                  41:17  <b>protect (1)</b>                  48:13  <b>provide (1)</b>                  37:3  <b>provided (10)</b>                  5:4;15:8,14;16:6,17;                  17:16;18:4;22:16;25:6;                  30:11  <b>providing (1)</b>                  15:3  <b>provision (7)</b>                  11:15;21:10,16,20,                  21;48:1;49:2  <b>provisions (3)</b>                  10:21;11:12,24  <b>public (8)</b>                  20:20;21:6;23:15,23;                  25:4,7,25;26:3  <b>pumped (1)</b>                  22:23  <b>purely (1)</b>                  51:4  <b>purpose (5)</b>                  7:6;8:4;19:1,3;32:21  <b>purposes (1)</b>                  50:23  <b>pursuant (3)</b></p>	<p>3:5;48:19,21  <b>put (7)</b>                  21:10,16,20;22:22;                  34:16,19;44:21  <b>puts (3)</b>                  29:25;30:17,20</p> <p style="text-align: center;"><b>Q</b></p> <p><b>quick (1)</b>                  17:22  <b>quickly (2)</b>                  18:11;40:8</p> <p style="text-align: center;"><b>R</b></p> <p><b>rather (1)</b>                  26:23  <b>rationale (1)</b>                  13:5  <b>reached (1)</b>                  38:24  <b>read (3)</b>                  5:5,11;15:18  <b>real (1)</b>                  17:22  <b>really (5)</b>                  3:15;32:2;35:18;                  44:8,19  <b>reason (5)</b>                  28:19;29:8;30:10;                  39:9;48:13  <b>reasonable (1)</b>                  41:7  <b>reasons (5)</b>                  10:2;12:14;13:5;                  39:23;44:8  <b>receipts (1)</b>                  15:18  <b>received (2)</b>                  3:17;4:6  <b>recitation (1)</b>                  13:9  <b>recognized (1)</b>                  29:20  <b>recommend (2)</b>                  32:17,19  <b>recommendation (2)</b>                  37:1,4  <b>record (3)</b>                  9:4;26:1,3  <b>records (5)</b>                  15:8,8;23:23;25:4,7  <b>reference (1)</b>                  18:15  <b>referenced (1)</b>                  11:1  <b>regard (1)</b>                  15:1  <b>regularly (4)</b>                  4:3;12:2,4;33:13  <b>reinstate (1)</b>                  49:23</p>	<p><b>relates (4)</b>                  3:23;12:14;13:19;                  14:4  <b>relative (4)</b>                  10:20;16:5;31:13;                  47:5  <b>relaxed (1)</b>                  14:22  <b>release (1)</b>                  21:9  <b>relevant (2)</b>                  28:18;47:25  <b>relying (2)</b>                  27:6,6  <b>remain (2)</b>                  23:22,23  <b>remember (2)</b>                  7:10;39:22  <b>removal (2)</b>                  33:15;45:15  <b>remove (1)</b>                  49:6  <b>replace (1)</b>                  8:5  <b>report (1)</b>                  15:13  <b>request (12)</b>                  3:4,7,16;4:21,21;                  10:11;12:15;13:6;25:5;                  31:20;35:6;49:3  <b>requested (2)</b>                  26:15;38:25  <b>requesting (4)</b>                  10:2;19:9;27:19,22  <b>requests (1)</b>                  3:9  <b>require (2)</b>                  23:25;26:11  <b>required (1)</b>                  34:17  <b>requirement (1)</b>                  11:25  <b>reschedule (1)</b>                  33:9  <b>rescheduled (1)</b>                  33:9  <b>rescind (1)</b>                  29:3  <b>rescinded (1)</b>                  48:10  <b>rescinding (1)</b>                  29:15  <b>resident's (2)</b>                  8:20,22  <b>resign (5)</b>                  17:10;27:8;28:22;                  29:13;31:4  <b>resignation (12)</b>                  16:24;20:3,13,18;                  29:9,16;37:7,8,10,15;                  48:9,9  <b>resigned (3)</b>                  20:22;28:24;29:11</p>
--	---	---	---	--

<p><b>resigning (3)</b> 17:4;28:19;31:11</p> <p><b>resigns (1)</b> 20:19</p> <p><b>resolution (3)</b> 30:13;36:3,20</p> <p><b>resolve (6)</b> 21:25;36:15;38:14; 40:12,15;41:3</p> <p><b>resolved (4)</b> 32:14;38:19;40:5; 41:6</p> <p><b>resolves (1)</b> 47:20</p> <p><b>respectfully (1)</b> 5:17</p> <p><b>respond (3)</b> 16:12,14;18:10</p> <p><b>restate (1)</b> 49:11</p> <p><b>result (1)</b> 36:20</p> <p><b>resume (1)</b> 35:24</p> <p><b>retire (1)</b> 31:4</p> <p><b>retired (1)</b> 29:21</p> <p><b>retirement (1)</b> 15:17</p> <p><b>retiring (1)</b> 31:11</p> <p><b>Revised (11)</b> 3:19,22;4:16,19; 10:21;11:2,5;47:6,9; 48:20,22</p> <p><b>right (25)</b> 3:3;4:7;6:7,12; 18:21;19:12,16;20:12, 25;21:6;24:25;26:6; 27:21;28:24;29:4,25; 34:8,11;36:6,15;38:4; 45:21,23;46:3;49:18</p> <p><b>rightfully (1)</b> 21:23</p> <p><b>rights (5)</b> 4:25,25;8:20;10:4; 18:1</p> <p><b>Roelle (24)</b> 46:14,15,17,19,21, 23,25;47:2;51:17,19, 21,23,25;52:2,4,6,15, 17,19,21,23,25;53:2,4</p> <p><b>roll (6)</b> 45:5;46:2,5,14; 51:17;52:16</p> <p><b>Rules (2)</b> 14:21;37:13</p> <p><b>run (1)</b> 6:24</p> <p><b>runs (1)</b> 8:14</p> <p><b>RUPLE (18)</b></p>	<p>24:18,19;25:11,16; 26:16;31:18;32:5;33:4, 17,22;34:8;36:2;46:25; 47:1;52:4,5;53:2,3</p> <p><b>Ruple's (1)</b> 32:25</p> <p style="text-align: center;"><b>S</b></p> <p><b>sake (1)</b> 36:13</p> <p><b>same (4)</b> 9:14;23:9;36:7,11</p> <p><b>Saturday (2)</b> 28:12;40:7</p> <p><b>saw (4)</b> 3:21;6:18;8:2;33:17</p> <p><b>saying (5)</b> 19:25;27:3;40:6,8; 43:20</p> <p><b>scenes (1)</b> 40:12</p> <p><b>schedule (2)</b> 33:14;45:16</p> <p><b>scheduled (5)</b> 4:4;12:2,4;33:13; 41:16</p> <p><b>SCHULZ (14)</b> 41:19,25;42:10,16, 19;47:2,3;51:2,12,13; 52:6,7;53:4,5</p> <p><b>Scott (4)</b> 30:6,8,9;31:25</p> <p><b>search (3)</b> 15:11,12,23</p> <p><b>second (8)</b> 7:22;16:17;31:1; 42:23,24;50:3,4;51:15</p> <p><b>seconded (4)</b> 50:24;51:12,14; 52:12</p> <p><b>secondly (1)</b> 49:3</p> <p><b>Section (6)</b> 3:23;4:16,20;11:14; 47:5,8</p> <p><b>seeing (1)</b> 48:7</p> <p><b>seemed (1)</b> 28:9</p> <p><b>seems (1)</b> 28:6</p> <p><b>sends (1)</b> 30:13</p> <p><b>sense (1)</b> 34:25</p> <p><b>sent (6)</b> 16:7;20:7;22:17; 27:15;28:2;39:10</p> <p><b>Sergeant (15)</b> 7:5,7,15,23,24;8:5, 17,18,23;9:2,3;13:11, 13;14:4,5</p>	<p><b>served (1)</b> 12:1</p> <p><b>set (8)</b> 12:21;24:10;34:22; 35:3,9;40:16;42:9; 49:14</p> <p><b>settled (3)</b> 21:13,14;42:14</p> <p><b>settlement (1)</b> 44:2</p> <p><b>several (2)</b> 6:21;30:4</p> <p><b>shall (2)</b> 11:21;47:17</p> <p><b>shared (1)</b> 45:6</p> <p><b>shift (1)</b> 5:16</p> <p><b>shifts (1)</b> 19:7</p> <p><b>short (1)</b> 41:6</p> <p><b>show (1)</b> 22:12</p> <p><b>shows (1)</b> 3:22</p> <p><b>sick (2)</b> 22:19,22</p> <p><b>side (5)</b> 22:2;34:6,9,11,11</p> <p><b>sides (1)</b> 21:14</p> <p><b>sign (3)</b> 25:22;37:18;45:18</p> <p><b>signature (1)</b> 16:2</p> <p><b>signed (2)</b> 15:23;37:21</p> <p><b>significant (1)</b> 20:12</p> <p><b>significantly (1)</b> 20:10</p> <p><b>signing (1)</b> 37:20</p> <p><b>signs (1)</b> 37:22</p> <p><b>silent (3)</b> 23:22,23;24:1</p> <p><b>simple (1)</b> 35:10</p> <p><b>simply (1)</b> 31:3</p> <p><b>sit (2)</b> 27:10;32:17</p> <p><b>sitting (1)</b> 26:6</p> <p><b>six (1)</b> 24:7</p> <p><b>smells (1)</b> 9:13</p> <p><b>SMOLIC (24)</b> 27:24;32:25;35:2; 37:23;43:3,14,16;</p>	<p>44:25;45:2;46:2,7,15, 16;48:17,21;49:16; 50:1,13,18;51:8,19,20; 52:17,18</p> <p><b>sole (1)</b> 8:4</p> <p><b>somebody (6)</b> 18:19;19:9;24:2,4; 25:17;28:16</p> <p><b>somehow (1)</b> 38:1</p> <p><b>someone (1)</b> 23:6</p> <p><b>soon (1)</b> 37:21</p> <p><b>sooner (1)</b> 32:2</p> <p><b>sorry (6)</b> 6:1;16:11;30:7,18; 32:1;44:6</p> <p><b>sort (1)</b> 36:19</p> <p><b>sounds (1)</b> 42:7</p> <p><b>speak (5)</b> 24:3,5;33:24;34:1,4</p> <p><b>speaking (1)</b> 38:6</p> <p><b>special (9)</b> 33:2,10,14;35:9; 37:19;41:22,24,25; 45:17</p> <p><b>specifically (3)</b> 5:10;10:24;33:11</p> <p><b>spend (1)</b> 38:22</p> <p><b>stance (1)</b> 40:2</p> <p><b>start (2)</b> 3:6;35:16</p> <p><b>started (1)</b> 39:19</p> <p><b>starts (1)</b> 11:13</p> <p><b>state (2)</b> 50:13,14</p> <p><b>stated (2)</b> 43:5,16</p> <p><b>statement (6)</b> 3:15,16;4:5,5;12; 6:18;10:5</p> <p><b>statements (2)</b> 3:8;6:5</p> <p><b>statute (13)</b> 3:19;4:1,16;10:21; 11:19;12:7,8,9;32:6,7, 8;33:10;47:25</p> <p><b>statutes (1)</b> 10:25</p> <p><b>statutory (1)</b> 51:5</p> <p><b>stay (3)</b> 9:8;24:1;49:24</p>	<p><b>stemming (1)</b> 31:1</p> <p><b>sticking (3)</b> 37:24;39:7,14</p> <p><b>still (3)</b> 17:25;19:18;26:24</p> <p><b>stray (1)</b> 25:8</p> <p><b>street (1)</b> 44:14</p> <p><b>subject (2)</b> 24:16;25:4</p> <p><b>submit (2)</b> 20:17;24:14</p> <p><b>subordinates (3)</b> 19:15,16,22</p> <p><b>subsections (1)</b> 11:7</p> <p><b>subsequent (2)</b> 10:21;11:24</p> <p><b>substantial (2)</b> 12:17;14:2</p> <p><b>successful (1)</b> 41:19</p> <p><b>sudden (2)</b> 24:5;29:11</p> <p><b>sue (1)</b> 24:8</p> <p><b>sufficiently (1)</b> 14:9</p> <p><b>suggesting (3)</b> 30:21;35:17;36:1</p> <p><b>suggestion (2)</b> 10:12;38:20</p> <p><b>summarily (1)</b> 9:7</p> <p><b>supposed (1)</b> 20:14</p> <p><b>sure (6)</b> 5:25;23:13;25:16; 27:12;44:1;45:5</p> <p><b>surprised (1)</b> 6:11</p> <p><b>surrounding (1)</b> 13:3</p> <p><b>suspend (3)</b> 47:19;48:16,18</p> <p><b>suspended (2)</b> 47:10;49:7</p> <p><b>suspension (8)</b> 33:7;47:6,12,17; 49:25;50:7,15,19</p> <p><b>sword (1)</b> 28:17</p> <p><b>system (2)</b> 18:16,21</p> <p style="text-align: center;"><b>T</b></p> <p><b>table (10)</b> 42:7,22;45:21,23; 46:11;48:24;50:1,7; 51:7,9</p>
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<p><b>talk (8)</b> 21:17,18;22:3;23:14; 27:13;29:23;32:18; 44:3</p> <p><b>talked (1)</b> 4:14</p> <p><b>talking (4)</b> 5:19;19:22;25:2,15</p> <p><b>Tavano (6)</b> 7:5,7,16,23;8:23; 13:13</p> <p><b>Tavano's (1)</b> 9:3</p> <p><b>telling (2)</b> 18:9;32:13</p> <p><b>tells (1)</b> 29:5</p> <p><b>tentative (2)</b> 45:12,13</p> <p><b>terminate (1)</b> 22:6</p> <p><b>terminated (3)</b> 8:19;27:23;49:22</p> <p><b>termination (6)</b> 3:4;14:6;27:19;29:6, 14;53:6</p> <p><b>terms (4)</b> 24:13,21;35:19,19</p> <p><b>terrible (1)</b> 25:13</p> <p><b>Thanks (1)</b> 49:10</p> <p><b>third (1)</b> 8:1</p> <p><b>though (5)</b> 28:6;32:6;35:17; 36:5,6</p> <p><b>thought (2)</b> 43:6;46:7</p> <p><b>thoughts (1)</b> 45:7</p> <p><b>three (2)</b> 28:10;36:10</p> <p><b>Thursday (2)</b> 4:7;31:21</p> <p><b>times (1)</b> 30:4</p> <p><b>today (12)</b> 9:7;10:19;12:6,21; 13:25;14:12;33:13; 40:19;43:5;49:5;50:20; 51:3</p> <p><b>told (9)</b> 7:20;9:8;19:9;25:8; 26:7;28:19,20,23,25</p> <p><b>tonight (4)</b> 4:3;27:11;34:22; 35:20</p> <p><b>took (1)</b> 29:1</p> <p><b>topper (1)</b> 21:7</p> <p><b>track (1)</b></p>	<p>18:22</p> <p><b>tracking (1)</b> 18:17</p> <p><b>transmitted (1)</b> 12:18</p> <p><b>treasurer (1)</b> 11:11</p> <p><b>trial (3)</b> 4:9;31:21;36:15</p> <p><b>tried (2)</b> 20:23;32:2</p> <p><b>truly (1)</b> 21:15</p> <p><b>try (6)</b> 7:16;27:11;35:7; 40:5,15;52:9</p> <p><b>trying (5)</b> 7:6;21:8,25;30:12; 38:14</p> <p><b>two (21)</b> 9:21;13:21;18:3; 19:17;27:2;36:10;37:9; 38:3,23,25;39:7,11,12, 14,20,21;40:14;41:1; 42:4;43:10,23</p> <p><b>two-way (1)</b> 44:14</p> <p><b>two-week (1)</b> 4:9</p> <p><b>types (1)</b> 6:14</p>	<p><b>updated (1)</b> 22:18</p> <p><b>upon (1)</b> 47:15</p> <p><b>urgency (1)</b> 4:2</p> <p><b>use (2)</b> 16:1;41:20</p> <p><b>used (1)</b> 18:20</p> <p><b>usually (1)</b> 36:20</p>	<p><b>waste (1)</b> 38:12</p> <p><b>way (6)</b> 7:23;18:17;34:7,12, 17;44:21</p> <p><b>Wednesday (3)</b> 12:5;31:2,24</p> <p><b>week (2)</b> 41:11,11</p> <p><b>weeks (7)</b> 27:25;28:13;36:10; 38:24,25;39:12;41:1</p> <p><b>weren't (1)</b> 28:22</p> <p><b>What's (3)</b> 9:25;13:8;15:4</p> <p><b>whole (1)</b> 7:12</p> <p><b>Whose (1)</b> 20:10</p> <p><b>willing (3)</b> 27:10;32:17;44:10</p> <p><b>willingness (1)</b> 38:21</p> <p><b>wish (1)</b> 31:19</p> <p><b>withdrawing (1)</b> 29:16</p> <p><b>withdrew (1)</b> 39:10</p> <p><b>without (10)</b> 4:18;8:21,21;32:14, 15;47:19;48:16;50:11, 15,19</p> <p><b>witness (1)</b> 6:8</p> <p><b>witnesses (4)</b> 6:5;9:21;13:21;14:1</p> <p><b>Wolfe (6)</b> 46:17,18;51:21,22; 52:19,20</p> <p><b>Woodmere (1)</b> 8:9</p> <p><b>word (2)</b> 18:5;41:20</p> <p><b>words (1)</b> 35:14</p> <p><b>work (15)</b> 5:13,15;20:23;21:8; 26:25;27:11;30:12; 37:9;39:2;40:8,16; 41:10;42:1;43:11; 44:11</p> <p><b>worked (5)</b> 5:3;20:1,2;26:17,18</p> <p><b>working (1)</b> 24:21</p> <p><b>works (1)</b> 32:11</p> <p><b>worried (1)</b> 43:8</p> <p><b>worry (1)</b> 46:6</p>	<p><b>wrong (3)</b> 23:18;27:4;34:11</p> <p><b>wrote (1)</b> 29:12</p>	
					<b>Y</b>
					<p><b>year (1)</b> 24:7</p> <p><b>years (4)</b> 6:21;14:7;21:12; 25:18</p>
					<b>Z</b>
					<p><b>Zoom (1)</b> 33:25</p>
					<b>1</b>
					<p><b>10 (2)</b> 11:6;25:18</p> <p><b>11 (1)</b> 19:13</p> <p><b>11th (3)</b> 48:10;50:9,21</p> <p><b>13 (2)</b> 19:14,19</p> <p><b>14 (1)</b> 40:19</p> <p><b>15 (3)</b> 11:6;33:5;47:13</p> <p><b>1967 (1)</b> 11:18</p> <p><b>19th (1)</b> 12:19</p> <p><b>1st (1)</b> 41:13</p>
					<b>2</b>
					<p><b>2 (2)</b> 29:18,22</p> <p><b>2002 (1)</b> 7:2</p> <p><b>2003 (1)</b> 7:2</p> <p><b>2013 (1)</b> 7:14</p> <p><b>2014 (1)</b> 7:14</p> <p><b>2021 (1)</b> 20:7</p> <p><b>20-plus (1)</b> 14:7</p> <p><b>21 (1)</b> 49:4</p> <p><b>23rd (1)</b> 41:16</p> <p><b>24 (1)</b> 41:23</p> <p><b>244.01 (1)</b> 3:5</p>

<p><b>26th (2)</b> 40:19;41:10</p>	<p><b>8</b></p>			
<p><b>2nd (12)</b> 17:4;31:5;41:13,15, 16;42:18,20,22;43:17; 45:14,24;49:21</p>	<p><b>8:10 (1)</b> 53:7 <b>8th (2)</b> 4:7;42:17</p>			
<p><b>3</b></p>				
<p><b>3 (1)</b> 29:19 <b>30 (16)</b> 10:12;33:5;38:25; 39:12;47:18,19;48:16, 18;49:4,17,24,25;50:2, 7,11,14 <b>30-day (1)</b> 50:19 <b>32 (1)</b> 21:12 <b>3rd (1)</b> 29:17</p>				
<p><b>4</b></p>				
<p><b>4 (2)</b> 18:12,13 <b>4:15 (1)</b> 31:20 <b>480 (2)</b> 22:22,23</p>				
<p><b>5</b></p>				
<p><b>5 (1)</b> 18:24</p>				
<p><b>6</b></p>				
<p><b>6 (1)</b> 20:7 <b>6:00 (3)</b> 41:18;45:24;46:1 <b>6th (3)</b> 28:18,23;29:8</p>				
<p><b>7</b></p>				
<p><b>7 (2)</b> 19:6,6 <b>733 (1)</b> 11:5 <b>733.35 (5)</b> 3:23;10:20;11:13,23; 47:8 <b>733.36 (2)</b> 3:23;47:8 <b>733.37 (3)</b> 47:6;48:20,22 <b>7th (2)</b> 29:4,12</p>				

**In The Matter Of:**  
*Kirtland City Council*

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*Termination of Police Chief Lance Nosse*  
*Vol. 2*  
*August 2, 2021*

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*Fincun-Mancini, Inc.*  
*1801 E. Ninth Street*  
*Suite 1720*  
*Cleveland, Ohio 44114*  
*(216) 696-2272*

Page 54

1 CITY OF KIRTLAND, OHIO  
2 PUBLIC HEARING  
3  
4 - - - - - :  
5 In Re: :  
6 Termination of Police Chief :  
7 Lance Nosse :  
8 - - - - - :  
9  
10 VOLUME 2 - PAGES 54 - 371  
11  
12 Transcript of proceedings before the  
13 Kirtland City Council, taken at Kirtland  
14 City Hall, 9301 Chillicothe Road, Kirtland,  
15 Ohio on Monday, August 2, 2021 at 6:00 p.m.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Page 56

INDEX					
1	2	3	4	5	6
CITY WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS	
3	Teresa Szary	119	133	138	139
4	Amy Buchanan	140	158	164	
5	Cynthia Gabor	165			
6	Eric LaTurner	176	181	196	196
7	Jamey Fisher	202	255	293	299
8	Anthony Hutton	301			
9	Kevin Potter	313	354		
10					
11					
12			- - -		
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					

Page 55

1 APPEARANCES:  
2 Mark Ziccarelli, Esq - Counsel/Referee  
3 Matthew Lallo, Esq - Law Director  
4 Frank Consolo, Esq. - On behalf of Lance Nosse  
5 Kevin Potter, Mayor  
6 Lance Nosse, Chief of Police  
7 Richard Lowery, Council President  
8 John Lesnick Jr., Council Member  
9 Jeffrey Ruple, Council Member  
10 Joe Smolic, Council Member  
11 Scott Haymer, Council Member  
12 Matthew G. Schulz, Council Member  
13 Kelly Wolfe, Council Member  
14 Denise Roelle, Clerk of Council  
15 Adam Chaloupka, Esq, OPBA  
16  
17 - - -  
18  
19  
20  
21  
22  
23  
24  
25

Page 57

INDEX		
E X H I B I T S		
1	2	3
CITY		MARKED
4	1	124
5	2	125
6	3	127
7	4	128
8	5	130
9	6	131
10	7	153
11	8	154
12	9	230
13	11	251
14	12	295
15	13	333
16	14	334
17	15	336
18	16	348
19		
20		
21		
22		
23		
24		
25		

Page 58

1	INDEX	
2	E X H I B I T S	
3	DEFENDANT ' S	REFERENCED/MARKED
4	A	109
5	B, C & D	93
6	E	278
7	F	303
8	G	358
9	H	104
10	J	359
11	K	365
12	- - -	
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

Page 60

1 (Other Council business conducted.)

2 PRESIDENT LOWERY: Next up on the

3 agenda is continuation of the hearing. This

4 is the Mayor's request for termination of

5 Lance Nosse pursuant to Ordinance 244.01,

6 Section D.

7 With that, at this point the City of

8 Kirtland has retained counsel Mark Ziccarelli,

9 sitting in the back. I ask Mark to come up

10 and sit beside me. He will represent council

11 in this hearing. We've asked Mr. Ziccarelli

12 to also referee this evening's hearing. With

13 that, we will hand it over to Mr. Ziccarelli

14 to begin the hearing.

15 MR. ZICCARELLI: Good morning, or

16 afternoon. My name is Mark Ziccarelli. I'm a

17 lawyer. I actually live in Kirtland, and I've

18 been appointed Special Counsel, attorney for

19 the legislative body, Council for the City of

20 Kirtland, to provide legal assistance.

21 I do not represent the Chief, nor do I

22 represent Mayor Potter. My purpose here is to

23 provide legal assistance and guidance to the

24 council for these proceedings. To ensure that

25 these proceedings are held in a fair,

Page 59

1 PROCEEDINGS

2 PRESIDENT LOWREY: Welcome to Kirtland

3 City Council special meeting. The special

4 meeting is now in session.

5 Ms. Roelle, can you call the roll,

6 please?

7 MS. ROELLE: Ms. Wolfe?

8 MS. WOLFE: Here.

9 MS. ROELLE: Mr. Haymer?

10 MR. HAYMER: Here.

11 MS. ROELLE: Mr. Lesnick?

12 MR. LESNICK: Here.

13 MS. ROELLE: Mr. Lowery?

14 PRESIDENT LOWERY: Here.

15 MS. ROELLE: Mr. Ruple?

16 MR. RUPLE: Here.

17 MS. ROELLE: Mr. Schulz?

18 MR. SCHULZ: Here.

19 MS. ROELLE: Mr. Smolic.

20 MR. SMOLIC: Here.

21 PRESIDENT LOWERY: Thank you. I'll ask

22 everyone on Council to please make sure to

23 speak into the microphone as best you can. I

24 think you can turn it up a little more. Thank

25 you.

Page 61

1 impartial, and quasi-judicial manner, to allow

2 and permit both parties to create, and

3 supplement, and provide any information on the

4 record to ensure that all parties have a fair

5 and impartial hearing.

6 My job would be similar to a judge in a

7 civil proceeding, only known if you had to sit

8 on a jury, if you have. I'll make legal

9 rulings. If the attorneys make an objection

10 to a question that is asked of a witness, it

11 will be my job to make a ruling and decide

12 whether that question would be allowable, or

13 not allowable, whether the witness has to

14 answer that question.

15 General rules of this hearing is that

16 this a quasi-judicial hearing. That the Rules

17 of Evidence will try to follow the Rules of

18 Civil Procedure for both sides. Again, I'm

19 going to rule on all objections and motions

20 that any attorneys would raise.

21 If they wish to have a sidebar with me,

22 out of the presence of the legislative body,

23 they have the right to do that. But the court

24 reporter would always take that information

25 down, so that it is public record.

Page 62

1 As I indicated, a court reporter is  
 2 present, who will make a complete record in  
 3 this case. And there may be a time that I  
 4 would ask anybody to speak up so that the  
 5 court reporter can hear any testimony that is  
 6 given.  
 7 None of my actions should be considered  
 8 by the legislative body who is going to sit  
 9 here as a jury, nor as the Chief, as to my  
 10 opinion concerning the facts of this case at  
 11 all.  
 12 Again, I'm here as the judge. I'm hear  
 13 to listen to the evidence, and provide any  
 14 legal counsel that the legislative body may  
 15 need.  
 16 Let me just tell everybody that we're  
 17 here today for the matter of the discipline  
 18 and as a request for the termination of Police  
 19 Chief Nosse. We're here pursuant to the Ohio  
 20 Revised Code, the ordinances of the City of  
 21 Cleveland, specifically -- I'm sorry,  
 22 Kirtland. Specifically Ohio Revised Code  
 23 733.35 states the following: "If the mayor  
 24 has reason to believe that the head of the  
 25 department, or such officer has been guilty in

Page 63

1 the performance of his official duty of  
 2 bribery, misfeasance, malfeasance,  
 3 nonfeasance, misconduct in office, gross  
 4 neglect of duty, gross immorality, or habitual  
 5 drunkenness, he shall immediately file with  
 6 the legislative authority, except when the  
 7 removal of such head of the department or  
 8 officer is otherwise provided for, written  
 9 charges against said person setting forth in  
 10 detail a statement of such alleged guilt, and  
 11 at the same time, or as soon thereafter as  
 12 possible, serve a true copy of such charges  
 13 upon person against whom they are made."  
 14 According to Ohio Revised Code 733.36,  
 15 these charges shall be heard by the council,  
 16 and that is being heard at today's meeting.  
 17 Chief Nosse has the right, but is not required  
 18 to appear in person, and he has counsel to  
 19 examine all witnesses and answer the charges  
 20 against him.  
 21 The judgment or action of the council  
 22 shall be final, but it requires the  
 23 affirmative vote of two-thirds of all members  
 24 of council.  
 25 In addition to the Ohio Revised Code,

Page 64

1 Kirtland City Ordinance Section 244.01(D)  
 2 states that the Mayor may remove the Chief  
 3 from office for just cause provided, however,  
 4 that such removal shall not take effect  
 5 without the concurrence of two-thirds of the  
 6 members of council.  
 7 In this case the Mayor has set forth  
 8 various charges in his request for the  
 9 termination of the Chief by and through a  
 10 letter dated July 7, 2021, which I'm going to  
 11 specifically place into the record with the  
 12 court reporter, I believe. I would ask  
 13 Mr. Lallo if he has a copy of that, to place  
 14 that in the record with the court reporter. I  
 15 believe that a copy of the Mayor's letter, as  
 16 a matter of fact a copy of this Mayor's letter  
 17 has been provided to each council member.  
 18 As stated earlier -- I'm sorry, Matt,  
 19 do you want to give that to the court  
 20 reporter?  
 21 MR. LALLO: I'd prefer to have a  
 22 redacted version, no address. If I can  
 23 provide that at a later time, I can do so.  
 24 MR. ZICCARELLI: Okay.  
 25 I stated to you earlier that the Mayor

Page 65

1 alone does not have the right or the power to  
 2 terminate the police chief. It's a two-step  
 3 process. The Mayor has made his  
 4 recommendation through this letter dated  
 5 July 7th. Now the law requires that this  
 6 council hold a hearing, and that is why we're  
 7 here.  
 8 The two-thirds vote is necessary. If  
 9 the council does not elect to affirm the  
 10 Mayor's recommendation to removal, and five  
 11 council members do not vote affirmatively,  
 12 Chief Nosse shall resume his duties as police  
 13 chief.  
 14 At this hearing council shall have the  
 15 full opportunity to review all of the  
 16 evidence, testimony, and arguments in favor of  
 17 removal. Likewise, council will have the  
 18 opportunity to consider all evidence,  
 19 testimony, and arguments brought forth by  
 20 Chief Nosse or his legal counsel, and they can  
 21 present whatever evidence they wish to  
 22 present.  
 23 Let me explain the order that this will  
 24 proceed in. First of all, opening statements  
 25 will be provided by Law Director Lallo, on

Page 66

1 behalf of the Mayor. After those opening  
 2 statements, then Attorney Frank Consolo, on  
 3 behalf of Chief Lance Nosse shall be able to  
 4 make their opening statement.  
 5 I will swear in -- I will not swear in  
 6 the witnesses, it has to be done by the  
 7 council president. The council president will  
 8 swear in all the witnesses so all that  
 9 testimony will be done under oath. He will  
 10 administer the following oath, which will  
 11 indicate that: Do you swear that the  
 12 testimony that you give today in the matter of  
 13 the removal of Chief Nosse is the truth, the  
 14 whole truth, and nothing but the truth, so  
 15 help you God?  
 16 After that witness has been sworn, then  
 17 Law Director Lallo shall present or have the  
 18 right to direct examine that witness and any  
 19 other witnesses.  
 20 He has the right to mark and introduce  
 21 any exhibits, present a copy to the court  
 22 reporter, and present copies of those exhibits  
 23 to all seven members of the legislative body.  
 24 Attorney Consolo, on behalf of Chief  
 25 Nosse, has the right to cross-examine those

Page 67

1 witnesses that Attorney Lallo has presented,  
 2 which means he has the right to ask those  
 3 witnesses any questions that he wishes that  
 4 are pertinent.  
 5 After direct examination by Attorney  
 6 Lallo and cross-examination by Attorney  
 7 Consolo, then Attorney Lallo has one more  
 8 opportunity to what they call redirect or ask  
 9 questions that were brought out on cross-  
 10 examination. Then Mr. Consolo has an  
 11 additional opportunity.  
 12 After Mr. Lallo is done presenting his  
 13 witnesses, then he would rest at that point.  
 14 He would mark and move for the introduction of  
 15 any of the exhibits. Mr. Consolo can agree or  
 16 he can object to the introduction of those  
 17 exhibits at the conclusion of Attorney Lallo's  
 18 case.  
 19 After that, after the conclusion of the  
 20 case by Attorney Lallo, then Attorney Consolo  
 21 has the opportunity to bring in any witnesses  
 22 he wishes to bring in to testify, and then  
 23 it's just reversed. He does the direct  
 24 examination of his witnesses, Attorney Lallo  
 25 gets to cross-examine his witnesses, and then

Page 68

1 Attorney Consolo would mark and present any  
 2 exhibits he wishes.  
 3 After hearing all of the evidence, it's  
 4 up to this council to decide, and ultimately  
 5 vote on the record, as to whether they find  
 6 for an affirmative vote, or a nonaffirmative  
 7 vote. Do they find that he should be  
 8 terminated and is it for cause?  
 9 There will be a standard roll call of  
 10 council. An affirmative vote will be a vote  
 11 to concur in his termination. I don't know if  
 12 this is good or bad, but the council and both  
 13 sides intend to fully pursue this matter  
 14 tonight until it's concluded, so it could be  
 15 somewhat late.  
 16 This council are the sole judges of the  
 17 facts and the weight of the evidence. To  
 18 weigh the evidence, Council, you must consider  
 19 the reliability and believabilities of the  
 20 witnesses. You may apply the test of  
 21 truthfulness which you apply in your daily  
 22 lives.  
 23 These tests include the appearance of  
 24 each witness upon the stand, the manner in  
 25 which the witness testifies, the

Page 69

1 reasonableness of the testimony, the  
 2 opportunity the witness has to see, hear, and  
 3 know things about which the witness testified,  
 4 the witness' accuracy of memory, frankness or  
 5 lack of it, intelligence, interest and bias,  
 6 if any, together with all the facts and  
 7 circumstances surrounding the testimony.  
 8 Applying these facts, you will assign  
 9 to the testimony of each witness whatever  
 10 weight you decide is proper. You are not  
 11 required to believe the testimony of any  
 12 witness simply because the witness is under  
 13 oath. You may believe or disbelieve any or  
 14 all parts of the testimony of any witness.  
 15 You should decide what testimony is reliable  
 16 and believable and what testimony is not  
 17 reliable or believable.  
 18 Any witnesses admitted as evidence may  
 19 be referred to during this hearing. These  
 20 exhibits can accompany you into your  
 21 deliberations at the end of the  
 22 hearing. Again, you will decide what weight,  
 23 if any, each exhibit should receive in light  
 24 of the evidence.  
 25 Lastly, I think I mentioned this, as

Page 70

1 Special Council, I will preside over the  
 2 hearing, I will consider the objections, and  
 3 the admissibility of any and all exhibits.  
 4 The only difference between this and a  
 5 trial is if myself or anybody up here has to  
 6 take a break, for a long hearing, we will do  
 7 that. If any of the attorneys need a break,  
 8 specifically a restroom break, feel free to  
 9 say so.  
 10 Are we ready to proceed?  
 11 MR. LALLO: Yes, your Honor.  
 12 MR. ZICCARELLI: Attorney Consolo?  
 13 MR. CONSOLO: I would like the  
 14 chance to present you with some pretrial  
 15 objections for the hearing before we begin,  
 16 please.  
 17 MR. ZICCARELLI: Please.  
 18 MR. CONSOLO: You just announced  
 19 that you are acting as the judge, so is that  
 20 okay to proceed?  
 21 MR. ZICCARELLI: It is.  
 22 MR. CONSOLO: Thank you. My first  
 23 objection would be I understand that there was  
 24 an executive session held, beginning at  
 25 five o'clock. I was told that a motion was

Page 71

1 made by Lesnick, seconded by Ruple, to go into  
 2 executive session to discuss the discipline  
 3 and dismissal of an employee.  
 4 My objection is, I maintained on  
 5 July 12th that we did not want the dismissal,  
 6 the discipline of Chief Nosse to be discussed  
 7 in executive session. I renewed that on  
 8 Friday in an email to the Law Director,  
 9 Friday, July 30th at 2:29 p.m., indicating,  
 10 just so the record is clear, my client demands  
 11 that his termination hearing be conducted in  
 12 public, not in executive session, pursuant to  
 13 RC 121.22 (G) (1).  
 14 I object to you all meeting in  
 15 executive session to discuss this matter and  
 16 not doing it in public. That's number one.  
 17 My second objection is apparently, I  
 18 don't know when, Mr. Zicarelli, you were  
 19 hired by this council. You weren't here when  
 20 we started the hearing on July 12th, which was  
 21 continued until today. My client and I have  
 22 had no notice that there would be a judge.  
 23 You're reading off of some documents which --  
 24 I do a lot of civil litigation. I just  
 25 finished a two-week trial in Lorain County.

Page 72

1 You read off what appeared to me to be jury  
 2 instructions, which, you know, I think you  
 3 litigate, I just talked to your partner  
 4 Mr. Martello last week on a couple matters we  
 5 have together, that we had no input into  
 6 whatever you read there. Whatever this  
 7 document is, you are telling this council how  
 8 they are supposed to rule on things or how  
 9 they are supposed to listen and hear and  
 10 evaluate evidence. We, as a party, were not  
 11 given any chance to see that, to weigh in on  
 12 it, to ask for our interpretation. As you  
 13 know, no judge would allow that.  
 14 I've been told all along by Law  
 15 Director Lallo this is not a civil action,  
 16 this is not a criminal action. Now I come  
 17 here today, and this certainly has the  
 18 trappings of all that, with no notice to my  
 19 client whatsoever.  
 20 I object to anyone, other than the  
 21 council, hearing this matter and going forward  
 22 with the proceedings. There is no procedure  
 23 under RC 733.35 or 36 that allows for your  
 24 role, Mr. Zicarelli. Don't get me wrong, I  
 25 appreciate it, I understand what you're trying

Page 73

1 to do, but without notice to Chief Nosse, this  
 2 is highly unreasonable, arbitrary, capricious.  
 3 Now you spent an hour in executive  
 4 session. I'm assuming you talked to council  
 5 about all these different matters. If that  
 6 was the intent, it should have been done with  
 7 all the parties present. That should have  
 8 been done publicly, folks.  
 9 I further -- I'll raise again the  
 10 objections that were made on July 12th, since  
 11 you were not presiding at that time. The  
 12 first objection was that this proceeding under  
 13 RC 733.35 is a proceeding that is reserved for  
 14 villages, not cities. I laid that into a  
 15 letter to the Mayor and the Council and the  
 16 Law Director dated July 12, 2021. I don't  
 17 know if you have it in front of you. If you  
 18 are going to act as the presider over this, I  
 19 would like a formal ruling on the record.  
 20 It's our position that those certain  
 21 requirements under the Revised Code do not  
 22 apply here. So I will be entering as an  
 23 exhibit my July 12, 2021, letter as Exhibit B.  
 24 I'm also now quite confused because the  
 25 Council President opened this meeting as

Page 74

1 saying that this was a hearing under the  
 2 provisions of Kirtland's Local Ordinance  
 3 244.01 (D); however, the Mayor's charges say,  
 4 his charge are brought under Revised Code  
 5 733.35.  
 6 As I'm sure the Council knows, you  
 7 know, sir, there are two different standards.  
 8 733.35 talk about malfeasance, misfeasance.  
 9 The local codified ordinance talks in terms of  
 10 just cause. So what exactly is the burden  
 11 here? What exactly is the standard of proof?  
 12 Nobody has discussed that with us. If that  
 13 has changed, I would like to know.  
 14 I further would want to object to the  
 15 fact that I had asked for Council to issue  
 16 subpoenas, and I was told no by Law Director  
 17 Lallo, that is not the purpose of Council.  
 18 However, if you are going to proceed under  
 19 Revised Code 733.36, it specifically says  
 20 Council shall issue subpoenas. There is case  
 21 law to that effect. As a defendant I wanted  
 22 subpoenas. I wanted subpoenas for Adam  
 23 Chaloupka, the OPBA attorney, who started  
 24 this -- well, I'll call it what I called it on  
 25 July 12th, this witch hunt with the OPBA back

Page 75

1 in February claiming they had charges.  
 2 I saw Mr. Chaloupka come into the room.  
 3 I don't know if he's still here, but -- that  
 4 makes it easier. But I also asked for  
 5 subpoenas for Jamie Tavano. So those things I  
 6 was denied. I don't think that is fair. It's  
 7 not reasonable. It's arbitrary and  
 8 capricious. You're going under a procedure,  
 9 under the Revised Code, and if we're doing  
 10 that, then let's do it all the way.  
 11 I also objected, sir, and this was in a  
 12 July 20, 2021, letter to the Law Director. We  
 13 requested information regarding each of the  
 14 charges laid out in the Mayor's letter. I did  
 15 that on July 12th. My July 20 letter is going  
 16 to be Defendant's Exhibit C. I specifically  
 17 asked who was making the allegations against  
 18 Chief Nosse, please identify them, and  
 19 describe what the allegations against him  
 20 were, so we would have some notice in this  
 21 hearing.  
 22 Again, I was denied. I was told you  
 23 have been given all the documentary evidence.  
 24 I've been given a list of people who may  
 25 testify.

Page 76

1 Mr. Zicarelli, you know, as a  
 2 litigator, that is a far cry, just being told,  
 3 well, here's who may testify.  
 4 The Mayor has made serious charges  
 5 against Chief Nosse, charges that would take  
 6 away his livelihood, take away his healthcare,  
 7 and they can't be bothered to tell us who is  
 8 making the specific allegations listed in  
 9 these charges. That is entirely unfair.  
 10 That's not reasonable. It's arbitrary and  
 11 capricious.  
 12 In my email chain and responses with  
 13 the Law Director will be Defendant's D, and  
 14 I'll provide that with you as well. You can  
 15 look at those. So my July 20th request for  
 16 information was not answered until July 27th.  
 17 Then the only person -- they added somebody.  
 18 They told me Sergeant LaTurner was now going  
 19 to be a witness, and they specifically told me  
 20 what he would testify to.  
 21 All I'm asking is do the same thing for  
 22 all these other myriad of people that you said  
 23 are going to testify about the Chief. These  
 24 are basic due process rights. My client is  
 25 entitled to due process. He's entitled to

Page 77

1 know what the procedures are tonight, which we  
 2 didn't know. Apparently you discussed that at  
 3 five o'clock to six o'clock and came out with  
 4 some document that you are reading from. So I  
 5 don't know what these procedures are, until  
 6 you just read them.  
 7 He's required to face, to know what his  
 8 accusers are saying. Just basic due process  
 9 that we feel has not been provided in this  
 10 case, period.  
 11 If you would like, I can provide you  
 12 these Defendant Exhibits B, C, and D now,  
 13 Mr. Zicarelli, so you can have it in front of  
 14 you.  
 15 MR. ZICcarelli: First of all, let me  
 16 as, soon as you are done, I don't want to  
 17 interrupt you. Anything else?  
 18 MR. CONSOLO: No, that's all.  
 19 Thank you.  
 20 MR. ZICcarelli: Do you wish to  
 21 respond?  
 22 MR. LALLO: Yes, sir.  
 23 The first objection from Mr. Consolo is  
 24 whether they -- for the reason for going to  
 25 executive session. Mr. Consolo's email

Page 78

1 demanded a public hearing regarding the  
 2 termination. It's my understanding that there  
 3 wasn't a public hearing during the executive  
 4 session. So I will defer to you as it relates  
 5 to that issue.  
 6 But I assured him that there would be  
 7 no hearing during that executive session, as I  
 8 was not in there, and it's my understanding  
 9 there was no evidence brought in there, and  
 10 anyone can attribute to that.  
 11 Secondly, he's objecting to issues I  
 12 believe related to your presence here. I  
 13 think really this is just, number one, I think  
 14 it's beneficial for all parties to have you or  
 15 someone in your position to advise Council on  
 16 this issue as it's -- number one, it's a  
 17 fairly unique scenario that everyone is thrown  
 18 into here.  
 19 Number two, it's good to have somebody  
 20 who can help interpret and guide the parties  
 21 along the way. I don't think that this  
 22 prejudices or unfairly prejudices Chief Nosse  
 23 or his counsel in any fashion.  
 24 As Mr. Consolo aptly noted today and at  
 25 the last hearing, he was involved in a

Page 79

1 two-week jury trial. He's very familiar with  
 2 court processes, and I think having you here  
 3 helps ensure that there is somewhat of a  
 4 process to be followed that's consistently  
 5 applied all throughout.  
 6 Additionally, I do want to just make  
 7 sure that this is -- it's not a judicial  
 8 proceeding, it's not a criminal or civil  
 9 proceeding, it's quasi-judicial. It is an  
 10 administrative proceeding in nature, which I  
 11 know we've had numerous times, Mr. Consolo and  
 12 I, at other -- on various administrative  
 13 agencies.  
 14 As it relates to his July 12th letter  
 15 objecting to the charges here and the  
 16 proceedings, such that Revised Code 733.35 is  
 17 inapplicable to cities, Mr. Consolo cited a  
 18 case from 1967. I believe it was Prentice  
 19 versus Middleburg Heights, if I'm not  
 20 mistaken. That Prentice case, and its dicta,  
 21 discussed the fact that this proceeding, or  
 22 these three or four Revised Code sections,  
 23 were labeled under the executive powers of  
 24 villages. If you look at the code sections  
 25 now, that's not the case.

Page 80

1 The Ohio Revised Code essentially  
 2 reorganized various sections such that yes, I  
 3 don't have it in front of me, but there is  
 4 executive powers of cities, of villages,  
 5 general powers. Then there is another section  
 6 called delinquent officers, and that is where  
 7 this section is located.  
 8 So it's under the section titled  
 9 delinquent officers. It says, "The mayor of a  
 10 municipal corporation," doesn't say mayor of a  
 11 village, doesn't say mayor of a city. So  
 12 municipal corporation.  
 13 So therefore, as a result of that, it's  
 14 our position that this does fall in line with  
 15 that and those specific statutes.  
 16 Additionally, as relates to that, we  
 17 also have our Kirtland Codified Ordinances.  
 18 The fact that the City of Kirtland is a  
 19 chartered community, we are dictated to first  
 20 follow our charter, then our ordinances, and  
 21 then the Revised Code. If there are  
 22 differences, you first look at the charter,  
 23 then the ordinance, then the statute or the  
 24 Revised Code.  
 25 In this case, really the only

Page 81

1 difference here is the timing. That was  
 2 outlined in 733.35, I believe, where it said  
 3 it must be held at the next regularly  
 4 scheduled council meeting. That is where  
 5 Mr. Consolo, we had at the last meeting and  
 6 started the hearing at that point. So that  
 7 hearing was commenced at the last meeting, and  
 8 then he asked for a continuance.  
 9 But the fact that 733.35 lists various  
 10 reasons for termination, I also ask you to  
 11 look at our Kirtland Codified Ordinance which  
 12 simply says for just cause. We're going to  
 13 have that interplay between both of those  
 14 today, where it's the termination for just  
 15 cause, which also falls in line with those  
 16 provisions in the Revised Code. They are  
 17 going to be used interchangeably. But the  
 18 first place to look is our ordinances, where  
 19 it says just cause. So it's our position that  
 20 this proceeding still must follow through  
 21 according to Revised Code 733.33, 36, and  
 22 other sections.  
 23 Additionally, as it relates to  
 24 Mr. Consolo's statement that I declined the  
 25 issuance of subpoenas, I respectfully disagree

Page 82

1 with his position. I indicated to him that  
 2 the statute specifically indicates that  
 3 council may issue subpoenas, if so requested,  
 4 but you have to pass an ordinance authorizing  
 5 the issuance of said subpoenas.  
 6 So in order to have an ordinance  
 7 passed, you have to have an open meeting. You  
 8 have to have a meeting first, and then have  
 9 the ordinance on the agenda, and pass that  
 10 ordinance, and then subpoenas can be issued  
 11 for the investigation.  
 12 Mr. Consolo had the discovery, you  
 13 could say, since May 19th. We've had three  
 14 council meetings. We even started the hearing  
 15 last time around. There were no requests for  
 16 subpoenas until last week.  
 17 I told him that council must act in an  
 18 open meeting to pass that ordinance. He said,  
 19 are you specifically denying my request for a  
 20 subpoena? I said no, you are free to ask them  
 21 and bring it up at the next meeting, but I  
 22 can't speak on behalf of council.  
 23 So I have never said no, subpoenas  
 24 cannot be issued. But according to the  
 25 Statute 733.38, again, it's discretionary upon

Page 83

1 council to do so.  
 2 Then, lastly, Mr. Consolo indicated in  
 3 the July 20 letter that I'm violating his due  
 4 process by not giving him sufficient evidence.  
 5 Again I posit to you that we've submitted 99  
 6 percent of all the evidence May 19th. We've  
 7 given him everything.  
 8 As it relates to the charges, we  
 9 indicated in the charging document, that  
 10 July 7 letter, all the different violations.  
 11 We specifically indicated to him, you know,  
 12 you are alleged to have consumed alcohol prior  
 13 to driving a city vehicle on April 13, and  
 14 April 14th.  
 15 On another one, you know, said evidence  
 16 will show the operation and efficiency -- I'm  
 17 sorry, said evidence will show the frequent  
 18 use of vulgar hand gestures, vulgar language,  
 19 vulgar abuse, yelling, providing mean-spirited  
 20 comments, et cetera, et cetera. What he asks,  
 21 he wants more information.  
 22 So what I provided to him in a response  
 23 was who will testify to that. I gave him a  
 24 list of all the people that will testify. So  
 25 we're attempting in all facets to provide him

Page 84

1 with due process, to give him names. We  
 2 didn't have to give him an exhibit list, or  
 3 witness list, but we did that in that charging  
 4 document, that July 7th letter. We've done  
 5 that.  
 6 Then he asked follow-ups, essentially a  
 7 bill of particulars, let's say, to be a  
 8 criminal proceeding, to give more information.  
 9 Well, I directed him to that charging  
 10 document. I said, certain people that we're  
 11 prepared to call to testify, will testify to  
 12 those violations that are listed in the  
 13 charging document, wherein it specifically  
 14 notes what was done wrong.  
 15 So these allegations of violating due  
 16 process and withholding information are just  
 17 quite frankly unfounded. So we respectfully  
 18 ask that you overrule the defendant's  
 19 objections to those issues and allow us to  
 20 really start this proceeding. Thank you.  
 21 MR. ZICCARELLI: Let me start not  
 22 necessarily in the order that you asked them.  
 23 But I am looking at the charging document. As  
 24 lawyers go, we want due process. We all want  
 25 to have the due process. I'm looking at the

Page 85

1 charging document, and this charging document  
 2 attached to that has 11 witnesses listed. So  
 3 as far as your client, I think he is aware of  
 4 who the witnesses are.  
 5 Then I see also in there, besides the  
 6 charges, that this says exhibits, that the  
 7 City may present any and all of the following  
 8 proposed exhibits and they have the right to  
 9 present additional exhibits. It goes through  
 10 videos, equipment use policy, phone records,  
 11 text messages, city's phone bill, rules and  
 12 regulations, inventory from the search of the  
 13 city-issued vehicle. As I look at this, I  
 14 think this is a pretty broad discovery. I  
 15 think that the City has complied with that. I  
 16 don't find that there is any due process  
 17 violation by the City not responding any  
 18 further to your request. I think they did.  
 19 Have you seen the exhibits ahead of  
 20 time?  
 21 MR. CONSOLO: Yes, sir. My  
 22 objection was not to exhibits, sir. My  
 23 objection is, just like the Law Director just  
 24 said, he listed 10, 11 people who are going to  
 25 say there was a vulgar gesture made.

Page 86

1 My client needed to know, and again I  
 2 brought this up back on July 12th, renewed it  
 3 on July 20th, who exactly is the person who is  
 4 claiming the chief made a vulgar gesture.  
 5 What was that gesture? When was it made?  
 6 We're entitled to that simply because you have  
 7 a right to confront your accuser, and I would  
 8 like to know who it is.  
 9 If the person was identified to us, we  
 10 could have followed-up. I could have asked  
 11 Chief Nosse, hey, do you remember when John  
 12 Doe says that you made a vulgar gesture? So  
 13 that's basic. Yes, they gave us a lot of  
 14 documents and videos, but that has nothing to  
 15 do with telling us who is saying these things.  
 16 MR. ZICCARELLI: Did you talk to any of  
 17 these witnesses?  
 18 MR. CONSOLO: No, sir, because I  
 19 don't know what they are going to say. They  
 20 didn't tell me.  
 21 MR. ZICCARELLI: Well, I'm going to  
 22 overrule that motion. You got the witnesses  
 23 and you got the exhibits. If you wanted to  
 24 ask those questions, you didn't ask the  
 25 witnesses, then you had the opportunity to

Page 87

1 talk to those witnesses.  
 2 Now, I'll try to go back. As far as  
 3 the executive session where council met with  
 4 me, I can tell you that nothing was discussed  
 5 as far as any of the charges. Certainly under  
 6 one section of the Ohio Revised Code,  
 7 122.21.(G) (1) council has the right to go  
 8 into executive session to discuss termination,  
 9 hiring, and other issues as to an employee.  
 10 They don't have the right to go in  
 11 there and talk about specific facts about this  
 12 case or going to be presented at the  
 13 hearing. I can assure you, as an attorney,  
 14 that no facts, or anything else along those  
 15 lines were discussed in that executive  
 16 session, other than the ground rules of a  
 17 termination hearing.  
 18 MR. CONSOLO: So, respectfully, why  
 19 didn't you do that publicly? There was no  
 20 purpose under the Revised Code to keep that a  
 21 secret.  
 22 MR. ZICCARELLI: Because the statute  
 23 allows them to go into executive session to  
 24 discuss that. So I'll move on.  
 25 You also indicated that you were not

Page 88

1 provided -- I went through today and talked  
 2 about the Revised Code, and I also indicated  
 3 in my opening argument that they were also the  
 4 City ordinance. And I looked at the  
 5 termination letter, it specifically gives your  
 6 client notice that they are going to be  
 7 proceeding under Section 733.35 and also under  
 8 Kirtland Codified Ordinance 244.01 (D). So it  
 9 indicates in the letter, as well as the  
 10 charges, where it says the Ohio Revised Code  
 11 and the Kirtland Codified Ordinances. So as  
 12 far as notice that both of those were not  
 13 provided, I'm going to overrule that motion.  
 14 MR. CONSOLO: Sir, what's the  
 15 standard then, if you are going to say,  
 16 governs this hearing?  
 17 MR. ZICCARELLI: I'm going to listen to  
 18 what the prosecutor presented. There is both  
 19 the ordinance and the Ohio Revised Code. I  
 20 don't know what is going to be presented. I  
 21 don't know if the prosecutor is going to  
 22 present his evidence under the Ohio Revised  
 23 Code or under the Kirtland Codified  
 24 Ordinances.  
 25 The Chief has been put on notice as to

Page 89

1 whether he has, for lack of a better word,  
 2 violated those, and I don't know what the  
 3 state -- or I'm sorry I don't know what the  
 4 Law Director is going to present on those.  
 5 If he presents evidence on the Codified  
 6 Ordinances, then Council is going to make a  
 7 determination under the Codified Ordinances.  
 8 If he presents testimony under the Ohio  
 9 Revised Code, they will have an obligation to  
 10 review the evidence under the Ohio Revised  
 11 Code.  
 12 MR. CONSOLO: Understood.  
 13 Respectfully, you don't know as we sit here,  
 14 Council doesn't know, but certainly due  
 15 process requires the defendant to know.  
 16 MR. ZICCARELLI: The defendant knows  
 17 that he has a termination letter and that  
 18 termination letter is based on both the  
 19 Ordinance, and it says specifically in his  
 20 termination letter, that because of this --  
 21 I'll only read part of it, that we all have a  
 22 copy of -- "because of this dispute I find it  
 23 necessary to proceed with removal proceeding  
 24 pursuant to Ohio Revised Code 733.35, the  
 25 Kirtland City Charter, and Kirtland's Codified

Page 90

1 Ordinance 244.01 (D). I'll move on to the  
2 next one.

3 As far as the subpoena, with all due  
4 respect, and I've heard very good things about  
5 you, with all due respect, I think you did  
6 misquote the statute because the statute  
7 doesn't say they are obligated to issue a  
8 subpoena. The Statute 733.38 that I have in  
9 front of me says that the legislative  
10 authority of a municipal corporation may issue  
11 a subpoena or compulsory process to compel the  
12 attendance of a person, and the production of  
13 books and papers before it, and such  
14 legislative authority may provide by ordinance  
15 for exercising and enforcing this section.  
16 So, by statute, they are not required to issue  
17 a subpoena. They may.

18 Secondly, I wasn't here July 2nd, but  
19 it's a month later --

20 MR. CONSOLO: July 12.

21 MR. ZICCARELLI: I'm sorry, July 12.  
22 But from my understanding there was not  
23 because there was no request made at that time  
24 in front of a public -- at the public meeting,  
25 because only then can they authorize the

Page 91

1 issuance of a subpoena. So I'm going to  
2 overrule that motion.

3 MR. CONSOLO: Can I just add, for  
4 the purpose of the record --

5 MR. ZICCARELLI: Sure.

6 MR. CONSOLO: -- the case law I  
7 mentioned about subpoenas, Kiger, K-I-G-E-R v.  
8 Albon, A-L-B-O-N, found at 76 Ohio F.3d 301  
9 out of Lucas County, 1991. Thank you.

10 MR. ZICCARELLI: You're welcome.

11 Lastly, looking at 733.35, I don't  
12 believe that that -- first of all, that  
13 citation, which is State, ex rel. Prentice  
14 versus Middleburg Heights, and I've had an  
15 opportunity to read, those code sections have  
16 been changed since 1967. I believe that  
17 specifically, if you look at 733.35 today, it  
18 talks about the mayor of a municipal  
19 corporation. It does not talk about the mayor  
20 of a village.

21 So, as far as the objection that that  
22 proceeding only applies to villages, I would  
23 overrule that motion. I know that you have  
24 the right to go further, but it's my position  
25 today, I haven't heard anything that there has

Page 92

1 been any due process violations, that in some  
2 fashion that this is an egregious situation  
3 that I'm prepared to listen -- I'm not here to  
4 make a decision. That is not my purpose. My  
5 purpose it to sit here to referee, to make  
6 sure that the two of you present evidence that  
7 the legislative body will hear so that they  
8 can make a determination.

9 I'll certainly, at the end of the case,  
10 whatever legal arguments both you and  
11 Mr. Lallo have, I will certainly present those  
12 to the legislative body for them to help  
13 assist them in making their determination.

14 Again, I don't have any indication why  
15 you were not notified. I'm here to sit as  
16 a -- to rule on -- to make sure that the  
17 hearing proceeds in a fair manner.

18 MR. CONSOLO: Thank you. May I  
19 give the court reporter Exhibit B, C and D?

20 MR. ZICCARELLI: Absolutely, yes.  
21 Matt, have you seen those?

22 MR. LALLO: Yes, sir.

23 MR. ZICCARELLI: Do you wish to give  
24 me a copy?

25 MR. CONSOLO: No, the court

Page 93

1 reporter.

2 MR. ZICCARELLI: Fair enough.  
3 (Defendant Exhibits B, C & D marked for  
4 identification.)

5 MR. ZICCARELLI: Are we ready?  
6 Mr. Lallo, are you ready?

7 MR. LALLO: Yes, sir.

8 MR. ZICCARELLI: Mr. Consolo?

9 MR. CONSOLO: Yes.

10 MR. ZICCARELLI: Please.

11 MR. LALLO: Thank you.  
12 Council President, Council,  
13 Mr. Ziccarelli, Chief, I think it's fair to  
14 say nobody wants to be here. Quite frankly, I  
15 feel bad, and I think everybody else does here  
16 too, but, we all have a job to do right now.

17 What happened on April 16th really  
18 started the process and got to where we are  
19 today. On that date, Mayor Potter was  
20 notified of a potential violation. Sat down,  
21 I believe in this room actually, with a police  
22 sergeant, his counsel, Mr. Lobe, the Assistant  
23 Law Director, and heard some disturbing  
24 allegations.

25 What happened at that point really just

Page 94

1 started this investigation. What we uncovered  
 2 or what was uncovered during that  
 3 investigation was a fair amount of disturbing  
 4 facts, and issues, and violations of the rules  
 5 and regulations of the Kirtland Police  
 6 Department, of City policy, of statutes that  
 7 really left us no other decision but to bring  
 8 forth these charges.  
 9 We've tried unsuccessfully to negotiate  
 10 and tried to avoid this situation. But,  
 11 unfortunately, it's just where we're at today.  
 12 So what you are going to hear today, as  
 13 the de facto jury, the triers of fact, are a  
 14 number of witnesses who will testify to a  
 15 number of violations here.  
 16 You're going to hear from Terry Szary,  
 17 the Mayor's assistant, who will testify as to  
 18 some discrepancies in phone records, and some  
 19 potential violations and issues there.  
 20 You are going to hear from some workers  
 21 in the police department, who are very scared  
 22 and very nervous to be here. I feel for them  
 23 because they have known the Chief for their  
 24 entire careers. They are family friends.  
 25 They are having a hard time getting ready to

Page 95

1 come forth and talk about some of the things  
 2 they've observed, they've heard, and they've  
 3 seen. Some of these are drastic violations of  
 4 these rules and regulations.  
 5 I talk about these rules and  
 6 regulations. The person who wrote the rules,  
 7 the person who signed off on the rules, Chief  
 8 Nosse. The Safety Director, who also happens  
 9 to be the Mayor. You are going to hear that  
 10 the Chief is subject to those rules, and those  
 11 violations of those rules can lead to  
 12 disciplinary action up to and including  
 13 termination.  
 14 You are going to see videos that are  
 15 not glamorous, that show a specific violation  
 16 of city policy, potential violations of the  
 17 law.  
 18 You are going to hear from one of the  
 19 sergeants about that night in question in  
 20 April of 2021 and what he observed, what he  
 21 saw, and what led to this investigation.  
 22 You are going to hear the Mayor, who  
 23 also considered all of the evidence, all the  
 24 testimony, and, unfortunately, had to bring  
 25 forth these proceedings.

Page 96

1 At the end of this, I'm confident that  
 2 you're going to find that there were multiple  
 3 violations, multiple violations of not only  
 4 the rules and regulations that he wrote, that  
 5 he adopted, that he implemented, you're going  
 6 to find violations of the City policy,  
 7 potential violations of the law.  
 8 And as we all know, police officers  
 9 have to be held to the highest standard. The  
 10 police chief has to be held to a higher  
 11 standard. The violations that you will see  
 12 I'm confident you are going to find that  
 13 there -- that his termination is for just  
 14 cause, and that his termination is in  
 15 accordance with that statute, 733.35.  
 16 You're going to learn that the men in  
 17 blue back here had a hard time with the Chief,  
 18 who was sadly, over the last three months,  
 19 spiraling.  
 20 You are going to learn many people  
 21 tried to step up to help him, step up without  
 22 making a record, without making a big deal of  
 23 it, and help him personally because they can  
 24 see it happening. Unfortunately, he just  
 25 didn't stop.

Page 97

1 That is why the night of August 13th  
 2 and 14th was the last straw. That is why on  
 3 April 16th when we sat down, when the Mayor  
 4 sat down with the sergeant, we were at a  
 5 crossroads, and it had to happen. That is why  
 6 we're here today.  
 7 So all that being said, we are asking  
 8 that you consider all the evidence and  
 9 testimony today, and that at the close of all  
 10 the evidence, that you affirm the Mayor's  
 11 decision and find that the Chief is terminated  
 12 for just cause and in violation of 733.35.  
 13 Thank you.  
 14 MR. ZICCARELLI: Mr. Consolo, opening  
 15 statement?  
 16 MR. CONSOLO: Thank you. Thank you  
 17 Law Director, Council. Good evening.  
 18 Law Director Lallo just said something  
 19 very interesting, the Chief was spiraling.  
 20 What in the world does that mean?  
 21 He was spiraling. In part, that's the  
 22 crux of this whole case here. This is a  
 23 retaliation against Chief Nosse. Chief Nosse  
 24 has a disability. Chief Nosse has a problem  
 25 with alcohol. You know when that first came

Page 98

1 to light? Mayor Potter, during the January  
2 2021 budget process.  
3 Chief Nosse came to Mayor Potter and  
4 put in his budget a request for a raise. You  
5 know what Mayor Potter said? What the  
6 testimony will show? He told him no. I heard  
7 from people that you drink with council people  
8 after the meetings. You go to their houses,  
9 you go out to bars in the city with them. You  
10 can't do that.  
11 Again, unidentified. Never told who is  
12 saying this. That's the whole theme of this.  
13 We're not going to tell you who it is,  
14 apparently until some time tonight when we are  
15 going to find out who all these people are who  
16 are attempting to crucify the Chief here.  
17 That is when it started, January 2021, during  
18 your budget process.  
19 Why is that important? Because the  
20 Mayor is a recovering alcoholic. The Mayor  
21 knows what that means. Did he tell the Chief,  
22 go get help? No. He is the employer. He's  
23 the Chief Executive Officer of the city. Not  
24 you folks. That's not your role. But the  
25 administration should have done something.

Page 99

1 You've all heard of the Family Medical  
2 Leave Act, right? The law is the employer has  
3 notice an employee has a problem, a serious  
4 health condition, then interact with that  
5 person, get the employee straight. Doesn't  
6 happen.  
7 So the next time this comes up is  
8 February, February 12, 2021. You are going to  
9 see Defendant's Exhibit E. This is an email  
10 chain. On February 12, 2021 the OPBA, the  
11 Ohio Patrolmen's Benevolent Association, the  
12 union that the rank and file are in in the  
13 police department, brings these charges. They  
14 are the ones.  
15 It's Adam Chaloupka. I see Adam is  
16 still here. Good. Adam Chaloupka, the lawyer  
17 for the OPBA, he says on February 12th to the  
18 law director, to Law Director Lallo, who will  
19 be one of the witnesses you will hear from  
20 here today, says, "Matt, unfortunately it's  
21 come to my attention from multiple OPBA  
22 bargaining unit members that they, and  
23 consequently myself," meaning Attorney  
24 Chaloupka, he is "concerned about Chief Lance  
25 Nosse's health and well-being."

Page 100

1 Says, "There is no evidence of alcohol  
2 use or abuse while on duty." Nothing.  
3 Nothing about his on-duty performance here or  
4 drinking on the job, right?  
5 February 17th, Law Director Lallo  
6 responds, "Adam, I want to let you know I had  
7 the opportunity to sit down with the Chief and  
8 discuss your concerns. He was very  
9 appreciative of the members' concern for his  
10 health and well-being and very honest with me  
11 as it relates to his current issues."  
12 February 17, 2021, did the Law Director  
13 put him on FMLA? Interact with him? How do  
14 you handle his disability? No, you know what  
15 he did? He says, he tells Adam Chaloupka,  
16 well, I gave him a couple of contacts.  
17 Contacts. Yeah, because the Law Director also  
18 does criminal defense work representing people  
19 who get caught with under the influence. And  
20 he has people for the Chief to go to. But  
21 that's not how you do it.  
22 He is the administration. The man is  
23 the administration. So you reach in, you give  
24 him a couple cards, here's a guy that helps  
25 out my clients when they get stuck and stopped

Page 101

1 for a DUI? No. There is a responsibility of  
2 the administration to interact with Chief  
3 Nosse under the Family Medical Leave Act,  
4 under the Americans With Disability Act.  
5 This is basic.  
6 Nobody reached out to the Chief. Now  
7 the Mayor and administration know in January,  
8 they know in February, nothing happens.  
9 April 16, 2021, that morning the  
10 evidence will show you that Chief Nosse, with  
11 the assistance of the Fire Chief, Chief  
12 Hutton, and Former Chief Wayne Baumgart,  
13 decided he needed to seek help, he needed help  
14 with his disability.  
15 So he went to the hospital that  
16 morning. They took him. That may be the  
17 first time you all are hearing that, I don't  
18 know. I don't know what was told to you.  
19 But the Chief, on his own, without the  
20 Mayor, without the Law Director, who had known  
21 about it for three months, three months at  
22 that point, goes to Lutheran Hospital and  
23 subsequently is in rehab.  
24 Did they put him on FMLA, the City?  
25 No. No. What happens, as the evidence will

Page 102

1 show you, is that now all of a sudden on  
 2 April 16th, later that afternoon or night,  
 3 they convene a meeting with the police union.  
 4 In February, when the police union had  
 5 no specific charges or evidence, all of a  
 6 sudden, you will see it, they supposedly have  
 7 all this evidence, and it's going to come to  
 8 light.  
 9 Coincidentally, it comes to light at  
 10 the same time Chief Nosse and Former Chief  
 11 Baumgart and the Fire Chief, help him with his  
 12 disability, not the management. Pretty  
 13 coincidental, huh?  
 14 Exhibit F you will see is an email from  
 15 the Mayor, April 16th at 9:00 p.m. He's had a  
 16 conversation with the Chief, wants him to take  
 17 personal leave, medical leave. Nothing about  
 18 FMLA. I don't know if the City has an HR  
 19 director or not. Nine o'clock at night  
 20 e-mailing the man who has the disability,  
 21 whose been in the hospital, and then was  
 22 transferred to rehab. He's in a  
 23 rehabilitation facility seeking treatment, and  
 24 the Mayor is emailing him about his, well, you  
 25 need to take a personal leave and a medical

Page 103

1 leave, and/or.  
 2 Chief Nosse replies the next day,  
 3 April 17th, doing what the Mayor wanted him to  
 4 do. Yeah, Mayor this is my official request  
 5 for a medical leave of absence. No concern  
 6 for his rights under the Family Medical Leave  
 7 Act. This is just some type of medical leave.  
 8 I didn't see it in any of your ordinances. I  
 9 don't know how you have that procedure.  
 10 As soon as that email is received, the  
 11 Mayor just couldn't wait. Exhibit G will be  
 12 his posting to the entire public. He put it  
 13 on the website, memo, April 17th, department  
 14 leadership, Chief Nosse, due to personal  
 15 medical issues, has taken a leave of absence  
 16 from the City of Kirtland effective April  
 17 16th. Puts in Jamey Fisher as his  
 18 replacement.  
 19 Then the next paragraph said,  
 20 "Additionally, in light of serious and  
 21 troubling information brought to my attention  
 22 late Friday." Late Friday, Friday, April  
 23 16th, after the Mayor's informed the Chief is  
 24 hospitalized. Well, he apparently didn't act  
 25 fast enough, so he's making up for lost time.

Page 104

1 He gets the union, hey, guys, we need  
 2 to meet now, give me whatever evidence you  
 3 have before Chief takes -- before Chief uses  
 4 his rights, exercises his rights under the  
 5 Disability Act, under the Family Medical Leave  
 6 Act. Let's get rid of him. Give me what  
 7 you've got.  
 8 So they meet here five o'clock, six  
 9 o'clock that night. That is the memo that  
 10 Mayor sent to -- I'm not even sure you guys,  
 11 you folks were told about this at that time or  
 12 not. That's Saturday morning. It's out on  
 13 the website for everybody to see. Start  
 14 building the case. Start shaping the  
 15 narrative to the public. Put it all against  
 16 the Chief. He acknowledges he has a medical  
 17 issue, the next thing you leave out there, and  
 18 then there is this crooked investigation into  
 19 serious things. None of that happens if Chief  
 20 doesn't ask for help and doesn't have them on  
 21 notice that he has a disability.  
 22 April 19, this will be Defendant's  
 23 Exhibit H you will see. This is the letter  
 24 from the union. Letter to Tom Lobe, your  
 25 Assistant Law Director. I understand that

Page 105

1 Mr. Lobe, I asked for him to be here tonight,  
 2 to be a witness, and I don't see Tom here.  
 3 Tom met with the union. Tom took over  
 4 the investigation. So on April 16 him and the  
 5 Mayor are trying to get all this information  
 6 from the union to use against Chief Nosse,  
 7 while he's in the hospital, while he's in  
 8 rehab. Trying to get rid of him. Build the  
 9 case.  
 10 This April 19th letter supposedly has  
 11 all the evidence. Here is enough, Mr. Lobe,  
 12 run with it. Well, the smoking gun, which  
 13 they will show at the public hearing, you'll  
 14 see it on the screen, is a video that Sergeant  
 15 Fisher, who stepped up, was made the Acting  
 16 Chief on Saturday, April 17th by the Mayor, he  
 17 has video of the Chief, off duty, at Jamey  
 18 Fisher's house beginning at 6:00, 6:30 p.m. on  
 19 April 13th.  
 20 The video is going to show you the  
 21 Chief, not in his uniform, pulls into Jamey  
 22 Fisher's driveway in Mentor. It's going to  
 23 show him getting out of the car. Before he  
 24 gets out of the car, he's on the phone. It's  
 25 going to show him opening a can. You can't

Page 106

1 even see what the can is. He's stopped. He's  
 2 in Jamey Fisher's driveway. From six o'clock  
 3 to 6:30 Jamey Fisher filmed all this. There  
 4 is some, I don't know what they call these  
 5 things, it's not Ring, or the Nest video or  
 6 something, right?  
 7 So you will hear from the Chief that  
 8 the Chief had called Jamey Fisher and said  
 9 hey, I'm coming over. I'll be over shortly,  
 10 whatever. I'm sure Jamey Fisher is going to  
 11 deny it. You are going to hear no, he just  
 12 showed up. Okay.  
 13 You know what would prove it? Phone  
 14 records. Phone records. They gave us, and I  
 15 think the Law Director is going to show you,  
 16 there is phone records like this thick. You  
 17 know when they end? March 27th, 2021.  
 18 Nothing to show us anything after that. Chief  
 19 Nosse's phone records from his phone.  
 20 If they would have given us the phone  
 21 records -- here's a stack of them. I see a  
 22 similar stack there. I'm sure the Law  
 23 Director is going to give it to you. Why not  
 24 give us the ones for April? April would have  
 25 shown Chief Nosse calling Jamey Fisher. Not

Page 107

1 there. So it's going to be a he said, she  
 2 said.  
 3 But Chief showed up at Jamey's house,  
 4 Friday, after work. The video shows one of  
 5 your colleagues meeting him at the house.  
 6 Then it shows going into the house.  
 7 We don't see anything else again until  
 8 nine, 9:30 at night. Three, three-and-a-half  
 9 hours later. It shows the Chief coming out,  
 10 bottle of water, in the driveway, off duty,  
 11 what he thought was his friend's house. It  
 12 shows him there on and off because we just  
 13 have bits and pieces of this video. There is  
 14 no straight-through video. You are just going  
 15 to see clips, whatever Sergeant Fisher  
 16 determined to hand over to the union and the  
 17 union determined to hand over to Kirtland,  
 18 which is mind boggling that the union runs the  
 19 safety forces, the police forces -- sorry  
 20 Chief -- the police forces in the City of  
 21 Kirtland.  
 22 It shows him leaving at like 1:30 in  
 23 the morning on the 14th. Doesn't show any  
 24 drinking outside all that time.  
 25 So Sergeant Fisher is going to tell

Page 108

1 you, well, he was an unwanted guest at my  
 2 house from 6:00 p.m. until 1:30 a.m. the next  
 3 day? Doesn't make sense. Doesn't make sense,  
 4 folks.  
 5 So that is the biggest smoking gun in  
 6 here. They tell them -- here is what the  
 7 union tells Tom Lobe, your Assistant Law  
 8 Director, hey, Tom, here is how you should run  
 9 your investigation.  
 10 Which by the way, which by the way, the  
 11 investigation was done internally. You know  
 12 what that means? Your administration --  
 13 sorry. I didn't mean to point at the Service  
 14 Director. I thought the Mayor was there.  
 15 Your administration, not the Service  
 16 Director, decided we will investigate our own.  
 17 How do you do that?  
 18 You heard me talk about due process in  
 19 the hearing. How about some due process in  
 20 the investigation? How do you allow, how does  
 21 your administration allow Tom Lobe to  
 22 investigate their own?  
 23 Tom Lobe interviewed the police  
 24 officers, called them for an interview. The  
 25 Law Director said, I wrote it down, these men

Page 109

1 in blue, women in blue are scared and nervous  
 2 to be here tonight. Well, gee, how do you  
 3 think they felt when they were grilled by your  
 4 own Assistant Law Director? How do you do  
 5 that to your own people? Someone of  
 6 authority, someone who could have gotten their  
 7 jobs, does the investigation.  
 8 Now about this time is when I get  
 9 involved. And what you will see, all of a  
 10 sudden FMLA is granted to the Chief. He's  
 11 granted 480 hours of FMLA time. The City did  
 12 that. That is protected leave until July 9,  
 13 2021. He had 480 hours of FMLA.  
 14 On July 6th, you may recall, I sent you  
 15 folks an email because there was some dispute  
 16 over the resignation. That is going to be  
 17 Defendant's Exhibit A. In that email you will  
 18 notice on July 6th, I told you Chief was ready  
 19 to come back. Chief was ready to come back to  
 20 work from FMLA. He was never allowed back.  
 21 There wasn't even a response given to  
 22 us to that request. No. Instead this  
 23 investigation, led by Tom Lobe and the Mayor,  
 24 went forward.  
 25 Your police officers were interviewed.

Page 110

1 Documents were provided. You're even going to  
 2 see, I think there is documents -- you know,  
 3 I'm not sure what they are going to give you.  
 4 But there is a whole stack of pictures of the  
 5 police vehicle, the police car, the Chief's  
 6 car. I remember sitting over here when they  
 7 first gave me those documents, and I'm like  
 8 well, gee, I'm thinking, what are they going  
 9 to say, he got in an accident? He got in an  
 10 OVI? What happened?  
 11 I'm looking at these pictures, and it's  
 12 nicks and scratches. That was actually the  
 13 word Mr. Lobe gave me, well, it's nicks and  
 14 scratches. I'm like, are you serious?  
 15 So one of the charges against the Chief  
 16 is allowing the police vehicle to have nicks  
 17 and scratches. I think they are on the door.  
 18 It's a side-view mirror that has some scrapes  
 19 on it. That is one of the charges they are  
 20 going to bring, they are bringing here, saying  
 21 that's why we need to get rid of this Chief.  
 22 None of the charges are founded, right?  
 23 That's the term. That's the term when you go  
 24 out to an outside agency and you ask them.  
 25 I'm Law Director of the Village of Woodmere.

Page 111

1 I'm Law Director for the City of Maple  
 2 Heights. I've got to tell you, I never heard  
 3 such a procedure where you investigate your  
 4 own, right?  
 5 You guys brought in Mr. Zicarelli as  
 6 an independent. Why did you do that? Because  
 7 it looks a heck of lot better than Law  
 8 Director Lallo advising you, right? You have  
 9 an independent investigation, folks. That's  
 10 due process. That's reasonable. That is not  
 11 arbitrary, right?  
 12 I think they have pictures. They have  
 13 pictures of the police vehicle. There is a  
 14 bottle cap in there they are going to show  
 15 you. A bottle cap from some beer. Well, the  
 16 police vehicle wasn't sealed off. The guy  
 17 that wanted to take his job, Sergeant Fisher,  
 18 wherever he went, he's doing the  
 19 investigation. He's taking the pictures, or  
 20 he's having the subordinate. He's taking the  
 21 pictures of the Chief's office, of the Chief's  
 22 car. How fair is that? That's not how it's  
 23 done, folks. That's not reasonable.  
 24 The evidence is going to show you that  
 25 contact that the Chief -- Law Director Lallo

Page 112

1 contacted the Chief while he's under -- trying  
 2 to get help, trying to get himself right,  
 3 trying to get himself cured. The Mayor  
 4 contacts him.  
 5 Do you know, and it's one of my  
 6 exhibits, I don't know what the exhibit is  
 7 right now, it's an actual prepared resignation  
 8 letter. April 26th that Law Director Lallo  
 9 drives out to this facility, right, a rehab  
 10 facility, and somehow gets to see the Chief  
 11 and presents him with that to sign.  
 12 Thank goodness at the point he didn't.  
 13 He started out and realized, wait a minute,  
 14 wait a minute, I'm not in my right mind,  
 15 that's why I'm on leave. He doesn't sign  
 16 that. Can you imagine this, this rush to  
 17 judgment, right?  
 18 April 26th, 10 days after your  
 19 administration has notified the Chief has a  
 20 problem, he has a disability, he's seeking  
 21 help, during that time they meet with the  
 22 police union. You get a letter from the  
 23 police union. Sergeant Fisher comes up with  
 24 hours of video, right? They do a checking of  
 25 every possible thing Chief Nosse could have

Page 113

1 done wrong, right? There's charges of a  
 2 hostile work environment. You're council  
 3 people. Has there ever been any charges with  
 4 the EEOC, with the Ohio Civil Rights? Has  
 5 anybody ever brought any charge here that  
 6 you're aware of? No. All of a sudden all  
 7 this stuff is being dredged up and brought  
 8 against the Chief.  
 9 Again, I would like to tell you who's  
 10 claiming they were a victim of a hostile work  
 11 environment, but they haven't told us. I  
 12 can't even address it tonight. I won't know  
 13 until you know, I guess. That is not fair.  
 14 That is unreasonable. It's a burden of proof  
 15 hearing.  
 16 You heard of just cause standards, I  
 17 heard the 733.35 standard, which is  
 18 malfeasance, misfeasance, habitual  
 19 drunkenness, right? There is no evidence of  
 20 any of that. None of that. I would like to  
 21 know who is going to come forward and say  
 22 that. Nobody -- we haven't been told who is  
 23 making such allegations. But Chief Nosse has  
 24 protection.  
 25 City knew about this since January.

Page 114

1 Did nothing. Mayor Potter did nothing. Law  
 2 Director Lallo did nothing. Then when the  
 3 union starts saying, oh, we got to get rid of  
 4 him, well then, then we're going to do  
 5 something.  
 6 Like I told you on July 12th, this  
 7 isn't unusual for the union to do this. Back  
 8 in 2006, 2007, 2008, that time frame, there is  
 9 an exhibit I'm going to show you. It's a  
 10 letter from your former labor council, Jimmy  
 11 Budzik, old colleague of mine. We worked  
 12 together in a couple different places. He was  
 13 your labor council back then. He was your  
 14 labor attorney. That's what he did.  
 15 Back then the OPBA, a guy named Jamie  
 16 Tavano, who is buddies with Jamey Fisher,  
 17 brought all these unfounded allegations  
 18 against Chief Baumgart. Terrible, terrible  
 19 allegations. Fraud, theft, all the same kind  
 20 of stuff like you are hearing now. Mayor  
 21 Potter, he did the investigation, he looked at  
 22 this. They brought in their outside attorney,  
 23 the labor attorney, outside law firm like  
 24 Mr. Ziccarelli. He investigated it. It was  
 25 completely unfounded. You will see these

Page 115

1 documents. It was just a terrible attempt by  
 2 the union to get rid of the police chief in  
 3 Kirtland, because they didn't like him.  
 4 Because the rank and file didn't like Chief  
 5 Baumgart. Now guess what? You've got the  
 6 same thing.  
 7 You guys have members in the rank and  
 8 file, they don't like Chief Nosse. So what  
 9 started as a cry for help that went unanswered  
 10 in January, in February, lands Chief Nosse in  
 11 the hospital, is answered with a complete  
 12 witch hunt. Try and find everything you can  
 13 against Chief. Union help us. Tom Lobe,  
 14 interview these people, right? Make sure they  
 15 know you're the Assistant Law Director. Got  
 16 to get dirt on Chief. That is what you got  
 17 from it.  
 18 At the end of the day, is there just  
 19 cause? Is some of this related to the  
 20 alcoholism, which he is protected by, the  
 21 Disability Act, the Family Medical Leave Act?  
 22 Is it all off-duty conduct? You are going to  
 23 have to determine that.  
 24 If you go by 733.35, it's your job to  
 25 determine if the bad acts they are accusing

Page 116

1 the chief of were done in the performance of  
 2 his official duties.  
 3 Finally what I am going to tell you  
 4 about is the telephone. He used the cell  
 5 phone, right? His wasn't getting emails so he  
 6 went to the sergeant. Sergeant LaTurner says  
 7 here, use this one. It's the sergeant's  
 8 phone, nobody is using it. Flip phone. So  
 9 you are going to see all these records about  
 10 using a cell phone to call one of your  
 11 colleagues. Texting one of your colleagues.  
 12 The allegation is, first off, that  
 13 these text messages were erased or shouldn't  
 14 have been because they are public records.  
 15 Folks, you know as council people, you go  
 16 through the training, a public record has to  
 17 be something discussing city business, among  
 18 others.  
 19 Personal text messages for any one of  
 20 you, which I'm sure you do, are not public  
 21 records. But guess what, you don't even have  
 22 a policy. I've asked for it. There is no  
 23 ordinance. There is nothing that would tell  
 24 Service Director Fornaro, Chief Nosse, Chief  
 25 Hutton what's a public record. You've got no

Page 117

1 policy in place. None of your employees will  
 2 know, do I keep this email? Do I keep this  
 3 text? Can I get rid of it? There is no  
 4 policy. Chief Nosse didn't violate any  
 5 policy. There is not even a policy on cell  
 6 phone usage, texts, nothing. No policy is  
 7 written on this.  
 8 So what standard is he being held to  
 9 here? At the end of the day it's retaliation  
 10 because he sought protection under the  
 11 Disability Act, under the FMLA. He sought  
 12 help that was denied to him.  
 13 He's been in treatment. He's been in  
 14 rehab. He goes to all the meetings. On  
 15 July 6th I told you he was ready to come back.  
 16 He has a counselor that he works with who is  
 17 known for working with many police officers.  
 18 He's ready to come back and do his job, ladies  
 19 and gentlemen. Don't take that away from him.  
 20 Don't take that away from his family. Don't  
 21 take away his healthcare.  
 22 You already suspended his pay since  
 23 July 12th. What more do you want? Because he  
 24 admitted he has an alcohol problem, he sought  
 25 treatment? Now the Mayor wants to remove him

Page 118

1 for something quite frankly, a lot of us go  
 2 through in our lives, marital problems,  
 3 whatever it may be. But the man was your  
 4 Chief. He still is your Chief. He did a good  
 5 job for you.  
 6 Until you were brought here today, did  
 7 you ever know that he didn't do a good job for  
 8 the citizens of Kirtland in his official  
 9 capacity? Please keep that in mind. We hope  
 10 you find that these charges brought by the  
 11 Mayor are simply not founded. Thank you.  
 12 MR. ZICCARELLI: Thank you. Before we  
 13 begin testimony from Attorney Lallo, does  
 14 anybody up here have to go to the restroom?  
 15 Let's take a five-minute break.  
 16 I'll just instruct the -- hold on a  
 17 minute. I will just instruct council not to  
 18 talk among yourselves yet until we hear the  
 19 testimony. Thank you.  
 20 (Recess taken)  
 21 MR. ZICCARELLI: Ladies and gentlemen,  
 22 please be seated. Thank you. Mr. Lallo, you  
 23 ready to proceed?  
 24 MR. LALLO: Yes, sir.  
 25 MR. ZICCARELLI: You may proceed.

Page 119

1 MR. LALLO: Teresa Szary, please  
 2 come up.  
 3 MR. ZICCARELLI: Come in front of the  
 4 Council President and raise your right hand.  
 5 TERESA SZARY  
 6 of lawful age, being first duly sworn, as  
 7 hereinafter certified, was examined and testified  
 8 as follows:  
 9 DIRECT EXAMINATION  
 10 By Mr. Lallo:  
 11 Q Ms. Szary, can you please state your name and  
 12 spell your last name for the record?  
 13 A Teresa Szary, S-Z-A-R-Y.  
 14 Q Thank you. What is your position with the  
 15 City of Kirtland?  
 16 A I am the Coordinator for the Senior Center and  
 17 Community Center, as well as the Assistant to  
 18 the Mayor.  
 19 Q Thank you. How long have you been employed by  
 20 the City?  
 21 A December 14th.  
 22 Q What are your duties?  
 23 A In terms of the Mayor's office specifically?  
 24 Q Yes.  
 25 A One of my duties is to pay all of the bills

Page 120

1 that come under the umbrella of the City. So  
 2 if we have several accounts, then I kind of --  
 3 that are allocated through different funds, we  
 4 pay them through one check, I'm the one who  
 5 pays those bills, as well as answering the  
 6 Mayor's phones and working with his schedule.  
 7 Q Do you keep track of various records as well?  
 8 A Um-hum.  
 9 Q Is that a yes?  
 10 A Yes.  
 11 Q For the court reporter, sorry. Did you ever  
 12 come across a particular phone bill, or phone  
 13 records or anything that were brought to your  
 14 attention?  
 15 A Yes, the Verizon bill is one of my  
 16 responsibilities that I pay. All of the cell  
 17 phones throughout the City. I pay those on a  
 18 monthly basis. I began doing this in  
 19 February, I believe, was the first time I had  
 20 paid that bill.  
 21 Q Was there anything that -- out of the ordinary  
 22 that was brought to your attention?  
 23 A I was new to the position, I didn't know quite  
 24 what was going on in February. In March I  
 25 noticed, I believe it was March, noticed that

Page 121

1 the bill was higher than it had been. I  
 2 believe it was supposed to be around the same  
 3 every month. So I was looking for what the  
 4 discrepancy was.  
 5 Q What did you do?  
 6 A In the bill itself it has a very specific  
 7 breakdown by line. We also have an internal  
 8 spreadsheet that we keep, so we can keep track  
 9 of month-to-month how much each line we pay  
 10 for. So found the line with the discrepancy  
 11 at that point.  
 12 Q What was the discrepancy?  
 13 A It was an overage charge for text messages  
 14 from one of the police cell phones.  
 15 Q Did you know what phone it was?  
 16 A Internally we refer to it as sergeant's cell.  
 17 The Verizon bill has it listed as police  
 18 department 3.  
 19 Q What did do you once you discovered that  
 20 discrepancy?  
 21 A Looked to see what the plan was. I knew  
 22 nothing about this phone. So was seeing what  
 23 the plan was and why we would get a  
 24 significant overage charge on it. Then found  
 25 out that that particular phone had a limit of

Page 122

1 200 text messages per month, and that that  
 2 past month had gone significantly over and  
 3 that was what the overage was for.  
 4 Q Did you talk to the Chief about this?  
 5 A At that point I had, yes.  
 6 Q What did he indicate to you?  
 7 A He said that we're getting rid of that phone.  
 8 I knew we were upgrading some of our  
 9 equipment. So he said just pay it, we're not  
 10 going to use that phone anymore anyway.  
 11 Q Was there an investigation with Verizon as it  
 12 relates to the use of this phone?  
 13 A Yes, I asked the Verizon rep, and he said -- I  
 14 said, you know, I didn't know that there was  
 15 any text limits. The Chief indicated he  
 16 didn't either. He said, yeah, on a few phones  
 17 you do. He said that particular is a flip  
 18 phone. He said he had never seen that many  
 19 text messages come through a flip phone. He  
 20 said it's not a smart phone, so this is very  
 21 unusual.  
 22 He said he would look into it. Kind of  
 23 let us know this might have been a mistake,  
 24 which at that point the Chief had said, let's  
 25 wait and see kind of what Verizon says, if

Page 123

1 they are going to forgive this or not because  
 2 we didn't know there was a limit on that line.  
 3 Q Did Verizon end up forgiving that bill?  
 4 A No, they did not, no. He actually came back,  
 5 he analyzed a few months of that line. He  
 6 came back and said the least expensive option  
 7 over the last few months you've had some  
 8 overages would be to add an unlimited text  
 9 plan to that line. So I presented the Chief  
 10 at that time with that option. He said no,  
 11 forget it, just pay it, and we will move on.  
 12 Q Just for the record the Chief directed you to  
 13 pay that bill?  
 14 A Yes.  
 15 MR. LALLO: Mr. Ziccarelli, I  
 16 have a number of exhibits, and I prepared  
 17 enough copies for the individual council  
 18 members and Mr. Consolo, if anybody wants a  
 19 copy. Do you just want me to present it to  
 20 the witness? Do you want me to have a copy  
 21 for everybody?  
 22 MR. ZICCARELLI: Since you prepared  
 23 enough copies, I'm sure it would be helpful to  
 24 the Council members if they had a copy of the  
 25 exhibit.

Page 124

1 (City Exhibit 1 marked for  
 2 identification.)  
 3 Q Ms. Szary, what I'm handing you has been  
 4 marked as Exhibit 1.  
 5 Can you identify this document?  
 6 A This document is listed as voice usage from  
 7 Chief Lance Nosse's cell from October to  
 8 April, October 2020 to April 2021.  
 9 Q Who compiled this document?  
 10 A I did.  
 11 Q Is this made in the regular course of your  
 12 normal business activities?  
 13 A Compiling these documents?  
 14 Q Yes.  
 15 A It is not.  
 16 Q It is not.  
 17 A I don't normally put together phone records.  
 18 Q But you have access to the Verizon account.  
 19 A I'm the only one that has access to the  
 20 Verizon account, so I'm the only one who would  
 21 be able to.  
 22 Q Did you make this report?  
 23 A Correct, yes, from the Verizon website.  
 24 Q From the Verizon website, okay. Do you know  
 25 about when you made this?

Page 125

1 A I think in May.  
 2 Q So this is Chief Nosse's cell phone, correct,  
 3 the iPhone 8? Yes?  
 4 A Yes.  
 5 Q Do you see are there any abnormalities or  
 6 irregularities with the cell phone?  
 7 A Beginning in November and December there  
 8 were -- there was a significant increase in  
 9 minutes and phone calls.  
 10 Q Was it with many other numbers or just one  
 11 particular number?  
 12 A Just one particular number.  
 13 Q Do you know what number that is?  
 14 A It's listed as 440-364-3018.  
 15 Q Do you know whose number that is?  
 16 A I do.  
 17 Q How do you know that?  
 18 A It is listed on our website as the cell phone  
 19 number of Councilwoman Kelly Wolfe.  
 20 (City Exhibit 2 marked for  
 21 identification.)  
 22 Q What I'm handing you has been marked as  
 23 Exhibit 2.  
 24 What is this document?  
 25 MR. CONSOLO: We will stipulate

Page 126

1 that's the Councilwoman's cell phone. I'm  
 2 sure everybody has seen it in the room on the  
 3 website.  
 4 MR. LALLO: Thank you.  
 5 Q So at this point, starting in late November,  
 6 there is a number of phone calls to this  
 7 number; is that correct?  
 8 A Correct.  
 9 Q Is there any point when those -- do you know  
 10 about an average of how many hours per day,  
 11 minutes per day that --  
 12 A I believe it was somewhere around two to three  
 13 hours a day.  
 14 Q From November until --  
 15 A Beginning of December through February.  
 16 Q February 19th; would that be fair to say?  
 17 A Um-hum.  
 18 Q At that point there is no more phone calls?  
 19 A At that point, yes, there appeared to be no  
 20 more phone calls to that phone number.  
 21 Q Now, are there other phone calls to other  
 22 numbers after that date?  
 23 A Yes.  
 24 Q Does it seem like there is any day in which  
 25 there are no calls, where the phone may be

Page 127

1 broken?  
 2 A No.  
 3 Q I see this only goes until May 25th. Is there  
 4 a reason why it only goes to May 25th?  
 5 A March 25th?  
 6 Q I'm sorry, March 25th.  
 7 A At the time it was requested, it takes about a  
 8 month for me to have access to phone  
 9 records. So I would assume that at the time  
 10 that it was requested I did not have access to  
 11 the April records, because that would have  
 12 been somewhere around May 20 something I  
 13 assume.  
 14 Q What I'm handing you is marked as Exhibit 3.  
 15 (City Exhibit 3 marked for  
 16 identification.)  
 17 Q Can you identify that document?  
 18 A This is the iPhone 8 Chief Lance Nosse cell  
 19 text usage from October 2020 to April 2021.  
 20 Q In that document these are text messages, not  
 21 iMessages, correct?  
 22 A Correct.  
 23 Q At any point -- at any point during this  
 24 period of time, is there any lapse in text  
 25 messaging where it doesn't appear that the

Page 128

1 phone is working?  
 2 A It doesn't appear so.  
 3 Q So just to be clear, there is text messages  
 4 being sent after February 20th -- February  
 5 19th?  
 6 A Yes.  
 7 Q What I'm handing you has been marked as  
 8 Exhibit 4.  
 9 (City Exhibit 4 marked for  
 10 identification.)  
 11 Q Can you identify this document, please?  
 12 A This is voice usage for the flip phone, which  
 13 is listed internally as sergeant cell, and  
 14 through Verizon as police 3, voice usage from  
 15 October 2020 to April 2021.  
 16 Q Is this the telephone number that had that  
 17 overage on the Verizon bill?  
 18 A Yes.  
 19 Q With this cell phone, when do you see an  
 20 uptick in usage?  
 21 A February 19th.  
 22 Q Was it used at any point before then?  
 23 A It was sporadically.  
 24 Q If I'm looking at this record correctly, it  
 25 was used, I think, six times three days before

Page 129

1 this -- February 19th; is that correct? It  
 2 was used six times on February 16th.  
 3 A Correct.  
 4 Q What number is -- again, did you run this  
 5 report?  
 6 A I did.  
 7 Q From the Verizon website?  
 8 A I did.  
 9 Q What number is being dialed on February 19th  
 10 and thereafter?  
 11 A 440-364-3018.  
 12 Q Whose number is that?  
 13 A Councilwoman Wolfe's.  
 14 Q Are there any other numbers being dialed on  
 15 this phone from February 19th until March  
 16 21st?  
 17 A I see on March 7th and 9th there appear to be  
 18 a one minute call to a 312 phone number.  
 19 Q Aside from that?  
 20 A And that appears to be it.  
 21 Q Do you know about how many minutes were used  
 22 on this call -- on this phone to Councilwoman  
 23 Wolfe?  
 24 A I don't know off the top of my head. I  
 25 believe the phone record had again an average

Page 130

1 of about two hours a day.  
 2 Q Thank you. What I'm handing you has been  
 3 marked as Exhibit 5.  
 4 (City Exhibit 5 marked for  
 5 identification.)  
 6 Q Can you identify this document?  
 7 A Sergeant cell or police 3 flip phone text  
 8 usage from October 2020 to April 2021.  
 9 Q Did you compile this report?  
 10 A I did.  
 11 Q How did you compile it?  
 12 A Through the Verizon website data.  
 13 Q What does this report show you?  
 14 A The usage of the cell phone from October, in  
 15 terms of texts. There was a text sent in  
 16 November. There was one text sent on February  
 17 16th, which I believe was about average for  
 18 the use of this phone from what I've been  
 19 told. And then every other text was to one  
 20 number.  
 21 Q What number was that?  
 22 A That would be Councilwoman Wolfe's number as  
 23 well.  
 24 Q About how many text messages were sent from  
 25 February 19th until March 18th?

Page 131

1 A I would have to look. I believe the overage  
 2 charges, there was allowed 200, and then I  
 3 believe there was overage of about 750  
 4 outgoing and 860 incoming on top of the 200.  
 5 Q Again, were there any other numbers being  
 6 texted on this phone during that period?  
 7 A I do not believe so.  
 8 Q What I'm handing you has been marked as  
 9 Exhibit 6.  
 10 (City Exhibit 6 marked for  
 11 identification.)  
 12 Q Can you identify that document?  
 13 A This is part of the Verizon bill, the summary  
 14 for Kirtland police 3, which would be the flip  
 15 phone, from the invoice.  
 16 Q What does that bill show you?  
 17 A This is the monthly charges and usage and  
 18 purchase charges breakdown for that cell phone  
 19 line.  
 20 Q Is there an overage cost on this?  
 21 A There is. There is an overage total messaging  
 22 cost of \$86.35.  
 23 Q Is this the bill that Chief Lance Nosse  
 24 directed you to pay?  
 25 A It is.

Page 132

1 Q Does it, on that bill, does it tell you how  
 2 many minutes were used mobile to mobile?  
 3 A It does.  
 4 Q How many minutes?  
 5 A 2,639.  
 6 Q Does it tell you how many text messages were  
 7 sent?  
 8 A It does.  
 9 Q How many were there?  
 10 A Not including the allowed 200, 690 messages  
 11 were sent, 856 messages were received in this  
 12 billing period.  
 13 Q Plus the 200?  
 14 A Plus the 200, yes.  
 15 Q So that's about 1700 text messages, give or  
 16 take?  
 17 A Sure.  
 18 Q On a flip phone?  
 19 A Yes.  
 20 Q To Councilwoman Wolfe?  
 21 A Correct.  
 22 Q At any point did Chief Nosse tell you not to  
 23 pay that as that's purely personal?  
 24 A The only time he said to hold on and wait to  
 25 pay it was when the Verizon rep said he would

Page 133

1 look into it, but he did not give me a reason.  
 2 Q Again, did he ask you at the close of this  
 3 issue to pay that bill?  
 4 A Correct.  
 5 MR. LALLO: I have nothing  
 6 further. Thank you.  
 7 THE WITNESS: You're welcome.  
 8 MR. ZICCARELLI: Cross-examination.  
 9 MR. CONSOLO: Thank you.  
 10 CROSS-EXAMINATION  
 11 By Mr. Consolo:  
 12 Q Teresa, I'm sorry, how do you pronounce your  
 13 last name?  
 14 A Szary.  
 15 Q Szary. Ms. Szary, these compilations,  
 16 Exhibits 1, 3, 4, and 5 that you were shown,  
 17 you looked at something online and then just  
 18 typed these up?  
 19 A No. Those came from the Verizon website. You  
 20 can run reports with any data you want, and it  
 21 inserts it for you.  
 22 Q So I was confused. You didn't hand --  
 23 A Gosh, no.  
 24 Q That is what I thought. Okay. Understood.  
 25 When you compiled all of this, this

Page 134

1 was after April 16?  
 2 A Yes.  
 3 Q After Chief was in rehab?  
 4 A I did not know that at the time, but --  
 5 Q Sure. Now isn't it true that Chief Nosse told  
 6 you that his phone he had been using had  
 7 unlimited texting?  
 8 A Correct. His phone had unlimited texts.  
 9 Q Didn't he tell you he had no idea that the  
 10 sergeant's phone had limited texting?  
 11 A Correct.  
 12 Q He did tell you that. Didn't he tell you that  
 13 he would pay the 80 some dollars back if it  
 14 was found they wouldn't take it off the bill?  
 15 A That he personally would pay it back?  
 16 Q Yes.  
 17 A No. That would have been very confusing  
 18 financially. I would have remembered that, in  
 19 terms of our record keeping.  
 20 Q Why would it be confusing? He would have  
 21 offered to pay a bill for \$80, \$86.  
 22 A Because what account it would go into. We  
 23 have a very comprehensive financial reporting  
 24 system, so I would have remembered because  
 25 that would have been confusing. At the time

Page 135

1 we were in the midst of a transition.  
 2 Q Weren't you the one who told Chief that you  
 3 would take care of it, because we weren't  
 4 going to use these phones anymore, and you  
 5 were going to see if the Verizon rep would  
 6 take all this off?  
 7 A The Verizon rep told me that he would look  
 8 into it. I told Chief that. Then he said at  
 9 the time, then hold off paying it.  
 10 Q Did you, however, tell the Chief that since  
 11 you were going to a new plan, you would talk  
 12 about it and see if they would take it off?  
 13 A I don't think so. Not to my recollection. I  
 14 don't know if I would have that kind of  
 15 authority to take something off. I'm just the  
 16 one that pays the bills. So I don't think I  
 17 would have said that I would have had that  
 18 kind of authority.  
 19 Q Did you know the reason why Chief Nosse  
 20 switched over to the sergeant's phone?  
 21 A I didn't know that he had. I didn't know it  
 22 was him using that phone.  
 23 Q Did you come to know that Chief Nosse's  
 24 iPhone, he was having problems with getting  
 25 emails and text messages?

Page 136

1 A I knew he said his iPhone was broken, which I  
 2 understood, and there was another one that had  
 3 been ordered.  
 4 Q Right. So if the Chief was unable to get  
 5 emails on his iPhone, it wouldn't show up on  
 6 any of these exhibits, right?  
 7 A The Chief wouldn't have been able to receive  
 8 emails on a flip phone so I don't understand  
 9 the question.  
 10 Q Let me try and say it again. Chief Nosse  
 11 stopped using his iPhone because he wasn't  
 12 able to use the email feature, and so he went  
 13 to another phone while that was being checked  
 14 out. Did he tell you that? I'm not asking  
 15 you to look at anything.  
 16 A He did not, no. But according to the records  
 17 he was continuing to use his iPhone.  
 18 Q Okay. But you don't know if it was being  
 19 checked out for an email problem or not?  
 20 A I know nothing about the email problem.  
 21 Q Okay, fair enough. It is not illegal to text  
 22 Councilwoman Wolfe, is it?  
 23 A I don't know.  
 24 Q Well, you've found it significant that there  
 25 was one phone number on it. Would it have

Page 137

1 been significant if she was his wife?  
 2 A Sir, I found it significant that there was an  
 3 overage charge, and I had to pay a bill and  
 4 figure out why. At that time I had no idea  
 5 who the phone number belonged to.  
 6 Q When did you find that out?  
 7 A When I was asked to, I believe in May, run the  
 8 reports.  
 9 Q Were you asked by Assistant Law Director Lobe  
 10 to do that?  
 11 A Yes.  
 12 Q Did he tell you that here is the  
 13 Councilwoman's number, look for it?  
 14 A No. He said, is there one number that comes  
 15 up more often? I said yes, there is.  
 16 Q Have there ever been at any time before that  
 17 you are aware of where there were overage  
 18 charges for cell phone usage in the city?  
 19 A Not since I started in February to do this.  
 20 Q So you have no history?  
 21 A I have no history, no.  
 22 Q You do know there is no cell phone use policy,  
 23 correct?  
 24 A I don't know. I'm not sure what that would  
 25 be. I don't know if the police department has

Page 138

1 an internal policy or not.  
 2 Q Let me ask it this way. You've been an  
 3 employee since February.  
 4 A I have.  
 5 Q Have you followed some type of cell phone  
 6 usage policy?  
 7 A Not for the city.  
 8 Q Have you followed some type of text message  
 9 policy?  
 10 A Not for the City.  
 11 Q So there is nothing to tell any of the  
 12 employees, the Chief, the Fire Chief, the  
 13 Service Director, hey here is what you can and  
 14 cannot do with a city cell phone, correct?  
 15 A I cannot attest to that. I've not seen  
 16 policies and procedures for these specific  
 17 departments.  
 18 Q At least since February 2021 you had not.  
 19 A Not in the other departments. But City-wide  
 20 there is not a policy that I'm aware of.  
 21 MR. CONSOLO: I don't have anything  
 22 else. Thank you.  
 23 MR. ZICCARELLI: Any redirect?  
 24 MR. LALLO: Briefly, sir.  
 25 REDIRECT EXAMINATION

Page 139

1 By Mr. Lallo:  
 2 Q The flip phone you had previously indicated,  
 3 it contains what type of data?  
 4 A Regular data.  
 5 Q Does it contain emails?  
 6 A No. To the best of my knowledge it only has  
 7 the ability to text and make phone calls.  
 8 Q Were there any text messages on the phone?  
 9 A No. Not that I could see.  
 10 Q Did you search the phone?  
 11 A I was asked to open the phone, see if there  
 12 were any text messages, and there were not.  
 13 MR. LALLO: I have nothing  
 14 further. Thank you.  
 15 RECROSS-EXAMINATION  
 16 By Mr. Consolo:  
 17 Q Who asked you to try and open the phone,  
 18 Mr. Lobe?  
 19 A Yes.  
 20 Q He's the one who interviewed you as well,  
 21 right?  
 22 A Interviewed me?  
 23 Q Interviewed you to see what you knew in case  
 24 you had to present testimony here today,  
 25 right?

Page 140

1 A No. I don't think it was an interview. He  
 2 said these are probably the questions you'll  
 3 be asked about record retention.  
 4 Q So he prepped you, he prepared you for the  
 5 hearing; is that right?  
 6 A Yes.  
 7 MR. CONSOLO: Thank you.  
 8 THE WITNESS: You're welcome.  
 9 MR. ZICCARELLI: You may step down.  
 10 Thank you. Leave the exhibits with the court  
 11 reporter.  
 12 MR. LALLO: Amy Buchanan.  
 13 AMY BUCHANAN  
 14 of lawful age, being first duly sworn, as  
 15 hereinafter certified, was examined and testified  
 16 as follows:  
 17 DIRECT EXAMINATION  
 18 By Mr. Lallo:  
 19 Q Ms. Buchanan, can you please state your name  
 20 and spell your last name for the record?  
 21 A Sure. My first name is Amy. My last name is  
 22 Buchanan, B-U-C-H-A-N-A-N.  
 23 Q What is your job title?  
 24 A I'm the police records clerk, and I also fill  
 25 in for the Chief's administrative assistant as

Page 141

1 well.  
 2 Q How long have you been employed with the city?  
 3 A 23 years.  
 4 Q What are job duties as the records clerk and  
 5 the fill-in administrative assistant?  
 6 A As the records clerk, I process all the  
 7 paperwork for the police department, including  
 8 public records requests. To fill in for the  
 9 administrative assistant, that includes  
 10 payroll, paying bills, whatever other duties  
 11 that should come across during their absence.  
 12 Q Is your job a part of the OPBA bargaining  
 13 unit?  
 14 A It is not.  
 15 Q So you're not a union member?  
 16 A I am not.  
 17 Q What's your typical work schedule?  
 18 A I work 8:00 to 4:30, Monday through Friday. I  
 19 do not work holidays.  
 20 Q I'm assuming you know Chief Nosse?  
 21 A I do.  
 22 Q You know him on a personal level?  
 23 A I do.  
 24 Q How so?  
 25 A I've been there 23 years. Chief and I worked

Page 142

1 together since he was a part-time officer and  
 2 a full-time, to sergeant, to lieutenant, to  
 3 Chief. Through those years our family also  
 4 developed a close relationship as well. So I  
 5 know him on a personal level as well as a  
 6 professional level.  
 7 Q You just heard Ms. Szary talk about that flip  
 8 phone, right?  
 9 A I did.  
 10 Q Are you aware of his use of the flip phone?  
 11 A I wasn't aware of the extent of the usage, but  
 12 I was aware he was using a flip phone, yes.  
 13 Q Did he ever tell you why he was using it?  
 14 A He told me his cell phone was broken, his  
 15 iPhone.  
 16 Q Did you see him using his iPhone or just a  
 17 flip phone?  
 18 A Mostly just the flip phone.  
 19 Q Did that -- were you suspicious at all with  
 20 the use of that flip phone?  
 21 A I didn't know the extent. I did feel it was  
 22 odd to be relying on a flip phone over an  
 23 iPhone just as the normal tasks of a day  
 24 require more usage with email and other apps  
 25 that we would use.

Page 143

1 Q Do you know how he came about to use the flip  
 2 phone?  
 3 A I do not.  
 4 Q I'm going to ask you some questions about the  
 5 Chief. We're going to try to tailor this from  
 6 that late fall until mid April time frame.  
 7 A Okay.  
 8 MR. ZICCARELLI: Just for the record,  
 9 are you talking late fall of 2020?  
 10 Q 2020 to mid April 2021. Thank you. Have you  
 11 seen a change in behavior of the Chief during  
 12 that period of time?  
 13 A I have.  
 14 Q Can you talk about Mondays?  
 15 A Mondays are payrolls, and it is coming off the  
 16 weekend, so they are very busy coming off the  
 17 two days off and having payroll. That was one  
 18 day that was noted that his absence was more  
 19 than likely to not be there, and it was  
 20 noticed because we did need his signatures to  
 21 sign off on payroll and other documentations  
 22 that day specifically.  
 23 Q Does the Chief have to have a set schedule or  
 24 is he able to come and go as he pleases?  
 25 A I guess a flex schedule. But normally like a

Page 144

1 9:00 to 5:00 position Monday through Friday.  
 2 But being the Chief it is a flex position.  
 3 Q Was that observed or was that --  
 4 A It was observed. His absence became more  
 5 towards March and April, less in the office  
 6 than on average.  
 7 Q Are you saying less -- he was --  
 8 A He was in the office less. Less time spent.  
 9 Or he would come in later in the day.  
 10 Q Have you ever observed him arguing or yelling,  
 11 raising his voice at employees?  
 12 A Yes.  
 13 Q At who?  
 14 A I don't have specifics, but during -- I don't  
 15 know how far we're going back. But like with  
 16 dispatch, there would be some arguments that  
 17 would be going on in the officers' room that  
 18 you could overhear in dispatch. And also in  
 19 dispatch there were times that, you know,  
 20 arguments would happen between the dispatcher  
 21 and the Chief.  
 22 Q There's some persons within the department  
 23 that indicate that you might have taken the  
 24 brunt of some of this.  
 25 A I have.

Page 145

1 Q Can you elaborate on that?  
 2 A Like I said initially, I worked with the Chief  
 3 for a very long time. There was a rapport  
 4 that we had, but sometimes if I would go to  
 5 him with a question and needed an answer, I  
 6 would be more get berated and yelled at than  
 7 an answer.  
 8 Certain days when he would come in, we  
 9 knew not to approach him that day about  
 10 certain things because they weren't going to  
 11 get solved and he wasn't going to be  
 12 approachable that day.  
 13 Myself and Cindy Gabor are in the  
 14 office all day so there was nowhere for us to  
 15 go. The officers were able to go on the road  
 16 or find something else to do in that time. So  
 17 I did take a brunt of it at times.  
 18 Q There is a story about Libby.  
 19 A There was a story about Libby, yes.  
 20 Q Can you elaborate that story, please?  
 21 A Libby was a dispatcher when dispatch was here  
 22 at our department. At the time she had  
 23 applied at another entity but did not report  
 24 that she applied to the Chief.  
 25 When the Chief found out, he wasn't

Page 146

1 happy about her applying at another entity and  
 2 stated -- I don't recall exactly right now  
 3 what he stated, but not allowing her to move  
 4 forward in that position.  
 5 Q He was going to block her?  
 6 A He was going to block her from being able to  
 7 move forward. I believe there was a comment  
 8 made about her having a relationship with one  
 9 of the officers as well in that statement.  
 10 MR. CONSOLO: Is this the fall of  
 11 2020? There is April '21 time frame.  
 12 THE WITNESS: Dispatch was gone in  
 13 October of 2020.  
 14 MR. CONSOLO: I thought he was  
 15 limiting his questions to fall of 2020 to  
 16 April of '21. So now -- just so we're clear,  
 17 this is before that time.  
 18 MR. LALLO: Just trying to get  
 19 background. Thank you.  
 20 Q So were there any comments that you've  
 21 overheard of LBGQT comments from the Chief?  
 22 A There were comments made in the officers'  
 23 room. A bunch were talking at the table in  
 24 the officers' room. I was not active in the  
 25 conversation or part of it. But we're one big

Page 147

1 building with open doors, so yes, you can hear  
 2 comments that were made.  
 3 Q What did you hear?  
 4 A There were comments mostly about one of our  
 5 officers who chose to have relationships with  
 6 women, and it was about sexual acts that they  
 7 performed.  
 8 MR. CONSOLO: Objection. We've  
 9 got -- I've been letting it go, but we've got  
 10 clear hearsay here. I don't know what we're  
 11 talking about. The objection is, if you're  
 12 going to act in this roll, this is hearsay.  
 13 The questions all call for hearsay. I don't  
 14 know what we are talking about --  
 15 MR. ZICCARELLI: I'm going to  
 16 overrule the objection. For the audience, I'm  
 17 only -- it's not offered for the truth, just  
 18 what she heard.  
 19 MR. LALLO: I would also posit  
 20 that this is an administrative proceeding  
 21 where it's actually specifically noted that  
 22 the Rules of Evidence are relaxed. That being  
 23 said, I believe certain components -- hearsay  
 24 is necessarily permitted actually in this.  
 25 It's not a court proceedings, it's an

Page 148

1 administrative proceeding. So for that reason  
 2 we are asking. Just similar to a preliminary  
 3 hearing or Industrial Commission hearings,  
 4 where hearsay is a permissible admission. So  
 5 at this point we are asking that we be allowed  
 6 to proceed.  
 7 MR. CONSOLO: I would just respond  
 8 briefly that you, Mr. Zicarelli, you read  
 9 certain admonitions and procedures to this  
 10 council to follow. None of this -- the Law  
 11 Director is saying oh, it's just an  
 12 administrative hearing. But you gave pretty  
 13 detailed procedures for them to follow, what  
 14 to listen to when witnesses are up there. So,  
 15 I mean, it's got to be one way or the other.  
 16 I've been sitting here not objecting.  
 17 MR. ZICCARELLI: We all like to have  
 18 ourselves heard and posture. I know that when  
 19 I read that, I said this will be conducted in  
 20 a quasi-judicial manner similar to any court  
 21 proceeding. So I believe that is exactly what  
 22 I said when I started this. So I'm going to  
 23 overrule the objection. Let's move forward.  
 24 By Mr. Lallo:  
 25 Q Were there any comments about telling a female

Page 149

1 officer to come out of the closet?  
 2 A I heard there were. I didn't hear them  
 3 directly.  
 4 Q Have you ever heard the Chief say the N word?  
 5 A Yes.  
 6 Q In connotation to racial, right, without  
 7 having to specifically state it?  
 8 A Yes.  
 9 Q How frequently have you heard him say that?  
 10 MR. ZICCARELLI: Can I just make a  
 11 comment before we move on? She's indicated  
 12 that she has a professional and personal  
 13 relationship.  
 14 MR. LALLO: That is correct.  
 15 MR. ZICCARELLI: Was that heard in a  
 16 professional conduct -- context or personal?  
 17 MR. LALLO: Understood.  
 18 Q The times you heard him say the N word, was it  
 19 at the police station?  
 20 A Yes.  
 21 Q Was it fairly frequently?  
 22 A Yes, I would say frequently.  
 23 Q Did he ever give the finger to anybody at City  
 24 Hall?  
 25 A At City Hall?

Page 150

1 Q While at City Hall.  
 2 A While at the Police Department, yes. I mean  
 3 -- yes.  
 4 Q To whom?  
 5 A Like I indicated before, he did give the  
 6 finger, but it was in a more of a hey, how are  
 7 you doing fashion. I know in a professional  
 8 atmosphere that isn't acceptable, but it  
 9 was -- I don't want to say a friendly gesture,  
 10 but for lack of a better term, a friendly  
 11 gesture.  
 12 Q The verbal abuse that you had received from  
 13 him that you previously testified to --  
 14 MR. CONSOLO: Objection.  
 15 Q The statements that you were made towards you  
 16 --  
 17 MR. ZICCARELLI: I'll sustain that.  
 18 MR. CONSOLO: His characterization.  
 19 She never said she was verbally abused.  
 20 MR. ZICCARELLI: I sustained.  
 21 MR. CONSOLO: Thank you. I didn't  
 22 hear it.  
 23 Q The statements that were made towards you by  
 24 the Chief, can you go into further detail  
 25 about them?

Page 151

1 A When I would approach sometimes about a topic  
 2 or a specific incident, if he wasn't in the  
 3 mood or wasn't able to answer the question,  
 4 the tables would be turned, and I would be the  
 5 one who would be in the wrong or doing  
 6 something wrong, I would be yelled at.  
 7 Consistent with if something didn't get  
 8 done and it needed to be done and he walked  
 9 into dispatch, my desk is at the front window.  
 10 It used to be a front window, now it's just a  
 11 desk. And he would be yelling to get it done  
 12 whether it was my task or not.  
 13 Towards the end I did come up to him a  
 14 couple times to approach him about people that  
 15 were called, left message, emails, or came to  
 16 the window, and we would say he's in a  
 17 meeting, he's not here. But it came to a  
 18 point where the public was noticing the  
 19 absence and questioning if he was ever in the  
 20 office.  
 21 Q Did you ever report any of these issues?  
 22 A I did not.  
 23 Q Why?  
 24 A Who was I going to tell? He's my Chief.  
 25 Q Did you ever report anything to Sergeant

Page 152

1 Fisher?  
 2 A I did go to Sergeant Fisher. I was leaving on  
 3 vacation, I want to say, it was April 16th.  
 4 It was right before this had all come to a  
 5 head. I was upset that his lack of absence  
 6 and paperwork that needed to get done and  
 7 completed, and he wasn't there to do it. I  
 8 had went into Sergeant Fisher's office and  
 9 expressed my concern for not getting this  
 10 stuff done or completed, and, you know, the  
 11 well-being of his absence and irritability  
 12 over the last few weeks.  
 13 Q Can you describe the Chief over the last six  
 14 months of his tenure?  
 15 A Over the last six months of the tenure, we  
 16 will go back to January, it was trying times.  
 17 We lost dispatch. I think that played a big  
 18 toll on kind of the start of everything.  
 19 Then over the time it just became less  
 20 available, less to be able to answer  
 21 questions, not in the office as much. We  
 22 started operating and functioning  
 23 circumventing what we needed to do to get the  
 24 job done as much as we could.  
 25 April is when it kind of came to a

Page 153

1 head, and we needed answers, we needed  
 2 responses, and we couldn't do the jig anymore.  
 3 Q You said "we" were trying to do things. Who  
 4 is "we"?  
 5 A "We" I mean the police department. Not just  
 6 myself. Myself, Cindy, the officers, the  
 7 sergeants, everybody picked up a little bit of  
 8 slack to keep our department running and  
 9 operating fully.  
 10 Q Why was that?  
 11 A Because the Chief wasn't there to answer  
 12 questions or to do certain tasks, so we would  
 13 manage to do them ourselves the best of our  
 14 ability.  
 15 Q What I'm handing you has been marked as  
 16 Exhibit 7.  
 17 (City Exhibit 7 marked for  
 18 identification.)  
 19 Q Can you identify this document?  
 20 A Yes, that is the Kirtland Police Department's  
 21 rules and regulations.  
 22 Q Are you subject to these rules and  
 23 regulations?  
 24 A I am.  
 25 Q I'm going to ask that you turn to the second

Page 154

1 page. Who signed that?  
 2 A Chief Nosse.  
 3 Q On all these pages, the header, what does it  
 4 say?  
 5 A On the left-hand side it says City of  
 6 Kirtland, 9301 Chillicothe Road, Kirtland,  
 7 Ohio 44094. On the right-hand side it says  
 8 Division of Police, Chief Lance R. Nosse.  
 9 Q I'm going to ask that you turn to the last  
 10 page, 10.73. What is that section?  
 11 A Discipline, dismissal.  
 12 Q Can you read that first sentence, please?  
 13 A Violation of any of these rules shall be  
 14 sufficient cause for counseling, reprimand,  
 15 suspension and/or dismissal of any member of  
 16 the police department.  
 17 Q Is the Chief a member of the police  
 18 department?  
 19 A Yes.  
 20 Q Bear with me one second.  
 21 A Sure.  
 22 Q What I'm handing you has been marked as  
 23 Exhibit 8.  
 24 (City Exhibit 8 marked for  
 25 identification.)

Page 155

1 Q Can you identify this document?  
 2 A Yes. The harassment policy.  
 3 Q Is that with Kirtland Codified Ordinances?  
 4 A It is.  
 5 Q Who's subject to this policy?  
 6 A All of us.  
 7 Q Including the Chief?  
 8 A Yes.  
 9 Q Can you please read subsection D2 where it  
 10 says supervisors or employees'  
 11 responsibilities, subsection A.  
 12 A Subsection A you want?  
 13 Q Yes.  
 14 A "Each supervisor shall be responsible for  
 15 preventing acts of harassment."  
 16 Q Thank you. Can you please read subsection D1  
 17 A and B?  
 18 A Of the description of policy?  
 19 Q Yes.  
 20 A "A: No City employee shall either explicitly  
 21 or implicitly ridicule, mock, deride, or  
 22 belittle any person. B: Employees shall  
 23 make -- shall not make offensive or derogatory  
 24 comments based on race, color, sex, religion  
 25 or national origin either directly or

Page 156

1 indirectly to another person. Such harassment  
 2 is a prohibited form of discrimination under  
 3 the state and federal employment law, and it  
 4 is also considered misconduct subject to  
 5 disciplinary action by the City."  
 6 Q When you've had these instances where the  
 7 Chief was yelling at you, did you feel  
 8 ridiculed, mocked, derided or belittled at any  
 9 point?  
 10 A Yes.  
 11 Q How frequent was this?  
 12 A I wouldn't say frequent but it did -- I would  
 13 say over the last six months it happened at  
 14 least three times where it became more than  
 15 just -- where it did upset me and affect me as  
 16 an employee.  
 17 Q Based upon what you've heard and observed of  
 18 the Chief, did he make any derogatory comments  
 19 based on race when he dropped the N word?  
 20 A Yes.  
 21 Q Has he ever made any comments about national  
 22 origin about any employees?  
 23 A Yes.  
 24 Q What are those comments?  
 25 A Once again this is hearsay.

Page 157

1 MR. CONSOLO: Objection.  
 2 MR. ZICCARELLI: I'll let it come in.  
 3 You can cross-examine her on it.  
 4 A We had an officer who was Mexican, Hispanic,  
 5 who at the time was going for a lateral  
 6 transfer in another agency. A comment was  
 7 made to another officer at a -- I believe it  
 8 was an FOP meeting that "are you going to take  
 9 my Mexican?"  
 10 MR. ZICCARELLI: Just for  
 11 clarification, who said that?  
 12 THE WITNESS: I heard the Chief had  
 13 said that to another officer from another city  
 14 at an FOP meeting.  
 15 MR. ZICCARELLI: So you heard that, you  
 16 weren't --  
 17 THE WITNESS: Yes, that is why I  
 18 said it was hearsay. I was not at the  
 19 meeting, no.  
 20 Q How did you hear about it?  
 21 A It was talk at work the next day. It was  
 22 mentioned.  
 23 Q Did that officer learn about this?  
 24 A Yes.  
 25 MR. LALLO: Thank you. No further

Page 158

1 questions at this time.  
 2 MR. ZICCARELLI: Cross.  
 3 CROSS-EXAMINATION  
 4 By Mr. Consolo:  
 5 Q Ms. Buchanan, I will still press on. Who is  
 6 the Hispanic officer that you are talking  
 7 about?  
 8 A It was Officer Corillo. He's no longer with  
 9 our department.  
 10 Q He is going to be testifying tonight, do you  
 11 know?  
 12 A I don't know.  
 13 Q You were also prepped for this hearing by  
 14 Mr. Lobe; isn't that correct?  
 15 A I did speak with Mr. Lobe, yes.  
 16 Q Yes. When did you do that?  
 17 A Probably about two months ago.  
 18 Q Was it just one time?  
 19 A I spoke with him twice.  
 20 Q Tell me when. I've got no information about  
 21 you, so I'm sorry --  
 22 A That's fine.  
 23 Q -- I have to ask all these things because  
 24 nobody gave us a heads-up that you were going  
 25 to talk about anything you just said. So when

Page 159

1 did you get prepared by Mr. Lobe?  
 2 A I spoke with Mr. Lobe first, I want to say, it  
 3 had to be around June-ish, okay?  
 4 The second time I spoke with him was  
 5 about a week prior to our last hearing, which  
 6 was July 12th, I believe.  
 7 Q The July 12, 2021?  
 8 A Right. It was the week prior to that.  
 9 Q Did you provide any documents to Mr. Lobe?  
 10 A I did not.  
 11 Q Did you -- did he ask you specific questions?  
 12 A No. He had I guess -- I don't know what you  
 13 mean by specific questions.  
 14 Q Okay. So let's step back. You've got  
 15 Exhibit 8 before you, right, this harassment  
 16 policy?  
 17 A I do.  
 18 Q You were offended because you felt mocked and  
 19 belittled, correct?  
 20 A Correct.  
 21 Q You said in response to the Law Director's  
 22 question, what can I do about it, he's my  
 23 boss, where could I go. That is not true, is  
 24 it?  
 25 A It is true.

Page 160

1 Q Oh, it is? Then turn to the second page,  
 2 right? Under complaint procedures.  
 3 Paragraph B, the last sentence says where it's  
 4 not practical, the employee may instead file a  
 5 complaint with another supervisor, the  
 6 internal investigations authority, or the  
 7 Mayor, correct?  
 8 A That is correct.  
 9 Q You never did any of that, did you?  
 10 A Well, I'm going to correct you on that because  
 11 as Mr. Lallo did state, I did go to Sergeant  
 12 Fisher in April, around the 14th, 15th, and  
 13 express my concern to him.  
 14 So to your question, I guess, yes, I  
 15 did. It did take some time, but I did  
 16 eventually go to somebody else with my  
 17 concerns.  
 18 Q Have you filed anything in writing with  
 19 anybody, with the Mayor?  
 20 A I did not file anything in writing, no.  
 21 Q You see the balance of that says under  
 22 paragraph F, it's the Mayor's responsibility  
 23 to investigate these complaints, right?  
 24 A You are correct.  
 25 Q You never did any of that, right?

Page 161

1 A Like I said, I did talk to Sergeant Fisher.  
 2 At that time he did advise me that other  
 3 things were happening and that was at the time  
 4 that the Mayor had -- I must have -- Chief  
 5 must have took his actions.  
 6 Q What other things were happening? Like oh,  
 7 we're building a case against him because of  
 8 his --  
 9 A No, no, I did not say that. I did not say he  
 10 was building a case. I did not know there was  
 11 a case happening. I didn't know what happened  
 12 to the Chief. I was on vacation when this  
 13 first started. We when came back, there was  
 14 no word of what went down and what  
 15 investigation was going on.  
 16 It wasn't until the last, right before  
 17 the last hearing, that I found out the details  
 18 of this hearing. So I knew as much as you did  
 19 coming into this meeting, if not less.  
 20 Q Did you complain to Law Director Lallo about  
 21 your treatment by the Chief?  
 22 A I talked to Law Director Lallo after the  
 23 investigation was started and after we started  
 24 the questioning of this procedure.  
 25 Q So he prepared you for this hearing too.

Page 162

1 A I wouldn't say he prepared me, no.  
 2 Q Was he present when Mr. Lobe was preparing  
 3 you?  
 4 A At this second meeting he was present, as he  
 5 was the one that was going to be here during  
 6 the hearing, and not Mr. Lobe.  
 7 Q So the City Law Director helped prepare you  
 8 too for this hearing.  
 9 A Well, he did not help prepare me.  
 10 Q Did they take any notes, either Lallo or Lobe?  
 11 A I know Mr. Lobe did. I'm not sure if  
 12 Mr. Lallo did or did not.  
 13 Q Mr. Lobe did take notes?  
 14 A Yes, he did.  
 15 Q Did they tell you whether anything you said  
 16 would be communicated to the Chief or the  
 17 Chief's attorney, me?  
 18 A They didn't indicate anything, no. I did not  
 19 ask either.  
 20 Q You also had numerous complaints brought  
 21 against you by Sergeant Fisher over the years;  
 22 isn't that true?  
 23 A That is true, yes.  
 24 Q In fact, Law Director Lallo has complained  
 25 about your poor job performance as well,

Page 163

1 right?  
 2 A Not to my understanding, but okay.  
 3 Q Chief is not the only one to have, as you call  
 4 it, mocked or belittled because of your poor  
 5 job performance, right?  
 6 A To mock and belittling on a poor job  
 7 performance is one thing. But to mock and  
 8 belittle somebody on a personal level is  
 9 another. I mean if you have a question on my  
 10 job performance, I would be happy to discuss  
 11 that with you; however, I don't believe that  
 12 is part of this forum right now.  
 13 Q No, it's not.  
 14 A Thank you.  
 15 Q You kept making references to dispatch.  
 16 Dispatch was disbanded in August of 2019,  
 17 correct?  
 18 A Dispatch was disbanded in August of 2020 -- or  
 19 I'm sorry, October of 2020.  
 20 Q Before this time period that you were talking  
 21 with Mr. Lallo about, fall of 2020 to spring  
 22 of 2021 --  
 23 A Okay. So let me clarify. When I say  
 24 dispatch, I guess that's a generic word for --  
 25 my area that I work is considered dispatch.

Page 164

1 So when I say dispatch, I guess it's more my  
 2 office space than dispatch. But that is --  
 3 sorry I did not clarify, but that is my  
 4 mistake when I say dispatch.  
 5 Q Did you do payroll before August of 2020?  
 6 A I still do payroll at times, yes.  
 7 Q I said before August of 2020 did you do  
 8 payroll?  
 9 A Yes.  
 10 Q You did.  
 11 MR. CONSOLO: I don't have anything  
 12 further.  
 13 MR. ZICCARELLI: Redirect?  
 14 MR. LALLO: One second. I'm  
 15 sorry.  
 16 REDIRECT EXAMINATION  
 17 By Mr. Lallo:  
 18 Q When Mr. Lobe or I sat down with you --  
 19 A Yes.  
 20 Q -- did we indicate that Mr. Consolo may  
 21 contact you at some point?  
 22 A Yes, you did.  
 23 Q Did we indicate -- was it indicated at any  
 24 point that you are free to talk to him?  
 25 A Yes, it was.

Page 165

1 Q Did Mr. Consolo reach out to you at all at any  
 2 point?  
 3 A No, he did not.  
 4 MR. LALLO: Nothing further. Thank  
 5 you.  
 6 MR. ZICCARELLI: Redirect on that  
 7 question?  
 8 MR. CONSOLO: No.  
 9 MR. ZICCARELLI: You may step down.  
 10 Thank you.  
 11 THE WITNESS: Thank you.  
 12 MR. LALLO: We will call Cindy  
 13 Gabor.  
 14 CYNTHIA GABOR  
 15 of lawful age, being first duly sworn, as  
 16 hereinafter certified, was examined and testified  
 17 as follows:  
 18 DIRECT EXAMINATION  
 19 By Mr. Lallo:  
 20 Q Ms. Gabor, can you please state your name and  
 21 spell your last name for the record?  
 22 A Cynthia Gabor, G-A-B-O-R.  
 23 Q What is your job?  
 24 A Administrative Assistant to Chief Nosse.  
 25 Q How long you been the Administrative

Page 166

1 Assistant?  
 2 A Six years.  
 3 Q Is that how long you've been with the City of  
 4 Kirtland as well, the police department?  
 5 A Yes.  
 6 Q Where is your office in location to the  
 7 Chief's office?  
 8 A Our offices are back to back with an open door  
 9 in between.  
 10 Q Is that door typically open or closed?  
 11 A Open.  
 12 Q How often do you work?  
 13 A Flexible, but three days a week.  
 14 Q When you are there three days a week, what's  
 15 your shift?  
 16 A Usually 9:30 until 4:30, something like that.  
 17 Q So you've been here for six years you said?  
 18 A Yes.  
 19 Q Do you have any kind of personal relationship  
 20 with the Chief?  
 21 A Yes, we're friends.  
 22 Q Are you part of the union?  
 23 A No.  
 24 Q Are you familiar with the rules and  
 25 regulations --

Page 167

1 A Yes.  
 2 Q -- for the police department?  
 3 A Yes.  
 4 Q Are you subject to those rules and  
 5 regulations?  
 6 A Yes.  
 7 Q Do you know what the Chief's schedule is?  
 8 A Flexible. 24/7. Usually in during the day  
 9 Monday through Friday.  
 10 Q Was it fairly consistent for your -- let me  
 11 take a step back. You were previously the  
 12 Chief's assistant for Chief Baumgart.  
 13 A Yes.  
 14 Q Okay. What was his typical schedule?  
 15 A His was typical morning through the day, so  
 16 ten o'clock, 9:30, 9:00 until 5:00, 6:00,  
 17 7:00.  
 18 Q When Chief Nosse came in, was that the same  
 19 schedule? Did he follow the same schedule?  
 20 A Yes, for the most -- yes.  
 21 Q Again, it's a very loose schedule but it was  
 22 generally followed.  
 23 A Yes.  
 24 Q Was there a time when he stopped following  
 25 that schedule?

Page 168

1 A I would say March. February, March, April it  
 2 became less of a schedule.  
 3 Q How so?  
 4 A Not always present in the office all day.  
 5 Sometimes running out to run errands or do  
 6 other things. Not quite as there as often as  
 7 previously.  
 8 Q Have you ever heard him use foul language in  
 9 the department?  
 10 A Yes.  
 11 Q How so?  
 12 A Not to me directly, but to other officers or  
 13 other personnel in the department.  
 14 Q How frequently?  
 15 A A couple times a day maybe.  
 16 Q What word would he use?  
 17 A The F word, but pretty much that was all I  
 18 would hear.  
 19 Q Pretty much that was --  
 20 A That was probably the word. I just heard the  
 21 F word. But not to me directly.  
 22 Q How did that make you feel whenever you heard  
 23 him say that?  
 24 A He knew I didn't like it, and he would  
 25 apologize and not say it to me. We had a

Page 169

1 different, I think, working relationship, and  
 2 so he knew it bothered me, and he would  
 3 apologize and not say that around me or in my  
 4 earshot if I called him out on it.  
 5 Q Was there many times when you called him out  
 6 on it?  
 7 A A few, yeah.  
 8 Q Were there any other words he would say?  
 9 A No.  
 10 Q Let's talk about the flip phone. Tell me  
 11 about it.  
 12 A I saw him using a flip phone. And I asked  
 13 him -- or he told me that his cell phone was  
 14 broken, and so that he was utilizing that  
 15 during the time, until he got a new phone.  
 16 Q How often did you see him using that flip  
 17 phone?  
 18 A As soon as he got it. I don't remember  
 19 exactly when. But it was during the day when  
 20 I was at work.  
 21 Q Was there ever a time that you had to call him  
 22 or text him?  
 23 A Yes, mostly text. I would text him on the  
 24 cell phone during that time.  
 25 Q His iPhone?

Page 170

1 A Yes.  
 2 Q Did he respond to those?  
 3 A Yes.  
 4 Q So was his iPhone broken?  
 5 A I don't know about the whole iPhone, but the  
 6 texting worked.  
 7 Q Again why did he tell you he needed the flip  
 8 phone?  
 9 A Just that the cell phone wasn't working  
 10 completely.  
 11 Q Can you describe his demeanor over the last  
 12 few months, from January, February, March, or  
 13 February, March, and April, which you observed  
 14 from him?  
 15 A I mean just my opinions. I mean, we had great  
 16 conversations. But I just felt he was  
 17 distracted and not focused completely at work.  
 18 It concerned me that his health was not where  
 19 it should be, that he was distracted. I just  
 20 didn't think he was in a healthy place.  
 21 Q Why not?  
 22 A Just from the personal conversations we had.  
 23 Just like being present at work, but not  
 24 really present getting things done. You know,  
 25 just seemed distracted.

Page 171

1 Q So you are saying he would just kind of show  
 2 up and not really work?  
 3 A I think we would get things done. It wasn't  
 4 so -- the basics were getting done, yes, and  
 5 bills were getting paid, and that type of  
 6 thing. It just seemed like he wasn't quite as  
 7 great of a leader as he had been in the past.  
 8 Q So you started seeing a decline?  
 9 A Yes. I looked at it as a health issue. Like  
 10 with the health issue, and that type of -- as  
 11 mentioned before with the alcoholism, things  
 12 like that I think had made things not so  
 13 great, and that concerned me.  
 14 Q And there were other issues going on at home  
 15 as well. Did he ever talk to you about that?  
 16 A On occasion, but not relevant to work.  
 17 Q How did it concern you?  
 18 A As a friend, as a person.  
 19 Q Did it affect his job?  
 20 A I don't know if I could answer that directly.  
 21 No.  
 22 Q How often did he leave the police department  
 23 throughout the days?  
 24 A Sometimes once a day, sometimes not at all,  
 25 sometimes twice a day.

Page 172

1 Q How long was he gone?  
 2 A Sometimes an hour, couple hours. You know,  
 3 sometimes longer.  
 4 Q Was there ever a practice where when he would  
 5 leave the area, he would tell you where he was  
 6 going?  
 7 A Sometimes, yes; other times, no. Part of his  
 8 job also is also for meetings and other type  
 9 activities.  
 10 Q You ever seen the Chief in his city-issued  
 11 vehicle?  
 12 A Did I see what?  
 13 Q Ever see him in his city-issued vehicle?  
 14 A Yes.  
 15 Q Did you ever see anything out of the ordinary  
 16 in that vehicle with him?  
 17 A One time I did see a bottle or a can of beer.  
 18 Q Do you know what kind?  
 19 A I don't remember.  
 20 Q But you saw it in his car?  
 21 A Yes.  
 22 Q Did you talk to him about that?  
 23 A Yes.  
 24 Q Tell me about it.  
 25 A I don't remember what he said, but he disposed

Page 173

1 of it from what I saw.  
 2 Q Do you know when this happened?  
 3 A No, I don't remember, honestly. It was  
 4 probably like last year.  
 5 Q Like was it wintertime out? Was it summertime  
 6 last year?  
 7 A Probably fall.  
 8 Q Fall.  
 9 A I'm not sure exactly.  
 10 Q Football season? You don't know. Okay.  
 11 Sometime in the fall of 2020?  
 12 A Yes.  
 13 Q I'm going to ask you to take a look at  
 14 Exhibit 7.  
 15 MR. ZICCARELLI: Mr. Lallo, do you  
 16 have much longer with this witness?  
 17 MR. LALLO: Not too much longer,  
 18 no.  
 19 MR. ZICCARELLI: All right.  
 20 Q Rule 10.17.  
 21 A 7 you said?  
 22 Q Yes.  
 23 A 10 point what?  
 24 Q 17. Can you please read that rule for me?  
 25 A "Members of the police department shall not

Page 174

1 store or bring into any police facility or  
 2 vehicle alcoholic beverages, controlled  
 3 substances, narcotics, or hallucinogens except  
 4 those which are to be submitted to the  
 5 property room as evidence, safe keeping or  
 6 disposal. The chief of police may grant  
 7 exceptions for training purposes."  
 8 Q When you observed this alcohol in the Chief's  
 9 vehicle, did he indicate it was for training?  
 10 A Did not say.  
 11 Q Can you describe what you -- did you ever  
 12 observe the Chief engaging in an argument with  
 13 Ms. Buchanan?  
 14 A Yes.  
 15 Q How frequently?  
 16 A Well, maybe once, twice a month.  
 17 Q Can you elaborate on that a little, please?  
 18 A The disagreements on how to handle some  
 19 requests from like the public, or getting some  
 20 policies up and running, time off, vacations,  
 21 trying to make schedules happen, things like  
 22 that.  
 23 Q Was it -- did you feel that Ms. Buchanan was  
 24 targeted by the Chief in proportion to any  
 25 other employee in the department?

Page 175

1 A I don't know about targeted, but definitely I  
 2 felt he wasn't always fair with her as he was  
 3 like to me.  
 4 I thought he sometimes was not fair in  
 5 treating the way he was treating her, saying  
 6 things, that type of thing.  
 7 Q How did that make you feel observing that?  
 8 A Uncomfortable. I didn't like that. Didn't  
 9 think it showed the best use of the position.  
 10 Not sure where it always came from, but  
 11 definitely he would have questions for her,  
 12 and would raise his voice to her about lots of  
 13 different things.  
 14 MR. LALLO: Thank you. I have  
 15 nothing further.  
 16 MR. ZICCARELLI: Before we go to cross  
 17 --  
 18 MR. CONSOLO: I have no questions.  
 19 MR. ZICCARELLI: Ladies and gentlemen,  
 20 we're going to take another five-minute break.  
 21 (Recess taken.)  
 22 MR. ZICCARELLI: We're going to get  
 23 started again. Mr. Lolla, you ready?  
 24 MR. LALLO: Yes, sir.  
 25 MR. ZICCARELLI: Mr. Consolo?

Page 176

1 MR. CONSOLO: Yes.  
 2 MR. LALLO: We next call Sergeant  
 3 Eric LaTurner.  
 4 ERIC LaTURNER  
 5 of lawful age, being first duly sworn, as  
 6 hereinafter certified, was examined and testified  
 7 as follows:  
 8 DIRECT EXAMINATION  
 9 By Mr. Lallo:  
 10 Q Sergeant LaTurner, can you please state your  
 11 name and spell your last name for the record?  
 12 A Eric LaTurner, L-A-T-U-R-N-E-R.  
 13 Q How long have you been employed by the City of  
 14 Kirtland Police Department?  
 15 A Approximately eight years.  
 16 Q How long you been a sergeant?  
 17 A Three.  
 18 Q Obviously you know why we're here today. I'm  
 19 going to try to get to the chase. Describe  
 20 for us an incident that concerns you about  
 21 Chief Nosse.  
 22 A I believe it was back in March. I was working  
 23 night shift. The Chief was in the office with  
 24 Councilwoman Wolfe. They were back there for  
 25 a long time. Me and the other guys were out

Page 177

1 on the road working. I got a phone call from  
 2 the Chief to say -- asking to get picked up at  
 3 Councilwoman Wolfe's house.  
 4 So I went over there. He came out of  
 5 the driveway, hopped in the back of the car.  
 6 I brought him back to the station.  
 7 Q Do you know why -- at one point they were in  
 8 the Chief's office?  
 9 A Yes.  
 10 Q And then they ended up at where?  
 11 A At Councilwoman Wolfe's house.  
 12 Q Why did they end up there, do you know?  
 13 A I believe they were drinking in his  
 14 office. He told me that she was too  
 15 intoxicated to drive home, so he drove her car  
 16 home, dropped her off, needed a ride back the  
 17 station to get his car.  
 18 Q When you had this interaction with the Chief,  
 19 did you -- again, you're a certified peace  
 20 officer in the State of Ohio, correct?  
 21 A Yeah.  
 22 Q Did you make any observations about the Chief  
 23 and his behavior?  
 24 A Yeah, he did appear to be intoxicated.  
 25 Q So somebody drove Ms. Wolfe's car home?

Page 178

1 A Yeah.  
 2 Q Do you know who drove that car home?  
 3 A He indicated that he drove the car home.  
 4 Q Okay. You picked him up?  
 5 A Yes.  
 6 Q Where did you take him next?  
 7 A I brought him back to the station. Gave him a  
 8 ride back to the station.  
 9 Q Did you observe anything after that?  
 10 A Yeah, he went back into his office, was  
 11 talking for a minute. He poured another drink  
 12 of bourbon, had that. Then I think he went to  
 13 the restroom and then left for the night.  
 14 Q He left?  
 15 A Yeah.  
 16 Q Where did he go?  
 17 A He went home, took the city car.  
 18 Q He drove home?  
 19 A Yeah.  
 20 Q What car did he take did you say?  
 21 A It was the city car, his issued car.  
 22 Q You said you were working the night shift that  
 23 night.  
 24 A Yeah.  
 25 Q About what time of day was this?

Page 179

1 A That he left to go home?  
 2 Q Correct.  
 3 A It was a late. Probably -- we work 7:00 to  
 4 7:00, so it was probably close to midnight I  
 5 would say.  
 6 Q So you observed Ms. Wolfe and Chief Nosse in  
 7 the Chief's office?  
 8 A I didn't observe but I could just hear talking  
 9 back there, and I just assumed that that was  
 10 her.  
 11 Q Were the doors closed or open?  
 12 A I believe they were closed.  
 13 Q Was this after a council meeting?  
 14 A I don't remember.  
 15 Q Do you know -- so it was after 7:00 p.m.?  
 16 A Yeah.  
 17 Q Do you know the first time you noticed that  
 18 they were in the office?  
 19 A I believe when I came on shift they were  
 20 already back there.  
 21 Q Then you got the phone call, had to pick him  
 22 up.  
 23 A Yeah.  
 24 Q Did you actually observe him drinking that  
 25 bourbon?

Page 180

1 A Yes, in the office, yeah.  
 2 Q Do you know where he got the bourbon from?  
 3 A There is a cabinet in the office. There's a  
 4 bottle in there.  
 5 Q He poured himself a glass?  
 6 A Yeah.  
 7 Q How soon after that did he leave the post to  
 8 go home?  
 9 A Would have been like 15 minutes with him,  
 10 shortly after.  
 11 Q How did that make you feel?  
 12 A It was uncomfortable. I assumed the call to  
 13 go to her house was for some other reason, but  
 14 he was walking down and just hopped in the  
 15 car. It was the pretty uncomfortable. I felt  
 16 that he put me in a bad spot, so --  
 17 Q Did you report that to anybody?  
 18 A I did not, no.  
 19 Q Did you discuss that with anybody in the  
 20 department?  
 21 A Yeah.  
 22 Q Are you familiar with the policies and  
 23 procedures of the city?  
 24 A Yeah.  
 25 Q Based upon your observations, were there any

Page 181

1 violations at that point?  
 2 A A lot, yeah.  
 3 MR. LALLO: I have nothing  
 4 further. Thank you, Sergeant.  
 5 MR. ZICCARELLI: Cross.  
 6 MR. CONSOLO: One minute, please.  
 7 CROSS-EXAMINATION  
 8 By Mr. Consolo:  
 9 Q Sergeant, this incident that you just recalled  
 10 for us happened March of 2021; is that right?  
 11 A As a guess. I remember it was cold out. I  
 12 couldn't give you an exact date, but it would  
 13 be around about.  
 14 Q Not in 2020, but 2021, are you sure about  
 15 that?  
 16 A Yeah.  
 17 Q And you never saw Councilwoman Wolfe in the  
 18 Chief's office, did you?  
 19 A I didn't see her in the office. I saw her car  
 20 parked in the back lot. I guess that is how I  
 21 assumed she was back there.  
 22 Q Okay, but you're a trained police officer,  
 23 right?  
 24 A Yes.  
 25 Q For how long, eight years with Kirtland; is

Page 182

1 that right?

2 A Yup.

3 Q Have you trained at all to be a detective?

4 A No.

5 Q But you do have some basic training where you

6 know not to make assumptions without having

7 personal evidence, right?

8 A Yes.

9 Q You testified that you believe the Chief

10 appeared to be intoxicated is what you said.

11 A Yes.

12 Q Right?

13 A Yes.

14 Q But you're trained in what to do if a driver

15 is intoxicated, right?

16 A He was not driving at the time that I saw him.

17 So my observations of his actions and, you

18 know, he was stumbling around, I could smell

19 the odor of alcohol. So it was very apparent

20 that he had been drinking.

21 Q So when you picked him up from the

22 Councilwoman's house, what time of day was

23 this?

24 A I think it was about around midnight.

25 Q Midnight on the same day, March of 2021?

Page 183

1 A Yeah.

2 Q Did you -- you brought him back to the

3 station, right?

4 A Yes.

5 Q Then you say you observed him drinking a

6 bourbon?

7 A Yeah.

8 Q Were you present when he did that?

9 A I was in the office, yeah.

10 Q Did he say anything to you?

11 A Did he say anything to me?

12 Q Yeah. He just took a shot of bourbon in front

13 of you?

14 A Yeah.

15 Q It was a bottle you had bought him, right?

16 A I don't know.

17 Q Didn't you buy a bottle of bourbon for the

18 Chief for a special occasion?

19 A I have in the past for Christmas or birthday,

20 sure.

21 Q So it wasn't unusual for it to be sitting in

22 his office, right?

23 A I didn't keep it in his office. I didn't tell

24 him where -- I bought him a bottle of bourbon.

25 I know he liked drinking it, so -- I mean, I

Page 184

1 didn't tell him to drink it at the station, so

2 I assume he would take it home.

3 Q My questions are it wouldn't be uncommon for

4 that bottle to be in the Chief's office. You

5 guys all would buy bottles for each other;

6 isn't that true?

7 A Yeah.

8 Q All the police officers did that.

9 A I don't know if I would say all of them, but,

10 yeah.

11 Q A good majority of them, right?

12 A Sure.

13 Q Right. And the council people would all go

14 out to drink after council meetings. You know

15 that to be true, right?

16 A I guess, yeah, it's common knowledge around

17 here, I guess, yeah.

18 Q It is common knowledge, right?

19 A Sure.

20 Q We're not hiding anything.

21 A Yeah.

22 Q Okay. How late did you stay on duty that

23 night? You saw him around midnight drinking a

24 shot of bourbon you say, right?

25 A Yeah.

Page 185

1 Q Were you off duty or did you still continue on

2 duty?

3 A No, we work 7:00 to 7:00, so I worked until

4 seven o'clock the next morning.

5 Q But you then allowed Chief to drive?

6 A I didn't allow him to drive.

7 Q Well, you didn't stop him.

8 A So me working the road, I had other

9 obligations, so I went out on the road. So he

10 said he was going to go to the bathroom, and I

11 left to go on the road. I was very

12 uncomfortable with the situation, having to

13 pick up my boss from a council person's house.

14 I come back to the station to drop him off,

15 and I wanted to get out of the situation as

16 soon as possible.

17 Q Sergeant, but that is no excuse. You may have

18 been uncomfortable, but you are still a law

19 enforcement officer. So you are telling us

20 you just went back out on the road and forgot

21 about it, even though you are testifying today

22 you thought he was too intoxicated to drive,

23 is that what you are telling us? So you

24 ignored it?

25 A I didn't ignore it. I didn't feel like it was

Page 186

1 a conversation that he was going to want to  
 2 have at that point.  
 3 Q Again, you're a sworn law enforcement  
 4 officer. If you pulled me over and you know  
 5 me, and I'm drunk. And I say I'm not going to  
 6 talk about it. Oh, all right, Frank, we will  
 7 catch up later. Is what you are telling us?  
 8 A When I left the station, he was still there.  
 9 So, I didn't know if he was going to stay the  
 10 night. I didn't know what he was going to do.  
 11 I left the station when he was still there.  
 12 Q So you're assuming maybe the Chief would just  
 13 sleep in his office until 7:00 a.m. in the  
 14 morning, is that what you're telling us?  
 15 A It could happen, sure.  
 16 Q Has it ever happened with any of the council  
 17 people?  
 18 A Not to my knowledge.  
 19 Q You didn't have to put the Chief in the car  
 20 when you picked him up at the Councilwoman's  
 21 house, did you? He was able to do that  
 22 himself, right?  
 23 A Yeah.  
 24 Q He got in the back seat, right?  
 25 A Yes.

Page 187

1 Q At what point did you smell alcohol?  
 2 A When we were driving back.  
 3 Q What did you smell, bourbon?  
 4 A I smelled the odor of alcohol.  
 5 Q What kind of alcohol?  
 6 A It's the odor of an alcoholic beverage, that's  
 7 what I smelled.  
 8 Q Did you ask him about it?  
 9 A No, I did not.  
 10 Q Did you ever see the Councilwoman when you  
 11 went to her house?  
 12 A No. I didn't even pull in the driveway. I  
 13 got to the end of the driveway, and he came  
 14 out and hopped in the back seat.  
 15 Q He came out, he hopped. So he's not  
 16 stumbling, he didn't fall, right?  
 17 A No, he did not fall.  
 18 Q Okay. You said you had -- you told the Law  
 19 Director you discussed it with somebody in  
 20 your department. Who?  
 21 A The other sergeants.  
 22 Q Did you discuss it with the Law Director?  
 23 A No, not at that time, but, I mean, obviously  
 24 before this hearing.  
 25 Q Okay. And you met with Assistant Law Director

Page 188

1 Lobe in preparing for this testimony?  
 2 A No. I only met with Prosecutor Lallo.  
 3 Q When was the first time that you told Law  
 4 Director Lallo about this incident that you  
 5 are talking to us about tonight?  
 6 A Sometime between this hearing and the previous  
 7 hearing.  
 8 Q So when we met on July 12th, you hadn't told  
 9 him this story; is that right? July 12th was  
 10 our first hearing.  
 11 A Yeah. I believe it was between -- I don't  
 12 remember if I told him it before the last  
 13 hearing. It's possible. But it was right  
 14 around the last hearing date.  
 15 Q Did you voluntarily come forward with this  
 16 information or did the Law Director interview  
 17 you? How did this come about or this is just  
 18 coming out now?  
 19 A A conversation of are there instances that  
 20 made you feel uncomfortable or cause for  
 21 concern? Then it came out like that.  
 22 Q So the Law Director did that to you, is that  
 23 what you are saying? He asked you that  
 24 question?  
 25 A Yeah.

Page 189

1 Q Were other people around? Did he do this with  
 2 everybody?  
 3 A We were in the sergeant's office. So the two  
 4 sergeants were in there, and then Prosecutor  
 5 Lallo.  
 6 Q So this is after our July 12th hearing that we  
 7 started, then Law Director Lallo gets all  
 8 three of the sergeants together and asked for  
 9 any further evidence you may have against the  
 10 Chief; is that what you are saying?  
 11 A No, I don't think that would be fair to say  
 12 that. I think, like I said, I wasn't sure if  
 13 it happened before the last hearing date.  
 14 There is a possibility that it was before.  
 15 I'm not recalling specifically.  
 16 Q But you do recall you were in the presence of  
 17 your fellow sergeants, right?  
 18 A Yes.  
 19 Q You've made a complaint to the OPBA about  
 20 Chief Nosse's conduct; is that true?  
 21 A Yes.  
 22 Q Who did you bring that complaint to at the  
 23 OPBA?  
 24 MR. LALLO: Objection.  
 25 MR. CHALOUKKA: We object to that,

Page 190

1 attorney-client privilege.  
 2 Q Go ahead, you can answer.  
 3 MR. ZICCARELLI: I'll overrule the  
 4 objection. The conversation itself is  
 5 privileged, but not who he talked to.  
 6 A I would say that I was part of bringing the  
 7 concern of Chief Nosse to the union, as a  
 8 group.  
 9 MR. CONSOLO: Just for the record,  
 10 I have no idea who did the objection but it  
 11 certainly wasn't the prosecuting attorney.  
 12 MR. LALLO: I said objection.  
 13 MR. CONSOLO: Okay. I'm sorry.  
 14 Q When did you do this?  
 15 A Do what?  
 16 Q Make this complaint to the union about the  
 17 Chief's conduct?  
 18 A It was part of a letter that went to the City.  
 19 Q There is a couple of letters, sir. One was in  
 20 February from Adam Chaloupka raising concerns  
 21 on behalf of the OPBA union and himself. Was  
 22 it done then, February?  
 23 A Yes.  
 24 Q So who was involved in bringing the complaint.  
 25 Yourself, who else?

Page 191

1 MR. LALLO: Objection.  
 2 A It was members of the union.  
 3 Q Every single member of the union?  
 4 A No.  
 5 Q How many bargaining unit members are there?  
 6 A 12 or 15.  
 7 Q So there is the three sergeants.  
 8 A Yes.  
 9 Q Right. You and Fisher and who else?  
 10 A Sergeant Valenti.  
 11 Q The other two sergeants were part of this  
 12 complaint as well?  
 13 A Yes.  
 14 Q Back in February. What patrol officers  
 15 brought this complaint?  
 16 MR. LALLO: Objection.  
 17 MR. ZICCARELLI: I'm going to  
 18 sustain. Let's hear his testimony. I don't  
 19 want to go into all the other conspiracy  
 20 theories here. Let's hear his testimony.  
 21 A I don't know specifically. I do not.  
 22 MR. ZICCARELLI: Sustained.  
 23 Q Back in February what was your particular  
 24 complaint to the union about your boss?  
 25 A In February it was the cause for concern of

Page 192

1 his drinking and that it was affecting his  
 2 work. So we were attempting to reach out so  
 3 he could try and get some help.  
 4 Q I'm not talking about we. I'm talking about  
 5 you. What did you see --  
 6 A Me.  
 7 Q -- in February about the Chief's drinking that  
 8 led you to make a complaint to the union?  
 9 A His absence from work.  
 10 Q How do you know it was because of drinking?  
 11 A I don't I'm just saying --  
 12 Q You don't.  
 13 A I'm saying is absence from work. I didn't say  
 14 drinking. I'm saying his absence from being  
 15 in the office specifically.  
 16 Q In February of 2021, did you make a complaint  
 17 to the union about the Chief abusing alcohol,  
 18 yes or no?  
 19 A No.  
 20 Q Did you meet with the city and the union on  
 21 April 16, 2021 --  
 22 A No.  
 23 Q -- to bring complaints against the Chief?  
 24 A No.  
 25 Q Were you aware that there was an OPBA meeting

Page 193

1 with the Mayor on April 16th?  
 2 A Yes.  
 3 Q That happened late in the afternoon, correct,  
 4 five, six o'clock?  
 5 A Yeah.  
 6 Q Did you know at that point in time that the  
 7 Chief had been hospitalized and was going into  
 8 rehab?  
 9 A No.  
 10 Q When did you first learn that?  
 11 A Shortly after the 16th I would say.  
 12 Q How did you learn about that?  
 13 A I had come in on my day off, and Chief Hutton  
 14 and ex-Chief Baumgart were there talking about  
 15 going to try and find him.  
 16 Q There was a notice posted by the Mayor, the  
 17 next day on April 17th, about the change in  
 18 command, and the Chief being hospitalized,  
 19 right?  
 20 A Yeah.  
 21 Q You saw that, right?  
 22 A Yes.  
 23 Q Who was the officer in charge in March 2021  
 24 when you said you saw the Chief drinking  
 25 bourbon, you?

Page 194

1 A Yes.

2 Q If you need help as the officer in charge, who

3 do you call?

4 A It would be the Chief.

5 Q If the Chief is absent, who else?

6 A The senior sergeant would be Sergeant Fisher.

7 Q Did you notify Sergeant Fisher on this night

8 that you suspected that the Chief was drunk,

9 and you had to pick him up from the

10 Councilwoman's house?

11 A I think it was the next day. It was so late I

12 didn't want to call and wake him up.

13 Q Who else was on shift at this time? How many

14 patrol officers?

15 A One or two others. Our shifts vary.

16 Q Did you ask any of those patrol officers to

17 keep an eye out for the Chief, he might be

18 drinking, don't let him drive?

19 A No.

20 MR. CONSOLO: I don't have anything

21 further.

22 MR. ZICCARELLI: We have a question.

23 We have a question from the Panel, Officer.

24 THE WITNESS: Sure.

25 MR. ZICCARELLI: When you picked up the

Page 195

1 Chief from the Councilwoman's house, was he on

2 duty at that time?

3 THE WITNESS: It was midnight so,

4 no. But also the Chief is on 24/7 so.

5 MR. ZICCARELLI: Secondly, when you

6 picked him up from the Councilwoman's house,

7 was he in uniform?

8 THE WITNESS: No.

9 MR. ZICCARELLI: Thank you.

10 MR. CONSOLO: Can I follow up on

11 that, please?

12 MR. ZICCARELLI: It goes over here

13 first.

14 RECROSS-EXAMINATION

15 By Mr. Consolo:

16 Q Sergeant, there have been occasions where you

17 yourself have drank alcohol in the police

18 Chief's office with the Chief, have you not?

19 A No.

20 Q Never?

21 A No.

22 Q Not for birthdays?

23 A No.

24 Q Not for Christmas?

25 A No.

Page 196

1 Q Never had a celebratory drink with your fellow

2 officers and the Chief?

3 A Not in the building, no.

4 MR. CONSOLO: Okay.

5 MR. ZICCARELLI: Redirect?

6 REDIRECT EXAMINATION

7 By Mr. Lallo:

8 Q In your opinion, did you feel that Chief

9 Nosse, on that night, consumed an intoxicating

10 beverage to the extent that it resulted in

11 impairment, obnoxious or offensive behavior

12 which discredits him or the department?

13 A Yes.

14 Q How so?

15 A As being a police chief, you should hold

16 yourself to a higher standard, and drinking

17 and driving is obviously against the law.

18 MR. LALLO: I have no further

19 questions. Thank you.

20 RECROSS-EXAMINATION

21 By Mr. Consolo:

22 Q Sergeant, you were reprimanded for saying

23 inappropriate things to the chaplain, were you

24 not?

25 A To who?

Page 197

1 MR. ZICCARELLI: That goes beyond the

2 scope.

3 MR. LALLO: Objection.

4 MR. ZICCARELLI: That goes beyond the

5 scope.

6 MR. CONSOLO: I thought this was an

7 administrative, quasi-judicial?

8 MR. ZICCARELLI: It is, but you know

9 some of the rules. We're not here to

10 grandstand. He asked a question about

11 disruptive or disrespect to the department.

12 If you have some questions on that, please ask

13 him.

14 MR. CONSOLO: I do, sir. He asked

15 him if it was conduct unbecoming.

16 Q You, sir, know conduct unbecoming because you

17 were reprimanded for it, weren't you?

18 A Yes.

19 Q Thank you. By the way, you weren't fired,

20 were you?

21 A No.

22 Q Just a reprimand?

23 A Yes.

24 MR. LALLO: I have nothing further.

25 Thank you.

Page 198

1 MR. ZICCARELLI: You may step down.  
 2 MR. LALLO: Next call Sergeant  
 3 Jamey Fisher.  
 4 JAMEY FISHER  
 5 of lawful age, being first duly sworn, as  
 6 hereinafter certified, was examined and testified  
 7 as follows:  
 8 MR. LALLO: Mr. Zicarelli, we do  
 9 ask for a sidebar prior to any testimony.  
 10 MR. ZICCARELLI: Sure.  
 11 MR. LALLO: Mr. Consolo, and the  
 12 attorney for Mr. Fisher.  
 13 MR. ZICCARELLI: In this room I'm not  
 14 sure -- a sidebar is difficult. We may have  
 15 to --  
 16 (Council chambers exited for a sidebar  
 17 discussion.)  
 18 MR. LALLO: I believe there is a  
 19 concern as it relates to attorney-client  
 20 privilege with Sergeant Fisher's statements to  
 21 --  
 22 MR. CHALOUPKA: Here is my proposal,  
 23 if would you accept it, as to how we  
 24 proceed. No question about the content of his  
 25 communications with me. Obviously he's going

Page 199

1 to testify that he reached out to me.  
 2 Obviously he is going to testify, you know, I  
 3 wrote an email or a letter. But I'm fine with  
 4 a kind of standing objection, just to no  
 5 questions that touch upon the content of our  
 6 communications.  
 7 I do also recognize though they are  
 8 Jamey's right. If Jamey wants to breach  
 9 attorney-client privilege, that's on him. But  
 10 I also don't presume on testifying tonight.  
 11 I'll make that perfectly clear now, I don't  
 12 plan on testifying. So it's not like I'm  
 13 going to be cross-examined on the questions --  
 14 MR. CONSOLO: If I call you, you  
 15 will be.  
 16 MR. CHALOUPKA: I will walk out the  
 17 door.  
 18 MR. CONSOLO: Just getting it on  
 19 the record.  
 20 MR. CHALOUPKA: You could have issued  
 21 a subpoena and followed the procedure, it  
 22 would be a different story.  
 23 MR. CONSOLO: You're present, sir.  
 24 MR. CHALOUPKA: Where's the subpoena?  
 25 MR. CONSOLO: You're present.

Page 200

1 MR. CHALOUPKA: Where's the subpoena?  
 2 MR. ZICCARELLI: I am not going to  
 3 argue about this. Go ahead. Anything else on  
 4 that?  
 5 MR. CHALOUPKA: That's it.  
 6 MR. ZICCARELLI: It's pretty clear  
 7 that any conversation between a client and an  
 8 attorney is privileged. I don't think there  
 9 is any doubt about that. So if those  
 10 questions start to come up what he said to his  
 11 attorney and he asserts the privilege, I'm  
 12 going to have to sustain it. He can testify  
 13 that he reached out to him. He can testify  
 14 that he talked to him. But as to the specific  
 15 conversation, that is pretty basic.  
 16 MR. CONSOLO: Except that he's the  
 17 attorney for the union, not this individual  
 18 officer. That's different.  
 19 MR. CHALOUPKA: I'm the attorney for  
 20 every single one of those officers. They call  
 21 me.  
 22 MR. CONSOLO: Wrong. I've been an  
 23 OPBA attorney.  
 24 MR. CHALOUPKA: How long ago was  
 25 that?

Page 201

1 MR. CONSOLO: We formed that.  
 2 MR. CHALOUPKA: How long ago was  
 3 that?  
 4 MR. CONSOLO: Don't argue with me.  
 5 MR. CHALOUPKA: Or what?  
 6 MR. CONSOLO: Really?  
 7 MR. CHALOUPKA: Yeah, really.  
 8 MR. CONSOLO: Are you going to  
 9 threaten me?  
 10 MR. CHALOUPKA: Are you going to  
 11 arrest me if I don't walk out that door?  
 12 MR. CONSOLO: I don't have arrest  
 13 powers.  
 14 MR. CHALOUPKA: Exactly.  
 15 MR. ZICCARELLI: Here, here. Let's  
 16 move on. You know, if I'm wrong, you'll take  
 17 this up to the courts.  
 18 MR. CONSOLO: It's going to go up  
 19 to the Court of Appeals, and when we bring a  
 20 lawsuit, we will bring OPBA in as well.  
 21 MR. CHALOUPKA: For what,  
 22 representing our officers effectively? For  
 23 what?  
 24 MR. ZICCARELLI: We're not going to sit  
 25 out here and argue. If the objection gets

Page 202

1 raised and the client does not waive that  
 2 objection, that testimony does not come in.  
 3 If you want to proffer it for the record --  
 4 MR. CONSOLO: Absolutely, we will.  
 5 MR. ZICCARELLI: -- you can certainly  
 6 proffer that for the record. But that  
 7 testimony is not coming in for purposes of the  
 8 hearing. It's clearly attorney-client  
 9 privilege.  
 10 MR. CONSOLO: If he can establish  
 11 that the sergeant has retained him as his  
 12 attorney. So let's see where that goes.  
 13 (Conclusion of sidebar discussion. All parties  
 14 returned to Council chambers.)  
 15 MR. ZICCARELLI: Mr. Lallo, are you  
 16 ready?  
 17 MR. LALLO: Yes, sir.  
 18 DIRECT EXAMINATION  
 19 By Mr. Lallo:  
 20 Q Sergeant Fisher, can you please state your  
 21 name and spell your last name for the record?  
 22 A Yes, Jamey Fisher, F-I-S-H-E-R.  
 23 Q How long have you been employed with the  
 24 Kirtland Police Department?  
 25 A I think this is going on 24 years.

Page 203

1 Q Briefly describe for us your training  
 2 background.  
 3 A I went to the academy a long time ago. Put  
 4 myself through school. I was in the military  
 5 prior to that. I've had probably thousands of  
 6 hours of training at this point; executive  
 7 leadership school, supervisory schools. I had  
 8 various roles in the department, FTO.  
 9 Q FTO, what does that mean?  
 10 A Field training officer. At one point I think  
 11 Lance and I probably trained every member in  
 12 this department.  
 13 Q There was a period of time when, I know  
 14 Mr. Consolo brought it up last time, you were  
 15 briefly terminated from the department.  
 16 A I was.  
 17 Q When was this?  
 18 A 1999.  
 19 Q Tell us what happened.  
 20 A Well, to keep it short, I was accused of  
 21 violating someone's civil rights by entering  
 22 their house. And through the arbitration  
 23 process I won my job back. The Arbitrator  
 24 ruled that the penalty was too harsh.  
 25 Q Okay. So you got your job back?

Page 204

1 A Reinstated.  
 2 Q Did you do extra training as a result of that?  
 3 A I did. I think I'm the reason why we have an  
 4 FTO program.  
 5 Q So there is a field training officer?  
 6 A There wasn't at the time. When I got hired,  
 7 there was no FTO program here.  
 8 Q Then as a result of this process, somebody who  
 9 was an FTO helped trained you?  
 10 A Yes.  
 11 Q Remedially?  
 12 A Yes.  
 13 Q And teach you how to essentially work the  
 14 roads?  
 15 A Yes.  
 16 Q To the best of your knowledge, any other  
 17 issues, disciplinary in your file?  
 18 A Not that I can recall, no.  
 19 Q So when you got hired on in 1998, was Chief  
 20 Nosse already an employee there?  
 21 A He was a part-time officer, yeah.  
 22 Q What was your relationship with him at that  
 23 point?  
 24 A We didn't like each other.  
 25 Q Honest.

Page 205

1 A That is all you're going to get from me.  
 2 MR. LALLO: Mr. Zicarelli, for  
 3 the record, has he been sworn in? I can't  
 4 remember.  
 5 MR. ZICCARELLI: He was, yes.  
 6 Q Was there any time when you guys became  
 7 friends?  
 8 A Yes.  
 9 Q Can you explain?  
 10 A I went through a divorce 11 years ago.  
 11 Anybody whose gone through a divorce  
 12 understands the roller coaster. I was working  
 13 night shift. Chief Baumgart put us together,  
 14 for whatever reason, beyond our control. I  
 15 guess it was for the better looking back at  
 16 it. But working nights is lonely. Your mind  
 17 races, you know, I'm not going to call him  
 18 Chief today, because this is Lance and I right  
 19 now we're talking about, so I'm just not going  
 20 to do it. But we -- he knew that things were  
 21 bothering me, and he just gave me an ear. I  
 22 just was able to vent throughout the nights,  
 23 and that's how our friendship developed.  
 24 Q Did you guys become close friends?  
 25 A I consider him a brother.

Page 206	<p>1 Q Go to family parties?</p> <p>2 A Yes.</p> <p>3 Q Graduation parties?</p> <p>4 A My kids, yes. His kids haven't graduated yet.</p> <p>5 Q Weddings?</p> <p>6 A My son, Jess.</p> <p>7 Q When was that?</p> <p>8 A June of 2020.</p> <p>9 Q So just a year ago?</p> <p>10 A Yes.</p> <p>11 Q I'm going to take you from November to</p> <p>12 February, March. November of 2020 to</p> <p>13 February, March of 2021.</p> <p>14 A Yes.</p> <p>15 Q Did you notice any changes in his behavior?</p> <p>16 A Yes.</p> <p>17 Q How so?</p> <p>18 A Because I've walked a mile in his shoes. He</p> <p>19 had some problems at home, marital problems.</p> <p>20 I think we all go through those. Somehow I</p> <p>21 have become the resident expert on divorce. I</p> <p>22 think I'm one of the only ones that have been</p> <p>23 through that here, thankfully. So I would</p> <p>24 listen to him. I understood what he was going</p> <p>25 through.</p>	Page 208	<p>1 Q You're obviously aware that OPBA approached</p> <p>2 me.</p> <p>3 A Yes.</p> <p>4 Q In February.</p> <p>5 A Yes.</p> <p>6 Q Can you elaborate?</p> <p>7 A Yeah. We were having a lot of conversations.</p> <p>8 Q By "we" do you mean the bargaining unit</p> <p>9 members?</p> <p>10 A No, I'm talking about the sergeants. Three</p> <p>11 sergeants share an office together, so we</p> <p>12 talk. We find out what's going on, what's</p> <p>13 good, what's bad. Any major arrests, cases</p> <p>14 that we're working on, so that someone is</p> <p>15 giving it attention 24 hours a day.</p> <p>16 There was -- things were being noticed.</p> <p>17 Officers were making comments about, you know,</p> <p>18 is the Chief on vacation? Is he coming in</p> <p>19 today? At that point we started pooling</p> <p>20 together as the sergeants to isolate them,</p> <p>21 buffer that. We didn't want it to go down to</p> <p>22 the rank and file.</p> <p>23 You know, Sergeant Valenti and I worked</p> <p>24 with Chief Nosse for 20-plus years, so we were</p> <p>25 willing to work incredibly hard to make sure</p>
Page 207	<p>1 Q What was his typical schedule prior to this,</p> <p>2 prior to November of 2020?</p> <p>3 A He was more regimented. He was 9:30 ish in</p> <p>4 the morning, and 4:30, 5:00. If he was going</p> <p>5 to be significantly later than that, I would</p> <p>6 get a text or phone call saying I'll be --</p> <p>7 he's going here, doing that. So I was aware</p> <p>8 if he wasn't coming in at a regular time.</p> <p>9 Q Did it change during this period now?</p> <p>10 A Yes.</p> <p>11 Q How so?</p> <p>12 A It was getting later and later throughout the</p> <p>13 day, throughout the weeks, where he would --</p> <p>14 Q Was there a reason why?</p> <p>15 A It would be eleven o'clock, or it would be</p> <p>16 after lunch. Was there a reason why?</p> <p>17 Q Yes.</p> <p>18 A At that time I really didn't know what the</p> <p>19 reasons were. I can look back now and assume,</p> <p>20 but at that point, no.</p> <p>21 Q Were all of his tasks getting done or</p> <p>22 completed?</p> <p>23 A If there was something he wanted me to do, I</p> <p>24 knew about it, but I didn't know what he did</p> <p>25 on a daily basis.</p>	Page 209	<p>1 he succeeded because he's the first one in my</p> <p>2 career that has climbed to the top of the</p> <p>3 mountain. He started here part time, full</p> <p>4 time, promoted to sergeant, lieutenant, and</p> <p>5 now he's the Chief. That is a path that I</p> <p>6 would hope one of the patrolmen sitting back</p> <p>7 here today should get that opportunity.</p> <p>8 So, yes, some things were awry but we</p> <p>9 were trying to keep them contained in our</p> <p>10 office.</p> <p>11 Q Did you ever approach Chief Nosse about any</p> <p>12 issues, whether it be alcohol, marital?</p> <p>13 A Ad nauseam.</p> <p>14 Q Explain it.</p> <p>15 A Many times we did have conversations about</p> <p>16 seeking help, seeking counseling, AA meetings.</p> <p>17 You name it, I've offered to drive. I offered</p> <p>18 to get him in touch. I provided him with</p> <p>19 phone numbers. I offered to find him places</p> <p>20 to live. I tried to help him until I couldn't</p> <p>21 try anymore.</p> <p>22 Q Was this behavior affecting the department?</p> <p>23 A Yes.</p> <p>24 Q How so?</p> <p>25 A Your leader is supposed to be there. When you</p>

Page 210

1 have questions and you can't go to the source,  
 2 you can't get things done. There was  
 3 qualifications and certifications that we were  
 4 not in compliance with. Phone calls weren't  
 5 being returned. People don't want to speak to  
 6 Sergeant Fisher, they want to talk to the  
 7 Chief. In this community you want to go to  
 8 the top. These residents expect that. They  
 9 should have it.  
 10 Q So after that letter was sent in February, did  
 11 you receive any repercussions?  
 12 A I did not. I was in his office, and we had  
 13 the conversation. He was mad, rightfully so.  
 14 He identified an officer that he felt was  
 15 responsible for that. I confronted him and  
 16 said you're killing the messenger. Which part  
 17 of this letter isn't true? Like what does it  
 18 matter who said something, it's all true.  
 19 He kind of rocked back in his chair  
 20 because he was -- I give him a lot of credit.  
 21 Like, you could be pointed with him, and he  
 22 took it. Whether he took it to heart or not,  
 23 that's on him. But he never held it against  
 24 you. He would prefer you be pointed.  
 25 Q Did that letter help with any behavior or

Page 211

1 issues he may have had?  
 2 A Not initially. I think he was trying to talk  
 3 to the individual that was providing for  
 4 him. There was no response. At which point I  
 5 gave him a phone number for someone that I  
 6 knew. I do know that I think he attempted to  
 7 call that individual. Maybe that is who is  
 8 care now, I don't know.  
 9 Q Tell us about the jail inspection.  
 10 A Assistant Gabor came to me, maybe it was the  
 11 week prior to, I don't remember exactly. She  
 12 made mention to me about the jail inspection.  
 13 I didn't really give it too much thought into  
 14 it because generally if there was something  
 15 that the Chief needed me to do, he would come  
 16 directly to me. Like I need you to handle  
 17 this, and then I just did that.  
 18 So like I wouldn't say I was dismissive  
 19 to her, but I was kind of like I'm focused on  
 20 this week, that's next week. I think she came  
 21 to me, might have been the day before, and  
 22 said, you know, we have the jail inspection  
 23 tomorrow and nothing has been done. It's not  
 24 ready.  
 25 I wasn't even supposed to be there.

Page 212

1 That was my day off. So I said to Cindy,  
 2 let's get the cleaning supplies, and we'll do  
 3 it. I took off my uniform, and I was cleaning  
 4 toilets.  
 5 Q So you cleaned the jail?  
 6 A Uh-huh.  
 7 Q Got it ready for the inspection?  
 8 A Yes.  
 9 Q Was the Chief there that day?  
 10 A No, not initially.  
 11 Q Was he there at some point?  
 12 A Yes, he came in, it was probably after  
 13 lunchtime, because I remember --  
 14 Q Let's take a step back. What time did you get  
 15 there to clean the jail?  
 16 A I was there prior to. We had an incident  
 17 where a search warrant was going to be  
 18 obtained in another jurisdiction for a  
 19 domestic violence case. It was a weapons  
 20 seizure. The Chief called me in the morning  
 21 and was adamant that a supervisor should have  
 22 been there. He was upset that Sergeant  
 23 LaTurner went home for the night at seven  
 24 o'clock in the morning. I was a little  
 25 dumbfounded because it was my day off. So I

Page 213

1 was kind of like, I get this, but aren't you  
 2 going into work? It's eight o'clock in the  
 3 morning. You know what I mean? Like there is  
 4 going to be a supervisor, you're here. But I  
 5 told him I would handle it. I went in.  
 6 That incident didn't go to fruition  
 7 because of jurisdictional issues and things  
 8 like that. That is when Cindy approached me  
 9 about the jail facility still not being  
 10 attended to. I wasn't road covered so it was  
 11 okay for me to go ahead and clean. It needs  
 12 to be done. So it doesn't really matter who,  
 13 it just needs to be done.  
 14 Q About when did you see the Chief?  
 15 A I'm going to say it was around lunchtime.  
 16 Noon-ish, maybe a little bit later. Because  
 17 he knocked on the window of the jail and kind  
 18 of threw his hands up, like what are you  
 19 doing. And I was already angry at that point.  
 20 Q Did you say anything to him that day?  
 21 A Not initially. I finished what I was doing.  
 22 Former Chief came in and made his comment  
 23 about what I was doing and why I didn't  
 24 delegate it to somebody else, which aggravated  
 25 me a little bit more.

Page 214

1 I put the cleaning stuff away. They  
 2 were eating lunch at the table. He knew I was  
 3 mad. He asked me if I wanted to talk. I was  
 4 in no condition to talk. Just out of being  
 5 upset, angry, whatever it's not the time to  
 6 talk. I needed a cooling off period, and he  
 7 knew that. I just said I wanted to go home,  
 8 I'm done for the day, and I left.  
 9 Q Did you talk at some point?  
 10 A The next day.  
 11 Q What was the content of that conversation?  
 12 A A lot of things in that conversation.  
 13 Q Elaborate.  
 14 A He came in the office, asked me if I wanted to  
 15 talk. I said I'm only willing to talk if you  
 16 are willing to listen because you are not  
 17 going to like what I have to say. He closed  
 18 the door, and I laid into him.  
 19 I told him he ain't present. He's  
 20 failing us, he's failing the department. I  
 21 feel alone, abandoned. The extracurricular  
 22 activities, the drink at home on the weekends,  
 23 and it was too much for me to continue down  
 24 this path. I couldn't do it anymore. That is  
 25 what I was letting him know.

Page 215

1 He again, this is a very remarkable  
 2 quality, he did not attack me. He rocked back  
 3 in the chair a little bit, defended himself,  
 4 which I appreciate. I also told him I thought  
 5 it was -- he was not being truthful with me.  
 6 I hoped at that point things would have  
 7 changed for the long haul.  
 8 Q Did they change?  
 9 A I think for a brief period of time. That  
 10 could be a week or two, he got a little bit  
 11 more regimented. But there are other things  
 12 in play that I didn't want to know that I was  
 13 finding out.  
 14 Q What's that?  
 15 A I knew him and Kelly had crossed the line,  
 16 that the relationship wasn't a professional  
 17 one, not anymore. Yet I still hadn't seen it  
 18 with my own eyes. I would beg him not to tell  
 19 me these things. It was bothering me to the  
 20 point where I was seeking counseling. But not  
 21 like a medical professional, I had  
 22 professional friends that I'm divulging this  
 23 information to because I don't know where else  
 24 to turn. I don't know where anybody else's  
 25 line is here. When you care about someone,

Page 216

1 you take, you take until you can't take  
 2 anymore. So I didn't know where to turn.  
 3 Q Briefly the use of the flip phone. Do you  
 4 know why he was using it?  
 5 A Yes.  
 6 Q Explain.  
 7 A Unbeknownst to him and probably countless  
 8 other people, your iPhone and your iPad are  
 9 linked together. He told me his wife saw the  
 10 text messages between Councilman Wolfe and  
 11 him. At which point, she got mad, rightfully  
 12 so. He denied that there was anything going  
 13 on.  
 14 Some of those conversation he and I had  
 15 regarding this whole situation, no one else  
 16 will understand it unless you've been that  
 17 person. I'm okay with the fact that my  
 18 ex-wife cheated on me. I'm happy. I've got a  
 19 great life. Had she not done that, I would  
 20 probably still be married and miserable. So I  
 21 get that. But at the same token, I related to  
 22 her husband. I was him. And it bothered me.  
 23 Q Did he say why he was using the flip phone?  
 24 Let's take a step back. How did he get that  
 25 flip phone?

Page 217

1 A He asked Sergeant LaTurner for it.  
 2 Q Did Sergeant LaTurner volunteer it?  
 3 A When your boss asks you for a piece of  
 4 equipment, you give it to him.  
 5 Q What is this phone?  
 6 A It's a cell phone that is assigned to the  
 7 sergeant's supervisor vehicle. We use that if  
 8 we have juveniles out after a certain hour of  
 9 night, or a traffic stop, we need to get ahold  
 10 of a parent. That's strictly used for  
 11 professional use. It's not -- just like all  
 12 this other equipment, it's not for me to go  
 13 home and do taser practice with my children.  
 14 This is all for official use. That cell phone  
 15 was an official cell phone for the sergeant's  
 16 vehicle for personal -- or professional use.  
 17 Q So he asked Sergeant LaTurner for that phone?  
 18 A That's what I was told.  
 19 Q Do you know what he used that phone for?  
 20 A We know what it's used for now.  
 21 Q Did you ever have to call him on that phone?  
 22 A I've never called him on that phone.  
 23 Q Did you ever have to text him on that phone?  
 24 A I don't even know that phone's number.  
 25 Q During this period of time, did you have any

Page 218

1 issues communicating with the Chief?  
 2 A No.  
 3 Q Did he ever tell you his cell phone was  
 4 broken?  
 5 A No.  
 6 Q So obviously you're a police officer, and over  
 7 the last year and a half, couple years,  
 8 there's been some negative attention for  
 9 police officers in the news; is that right?  
 10 A Absolutely.  
 11 Q There were discussions about home security  
 12 systems?  
 13 A Yes.  
 14 Q You ended up installing video security at your  
 15 home?  
 16 A I think half our department or more has video  
 17 at their home. The last incident which I  
 18 think solidified it for the ones who hadn't  
 19 had it is we had an officer's off duty pistol  
 20 stolen out of his vehicle in his driveway.  
 21 Q Did people know that you had this security  
 22 system at home?  
 23 A Absolutely.  
 24 Q Did the Chief know about it?  
 25 A Yes.

Page 219

1 Q Let's talk about April 13th.  
 2 A Sure.  
 3 Q Tell me about that day.  
 4 A I don't remember if I worked or not.  
 5 Q Let's talk about the evening hours.  
 6 A It was a nice day. My girlfriend came home  
 7 from work. I have a three-season room on my  
 8 home. We were sitting out there, just  
 9 enjoying the weather, the day. No TVs on, no  
 10 nothing. My daughter was upstairs. We were  
 11 just talking, just about nothing in  
 12 particular, having a good conversation.  
 13 Q What happened?  
 14 A There was a pounding on my front door.  
 15 Q Who was it?  
 16 A It was the Chief.  
 17 Q What was his appearance?  
 18 A Civilian clothes. What he would normally wear  
 19 if he wasn't -- sweatshirt, jeans, tennis  
 20 shoes.  
 21 Q Were you able to make any observations whether  
 22 he was consuming any alcohol prior to coming  
 23 to your house?  
 24 A Yeah, immediately I could tell he was  
 25 drinking. When I answered the door, I could

Page 220

1 tell.  
 2 Q How so?  
 3 A His face gets a little red, his cheeks. I  
 4 could smell it on him. He had it in his hand.  
 5 Q Was Ms. Wolfe present yet or no?  
 6 A No.  
 7 Q When the Chief was pounding on the door, did  
 8 he have any conversation with you right there?  
 9 A No. The way my house was set up, I kind of  
 10 looked back at my chair, I could see through,  
 11 I saw it was him. My girlfriend made a  
 12 comment to me like did I know he was coming  
 13 over? I said no. I hadn't talked to him all  
 14 day.  
 15 Q Were you still upset about the jail situation  
 16 or was this after?  
 17 A No, this was -- I don't even know when the  
 18 jail inspection was at this point. Do you  
 19 remember the date? No?  
 20 One thing about the Chief and I, we've  
 21 known each other for so long, I never stayed  
 22 mad at him, he didn't stay mad at me. We've  
 23 had plenty of go-arounds, about disagreements  
 24 on laws, procedures, maybe things the officers  
 25 had. But we would always have a cooling off

Page 221

1 period. It may be a day. He would tell you  
 2 just like I would tell you, I think there was  
 3 one time him and I got into it pretty good. I  
 4 went on the road. I don't think we talked for  
 5 about a day. But about a day, I came back in  
 6 the office, and he kind of looked at me, and  
 7 said, you? I'm like, yeah. Like, it never  
 8 festered. It never stayed there.  
 9 Q Contentious?  
 10 A No. Families fight.  
 11 Q So the Chief knocks on the door. It was  
 12 uninvited?  
 13 A It wasn't a knock, it was aggressive, which is  
 14 fine, but --  
 15 Q Mr. Consolo indicated that he'd called you,  
 16 texted you?  
 17 A Yeah.  
 18 Q Do you recall anything along those lines?  
 19 A No. There was no texts, no calls. I would  
 20 say this. If you want to say I'm not being  
 21 truthful or whatever, if I have company that's  
 22 coming over, my front door is open. He  
 23 doesn't need an invite to my house.  
 24 If he sent me a text saying I'm coming  
 25 over, the door would be open. He could walk

Page 222

1 in my house any time. I've offered to feed  
 2 him. I've offered him places to stay. This  
 3 was not like unusual circumstances. If he  
 4 would have texted me and says, I'm on my way,  
 5 it would have been like no problem. I was  
 6 just shocked that it was unannounced.  
 7 Q So he came over about 6:00 p.m.; is that about  
 8 right?  
 9 A Sure.  
 10 Q Did you guys have a conversation at that  
 11 point?  
 12 A Yeah, he came in. I invited him in. I told  
 13 him we were sitting in the back room. He came  
 14 in. He was adamant if I wanted to drink a  
 15 beer, and I don't drink beer. I don't like  
 16 it. But he was persistent.  
 17 He offered. You know, he had a half  
 18 empty or 12 pack of Miller Lite. Gave my  
 19 girlfriend one, gave me one. We proceeded to  
 20 have some conversation a little bit, like, you  
 21 know, what are you doing kind of thing.  
 22 It couldn't have been 10 minutes before  
 23 he asked me. But it wasn't a way of asking  
 24 like I had a decision to make here. He asked  
 25 me in a way of you don't mind if Councilman

Page 223

1 Wolfe comes over, do you? I'm kind of like --  
 2 I think I was in shock. Because after all  
 3 this stuff, I still never saw anything. I've  
 4 seen her in the station, I've seen her in the  
 5 office, wave to her as I'm passing going in  
 6 and out, seeing the vehicle there on  
 7 Saturdays, which, whatever, I would just avoid  
 8 the situation. I didn't want to see.  
 9 So I said that to him, like you're not  
 10 really asking me, you're putting me in a bad  
 11 situation. He said something along the lines,  
 12 like it's no big deal. It's not really a big  
 13 deal. But I had previous conversations with  
 14 him where I was asking him not to tell me  
 15 these things because as the number two guy,  
 16 how do you distance yourself from this? When  
 17 someone finally comes and asks you, am I going  
 18 to lie? I'm not lying for anybody. I've  
 19 worked 24 years to establish my reputation as  
 20 a police officer. I live my life in a certain  
 21 way. I own my mistakes. I have integrity,  
 22 and I'm telling the truth. That's the oath I  
 23 took. That's the way I live my life.  
 24 So ultimately, it probably wasn't a few  
 25 minutes after I said like, yeah, whatever, he

Page 224

1 was out the front door, and she came in behind  
 2 him. That was the first formal introduction I  
 3 really had with her I would say where, you  
 4 know, obviously she is in my home.  
 5 Q They were in your home for about three hours  
 6 or so, give or take?  
 7 A Yeah, roughly.  
 8 Q How did that interaction make you feel?  
 9 A Well, like I previously stated before, my  
 10 girlfriend was married to an alcoholic who  
 11 cheated on her. My wife did the same thing to  
 12 me. We have them sitting in our home and  
 13 justifying their actions.  
 14 We attempted to explain to him how it  
 15 made us feel, and it wasn't right. Councilman  
 16 Wolfe's phone was blowing up. Blowing up,  
 17 blowing up, blowing up. My girlfriend finally  
 18 said answer the phone, let him know you're not  
 19 in a ditch.  
 20 Q At about 8:30 p.m. that night did the Chief  
 21 make any comments to you?  
 22 A He insulted my daughter.  
 23 Q How so?  
 24 A My daughter is 19 going to be 20. She is a  
 25 beautiful girl. She was in her home wearing

Page 225

1 her pajamas and a tank top. He made a comment  
 2 to her about maybe she should go put some  
 3 clothes on.  
 4 Now mind you, my child has known him  
 5 since she was born. She was like why, I'm in  
 6 my pajamas. He said, I wish I was 19 again.  
 7 At which point I said that I've had enough,  
 8 it's time for you to leave.  
 9 Q Did you offer him to take him anywhere?  
 10 A Yeah. He got up from the sun room, sat on the  
 11 couch in the front room. I believe my  
 12 girlfriend made a comment to him like you're  
 13 the chief of police, you can't be acting like  
 14 this. This is not right.  
 15 I offered to drive him home because  
 16 it's a city vehicle. My daughter was there.  
 17 Her boyfriend was there. So there was plenty  
 18 of drivers that could drive who hadn't had  
 19 anything to drink, because I had one beer and  
 20 I like Tito's and iced tea, so I had one of  
 21 those. So I offered to drive him home. He  
 22 said no, he refused. Councilman Wolfe said  
 23 she will follow him.  
 24 But he didn't have anywhere to go. He  
 25 didn't want to go. So I said, why don't I

Page 226

1 just go get you guys a room up at the Holiday  
 2 Inn so you've got a place to sober up, cool  
 3 off, and, you know, it's out of my hair. They  
 4 refused that as well.  
 5 Q Did they ultimately leave your house?  
 6 A They left me inside of my home.  
 7 Q What happened?  
 8 A I closed the door, and I turned off the light.  
 9 I went up to my room and hoped they would go  
 10 away.  
 11 Q Did they?  
 12 A No.  
 13 Q How do you know that?  
 14 A I have security cameras on my house.  
 15 Q Something about your daughter's car?  
 16 A It was parked in the street.  
 17 Q So what happened?  
 18 A Well, I was hoping that they would leave so we  
 19 could bring the car back into the driveway so  
 20 it doesn't get a ticket. But I did not want  
 21 to go out and confront them. I didn't want to  
 22 do any of that. I was hoping they would just  
 23 leave. Ultimately I had to work that morning.  
 24 5:45 comes early. I fell asleep at some  
 25 point.

Page 227

1 Q So the next day, what happened the next day?  
 2 A I came to work.  
 3 Q Did your daughter or anybody contact you?  
 4 A No, I mean, we already -- you know, my family  
 5 and I already had our conversation.  
 6 Q Did the Chief call you that day?  
 7 A I got a text. It was something about CCW and  
 8 knife laws or something.  
 9 Q Nothing about the interaction the night  
 10 before?  
 11 A No. He called me.  
 12 Q Okay.  
 13 A Said to me that Kelly thinks we overstepped  
 14 our bounds. I said, you think? And he  
 15 apologized. I said to him actions speak louder  
 16 than words. We got off the phone. That was  
 17 the last I've talked to him.  
 18 Q So you finished your shift that day?  
 19 A Yes.  
 20 Q Then you went home?  
 21 A Yes.  
 22 Q Did you talk to your daughter then?  
 23 A There was nothing to talk to her about.  
 24 Q Did she approach you at all about any  
 25 surveillance?

Page 228

1 A My daughter?  
 2 Q Yes.  
 3 A She knows we have cameras on the house.  
 4 Q Correct. Who discovered any type of videos?  
 5 A Could have been any one of the three of us.  
 6 Q So tell me what happened.  
 7 A After the day I worked?  
 8 Q Yes.  
 9 A I made some phone calls to Sergeant Valenti,  
 10 Sergeant LaTurner. I talked to the union  
 11 attorney, and my police chiefs and other  
 12 professionals that I consider friends and  
 13 respected professionals, to seek advice,  
 14 because I knew that a line has been crossed.  
 15 I felt the wheels were off. That I never  
 16 would have thought he would have did this to  
 17 me.  
 18 Q Was this the culmination of a lot of bad  
 19 events happening?  
 20 A A culmination. I would say there were,  
 21 looking back, there were things that were  
 22 going awry, but like Clerk Buchanan told you,  
 23 and Assistant Gabor and other officers, it's  
 24 like we're a family. If someone falls,  
 25 someone's got to pick up the slack.

Page 229

1 So I didn't know what they were doing.  
 2 They didn't know what I was doing. It seems  
 3 like we were all working, somehow in harmony,  
 4 just getting things done. But there was  
 5 frustration brewing in patrol. There was  
 6 frustration that he had with budget  
 7 constraints. Completely understandable.  
 8 Dispatch affected all of us. I had many  
 9 conversations with him where he fought one  
 10 hell of a fight. And I said to him, your  
 11 family comes first. The fight is over. No  
 12 one here is going to question that you didn't  
 13 put up a good fight. You did.  
 14 He had to tone it down a little bit  
 15 with his discourse with what was going on.  
 16 Like, just focus on the task at hand. Let's  
 17 focus on our department and move forward.  
 18 Q So we're going to circle back to the video.  
 19 A Yeah.  
 20 Q How did you come across this video?  
 21 A I fell asleep and I think my daughter made a  
 22 comment, or my girlfriend, one of them made a  
 23 comment like, do you know how late they were  
 24 here last night? I'm like no. I think that  
 25 is when we pulled up the surveillance, were

Page 230

1 able to see the clips and determine that it  
 2 was shortly after 1:00 a.m. in the morning.  
 3 Q Was there a time when you provided a video to  
 4 OPBA or to the city?  
 5 A Upon their request, yeah.  
 6 MR. LALLO: Exhibit 9.  
 7 (City Exhibit 9 marked for  
 8 identification.)  
 9 Q Mr. Fisher -- can we start this back at the  
 10 beginning, sir? While that is working, can  
 11 you please describe for us what this is a  
 12 video of? Is this your home?  
 13 A It is. I think Chief Hutton would appreciate  
 14 my lines on my lawn.  
 15 Q It says Nest in the top right corner.  
 16 A Um-hum.  
 17 Q Is that part of your security camera?  
 18 A Yeah. Patrolman Petrick recommended Nest  
 19 because he had it at his home. Super simple  
 20 to use. Quality is good. Like I told you  
 21 guys in our officer of the year award, he's  
 22 our tech savvy guy. I trusted his opinion.  
 23 Took me a long time to install that. It was  
 24 hot in that garage. That's my driveway and  
 25 front yard, yes.

Page 231

1 Q What day and time is this?  
 2 A 14th, 13th, 14th. Six o'clock. I don't know  
 3 if it was the 13th or 14th.  
 4 Q The title looks like it is April 13th --  
 5 A Then that's accurate.  
 6 Q -- 2021, at 6:09 p.m.  
 7 A That's accurate.  
 8 Q And you see a white vehicle on the top of  
 9 that?  
 10 A Um-hum.  
 11 Q Do you know whose vehicle that is?  
 12 A That's 890, the Chief's car.  
 13 Q The Chief's vehicle?  
 14 A Yes.  
 15 Q City-issued vehicle?  
 16 A Yes.  
 17 MR. LALLO: Can you please play  
 18 the video.  
 19 (Video playing)  
 20 Q Is that what appears to be the Chief driving?  
 21 A Yes.  
 22 Q What does it appear he did just right there?  
 23 A He's drinking.  
 24 (Video playing)  
 25 MR. LALLO: Mr. Gibbs, if we can

Page 232

1 fast forward about three minutes. That's  
 2 good.  
 3 (Video playing)  
 4 Q What does it appear he's doing in that video?  
 5 Do you see?  
 6 A He's picking up some empty cans.  
 7 Q What does it appear he has in his hands?  
 8 A Empty cans.  
 9 Q Of?  
 10 A They are Miller Lite cans.  
 11 MR. CONSOLO: Objection.  
 12 MR. LALLO: Can you pause the  
 13 video, please?  
 14 MR. ZICCARELLI: I'll sustain the  
 15 objection unless the witness knows what he  
 16 saw, not just what it appears to be.  
 17 Q Do you know what you saw?  
 18 A They were empty cans.  
 19 Q Do you know what is the brand of that can?  
 20 A I know what he brought in my home.  
 21 Q What did he bring in your home?  
 22 A Miller Lite, which was the same can I held in  
 23 my hand.  
 24 Q The can that you held in your hand that day,  
 25 did it look the same as the can you saw him

Page 233

1 throwing out there?  
 2 A Yes.  
 3 Q Thank you.  
 4 MR. LALLO: May we resume the  
 5 video.  
 6 (Video playing)  
 7 MR. LALLO: Can you please play  
 8 the next clip. Start in the beginning,  
 9 please. That is good actually.  
 10 MR. CONSOLO: Excuse me, objection.  
 11 I'm not sure what we're doing here. Just  
 12 picking and choosing various parts or are we  
 13 going to play the whole video?  
 14 MR. LALLO: I'll play the whole  
 15 video.  
 16 MR. CONSOLO: How are we going to  
 17 keep track for the record of what you played  
 18 before council without identifying it, sir?  
 19 MR. LALLO: I was just about to  
 20 identify it.  
 21 MR. CONSOLO: Are you going to  
 22 identify it by time index? There is no way  
 23 for the court, once this gets appealed, to  
 24 determine what you just showed them. What's  
 25 the date, what's the time index, and when did

Page 234

1 you stop.

2 MR. LALLO: Mr. Consolo, I did

3 indicate that this was a clip dated April 13,

4 2021 at 6:09 p.m.

5 MR. CONSOLO: Did you show them the

6 entire clip?

7 MR. LALLO: I will play the

8 entire clip. Let's go back.

9 MR. CONSOLO: Law Director, you are

10 going to have to identify for the record what

11 portions you showed them, otherwise the

12 reviewing court will never know what this

13 Council saw.

14 MR. LALLO: Okay. We will play

15 the entire video.

16 MR. ZICCARELLI: No. No, we're not.

17 We're not going to do that. You can identify

18 for the record it started at 6:09. What time

19 did that clip end, for the record?

20 MR. LALLO: It's 6 minutes and 39

21 seconds long. So 6:09 plus 6 minutes and 39

22 seconds.

23 MR. ZICCARELLI: Thank you. You want

24 to identify the next clip?

25 MR. LALLO: The next clip is

Page 235

1 captioned April 23, 2021, at 6:19 p.m. For

2 the record that clip is 1 minute, 59 seconds

3 long. You may please play the entirety of

4 that clip. If you can, please make sure the

5 volume is up.

6 (Video playing)

7 Q Sergeant Fisher, do you know who is in that

8 vehicle?

9 A Yes.

10 Q Who is it?

11 A Councilman Wolfe.

12 (Video playing)

13 MR. LALLO: I don't think we can

14 hear any audio. If can you please pause it.

15 I'll have to rewind it, please. Thank you.

16 (Video playing)

17 Q Sergeant Fisher, do you know what Claws meant?

18 A Do I know what?

19 Q Were you able to hear what Ms. Wolfe said?

20 A Not particularly, no.

21 MR. LALLO: Can we rewind that

22 please, Mr. Gibbs.

23 (Video playing)

24 Q So the Chief indicated she had half of

25 something in the car. What was that?

Page 236

1 A A White Claw.

2 Q Did Councilwoman --

3 MR. ZICCARELLI: Can you pause it?

4 If we're going to ask a question, let's not

5 run it over. We will miss the audio.

6 MR. CONSOLO: Just an objection, I

7 don't see the court reporter is taking down

8 what is being said on the video, am I correct?

9 COURT REPORTER: Correct, we do not.

10 MR. CONSOLO: So, other than the

11 Law Director leading the witness into what is

12 being said, we have no record of what is

13 actually being said on that video.

14 MR. ZICCARELLI: We do have a record

15 because we have a copy of the flash drive of

16 this video. So that if there is going to be a

17 court hearing or a court appeal on this, there

18 is record of that. The prosecutor has

19 identified the period of time that that video

20 is. So the officer can testify to what he's

21 heard.

22 MR. CONSOLO: Sir, I appreciate

23 that. Without the court reporter taking down

24 what is being said, there is no transcript of

25 it. All you have is a piece of evidence, but

Page 237

1 there is no transcript. I'll leave it up to

2 you.

3 MR. LALLO: I would defer to --

4 MR. ZICCARELLI: I'm not sure

5 everything that is said is completely hearable

6 anyway. I don't want the court reporter to

7 type something down if she can't hear it or I

8 should say completely understand what she is

9 hearing.

10 MR. LALLO: Understood. May we

11 please continue playing the video.

12 (Video playing)

13 Q Sergeant Fisher, you see Ms. Wolfe walk into

14 your home holding any alcoholic beverage?

15 A Yes, she had a White Claw in her hand.

16 Q Did you observe her getting that White Claw

17 out of the Chief's car?

18 A No. No.

19 Q You didn't observe her --

20 A On the video, yes. I thought --

21 Q No. On the video did you observe her take it

22 out of the Chief's car and bring it into your

23 house?

24 A She grabbed something out of the car. I don't

25 know if that was the White Claw or not, but

Page 238

1 that's what she came in with. Looking at the  
 2 video we can splice that together.  
 3 Q Did the Chief walk into your home at that  
 4 point with anything in his hands as well?  
 5 Would you like me to replay the video?  
 6 A No, I mean like I said, I was sitting in the  
 7 back at that point, probably in shock. I  
 8 don't know. I think he already brought what  
 9 he had with him, but I don't recall.  
 10 MR. LALLO: If we can please play  
 11 the next clip. For record, this clip is  
 12 April 13, 2021 at 9:03 p.m., and is two  
 13 minutes and 27 seconds long.  
 14 MR. ZICCARELLI: For record, before  
 15 you play that, let's listen to the whole clip  
 16 before you ask him any questions.  
 17 MR. LALLO: Yes, sir.  
 18 (Video playing)  
 19 MR. LALLO: If you don't mind  
 20 pausing that for a second.  
 21 Q Sergeant Fisher, this is shortly after they  
 22 were asked to leave your home; is that right?  
 23 A Yes.  
 24 Q Did they appear under the influence?  
 25 A Clearly.

Page 239

1 Q Were you able to observe Chief Nosse flipping  
 2 the finger to your camera?  
 3 A Not initially. Like I said I didn't --  
 4 initially, no, I didn't.  
 5 Q Okay.  
 6 A It was only after figuring out when that we  
 7 were able to piece together the clips because  
 8 the way my system is set up is it goes to  
 9 sound, it goes to motion, it goes for people  
 10 walking by. Every time a car, or a dog barks,  
 11 I get a clip. Then it stops. So we had to  
 12 kind of piece it together to figure out the  
 13 timeline.  
 14 Q I should have asked this. Did you save this  
 15 video?  
 16 A I was able to save the clips.  
 17 Q Was there a video that ran the entire time or  
 18 is it just these clips?  
 19 A It doesn't run like that. It doesn't give me  
 20 the ability to run it for a continuous loop  
 21 like that.  
 22 MR. LALLO: May we please play the next  
 23 video. For the record, this is April 13,  
 24 2021, at 9:06 p.m. This video is 15 minutes  
 25 and approximately 20 -- 15 minutes and 30

Page 240

1 seconds I believe. If it's okay with counsel,  
 2 rather than watch all 15 minutes, I would  
 3 rather just jump to a couple spots. If you  
 4 prefer, we can watch the whole thing.  
 5 MR. CONSOLO: Law Director, the  
 6 objection is you have to identify for the  
 7 record the time index. I think you can do  
 8 that.  
 9 MR. LALLO: Okay. That's fine.  
 10 I just want to make sure. I will identify the  
 11 time, start time at 8 minutes and 55 seconds.  
 12 MR. CONSOLO: And then when you stop  
 13 it, please identify when you stopped it.  
 14 MR. LALLO: Yes, sir.  
 15 (Video playing)  
 16 MR. LALLO: That's good,  
 17 Mr. Gibbs. I believe that's at approximately  
 18 11 minutes, 5 seconds.  
 19 Can you please move to 13 minutes,  
 20 10 seconds. Then we can watch it the rest of  
 21 the way out.  
 22 (Video playing)  
 23 MR. LALLO: Can you pause it,  
 24 please. The next video is captioned clip  
 25 April 13, 2021, at 9:53 p.m. It is

Page 241

1 approximately 18 minutes, 58 seconds. I am  
 2 going to ask that we start at minute 8:05.  
 3 (Video playing)  
 4 MR. LALLO: That is good. For  
 5 the record it's about 11 minutes, 33 seconds  
 6 from there.  
 7 Q Sergeant Fisher, based upon what you heard and  
 8 observed in that video, did Chief Nosse  
 9 urinate in your yard?  
 10 A Apparently.  
 11 MR. LALLO: Can you please play  
 12 the next clip, Mr. Gibbs. I believe it is  
 13 April 14, 2021, at 12:41 a.m. I'm sorry --  
 14 yeah. That is a short video. If you can  
 15 please play it.  
 16 (Video playing)  
 17 MR. LALLO: That is the next  
 18 clip. That clip is titled April 14, 2021, at  
 19 1:03 a.m. If you can play that, please.  
 20 (Video playing)  
 21 Q Is that another angle of your home, Sergeant  
 22 Fisher?  
 23 A Yes.  
 24 Q Are those the vehicles leaving your home?  
 25 A Yes.

Page 242

1 Q At 1:03 a.m.?  
 2 A Yes.  
 3 Q So after this incident happened on the 13th,  
 4 going into the 14th, it distraught you, is  
 5 that fair to say?  
 6 A That's an understatement.  
 7 Q The next day at work you testified you made  
 8 some phone calls seeking advice.  
 9 A I couldn't concentrate.  
 10 Q When was the first time you saw these clips?  
 11 Was it before or after your shift that day?  
 12 A After.  
 13 Q What was your reaction after watching these  
 14 clips?  
 15 A I think it's like everybody else, you're  
 16 shocked.  
 17 Q The 13th was a Tuesday. The 14th was a  
 18 Wednesday. So you went to work on Wednesday  
 19 the 14th. After work you came home, watched  
 20 that video, right?  
 21 A That sounds about accurate.  
 22 Q Did you do anything else after watching the  
 23 video that night, or did you do something the  
 24 next morning?  
 25 A I don't know if it was Wednesday or

Page 243

1 Thursday. I can't remember at this point.  
 2 There came a point where I had to get it off  
 3 my chest. I could not carry this around  
 4 anymore.  
 5 This is probably the biggest ethical  
 6 dilemma that any -- anybody I would think in a  
 7 working relationship, police department, any  
 8 environment where you know what you have to  
 9 do, you don't want to do it, but it wasn't  
 10 fair.  
 11 So after making the phone calls I made  
 12 and the people that I spoke to already knew  
 13 what I was going to do. I don't think they  
 14 told me anything I didn't already know. I  
 15 called -- you know, I'm a former military guy,  
 16 a member of a police department for this long,  
 17 I believe in the chain of command. I called  
 18 the fire chief because he's over me in my  
 19 eyes, in a quasi-military organization. I'm  
 20 the senior sergeant. There is nobody above me  
 21 in the police department other than the Chief,  
 22 and my issue was with the Chief. I did not  
 23 want to go to the Mayor.  
 24 Q Why not?  
 25 A Because that's the last resort. I knew what

Page 244

1 it would do. I knew the impact it would have  
 2 on all of us. I didn't take that decision  
 3 lightly. It was -- I've been to numerous  
 4 training management schools. It's always been  
 5 the citizens of Kirtland, the men and women of  
 6 the police department, and then the employee.  
 7 I never thought in a million years I would be  
 8 faced with this decision that the employee was  
 9 the boss.  
 10 So I call Chief Hutton and asked him if  
 11 he was home. Ironically he was cutting his  
 12 grass or just finished cutting his grass.  
 13 Asked him if he was home. He said yes. I  
 14 said, can I come by? He said yes.  
 15 He met me in the driveway. Asked if  
 16 everything was all right. I said no. He  
 17 asked me what was going on. I said I don't  
 18 want to talk in the driveway. This is major.  
 19 So he invited me into his home. Him  
 20 and I had a conversation. I don't know how  
 21 much I told you. Like I think it blew out  
 22 like I had to get it off my chest. There was  
 23 things in the department that were going awry  
 24 such as not being at work at times and leaving  
 25 every day and I didn't know where he was, and

Page 245

1 what he was doing. Again, a lot of that isn't  
 2 my business because he's the Chief, he can  
 3 come and go. But it was very different. When  
 4 he would go somewhere, he would tell me. When  
 5 he was leaving, he would tell me. When he was  
 6 going to be back, he would tell me. If he was  
 7 going on vacation, I was in charge while he  
 8 was gone.  
 9 The dynamics changed, and it wasn't for  
 10 the better of the department. It wasn't for  
 11 the residents of Kirtland anymore. It was  
 12 self-serving. So I went to Chief Hutton  
 13 because I had nowhere else to turn.  
 14 I told him that I was very adamant.  
 15 You know, we tell our children if you see  
 16 something, say something. It sounds so easy.  
 17 It was the hardest thing I ever had to do in  
 18 my life. I knew people wouldn't believe me  
 19 maybe. This the society now where, show me, I  
 20 want to see it.  
 21 In my career I have seen an officer's  
 22 word go from the gospel truth, to I don't  
 23 believe you anymore. Some of that is  
 24 self-inflicted on our profession.  
 25 But I explained to Chief Hutton that I

Page 246

1 had video of some of the things that I'm  
 2 talking about, and I felt like that was the  
 3 only thing that was going to not get this  
 4 turned on me.  
 5 Q Did you show him the video?  
 6 A He didn't want to see it. But I did show him  
 7 the fact that I -- cameras on the house. It's  
 8 not that he didn't believe me. I said, look,  
 9 I have video, here is my camera system, just  
 10 so you know. To Chief Hutton's credit he was  
 11 gracious, comforting, understanding.  
 12 But the magnitude of the stuff I told  
 13 him -- there were things he wasn't shocked by  
 14 because of his own experience and  
 15 observations. But there was things that  
 16 obviously would shock the conscience, right?  
 17 So he asked me for a little bit of time  
 18 to kind of gather himself and how he wanted to  
 19 proceed, what's the best interest for,  
 20 obviously, the department, and the City. He  
 21 has an obligation. Maybe subconsciously I  
 22 knew what predicament I was putting him in,  
 23 but I respected him enough that I knew I could  
 24 trust him.  
 25 Q So he said he needed time to process it?

Page 247

1 A Yeah.  
 2 Q What did you want in the end result?  
 3 A I always wanted him to get help. I always  
 4 wanted him to get healthy. There was times he  
 5 was eating right, exercising, and feeling  
 6 good. You never want to see someone fall. I  
 7 worked incredibly hard for this community,  
 8 this department, him. Here we are.  
 9 Q So you approach Chief Hutton, explain your  
 10 predicament.  
 11 A Yes.  
 12 Q Did you ask like what to do next or what  
 13 should be --  
 14 A No, there was no discussion. He knew. He  
 15 reassured me that everything would be all  
 16 right. I had done the right thing. That  
 17 we'll get through this.  
 18 Q So anything happen that evening or anything  
 19 the next morning?  
 20 A Yeah, I think -- I don't know if it was that  
 21 morning that Chief Hutton and Former Chief  
 22 Baumgart came in the office. It might have  
 23 been Thursday. I think it was Thursday.  
 24 Q Thursday or Friday?  
 25 A They both came in the office. I got the

Page 248

1 impression that Chief Hutton got Wayne up to  
 2 speed on some of this stuff. I basically told  
 3 Wayne everything I told Tony, so he heard it  
 4 from my mouth. Wayne was never an emotional  
 5 guy. You would not know -- if the sky was  
 6 falling, you wouldn't know it. If he was  
 7 having the worst day, you wouldn't know it.  
 8 If he had the best day, you wouldn't know it.  
 9 He was very collected.  
 10 When I was telling him this, I watched  
 11 red from his neck up into his face, mad,  
 12 angry. He told me that should have never  
 13 happened to me, ever. It was wrong, and I did  
 14 the right thing.  
 15 Q Did you show them the video?  
 16 A I don't believe we did, no. I can't recall  
 17 that.  
 18 Q Did you happen to call the Mayor?  
 19 A No.  
 20 Q Did you report it to the Mayor?  
 21 A No. I reported it up the chain of command. I  
 22 felt the next highest official was the chief.  
 23 Q So you didn't send in an anonymous complaint,  
 24 or any kind of complaint to the Mayor --  
 25 A No.

Page 249

1 Q -- about the situation?  
 2 A No.  
 3 Q So at some point, that Friday, you were asked  
 4 to come to a meeting at City Hall?  
 5 A Yes.  
 6 Q At that meeting, was your attorney for the  
 7 OPBA present at that time?  
 8 A Yes.  
 9 Q Was that Friday evening now?  
 10 A Probably.  
 11 Q So --  
 12 A After 4:30 at least.  
 13 Q Did you schedule that meeting?  
 14 A No.  
 15 Q Who scheduled that meeting?  
 16 A That's a great question.  
 17 Q But it wasn't you?  
 18 A No.  
 19 Q Reporting this incident about the Chief, how  
 20 does that make you feel?  
 21 A I don't think you can describe it. It affects  
 22 me. I love him still today. Doesn't change.  
 23 I'm not proud of it. But it's the right thing  
 24 to do.  
 25 MR. LALLO: I believe Mr. Consolo

Page 250

1 already admitted one of the exhibits into  
 2 evidence.  
 3 Q There is a letter drafted by Mr. Chaloupka,  
 4 the attorney for the OPBA, the Ohio  
 5 Patrolmen's Benevolent Association --  
 6 A Um-hum.  
 7 Q -- dated April 19, 2021.  
 8 A Okay.  
 9 Q Are you familiar with that letter?  
 10 A I know that it exists. I don't necessarily  
 11 know if I've read it.  
 12 Q Okay. As a result of these incidents  
 13 happening, was the Chief's city -- strike  
 14 that.  
 15 The meeting happened Friday night. Do  
 16 you know where the Chief's vehicle was on  
 17 Friday night?  
 18 A No, sir.  
 19 Q Who searched the Chief's vehicle?  
 20 A I don't think anybody searched it. It was  
 21 inventoried.  
 22 Q It was inventoried, okay. Who did an  
 23 inventory of the vehicle?  
 24 A I don't know if I did or Sergeant LaTurner did  
 25 some of it.

Page 251

1 Q Were you participating? Were you present?  
 2 A Depends on which -- there was two incidents  
 3 where the car went into. Assistant Prosecutor  
 4 Lobe was present and I think Wayne was there.  
 5 But I think --  
 6 Q Would that have been Saturday, April 17th?  
 7 A Could have been.  
 8 MR. LALLO: Just for the record,  
 9 I'm skipping Exhibit 10. That is Exhibit 11.  
 10 What I'm handing you has been marked as  
 11 Exhibit 11.  
 12 (City Exhibit 11 marked for  
 13 identification.)  
 14 MR. CONSOLO: Could we have a quick  
 15 break?  
 16 MR. ZICCARELLI: Absolutely. I will  
 17 just remind the witness, you're still on the  
 18 witness stand, don't talk to anybody.  
 19 THE WITNESS: Yes, sir.  
 20 (Recess taken)  
 21 MR. ZICCARELLI: Back on the record  
 22 with Sergeant Fisher.  
 23 By Mr. Lallo:  
 24 Q So when we last took a break, I was handing  
 25 Sergeant Fisher Exhibit 11. I'll continue

Page 252

1 passing it around. Sergeant Fisher, can you  
 2 identify this document?  
 3 A Yes.  
 4 Q What is it?  
 5 A It's the inventory of 890 conducted by  
 6 Sergeant LaTurner.  
 7 Q When did this inventory occur?  
 8 A This form is dated April 17th. According to  
 9 it, it was at 08:27 in the morning.  
 10 Q It's indicated in the report -- I'm sorry.  
 11 Can you please read that report?  
 12 A "On Saturday April 17, 2021, upon arrival for  
 13 duty Sergeant Fisher requested I complete a  
 14 full vehicle inventory of Kirtland Unit 890.  
 15 At 08:27 hours I unsecured Kirtland Unit 890  
 16 from the secure storage, bay 2, and moved it  
 17 into the sally port to complete a vehicle  
 18 inventory."  
 19 Q Thank you. Was there anything out of the  
 20 ordinary that was observed or taken in the  
 21 inventory in that vehicle?  
 22 A Unusual?  
 23 Q Yes.  
 24 A The only thing that would be unusual would be  
 25 the Miller Lite bottle cap. Everything else

Page 253

1 seems to be police-related stuff. And then  
 2 some damage.  
 3 Q To the vehicle?  
 4 A Yes.  
 5 Q The rules and regulations we previously  
 6 mentioned, do those apply to the Chief?  
 7 A Absolutely.  
 8 Q Based upon your observations of the Chief, do  
 9 you feel that he was in violation of any of  
 10 those rules?  
 11 A Several.  
 12 Q Would you elaborate?  
 13 A In what context? I mean, what are we talking  
 14 about, the video?  
 15 Q Yes.  
 16 A We have rules about public intoxication.  
 17 Let's not get it twisted. We're not choir  
 18 boys and gals here. We all like to have a  
 19 good time. But this crossed the line, and  
 20 it's not the first time.  
 21 Q I think Chief Nosse's counsel had previously  
 22 intimated at the last hearing that there is  
 23 ulterior motives here where you set him up.  
 24 Is that accurate?  
 25 A That couldn't be farther from the truth.

Page 254

1 Q Did you have a desire to get the Chief fired  
2 so you could become Chief?

3 A No. I think it was pretty well known amongst  
4 the department that I was not interested in  
5 his job. We had conversations in February  
6 where he told me he tried to get me promoted  
7 to XO.

8 Q What is XO?

9 A Lieutenant, a position here which we don't  
10 have since Lieutenant Andrasek and Chief Nosse  
11 was a lieutenant before he became Chief. I  
12 believe that he asked numerous times for me to  
13 be promoted. And this last time I told him to  
14 please stop asking for that. I said because  
15 the next time he does, and if by chance they  
16 give it to him, I'm going to turn it down.

17 Q Is this a coordinated effort on behalf of the  
18 union to get the Chief terminated?

19 A Never. The officers, myself, Amy, Cindy, at  
20 different times for as long as I can remember,  
21 asked him to stop, to try to help him sort  
22 through whatever he was going through. He  
23 talked to all of us about different things.  
24 There was a time, and I talked to Chief  
25 Hutton about this, like we all knew things.

Page 255

1 Chief Hutton knew something. Chief Baumgart  
2 knew something. Cindy knew something. Amy  
3 knew something. I knew something. What we  
4 didn't know is what each one of us knew.  
5 So I can say for myself, and in  
6 conversations that I've had with some of the  
7 others, that we all tried to get him help. We  
8 all tried to get him to be the best Chief he  
9 could be because we did care. He's one of our  
10 own. He's not an outsider. This town takes  
11 care of its own. This town picks each other  
12 up. One phone call. One phone call. So that  
13 is all I've ever known in this department is  
14 to take care of our own, take care of each  
15 other, and probably to a fault.

16 Q Thank you.

17 MR. ZICCARELLI: Cross.  
18 CROSS-EXAMINATION

19 By Mr. Consolo:

20 Q Sergeant, when did you all start to try and  
21 get Chief Nosse help?

22 A For what?

23 Q I don't know. You just said we all tried to  
24 get him help because we cared.

25 A Yes.

Page 256

1 Q You are talking about for the alcoholism.  
2 A No, I'm not.  
3 Q What are you talking about?  
4 A There is a plethora of things. That is why  
5 I'm asking you what are you asking me to  
6 get -- look, I talked to him about not using  
7 certain language in the department, not  
8 talking to the officers in a certain manner  
9 when it demeans them because they are young  
10 officers. I've had conversations with  
11 drinking and driving. I've had conversations  
12 with him being drunk to excess at his house  
13 where he fell through a table and broke his  
14 eye socket almost twice. Putting holes  
15 through walls. I'm saying how am I supposed  
16 to cover for you if a critical incident  
17 happens and you're intoxicated? These  
18 conversations went on for as long as I can  
19 remember.

20 Q What does that mean, years?

21 A Sure. Since he's been the Chief.

22 Q You never did anything about this behavior?

23 A I talked to him at length until I couldn't  
24 talk no more.

25 Q Isn't your superior above the Chief, the

Page 257

1 Safety Director, the Mayor?

2 A Yes.  
3 Q But you didn't go to him.  
4 A No, I did not.  
5 Q Were you interviewed by the Assistant Law  
6 Director Lobe?

7 A No.  
8 Q Never?  
9 A He was present at the meeting we had on  
10 Friday, the 16th.

11 Q April 16th?  
12 A Yes.  
13 Q After the Chief had been hospitalized?  
14 A I didn't know what happened to the Chief at  
15 that point.

16 Q But you knew the next morning, right?  
17 A I don't know how we found out that he was  
18 unable to get immediately in. There was a  
19 little bit of a waiting period, so he was  
20 home.

21 Q But you were present on the night of April  
22 16th to meet with the union, right?  
23 A Yes.  
24 Q Who else was there, the Mayor?  
25 A Fire Chief, and Adam, and Mr. Lobe.

Page 258

1 Q And the other sergeants?  
 2 A No, just me.  
 3 Q You were the only OPBA member there?  
 4 A Yes, sir.  
 5 Q No one at that time had discussed the Chief  
 6 being hospitalized that morning?  
 7 A They attempted -- they found him. I don't  
 8 know where they took him initially where they  
 9 couldn't get treatment or extended -- I don't  
 10 know exactly.  
 11 Q Sergeant, let's focus. On that night,  
 12 April 16, didn't at least the fire chief tell  
 13 you that Chief Nosse had been hospitalized  
 14 that morning?  
 15 A No.  
 16 Q You did not know that?  
 17 A I don't recall him saying that, no.  
 18 Q You don't recall anybody telling you at that  
 19 meeting that the Chief had been hospitalized?  
 20 A The chief business of where he is was not the  
 21 focus of my conversation.  
 22 Q What was the focus of your conversation?  
 23 A The video at my house and what happened.  
 24 Q Who was it that asked you to -- strike that.  
 25 At the meeting on the 16th, did you

Page 259

1 show the members at the meeting the video?  
 2 A No, sir.  
 3 Q So how did the video even come up?  
 4 A Because, like I said before, I wanted them to  
 5 know I had this video. I wanted them to  
 6 understand that I'm not coming in here going  
 7 after my boss. This was a real issue. This  
 8 wasn't a personal vendetta or anything else  
 9 for that matter. This was real. This was a  
 10 concerning problem.  
 11 Q Who asked you to attend this meeting?  
 12 A I believe Adam called me and said that the  
 13 Mayor would like to sit down with us.  
 14 Q Did you tell the Mayor that you were going to  
 15 the OPBA with complaints?  
 16 A At that meeting?  
 17 Q At any time.  
 18 A I don't speak to the Mayor directly at that  
 19 point. There is a chain of command.  
 20 Q You have never spoken to the Mayor directly?  
 21 A Not until the 16th.  
 22 Q That was at the meeting with the OPBA. Then  
 23 you talked to the Mayor, is that what you are  
 24 telling us?  
 25 A The Mayor was present at the meeting, yes.

Page 260

1 Q You never told the Mayor about Chief Nosse and  
 2 council members going out to bars and drinking  
 3 at night.  
 4 A No, sir.  
 5 Q You never told the Mayor about council people  
 6 inviting Chief Nosse over to their house to  
 7 drink at night, after meetings.  
 8 A No.  
 9 Q Were you aware of that activity?  
 10 A A few instances.  
 11 Q Tell us what you knew.  
 12 A The Chief would tell me where he was, who he  
 13 was out with after council meetings, where he  
 14 went.  
 15 Q So it wasn't unusual for the council members  
 16 and the Chief to interact after council  
 17 meetings, was it?  
 18 A I would not say it was an every council  
 19 meeting occurrence. It wouldn't have been a  
 20 shock to me if he told me he was at an  
 21 establishment and a few of them were  
 22 there. It wouldn't surprise me.  
 23 Q You wouldn't be surprised if he will testify  
 24 he's actually been at some council people's  
 25 houses drinking after a meeting, would it?

Page 261

1 A No, it wouldn't surprise me at all.  
 2 Q But you never intervened in that situation,  
 3 right? You never told the council people I'm  
 4 afraid he has a drinking problem, you really  
 5 shouldn't be encouraging him. You never did  
 6 anything like that, did you?  
 7 A No, that would not be in my --  
 8 Q You just told us we all helped, we worried  
 9 about him, we want to get him all the help we  
 10 can.  
 11 A Right.  
 12 Q Let's talk about this afternoon of April 13th.  
 13 So according to the clips the Chief arrives at  
 14 your house at 6:09 p.m., sound right?  
 15 A Yes.  
 16 Q You live in Mentor, correct?  
 17 A I would appreciate it if you would stop saying  
 18 that, but, yes.  
 19 Q Stop saying what?  
 20 A Where I live.  
 21 Q Okay. You don't live in Kirtland.  
 22 A No, sir, I do not.  
 23 Q The Chief was not in his dress uniform, any  
 24 type of uniform, correct?  
 25 A No, he was not.

Page 262

1 Q He certainly wasn't on duty, right?  
 2 A Not that I'm aware of.  
 3 Q According to the video, the next video clip is  
 4 6:19, and that is when the councilwoman comes  
 5 to your house.  
 6 A Yes.  
 7 Q So that was just a 10-minute gap in time.  
 8 A Yes, sir.  
 9 Q You're present at the house with your  
 10 girlfriend; is that right?  
 11 A Yes.  
 12 Q She was there at the time Chief Nosse first  
 13 arrived at your residence?  
 14 A Yes.  
 15 Q What's your girlfriend's name?  
 16 A Doesn't matter.  
 17 Q Sir, what's your girlfriend's name?  
 18 MR. ZICCARELLI: You can answer her  
 19 first name. You don't need to divulge her  
 20 last name.  
 21 A Christie is her name.  
 22 Q So you and Christie are there. I think you  
 23 said you were just talking before the Chief  
 24 came, right?  
 25 A Yes, sir.

Page 263

1 Q Once the Chief came, you were very  
 2 uncomfortable, right?  
 3 A Yes.  
 4 Q You were very uncomfortable because --  
 5 basically because of the affair the Chief was  
 6 having with the Councilwoman, right?  
 7 A Yes.  
 8 Q That's what you're shocked about, right?  
 9 A Yes.  
 10 Q That is where you said he crossed the line,  
 11 right?  
 12 A Crossed the line by bringing it to my home.  
 13 Q Because it's not his wife. It's his having an  
 14 affair.  
 15 A Yeah.  
 16 Q If he would have brought his wife, it would  
 17 have been fine with you, right?  
 18 A Absolutely. I know Lori.  
 19 Q Okay. You testified you don't drink beer,  
 20 right?  
 21 A I do not like beer. Will I drink it? Yes.  
 22 It's not my drink of choice.  
 23 Q On the 13th did you drink anything while you  
 24 were in the house with the Chief?  
 25 A Yes.

Page 264

1 Q What did you drink?  
 2 A A Miller Lite that he provided me and a Tito's  
 3 and iced tea.  
 4 Q So you drank beer and vodka?  
 5 A Yes.  
 6 Q Did the Chief drink vodka?  
 7 A No, he had Jameson on the rocks.  
 8 Q Who provided that to him, you?  
 9 A I did. He knew what I had. He had --  
 10 Q Why in the world, sir, would you do that? You  
 11 are just telling us it's been years, you've  
 12 been telling him about this problem, drinking  
 13 and driving, and yet you're giving him Jameson  
 14 at your house?  
 15 A I gave him what he asked for. He knew what I  
 16 had.  
 17 Q Was your girlfriend drinking, Christie?  
 18 A Was she drinking?  
 19 Q Drinking, yes.  
 20 A She had a drink as well.  
 21 Q The Councilwoman was drinking?  
 22 A Yes.  
 23 Q According to the clips, you're all in the  
 24 house together for at least three hours.  
 25 A Yes.

Page 265

1 Q 6:09 to 9:06 p.m., right?  
 2 A Yes.  
 3 Q So are you asking us to believe that entire  
 4 three-hour time you were very uncomfortable  
 5 and wanted him out?  
 6 A I think the feelings was a roller  
 7 coaster. After the initial shock wears off  
 8 and you have a conversation and try to talk  
 9 some sense into them, things kind of were  
 10 okay.  
 11 Q How do you talk sense into someone if you are  
 12 telling us that you believe the Chief is an  
 13 alcoholic?  
 14 A I didn't say that.  
 15 Q Well, you believed the Chief has an alcohol  
 16 problem, right?  
 17 A Yes.  
 18 Q He comes to your house with a half of a 6  
 19 pack?  
 20 A 12 pack.  
 21 Q Half of a 12 pack, right. Wasn't full, right?  
 22 A That's correct.  
 23 Q He drinks some beer at your house, right?  
 24 A Whatever he had left was drank, yes.  
 25 Q Okay. So how much did he have left, any idea?

Page 266

1 A No clue.  
 2 Q Did you save the empties as evidence?  
 3 A No.  
 4 Q You had the video, you saved the video, the  
 5 video shows cans being thrown into your trash  
 6 cans, right?  
 7 A Yes.  
 8 Q And you saw that, right?  
 9 A Not until I -- the garbage day was the next  
 10 day. They went out to the curb and gone. I  
 11 didn't see those clips until the next day.  
 12 Q Okay. So garbage had already been picked up?  
 13 A Yes, sir.  
 14 Q By the way, you said something about your  
 15 daughter's car being in the street. The video  
 16 I saw there was a car in the driveway.  
 17 A That was her boyfriend's.  
 18 Q Was her boyfriend there drinking with you too?  
 19 A No, he was not.  
 20 Q Just his car was there?  
 21 A No, no, he was there. They were not drinking  
 22 with us.  
 23 Q So now you have yourself, Christie, your  
 24 daughter, your daughter's boyfriend, the  
 25 Councilwoman, and Chief Nosse. Six of you,

Page 267

1 right?  
 2 A Yes.  
 3 Q Is your daughter drinking?  
 4 A She's 20 years old, no.  
 5 Q Okay. You're all conversing at some point.  
 6 A Myself, Christie, the Chief, and Councilwoman  
 7 Wolfe were sitting in the sun room talking.  
 8 She heard us talking. Didn't even know they  
 9 were there.  
 10 She came downstairs to see what was  
 11 going on. So I don't know the exact time  
 12 frame, but that is when the insult happened  
 13 and that is when I asked him to leave.  
 14 Q So some time within the three-hour time  
 15 period.  
 16 A Closer to the nine o'clock when they are in  
 17 the driveway because I asked them to leave.  
 18 Q How many Jamesons had you poured for him at  
 19 that point?  
 20 A It was one. It was a small -- it was gift in  
 21 a coffee mug. I don't even know how many  
 22 ounces that would be. Maybe a shot.  
 23 Q A gift? Is that what you said?  
 24 A Yeah, it came in a coffee mug with the coffee  
 25 and Jameson. It's not my thing. That's what

Page 268

1 -- it was in a coffee cup. It's probably been  
 2 at my house for years. He was well aware,  
 3 Chief was well aware where my alcohol is kept,  
 4 and that I had that because I don't drink it.  
 5 Q So you are telling us that the Chief has drank  
 6 at your house before with you?  
 7 A Absolutely.  
 8 Q You allowed that to happen even though you  
 9 have this great concern about his drinking  
 10 problem.  
 11 A The great concern about his drinking didn't  
 12 affect his work until the last six months or  
 13 so.  
 14 Q What affected his work, from your view, is the  
 15 fact that he's having an affair.  
 16 A I think they are interconnected, sir.  
 17 Q Okay. So if the Chief wasn't having an  
 18 affair, then he would have been able to slide  
 19 with the drinking?  
 20 A That had nothing to do with it.  
 21 Q Apparently it does. You've allowed him to  
 22 drink.  
 23 A Everybody has drank with the Chief. Once he  
 24 starts, you can't stop him.  
 25 Q By the way, I'm glad you reminded me of

Page 269

1 that. So you've actually drank with the Chief  
 2 in the office at the police department, right?  
 3 A I've had a shot with him, sure.  
 4 Q Sure. Sergeant LaTurner has as well, right?  
 5 A No, he has not. The last time that happened  
 6 was after the shooting threat at Lakeland  
 7 College, all three of us were done, there was  
 8 nothing -- we were all off duty. He wanted to  
 9 have a celebratory shot, and we did. Myself,  
 10 Sergeant Valenti, and the Chief.  
 11 Q You all did that at the police department?  
 12 A In his office.  
 13 Q I understand his office is part of the police  
 14 department.  
 15 A Absolutely, yes.  
 16 Q You were on duty?  
 17 A No, I was not.  
 18 Q Was the Chief on duty?  
 19 A None of us were on duty anymore.  
 20 Q So that was all right.  
 21 A Yeah, I think it's fine if that's what the  
 22 Chief wants to do. I had no problem with it.  
 23 Q Well, you could have refused, right?  
 24 A I normally have.  
 25 Q The videos then show the Chief and the

Page 270

1 Councilwoman in your driveway from nine  
 2 o'clock to basically 1:00 in the morning,  
 3 correct?  
 4 A Yes, sir.  
 5 Q The video also showed them drinking water.  
 6 You can see water bottles, right?  
 7 A Yes.  
 8 Q You didn't give them any alcohol to go, did  
 9 you?  
 10 A I didn't have any.  
 11 Q Well, you had the Jameson.  
 12 A He already drank that.  
 13 Q You have no evidence that from the four hours  
 14 that they are in your driveway, from 9:00 to  
 15 1:00, that they are drinking alcohol, do you?  
 16 A Not that I could tell, no.  
 17 Q Did you give them the water?  
 18 A It's possible.  
 19 Q They come out of your house with the water in  
 20 hand, right?  
 21 A It's possible they had water.  
 22 Q Were you concerned enough to take the keys  
 23 away from them, that neither one of them  
 24 should be driving, or you just said, get out,  
 25 closed the door?

Page 271

1 A I offered to drive him home.  
 2 Q What about her?  
 3 A I had multiple drivers in the home. He  
 4 refused. She said she would follow him home.  
 5 I didn't think that was a good idea either so  
 6 I offered to go get them a hotel room. They  
 7 didn't want it.  
 8 Q Then four hours later do you know what the  
 9 Chief's condition was, whether he was  
 10 intoxicated or not?  
 11 A I have no idea what his level of intoxication  
 12 was after he left my home.  
 13 Q You don't know what it was when he was in your  
 14 home either, do you?  
 15 A I don't know what?  
 16 Q You don't know what his level of intoxication  
 17 was while he was in your home either, do you?  
 18 A Being around him as much as I was around him,  
 19 he was intoxicated.  
 20 Q Yeah, but to the point of what? He didn't  
 21 fall on the floor, did he?  
 22 A No.  
 23 Q You spent three hours with him. Other than  
 24 what you said he made some inappropriate  
 25 remark to your daughter, did he do anything

Page 272

1 else? Make you think, oh, this guy is drunk,  
 2 I've got to get him out of here?  
 3 A Other than passing gas in the three season  
 4 room in front of mixed company, yeah, that is  
 5 not normal behavior.  
 6 Q Sergeant, really? So that means you're drunk?  
 7 A I know him enough that he would not do that in  
 8 mixed company if he wasn't intoxicated. We've  
 9 known each other for 20-plus years.  
 10 Q I guess that's the thing I keep coming back  
 11 to. If you'd known him that well, right, and  
 12 you claim that all of you just wanted to see  
 13 the Chief get healthy, get better, right, then  
 14 why air this video? Why do this? Why is that  
 15 the final straw? Because it was an affair?  
 16 A No.  
 17 Q Why then?  
 18 A Why?  
 19 Q Yeah. Why did you and the Mayor choose to  
 20 show this video to everybody? It shows a few  
 21 minutes of them coming to your house, right?  
 22 They are in your house for three hours.  
 23 You're giving them drinks.  
 24 A I gave him --  
 25 Q Then they go -- and then they leave, and they

Page 273

1 are in your driveway for four hours doing  
 2 nothing. Yet you choose to show that to all  
 3 of the people in Kirtland.  
 4 A I did not choose to show that to anybody.  
 5 Q Well, it's here.  
 6 A It's here because after all the things that  
 7 we've been through, after all the  
 8 conversations I had with him, trying to get  
 9 him to professionalize himself and not bring  
 10 this stuff up, not do this thing in public, I  
 11 never in a million years would have thought he  
 12 would have done this to me. That's how far  
 13 gone he was.  
 14 Q Done what to you? The fact that he brought a  
 15 councilwoman to your house and he's having an  
 16 affair, that's what's eating at you?  
 17 A That's not what's eating at me.  
 18 Q Well, it sure sounds like it, sir. All this  
 19 over an affair?  
 20 A It's not over just the affair. It's the men  
 21 and women in the Kirtland Police Department  
 22 who were not having a leader present because  
 23 he's preoccupied with self-serving needs.  
 24 Q How do you know where he was when he wasn't  
 25 there?

Page 274

1 A Because he told me. He told me explicitly  
 2 multiple times. I told him to stop. That he  
 3 was leaving the day to meet Councilwoman Wolfe  
 4 in parking lots. I didn't want to know. I  
 5 asked him to stop telling me these things.  
 6 Q But if you're the sergeant and you are the  
 7 officer in charge at times, at what point were  
 8 you going to tell the Mayor? He's the Safety  
 9 Director. If you were that worried that the  
 10 Chief wasn't around and you had to clean  
 11 toilets yourself, when were you going to make  
 12 this public? Wait until you got this juicy  
 13 video?  
 14 A I never wanted to make this public. Our goal  
 15 and motivation the whole time was to get him  
 16 to get himself some help. Whether that was  
 17 ending his marriage and having a happy life  
 18 with Councilwoman Wolfe, whatever it was,  
 19 that's all I would want for him. That's all  
 20 anybody wanted for him.  
 21 Q So you're are suggesting --  
 22 A I went to the fire chief.  
 23 Q So you're suggesting he can't leave the police  
 24 department because he's having an affair.  
 25 A That is not what I said.

Page 275

1 Q You said you wanted him to get help. Are you  
 2 talking about marital counseling?  
 3 A If that is what he wanted to do, sure.  
 4 Q Well, but you're saying he needed help.  
 5 You're upset because he's meeting the  
 6 Councilwoman, right? You think he's away from  
 7 the office. You so are saying because he's  
 8 meeting the Councilwoman, that's the help he  
 9 needed to stop doing that?  
 10 A No. I'm saying that when you have officers  
 11 that are coming to you with problems and  
 12 wondering where he is, I can't cover for you  
 13 no more. When you have officers saying that  
 14 equipment is missing, when you have officers  
 15 saying their cell phone is being used, you  
 16 start getting all these things, and the  
 17 balance gets too much. I didn't want to cover  
 18 for him anymore than I already probably  
 19 had. So at wit's end, I went up my chain of  
 20 command to seek help. Him to get help was not  
 21 what the end result here is today.  
 22 Q So you didn't go up the chain of command. You  
 23 went to the fire chief. Last I knew, the fire  
 24 chief is not in the chain of command over the  
 25 police department. That would be the Safety

Page 276

1 Director. That's your Mayor, right?  
 2 A It is my Mayor.  
 3 Q And you are saying you kept the Mayor in the  
 4 dark about all of this until April 16th.  
 5 A That is correct.  
 6 Q Don't you feel some responsibility for  
 7 allowing this to happen then in January,  
 8 February, March with the Chief, without  
 9 reporting him to the Mayor, without trying to  
 10 get him help?  
 11 A No, I don't feel that I should have done  
 12 anymore than I did. I tried to talk to Chief  
 13 Nosse multiple times. I offered to drive him  
 14 to AA. I actually asked him to call  
 15 Prosecutor Lallo and say, I need to go on FMLA  
 16 for my drinking, for my marital problems. He  
 17 just left out the drinking problem. Every  
 18 time I brought that up, I don't have a  
 19 problem, I just like the taste. That is what  
 20 we were told. Never heard there was an  
 21 alcohol problem.  
 22 Q But in your mind, he had an alcohol problem?  
 23 A At times, yes. Once it starts, it doesn't  
 24 stop.  
 25 Q Other than the celebratory drink, you never

Page 277

1 saw Chief Nosse drink while on duty or in the  
 2 police station, did you?  
 3 A That is untrue.  
 4 Q When did that happen?  
 5 A There would be times he would come in on  
 6 Saturdays and pour himself a glass.  
 7 Q And you were present?  
 8 A I was working Saturdays.  
 9 Q When was this? What days was this?  
 10 A I couldn't tell you specific dates.  
 11 Q Well, sir, you're at a termination hearing for  
 12 the Chief of Police.  
 13 A Right.  
 14 Q You're just throwing out there, now, oh, yeah,  
 15 he came in a Saturday and poured himself a  
 16 drink. A drink of what? When? Where? You  
 17 never reported this. Tell us something.  
 18 A I'm not sure what you want me to tell you.  
 19 I'm telling you exactly what happened. I was  
 20 not keeping a running total of the dates and  
 21 times and every little thing that he did that  
 22 I didn't agree with. That it not my way of  
 23 things. It is to cover. It is to protect.  
 24 It is to work entirely hard. If he falls, the  
 25 Kirtland Police Department falls.

Page 278

1 Q But you had stepped in as the Acting Chief,  
2 right?

3 A I'm the Executive Officer by title.

4 Q Okay. But you got the Chief of Police and pay  
5 rank beginning April 20th; isn't that true?

6 A Yes.  
7 (Defendant's Exhibit E marked for  
8 identification.)

9 Q I'm going show you what's been marked as  
10 Defendant's Exhibit E. This is the email  
11 chain. Starts on the bottom February 12th,  
12 Adam Chaloupka to Law Director Lallo.

13 A Um-hum.

14 Q Then the top one is a response, February 17th,  
15 Law Director Lallo to OPBA Attorney Chaloupka.  
16 Right?

17 A Yes, sir.

18 Q Have you seen these documents before?

19 A No, I have not.

20 Q In February of 2021, had you gone to the OPBA  
21 to make complaints about Chief Nosse's health  
22 and well-being as it says there?

23 A Yes.

24 Q Is this sentence also true, Adam Chaloupka  
25 says there is no known evidence of alcohol use

Page 279

1 or abuse while on duty?

2 A Okay.

3 Q Is that true?

4 A On duty is the key there.

5 Q I understand that. But the section that the  
6 Mayor has charged the Chief with is whether he  
7 engaged in -- I think one section, habitual  
8 drunkenness, whatever, in the line of duty, in  
9 doing a job. You will agree, that did not  
10 happen, at least in February or 2021 when you  
11 made complaints to the OPBA, right?

12 A That's correct.

13 Q The next exhibit I want to show you is  
14 Defendant's Exhibit H. This is the April 9,  
15 2021, letter to assistant Law Director Lobe  
16 from the OPBA.

17 A Okay.

18 Q It says this is a follow-up to the in-person  
19 meeting on April 16, 2021, right? That's the  
20 meeting you were at?

21 A Yes, sir.

22 Q It talks about the OPBA obtaining objective  
23 evidence. The objective evidence, was that  
24 your video clips?

25 A Yes.

Page 280

1 Q When did you provide the video clips to the  
2 OPBA? Does this refresh your recollection?

3 A He did not have the video. I can't tell you  
4 the specific date.

5 Q Well, the second paragraph of this letter  
6 says, the third full one, "Additionally, you  
7 now know the OPBA obtained 'objective'  
8 evidence this past week. Such evidence  
9 specifically privately owned and maintained  
10 surveillance audio and video." See that?

11 A Yes.

12 Q That's your video that you've shown us.  
13 You've provided to the OPBA, right?

14 A Yes, but I don't know the specific date that  
15 that was provided.

16 Q It says this past week. So some time. April  
17 19th is a Monday I believe. The 16th was a  
18 Friday. Some time in that week you gave this  
19 to the OPBA.

20 A Yes.

21 Q You didn't give it to Mayor Potter, or did  
22 you?

23 A No. I provided it to my attorney.

24 Q You didn't give it to the Law Director.

25 A No.

Page 281

1 Q It says "at the meeting." Again this is  
2 telling Lobe, "At the meeting on the 16th you  
3 were advised of the full nature and scope of  
4 our concerns related to Chief Nosse's ability  
5 to continue as Police Chief." Do you see  
6 that? Third paragraph. This is one, this is  
7 two, this is three.

8 A Okay. Go ahead.

9 Q Says, "At our meeting you were advised the  
10 full nature and scope of our concerns related  
11 to Chief Nosse's ability to continue as Police  
12 Chief." See where I'm at?

13 A Yes, now I do.

14 Q And it says, "The OPBA permitted the viewing  
15 of the surveillance video in question." So  
16 that actually happened at the meeting on the  
17 16th, according to this letter; is that right?

18 A That is what the letter states.

19 Q You were there. You're the only bargaining  
20 unit member who was there on the 16th you told  
21 me.

22 A Yeah. No videos were played.

23 Q So this letter is wrong, there weren't videos  
24 played.

25 A Not at that meeting, no. I made it known at

Page 282

1 that meeting I did have videos.  
 2 Q So the OPBA is telling the administration  
 3 we'll let you look at the video, is that your  
 4 interpretation of this?  
 5 A Yes. At the meeting of the 16th that we're  
 6 talking about here, I don't think the ship's  
 7 rudder or the course of action was written in  
 8 any stone. This was a bomb. I don't think  
 9 anybody knew what to do made, any decision --  
 10 Q It was a bomb, is that what you said?  
 11 A Well, I'm just trying to use the magnitude of  
 12 what was discussed.  
 13 Q Well, the main thing that was discussed was  
 14 the video showing an affair.  
 15 A That is not the main. That's part of it,  
 16 sure.  
 17 Q Well, it also says -- here is suggestions  
 18 being made to the Assistant Law Director Lobe.  
 19 The union is telling him, "Check the  
 20 attendance and availability of Chief Nosse  
 21 during his scheduled work days. His time  
 22 sheets and ID badge recorded swipes should be  
 23 reviewed." Do you remember that conversation  
 24 being had at that meeting?  
 25 A Specifics, no. But some of these things we're

Page 283

1 aware of, yes.  
 2 Q Were you the one at the meeting on the 16th  
 3 who suggested to check the Chief's time sheets  
 4 and ID badge?  
 5 A Yes.  
 6 Q You know that the recorded swipes would not  
 7 take into account all the entrances into the  
 8 police department, right?  
 9 A Not true.  
 10 Q All of the ways you can get into the police  
 11 department you need an ID badge or a swipe  
 12 card?  
 13 A Unless you use a key.  
 14 Q How about the garage?  
 15 A There would be video of that.  
 16 Q That is not what I'm asking you, sir. There  
 17 is no time sheet or ID badge that records  
 18 someone coming into the police department  
 19 through the garage.  
 20 A That's correct.  
 21 Q I'm not aware of any video showing the garage  
 22 and whether the Chief came in and out. Are  
 23 you aware of any?  
 24 A If we wanted to -- there would be video.  
 25 Everything is video recorded around the police

Page 284

1 department.  
 2 Q What you are suggesting is we look at video  
 3 and see if it shows the Chief coming in and  
 4 out?  
 5 A Sure.  
 6 Q Did you do that as part of the investigation?  
 7 A I was not in charge of the investigation.  
 8 Q Who was in charge of the investigation?  
 9 A Not me.  
 10 Q Lobe?  
 11 A You have to ask the Mayor those questions.  
 12 Q Why would I have to ask the Mayor that?  
 13 A Because he's the head of this city. If he's  
 14 going to conduct an investigation, it's going  
 15 to be who he asks or appoints.  
 16 Q I know, but you didn't even go to the Mayor.  
 17 You didn't even respect him enough to tell him  
 18 about this. You went to the fire chief.  
 19 MR. ZICCARELLI: Counsel, can we move  
 20 on? That's already been established about 10  
 21 times. Let's move on from that, please.  
 22 Q This letter makes reference to reviewing a  
 23 Flock camera system utilized by the City of  
 24 Kirtland. The City of Kirtland doesn't  
 25 utilize such a system, does it?

Page 285

1 A No, we don't.  
 2 Q Then it says to use the Flock system used by  
 3 surrounding communities; you saw that?  
 4 A Yes.  
 5 Q Did that happen?  
 6 A I don't know.  
 7 Q Did you make this suggestion?  
 8 A Sure. I did.  
 9 Q You made that suggestion?  
 10 A Yes, I did.  
 11 Q Who did you tell to do that, Assistant Law  
 12 Director Lobe?  
 13 A Yes.  
 14 Q Do you know if it was done?  
 15 A I do not know that.  
 16 Q The third point says Lobe should look at --  
 17 examine the interior and exterior of the  
 18 City-owned vehicle, as well as the interior of  
 19 Chief Nosse's office. Was that your  
 20 suggestion?  
 21 A No. The car damage, I knew about the car  
 22 damage.  
 23 Q But what about the examination of the  
 24 interior, who suggested that?  
 25 A Once I believe -- Lobe wanted that

Page 286

1 inventoried.

2 Q This letter is to Lobe, and it's suggesting

3 all these things to do. The third one is you

4 have to look at the interior and exterior of

5 this vehicle, as well as his office. So who

6 said that at the April 16th meeting? You?

7 A No, I did not. I reported the damage to his

8 vehicle because I knew he hit a garage

9 multiple times.

10 Q It's also suggested that Lobe should look into

11 the use of the Chief's iPhone and the

12 sergeant's flip phone for personal use. Did

13 you make that suggestion?

14 A Yes.

15 Q Do you have a cell phone issued by the City?

16 A No, I do not.

17 Q There is no cell phone policy in the City.

18 A That's correct.

19 Q There's no texting policy in the City.

20 A That is correct.

21 Q There is also no cell phone use policy for the

22 police department.

23 A That's correct.

24 Q There is no texting policy for the police

25 department.

Page 287

1 A That's correct.

2 Q There is also no records' retention policy in

3 the City; is that correct?

4 A That is correct.

5 Q There is also no record retention policy in

6 the police department, correct?

7 A We have a historical society. We store

8 everything. We keep everything. Every piece

9 of paper, every report, we don't dispose of

10 anything. We'd love to change that. Right

11 now we keep everything.

12 Q We all would, but we're governed by the laws

13 of the State of Ohio. I'm more interested in

14 emails, text messages. There is no policies

15 on any of that, what is a public record or

16 what is not.

17 A No, just training you would go to, to know

18 what it is and what it can and cannot do.

19 Q You would agree with me a text message between

20 you and Christie during the day is not a

21 public record.

22 A That is correct.

23 Q And a text message between Chief Nosse and

24 Councilwoman Wolfe that doesn't have anything

25 to do with City business isn't a public

Page 288

1 record.

2 A That's correct.

3 Q This letter talks about the seven different

4 files that were clipped from approximately six

5 hours of private surveillance audio. That's

6 your video we're talking about, they're

7 talking about in the letter, right?

8 A Yes.

9 Q Was it six hours?

10 A He was at my house for six hours.

11 Q That doesn't necessarily mean there is six

12 hours of video.

13 A That's correct, there is not.

14 Q Just so the council understands --

15 A Yes.

16 Q -- if I understood you correctly, the video is

17 only activated by motion or sound.

18 A Yes. It could be a car driving by, it could

19 be a dog barking. A number of things can set

20 it off. There is like, you know, three second

21 clips, 10 second clips. That is what burns up

22 the cloud space.

23 Q The letter says that Attorney Chaloupka

24 provided Lobe with a flash drive containing

25 these files. Do you see that in there? That

Page 289

1 is on the second page.

2 A There is no reason for me not to believe you.

3 Q Did you put these videos on a flash drive and

4 give it to the OPBA attorney?

5 A Yes.

6 Q Was that the only copy you have of the videos?

7 A No.

8 Q What did do with other copies of it?

9 A I have one copy to myself.

10 Q Where is that maintained?

11 A In my home.

12 Q When it says clip in quotes here, what does

13 that mean? Explain to us, how did you do

14 this?

15 A Each clip is timed, and it gives either sound,

16 motion, or something like that. You have to

17 look at each one to see what they are.

18 Q So are there some that you did not provide to

19 the union?

20 A No.

21 Q Every clip that you had for this period of

22 time from 6:00 p.m. until 1:00 a.m., like

23 that's actually seven hours, you have provided

24 to the attorney for the union?

25 A Yes.

Page 290

1 Q Those have been provided to Law Director  
2 Lallo.  
3 A Yes.  
4 Q Have you ever been involved in another  
5 investigation in the City of an employee who  
6 was accused of some type of like theft or  
7 dishonesty?  
8 A No.  
9 Q If I remember right, there was some of the  
10 evidence, I don't know if it will come in  
11 tonight or not, but you actually were involved  
12 in the search of the Chief's office, right?  
13 A I was not involved. I had a body camera on,  
14 and Chief Baumgart and Mr. Lobe did all the  
15 stuff. I did nothing other than stand there.  
16 The video to protect the integrity of what  
17 they were doing to gather his personal  
18 belongings.  
19 Q But nobody sealed off any of the doors to the  
20 Police Chief's office, did they?  
21 A Yes, they did.  
22 Q I think there is a door in the back.  
23 A Both doors. Superintendent Fornaro, and I  
24 think it was G&L Door come and changed the  
25 locks. There is only one key to those, and

Page 291

1 it's in the Mayor's office. No one has access  
2 to that.  
3 Q When was all that done?  
4 A Right away. Within probably that very next  
5 week. Signs were posted, do not enter by  
6 order of the Mayor. As soon as the company  
7 could get here, those locks were changed. So  
8 no one has had access to that office.  
9 Q The car, how was that sealed?  
10 A The car was initially sealed. It's been  
11 parked in --  
12 Q How? How was the car sealed?  
13 A The keys are maintained in the sergeant's  
14 office. There is only one set of keys. A tag  
15 hanging in the closet.  
16 Q So any of the sergeants would have had a key  
17 to the Chief's car?  
18 A Yes.  
19 Q So it wasn't sealed?  
20 A The sergeant's office is locked when there is  
21 no sergeants there.  
22 Q I understand that. Was there to prevent any  
23 one of you three sergeants who were the same  
24 three sergeants who would get together and  
25 talk about your complaints about the Chief,

Page 292

1 any way of stopping you three from getting  
2 into that car?  
3 A No.  
4 Q Would the video clip have picked up the  
5 pounding on the door that you say happened  
6 when Chief Nosse first arrived at 6:00?  
7 A Might have.  
8 Q I didn't hear it. I was kind of far way. Can  
9 you identify the pounding on the door in any  
10 of those videos?  
11 A No, I cannot.  
12 Q Didn't Chief Nosse want to confide in you  
13 about his relationship with the Councilwoman  
14 and seek your advice that night?  
15 A No.  
16 Q So what did you talk about for three hours?  
17 A Various things.  
18 Q You said you and Christie were very  
19 uncomfortable with this whole situation. He  
20 brought over the Councilwoman. Yet you just  
21 kept him in the house and talked about various  
22 things for three hours?  
23 A Yeah, we did.  
24 Q Did you talk about him needing to go get help?  
25 A No.

Page 293

1 Q Why not?  
2 A Because you cannot tell someone what they  
3 should or shouldn't do when they are  
4 intoxicated.  
5 Q You, yourself, have been warned by Chief Nosse  
6 about inappropriate talk around the police  
7 department that you have engaged in; isn't  
8 that true?  
9 A Yes.  
10 Q That talk involved your telling him a list  
11 about your sexual exploits; is that fair?  
12 A Yes.  
13 Q You were warned by the Chief that that type of  
14 conduct in the police department could lead to  
15 a complaint being filed against you?  
16 A Yes.  
17 MR. CONSOLO: I have nothing  
18 further at this point.  
19 MR. ZICCARELLI: Any redirect?  
20 MR. LALLO: Yes, a few questions.  
21 REDIRECT EXAMINATION  
22 By Mr. Lallo:  
23 Q After the Chief counseled you on the language,  
24 did you correct your behavior?  
25 A Yes.

Page 294

1 Q Did you have any other counseling or issues  
2 after that?

3 A I don't even consider that a counseling  
4 session, to be honest with you. The  
5 conversations that we would have were him and  
6 I. There wasn't anybody else in the room. It  
7 was him and I. So I took to heart what he had  
8 to say because he was right.

9 Q Did you have any issues beyond that with him?

10 A No.

11 Q To the best of your knowledge, did you,  
12 Sergeant Valenti, or Sergeant LaTurner plant  
13 that bottle cap of Miller Lite in the Chief's  
14 cruiser?

15 A That would be absolutely ridiculous. No.  
16 There was an order put out that the office was  
17 not to be gone into. The vehicle was not to  
18 be gone into or utilized. Myself and Sergeant  
19 Valenti and Sergeant LaTurner, we respect  
20 those orders, and we followed them.

21 Q Opposing counsel was asking about Chief Nosse  
22 at your house, saying that he wasn't falling  
23 on the ground. And I think maybe  
24 questioning -- calling into question your  
25 ability to appreciate or observe his demeanor.

Page 295

1 Do you have to be falling on the floor to be  
2 considered driving while impaired?

3 A No.

4 Q Has the Chief, aside from that one time that  
5 you did it with him, has the Chief ever asked  
6 you to have a drink in his office before?

7 A Yes.

8 Q On how many occasions?

9 A I couldn't -- I wouldn't want to put a number  
10 on it. It happened more than a couple of  
11 times. It wasn't uncommon.

12 Q You only obliged one time?

13 A That I can recall, yeah. I don't like -- I'm  
14 not a big drinker.

15 Q Do you recall back in, I want to say, December  
16 or January of 2020 -- December of '19 to  
17 January of '21, wherein all the City employees  
18 had to sign a vehicle use policy,  
19 vehicle/equipment use policy?

20 A Yes.

21 Q What I'm handing you has been marked as  
22 Exhibit 12.  
23 (City Exhibit 12 marked for  
24 identification.)

25 Q Do you recognize this document?

Page 296

1 A Yes.

2 Q What is this document?

3 A I think this came out shortly after the Mayor  
4 came in office.

5 Q That would be accurate. On the page 1, where  
6 it says guidelines, can you read that first  
7 sentence, please?

8 A "The use of City vehicle/equipment for  
9 personal use is strictly prohibited."  
10 Continue?

11 Q No. Can you please read the last sentence on  
12 page 1?

13 A "Additionally, the City will not tolerate  
14 improper, careless, neglective, destructive,  
15 unauthorized or unsafe use of City vehicles  
16 pursuant to the following guidelines."  
17 Q On page 2 there is a third bullet. Can you  
18 please read that?

19 A "Employees are required to notify their  
20 supervisor of any vehicle that appears to be  
21 damaged, defective, or in need of repair."  
22 Q Thank you. What about below the bullets,  
23 midway through the page, that first paragraph,  
24 if required?

25 A "If required to operate a vehicle/machinery or

Page 297

1 equipment powered by electricity or internal  
2 combustion engine, the employee during that  
3 time of employment shall not be in possession  
4 of, use, or be under the influence of alcohol,  
5 inhalants or drugs, of any kind that in anyway  
6 will likely to impair the employee's ability  
7 to safely operate a vehicle, machinery, or  
8 equipment powered electrically or by internal  
9 combustion engine."

10 Q The next sentence, please.

11 A "It will be conclusively presumed that the  
12 employee is under the influence of such  
13 alcohol and/or drug if such alcohol or drug is  
14 used within six hours prior to carrying out  
15 such employment activities."  
16 Q Thank you. The last sentence of page 2,  
17 please.

18 A "The City reserves the right to recover  
19 expenses."  
20 Q No.  
21 A No?  
22 Q The last sentence on --  
23 A Page 2. "Violators of this policy may be  
24 subject to disciplinary action, including  
25 termination."

Page 298

1 Q I'll call your attention to Exhibit 7, the  
 2 rules and regulations of the Kirtland Police  
 3 Department. Draw your attention to 10.50,  
 4 please.  
 5 A Yes, sir.  
 6 Q Can you please read that?  
 7 A "Members of the police department shall  
 8 utilize department equipment only for its  
 9 intended purpose in accordance with the  
 10 established departmental procedures and shall  
 11 not abuse, damage, or lose department  
 12 equipment."  
 13 Q Thank you. So is there a policy that requires  
 14 employees of the police department to only use  
 15 equipment such as cell phones for its intended  
 16 purpose?  
 17 A No, but there are policies on other things;  
 18 body cameras, tasers, those type of pieces of  
 19 equipment. Specifically cell phone, no.  
 20 Q This vehicle policy that we went through --  
 21 A Yes.  
 22 Q -- was the Chief in violation of that policy  
 23 when he was at your home?  
 24 A Yes.  
 25 Q Do you feel that that was an abuse of his

Page 299

1 power as the Chief of Police?  
 2 A Abuse of his power? I don't want to say  
 3 power. I just want to say --  
 4 Q Let me rephrase that. Was that an abuse of  
 5 his role as the Chief of Police?  
 6 A Yes.  
 7 MR. LALLO: Thank you. I have  
 8 nothing further.  
 9 MR. ZICCARELLI: Recross.  
 10 RE-CROSS-EXAMINATION  
 11 By Mr. Consolo:  
 12 Q Sergeant, Exhibit 12, you are saying this  
 13 vehicle/equipment use policy the Chief was in  
 14 violation of that night, April 13th?  
 15 A Yes.  
 16 Q The first paragraph under guidelines, last  
 17 line, any exceptions to this policy must be  
 18 approved in advance by the Mayor and/or the  
 19 police chief/fire chief, do you see that?  
 20 A Yes.  
 21 Q So this policy is subject to the Police  
 22 Chief's discretion, the Mayor's discretion,  
 23 and/or the Fire Chief's discretion; isn't that  
 24 true?  
 25 A Yes.

Page 300

1 Q The Police Chief was not carrying out any  
 2 employment activities on April 13th or 14th  
 3 while he was at your house for the seven  
 4 hours; isn't that true?  
 5 A Other than driving the car to and from my  
 6 house, no.  
 7 Q That is not an employment activity. It's a  
 8 personal use of the vehicle, is it not?  
 9 A I don't know.  
 10 Q Well, he wasn't -- the car was given to the  
 11 Police Chief. I think the council members  
 12 will remember, he was given the police vehicle  
 13 for his personal use; is that not true?  
 14 A I don't know what --  
 15 Q What are you driving now as Acting Chief?  
 16 A My personal car.  
 17 Q You haven't been able to use any of the  
 18 vehicles for personal use?  
 19 A No. I don't want to use one of those cars for  
 20 personal use.  
 21 Q Are you saying Police Chief Nosse was required  
 22 to use his own personal vehicle as soon as he  
 23 left the station, and keep the Chief's car  
 24 parked there?  
 25 A That is not what I'm saying.

Page 301

1 Q So at times it had to be used for purposes  
 2 of --  
 3 A If I was in his position and I was going out  
 4 drinking, I would not be in a City vehicle, I  
 5 would be in my personal car.  
 6 MR. CONSOLO: Thank you. Nothing  
 7 further.  
 8 MR. ZICCARELLI: You're excused.  
 9 Thank you. Next witness.  
 10 MR. LALLO: Chief Hutton.  
 11 ANTHONY HUTTON  
 12 of lawful age, being first duly sworn, as  
 13 hereinafter certified, was examined and testified  
 14 as follows:  
 15 DIRECT EXAMINATION  
 16 By Mr. Lallo:  
 17 Q Chief, can you please state your name and  
 18 spell your last name for the record?  
 19 A Anthony Hutton, H-U-T-T-O-N.  
 20 Q I'm going to try to cut to the chase here.  
 21 It's getting late. When were you made aware  
 22 of these issues with Chief Nosse?  
 23 A I was made aware on April 14th. We had a --  
 24 that was a Wednesday. It was a nice day. We  
 25 had a pod at Lakeland College. It was late

Page 302

1 that afternoon, early evening when Sergeant  
 2 Fisher called me and wanted to talk.  
 3 Q You heard his testimony. He came to your  
 4 house. Did you watch the video that night?  
 5 A No. He told me basically the story of what  
 6 happened where Chief Nosse and Councilperson  
 7 Wolfe went to his house. Basically he told me  
 8 what we saw tonight. I did not see the video.  
 9 I did not want to see the video at that point.  
 10 Q How did you leave it with Jamey?  
 11 A He came to me. He wasn't quit sure how to  
 12 handle it. He didn't know what to do. I told  
 13 him at that point, let me process it for the  
 14 night, and I'll deal with it. I will contact  
 15 him first thing in the morning.  
 16 Q Contact who first thing in the morning?  
 17 A Sergeant Fisher.  
 18 Q Okay. Did you do that?  
 19 A Yes. I contacted Sergeant Fisher. I also  
 20 talked to Chief Baumgart. Chief Baumgart and  
 21 I are both very close with Chief Nosse. We've  
 22 known him for a long time, worked closely with  
 23 him, considered him a friend.  
 24 So at that point I felt the best course  
 25 of action was for me to try to deal with Chief

Page 303

1 Nosse myself. We met that morning at the  
 2 police department. Chief Baumgart, Sergeant  
 3 LaTurner was there, Sergeant Fisher. We met  
 4 in the sergeants' office.  
 5 As Sergeant Fisher said, he told the  
 6 story to Chief Baumgart as well, same thing he  
 7 had told me the night before.  
 8 Yes, he looked pretty upset when he  
 9 heard the story, as I was. He told me what  
 10 happened actually made sick to my stomach when  
 11 he came to my house that night because I knew  
 12 Chief Nosse had been warned about drinking and  
 13 driving a City vehicle. The fact that it  
 14 sounded like they were going to go public with  
 15 this to the Mayor, they were going to do this.  
 16 Q Let's take a step back. You knew the Chief  
 17 was warned about drinking and driving a City  
 18 vehicle?  
 19 A Yes.  
 20 Q Explain that, please?  
 21 A They talked about it earlier in one of the  
 22 conversations where I think he talked about  
 23 during the budget process when the Mayor  
 24 confronted Chief Nosse. Chief told me that  
 25 story. So I knew that happened, okay, because

Page 304

1 Chief Nosse told me that happened. So I knew  
 2 that that was going to be a big problem for  
 3 him that needed to be addressed.  
 4 So as Chief Baumgart and I talked, we  
 5 determined the best course of action for Chief  
 6 Nosse to take -- well, I'll tell you how it  
 7 came about.  
 8 After we met with them, Chief Baumgart  
 9 and I walked down to the zoning office. It  
 10 was about noon. Chief wasn't here at work at  
 11 that point. He was not in. Nobody really  
 12 knew where he was that day.  
 13 So we called him, put the phone on  
 14 speaker, put it on the desk. The ladies were  
 15 down at lunch, so we were alone, Chief  
 16 Baumgart and I, and we called Chief Lance.  
 17 And we told him, "We know you went to Sergeant  
 18 Fisher's house. We know what happened. And  
 19 there is a video." And there was silence. I  
 20 think he was shocked. We told him what was on  
 21 the video.  
 22 Q Let me take a step back. Did you watch the  
 23 video at this point?  
 24 A No, I still didn't watch it. I take that  
 25 back. Sergeant Fisher put the video on in the

Page 305

1 office when we were in there. I saw the first  
 2 30 seconds, which is when the car pulls up,  
 3 you see him take a drink, he gets out of the  
 4 car, throws the cans away. That was all I --  
 5 I didn't want to see anymore.  
 6 Q Okay.  
 7 A So I knew that right there was -- just what I  
 8 saw was a problem.  
 9 So we called Chief Lance. We told him  
 10 basically that, "You have two choices that we  
 11 see." And this was Wayne talking, not me. It  
 12 was Wayne's phone. Wayne said, "Lance, you  
 13 have two choices here, you can either resign,  
 14 which you can't afford to do, or you can go to  
 15 the Mayor right now, tell him what happened,  
 16 tell him you need help." There was quiet. He  
 17 said, "Okay."  
 18 Q Let me take a pause right there. Is there  
 19 actually a third option as well?  
 20 A We didn't offer a third option. We only  
 21 offered the two at that point.  
 22 Q Is there potentially?  
 23 A Well, I think we're living it right now, his  
 24 option number three.  
 25 So after I left City Hall, I saw Mayor

Page 306

1 Potter across the street. He was over in the  
 2 parking lot doing something. I pulled in. I  
 3 pull up, I told him. I go, "Mayor --  
 4 Q I'm sorry, one second. So when Mr. Baumgart  
 5 had the conversation with Chief Nosse, he gave  
 6 him those two options. What was the reaction  
 7 from Chief Nosse at that point?  
 8 A He was quiet. He was upset. He knew -- he  
 9 was broken. He was a broken man, he really  
 10 was. So, you know, we put the ball in his  
 11 court to do the right thing and talk to the  
 12 Mayor. That's what we wanted all along.  
 13 Sergeant Fisher didn't go to the Mayor.  
 14 Sergeant Fisher came to me. I did not go to  
 15 the Mayor. I went to Chief Lance. I wanted  
 16 him to go to the Mayor. That's the way you  
 17 should do it.  
 18 Q Did that happen?  
 19 A I saw the Mayor across the street. I told the  
 20 Mayor, "You should be getting a call from  
 21 Lance. Make sure you answer it and please  
 22 talk to him." He said, "What's up?" I said,  
 23 "I want him to tell you."  
 24 You will have to ask the Mayor what  
 25 happened after that. You know, so I put the

Page 307

1 ball in Chief Nosse's court to contact the  
 2 Mayor.  
 3 Q To the best of your knowledge, did he contact  
 4 the Mayor and just come clean to him?  
 5 A Not to the best of my knowledge. From what I  
 6 know, it sounds like he told him he was having  
 7 some problems at home.  
 8 We had a meeting scheduled that night,  
 9 for a police and fire meeting. I had texted  
 10 Chief Lance, knowing what was going on, I had  
 11 suggested that I would take the full meeting  
 12 and do all fire that night so he didn't have  
 13 to deal with it because I knew he had other  
 14 things going on. He asked the Mayor during  
 15 that call if he could be excused from the  
 16 meeting.  
 17 Q So you had that meeting. Then the next day,  
 18 what happens?  
 19 A Well, that day, when the Mayor did call me,  
 20 said he called, asked to be excused from the  
 21 meeting, mayor still wanted to know more of  
 22 what was going on. I said, "Let me -- give me  
 23 until tomorrow morning to deal with this,  
 24 please. Let me deal with it."  
 25 So I tried that night. You know, I

Page 308

1 talked to Chief Baumgart. We at that time  
 2 knew something had to be done to help him. I  
 3 had no idea how bad an alcohol problem was.  
 4 You know, we were friends. I'm not a big  
 5 drinker where I go out to bars and drink a  
 6 lot, so I didn't know how bad his problem was,  
 7 if there was an alcohol problem. I just knew  
 8 Lance, my friend, was struggling and needed  
 9 help. Whether that's alcohol, marriage,  
 10 mental health, whatever it was, he needed  
 11 help, and I wanted to help him. So I did.  
 12 Q So what happened the next morning?  
 13 A The next morning I woke up early, had a  
 14 meeting at Wickliffe, Wickliffe Fire  
 15 Department early. So I was halfway to Euclid.  
 16 After my meeting I called Lance. I  
 17 said, "Where are you at? I need to talk to  
 18 you." He said, "I'll take a shower, I'll call  
 19 you back in an hour."  
 20 He did not call me back in an hour. He  
 21 was not here that morning. I called Chief  
 22 Baumgart and said, "Meet me in your office."  
 23 He came. We talked. We called Lance back.  
 24 He said he fell back asleep. I said, "Where  
 25 are you at? I'm coming to meet you right

Page 309

1 now." He didn't want to tell me where he was.  
 2 He finally told me he was at a local  
 3 motel. I said, "I'm coming there." He said,  
 4 "Please don't come here. I'll meet you." I  
 5 said, "Okay." He didn't call me back.  
 6 I was worried about Lance, my friend,  
 7 the person. I was very concerned about his  
 8 mental health. Okay? I knew the counselor  
 9 that he was talking to, a friend of mine, very  
 10 close. I reached out to her to find out what  
 11 we could do to get him help, where we could  
 12 take him. She told me.  
 13 I called him back, still no answer.  
 14 Chief Baumgart and I took my car, drove to the  
 15 hotel, found his car. Called him, no answer.  
 16 At that point we were very, very concerned  
 17 about him.  
 18 THE WITNESS: Are you smirking,  
 19 really?  
 20 CHIEF NOSSE: Are you talking to  
 21 me?  
 22 THE WITNESS: Sorry, no.  
 23 MR. ZICCARELLI: Let's let the witness  
 24 testify.  
 25 A So, you know, we went to the office, and I

Page 310

1 found out what room he was in. We pounded on  
 2 the door several times. No answer. Very  
 3 concerned for his mental well-being, his  
 4 safety. We were this close to calling Mentor  
 5 Police to come do the entry on the room for a  
 6 welfare check because that's how concerned  
 7 Chief Baumgart and I were about him.  
 8 So Chief Baumgart knocked one more  
 9 time. The door opened. We went in the room.  
 10 We talked to him. We told him, "Lance, we're  
 11 here to help you. We know you need help. Let  
 12 us help you." And he agreed to let us help  
 13 him, and we took him.  
 14 Q Where did you take him? The hospital you  
 15 said?  
 16 A Yes.  
 17 Q Was he admitted immediately?  
 18 A We took him to --  
 19 Q We don't need names.  
 20 A -- a hospital that does this kind of thing.  
 21 He stayed for quite a while. After that they  
 22 were going to take him someplace else, but  
 23 they didn't.  
 24 Q Do you know if he stayed overnight that night?  
 25 A I don't believe he did that night, no. I

Page 311

1 think he was released.  
 2 Q How did the Mayor learn about this?  
 3 A When he was in the hospital, when we took him  
 4 there, I called the Mayor, and I told the  
 5 Mayor here is what is going on. You need to  
 6 know.  
 7 Q Did the Chief know you were doing this?  
 8 A Yes, at that point. I mean, we had to tell  
 9 him. There is no other option. You have to  
 10 let the leader of the City at this point know  
 11 what is going on. We did everything in our  
 12 power to help him with what we had to do.  
 13 Q What did you tell the Mayor?  
 14 A I told the Mayor that, you know, "Lance is  
 15 having issues. We took him to get help."  
 16 Told him, you know, about what was going to --  
 17 I knew the police union, and they may have to  
 18 tell you. I don't know exactly the timeline  
 19 of how all that works. But Sergeant Fisher  
 20 had already talked to the union so they were  
 21 going to contact the Mayor.  
 22 Q But they didn't?  
 23 A I don't know if they did at that point. I  
 24 don't know.  
 25 Q Okay. But you contacted the Mayor?

Page 312

1 A I contacted the Mayor, yes.  
 2 Q Did the Mayor ask you to come to a meeting?  
 3 A Yes.  
 4 Q That night?  
 5 A Yes.  
 6 Q Did you attend?  
 7 A Yes.  
 8 Q When you saw that small clip on the video of  
 9 the Chief, did you recall that vehicle use  
 10 policy?  
 11 A Yes.  
 12 Q Based upon your interpretation of that policy,  
 13 what did you feel were the ramifications?  
 14 A Well, he violated the policy, obviously.  
 15 Q You have your own set of policies and  
 16 procedures for the Kirtland Fire Department;  
 17 is that correct?  
 18 A Correct.  
 19 Q Are they fairly similar to those of the police  
 20 department?  
 21 A Almost exact.  
 22 Q You heard a couple different people read off  
 23 use of department equipment. Do you have any  
 24 private cell phones that are in various  
 25 vehicles?

Page 313

1 A Yes.  
 2 Q If somebody in the department took one of  
 3 those vehicles -- took one of those phones and  
 4 used it purely for personal reasons, would  
 5 that be a violation of that provision?  
 6 A Yes.  
 7 MR. LALLO: Thank you, Chief. I  
 8 have nothing further.  
 9 MR. ZICCARELLI: Cross.  
 10 MR. CONSOLO: No, nothing.  
 11 MR. ZICCARELLI: You may step down,  
 12 Chief. Do you any more witnesses?  
 13 MR. LALLO: I have one more.  
 14 MR. ZICCARELLI: Does anybody want to  
 15 take a break?  
 16 MR. LALLO: Yes.  
 17 MR. ZICCARELLI: Then we will take a  
 18 break before your last witness.  
 19 (Recess taken.)  
 20 MR. ZICCARELLI: One more witness?  
 21 MR. LALLO: Yes, sir, we call  
 22 Mayor Kevin Potter.  
 23 KEVIN POTTER  
 24 of lawful age, being first duly sworn, as  
 25 hereinafter certified, was examined and testified

Page 314

1 as follows:  
 2 DIRECT EXAMINATION  
 3 By Mr. Lallo:  
 4 Q Mr. Mayor, can you please state your name and  
 5 spell your last name for the record?  
 6 A Yes. Kevin Potter, P-O-T-T-E-R.  
 7 Q Correct me if I'm wrong, you are the Mayor and  
 8 the Safety Director of the City; is that  
 9 correct?  
 10 A That's correct.  
 11 Q What is the role of Safety Director?  
 12 A To oversee the day-in and day-out safety of  
 13 the City. Oversee the police department,  
 14 oversee the fire department, to make sure that  
 15 law and order is sustained and provided for  
 16 our residents.  
 17 Q I'm going to draw your attention to some day  
 18 in January of 2021. Can you describe to me  
 19 what happened?  
 20 A Yeah, so Chief Nosse, Lance, put in for a 18  
 21 percent raise, personal raise as part of the  
 22 budget process. I scheduled a meeting to  
 23 discuss the budget. Part of that discussion  
 24 obviously would be that raise, raise request,  
 25 at least.

Page 315

1 Somewhere -- so we scheduled that  
 2 meeting. Somewhere in that time frame, right  
 3 around that time, it was brought to my  
 4 attention that Lance had been at a resident's  
 5 home until late in the evening consuming  
 6 excessive amounts of alcohol.  
 7 So at that meeting, I started off that  
 8 morning's meeting with the question as to  
 9 whether or not that had happened. He told me  
 10 straight up that yes, it had happened. I  
 11 asked him if he was in a city vehicle. He  
 12 said he was not. I was relieved.  
 13 But I did say we cannot have the Chief  
 14 of Police operating a motor vehicle anywhere,  
 15 certainly not in the City of Kirtland. We  
 16 talked about the things that I thought were  
 17 quite obvious, all the reasons why that is  
 18 inappropriate behavior.  
 19 I was appreciative that he did not deny  
 20 the fact. I was appreciative that he made it  
 21 home that night after the recognition that he  
 22 was in no condition to drive.  
 23 So then I made the assertion that we  
 24 weren't going to be talking about a raise any  
 25 time soon. I said let's revisit it in six

Page 316

1 months. Talked about that behavior not being  
 2 becoming of the Chief of Police whatsoever.  
 3 Again, he didn't deny any of that.  
 4 I did ask him or at least it came up  
 5 if, you know -- he mentioned problems and  
 6 stresses at home as part of that. He didn't  
 7 agree that he shouldn't get a raise. My  
 8 repeating line was that but do you understand  
 9 I'm having a conversation with the Chief of  
 10 Police about operating a motor vehicle under  
 11 the influence of alcohol. He disagreed with  
 12 my opinion in terms of not getting a raise,  
 13 but, nonetheless, we went on to have a  
 14 relatively productive meeting about the budget  
 15 once we got beyond that.  
 16 I did bring up -- asked the question in  
 17 some way or another if he thought he had a  
 18 problem with alcohol. He said he's going  
 19 through a lot at home, problems at home. I  
 20 did ask him if he knew that I myself am a  
 21 12-and-a-half year recovering alcoholic. He  
 22 did know that. So I said -- basically the  
 23 conversation went to, you know, if you ever  
 24 find that you think you might have a problem,  
 25 I am somebody you can talk to. The

Page 317

1 relationship professionally might make it a  
 2 little bit difficult for me to really guide  
 3 how things worked for me, if that admission or  
 4 recognition was ever come to. Again, I'm not  
 5 going to tell anybody they are an alcoholic.  
 6 That's for the alcoholic to decide. So at  
 7 that moment I didn't have anything going other  
 8 than the fact he made a bad choice one night.  
 9 Certainly didn't admit to being an alcoholic  
 10 that day.  
 11 So we left it as, hey, down the road,  
 12 you know who I am, and I would be more than  
 13 happy to talk if it's ever necessary. Again,  
 14 went on to have a productive budget meeting at  
 15 that point.  
 16 Q Did you talk to him about the vehicle use  
 17 policy that day?  
 18 A I guess I didn't have to because he told me he  
 19 was not driving a city vehicle.  
 20 Q Did you admonish him or tell him if he ever is  
 21 caught driving a city vehicle while drinking,  
 22 there might be further repercussions?  
 23 A I was just so adamant about any vehicle. The  
 24 Chief of Police cannot be operating a motor  
 25 vehicle. I think, you know, he certainly saw

Page 318

1 the relief on my face when he told me he was  
 2 not in a City vehicle at that particular  
 3 instance.  
 4 So yeah, I mean it was a very serious  
 5 conversation. It was not -- it was not  
 6 lighthearted whatsoever.  
 7 Q Drawing your attention to that February email  
 8 correspondence between Mr. Chaloupka and  
 9 myself and the concern of the OPBA.  
 10 A Correct. So as I recall, I believe you called  
 11 me as the Law Director to let me know a  
 12 concern was brought forward by the OPBA,  
 13 actually by the members of this department,  
 14 about a concern relative to the Chief's  
 15 drinking at that time.  
 16 Would you mind bringing my water, Matt,  
 17 please. Thanks.  
 18 So at that point I think I asked you,  
 19 you can help me if I missing any of it. I  
 20 think I asked you, Matt, if -- Law Director  
 21 Lallo I should say, if -- so that I just  
 22 recently had a conversation, right? Just  
 23 whatever, 10 days, two weeks before about an  
 24 incident, right? I think you said you were  
 25 going to have a discussion with the Chief.

Page 319

1 I said do you need me there. I think  
 2 you said you would handle it, however you were  
 3 going to handle it. You had that meeting, so.  
 4 I'll stop and let you ask the next question.  
 5 Q Back to that January incident, I forgot to  
 6 ask, did you place a written reprimand or a  
 7 note in his personnel file or do anything of  
 8 the like?  
 9 A No, as a matter of fact, thank you for  
 10 bringing that up, I did state that morning in  
 11 that meeting that I was not going to put this  
 12 in his personnel file. This was, hey,  
 13 everybody makes mistakes kind of thing. There  
 14 was no larger issue it seemed, other than, you  
 15 know, having issues at home he made mention  
 16 of. That I was not going to put anything in  
 17 his personnel file. Whether I should have or  
 18 shouldn't have is for others to judge I  
 19 suppose.  
 20 But in that meeting I think it's  
 21 important, back to something that was brought  
 22 up at the opening of this meeting by his  
 23 counsel, is that I opened that meeting up  
 24 with -- as we got through and as he was  
 25 aggravated that the raise was not a

Page 320

1 consideration at this time, I told him that --  
 2 he asked me a question if I was somehow trying  
 3 to get rid of him. I said no, but I have to  
 4 have this conversation with you. You just  
 5 admitted to me you operated a motor vehicle  
 6 drunk. You drove through the City. You can't  
 7 do that, right?  
 8 I said you and I have a phenomenally  
 9 open relationship. And that, you know, you  
 10 have a chance to be in my eyes to be a really,  
 11 really good chief. This is a bump in the  
 12 road. Let's talk about this in six months.  
 13 That kind of thing, that is how that  
 14 conversation went.  
 15 Q Now let's get up to speed back in April. Tell  
 16 me how you first learned about all this.  
 17 A So as Chief Hutton just mentioned, I was  
 18 across the street meeting a new business owner  
 19 coming here to town. A cold, rainy April day.  
 20 Standing out in the parking lot talking to the  
 21 manager. Chief Hutton, I saw him drive by and  
 22 I actually waved to him. Obviously in a  
 23 distinct vehicle. I waved to him. Next thing  
 24 I know he turned around and pulled into the  
 25 parking lot. He had a serious look on his

Page 321

1 face. He said he needed to talk to me.  
 2 So I discontinued that other  
 3 conversation I was having, got into his  
 4 vehicle, City Fire Department vehicle the  
 5 Chief operates. I said, "What's going  
 6 on?" He said -- so this is Wednesday,  
 7 probably right about noon. He said, "Lance is  
 8 going to call you later on today and come  
 9 clean with a bunch of stuff." He said, "If he  
 10 doesn't, then, you know, I myself and Wayne,  
 11 reference he and Wayne had just had a serious  
 12 conversation that morning."  
 13 Obviously I was taken aback. So Chief  
 14 Hutton also said that this committee meeting  
 15 relating to the police and fire Safety  
 16 Committee meeting was going to take place at a  
 17 focus day, at least the first part of that  
 18 meeting, that meeting was designated to be a  
 19 conversation about police, fire, and capital  
 20 needs. But because it was a Safety Committee  
 21 meeting, Chief Hutton said, "Why don't we do  
 22 fire tonight." I said, "Hey, that's fine. We  
 23 got to have the conversation. I will do  
 24 police another night."  
 25 So Lance did call me at 3:30 that

Page 322

1 afternoon. I said, "Hey, what's up?" He said  
 2 he was very kind of emotional on the other  
 3 line, other end of the line. He said he was  
 4 having problems at home. I said, okay. You  
 5 know, I'm just going to characterize the  
 6 conversation. This isn't word for word. But  
 7 I remember it very well. This is near and  
 8 dear to me personally and professionally,  
 9 right? This is my job to make sure the City  
 10 is run according to all our rules,  
 11 regulations, and laws, and protect our people.  
 12 So anyhow, I said does it have anything  
 13 to do with alcohol? He said, well my wife is  
 14 on my case about that. But, it's a lot of  
 15 bigger -- you know, big problems at home.  
 16 Okay. If you ever need to talk to me about  
 17 that, no problem. You know, again, there is a  
 18 line of professional and personal here, but I  
 19 can help direct, whatever. Thanked me for  
 20 that.  
 21 Brought up to fact that he -- I think  
 22 he brought up the fact that maybe he wasn't  
 23 going to be able to come to that meeting that  
 24 night, or maybe I said I already talked to  
 25 Tony, you shouldn't come to that meeting, it's

Page 323

1 okay.  
 2 He asked me, he said to me, he goes,  
 3 I'm going to need a little time. He was  
 4 pretty broken up when he said it. I said,  
 5 okay. I said of course I don't know what that  
 6 exactly means. He said, I don't either. So I  
 7 said, hey, it's Wednesday, late in the day at  
 8 that point, you know, check back in tomorrow  
 9 or Friday, whatever, but you got to do what  
 10 you got to do. You've have to take care of  
 11 family, whatever is going on in your home.  
 12 That is how it was basically described to me  
 13 mostly. So that was it. Didn't hear back  
 14 from him after that.  
 15 Then we can fast forward to my  
 16 conversation with Chief Hutton later on that  
 17 day. Basically I told him kind of what was  
 18 just admitted to me. I knew, based on looking  
 19 at Tony's face and the seriousness, right,  
 20 that the Chief brought this concern to me,  
 21 that what I got on the other end of the line  
 22 wasn't necessarily the whole story, right?  
 23 So I just quickly summarized with Tony,  
 24 problems at home, going to need a little bit  
 25 of time, not coming to the meeting tonight.

Page 324

1 Tony's words were, I think, well, he  
 2 didn't tell you everything. I think -- Chief  
 3 Hutton just said before, I think he said he  
 4 was going to need some time to process what  
 5 was going to be next, and maybe we will just  
 6 talk in the morning kind of thing, right?  
 7 So that was going into the Thursday. I  
 8 don't think I heard anything maybe until later  
 9 on -- maybe later on that day, maybe not until  
 10 Friday morning. I'm not sure.  
 11 Q What did you hear next?  
 12 A So I talked to Chief Hutton, and Chief Hutton  
 13 said that he and Wayne had basically called  
 14 Lance out on everything. I was kind of  
 15 pressing him like, what is this everything?  
 16 Is it just about drinking? I know he's got  
 17 stuff going on at home. He said, no, there is  
 18 more than that. He said, but -- he goes at  
 19 this point maybe you should talk to -- you  
 20 should probably talk to Jamey. So I said  
 21 okay.  
 22 I think I called Jamey that Friday  
 23 morning. I said, hey, what's going on?  
 24 Jamey, I think he said, hey, you know, there  
 25 is a lot to talk about. He said, but I

Page 325

1 personally, I would like to have  
 2 representation if I have to come and have this  
 3 next conversation with you.  
 4 So as I was sitting up there listening  
 5 to testimony, it's hard to remember all this  
 6 stuff, so I want to make sure that I invoke  
 7 that into this conversation. So that is kind  
 8 of how that Friday morning went.  
 9 So I think I called -- I think I may  
 10 have called you. So he was going to -- he  
 11 said, let's meet later on today, something big  
 12 is going on, something serious, right?  
 13 So I think I called you. I think he  
 14 maybe called Mr. Chaloupka at that time. You  
 15 had something else going on later on that day,  
 16 so you or I called Tom Lobe. Maybe Adam  
 17 called you, I can't remember. But,  
 18 nonetheless, a meeting for, I think, 4:30,  
 19 five o'clock, somewhere in that neighborhood  
 20 here at City Hall was to take place with  
 21 Mr. Lobe, Chief Hutton, Sergeant Fisher, and  
 22 Adam Chaloupka.  
 23 Q What happened at that meeting? Let's take a  
 24 step back. At that meeting did you know the  
 25 status of Chief Nosse?

Page 326

1 A Going into that meeting?  
 2 Q Yes.  
 3 A No. I don't think so. Unless Tony maybe  
 4 midday that Friday maybe Tony told me. Tony  
 5 for sure told me sometime midday that day that  
 6 he and Wayne had taken Lance somewhere to get  
 7 help and that they thought he had a problem  
 8 with alcohol. So, yeah, for sure that is how  
 9 that happened.  
 10 So meeting at 4:30. I think Jamey just  
 11 kind of opened up. I just started saying what  
 12 had just recently happened, and then all of  
 13 what had been happening. My reaction, these  
 14 guys can vouch for me, pretty quickly into it,  
 15 was and no one thought it a good idea to come  
 16 tell me.  
 17 So then we went through the whole  
 18 thing, right? I mean, these personal  
 19 relationships, professional relationships, the  
 20 respect, and the code, and the honor and all  
 21 this stuff, and I got it, right? I got it. I  
 22 was wishing that I had known a little bit  
 23 sooner. But the wheels were coming off the  
 24 track so fast, right, it seemed like over the  
 25 course of those few days. So I appreciated

Page 327

1 them being honest and open with me, telling me  
 2 everything that went on, but I knew we had a  
 3 big problem. I knew we had a really, really  
 4 big problem.  
 5 The things that were disclosed to me, I  
 6 mean, just utter shock. Utter shock, A to Z,  
 7 top to bottom, utter shock, and so --  
 8 Q What was exposed to you?  
 9 A The affair for one thing. Had zero, zero  
 10 clue. Why would I?  
 11 The use of racial epithets, slurs. The  
 12 treatment, the hostile work environment that  
 13 seemed to have -- you know, was kind of  
 14 pervasive or existed within that department.  
 15 Utterly shocked. Just couldn't believe what I  
 16 was hearing. And that, again, you know, wish  
 17 I would have known sooner. But, again, I'm  
 18 not upset with anybody, not mad at anybody. I  
 19 get it, and I appreciate them finally coming  
 20 forward as things got so nuts.  
 21 But, anyhow, yeah, so obviously  
 22 operating a City vehicle with alcohol. And,  
 23 you know, there was a video of it. No, I did  
 24 not see the video that day. I said I wasn't  
 25 ready to see the video, truthfully it was all

Page 328

1 so much.  
 2 The taking of the sergeants' cell phone  
 3 out of the vehicle. Truthfully maybe I should  
 4 have known, but I didn't that those phones  
 5 existed, those flip phones in the vehicles.  
 6 But then explained why, the purpose for them,  
 7 safety of the officers, safety of whoever they  
 8 might pick up or need to assist along the  
 9 road. I got it.  
 10 The idea that the phone had been taken  
 11 out of a vehicle for personal use, solely for  
 12 personal use, it was like going down the line,  
 13 this is -- it was -- I was in utter shock.  
 14 Q So what happened next?  
 15 A What happened next? As kind of the full  
 16 weight of everything kind of settled in, so  
 17 now what do we have to do? Well, what do I  
 18 have to do as Safety Director, back to your  
 19 original question, is make sure not only is --  
 20 have the department to look out for, but our  
 21 city to look out for, right? These are my  
 22 responsibilities.  
 23 So what was next was how -- what is the  
 24 best way to approach Mr. Nosse, right?  
 25 Because I needed to not have him in a

Page 329

1 leadership role, like immediately, right?  
 2 Could not exist anymore in that capacity at  
 3 that moment. We had a lot more to discuss and  
 4 find out, right?  
 5 So I did -- as that meeting wrapped up,  
 6 I called him. I think I talked to you. You  
 7 weren't there, so I finished up with Tom,  
 8 called you. Then called Lance and said that  
 9 -- I think I just cut to the chase truthfully.  
 10 I said, you know, basically you are going to  
 11 need to take a leave for personal and medical  
 12 reasons or I'm going to have to put you on  
 13 unpaid leave. So those are your two choices  
 14 right now, and I need an answer. He obviously  
 15 took the leave for personal and medical  
 16 reasons, right, as we were going to  
 17 characterize it.  
 18 So I said, okay, well, I'm going to  
 19 send you an email confirming our conversation.  
 20 And I did. Did not receive the recognition of  
 21 that email or the understanding that we had  
 22 just gotten off the phone and had come to an  
 23 agreement. I told him, listen, I've got a job  
 24 to do here. I'm going to have to look into  
 25 this, you know. Have some more discussions.

Page 330

1 For now, you know, you are not to come  
 2 into the City buildings. Certainly -- the  
 3 vehicle was already back at that point. You  
 4 are not to contact any other employees until  
 5 we get a handle on this, right? Until I know  
 6 what the next right steps are in the process.  
 7 So the next morning when I still  
 8 hadn't received an email, this was Saturday  
 9 morning, the 17th, I guess this would have  
 10 been, I think I called you and I said, I  
 11 really need to get the email. I got a  
 12 department over here in limbo. We need to  
 13 elevate -- Jamey was the senior officer, so I  
 14 think per the contract, the union contract,  
 15 that senior officer would be made Executive  
 16 Officer in the event that the Chief is  
 17 indisposed or not able to serve at the time.  
 18 We made that determination that we were  
 19 going to do that. So I needed that response  
 20 back from him. I think you called him, and it  
 21 came shortly thereafter. But I think -- can't  
 22 remember if you asked me if he was allowed to  
 23 call Wayne to thank him for -- Wayne and Tony  
 24 to thank them for the help they had given him  
 25 the last couple of days or maybe he called me,

Page 331

1 I can't remember.  
 2 Anyhow, but I know I had the  
 3 conversation with Lance that said, yes, you  
 4 know, this one instance, right? You can call  
 5 and thank, I think it was both, but it could  
 6 have just been Wayne that he wanted to call  
 7 and thank. So I wished him luck and kind of  
 8 see what happens.  
 9 Q When did you see the video?  
 10 A Later on that evening.  
 11 Q What do you do?  
 12 A Saturday, the 16th or 17th, I'm sorry.  
 13 Q Are you sure it was that Saturday?  
 14 A Well, yeah, no, I can tell you why I know it  
 15 was. Because -- so we had the department in  
 16 limbo, right? We had a community that was  
 17 without a serving police chief. I needed to  
 18 draft a memo to not only to the police  
 19 department, but not only to the community, but  
 20 for our City workers that, you know -- I  
 21 didn't want them finding out from the  
 22 grapevine. So it needed to come out of my  
 23 office.  
 24 So I asked you, I think, if I could see  
 25 the video. I think that is how it went. If I

Page 332

1 could see the video. I think you made a call  
 2 to Adam potentially. Anyhow, so I went to  
 3 Jamey's house to see the video. Because I  
 4 wasn't going to put the strong statement out  
 5 that said, like, we got big problems, right?  
 6 And it wasn't that I didn't believe Jamey, but  
 7 I just felt that I needed to at least see a  
 8 piece of this. And it truly didn't take me  
 9 more than 15 seconds to watch the beginning of  
 10 that to see that -- you see the Chief of  
 11 Police drinking alcohol in the City vehicle  
 12 while operating the vehicle, right?  
 13 The nonsense of what goes on later, you  
 14 know, unfortunate. Then the idea that he gets  
 15 back in the car, you know, hurts, and sad, and  
 16 everything else. At that moment I knew that  
 17 this was going to go down a road that was  
 18 going to be tough for all of us.  
 19 Q So you authored the first letter indicating  
 20 the Chief's absence and investigation?  
 21 A Correct.  
 22 Q What was the outcome of the investigation?  
 23 A So that in fact there was basically a hostile  
 24 work environment. We had use of -- profuse  
 25 use of the N word. That an officer of

Page 333

1 Hispanic or Mexican descent was referred to as  
 2 what we heard him referred to. That a cell  
 3 phone was taken out of a sergeants' vehicle.  
 4 We had city cell phone overages of 80 some  
 5 dollars, and that my assistant was lied to in  
 6 the process to find out -- to get to the  
 7 bottom of why we have these overages. You  
 8 know, again, obviously the alcohol in the City  
 9 vehicle. We can go through the charging  
 10 letter, if you like to.  
 11 Q We will in a minute. What I'm handing you is  
 12 marked as Exhibit 13.  
 13 (City Exhibit 13 marked for  
 14 identification.)  
 15 Q Do you recognize that document?  
 16 A Yeah.  
 17 Q What is that document?  
 18 A This is the vehicle/equipment use policy that  
 19 I put into place. This was late February of  
 20 2020. Did all this in December of 2019. It  
 21 was one of the first things, somehow, for some  
 22 reason I realized we didn't have a vehicle use  
 23 policy so we worked to put this together. So  
 24 that's the Chief's signature on this.  
 25 Q That vehicle use policy is Exhibits 12, would

Page 334

1 that be accurate?

2 A This is 13.

3 Q That's his signature. But the policy itself,

4 is that Exhibit 12?

5 A It is.

6 Q Based upon your observation of the video on

7 April 16th or 17th, in addition to the

8 observation of the video today, do you feel

9 that the Chief was in violation of the

10 vehicle/equipment policy?

11 A Without question.

12 Q What I'm handing you is marked as Exhibit 14.

13 (City Exhibit 14 marked for

14 identification.)

15 Q Can you describe that document?

16 A Yes, this describes what the Chief of Police's

17 responsibilities are per the Ohio Revised

18 Code.

19 Q What's the Revised Code Section?

20 A 737.06.

21 Q Can you please read that?

22 A "The chief of police shall have exclusive

23 control of the stationing and transfer of all

24 patrolmen, auxiliary police officers, and

25 other officers and employees in the police

Page 335

1 department, and police auxiliary under such

2 general rules and regulations as the director

3 of public safety prescribes."

4 Q Who's the Director of Public Safety?

5 A Me. The Mayor.

6 Q So does this statute subject the Chief of

7 Police under certain rules and regulations as

8 you may prescribe?

9 A Absolutely.

10 Q Exhibit 7. Are those the rules and

11 regulations as prescribed by you as Safety

12 Director?

13 A Exhibit 7. Yes.

14 Q I'm going to ask that you turn to, I believe

15 it's the third page of that document. There

16 is a letter dated February 3, 2020.

17 A Yes.

18 Q Can you please read that letter?

19 A Dear Chief Nosse, I hereby approve and adopt

20 the proposed rules and regulations of the

21 Police Department as the official rules and

22 regulations of the Kirtland Police Department

23 effective immediately, February 2, 2020."

24 Q Who signed that?

25 A Signed, Kevin F. Potter, Director of Public

Page 336

1 Safety, which is me.

2 Q These rules were implemented and subjects the

3 Chief of Police to these rules, correct?

4 A Correct.

5 Q Mayor Potter, I'm handing you what has been

6 marked as Exhibit 15.

7 (City Exhibit 15 marked for

8 identification.)

9 Q Can you tell me what that document is?

10 A This is the charging letter, termination

11 letter sent to Chief Nosse on the 7th of July.

12 Q July 7, 2021?

13 A Correct. From me.

14 Q Authored by you?

15 A Yup.

16 Q We're going to go through the charges. Charge

17 1 is the vehicle/equipment use policy. I

18 believe you've already testified that he's in

19 violation of that policy?

20 A Yes, sir.

21 Q What is the third bullet that is written

22 there?

23 A "Violation of this written work rule can

24 result in disciplinary action including

25 termination."

Page 337

1 Q Now let's go to charge 2. We're going to have

2 two documents side by side if that's okay.

3 We're going to have Exhibit 15, which is that

4 charging document, also Exhibit 7 is the rules

5 and regulations. So I am going to ask you to

6 draw your attention to Rule 10.6.

7 A Okay.

8 Q 10.6?

9 A Yes.

10 Q Rules and regulations of the Kirtland Police

11 Department.

12 A Yes, sir.

13 Q It's titled unbecoming conduct; is that

14 correct?

15 A No.

16 Q You're on 10.60.

17 A I'm sorry.

18 Q 10.6.

19 A My bad. Yes, there.

20 Q Can you please read that rule?

21 A "Members of the police department shall

22 conduct themselves at all times, both on and

23 off duty, in such a manner as to reflect most

24 favorably on the department. Unbecoming

25 conduct shall include that which brings the

Page 338

1 department into disrepute, or reflects  
 2 discredit upon the individual as a member of  
 3 the police department, or which impairs the  
 4 operation of efficiency of the department or  
 5 the individual. Conduct deemed to be  
 6 unbecoming may result in the appropriate  
 7 disciplinary action up to and including  
 8 termination of the employee."  
 9 Q Now reviewing the charging document, after  
 10 considering the evidence you have also heard  
 11 today, do you feel that the Chief is in  
 12 violation of this written rule?  
 13 A Without question.  
 14 Q How so?  
 15 A We saw the conduct in the video. We heard  
 16 testimony from the good men and women of the  
 17 city police department and the administrative  
 18 assistant describing conduct that just  
 19 certainly is not becoming of what the Chief of  
 20 Police, leader of that department should be.  
 21 Q We are going to go to 10.07. It's on the next  
 22 page. Can you read that rule, please?  
 23 A "10.07, Immoral conduct. Officers shall  
 24 maintain a level of moral conduct in their  
 25 personal and business affairs which is in

Page 339

1 keeping with the highest standards of the law  
 2 enforcement profession. Officers shall not  
 3 participate in any incident involving mortal  
 4 turpitude, which impairs their ability to  
 5 perform as law enforcement officers or causes  
 6 the department to be brought into disrepute."  
 7 Q When considering the charging document, which  
 8 is Exhibit 15, along with that rule and the  
 9 testimony you've heard today, do you feel the  
 10 Chief is in violation of that rule?  
 11 A Yes.  
 12 Q How so?  
 13 A So back to that video, back to all of the  
 14 testimony, all of the evidence. When it talks  
 15 about the department being brought into  
 16 disrepute, I don't know how anyone could  
 17 question that the department -- that behavior  
 18 from the leader of the department reflects  
 19 directly onto that department, bringing that  
 20 department into disrepute, so I don't how you  
 21 could argue with that.  
 22 Q I'm going to draw your attention to charge  
 23 number 4, which is 10.10. Can you please read  
 24 that rule?  
 25 A "Neglect of duty. Members of the police

Page 340

1 department shall not commit any acts that are  
 2 specifically prohibited by the laws of the  
 3 state, the ordinances of the city, these rules  
 4 of conduct, or any other orders, policies,  
 5 procedures, or directives of the police  
 6 department. Members shall not engage in any  
 7 activity or personal business which could  
 8 cause them to neglect or be inattentive to  
 9 duty."  
 10 Q Do you think the Chief's in violation of this  
 11 rule?  
 12 A Absolutely. One thing, I think Chief Hutton  
 13 would agree with the idea that, you know,  
 14 well, for one you can't operate a city vehicle  
 15 under the influence of alcohol. But this idea  
 16 that you're not on duty, right? If you're  
 17 somewhere with that vehicle, to me you're on  
 18 duty. If you are in this building in that  
 19 role, you're on duty. Chiefs are held to a  
 20 higher standard I believe, or need to be. I  
 21 don't think the members would disagree with  
 22 that.  
 23 So neglect of duty, any activity or  
 24 personal business which could cause the  
 25 neglect or to be inattentive to the city or to

Page 341

1 the duty, of course. Specifically back to  
 2 that video, right? And -- yeah.  
 3 Q Let's go to 10.14.  
 4 A "Leaving duty post. Members of the police  
 5 department shall not leave their assigned duty  
 6 post during a tour of duty, except when  
 7 instructed by a proper authority."  
 8 Q Do you feel he's in violation of this rule?  
 9 A So again back to that April 16th conversation,  
 10 some of what we heard tonight, people,  
 11 department members, police officers, clerks,  
 12 administrative assistants, come to myself, not  
 13 knowing where the chief might be at any given  
 14 time. Leaving duty and post, I think that is  
 15 -- yeah, I think that is a violation of that.  
 16 Q 10.17.  
 17 A "Alcoholic beverages, beverages and drugs in  
 18 police installations. Members of the police  
 19 department shall not store or bring into any  
 20 police facility or vehicle alcoholic  
 21 beverages, controlled substances, narcotics,  
 22 or hallucinogens, except those which are to be  
 23 submitted to the property room as evidence,  
 24 safekeeping, or for disposal. The Chief of  
 25 Police may grant exceptions for training

Page 342

1 purposes."

2 Q Based upon what you heard today and the

3 investigation, do you feel that the Chief is

4 in violation of this rule?

5 A 100 percent.

6 Q How so?

7 A Shall not store or bring in the police

8 facility or vehicle alcoholic beverages. We

9 saw it in the video. We heard testimony that,

10 it's common knowledge, or became known that

11 the alcohol was often consumed, but many times

12 consumed in that office.

13 Q What about 10.20?

14 A "Use of alcohol off duty. Members of the

15 police department while off duty shall refrain

16 from consuming intoxicating beverages to the

17 extent that it results in impairment,

18 obnoxious or offensive behavior, which

19 discredits them or the department or renders

20 the member unfit to report for the next

21 regular tour of duty."

22 Q Do you feel the Chief was in violation of that

23 rule?

24 A Yes.

25 Q How so?

Page 343

1 A So I think, again, back to the video,

2 obnoxious, offensive behavior undoubtedly,

3 discrediting himself and the department.

4 Rendering a member unfit to report to the next

5 regular tour of duty. It sounds at least on

6 that day following the video it was not -- was

7 not regularly accessible in this building as

8 we expect him to be.

9 Q I am going to go to 10.50. Would you read

10 that rule?

11 A "Use of department equipment. Members of the

12 police department shall utilize department

13 equipment only for its intended purpose, in

14 accordance with established departmental

15 procedures and shall not abuse, damage, or

16 lose department equipment. All department

17 equipment issued to members shall be

18 maintained in a proper order. The loss or

19 damage of departmental property assigned to or

20 used by members shall be reported immediately

21 to a superior and shall be the member's

22 responsibility to replace."

23 Q Do you think the Chief is in violation of this

24 rule?

25 A Yeah, I mean at a minimum the cell phone. You

Page 344

1 know, the absconding or taking that cell phone

2 with, you know, either lack of explanation or

3 an explanation that was not truthful as to why

4 he took it. And then ultimately there was

5 overage charges. Only 80 some dollars I

6 suppose, but tell that to the residents and

7 taxpayers of the city to authorize the payment

8 for the improper use of that equipment. It

9 was not his to use. We know that

10 categorically you can't deny it was used for

11 one purpose, one purpose only.

12 Q 10.51.

13 A Yes. "Operating vehicles. Members of the

14 police department shall operate official

15 vehicles with careful and prudent manner, and

16 shall obey all laws, all departmental orders

17 pertaining to such operation. Loss or

18 suspension of any driving license shall be

19 reported to the department immediately."

20 Q Do you feel like he is in violation of this

21 rule?

22 A Yes.

23 Q How so?

24 A Operating official vehicles in a careful and

25 prudent manner. Vehicle entering the video or

Page 345

1 exiting the video certainly is not in that

2 regard, right?

3 Q What about the damage to the vehicle?

4 A Yeah, not reported damage, yeah.

5 Q Let's look at 10.55.

6 A "Truthfulness. Members of the police

7 department shall always be truthful and

8 honest. Reports and communication shall be

9 accurate and truthful. Members shall fully

10 and truthfully answer all questions

11 specifically directed and narrowly relating to

12 the performance of official duties which may

13 be asked of them."

14 Q Do you believe the Chief is in violation of

15 this rule?

16 A Certainly didn't tell me he was operating the

17 city vehicle under the influence of alcohol.

18 Q Any other times there were issues of

19 truthfulness?

20 A Before I answer no, I should probably think

21 about it a little bit. I think only in that

22 regard.

23 Q I'm sorry?

24 A I think only in that regard, related to the

25 city vehicle.

Page 346

1 Q Was he honest to his subordinates?  
 2 A I'm sorry, yes, I thought you were speaking  
 3 directly, you know, one-on-one him to me.  
 4 Yeah, no, clearly not. Clearly not  
 5 truthful to the administrative assistant  
 6 trying to do her job and pay the city cell  
 7 phone bill.  
 8 Q What about 10.71?  
 9 A "Harassment: Sexual, ethnic, racial or  
 10 religious. Members shall not intentionally  
 11 subject any citizen or fellow employee to any  
 12 verbal or physical harassment of a sexual,  
 13 ethnic, racial or religious nature."  
 14 Q Do you feel the Chief violated this rule?  
 15 A Without question. I have to say this is  
 16 everything that we sit here and talk about  
 17 tonight, these may be the most disappointing.  
 18 Q What is 10.73?  
 19 A Discipline and dismissal. Want me to read it?  
 20 Q Yes, sir.  
 21 A "Violation of any of these rules shall be  
 22 sufficient cause for counseling, reprimand,  
 23 suspension and/or dismissal of any member of  
 24 the police department. Members shall hold  
 25 their positions during good behavior and

Page 347

1 efficient service, but may be removed for the  
 2 following reasons as listed in Ohio Revised  
 3 Code Section 124.34, incompetence,  
 4 inefficiency, dishonesty, drunkenness, immoral  
 5 conduct, insubordination, discourteous  
 6 treatment of the public, neglect of duty,  
 7 violation of Civil Service laws, or rules of  
 8 the Civil Service Commission, or any other  
 9 failure of good behavior, or any other acts of  
 10 misfeasance, malfeasance, or nonfeasance in  
 11 office."  
 12 Q Thank you. Looking at charge number 12 in  
 13 that charging document, it says violation of  
 14 Chapter 149 of the Ohio Revised Code. I  
 15 believe it's pertaining to the public records.  
 16 Are you aware of any violations of deleting  
 17 any public records?  
 18 A Yes, I would argue that the cell phone, the  
 19 sergeant cell phone for sure, that was wiped  
 20 clean of any text messages was used for  
 21 personal use. Sure, that is the claim. But  
 22 that is City property. We don't know if it  
 23 was personal or professional business use, and  
 24 so I don't know how you could argue that.  
 25 Q And lastly I believe it is Exhibit 8 is our

Page 348

1 harassment policy, Codified Ordinance 254.28.  
 2 I'm handing that to you for the record.  
 3 Subsection D 1.  
 4 I know I believe Ms. Buchanan read that  
 5 previously. So I'll spare you reading it  
 6 again. Do you believe the Chief of Police  
 7 violated this written policy?  
 8 A Yes, just for the members, "No City employee  
 9 shall either explicitly or implicitly  
 10 ridicule, mock, deride, or belittle any  
 11 person." Yeah, it says so.  
 12 Q Do you believe that the Chief made offensive  
 13 or derogatory comments based on race, color,  
 14 sex, religion or national origin?  
 15 A Yes, unfortunately.  
 16 Q Going to Subsection 3 C.  
 17 A Yes.  
 18 Q Can you please read that?  
 19 A 3 C?  
 20 Q Yes.  
 21 A "The mayor or his or her designee shall be  
 22 responsible for the investigation of any  
 23 complaint alleging harassment.  
 24 Q Thank you.  
 25 (City Exhibit 16 marked for

Page 349

1 identification.)  
 2 Q Mayor Potter, I'm handing you what has been  
 3 marked as Exhibit 16.  
 4 A Yes, sir.  
 5 Q Sorry, I don't have any extra copies of that.  
 6 Can you please describe that document to me?  
 7 A Yes. Notice of Eligibility and Rights and  
 8 Responsibilities, Family and Medical Leave  
 9 Act.  
 10 Q Do you know when this was sent to Chief Nosse?  
 11 A 4-20 is dated on here. Would you like me to  
 12 read any part of it?  
 13 Q You don't need to read it. Do you know when  
 14 Mr. Consolo was initially retained and  
 15 notified the City?  
 16 A Notified the City of his retainage?  
 17 Q Yeah.  
 18 A I don't remember exactly when I was informed  
 19 of that.  
 20 Q Would it have been April 20th, or maybe a week  
 21 later?  
 22 A That he was retained?  
 23 Q Yes.  
 24 A That sounds about right.  
 25 Q So after taking into consideration all of

Page 350

1 these charges, all of these violations that  
 2 you feel he's committed, do you have an  
 3 opinion as it relates to whether he should  
 4 remain the Chief of Police for the City of  
 5 Kirtland?  
 6 A Yeah. I don't think there is any question  
 7 that he shouldn't remain as Police Chief. My  
 8 sole response -- one of my major  
 9 responsibilities is obviously not only keeping  
 10 our community safe, but keeping our police  
 11 department, police officers safe. The only  
 12 way to do that is to have somebody in that  
 13 leadership position that conducts themselves  
 14 or herself with integrity and the highest  
 15 moral standards.  
 16 I think the idea that -- the idea that  
 17 this person that we now has a pattern of poor  
 18 behavior, not anything close to the exemplary  
 19 leadership skills we need to serve in that  
 20 role, all of that responsibility has been  
 21 abdicated. I can't imagine how the City or  
 22 department would go forward with that  
 23 individual in this place we're in today. How  
 24 they could possibly bounce back. How that  
 25 would be right for this community, for the

Page 351

1 good men and women of this department. The  
 2 men and women of this department who had the  
 3 courage to come forward, and, you know, tell  
 4 on one of their own. We saw how hard that is  
 5 tonight.  
 6 MR. ZICCARELLI: Thank you. You  
 7 answered the question.  
 8 Q Do you believe that the Chief is in violation  
 9 of our city ordinance indicating his  
 10 termination is for just cause?  
 11 A Repeat the question, Mr. Lallo.  
 12 Q Do you believe the Chief of Police, that his  
 13 termination is for just cause?  
 14 A Yes.  
 15 Q Do you believe that he is guilty in the  
 16 performance of his official duty of either  
 17 misfeasance, malfeasance, nonfeasance,  
 18 misconduct in office, gross neglect of duty,  
 19 or habitual drunkenness?  
 20 A Yes, sir.  
 21 MR. LALLO: I have nothing  
 22 further. Thank you.  
 23 MR. ZICCARELLI: We are going to go  
 24 off the record a minute, talk to council.  
 25 (Discussion has off the record.)

Page 352

1 MR. ZICCARELLI: We're going to  
 2 finish cross-examination of the Mayor. Then  
 3 we are going to adjourn for tonight. I know  
 4 everybody would like to stay here until 3:00  
 5 or 4:00, but we're going to adjourn tonight  
 6 after that and come back tomorrow night.  
 7 MR. LALLO: We typically need to  
 8 give 24 hours' notice, but I believe  
 9 considering the circumstances, we can consider  
 10 emergency notice and notify the press.  
 11 MR. ZICCARELLI: Or come back  
 12 Wednesday night, if you think we need 24-hour  
 13 notice. That is what the statute calls for,  
 14 24-hour notice.  
 15 MR. LALLO: For the special  
 16 meetings, correct.  
 17 MAYOR POTTER: Can you recess? Can  
 18 you call it a recess?  
 19 MR. LALLO: No.  
 20 MR. ZICCARELLI: I don't think so.  
 21 MR. LALLO: I can quote from the  
 22 Sunshine Law manual. I can quote that if you  
 23 like about the emergency meetings and go from  
 24 there.  
 25 MR. ZICCARELLI: That's fine. I'm

Page 353

1 sitting up here for the hearing to make it  
 2 clear that I don't want to make the decision  
 3 for the City of Kirtland to violate any  
 4 Sunshine Law as far as notice.  
 5 MR. LALLO: Yes, sir. "An  
 6 emergency meeting is a type of special meeting  
 7 that the whole body convenes when a situation  
 8 requires immediate official action, rather  
 9 than 24-hour advance notice, usually required  
 10 for the body. Scheduling an emergency meeting  
 11 must immediately notify all media outlets that  
 12 are specifically requested such notice to the  
 13 time, place, and purpose of the emergency  
 14 meeting. The purpose statement must comport  
 15 with the specificity requirements discussed  
 16 above pertaining to special meetings."  
 17 MR. ZICCARELLI: Tomorrow or  
 18 Wednesday. Let me ask, what is better for  
 19 counsel, tomorrow or Wednesday?  
 20 MR. CONSOLO: If you want me to  
 21 wait until tomorrow to cross, I can do that  
 22 too. Whatever you want.  
 23 MR. LALLO: I would just rather  
 24 have the Mayor off the stand, otherwise while  
 25 he's -- this is continued then he is still

Page 354

1 subject to --

2 MR. ZICCARELLI: I would suggest we

3 conclude the cross-examination, come back

4 tomorrow. Is that okay with council?

5 Off the record.

6 (Discussion had off the record.)

7 MR. ZICCARELLI: Back on the record for

8 cross.

9 CROSS-EXAMINATION

10 By Mr. Consolo:

11 Q Mayor, a few questions. I promise to try to

12 keep this to less than a half an hour and get

13 out of here.

14 Mayor, just going back, you talked

15 about January 2020 was when you were notified,

16 you said was brought to your attention that

17 the Chief was at the resident's house. Is

18 that what you said?

19 A 2021.

20 Q January 2021.

21 A Yep.

22 Q Who brought it to your attention?

23 A A member of the community.

24 Q Can you tell us who?

25 A It was a resident of the community, not any

Page 355

1 member of city government.

2 Q Didn't Chief Nosse tell you that he was at

3 Councilman Smolic's house late?

4 A Correct.

5 Q Is that the resident's house that he was at

6 that you're talking about?

7 A Correct.

8 Q Chief Nosse never told you that he got so

9 intoxicated with Councilman Smolic that he

10 couldn't operate his vehicle, did he?

11 A I didn't say that he said he couldn't operate

12 the motor vehicle, but that he was in a state

13 that he should not have been driving a motor

14 vehicle in the middle of the evening from

15 Kirtland, Ohio to Euclid.

16 Q That is what you're saying, the Chief told you

17 that?

18 A Yeah, I think he started off with, I told you

19 I would never lie to you. He went into yeah,

20 basically, I'll summarize, yeah I did it, and

21 I'll never do it again. I'll never drink in

22 this city again.

23 Q At that point right then, why did you not put

24 Chief Nosse on leave, FMLA, tell him to seek

25 assistance?

Page 356

1 A For what?

2 Q For what you just said, operating a vehicle --

3 A I appreciated the honesty. There was no

4 indication that there was a problem with

5 alcohol. There was a --

6 Q What do you mean there was no indication there

7 was a problem with alcohol? You just said he

8 told you --

9 A There was no admittance from the Chief

10 himself, okay?

11 Q You said he told you he was driving the

12 vehicle, I think your words were, heavily

13 intoxicated.

14 A Yeah.

15 Q You don't think that was a problem?

16 A Yeah, it was a big problem.

17 Q Exhibit E, do you have that in front of you,

18 Defendant's Exhibit E?

19 A Defendant's Exhibit E?

20 Q So that's the email chain between your Law

21 Director and the OPBA on February 12th and

22 February 17th.

23 A Yes.

24 Q A couple weeks after you had your meeting with

25 Chief Nosse, right?

Page 357

1 A The meeting I said the Chief wasn't going to

2 get a raise, correct.

3 Q I just asked you the question, sir. We will

4 get out of here a lot quicker.

5 So there was a couple weeks after your

6 meeting with Chief Nosse, correct?

7 A Yes, sir.

8 Q Are you saying you're not aware of this

9 complaint by the OPBA, or you were aware?

10 A No, I was absolutely made aware by the Law

11 Director.

12 Q Shortly after he received the email.

13 A Yeah.

14 (Defendant's Exhibit F marked for

15 identification.)

16 Q Thank you. I just have several documents I

17 want you to identify. I'm not going to have

18 much more. The first one is Defendant's

19 Exhibit F.

20 A Yes, sir.

21 Q Is that your -- that's your email to the Chief

22 on April 16th about the leave and his

23 response, right?

24 A Yes.

25 Q That's what that is. Thank you.

Page 358

1 (Defendant's Exhibit G marked for  
2 identification.)  
3 Q Exhibit G, is a one-page document. This is  
4 the memo that you put out to the community and  
5 posted on the website; is that correct?  
6 A Yeah, first to our City Council, then to the  
7 community, yes. I should clarify at least let  
8 the council members know that --  
9 Q Exhibit I. This is dated April 20th, that you  
10 sent to a member of the city administration  
11 named Chris Speece telling him that Jamey  
12 Fisher's an Executive Officer and effective  
13 April 16th he's to get Chief Nosse's rate of  
14 pay; is that correct?  
15 A That's correct.  
16 Q I didn't see the FMLA paperwork that the Law  
17 Director put before you. Mine might be the  
18 same. Mine is marked as -- is it three pages?  
19 We have the same thing. What was this?  
20 MR. LALLO: 16.  
21 Q Were you the one that approved the Chief being  
22 put on leave for 480 hours?  
23 A I believe so. I don't remember exactly. I  
24 know there was discussion between Finance, Law  
25 Department, and Human Resources.

Page 359

1 Q That leave, the official leave, Exhibit 16, is  
2 different than the leave that you asked the  
3 Chief to go on, either medical or personal  
4 leave, right?  
5 A Yes. That was for an undetermined period of  
6 time, I believe at the request of medical  
7 leave -- or personal leave I should say.  
8 Leave, call it what you want.  
9 (Defendant's Exhibit J marked for  
10 identification.)  
11 Q Exhibit J, this is a document dated April 26,  
12 2021. It's a leave prepared, I believe, by  
13 the Law Director to give to Chief Nosse on  
14 April 26th. It's actually a request for  
15 resignation. Have you seen this document  
16 before?  
17 A I don't remember if I've seen it, but I  
18 certainly would have been notified of it.  
19 Q You have instructed the Law Director to try  
20 and get the Chief to sign this; is that  
21 correct?  
22 A Law Director wouldn't have acted without  
23 discussing this with me.  
24 Q Fair enough. When you told the Law Director  
25 that you considered the Chief having operated

Page 360

1 the vehicle while impaired, were you talking  
2 about in the video?  
3 A We saw it on the video.  
4 Q Well, I saw a video where he wasn't operating,  
5 it was in a driveway.  
6 A Say again.  
7 Q A saw a vehicle, the Chief's vehicle, in a  
8 driveway in the video, not driving it.  
9 A Sure. Pulling into the driveway, drinking  
10 alcohol, yes.  
11 Q I don't see that on the video, sir.  
12 A This is a City vehicle. Regardless if you are  
13 parked in a parking lot behind this building,  
14 or if you're moving, I don't care if you are  
15 parked in someone's driveway, on a city road,  
16 any road, it's -- we know it's against the  
17 vehicle policy, it's against the law.  
18 Certainly it was unbecoming of the Chief of  
19 Police. I think to split hairs on that one.  
20 Go ahead.  
21 Q I'm not going to argue with you. It's too  
22 late for that. The vehicle you will agree was  
23 on private property, stopped, correct?  
24 A It was actually still moving, I think the  
25 first tilt of the hand back, coming up the

Page 361

1 driveway.  
2 Q Then you've got better eyes than all of us.  
3 Did you actually see what the can was in the  
4 video?  
5 A I think maybe not on this TV tonight, but I  
6 think you can if put it on a smaller --  
7 Q Council is going to have to determine that.  
8 They can take a look for themselves.  
9 A I don't believe there is a question in  
10 anyone's mind those weren't Miller Lite cans.  
11 Q Well, sir, that's your testimony. Council  
12 will have to look at the video. Because I  
13 certainly couldn't see the video. Anything on  
14 the video.  
15 Speaking of the vehicle use policy,  
16 Exhibit 12, you should still have that before  
17 you, Mayor.  
18 A Yes, sir.  
19 Q You actually revised this policy at the  
20 request of Chief Hutton and Chief Nosse; isn't  
21 that true?  
22 A Yes. So it would say something --  
23 Q Well, you added, under guidelines, first  
24 paragraph, any exceptions to this policy must  
25 be approved in advance by the mayor and/or the

Page 362

1 police chief/fire chief. You added that at  
 2 their request, did you not?  
 3 A After some discussion, yes.  
 4 Q That's in a couple other paragraphs throughout  
 5 it, correct?  
 6 A Sure. Without having memorized the document,  
 7 it was a year ago, but, yeah.  
 8 Q That was because they use this vehicle as --  
 9 their vehicles as their personal vehicles,  
 10 isn't that why the change was requested, sir?  
 11 A No. The change was requested because they are  
 12 always on duty was how they put it to me. If  
 13 Chief Nosse has to respond from Euclid, I'm  
 14 telling you right now this is the way it was  
 15 put to me, has to respond in the middle of the  
 16 night or the afternoon or early in the morning  
 17 or on the weekend in that vehicle, that is why  
 18 he needed that latitude in here. Chief Hutton  
 19 would attest to the same exact thing for the  
 20 fire chief. Always on duty, and that's key.  
 21 Q So that is why he needed the ability to have  
 22 family members in the vehicle, is that what  
 23 you are saying?  
 24 A If he was somewhere, and he's the Chief of  
 25 Police, always on duty, and he was going to a

Page 363

1 soccer game, and something were to happen with  
 2 the radios and the weapons, and everything  
 3 else, then yeah, it made sense to me at the  
 4 time.  
 5 Q You said that you saw the video on Saturday,  
 6 April 17th, at Sergeant Fisher's house; is  
 7 that correct?  
 8 A That's correct.  
 9 Q Was anybody else present except you two?  
 10 A His girlfriend.  
 11 Q Christie?  
 12 A Correct.  
 13 Q Did they tell you what happened on the night  
 14 of April 13 and 14?  
 15 A They did. Sergeant Fisher, the day before, at  
 16 our 4:30 meeting had disclosed all of that.  
 17 Q So then you actually saw the video before Tom  
 18 Lobe did; is that correct?  
 19 A I don't know if Tom saw it the day before or  
 20 not. I'm not sure.  
 21 Q The letter April 19th, I forget which exhibit  
 22 to the OPBA, says that that morning they gave  
 23 a flash drive to Lobe of the video.  
 24 A Okay.  
 25 Q On April 19th. So you saw it even before

Page 364

1 that; is that correct?  
 2 A If the 17th was Saturday, then I guess that  
 3 was two days before.  
 4 Q We will agree on the math, sir.  
 5 Did you ever order an independent  
 6 investigation into this matter?  
 7 A Yes. So with Mr. Lobe and Mr. Lallo directing  
 8 what the nature of the investigation would be,  
 9 the independent nature of it, I know that the  
 10 Lake County Prosecutor's office was contacted,  
 11 and the Lake County Sheriff's Department was  
 12 contacted, along with BCI and the State  
 13 Auditor's office, I believe.  
 14 Q Okay. So but none of those agencies did an  
 15 independent investigation; isn't that true?  
 16 A So in terms of asking the Prosecutor's office  
 17 and the Sheriff's office, I think you already  
 18 know this, the -- too close to home, right?  
 19 Here in Lake County, high profile case, chief  
 20 of police, that's kind of my understanding of  
 21 that, with those relationships within this  
 22 department, they didn't want to touch it.  
 23 Q Because there would be some type of conflict.  
 24 They may know the Chief, is that what you are  
 25 saying?

Page 365

1 A That's the way I understood it.  
 2 Q And that should doubly apply for your own  
 3 police department investigating your chief,  
 4 don't you agree?  
 5 A But our own police department didn't  
 6 investigate our chief.  
 7 Q You heard Sergeant Fisher, he had the body cam  
 8 on when they were going through his office.  
 9 A Yeah, as they went into the office --  
 10 Q Excuse me, sir. Hang on. Sergeant LaTurner  
 11 was the one who went through the car. You saw  
 12 that piece of evidence, didn't you?  
 13 A With our Assistant Law Director right there.  
 14 And if you are suggesting the Assistant Law  
 15 Director would let something go awry, then  
 16 that's troubling.  
 17 Q I'm suggesting that it's the mere appearance  
 18 of impropriety, which is what us lawyers have  
 19 to worry about.  
 20 A Try to convey to the jury, correct.  
 21 Q Last thing I want to ask you about, show you  
 22 Exhibit K.  
 23 (Defendant's Exhibit K marked for  
 24 identification.)  
 25 Q This was one of the documents provided, but we

Page 366

1 were given some of the personnel files.  
 2 A This is from 2008.  
 3 Q I understand that, sir. You've seen all this  
 4 before, have you not?  
 5 A You have to refresh me. This --  
 6 Q So this is an investigation that was started  
 7 by the OPBA against Chief Baumgart.  
 8 A I've already heard about it --  
 9 Q Sir, we can't talk over each other. The court  
 10 reporter is going to get very upset here in a  
 11 minute.  
 12 A 2008 though, right?  
 13 Q Yes, sir. It's the same allegation -- what  
 14 you just said, all these different agencies  
 15 were asked to investigate and letters were  
 16 sent. It's the same M.O., is it not?  
 17 A Does it mean it didn't happen?  
 18 MR. ZICCARELLI: Excuse me. Did he  
 19 indicate that he's not seen this document  
 20 before?  
 21 MR. CONSOLO: He said he wasn't  
 22 sure.  
 23 A There is a lot of stuff in my office. I don't  
 24 know why I would have.  
 25 MR. CONSOLO: Okay. I don't have

Page 367

1 anything further.  
 2 MR. ZICCARELLI: You can step down,  
 3 Mayor.  
 4 Do you have any more witnesses?  
 5 MR. LALLO: I have no further  
 6 witnesses. I want to admit Exhibits 1 through  
 7 9 and 10 through 16 -- I'm sorry, 11 through  
 8 16.  
 9 MR. ZICCARELLI: Any objection?  
 10 MR. CONSOLO: No.  
 11 MR. ZICCARELLI: First of all, those  
 12 exhibits will be admitted. Let's make sure,  
 13 Counsel, before we leave, that the court  
 14 reporter has all the exhibits that have been  
 15 introduced.  
 16 As I've indicated to the public, we are  
 17 breaking tonight. I know you'd rather stay  
 18 here later, but we don't.  
 19 I would caution council, as you are  
 20 sitting here as a function of a jury to decide  
 21 this issue, you're instructed not to talk  
 22 amongst yourselves as to any of the evidence  
 23 that you've heard or any of the opinions you  
 24 may have formed. So that is the admonition  
 25 not to speak to each other about the case

Page 368

1 until tomorrow night when all the evidence has  
 2 been presented.  
 3 Counsel, have any questions before we  
 4 break?  
 5 MR. LALLO: Yes, just for the  
 6 record, as it relates to the scheduling of the  
 7 meeting. I would indicate it's an emergency  
 8 meeting where we do have permission under this  
 9 ordinance. Council President can set this.  
 10 I'll read our ordinance, 220.02, a portion of  
 11 it.  
 12 "Upon written or verbal request of the  
 13 mayor, president of council, or any three  
 14 members of council, a special meeting may be  
 15 called. It must be at least 24 hours before  
 16 the time specified for the special meeting.  
 17 The mayor and any member of council may waive  
 18 such notice in any defect or irregularity in  
 19 the service. Such notice shall be  
 20 conclusively waived by attendance at such a  
 21 meeting.  
 22 So it does give -- we do have  
 23 permission to hold the meeting within the 24  
 24 hours. I would indicate that it would be an  
 25 emergency meeting, which is a type of a

Page 369

1 special meeting, to continue the hearing  
 2 regarding the termination of Chief Lance Nosse  
 3 to be set for, what time tomorrow? 6:00 p.m.  
 4 Mr. Council President, if you wish to make  
 5 that declaration.  
 6 PRESIDENT LOWERY: I'm not going to  
 7 repeat the whole thing. We do waive that  
 8 emergency notice, and we will convene tomorrow  
 9 at 6:00 p.m.  
 10 MR. LALLO: Today. So that would  
 11 be Tuesday, August 3rd. And just to ask,  
 12 because every council member has been served  
 13 personally, if each council member would waive  
 14 any defects in notice or irregularity in  
 15 service.  
 16 MR. LESNICK: Yes.  
 17 MR. ZICCARELLI: You waive the service  
 18 of the 24-hour notice that there is a hearing  
 19 tomorrow.  
 20 MR. LALLO: Today.  
 21 PRESIDENT LOWERY: Yes, I agree.  
 22 MS. WOLFE: Yes.  
 23 MR. HAYMER: Yes.  
 24 MR. SMOLIC: Yes.  
 25 MR. RUPLE: Yes.

1 MR. SCHULZ: Yes.  
 2 MR. LALLO: Thank you.  
 3 PRESIDENT LOWERY: We are adjourned.  
 4 All in favor?  
 5 MR. SMOLIC: Aye.  
 6 MR. LESNICK: Aye.  
 7 MR. RUPLE: Aye.  
 8 MR. SCHULZ: Aye.  
 9 PRESIDENT LOWERY: Any opposed?  
 10 Thank you.  
 11 (Meeting adjourned at 1:51 a.m.)  
 12  
 13  
 14  
 15  
 16  
 17  
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 20  
 21  
 22  
 23  
 24  
 25

1 State of Ohio, )  
 2 County of Cuyahoga. ) SS:  
 3  
 4 C E R T I F I C A T E  
 5 This certifies that the foregoing is a true  
 6 and correct transcript of the proceedings had  
 7 before the Kirtland City Council, on August 2,  
 8 2021, commencing at 6:00 p.m.  
 9  
 10 In Re:  
 11 Termination of Police Chief Lance Nosse  
 12  
 13  
 14  
 15  
 16 COURT REPORTER  
 17 FINCUN-MANCINI COURT REPORTERS  
 18 1801 East Ninth Street  
 19 Suite 1720  
 20 Cleveland, Ohio 44114  
 21 (216) 696-2272  
 22 email@fincunmancini.com  
 23  
 24  
 25

	<b>accept (1)</b> 198:23	<b>activated (1)</b> 288:17	338:17;341:12;346:5	61:18;62:12;69:22; 73:9;75:22;82:25;83:5; 86:1;92:14;98:11; 107:7;113:9;129:4,25; 131:5;133:2;136:10; 156:25;167:21;170:7; 175:23;177:19;186:3; 215:1;225:6;245:1; 281:1;316:3;317:4,13; 322:17;327:16,17; 333:8;341:9;343:1; 348:6;355:21,22;360:6
<b>§</b>	<b>acceptable (1)</b> 150:8	<b>active (1)</b> 146:24	<b>admissibility (1)</b> 70:3	<b>against (23)</b> 63:9,13,20;75:17,19; 76:5;97:23;104:15; 105:6;110:15;113:8; 114:18;115:13;161:7; 162:21;189:9;192:23; 196:17;210:23;293:15; 360:16,17;366:7
<b>\$80 (1)</b> 134:21	<b>access (6)</b> 124:18,19;127:8,10; 291:1,8	<b>activities (5)</b> 124:12;172:9; 214:22;297:15;300:2	<b>admission (2)</b> 148:4;317:3	<b>age (7)</b> 119:6;140:14; 165:15;176:5;198:5; 301:12;313:24
<b>\$86 (1)</b> 134:21	<b>accessible (1)</b> 343:7	<b>activity (4)</b> 260:9;300:7;340:7, 23	<b>admit (2)</b> 317:9;367:6	<b>agencies (3)</b> 79:13;364:14;366:14
<b>\$86.35 (1)</b> 131:22	<b>accident (1)</b> 110:9	<b>acts (5)</b> 115:25;147:6; 155:15;340:1;347:9	<b>admittance (1)</b> 356:9	<b>agency (2)</b> 110:24;157:6
<b>A</b>	<b>accompany (1)</b> 69:20	<b>actual (1)</b> 112:7	<b>admitted (7)</b> 69:18;117:24;250:1; 310:17;320:5;323:18; 367:12	<b>agenda (2)</b> 60:3;82:9
<b>AA (2)</b> 209:16;276:14	<b>accordance (3)</b> 96:15;298:9;343:14	<b>actually (24)</b> 60:17;93:21;110:12; 123:4;147:21,24; 179:24;233:9;236:13; 260:24;269:1;276:14; 281:16;289:23;290:11; 303:10;305:19;318:13; 320:22;359:14;360:24; 361:3,19;363:17	<b>admonish (1)</b> 317:20	<b>aggravated (2)</b> 213:24;319:25
<b>aback (1)</b> 321:13	<b>According (10)</b> 63:14;81:21;82:24; 136:16;252:8;261:13; 262:3;264:23;281:17; 322:10	<b>Ad (1)</b> 209:13	<b>admonition (1)</b> 367:24	<b>aggressive (1)</b> 221:13
<b>abandoned (1)</b> 214:21	<b>account (4)</b> 124:18,20;134:22; 283:7	<b>Adam (14)</b> 74:22;99:15,15,16; 100:6,15;190:20; 257:25;259:12;278:12, 24;325:16,22;332:2	<b>admonitions (1)</b> 148:9	<b>ago (7)</b> 158:17;200:24; 201:2;203:3;205:10; 206:9;362:7
<b>abdicated (1)</b> 350:21	<b>accounts (1)</b> 120:2	<b>adamant (4)</b> 212:21;222:14; 245:14;317:23	<b>adopt (1)</b> 335:19	<b>agree (10)</b> 67:15;277:22;279:9; 287:19;316:7;340:13; 360:22;364:4;365:4; 369:21
<b>ability (9)</b> 139:7;153:14; 239:20;281:4,11; 294:25;297:6;339:4; 362:21	<b>accuracy (1)</b> 69:4	<b>add (2)</b> 91:3;123:8	<b>adopted (1)</b> 96:5	<b>agreed (1)</b> 310:12
<b>able (21)</b> 66:3;124:21;136:7, 12;143:24;145:15; 146:6;151:3;152:20; 186:21;205:22;219:21; 230:1;235:19;239:1,7, 16;268:18;300:17; 322:23;330:17	<b>accurate (7)</b> 231:5,7;242:21; 253:24;296:5;334:1; 345:9	<b>added (3)</b> 76:17;361:23;362:1	<b>advance (3)</b> 299:18;353:9;361:25	<b>agreement (1)</b> 329:23
<b>abnormalities (1)</b> 125:5	<b>accused (2)</b> 203:20;290:6	<b>addition (2)</b> 63:25;334:7	<b>advice (3)</b> 228:13;242:8;292:14	<b>ahead (6)</b> 85:19;190:2;200:3; 213:11;281:8;360:20
<b>above (3)</b> 243:20;256:25; 353:16	<b>accuser (1)</b> 86:7	<b>Additional (6)</b> 79:6;80:16;81:23; 103:20;280:6;296:13	<b>advise (2)</b> 78:15;161:2	<b>ahold (1)</b> 217:9
<b>absconding (1)</b> 344:1	<b>accusers (1)</b> 77:8	<b>address (2)</b> 64:22;113:12	<b>advised (2)</b> 281:3,9	<b>ain't (1)</b> 214:19
<b>absence (12)</b> 103:5,15;141:11; 143:18;144:4;151:19; 152:5,11;192:9,13,14; 332:20	<b>accusing (1)</b> 115:25	<b>addressed (1)</b> 304:3	<b>advising (1)</b> 111:8	<b>air (1)</b> 272:14
<b>absent (1)</b> 194:5	<b>acknowledges (1)</b> 104:16	<b>adjoin (2)</b> 352:3,5	<b>affair (11)</b> 263:5,14;268:15,18; 272:15;273:16,19,20; 274:24;282:14;327:9	<b>Albon (1)</b> 91:8
<b>Absolutely (13)</b> 92:20;202:4;218:10, 23;251:16;253:7; 263:18;268:7;269:15; 294:15;335:9;340:12; 357:10	<b>across (6)</b> 120:12;141:11; 229:20;306:1,19; 320:18	<b>adjourn (2)</b> 370:3,11	<b>affairs (1)</b> 338:25	<b>A-L-B-O-N (1)</b> 91:8
<b>abuse (9)</b> 83:19;100:2;150:12; 279:1;298:11,25; 299:2,4;343:15	<b>acted (1)</b> 359:22	<b>administer (1)</b> 66:10	<b>affected (3)</b> 156:15;171:19; 268:12	<b>alcohol (41)</b> 83:12;97:25;100:1; 117:24;174:8;182:19;
<b>abused (1)</b> 150:19	<b>acting (5)</b> 70:19;105:15; 225:13;278:1;300:15	<b>administration (11)</b> 98:25;100:22,23; 101:2,7;108:12,15,21; 112:19;282:2;358:10	<b>affected (2)</b> 229:8;268:14	
<b>abusing (1)</b> 192:17	<b>action (12)</b> 63:21;72:15,16; 95:12;156:5;282:7; 297:24;302:25;304:5; 336:24;338:7;353:8	<b>administrative (14)</b> 79:10,12;140:25; 141:5,9;147:20;148:1, 12;165:24,25;197:7;	<b>affecting (2)</b> 192:1;209:22	
<b>academy (1)</b> 203:3	<b>actions (5)</b> 62:7;161:5;182:17; 224:13;227:15		<b>affects (1)</b> 249:21	
			<b>affirm (2)</b> 65:9;97:10	
			<b>affirmative (3)</b> 63:23;68:6,10	
			<b>affirmatively (1)</b> 65:11	
			<b>afford (1)</b> 305:14	
			<b>afraid (1)</b> 261:4	
			<b>afternoon (7)</b> 60:16;102:2;193:3; 261:12;302:1;322:1; 362:16	
			<b>Again (40)</b>	

<p>187:1,4,5;192:17; 195:17;209:12;219:22; 265:15;268:3;270:8, 15;276:21,22;278:25; 297:4,13,13;308:3,7,9; 315:6;316:11,18; 322:13;326:8;327:22; 332:11;333:8;340:15; 342:11,14;345:17; 356:5,7;360:10</p> <p><b>alcoholic (13)</b> 98:20;174:2;187:6; 224:10;237:14;265:13; 316:21;317:5,6,9; 341:17,20;342:8</p> <p><b>alcoholism (3)</b> 115:20;171:11;256:1</p> <p><b>allegation (2)</b> 116:12;366:13</p> <p><b>allegations (8)</b> 75:17,19;76:8;84:15; 93:24;113:23;114:17, 19</p> <p><b>alleged (2)</b> 63:10;83:12</p> <p><b>alleging (1)</b> 348:23</p> <p><b>allocated (1)</b> 120:3</p> <p><b>allow (6)</b> 61:1;72:13;84:19; 108:20,21;185:6</p> <p><b>allowable (2)</b> 61:12,13</p> <p><b>allowed (8)</b> 109:20;131:2; 132:10;148:5;185:5; 268:8,21;330:22</p> <p><b>allowing (3)</b> 110:16;146:3;276:7</p> <p><b>allows (2)</b> 72:23;87:23</p> <p><b>almost (2)</b> 256:14;312:21</p> <p><b>alone (3)</b> 65:1;214:21;304:15</p> <p><b>along (9)</b> 72:14;78:21;87:14; 221:18;223:11;306:12; 328:8;339:8;364:12</p> <p><b>always (12)</b> 61:24;168:4;175:2, 10;220:25;244:4; 247:3,3;345:7;362:12, 20,25</p> <p><b>Americans (1)</b> 101:4</p> <p><b>among (2)</b> 116:17;118:18</p> <p><b>amongst (2)</b> 254:3;367:22</p> <p><b>amount (1)</b> 94:3</p>	<p><b>amounts (1)</b> 315:6</p> <p><b>Amy (5)</b> 140:12,13,21; 254:19;255:2</p> <p><b>analyzed (1)</b> 123:5</p> <p><b>and/or (7)</b> 103:1;154:15; 297:13;299:18,23; 346:23;361:25</p> <p><b>Andrasek (1)</b> 254:10</p> <p><b>angle (1)</b> 241:21</p> <p><b>angry (3)</b> 213:19;214:5;248:12</p> <p><b>announced (1)</b> 70:18</p> <p><b>anonymous (1)</b> 248:23</p> <p><b>answered (4)</b> 76:16;115:11; 219:25;351:7</p> <p><b>ANTHONY (2)</b> 301:11,19</p> <p><b>anymore (15)</b> 122:10;135:4;153:2; 209:21;214:24;215:17; 216:2;243:4;245:11, 23;269:19;275:18; 276:12;305:5;329:2</p> <p><b>apologize (2)</b> 168:25;169:3</p> <p><b>apologized (1)</b> 227:15</p> <p><b>apparent (1)</b> 182:19</p> <p><b>apparently (3)</b> 71:17;77:2;98:14; 103:24;241:10;268:21</p> <p><b>appeal (1)</b> 236:17</p> <p><b>appealed (1)</b> 233:23</p> <p><b>Appeals (1)</b> 201:19</p> <p><b>appear (9)</b> 63:18;127:25;128:2; 129:17;177:24;231:22; 232:4,7;238:24</p> <p><b>appearance (3)</b> 68:23;219:17;365:17</p> <p><b>appeared (3)</b> 72:1;126:19;182:10</p> <p><b>appears (4)</b> 129:20;231:20; 232:16;296:20</p> <p><b>applied (3)</b> 79:5;145:23,24</p> <p><b>applies (1)</b> 91:22</p> <p><b>apply (5)</b> 68:20,21;73:22; 253:6;365:2</p> <p><b>Applying (2)</b> 69:8;146:1</p> <p><b>appointed (1)</b> 60:18</p> <p><b>appoints (1)</b> 284:15</p> <p><b>appreciate (7)</b> 72:25;215:4;230:13; 236:22;261:17;294:25; 327:19</p> <p><b>appreciated (2)</b> 326:25;356:3</p> <p><b>appreciative (3)</b> 100:9;315:19,20</p> <p><b>approach (7)</b> 145:9;151:1,14; 209:11;227:24;247:9; 328:24</p> <p><b>approachable (1)</b> 145:12</p> <p><b>approached (2)</b> 208:1;213:8</p> <p><b>appropriate (1)</b> 338:6</p> <p><b>approve (1)</b> 335:19</p> <p><b>approved (3)</b> 299:18;358:21; 361:25</p> <p><b>Approximately (5)</b> 176:15;239:25; 240:17;241:1;288:4</p> <p><b>apps (1)</b> 142:24</p> <p><b>April (81)</b> 83:13,14;93:17; 95:20;97:3;101:9; 102:2,15;103:3,13,16, 22;104:22;105:4,10,16, 19;106:24,24;112:8, 18;124:8,8;127:11,19; 128:15;130:8;134:1; 143:6,10;144:5; 146:11,16;152:3,25; 160:12;168:1;170:13; 192:21;193:1,17; 219:1;231:4;234:3; 235:1;238:12;239:23; 240:25;241:13,18; 250:7;251:6;252:8,12; 257:11,21;258:12; 261:12;276:4;278:5; 279:14,19;280:16; 286:6;299:14;300:2; 301:23;320:15,19; 334:7;341:9;349:20; 357:22;358:9,13; 359:11,14;363:6,14,21, 25</p> <p><b>aptly (1)</b> 78:24</p>	<p><b>arbitrary (4)</b> 73:2;75:7;76:10; 111:11</p> <p><b>arbitration (1)</b> 203:22</p> <p><b>Arbitrator (1)</b> 203:23</p> <p><b>area (2)</b> 163:25;172:5</p> <p><b>argue (7)</b> 200:3;201:4,25; 339:21;347:18,24; 360:21</p> <p><b>arguing (1)</b> 144:10</p> <p><b>argument (2)</b> 88:3;174:12</p> <p><b>arguments (5)</b> 65:16,19;92:10; 144:16,20</p> <p><b>around (24)</b> 82:15;121:2;126:12; 127:12;159:3;160:12; 169:3;181:13;182:18, 24;184:16,23;188:14; 189:1;213:15;243:3; 252:1;271:18,18; 274:10;283:25;293:6; 315:3;320:24</p> <p><b>arrest (2)</b> 201:11,12</p> <p><b>arrests (1)</b> 208:13</p> <p><b>arrival (1)</b> 252:12</p> <p><b>arrived (2)</b> 262:13;292:6</p> <p><b>arrives (1)</b> 261:13</p> <p><b>Aside (2)</b> 129:19;295:4</p> <p><b>asleep (3)</b> 226:24;229:21; 308:24</p> <p><b>assertion (1)</b> 315:23</p> <p><b>asserts (1)</b> 200:11</p> <p><b>assign (1)</b> 69:8</p> <p><b>assigned (3)</b> 217:6;341:5;343:19</p> <p><b>assist (2)</b> 92:13;328:8</p> <p><b>assistance (4)</b> 60:20,23;101:11; 355:25</p> <p><b>Assistant (27)</b> 93:22;94:17;104:25; 108:7;109:4;115:15; 119:17;137:9;140:25; 141:5,9;165:24;166:1; 167:12;187:25;211:10;</p>	<p>228:23;251:3;257:5; 279:15;282:18;285:11; 333:5;338:18;346:5; 365:13,14</p> <p><b>assistants (1)</b> 341:12</p> <p><b>Association (2)</b> 99:11;250:5</p> <p><b>assume (4)</b> 127:9,13;184:2; 207:19</p> <p><b>assumed (3)</b> 179:9;180:12;181:21</p> <p><b>assuming (3)</b> 73:4;141:20;186:12</p> <p><b>assumptions (1)</b> 182:6</p> <p><b>assure (1)</b> 87:13</p> <p><b>assured (1)</b> 78:6</p> <p><b>atmosphere (1)</b> 150:8</p> <p><b>attached (1)</b> 85:2</p> <p><b>attack (1)</b> 215:2</p> <p><b>attempt (1)</b> 115:1</p> <p><b>attempted (3)</b> 211:6;224:14;258:7</p> <p><b>attempting (3)</b> 83:25;98:16;192:2</p> <p><b>attend (2)</b> 259:11;312:6</p> <p><b>attendance (3)</b> 90:12;282:20;368:20</p> <p><b>attended (1)</b> 213:10</p> <p><b>attention (15)</b> 99:21;103:21; 120:14,22;208:15; 218:8;298:1,3;314:17; 315:4;318:7;337:6; 339:22;354:16,22</p> <p><b>attest (2)</b> 138:15;362:19</p> <p><b>attorney (37)</b> 60:18;66:2,24;67:1, 5,6,7,17,20,20,24;68:1; 70:12;74:23;87:13; 99:23;114:14,22,23; 118:13;162:17;190:11; 198:12;200:8,11,17,19, 23;202:12;228:11; 249:6;250:4;278:15; 280:23;288:23;289:4, 24</p> <p><b>attorney-client (4)</b> 190:1;198:19;199:9; 202:8</p> <p><b>attorneys (3)</b> 61:9,20;70:7</p>
--	--	--	--

<p><b>attribute (1)</b> 78:10</p> <p><b>audience (1)</b> 147:16</p> <p><b>audio (4)</b> 235:14;236:5; 280:10;288:5</p> <p><b>Auditor's (1)</b> 364:13</p> <p><b>August (6)</b> 97:1;163:16,18; 164:5,7;369:11</p> <p><b>authored (2)</b> 332:19;336:14</p> <p><b>authority (8)</b> 63:6;90:10,14;109:6; 135:15,18;160:6;341:7</p> <p><b>authorize (2)</b> 90:25;344:7</p> <p><b>authorizing (1)</b> 82:4</p> <p><b>auxiliary (2)</b> 334:24;335:1</p> <p><b>availability (1)</b> 282:20</p> <p><b>available (1)</b> 152:20</p> <p><b>average (4)</b> 126:10;129:25; 130:17;144:6</p> <p><b>avoid (2)</b> 94:10;223:7</p> <p><b>award (1)</b> 230:21</p> <p><b>aware (23)</b> 85:3;113:6;137:17; 138:20;142:10,11,12; 192:25;207:7;208:1; 260:9;262:2;268:2,3; 283:1,21,23;301:21,23; 347:16;357:8,9,10</p> <p><b>away (11)</b> 76:6,6;117:19,20,21; 214:1;226:10;270:23; 275:6;291:4;305:4</p> <p><b>awry (4)</b> 209:8;228:22; 244:23;365:15</p> <p><b>Aye (4)</b> 370:5,6,7,8</p>	<p>183:2;185:14,20; 186:24;187:2,14; 191:14,23;203:23,25; 205:15;207:19;209:6; 210:19;212:14;215:2; 216:24;220:10;221:5; 222:13;226:19;228:21; 229:18;230:9;234:8; 238:7;245:6;251:21; 272:10;290:22;295:15; 303:16;304:22,25; 308:19,20,23,24;309:5, 13;319:5,21;320:15; 323:8,13;325:24; 328:18;330:3,20; 332:15;339:13,13; 341:1,9;343:1;350:24; 352:6,11;354:3,7,14; 360:25</p> <p><b>background (2)</b> 146:19;203:2</p> <p><b>bad (11)</b> 68:12;93:15;115:25; 180:16;208:13;223:10; 228:18;308:3,6;317:8; 337:19</p> <p><b>badge (4)</b> 282:22;283:4,11,17</p> <p><b>balance (2)</b> 160:21;275:17</p> <p><b>ball (2)</b> 306:10;307:1</p> <p><b>bargaining (5)</b> 99:22;141:12;191:5; 208:8;281:19</p> <p><b>barking (1)</b> 288:19</p> <p><b>barks (1)</b> 239:10</p> <p><b>bars (3)</b> 98:9;260:2;308:5</p> <p><b>based (12)</b> 89:18;155:24; 156:17,19;180:25; 241:7;253:8;312:12; 323:18;334:6;342:2; 348:13</p> <p><b>basic (6)</b> 76:24;77:8;86:13; 101:5;182:5;200:15</p> <p><b>basically (13)</b> 248:2;263:5;270:2; 302:5,7;305:10; 316:22;323:12,17; 324:13;329:10;332:23; 355:20</p> <p><b>basics (1)</b> 171:4</p> <p><b>basis (2)</b> 120:18;207:25</p> <p><b>bathroom (1)</b> 185:10</p> <p><b>Baumgart (24)</b></p>	<p>101:12;102:11; 114:18;115:5;167:12; 193:14;205:13;247:22; 255:1;290:14;302:20, 20;303:2,6;304:4,8,16; 306:4;308:1,22; 309:14;310:7,8;366:7</p> <p><b>bay (1)</b> 252:16</p> <p><b>BCI (1)</b> 364:12</p> <p><b>Bear (1)</b> 154:20</p> <p><b>beautiful (1)</b> 224:25</p> <p><b>became (7)</b> 144:4;152:19; 156:14;168:2;205:6; 254:11;342:10</p> <p><b>become (3)</b> 205:24;206:21;254:2</p> <p><b>becoming (2)</b> 316:2;338:19</p> <p><b>beer (9)</b> 111:15;172:17; 222:15,15;225:19; 263:19,21;264:4; 265:23</p> <p><b>beg (1)</b> 215:18</p> <p><b>began (1)</b> 120:18</p> <p><b>begin (3)</b> 60:14;70:15;118:13</p> <p><b>beginning (8)</b> 70:24;105:18;125:7; 126:15;230:10;233:8; 278:5;332:9</p> <p><b>behalf (6)</b> 66:1,3,24;82:22; 190:21;254:17</p> <p><b>behavior (17)</b> 143:11;177:23; 196:11;206:15;209:22; 210:25;256:22;272:5; 293:24;315:18;316:1; 339:17;342:18;343:2; 346:25;347:9;350:18</p> <p><b>behind (2)</b> 224:1;360:13</p> <p><b>believabilities (1)</b> 68:19</p> <p><b>believable (2)</b> 69:16,17</p> <p><b>belittle (3)</b> 155:22;163:8;348:10</p> <p><b>belittled (3)</b> 156:8;159:19;163:4</p> <p><b>belittling (1)</b> 163:6</p> <p><b>belonged (1)</b> 137:5</p> <p><b>belongings (1)</b></p>	<p>290:18</p> <p><b>below (1)</b> 296:22</p> <p><b>beneficial (1)</b> 78:14</p> <p><b>Benevolent (2)</b> 99:11;250:5</p> <p><b>berated (1)</b> 145:6</p> <p><b>beside (1)</b> 60:10</p> <p><b>besides (1)</b> 85:5</p> <p><b>best (14)</b> 59:23;139:6;153:13; 175:9;204:16;246:19; 248:8;255:8;294:11; 302:24;304:5;307:3,5; 328:24</p> <p><b>better (8)</b> 89:1;111:7;150:10; 205:15;245:10;272:13; 353:18;361:2</p> <p><b>beverage (3)</b> 187:6;196:10;237:14</p> <p><b>beverages (6)</b> 174:2;341:17,17,21; 342:8,16</p> <p><b>beyond (5)</b> 197:1,4;205:14; 294:9;316:15</p> <p><b>bias (1)</b> 69:5</p> <p><b>big (14)</b> 96:22;146:25; 152:17;223:12,12; 295:14;304:2;308:4; 322:15;325:11;327:3, 4;332:5;356:16</p> <p><b>bigger (1)</b> 322:15</p> <p><b>biggest (2)</b> 108:5;243:5</p> <p><b>bill (20)</b> 84:7;85:11;120:12, 15,20;121:1,6,17; 123:3,13;128:17; 131:13,16,23;132:1; 133:3;134:14,21; 137:3;346:7</p> <p><b>billing (1)</b> 132:12</p> <p><b>bills (5)</b> 119:25;120:5; 135:16;141:10;171:5</p> <p><b>birthday (1)</b> 183:19</p> <p><b>birthdays (1)</b> 195:22</p> <p><b>bit (13)</b> 153:7;213:16,25; 215:3,10;222:20; 229:14;246:17;257:19;</p>	<p>317:2;323:24;326:22; 345:21</p> <p><b>bits (1)</b> 107:13</p> <p><b>blew (1)</b> 244:21</p> <p><b>block (2)</b> 146:5,6</p> <p><b>blowing (4)</b> 224:16,16,17,17</p> <p><b>blue (3)</b> 96:17;109:1,1</p> <p><b>body (12)</b> 60:19;61:22;62:8,14; 66:23;92:7,12;290:13; 298:18;353:7,10;365:7</p> <p><b>boggling (1)</b> 107:18</p> <p><b>bomb (2)</b> 282:8,10</p> <p><b>books (1)</b> 90:13</p> <p><b>born (1)</b> 225:5</p> <p><b>boss (6)</b> 159:23;185:13; 191:24;217:3;244:9; 259:7</p> <p><b>both (13)</b> 61:2,18;68:12;81:13; 88:12,18;89:18;92:10; 247:25;290:23;302:21; 331:5;337:22</p> <p><b>bothered (3)</b> 76:7;169:2;216:22</p> <p><b>bothering (2)</b> 205:21;215:19</p> <p><b>bottle (11)</b> 107:10;111:14,15; 172:17;180:4;183:15, 17,24;184:4;252:25; 294:13</p> <p><b>bottles (2)</b> 184:5;270:6</p> <p><b>bottom (3)</b> 278:11;327:7;333:7</p> <p><b>bought (2)</b> 183:15,24</p> <p><b>bounce (1)</b> 350:24</p> <p><b>bounds (1)</b> 227:14</p> <p><b>bourbon (10)</b> 178:12;179:25; 180:2;183:6,12,17,24; 184:24;187:3;193:25</p> <p><b>boyfriend (3)</b> 225:17;266:18,24</p> <p><b>boyfriend's (1)</b> 266:17</p> <p><b>boys (1)</b> 253:18</p> <p><b>brand (1)</b></p>
<b>B</b>				
<p><b>back (98)</b> 60:9;74:25;86:2; 87:2;96:17;109:19,19, 20;114:7,13,15;117:15, 18;123:4,6;134:13,15; 144:15;152:16;159:14; 161:13;166:8,8; 167:11;176:22,24; 177:5,6,16;178:7,8,10; 179:9,20;181:20,21;</p>				

<p>232:19 <b>breach (1)</b> 199:8 <b>break (10)</b> 70:6,7,8;118:15; 175:20;251:15,24; 313:15,18;368:4 <b>breakdown (2)</b> 121:7;131:18 <b>breaking (1)</b> 367:17 <b>brewing (1)</b> 229:5 <b>bribery (1)</b> 63:2 <b>brief (1)</b> 215:9 <b>Briefly (5)</b> 138:24;148:8;203:1, 15;216:3 <b>bring (18)</b> 67:21,22;82:21;94:7; 95:24;110:20;174:1; 189:22;192:23;201:19, 20;226:19;232:21; 237:22;273:9;316:16; 341:19;342:7 <b>bringing (7)</b> 110:20;190:6,24; 263:12;318:16;319:10; 339:19 <b>brings (2)</b> 99:13;337:25 <b>broad (1)</b> 85:14 <b>broke (1)</b> 256:13 <b>broken (9)</b> 127:1;136:1;142:14; 169:14;170:4;218:4; 306:9,9;323:4 <b>brother (1)</b> 205:25 <b>brought (37)</b> 65:19;67:9;74:4; 78:9;86:2;103:21; 111:5;113:5,7;114:17, 22;118:6,10;120:13, 22;162:20;177:6; 178:7;183:2;191:15; 203:14;232:20;238:8; 263:16;273:14;276:18; 292:20;315:3;318:12; 319:21;322:21,22; 323:20;339:6,15; 354:16,22 <b>brunt (2)</b> 144:24;145:17 <b>Buchanan (9)</b> 140:12,13,19,22; 158:5;174:13,23; 228:22;348:4 <b>B-U-C-H-A-N-A-N (1)</b></p>	<p>140:22 <b>buddies (1)</b> 114:16 <b>budget (9)</b> 98:2,4,18;229:6; 303:23;314:22,23; 316:14;317:14 <b>Budzik (1)</b> 114:11 <b>buffer (1)</b> 208:21 <b>Build (1)</b> 105:8 <b>building (8)</b> 104:14;147:1;161:7, 10;196:3;340:18; 343:7;360:13 <b>buildings (1)</b> 330:2 <b>bullet (2)</b> 296:17;336:21 <b>bullets (1)</b> 296:22 <b>bump (1)</b> 320:11 <b>bunch (2)</b> 146:23;321:9 <b>burden (2)</b> 74:10;113:14 <b>burns (1)</b> 288:21 <b>business (11)</b> 60:1;116:17;124:12; 245:2;258:20;287:25; 320:18;338:25;340:7, 24;347:23 <b>busy (1)</b> 143:16 <b>buy (2)</b> 183:17;184:5</p>	<p>74:24;80:6;106:8; 108:24;151:15;169:4, 5;212:20;217:22; 221:15;227:11;243:15, 17;259:12;302:2; 304:13,16;305:9; 307:20;308:16,21,23; 309:13,15;311:4; 318:10;324:13,22; 325:9,10,13,14,16,17; 329:6,8,8;330:10,20, 25;368:15 <b>calling (3)</b> 106:25;294:24;310:4 <b>calls (13)</b> 125:9;126:6,18,20, 21,25;139:7;210:4; 221:19;228:9;242:8; 243:11;352:13 <b>cam (1)</b> 365:7 <b>came (51)</b> 77:3;97:25;98:3; 123:4,6;133:19;143:1; 151:15,17;152:25; 161:13;167:18;175:10; 177:4;179:19;187:13, 15;188:21;211:10,20; 212:12;213:22;214:14; 219:6;221:5;222:7,12, 13;224:1;227:2;238:1; 242:19;243:2;247:22, 25;262:24;263:1; 267:10,24;277:15; 283:22;296:3,4;302:3, 11;303:11;304:7; 306:14;308:23;316:4; 330:21 <b>camera (5)</b> 230:17;239:2;246:9; 284:23;290:13 <b>cameras (4)</b> 226:14;228:3;246:7; 298:18 <b>can (153)</b> 59:5,23,24;62:5; 64:22,23;65:20;67:15, 16;69:20;76:14;77:11, 13;78:10,20;82:10; 87:4,13;90:25;91:3; 92:8;95:11;96:23; 105:25;106:1;112:16; 115:12;117:3;119:11; 121:8;124:5;127:17; 128:11;130:6;131:12; 133:20;138:13;140:19; 143:14;145:1,20; 147:1;149:10;150:24; 152:13;153:19;154:12; 155:1,9,16;157:3; 159:22;165:20;170:11; 172:17;173:24;174:11, 17;176:10;190:2;</p>	<p>195:10;200:12,13; 202:5,10,20;204:18; 205:9;207:19;208:6; 230:9,10;231:17,25; 232:12,19,22,24,25; 233:7;234:17;235:4, 13,14,21;236:3,20; 238:2,10;240:4,7,19, 20,23;241:11,14,19; 244:14;245:2;249:21; 252:1,11;254:20; 255:5;256:18;261:10; 262:18;270:6;283:10; 284:19;287:18;288:19; 292:8;295:13;296:6, 11,17;298:6;301:17; 305:13,14;314:4,18; 316:25;318:19;322:19; 323:15;326:14;331:4, 14;333:9;334:15,21; 335:18;336:9,23; 337:20;338:22;339:23; 348:18;349:6;352:9, 17,17,21,22;353:21; 354:24;361:3,6,8; 367:2;368:9 <b>cans (8)</b> 232:6,8,10,18;266:5, 6;305:4;361:10 <b>cap (4)</b> 111:14,15;252:25; 294:13 <b>capacity (2)</b> 118:9;329:2 <b>capital (1)</b> 321:19 <b>capricious (3)</b> 73:2;75:8;76:11 <b>captioned (2)</b> 235:1;240:24 <b>car (50)</b> 105:23,24;110:5,6; 111:22;172:20;177:5, 15,17,25;178:2,3,17, 20,21,21;180:15; 181:19;186:19;226:15, 19;231:12;235:25; 237:17,22,24;239:10; 251:3;266:15,16,20; 285:21,21;288:18; 291:9,10,12,17;292:2; 300:5,10,16,23;301:5; 305:2,4;309:14,15; 332:15;365:11 <b>card (1)</b> 283:12 <b>cards (1)</b> 100:24 <b>care (9)</b> 135:3;211:8;215:25; 255:9,11,14,14;323:10; 360:14 <b>cared (1)</b></p>	<p>255:24 <b>career (2)</b> 209:2;245:21 <b>careers (1)</b> 94:24 <b>careful (2)</b> 344:15,24 <b>careless (1)</b> 296:14 <b>carry (1)</b> 243:3 <b>carrying (2)</b> 297:14;300:1 <b>cars (1)</b> 300:19 <b>case (25)</b> 62:3,10;64:7;67:18, 20;74:20;77:10;79:18, 20,25;80:25;87:12; 91:6;92:9;97:22; 104:14;105:9;139:23; 161:7,10,11;212:19; 322:14;364:19;367:25 <b>cases (1)</b> 208:13 <b>catch (1)</b> 186:7 <b>categorically (1)</b> 344:10 <b>caught (2)</b> 100:19;317:21 <b>cause (18)</b> 64:3;68:8;74:10; 81:12,15,19;96:14; 97:12;113:16;115:19; 154:14;188:20;191:25; 340:8,24;346:22; 351:10,13 <b>causes (1)</b> 339:5 <b>caution (1)</b> 367:19 <b>CCW (1)</b> 227:7 <b>celebratory (3)</b> 196:1;269:9;276:25 <b>cell (44)</b> 116:4,10;117:5; 120:16;121:14,16; 124:7;125:2,6,18; 126:1;127:18;128:13, 19;130:7,14;131:18; 137:18,22;138:5,14; 142:14;169:13,24; 170:9;217:6,14,15; 218:3;275:15;286:15, 17,21;298:15,19; 312:24;328:2;333:2,4; 343:25;344:1;346:6; 347:18,19 <b>Center (2)</b> 119:16,17 <b>certain (12)</b></p>
<b>C</b>				

<p>73:20;84:10;145:8, 10;147:23;148:9; 153:12;217:8;223:20; 256:7,8;335:7 <b>certainly (18)</b> 72:17;87:5;89:14; 92:9,11;190:11;202:5; 262:1;315:15;317:9, 25;330:2;338:19; 345:1,16;359:18; 360:18;361:13 <b>certifications (1)</b> 210:3 <b>certified (8)</b> 119:7;140:15; 165:16;176:6;177:19; 198:6;301:13;313:25 <b>cetera (2)</b> 83:20,20 <b>chain (10)</b> 76:12;99:10;243:17; 248:21;259:19;275:19, 22,24;278:11;356:20 <b>chair (3)</b> 210:19;215:3;220:10 <b>Chaloupka (30)</b> 74:23;75:2;99:15,16, 24;100:15;189:25; 190:20;198:22;199:16, 20,24;200:1,5,19,24; 201:2,5,7,10,14,21; 250:3;278:12,15,24; 288:23;318:8;325:14, 22 <b>chambers (2)</b> 198:16;202:14 <b>chance (4)</b> 70:14;72:11;254:15; 320:10 <b>change (8)</b> 143:11;193:17; 207:9;215:8;249:22; 287:10;362:10,11 <b>changed (6)</b> 74:13;91:16;215:7; 245:9;290:24;291:7 <b>changes (1)</b> 206:15 <b>chaplain (1)</b> 196:23 <b>Chapter (1)</b> 347:14 <b>characterization (1)</b> 150:18 <b>characterize (2)</b> 322:5;329:17 <b>charge (15)</b> 74:4;113:5;121:13, 24;137:3;193:23; 194:2;245:7;274:7; 284:7,8;336:16;337:1; 339:22;347:12 <b>charged (1)</b></p>	<p>279:6 <b>charges (32)</b> 63:9,12,15,19;64:8; 74:3;75:1,14;76:4,5,9; 79:15;83:8;85:6;87:5; 88:10;94:8;99:13; 102:5;110:15,19,22; 113:1,3;118:10;131:2, 17,18;137:18;336:16; 344:5;350:1 <b>charging (13)</b> 83:9;84:3,9,13,23; 85:1,1;333:9;336:10; 337:4;338:9;339:7; 347:13 <b>charter (3)</b> 80:20,22;89:25 <b>chartered (1)</b> 80:19 <b>chase (3)</b> 176:19;301:20;329:9 <b>cheated (2)</b> 216:18;224:11 <b>check (5)</b> 120:4;282:19;283:3; 310:6;323:8 <b>checked (2)</b> 136:13,19 <b>checking (1)</b> 112:24 <b>checks (1)</b> 220:3 <b>chest (2)</b> 243:3;244:22 <b>Chief (429)</b> 60:21;62:9,19;63:17; 64:2,9;65:2,12,13,20; 66:3,13,24;71:6;73:1; 75:18;76:5,23;78:22; 86:4,11;88:25;93:13; 94:23;95:7,10;96:10, 17;97:11,19,23,23,24; 98:3,16,21,23;99:24; 100:7,20;101:2,6,10, 11,11,12,19;102:10,10, 11,16;103:2,14,23; 104:3,3,16,19;105:6, 16,17,21;106:7,8,18, 25;107:3,9,20;109:10, 18,19;110:15,21; 111:25;112:1,10,19,25; 113:8,23;114:18; 115:2,4,8,10,13,16; 116:1,24,24;117:4; 118:4,4;122:4,15,24; 123:9,12;124:7;125:2; 127:18;131:23;132:22; 134:3,5;135:2,8,10,19, 23;136:4,7,10;138:12, 12;141:20,25;142:3; 143:5,11,23;144:2,21; 145:2,24,25;146:21; 149:4;150:24;151:24;</p>	<p>152:13;153:11;154:2, 8,17;155:7;156:7,18; 157:12;161:4,12,21; 162:16;163:3;165:24; 166:20;167:12,18; 172:10;174:6,12,24; 176:21,23;177:2,18,22; 179:6;182:9;183:18; 185:5;186:12,19; 189:10,20;190:7; 192:17,23;193:7,13,18, 24;194:4,5,8,17;195:1, 4,18;196:2,8,15; 204:19;205:13,18; 208:18,24;209:5,11; 210:7;211:15;212:9, 20;213:14,22;218:1, 24;219:16;220:7,20; 221:11;224:20;225:13; 227:6;230:13;231:20; 235:24;238:3;239:1; 241:8;243:18,21,22; 244:10;245:2,12,25; 246:10;247:9,21,21; 248:1,22;249:19; 253:6,8,21;254:1,2,10, 11,18,24;255:1,1,8,21; 256:21,25;257:13,14, 25;258:5,12,13,19,20; 260:1,6,12,16;261:13, 23;262:12,23;263:1,5, 24;264:6;265:12,15; 266:25;267:6;268:3,5, 17,23;269:1,10,18,22, 25;272:13;274:10,22; 275:23,24;276:8,12; 277:1,12;278:1,4,21; 279:6;281:4,5,11,12; 282:20;283:22;284:3, 18;285:19;287:23; 290:14;291:25;292:6, 12;293:5,13,23; 294:21;295:4,5; 298:22;299:1,5,13,19; 300:1,11,15,21;301:10, 17,22;302:6,20,20,21, 25;303:2,6,12,16,24, 24;304:1,4,5,8,10,15, 16;305:9;306:5,7,15; 307:1,10;308:1,21; 309:14,20;310:7,8; 311:7;312:9;313:7,12; 314:20;315:13;316:2, 9;317:24;318:25; 320:11,17,21;321:5,13, 21;323:16,20;324:2,12, 12,325:21,25;330:16; 331:17;332:10;334:9, 16,22;335:6,19;336:3, 11;338:11,19;339:10; 340:12;341:13,24; 342:3,22;343:23; 345:14;346:14;348:6,</p>	<p>12;349:10;350:4,7; 351:8,12;354:17; 355:2,8,16,24;356:9, 25;357:1,6,21;358:13, 21;359:3,13,20,25; 360:18;361:20,20; 362:1,13,18,20,24; 364:19,24;365:3,6; 366:7;369:2 <b>chief/fire (2)</b> 299:19;362:1 <b>chiefs (2)</b> 228:11;340:19 <b>Chief's (38)</b> 110:5;111:21,21; 140:25;162:17;166:7; 167:7,12;174:8;177:8; 179:7;181:18;184:4; 190:17;192:7;195:18; 231:12,13;237:17,22; 250:13,16,19;271:9; 283:3;286:11;290:12, 20;291:17;294:13; 299:22,23;300:23; 318:14;332:20;333:24; 340:10;360:7 <b>child (1)</b> 225:4 <b>children (2)</b> 217:13;245:15 <b>Chillicothe (1)</b> 154:6 <b>choice (2)</b> 263:22;317:8 <b>choices (3)</b> 305:10,13;329:13 <b>choir (1)</b> 253:17 <b>chose (3)</b> 272:19;273:2,4 <b>choosing (1)</b> 233:12 <b>chose (1)</b> 147:5 <b>Chris (1)</b> 358:11 <b>Christie (8)</b> 262:21,22;264:17; 266:23;267:6;287:20; 292:18;363:11 <b>Christmas (2)</b> 183:19;195:24 <b>Cindy (7)</b> 145:13;153:6; 165:12;212:1;213:8; 254:19;255:2 <b>circle (1)</b> 229:18 <b>circumstances (3)</b> 69:7;222:3;352:9 <b>circumventing (1)</b> 152:23 <b>citation (1)</b></p>	<p>91:13 <b>cited (1)</b> 79:17 <b>cities (3)</b> 73:14;79:17;80:4 <b>citizen (1)</b> 346:11 <b>citizens (2)</b> 118:8;244:5 <b>City (129)</b> 59:3;60:7,19;62:20; 64:1;80:11,18;83:13; 85:7,15,17;88:4;89:25; 94:6;95:16;96:6;98:9, 23;101:24;102:18; 103:16;107:20;109:11; 111:1;113:25;116:17; 119:7;181:18;184:4; 124:1;125:20;127:15; 128:9;130:4;131:10; 137:18;138:7,10,14; 141:2;149:23,25; 150:1;153:17;154:5, 24;155:20;156:5; 157:13;162:7;166:3; 176:13;178:17,21; 180:23;190:18;192:20; 225:16;230:4,7; 246:20;249:4;250:13; 251:12;284:13,23,24; 286:15,17,19;287:3,25; 290:5;295:17,23; 296:8,13,15;297:18; 301:4;303:13,17; 305:25;311:10;314:8, 13;315:11,15;317:19, 21;318:2;320:6;321:4; 322:9;325:20;327:22; 328:21;330:2;331:20; 332:11;333:4,8,13; 334:13;336:7;338:17; 340:3,14,25;344:7; 345:17,25;346:6; 347:22;348:8,25; 349:15,16;350:4,21; 351:9;353:3;355:1,22; 358:6,10;360:12,15 <b>city-issued (4)</b> 85:13;172:10,13; 231:15 <b>City-owned (1)</b> 285:18 <b>city's (1)</b> 85:11 <b>City-wide (1)</b> 138:19 <b>civil (9)</b> 61:7,18;71:24;72:15; 79:8;113:4;203:21; 347:7,8 <b>Civilian (1)</b> 219:18 <b>claim (2)</b></p>
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<p>272:12;347:21 <b>claiming (3)</b> 75:1;86:4;113:10 <b>clarification (1)</b> 157:11 <b>clarify (3)</b> 163:23;164:3;358:7 <b>Claw (4)</b> 236:1;237:15,16,25 <b>Claws (1)</b> 235:17 <b>clean (6)</b> 212:15;213:11; 274:10;307:4;321:9; 347:20 <b>cleaned (1)</b> 212:5 <b>cleaning (3)</b> 212:2,3;214:1 <b>clear (7)</b> 71:10;128:3;146:16; 147:10;199:11;200:6; 353:2 <b>clearly (4)</b> 202:8;238:25;346:4, 4 <b>clerk (4)</b> 140:24;141:4,6; 228:22 <b>clerks (1)</b> 341:11 <b>Cleveland (1)</b> 62:21 <b>client (9)</b> 71:10,21;72:19; 76:24;85:3;86:1;88:6; 200:7;202:1 <b>clients (1)</b> 100:25 <b>climbed (1)</b> 209:2 <b>clip (23)</b> 233:8;234:3,6,8,19, 24,25;235:2,4;238:11, 11,15;239:11;240:24; 241:12,18,18;262:3; 289:12,15,21;292:4; 312:8 <b>clipped (1)</b> 288:4 <b>clips (14)</b> 107:15;230:1;239:7, 16,18;242:10,14; 261:13;264:23;266:11; 279:24;280:1;288:21, 21 <b>close (10)</b> 97:9;133:2;142:4; 179:4;205:24;302:21; 309:10;310:4;350:18; 364:18 <b>closed (6)</b> 166:10;179:11,12;</p>	<p>214:17;226:8;270:25 <b>closely (1)</b> 302:22 <b>Closer (1)</b> 267:16 <b>closet (2)</b> 149:1;291:15 <b>clothes (2)</b> 219:18;225:3 <b>cloud (1)</b> 288:22 <b>clue (2)</b> 266:1;327:10 <b>coaster (2)</b> 205:12;265:7 <b>Code (31)</b> 62:20,22;63:14,25; 73:21;74:4,19;75:9; 79:16,22,24;80:1,21, 24;81:16,21;87:6,20; 88:2,10,19,23;89:9,11, 24;91:15;326:20; 334:18,19;347:3,14 <b>codified (11)</b> 74:9;80:17;81:11; 88:8,11,23;89:5,7,25; 155:3;348:1 <b>coffee (4)</b> 267:21,24,24;268:1 <b>coincidental (1)</b> 102:13 <b>Coincidentally (1)</b> 102:9 <b>cold (2)</b> 181:11;320:19 <b>colleague (1)</b> 114:11 <b>colleagues (3)</b> 107:5;116:11,11 <b>collected (1)</b> 248:9 <b>College (2)</b> 269:7;301:25 <b>color (2)</b> 155:24;348:13 <b>combustion (2)</b> 297:2,9 <b>comforting (1)</b> 246:11 <b>coming (26)</b> 106:9;107:9;143:15, 16;161:19;188:18; 202:7;207:8;208:18; 219:22;220:12;221:22, 24;259:6;272:10,21; 275:11;283:18;284:3; 308:25;309:3;320:19; 323:25;326:23;327:19; 360:25 <b>command (7)</b> 193:18;243:17; 248:21;259:19;275:20, 22,24</p>	<p><b>commenced (1)</b> 81:7 <b>comment (9)</b> 146:7;149:11;157:6; 213:22;220:12;225:1, 12;229:22,23 <b>comments (14)</b> 83:20;146:20,21,22; 147:2,4;148:25; 155:24;156:18,21,24; 208:17;224:21;348:13 <b>Commission (2)</b> 148:3;347:8 <b>commit (1)</b> 340:1 <b>committed (1)</b> 350:2 <b>committee (3)</b> 321:14,16,20 <b>common (3)</b> 184:16,18;342:10 <b>communicated (1)</b> 162:16 <b>communicating (1)</b> 218:1 <b>communication (1)</b> 345:8 <b>communications (2)</b> 198:25;199:6 <b>communities (1)</b> 285:3 <b>community (12)</b> 80:19;119:17;210:7; 247:7;331:16,19; 350:10,25;354:23,25; 358:4,7 <b>company (4)</b> 221:21;272:4,8; 291:6 <b>compel (1)</b> 90:11 <b>compilations (1)</b> 133:15 <b>compile (2)</b> 130:9,11 <b>compiled (2)</b> 124:9;133:25 <b>Compiling (1)</b> 124:13 <b>complain (1)</b> 161:20 <b>complained (1)</b> 162:24 <b>complaint (16)</b> 160:2,5;189:19,22; 190:16,24;191:12,15, 24;192:8,16;248:23, 24;293:15;348:23; 357:9 <b>complaints (7)</b> 160:23;162:20; 192:23;259:15;278:21; 279:11;291:25</p>	<p><b>complete (4)</b> 62:2;115:11;252:13, 17 <b>completed (3)</b> 152:7,10;207:22 <b>completely (6)</b> 114:25;170:10,17; 229:7;237:5,8 <b>compliance (1)</b> 210:4 <b>complied (1)</b> 85:15 <b>components (1)</b> 147:23 <b>comport (1)</b> 353:14 <b>comprehensive (1)</b> 134:23 <b>compulsory (1)</b> 90:11 <b>concentrate (1)</b> 242:9 <b>concern (15)</b> 100:9;103:5;152:9; 160:13;171:17;188:21; 190:7;191:25;198:19; 268:9,11;318:9,12,14; 323:20 <b>concerned (8)</b> 99:24;170:18; 171:13;270:22;309:7, 16;310:3,6 <b>concerning (2)</b> 62:10;259:10 <b>concerns (6)</b> 100:8;160:17; 176:20;190:20;281:4, 10 <b>conclude (1)</b> 354:3 <b>concluded (1)</b> 68:14 <b>conclusion (3)</b> 67:17,19;202:13 <b>conclusively (2)</b> 297:11;368:20 <b>concur (1)</b> 68:11 <b>concurrence (1)</b> 64:5 <b>condition (4)</b> 99:4;214:4;271:9; 315:22 <b>conduct (18)</b> 115:22;149:16; 189:20;190:17;197:15, 16;284:14;293:14; 337:13,22,25;338:5,15, 18,23,24;340:4;347:5 <b>conducted (4)</b> 60:1;71:11;148:19; 252:5 <b>conducts (1)</b></p>	<p>350:13 <b>confide (1)</b> 292:12 <b>confident (2)</b> 96:1,12 <b>confirming (1)</b> 329:19 <b>conflict (1)</b> 364:23 <b>confront (2)</b> 86:7;226:21 <b>confronted (2)</b> 210:15;303:24 <b>confused (2)</b> 73:24;133:22 <b>confusing (3)</b> 134:17,20,25 <b>connotation (1)</b> 149:6 <b>conscience (1)</b> 246:16 <b>consequently (1)</b> 99:23 <b>conider (8)</b> 65:18;68:18;70:2; 97:8;205:25;228:12; 294:3;352:9 <b>consideration (2)</b> 320:1;349:25 <b>considered (7)</b> 62:7;95:23;156:4; 163:25;295:2;302:23; 359:25 <b>considering (3)</b> 338:10;339:7;352:9 <b>Consistent (2)</b> 151:7;167:10 <b>consistently (1)</b> 79:4 <b>Consolo (109)</b> 66:2,24;67:7,10,15, 20;68:1;70:12,13,18, 22;77:18,23;78:24; 79:11,17;81:5;82:12; 83:2;85:21;86:18; 87:18;88:14;89:12; 90:20;91:3,6;92:18,25; 93:8,9;97:14,16; 123:18;125:25;133:9, 11;138:21;139:16; 140:7;146:10,14; 147:8;148:7;150:14, 18,21;157:1;158:4; 164:11,20;165:1,8; 175:18,25;176:1; 181:6,8;190:9,13; 194:20;195:10,15; 196:4,21;197:6,14; 198:11;199:14,18,23, 25;200:16,22;201:1,4, 6,8,12,18;202:4,10; 203:14;221:15;232:11; 233:10,16,21;234:2,5,</p>
---	--	---	---	--

<p>9;236:6,10,22;240:5,12;249:25;251:14; 255:19;293:17;299:11; 301:6;313:10;349:14; 353:20;354:10;366:21, 25;367:10 <b>Consolo's (2)</b> 77:25;81:24 <b>conspiracy (1)</b> 191:19 <b>constraints (1)</b> 229:7 <b>consumed (4)</b> 83:12;196:9;342:11, 12 <b>consuming (3)</b> 219:22;315:5;342:16 <b>contact (9)</b> 111:25;164:21; 227:3;302:14,16; 307:1,3;311:21;330:4 <b>contacted (6)</b> 112:1;302:19; 311:25;312:1;364:10, 12 <b>contacts (3)</b> 100:16,17;112:4 <b>contain (1)</b> 139:5 <b>contained (1)</b> 209:9 <b>containing (1)</b> 288:24 <b>contains (1)</b> 139:3 <b>content (3)</b> 198:24;199:5;214:11 <b>Contentious (1)</b> 221:9 <b>context (2)</b> 149:16;253:13 <b>continuance (1)</b> 81:8 <b>continuation (1)</b> 60:3 <b>continue (8)</b> 185:1;214:23; 237:11;251:25;281:5, 11;296:10;369:1 <b>continued (2)</b> 71:21;353:25 <b>continuing (1)</b> 136:17 <b>continuous (1)</b> 239:20 <b>contract (2)</b> 330:14,14 <b>control (2)</b> 205:14;334:23 <b>controlled (2)</b> 174:2;341:21 <b>convene (2)</b> 102:3;369:8</p>	<p><b>convenes (1)</b> 353:7 <b>conversation (39)</b> 102:16;146:25; 186:1;188:19;190:4; 200:7,15;210:13; 214:11,12;216:14; 219:12;220:8;222:10, 20;227:5;244:20; 258:21,22;265:8; 282:23;306:5;316:9, 23;318:5,22;320:4,14; 321:3,12,19,23;322:6; 323:16;325:3,7; 329:19;331:3;341:9 <b>conversations (14)</b> 170:16,22;208:7; 209:15;223:13;229:9; 254:5;255:6;256:10, 11,18;273:8;294:5; 303:22 <b>conversing (1)</b> 267:5 <b>convey (1)</b> 365:20 <b>cool (1)</b> 226:2 <b>cooling (2)</b> 214:6;220:25 <b>coordinated (1)</b> 254:17 <b>Coordinator (1)</b> 119:16 <b>copies (5)</b> 66:22;123:17,23; 289:8;349:5 <b>copy (13)</b> 63:12;64:13,15,16; 66:21;89:22;92:24; 123:19,20,24;236:15; 289:6,9 <b>Corillo (1)</b> 158:8 <b>corner (1)</b> 230:15 <b>corporation (4)</b> 80:10,12;90:10; 91:19 <b>correctly (2)</b> 128:24;288:16 <b>correspondence (1)</b> 318:8 <b>cost (2)</b> 131:20,22 <b>couch (1)</b> 225:11 <b>Council (91)</b> 59:3,22;60:1,10,19, 24;63:15,21,24;64:6, 17;65:6,9,11,14,17; 66:7,7;68:4,10,12,16, 18;70:1;71:19;72:7,21; 73:4,15,25;74:6,15,17,</p>	<p>20;78:15;81:4;82:3,14, 17,22;83:1;87:3,7; 89:6,14;93:12,12; 97:17;98:7;113:2; 114:10,13;116:15; 118:17;119:4;123:17, 24;148:10;179:13; 184:13,14;185:13; 186:16;198:16;202:14; 233:18;234:13;260:2, 5,13,15,16,18,24; 261:3;288:14;300:11; 351:24;354:4;358:6,8; 361:7,11;367:19; 368:9,13,14,17;369:4, 12,13 <b>Councilman (7)</b> 216:10;222:25; 224:15;225:22;235:11; 355:3,9 <b>Councilperson (1)</b> 302:6 <b>Councilwoman (26)</b> 125:19;129:13,22; 130:22;132:20;136:22; 176:24;177:3,11; 181:17;187:10;236:2; 262:4;263:6;264:21; 266:25;267:6;270:1; 273:15;274:3,18; 275:6,8;287:24; 292:13,20 <b>Councilwoman's (7)</b> 126:1;137:13; 182:22;186:20;194:10; 195:1,6 <b>counsel (15)</b> 60:8,18;62:14;63:18; 65:20;78:23;93:22; 240:1;253:21;284:19; 294:21;319:23;353:19; 367:13;368:3 <b>counseled (1)</b> 293:23 <b>counseling (7)</b> 154:14;209:16; 215:20;275:2;294:1,3; 346:22 <b>counselor (2)</b> 117:16;309:8 <b>countless (1)</b> 216:7 <b>County (5)</b> 71:25;91:9;364:10, 11,19 <b>couple (16)</b> 72:4;100:16,24; 114:12;151:14;168:15; 172:2;190:19;218:7; 240:3;295:10;312:22; 330:25;356:24;357:5; 362:4 <b>courage (1)</b></p>	<p>351:3 <b>course (7)</b> 124:11;282:7; 302:24;304:5;323:5; 326:25;341:1 <b>court (27)</b> 61:23;62:1,5;64:12, 14,19;66:21;79:2; 92:19,25;120:11; 140:10;147:25;148:20; 201:19;233:23;234:12; 236:7,9,17,17,23; 237:6;306:11;307:1; 366:9;367:13 <b>courts (1)</b> 201:17 <b>cover (4)</b> 256:16;275:12,17; 277:23 <b>covered (1)</b> 213:10 <b>create (1)</b> 61:2 <b>credit (2)</b> 210:20;246:10 <b>criminal (4)</b> 72:16;79:8;84:8; 100:18 <b>critical (1)</b> 256:16 <b>crooked (1)</b> 104:18 <b>Cross (7)</b> 158:2;175:16;181:5; 255:17;313:9;353:21; 354:8 <b>cross- (1)</b> 67:9 <b>crossed (5)</b> 215:15;228:14; 253:19;263:10,12 <b>cross-examination (9)</b> 67:6;133:8,10;158:3; 181:7;255:18;352:2; 354:3,9 <b>cross-examine (3)</b> 66:25;67:25;157:3 <b>cross-examined (1)</b> 199:13 <b>crossroads (1)</b> 97:5 <b>crucify (1)</b> 98:16 <b>cruiser (1)</b> 294:14 <b>crux (1)</b> 97:22 <b>cry (2)</b> 76:2;115:9 <b>culmination (2)</b> 228:18,20 <b>cup (1)</b> 268:1</p>	<p><b>curb (1)</b> 266:10 <b>cured (1)</b> 112:3 <b>current (1)</b> 100:11 <b>cut (2)</b> 301:20;329:9 <b>cutting (2)</b> 244:11,12 <b>CYNTHIA (2)</b> 165:14,22</p> <p style="text-align: center;"><b>D</b></p> <p><b>D1 (1)</b> 155:16 <b>D2 (1)</b> 155:9 <b>daily (2)</b> 68:21;207:25 <b>damage (9)</b> 253:2;285:21,22; 286:7;298:11;343:15, 19;345:3,4 <b>damaged (1)</b> 296:21 <b>dark (1)</b> 276:4 <b>data (4)</b> 130:12;133:20; 139:3,4 <b>date (9)</b> 93:19;126:22; 181:12;188:14;189:13; 220:19;233:25;280:4, 14 <b>dated (10)</b> 64:10;65:4;73:16; 234:3;250:7;252:8; 335:16;349:11;358:9; 359:11 <b>dates (2)</b> 277:10,20 <b>daughter (11)</b> 219:10;224:22,24; 225:16;227:3,22; 228:1;229:21;266:24; 267:3;271:25 <b>daughter's (3)</b> 226:15;266:15,24 <b>day (81)</b> 103:2;108:3;115:18; 117:9;126:10,11,13,24; 130:1;142:23;143:18, 22;144:9;145:9,12,14; 157:21;167:8,15; 168:4,15;169:19; 171:24,25;178:25; 182:22,25;193:13,17; 194:11;207:13;208:15; 211:21;212:1,9,25; 213:20;214:8,10;</p>
--	--	--	--	--

<p>219:3,6,9;220:14; 221:1,5,5;227:1,1,6,18; 228:7;231:1;232:24; 242:7,11;244:25; 248:7,8;266:9,10,11; 274:3;287:20;301:24; 304:12;307:17,19; 314:17;317:10,17; 320:19;321:17;323:7, 17;324:9;325:15; 326:5;327:24;343:6; 363:15,19</p> <p><b>day-in (1)</b> 314:12</p> <p><b>day-out (1)</b> 314:12</p> <p><b>days (13)</b> 112:18;128:25; 143:17;145:8;166:13, 14;171:23;277:9; 282:21;318:23;326:25; 330:25;364:3</p> <p><b>de (1)</b> 94:13</p> <p><b>deal (8)</b> 96:22;223:12,13; 302:14,25;307:13,23, 24</p> <p><b>dear (2)</b> 322:8;335:19</p> <p><b>December (6)</b> 119:21;125:7; 126:15;295:15,16; 333:20</p> <p><b>decide (7)</b> 61:11;68:4;69:10,15, 22;317:6;367:20</p> <p><b>decided (2)</b> 101:13;108:16</p> <p><b>decision (8)</b> 92:4;94:7;97:11; 222:24;244:2,8;282:9; 353:2</p> <p><b>declaration (1)</b> 369:5</p> <p><b>decline (1)</b> 171:8</p> <p><b>declined (1)</b> 81:24</p> <p><b>deemed (1)</b> 338:5</p> <p><b>defect (1)</b> 368:18</p> <p><b>defective (1)</b> 296:21</p> <p><b>defects (1)</b> 369:14</p> <p><b>defendant (5)</b> 74:21;77:12;89:15, 16;93:3</p> <p><b>Defendant's (16)</b> 75:16;76:13;84:18; 99:9;104:22;109:17;</p>	<p>278:7,10;279:14; 356:18,19;357:14,18; 358:1;359:9;365:23</p> <p><b>defended (1)</b> 215:3</p> <p><b>defense (1)</b> 100:18</p> <p><b>defer (2)</b> 78:4;237:3</p> <p><b>definitely (2)</b> 175:1,11</p> <p><b>delegate (1)</b> 213:24</p> <p><b>deleting (1)</b> 347:16</p> <p><b>deliberations (1)</b> 69:21</p> <p><b>delinquent (2)</b> 80:6,9</p> <p><b>demanded (1)</b> 78:1</p> <p><b>demands (1)</b> 71:10</p> <p><b>demeanor (2)</b> 170:11;294:25</p> <p><b>demeans (1)</b> 256:9</p> <p><b>denied (4)</b> 75:6,22;117:12; 216:12</p> <p><b>deny (4)</b> 106:11;315:19; 316:3;344:10</p> <p><b>denying (1)</b> 82:19</p> <p><b>department (127)</b> 62:25;63:7;94:6,21; 99:13;103:13;121:18; 137:25;141:7;144:22; 145:22;150:2;153:5,8; 154:16,18;158:9; 166:4;167:2;168:9,13; 171:22;173:25;174:25; 176:14;180:20;187:20; 196:12;197:11;202:24; 203:8,12,15;209:22; 214:20;218:16;229:17; 243:7,16,21;244:6,23; 245:10;246:20;247:8; 254:4;255:13;256:7; 269:2,11,14;273:21; 274:24;275:25;277:25; 283:8,11,18;284:1; 286:22,25;287:6; 293:7,14;298:3,7,8,11, 14;303:2;308:15; 312:16,20,23;313:2; 314:13,14;318:13; 321:4;327:14;328:20; 330:12;331:15,19; 335:1,21,22;337:11,21, 24;338:1,3,4,17,20; 339:6,15,17,18,19,20;</p>	<p>340:1,6;341:5,11,19; 342:15,19;343:3,11,12, 12,16,16;344:14,19; 345:7;346:24;350:11, 22;351:1,2;358:25; 364:11,22;365:3,5</p> <p><b>departmental (4)</b> 298:10;343:14,19; 344:16</p> <p><b>departments (2)</b> 138:17,19</p> <p><b>Department's (1)</b> 153:20</p> <p><b>Depends (1)</b> 251:2</p> <p><b>deride (2)</b> 155:21;348:10</p> <p><b>derided (1)</b> 156:8</p> <p><b>derogatory (3)</b> 155:23;156:18; 348:13</p> <p><b>descent (1)</b> 333:1</p> <p><b>describe (11)</b> 75:19;152:13; 170:11;174:11;176:19; 203:1;230:11;249:21; 314:18;334:15;349:6</p> <p><b>described (1)</b> 323:12</p> <p><b>describes (1)</b> 334:16</p> <p><b>describing (1)</b> 338:18</p> <p><b>description (1)</b> 155:18</p> <p><b>designated (1)</b> 321:18</p> <p><b>designee (1)</b> 348:21</p> <p><b>desire (1)</b> 254:1</p> <p><b>desk (3)</b> 151:9,11;304:14</p> <p><b>destructive (1)</b> 296:14</p> <p><b>detail (2)</b> 63:10;150:24</p> <p><b>detailed (1)</b> 148:13</p> <p><b>details (1)</b> 161:17</p> <p><b>detective (1)</b> 182:3</p> <p><b>determination (4)</b> 89:7;92:8,13;330:18</p> <p><b>determine (5)</b> 115:23,25;230:1; 233:24;361:7</p> <p><b>determined (3)</b> 107:16,17;304:5</p> <p><b>developed (2)</b></p>	<p>142:4;205:23</p> <p><b>dialed (2)</b> 129:9,14</p> <p><b>dicta (1)</b> 79:20</p> <p><b>dictated (1)</b> 80:19</p> <p><b>difference (2)</b> 70:4;81:1</p> <p><b>differences (1)</b> 80:22</p> <p><b>different (16)</b> 73:5;74:7;83:10; 114:12;120:3;169:1; 175:13;199:22;200:18; 245:3;254:20,23; 288:3;312:22;359:2; 366:14</p> <p><b>difficult (2)</b> 198:14;317:2</p> <p><b>dilemma (1)</b> 243:6</p> <p><b>direct (11)</b> 66:18;67:5,23;119:9; 140:17;165:18;176:8; 202:18;301:15;314:2; 322:19</p> <p><b>directed (4)</b> 84:9;123:12;131:24; 345:11</p> <p><b>directing (1)</b> 364:7</p> <p><b>directives (1)</b> 340:5</p> <p><b>directly (10)</b> 149:3;155:25; 168:12,21;171:20; 211:16;259:18,20; 339:19;346:3</p> <p><b>Director (83)</b> 65:25;66:17;71:8; 72:15;73:16;74:16; 75:12;76:13;85:23; 89:4;93:23;95:8;97:17, 18;99:18,18;100:5,12, 17;101:20;102:19; 104:25;106:15,23; 108:8,14,16,25;109:4; 110:25;111:1,8,25; 112:8;114:2;115:15; 116:24;137:9;138:13; 148:11;161:20,22; 162:7,24;187:19,22,25; 188:4,16,22;189:7; 234:9;236:11;240:5; 257:1,6;274:9;276:1; 278:12,15;279:15; 280:24;282:18;285:12; 290:1;314:8,11; 318:11,20;328:18; 335:2,4,12,25;356:21; 357:11;358:17;359:13, 19,22,24;365:13,15</p>	<p><b>Director's (1)</b> 159:21</p> <p><b>dirty (1)</b> 115:16</p> <p><b>disability (11)</b> 97:24;100:14;101:4, 14;102:12,20;104:5, 21;112:20;115:21; 117:11</p> <p><b>disagree (2)</b> 81:25;340:21</p> <p><b>disagreed (1)</b> 316:11</p> <p><b>disagreements (2)</b> 174:18;220:23</p> <p><b>disappointing (1)</b> 346:17</p> <p><b>disbanded (2)</b> 163:16,18</p> <p><b>disbelieve (1)</b> 69:13</p> <p><b>disciplinary (6)</b> 95:12;156:5;204:17; 297:24;336:24;338:7</p> <p><b>discipline (5)</b> 62:17;71:2,6;154:11; 346:19</p> <p><b>disclosed (2)</b> 327:5;363:16</p> <p><b>discontinued (1)</b> 321:2</p> <p><b>discourse (1)</b> 229:15</p> <p><b>discourteous (1)</b> 347:5</p> <p><b>discovered (2)</b> 121:19;228:4</p> <p><b>discovery (2)</b> 82:12;85:14</p> <p><b>discredit (1)</b> 338:2</p> <p><b>discrediting (1)</b> 343:3</p> <p><b>discredits (2)</b> 196:12;342:19</p> <p><b>discrepancies (1)</b> 94:18</p> <p><b>discrepancy (4)</b> 121:4,10,12,20</p> <p><b>discretion (3)</b> 299:22,22,23</p> <p><b>discretionary (1)</b> 82:25</p> <p><b>discrimination (1)</b> 156:2</p> <p><b>discuss (10)</b> 71:2,15;87:8,24; 100:8;163:10;180:19; 187:22;314:23;329:3</p> <p><b>discussed (11)</b> 71:6;74:12;77:2; 79:21;87:4,15;187:19; 258:5;282:12,13;</p>
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<p>353:15 <b>discussing (2)</b> 116:17;359:23 <b>discussion (9)</b> 198:17;202:13; 247:14;314:23;318:25; 351:25;354:6;358:24; 362:3 <b>discussions (2)</b> 218:11;329:25 <b>dishonesty (2)</b> 290:7;347:4 <b>dismissal (6)</b> 71:3,5;154:11,15; 346:19,23 <b>dismissive (1)</b> 211:18 <b>dispatch (16)</b> 144:16,18,19; 145:21;146:12;151:9; 152:17;163:15,16,18, 24,25;164:1,2,4;229:8 <b>dispatcher (2)</b> 144:20;145:21 <b>disposal (2)</b> 174:6;341:24 <b>dispose (1)</b> 287:9 <b>disposed (1)</b> 172:25 <b>dispute (2)</b> 89:22;109:15 <b>disrepute (4)</b> 338:1;339:6,16,20 <b>disrespect (1)</b> 197:11 <b>disruptive (1)</b> 197:11 <b>distance (1)</b> 223:16 <b>distinct (1)</b> 320:23 <b>distracted (3)</b> 170:17,19,25 <b>distraught (1)</b> 242:4 <b>disturbing (2)</b> 93:23;94:3 <b>ditch (1)</b> 224:19 <b>Division (1)</b> 154:8 <b>divorce (3)</b> 205:10,11;206:21 <b>divulge (1)</b> 262:19 <b>divulging (1)</b> 215:22 <b>document (38)</b> 72:7;77:4;83:9;84:4, 10,13,23;85:1,1,124:5, 6,9;125:24;127:17,20; 128:11;130:6;131:12;</p>	<p>153:19;155:1;252:2; 295:25;296:2;333:15, 17;334:15;335:15; 336:9;337:4;338:9; 339:7;347:13;349:6; 358:3;359:11,15; 362:6;366:19 <b>documentary (1)</b> 75:23 <b>documentations (1)</b> 143:21 <b>documents (12)</b> 71:23;86:14;110:1,2, 7;115:1;124:13;159:9; 278:18;337:2;357:16; 365:25 <b>Doe (1)</b> 86:12 <b>dog (2)</b> 239:10;288:19 <b>dollars (3)</b> 134:13;333:5;344:5 <b>domestic (1)</b> 212:19 <b>done (39)</b> 66:6,9;67:12;73:6,8; 77:16;84:4,14;98:25; 108:11;111:23;113:1; 116:1;151:8,8,11; 152:6,10,24;170:24; 171:3,4;190:22; 207:21;210:2;211:23; 213:12,13;214:8; 216:19;229:4;247:16; 269:7;273:12,14; 276:11;285:14;291:3; 308:2 <b>door (21)</b> 110:17;166:8,10; 199:17;201:11;214:18; 219:14,25;220:7; 221:11,22,25;224:1; 226:8;270:25;290:22, 24;292:5,9;310:2,9 <b>doors (4)</b> 147:1;179:11; 290:19,23 <b>doubly (1)</b> 365:2 <b>doubt (1)</b> 200:9 <b>down (27)</b> 61:25;93:20;97:3,4; 100:7;108:25;140:9; 161:14;164:18;165:9; 180:14;198:1;208:21; 214:23;229:14;236:7, 23;237:7;254:16; 259:13;304:9,15; 313:11;317:11;328:12; 332:17;367:2 <b>downstairs (1)</b> 267:10</p>	<p><b>draft (1)</b> 331:18 <b>drafted (1)</b> 250:3 <b>drank (7)</b> 195:17;264:4; 265:24;268:5,23; 269:1;270:12 <b>drastic (1)</b> 95:3 <b>Draw (4)</b> 298:3;314:17;337:6; 339:22 <b>Drawing (1)</b> 318:7 <b>dredged (1)</b> 113:7 <b>dress (1)</b> 261:23 <b>drink (27)</b> 98:7;178:11;184:1, 14;196:1;214:22; 222:14,15;225:19; 260:7;263:19,21,22,23; 264:1,6,20;268:4,22; 276:25;277:1,16,16; 295:6;305:3;308:5; 355:21 <b>drinker (2)</b> 295:14;308:5 <b>drinking (44)</b> 100:4;107:24; 177:13;179:24;182:20; 183:5,25;184:23; 192:1,7,10,14;193:24; 194:18;196:16;219:25; 231:23;256:11;260:2, 25;261:4;264:12,17,18, 19,21;266:18,21; 267:3;268:9,11,19; 270:5,15;276:16,17; 301:4;303:12,17; 317:21;318:15;324:16; 332:11;360:9 <b>drinks (2)</b> 265:23;272:23 <b>drive (17)</b> 177:15;185:5,6,22; 194:18;209:17;225:15, 18,21;236:15;271:1; 276:13;288:24;289:3; 315:22;320:21;363:23 <b>driver (1)</b> 182:14 <b>drivers (2)</b> 225:18;271:3 <b>drives (1)</b> 112:9 <b>driveway (21)</b> 105:22;106:2; 107:10;177:5;187:12, 13;218:20;226:19; 230:24;244:15,18;</p>	<p>266:16;267:17;270:1, 14;273:1;360:5,8,9,15; 361:1 <b>driving (20)</b> 83:13;182:16;187:2; 196:17;231:20;256:11; 264:13;270:24;288:18; 295:2;300:5,15; 303:13,17;317:19,21; 344:18;355:13;356:11; 360:8 <b>drop (1)</b> 185:14 <b>dropped (2)</b> 156:19;177:16 <b>drove (7)</b> 177:15,25;178:2,3, 18;309:14;320:6 <b>drug (2)</b> 297:13,13 <b>drugs (2)</b> 297:5;341:17 <b>drunk (6)</b> 186:5;194:8;256:12; 272:1,6;320:6 <b>drunkenness (5)</b> 63:5;113:19;279:8; 347:4;351:19 <b>due (17)</b> 76:24,25;77:8;83:3; 84:1,15,24,25;85:16; 89:14;90:3,5;92:1; 103:14;108:18,19; 111:10 <b>DUI (1)</b> 101:1 <b>duly (7)</b> 119:6;140:14; 165:15;176:5;198:5; 301:12;313:24 <b>dumbfounded (1)</b> 212:25 <b>during (26)</b> 69:19;78:3,7;94:2; 98:1,17;112:21; 127:23;131:6;141:11; 143:11;144:14;162:5; 167:8;169:15,19,24; 207:9;217:25;282:21; 287:20;297:2;303:23; 307:14;341:6;346:25 <b>duties (7)</b> 65:12;116:2;119:22, 25;141:4,10;345:12 <b>duty (42)</b> 63:1,4;100:2;105:17; 107:10;184:22;185:1, 2;195:2;218:19; 252:13;262:1;269:8, 16,18,19;277:1;279:1, 4,8;337:23;339:25; 340:9,16,18,19,23; 341:1,4,5,6,14;342:14,</p>	<p>15,21;343:5;347:6; 351:16,18;362:12,20, 25 <b>dynamics (1)</b> 245:9</p>
<b>E</b>				
				<p><b>ear (1)</b> 205:21 <b>earlier (3)</b> 64:18,25;303:21 <b>early (5)</b> 226:24;302:1; 308:13,15;362:16 <b>earshot (1)</b> 169:4 <b>easier (1)</b> 75:4 <b>easy (1)</b> 245:16 <b>eating (4)</b> 214:2;247:5;273:16, 17 <b>EEOC (1)</b> 113:4 <b>effect (2)</b> 64:4;74:21 <b>effective (3)</b> 103:16;335:23; 358:12 <b>effectively (1)</b> 201:22 <b>efficiency (2)</b> 83:16;338:4 <b>efficient (1)</b> 347:1 <b>effort (1)</b> 254:17 <b>egregious (1)</b> 92:2 <b>eight (3)</b> 176:15;181:25;213:2 <b>either (15)</b> 122:16;155:20,25; 162:10,19;271:5,14,17; 289:15;305:13;323:6; 344:2;348:9;351:16; 359:3 <b>elaborate (6)</b> 145:1,20;174:17; 208:6;214:13;253:12 <b>elect (1)</b> 65:9 <b>electrically (1)</b> 297:8 <b>electricity (1)</b> 297:1 <b>elevate (1)</b> 330:13 <b>eleven (1)</b> 207:15 <b>Eligibility (1)</b></p>

<p>349:7  <b>else (28)</b>                  77:17;87:14;93:15;                  107:7;138:22;145:16;                  160:16;190:25;191:9;                  194:5,13;200:3;                  213:24;215:23;216:15;                  242:15,22;245:13;                  252:25;257:24;259:8;                  272:1;294:6;310:22;                  325:15;332:16;363:3,9  <b>else's (1)</b>                  215:24  <b>email (23)</b>                  71:8;76:12;77:25;                  99:9;102:14;103:10;                  109:15,17;117:2;                  136:12,19,20;142:24;                  199:3;278:10;318:7;                  329:19,21;330:8,11;                  356:20;357:12,21  <b>emailing (1)</b>                  102:24  <b>e-mailing (1)</b>                  102:20  <b>emails (7)</b>                  116:5;135:25;136:5,                  8;139:5;151:15;287:14  <b>emergency (8)</b>                  352:10,23;353:6,10,                  13;368:7,25;369:8  <b>emotional (2)</b>                  248:4;322:2  <b>employed (4)</b>                  119:19;141:2;                  176:13;202:23  <b>employee (18)</b>                  71:3;87:9;99:3,5;                  138:3;155:20;156:16;                  160:4;174:25;204:20;                  244:6,8;290:5;297:2,                  12;338:8;346:11;348:8  <b>employees (10)</b>                  117:1;138:12;                  144:11;155:22;156:22;                  295:17;296:19;298:14;                  330:4;334:25  <b>employees' (1)</b>                  155:10  <b>employee's (1)</b>                  297:6  <b>employer (2)</b>                  98:22;99:2  <b>employment (5)</b>                  156:3;297:3,15;                  300:2,7  <b>empties (1)</b>                  266:2  <b>empty (4)</b>                  222:18;232:6,8,18  <b>encouraging (1)</b>                  261:5  <b>end (16)</b></p>	<p>69:21;92:9;96:1;                  106:17;115:18;117:9;                  123:3;151:13;177:12;                  187:13;234:19;247:2;                  275:19,21;322:3;                  323:21  <b>ended (2)</b>                  177:10;218:14  <b>ending (1)</b>                  274:17  <b>enforcement (4)</b>                  185:19;186:3;339:2,                  5  <b>enforcing (1)</b>                  90:15  <b>engage (1)</b>                  340:6  <b>engaged (2)</b>                  279:7;293:7  <b>engaging (1)</b>                  174:12  <b>engine (2)</b>                  297:2,9  <b>enjoying (1)</b>                  219:9  <b>enough (12)</b>                  93:2;103:25;105:11;                  123:17,23;136:21;                  225:7;246:23;270:22;                  272:7;284:17;359:24  <b>ensure (3)</b>                  60:24;61:4;79:3  <b>enter (1)</b>                  291:5  <b>entering (3)</b>                  73:22;203:21;344:25  <b>entire (7)</b>                  94:24;103:12;234:6,                  8,15;239:17;265:3  <b>entirely (2)</b>                  76:9;277:24  <b>entirety (1)</b>                  235:3  <b>entitled (3)</b>                  76:25,25;86:6  <b>entity (2)</b>                  145:23;146:1  <b>entrances (1)</b>                  283:7  <b>entry (1)</b>                  310:5  <b>environment (5)</b>                  113:2,11;243:8;                  327:12;332:24  <b>epithets (1)</b>                  327:11  <b>equipment (17)</b>                  85:10;122:9;217:4,                  12;275:14;297:1,8;                  298:8,12,15,19;312:23;                  343:11,13,16,17;344:8  <b>erased (1)</b>                  116:13</p>	<p><b>Eric (3)</b>                  176:3,4,12  <b>errands (1)</b>                  168:5  <b>essentially (3)</b>                  80:1;84:6;204:13  <b>establish (2)</b>                  202:10;223:19  <b>established (3)</b>                  284:20;298:10;                  343:14  <b>establishment (1)</b>                  260:21  <b>et (2)</b>                  83:20,20  <b>ethic (1)</b>                  346:9  <b>ethical (1)</b>                  243:5  <b>ethnic (1)</b>                  346:13  <b>Euclid (3)</b>                  308:15;355:15;                  362:13  <b>evaluate (1)</b>                  72:10  <b>even (21)</b>                  82:14;104:10;106:1;                  109:21;110:1;113:12;                  116:21;117:5;185:21;                  187:12;211:25;217:24;                  220:17;259:3;267:8,                  21;268:8;284:16,17;                  294:3;363:25  <b>evening (8)</b>                  97:17;219:5;247:18;                  249:9;302:1;315:5;                  331:10;355:14  <b>evening's (1)</b>                  60:12  <b>event (1)</b>                  330:16  <b>events (1)</b>                  228:19  <b>eventually (1)</b>                  160:16  <b>everybody (12)</b>                  62:16;93:15;104:13;                  123:21;126:2;153:7;                  189:2;242:15;268:23;                  272:20;319:13;352:4  <b>everyone (2)</b>                  59:22;78:17  <b>Evidence (53)</b>                  61:17;62:13;65:16,                  18,21;68:3,17,18;                  69:18,24;72:10;75:23;                  78:9;83:4,6,15,17;                  88:22;89:5,10;92:6;                  95:23;97:8,10;100:1;                  101:10,25;102:5,7;                  104:2;105:11;111:24;                  113:19;147:22;174:5;</p>	<p>182:7;189:9;236:25;                  250:2;266:2;270:13;                  278:25;279:23,23;                  280:8,8;290:10;                  338:10;339:14;341:23;                  365:12;367:22;368:1  <b>ex (1)</b>                  91:13  <b>exact (4)</b>                  181:12;267:11;                  312:21;362:19  <b>exactly (15)</b>                  74:10,11;86:3;146:2;                  148:21;169:19;173:9;                  201:14;211:11;258:10;                  277:19;311:18;323:6;                  349:18;358:23  <b>examination (15)</b>                  67:5,10,24;119:9;                  138:25;140:17;164:16;                  165:18;176:8;196:6;                  202:18;285:23;293:21;                  301:15;314:2  <b>examine (3)</b>                  63:19;66:18;285:17  <b>examined (7)</b>                  119:7;140:15;                  165:16;176:6;198:6;                  301:13;313:25  <b>except (6)</b>                  63:6;174:3;200:16;                  341:6,22;363:9  <b>exceptions (4)</b>                  174:7;299:17;                  341:25;361:24  <b>excess (1)</b>                  256:12  <b>excessive (1)</b>                  315:6  <b>ex-Chief (1)</b>                  193:14  <b>exclusive (1)</b>                  334:22  <b>excuse (4)</b>                  185:17;233:10;                  365:10;366:18  <b>excused (3)</b>                  301:8;307:15,20  <b>executive (20)</b>                  70:24;71:2,7,12,15;                  73:3;77:25;78:3,7;                  79:23;80:4;87:3,8,15,                  23;98:23;203:6;278:3;                  330:15;358:12  <b>exemplary (1)</b>                  350:18  <b>exercises (1)</b>                  104:4  <b>exercising (2)</b>                  90:15;247:5  <b>exhibit (77)</b>                  69:23;73:23,23;                  75:16;84:2;92:19;99:9;</p>	<p>102:14;103:11;104:23;                  109:17;112:6;114:9;                  123:25;124:1,4;                  125:20,23;127:14,15;                  128:8,9;130:3,4;131:9,                  10;153:16,17;154:23,                  24;159:15;173:14;                  230:6,7;251:9,9,11,12,                  25;278:7,10;279:13,                  14;295:22,23;298:1;                  299:12;333:12,13;                  334:4,12,13;335:10,13;                  336:6,7;337:3,4;339:8;                  347:25;348:25;349:3;                  356:17,18,19;357:14,                  19;358:1,3,9;359:1,9,                  11;361:16;363:21;                  365:22,23  <b>exhibits (25)</b>                  66:21,22;67:15,17;                  68:2;69:20;70:3;77:12;                  85:6,8,9,19,22;86:23;                  93:3;112:6;123:16;                  133:16;136:6;140:10;                  250:1;333:25;367:6,                  12,14  <b>exist (1)</b>                  329:2  <b>existed (2)</b>                  327:14;328:5  <b>exists (1)</b>                  250:10  <b>exited (1)</b>                  198:16  <b>exiting (1)</b>                  345:1  <b>expect (2)</b>                  210:8;343:8  <b>expenses (1)</b>                  297:19  <b>expensive (1)</b>                  123:6  <b>experience (1)</b>                  246:14  <b>expert (1)</b>                  206:21  <b>explain (8)</b>                  65:23;205:9;209:14;                  216:6;224:14;247:9;                  289:13;303:20  <b>explained (2)</b>                  245:25;328:6  <b>explanation (2)</b>                  344:2,3  <b>explicitly (3)</b>                  155:20;274:1;348:9  <b>exploits (1)</b>                  293:11  <b>exposed (1)</b>                  327:8  <b>express (1)</b>                  160:13  <b>expressed (1)</b></p>
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<p>152:9 <b>extended (1)</b> 258:9 <b>extent (4)</b> 142:11,21;196:10; 342:17 <b>exterior (2)</b> 285:17;286:4 <b>extra (2)</b> 204:2;349:5 <b>extracurricular (1)</b> 214:21 <b>ex-wife (1)</b> 216:18 <b>eye (2)</b> 194:17;256:14 <b>eyes (4)</b> 215:18;243:19; 320:10;361:2</p>	<p>146:10,15;163:21; 173:7,8,11;187:16,17; 247:6;271:21 <b>falling (3)</b> 248:6;294:22;295:1 <b>falls (4)</b> 81:15;228:24; 277:24,25 <b>familiar (4)</b> 79:1;166:24;180:22; 250:9 <b>Families (1)</b> 221:10 <b>family (15)</b> 94:24;99:1;101:3; 103:6;104:5;115:21; 117:20;142:3;206:1; 227:4;228:24;229:11; 323:11;349:8;362:22 <b>far (11)</b> 76:2;85:3;87:2,5; 88:12;90:3;91:21; 144:15;273:12;292:8; 353:4 <b>farther (1)</b> 253:25 <b>fashion (3)</b> 78:23;92:2;150:7 <b>fast (4)</b> 103:25;232:1; 323:15;326:24 <b>fault (1)</b> 255:15 <b>favor (2)</b> 65:16;370:4 <b>favorably (1)</b> 337:24 <b>feature (1)</b> 136:12 <b>February (52)</b> 75:1;99:8,8,10,17; 100:5,12;101:8;102:4; 115:10;120:19,24; 126:15,16;128:4,4,21; 129:1,2,9,15;130:16, 25;137:19;138:3,18; 168:1;170:12,13; 190:20,22;191:14,23, 25;192:7,16;206:12, 13;208:4;210:10; 254:5;276:8;278:11, 14,20;279:10;318:7; 333:19;335:16,23; 356:21,22 <b>federal (1)</b> 156:3 <b>feed (1)</b> 222:1 <b>feel (31)</b> 70:8;77:9;93:15; 94:22;142:21;156:7; 168:22;174:23;175:7; 180:11;185:25;188:20;</p>	<p>196:8;214:21;224:8, 15;249:20;253:9; 276:6,11;298:25; 312:13;334:8;338:11; 339:9;341:8;342:3,22; 344:20;346:14;350:2 <b>feeling (1)</b> 247:5 <b>feelings (1)</b> 265:6 <b>fell (4)</b> 226:24;229:21; 256:13;308:24 <b>fellow (3)</b> 189:17;196:1;346:11 <b>felt (11)</b> 109:3;159:18; 170:16;175:2;180:15; 210:14;228:15;246:2; 248:22;302:24;332:7 <b>female (1)</b> 148:25 <b>festered (1)</b> 221:8 <b>few (13)</b> 122:16;123:5,7; 152:12;169:7;170:12; 223:24;260:10,21; 272:20;293:20;326:25; 354:11 <b>Field (2)</b> 203:10;204:5 <b>fight (4)</b> 221:10;229:10,11,13 <b>figure (2)</b> 137:4;239:12 <b>figuring (1)</b> 239:6 <b>file (11)</b> 63:5;99:12;115:4,8; 160:4,20;204:17; 208:22;319:7,12,17 <b>filed (2)</b> 160:18;293:15 <b>files (3)</b> 288:4,25;366:1 <b>fill (2)</b> 140:24;141:8 <b>fill-in (1)</b> 141:5 <b>filmed (1)</b> 106:3 <b>final (2)</b> 63:22;272:15 <b>Finally (5)</b> 116:3;223:17; 224:17;309:2;327:19 <b>Finance (1)</b> 358:24 <b>financial (1)</b> 134:23 <b>financially (1)</b> 134:18</p>	<p><b>find (20)</b> 68:5,7;85:16;89:22; 96:2,6,12;97:11;98:15; 115:12;118:10;137:6; 145:16;193:15;208:12; 209:19;309:10;316:24; 329:4;333:6 <b>finding (2)</b> 215:13;331:21 <b>fine (8)</b> 158:22;199:3; 221:14;240:9;263:17; 269:21;321:22;352:25 <b>finger (3)</b> 149:23;150:6;239:2 <b>finish (1)</b> 352:2 <b>finished (5)</b> 71:25;213:21; 227:18;244:12;329:7 <b>Fire (21)</b> 101:11;102:11; 138:12;243:18;257:25; 258:12;274:22;275:23, 23;284:18;299:23; 307:9,12;308:14; 312:16;314:14;321:4, 15,19,22;362:20 <b>fire (2)</b> 197:19;254:1 <b>firm (1)</b> 114:23 <b>First (54)</b> 65:24;70:22;73:12; 77:15,23;80:19,22; 81:18;82:8;91:12; 97:25;101:17;110:7; 116:12;119:6;120:19; 140:14,21;154:12; 159:2;161:13;165:15; 176:5;179:17;188:3, 10;193:10;195:13; 198:5;209:1;224:2; 229:11;242:10;253:20; 262:12,19;292:6; 296:6,23;299:16; 301:12;302:15,16; 305:1;313:24;320:16; 321:17;332:19;333:21; 357:18;358:6;360:25; 361:23;367:11 <b>Fisher (48)</b> 103:17;105:15; 106:3,8,10,25;107:15, 25;111:17;112:23; 114:16;152:1,2; 160:12;161:1;162:21; 191:9;194:6,7;198:3,4, 12;202:20,22;210:6; 230:9;235:7,17; 237:13;238:21;241:7, 22;251:22,25;252:1, 13;302:2,17,19;303:3,</p>	<p>5;304:25;306:13,14; 311:19;325:21;363:15; 365:7 <b>F-I-S-H-E-R (1)</b> 202:22 <b>Fisher's (8)</b> 105:18,22;106:2; 152:8;198:20;304:18; 358:12;363:6 <b>five (6)</b> 65:10;70:25;77:3; 104:8;193:4;325:19 <b>five-minute (2)</b> 118:15;175:20 <b>flash (4)</b> 236:15;288:24; 289:3;363:23 <b>flex (2)</b> 143:25;144:2 <b>Flexible (2)</b> 166:13;167:8 <b>Flip (26)</b> 116:8;122:17,19; 128:12;130:7;131:14; 132:18;136:8;139:2; 142:7,10,12,17,18,20, 22;143:1;169:10,12, 16;170:7;216:3,23,25; 286:12;328:5 <b>flipping (1)</b> 239:1 <b>Flock (2)</b> 284:23;285:2 <b>floor (2)</b> 271:21;295:1 <b>FMLA (11)</b> 100:13;101:24; 102:18;109:10,11,13, 20;117:11;276:15; 355:24;358:16 <b>focus (6)</b> 229:16,17;258:11, 21,22;321:17 <b>focused (2)</b> 170:17;211:19 <b>folks (8)</b> 73:8;98:24;104:11; 108:4;109:15;111:9, 23;116:15 <b>follow (9)</b> 61:17;80:20;81:20; 148:10,13;167:19; 195:10;225:23;271:4 <b>followed (6)</b> 79:4;138:5,8;167:22; 199:21;294:20 <b>followed-up (1)</b> 86:10 <b>following (7)</b> 62:23;66:10;85:7; 167:24;296:16;343:6; 347:2 <b>follows (7)</b></p>
<b>F</b>				
<p><b>F3d (1)</b> 91:8 <b>face (6)</b> 77:7;220:3;248:11; 318:1;321:1;323:19 <b>faced (1)</b> 244:8 <b>facets (1)</b> 83:25 <b>facility (7)</b> 102:23;112:9,10; 174:1;213:9;341:20; 342:8 <b>fact (18)</b> 64:16;74:15;79:21; 80:18;81:9;94:13; 162:24;216:17;246:7; 268:15;273:14;303:13; 315:20;317:8;319:9; 322:21,22;332:23 <b>facto (1)</b> 94:13 <b>facts (7)</b> 62:10;68:17;69:6,8; 87:11,14;94:4 <b>failing (2)</b> 214:20,20 <b>failure (1)</b> 347:9 <b>fair (18)</b> 60:25;61:4;75:6; 92:17;93:2,13;94:3; 111:22;113:13;126:16; 136:21;175:2,4; 189:11;242:5;243:10; 293:11;359:24 <b>fairly (4)</b> 78:17;149:21; 167:10;312:19 <b>fall (13)</b> 80:14;143:6,9;</p>	<p>76:2;85:3;87:2,5; 88:12;90:3;91:21; 144:15;273:12;292:8; 353:4 <b>farther (1)</b> 253:25 <b>fashion (3)</b> 78:23;92:2;150:7 <b>fast (4)</b> 103:25;232:1; 323:15;326:24 <b>fault (1)</b> 255:15 <b>favor (2)</b> 65:16;370:4 <b>favorably (1)</b> 337:24 <b>feature (1)</b> 136:12 <b>February (52)</b> 75:1;99:8,8,10,17; 100:5,12;101:8;102:4; 115:10;120:19,24; 126:15,16;128:4,4,21; 129:1,2,9,15;130:16, 25;137:19;138:3,18; 168:1;170:12,13; 190:20,22;191:14,23, 25;192:7,16;206:12, 13;208:4;210:10; 254:5;276:8;278:11, 14,20;279:10;318:7; 333:19;335:16,23; 356:21,22 <b>federal (1)</b> 156:3 <b>feed (1)</b> 222:1 <b>feel (31)</b> 70:8;77:9;93:15; 94:22;142:21;156:7; 168:22;174:23;175:7; 180:11;185:25;188:20;</p>	<p>196:8;214:21;224:8, 15;249:20;253:9; 276:6,11;298:25; 312:13;334:8;338:11; 339:9;341:8;342:3,22; 344:20;346:14;350:2 <b>feeling (1)</b> 247:5 <b>feelings (1)</b> 265:6 <b>fell (4)</b> 226:24;229:21; 256:13;308:24 <b>fellow (3)</b> 189:17;196:1;346:11 <b>felt (11)</b> 109:3;159:18; 170:16;175:2;180:15; 210:14;228:15;246:2; 248:22;302:24;332:7 <b>female (1)</b> 148:25 <b>festered (1)</b> 221:8 <b>few (13)</b> 122:16;123:5,7; 152:12;169:7;170:12; 223:24;260:10,21; 272:20;293:20;326:25; 354:11 <b>Field (2)</b> 203:10;204:5 <b>fight (4)</b> 221:10;229:10,11,13 <b>figure (2)</b> 137:4;239:12 <b>figuring (1)</b> 239:6 <b>file (11)</b> 63:5;99:12;115:4,8; 160:4,20;204:17; 208:22;319:7,12,17 <b>filed (2)</b> 160:18;293:15 <b>files (3)</b> 288:4,25;366:1 <b>fill (2)</b> 140:24;141:8 <b>fill-in (1)</b> 141:5 <b>filmed (1)</b> 106:3 <b>final (2)</b> 63:22;272:15 <b>Finally (5)</b> 116:3;223:17; 224:17;309:2;327:19 <b>Finance (1)</b> 358:24 <b>financial (1)</b> 134:23 <b>financially (1)</b> 134:18</p>	<p>5;304:25;306:13,14; 311:19;325:21;363:15; 365:7 <b>F-I-S-H-E-R (1)</b> 202:22 <b>Fisher's (8)</b> 105:18,22;106:2; 152:8;198:20;304:18; 358:12;363:6 <b>five (6)</b> 65:10;70:25;77:3; 104:8;193:4;325:19 <b>five-minute (2)</b> 118:15;175:20 <b>flash (4)</b> 236:15;288:24; 289:3;363:23 <b>flex (2)</b> 143:25;144:2 <b>Flexible (2)</b> 166:13;167:8 <b>Flip (26)</b> 116:8;122:17,19; 128:12;130:7;131:14; 132:18;136:8;139:2; 142:7,10,12,17,18,20, 22;143:1;169:10,12, 16;170:7;216:3,23,25; 286:12;328:5 <b>flipping (1)</b> 239:1 <b>Flock (2)</b> 284:23;285:2 <b>floor (2)</b> 271:21;295:1 <b>FMLA (11)</b> 100:13;101:24; 102:18;109:10,11,13, 20;117:11;276:15; 355:24;358:16 <b>focus (6)</b> 229:16,17;258:11, 21,22;321:17 <b>focused (2)</b> 170:17;211:19 <b>folks (8)</b> 73:8;98:24;104:11; 108:4;109:15;111:9, 23;116:15 <b>follow (9)</b> 61:17;80:20;81:20; 148:10,13;167:19; 195:10;225:23;271:4 <b>followed (6)</b> 79:4;138:5,8;167:22; 199:21;294:20 <b>followed-up (1)</b> 86:10 <b>following (7)</b> 62:23;66:10;85:7; 167:24;296:16;343:6; 347:2 <b>follows (7)</b></p>	

<p>119:8;140:16; 165:17;176:7;198:7; 301:14;314:1 <b>follow-up (1)</b> 279:18 <b>follow-ups (1)</b> 84:6 <b>Football (1)</b> 173:10 <b>FOP (2)</b> 157:8,14 <b>forces (3)</b> 107:19,19,20 <b>forget (2)</b> 123:11;363:21 <b>forgive (1)</b> 123:1 <b>forgiving (1)</b> 123:3 <b>forgot (2)</b> 185:20;319:5 <b>form (2)</b> 156:2;252:8 <b>formal (2)</b> 73:19;224:2 <b>formed (2)</b> 201:1;367:24 <b>Former (6)</b> 101:12;102:10; 114:10;213:22;243:15; 247:21 <b>Fornaro (2)</b> 116:24;290:23 <b>forth (6)</b> 63:9;64:7;65:19; 94:8;95:1,25 <b>forum (1)</b> 163:12 <b>forward (14)</b> 72:21;109:24; 113:21;146:4,7; 148:23;188:15;229:17; 232:1;318:12;323:15; 327:20;350:22;351:3 <b>fought (1)</b> 229:9 <b>foul (1)</b> 168:8 <b>found (12)</b> 91:8;121:10,24; 134:14;136:24;137:2; 145:25;161:17;257:17; 258:7;309:15;310:1 <b>founded (2)</b> 110:22;118:11 <b>four (4)</b> 79:22;270:13;271:8; 273:1 <b>frame (5)</b> 114:8;143:6;146:11; 267:12;315:2 <b>Frank (2)</b> 66:2;186:6</p>	<p><b>frankly (3)</b> 84:17;93:14;118:1 <b>frankness (1)</b> 69:4 <b>Fraud (1)</b> 114:19 <b>free (3)</b> 70:8;82:20;164:24 <b>frequent (3)</b> 83:17;156:11,12 <b>frequently (5)</b> 149:9,21,22;168:14; 174:15 <b>Friday (21)</b> 71:8,9;103:22,22,22; 107:4;141:18;144:1; 167:9;247:24;249:3,9; 250:15,17;257:10; 280:18;323:9;324:10, 22;325:8;326:4 <b>friend (5)</b> 171:18;302:23; 308:8;309:6,9 <b>friendly (2)</b> 150:9,10 <b>friends (7)</b> 94:24;166:21;205:7, 24;215:22;228:12; 308:4 <b>friend's (1)</b> 107:11 <b>friendship (1)</b> 205:23 <b>front (16)</b> 73:17;77:13;80:3; 90:9,24;119:3;151:9, 10;183:12;219:14; 221:22;224:1;225:11; 230:25;272:4;356:17 <b>fruition (1)</b> 213:6 <b>frustration (2)</b> 229:5,6 <b>FTO (5)</b> 203:8,9;204:4,7,9 <b>full (9)</b> 65:15;209:3;252:14; 265:21;280:6;281:3, 10;307:11;328:15 <b>full-time (1)</b> 142:2 <b>fully (3)</b> 68:13;153:9;345:9 <b>function (1)</b> 367:20 <b>functioning (1)</b> 152:22 <b>funds (1)</b> 120:3 <b>further (24)</b> 73:9;74:14;85:18; 91:24;133:6;139:14; 150:24;157:25;164:12;</p>	<p>165:4;175:15;181:4; 189:9;194:21;196:18; 197:24;293:18;299:8; 301:7;313:8;317:22; 351:22;367:1,5</p> <p style="text-align: center;"><b>G</b></p> <p><b>G&amp;L (1)</b> 290:24 <b>Gabor (7)</b> 145:13;165:13,14, 20,22;211:10;228:23 <b>G-A-B-O-R (1)</b> 165:22 <b>gals (1)</b> 253:18 <b>game (1)</b> 363:1 <b>gap (1)</b> 262:7 <b>garage (5)</b> 230:24;283:14,19, 21;286:8 <b>garbage (2)</b> 266:9,12 <b>gas (1)</b> 272:3 <b>gather (2)</b> 246:18;290:17 <b>gave (18)</b> 83:23;86:13;100:16; 106:14;110:7,13; 148:12;158:24;178:7; 205:21;211:5;222:18, 19;264:15;272:24; 280:18;306:5;363:22 <b>gee (2)</b> 109:2;110:8 <b>General (3)</b> 61:15;80:5;335:2 <b>generally (2)</b> 167:22;211:14 <b>generic (1)</b> 163:24 <b>gentlemen (3)</b> 117:19;118:21; 175:19 <b>gesture (6)</b> 85:25;86:4,5,12; 150:9,11 <b>gestures (1)</b> 83:18 <b>gets (11)</b> 67:25;104:1;105:24; 112:10;189:7;201:25; 220:3;233:23;275:17; 305:3;332:14 <b>Gibbs (4)</b> 231:25;235:22; 240:17;241:12 <b>gift (2)</b> 267:20,23</p>	<p><b>girl (1)</b> 224:25 <b>girlfriend (10)</b> 219:6;220:11; 222:19;224:10,17; 225:12;229:22;262:10; 264:17;363:10 <b>girlfriend's (2)</b> 262:15,17 <b>given (12)</b> 62:6;72:11;75:23,24; 83:7;106:20;109:21; 300:10,12;330:24; 341:13;366:1 <b>gives (2)</b> 88:5;289:15 <b>giving (4)</b> 83:4;208:15;264:13; 272:23 <b>glad (1)</b> 268:25 <b>glamorous (1)</b> 95:15 <b>glass (2)</b> 180:5;277:6 <b>goal (1)</b> 274:14 <b>go-arounds (1)</b> 220:23 <b>God (1)</b> 66:15 <b>goes (15)</b> 85:9;101:22;117:14; 127:3,4;195:12;197:1, 4;202:12;239:8,9,9; 323:2;324:18;332:13 <b>Good (27)</b> 60:15;68:12;78:19; 90:4;97:17;99:16; 118:4,7;184:11; 208:13;219:12;221:3; 229:13;230:20;232:2; 233:9;240:16;241:4; 247:6;253:19;271:5; 320:11;326:15;338:16; 346:25;347:9;351:1 <b>goodness (1)</b> 112:12 <b>Gosh (1)</b> 133:23 <b>gospel (1)</b> 245:22 <b>governed (1)</b> 287:12 <b>government (1)</b> 355:1 <b>governs (1)</b> 88:16 <b>grabbed (1)</b> 237:24 <b>gracious (1)</b> 246:11 <b>graduated (1)</b></p>	<p>206:4 <b>Graduation (1)</b> 206:3 <b>grandstand (1)</b> 197:10 <b>grant (2)</b> 174:6;341:25 <b>granted (2)</b> 109:10,11 <b>grapevine (1)</b> 331:22 <b>grass (2)</b> 244:12,12 <b>great (7)</b> 170:15;171:7,13; 216:19;249:16;268:9, 11 <b>grilled (1)</b> 109:3 <b>gross (3)</b> 63:3,4;351:18 <b>ground (2)</b> 87:16;294:23 <b>group (1)</b> 190:8 <b>guess (17)</b> 113:13;115:5; 116:21;143:25;159:12; 160:14;163:24;164:1; 181:11,20;184:16,17; 205:15;272:10;317:18; 330:9;364:2 <b>guest (1)</b> 108:1 <b>guidance (1)</b> 60:23 <b>guide (2)</b> 78:20;317:2 <b>guidelines (4)</b> 296:6,16;299:16; 361:23 <b>guilt (1)</b> 63:10 <b>guilty (2)</b> 62:25;351:15 <b>gun (2)</b> 105:12;108:5 <b>guy (8)</b> 100:24;111:16; 114:15;223:15;230:22; 243:15;248:5;272:1 <b>guys (12)</b> 104:1,10;111:5; 115:7;176:25;184:5; 205:6,24;222:10; 226:1;230:21;326:14</p>
<b>H</b>				
<p><b>habitual (4)</b> 63:4;113:18;279:7; 351:19 <b>hair (1)</b></p>				

<p>226:3 <b>hairs (1)</b> 360:19 <b>half (7)</b> 218:7,16;222:17; 235:24;265:18,21; 354:12 <b>halfway (1)</b> 308:15 <b>Hall (6)</b> 149:24,25;150:1; 249:4;305:25;325:20 <b>hallucinogens (2)</b> 174:3;341:22 <b>hand (13)</b> 60:13;83:18;107:16, 17;119:4;133:22; 220:4;229:16;232:23, 24;237:15;270:20; 360:25 <b>handing (16)</b> 124:3;125:22; 127:14;128:7;130:2; 131:8;153:15;154:22; 251:10,24;295:21; 333:11;334:12;336:5; 348:2;349:2 <b>handle (8)</b> 100:14;174:18; 211:16;213:5;302:12; 319:2,3;330:5 <b>hands (3)</b> 213:18;232:7;238:4 <b>Hang (1)</b> 365:10 <b>hanging (1)</b> 291:15 <b>happen (15)</b> 97:5;99:6;144:20; 174:21;186:15;247:18; 248:18;268:8;276:7; 277:4;279:10;285:5; 306:18;363:1;366:17 <b>happened (44)</b> 93:17,25;110:10; 156:13;161:11;173:2; 181:10;186:16;189:13; 193:3;203:19;219:13; 226:7,17;227:1;228:6; 242:3;248:13;250:15; 257:14;258:23;267:12; 269:5;277:19;281:16; 292:5;295:10;302:6; 303:10,25;304:1,18; 305:15;306:25;308:12; 314:19;315:9,10; 325:23;326:9,12; 328:14,15;363:13 <b>happening (7)</b> 96:24;161:3,6,11; 228:19;250:13;326:13 <b>happens (7)</b> 95:8;101:8,25;</p>	<p>104:19;256:17;307:18; 331:8 <b>happy (5)</b> 146:1;163:10; 216:18;274:17;317:13 <b>harassment (8)</b> 155:2,15;156:1; 159:15;346:9,12; 348:1,23 <b>hard (7)</b> 94:25;96:17;208:25; 247:7;277:24;325:5; 351:4 <b>hardest (1)</b> 245:17 <b>harmony (1)</b> 229:3 <b>harsh (1)</b> 203:24 <b>haul (1)</b> 215:7 <b>Haymer (3)</b> 59:9,10;369:23 <b>head (6)</b> 62:24;63:7;129:24; 152:5;153:1;284:13 <b>header (1)</b> 154:3 <b>heads-up (1)</b> 158:24 <b>health (9)</b> 99:4,25;100:10; 170:18;171:9,10; 278:21;308:10;309:8 <b>healthcare (2)</b> 76:6;117:21 <b>healthy (3)</b> 170:20;247:4;272:13 <b>hear (30)</b> 62:5,12;69:2;72:9; 92:7;94:12,16,20;95:9, 18,22;99:19;106:7,11; 118:18;147:1,3;149:2; 150:22;157:20;168:18; 179:8;191:18,20; 235:14,19;237:7; 292:8;323:13;324:11 <b>hearable (1)</b> 237:5 <b>heard (45)</b> 63:15,16;90:4;91:25; 93:23;95:2;98:6;99:1; 108:18;111:2;113:16, 17;142:7;147:18; 148:18;149:2,4,9,15, 18;156:17;157:12,15; 168:8,20,22;236:21; 241:7;248:3;267:8; 276:20;302:3;303:9; 312:22;324:8;333:2; 338:10,15;339:9; 341:10;342:2,9;365:7; 366:8;367:23</p>	<p><b>hearing (63)</b> 60:3,11,12,14;61:5, 15,16;65:6,14;68:3; 69:19,22;70:2,6,15; 71:11,20;72:21;74:1; 75:21;78:1,3,7,25;81:6, 7;82:14;87:13,17; 88:16;92:17;101:17; 105:13;108:19;113:15; 114:20;140:5;148:3, 12;158:13;159:5; 161:17,18,25;162:6,8; 187:24;188:6,7,10,13, 14;189:6,13;202:8; 236:17;237:9;253:22; 277:11;327:16;353:1; 369:1,18 <b>hearings (1)</b> 148:3 <b>hearsay (7)</b> 147:10,12,13,23; 148:4;156:25;157:18 <b>heart (2)</b> 210:22;294:7 <b>heavily (1)</b> 356:12 <b>heck (1)</b> 111:7 <b>Heights (3)</b> 79:19;91:14;111:2 <b>held (10)</b> 60:25;70:24;81:3; 96:9,10;117:8;210:23; 232:22,24;340:19 <b>hell (1)</b> 229:10 <b>help (51)</b> 66:15;78:20;92:12; 96:21,23;98:22; 101:13,13;102:11; 104:20;112:2,21; 115:9,13;117:12; 162:9;192:3;194:2; 209:16,20;210:25; 247:3;254:21;255:7, 21,24;261:9;274:16; 275:1,4,8,20,20; 276:10;292:24;305:16; 308:2,9,11,11;309:11; 310:11,11,12,12; 311:12,15;318:19; 322:19;326:7;330:24 <b>helped (3)</b> 162:7;204:9;261:8 <b>helpful (1)</b> 123:23 <b>helps (2)</b> 79:3;100:24 <b>hereby (1)</b> 335:19 <b>hereinafter (7)</b> 119:7;140:15; 165:16;176:6;198:6;</p>	<p>301:13;313:25 <b>here's (3)</b> 76:3;100:24;106:21 <b>herself (1)</b> 350:14 <b>hey (13)</b> 86:11;104:1;106:9; 108:8;138:13;150:6; 317:11;319:12;321:22; 322:1;323:7;324:23,24 <b>hiding (1)</b> 184:20 <b>high (1)</b> 364:19 <b>higher (4)</b> 96:10;121:1;196:16; 340:20 <b>highest (4)</b> 96:9;248:22;339:1; 350:14 <b>highly (1)</b> 73:2 <b>himself (13)</b> 112:2,3;180:5; 186:22;190:21;215:3; 246:18;273:9;274:16; 277:6,15;343:3;356:10 <b>hired (3)</b> 71:19;204:6,19 <b>hiring (1)</b> 87:9 <b>Hispanic (3)</b> 157:4;158:6;333:1 <b>historical (1)</b> 287:7 <b>history (2)</b> 137:20,21 <b>hit (1)</b> 286:8 <b>hold (7)</b> 65:6;118:16;132:24; 135:9;196:15;346:24; 368:23 <b>holding (1)</b> 237:14 <b>holes (1)</b> 256:14 <b>Holiday (1)</b> 226:1 <b>holidays (1)</b> 141:19 <b>home (66)</b> 171:14;177:15,16, 25;178:2,3,17,18; 179:1;180:8;184:2; 206:19;212:23;214:7, 22;217:13;218:11,15, 17,22;219:6,8;224:4,5, 12,25;225:15,21; 226:6;227:20;230:12, 19;232:20,21;237:14; 238:3,22;241:21,24; 242:19;244:11,13,19;</p>	<p>257:20;263:12;271:1, 3,4,12,14,17;289:11; 298:23;307:7;315:5, 21;316:6,19,19; 319:15;322:4,15; 323:11,24;324:17; 364:18 <b>honest (6)</b> 100:10;204:25; 294:4;327:1;345:8; 346:1 <b>honestly (1)</b> 173:3 <b>honesty (1)</b> 356:3 <b>Honor (2)</b> 70:11;326:20 <b>hope (2)</b> 118:9;209:6 <b>hoped (2)</b> 215:6;226:9 <b>hoping (2)</b> 226:18,22 <b>hopped (4)</b> 177:5;180:14; 187:14,15 <b>hospital (8)</b> 101:15,22;102:21; 105:7;115:11;310:14, 20;311:3 <b>hospitalized (7)</b> 103:24;193:7,18; 257:13;258:6,13,19 <b>hostile (4)</b> 113:2,10;327:12; 332:23 <b>hot (1)</b> 230:24 <b>hotel (2)</b> 271:6;309:15 <b>hour (6)</b> 73:3;172:2;217:8; 308:19,20;354:12 <b>hours (31)</b> 107:9;109:11,13; 112:24;126:10,13; 130:1;172:2;203:6; 208:15;219:5;224:5; 252:15;264:24;270:13; 271:8,23;272:22; 273:1;288:5,9,10,12; 289:23;292:16,22; 297:14;300:4;358:22; 368:15,24 <b>hours' (1)</b> 352:8 <b>house (57)</b> 105:18;107:3,5,6,11; 108:2;177:3,11; 180:13;182:22;185:13; 186:21;187:11;194:10; 195:1,6;203:22; 219:23;220:9;221:23;</p>
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<p>222:1;226:5,14;228:3; 237:23;246:7;256:12; 258:23;260:6;261:14; 262:5,9;263:24; 264:14,24;265:18,23; 268:2,6;270:19; 272:21,22;273:15; 288:10;292:21;294:22; 300:3,6;302:4,7; 303:11;304:18;332:3; 354:17;355:3,5;363:6</p> <p><b>houses (2)</b> 98:8;260:25</p> <p><b>HR (1)</b> 102:18</p> <p><b>huh (1)</b> 102:13</p> <p><b>Human (1)</b> 358:25</p> <p><b>hunt (2)</b> 74:25;115:12</p> <p><b>hurts (1)</b> 332:15</p> <p><b>husband (1)</b> 216:22</p> <p><b>Hutton (27)</b> 101:12;116:25; 193:13;230:13;244:10; 245:12,25;247:9,21; 248:1;254:25;255:1; 301:10,11,19;320:17, 21;321:14,21;323:16; 324:3,12,12;325:21; 340:12;361:20;362:18</p> <p><b>H-U-T-T-O-N (1)</b> 301:19</p> <p><b>Hutton's (1)</b> 246:10</p>	<p>128:11;130:6;131:12; 153:19;155:1;233:20, 22;234:10,17,24;240:6, 10,13;252:2;292:9; 357:17</p> <p><b>identifying (1)</b> 233:18</p> <p><b>ignore (1)</b> 185:25</p> <p><b>ignored (1)</b> 185:24</p> <p><b>illegal (1)</b> 136:21</p> <p><b>imagine (2)</b> 112:16;350:21</p> <p><b>iMessages (1)</b> 127:21</p> <p><b>immediate (1)</b> 353:8</p> <p><b>immediately (9)</b> 63:5;219:24;257:18; 310:17;329:1;335:23; 343:20;344:19;353:11</p> <p><b>Immoral (2)</b> 338:23;347:4</p> <p><b>immorality (1)</b> 63:4</p> <p><b>impact (1)</b> 244:1</p> <p><b>impair (1)</b> 297:6</p> <p><b>impaired (2)</b> 295:2;360:1</p> <p><b>impairment (2)</b> 196:11;342:17</p> <p><b>impairs (2)</b> 338:3;339:4</p> <p><b>impartial (2)</b> 61:1,5</p> <p><b>implemented (2)</b> 96:5;336:2</p> <p><b>implicitly (2)</b> 155:21;348:9</p> <p><b>important (2)</b> 98:19;319:21</p> <p><b>impression (1)</b> 248:1</p> <p><b>improper (2)</b> 296:14;344:8</p> <p><b>impropriety (1)</b> 365:18</p> <p><b>inapplicable (1)</b> 79:17</p> <p><b>inappropriate (4)</b> 196:23;271:24; 293:6;315:18</p> <p><b>inattentive (2)</b> 340:8,25</p> <p><b>incident (13)</b> 151:2;176:20;181:9; 188:4;212:16;213:6; 218:17;242:3;249:19; 256:16;318:24;319:5;</p>	<p>339:3</p> <p><b>incidents (2)</b> 250:12;251:2</p> <p><b>include (2)</b> 68:23;337:25</p> <p><b>includes (1)</b> 141:9</p> <p><b>including (7)</b> 95:12;132:10;141:7; 155:7;297:24;336:24; 338:7</p> <p><b>incoming (1)</b> 131:4</p> <p><b>incompetence (1)</b> 347:3</p> <p><b>increase (1)</b> 125:8</p> <p><b>incredibly (2)</b> 208:25;247:7</p> <p><b>independent (5)</b> 111:6,9;364:5,9,15</p> <p><b>index (3)</b> 233:22,25;240:7</p> <p><b>indicate (11)</b> 66:11;122:6;144:23; 162:18;164:20,23; 174:9;234:3;366:19; 368:7,24</p> <p><b>indicated (17)</b> 62:1;82:1;83:2,9,11; 87:25;88:2;122:15; 139:2;149:11;150:5; 164:23;178:3;221:15; 235:24;252:10;367:16</p> <p><b>indicates (2)</b> 82:2;88:9</p> <p><b>indicating (3)</b> 71:9;332:19;351:9</p> <p><b>indication (3)</b> 92:14;356:4,6</p> <p><b>indirectly (1)</b> 156:1</p> <p><b>indisposed (1)</b> 330:17</p> <p><b>individual (7)</b> 123:17;200:17; 211:3,7;338:2,5; 350:23</p> <p><b>Industrial (1)</b> 148:3</p> <p><b>inefficiency (1)</b> 347:4</p> <p><b>influence (7)</b> 100:19;238:24; 297:4,12;316:11; 340:15;345:17</p> <p><b>information (12)</b> 61:3,24;75:13;76:16; 83:21;84:8,16;103:21; 105:5;158:20;188:16; 215:23</p> <p><b>informed (2)</b> 103:23;349:18</p>	<p><b>inhalants (1)</b> 297:5</p> <p><b>initial (1)</b> 265:7</p> <p><b>initially (9)</b> 145:2;211:2;212:10; 213:21;239:3,4;258:8; 291:10;349:14</p> <p><b>Inn (1)</b> 226:2</p> <p><b>in-person (1)</b> 279:18</p> <p><b>input (1)</b> 72:5</p> <p><b>inserts (1)</b> 133:21</p> <p><b>inside (1)</b> 226:6</p> <p><b>inspection (5)</b> 211:9,12,22;212:7; 220:18</p> <p><b>install (1)</b> 230:23</p> <p><b>installations (1)</b> 341:18</p> <p><b>installing (1)</b> 218:14</p> <p><b>instance (2)</b> 318:3;331:4</p> <p><b>instances (3)</b> 156:6;188:19;260:10</p> <p><b>Instead (2)</b> 109:22;160:4</p> <p><b>instruct (2)</b> 118:16,17</p> <p><b>instructed (3)</b> 341:7;359:19;367:21</p> <p><b>instructions (1)</b> 72:2</p> <p><b>insubordination (1)</b> 347:5</p> <p><b>insult (1)</b> 267:12</p> <p><b>insulted (1)</b> 224:22</p> <p><b>integrity (3)</b> 223:21;290:16; 350:14</p> <p><b>intelligence (1)</b> 69:5</p> <p><b>intend (1)</b> 68:13</p> <p><b>intended (3)</b> 298:9,15;343:13</p> <p><b>intent (1)</b> 73:6</p> <p><b>intentionally (1)</b> 346:10</p> <p><b>interact (4)</b> 99:4;100:13;101:2; 260:16</p> <p><b>interaction (3)</b> 177:18;224:8;227:9</p>	<p><b>interchangeably (1)</b> 81:17</p> <p><b>interconnected (1)</b> 268:16</p> <p><b>interest (2)</b> 69:5;246:19</p> <p><b>interested (2)</b> 254:4;287:13</p> <p><b>interesting (1)</b> 97:19</p> <p><b>interior (4)</b> 285:17,18,24;286:4</p> <p><b>internal (5)</b> 121:7;138:1;160:6; 297:1,8</p> <p><b>internally (3)</b> 108:11;121:16; 128:13</p> <p><b>interplay (1)</b> 81:13</p> <p><b>interpret (1)</b> 78:20</p> <p><b>interpretation (3)</b> 72:12;282:4;312:12</p> <p><b>interrupt (1)</b> 77:17</p> <p><b>intervened (1)</b> 261:2</p> <p><b>interview (4)</b> 108:24;115:14; 140:1;188:16</p> <p><b>interviewed (6)</b> 108:23;109:25; 139:20,22,23;257:5</p> <p><b>intimated (1)</b> 253:22</p> <p><b>into (71)</b> 59:23;64:11;69:20; 71:1;72:5;73:14;75:2; 78:18;87:8,23;104:18; 105:21;107:6;122:22; 133:1;134:22;135:8; 150:24;151:9;152:8; 161:19;174:1;178:10; 191:19;193:7;211:13; 213:2;214:18;221:3; 226:19;236:11;237:13, 22;238:3;242:4; 244:19;248:11;250:1; 251:3;252:17;265:9, 11;266:5;283:7,7,10, 18;286:10;292:2; 294:17,18,24;320:24; 321:3;324:7;325:7; 326:1,14;329:24; 330:2;333:19;338:1; 339:6,15,20;341:19; 349:25;355:19;360:9; 364:6;365:9</p> <p><b>intoxicated (12)</b> 177:15,24;182:10, 15;185:22;256:17; 271:10,19;272:8;</p>
--	---	--	---	--

**I**

<p>293:4;355:9;356:13 <b>intoxicating (2)</b> 196:9;342:16 <b>intoxication (3)</b> 253:16;271:11,16 <b>introduce (1)</b> 66:20 <b>introduced (1)</b> 367:15 <b>introduction (3)</b> 67:14,16;224:2 <b>inventoried (3)</b> 250:21,22;286:1 <b>inventory (7)</b> 85:12;250:23;252:5, 7,14,18,21 <b>investigate (6)</b> 108:16,22;111:3; 160:23;365:6;366:15 <b>investigated (1)</b> 114:24 <b>investigating (1)</b> 365:3 <b>investigation (30)</b> 82:11;94:1,3;95:21; 104:18;105:4;108:9, 11,20;109:7,23;111:9, 19;114:21;122:11; 161:15,23;284:6,7,8, 14;290:5;332:20,22; 342:3;348:22;364:6,8, 15;366:6 <b>investigations (1)</b> 160:6 <b>invite (1)</b> 221:23 <b>invited (2)</b> 222:12;244:19 <b>inviting (1)</b> 260:6 <b>invoice (1)</b> 131:15 <b>invoke (1)</b> 325:6 <b>involved (7)</b> 78:25;109:9;190:24; 290:4,11,13;293:10 <b>involving (1)</b> 339:3 <b>iPad (1)</b> 216:8 <b>iPhone (15)</b> 125:3;127:18; 135:24;136:1,5,11,17; 142:15,16,23;169:25; 170:4,5;216:8;286:11 <b>Ironically (1)</b> 244:11 <b>irregularities (1)</b> 125:6 <b>irregularity (2)</b> 368:18;369:14 <b>irritability (1)</b></p>	<p>152:11 <b>ish (1)</b> 207:3 <b>isolate (1)</b> 208:20 <b>issuance (3)</b> 81:25;82:5;91:1 <b>issue (16)</b> 74:15,20;78:5,16; 82:3;90:7,10,16; 104:17;133:3;171:9, 10;243:22;259:7; 319:14;367:21 <b>issued (6)</b> 82:10,24;178:21; 199:20;286:15;343:17 <b>issues (20)</b> 78:11;84:19;87:9; 94:4,19;100:11; 103:15;151:21;171:14; 204:17;209:12;211:1; 213:7;218:1;294:1,9; 301:22;311:15;319:15; 345:18</p> <p style="text-align: center;"><b>J</b></p> <p><b>jail (9)</b> 211:9,12,22;212:5, 15;213:9,17;220:15,18 <b>Jameson (4)</b> 264:7,13;267:25; 270:11 <b>Jamesons (1)</b> 267:18 <b>Jamey (21)</b> 103:17;105:17,21; 106:2,3,8,10,25; 114:16;198:3,4;199:8; 202:22;302:10;324:20, 22,24;326:10;330:13; 332:6;358:11 <b>Jamey's (3)</b> 107:3;199:8;332:3 <b>Jamie (2)</b> 75:5;114:15 <b>January (14)</b> 98:1,17;101:7; 113:25;115:10;152:16; 170:12;276:7;295:16, 17;314:18;319:5; 354:15,20 <b>jeans (1)</b> 219:19 <b>Jess (1)</b> 206:6 <b>jig (1)</b> 153:2 <b>Jimmy (1)</b> 114:10 <b>job (17)</b> 61:6,11;93:16;100:4; 111:17;115:24;117:18;</p>	<p>118:5,7;140:23;141:4, 12;152:24;162:25; 163:5,6,10;165:23; 171:19;172:8;203:23, 25;254:5;279:9;322:9; 329:23;346:6 <b>jobs (1)</b> 109:7 <b>John (1)</b> 86:11 <b>judge (6)</b> 61:6;62:12;70:19; 71:22;72:13;319:18 <b>judges (1)</b> 68:16 <b>judgment (2)</b> 63:21;112:17 <b>judicial (1)</b> 79:7 <b>juicy (1)</b> 274:12 <b>July (36)</b> 64:10;65:5;71:5,9, 20;73:10,16,23;74:25; 75:12,15,15;76:15,16; 79:14;83:3,10;84:4; 86:2,3;90:18,20,21; 109:12,14,18;114:6; 117:15,23;159:6,7; 188:8,9;189:6;336:11, 12 <b>jump (1)</b> 240:3 <b>June (1)</b> 206:8 <b>June-ish (1)</b> 159:3 <b>jurisdiction (1)</b> 212:18 <b>jurisdictional (1)</b> 213:7 <b>jury (7)</b> 61:8;62:9;72:1;79:1; 94:13;365:20;367:20 <b>justifying (1)</b> 224:13 <b>juveniles (1)</b> 217:8</p> <p style="text-align: center;"><b>K</b></p> <p><b>keep (18)</b> 87:20;117:2,2;118:9; 120:7;121:8,8;153:8; 183:23;194:17;203:20; 209:9;233:17;272:10; 287:8,11;300:23; 354:12 <b>keeping (6)</b> 134:19;174:5; 277:20;339:1;350:9,10 <b>Kelly (3)</b> 125:19;215:15;</p>	<p>227:13 <b>kept (4)</b> 163:15;268:3;276:3; 292:21 <b>Kevin (4)</b> 313:22,23;314:6; 335:25 <b>key (5)</b> 279:4;283:13; 290:25;291:16;362:20 <b>keys (3)</b> 270:22;291:13,14 <b>kids (2)</b> 206:4,4 <b>Kiger (1)</b> 91:7 <b>K-I-G-E-R (1)</b> 91:7 <b>killing (1)</b> 210:16 <b>kind (41)</b> 114:19;120:2; 122:22,25;135:14,18; 152:18,25;166:19; 171:1;172:18;187:5; 199:4;210:19;211:19; 213:1,17;220:9;221:6; 222:21;223:1;239:12; 246:18;248:24;265:9; 292:8;297:5;310:20; 319:13;320:13;322:2; 323:17;324:6,14; 325:7;326:11;327:13; 328:15,16;331:7; 364:20 <b>Kirtland (47)</b> 59:2;60:8,17,20; 62:22;64:1;80:17,18; 81:11;88:8,11,23; 89:25;94:5;103:16; 107:17,21;115:3; 118:8;119:15;131:14; 153:20;154:6,6;155:3; 166:4;176:14;181:25; 202:24;244:5;245:11; 252:14,15;261:21; 273:3,21;277:25; 284:24,24;298:2; 312:16;315:15;335:22; 337:10;350:5;353:3; 355:15 <b>Kirtland's (2)</b> 74:2;89:25 <b>knew (55)</b> 113:25;121:21; 122:8;136:1;139:23; 145:9;161:18;168:24; 169:2;205:20;207:24; 211:6;214:2,7;215:15; 228:14;243:12,25; 244:1;245:18;246:22, 23;247:14;254:25; 255:1,2,2,3,3,4;257:16;</p>	<p>260:11;264:9,15; 275:23;282:9;285:21; 286:8;303:11,16,25; 304:1,12;305:7;306:8; 307:13;308:2,7;309:8; 311:17;316:20;323:18; 327:2,3;332:16 <b>knife (1)</b> 227:8 <b>knock (1)</b> 221:13 <b>knocked (2)</b> 213:17;310:8 <b>knocks (1)</b> 221:11 <b>knowing (2)</b> 307:10;341:13 <b>knowledge (9)</b> 139:6;184:16,18; 186:18;204:16;294:11; 307:3,5;342:10 <b>known (17)</b> 61:7;94:23;101:20; 117:17;220:21;225:4; 254:3;255:13;272:9, 11;278:25;281:25; 302:22;326:22;327:17; 328:4;342:10 <b>knows (5)</b> 74:6;89:16;98:21; 228:3;232:15</p> <p style="text-align: center;"><b>L</b></p> <p><b>labeled (1)</b> 79:23 <b>labor (4)</b> 114:10,13,14,23 <b>lack (5)</b> 69:5;89:1;150:10; 152:5;344:2 <b>ladies (4)</b> 117:18;118:21; 175:19;304:14 <b>laid (3)</b> 73:14;75:14;214:18 <b>Lake (3)</b> 364:10,11,19 <b>Lakeland (2)</b> 269:6;301:25 <b>Lallo (145)</b> 64:13,21;65:25; 66:17;67:1,6,7,12,20, 24;70:11;72:15;74:17; 77:22;92:11,22;93:6,7, 11;97:18;99:18;100:5; 111:8,25;112:8;114:2; 118:13,22,24;119:1,10; 123:15;126:4;133:5; 138:24;139:1,13; 140:12,18;146:18; 147:19;148:24;149:14, 17;157:25;160:11;</p>
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<p>161:20,22;162:10,12,24;163:21;164:14,17;165:4,12,19;173:15,17;175:14,24;176:2,9;181:3;188:2,4;189:5,7,24;190:12;191:1,16;196:7,18;197:3,24;198:2,8,11,18;202:15,17,19;205:2;230:6;231:17,25;232:12;233:4,7,14,19;234:2,7,14,20,25;235:13,21;237:3,10;238:10,17,19;239:22;240:9,14,16,23;241:4,11,17;249:25;251:8,23;276:15;278:12,15;290:2;293:20,22;299:7;301:10,16;313:7,13,16,21;314:3;318:21;351:11,21;352:7,15,19,21;353:5,23;358:20;364:7;367:5;368:5;369:10,20;370:2</p> <p><b>Lallo's (1)</b> 67:17</p> <p><b>Lance (30)</b> 60:5;66:3;99:24;124:7;127:18;131:23;154:8;203:11;205:18;304:16;305:9,12;306:15,21;307:10;308:8,16,23;309:6;310:10;311:14;314:20;315:4;321:7,25;324:14;326:6;329:8;331:3;369:2</p> <p><b>lands (1)</b> 115:10</p> <p><b>language (4)</b> 83:18;168:8;256:7;293:23</p> <p><b>lapse (1)</b> 127:24</p> <p><b>larger (1)</b> 319:14</p> <p><b>last (53)</b> 72:4;78:25;81:5,7;82:15,16;96:18;97:2;119:12;123:7;133:13;140:20,21;152:12,13,15;154:9;156:13;159:5;160:3;161:16,17;165:21;170:11;173:4,6;176:11;188:12,14;189:13;202:21;203:14;218:7,17;227:17;229:24;243:25;251:24;253:22;254:13;262:20;268:12;269:5;275:23;296:11;297:16,22;299:16;301:18;313:18;314:5;</p>	<p>330:25;365:21</p> <p><b>Lastly (4)</b> 69:25;83:2;91:11;347:25</p> <p><b>late (18)</b> 68:15;103:22,22;126:5;143:6,9;179:3;184:22;193:3;194:11;229:23;301:21,25;315:5;323:7;333:19;355:3;360:22</p> <p><b>later (21)</b> 64:23;90:19;102:2;107:9;144:9;186:7;207:5,12,12;213:16;271:8;321:8;323:16;324:8,9;325:11,15;331:10;332:13;349:21;367:18</p> <p><b>lateral (1)</b> 157:5</p> <p><b>latitude (1)</b> 362:18</p> <p><b>LaTurner (18)</b> 76:18;116:6;176:3,4,10,12;212:23;217:1,2,17;228:10;250:24;252:6;269:4;294:12;19;303:3;365:10</p> <p><b>L-A-T-U-R-N-E-R (1)</b> 176:12</p> <p><b>law (86)</b> 65:5,25;66:17;71:8;72:14;73:16;74:16,21;75:12;76:13;85:23;89:4;91:6;93:23;95:17;96:7;97:17,18;99:2,18,18;100:5,12,17;101:20;104:25;106:15,22;108:7,25;109:4;110:25;111:1,7,25;112:8;114:1,23;115:15;137:9;148:10;156:3;159:21;161:20,22;162:7,24;185:18;186:3;187:18,22,25;188:3,16,22;189:7;196:17;234:9;236:11;240:5;257:5;278:12,15;279:15;280:24;282:18;285:11;290:1;314:15;318:11,20;339:1,5;352:22;353:4;356:20;357:10;358:16,24;359:13,19,22,24;360:17;365:13,14</p> <p><b>lawful (7)</b> 119:6;140:14;165:15;176:5;198:5;301:12;313:24</p> <p><b>lawn (1)</b> 230:14</p> <p><b>laws (7)</b></p>	<p>220:24;227:8;287:12;322:11;340:2;344:16;347:7</p> <p><b>lawsuit (1)</b> 201:20</p> <p><b>lawyer (2)</b> 60:17;99:16</p> <p><b>lawyers (2)</b> 84:24;365:18</p> <p><b>LBGTQ (1)</b> 146:21</p> <p><b>lead (2)</b> 95:11;293:14</p> <p><b>leader (6)</b> 171:7;209:25;273:22;311:10;338:20;339:18</p> <p><b>leadership (5)</b> 103:14;203:7;329:1;350:13,19</p> <p><b>leading (1)</b> 236:11</p> <p><b>learn (6)</b> 96:16,20;157:23;193:10,12;311:2</p> <p><b>learned (1)</b> 320:16</p> <p><b>least (14)</b> 123:6;138:18;156:14;249:12;258:12;264:24;279:10;314:25;316:4;321:17;332:7;343:5;358:7;368:15</p> <p><b>Leave (47)</b> 99:2;101:3;102:17,17,25;103:1,5,6,7,15;104:5,17;109:12;112:15;115:21;140:10;171:22;172:5;180:7;225:8;226:5,18,23;237:1;238:22;267:13,17;272:25;274:23;302:10;329:11,13,15;341:5;349:8;355:24;357:22;358:22;359:1,1,2,4,7,7,8,12;367:13</p> <p><b>leaving (8)</b> 107:22;152:2;241:24;244:24;245:5;274:3;341:4,14</p> <p><b>led (3)</b> 95:21;109:23;192:8</p> <p><b>left (17)</b> 94:7;151:15;178:13,14;179:1;185:11;186:8,11;214:8;226:6;265:24,25;271:12;276:17;300:23;305:25;317:11</p> <p><b>left-hand (1)</b> 154:5</p> <p><b>legal (6)</b> 60:20,23;61:8;62:14;</p>	<p>65:20;92:10</p> <p><b>legislative (10)</b> 60:19;61:22;62:8,14;63:6;66:23;90:9,14;92:7,12</p> <p><b>length (1)</b> 256:23</p> <p><b>Lesnick (5)</b> 59:11,12;71:1;369:16;370:6</p> <p><b>less (9)</b> 144:5,7,8,8;152:19,20;161:19;168:2;354:12</p> <p><b>letter (48)</b> 64:10,15,16;65:4;73:15,23;75:12,14,15;79:14;83:3,10;84:4;88:5,9;89:17,18,20;104:23,24;105:10;112:8,22;114:10;190:18;199:3;210:10,17,25;250:3,9;279:15;280:5;281:17,18,23;284:22;286:2;288:3,7,23;332:19;333:10;335:16,18;336:10,11;363:21</p> <p><b>letters (2)</b> 190:19;366:15</p> <p><b>letting (2)</b> 147:9;214:25</p> <p><b>level (7)</b> 141:22;142:5,6;163:8;271:11,16;338:24</p> <p><b>Libby (3)</b> 145:18,19,21</p> <p><b>license (1)</b> 344:18</p> <p><b>lie (2)</b> 223:18;355:19</p> <p><b>lied (1)</b> 333:5</p> <p><b>lieutenant (5)</b> 142:2;209:4;254:9,10,11</p> <p><b>life (5)</b> 216:19;223:20,23;245:18;274:17</p> <p><b>light (6)</b> 69:23;98:1;102:8,9;103:20;226:8</p> <p><b>lighthearted (1)</b> 318:6</p> <p><b>lightly (1)</b> 244:3</p> <p><b>liked (1)</b> 183:25</p> <p><b>likely (2)</b> 143:19;297:6</p> <p><b>Likewise (1)</b> 65:17</p>	<p><b>limbo (2)</b> 330:12;331:16</p> <p><b>limit (2)</b> 121:25;123:2</p> <p><b>limited (1)</b> 134:10</p> <p><b>limiting (1)</b> 146:15</p> <p><b>limits (1)</b> 122:15</p> <p><b>line (23)</b> 80:14;81:15;121:7,9,10;123:2,5,9;131:19;215:15,25;228:14;253:19;263:10,12;279:8;299:17;316:8;322:3,3,18;323:21;328:12</p> <p><b>lines (4)</b> 87:15;221:18;223:11;230:14</p> <p><b>linked (1)</b> 216:9</p> <p><b>list (5)</b> 75:24;83:24;84:2,3;293:10</p> <p><b>listed (10)</b> 76:8;84:12;85:2,24;121:17;124:6;125:14,18;128:13;347:2</p> <p><b>listen (9)</b> 62:13;72:9;88:17;92:3;148:14;206:24;214:16;238:15;329:23</p> <p><b>listening (1)</b> 325:4</p> <p><b>lists (1)</b> 81:9</p> <p><b>Lite (7)</b> 222:18;232:10,22;252:25;264:2;294:13;361:10</p> <p><b>litigate (1)</b> 72:3</p> <p><b>litigation (1)</b> 71:24</p> <p><b>litigator (1)</b> 76:2</p> <p><b>little (19)</b> 59:24;153:7;174:17;212:24;213:16,25;215:3,10;220:3;222:20;229:14;246:17;257:19;277:21;317:2;323:3,24;326:22;345:21</p> <p><b>live (7)</b> 60:17;209:20;223:20,23;261:16,20,21</p> <p><b>livelihood (1)</b> 76:6</p> <p><b>lives (2)</b></p>
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<p>68:22;118:2 <b>living (1)</b> 305:23 <b>Lobe (43)</b> 93:22;104:24;105:1, 11;108:7,21,23; 109:23;110:13;115:13; 137:9;139:18;158:14, 15;159:1,2,9;162:2,6, 10,11,13;164:18; 188:1;251:4;257:6,25; 279:15;281:2;282:18; 284:10;285:12,16,25; 286:2,10;288:24; 290:14;325:16,21; 363:18,23;364:7 <b>Local (3)</b> 74:2,9;309:2 <b>located (1)</b> 80:7 <b>location (1)</b> 166:6 <b>locked (1)</b> 291:20 <b>locks (2)</b> 290:25;291:7 <b>Lolla (1)</b> 175:23 <b>lonely (1)</b> 205:16 <b>long (25)</b> 70:6;119:19;141:2; 145:3;165:25;166:3; 172:1;176:13,16,25; 181:25;200:24;201:2; 202:23;203:3;215:7; 220:21;230:23;234:21; 235:3;238:13;243:16; 254:20;256:18;302:22 <b>longer (4)</b> 158:8;172:3;173:16, 17 <b>look (31)</b> 76:15;79:24;80:22; 81:11,18;85:13;91:17; 122:22;131:1;133:1; 135:7;136:15;137:13; 173:13;207:19;232:25; 246:8;256:6;282:3; 284:2;285:16;286:4, 10;289:17;320:25; 328:20,21;329:24; 345:5;361:8,12 <b>looked (8)</b> 88:4;114:21;121:21; 133:17;171:9;220:10; 221:6;303:8 <b>looking (11)</b> 84:23,25;91:11; 110:11;121:3;128:24; 205:15;228:21;238:1; 323:18;347:12 <b>looks (2)</b></p>	<p>111:7;231:4 <b>loop (1)</b> 239:20 <b>loose (1)</b> 167:21 <b>Lorain (1)</b> 71:25 <b>Lori (1)</b> 263:18 <b>lose (2)</b> 298:11;343:16 <b>loss (2)</b> 343:18;344:17 <b>lost (2)</b> 103:25;152:17 <b>lot (22)</b> 71:24;86:13;111:7; 118:1;181:2,20;208:7; 210:20;214:12;228:18; 245:1;306:2;308:6; 316:19;320:20,25; 322:14;324:25;329:3; 357:4;360:13;366:23 <b>lots (2)</b> 175:12;274:4 <b>louder (1)</b> 227:15 <b>love (2)</b> 249:22;287:10 <b>Lowery (8)</b> 59:13,14,21;60:2; 369:6,21;370:3,9 <b>LOWREY (1)</b> 59:2 <b>Lucas (1)</b> 91:9 <b>luck (1)</b> 331:7 <b>lunch (3)</b> 207:16;214:2;304:15 <b>lunchtime (2)</b> 212:13;213:15 <b>Lutheran (1)</b> 101:22 <b>lying (1)</b> 223:18</p>	<p>291:13;343:18 <b>major (3)</b> 208:13;244:18;350:8 <b>majority (1)</b> 184:11 <b>makes (3)</b> 75:4;284:22;319:13 <b>making (10)</b> 75:17;76:8;92:13; 96:22,22;103:25; 113:23;163:15;208:17; 243:11 <b>malfeasance (5)</b> 63:2;74:8;113:18; 347:10;351:17 <b>man (4)</b> 100:22;102:20; 118:3;306:9 <b>manage (1)</b> 153:13 <b>management (2)</b> 102:12;244:4 <b>manager (1)</b> 320:21 <b>manner (8)</b> 61:1;68:24;92:17; 148:20;256:8;337:23; 344:15,25 <b>manual (1)</b> 352:22 <b>many (20)</b> 96:20;117:17; 122:18;125:10;126:10; 129:21;130:24;132:2, 4,6,9;169:5;191:5; 194:13;209:15;229:8; 267:18,21;295:8; 342:11 <b>Maple (1)</b> 111:1 <b>March (20)</b> 106:17;120:24,25; 127:5,6;129:15,17; 130:25;144:5;168:1,1; 170:12,13;176:22; 181:10;182:25;193:23; 206:12,13;276:8 <b>marital (5)</b> 118:2;206:19; 209:12;275:2;276:16 <b>Mark (6)</b> 60:8,9,16;66:20; 67:14;68:1 <b>marked (37)</b> 93:3;124:1,4;125:20, 22;127:14,15;128:7,9; 130:3,4;131:8,10; 153:15,17;154:22,24; 230:7;251:10,12; 278:7,9;295:21,23; 333:12,13;334:12,13; 336:6,7;348:25;349:3; 357:14;358:1,18;</p>	<p>359:9;365:23 <b>marriage (2)</b> 274:17;308:9 <b>married (2)</b> 216:20;224:10 <b>Martello (1)</b> 72:4 <b>math (1)</b> 364:4 <b>Matt (5)</b> 64:18;92:21;99:20; 318:16,20 <b>matter (12)</b> 62:17;64:16;66:12; 68:13;71:15;72:21; 210:18;213:12;259:9; 262:16;319:9;364:6 <b>matters (2)</b> 72:4;73:5 <b>may (55)</b> 62:3,14;64:2;68:20; 69:13,18;75:24;76:3; 82:3,13;83:6;85:7; 90:10,14,17;92:18; 101:16;109:14;118:3, 25;125:1;126:25; 127:3,4,12;137:7; 140:9;160:4;164:20; 165:9;174:6;185:17; 189:9;198:1,14;211:1; 221:1;233:4;235:3; 237:10;239:22;297:23; 311:17;313:11;325:9; 335:8;338:6;341:25; 345:12;346:17;347:1; 364:24;367:24;368:14, 17 <b>maybe (27)</b> 168:15;174:16; 186:12;211:7,10; 213:16;220:24;225:2; 245:19;246:21;267:22; 294:23;322:22,24; 324:5,8,9,19;325:14, 16;326:3,4;328:3; 330:25;349:20;361:5 <b>Mayor (117)</b> 60:22;62:23;64:2,7, 25;65:3;66:1;73:15; 76:4;80:9,10,11;91:18, 19;93:19;95:9,22;97:3; 98:1,3,5,20,20;101:7; 20;102:15,24;103:3,4, 11;104:10;105:5,16; 108:14;109:23;112:3; 114:1,20;117:25; 118:11;119:18;160:7, 19;161:4;193:1,16; 243:23;248:18,20,24; 257:1,24;259:13,14,18, 20,23,25;260:1,5; 272:19;274:8;276:1,2, 3,9;279:6;280:21;</p>	<p>284:11,12,16;291:6; 296:3;299:18;303:15, 23;305:15,25;306:3,12, 13,15,16,19,20,24; 307:2,4,14,19,21; 311:2,4,5,13,14,21,25; 312:1,2;313:22;314:4, 7;335:5;336:5;348:21; 349:2;352:2,17; 353:24;354:11,14; 361:17,25;367:3; 368:13,17 <b>Mayor's (14)</b> 60:4;64:15,16;65:10; 74:3;75:14;94:17; 97:10;103:23;119:23; 120:6;160:22;291:1; 299:22 <b>mean (27)</b> 97:20;108:13; 148:15;150:2;153:5; 159:13;163:9;170:15, 15;183:25;187:23; 203:9;208:8;213:3; 227:4;238:6;253:13; 256:20;288:11;289:13; 311:8;318:4;326:18; 327:6;343:25;356:6; 366:17 <b>meaning (1)</b> 99:23 <b>means (5)</b> 67:2;98:21;108:12; 272:6;323:6 <b>mean-spirited (1)</b> 83:19 <b>meant (1)</b> 235:17 <b>media (1)</b> 353:11 <b>Medical (17)</b> 99:1;101:3;102:17, 25;103:5,6,7,15;104:5, 16;115:21;215:21; 329:11,15;349:8; 359:3,6 <b>meet (10)</b> 104:2,8;112:21; 192:20;257:22;274:3; 308:22,25;309:4; 325:11 <b>meeting (104)</b> 59:3,4;63:16;71:14; 73:25;81:4,5,7;82:7,8, 18,21;90:24;102:3; 107:5;151:17;157:8, 14,19;161:19;162:4; 179:13;192:25;249:4, 6,13,15;250:15;257:9; 258:19,25;259:1,11,16, 22,25;260:19,25;275:5, 8;279:19,20;281:1,2,9, 16,25;282:1,5,24;</p>
<b>M</b>				
	<p><b>machinery (1)</b> 297:7 <b>mad (7)</b> 210:13;214:3; 216:11;220:22,22; 248:11;327:18 <b>magnitude (2)</b> 246:12;282:11 <b>main (2)</b> 282:13,15 <b>maintain (1)</b> 338:24 <b>maintained (5)</b> 71:4;280:9;289:10;</p>			

<p>283:2;286:6;307:8,9, 11,16,17,21;308:14,16; 312:2;314:22;315:2,7, 8;316:14;317:14; 319:3,11,20,22,23; 320:18;321:14,16,18, 18,21;322:23,25; 323:25;325:18,23,24; 326:1,10;329:5;353:6, 6,10,14;356:24;357:1, 6;363:16;368:7,8,14, 16,21,23,25;369:1; 370:11</p> <p><b>meetings (12)</b> 82:14;98:8;117:14; 172:8;184:14;209:16; 260:7,13,17;352:16,23; 353:16</p> <p><b>member (19)</b> 64:17;141:15; 154:15,17;191:3; 203:11;243:16;258:3; 281:20;338:2;342:20; 343:4;346:23;354:23; 355:1;358:10;368:17; 369:12,13</p> <p><b>members (38)</b> 63:23;64:6;65:11; 66:23;99:22;115:7; 123:18,24;173:25; 191:2,5;208:9;259:1; 260:2,15;298:7; 300:11;318:13;337:21; 339:25;340:6,21; 341:4,11,18;342:14; 343:11,17,20;344:13; 345:6,9;346:10,24; 348:8;358:8;362:22; 368:14</p> <p><b>members' (1)</b> 100:9</p> <p><b>member's (1)</b> 343:21</p> <p><b>memo (4)</b> 103:13;104:9; 331:18;358:4</p> <p><b>memorized (1)</b> 362:6</p> <p><b>memory (1)</b> 69:4</p> <p><b>men (7)</b> 96:16;108:25;244:5; 273:20;338:16;351:1,2</p> <p><b>mental (3)</b> 308:10;309:8;310:3</p> <p><b>mention (2)</b> 211:12;319:15</p> <p><b>mentioned (7)</b> 69:25;91:7;157:22; 171:11;253:6;316:5; 320:17</p> <p><b>Mentor (3)</b> 105:22;261:16;310:4</p>	<p><b>mere (1)</b> 365:17</p> <p><b>message (4)</b> 138:8;151:15; 287:19,23</p> <p><b>messages (19)</b> 85:11;116:13,19; 121:13;122:1,19; 127:20;128:3;130:24; 132:6,10,11,15;135:25; 139:8,12;216:10; 287:14;347:20</p> <p><b>messaging (2)</b> 127:25;131:21</p> <p><b>messenger (1)</b> 210:16</p> <p><b>met (9)</b> 87:3;105:3;187:25; 188:2,8;244:15;303:1, 3;304:8</p> <p><b>Mexican (3)</b> 157:4,9;333:1</p> <p><b>microphone (1)</b> 59:23</p> <p><b>mid (2)</b> 143:6,10</p> <p><b>midday (2)</b> 326:4,5</p> <p><b>middle (2)</b> 355:14;362:15</p> <p><b>Middleburg (2)</b> 79:19;91:14</p> <p><b>midnight (5)</b> 179:4;182:24,25; 184:23;195:3</p> <p><b>midst (1)</b> 135:1</p> <p><b>midway (1)</b> 296:23</p> <p><b>might (12)</b> 122:23;144:23; 194:17;211:21;247:22; 292:7;316:24;317:1, 22;328:8;341:13; 358:17</p> <p><b>mile (1)</b> 206:18</p> <p><b>military (2)</b> 203:4;243:15</p> <p><b>Miller (7)</b> 222:18;232:10,22; 252:25;264:2;294:13; 361:10</p> <p><b>million (2)</b> 244:7;273:11</p> <p><b>mind (10)</b> 107:18;112:14; 118:9;205:16;222:25; 225:4;238:19;276:22; 318:16;361:10</p> <p><b>mine (4)</b> 114:11;309:9; 358:17,18</p>	<p><b>minimum (1)</b> 343:25</p> <p><b>minute (11)</b> 112:13,14;118:17; 129:18;178:11;181:6; 235:2;241:2;333:11; 351:24;366:11</p> <p><b>minutes (21)</b> 125:9;126:11; 129:21;132:2,4;180:9; 222:22;223:25;232:1; 234:20,21;238:13; 239:24,25;240:2,11,18, 19;241:1,5;272:21</p> <p><b>mirror (1)</b> 110:18</p> <p><b>misconduct (3)</b> 63:3;156:4;351:18</p> <p><b>miserable (1)</b> 216:20</p> <p><b>misfeasance (5)</b> 63:2;74:8;113:18; 347:10;351:17</p> <p><b>misquote (1)</b> 90:6</p> <p><b>miss (1)</b> 236:5</p> <p><b>missing (2)</b> 275:14;318:19</p> <p><b>mistake (2)</b> 122:23;164:4</p> <p><b>mistaken (1)</b> 79:20</p> <p><b>mistakes (2)</b> 223:21;319:13</p> <p><b>mixed (2)</b> 272:4,8</p> <p><b>MO (1)</b> 366:16</p> <p><b>mobile (2)</b> 132:2,2</p> <p><b>mock (4)</b> 155:21;163:6,7; 348:10</p> <p><b>mocked (3)</b> 156:8;159:18;163:4</p> <p><b>moment (3)</b> 317:7;329:3;332:16</p> <p><b>Monday (4)</b> 141:18;144:1;167:9; 280:17</p> <p><b>Mondays (2)</b> 143:14,15</p> <p><b>month (6)</b> 90:19;121:3;122:1,2; 127:8;174:16</p> <p><b>monthly (2)</b> 120:18;131:17</p> <p><b>months (13)</b> 96:18;101:21,21; 123:5,7;152:14,15; 156:13;158:17;170:12; 268:12;316:1;320:12</p>	<p><b>month-to-month (1)</b> 121:9</p> <p><b>mood (1)</b> 151:3</p> <p><b>moral (2)</b> 338:24;350:15</p> <p><b>more (35)</b> 59:24;67:7;83:21; 84:8;117:23;126:18, 20;137:15;142:24; 143:18;144:4;145:6; 150:6;156:14;164:1; 207:3;213:25;215:11; 218:16;256:24;275:13; 287:13;295:10;307:21; 310:8;313:12,13,20; 317:12;324:18;329:3, 25;332:9;357:18;367:4</p> <p><b>morning (39)</b> 60:15;101:9,16; 104:12;107:23;167:15; 185:4;186:14;207:4; 212:20,24;213:3; 226:23;230:2;242:24; 247:19,21;252:9; 257:16;258:6,14; 270:2;302:15,16; 303:1;307:23;308:12, 13,21;319:10;321:12; 324:6,10,23;325:8; 330:7,9;362:16;363:22</p> <p><b>morning's (1)</b> 315:8</p> <p><b>mortal (1)</b> 339:3</p> <p><b>most (3)</b> 167:20;337:23; 346:17</p> <p><b>Mostly (4)</b> 142:18;147:4; 169:23;323:13</p> <p><b>motel (1)</b> 309:3</p> <p><b>motion (8)</b> 70:25;86:22;88:13; 91:2,23;239:9;288:17; 289:16</p> <p><b>motions (1)</b> 61:19</p> <p><b>motivation (1)</b> 274:15</p> <p><b>motives (1)</b> 253:23</p> <p><b>motor (6)</b> 315:14;316:10; 317:24;320:5;355:12, 13</p> <p><b>mountain (1)</b> 209:3</p> <p><b>mouth (1)</b> 248:4</p> <p><b>move (13)</b> 67:14;87:24;90:1;</p>	<p>123:11;146:3,7; 148:23;149:11;201:16; 229:17;240:19;284:19, 21</p> <p><b>moved (1)</b> 252:16</p> <p><b>moving (2)</b> 360:14,24</p> <p><b>much (16)</b> 121:9;152:21,24; 161:18;168:17,19; 173:16,17;211:13; 214:23;244:21;265:25; 271:18;275:17;328:1; 357:18</p> <p><b>mug (2)</b> 267:21,24</p> <p><b>multiple (7)</b> 96:2,3;99:21;271:3; 274:2;276:13;286:9</p> <p><b>municipal (4)</b> 80:10,12;90:10; 91:18</p> <p><b>must (11)</b> 68:18;81:3,20;82:17; 161:4,5;299:17; 353:11,14;361:24; 368:15</p> <p><b>myriad (1)</b> 76:22</p> <p><b>myself (17)</b> 70:5;99:23;145:13; 153:6,6;203:4;254:19; 255:5;267:6;269:9; 289:9;294:18;303:1; 316:20;318:9;321:10; 341:12</p>
<b>N</b>				
<p><b>name (24)</b> 60:16;119:11,12; 133:13;140:19,20,21, 21;165:20,21;176:11, 11;202:21,21;209:17; 262:15,17,19,20,21; 301:17,18;314:4,5</p> <p><b>named (2)</b> 114:15;358:11</p> <p><b>names (2)</b> 84:1;310:19</p> <p><b>narcotics (2)</b> 174:3;341:21</p> <p><b>narrative (1)</b> 104:15</p> <p><b>narrowly (1)</b> 345:11</p> <p><b>national (3)</b> 155:25;156:21; 348:14</p> <p><b>nature (6)</b> 79:10;281:3,10; 346:13;364:8,9</p>				

<p><b>nauseam (1)</b> 209:13</p> <p><b>near (1)</b> 322:7</p> <p><b>necessarily (5)</b> 84:22;147:24; 250:10;288:11;323:22</p> <p><b>necessary (3)</b> 65:8;89:23;317:13</p> <p><b>neck (1)</b> 248:11</p> <p><b>need (34)</b> 62:15;70:7;102:25; 104:1;110:21;143:20; 194:2;211:16;217:9; 221:23;262:19;276:15; 283:11;296:21;305:16; 308:17;310:11,19; 311:5;319:1;322:16; 323:3,24;324:4;328:8; 329:11,14;330:11,12; 340:20;349:13;350:19; 352:7,12</p> <p><b>needed (27)</b> 86:1;101:13,13; 145:5;151:8;152:6,23; 153:1,1;170:7;177:16; 211:15;214:6;246:25; 275:4,9;304:3;308:8, 10;321:1;328:25; 330:19;331:17,22; 332:7;362:18,21</p> <p><b>needing (1)</b> 292:24</p> <p><b>needs (4)</b> 213:11,13;273:23; 321:20</p> <p><b>negative (1)</b> 218:8</p> <p><b>neglect (7)</b> 63:4;339:25;340:8, 23,25;347:6;351:18</p> <p><b>neglective (1)</b> 296:14</p> <p><b>negotiate (1)</b> 94:9</p> <p><b>neighborhood (1)</b> 325:19</p> <p><b>neither (1)</b> 270:23</p> <p><b>nervous (2)</b> 94:22;109:1</p> <p><b>Nest (3)</b> 106:5;230:15,18</p> <p><b>new (4)</b> 120:23;135:11; 169:15;320:18</p> <p><b>news (1)</b> 218:9</p> <p><b>Next (58)</b> 60:2;81:3;82:21; 90:2;99:7;103:2,19; 104:17;108:2;157:21;</p>	<p>176:2;178:6;185:4; 193:17;194:11;198:2; 211:20;214:10;227:1, 1;233:8;234:24,25; 238:11;239:22;240:24; 241:12,17;242:7,24; 247:12,19;248:22; 254:15;257:16;262:3; 266:9,11;279:13; 291:4;297:10;301:9; 307:17;308:12,13; 319:4;320:23;324:5, 11;325:3;328:14,15, 23;330:6,7;338:21; 342:20;343:4</p> <p><b>nice (2)</b> 219:6;301:24</p> <p><b>nicks (3)</b> 110:12,13,16</p> <p><b>night (48)</b> 95:19;97:1;102:2,19; 104:9;107:8;176:23; 178:13,22,23;184:23; 186:10;194:7;196:9; 205:13;212:23;217:9; 224:20;227:9;229:24; 242:23;250:15,17; 257:21;258:11;260:3, 7;292:14;299:14; 302:4,14;303:7,11; 307:8,12,25;310:24,25; 312:4;315:21;317:8; 321:24;322:24;352:6, 12;362:16;363:13; 368:1</p> <p><b>nights (2)</b> 205:16,22</p> <p><b>Nine (4)</b> 102:19;107:8; 267:16;270:1</p> <p><b>Nobody (9)</b> 74:12;93:14;101:6; 113:22;116:8;158:24; 243:20;290:19;304:11</p> <p><b>nonaffirmative (1)</b> 68:6</p> <p><b>None (8)</b> 62:7;104:19;110:22; 113:20;117:1;148:10; 269:19;364:14</p> <p><b>nonetheless (2)</b> 316:13;325:18</p> <p><b>nonfeasance (3)</b> 63:3;347:10;351:17</p> <p><b>nonsense (1)</b> 332:13</p> <p><b>noon (2)</b> 304:10;321:7</p> <p><b>Noon-ish (1)</b> 213:16</p> <p><b>nor (2)</b> 60:21;62:9</p> <p><b>normal (3)</b></p>	<p>124:12;142:23;272:5</p> <p><b>normally (4)</b> 124:17;143:25; 219:18;269:24</p> <p><b>Nosse (94)</b> 60:5;62:19;63:17; 65:12,20;66:3,13,25; 71:6;73:1;75:18;76:5; 78:22;86:11;95:8; 97:23,23,24;98:3; 101:3,10;102:10; 103:2,14;105:6; 106:25;112:25;113:23; 115:8,10;116:24; 117:4;127:18;131:23; 132:22;134:5;135:19; 136:10;141:20;154:2, 8;165:24;167:18; 176:21;179:6;190:7; 196:9;204:20;208:24; 209:11;239:1;241:8; 254:10;255:21;258:13; 260:1,6;262:12; 266:25;276:13;277:1; 282:20;287:23;292:6, 12;293:5;294:21; 300:21;301:22;302:6, 21;303:1,12,24;304:1, 6;306:5,7;309:20; 314:20;325:25;328:24; 335:19;336:11;349:10; 355:2,8,24;356:25; 357:6;359:13;361:20; 362:13;369:2</p> <p><b>Nosse's (13)</b> 99:25;106:19;124:7; 125:2;135:23;189:20; 253:21;278:21;281:4, 11;285:19;307:1; 358:13</p> <p><b>note (1)</b> 319:7</p> <p><b>noted (3)</b> 78:24;143:18;147:21</p> <p><b>notes (3)</b> 84:14;162:10,13</p> <p><b>notice (25)</b> 71:22;72:18;73:1; 75:20;88:6,12,25;99:3; 104:21;109:18;193:16; 206:15;349:7;352:8, 10,13,14;353:4,9,12; 368:18,19;369:8,14,18</p> <p><b>noticed (5)</b> 120:25,25;143:20; 179:17;208:16</p> <p><b>noticing (1)</b> 151:18</p> <p><b>notified (7)</b> 92:15;93:20;112:19; 349:15,16;354:15; 359:18</p> <p><b>notify (4)</b></p>	<p>194:7;296:19; 352:10;353:11</p> <p><b>November (7)</b> 125:7;126:5,14; 130:16;206:11,12; 207:2</p> <p><b>nowhere (2)</b> 145:14;245:13</p> <p><b>number (35)</b> 71:16;78:13,16,19; 94:14,15;123:16; 125:11,12,13,15,19; 126:6,7,20;128:16; 129:4,9,12,18;130:20, 21,22;136:25;137:5,13, 14;211:5;217:24; 223:15;288:19;295:9; 305:24;339:23;347:12</p> <p><b>numbers (5)</b> 125:10;126:22; 129:14;131:5;209:19</p> <p><b>numerous (4)</b> 79:11;162:20;244:3; 254:12</p> <p><b>nuts (1)</b> 327:20</p>	<p>185:9</p> <p><b>obliged (1)</b> 295:12</p> <p><b>obnoxious (3)</b> 196:11;342:18;343:2</p> <p><b>observation (2)</b> 334:6,8</p> <p><b>observations (6)</b> 177:22;180:25; 182:17;219:21;246:15; 253:8</p> <p><b>observe (9)</b> 174:12;178:9;179:8, 24;237:16,19,21; 239:1;294:25</p> <p><b>observed (12)</b> 95:2,20;140:3,4,10; 156:17;170:13;174:8; 179:6;183:5;241:8; 252:20</p> <p><b>observing (1)</b> 175:7</p> <p><b>obtained (2)</b> 212:18;280:7</p> <p><b>obtaining (1)</b> 279:22</p> <p><b>obvious (1)</b> 315:17</p> <p><b>Obviously (18)</b> 176:18;187:23; 196:17;198:25;199:2; 208:1;218:6;224:4; 246:16,20;312:14; 314:24;320:22;321:13; 327:21;329:14;333:8; 350:9</p> <p><b>occasion (2)</b> 171:16;183:18</p> <p><b>occasions (2)</b> 195:16;295:8</p> <p><b>occur (1)</b> 252:7</p> <p><b>occurrence (1)</b> 260:19</p> <p><b>o'clock (17)</b> 70:25;77:3,3;102:19; 104:8,9;106:2;167:16; 185:4;193:4;207:15; 212:24;213:2;231:2; 267:16;270:2;325:19</p> <p><b>October (8)</b> 124:7,8;127:19; 128:15;130:8,14; 146:13;163:19</p> <p><b>odd (1)</b> 142:22</p> <p><b>odor (3)</b> 182:19;187:4,6</p> <p><b>off (52)</b> 71:23;72:1;95:7; 105:17;107:10,12; 111:16;116:12;129:24; 134:14;135:6,9,12,15;</p>
<b>O</b>				
<p><b>oath (4)</b> 66:9,10;69:13; 223:22</p> <p><b>obey (1)</b> 344:16</p> <p><b>object (5)</b> 67:16;71:14;72:20; 74:14;189:25</p> <p><b>objected (1)</b> 75:11</p> <p><b>objecting (3)</b> 78:11;79:15;148:16</p> <p><b>objection (31)</b> 61:9;70:23;71:4,17; 73:12;77:23;85:22,23; 91:21;147:8,11,16; 148:23;150:14;157:1; 189:24;190:4,10,12; 191:1,16;197:3;199:4; 201:25;202:2;232:11, 15;233:10;236:6; 240:6;367:9</p> <p><b>objections (5)</b> 61:19;70:2,15;73:10; 84:19</p> <p><b>objective (2)</b> 279:22,23</p> <p><b>objective' (1)</b> 280:7</p> <p><b>obligated (1)</b> 90:7</p> <p><b>obligation (2)</b> 89:9;246:21</p> <p><b>obligations (1)</b></p>	<p><b>oath (4)</b> 66:9,10;69:13; 223:22</p> <p><b>obey (1)</b> 344:16</p> <p><b>object (5)</b> 67:16;71:14;72:20; 74:14;189:25</p> <p><b>objected (1)</b> 75:11</p> <p><b>objecting (3)</b> 78:11;79:15;148:16</p> <p><b>objection (31)</b> 61:9;70:23;71:4,17; 73:12;77:23;85:22,23; 91:21;147:8,11,16; 148:23;150:14;157:1; 189:24;190:4,10,12; 191:1,16;197:3;199:4; 201:25;202:2;232:11, 15;233:10;236:6; 240:6;367:9</p> <p><b>objections (5)</b> 61:19;70:2,15;73:10; 84:19</p> <p><b>objective (2)</b> 279:22,23</p> <p><b>objective' (1)</b> 280:7</p> <p><b>obligated (1)</b> 90:7</p> <p><b>obligation (2)</b> 89:9;246:21</p> <p><b>obligations (1)</b></p>			

<p>143:15,16,17,21; 174:20;177:16;185:1, 14;193:13;212:1,3,25; 214:6;218:19;220:25; 226:3,8;227:16; 228:15;243:2;244:22; 265:7;269:8;288:20; 290:19;312:22;315:7; 326:3;329:22;337:23; 342:14,15;351:24,25; 353:24;354:5,6;355:18</p> <p><b>off-duty (1)</b> 115:22</p> <p><b>offended (1)</b> 159:18</p> <p><b>offensive (5)</b> 155:23;196:11; 342:18;343:2;348:12</p> <p><b>offer (2)</b> 225:9;305:20</p> <p><b>offered (14)</b> 134:21;147:17; 209:17,19;222:1,2, 17;225:15,21;271:1,6; 276:13;305:21</p> <p><b>office (71)</b> 63:3;64:3;111:21; 119:23;144:5,8; 145:14;151:20;152:8, 21;164:2;166:6,7; 168:4;176:23;177:8, 14;178:10;179:7,18; 180:1,3;181:18,19; 183:9,22,23;184:4; 186:13;189:3;192:15; 195:18;208:11;209:10; 210:12;214:14;221:6; 223:5;247:22,25; 269:2,12,13;275:7; 285:19;286:5;290:12, 20;291:1,8,14,20; 294:16;295:6;296:4; 303:4;304:9;305:1; 308:22;309:25;331:23; 342:12;347:11;351:18; 364:10,13,16,17;365:8, 9;366:23</p> <p><b>officer (34)</b> 62:25;63:8;98:23; 142:1;149:1;157:4,7, 13,23;158:6,8;177:20; 181:22;185:19;186:4; 193:23;194:2,23; 200:18;203:10;204:5, 21;210:14;218:6; 223:20;230:21;236:20; 274:7;278:3;330:13, 15,16;332:25;358:12</p> <p><b>officers (36)</b> 80:6,9;96:8;108:24; 109:25;117:17;145:15; 146:9;147:5;153:6; 168:12;184:8;191:14;</p>	<p>194:14,16;196:2; 200:20;201:22;208:17; 218:9;220:24;228:23; 254:19;256:8,10; 275:10,13,14;328:7; 334:24,25;338:23; 339:2,5;341:11;350:11</p> <p><b>officers' (3)</b> 144:17;146:22,24</p> <p><b>officer's (2)</b> 218:19;245:21</p> <p><b>offices (1)</b> 166:8</p> <p><b>official (14)</b> 63:1;103:4;116:2; 118:8;217:14,15; 248:22;335:21;344:14, 24;345:12;351:16; 353:8;359:1</p> <p><b>often (6)</b> 137:15;166:12; 168:6;169:16;171:22; 342:11</p> <p><b>Ohio (23)</b> 62:19,22;63:14,25; 80:1;87:6;88:10,19,22; 89:8,10,24;91:8;99:11; 113:4;154:7;177:20; 250:4;287:13;334:17; 347:2,14;355:15</p> <p><b>old (2)</b> 114:11;267:4</p> <p><b>once (10)</b> 121:19;156:25; 171:24;174:16;233:23; 263:1;268:23;276:23; 285:25;316:15</p> <p><b>on-duty (1)</b> 100:3</p> <p><b>one (116)</b> 67:7;71:16;78:13,16; 83:15;87:6;90:2,95:18; 99:19;107:4;110:15, 19;112:5;116:7,10,11, 19;119:25;120:4,4,15; 121:14;124:19,20; 125:10,12;129:18; 130:16,19;135:2,16; 136:2,25;137:14; 139:20;143:17;146:8, 25;147:4;148:15; 151:5;154:20;158:18; 162:5;163:3,7;164:14; 172:17;177:7;181:6; 190:19;194:15;200:20; 203:10;206:22;209:1, 6;215:17;216:15; 220:20;221:3;222:19, 19;225:19,20;228:5; 229:9,12,22;250:1; 255:4,9,12,12;258:5; 267:20;270:23;278:14; 279:7;280:6;281:6;</p>	<p>283:2;286:3;289:9,17; 290:25;291:1,8,14,23; 295:4,12;300:19; 303:21;306:4;310:8; 313:2,3,13,20;317:8; 326:15;327:9;331:4; 333:21;340:12,14; 344:11,11;350:8; 351:4;357:18;358:21; 360:19;365:11,25</p> <p><b>one-on-one (1)</b> 346:3</p> <p><b>one-page (1)</b> 358:3</p> <p><b>ones (4)</b> 99:14;106:24; 206:22;218:18</p> <p><b>online (1)</b> 133:17</p> <p><b>only (42)</b> 61:7;70:4;76:17; 80:25;89:21;90:25; 91:22;96:3;124:19,20; 127:3,4;132:24;139:6; 147:17;163:3;188:2; 206:22;214:15;239:6; 246:3;252:24;258:3; 281:19;288:17;289:6; 290:25;291:14;295:12; 298:8,14;305:20; 328:19;331:18,19; 343:13;344:5,11; 345:21,24;350:9,11</p> <p><b>onto (1)</b> 339:19</p> <p><b>OPBA (38)</b> 74:23,25;99:10,17, 21;114:15;141:12; 189:19,23;190:21; 192:25;200:23;201:20; 208:1;230:4;249:7; 250:4;258:3;259:15, 22;278:15,20;279:11, 16,22;280:2,7,13,19; 281:14;282:2;289:4; 318:9,12;356:21; 357:9;363:22;366:7</p> <p><b>open (13)</b> 82:7,18;139:11,17; 147:1;166:8,10,11; 179:11;221:22,25; 320:9;327:1</p> <p><b>opened (3)</b> 73:25;310:9;319:23; 326:11</p> <p><b>opening (7)</b> 65:24;66:1,4;88:3; 97:14;105:25;319:22</p> <p><b>operate (6)</b> 296:25;297:7; 340:14;344:14;355:10, 11</p> <p><b>operated (2)</b></p>	<p>320:5;359:25</p> <p><b>operates (1)</b> 321:5</p> <p><b>operating (12)</b> 152:22;153:9; 315:14;316:10;317:24; 327:22;332:12;344:13, 24;345:16;356:2;360:4</p> <p><b>operation (3)</b> 83:16;338:4;344:17</p> <p><b>opinion (5)</b> 62:10;196:8;230:22; 316:12;350:3</p> <p><b>opinions (2)</b> 170:15;367:23</p> <p><b>opportunity (10)</b> 65:15,18;67:8,11,21; 69:2;86:25;91:15; 100:7;209:7</p> <p><b>opposed (1)</b> 370:9</p> <p><b>Opposing (1)</b> 294:21</p> <p><b>option (6)</b> 123:6,10;305:19,20, 24;311:9</p> <p><b>options (1)</b> 306:6</p> <p><b>order (8)</b> 65:23;82:6;84:22; 291:6;294:16;314:15; 343:18;364:5</p> <p><b>ordered (1)</b> 136:3</p> <p><b>orders (3)</b> 294:20;340:4;344:16</p> <p><b>Ordinance (22)</b> 60:5;64:1;74:2,9; 80:23;81:11;82:4,6,9, 10,18;88:4,8,19;89:19; 90:1,14;116:23;348:1; 351:9;368:9,10</p> <p><b>ordinances (11)</b> 62:20;80:17,20; 81:18;88:11,24;89:6,7; 103:8;155:3;340:3</p> <p><b>ordinary (3)</b> 120:21;172:15; 252:20</p> <p><b>organization (1)</b> 243:19</p> <p><b>origin (3)</b> 155:25;156:22; 348:14</p> <p><b>original (1)</b> 328:19</p> <p><b>others (4)</b> 116:18;194:15; 255:7;319:18</p> <p><b>otherwise (3)</b> 63:8;234:11;353:24</p> <p><b>ounces (1)</b> 267:22</p>	<p><b>ourselves (2)</b> 148:18;153:13</p> <p><b>out (106)</b> 61:22;67:9;75:14; 77:3;91:9;98:9,15; 100:25;101:6;104:12, 17;105:23,24;107:9; 110:24;112:9,13; 120:21;121:25;136:14, 19;137:4,6;145:25; 149:1;161:17;165:1; 168:5;169:4,5;172:15; 173:5;176:25;177:4; 181:11;184:14;185:9, 15,20;187:14,15; 188:18,21;192:2; 194:17;199:1,16; 200:13;201:11,25; 208:12;214:4;215:13; 217:8;218:20;219:8; 223:6;224:1;226:3,21; 233:1;237:17,22,24; 239:6,12;240:21; 244:21;252:19;257:17; 260:2,13;265:5; 266:10;270:19,24; 272:2;276:17;277:14; 283:22;284:4;294:16; 296:3;297:14;300:1; 301:3;305:3;308:5; 309:10,10;310:1; 320:20;324:14;328:3, 11,20,21;329:4;331:21, 22;332:4;333:3,6; 354:13;357:4;358:4</p> <p><b>outcome (1)</b> 332:22</p> <p><b>outgoing (1)</b> 131:4</p> <p><b>outlets (1)</b> 353:11</p> <p><b>outlined (1)</b> 81:2</p> <p><b>outside (4)</b> 107:24;110:24; 114:22,23</p> <p><b>outsider (1)</b> 255:10</p> <p><b>over (43)</b> 60:13;70:1;73:18; 96:18;105:3;106:9,9; 107:16,17;109:16; 110:6;122:2;123:7; 135:20;142:22;152:12, 13,15,19;156:13; 162:21;170:11;177:4; 186:4;195:12;218:6; 220:13;221:22,25; 222:7;223:1;229:11; 236:5;243:18;260:6; 273:19,20;275:24; 292:20;306:1;326:24; 330:12;366:9</p>
---	---	--	---	--

<p><b>overage (11)</b> 121:13,24;122:3; 128:17;131:1,3,20,21; 137:3,17;344:5</p> <p><b>overages (3)</b> 123:8;333:4,7</p> <p><b>overhear (1)</b> 144:18</p> <p><b>overheard (1)</b> 146:21</p> <p><b>overnight (1)</b> 310:24</p> <p><b>overrule (8)</b> 84:18;86:22;88:13; 91:2,23;147:16; 148:23;190:3</p> <p><b>oversee (3)</b> 314:12,13,14</p> <p><b>overstepped (1)</b> 227:13</p> <p><b>OVI (1)</b> 110:10</p> <p><b>own (17)</b> 101:19;108:16,22; 109:4,5;111:4;215:18; 223:21;246:14;255:10, 11,14;300:22;312:15; 351:4;365:2,5</p> <p><b>owned (1)</b> 280:9</p> <p><b>owner (1)</b> 320:18</p>	<p>217:10</p> <p><b>parked (6)</b> 181:20;226:16; 291:11;300:24;360:13, 15</p> <p><b>parking (5)</b> 274:4;306:2;320:20, 25;360:13</p> <p><b>part (22)</b> 89:21;97:21;131:13; 141:12;146:25;163:12; 166:22;172:7;190:6, 18;191:11;209:3; 210:16;230:17;269:13; 282:15;284:6;314:21, 23;316:6;321:17; 349:12</p> <p><b>participate (1)</b> 339:3</p> <p><b>participating (1)</b> 251:1</p> <p><b>particular (8)</b> 120:12;121:25; 122:17;125:11,12; 191:23;219:12;318:2</p> <p><b>particularly (1)</b> 235:20</p> <p><b>particulars (1)</b> 84:7</p> <p><b>parties (8)</b> 61:2,4;73:7;78:14, 20;202:13;206:1,3</p> <p><b>partner (1)</b> 72:3</p> <p><b>parts (2)</b> 69:14;233:12</p> <p><b>part-time (2)</b> 142:1;204:21</p> <p><b>party (1)</b> 72:10</p> <p><b>pass (3)</b> 82:4,9,18</p> <p><b>passed (1)</b> 82:7</p> <p><b>passing (3)</b> 223:5;252:1;272:3</p> <p><b>past (5)</b> 122:2;171:7;183:19; 280:8,16</p> <p><b>path (2)</b> 209:5;214:24</p> <p><b>patrol (4)</b> 191:14;194:14,16; 229:5</p> <p><b>Patrolman (1)</b> 230:18</p> <p><b>patrolmen (2)</b> 209:6;334:24</p> <p><b>Patrolmen's (2)</b> 99:11;250:5</p> <p><b>pattern (1)</b> 350:17</p> <p><b>pause (5)</b></p>	<p>232:12;235:14; 236:3;240:23;305:18</p> <p><b>pausing (1)</b> 238:20</p> <p><b>pay (20)</b> 117:22;119:25; 120:4,16,17;121:9; 122:9;123:11,13; 131:24;132:23,25; 133:3;134:13,15,21; 137:3;278:4;346:6; 358:14</p> <p><b>paying (2)</b> 135:9;141:10</p> <p><b>payment (1)</b> 344:7</p> <p><b>payroll (6)</b> 141:10;143:17,21; 164:5,6,8</p> <p><b>payrolls (1)</b> 143:15</p> <p><b>pays (2)</b> 120:5;135:16</p> <p><b>peace (1)</b> 177:19</p> <p><b>penalty (1)</b> 203:24</p> <p><b>people (31)</b> 75:24;76:22;83:24; 84:10;85:24;96:20; 98:7,7,15;100:18,20; 109:5;113:3;115:14; 116:15;151:14;184:13; 186:17;189:1;210:5; 216:8;218:21;239:9; 243:12;245:18;260:5; 261:3;273:3;312:22; 322:11;341:10</p> <p><b>people's (1)</b> 260:24</p> <p><b>per (5)</b> 122:1;126:10,11; 330:14;334:17</p> <p><b>percent (3)</b> 83:6;314:21;342:5</p> <p><b>perfectly (1)</b> 199:11</p> <p><b>perform (1)</b> 339:5</p> <p><b>performance (9)</b> 63:1;100:3;116:1; 162:25;163:5,7,10; 345:12;351:16</p> <p><b>performed (1)</b> 147:7</p> <p><b>period (17)</b> 77:10;127:24;131:6; 132:12;143:12;163:20; 203:13;207:9;214:6; 215:9;217:25;221:1; 236:19;257:19;267:15; 289:21;359:5</p> <p><b>permissible (1)</b></p>	<p>148:4</p> <p><b>permission (2)</b> 368:8,23</p> <p><b>permit (1)</b> 61:2</p> <p><b>permitted (2)</b> 147:24;281:14</p> <p><b>persistent (1)</b> 222:16</p> <p><b>person (17)</b> 63:9,13,18;76:17; 86:3,9;90:12;95:6,7; 99:5;155:22;156:1; 171:18;216:17;309:7; 348:11;350:17</p> <p><b>personal (41)</b> 102:17,25;103:14; 116:19;132:23;141:22; 142:5;149:12,16; 163:8;166:19;170:22; 182:7;217:16;259:8; 286:12;290:17;296:9; 300:8,13,16,18,20,22; 301:5;313:4;314:21; 322:18;326:18;328:11, 12;329:11,15;338:25; 340:7,24;347:21,23; 359:3,7;362:9</p> <p><b>personally (5)</b> 96:23;134:15;322:8; 325:1;369:13</p> <p><b>personnel (5)</b> 168:13;319:7,12,17; 366:1</p> <p><b>persons (1)</b> 144:22</p> <p><b>person's (1)</b> 185:13</p> <p><b>pertaining (3)</b> 344:17;347:15; 353:16</p> <p><b>pertinent (1)</b> 67:4</p> <p><b>pervasive (1)</b> 327:14</p> <p><b>Petrick (1)</b> 230:18</p> <p><b>phenomenally (1)</b> 320:8</p> <p><b>phone (134)</b> 85:10,11;94:18; 105:24;106:13,14,16, 19,19,20;116:5,8,8,10; 117:6;120:12,12; 121:15,22,25;122:7,10, 12,18,19,20;124:17; 125:2,6,9,18;126:1,6, 18,20,20,21,25;127:8; 128:1,12,19;129:15,18, 22,25;130:7,14,18; 131:6,15,18;132:18; 134:6,8,10;135:20,22; 136:8,13,25;137:5,18,</p>	<p>22;138:5,14;139:2,7,8, 10,11,17;142:8,10,12, 14,17,18,20,22;143:2; 169:10,12,13,15,17,24; 170:8,9;177:1;179:21; 207:6;209:19;210:4; 211:5;216:3,23,25; 217:5,6,14,15,17,19,21, 22,23;218:3;224:16, 18;227:16;228:9; 242:8;243:11;255:12, 12;275:15;286:12,15, 17,21;298:19;304:13; 305:12;328:2,10; 329:22;333:3,4; 343:25;344:1;346:7; 347:18,19</p> <p><b>phones (10)</b> 120:6,17;121:14; 122:16;135:4;298:15; 312:24;313:3;328:4,5</p> <p><b>phone's (1)</b> 217:24</p> <p><b>physical (1)</b> 346:12</p> <p><b>pick (5)</b> 179:21;185:13; 194:9;228:25;328:8</p> <p><b>picked (9)</b> 153:7;177:2;178:4; 182:21;186:20;194:25; 195:6;266:12;292:4</p> <p><b>picking (2)</b> 232:6;233:12</p> <p><b>picks (1)</b> 255:11</p> <p><b>pictures (6)</b> 110:4,11;111:12,13, 19,21</p> <p><b>piece (7)</b> 217:3;236:25;239:7, 12;287:8;332:8;365:12</p> <p><b>pieces (2)</b> 107:13;298:18</p> <p><b>pistol (1)</b> 218:19</p> <p><b>place (12)</b> 64:11,13;81:18; 117:1;170:20;226:2; 319:6;321:16;325:20; 333:19;350:23;353:13</p> <p><b>places (3)</b> 114:12;209:19;222:2</p> <p><b>plan (5)</b> 121:21,23;123:9; 135:11;199:12</p> <p><b>plant (1)</b> 294:12</p> <p><b>play (14)</b> 215:12;231:17; 233:7,13,14;234:7,14; 235:3;238:10,15; 239:22;241:11,15,19</p>
<b>P</b>				
<p><b>pack (4)</b> 222:18;265:19,20,21</p> <p><b>page (12)</b> 154:1,10;160:1; 289:1;296:5,12,17,23; 297:16,23;335:15; 338:22</p> <p><b>pages (2)</b> 154:3;358:18</p> <p><b>paid (2)</b> 120:20;171:5</p> <p><b>pajamas (2)</b> 225:1,6</p> <p><b>Panel (1)</b> 194:23</p> <p><b>paper (1)</b> 287:9</p> <p><b>papers (1)</b> 90:13</p> <p><b>paperwork (3)</b> 141:7;152:6;358:16</p> <p><b>paragraph (8)</b> 103:19;160:3,22; 280:5;281:6;296:23; 299:16;361:24</p> <p><b>paragraphs (1)</b> 362:4</p> <p><b>parent (1)</b></p>	<p>217:10</p> <p><b>parked (6)</b> 181:20;226:16; 291:11;300:24;360:13, 15</p> <p><b>parking (5)</b> 274:4;306:2;320:20, 25;360:13</p> <p><b>part (22)</b> 89:21;97:21;131:13; 141:12;146:25;163:12; 166:22;172:7;190:6, 18;191:11;209:3; 210:16;230:17;269:13; 282:15;284:6;314:21, 23;316:6;321:17; 349:12</p> <p><b>participate (1)</b> 339:3</p> <p><b>participating (1)</b> 251:1</p> <p><b>particular (8)</b> 120:12;121:25; 122:17;125:11,12; 191:23;219:12;318:2</p> <p><b>particularly (1)</b> 235:20</p> <p><b>particulars (1)</b> 84:7</p> <p><b>parties (8)</b> 61:2,4;73:7;78:14, 20;202:13;206:1,3</p> <p><b>partner (1)</b> 72:3</p> <p><b>parts (2)</b> 69:14;233:12</p> <p><b>part-time (2)</b> 142:1;204:21</p> <p><b>party (1)</b> 72:10</p> <p><b>pass (3)</b> 82:4,9,18</p> <p><b>passed (1)</b> 82:7</p> <p><b>passing (3)</b> 223:5;252:1;272:3</p> <p><b>past (5)</b> 122:2;171:7;183:19; 280:8,16</p> <p><b>path (2)</b> 209:5;214:24</p> <p><b>patrol (4)</b> 191:14;194:14,16; 229:5</p> <p><b>Patrolman (1)</b> 230:18</p> <p><b>patrolmen (2)</b> 209:6;334:24</p> <p><b>Patrolmen's (2)</b> 99:11;250:5</p> <p><b>pattern (1)</b> 350:17</p> <p><b>pause (5)</b></p>	<p>232:12;235:14; 236:3;240:23;305:18</p> <p><b>pausing (1)</b> 238:20</p> <p><b>pay (20)</b> 117:22;119:25; 120:4,16,17;121:9; 122:9;123:11,13; 131:24;132:23,25; 133:3;134:13,15,21; 137:3;278:4;346:6; 358:14</p> <p><b>paying (2)</b> 135:9;141:10</p> <p><b>payment (1)</b> 344:7</p> <p><b>payroll (6)</b> 141:10;143:17,21; 164:5,6,8</p> <p><b>payrolls (1)</b> 143:15</p> <p><b>pays (2)</b> 120:5;135:16</p> <p><b>peace (1)</b> 177:19</p> <p><b>penalty (1)</b> 203:24</p> <p><b>people (31)</b> 75:24;76:22;83:24; 84:10;85:24;96:20; 98:7,7,15;100:18,20; 109:5;113:3;115:14; 116:15;151:14;184:13; 186:17;189:1;210:5; 216:8;218:21;239:9; 243:12;245:18;260:5; 261:3;273:3;312:22; 322:11;341:10</p> <p><b>people's (1)</b> 260:24</p> <p><b>per (5)</b> 122:1;126:10,11; 330:14;334:17</p> <p><b>percent (3)</b> 83:6;314:21;342:5</p> <p><b>perfectly (1)</b> 199:11</p> <p><b>perform (1)</b> 339:5</p> <p><b>performance (9)</b> 63:1;100:3;116:1; 162:25;163:5,7,10; 345:12;351:16</p> <p><b>performed (1)</b> 147:7</p> <p><b>period (17)</b> 77:10;127:24;131:6; 132:12;143:12;163:20; 203:13;207:9;214:6; 215:9;217:25;221:1; 236:19;257:19;267:15; 289:21;359:5</p> <p><b>permissible (1)</b></p>	<p>148:4</p> <p><b>permission (2)</b> 368:8,23</p> <p><b>permit (1)</b> 61:2</p> <p><b>permitted (2)</b> 147:24;281:14</p> <p><b>persistent (1)</b> 222:16</p> <p><b>person (17)</b> 63:9,13,18;76:17; 86:3,9;90:12;95:6,7; 99:5;155:22;156:1; 171:18;216:17;309:7; 348:11;350:17</p> <p><b>personal (41)</b> 102:17,25;103:14; 116:19;132:23;141:22; 142:5;149:12,16; 163:8;166:19;170:22; 182:7;217:16;259:8; 286:12;290:17;296:9; 300:8,13,16,18,20,22; 301:5;313:4;314:21; 322:18;326:18;328:11, 12;329:11,15;338:25; 340:7,24;347:21,23; 359:3,7;362:9</p> <p><b>personally (5)</b> 96:23;134:15;322:8; 325:1;369:13</p> <p><b>personnel (5)</b> 168:13;319:7,12,17; 366:1</p> <p><b>persons (1)</b> 144:22</p> <p><b>person's (1)</b> 185:13</p> <p><b>pertaining (3)</b> 344:17;347:15; 353:16</p> <p><b>pertinent (1)</b> 67:4</p> <p><b>pervasive (1)</b> 327:14</p> <p><b>Petrick (1)</b> 230:18</p> <p><b>phenomenally (1)</b> 320:8</p> <p><b>phone (134)</b> 85:10,11;94:18; 105:24;106:13,14,16, 19,19,20;116:5,8,8,10; 117:6;120:12,12; 121:15,22,25;122:7,10, 12,18,19,20;124:17; 125:2,6,9,18;126:1,6, 18,20,20,21,25;127:8; 128:1,12,19;129:15,18, 22,25;130:7,14,18; 131:6,15,18;132:18; 134:6,8,10;135:20,22; 136:8,13,25;137:5,18,</p>	<p>22;138:5,14;139:2,7,8, 10,11,17;142:8,10,12, 14,17,18,20,22;143:2; 169:10,12,13,15,17,24; 170:8,9;177:1;179:21; 207:6;209:19;210:4; 211:5;216:3,23,25; 217:5,6,14,15,17,19,21, 22,23;218:3;224:16, 18;227:16;228:9; 242:8;243:11;255:12, 12;275:15;286:12,15, 17,21;298:19;304:13; 305:12;328:2,10; 329:22;333:3,4; 343:25;344:1;346:7; 347:18,19</p> <p><b>phones (10)</b> 120:6,17;121:14; 122:16;135:4;298:15; 312:24;313:3;328:4,5</p> <p><b>phone's (1)</b> 217:24</p> <p><b>physical (1)</b> 346:12</p> <p><b>pick (5)</b> 179:21;185:13; 194:9;228:25;328:8</p> <p><b>picked (9)</b> 153:7;177:2;178:4; 182:21;186:20;194:25; 195:6;266:12;292:4</p> <p><b>picking (2)</b> 232:6;233:12</p> <p><b>picks (1)</b> 255:11</p> <p><b>pictures (6)</b> 110:4,11;111:12,13, 19,21</p> <p><b>piece (7)</b> 217:3;236:25;239:7, 12;287:8;332:8;365:12</p> <p><b>pieces (2)</b> 107:13;298:18</p> <p><b>pistol (1)</b> 218:19</p> <p><b>place (12)</b> 64:11,13;81:18; 117:1;170:20;226:2; 319:6;321:16;325:20; 333:19;350:23;353:13</p> <p><b>places (3)</b> 114:12;209:19;222:2</p> <p><b>plan (5)</b> 121:21,23;123:9; 135:11;199:12</p> <p><b>plant (1)</b> 294:12</p> <p><b>play (14)</b> 215:12;231:17; 233:7,13,14;234:7,14; 235:3;238:10,15; 239:22;241:11,15,19</p>

<p><b>played (4)</b> 152:17;233:17; 281:22,24</p> <p><b>playing (16)</b> 231:19,24;232:3; 233:6;235:6,12,16,23; 237:11,12;238:18; 240:15,22;241:3,16,20</p> <p><b>please (67)</b> 59:6,22;70:16,17; 75:18;93:10;118:9,22; 119:1,11;128:11; 140:19;145:20;154:12; 155:9,16;165:20; 173:24;174:17;176:10; 181:6;195:11;197:12; 202:20;230:11;231:17; 232:13;233:7,9;235:3, 4,14,15,22;237:11; 238:10;239:22;240:13, 19,24;241:11,15,19; 252:11;254:14;284:21; 296:7,11,18;297:10,17; 298:4,6;301:17; 303:20;306:21;307:24; 309:4;314:4;318:17; 334:21;335:18;337:20; 338:22;339:23;348:18; 349:6</p> <p><b>pleases (1)</b> 143:24</p> <p><b>plenty (2)</b> 220:23;225:17</p> <p><b>plethora (1)</b> 256:4</p> <p><b>Plus (3)</b> 132:13,14;234:21</p> <p><b>pm (18)</b> 71:9;102:15;105:18; 108:2;179:15;222:7; 224:20;231:6;234:4; 235:1;238:12;239:24; 240:25;261:14;265:1; 289:22;369:3,9</p> <p><b>pod (1)</b> 301:25</p> <p><b>point (76)</b> 60:7;67:13;81:6; 93:25;101:22;108:13; 112:12;121:11;122:5, 24;126:5,9,18,19; 127:23,23;128:22; 132:22;148:5;151:18; 156:9;164:21,24; 165:2;173:23;177:7; 181:1;186:2;187:1; 193:6;203:6,10; 204:23;207:20;208:19; 211:4;212:11;213:19; 214:9;215:6,20; 216:11;220:18;222:11; 225:7;226:25;238:4,7; 243:1,2;249:3;257:15;</p>	<p>259:19;267:5,19; 271:20;274:7;285:16; 293:18;302:9,13,24; 304:11,23;305:21; 306:7;309:16;311:8, 10,23;317:15;318:18; 323:8;324:19;330:3; 355:23</p> <p><b>pointed (2)</b> 210:21,24</p> <p><b>Police (148)</b> 62:18;65:2,12;93:21; 94:5,21;96:8,10;99:13; 102:3,4;107:19,20; 108:23;109:25;110:5, 5,16;111:13,16;112:22, 23;115:2;117:17; 121:14,17;128:14; 130:7;131:14;137:25; 140:24;141:7;149:19; 150:2;153:5,20;154:8, 16,17;166:4;167:2; 171:22;173:25;174:1, 6;176:14;181:22; 184:8;195:17;196:15; 202:24;218:6,9; 223:20;225:13;228:11; 243:7,16,21;244:6; 269:2,11,13;273:21; 274:23;275:25;277:2, 12,25;278:4;281:5,11; 283:8,10,18,25;286:22, 24;287:6;290:20; 293:6,14;298:2,7,14; 299:1,5,19,21;300:1, 11,12,21;303:2;307:9; 310:5;311:17;312:19; 314:13;315:14;316:2, 10;317:24;321:15,19, 24;331:17,18;332:11; 334:22,24,25;335:1,7, 21,22;336:3;337:10, 21;338:3,17,20; 339:25;340:5;341:4, 11,18,18,20,25;342:7, 15;343:12;344:14; 345:6;346:24;348:6; 350:4,7,10,11;351:12; 360:19;362:1,25; 364:20;365:3,5</p> <p><b>police-related (1)</b> 253:1</p> <p><b>Police's (1)</b> 334:16</p> <p><b>policies (7)</b> 138:16;174:20; 180:22;287:14;298:17; 312:15;340:4</p> <p><b>policy (51)</b> 85:10;94:6;95:16; 96:6;116:22;117:1,4,5, 5,6;137:22;138:1,6,9, 20;155:2,5,18;159:16;</p>	<p>286:17,19,21,24;287:2, 5;295:18,19;297:23; 298:13,20,22;299:13, 17,21;312:10,12,14; 317:17;333:18,23,25; 334:3,10;336:17,19; 348:1,7;360:17; 361:15,19,24</p> <p><b>pooling (1)</b> 208:19</p> <p><b>poor (4)</b> 162:25;163:4,6; 350:17</p> <p><b>port (1)</b> 252:17</p> <p><b>portion (1)</b> 368:10</p> <p><b>portions (1)</b> 234:11</p> <p><b>posit (2)</b> 83:5;147:19</p> <p><b>position (15)</b> 73:20;78:15;80:14; 81:19;82:1;91:24; 119:14;120:23;144:1, 2;146:4;175:9;254:9; 301:3;350:13</p> <p><b>positions (1)</b> 346:25</p> <p><b>possession (1)</b> 297:3</p> <p><b>possibility (1)</b> 189:14</p> <p><b>possible (6)</b> 63:12;112:25; 185:16;188:13;270:18, 21</p> <p><b>possibly (1)</b> 350:24</p> <p><b>post (4)</b> 180:7;341:4,6,14</p> <p><b>posted (3)</b> 193:16;291:5;358:5</p> <p><b>posting (1)</b> 103:12</p> <p><b>posture (1)</b> 148:18</p> <p><b>potential (4)</b> 93:20;94:19;95:16; 96:7</p> <p><b>potentially (2)</b> 305:22;332:2</p> <p><b>Potter (16)</b> 60:22;93:19;98:1,3, 5;114:1,21;280:21; 306:1;313:22,23; 314:6;335:25;336:5; 349:2;352:17</p> <p><b>P-O-T-T-E-R (1)</b> 314:6</p> <p><b>pounded (1)</b> 310:1</p> <p><b>pounding (4)</b></p>	<p>219:14;220:7;292:5, 9</p> <p><b>pour (1)</b> 277:6</p> <p><b>poured (4)</b> 178:11;180:5; 267:18;277:15</p> <p><b>power (5)</b> 65:1;299:1,2,3; 311:12</p> <p><b>powered (2)</b> 297:1,8</p> <p><b>powers (4)</b> 79:23;80:4,5;201:13</p> <p><b>practical (1)</b> 160:4</p> <p><b>practice (2)</b> 172:4;217:13</p> <p><b>predicament (2)</b> 246:22;247:10</p> <p><b>prefer (3)</b> 64:21;210:24;240:4</p> <p><b>prejudices (2)</b> 78:22,22</p> <p><b>preliminary (1)</b> 148:2</p> <p><b>Prentice (3)</b> 79:18,20;91:13</p> <p><b>preoccupied (1)</b> 273:23</p> <p><b>prepare (2)</b> 162:7,9</p> <p><b>prepared (10)</b> 84:11;92:3;112:7; 123:16,22;140:4; 159:1;161:25;162:1; 359:12</p> <p><b>preparing (2)</b> 162:2;188:1</p> <p><b>prepped (2)</b> 140:4;158:13</p> <p><b>prescribe (1)</b> 335:8</p> <p><b>prescribed (1)</b> 335:11</p> <p><b>prescribes (1)</b> 335:3</p> <p><b>presence (3)</b> 61:22;78:12;189:16</p> <p><b>present (37)</b> 62:2;65:21,22;66:17, 21,22;68:1;70:14;73:7; 85:7,9;88:22;89:4; 92:6,11;123:19; 139:24;162:2,4;168:4; 170:23,24;183:8; 199:23,25;214:19; 220:5;249:7;251:1,4; 257:9,21;259:25; 262:9;273:22;277:7; 363:9</p> <p><b>presented (6)</b> 67:1;87:12;88:18,20;</p>	<p>123:9;368:2</p> <p><b>presenting (1)</b> 67:12</p> <p><b>presents (3)</b> 89:5,8;112:11</p> <p><b>preside (1)</b> 70:1</p> <p><b>PRESIDENT (16)</b> 59:2,14,21;60:2; 66:7,7;73:25;93:12; 119:4;368:9,13;369:4, 6,21;370:3,9</p> <p><b>presider (1)</b> 73:18</p> <p><b>presiding (1)</b> 73:11</p> <p><b>press (2)</b> 158:5;352:10</p> <p><b>pressing (1)</b> 324:15</p> <p><b>presume (1)</b> 199:10</p> <p><b>presumed (1)</b> 297:11</p> <p><b>pretrial (1)</b> 70:14</p> <p><b>pretty (13)</b> 85:14;102:12; 148:12;168:17,19; 180:15;200:6,15; 221:3;254:3;303:8; 323:4;326:14</p> <p><b>prevent (1)</b> 291:22</p> <p><b>preventing (1)</b> 155:15</p> <p><b>previous (2)</b> 188:6;223:13</p> <p><b>previously (8)</b> 139:2;150:13; 167:11;168:7;224:9; 253:5,21;348:5</p> <p><b>prior (11)</b> 83:12;159:5,8;198:9; 203:5;207:1,2;211:11; 212:16;219:22;297:14</p> <p><b>private (3)</b> 288:5;312:24;360:23</p> <p><b>privately (1)</b> 280:9</p> <p><b>privilege (5)</b> 190:1;198:20;199:9; 200:11;202:9</p> <p><b>privileged (2)</b> 190:5;200:8</p> <p><b>probably (23)</b> 140:2;158:17; 168:20;173:4,7;179:3, 4;203:5,11;212:12; 216:7,20;223:24; 238:7;243:5;249:10; 255:15;268:1;275:18; 291:4;321:7;324:20;</p>
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<p>345:20 <b>problem (32)</b> 97:24;99:3;112:20; 117:24;136:19,20; 222:5;259:10;261:4; 264:12;265:16;268:10; 269:22;276:17,19,21, 22;304:2;305:8;308:3, 6,7;316:18,24;322:17; 326:7;327:3,4;356:4,7, 15,16 <b>problems (13)</b> 118:2;135:24; 206:19,19;275:11; 276:16;307:7;316:5, 19;322:4,15;323:24; 332:5 <b>Procedure (7)</b> 61:18;72:22;75:8; 103:9;111:3;161:24; 199:21 <b>procedures (12)</b> 77:1,5;138:16;148:9, 13;160:2;180:23; 220:24;298:10;312:16; 340:5;343:15 <b>proceed (10)</b> 65:24;70:10,20; 74:18;89:23;118:23, 25;148:6;198:24; 246:19 <b>proceeded (1)</b> 222:19 <b>proceeding (16)</b> 61:7;73:12,13;79:8, 9,10,21;81:20;84:8,20; 88:7;89:23;91:22; 147:20;148:1,21 <b>PROCEEDINGS (7)</b> 59:1;60:24,25;72:22; 79:16;95:25;147:25 <b>proceeds (1)</b> 92:17 <b>process (30)</b> 65:3;76:24,25;77:8; 79:4;83:4;84:1,16,24, 25;85:16;89:15;90:11; 92:1;93:18;98:2,18; 108:18,19;111:10; 141:6;203:23;204:8; 246:25;302:13;303:23; 314:22;324:4;330:6; 333:6 <b>processes (1)</b> 79:2 <b>production (1)</b> 90:12 <b>productive (2)</b> 316:14;317:14 <b>profession (2)</b> 245:24;339:2 <b>professional (12)</b> 142:6;149:12,16;</p>	<p>150:7;215:16,21,22; 217:11,16;322:18; 326:19;347:23 <b>professionalize (1)</b> 273:9 <b>professionally (2)</b> 317:1;322:8 <b>professionals (2)</b> 228:12,13 <b>proffer (2)</b> 202:3,6 <b>profile (1)</b> 364:19 <b>profuse (1)</b> 332:24 <b>program (2)</b> 204:4,7 <b>prohibited (3)</b> 156:2;296:9;340:2 <b>promise (1)</b> 354:11 <b>promoted (3)</b> 209:4;254:6,13 <b>pronounce (1)</b> 133:12 <b>proof (2)</b> 74:11;113:14 <b>proper (3)</b> 69:10;341:7;343:18 <b>property (5)</b> 174:5;341:23; 343:19;347:22;360:23 <b>proportion (1)</b> 174:24 <b>proposal (1)</b> 198:22 <b>proposed (2)</b> 85:8;335:20 <b>prosecuting (1)</b> 190:11 <b>prosecutor (7)</b> 88:18,21;188:2; 189:4;236:18;251:3; 276:15 <b>Prosecutor's (2)</b> 364:10,16 <b>protect (3)</b> 277:23;290:16; 322:11 <b>protected (2)</b> 109:12;115:20 <b>protection (2)</b> 113:24;117:10 <b>proud (1)</b> 249:23 <b>prove (1)</b> 106:13 <b>provide (12)</b> 60:20,23;61:3;62:13; 64:23;76:14;77:11; 83:25;90:14;159:9; 280:1;289:18 <b>provided (21)</b></p>	<p>63:8;64:3,17;65:25; 77:9;83:22;88:1,13; 110:1;209:18;230:3; 264:2,8;280:13,15,23; 288:24;289:23;290:1; 314:15;365:25 <b>providing (2)</b> 83:19;211:3 <b>provision (1)</b> 313:5 <b>provisions (2)</b> 74:2;81:16 <b>prudent (2)</b> 344:15,25 <b>public (32)</b> 61:25;71:12,16;78:1, 3;90:24,24;103:12; 104:15;105:13;116:14, 16,20,25;141:8; 151:18;174:19;253:16; 273:10;274:12,14; 287:15,21,25;303:14; 335:3,4,25;347:6,15, 17;367:16 <b>publicly (2)</b> 73:8;87:19 <b>pull (2)</b> 187:12;306:3 <b>pulled (4)</b> 186:4;229:25;306:2; 320:24 <b>Pulling (1)</b> 360:9 <b>pulls (2)</b> 105:21;305:2 <b>purchase (1)</b> 131:18 <b>purely (2)</b> 132:23;313:4 <b>purpose (14)</b> 60:22;74:17;87:20; 91:4;92:4,5;298:9,16; 328:6;343:13;344:11, 11;353:13,14 <b>purposes (4)</b> 174:7;202:7;301:1; 342:1 <b>pursuant (5)</b> 60:5;62:19;71:12; 89:24;296:16 <b>pursue (1)</b> 68:13 <b>put (36)</b> 88:25;98:4;100:13; 101:24;103:12;104:15; 124:17;180:16;186:19; 203:3;205:13;214:1; 225:2;229:13;289:3; 294:16;295:9;304:13, 14,25;306:10,25; 314:20;319:11,16; 329:12;332:4;333:19, 23;355:23;358:4,17,</p>	<p>22;361:6;362:12,15 <b>Puts (1)</b> 103:17 <b>putting (3)</b> 223:10;246:22; 256:14  <b>Q</b>  <b>qualifications (1)</b> 210:3 <b>quality (2)</b> 215:2;230:20 <b>quasi-judicial (5)</b> 61:1,16;79:9;148:20; 197:7 <b>quasi-military (1)</b> 243:19 <b>quick (1)</b> 251:14 <b>quicker (1)</b> 357:4 <b>quickly (2)</b> 323:23;326:14 <b>quiet (2)</b> 305:16;306:8 <b>quit (1)</b> 302:11 <b>quite (9)</b> 73:24;84:17;93:14; 118:1;120:23;168:6; 171:6;310:21;315:17 <b>quote (2)</b> 352:21,22 <b>quotes (1)</b> 289:12  <b>R</b>  <b>race (3)</b> 155:24;156:19; 348:13 <b>racers (1)</b> 205:17 <b>racial (4)</b> 149:6;327:11;346:9, 13 <b>radios (1)</b> 363:2 <b>rainy (1)</b> 320:19 <b>raise (14)</b> 61:20;73:9;98:4; 119:4;175:12;314:21, 21,24,24;315:24;316:7, 12;319:25;357:2 <b>raised (1)</b> 202:1 <b>raising (2)</b> 144:11;190:20 <b>ramifications (1)</b> 312:13 <b>ran (1)</b></p>	<p>239:17 <b>rank (5)</b> 99:12;115:4,7; 208:22;278:5 <b>rapport (1)</b> 145:3 <b>rate (1)</b> 358:13 <b>rather (5)</b> 240:2,3;353:8,23; 367:17 <b>RC (3)</b> 71:13;72:23;73:13 <b>reach (3)</b> 100:23;165:1;192:2 <b>reached (4)</b> 101:6;199:1;200:13; 309:10 <b>reaction (3)</b> 242:13;306:6;326:13 <b>read (30)</b> 72:1,6;77:6;89:21; 91:15;148:8,19; 154:12;155:9,16; 173:24;250:11;252:11; 296:6,11,18;298:6; 312:22;334:21;335:18; 337:20;338:22;339:23; 343:9;346:19;348:4, 18;349:12,13;368:10 <b>reading (3)</b> 71:23;77:4;348:5 <b>ready (14)</b> 70:10;93:5,6;94:25; 109:18,19;117:15,18; 118:23;175:23;202:16; 211:24;212:7;327:25 <b>real (2)</b> 259:7,9 <b>realized (2)</b> 112:13;333:22 <b>really (27)</b> 78:13;80:25;84:20; 93:17,25;94:7;170:24; 171:2;201:6,7;207:18; 211:13;213:12;223:10, 12;224:3;261:4;272:6; 304:11;306:9;309:19; 317:2;320:10,11; 327:3,3;330:11 <b>reason (13)</b> 62:24;77:24;127:4; 133:1;135:19;148:1; 180:13;204:3;205:14; 207:14,16;289:2; 333:22 <b>reasonable (4)</b> 75:7;76:10;111:10, 23 <b>reasonableness (1)</b> 69:1 <b>reasons (7)</b> 81:10;207:19;313:4;</p>
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<p>315:17;329:12,16; 347:2 <b>reassured (1)</b> 247:15 <b>recall (13)</b> 109:14;146:2; 189:16;204:18;221:18; 238:9;248:16;258:17, 18;295:13,15;312:9; 318:10 <b>recalled (1)</b> 181:9 <b>recalling (1)</b> 189:15 <b>receive (4)</b> 69:23;136:7;210:11; 329:20 <b>received (5)</b> 103:10;132:11; 150:12;330:8;357:12 <b>recently (2)</b> 318:22;326:12 <b>Recess (6)</b> 118:20;175:21; 251:20;313:19;352:17, 18 <b>recognition (3)</b> 315:21;317:4;329:20 <b>recognize (3)</b> 199:7;295:25;333:15 <b>recollection (2)</b> 135:13;280:2 <b>recommendation (2)</b> 65:4,10 <b>recommended (1)</b> 230:18 <b>record (56)</b> 61:4,25;62:2;64:11, 14;68:5;71:10;73:19; 91:4;96:22;116:16,25; 119:12;123:12;128:24; 129:25;134:19;140:3, 20;143:8;165:21; 176:11;190:9;199:19; 202:3,6,21;205:3; 233:17;234:10,18,19; 235:2;236:12,14,18; 238:11,14;239:23; 240:7;241:5;251:8,21; 287:5,15,21;288:1; 301:18;314:5;348:2; 351:24,25;354:5,6,7; 368:6 <b>recorded (3)</b> 282:22;283:6,25 <b>records (23)</b> 85:10;94:18;106:14, 14,16,19,21;116:9,14, 21;120:7,13;124:17; 127:9,11;136:16; 140:24;141:4,6,8; 283:17;347:15,17 <b>records' (1)</b></p>	<p>287:2 <b>recover (1)</b> 297:18 <b>recovering (2)</b> 98:20;316:21 <b>Recross (1)</b> 299:9 <b>RECCROSS-EXAMINATION (4)</b> 139:15;195:14; 196:20;299:10 <b>red (2)</b> 220:3;248:11 <b>redacted (1)</b> 64:22 <b>redirect (10)</b> 67:8;138:23,25; 164:13,16;165:6; 196:5,6;293:19,21 <b>refer (1)</b> 121:16 <b>referee (2)</b> 60:12;92:5 <b>reference (2)</b> 284:22;321:11 <b>references (1)</b> 163:15 <b>referred (3)</b> 69:19;333:1,2 <b>reflect (1)</b> 337:23 <b>reflects (2)</b> 338:1;339:18 <b>refrain (1)</b> 342:15 <b>refresh (2)</b> 280:2;366:5 <b>refused (4)</b> 225:22;226:4; 269:23;271:4 <b>regard (3)</b> 345:2,22,24 <b>regarding (4)</b> 75:13;78:1;216:15; 369:2 <b>Regardless (1)</b> 360:12 <b>regimented (2)</b> 207:3;215:11 <b>regular (5)</b> 124:11;139:4;207:8; 342:21;343:5 <b>regularly (2)</b> 81:3;343:7 <b>regulations (19)</b> 85:12;94:5;95:4,6; 96:4;153:21,23; 166:25;167:5;253:5; 298:2;322:11;335:2,7, 11,20,22;337:5,10 <b>rehab (7)</b> 101:23;102:22; 105:8;112:9;117:14; 134:3;193:8</p>	<p><b>rehabilitation (1)</b> 102:23 <b>Reinstated (1)</b> 204:1 <b>rel (1)</b> 91:13 <b>related (6)</b> 78:12;115:19; 216:21;281:4,10; 345:24 <b>relates (10)</b> 78:4;79:14;80:16; 81:23;83:8;100:11; 122:12;198:19;350:3; 368:6 <b>relating (2)</b> 321:15;345:11 <b>relationship (11)</b> 142:4;146:8;149:13; 166:19;169:1;204:22; 215:16;243:7;292:13; 317:1;320:9 <b>relationships (4)</b> 147:5;326:19,19; 364:21 <b>relative (1)</b> 318:14 <b>relatively (1)</b> 316:14 <b>relaxed (1)</b> 147:22 <b>released (1)</b> 311:1 <b>relevant (1)</b> 171:16 <b>reliability (1)</b> 68:19 <b>reliable (2)</b> 69:15,17 <b>relief (1)</b> 318:1 <b>relieved (1)</b> 315:12 <b>religion (2)</b> 155:24;348:14 <b>religious (2)</b> 346:10,13 <b>relying (1)</b> 142:22 <b>remain (2)</b> 350:4,7 <b>remark (1)</b> 271:25 <b>remarkable (1)</b> 215:1 <b>Remedially (1)</b> 204:11 <b>remember (28)</b> 86:11;110:6;169:18; 172:19,25;173:3; 179:14;181:11;188:12; 205:4;211:11;212:13; 219:4;220:19;243:1;</p>	<p>254:20;256:19;282:23; 290:9;300:12;322:7; 325:5,17;330:22; 331:1;349:18;358:23; 359:17 <b>remembered (2)</b> 134:18,24 <b>remind (1)</b> 251:17 <b>reminded (1)</b> 268:25 <b>removal (6)</b> 63:7;64:4;65:10,17; 66:13;89:23 <b>remove (2)</b> 64:2;117:25 <b>removed (1)</b> 347:1 <b>Rendering (1)</b> 343:4 <b>renders (1)</b> 342:19 <b>renewed (2)</b> 71:7;86:2 <b>reorganized (1)</b> 80:2 <b>rep (4)</b> 122:13;132:25; 135:5,7 <b>repair (1)</b> 296:21 <b>Repeat (2)</b> 351:11;369:7 <b>repeating (1)</b> 316:8 <b>repercussions (2)</b> 210:11;317:22 <b>rephrase (1)</b> 299:4 <b>replace (1)</b> 343:22 <b>replacement (1)</b> 103:18 <b>replay (1)</b> 238:5 <b>replies (1)</b> 103:2 <b>report (14)</b> 124:22;129:5;130:9, 13;145:23;151:21,25; 180:17;248:20;252:10, 11;287:9;342:20;343:4 <b>reported (6)</b> 248:21;277:17; 286:7;343:20;344:19; 345:4 <b>reporter (17)</b> 61:24;62:1,5;64:12, 14,20;66:22;92:19; 93:1;120:11;140:11; 236:7,9,23;237:6; 366:10;367:14 <b>reporting (3)</b></p>	<p>134:23;249:19;276:9 <b>reports (3)</b> 133:20;137:8;345:8 <b>represent (3)</b> 60:10,21,22 <b>representation (1)</b> 325:2 <b>representing (2)</b> 100:18;201:22 <b>reprimand (4)</b> 154:14;197:22; 319:6;346:22 <b>reprimanded (2)</b> 196:22;197:17 <b>reputation (1)</b> 223:19 <b>request (17)</b> 60:4;62:18;64:8; 76:15;82:19;85:18; 90:23;98:4;103:4; 109:22;230:5;314:24; 359:6,14;361:20; 362:2;368:12 <b>requested (8)</b> 75:13;82:3;127:7,10; 252:13;353:12;362:10, 11 <b>requests (3)</b> 82:15;141:8;174:19 <b>require (1)</b> 142:24 <b>required (9)</b> 63:17;69:11;77:7; 90:16;296:19,24,25; 300:21;353:9 <b>requirements (2)</b> 73:21;353:15 <b>requires (5)</b> 63:22;65:5;89:15; 298:13;353:8 <b>reserved (1)</b> 73:13 <b>reserves (1)</b> 297:18 <b>residence (1)</b> 262:13 <b>resident (2)</b> 206:21;354:25 <b>residents (4)</b> 210:8;245:11; 314:16;344:6 <b>resident's (3)</b> 315:4;354:17;355:5 <b>resign (1)</b> 305:13 <b>resignation (3)</b> 109:16;112:7;359:15 <b>resort (1)</b> 243:25 <b>Resources (1)</b> 358:25 <b>respect (5)</b> 90:4,5;284:17;</p>
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<p>294:19;326:20  <b>respected (2)</b>                  228:13;246:23  <b>respectfully (4)</b>                  81:25;84:17;87:18;                  89:13  <b>respond (5)</b>                  77:21;148:7;170:2;                  362:13,15  <b>responding (1)</b>                  85:17  <b>responds (1)</b>                  100:6  <b>response (8)</b>                  83:22;109:21;                  159:21;211:4;278:14;                  330:19;350:8;357:23  <b>responses (2)</b>                  76:12;153:2  <b>responsibilities (6)</b>                  120:16;155:11;                  328:22;334:17;349:8;                  350:9  <b>responsibility (5)</b>                  101:1;160:22;276:6;                  343:22;350:20  <b>responsible (3)</b>                  155:14;210:15;                  348:22  <b>rest (2)</b>                  67:13;240:20  <b>restroom (3)</b>                  70:8;118:14;178:13  <b>result (8)</b>                  80:13;204:2,8;247:2;                  250:12;275:21;336:24;                  338:6  <b>resulted (1)</b>                  196:10  <b>results (1)</b>                  342:17  <b>resume (2)</b>                  65:12;233:4  <b>retainage (1)</b>                  349:16  <b>retained (4)</b>                  60:8;202:11;349:14,                  22  <b>retaliation (2)</b>                  97:23;117:9  <b>retention (3)</b>                  140:3;287:2,5  <b>returned (2)</b>                  202:14;210:5  <b>reversed (1)</b>                  67:23  <b>review (2)</b>                  65:15;89:10  <b>reviewed (1)</b>                  282:23  <b>reviewing (3)</b>                  234:12;284:22;338:9  <b>Revised (29)</b></p>	<p>62:20,22;63:14,25;                  73:21;74:4,19;75:9;                  79:16,22;80:1,21,24;                  81:16,21;87:6,20;88:2,                  10,19,22;89:9,10,24;                  334:17,19;347:2,14;                  361:19  <b>revisit (1)</b>                  315:25  <b>rewind (2)</b>                  235:15,21  <b>rid (8)</b>                  104:6;105:8;110:21;                  114:3;115:2;117:3;                  122:7;320:3  <b>ride (2)</b>                  177:16;178:8  <b>ridicule (2)</b>                  155:21;348:10  <b>ridiculed (1)</b>                  156:8  <b>ridiculous (1)</b>                  294:15  <b>right (184)</b>                  61:23;63:17;65:1;                  66:18,20,25;67:2;85:8;                  86:7;87:7,10;91:24;                  93:16;99:2;100:4;                  106:6;110:22;111:4,8,                  11;112:2,7,9,14,17,24;                  113:1,19;115:14;                  116:5;119:4;136:4,6;                  139:21,25;140:5;                  142:8;146:2;149:6;                  152:4;159:8,15;160:2,                  23,25;161:16;163:1,5,                  12;173:19;181:10,23;                  182:1,7,12,15;183:3,                  15,22;184:11,13,15,18,                  24;186:6,22,24;                  187:16;188:9,13;                  189:17;191:9;193:19,                  21;199:8;205:18;                  218:9;220:8;222:8;                  224:15;225:14;230:15;                  231:22;238:22;242:20;                  244:16;246:16;247:5,                  16,16;248:14;249:23;                  257:16,22;261:3,11,14;                  262:1,10,24;263:2,6,8,                  11,17,20;265:1,16,21,                  21,23;266:6,8;267:1;                  269:2,4,20,23;270:6,                  20;272:11,13,21;                  275:6;276:1;277:13;                  278:2,16;279:11,19;                  280:13;281:17;283:8;                  287:10;288:7;290:9,                  12;291:4;294:8;                  297:18;305:7,15,18,23;                  306:11;308:25;315:2;                  318:22,24;320:7;                  321:7;322:9;323:19,</p>	<p>22;324:6;325:12;                  326:18,21,24;328:21,                  24;329:1,4,14,16;                  330:5,6;331:4,16;                  332:5,12;340:16;                  341:2;345:2;349:24;                  350:25;355:23;356:25;                  357:23;359:4;362:14;                  364:18;365:13;366:12  <b>rightfully (2)</b>                  210:13;216:11  <b>right-hand (1)</b>                  154:7  <b>rights (7)</b>                  76:24;103:6;104:4,4;                  113:4;203:21;349:7  <b>Ring (1)</b>                  106:5  <b>road (15)</b>                  145:15;154:6;177:1;                  185:8,9,11,20;213:10;                  221:4;317:11;320:12;                  328:9;332:17;360:15,                  16  <b>roads (1)</b>                  204:14  <b>rocked (2)</b>                  210:19;215:2  <b>rocks (1)</b>                  264:7  <b>Roelle (8)</b>                  59:5,7,9,11,13,15,17,                  19  <b>role (7)</b>                  72:24;98:24;299:5;                  314:11;329:1;340:19;                  350:20  <b>roles (1)</b>                  203:8  <b>roll (3)</b>                  59:5;68:9;147:12  <b>roller (2)</b>                  205:12;265:6  <b>room (22)</b>                  75:2;93:21;126:2;                  144:17;146:23,24;                  174:5;198:13;219:7;                  222:13;225:10,11;                  226:1,9;267:7;271:6;                  272:4;294:6;310:1,5,9,                  341:23  <b>roughly (1)</b>                  224:7  <b>rudder (1)</b>                  282:7  <b>rule (22)</b>                  61:19;72:8;92:16;                  173:20,24;336:23;                  337:6,20;338:12,22;                  339:8,10,24;340:11;                  341:8;342:4,23;                  343:10,24;344:21;                  345:15;346:14</p>	<p><b>ruled (1)</b>                  203:24  <b>rules (37)</b>                  61:15,16,17;85:11;                  87:16;94:4;95:4,5,6,7,                  10,11;96:4;147:22;                  153:21,22;154:13;                  166:24;167:4;197:9;                  253:5,10,16;298:2;                  322:10;335:2,7,10,20,                  21;336:2,3;337:4,10;                  340:3;346:21;347:7  <b>ruling (2)</b>                  61:11;73:19  <b>rulings (1)</b>                  61:9  <b>run (10)</b>                  105:12;108:8;129:4;                  133:20;137:7;168:5;                  236:5;239:19,20;                  322:10  <b>running (4)</b>                  153:8;168:5;174:20;                  277:20  <b>runs (1)</b>                  107:18  <b>Ruple (5)</b>                  59:15,16;71:1;                  369:25;370:7  <b>rush (1)</b>                  112:16</p>	<p><b>Saturday (10)</b>                  104:12;105:16;                  251:6;252:12;277:15;                  330:8;331:12,13;                  363:5;364:2  <b>Saturdays (3)</b>                  223:7;277:6,8  <b>save (3)</b>                  239:14,16;266:2  <b>saved (1)</b>                  266:4  <b>savvy (1)</b>                  230:22  <b>saw (42)</b>                  75:2;95:21;169:12;                  172:20;173:1;181:17,                  19;182:16;184:23;                  193:21,24;216:9;                  220:11;223:3;232:16,                  17,25;234:13;242:10;                  266:8,16;277:1;285:3;                  302:8;305:1,8,25;                  306:19;312:8;317:25;                  320:21;338:15;342:9;                  351:4;360:3,4,7;363:5,                  17,19,25;365:11  <b>saying (37)</b>                  74:1;77:8;86:15;                  98:12;110:20;114:3;                  144:7;148:11;171:1;                  175:5;188:23;189:10;                  192:11,13,14;196:22;                  207:6;221:24;256:15;                  258:17;261:17,19;                  275:4,7,10,13,15;                  276:3;294:22;299:12;                  300:21,25;326:11;                  355:16;357:8;362:23;                  364:25  <b>scared (2)</b>                  94:21;109:1  <b>scenario (1)</b>                  78:17  <b>schedule (13)</b>                  120:6;141:17;                  143:23,25;167:7,14,19,                  19,21,25;168:2;207:1;                  249:13  <b>scheduled (6)</b>                  81:4;249:15;282:21;                  307:8;314:22;315:1  <b>schedules (1)</b>                  174:21  <b>Scheduling (2)</b>                  353:10;368:6  <b>school (2)</b>                  203:4,7  <b>schools (2)</b>                  203:7;244:4  <b>Schulz (4)</b>                  59:17,18;370:1,8  <b>scope (4)</b>                  197:2,5;281:3,10</p>
<b>S</b>				
<p><b>sad (1)</b>                  332:15  <b>sadly (1)</b>                  96:18  <b>safe (3)</b>                  174:5;350:10,11  <b>safekeeping (1)</b>                  341:24  <b>safely (1)</b>                  297:7  <b>Safety (18)</b>                  95:8;107:19;257:1;                  274:8;275:25;310:4;                  314:8,11,12;321:15,20;                  328:7,7,18;335:3,4,11;                  336:1  <b>sally (1)</b>                  252:17  <b>same (20)</b>                  63:11;76:21;102:10;                  114:19;115:6;121:2;                  167:18,19;182:25;                  216:21;224:11;232:22,                  25;291:23;303:6;                  358:18,19;362:19;                  366:13,16  <b>Sat (5)</b>                  93:20;97:3,4;164:18;                  225:10</p>	<p><b>Saturday (10)</b>                  104:12;105:16;                  251:6;252:12;277:15;                  330:8;331:12,13;                  363:5;364:2  <b>Saturdays (3)</b>                  223:7;277:6,8  <b>save (3)</b>                  239:14,16;266:2  <b>saved (1)</b>                  266:4  <b>savvy (1)</b>                  230:22  <b>saw (42)</b>                  75:2;95:21;169:12;                  172:20;173:1;181:17,                  19;182:16;184:23;                  193:21,24;216:9;                  220:11;223:3;232:16,                  17,25;234:13;242:10;                  266:8,16;277:1;285:3;                  302:8;305:1,8,25;                  306:19;312:8;317:25;                  320:21;338:15;342:9;                  351:4;360:3,4,7;363:5,                  17,19,25;365:11  <b>saying (37)</b>                  74:1;77:8;86:15;                  98:12;110:20;114:3;                  144:7;148:11;171:1;                  175:5;188:23;189:10;                  192:11,13,14;196:22;                  207:6;221:24;256:15;                  258:17;261:17,19;                  275:4,7,10,13,15;                  276:3;294:22;299:12;                  300:21,25;326:11;                  355:16;357:8;362:23;                  364:25  <b>scared (2)</b>                  94:21;109:1  <b>scenario (1)</b>                  78:17  <b>schedule (13)</b>                  120:6;141:17;                  143:23,25;167:7,14,19,                  19,21,25;168:2;207:1;                  249:13  <b>scheduled (6)</b>                  81:4;249:15;282:21;                  307:8;314:22;315:1  <b>schedules (1)</b>                  174:21  <b>Scheduling (2)</b>                  353:10;368:6  <b>school (2)</b>                  203:4,7  <b>schools (2)</b>                  203:7;244:4  <b>Schulz (4)</b>                  59:17,18;370:1,8  <b>scope (4)</b>                  197:2,5;281:3,10</p>			

<p><b>scrapes (1)</b> 110:18</p> <p><b>scratches (3)</b> 110:12,14,17</p> <p><b>screen (1)</b> 105:14</p> <p><b>sealed (6)</b> 111:16;290:19; 291:9,10,12,19</p> <p><b>search (4)</b> 85:12;139:10; 212:17;290:12</p> <p><b>searched (2)</b> 250:19,20</p> <p><b>season (2)</b> 173:10;272:3</p> <p><b>seat (2)</b> 186:24;187:14</p> <p><b>seated (1)</b> 118:22</p> <p><b>second (13)</b> 71:17;153:25; 154:20;159:4;160:1; 162:4;164:14;238:20; 280:5;288:20,21; 289:1;306:4</p> <p><b>seconded (1)</b> 71:1</p> <p><b>Secondly (3)</b> 78:11;90:18;195:5</p> <p><b>seconds (12)</b> 234:21,22;235:2; 238:13;240:1,11,18,20; 241:1,5;305:2;332:9</p> <p><b>secret (1)</b> 87:21</p> <p><b>Section (13)</b> 60:6;64:1;80:5,7,8; 87:6;88:7;90:15; 154:10;279:5,7; 334:19;347:3</p> <p><b>sections (5)</b> 79:22,24;80:2;81:22; 91:15</p> <p><b>secure (1)</b> 252:16</p> <p><b>security (5)</b> 218:11,14,21; 226:14;230:17</p> <p><b>seeing (3)</b> 121:22;171:8;223:6</p> <p><b>seek (5)</b> 101:13;228:13; 275:20;292:14;355:24</p> <p><b>seeking (6)</b> 102:23;112:20; 209:16,16;215:20; 242:8</p> <p><b>seem (1)</b> 126:24</p> <p><b>seemed (5)</b> 170:25;171:6; 319:14;326:24;327:13</p>	<p><b>seems (2)</b> 229:2;253:1</p> <p><b>seizure (1)</b> 212:20</p> <p><b>self-inflicted (1)</b> 245:24</p> <p><b>self-serving (2)</b> 245:12;273:23</p> <p><b>send (2)</b> 248:23;329:19</p> <p><b>Senior (5)</b> 119:16;194:6; 243:20;330:13,15</p> <p><b>sense (5)</b> 108:3,3;265:9,11; 363:3</p> <p><b>sent (14)</b> 104:10;109:14; 128:4;130:15,16,24; 132:7,11;210:10; 221:24;336:11;349:10; 358:10;366:16</p> <p><b>sentence (8)</b> 154:12;160:3; 278:24;296:7,11; 297:10,16,22</p> <p><b>Sergeant (85)</b> 76:18;93:22;97:4; 105:14;107:15,25; 111:17;112:23;116:6; 6;128:13;130:7;142:2; 151:25;152:2,8; 160:11;161:1;162:21; 176:2,10,16;181:4,9; 185:17;191:10;194:6, 6,7;195:16;196:22; 198:2,20;202:11,20; 208:23;209:4;210:6; 212:22;217:1,2,17; 228:9,10;235:7,17; 237:13;238:21;241:7, 21;243:20;250:24; 251:22,25;252:1,6,13; 255:20;258:11;269:4, 10;272:6;274:6; 294:12,12,18,19; 299:12;302:1,17,19; 303:2,3,5;304:17,25; 306:13,14;311:19; 325:21;347:19;363:6, 15;365:7,10</p> <p><b>sergeants (16)</b> 95:19;153:7;187:21; 189:4,8,17;191:7,11; 208:10,11,20;258:1; 291:16,21,23,24</p> <p><b>sergeants' (3)</b> 303:4;328:2;333:3</p> <p><b>sergeant's (10)</b> 116:7;121:16; 134:10;135:20;189:3; 217:7,15;286:12; 291:13,20</p>	<p><b>serious (9)</b> 76:4;99:3;103:20; 104:19;110:14;318:4; 320:25;321:11;325:12</p> <p><b>seriousness (1)</b> 323:19</p> <p><b>serve (3)</b> 63:12;330:17;350:19</p> <p><b>served (1)</b> 369:12</p> <p><b>Service (10)</b> 108:13,15;116:24; 138:13;347:1,7,8; 368:19;369:15,17</p> <p><b>serving (1)</b> 331:17</p> <p><b>session (15)</b> 59:4;70:24;71:2,7, 12,15;73:4;77:25;78:4, 7;87:3,8,16,23;294:4</p> <p><b>set (10)</b> 64:7;143:23;220:9; 239:8;253:23;288:19; 291:14;312:15;368:9; 369:3</p> <p><b>setting (1)</b> 63:9</p> <p><b>settled (1)</b> 328:16</p> <p><b>seven (6)</b> 66:23;185:4;212:23; 288:3;289:23;300:3</p> <p><b>several (4)</b> 120:2;253:11;310:2; 357:16</p> <p><b>sex (2)</b> 155:24;348:14</p> <p><b>sexual (4)</b> 147:6;293:11;346:9, 12</p> <p><b>shall (46)</b> 63:5,15,22;64:4; 65:12,14;66:3,17; 74:20;154:13;155:14, 20,22,23;173:25; 297:3;298:7,10; 334:22;337:21,25; 338:23;339:2;340:1,6; 341:5,19;342:7,15; 343:12,15,17,20,21; 344:14,16,18;345:7,8, 9;346:10,21,24;348:9, 21;368:19</p> <p><b>shaping (1)</b> 104:14</p> <p><b>share (1)</b> 208:11</p> <p><b>sheet (1)</b> 283:17</p> <p><b>sheets (2)</b> 282:22;283:3</p> <p><b>Sheriff's (2)</b> 364:11,17</p>	<p><b>shift (8)</b> 166:15;176:23; 178:22;179:19;194:13; 205:13;227:18;242:11</p> <p><b>shifts (1)</b> 194:15</p> <p><b>ship's (1)</b> 282:6</p> <p><b>shock (9)</b> 223:2;238:7;246:16; 260:20;265:7;327:6,6, 7;328:13</p> <p><b>shocked (6)</b> 222:6;242:16; 246:13;263:8;304:20; 327:15</p> <p><b>shoes (2)</b> 206:18;219:20</p> <p><b>shooting (1)</b> 269:6</p> <p><b>short (2)</b> 203:20;241:14</p> <p><b>shortly (8)</b> 106:9;180:10; 193:11;230:2;238:21; 296:3;330:21;357:12</p> <p><b>shot (5)</b> 183:12;184:24; 267:22;269:3,9</p> <p><b>show (33)</b> 83:16,17;95:15;98:6; 101:10;102:1;105:13, 20,23,25;106:15,18; 107:23;111:14,24; 114:9;130:13;131:16; 136:5;171:1;234:5; 245:19;246:5,6; 248:15;259:1;269:25; 272:20;273:2,4;278:9; 279:13;365:21</p> <p><b>showed (6)</b> 106:12;107:3;175:9; 233:24;234:11;270:5</p> <p><b>shower (1)</b> 308:18</p> <p><b>showing (2)</b> 282:14;283:21</p> <p><b>shown (3)</b> 106:25;133:16; 280:12</p> <p><b>shows (8)</b> 107:4,6,9,12,22; 266:5;272:20;284:3</p> <p><b>sick (1)</b> 303:10</p> <p><b>side (4)</b> 154:5,7;337:2,2</p> <p><b>sidebar (5)</b> 61:21;198:9,14,16; 202:13</p> <p><b>sides (2)</b> 61:18;68:13</p> <p><b>side-view (1)</b> 110:18</p>	<p><b>sign (5)</b> 112:11,15;143:21; 295:18;359:20</p> <p><b>signature (2)</b> 333:24;334:3</p> <p><b>signatures (1)</b> 143:20</p> <p><b>signed (4)</b> 95:7;154:1;335:24, 25</p> <p><b>significant (5)</b> 121:24;125:8; 136:24;137:1,2</p> <p><b>significantly (2)</b> 122:2;207:5</p> <p><b>Signs (1)</b> 291:5</p> <p><b>silence (1)</b> 304:19</p> <p><b>similar (5)</b> 61:6;106:22;148:2, 20;312:19</p> <p><b>simple (1)</b> 230:19</p> <p><b>simply (4)</b> 69:12;81:12;86:6; 118:11</p> <p><b>single (2)</b> 191:3;200:20</p> <p><b>sit (10)</b> 60:10;61:7;62:8; 89:13;92:5,15;100:7; 201:24;259:13;346:16</p> <p><b>sitting (13)</b> 60:9;110:6;148:16; 183:21;209:6;219:8; 222:13;224:12;238:6; 267:7;325:4;353:1; 367:20</p> <p><b>situation (12)</b> 92:2;94:10;185:12, 15;216:15;220:15; 223:8,11;249:1;261:2; 292:19;353:7</p> <p><b>six (21)</b> 77:3;104:8;106:2; 128:25;129:2;152:13, 15;156:13;166:2,17; 193:4;231:2;266:25; 268:12;288:4,9,10,11; 297:14;315:25;320:12</p> <p><b>skills (1)</b> 350:19</p> <p><b>skipping (1)</b> 251:9</p> <p><b>sky (1)</b> 248:5</p> <p><b>slack (2)</b> 153:8;228:25</p> <p><b>sleep (1)</b> 186:13</p> <p><b>slide (1)</b></p>
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<p>268:18 <b>slurs (1)</b> 327:11 <b>small (2)</b> 267:20;312:8 <b>smaller (1)</b> 361:6 <b>smart (1)</b> 122:20 <b>smell (4)</b> 182:18;187:1,3; 220:4 <b>smelled (2)</b> 187:4,7 <b>smirking (1)</b> 309:18 <b>smoking (2)</b> 105:12;108:5 <b>Smolic (5)</b> 59:19,20;355:9; 369:24;370:5 <b>Smolic's (1)</b> 355:3 <b>sober (1)</b> 226:2 <b>soccer (1)</b> 363:1 <b>society (2)</b> 245:19;287:7 <b>socket (1)</b> 256:14 <b>sole (1)</b> 68:16;350:8 <b>solely (1)</b> 328:11 <b>solidified (1)</b> 218:18 <b>solved (1)</b> 145:11 <b>somebody (11)</b> 76:17;78:19;160:16; 163:8;177:25;187:19; 204:8;213:24;313:2; 316:25;350:12 <b>somehow (5)</b> 112:10;206:20; 229:3;320:2;333:21 <b>someone (12)</b> 78:15;109:5,6; 208:14;211:5;215:25; 223:17;228:24;247:6; 265:11;283:18;293:2 <b>someone's (3)</b> 203:21;228:25; 360:15 <b>someplace (1)</b> 310:22 <b>Sometime (3)</b> 173:11;188:6;326:5 <b>sometimes (10)</b> 145:4;151:1;168:5; 171:24,24,25;172:2,3, 7;175:4</p>	<p><b>somewhat (2)</b> 68:15;79:3 <b>somewhere (9)</b> 126:12;127:12; 245:4;315:1,2;325:19; 326:6;340:17;362:24 <b>son (1)</b> 206:6 <b>soon (9)</b> 63:11;77:16;103:10; 169:18;180:7;185:16; 291:6;300:22;315:25 <b>sooner (2)</b> 326:23;327:17 <b>sorry (25)</b> 62:21;64:18;83:17; 89:3;90:21;107:19; 108:13;120:11;127:6; 133:12;158:21;163:19; 164:3,15;190:13; 241:13;252:10;306:4; 309:22;331:12;337:17; 345:23;346:2;349:5; 367:7 <b>sort (1)</b> 254:21 <b>sought (3)</b> 117:10,11,24 <b>sound (4)</b> 239:9;261:14; 288:17;289:15 <b>sounded (1)</b> 303:14 <b>sounds (6)</b> 242:21;245:16; 273:18;307:6;343:5; 349:24 <b>source (1)</b> 210:1 <b>space (2)</b> 164:2;288:22 <b>spare (1)</b> 348:5 <b>speak (8)</b> 59:23;62:4;82:22; 158:15;210:5;227:15; 259:18;367:25 <b>speaker (1)</b> 304:14 <b>speaking (2)</b> 346:2;361:15 <b>special (11)</b> 59:3,3;60:18;70:1; 183:18;352:15;353:6; 16;368:14,16;369:1 <b>specific (14)</b> 76:8;80:15;87:11; 95:15;102:5;121:6; 138:16;151:2;159:11, 13;200:14;277:10; 280:4,14 <b>specifically (27)</b> 62:21,22;64:11;70:8;</p>	<p>74:19;75:16;76:19; 82:2,19;83:11;84:13; 88:5;89:19;91:17; 119:23;143:22;147:21; 149:7;189:15;191:21; 192:15;280:9;298:19; 340:2;341:1;345:11; 353:12 <b>specificity (1)</b> 353:15 <b>specifics (2)</b> 144:14;282:25 <b>specified (1)</b> 368:16 <b>Speece (1)</b> 358:11 <b>speed (2)</b> 248:2;320:15 <b>spell (7)</b> 119:12;140:20; 165:21;176:11;202:21; 301:18;314:5 <b>spent (3)</b> 73:3;144:8;271:23 <b>spiraling (3)</b> 96:19;97:19,21 <b>splice (1)</b> 238:2 <b>split (1)</b> 360:19 <b>spoke (4)</b> 158:19;159:2,4; 243:12 <b>spoken (1)</b> 259:20 <b>sporadically (1)</b> 128:23 <b>spot (1)</b> 180:16 <b>spots (1)</b> 240:3 <b>spreadsheet (1)</b> 121:8 <b>spring (1)</b> 163:21 <b>stack (3)</b> 106:21,22;110:4 <b>stand (4)</b> 68:24;251:18; 290:15;353:24 <b>standard (9)</b> 68:9;74:11;88:15; 96:9,11;113:17;117:8; 196:16;340:20 <b>standards (4)</b> 74:7;113:16;339:1; 350:15 <b>standing (2)</b> 199:4;320:20 <b>start (12)</b> 84:20,21;104:13,14; 152:18;200:10;230:9; 233:8;240:11;241:2;</p>	<p>255:20;275:16 <b>started (25)</b> 71:20;74:23;81:6; 82:14;93:18;94:1; 98:17;112:13;115:9; 137:19;148:22;152:22; 161:13,23,23;171:8; 175:23;189:7;208:19; 209:3;234:18;315:7; 326:11;355:18;366:6 <b>starting (1)</b> 126:5 <b>starts (4)</b> 114:3;268:24; 276:23;278:11 <b>state (18)</b> 89:3;91:13;119:11; 140:19;149:7;156:3; 160:11;165:20;176:10; 177:20;202:20;287:13; 301:17;314:4;319:10; 340:3;355:12;364:12 <b>stated (5)</b> 64:18,25;146:2,3; 224:9 <b>statement (7)</b> 63:10;66:4;81:24; 97:15;146:9;332:4; 353:14 <b>statements (5)</b> 65:24;66:2;150:15, 23;198:20 <b>states (3)</b> 62:23;64:2;281:18 <b>station (13)</b> 149:19;177:6,17; 178:7,8;183:3;184:1; 185:14;186:8,11; 223:4;277:2;300:23 <b>stationing (1)</b> 334:23 <b>status (1)</b> 325:25 <b>statute (11)</b> 80:23;82:2,25;87:22; 90:6,6,8,16;96:15; 335:6;352:13 <b>statutes (2)</b> 80:15;94:6 <b>stay (6)</b> 184:22;186:9; 220:22;222:2;352:4; 367:17 <b>stayed (4)</b> 220:21;221:8; 310:21,24 <b>step (14)</b> 96:21,21;140:9; 159:14;165:9;167:11; 198:1;212:14;216:24; 303:16;304:22;313:11; 325:24;367:2 <b>stepped (2)</b></p>	<p>105:15;278:1 <b>steps (1)</b> 330:6 <b>still (24)</b> 75:3;81:20;99:16; 118:4;158:5;164:6; 185:1,18;186:8,11; 213:9;215:17;216:20; 220:15;223:3;249:22; 251:17;304:24;307:21; 309:13;330:7;353:25; 360:24;361:16 <b>stipulate (1)</b> 125:25 <b>stolen (1)</b> 218:20 <b>stomach (1)</b> 303:10 <b>stone (1)</b> 282:8 <b>stop (15)</b> 96:25;185:7;217:9; 234:1;240:12;254:14, 21;261:17,19;268:24; 274:2,5;275:9;276:24; 319:4 <b>stopped (6)</b> 100:25;106:1; 136:11;167:24;240:13; 360:23 <b>stopping (1)</b> 292:1 <b>stops (1)</b> 239:11 <b>storage (1)</b> 252:16 <b>store (4)</b> 174:1;287:7;341:19; 342:7 <b>story (10)</b> 145:18,19,20;188:9; 199:22;302:5;303:6,9, 25;323:22 <b>straight (2)</b> 99:5;315:10 <b>straight-through (1)</b> 107:14 <b>straw (2)</b> 97:2;272:15 <b>street (5)</b> 226:16;266:15; 306:1,19;320:18 <b>stresses (1)</b> 316:6 <b>strictly (2)</b> 217:10;296:9 <b>strike (2)</b> 250:13;258:24 <b>strong (1)</b> 332:4 <b>struggling (1)</b> 308:8 <b>stuck (1)</b></p>
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<p>100:25 <b>stuff (15)</b> 113:7;114:20; 152:10;214:1;223:3; 246:12;248:2;253:1; 273:10;290:15;321:9; 324:17;325:6;326:21; 366:23 <b>stumbling (2)</b> 182:18;187:16 <b>subconsciously (1)</b> 246:21 <b>subject (10)</b> 95:10;153:22;155:5; 156:4;167:4;297:24; 299:21;335:6;346:11; 354:1 <b>subjects (1)</b> 336:2 <b>submitted (3)</b> 83:5;174:4;341:23 <b>subordinate (1)</b> 111:20 <b>subordinates (1)</b> 346:1 <b>subpoena (9)</b> 82:20;90:3,8,11,17; 91:1;199:21,24;200:1 <b>subpoenas (12)</b> 74:16,20,22,22;75:5; 81:25;82:3,5,10,16,23; 91:7 <b>subsection (6)</b> 155:9,11,12,16; 348:3,16 <b>subsequently (1)</b> 101:23 <b>substances (2)</b> 174:3;341:21 <b>succeeded (1)</b> 209:1 <b>sudden (4)</b> 102:1,6;109:10; 113:6 <b>sufficient (3)</b> 83:4;154:14;346:22 <b>suggest (1)</b> 354:2 <b>suggested (4)</b> 283:3;285:24; 286:10;307:11 <b>suggesting (6)</b> 274:21,23;284:2; 286:2;365:14,17 <b>suggestion (4)</b> 285:7,9,20;286:13 <b>suggestions (1)</b> 282:17 <b>summarize (1)</b> 355:20 <b>summarized (1)</b> 323:23 <b>summary (1)</b></p>	<p>131:13 <b>summertime (1)</b> 173:5 <b>sun (2)</b> 225:10;267:7 <b>Sunshine (2)</b> 352:22;353:4 <b>Super (1)</b> 230:19 <b>Superintendent (1)</b> 290:23 <b>superior (2)</b> 256:25;343:21 <b>supervisor (6)</b> 155:14;160:5; 212:21;213:4;217:7; 296:20 <b>supervisors (1)</b> 155:10 <b>supervisory (1)</b> 203:7 <b>supplement (1)</b> 61:3 <b>supplies (1)</b> 212:2 <b>suppose (2)</b> 319:19;344:6 <b>supposed (6)</b> 72:8,9;121:2;209:25; 211:25;256:15 <b>supposedly (2)</b> 102:6;105:10 <b>sure (64)</b> 59:22;74:6;79:7; 91:5;92:6,16;104:10; 106:10,22;110:3; 115:14;116:20;123:23; 126:2;132:17;134:5; 137:24;140:21;154:21; 162:11;173:9;175:10; 181:14;183:20;184:12, 19;186:15;189:12; 194:24;198:10,14; 208:25;219:2;222:9; 233:11;235:4;237:4; 240:10;256:21;269:3, 4;273:18;275:3; 277:18;282:16;284:5; 285:8;302:11;306:21; 314:14;322:9;324:10; 325:6;326:5,8;328:19; 331:13;347:19,21; 360:9;362:6;363:20; 366:22;367:12 <b>surprise (2)</b> 260:22;261:1 <b>surprised (1)</b> 260:23 <b>surrounding (2)</b> 69:7;285:3 <b>surveillance (5)</b> 227:25;229:25; 280:10;281:15;288:5</p>	<p><b>suspected (1)</b> 194:8 <b>suspended (1)</b> 117:22 <b>suspension (3)</b> 154:15;344:18; 346:23 <b>suspicious (1)</b> 142:19 <b>sustain (4)</b> 150:17;191:18; 200:12;232:14 <b>sustained (3)</b> 150:20;191:22; 314:15 <b>swear (4)</b> 66:5,5,8,11 <b>sweatshirt (1)</b> 219:19 <b>swipe (1)</b> 283:11 <b>swipes (2)</b> 282:22;283:6 <b>switched (1)</b> 135:20 <b>sworn (10)</b> 66:16;119:6;140:14; 165:15;176:5;186:3; 198:5;205:3;301:12; 313:24 <b>system (7)</b> 134:24;218:22; 239:8;246:9;284:23, 25;285:2 <b>systems (1)</b> 218:12 <b>Szary (10)</b> 94:16;119:1,5,11,13; 124:3;133:14,15,15; 142:7 <b>S-Z-A-R-Y (1)</b> 119:13</p>	<p>244:18;251:18;256:24; 261:12;265:8,11; 276:12;291:25;292:16, 24;293:6,10;302:2; 306:11,22;308:17; 316:25;317:13,16; 320:12;321:1;322:16; 324:6,19,20,25;346:16; 351:24;366:9;367:21 <b>talked (30)</b> 72:3;73:4;88:1; 161:22;190:5;200:14; 220:13;221:4;227:17; 228:10;254:23,24; 256:6,23;259:23; 292:21;302:20;303:21, 22;304:4;308:1,2,3; 310:10;311:20;315:16; 316:1;322:24;324:12; 329:6;354:14 <b>talking (34)</b> 143:9;146:23; 147:11,14;158:6; 163:20;178:11;179:8; 188:5;192:4,4;193:14; 205:19;208:10;219:11; 246:2;253:13;256:1,3, 8;262:23;267:7,8; 275:2;282:6;288:6,7; 305:11;309:9,20; 315:24;320:20;355:6; 360:1 <b>talks (5)</b> 74:9;91:18;279:22; 288:3;339:14 <b>tank (1)</b> 225:1 <b>targeted (2)</b> 174:24;175:1 <b>taser (1)</b> 217:13 <b>tasers (1)</b> 298:18 <b>task (2)</b> 151:12;229:16 <b>tasks (3)</b> 142:23;153:12; 207:21 <b>taste (1)</b> 276:19 <b>Tavano (2)</b> 75:5;114:16 <b>taxpayers (1)</b> 344:7 <b>tea (2)</b> 225:20;264:3 <b>teach (1)</b> 204:13 <b>tech (1)</b> 230:22 <b>telephone (2)</b> 116:4;128:16 <b>telling (24)</b></p>	<p>72:7;86:15;148:25; 185:19,23;186:7,14; 223:22;248:10;258:18; 259:24;264:11,12; 265:12;268:5;274:5; 277:19;281:2;282:2, 19;293:10;327:1; 358:11;362:14 <b>tells (2)</b> 100:15;108:7 <b>ten (1)</b> 167:16 <b>tennis (1)</b> 219:19 <b>tenure (2)</b> 152:14,15 <b>Teresa (4)</b> 119:1,5,13;133:12 <b>term (3)</b> 110:23,23;150:10 <b>terminate (1)</b> 65:2 <b>terminated (4)</b> 68:8;97:11;203:15; 254:18 <b>termination (25)</b> 60:4;62:18;64:9; 68:11;71:11;78:2; 81:10,14;87:8,17;88:5; 89:17,18,20;95:13; 96:13,14;277:11; 297:25;336:10,25; 338:8;351:10,13;369:2 <b>terms (6)</b> 74:9;119:23;130:15; 134:19;316:12;364:16 <b>Terrible (3)</b> 114:18,18;115:1 <b>Terry (1)</b> 94:16 <b>test (1)</b> 68:20 <b>testified (13)</b> 69:3;119:7;140:15; 150:13;165:16;176:6; 182:9;198:6;242:7; 263:19;301:13;313:25; 336:18 <b>testifies (1)</b> 68:25 <b>testify (18)</b> 67:22;75:25;76:3,20, 23;83:23,24;84:11,11; 94:14,17;199:1,2; 200:12,13;236:20; 260:23;309:24 <b>testifying (4)</b> 158:10;185:21; 199:10,12 <b>testimony (32)</b> 62:5;65:16,19;66:9, 12;69:1,7,9,11,14,15, 16;89:8;95:24;97:9;</p>
		<b>T</b>		
		<p><b>table (3)</b> 146:23;214:2;256:13 <b>tables (1)</b> 151:4 <b>tag (1)</b> 291:14 <b>tailor (1)</b> 143:5 <b>talk (64)</b> 74:8;86:16;87:1,11; 91:19;95:1,5;108:18; 118:18;122:4;135:11; 142:7;143:14;157:21; 158:25;161:1;164:24; 169:10;171:15;172:22; 186:6;208:12;210:6; 211:2;214:3,4,6,9,15, 15;219:1,5;227:22,23;</p>		

<p>98:6;118:13,19; 139:24;188:1;191:18, 20;198:9;202:2,7; 302:3;325:5;338:16; 339:9,14;342:9;361:11</p> <p><b>tests (1)</b> 68:23</p> <p><b>texted (4)</b> 131:6;221:16;222:4; 307:9</p> <p><b>Texting (6)</b> 116:11;134:7,10; 170:6;286:19,24</p> <p><b>texts (4)</b> 117:6;130:15;134:8; 221:19</p> <p><b>Thanked (1)</b> 322:19</p> <p><b>thankfully (1)</b> 206:23</p> <p><b>Thanks (1)</b> 318:17</p> <p><b>theft (2)</b> 114:19;290:6</p> <p><b>theme (1)</b> 98:12</p> <p><b>theories (1)</b> 191:20</p> <p><b>thereafter (3)</b> 63:11;129:10;330:21</p> <p><b>therefore (1)</b> 80:13</p> <p><b>thick (1)</b> 106:16</p> <p><b>thinking (1)</b> 110:8</p> <p><b>third (9)</b> 280:6;281:6;285:16; 286:3;296:17;305:19, 20;335:15;336:21</p> <p><b>though (4)</b> 185:21;199:7;268:8; 366:12</p> <p><b>thought (18)</b> 107:11;108:14; 133:24;146:14;175:4; 185:22;197:6;211:13; 215:4;228:16;237:20; 244:7;273:11;315:16; 316:17;326:7,15;346:2</p> <p><b>thousands (1)</b> 203:5</p> <p><b>threat (1)</b> 269:6</p> <p><b>threaten (1)</b> 201:9</p> <p><b>three (33)</b> 79:22;82:13;96:18; 101:21,21;107:8; 126:12;128:25;156:14; 166:13,14;176:17; 189:8;191:7;208:10; 224:5;228:5;232:1;</p>	<p>264:24;269:7;271:23; 272:3,22;281:7; 288:20;291:23,24; 292:1,16,22;305:24; 358:18;368:13</p> <p><b>three-and-a-half (1)</b> 107:8</p> <p><b>three-hour (2)</b> 265:4;267:14</p> <p><b>three-season (1)</b> 219:7</p> <p><b>threw (1)</b> 213:18</p> <p><b>throughout (7)</b> 79:5;120:17;171:23; 205:22;207:12,13; 362:4</p> <p><b>throwing (2)</b> 233:1;277:14</p> <p><b>thrown (2)</b> 78:17;266:5</p> <p><b>throws (1)</b> 305:4</p> <p><b>Thursday (5)</b> 243:1;247:23,23,24; 324:7</p> <p><b>ticket (1)</b> 226:20</p> <p><b>tilt (1)</b> 360:25</p> <p><b>timed (1)</b> 289:15</p> <p><b>timeline (2)</b> 239:13;311:18</p> <p><b>times (32)</b> 79:11;128:25;129:2; 144:19;145:17;149:18; 151:14;152:16;156:14; 164:6;168:15;169:5; 172:7;209:15;244:24; 247:4;254:12,20; 274:2,7;276:13,23; 277:5,21;284:21; 286:9;295:11;301:1; 310:2;337:22;342:11; 345:18</p> <p><b>timing (1)</b> 81:1</p> <p><b>title (3)</b> 140:23;231:4;278:3</p> <p><b>titled (3)</b> 80:8;241:18;337:13</p> <p><b>Tito's (2)</b> 225:20;264:2</p> <p><b>today (33)</b> 62:17;66:12;71:21; 72:17;78:24;81:14; 88:1;91:17,25;93:19; 94:11,12;97:6,9;99:20; 118:6;139:24;176:18; 185:21;205:18;208:19; 209:7;249:22;275:21; 321:8;325:11;334:8;</p>	<p>338:11;339:9;342:2; 350:23;369:10,20</p> <p><b>today's (1)</b> 63:16</p> <p><b>together (16)</b> 69:6;72:5;114:12; 124:17;142:1;189:8; 205:13;208:11,20; 216:9;238:2;239:7,12; 264:24;291:24;333:23</p> <p><b>toilets (2)</b> 212:4;274:11</p> <p><b>token (1)</b> 216:21</p> <p><b>told (90)</b> 70:25;72:14;74:16; 75:22;76:2,18,19; 82:17;98:6,11;101:18; 104:11;109:18;113:11, 22;114:6;117:15; 130:19;134:5;135:2,7, 8;142:14;169:13; 177:14;187:18;188:3, 8,12;213:5;214:19; 215:4;216:9;217:18; 222:12;228:22;230:20; 243:14;244:21;245:14; 246:12;248:2,3,12; 254:6,13;260:1,5,20; 261:3,8;274:1,1,2; 276:20;281:20;302:5, 7,12;303:5,7,9,24; 304:1,17,20;305:9; 306:3,19;307:6;309:2, 12;310:10;311:4,14, 16;315:9;317:18; 318:1;320:1;323:17; 326:4,5;329:23;355:8, 16,18;356:8,11;359:24</p> <p><b>tolerate (1)</b> 296:13</p> <p><b>toll (1)</b> 152:18</p> <p><b>Tom (14)</b> 104:24;105:2,3,3; 108:7,8,21,23;109:23; 115:13;325:16;329:7; 363:17,19</p> <p><b>tomorrow (12)</b> 211:23;307:23; 323:8;352:6;353:17, 19,21;354:4;368:1; 369:3,8,19</p> <p><b>tone (1)</b> 229:14</p> <p><b>tonight (20)</b> 68:14;77:1;98:14; 105:1;109:2;113:12; 158:10;188:5;199:10; 290:11;302:8;321:22; 323:25;341:10;346:17; 351:5;352:3,5;361:5; 367:17</p>	<p><b>Tony (7)</b> 248:3;322:25; 323:23;326:3,4,4; 330:23</p> <p><b>Tony's (2)</b> 323:19;324:1</p> <p><b>took (22)</b> 101:16;105:3;161:5; 178:17;183:12;210:22, 22;212:3;223:23; 230:23;251:24;258:8; 294:7;309:14;310:13, 18;311:3,15;313:2,3; 329:15;344:4</p> <p><b>top (9)</b> 129:24;131:4;209:2; 210:8;225:1;230:15; 231:8;278:14;327:7</p> <p><b>topic (1)</b> 151:1</p> <p><b>total (2)</b> 131:21;277:20</p> <p><b>touch (3)</b> 199:5;209:18;364:22</p> <p><b>tough (1)</b> 332:18</p> <p><b>tour (3)</b> 341:6;342:21;343:5</p> <p><b>towards (4)</b> 144:5;150:15,23; 151:13</p> <p><b>town (3)</b> 255:10,11;320:19</p> <p><b>track (4)</b> 120:7;121:8;233:17; 326:24</p> <p><b>traffic (1)</b> 217:9</p> <p><b>trained (5)</b> 181:22;182:3,14; 203:11;204:9</p> <p><b>training (12)</b> 116:16;174:7,9; 182:5;203:1,6,10; 204:2,5;244:4;287:17; 341:25</p> <p><b>transcript (2)</b> 236:24;237:1</p> <p><b>transfer (2)</b> 157:6;334:23</p> <p><b>transferred (1)</b> 102:22</p> <p><b>transition (1)</b> 135:1</p> <p><b>trappings (1)</b> 72:18</p> <p><b>trash (1)</b> 266:5</p> <p><b>treating (2)</b> 175:5,5</p> <p><b>treatment (7)</b> 102:23;117:13,25; 161:21;258:9;327:12;</p>	<p>347:6</p> <p><b>trial (3)</b> 70:5;71:25;79:1</p> <p><b>tried (10)</b> 94:9,10;96:21; 209:20;254:6;255:7,8, 23;276:12;307:25</p> <p><b>triers (1)</b> 94:13</p> <p><b>troubling (2)</b> 103:21;365:16</p> <p><b>true (21)</b> 63:12;134:5;159:23, 25;162:22,23;184:6, 15;189:20;210:17,18; 278:5,24;279:3;283:9; 293:8;299:24;300:4, 13;361:21;364:15</p> <p><b>truly (1)</b> 332:8</p> <p><b>trust (1)</b> 246:24</p> <p><b>trusted (1)</b> 230:22</p> <p><b>truth (7)</b> 66:13,14,14;147:17; 223:22;245:22;253:25</p> <p><b>truthful (6)</b> 215:5;221:21;344:3; 345:7,9;346:5</p> <p><b>truthfully (4)</b> 327:25;328:3;329:9; 345:10</p> <p><b>truthfulness (3)</b> 68:21;345:6,19</p> <p><b>try (18)</b> 61:17;87:2;115:12; 136:10;139:17;143:5; 176:19;192:3;193:15; 209:21;254:21;255:20; 265:8;301:20;302:25; 354:11;359:19;365:20</p> <p><b>trying (17)</b> 72:25;105:5,8;112:1, 2,3;146:18;152:16; 153:3;174:21;209:9; 211:2;273:8;276:9; 282:11;320:2;346:6</p> <p><b>Tuesday (2)</b> 242:17;369:11</p> <p><b>turn (9)</b> 59:24;153:25;154:9; 160:1;215:24;216:2; 245:13;254:16;335:14</p> <p><b>turned (4)</b> 151:4;226:8;246:4; 320:24</p> <p><b>turpitude (1)</b> 339:4</p> <p><b>TV (1)</b> 361:5</p> <p><b>TVs (1)</b> 219:9</p>
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<p><b>twice (4)</b> 158:19;171:25; 174:16;256:14</p> <p><b>twisted (1)</b> 253:17</p> <p><b>two (24)</b> 74:7;78:19;92:6; 126:12;130:1;143:17; 158:17;189:3;191:11; 194:15;215:10;223:15; 238:12;251:2;281:7; 305:10,13,21;306:6; 318:23;329:13;337:2; 363:9;364:3</p> <p><b>two-step (1)</b> 65:2</p> <p><b>two-thirds (3)</b> 63:23;64:5;65:8</p> <p><b>two-week (2)</b> 71:25;79:1</p> <p><b>type (17)</b> 103:7;138:5,8;139:3; 171:5,10;172:8;175:6; 228:4;237:7;261:24; 290:6;293:13;298:18; 353:6;364:23;368:25</p> <p><b>typed (1)</b> 133:18</p> <p><b>typical (4)</b> 141:17;167:14,15; 207:1</p> <p><b>typically (2)</b> 166:10;352:7</p>	<p>263:2,4;265:4;292:19</p> <p><b>uncommon (2)</b> 184:3;295:11</p> <p><b>uncovered (2)</b> 94:1,2</p> <p><b>under (45)</b> 66:9;69:12;72:23; 73:12,21;74:1,4,18; 75:8,9;79:23;80:8; 87:5,20;88:7,7,22,23; 89:7,8,10;100:19; 101:3,4;103:6;104:4,5; 112:1;117:10,11; 120:1;156:2;160:2,21; 238:24;297:4,12; 299:16;316:10;335:1, 7;340:15;345:17; 361:23;368:8</p> <p><b>understandable (1)</b> 229:7</p> <p><b>understands (2)</b> 205:12;288:14</p> <p><b>understatement (1)</b> 242:6</p> <p><b>Understood (8)</b> 89:12;133:24;136:2; 149:17;206:24;237:10; 288:16;365:1</p> <p><b>undetermined (1)</b> 359:5</p> <p><b>undoubtedly (1)</b> 343:2</p> <p><b>unfair (1)</b> 76:9</p> <p><b>unfairly (1)</b> 78:22</p> <p><b>unfit (2)</b> 342:20;343:4</p> <p><b>unfortunate (1)</b> 332:14</p> <p><b>unfortunately (5)</b> 94:11;95:24;96:24; 99:20;348:15</p> <p><b>unfounded (3)</b> 84:17;114:17,25</p> <p><b>unidentified (1)</b> 98:11</p> <p><b>uniform (5)</b> 105:21;195:7;212:3; 261:23,24</p> <p><b>uninvited (1)</b> 221:12</p> <p><b>union (38)</b> 99:12;102:3,4;104:1, 24;105:3,6;107:16,17, 18;108:7;112:22,23; 114:3,7;115:2,13; 141:15;166:22;190:7, 16,21;191:2,3,24; 192:8,17,20;200:17; 228:10;254:18;257:22; 282:19;289:19,24; 311:17,20;330:14</p>	<p><b>unique (1)</b> 78:17</p> <p><b>unit (7)</b> 99:22;141:13;191:5; 208:8;252:14,15; 281:20</p> <p><b>unless (4)</b> 216:16;232:15; 283:13;326:3</p> <p><b>unlimited (3)</b> 123:8;134:7,8</p> <p><b>unpaid (1)</b> 329:13</p> <p><b>unreasonable (2)</b> 73:2;113:14</p> <p><b>unsafe (1)</b> 296:15</p> <p><b>unsecured (1)</b> 252:15</p> <p><b>unsuccessfully (1)</b> 94:9</p> <p><b>untrue (1)</b> 277:3</p> <p><b>unusual (7)</b> 114:7;122:21; 183:21;222:3;252:22, 24;260:15</p> <p><b>unwanted (1)</b> 108:1</p> <p><b>up (101)</b> 59:24;60:2,9;62:4; 68:4;70:5;82:21;86:2; 95:12;96:21,21;99:7; 103:25;105:15;106:12; 107:3;112:23;113:7; 118:14;119:2;123:3; 133:18;136:5;137:15; 148:14;151:13;153:7; 171:2;174:20;177:2, 10,12;178:4;179:22; 182:21;185:13;186:7, 20;194:9,12,25;195:6, 10;200:10;201:17,18; 203:14;213:18;218:14; 220:9;224:16,16,17,17; 225:10;226:1,2,9; 228:25;229:13,25; 232:6;235:5;237:1; 239:8;248:1,11,21; 253:23;255:12;259:3; 266:12;273:10;275:19, 22;276:18;288:21; 292:4;305:2;306:3,22; 308:13;315:10;316:4, 16;319:10,22,23; 320:15;322:1,21,22; 323:4;325:4;326:11; 328:8;329:5,7;338:7; 353:1;360:25</p> <p><b>upgrading (1)</b> 122:8</p> <p><b>upon (15)</b> 63:13;68:24;82:25;</p>	<p>156:17;180:25;199:5; 230:5;241:7;252:12; 253:8;312:12;334:6; 338:2;342:2;368:12</p> <p><b>upset (10)</b> 152:5;156:15; 212:22;214:5;220:15; 275:5;303:8;306:8; 327:18;366:10</p> <p><b>upstairs (1)</b> 219:10</p> <p><b>uptick (1)</b> 128:20</p> <p><b>urinate (1)</b> 241:9</p> <p><b>usage (13)</b> 117:6;124:6;127:19; 128:12,14,20;130:8,14; 131:17;137:18;138:6; 142:11,24</p> <p><b>use (67)</b> 83:18;85:10;100:2; 105:6;116:7;122:10, 12;130:18;135:4; 136:12,17;137:22; 142:10,20,25;143:1; 168:8,16;175:9;216:3; 217:7,11,14,16;230:20; 278:25;282:11;283:13; 285:2;286:11,12,21; 295:18,19;296:8,9,15; 297:4;298:14;299:13; 300:8,13,17,18,19,20, 22;312:9,23;317:16; 327:11;328:11,12; 332:24,25;333:18,22, 25;336:17;342:14; 343:11;344:8,9; 347:21,23;361:15; 362:8</p> <p><b>used (19)</b> 81:17;116:4;128:22, 25;129:2,21;132:2; 151:10;217:10,19,20; 275:15;285:2;297:14; 301:1;313:4;343:20; 344:10;347:20</p> <p><b>uses (1)</b> 104:3</p> <p><b>using (13)</b> 116:8,10;134:6; 135:22;136:11;142:12, 13,16;169:12,16;216:4, 23;256:6</p> <p><b>Usually (3)</b> 166:16;167:8;353:9</p> <p><b>utilize (3)</b> 284:25;298:8;343:12</p> <p><b>utilized (2)</b> 284:23;294:18</p> <p><b>utilizing (1)</b> 169:14</p> <p><b>utter (4)</b></p>	<p>327:6,6,7;328:13</p> <p><b>Utterly (1)</b> 327:15</p> <p style="text-align: center;"><b>V</b></p> <p><b>vacation (4)</b> 152:3;161:12; 208:18;245:7</p> <p><b>vacations (1)</b> 174:20</p> <p><b>Valenti (6)</b> 191:10;208:23; 228:9;269:10;294:12, 19</p> <p><b>various (10)</b> 64:8;79:12;80:2; 81:9;120:7;203:8; 233:12;292:17,21; 312:24</p> <p><b>vary (1)</b> 194:15</p> <p><b>vehicle (89)</b> 83:13;85:13;110:5, 16;111:13,16;172:11, 13,16;174:2,9;217:7, 16;218:20;223:6; 225:16;231:8,11,13,15; 235:8;250:16,19,23; 252:14,17,21;253:3; 285:18;286:5,8; 294:17;295:18;296:20; 297:7;298:20;300:8, 12,22;301:4;303:13, 18;312:9;315:11,14; 316:10;317:16,19,21, 23,25;318:2;320:5,23; 321:4,4;327:22;328:3, 11;330:3;332:11,12; 333:3,9,22,25;340:14, 17;341:20;342:8; 344:25;345:3,17,25; 355:10,12,14;356:2,12; 360:1,7,7,12,17,22; 361:15;362:8,17,22</p> <p><b>vehicle/equipment (6)</b> 295:19;296:8; 299:13;333:18;334:10; 336:17</p> <p><b>vehicle/machinery (1)</b> 296:25</p> <p><b>vehicles (11)</b> 241:24;296:15; 300:18;312:25;313:3; 328:5;344:13,15,24; 362:9,9</p> <p><b>vendetta (1)</b> 259:8</p> <p><b>vent (1)</b> 205:22</p> <p><b>verbal (3)</b> 150:12;346:12; 368:12</p>
<b>U</b>				
<p><b>ulterior (1)</b> 253:23</p> <p><b>ultimately (5)</b> 68:4;223:24;226:5, 23;344:4</p> <p><b>umbrella (1)</b> 120:1</p> <p><b>Um-hum (6)</b> 120:8;126:17; 230:16;231:10;250:6; 278:13</p> <p><b>unable (2)</b> 136:4;257:18</p> <p><b>unannounced (1)</b> 222:6</p> <p><b>unanswered (1)</b> 115:9</p> <p><b>unauthorized (1)</b> 296:15</p> <p><b>unbecoming (6)</b> 197:15,16;337:13, 24;338:6;360:18</p> <p><b>Unbeknownst (1)</b> 216:7</p> <p><b>Uncomfortable (10)</b> 175:8;180:12,15; 185:12,18;188:20;</p>				

<p><b>verbally (1)</b> 150:19</p> <p><b>Verizon (19)</b> 120:15;121:17; 122:11,13,25;123:3; 124:18,20,23,24; 128:14,17;129:7; 130:12;131:13;132:25; 133:19;135:5,7</p> <p><b>version (1)</b> 64:22</p> <p><b>versus (2)</b> 79:19;91:14</p> <p><b>victim (1)</b> 113:10</p> <p><b>video (128)</b> 105:14,17,20;106:5; 107:4,13,14;112:24; 218:14,16;229:18,20; 230:3,12;231:18,19,24; 232:3,4,13;233:5,6,13, 15;234:15;235:6,12,16, 23;236:8,13,16,19; 237:11,12,20,21;238:2, 5,18;239:15,17,23,24; 240:15,22,24;241:3,8, 14,16,20;242:20,23; 246:1,5,9;248:15; 253:14;258:23;259:1, 3,5;262:3,3;266:4,4,5, 15;270:5;272:14,20; 274:13;279:24;280:1, 3,10,12;281:15;282:3, 14;283:15,21,24,25; 284:2;288:6,12,16; 290:16;292:4;302:4,8, 9;304:19,21,23,25; 312:8;327:23,24,25; 331:9,25;332:1,3; 334:6,8;338:15; 339:13;341:2;342:9; 343:1,6;344:25;345:1; 360:2,3,4,8,11;361:4, 12,13,14;363:5,17,23</p> <p><b>videos (11)</b> 85:10;86:14;95:14; 228:4;269:25;281:22, 23;282:1;289:3,6; 292:10</p> <p><b>view (1)</b> 268:14</p> <p><b>viewing (1)</b> 281:14</p> <p><b>village (3)</b> 80:11;91:20;110:25</p> <p><b>villages (4)</b> 73:14;79:24;80:4; 91:22</p> <p><b>violate (2)</b> 117:4;353:3</p> <p><b>violated (4)</b> 89:2;312:14;346:14; 348:7</p>	<p><b>violating (3)</b> 83:3;84:15;203:21</p> <p><b>violation (26)</b> 85:17;93:20;95:15; 97:12;154:13;253:9; 298:22;299:14;313:5; 334:9;336:19,23; 338:12;339:10;340:10; 341:8,15;342:4,22; 343:23;344:20;345:14; 346:21;347:7,13;351:8</p> <p><b>violations (17)</b> 83:10;84:12;92:1; 94:4,15,19;95:3,11,16; 96:3,3,6,7,11;181:1; 347:16;350:1</p> <p><b>Violators (1)</b> 297:23</p> <p><b>violence (1)</b> 212:19</p> <p><b>vodka (2)</b> 264:4,6</p> <p><b>voice (5)</b> 124:6;128:12,14; 144:11;175:12</p> <p><b>volume (1)</b> 235:5</p> <p><b>voluntarily (1)</b> 188:15</p> <p><b>volunteer (1)</b> 217:2</p> <p><b>vote (8)</b> 63:23;65:8,11;68:5, 6,7,10,10</p> <p><b>vouch (1)</b> 326:14</p> <p><b>vulgar (6)</b> 83:18,18,19;85:25; 86:4,12</p>	<p>256:15</p> <p><b>wants (7)</b> 83:21;93:14;102:16; 117:25;123:18;199:8; 269:22</p> <p><b>warned (4)</b> 293:5,13;303:12,17</p> <p><b>warrant (1)</b> 212:17</p> <p><b>watch (7)</b> 240:2,4,20;302:4; 304:22,24;332:9</p> <p><b>watched (2)</b> 242:19;248:10</p> <p><b>watching (2)</b> 242:13,22</p> <p><b>water (7)</b> 107:10;270:5,6,17, 19,21;318:16</p> <p><b>wave (1)</b> 223:5</p> <p><b>waved (2)</b> 320:22,23</p> <p><b>way (28)</b> 75:10;78:21;108:10, 10;138:2;148:15; 175:5;197:19;220:9; 222:4,23,25;223:21,23; 233:22;239:8;240:21; 266:14;268:25;277:22; 292:1,8;306:16; 316:17;328:24;350:12; 362:14;365:1</p> <p><b>Wayne (14)</b> 101:12;248:1,3,4; 251:4;305:11,12; 321:10,11;324:13; 326:6;330:23,23;331:6</p> <p><b>Wayne's (1)</b> 305:12</p> <p><b>ways (1)</b> 283:10</p> <p><b>weapons (2)</b> 212:19;363:2</p> <p><b>wear (1)</b> 219:18</p> <p><b>wearing (1)</b> 224:25</p> <p><b>wears (1)</b> 265:7</p> <p><b>weather (1)</b> 219:9</p> <p><b>website (10)</b> 103:13;104:13; 124:23,24;125:18; 126:3;129:7;130:12; 133:19;358:5</p> <p><b>Weddings (1)</b> 206:5</p> <p><b>Wednesday (9)</b> 242:18,18,25; 301:24;321:6;323:7; 352:12;353:18,19</p>	<p><b>week (15)</b> 72:4;82:16;159:5,8; 166:13,14;211:11,20, 20;215:10;280:8,16, 18;291:5;349:20</p> <p><b>weekend (2)</b> 143:16;362:17</p> <p><b>weekends (1)</b> 214:22</p> <p><b>weeks (5)</b> 152:12;207:13; 318:23;356:24;357:5</p> <p><b>weigh (2)</b> 68:18;72:11</p> <p><b>weight (4)</b> 68:17;69:10,22; 328:16</p> <p><b>Welcome (4)</b> 59:2;91:10;133:7; 140:8</p> <p><b>welfare (1)</b> 310:6</p> <p><b>well-being (5)</b> 99:25;100:10; 152:11;278:22;310:3</p> <p><b>weren't (12)</b> 71:19;135:2,3; 145:10;157:16;197:17, 19;210:4;281:23; 315:24;329:7;361:10</p> <p><b>what's (21)</b> 88:14;116:25; 141:17;166:14;208:12, 12,13;215:14;233:24, 25;246:19;262:15,17; 273:16,17;278:9; 306:22;321:5;322:1; 324:23;334:19</p> <p><b>whatsoever (3)</b> 72:19;316:2;318:6</p> <p><b>wheels (2)</b> 228:15;326:23</p> <p><b>whenever (1)</b> 168:22</p> <p><b>wherein (2)</b> 84:13;295:17</p> <p><b>Where's (2)</b> 199:24;200:1</p> <p><b>wherever (1)</b> 111:18</p> <p><b>white (5)</b> 231:8;236:1;237:15, 16,25</p> <p><b>whole (16)</b> 66:14;97:22;98:12; 110:4;170:5;216:15; 233:13,14;238:15; 240:4;274:15;292:19; 323:22;326:17;353:7; 369:7</p> <p><b>who's (3)</b> 113:9;155:5;335:4</p> <p><b>whose (5)</b></p>	<p>102:21;125:15; 129:12;205:11;231:11</p> <p><b>Wickliffe (2)</b> 308:14,14</p> <p><b>wife (6)</b> 137:1;216:9;224:11; 263:13,16;322:13</p> <p><b>willing (3)</b> 208:25;214:15,16</p> <p><b>window (4)</b> 151:9,10,16;213:17</p> <p><b>wintertime (1)</b> 173:5</p> <p><b>wiped (1)</b> 347:19</p> <p><b>wish (7)</b> 61:21;65:21;77:20; 92:23;225:6;327:16; 369:4</p> <p><b>wished (1)</b> 331:7</p> <p><b>wishes (3)</b> 67:3,22;68:2</p> <p><b>wishing (1)</b> 326:22</p> <p><b>witch (2)</b> 74:25;115:12</p> <p><b>withholding (1)</b> 84:16</p> <p><b>within (7)</b> 144:22;267:14; 291:4;297:14;327:14; 364:21;368:23</p> <p><b>without (18)</b> 64:5;73:1;96:21,22; 101:19,20;149:6; 182:6;233:18;236:23; 276:8,9;331:17; 334:11;338:13;346:15; 359:22;362:6</p> <p><b>witness (37)</b> 61:10,13;66:16,18; 68:24,25;69:2,3,9,12, 12,14;76:19;84:3; 105:2;123:20;133:7; 140:8;146:12;157:12, 17;165:11;173:16; 194:24;195:3,8; 232:15;236:11;251:17, 18,19;301:9;309:18,22, 23;313:18,20</p> <p><b>witness' (1)</b> 69:4</p> <p><b>witnesses (24)</b> 63:19;66:6,8,19; 67:1,3,13,21,24,25; 68:20;69:18;85:2,4; 86:17,22,25;87:1; 94:14;99:19;148:14; 313:12;367:4,6</p> <p><b>wit's (1)</b> 275:19</p> <p><b>woke (1)</b></p>
<p><b>W</b></p>		<p><b>wait (7)</b> 103:11;112:13,14; 122:25;132:24;274:12; 353:21</p> <p><b>waiting (1)</b> 257:19</p> <p><b>waive (5)</b> 202:1;368:17;369:7, 13,17</p> <p><b>waived (1)</b> 368:20</p> <p><b>wake (1)</b> 194:12</p> <p><b>walk (5)</b> 199:16;201:11; 221:25;237:13;238:3</p> <p><b>walked (3)</b> 151:8;206:18;304:9</p> <p><b>walking (2)</b> 180:14;239:10</p> <p><b>walls (1)</b></p>	<p><b>ways (1)</b> 283:10</p> <p><b>weapons (2)</b> 212:19;363:2</p> <p><b>wear (1)</b> 219:18</p> <p><b>wearing (1)</b> 224:25</p> <p><b>wears (1)</b> 265:7</p> <p><b>weather (1)</b> 219:9</p> <p><b>website (10)</b> 103:13;104:13; 124:23,24;125:18; 126:3;129:7;130:12; 133:19;358:5</p> <p><b>Weddings (1)</b> 206:5</p> <p><b>Wednesday (9)</b> 242:18,18,25; 301:24;321:6;323:7; 352:12;353:18,19</p>	<p><b>witness (37)</b> 61:10,13;66:16,18; 68:24,25;69:2,3,9,12, 12,14;76:19;84:3; 105:2;123:20;133:7; 140:8;146:12;157:12, 17;165:11;173:16; 194:24;195:3,8; 232:15;236:11;251:17, 18,19;301:9;309:18,22, 23;313:18,20</p> <p><b>witness' (1)</b> 69:4</p> <p><b>witnesses (24)</b> 63:19;66:6,8,19; 67:1,3,13,21,24,25; 68:20;69:18;85:2,4; 86:17,22,25;87:1; 94:14;99:19;148:14; 313:12;367:4,6</p> <p><b>wit's (1)</b> 275:19</p> <p><b>woke (1)</b></p>

<p>308:13 <b>Wolfe (22)</b> 59:7,8;125:19; 129:23;132:20;136:22; 176:24;179:6;181:17; 216:10;220:5;223:1; 225:22;235:11,19; 237:13;267:7;274:3, 18;287:24;302:7; 369:22 <b>Wolfe's (6)</b> 129:13;130:22; 177:3,11,25;224:16 <b>women (7)</b> 109:1;147:6;244:5; 273:21;338:16;351:1,2 <b>won (1)</b> 203:23 <b>wondering (1)</b> 275:12 <b>Woodmere (1)</b> 110:25 <b>word (15)</b> 89:1;110:13;149:4, 18;156:19;161:14; 163:24;168:16,17,20, 21;245:22;322:6,6; 332:25 <b>words (4)</b> 169:8;227:16;324:1; 356:12 <b>work (39)</b> 100:18;107:4; 109:20;113:2,10; 141:17,18,19;157:21; 163:25;166:12;169:20; 170:17,23;171:2,16; 179:3;185:3;192:2,9, 13;204:13;208:25; 213:2;219:7;226:23; 227:2;242:7,18,19; 244:24;268:12,14; 277:24;282:21;304:10; 327:12;332:24;336:23 <b>worked (13)</b> 114:11;141:25; 145:2;170:6;185:3; 208:23;219:4;223:19; 228:7;247:7;302:22; 317:3;333:23 <b>workers (2)</b> 94:20;331:20 <b>working (16)</b> 117:17;120:6;128:1; 169:1;170:9;176:22; 177:1;178:22;185:8; 205:12,16;208:14; 229:3;230:10;243:7; 277:8 <b>works (2)</b> 117:16;311:19 <b>world (2)</b> 97:20;264:10</p>	<p><b>worried (3)</b> 261:8;274:9;309:6 <b>worry (1)</b> 365:19 <b>worst (1)</b> 248:7 <b>wrapped (1)</b> 329:5 <b>writing (2)</b> 160:18,20 <b>written (9)</b> 63:8;117:7;282:7; 319:6;336:21,23; 338:12;348:7;368:12 <b>wrong (10)</b> 72:24;84:14;113:1; 151:5,6;200:22; 201:16;248:13;281:23; 314:7 <b>wrote (4)</b> 95:6;96:4;108:25; 199:3</p>	<p>77:13,15,20;84:21; 86:16,21;87:22;88:17; 89:16;90:21;91:5,10; 92:20,23;93:2,5,8,10, 13;97:14;111:5; 114:24;118:12,21,25; 119:3;123:15,22; 133:8;138:23;140:9; 143:8;147:15;148:8, 17;149:10,15;150:17, 20;157:2,10,15;158:2; 164:13;165:6,9; 173:15,19;175:16,19, 22,25;181:5;190:3; 191:17,22;194:22,25; 195:5,9,12;196:5; 197:1,4,8;198:1,8,10, 13;200:2,6;201:15,24; 202:5,15;205:2,5; 232:14;234:16,23; 236:3,14;237:4; 238:14;251:16,21; 255:17;262:18;284:19; 293:19;299:9;301:8; 309:23;313:9,11,14,17, 20;351:6,23;352:1,11, 20,25;353:17;354:2,7; 366:18;367:2,9,11; 369:17 <b>zoning (1)</b> 304:9</p>	<p><b>10.17 (2)</b> 173:20;341:16 <b>10.20 (1)</b> 342:13 <b>10.50 (2)</b> 298:3;343:9 <b>10.51 (1)</b> 344:12 <b>10.55 (1)</b> 345:5 <b>10.6 (3)</b> 337:6,8,18 <b>10.60 (1)</b> 337:16 <b>10.71 (1)</b> 346:8 <b>10.73 (2)</b> 154:10;346:18 <b>100 (1)</b> 342:5 <b>10-minute (1)</b> 262:7 <b>11 (10)</b> 85:2,24;205:10; 240:18;241:5;251:9, 11,12,25;367:7 <b>12 (18)</b> 73:16,23;90:20,21; 99:8,10;159:7;191:6; 222:18;265:20,21; 295:22,23;299:12; 333:25;334:4;347:12; 361:16 <b>12:41 (1)</b> 241:13 <b>121.22 (1)</b> 71:13 <b>122.21G (1)</b> 87:7 <b>124.34 (1)</b> 347:3 <b>12-and-a-half (1)</b> 316:21 <b>12th (16)</b> 71:5,20;73:10;74:25; 75:15;79:14;86:2; 99:17;114:6;117:23; 159:6;188:8,9;189:6; 278:11;356:21 <b>13 (10)</b> 83:13;234:3;238:12; 239:23;240:19,25; 333:12,13;334:2; 363:14 <b>13th (12)</b> 97:1;105:19;219:1; 231:2,3,4;242:3,17; 261:12;263:23;299:14; 300:2 <b>14 (5)</b> 241:13,18;334:12, 13;363:14 <b>149 (1)</b></p>	<p>347:14 <b>14th (13)</b> 83:14;97:2;107:23; 119:21;160:12;231:2, 2,3;242:4,17,19;300:2; 301:23 <b>15 (10)</b> 180:9;191:6;239:24, 25;240:2;332:9;336:6, 7;337:3;339:8 <b>15th (1)</b> 160:12 <b>16 (12)</b> 101:9;105:4;134:1; 192:21;258:12;279:19; 348:25;349:3;358:20; 359:1;367:7,8 <b>16th (29)</b> 93:17;97:3;102:2,15; 103:17,23;129:2; 130:17;152:3;193:1, 11;257:10,11,22; 258:25;259:21;276:4; 280:17;281:2,17,20; 282:5;283:2;286:6; 331:12;334:7;341:9; 357:22;358:13 <b>17 (3)</b> 100:12;173:24; 252:12 <b>1700 (1)</b> 132:15 <b>17th (14)</b> 100:5;103:3,13; 105:16;193:17;251:6; 252:8;278:14;330:9; 331:12;334:7;356:22; 363:6;364:2 <b>18 (2)</b> 241:1;314:20 <b>18th (1)</b> 130:25 <b>19 (5)</b> 104:22;224:24; 225:6;250:7;295:16 <b>1967 (2)</b> 79:18;91:16 <b>1991 (1)</b> 91:9 <b>1998 (1)</b> 204:19 <b>1999 (1)</b> 203:18 <b>19th (13)</b> 82:13;83:6;105:10; 126:16;128:5,21; 129:1,9,15;130:25; 280:17;363:21,25</p>	
	<b>X</b>				
	<b>XO (2)</b> 254:7,8				
	<b>Y</b>				
	<b>yard (2)</b> 230:25;241:9 <b>year (7)</b> 173:4,6;206:9;218:7; 230:21;316:21;362:7 <b>years (20)</b> 141:3,25;142:3; 162:21;166:2,17; 176:15;181:25;202:25; 205:10;208:24;218:7; 223:19;244:7;256:20; 264:11;267:4;268:2; 272:9;273:11 <b>yelled (2)</b> 145:6;151:6 <b>yelling (4)</b> 83:19;144:10; 151:11;156:7 <b>Yep (1)</b> 354:21 <b>young (1)</b> 256:9 <b>Yup (2)</b> 182:2;336:15	<b>zoning (1)</b> 304:9	<b>0</b>		
		<b>zoning (1)</b> 304:9	<b>0</b>		
		<b>zoning (1)</b> 304:9	<b>08:27 (2)</b> 252:9,15		
		<b>zoning (1)</b> 304:9	<b>1</b>		
		<b>zoning (1)</b> 304:9	<b>1 (11)</b> 71:13;87:7;124:1,4; 133:16;235:2;296:5, 12;336:17;348:3;367:6 <b>1:00 (4)</b> 230:2;270:2,15; 289:22 <b>1:03 (2)</b> 241:19;242:1 <b>1:30 (2)</b> 107:22;108:2 <b>1:51 (1)</b> 370:11 <b>10 (10)</b> 85:24;112:18; 173:23;222:22;240:20; 251:9;284:20;288:21; 318:23;367:7 <b>10.07 (2)</b> 338:21,23 <b>10.10 (1)</b> 339:23 <b>10.14 (1)</b> 341:3	<b>12:41 (1)</b> 241:13 <b>121.22 (1)</b> 71:13 <b>122.21G (1)</b> 87:7 <b>124.34 (1)</b> 347:3 <b>12-and-a-half (1)</b> 316:21 <b>12th (16)</b> 71:5,20;73:10;74:25; 75:15;79:14;86:2; 99:17;114:6;117:23; 159:6;188:8,9;189:6; 278:11;356:21 <b>13 (10)</b> 83:13;234:3;238:12; 239:23;240:19,25; 333:12,13;334:2; 363:14 <b>13th (12)</b> 97:1;105:19;219:1; 231:2,3,4;242:3,17; 261:12;263:23;299:14; 300:2 <b>14 (5)</b> 241:13,18;334:12, 13;363:14 <b>149 (1)</b>	<b>17 (3)</b> 100:12;173:24; 252:12 <b>1700 (1)</b> 132:15 <b>17th (14)</b> 100:5;103:3,13; 105:16;193:17;251:6; 252:8;278:14;330:9; 331:12;334:7;356:22; 363:6;364:2 <b>18 (2)</b> 241:1;314:20 <b>18th (1)</b> 130:25 <b>19 (5)</b> 104:22;224:24; 225:6;250:7;295:16 <b>1967 (2)</b> 79:18;91:16 <b>1991 (1)</b> 91:9 <b>1998 (1)</b> 204:19 <b>1999 (1)</b> 203:18 <b>19th (13)</b> 82:13;83:6;105:10; 126:16;128:5,21; 129:1,9,15;130:25; 280:17;363:21,25
	<b>Z</b>				
	<b>zero (2)</b> 327:9,9 <b>Zicarelli (124)</b> 60:8,11,13,15,16; 64:24;70:12,17,21; 71:18;72:24;76:1;	<b>zoning (1)</b> 304:9	<b>2</b>		
		<b>zoning (1)</b> 304:9	<b>2</b>		
		<b>zoning (1)</b> 304:9	<b>2 (8)</b> 125:20,23;252:16;		

<p>296:17;297:16,23; 335:23;337:1 <b>2,639 (1)</b> 132:5 <b>2:29 (1)</b> 71:9 <b>20 (7)</b> 75:12,15;83:3; 127:12;224:24;239:25; 267:4 <b>200 (6)</b> 122:1;131:2,4; 132:10,13,14 <b>2006 (1)</b> 114:8 <b>2007 (1)</b> 114:8 <b>2008 (3)</b> 114:8;366:2,12 <b>2019 (2)</b> 163:16;333:20 <b>2020 (24)</b> 124:8;127:19; 128:15;130:8;143:9, 10;146:11,13,15; 163:18,19,21;164:5,7; 173:11;181:14;206:8, 12;207:2;295:16; 333:20;335:16,23; 354:15 <b>2021 (47)</b> 64:10;73:16,23; 75:12;95:20;98:2,17; 99:8,10;100:12;101:9; 106:17;109:13;124:8; 127:19;128:15;130:8; 138:18;143:10;159:7; 163:22;181:10,14; 182:25;192:16,21; 193:23;206:13;231:6; 234:4;235:1;238:12; 239:24;240:25;241:13, 18;250:7;252:12; 278:20;279:10,15,19; 314:18;336:12;354:19, 20;359:12 <b>20-plus (2)</b> 208:24;272:9 <b>20th (6)</b> 76:15;86:3;128:4; 278:5;349:20;358:9 <b>21 (3)</b> 146:11,16;295:17 <b>21st (1)</b> 129:16 <b>220.02 (1)</b> 368:10 <b>23 (3)</b> 141:3,25;235:1 <b>24 (6)</b> 202:25;208:15; 223:19;352:8;368:15, 23</p>	<p><b>24/7 (2)</b> 167:8;195:4 <b>244.01 (4)</b> 60:5;74:3;88:8;90:1 <b>244.01D (1)</b> 64:1 <b>24-hour (4)</b> 352:12,14;353:9; 369:18 <b>254.28 (1)</b> 348:1 <b>25th (4)</b> 127:3,4,5,6 <b>26 (1)</b> 359:11 <b>26th (3)</b> 112:8,18;359:14 <b>27 (1)</b> 238:13 <b>27th (2)</b> 76:16;106:17 <b>2nd (1)</b> 90:18</p>	<p><b>4-20 (1)</b> 349:11 <b>440-364-3018 (2)</b> 125:14;129:11 <b>44094 (1)</b> 154:7 <b>480 (3)</b> 109:11,13;358:22</p>	<p>115:24 <b>733.36 (2)</b> 63:14;74:19 <b>733.38 (2)</b> 82:25;90:8 <b>737.06 (1)</b> 334:20 <b>750 (1)</b> 131:3 <b>76 (1)</b> 91:8 <b>7th (4)</b> 65:5;84:4;129:17; 336:11</p>	
	<b>3</b>	<b>5</b>	<b>8</b>	
	<p><b>3 (10)</b> 121:18;127:14,15; 128:14;130:7;131:14; 133:16;335:16;348:16, 19 <b>3:00 (1)</b> 352:4 <b>3:30 (1)</b> 321:25 <b>30 (2)</b> 239:25;305:2 <b>301 (1)</b> 91:8 <b>30th (1)</b> 71:9 <b>312 (1)</b> 129:18 <b>33 (1)</b> 241:5 <b>36 (2)</b> 72:23;81:21 <b>39 (2)</b> 234:20,21 <b>3rd (1)</b> 369:11</p>	<p><b>5 (4)</b> 130:3,4;133:16; 240:18 <b>5:00 (3)</b> 144:1;167:16;207:4 <b>5:45 (1)</b> 226:24 <b>55 (1)</b> 240:11 <b>58 (1)</b> 241:1 <b>59 (1)</b> 235:2</p>	<p><b>6 (5)</b> 131:9,10;234:20,21; 265:18 <b>6:00 (8)</b> 105:18;108:2; 167:16;222:7;289:22; 292:6;369:3,9 <b>6:09 (6)</b> 231:6;234:4,18,21; 261:14;265:1 <b>6:19 (2)</b> 235:1;262:4 <b>6:30 (2)</b> 105:18;106:3 <b>690 (1)</b> 132:10 <b>6th (3)</b> 109:14,18;117:15</p>	<p><b>8 (7)</b> 125:3;127:18; 154:23,24;159:15; 240:11;347:25 <b>8:00 (1)</b> 141:18 <b>8:05 (1)</b> 241:2 <b>8:30 (1)</b> 224:20 <b>80 (3)</b> 134:13;333:4;344:5 <b>856 (1)</b> 132:11 <b>860 (1)</b> 131:4 <b>890 (4)</b> 231:12;252:5,14,15</p>
	<b>4</b>	<b>6</b>	<b>9</b>	
	<p><b>4 (4)</b> 128:8,9;133:16; 339:23 <b>4:00 (1)</b> 352:5 <b>4:30 (7)</b> 141:18;166:16; 207:4;249:12;325:18; 326:10;363:16</p>	<p><b>7 (11)</b> 64:10;83:10;153:16, 17;173:14,21;298:1; 335:10,13;336:12; 337:4 <b>7:00 (7)</b> 167:17;179:3,4,15; 185:3,3;186:13 <b>733.33 (1)</b> 81:21 <b>733.35 (16)</b> 62:23;72:23;73:13; 74:5,8;79:16;81:2,9; 88:7;89:24;91:11,17; 96:15;97:12;113:17;</p>	<p><b>7 (11)</b> 64:10;83:10;153:16, 17;173:14,21;298:1; 335:10,13;336:12; 337:4 <b>7:00 (7)</b> 167:17;179:3,4,15; 185:3,3;186:13 <b>733.33 (1)</b> 81:21 <b>733.35 (16)</b> 62:23;72:23;73:13; 74:5,8;79:16;81:2,9; 88:7;89:24;91:11,17; 96:15;97:12;113:17;</p>	<p><b>9 (5)</b> 109:12;230:6,7; 279:14;367:7 <b>9:00 (4)</b> 102:15;144:1; 167:16;270:14 <b>9:03 (1)</b> 238:12 <b>9:06 (2)</b> 239:24;265:1 <b>9:30 (4)</b> 107:8;166:16; 167:16;207:3 <b>9:53 (1)</b> 240:25 <b>9301 (1)</b> 154:6 <b>99 (1)</b> 83:5 <b>9th (1)</b> 129:17</p>
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**In The Matter Of:**  
*Kirtland City Council*

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*Termination of Police Chief Lance Nosse*  
*Vol. 3*  
*August 3, 2021*

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*Fincun-Mancini, Inc.*  
*1801 E. Ninth Street*  
*Suite 1720*  
*Cleveland, Ohio 44114*  
*(216) 696-2272*

Page 372

1 CITY OF KIRTLAND, OHIO  
PUBLIC HEARING

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4 ----- :  
5 In Re: :  
6 Termination of Police Chief :  
Lance Nosse :  
7 ----- :  
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10 VOLUME 3 - PAGES 372 - 496

11  
12 Transcript of proceedings before the  
13 Kirtland City Council, taken at Kirtland  
14 City Hall, 9301 Chillicothe Road, Kirtland,  
15 Ohio on Tuesday, August 3, 2021 at 6:00 p.m.

16  
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19  
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22  
23  
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Page 374

1 INDEX

2 DEFENSE WITNESSES DIRECT CROSS REDIRECT RECROSS  
3 Lance Nosse 377 446 472

4  
5  
6 EXHIBITS

7 DEFENDANT'S REFERENCED/MARKED  
8 L 389  
9 M 443  
10 N 406

11  
12 ---  
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Page 373

1 APPEARANCES:  
2 Mark Zicarelli, Esq - Counsel/Referee  
3 Matthew Lallo, Esq - Law Director  
4 Frank Consolo, Esq. - On behalf of Lance Nosse  
5 Kevin Potter, Mayor  
6 Lance Nosse, Chief of Police  
7 Richard Lowery, Council President  
8 John Lesnick Jr., Council Member  
9 Jeffrey Ruple, Council Member  
10 Joe Smolic, Council Member  
11 Scott Haymer, Council Member  
12 Matthew G. Schulz, Council Member  
13 Kelly Wolfe, Council Member  
14 Denise Roelle, Clerk of Council

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Page 375

1 PROCEEDINGS

2 PRESIDENT LOWREY: Good evening,  
3 everybody. I'm just going to say we are going  
4 to move along from I guess the discussion we  
5 had last night, the hearing. I'll hand it  
6 over to my colleague here. We will go ahead  
7 and move on.

8 MR. ZICCARELLI: Thank you.  
9 Mr. Lallo, on behalf of the City I think last  
10 night we had concluded with the Mayor's  
11 testimony and his cross-examination. Do you  
12 have any other witnesses?  
13 MR. LALLO: No, sir.  
14 MR. ZICCARELLI: Do wish to move for  
15 the introduction of any exhibits?  
16 MR. LALLO: Mr. Zicarelli, we  
17 did that last night.  
18 MR. ZICCARELLI: It was late.  
19 MR. LALLO: Yes, sir.  
20 MR. ZICCARELLI: Mr. Consolo, are you  
21 ready to proceed?  
22 MR. CONSOLO: I am.  
23 MR. ZICCARELLI: Call your first  
24 witness.  
25 MR. CONSOLO: I call Police Chief

Page 376

1 Lance Nosse, N-O-S-S-E.  
 2 LANCE NOSSE  
 3 of lawful age, being first duly sworn, as  
 4 hereinafter certified, was examined and testified  
 5 as follows:  
 6 DIRECT EXAMINATION  
 7 By Mr. Consolo:  
 8 Q So I understand you became Chief in July of  
 9 2017; is that correct?  
 10 A Yes, sir.  
 11 Q How long have you been with the department?  
 12 A Roughly 28 years.  
 13 Q So then it's these last four years coming up  
 14 you've been the Chief?  
 15 A Yes.  
 16 Q You've been a police officer prior to  
 17 Kirtland?  
 18 A No. I was a correction officer with the City  
 19 of Euclid.  
 20 Q So, Chief, do you suffer from an alcohol abuse  
 21 problem?  
 22 A Yes.  
 23 Q Are you an alcoholic?  
 24 A Yes.  
 25 Q When did you realize this?

Page 377

1 A Well, honestly when I hit bottom in April.  
 2 Q Of this year?  
 3 A Of 2021, yes.  
 4 Q Tell us what happened. Let's look at that  
 5 week of April 12th, 2021. Were you working  
 6 that week?  
 7 A I was actually off. I took off. Although I  
 8 know there was previous testimony about how I  
 9 put in for my time off. Basically in my  
 10 position, I don't have a set schedule. I can  
 11 take a holiday or a vacation day how I  
 12 basically want. There was no problem with  
 13 scheduling. There was no staffing issues that  
 14 were needed. We had a council meeting the  
 15 previous week. I stayed after a few extra  
 16 days. I don't remember the times, whatever,  
 17 with that, but I basically took that following  
 18 week off.  
 19 Q So tell us, we've heard the testimony, we're  
 20 not going to belabor things. We're going to  
 21 get right to the point for council. So on  
 22 April 16th, you were admitted to the hospital,  
 23 correct?  
 24 A That's correct.  
 25 Q Tell the council the circumstances about that.

Page 378

1 What happened?  
 2 A Well, the 16th I was in a hotel room. I woke  
 3 that morning. There were phone calls from  
 4 Chief Hutton, Former Chief Baumgart. They  
 5 were concerned about me. I really wasn't  
 6 thinking clear. I didn't have a clear head on  
 7 my shoulders whatsoever that day. I would  
 8 imagine I was still intoxicated from the night  
 9 before. I don't know what time I went to  
 10 bed. I have no idea.  
 11 They called numerous times. I told  
 12 them where I was at. I told them I was all  
 13 right. If you believe it or not, that's on  
 14 their part. They still came out to look for  
 15 me, help, try to get me help.  
 16 Chief Hutton called. Chief Baumgart  
 17 called. I didn't answer the phone on a few  
 18 occasions trying to just get myself ready,  
 19 wrap myself around what was going on, clear my  
 20 head. I couldn't really do that.  
 21 They did show up at the hotel. I don't  
 22 remember them knocking on the door previously  
 23 or not. I think they were still trying to  
 24 figure out which room I was in maybe, I'm not  
 25 sure. I can't speak for what they were

Page 379

1 thinking. They called me. I'm not sure if it  
 2 was Chief Hutton or Baumgart. They said, hey,  
 3 we're outside your door. I said, I know.  
 4 Q Take your time.  
 5 A Sorry. So at that moment I got up. I went to  
 6 the door. I let them in. They both entered  
 7 the hotel room. I sat back on the bed, had a  
 8 brief conversation with them.  
 9 Basically they were there, they kept  
 10 saying they were there for my help. Wanted to  
 11 make sure I got help. Make sure I was okay.  
 12 A lot of concern. This is from what I recall.  
 13 I told them I didn't know what to do.  
 14 I told them I didn't know how to proceed  
 15 because I just couldn't think. I told them  
 16 obviously it's quite apparent I have a  
 17 problem. I said -- they offered really, you  
 18 know, let us help you. I said, yeah, I need  
 19 help.  
 20 Q Is that when they -- how did you end up  
 21 getting admitted to Laurelwood?  
 22 A It wasn't Laurelwood. We chatted for a little  
 23 bit. Talked to them. I was trying to wrap my  
 24 head around how I got to this position, where  
 25 I was at.

Page 380

1 Chief Hutton has a mutual friend who's  
 2 a therapist, does a lot of therapy for law  
 3 enforcement. He was in contact with her.  
 4 Q Who is that?  
 5 A Her name is Lauren Carter.  
 6 Q Are you still under her guidance?  
 7 A She is not my therapist. She doesn't accept  
 8 new clients, but she is very close. I'm very  
 9 close with her. We have a lot of  
 10 communication. She actually referred me to  
 11 another therapist who I'm seeing, Mike  
 12 Pollock, who I've been attending regular  
 13 meetings with as basically my therapist.  
 14 Q I got you sidetracked. So then what happened?  
 15 A That is okay. We sat and talked for a little  
 16 bit. I told them I need help. They were  
 17 willing to do it. Made the arrangements where  
 18 Wayne Baumgart would drive my car, which I was  
 19 in a City car. The City car, we'll get into  
 20 the later I'm sure.  
 21 Wayne drove me to Lutheran Hospital.  
 22 Chief Hutton followed. Got to the ER, I had  
 23 to get medically cleared to enter into detox.  
 24 I was at Lutheran for hours. I'm not sure  
 25 exactly how long. It was not until much later

Page 381

1 on in the afternoon. This roughly happened  
 2 around 9:30 in the morning when we got there.  
 3 I want to say I didn't get released from  
 4 Lutheran until four o'clock in the evening  
 5 after they medically cleared me. We made  
 6 arrangements to go to an in-residence  
 7 treatment program.  
 8 Q Where was that at?  
 9 A Highland Springs in Beachwood.  
 10 Q Did you go there that night of the 16th?  
 11 A I did. Chief Baumgart brought me home. I  
 12 took a shower. I spoke with my family, which,  
 13 by the way, leading to that, my family knew.  
 14 I called them when they were in the room and  
 15 told them what was going on with it and where  
 16 I was going.  
 17 I came home that evening. I took a  
 18 shower. I packed a bag because I didn't know  
 19 how long I was going to be gone for. I went  
 20 to -- my wife took me to Highland Springs. I  
 21 went through the intake process. Was there  
 22 for a couple of hours at least. Intake came  
 23 back and said that they didn't have a bed  
 24 available at the current time but they were  
 25 going to have one available Saturday -- this

Page 382

1 was Friday, the 16th -- they were going to  
 2 have one available Saturday. If not Saturday,  
 3 definitely Sunday morning. I said, okay. He  
 4 said we would like you to call, but we  
 5 definitely need you to come back because you  
 6 need help.  
 7 It was kind of ironic. When I'm  
 8 talking to the intake person, I asked him what  
 9 do I do now? He said, I'll tell you right  
 10 now, go home and drink. I said what, doesn't  
 11 make sense. He said you don't, you're going  
 12 to die. I said, hmm, okay. So I didn't  
 13 listen to him.  
 14 I went home, and I called the Mayor.  
 15 It was roughly around 7:30, 8:00, I can't  
 16 remember. I had a conversation with him. He  
 17 told me at that time basically I need you to  
 18 send me an email.  
 19 Q What did you tell the Mayor when you called  
 20 him?  
 21 A I told him that I went to the hospital for  
 22 alcohol.  
 23 He appeared -- again, it was kind of a  
 24 fog, so I can't verbatim say what he said, I'm  
 25 not even going to try to. Basically the

Page 383

1 conversation was, okay, I know. I spoke with  
 2 Chief Hutton. I need you to write me out an  
 3 email indicating that you're going to take  
 4 medical leave, for medical and personal  
 5 reasons. I said, okay.  
 6 I said, what if I don't? He goes,  
 7 well, then as the Safety Director I would have  
 8 to find you unfit for duty. I said okay, I'll  
 9 send you an email.  
 10 Q Lance, stop right there. In that book, that  
 11 binder to your side there.  
 12 A Yeah. Forgive me about this by the way.  
 13 Q Going toward the middle of the book,  
 14 Defendant's Exhibit F.  
 15 A F?  
 16 Q F, yes.  
 17 A Got it.  
 18 Q That appears to be an email from the Mayor to  
 19 you, copied to Law Director Lallo on April  
 20 16th at 9:00 p.m.  
 21 A That is correct.  
 22 Q The Mayor emailed you after your phone  
 23 conversation?  
 24 A Yes.  
 25 Q Take a minute, look at that. Does that

Page 384

1 refresh your recollection of the events and  
 2 the order of the events?  
 3 A Yeah, basically, yes.  
 4 Q Did you have any understanding why the Mayor  
 5 would order you to not contact any employees  
 6 of the City or enter on the premises of the  
 7 City --  
 8 A No.  
 9 Q -- for alcoholism?  
 10 A It didn't make any sense to me. I didn't  
 11 realize, actually put any of that into an  
 12 understanding until much later, after that.  
 13 I had no idea why I wasn't allowed to  
 14 call anybody. As a matter of fact, I want to  
 15 say Saturday morning when I spoke to the Law  
 16 Director, Lallo, I kind of asked him why. Had  
 17 a brief conversation with him regarding that  
 18 stuff. I didn't understand if there was an  
 19 investigation going on, or starting, or if  
 20 there was going to be one. I didn't  
 21 understand it.  
 22 Q Nobody told you that you were being  
 23 investigated for anything as of April 16th,  
 24 did they?  
 25 A No. They didn't say that I was being

Page 385

1 investigated for anything. They didn't say  
 2 there was an internal investigation. I really  
 3 didn't realize that until after the fact much  
 4 later when I was approached.  
 5 Q The second page of Exhibit F, that is your  
 6 reply email dated April 17th at 10:44 in the  
 7 morning.  
 8 A Correct.  
 9 Q So at that point you're still at home waiting  
 10 for a bed to open up?  
 11 A Yes.  
 12 Q You did what the Mayor ordered, right?  
 13 A Yes.  
 14 Q So on Saturday, the 17th did you get admitted  
 15 to a facility?  
 16 A Not Saturday. I called Highland Springs.  
 17 They said their projected release of whatever  
 18 clients was being prolonged an additional day  
 19 and to call back later on that night, and they  
 20 would confirm with me that there was a bed  
 21 available on Sunday.  
 22 Q You did that?  
 23 A I did do that, yes. They said come in at  
 24 eight o'clock in the morning tomorrow, on  
 25 Sunday. Any time between 8:00 and 10:00. So

Page 386

1 forgive me, the time frame. Any time between  
 2 8:00 and 10:00 in the morning for admittance.  
 3 Q And you did that?  
 4 A I did.  
 5 Q Were you admitted on Sunday, the 18th?  
 6 A I was.  
 7 Q How long did you stay in this facility?  
 8 A Until Friday. So it was that week Sunday to  
 9 Friday. I transferred to an in-residence  
 10 treatment facility in Chardon.  
 11 Q What's the name of that, where you transferred  
 12 to?  
 13 A Prosperity Haven.  
 14 Q So that is somewhere around maybe April 23 or  
 15 so. I don't remember the dates. You got  
 16 there on April 18th to the first facility.  
 17 A Yes. I believe it was the 23rd. I didn't  
 18 take notes on it, but I believe it was the  
 19 23rd.  
 20 Q So the second facility in Chardon, how long  
 21 were you in that facility?  
 22 A End of May, beginning of June.  
 23 Q You weren't allowed to leave. You were in  
 24 there -- you were in there --  
 25 A Yeah, it was in-residence. You are not

Page 387

1 permitted to come and go as you please. It's  
 2 intensive treatment and therapy.  
 3 Q Tell council, a lot of us have not had to go  
 4 through this, tell us what happened.  
 5 A Basically you are on a regimented program  
 6 where you live, and it was all male residents.  
 7 They had 24-hour care that is provided there.  
 8 You eat, sleep. Everything is relative to  
 9 your treatment for whatever you're there for.  
 10 If it's alcohol, drugs, whatever you came for  
 11 assistance for.  
 12 Q You could have left at any time. It was  
 13 voluntary. But you decided to stay. You  
 14 wanted to do that.  
 15 A It wasn't like they had armed guards at the  
 16 doors or anything like that. It wasn't like  
 17 you couldn't go outside. But if you were in  
 18 the treatment program, and you were willing to  
 19 get the help, and you wanted to work at your  
 20 treatment, you're there, you have to follow  
 21 their rules.  
 22 Q So by the end of May, early June 2021 had you  
 23 completed the program?  
 24 A Yes.  
 25 Q So what was the next step then?

Page 388

1 A Basically it's to continue on your own. There  
 2 are several basically avenues you can take.  
 3 You can do Zoom meetings, which I don't  
 4 necessarily find very helpful.  
 5 You can go to AA meetings or NA  
 6 meetings. You can go to counseling. You can  
 7 go anywhere you want.  
 8 I opted through, with my release  
 9 program, to go with a counselor that I speak  
 10 to weekly and several AA meetings a week.  
 11 Q Are you still doing that?  
 12 A Absolutely.  
 13 Q If you turn to the front of the book,  
 14 Defendant's Exhibit A, that's an email chain  
 15 from July 6, 2021 between me and the Law  
 16 Director, and Council, and the Mayor. If you  
 17 look at the very last paragraph at this point.  
 18 A Yes.  
 19 Q Says you were immediately ready, willing, and  
 20 able to return to work from your FMLA leave  
 21 and resume your duties as the City's Chief of  
 22 Police; is that accurate you were ready as of  
 23 July 6th?  
 24 A Absolutely.  
 25 Q Did you ever get a response to this --

Page 389

1 A I didn't get a response. I'm not sure you  
 2 did. I did not.  
 3 Q I did not. You were granted FMLA. I think  
 4 that's Exhibit L. I think Law Director gave  
 5 it a different number. You don't have to turn  
 6 to it.  
 7 MR. CONSOLO: Counsel, in your book  
 8 it's Defendant's Exhibit L.  
 9 Q Go ahead, if you've got it there. For 480  
 10 hours.  
 11 A Yes.  
 12 Q Effective as of April 16th, right?  
 13 A Correct.  
 14 Q Did there come a time when you realized that  
 15 this was more than you just saying I'm an  
 16 alcoholic, all of a sudden I'm under  
 17 investigation?  
 18 A No. I didn't know there was an investigation  
 19 of any sort whatsoever. I did know prior to  
 20 that there was video from Sergeant Fisher's  
 21 house. I didn't know that at the time prior  
 22 to the 16th when I spoke to Chief Hutton on  
 23 that Wednesday prior, when he called me and  
 24 told me to get in contact with the Mayor and  
 25 explain things to him, I didn't put two and

Page 390

1 two together on what it was. When I had the  
 2 conversation with him, he said there was video  
 3 in Mentor regarding me drinking and driving.  
 4 Didn't make sense to me. I didn't understand  
 5 what he was talking about. I did not  
 6 correlate it with being at Sergeant Fisher's  
 7 house. It's not something that I comprehended  
 8 when he told me that. I'm like, where is that  
 9 coming from?  
 10 He basically didn't have a lengthy  
 11 discussion on the telephone. He basically  
 12 said you need to get in touch, contact with  
 13 the Mayor, and you need to let him know what's  
 14 going on with you.  
 15 Q That is what Chief Hutton had told you?  
 16 A Yes, Chief Hutton.  
 17 Q But now you're under treatment, and at some  
 18 point -- if you turn to Exhibit J.  
 19 A Yes.  
 20 Q That's an April 26, 2021 unsigned resignation.  
 21 A Correct.  
 22 Q Tell us about that. What is going on there?  
 23 A Well, if I can backtrack briefly.  
 24 After I got out of rehab, I contacted  
 25 -- actually during rehab I contacted Law

Page 391

1 Director/Prosecutor Lallo. I've had  
 2 communication with him concerning some things.  
 3 I didn't really realize the whole totality of  
 4 what was going on here in this whole  
 5 situation.  
 6 Basically he said they were going to  
 7 do an investigation while I was in rehab,  
 8 which I didn't understand too much about.  
 9 But I was more concerned about just making  
 10 sure that I got better. Kudos to him, he  
 11 stuck true to that. He cared more about that  
 12 than anything.  
 13 Fast forward to when I got to  
 14 Prosperity, they asked if there was -- I was  
 15 permitted one contact while I was there. I  
 16 wasn't allowed to use the phone for over a  
 17 week. I wasn't allowed any other visitors,  
 18 unless it was my attorney. The only one I was  
 19 permitted to speak to from the City was the  
 20 Law Director or Wayne Baumgart. So obviously  
 21 I --  
 22 Q Who told you that?  
 23 A The Mayor.  
 24 Q When did he say that?  
 25 A After I realized the fact I wasn't allowed to

Page 392

1 have any contact from the email, and I  
 2 basically sobered up, was able to comprehend  
 3 what that meant what was going on.  
 4 Q During your first week in rehab --  
 5 A Yes.  
 6 Q -- at the first facility?  
 7 A Yes.  
 8 Q So why did Law Director Lallo contact you  
 9 during that first week, just to see how you  
 10 were?  
 11 A I contacted him to see what was going on,  
 12 honestly. Basically that was -- there wasn't  
 13 great detail. It wasn't a great conversation.  
 14 I was limited on my time on conversations on  
 15 phone calls anyways.  
 16 Basically he said that -- that is when  
 17 I started learning about the video from  
 18 Sergeant Fisher's house. I got more  
 19 information about that. Said basically the  
 20 video was ugly, damning, however you want to  
 21 interpret it. We all saw it. It's  
 22 horrendous.  
 23 Q That what he told you?  
 24 A Basically. Again, I can't speak for what he  
 25 said to me because I don't recall verbatim

Page 393

1 what he said. I'm giving you the gist of the  
 2 conversation I comprehended. I asked him if I  
 3 was going to be terminated or if he was  
 4 looking -- I said, is he looking to terminate  
 5 me? Like I was kind of shocked. He said  
 6 based on --  
 7 Q Who is "he"?  
 8 A The Mayor. Basic conversations were you may  
 9 want to consider resigning and getting ahead  
 10 of it, or something of that nature, or  
 11 something like that.  
 12 Q That's what Law Director Lallo recommended?  
 13 A Yes.  
 14 Q So how do we get this Exhibit J, this April 26  
 15 unsigned --  
 16 A So I was in Prosperity Haven. I was in  
 17 actually a therapy session during the day.  
 18 They called me to the office and said that my  
 19 attorney was here.  
 20 I went up and spoke to Matt Lallo.  
 21 Basically we started off in the office. We  
 22 had a conversation in the office. He  
 23 presented me with two documents. One he  
 24 explained to me they wanted to search the  
 25 office and asked me to consent. The other one

Page 394

1 was the resignation. Then we had a  
 2 conversation.  
 3 Q Did this all take place on April 26th, to the  
 4 best of your recollection?  
 5 A Best of my recollection, yes.  
 6 Q So there was another form which was a signed  
 7 consent to search your office.  
 8 A Correct.  
 9 Q You signed that?  
 10 A I did.  
 11 Q But you didn't sign the resignation.  
 12 A I did not.  
 13 Q Why?  
 14 A I didn't feel it was fair or just.  
 15 Q Did you tell him that?  
 16 A I did.  
 17 Q At that time you're still in treatment, right?  
 18 A Yes.  
 19 Q You're not represented by counsel.  
 20 A No. He asked me that too. I said no, not at  
 21 this time, but I haven't had any communication  
 22 with my family, and I didn't know if they  
 23 reached out on behalf or not. So at the time  
 24 that I spoke with him, and I think he can  
 25 confirm it, he did ask me if I had

Page 395

1 representation, and I did not at that time.  
 2 Again, I wasn't able to speak with my family,  
 3 who did in fact start the process with your  
 4 firm.  
 5 Q So fair to say at the point in time when this  
 6 is going on with the Law Director you're just  
 7 in no state of mind.  
 8 A No, not even close. I'm not sure exactly how  
 9 it was, but I can tell you my heart rate was  
 10 probably 128 at resting. My blood pressure  
 11 was through the roof. I mean, no. I didn't  
 12 really comprehend how sick I was. I mean, not  
 13 just emotionally, but physically. I was  
 14 pretty beat. Fire Chief will tell you.  
 15 Q Let's step back and thank you for taking us  
 16 through that.  
 17 Let's go back before April 16th now.  
 18 So you heard the Mayor's testimony yesterday  
 19 about in January 2021 during budget  
 20 negotiations you had requested an increase in  
 21 pay.  
 22 A I did.  
 23 Q Tell council about that. What do you recall  
 24 about that?  
 25 A Well, it was during the budget process. Each

Page 396

1 department put in a request for that year  
 2 with, you know, an explanation on why you were  
 3 requesting things. I did put in a request for  
 4 my pay raise.  
 5 There was a contract that I had with  
 6 the previous administration when I was  
 7 employed in 2017 that dictated that I would be  
 8 paid equivalent to or -- I can't verbatim --  
 9 equivalent to or at a greater percentage rate  
 10 then the highest paid department head in the  
 11 city at that time. So I made that mention in  
 12 regards to the recent hiring of the service  
 13 director.  
 14 Q What was the Mayor's response?  
 15 A When we sat down and talked about it, he  
 16 basically -- he did mention the complaint or  
 17 concern regarding me being at the councilman's  
 18 house late and drinking until really early in  
 19 the morning, or really late at night, however  
 20 you want to interpret it, and driving home.  
 21 Q Did he tell you who made this complaint to  
 22 him?  
 23 A I asked him. He said he wasn't going to tell  
 24 me. I didn't understand why he wouldn't tell  
 25 me, but he just said that he received a

Page 397

1 complaint. I said okay. It is what it is at  
 2 that point.  
 3 Q Take your time. What did you tell him when he  
 4 told you he had this complaint?  
 5 A Well, I don't remember exactly how I said it,  
 6 but I didn't deny the fact that I was at the  
 7 councilman's house after a council meeting. I  
 8 admitted I was there. I admitted -- I didn't  
 9 tell him I was drinking in excess of anything  
 10 like that. Whoever told him that had more  
 11 knowledge than I was privy to. But I admitted  
 12 that I was there. I admitted I went home.  
 13 Q You denied that you had been drinking in  
 14 excess.  
 15 A I didn't confirm or deny that I was so  
 16 impaired that I couldn't drive, no. I did not  
 17 admit the fact that I was drunk and I couldn't  
 18 drive my vehicle home. I did not say that.  
 19 Q Have you found during your sessions now and  
 20 the treatment, that denial is one of the  
 21 hallmarks of an alcoholic?  
 22 A Absolutely. I didn't think I was an alcoholic  
 23 before that. I just like to drink. Sergeant  
 24 Fisher mentioned, I like the taste. I did.  
 25 Q So when you are meeting with the Mayor, does

Page 398

1 he tell you to stop going to bars, stop  
 2 drinking, what does he say?  
 3 A I can't recall verbatim how the conversation  
 4 ended, but I remember saying -- I remember two  
 5 specific things that stuck out to me.  
 6 One, he made comments stop drinking at  
 7 the councilmen's houses, and stop drinking at  
 8 the bars in the city. I was like okay. That  
 9 is not a big deal. I get it.  
 10 The other, I don't remember him  
 11 mentioning anything about the vehicle use  
 12 policy, or anything about driving the city  
 13 vehicle, other than don't drink in the city.  
 14 Don't drink at council person's houses.  
 15 Q Did he relate to you any personal experiences  
 16 he had with drinking?  
 17 A I've known the Mayor for some time. It was  
 18 common knowledge between us that I knew he was  
 19 in AA. I've known that for many years. He's  
 20 readily told me on numerous occasions how he  
 21 got to that point, when he was in Willoughby  
 22 and got stopped.  
 23 Q But he didn't, in January, suggest to you seek  
 24 any treatment, any counseling, nothing?  
 25 A No.

Page 399

1 Q In February, if you turn to Exhibit E, in the  
 2 book.  
 3 A Yes.  
 4 Q So that is the email exchange we've all had  
 5 testimony about, February 12th where the  
 6 union, the police union tells the Law Director  
 7 that they have concerns about your health and  
 8 well-being. There is no known evidence of  
 9 alcohol use or abuse while on duty. The  
 10 attorney, Adam Chaloupka claims he's been told  
 11 of several instances where off-duty drinking  
 12 may have, or may start to impact on his  
 13 ability to effectively perform.  
 14 Then the top part of the exhibit is Law  
 15 Director Lallo's February 17 reply where he  
 16 says he has had an opportunity to sit down  
 17 with you and discuss the concerns.  
 18 Did any of that happen? Did you  
 19 discuss concerns with the Law Director?  
 20 A Well, when he says we sat down to discuss it,  
 21 that didn't transpire. What actually  
 22 happened, and I believe he will recall this, I  
 23 called him on an unrelated issue. There was a  
 24 trial that was going on, and I was speaking  
 25 with him regarding the prosecution of that

Page 400

1 trial.

2 After we talked about that trial for a

3 little bit and that case, he was like, hey, I

4 also wanted to talk to you. He mentioned that

5 he received an email. He's been in contact

6 with the Mayor concerning the union notifying

7 him of their concern about my drinking at that

8 time.

9 Q This isn't a face-to-face.

10 A No, it was over the telephone. I was in my

11 office. I believe he was in his office in

12 Willoughby, but I'm not 100 percent sure on

13 that part. You'd have to ask him. This was

14 over the telephone.

15 Q What else do you remember him saying?

16 A We were talking about it. He was like, hey,

17 listen, you know, don't -- he did admit don't

18 drink and drive in the City car. Stay out of

19 the bars. Basically the same kind of stuff.

20 Just don't drink and drive. Stay out of the

21 bars. Stay away from the residents here, or

22 whatnot, drinking with anybody.

23 I asked him if there is anything I

24 could do that would help. He did say that he

25 recommended an individual. He gave me two

Page 401

1 names. I don't recall them off the top of my

2 head. I wrote them down on my desk. I don't

3 know if that is still there or not, with phone

4 numbers that he said that he refers his

5 clients to. I'm going to assume that would be

6 directly with his private practice or maybe

7 work-related. I wouldn't believe it is

8 through the prosecution office. I would

9 assume it was his private practice.

10 He gave me two names. I took them

11 down. I did not immediately call them. I

12 think it was a day later, maybe two days

13 later, after I was kind of -- I just couldn't

14 understand, you know, okay he got a complaint

15 in January, here it is the middle of February,

16 now I'm talking to him about -- talking to the

17 Law Director about something else, or

18 prosecutor, and all this comes up. I'm like I

19 just didn't get it.

20 Q The Mayor got it late in January?

21 A Mayor, yes, I'm sorry.

22 Q The law director got the complaint in February

23 from the union.

24 A Yeah.

25 Q What was confusing to you?

Page 402

1 A Nobody would tell me who the complaint came

2 from, or if they were the same complaint or

3 not, or if there were multiple complaints. I

4 didn't understand it. You know, I didn't know

5 if there were several people that came to the

6 Mayor and told him there was an issue. I

7 don't know if there were several people that

8 came to the Law Director. I don't know who

9 from my department reached out and did it. I

10 know nobody at that time point came to me and

11 said I had a problem in my department.

12 Q The Mayor didn't think you had a problem in

13 January, right?

14 A I guess not.

15 Q The Law Director didn't say anything to you in

16 February, like, hey, you have a problem.

17 A No. He said it would probably be beneficial

18 if I reached out to somebody, talked to them.

19 I said okay.

20 So I did call. I called both the

21 numbers that was provided. I called them I

22 want to say twice. Two separate occasions. I

23 didn't get responses. I don't know if that

24 was because of COVID, or they didn't care, or

25 I don't know what it was. I'm not going to

Page 403

1 speculate. It doesn't matter to me. But I do

2 remember speaking with -- I knew of Lauren

3 Carter, not only through Jamey Fisher,

4 Sergeant Fisher, but also Wayne Baumgart.

5 Wayne and I talked about Lauren, her services

6 for a long time.

7 We turned around and -- I'm sorry.

8 Q You were saying you had talked with Wayne.

9 A Yeah. Lauren's name has been mentioned

10 numerous times. I knew that. I had her

11 contact information. I reached out to Lauren.

12 Lauren called me back. I had several

13 conversations with her over the telephone.

14 Again, because of COVID, and whatnot,

15 there wasn't a lot of face-to-face meetings or

16 personal contact in regards to that. She was

17 willing to help me out and set up things,

18 although she wasn't accepting new clients.

19 She was willing to help me. She is very

20 familiar with my brother, number one, who was

21 a sergeant for the City of Wickliffe, because

22 of his relation with the emergency response

23 team.

24 Q Let's go back to the February 17th email. So,

25 the Law Director says he sat down with you,

Page 404

1 and the email is dated February 17th. Do you  
 2 know when he called you, was it on the 17th?  
 3 A You know, I want to say it must have been  
 4 roughly around then because I do recall having  
 5 conversation where he said if he was going to  
 6 respond to Mr. Chaloupka about it. He told me  
 7 he was going to respond to him and say that we  
 8 talked. I said okay.  
 9 Q Did the Law Director indicate whether he had  
 10 gotten any specific details from the union  
 11 attorney as to what it was you were doing?  
 12 A No.  
 13 Q Just said stay out of bars.  
 14 A Basically his biggest comment was don't get  
 15 caught drinking in the City car, basically.  
 16 Q I want to -- as I'm thinking about the  
 17 timeline, so from there, middle of February,  
 18 the next event is the middle of April you're  
 19 hospitalized.  
 20 A Yes.  
 21 Q So nobody during that time frame from the City  
 22 reached out other than Chief Hutton and Former  
 23 Chief Baumgart to help you.  
 24 A Yes. Sergeant Fisher made comments yesterday  
 25 that we talked a lot. He offered all kinds of

Page 405

1 help and assistance. Here is what I can  
 2 confirm with that.  
 3 Sergeant Fisher and I had numerous  
 4 conversations about numerous things. I was  
 5 very close with Sergeant Fisher. We had -- he  
 6 never said you have a problem, go get this  
 7 taken care of. He just said maybe you should  
 8 go talk to Lauren. Or I talk to Lauren about  
 9 my -- it was more about my personal life than  
 10 it was about alcohol, you know, with my family  
 11 situation, everything that was going on with  
 12 that.  
 13 I found it a little ironic that he said  
 14 that he's offered me all kinds of this help,  
 15 when he and I, and he admitted yesterday, that  
 16 if he told me something, I did it. And  
 17 obviously I didn't go get help if he told me  
 18 to go do it. So I was kind of baffled with  
 19 that kind of conversation. He never told me  
 20 that, you know -- he never said you need to go  
 21 do this. I'm not -- that's, you know, I guess  
 22 that's splitting hairs maybe. Nobody in the  
 23 department came to me and said, you've got an  
 24 alcohol problem, you need to go get help.  
 25 Q Nobody in the department.

Page 406

1 A No.  
 2 Q Nobody in administration. So I want you to  
 3 turn to Exhibit N. The last one in the book.  
 4 (Defendant's Exhibit N marked for  
 5 identification.)  
 6 Q That's a four-page document out of the  
 7 standard operating procedure manual.  
 8 A Yes.  
 9 Q Tell council what that is.  
 10 A It's an employee assistance program --  
 11 Q I'm sorry. What's the standard operating  
 12 procedure manual?  
 13 A That is our policies and procedures on how we  
 14 operate in our department.  
 15 Q I think there was an approval date there of  
 16 March 28, 2019. You see that up in small  
 17 print up in the box there?  
 18 A Yes, reviewed and revised.  
 19 Q March 28, 2019.  
 20 A Yes.  
 21 Q This particular policy deals with employee  
 22 assistance, right?  
 23 A Yes.  
 24 Q So what you heard yesterday, what everybody  
 25 heard was, about Exhibit 7, that was provided

Page 407

1 by the City, which is another type of rules  
 2 manual. Do you remember that?  
 3 A Yes. That's the rules and regulations.  
 4 Q Does that supersede the operating procedure  
 5 manual? Do they work hand-in-hand?  
 6 A They go hand-in-hand.  
 7 Q How so?  
 8 A They're both functional guidelines that we use  
 9 to operate in our department.  
 10 Q The Mayor and Safety Director needs to be  
 11 aware of standard operating procedures for the  
 12 police department, true?  
 13 A Yes.  
 14 Q So this particular part of the manual deals  
 15 with employee assistance program. Does such a  
 16 thing exist in City of Kirtland?  
 17 A No.  
 18 Q So let's talk about -- now we're in April, and  
 19 it's the night of April -- or afternoon of  
 20 April 13th, into the early morning of April  
 21 14th. We all saw the video.  
 22 A Yes, we did.  
 23 Q Tell council what you recall about that.  
 24 A The whole day?  
 25 Q Yeah. We saw 6:09 you pull into the --

Page 408

1 6:09 p.m., you pull into Sergeant Fisher's  
 2 residence.  
 3 A Yes. You want me to give leading up to that?  
 4 Q Yeah, just whatever you -- this is your  
 5 opportunity to tell your story to the council.  
 6 Please do.  
 7 A On that day in question I was off. I was in  
 8 contact with Ms. Wolfe throughout the day. We  
 9 made arrangements that when she was off work,  
 10 we would meet and go get a bite to eat  
 11 somewhere roughly around three o'clock. I  
 12 can't recall exactly the time.  
 13 Q Let's give it a little context. I'm sorry.  
 14 So Ms. Wolfe is Councilwoman Wolfe, correct?  
 15 A Yes.  
 16 Q You had been in a relationship with her since  
 17 the winter of 2020.  
 18 A Yes.  
 19 Q Fair?  
 20 A Yes, that's fair.  
 21 Q Go ahead.  
 22 A 2021.  
 23 Q 2020. Winter of 2020.  
 24 A Yes.  
 25 Q November, December.

Page 409

1 A Yes. We made arrangements to meet after she  
 2 was done working at about three o'clock. I  
 3 met her there. I picked her up. We went to  
 4 eat. We got a bite to eat. Talked, hung out  
 5 for a little bit, couple hours maybe.  
 6 Q Again this is the week you're off?  
 7 A Yeah, I'm off duty.  
 8 We basically just kind of hung out for  
 9 a while. Just had our normal conversation.  
 10 We were both, you know, without putting too  
 11 much of our personal lives back out there, we  
 12 just discussed what was going on in our lives  
 13 basically. We would have just normal  
 14 conversations regarding that.  
 15 After we ate, neither one of us really  
 16 decided we wanted to go home at that time. We  
 17 were driving by a convenient store. I asked  
 18 her if she wanted to hang out some more. We  
 19 basically agreed that we were going to  
 20 continue to hang out and talk.  
 21 We stopped, and she bought beer and  
 22 White Claw. 12 pack of Miller Lite and White  
 23 Claw. We left. We went -- I can't remember  
 24 exactly where we were at. But we stopped  
 25 somewhere, and we were just basically hanging

Page 410

1 out. We were talking for a little bit. She  
 2 drank some of her White Claw. I believe I had  
 3 a couple beers. She was like I got to get  
 4 back to work to get her car. I said okay.  
 5 Took her back to get her vehicle. She  
 6 didn't want to throw the can away there. I  
 7 said don't worry about it, I'll take care of  
 8 it. We were still kind of talking. She was  
 9 like no, I really don't want to go home yet.  
 10 I said, I don't either. If you want to hang  
 11 out. I said, let me see what Jamey is doing.  
 12 Meanwhile I dropped her off. She went  
 13 and did what she had to do to get her car and  
 14 whatnot. To my recollection I call Jamey and  
 15 asked him if he was home, what he was doing.  
 16 He said they were -- he and Christie were  
 17 hanging out. They were in his back sun porch,  
 18 three season room, whatever you want to call  
 19 it.  
 20 I said do you care if I stop over. To  
 21 my recollection that I remember, he said I  
 22 don't have any beer. I said don't worry about  
 23 it. I got it. He said, well, we're home.  
 24 Like he told me yesterday, I knew I could go  
 25 to Jamey's house. It's always available. He

Page 411

1 readily admitted it, no matter what it was.  
 2 When I went there, and I can't recall  
 3 if the conversation was on the way there. I'm  
 4 almost positive when I pulled into his  
 5 driveway I was speaking to him on the  
 6 telephone, and that's the conversation that  
 7 may have been heard a little bit through the  
 8 audio, or not.  
 9 But I pulled in his driveway. I did  
 10 open a beer. I did drink the beer while I was  
 11 in his driveway. The car was parked. I drank  
 12 two beers as a matter of fact in his driveway,  
 13 which was not hard for me to do.  
 14 Q You have to explain that. What do you mean?  
 15 A I like the taste. I drink them fast. I think  
 16 every one of them can admit -- they will admit  
 17 to you I can drink beer pretty quick.  
 18 Q At this point in time, this is April, couple  
 19 months ago, how big are you? What's your  
 20 weight?  
 21 A Oh, thanks.  
 22 Q Sorry.  
 23 A I was 300 some pounds. 326 I believe I was at  
 24 the time.  
 25 Q You're tall. How tall are you?

Page 412

1 A 6'5" and some change.  
 2 So I was in the driveway. I believe I  
 3 was talking with Sergeant Fisher on the phone  
 4 at that time. That is who the conversation  
 5 was. I got out of the car. I did throw a  
 6 couple of beer cans away into his garbage.  
 7 Walked over to the door. I wasn't  
 8 pounding or beating down the door or anything  
 9 like that. I didn't need to. As he clearly  
 10 stated, I was welcome there whenever. I  
 11 didn't beat down any door or demand entry to  
 12 anything, which -- that is just I guess his  
 13 word against mine.  
 14 I talked to him. We made mention  
 15 during this time, I don't remember when I  
 16 mentioned, I said, do you mind if Kelly stops  
 17 over? He didn't bat an eyelash at it. He was  
 18 like, yeah, well, it's just Christie and I.  
 19 His daughter was home. I did not know her  
 20 boyfriend was there at the time. I didn't  
 21 know whose car that was in the driveway. I  
 22 had no idea the dynamics of that. Roughly  
 23 after that --  
 24 Q The video showed us that about 10 minutes  
 25 after you got there, Councilwoman Wolfe

Page 413

1 arrived.  
 2 A Yes. I called and told her to stop over at  
 3 Jamey's house, Sergeant Fisher's house. She  
 4 did. She arrived. She pulled in behind me.  
 5 That's the other vehicle that you saw was  
 6 hers, her personal car.  
 7 I went and met her in the driveway.  
 8 She did indicate that she didn't stop to get  
 9 anymore Claws. I said don't worry about it, I  
 10 still had the one you left, which was in the  
 11 car.  
 12 Q Let me stop you. Let's talk about the car.  
 13 The elephant in the room. Council wants to  
 14 know. Tell us how did you -- what was your  
 15 understanding of the terms of use of the City  
 16 vehicle?  
 17 A Well, apparently when I got the City vehicle  
 18 it was readily admitted to me that was my  
 19 personal car to use as I saw fit at the time.  
 20 Not going to call out any individual persons  
 21 that made those comments to me, but basically  
 22 I was granted --  
 23 Q It's not calling out. I mean, you're --  
 24 A I remember having conversations with  
 25 Councilman Smolic concerning the City vehicle,

Page 414

1 and you know going to a bar and drinking. We  
 2 did give you that car for your use, doesn't  
 3 matter, don't worry about it. Things like  
 4 that that were said. Numerous times I was in  
 5 the City vehicle when I may have been at their  
 6 houses, or I've been out with them, it was  
 7 never an issue to drink and get in the car and  
 8 leave at that point.  
 9 Q So there was some talk yesterday, I guess that  
 10 was actually today, we ended at 2:00 in the  
 11 morning. Exhibit 12 was the vehicle use  
 12 policy.  
 13 A Yes.  
 14 Q Was any of that -- these ones here with the  
 15 numbers are the City's exhibits. It's Exhibit  
 16 12.  
 17 A Can I go through these?  
 18 Q Yes. So who had originally prepared this use  
 19 policy?  
 20 A I just know it came out of the Mayor's office.  
 21 I don't know who prepared it.  
 22 Q We had some testimony yesterday about you and  
 23 Chief Hutton wanting some revisions.  
 24 A Yes.  
 25 Q Is that true?

Page 415

1 A Yes, that is fair.  
 2 Q Tell council about that. What was to be --  
 3 A The policy contradicted what we were granted  
 4 our use of the vehicle for. If the vehicle  
 5 was for our personal use, then the policy told  
 6 us we couldn't use it. So basically the  
 7 policy that was presented to us originally  
 8 would have been you can't use it to do  
 9 anything, so we couldn't go and be available  
 10 24 hours a day if we were at a soccer game, or  
 11 if we were at a movie or dinner, wherever we  
 12 were at. The vehicle use policy was basically  
 13 restricted to the point where you couldn't use  
 14 it.  
 15 When we brought those concerns to the  
 16 Mayor, he contemplated it for a brief time. I  
 17 don't know how long it was. This was a while  
 18 ago. We voiced our concern about how  
 19 restrictive it was, and he granted an amended  
 20 policy to include that last line in paragraph  
 21 two for the guidelines, approval in advance by  
 22 the mayor and/or the police chief/fire chief  
 23 for basically whatever it was we needed to use  
 24 it for.  
 25 Q That appears in a couple different places in

Page 416

1 the policy, correct?  
 2 A Yes, it does.  
 3 Q You can put that aside. Let's go back. I  
 4 took you off track there. I think it was  
 5 important for them to understand your  
 6 understanding of that use policy.  
 7 So you're at Sergeant Fisher's house,  
 8 the Councilwoman meets you. The video shows  
 9 that you guys are inside that house for at  
 10 least three hours.  
 11 A Yes.  
 12 Q What's going on?  
 13 A We had normal conversation that we always  
 14 have. We hung out a lot. We would talk about  
 15 our relationship, we would talk about  
 16 families, we would talk --  
 17 Q Hang on. Whose relationship? Yours with  
 18 Sergeant Fisher --  
 19 A All of ours. My relationship, my relationship  
 20 at home, my relationship with the  
 21 Councilwoman. His relationship with his  
 22 girlfriend or my relationship with my wife.  
 23 Whatever the conversation was. Just personal  
 24 conversation that we always had.  
 25 Q You heard Sergeant yesterday say that he had

Page 417

1 crossed a line, he was shocked, all referring  
 2 to the fact that you would bring the  
 3 Councilwoman to his house. Was that his  
 4 reaction that night?  
 5 A No. No. Not even a little bit. The way I  
 6 recall it, we were welcomed into the home. We  
 7 came in. I didn't -- we went to the sun  
 8 porch, or three season room, whatever you want  
 9 to call it. We sat out there. I  
 10 offered Jamey and Christie a beer. They both  
 11 accepted it. They had a beer. We were  
 12 talking.  
 13 I don't recall the conversation 100  
 14 percent. I believe it was more along the  
 15 lines of we were going -- Councilwoman and I  
 16 were going to come clean to our families and  
 17 tell them what is going on and take our next  
 18 step with that process.  
 19 Q So you're in there for three hours.  
 20 A Yes.  
 21 Q You heard the Sergeant say he offered you or  
 22 served you Jameson, I think.  
 23 A Yes.  
 24 Q That's accurate?  
 25 A That is accurate.

Page 418

1 Q What was the Sergeant drinking?  
 2 A I believe it was vodka. That was his  
 3 preferred choice. I'm not sure which brand,  
 4 if it was Tito's or whatever, but it was  
 5 vodka.  
 6 Q As well as the beer that you gave him?  
 7 A Yes.  
 8 Q The girlfriend, the Councilwoman, you are all  
 9 drinking?  
 10 A Yes, we were having a nice time honestly.  
 11 Nothing out of the ordinary. Nothing that I  
 12 thought -- I mean I don't recall doing  
 13 anything at that time or at his residence that  
 14 was that inappropriate.  
 15 I do remember making a comment  
 16 reference his daughter. I didn't make it like  
 17 it was that derogatory or anything. Again, we  
 18 were so close. Like he said, I've been part  
 19 of his family and his daughter's family for so  
 20 long I was like another family member. So I  
 21 don't remember anything being that  
 22 outrageous. I guess it could have been. That  
 23 is up to interpretation. He didn't abruptly  
 24 kick me out. He didn't abruptly kick  
 25 Councilwoman out. We were hanging out for a

Page 419

1 while. He made a comment that we went to the  
 2 living room and sat on the couch. We were  
 3 there. I recall that clear as day we were all  
 4 sitting on the couch. We had a conversation  
 5 about what he did on that couch with his  
 6 girlfriend. So I don't know where this was or  
 7 where all that came from. He did say -- I'm  
 8 sorry.  
 9 Q Go ahead.  
 10 A He did say by the end of the night, he said,  
 11 well, I got to work in the morning. We did  
 12 have a conversation, he's like, hey, do you  
 13 guys want me to take you to a hotel or  
 14 whatever? That's a factual statement he made.  
 15 We were like no, we're good. Don't know if we  
 16 basically -- didn't know where we were going  
 17 to go, what we were going to do, but it wasn't  
 18 because I was falling down drunk or unable to  
 19 do anything. He didn't stop me from leaving,  
 20 if that was the case.  
 21 I don't recall the Councilwoman having  
 22 anything more to drink than maybe one drink.  
 23 I don't recall exactly on who drank how many.  
 24 We had a normal conversation. Somebody  
 25 made -- I think the Sergeant made a mention

Page 420

1 that Christie said something to the Council  
 2 person about answering her phone. I only  
 3 recall her phone going off once while we were  
 4 there.  
 5 Q You didn't have to go to work in the morning.  
 6 A No, I was off. I was taking a week off. So,  
 7 he did say he had to work in the morning, and  
 8 he was going to bed. I said okay, understood,  
 9 and we left. We went outside. We were  
 10 talking.  
 11 Q Did he give you any food, any chips, any  
 12 snacks, anything?  
 13 A No. I don't remember if I asked for water or  
 14 not. I don't recall if he gave me the water,  
 15 if Christie gave me the water. I just went to  
 16 the fridge and got the water. I don't know  
 17 how I got the water. I know both Councilwoman  
 18 and I got waters. When he was ready to go to  
 19 bed, we went outside. We were in his driveway  
 20 for a while talking, goofing around, whatever.  
 21 Q The video showed it was four hours.  
 22 A Yes.  
 23 Q 9:00 until about 1:00 a.m.  
 24 A Yes, we were there for several hours. Just  
 25 kind of goofing off. Neither one of us wanted

Page 421

1 to go home.  
 2 Q And you like her?  
 3 A Huh?  
 4 Q You like her at that point.  
 5 A Absolutely.  
 6 Q Did your relationship with the Councilwoman  
 7 distract you from doing your job as Police  
 8 Chief of this community?  
 9 A I don't feel that at all. I never wavered  
 10 from my position in the police department.  
 11 I've always done everything I could for the  
 12 department, no matter what time of day it was,  
 13 no matter what the situation was. It didn't  
 14 matter if it was my personal feelings or not.  
 15 I put them all aside to do what I needed to  
 16 do. Not only for the police department, but  
 17 for the City. I've always been that way.  
 18 Q How about your alcohol abuse, the fact that  
 19 you were an alcoholic, did it prevent you from  
 20 performing your job?  
 21 A No. Again, when I told you, I never realized  
 22 my drinking problem. I didn't wake up in the  
 23 morning, you know, convulsing and needing a  
 24 drink to come to work. That just never  
 25 happened.

Page 422

1 I never drank while I was on duty,  
 2 ever. After work I would drink, but never  
 3 while I was on duty.  
 4 In my opinion I didn't see it as  
 5 affecting my decision making for the  
 6 department. I didn't see anything going to  
 7 the wayside.  
 8 As a matter of fact, when all this was  
 9 going on, I was trying to find funding for us,  
 10 because we needed ammunition for training.  
 11 There was a comment made about not being  
 12 available for training and requalifications  
 13 and things like that. I'm like, I'm trying to  
 14 find funding because the budget would restrict  
 15 us from being able to purchase anything  
 16 regarding that.  
 17 I was working as diligently as I could,  
 18 as a matter of fact, to find that funding.  
 19 And I did find funding for several programs  
 20 through private donors and whatnot to get this  
 21 department where it needed to be and what it  
 22 needed to be doing. A lot of money I found,  
 23 to be honest with you. In my opinion, in my  
 24 small town, a lot of money to me is anything  
 25 more than what is in my pocket.

Page 423

1 Q There were references yesterday made about  
 2 you're not being available and Sergeant Fisher  
 3 having to clean the toilets in the jail.  
 4 A Well, that baffled me. As a matter of fact,  
 5 when he made a mention and he told me about  
 6 the jail inspection was coming up, I never  
 7 cleaned the jail prior to. The jail  
 8 inspection was always taken care of, and it  
 9 was always clean and prepared before the  
 10 inspection came through. My assistant would  
 11 set up the process to get it inspected and  
 12 everything.  
 13 When it comes to cleaning, we have a  
 14 City worker that was here in our building five  
 15 days a week, Monday through Friday, that  
 16 cleaned our department every single day. He  
 17 made sure that everything was clean, the jail,  
 18 the locker rooms, the restrooms, the common  
 19 areas, the offices. Everything was cleaned  
 20 and taken care of.  
 21 So when this came around, the jail  
 22 inspection's always taken care of by that  
 23 employee. It was never an issue. I was kind  
 24 of confused after -- well, you know, when  
 25 certain restrictions came through and that

Page 424

1 individual was removed from his position to  
 2 take care of our department, which as in 2020,  
 3 I believe, I prepared a memo on we all --  
 4 actually it was a joint effort, and came up  
 5 with a cleaning schedule and rotation of how  
 6 the officers were going to take care of what  
 7 that individual employee was doing for all  
 8 those years. There was a memo that was placed  
 9 out through me on a schedule and how it was  
 10 going to be cleaned and who was cleaning it,  
 11 and how it was going to be taken care of.  
 12 Q So if I understand this, the City had a  
 13 cleaner employed for the whole department.  
 14 But there was a layoff or something happened  
 15 in 2020?  
 16 A I'm not going to speculate why he was not in  
 17 that position any longer, but he was removed  
 18 from that position and we no longer had a  
 19 service department employee that was taking  
 20 care of the Community Center, the City Hall,  
 21 or Police Department.  
 22 Q So your staff, your subordinates took care of  
 23 cleaning the facility, including the jail.  
 24 A Absolutely, because that is what we did.  
 25 Q There was also some mention about you not

Page 425

1 being available for payroll Mondays. What is  
 2 that about?  
 3 A I'm not exactly sure on what the time that was  
 4 for. I don't do payroll. My assistant did  
 5 the payroll. When dispatch was here, Clerk  
 6 Buchanan did dispatch payroll. At that time I  
 7 would review it, make sure it was done  
 8 accurately or whatever, there weren't any  
 9 mistakes, and it would be forwarded through.  
 10 There were countless times that I  
 11 didn't double check because that was something  
 12 I just recently implemented. Everything  
 13 leading up to that, it was never double  
 14 checked that way, even through Chief Baumgart.  
 15 Payroll was always done by the assistant. So,  
 16 you know, how I wasn't there for that, I don't  
 17 know.  
 18 Q In the meantime, you also belong to police-  
 19 related organizations outside of the city that  
 20 you have responsibilities for.  
 21 A I do.  
 22 Q Tell us about those.  
 23 A Well, part of the Lake County Chief's  
 24 Association, we have meetings. We have  
 25 monthly meetings. We have impromptu meetings.

Page 426

1 We have, for lack of a better term, call it  
 2 breakfast meetings where we pick a restaurant  
 3 and we all go and meet.  
 4 We would have -- there is all sorts of  
 5 things that we would be taking care of. There  
 6 were meetings regarding events that were  
 7 coming up. If there was stuff that needed to  
 8 be taken care of, you know, for like say what  
 9 I would call our community days or whatever  
 10 like that. You know, there were things that  
 11 we came together outside of our cities where  
 12 we met and took care of our business.  
 13 Q I want to direct your attention now to a  
 14 couple more things that came out yesterday,  
 15 early this morning.  
 16 Let's talk about the cell phone usage.  
 17 A Yes.  
 18 Q First you heard the Mayor's Assistant, Teresa  
 19 Szary.  
 20 A Yes.  
 21 Q She told council that you directed her to pay  
 22 that bill.  
 23 A I told her I would take care of that bill.  
 24 Q So Exhibits 1, 3, and 4 on the side there.  
 25 A Yes.

Page 427

1 Q You heard testimony about those. So tell us  
 2 how is it that you went from your Chief's  
 3 iPhone to using this sergeant flip phone we  
 4 heard about?  
 5 A Well, everybody kept saying that I kept  
 6 telling them my phone was broken. Physically  
 7 if you look at the phone, the phone is broken.  
 8 But my phone is five years old, four and a  
 9 half year old, something like that. I was  
 10 losing text messages. I was losing emails. I  
 11 would drop calls constantly. That's factual  
 12 information.  
 13 In reference to the flip phone, because  
 14 I guess that would be the elephant in the room  
 15 on that regard too, I was texting or calling  
 16 the Councilwoman from that phone.  
 17 How that all came to light is we were  
 18 talking, I was talking with actually, I  
 19 believe, it was Sergeant LaTurner. I told  
 20 him, you know, I didn't want to text off my  
 21 phone anymore in case my wife was checking it  
 22 or whatever the case may be. There is no cell  
 23 phone policy for the City. I did not have  
 24 control over the cell phone bill. I had no  
 25 control over what phones were purchased, or

Page 428

1 when they were brought in. That being said --  
 2 Q Let's stop there. So who was in charge, was  
 3 that Chief Baumgart when he came in?  
 4 A No, it was -- it was the administrative  
 5 assistant's job. Those flip phones were  
 6 brought in to the department under Chief  
 7 Baumgart. I don't recall what year they were,  
 8 but it's been many years.  
 9 Those phones, along with my phone, were  
 10 granted for whatever use was needed. As a  
 11 matter of fact, when those flip phones were  
 12 introduced to our department, he put one in  
 13 dispatch, and one went to the supervisor's  
 14 car. It was basically common knowledge that  
 15 it was used for whatever means you wanted to  
 16 use it for. There was no limit, there was no  
 17 restriction or regulation on how, or when, or  
 18 what, or why. The phones were brought in for  
 19 your use. If you needed to use it for someone  
 20 on the side of the road, you let them use it.  
 21 It was your personal. It was personal, didn't  
 22 matter.  
 23 Q Chief, I want to stop you briefly here and  
 24 point something out. So that whole  
 25 explanation you gave us --

Page 429

1 A Yes.  
 2 Q -- nobody from the City asked you for an  
 3 explanation for any of these charges brought  
 4 against you. You weren't able to give this  
 5 explanation, that you just did to all these  
 6 people here, the Law Director, to Tom Lobe, to  
 7 the Mayor, nobody, right?  
 8 A No. I wasn't able to speak about anything. I  
 9 didn't know that all that was happening. I  
 10 was in rehab when all this came through.  
 11 Q I'm sorry. Go ahead.  
 12 A No, you're fine. Getting back to the cell  
 13 phones, the phones were granted for our use,  
 14 period. Personal, work, didn't matter.  
 15 Emails, text messaging, calls, didn't matter.  
 16 Again, they were provided to us. I had  
 17 no idea there was a texting limit on flip  
 18 phones. Granted I'm not that tech savvy. A  
 19 flip phone, texting on a flip phone was not a  
 20 very easy way to do anything. As a matter of  
 21 fact I remember having a conversation with the  
 22 Mayor's assistant regarding that. She joked  
 23 about, you know, about the texting, and how  
 24 you text on a flip phone, and we just joked  
 25 about it.

Page 430

1 When we were talking about that phone,  
 2 she was like -- at that time she told me it  
 3 was an \$88 overcharge. I said --  
 4 Q Let's step back. So at some point the Mayor's  
 5 assistant, Teresa, comes to you with this bill  
 6 and inquires about it. How did that come  
 7 about?  
 8 A She called me. I was in the office, and she  
 9 said, hey, I was going through the Verizon  
 10 bill and saw there was this charge, and it  
 11 came from texting. It was off -- to keep it  
 12 simpler, the sergeant's flip phone. I said,  
 13 okay. We joked about the texting and whatnot.  
 14 I said that's on me.  
 15 She was like, after the jokes were all  
 16 set aside, we had a meeting set for that day I  
 17 believe. If it wasn't that day, it was the  
 18 very next day. We had a meeting set up where  
 19 we were going to Verizon because we were  
 20 upgrading and getting SIM cards for all our  
 21 laptops. Before Teresa came to the City, the  
 22 Mayor's assistant, Helen Petersburg, was  
 23 actually in the process of ordering me a new  
 24 phone because of the issues I was having prior  
 25 -- that was back in November. October,

Page 431

1 November, some time in 2020. Well before  
 2 2021.  
 3 For whatever reason, things apparently  
 4 didn't work out for Helen Petersburg, and she  
 5 was, for lack of a better term, she was let  
 6 go. She went on to other things. The Mayor's  
 7 assistant Teresa came in after that.  
 8 Q So this compiling of the bill, the Exhibits 1,  
 9 3, 4 there --  
 10 A Yes.  
 11 Q -- that happened while you were in rehab, did  
 12 it not?  
 13 A All of that, yes. I didn't know anything  
 14 about this when I was in rehab. I didn't know  
 15 anything about the text messaging that they  
 16 were going to come up with, or telephone  
 17 calls, or the numbers or usage until well  
 18 after the fact.  
 19 Q Until you told them you're an alcoholic, and  
 20 you need help, nothing was being investigated,  
 21 was it?  
 22 A There was no internal investigation to my  
 23 knowledge before I went into rehab.  
 24 Q So when you are presented with this bill  
 25 though, that is before you went into rehab.

Page 432

1 A Correct.

2 Q What arrangements, if any, did you make with

3 Teresa?

4 A Well, she indicated that we were having a

5 meeting with Verizon and she specifically

6 said, let's see if we can get it taken care

7 of. I said, okay, that's on you. If you want

8 to, feel free.

9 The meeting took place by Zoom. I

10 can't remember exactly who was on. There were

11 two representatives from Verizon, possibly a

12 third. Teresa and I were on separate Zoom

13 calls. We discussed the texting. They said

14 they were going to look into it to see if they

15 could do anything because we were increasing

16 our plan and getting the additional SIM cards

17 for the computers and my phone. We were

18 restructuring the whole cell phone thing for

19 the police department. There was an iPad or

20 something like that we used to use for

21 dispatch, but we were no longer going to use.

22 The cell phones for dispatch was still there,

23 that they had that we were getting rid of. We

24 were getting rid of the sergeant's cell phone

25 because it wasn't used. As a matter of fact,

Page 433

1 when Sergeant LaTurner gave it to me, that is

2 exactly what he said, we don't use it. Just

3 sits there. As a matter of fact, I don't know

4 if it's ever been charged. It just sits

5 there. I said, oh, all right, well thanks.

6 Q So how do you leave this with Teresa?

7 A So she said that she was going to check. I

8 told her, I said that was mine, and I was will

9 take care of it. To my knowledge, that I

10 recall, I offered to pay for that. I believe

11 she made a mention yesterday that there was a

12 problem -- there was no way to break down the

13 bill to do those kind of things. I offered to

14 either take it out of my paycheck, or I take

15 care of it, pay for it. Regardless of why or

16 what, I don't know whatever happened with

17 that. Shortly after that is when I ended up

18 in rehab.

19 Q It becomes one of the charges against you

20 while you're in rehab.

21 A Yes.

22 Q We also heard yesterday from Amy Buchanan.

23 Tell council your relationship with Amy.

24 A Well, I've known Amy since she got hired in

25 1996. I have known Amy and her husband Clint,

Page 434

1 along with their children, for a long time.

2 The entire time. We were very close. I

3 considered her like my little sister. Clint

4 was like a brother.

5 We were so close that I am the

6 godfather of her child. Most recently, in

7 2020, I was his sponsor through Divine Word

8 for his confirmation.

9 Q You heard her yesterday say that you mocked

10 and belittled her. What's your response?

11 A I was first off dumbfounded by it. Although

12 Amy and I were very capable to have heated

13 conversations, it's because of our personal

14 relationship that we had together, we were

15 able to discuss things no matter -- we yelled

16 at each other. If it was friendly joking, it

17 didn't matter. I always tried to take -- I'm

18 not going to say take care of her because she

19 is a grown woman, she can take care of

20 herself. We all saw that. We all know that.

21 I was kind of floored when I heard that

22 yesterday about all these alleged allegations

23 that I belittled her, degraded her. I

24 couldn't believe it.

25 Q What did you do for her? Were there

Page 435

1 complaints against her?

2 A Complaints against her. I received complaints

3 from even back when Sergeant Fisher was a

4 patrolman he would complain about Amy and her

5 not getting paperwork together or preparing

6 cases.

7 There were complaints about her not

8 getting things together all the time. There

9 were complaints about paperwork not being

10 processed. There were complaints about

11 records not being ready. There were

12 complaints -- I received complaints from the

13 prosecutor who says, Lance, I really need the

14 stuff to be sent to me. I need this stuff.

15 Q Who was the prosecutor?

16 A Prosecutor Lallo. It got to the point where I

17 was even in the process of during this

18 changeover with Verizon that I was going to

19 integrate an older laptop for the prosecutor

20 to actually have access to, so he can access

21 all of our records remotely on his own accord,

22 for whatever case preparation he would need

23 and whatever documents he may need.

24 All of these things I did because I was

25 trying to lighten the load for Amy because for

Page 436

1 some reason it was apparently a little too  
 2 much.  
 3 Q Would you eventually reprimand her because  
 4 of --  
 5 A I've had numerous, numerous conversations with  
 6 her. I never wrote her up for those things.  
 7 I didn't feel I had to because of the  
 8 relationship we had. I thought I could bring  
 9 her in, sit her down, talk to her, and we  
 10 would be okay, move on. Would we yell, of  
 11 course we would yell. That is part of being  
 12 that close.  
 13 We've had conversations over and over  
 14 again about stuff like that. I've had  
 15 conversations with her about the vehicle  
 16 affidavits for junk vehicles. I would get  
 17 calls months and months, the tow companies  
 18 were waiting for them, and I'm not going to  
 19 say I covered for her, but I tried to get it  
 20 taken care of as best I could with as little  
 21 repercussion as possible basically.  
 22 Q Amy also made some -- just a vague reference  
 23 to a comment about LGBTQ. Do you have any  
 24 idea what she's talking about?  
 25 A I've no clue. I never told anybody they need

Page 437

1 to come out of a closet or anything of that  
 2 nature. I never had those  
 3 conversations. I've never made those  
 4 statements. I never would make those  
 5 statements, and they knew it. The biggest  
 6 thing I tried to do in that department was  
 7 keep a hostile work environment out. That's  
 8 what really bugs me. Never.  
 9 Q What about the references to N word, F word?  
 10 A I'm not going to sit here and go through every  
 11 single word or anything that I may have or  
 12 ever did say or will say in the future. I  
 13 tried to make that department as friendly,  
 14 family friendly as possible. Everybody  
 15 enjoyed coming to work. They didn't have to  
 16 worry about getting, you know, their back  
 17 stabbed, or anything of that nature. There  
 18 was never a hostile work environment in that  
 19 department, ever, ever.  
 20 Q Nobody ever filed a complaint with you, did  
 21 they?  
 22 A Never. If somebody did -- I believe it was  
 23 Sergeant Fisher, he made a comment, and I  
 24 guarantee they can all say it, if I did say  
 25 something, or they didn't like something, and

Page 438

1 they came to me and said, hey, I didn't like  
 2 this, that, or the other, I stopped. I would  
 3 listen to them. I wouldn't take any kind of  
 4 action against them. It's not my nature.  
 5 It's never been my nature.  
 6 Q You heard your assistant Cindy say exactly  
 7 that yesterday, she confronted you about using  
 8 the F word.  
 9 A Absolutely.  
 10 Q What happened?  
 11 A I wouldn't say it.  
 12 Q The other reference Amy made was that you  
 13 referred to one of the -- the one minority  
 14 officer I think you had in the department was  
 15 Mexican, what do you recall about that?  
 16 A I don't recall ever saying the comments that  
 17 she made. I don't know where she heard that  
 18 from, or who gave her that information. If it  
 19 came from an FOP meeting, which is what she  
 20 claimed, I don't know how she would have heard  
 21 of that or how that context would have come  
 22 about.  
 23 The officer she is talking about is  
 24 Jose Corillo. I believe that everybody in  
 25 this room knows that I tried to do everything

Page 439

1 I could for Jose. To the point where he was  
 2 getting very frustrated with dealings with  
 3 some of the supervisors because of the way he  
 4 did things, and I -- it made no sense to  
 5 me. Jose and I were so close. Did it waver  
 6 at times? It always wavers. Things happen.  
 7 There is no -- I don't know how that would  
 8 have come about.  
 9 I help Jose get his lateral transfer to  
 10 another police department because I knew he  
 11 was unhappy here. I knew he didn't like the  
 12 way he was being portrayed, I guess you would  
 13 say. I helped Jose do as much as I possibly  
 14 could. Got him on the SWAT team, which he was  
 15 really good. I took his strengths and made  
 16 them -- I made it exactly what it needed to  
 17 be. I gave him everything I possibly could.  
 18 So I don't know where that came from. I don't  
 19 know who this individual is that made that  
 20 comment. I don't recall ever saying anything  
 21 like that to him. He and I were so close, we  
 22 would joke around about everything. I was his  
 23 FTO. He called me his Ohio father because I  
 24 was the only one that was here when he came up  
 25 from Florida. So that kind of baffled me.

Page 440

1 Not kind of. It made me mad.

2 Q Let's talk a little bit about allegations of

3 drinking in the office, in the police chief's

4 office. Tell council what you remember about

5 any events like that.

6 A Well, I mean it's common knowledge now that we

7 would buy each other bottles of liquor for

8 birthdays, Christmas, whatever the case may

9 be.

10 Although we didn't sit around every

11 single day and drink after a shift or

12 whatever, we did do that on occasion. The one

13 specific incident that was mentioned was the

14 Lakeland Community College incident where

15 there was a bomb threat, active shooter that

16 was called in. It was a pretty major event

17 that transpired that evening. Everybody in

18 the department was there. Sergeant LaTurner,

19 Sergeant Valenti, Sergeant Fisher, myself,

20 after the incident we came back to the office

21 and we did have a beverage, bourbon, that

22 evening before we left from that incident.

23 That happened on occasions.

24 If it was something -- if something of

25 that nature would have happened, we would do

Page 441

1 that. If it was a birthday, we would

2 celebrate it that way. It was not like we

3 were anything more than having a drink at the

4 end of your shift and going home.

5 Q Are you aware of any investigations against

6 the sergeants who have now admitted that they

7 at times drank in the office?

8 A No.

9 MR. ZICCARELLI: Mr. Consolo, I'm not

10 trying to interrupt you, how much further do

11 you have, because council is looking if it's

12 going to quick it would be fine. If not,

13 probably take a bathroom break.

14 MR. CONSOLO: Why don't we take a

15 break, and I can look and see. That's what

16 I'm doing now, see what I have left. That

17 would be appropriate. Thank you.

18 MR. ZICCARELLI: Going to take a break

19 for 10 minutes.

20 (Recess taken.)

21 MR. ZICCARELLI: We're back in session

22 after a short recess. Mr. Consolo, you were

23 examining your client. Please go ahead.

24 By Mr. Consolo:

25 Q Chief, you also heard testimony yesterday

Page 442

1 about erasing text messages.

2 A Yes.

3 Q Let me ask you first, does the City have a

4 retention policy?

5 A No.

6 Q No public records policy?

7 A No.

8 Q Does the police department have any type of

9 retention policy?

10 A We do have policies in place for our

11 department. According to the information and

12 knowledge that I have, even -- since the City

13 doesn't have and does not recognize through

14 the Historical Society as of yet, even my

15 policies are limited at best. But ours are

16 basically for when public records come

17 through, things of that nature, what we can

18 divulge.

19 Q Have you ever destroyed or erased a public

20 record to your knowledge?

21 A No.

22 Q Were any of the text messages between you and

23 the Councilwoman concerning city business?

24 A No, never.

25 Q Finally, Chief, I just want to direct your

Page 443

1 attention to the second to last exhibit in the

2 book. It's Exhibit M.

3 A Yes.

4 Q This is also on the standard operating

5 procedure. This procedure deals with

6 investigation of employee misconduct.

7 Correct?

8 A Correct.

9 Q This was -- has an effective date of March 6,

10 2019, correct?

11 A Correct.

12 Q You have already told us you were never told

13 you were a target of any specific

14 investigation, at least not until you were in

15 rehab.

16 A Yes.

17 Q Admitted you were an alcoholic.

18 A That's correct.

19 Q Any of the procedures for the employee

20 misconduct contained in this section followed

21 with you?

22 A No.

23 Q Page 4 of 6, in Section K, statement of

24 allegations and rights.

25 A I never received it.

Page 444

1 Q You never received a written statement of the  
2 allegations, and rights, and responsibilities?  
3 A No.  
4 Q Not quite no. You got it because that is why  
5 we're here. You got it in with what the Mayor  
6 calls the charging document.  
7 A Yes, I received it through, from your office,  
8 correct.  
9 Q But regardless how you got it --  
10 A That's correct. Yes.  
11 Q If you look under, in this policy, on the next  
12 page, 5 of 6, under N, conclusion of facts.  
13 A Yes.  
14 Q Requires an investigation to be done and a  
15 determination reached as to founded or  
16 unfounded, right?  
17 A Correct.  
18 Q Were any of those things done in this case?  
19 A Not to me.  
20 Q You got no document from anyone in  
21 administration, the Mayor, the law director,  
22 Assistant Law Director Lobe, that came to a  
23 conclusion for council to decide whether it  
24 was true or not whether these charges are  
25 founded, unfounded, substantiated, nothing, right?

Page 445

1 A That's correct.  
2 MR. CONSOLO: Chief, I have nothing  
3 further for you. Thank you.  
4 THE WITNESS: Thank you.  
5 MR. ZICCARELLI: Cross-examination.  
6 MR. LALLO: Yes, sir.  
7 CROSS-EXAMINATION  
8 By Mr. Lallo:  
9 Q Chief.  
10 A How are you?  
11 Q Chief, you have Exhibit M in front of you,  
12 right?  
13 A M?  
14 Q Yes. You were just going over it.  
15 A Yes.  
16 Q So can you read the purpose?  
17 A "Purpose of this policy is to establish  
18 general procedures in addition to those  
19 provided in Kirtland Police Policies, written  
20 directives, Ohio Revised Code, and recognized  
21 throughout the Bargaining Agreement for  
22 reviewing citizen complaints, conducting  
23 internal affairs investigations and initiating  
24 corrective and/or disciplinary actions against  
25 agency personnel."

Page 446

1 Q Can you please read the supervisor's  
2 responsibility?  
3 A Nothing in this policy is meant to take away  
4 from the supervisor's responsibility of  
5 correcting, admonishing or reprimanding sworn  
6 personnel whenever it is warranted. Final  
7 disciplinary authority and responsibility  
8 rests with the chief of police, except for  
9 informal counseling, oral reprimands, and  
10 emergency administrative leaves. All agency  
11 discipline must be approved beforehand by the  
12 chief of police."  
13 Q Final disciplinary and authority and  
14 responsibility rests with the chief of police,  
15 right?  
16 A Okay. Yeah.  
17 Q What if there is a complaint against the  
18 chief?  
19 A I believe the safety director would have to do  
20 that.  
21 Q Does the policy say it?  
22 A No.  
23 Q So you talked about these cell phones, this  
24 flip phone, right?  
25 A Yes.

Page 447

1 Q You just testified, just a few minutes ago,  
2 that this phone is purely for personal use,  
3 correct?  
4 A No, I said it was for whatever use necessary.  
5 Q Actually you just testified that it was purely  
6 for personal use; is that correct?  
7 A She would have to read it back to me for what  
8 I clearly said.  
9 Q Did you have any municipal use of that cell  
10 phone, the flip phone, when you had it for  
11 that 30-day period?  
12 A I don't recall.  
13 Q Did you tell -- you testified previously you  
14 told Sergeant LaTurner that you wanted to use  
15 that phone because you didn't want your wife  
16 to see the text messages on your iPhone.  
17 A I didn't tell him that. I had a conversation  
18 with him regarding my cell phone. The offer  
19 was given to me regarding the use of the  
20 sergeant's cell phone by Sergeant LaTurner.  
21 Q So you're telling me that Sergeant LaTurner  
22 offered you the flip phone.  
23 A Correct.  
24 Q You testified now you -- I mean you heard  
25 Ms. Szary testify --

Page 448

1 A Yes.

2 Q -- that you instructed her to pay the bill.

3 A I did not instruct her to pay the bill. I

4 said I would --

5 Q I asked you the question. Did you hear her

6 testify to that?

7 A I heard her testify to the fact that she was

8 to pay the bill, yes.

9 Q You testified today that you said, I will take

10 care of it, correct?

11 A Correct.

12 Q Did you?

13 A No. I wasn't allowed.

14 Q Thank you.

15 A You're welcome.

16 Q You indicated also that this bill was -- that

17 this discussion occurred when you learned that

18 you were now an alcoholic.

19 A What discussion?

20 Q With Ms. Szary and the discussion about the

21 cell phones, and everything along those lines?

22 A Negative.

23 Q No, okay. I just wanted to make sure.

24 Because it was a little bit confusing when

25 that was brought up.

Page 449

1 Exhibit 7, do you have that in front of

2 you?

3 A I believe so.

4 Q Can we turn to 10.50. That is the rules and

5 regulations for the Kirtland Police

6 Department. While I've got you looking, do

7 you agree that you are subject to these rules?

8 A Of course.

9 Q Use of department equipment, it does indicate

10 that members shall utilize department

11 equipment only for its intended purpose,

12 correct?

13 A Yeah.

14 Q Now it's your testimony that this cell phone

15 is used for whatever reason you want.

16 A That's its intended purpose.

17 Q To use --

18 A To make telephone calls, text messages,

19 everything else on it, yes, that is what it

20 was for.

21 Q Then in accordance with established

22 departmental procedures?

23 A There are no procedures for the cell phone.

24 Q So now because there are no procedures, you

25 have carte blanche.

Page 450

1 A I didn't say that. Nothing that limits the

2 use of the phone.

3 Q But that's what you're implying.

4 A No, what I said was that there is no policy in

5 place for the use of the phone. So the phone

6 was given to us for whatever use needed.

7 Q How was it used previously?

8 A Couldn't tell you.

9 Q Let's look at the phone records.

10 A Okay. I'll look at the phone records from

11 October to March. I got it, go ahead.

12 Q Look at Exhibits 4 and 5.

13 A Okay.

14 Q That's the flip phone.

15 A Okay. Okay, got it.

16 Q Do you see that phone being used in the months

17 leading up to it, do you see that phone being

18 used?

19 A I'm not denying I used the phone. I'm not

20 denying the number that's on the phone.

21 Q What I'm saying is, do you see anybody else

22 using the phone and abusing the phone?

23 A No, I didn't see anybody using the phone.

24 Q Do you recall how many text messages you sent

25 to Councilwoman Wolfe in that 30-day period?

Page 451

1 A I have no clue. Is the term a lot acceptable?

2 Q Yes, sir.

3 A Thank you.

4 Q So you had testified today that you came to

5 the realization that you have a disease, in

6 April; is that correct?

7 A That's correct, yes.

8 Q Not in January?

9 A I didn't think I was an alcoholic. I

10 testified to that.

11 Q Not in February?

12 A Correct.

13 Q You didn't ask to take leave during January?

14 A It depends on what you're asking me. Leave as

15 in for medical reasons?

16 Q Correct.

17 A No.

18 Q Did you ask to take leave in February?

19 A No.

20 Q Did anybody suggest or offer that?

21 A Sergeant Fisher and I had a conversation in

22 April I thought, I could be wrong, forgive me,

23 for the days if that is not factual, where he

24 did mention if you want to take leave and

25 figure out your personal life, he did.

Page 452

1 Q Your personal life?  
 2 A Correct.  
 3 Q Did you ever ask for any accommodations for  
 4 your alcoholism?  
 5 A I did not.  
 6 Q Do you feel that because of this disease you  
 7 should be excused for drinking and driving?  
 8 A I didn't drink and drive, but no.  
 9 Q You testified that you had a beer, and then  
 10 you drove to Sergeant Fisher's home, and that  
 11 Councilwoman Wolfe had half of a White Claw  
 12 before driving, correct?  
 13 A That's correct.  
 14 Q So are you using your alcoholism as an excuse  
 15 for breaking the law?  
 16 A I'm not making excuses for myself. I'm just  
 17 here to tell you what happened.  
 18 Q When you take time off, do you have to notify  
 19 anybody that you are taking time off?  
 20 A No, I don't have to notify anyone.  
 21 Q If you are taking a vacation week --  
 22 A What I usually did, I said at this time I  
 23 didn't do that, but in the past I have  
 24 notified the sergeant, or I would notify my  
 25 assistant. I didn't have to do that.

Page 453

1 Q So in the past, your past practice is you  
 2 would notify people, tell them you are taking  
 3 a week off, correct?  
 4 A It depends on how far back you want to look.  
 5 Because in the past I would also not tell them  
 6 I was taking the time off.  
 7 Q So you would just take a week off and not show  
 8 up, and be MIA?  
 9 A No.  
 10 Q You would tell somebody, right?  
 11 A I've had conversations with them that I wasn't  
 12 going to be in in the week that you are  
 13 questioning. I still had contact with them.  
 14 Q Starting back in the first email that Mayor  
 15 Potter sent to you, in Exhibit F, he didn't  
 16 demand that you not talk to anybody, is that  
 17 fair to say? It's in the book.  
 18 A I've got to get to it. I don't want to  
 19 misspeak. It says -- your question was did it  
 20 demand that I not do it?  
 21 Q Correct.  
 22 A It says I am -- do not contact any employee of  
 23 the City of Kirtland and that you do not enter  
 24 onto the premises of any City of Kirtland  
 25 property.

Page 454

1 Q Can you please read the whole sentence?  
 2 A "I am requesting that you do not contact any  
 3 employee" --  
 4 Q He requested that.  
 5 A I thought I was reading the sentence.  
 6 Q Yes, sir. Keep going.  
 7 A I don't want to make it hostile either.  
 8 Q Yes, sir.  
 9 A "I am requesting that you do not contact any  
 10 employee of the City of Kirtland and that you  
 11 do not enter onto premises of any City of  
 12 Kirtland property." That was your question, I  
 13 answered it.  
 14 Q So he requested you not to do something,  
 15 correct?  
 16 A Well, his request was an order, wasn't it?  
 17 Q Is that correct though, he requested it?  
 18 A Yes, I received his request.  
 19 Q Thank you. Going back to the January  
 20 conversation with the Mayor, at that time you  
 21 testified you didn't know you were an  
 22 alcoholic, correct?  
 23 A Correct.  
 24 Q At that time you don't remember the Mayor  
 25 saying anything about not driving the City

Page 455

1 vehicle and drinking alcohol; is that correct?  
 2 A I do not recall that.  
 3 Q You don't recall. That doesn't mean he didn't  
 4 say anything like that, correct?  
 5 A Correct.  
 6 Q In the February conversation you were  
 7 explicitly warned about not driving the City  
 8 vehicle, correct?  
 9 A Would that be from you, or from the Mayor?  
 10 Q From me.  
 11 A Correct. You told me not to get caught  
 12 drinking and driving.  
 13 Q When you drive your City vehicle, do you  
 14 always have your air on 15?  
 15 A I do.  
 16 Q As you testified, there is times when you  
 17 drink alcohol and drive that vehicle, correct?  
 18 A I have, yes. Would you like to ask the  
 19 follow-up to that question?  
 20 Q No, sir.  
 21 A Don't want to ask that question? Okay.  
 22 Q So you also indicated that Mr. Smolic told you  
 23 it's okay to take your City vehicle for  
 24 personal use, and I forget if he said drink  
 25 and drive.

Page 456

1 A He said I can use it as I see fit. That's  
2 what they gave me the vehicle for.  
3 Q Is Mr. Smolic your boss? Is he the Safety  
4 Director?  
5 A No.  
6 Q Let's talk about this policy, Exhibit 12. So  
7 you wanted to include an exception under that  
8 first paragraph of guidelines to address the  
9 personal use; is that correct?  
10 A That was the request by the Fire Chief and I,  
11 yes.  
12 Q That's because you should be available and  
13 working 24 hours a day, correct?  
14 A Yes. Well, on call technically. You're  
15 technically not working.  
16 Q You're on call, okay. So the fact that -- so  
17 there is an exception in that paragraph right  
18 there as it relates to personal use, correct?  
19 A I guess.  
20 Q That says exceptions must be approved in  
21 advance by the mayor and/or police chief/fire  
22 chief, correct?  
23 A That is what is written, yes.  
24 Q Were there any exceptions approved in advance  
25 by the mayor, you, or the chief?

Page 457

1 A Apparently. I drove it. I'm the Chief. That  
2 is the whole point.  
3 Q Let's go to the third paragraph under  
4 guidelines starting nonemployees. There is  
5 another exception to that rule, correct, about  
6 express written consent and approval of the  
7 mayor, police chief, or fire chief; is that  
8 correct?  
9 A The third paragraph?  
10 Q Yup.  
11 A Yes.  
12 Q Okay. Now let's read that last paragraph on  
13 the bottom of the page.  
14 A "Additionally the City will not tolerate  
15 improper, careless, negligent, destructive,  
16 unauthorized or unsafe use of City vehicle  
17 pursuant to the following guideline."  
18 Q Are there any exceptions to that for the Chief  
19 in the following bullets?  
20 A I don't see it.  
21 Q What about the next paragraph, as it relates  
22 to "The employee shall not be in possession  
23 of, use, or be under the influence of  
24 alcohol." Is there an exception to that rule?  
25 A Not in that paragraph.

Page 458

1 Q Okay. What about the next paragraph, "It will  
2 be conclusively presumed that the employee is  
3 under the influence of such alcohol and/or  
4 drug if such alcohol or drug is used within  
5 six hours prior to carrying out such  
6 employment activities." Is there an exception  
7 in this?  
8 A No.  
9 Q In fact, if you go to the next sentence it  
10 says, "In any event no employee shall operate  
11 a City vehicle or City equipment," correct?  
12 A Correct.  
13 Q So in a couple paragraphs there is some  
14 exceptions listed, right, for the chief, and  
15 mayor, express written consent, right?  
16 A Yes.  
17 Q In others there is not, correct?  
18 A Okay.  
19 Q So what you are trying to tell us is that  
20 because of that one paragraph in the  
21 beginning, that one sentence in the beginning,  
22 that it allows you to drink and drive that  
23 City vehicle.  
24 A I'm saying that I was authorized for personal  
25 use of the vehicle by that first paragraph.

Page 459

1 Q Okay. But subject to certain limitations; is  
2 that fair to say?  
3 A That's fair.  
4 Q One of those limitations might be don't drink  
5 and drive; is that fair to say?  
6 A That is fair.  
7 Q Is another limitation don't have alcohol in  
8 your car; is that fair to say?  
9 A Yes.  
10 Q So is it fair to say you're in violation of  
11 this policy?  
12 A The way you are explaining it, yes.  
13 Q Let's look at Exhibit 7, your rules and  
14 regulations, Rule 10.17.  
15 A Okay.  
16 Q Isn't it true that this policy says members of  
17 the police department shall not store, or  
18 bring into any police facility or vehicle  
19 alcoholic beverages?  
20 A Sure does.  
21 Q Are you subject to these rules?  
22 A I am.  
23 Q The times that you had alcohol in your office,  
24 was that for training purposes?  
25 A No.

Page 460

1 Q So you previously testified that you drink in  
2 your office, correct?  
3 A I did.  
4 Q Are you in violation of this rule?  
5 A I am.  
6 Q Were you ever on duty and consumed alcohol in  
7 the station?  
8 A No.  
9 Q Do you recall an incident when the high school  
10 football team won state championships?  
11 A Yes.  
12 Q Were you in uniform?  
13 A No, I don't recall that, no.  
14 Q You don't recall?  
15 A I do not recall being in uniform.  
16 Q Do you recall what I'm talking about?  
17 A Which one?  
18 Q Did you drink a beer that was originally  
19 stored in your City-issued vehicle, taken to  
20 the freezer of the department, then consumed  
21 after the high school team won the game?  
22 A It's possible, but I don't recall what you are  
23 referencing. I mean that's possible.  
24 Q It's possible that happened?  
25 A It's possible, yes.

Page 461

1 Q So you also testified about drinking in your  
2 office, that people get bottles of liquor for  
3 special events, which is fairly common, but  
4 you're supposed to take that bottle home,  
5 correct?  
6 A Sure.  
7 Q It's not supposed to be stored in the office  
8 as it's in violation of 10.17, correct?  
9 A Yes.  
10 Q Do you think it's okay to drink alcohol in  
11 your office?  
12 A Depending on the situation.  
13 Q What does your boss think about you drinking  
14 in the office?  
15 A I would assume he would probably not permit  
16 that.  
17 Q Mr. Consolo discussed an email dated July 6th  
18 about you being ready, willing, and able to  
19 return to work; is that correct?  
20 A Yes, he did.  
21 Q You've since received a letter authored  
22 July 7th recommending your termination,  
23 correct?  
24 A If we're going to do the semantics thing, then  
25 no, my attorney received it.

Page 462

1 Q Again, just bringing it back to the night of  
2 April 13th, going to the 14th, you testified  
3 regarding a conversation with Mr. Fisher's,  
4 Sergeant Fisher's daughter. You don't recall  
5 anything inappropriate, do you recall saying  
6 that?  
7 A I do recall saying that.  
8 Q That doesn't mean you didn't say anything  
9 inappropriate, but you don't recall it,  
10 correct?  
11 A Correct.  
12 Q Do you recall urinating outside that night?  
13 A I do.  
14 Q If you saw -- if you were on patrol and you  
15 saw somebody urinating outside, in public,  
16 what would you do?  
17 A Tell them to take better cover. I'm confused  
18 on what you are asking.  
19 Q Is that a violation of the law?  
20 A Not if they take appropriate actions to  
21 conceal themselves.  
22 Q What about if you saw somebody driving with an  
23 open container?  
24 A I understand.  
25 Q What would you do?

Page 463

1 A I would stop them.  
2 Q Okay. And?  
3 A I would take action.  
4 Q Doing what?  
5 A Give them a ticket.  
6 Q Talking about Amy and Cindy, you indicate in  
7 your testimony that you were shocked that Amy  
8 spoke about that, right?  
9 A The way she spoke, yes.  
10 Q What about how Cindy confirmed it?  
11 A Cindy confirmed that she didn't think that the  
12 way I talked with Amy on a personal level was  
13 relevant, I would imagine. I didn't speak  
14 about how Cindy interpreted anything. I can't  
15 speak of how you interpret what I'm doing.  
16 Q Well, Cindy confirmed --  
17 A Cindy felt that my conversation with Amy at  
18 times was -- I can't remember the term she  
19 used, but stern. I don't remember what she  
20 said. Rough, brass, I don't know.  
21 Q Also talking about Ms. Buchanan's testimony  
22 about homosexual employees.  
23 A Okay.  
24 Q You testified that you didn't say anything  
25 about someone coming out of the closet.

Page 464

1 A Correct.  
 2 Q Ms. Buchanan never testified about that.  
 3 A Yes, she did.  
 4 Q She testified about somebody doing a sexual  
 5 act.  
 6 A No, she didn't. She made the comment that I  
 7 said something about LGB -- something you made  
 8 a mention about coming out of the closet. I  
 9 never said that. That's what I recall you  
 10 talking to her about from yesterday.  
 11 Q You also indicated in your testimony that you  
 12 don't recall ever telling somebody in an OPBA  
 13 meeting about your Mexican.  
 14 A Never.  
 15 Q You don't recall saying that, correct?  
 16 A No, I don't.  
 17 Q That doesn't mean you didn't say it.  
 18 A No, it doesn't. Doesn't mean he heard it  
 19 either though.  
 20 Q You also indicated about that Hispanic officer  
 21 that you tried to help him, you liked him,  
 22 correct?  
 23 A There is no doubt.  
 24 Q You also gave him a last chance contract.  
 25 A I did.

Page 465

1 Q Shortly before he left.  
 2 A I did.  
 3 Q You also didn't respond to use of the N word.  
 4 Did you ever say the N word while in the  
 5 station?  
 6 A I can't say I never did because I don't  
 7 recall. I can tell you this. I never used  
 8 any words relative to anybody's sex, color, or  
 9 religion regarding anything with them  
 10 personally or any other individual in my  
 11 department. I was against that. Everybody  
 12 knew that.  
 13 Q You're not denying that you said it.  
 14 A I can't.  
 15 Q Did you ever make a comment to a female  
 16 officer about how she looks in yoga pants?  
 17 A No, I don't recall that.  
 18 Q You indicated to your attorney that you never  
 19 had an opportunity to answer any questions  
 20 responding to this investigation; is that  
 21 correct?  
 22 A Correct.  
 23 Q Isn't it fair to say -- strike that.  
 24 Your attorney received all these  
 25 records and documents May 19th, correct?

Page 466

1 MR. CONSOLO: Objection. You can't  
 2 talk about any discussions we had, anything we  
 3 discussed.  
 4 MR. LALLO: I'm not talking about  
 5 any discussions, attorney-client privilege.  
 6 Q Are you aware that your attorney had all of  
 7 these records for the last two and a half  
 8 months?  
 9 A I'm aware that my attorney received the  
 10 charging documents, yes.  
 11 Q The charging documents?  
 12 A Correct.  
 13 Q You're also indicating you didn't know about  
 14 the investigation until you went to rehab,  
 15 correct?  
 16 A Correct.  
 17 Q Rehab was a few days after all these incidents  
 18 came to light, correct?  
 19 A Not correct. All those incidents did not come  
 20 to light until after I was in rehab. The only  
 21 thing that came to light was Sergeant Fisher's  
 22 video, to my knowledge.  
 23 Q Okay.  
 24 A I wasn't informed of that. I actually had to  
 25 hear that from another outside source.

Page 467

1 Q Who?  
 2 A I believe it was Chief Baumgart, because that  
 3 was the only contact I was allowed to have.  
 4 Q So your testimony today is Ms. Buchanan is  
 5 fabricating; is that correct?  
 6 MR. CONSOLO: Objection.  
 7 MR. ZICCARELLI: Let's just -- I'll  
 8 sustain the objection. Just you can probably  
 9 rephrase it.  
 10 Q So you disagree with Teresa Szary's testimony  
 11 about your instruction to her to pay the bill.  
 12 A Correct.  
 13 Q You disagree with Ms. Buchanan's  
 14 characterization of your demeanor towards her.  
 15 A Correct.  
 16 Q You disagree with Ms. Gabor's characterization  
 17 and comments towards her and the department.  
 18 A I never spoke about Ms. Gabor's statement.  
 19 Q You disagree with -- let's talk about this --  
 20 Sergeant LaTurner's testimony.  
 21 A Yes, I disagree with his testimony. It's  
 22 actually disheartening.  
 23 Q Was there ever a night when you and Ms. Wolfe  
 24 were in your office drinking?  
 25 A If we're referencing what Sergeant LaTurner

Page 468

1 was speaking about yesterday, I do not recall  
 2 anything in March regarding Ms. Wolfe and I  
 3 after drinking in my office. I don't remember  
 4 Sergeant LaTurner being anywhere near my  
 5 office when Ms. Wolfe was with me, number two.  
 6 What I can confirm, which I'm assuming  
 7 you are going with, is I did drive Ms. Wolfe  
 8 home in her personal car. I will admit that  
 9 she was intoxicated, and I felt the need to  
 10 take her home. I will admit that I asked  
 11 Sergeant LaTurner to pick me up. Sergeant  
 12 LaTurner brought me back to the station that I  
 13 recall.  
 14 I don't remember going into the office  
 15 with him drinking a glass of bourbon or not.  
 16 I don't recall it. I didn't say I didn't do  
 17 it. I don't recall it.  
 18 I remember the conversation with  
 19 Sergeant LaTurner was pretty joyful and  
 20 jubilant. We were kidding around. As a  
 21 matter of fact it was a little comical,  
 22 because I had to get in the back seat of the  
 23 car, because of the equipment that is in  
 24 front. So I don't remember him saying  
 25 anything about me smelling like alcohol until

Page 469

1 yesterday. I'm not sure exactly what more you  
 2 need for me to tell you on that, but I can  
 3 confirm those things.  
 4 Q So you testified just now that you don't  
 5 recall drinking in your office after the fact.  
 6 A What I'm saying is I don't recall Sergeant  
 7 LaTurner being in the office while I was  
 8 drinking, but it's possible.  
 9 Q Then you drove your City vehicle back home  
 10 then?  
 11 A I did.  
 12 Q Within six hours of consuming alcohol?  
 13 A I did not.  
 14 Q Excuse me?  
 15 A No, it wasn't six hours, so I did not. It was  
 16 sooner than that.  
 17 Q It was within six hours.  
 18 A Correct.  
 19 Q In violation of policy?  
 20 A Yes.  
 21 Q In violation of policy regarding alcohol in  
 22 your office as well, correct?  
 23 A Yes.  
 24 Q You're the Chief of Police, right?  
 25 A Yes.

Page 470

1 Q You're supposed to set an example being a  
 2 law-abiding citizen and follow the rules to a  
 3 T, correct?  
 4 A I would agree.  
 5 Q Do you think that violations of the policy  
 6 from you are setting a good example for your  
 7 brothers and sisters in blue?  
 8 A I think people make mistakes.  
 9 Q Do you agree these policies and procedures  
 10 also apply to off-duty behavior?  
 11 A Ask the question again because I'm not sure  
 12 what you're asking.  
 13 Q Did you agree that many of these policies and  
 14 procedures --  
 15 A We have policies and procedures in place for  
 16 how we are to act, yes.  
 17 Q They apply to when you are off duty?  
 18 A Yes.  
 19 Q Chief, I want to ask you two last  
 20 questions. Back to Exhibit 12, bottom of  
 21 page 2, the very last sentence. Can you  
 22 please read that?  
 23 A Page 2, last sentence?  
 24 Q Yes, sir.  
 25 A "Violators of this policy may be subject" --

Page 471

1 may be subject -- "to discipline action,  
 2 including termination."  
 3 Q Can you go to Exhibit 7, rules and  
 4 regulations, 10.73. The first sentence of  
 5 that, please.  
 6 A "Violations of any of these rules shall be  
 7 sufficient cause for counseling, reprimand,  
 8 suspension, and/or dismissal of any member of  
 9 the police department."  
 10 Q You've admitted to violating both the vehicle  
 11 use policy and various rules and regulations  
 12 as well, correct?  
 13 A I did.  
 14 MR. LALLO: Thank you. I have  
 15 nothing further.  
 16 MR. ZICCARELLI: Redirect.  
 17 REDIRECT EXAMINATION  
 18 By Mr. Consolo:  
 19 Q Chief, go back to Plaintiff's Exhibit, City  
 20 Exhibit 12, the vehicle use policy.  
 21 A Yes.  
 22 Q Before you so readily agree to violating it,  
 23 let's really look at it. So the middle  
 24 paragraph says if required to operate a  
 25 vehicle. See where I am there on page 2?

Page 472

1 A Page 2, sorry. Yes.  
 2 Q Second line. "The employee during the time of  
 3 employment" --  
 4 A Yes.  
 5 Q See that phrase?  
 6 A Yes.  
 7 Q April 13, 14 you weren't on employment,  
 8 correct?  
 9 A Correct.  
 10 Q You didn't violate this policy, correct?  
 11 A Correct.  
 12 Q Underneath that, the it will be conclusively  
 13 presumed paragraph, the six hours, second  
 14 line, six hours prior to carrying out such  
 15 employment activities. You were not engaged  
 16 in any employment activities at Sergeant  
 17 Fisher's house, were you?  
 18 A No.  
 19 Q You were not engaged in any employment  
 20 activities when you took the Councilwoman home  
 21 that night, that you just talked about,  
 22 correct?  
 23 A Correct.  
 24 Q In fact, Chief, you have never driven a  
 25 vehicle while impaired in the City, correct?

Page 473

1 You've never been impaired and operated a  
 2 vehicle.  
 3 A Correct.  
 4 Q You're a police officer.  
 5 A Correct.  
 6 Q People can have one beer, two beers, and get  
 7 pulled over, they are not impaired under the  
 8 law; isn't that true?  
 9 A Correct.  
 10 Q So there is no evidence being brought against  
 11 you you've ever been impaired.  
 12 A Correct.  
 13 Q Last paragraph that Mr. Lallo pointed you to  
 14 in the procedure book, 10.73.  
 15 MR. ZICCARELLI: Exhibit 7.  
 16 Q Exhibit 7, thank you. Talks about -- first it  
 17 talks about in the middle violations of  
 18 section 1.4.34 of the Ohio Revised Code.  
 19 A Yes.  
 20 Q You see that? Have you ever been put on  
 21 notice you're being charged with that section  
 22 of the Revised Code?  
 23 A No.  
 24 Q But putting that aside, the first sentence  
 25 talks about discipline as far as counseling.

Page 474

1 A Yes.  
 2 Q Chief, would you accept counseling as a  
 3 disposition of this matter against you?  
 4 A Absolutely.  
 5 Q Would you accept a reprimand?  
 6 A Absolutely.  
 7 Q Would you accept a suspension?  
 8 A Absolutely.  
 9 Q Chief, do you regret any of the things that  
 10 happened here? Are you sorry for any of this?  
 11 A Absolutely. You have no idea.  
 12 Q Well, tell us. That is why I'm asking. Tell  
 13 the council.  
 14 A I didn't realize where this -- or my actions  
 15 progressed into, my disease and my alcohol  
 16 use. I never thought any of that would have  
 17 ever come to light.  
 18 I mean they've testified, we all know  
 19 how it stands. Been to every one of their  
 20 houses, drank with them all, all the time. We  
 21 were all the same.  
 22 In the position of the Chief, I agree,  
 23 I'm held to the same standard as everybody.  
 24 That being said, being held to the same  
 25 standard, if anyone of them came in and did

Page 475

1 the same thing, I wouldn't terminate them. I  
 2 would discipline them, absolutely. Deserving  
 3 of it. I readily admit that. Give me a  
 4 second --  
 5 MR. ZICCARELLI: Take your time.  
 6 A But to be drug through the mud the way I was,  
 7 being accused of all these things, how  
 8 horrible I am, it ain't worth it at all. Kind  
 9 of sad that it went to that. I was willing to  
 10 talk. I was willing to do what was right. I  
 11 made a mistake. I admit it.  
 12 I don't feel termination is warranted  
 13 for somebody that has a problem, especially  
 14 somebody who never got a reprimand in his  
 15 career, not one. Not even any counseling  
 16 session, through a multitude of chiefs that  
 17 were here.  
 18 I didn't realize how big a problem I  
 19 had. I guess that goes with some of that --  
 20 just the nature of who you are. I didn't rise  
 21 to the Chief of Police because I was not  
 22 capable of doing this position. I held it for  
 23 four and a half years.  
 24 I'm a very good Chief. I am a very  
 25 good police officer. I made mistakes. We've

Page 476

1 all made mistakes.  
 2 I think there was a comment made  
 3 that -- I don't want to rehash the whole  
 4 thing, somebody said, I think Sergeant Fisher  
 5 made the comment yesterday that punishment  
 6 wasn't warranted for a civil rights violation.  
 7 Just sitting here now, somebody having an  
 8 alcohol problem, readily admitting it,  
 9 voluntarily going to correct it, doesn't  
 10 warrant getting terminated for it.  
 11 I deserve discipline, absolutely. Not  
 12 to be treated like that. I didn't even get  
 13 into rehab that first day when they put that  
 14 memo out about whatever he wants to claim it  
 15 was.  
 16 I say it, in my opinion, this is a  
 17 witch hunt from day one. I think he was  
 18 looking for whatever he could get. When I say  
 19 he, when I say Kevin Potter, I think all of  
 20 this came when I admitted I had a problem. I  
 21 don't know if he knew how to handle it or not.  
 22 I'm not going to even speculate about his  
 23 disease or what he's going through. But I  
 24 know I wouldn't have done that to him.  
 25 I know being in AA you don't turn your

Page 477

1 back on another member who is an alcoholic who  
 2 readily admits he's got a problem. You reach  
 3 out and help them every way you can. You  
 4 don't kick him when he's down. You don't  
 5 concoct some kind of bullshit investigation --  
 6 excuse my language. I'm sorry.  
 7 Then, you know, some of the stuff is  
 8 presented to you, some isn't. It don't matter  
 9 because in his mind he wants me gone. I don't  
 10 think that's right. I never misrepresented  
 11 the police department. I never used the  
 12 police department as an #####  
 13 it as an excuse now. I made a mistake. I  
 14 deserved to get punished. I don't deserve  
 15 termination.  
 16 MR. CONSOLO: Thank you, Chief.  
 17 MR. ZICCARELLI: Anything further?  
 18 MR. LALLO: No, sir.  
 19 MR. ZICCARELLI: Chief, you may step  
 20 down. Thank you.  
 21 THE WITNESS: Thank you.  
 22 MR. ZICCARELLI: Any other witnesses?  
 23 MR. CONSOLO: No. We rest upon  
 24 introduction of the Chief's exhibits, A  
 25 through N, I believe.

Page 478

1 MR. ZICCARELLI: Any objection,  
 2 Mr. Lallo?  
 3 MR. LALLO: I believe there  
 4 was -- bear with me a second. I don't believe  
 5 K was ever authenticated. That was used I  
 6 believe with Mayor Potter and that was pulled  
 7 back because he never authenticated it or was  
 8 aware of it.  
 9 MR. CONSOLO: You said he wasn't  
 10 sure because he had so many things in his  
 11 office. It's part of the personnel files you  
 12 provided to us. I'm not sure what the dispute  
 13 is.  
 14 MR. ZICCARELLI: I'm going to exclude  
 15 Defendant's Exhibit K. I don't think it has  
 16 any relevance to the hearing. Other than  
 17 that, the rest of the exhibits are admitted.  
 18 So we find that the evidence part of  
 19 this hearing is now closed. Both sides now  
 20 have an opportunity to present what they call  
 21 a closing statement, to give me the reasons  
 22 why they think their position is correct. I  
 23 would like to take a break. People need to go  
 24 to the bathroom. I would like to talk to  
 25 council while we take a break.

Page 479

1 (Recess taken)  
 2 MR. ZICCARELLI: We are, as I  
 3 indicated before, we have now closed the  
 4 evidentiary part of this hearing. The  
 5 evidence that has been submitted is both the  
 6 testimony of the witnesses and the written  
 7 documentation, exhibits that were submitted  
 8 both by attorneys for the Mayor and for the  
 9 Chief, and that is what the council will  
 10 consider. But before the council considers  
 11 any evidence, all sides have the right to give  
 12 us a closing argument. The attorneys,  
 13 everybody has heard or listened to the  
 14 evidence, the attorneys have agreed to limit  
 15 their closing arguments to five minutes.  
 16 Mr. Lallo representing the Mayor, which  
 17 is in this case the plaintiff, he gets to go  
 18 first with his closing argument. Mr. Lallo,  
 19 you may start.  
 20 MR. LALLO: Thank you.  
 21 Council, this whole process is not  
 22 about terminating somebody because of his  
 23 alcoholism, because of his disease. This  
 24 process has been brought about because of  
 25 violations of our policies, our procedures,

Page 480

1 and the law.

2 The Chief is asking you to excuse his

3 actions because of his disease. We just can't

4 do that. You heard testimony from a number of

5 witnesses as to why.

6 First, I want to make sure everyone

7 acknowledges in January he was counseled by

8 the Mayor. You can't be drinking and driving.

9 There was not an admission of being an

10 alcoholic at that time, no request for leave,

11 no request for any reasonable accommodations.

12 In February, he was counseled by the

13 Law Director. There is no evidence to any

14 confidential concern therefore there is no

15 investigation; however, names were provided

16 for marital counseling and some alcohol

17 counseling. There was no admission of being

18 an alcoholic, no request for leave, no request

19 for a reasonable accommodation.

20 In April, the City received evidence of

21 a blatant violation of its rules and the law,

22 in April. And that is when the City had to

23 take action. He was counseled twice within a

24 three-month period about the same issues.

25 What he's trying to get you to say is, you

Page 481

1 know what, you're an alcoholic, we're going to

2 give you a free pass. That's what he's trying

3 to say.

4 But what happened now is three days

5 later the City receives a letter from the OPBA

6 asking for an investigation about a number of

7 issues. Number one, drinking and driving a

8 City vehicle. But other issues. Hostile

9 workplace. Potential other issues. Leaving

10 the workplace without notifying anybody. Just

11 leaving the duty post. There was a number of

12 allegations that were brought forth in that

13 letter. Some were unfounded. Some were.

14 This is not a witch hunt brought about

15 by the OPBA and the members of the Kirtland

16 Police Department because as you heard from

17 testimony, members of the police department

18 who are not members of the OPBA testified.

19 You had Clerk Buchanan, not a member of

20 the OPBA. In fact, as the Chief testified

21 today, he's a Godparent to one of her kids.

22 How do you think she feels coming up here

23 testifying as to their relationship and how he

24 treated her and how he mocked her, and

25 belittled her and made her feel? Nobody wants

Page 482

1 to go to work that way.

2 How do you think Ms. Gabor feels that

3 she has to counsel her boss on not swearing,

4 and using proper decorum in that police

5 department? It should be the other way

6 around. He should be setting the example for

7 everybody else.

8 Police officers are held to a higher

9 standard. The Chief of Police should be held

10 to a higher standard.

11 Again, this is not a conspiracy theory

12 from the OPBA trying to oust the Chief. If

13 you recall, Sergeant Fisher testified when he

14 saw this video the next day, he called other

15 people outside of the City asking for advice.

16 He went to Chief Hutton. He broke the chain

17 of command. He was supposed to go to the

18 Safety Director, the Mayor. He didn't want to

19 because he didn't want to get him in trouble.

20 He didn't know what to do. He went to Chief

21 Hutton. And who ultimately reported to the

22 Mayor? Chief Hutton had to swallow that pill.

23 Not a member of the OPBA. So this is not a

24 conspiracy. Not some contrived event to get

25 him out of here.

Page 483

1 You know, a wise lawyer once said, when

2 you have good facts, pound the facts. In this

3 case you heard testimony from Clerk Buchanan

4 about a hostile workplace, about statements,

5 cussing, flipping the finger at everybody,

6 saying the N word, dropping the F bomb, racial

7 statements about other employees. Didn't deny

8 them. Chief had an opportunity to deny it

9 never did. Just didn't recall saying it.

10 Sexual statements, making vulgar

11 statements to a homosexual employee.

12 Uncontroverted testimony about drinking

13 alcohol on post. Other statements from his

14 staff he was MIA, missing in action, and not

15 doing his job. Lying to certain subordinates

16 about the use of his cell phone.

17 Misappropriating the cell phone purely for

18 personal use. Racking an excess phone bill,

19 directing the City to pay for it. Drinking

20 and driving. Driving with an open container.

21 Urinating in public. A lot of that is conduct

22 unbecoming of an officer. It's immoral

23 conduct. It's criminal.

24 The Chief of Police is your head of the

25 department, a public figure for the City. Do

Page 484

1 you want your chief to be doing this day in  
2 and day out? If you permit him to continue on  
3 as chief, you affirm that this behavior is  
4 acceptable.  
5 This is the not the City of Faith and  
6 Beauty. This is not what Kirtland is. That  
7 wise lawyer once said if you have good law,  
8 pound the law.  
9 You have acts unbecoming an officer.  
10 It is both off duty and on. Not just on duty,  
11 off duty. Does this behavior reflect most  
12 favorably on the department? Bring the  
13 department into disrepute, reflect discredit  
14 upon him? Impair the operation or efficiency  
15 of the department.  
16 After seeing all this evidence, and if  
17 you fail to remove the Chief for cause, this  
18 can truly cause a cascading effect.  
19 A person is now pulled over for an open  
20 container and drinking while driving, says,  
21 wait a minute ago, the Chief got off. Why  
22 can't I? Why am I getting cited? That is  
23 going to undercut every case that we have in  
24 this city. Doesn't that impair the operation  
25 and efficiency of the city?

Page 485

1 What about the vehicle equipment use  
2 policy, immoral conduct? He must maintain a  
3 level of moral conduct in his personal and  
4 business affairs. Shall not participate in  
5 any incident involving moral turpitude.  
6 Neglect of duty. Leaving the duty post. He  
7 was MIA. You heard that from people. They  
8 were all scrambling to try to work together  
9 and try to help do his job while there were  
10 times when he was gone.  
11 Alcoholic beverages in the police  
12 installations. Shall not store at any police  
13 facility alcoholic beverages. You heard him  
14 admit he's drinking in the office. I don't  
15 care if others did it. He's the Chief. He's  
16 got to set the right example. It all flows  
17 down from him.  
18 Shall not store in any police vehicle  
19 alcoholic beverages. We all heard evidence,  
20 he admitted. You had Ms. Gabor admit there  
21 were prior times where he had alcohol in his  
22 vehicle.  
23 Use of alcohol off duty. You saw the  
24 video. Does that discredit him, the  
25 department when that rendered him unfit to

Page 486

1 report to work the next day?  
2 MR. ZICCARELLI: I don't want to  
3 interrupt you but you have one minute.  
4 MR. LALLO: Yes, sir.  
5 If he can't get fired for stealing,  
6 using the N word, lying, breaking the law,  
7 then what can a person be fired for?  
8 If he's not removed for this  
9 misconduct, how can one expect the public to  
10 respect our police department, our city? How  
11 can one expect our City to move forward from  
12 this?  
13 I know Chief Nosse indicated that AA  
14 members don't turn their back on each other,  
15 but what about the Mayor's obligation to the  
16 City, and to the taxpayers to uphold the law,  
17 to uphold his oath of office?  
18 As a result of all this, we do feel  
19 that he's been in violation of a number of  
20 policies of the law. He might even be in  
21 violation of a felony, theft in office.  
22 That's serious. The fact that we even have to  
23 consider that is serious. We don't need that  
24 here in the City.  
25 I feel that pursuant to the statute,

Page 487

1 pursuant to the ordinance, he's guilty of  
2 misfeasance, malfeasance, nonfeasance,  
3 misconduct in office and should be terminated  
4 for just cause. He's guilty of any one or all  
5 of these. You don't need to satisfy all of  
6 them, just one.  
7 MR. ZICCARELLI: Thank you, Mr. Lallo.  
8 Mr. Consolo.  
9 MR. CONSOLO: Council, I can't tell  
10 you how much we appreciate your time. I know  
11 this has been a lot of work. Thank you.  
12 Thank you for putting up with us. Thank you  
13 for agreeing to listen to us.  
14 I didn't think I would hear what I just  
15 heard there. We as a lawyers aren't allowed  
16 to threaten criminal action in a civil  
17 proceeding. I just heard that while  
18 threatening the Chief with a felony for \$88.  
19 I'm sorry it has come to that.  
20 Just look at your charging document.  
21 That's all I want you to look at. That's all  
22 I want you to focus on when you consider this.  
23 Charge one says he is alleged to have  
24 consumed alcohol prior to driving City-issued  
25 motor vehicle April 13, 14. He said he did

Page 488

1 it, but it's not a violation of the policy.  
 2 He wasn't on duty that entire week. He didn't  
 3 have anywhere to go the next week. There is  
 4 nothing to support that charge.  
 5 Says in there he operated a motor  
 6 vehicle with an open container in violation of  
 7 the law. Nothing to prove that. There is no  
 8 open container violation on the Chief.  
 9 The second charge, unbecoming conduct.  
 10 Again, it's all based on the April 13, April  
 11 14 incident, right? He's admitted he was an  
 12 alcoholic. He admitted he had a problem,  
 13 right?  
 14 So again, driving in a City-issued  
 15 vehicle and his actions on private property at  
 16 Mr. Fisher's house. Private property. He's  
 17 not out in public. He's not in the parking  
 18 lot of a bar urinating. He's not doing any of  
 19 that. He's at his friend's house.  
 20 Second part of that, what evidence did  
 21 you really hear of vulgar hand gestures,  
 22 vulgar language, verbal abuse, LBGTQ comments,  
 23 racial comments? You just heard conclusions.  
 24 You heard and they said, well, I overheard the  
 25 N word or I overheard the LBGTQ. Nobody came

Page 489

1 in here before you and said, I'm a Hispanic  
 2 member of the force and the Chief racially  
 3 discriminated against me. Where was that  
 4 officer? Where was the officer who's sexual  
 5 orientation? Nobody came before you. There  
 6 is no evidence of this before you.  
 7 Charge three, lying about the cell  
 8 phone use, and the sergeant's phone. There is  
 9 no lying. He told you what it was used for.  
 10 I know some of you were looking at these  
 11 documents, Exhibit 5, the flip phone, with all  
 12 the text messages, right, all those pages. I  
 13 saw some of you going through it. But pay  
 14 attention. What is that last column? To,  
 15 from. We have no idea how many texts the  
 16 Chief made or was it the Councilwoman texting  
 17 him all the time? You have no way of  
 18 determining that.  
 19 You also have no way of determining, I  
 20 can't even tell you what this means if you  
 21 read this document. All these different  
 22 times, and they are all one after another.  
 23 What does this document mean? Nobody came  
 24 before you to explain it to you. You have no  
 25 idea what this means.

Page 490

1 The rules and regulations. I pointed  
 2 out to you the statutory or the operating  
 3 procedures. This is what they want you to go  
 4 by, Exhibit 7, rules and regulations. But  
 5 nowhere in here will you find guidance on how  
 6 to conduct an investigation. It's not in  
 7 here. It's in the operating procedures.  
 8 There was no fair independent investigation  
 9 done.  
 10 Folks, bottom line I'm going to leave  
 11 you with, the charges are not founded. The  
 12 term is unfounded. If you look at the  
 13 standard operating procedures, there hasn't  
 14 been any evidence put before you. I'm not  
 15 going to go through it all again. But no  
 16 investigation was done, no conclusion reached  
 17 for you to say, okay, I affirm that, I deny  
 18 that. They brought the investigation here  
 19 without any conclusion for you to decide on.  
 20 As the Chief said, he summed it up the  
 21 best, it's not fair, termination for this.  
 22 Admitted that he was an alcoholic. He's  
 23 trying to turn his life around. That is what  
 24 you should take into consideration here.  
 25 Thank you.

Page 491

1 MR. ZICCARELLI: Thank you,  
 2 Mr. Consolo.  
 3 At this time we have heard the closing  
 4 arguments of counsel. This matter is now  
 5 closed. As any jury, any legislative body  
 6 acting as a jury, they have evidence that they  
 7 are entitled to review. I believe there will  
 8 be a motion from the council to review the  
 9 evidence, go into executive session.  
 10 PRESIDENT LOWERY: At this time,  
 11 Council, we have the opportunity to go into  
 12 executive session to discuss the termination  
 13 of Lance Nosse. No further business will be  
 14 discussed. I need a motion for us to move to  
 15 executive session.  
 16 MR. SCHULZ: So moved.  
 17 MR. CONSOLO: Council, just so I  
 18 can make the record, my objection to moving  
 19 into executive session I think that violates  
 20 Chief Nosse's rights under the Sunshine Law,  
 21 as we stated, his request this hearing be  
 22 completely public. So I want to make my  
 23 objection for the record. Thank you.  
 24 PRESIDENT LOWERY: We have a motion.  
 25 MR. SMOLIC: Second.

Page 492

1 PRESIDENT LOWERY: Thank you.  
 2 Ms. Roelle, call the roll, please.  
 3 MS. ROELLE: Ms. Wolfe?  
 4 MS. WOLFE: Yes.  
 5 MS. ROELLE: Mr. Haymer?  
 6 MR. HAYMER: Yes.  
 7 MS. ROELLE: Mr. Lesnick?  
 8 MR. LESNICK: Yes.  
 9 MS. ROELLE: Mr. Lowery?  
 10 PRESIDENT LOWERY: Yes.  
 11 MS. ROELLE: Mr. Ruple?  
 12 MR. RUPLE: Yes.  
 13 MS. ROELLE: Mr. Schulz?  
 14 MR. SCHULZ: Yes.  
 15 MR. SMOLIC: Yes.  
 16 MR. ZICCARELLI: Just for the record,  
 17 both counsel were advised that the -- both  
 18 attorneys, I hate to keep using counsel  
 19 because they get mixed up -- both attorneys  
 20 are aware that council requested to review the  
 21 evidence. Specifically they wanted to take a  
 22 look at the video, and it was -- the  
 23 television is a little large, they could not  
 24 see it as well so they wanted to go and review  
 25 that. That's the reason they wish to go into

Page 493

1 executive session, so we would like to take I  
 2 believe the --  
 3 MR. LALLO: Exhibit 9.  
 4 MR. ZICCARELLI: Thank you, Exhibit 9.  
 5 (Council went into executive session)  
 6 PRESIDENT LOWERY: Ms. Roelle, for the  
 7 record, executive session was completed at  
 8 10:11 this evening. Eleven minutes after  
 9 10:00.  
 10 So at 10:17 we're back into regular  
 11 session of the hearing for Lance Nosse's  
 12 termination.  
 13 MR. ZICCARELLI: After conducting a  
 14 hearing pursuant to the Kirtland Codified  
 15 Ordinance and the Ohio Revised Code, upon the  
 16 Mayor's request dated July 7, 2021 to  
 17 terminate Chief Lance Nosse, the Council will  
 18 now vote to determine whether Chief Nosse  
 19 should be terminated.  
 20 An affirmative vote by the Council is a  
 21 vote to concur in his termination. A negative  
 22 vote, or a no vote, is a vote not to terminate  
 23 Chief Lance Nosse.  
 24 If President of Council will do a count  
 25 or a roll call, please.

Page 494

1 PRESIDENT LOWERY: Thank you. Council,  
 2 anymore discussion prior to the vote, the roll  
 3 call? Hearing none. Ms. Roelle, call the  
 4 roll, please.  
 5 MS. ROELLE: Ms. Wolfe?  
 6 MS. WOLFE: As Chief Nosse is a  
 7 28-year veteran of the Kirtland Police  
 8 Department who had an exemplary record,  
 9 admitted he had a problem, took actions to  
 10 correct those, dealt with the mental health  
 11 issues, alcoholism, I feel a person who sits  
 12 here today is a different person. I don't  
 13 agree that termination should be the only  
 14 discipline action that we look at. As a place  
 15 that has been testified where we take care of  
 16 our own, I don't feel termination does that.  
 17 I believe that we should have explored other  
 18 options, such as a last chance agreement or  
 19 even a demotion. So it is for those reasons,  
 20 I vote no.  
 21 MS. ROELLE: Mr. Haymer?  
 22 MR. HAYMER: Yes.  
 23 MS. ROELLE: Mr. Lesnick?  
 24 MR. LESNICK: Yes.  
 25 MS. ROELLE: Mr. Lowery?

Page 495

1 PRESIDENT LOWERY: Yes.  
 2 MS. ROELLE: Mr. Ruple?  
 3 MR. RUPLE: Yes.  
 4 MS. ROELLE: Mr. Schulz?  
 5 MR. SCHULZ: Yes.  
 6 MS. ROELLE: Mr. Smolic?  
 7 MR. SMOLIC: Yes.  
 8 PRESIDENT LOWERY: Roll call is  
 9 complete. The answer is yes, Mr. Nosse is  
 10 terminated. Any thoughts, comments?  
 11 MR. ZICCARELLI: Not my position to  
 12 have any comments so.  
 13 MR. LESNICK: Motion to adjourn.  
 14 PRESIDENT LOWERY: I hand it back to  
 15 you.  
 16 Motion to adjourn is on the table.  
 17 MR. SMOLIC: Second.  
 18 PRESIDENT LOWERY: Second by  
 19 Mr. Smolic. All in favor?  
 20 MR. LESNICK: Aye.  
 21 PRESIDENT LOWERY: Any opposed? Thank  
 22 you.  
 23 MR. ZICCARELLI: Just for the record,  
 24 the court reporter has all of the exhibits, so  
 25 whatever, she has the exhibits.

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(Meeting concluded at 10:20 p.m.)

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State of Ohio, )  
) SS:  
County of Cuyahoga. )

CERTIFICATE

This certifies that the foregoing is a true and correct transcript of the proceedings had before the Kirtland City Council, on August 3, 2021, commencing at 6:00 p.m.

In Re:  
Termination of Police Chief Lance Nosse

\_\_\_\_\_  
COURT REPORTER  
FINCUN-MANCINI COURT REPORTERS  
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	464:5;470:16	<b>advice (1)</b> 482:15	<b>alcoholic (20)</b> 376:23;389:16; 397:21,22;421:19; 431:19;443:17;448:18; 451:9;454:22;459:19; 477:1;480:10,18; 481:1;485:11,13,19; 488:12;490:22	383:18;415:25
<b>#</b>	<b>acting (1)</b> 491:6	<b>advised (1)</b> 492:17	<b>alcoholism (5)</b> 384:9;452:4,14; 479:23;494:11	<b>apply (2)</b> 470:10,17
##### (1) 477:12	<b>action (7)</b> 438:4;463:3;471:1; 480:23;483:14;487:16; 494:14	<b>affairs (2)</b> 445:23;485:4	<b>allegations (5)</b> 434:22;440:2; 443:24;444:2;481:12	<b>appreciate (1)</b> 487:10
<b>\$</b>	<b>actions (6)</b> 445:24;462:20; 474:14;480:3;488:15; 494:9	<b>affecting (1)</b> 422:5	<b>alleged (2)</b> 434:22;487:23	<b>approached (1)</b> 385:4
<b>\$88 (2)</b> 430:3;487:18	<b>active (1)</b> 440:15	<b>affidavits (1)</b> 436:16	<b>allowed (8)</b> 384:13;386:23; 391:16,17,25;448:13; 467:3;487:15	<b>appropriate (2)</b> 441:17;462:20
<b>A</b>	<b>activities (4)</b> 458:6;472:15,16,20	<b>affirm (2)</b> 484:3;490:17	<b>allows (1)</b> 458:22	<b>approval (3)</b> 406:15;415:21;457:6
<b>AA (5)</b> 388:5,10;398:19; 476:25;486:13	<b>acts (1)</b> 484:9	<b>affirmative (1)</b> 493:20	<b>almost (1)</b> 411:4	<b>approved (3)</b> 446:11;456:20,24
<b>ability (1)</b> 399:13	<b>actually (14)</b> 377:7;380:10; 384:11;390:25;393:17; 399:21;414:10;424:4; 427:18;430:23;435:20; 447:5;466:24;467:22	<b>afternoon (2)</b> 381:1;407:19	<b>along (5)</b> 375:4;417:14;428:9; 434:1;448:21	<b>April (28)</b> 377:1,5,22;383:19; 384:23;385:6;386:14, 16;389:12;390:20; 393:14;394:3;395:17; 404:18;407:18,19,20, 20;411:18;451:6,22; 462:2;472:7;480:20, 22;487:25;488:10,10
<b>able (8)</b> 388:20;392:2;395:2; 422:15;429:4,8; 434:15;461:18	<b>Adam (1)</b> 399:10	<b>again (15)</b> 382:23;392:24; 395:2;403:14;409:6; 418:17;421:21;429:16; 436:14;462:1;470:11; 482:11;488:10,14; 490:15	<b>although (4)</b> 377:7;403:18; 434:11;440:10	<b>areas (1)</b> 423:19
<b>abruptly (2)</b> 418:23,24	<b>addition (1)</b> 445:18	<b>against (13)</b> 412:13;429:4; 433:19;435:1,2;438:4; 441:5;445:24;446:17; 465:11;473:10;474:3; 489:3	<b>armed (1)</b> 387:15	<b>argument (2)</b> 479:12,18
<b>Absolutely (12)</b> 388:12,24;397:22; 421:5;424:24;438:9; 474:4,6,8,11;475:2; 476:11	<b>Additional (1)</b> 457:14	<b>age (1)</b> 376:3	<b>ammended (1)</b> 415:19	<b>arguments (2)</b> 479:15;491:4
<b>abuse (4)</b> 376:20;399:9; 421:18;488:22	<b>address (1)</b> 456:8	<b>agency (2)</b> 445:25;446:10	<b>always (12)</b> 410:25;416:13,24; 421:11,17;423:8,9,22; 425:15;434:17;439:6; 455:14	<b>around (15)</b> 378:19;379:24; 381:2;382:15;386:14; 403:7;404:4;408:11; 420:20;423:21;439:22; 440:10;468:20;482:6; 490:23
<b>abusing (1)</b> 450:22	<b>admission (2)</b> 480:9,17	<b>ago (4)</b> 411:19;415:18; 447:1;484:21	<b>amended (1)</b> 415:19	<b>arrangements (5)</b> 380:17;381:6;408:9; 409:1;432:2
<b>accept (4)</b> 380:7;474:2,5,7	<b>admittance (1)</b> 386:2	<b>agree (7)</b> 449:7;470:4,9,13; 471:22;474:22;494:13	<b>ammunition (1)</b> 422:10	<b>arrived (2)</b> 413:1,4
<b>acceptable (2)</b> 451:1;484:4	<b>admits (1)</b> 477:2	<b>agreed (2)</b> 409:19;479:14	<b>Amy (13)</b> 433:22,23,24,25; 434:12;435:4,25; 436:22;438:12;463:6, 7,12,17	<b>aside (4)</b> 416:3;421:15; 430:16;473:24
<b>accepted (1)</b> 417:11	<b>admitted (21)</b> 377:22;379:21; 385:14;386:5;397:8,8, 11,12;405:15;411:1; 413:18;441:6;443:17; 471:10;476:20;478:17; 485:20;488:11,12; 490:22;494:9	<b>agreeing (1)</b> 487:13	<b>answered (1)</b> 454:13	<b>assistance (5)</b> 387:11;405:1; 406:10,22;407:15
<b>accepting (1)</b> 403:18	<b>admission (2)</b> 480:9,17	<b>Agreement (2)</b> 445:21;494:18	<b>anyways (1)</b> 392:15	<b>assistant (11)</b> 423:10;425:4,15; 426:18;429:22;430:5, 22;431:7;438:6; 444:22;452:25
<b>access (2)</b> 435:20,20	<b>admittance (1)</b> 386:2	<b>ahead (8)</b> 375:6;389:9;393:9; 408:21;419:9;429:11; 441:23;450:11	<b>apparent (1)</b> 379:16	<b>assistant's (1)</b> 428:5
<b>accommodation (1)</b> 480:19	<b>admitted (21)</b> 377:22;379:21; 385:14;386:5;397:8,8, 11,12;405:15;411:1; 413:18;441:6;443:17; 471:10;476:20;478:17; 485:20;488:11,12; 490:22;494:9	<b>ain't (1)</b> 475:8	<b>apparently (4)</b> 413:17;431:3;436:1; 457:1	<b>Association (1)</b> 425:24
<b>accommodations (2)</b> 452:3;480:11	<b>admits (1)</b> 477:2	<b>air (1)</b> 455:14	<b>APPEARANCES (1)</b> 373:1	<b>assume (3)</b> 401:5,9;461:15
<b>accord (1)</b> 435:21	<b>admittance (1)</b> 386:2	<b>alcohol (26)</b> 376:20;382:22; 387:10;399:9;405:10, 24;421:18;455:1,17; 457:24;458:3,4;459:7, 23;460:6;461:10; 468:25;469:12,21; 474:15;476:8;480:16; 483:13;485:21,23; 487:24	<b>appeared (1)</b> 382:23	<b>assuming (1)</b> 468:6
<b>accordance (1)</b> 449:21	<b>admission (2)</b> 480:9,17		<b>appears (2)</b>	<b>ate (1)</b> 409:15
<b>According (1)</b> 442:11	<b>admittance (1)</b> 386:2			
<b>accurate (3)</b> 388:22;417:24,25	<b>admitted (21)</b> 377:22;379:21; 385:14;386:5;397:8,8, 11,12;405:15;411:1; 413:18;441:6;443:17; 471:10;476:20;478:17; 485:20;488:11,12; 490:22;494:9			
<b>accurately (1)</b> 425:8	<b>admits (1)</b> 477:2			
<b>accused (1)</b> 475:7	<b>admittance (1)</b> 386:2			
<b>acknowledges (1)</b> 480:7	<b>admission (2)</b> 480:9,17			
<b>act (2)</b>	<b>admittance (1)</b> 386:2			

<p><b>attending (1)</b> 380:12</p> <p><b>attention (3)</b> 426:13;443:1;489:14</p> <p><b>attorney (9)</b> 391:18;393:19; 399:10;404:11;461:25; 465:18,24;466:6,9</p> <p><b>attorney-client (1)</b> 466:5</p> <p><b>attorneys (5)</b> 479:8,12,14;492:18, 19</p> <p><b>audio (1)</b> 411:8</p> <p><b>August (2)</b> 372:15;497:7</p> <p><b>authenticated (2)</b> 478:5,7</p> <p><b>authored (1)</b> 461:21</p> <p><b>authority (2)</b> 446:7,13</p> <p><b>authorized (1)</b> 458:24</p> <p><b>available (10)</b> 381:24,25;382:2; 385:21;410:25;415:9; 422:12;423:2;425:1; 456:12</p> <p><b>avenues (1)</b> 388:2</p> <p><b>aware (6)</b> 407:11;441:5;466:6, 9;478:8;492:20</p> <p><b>away (4)</b> 400:21;410:6;412:6; 446:3</p> <p><b>Aye (1)</b> 495:20</p>	<p>414:1;488:18</p> <p><b>Bargaining (1)</b> 445:21</p> <p><b>bars (5)</b> 398:1,8;400:19,21; 404:13</p> <p><b>based (2)</b> 393:6;488:10</p> <p><b>Basic (1)</b> 393:8</p> <p><b>Basically (36)</b> 377:9,12,17;379:9; 380:13;382:17,25; 384:3;387:5;388:1,2; 390:10,11;391:6; 392:2,12,16,19,24; 393:21;396:16;400:19; 404:14,15;409:8,13,19, 25;413:21;415:6,12, 23;419:16;428:14; 436:21;442:16</p> <p><b>bat (1)</b> 412:17</p> <p><b>bathroom (2)</b> 441:13;478:24</p> <p><b>Baumgart (12)</b> 378:4,16;379:2; 380:18;381:11;391:20; 403:4;404:23;425:14; 428:3,7;467:2</p> <p><b>Beachwood (1)</b> 381:9</p> <p><b>bear (1)</b> 478:4</p> <p><b>beat (2)</b> 395:14;412:11</p> <p><b>beating (1)</b> 412:8</p> <p><b>Beauty (1)</b> 484:6</p> <p><b>became (1)</b> 376:8</p> <p><b>becomes (1)</b> 433:19</p> <p><b>bed (7)</b> 378:10;379:7; 381:23;385:10,20; 420:8,19</p> <p><b>beer (12)</b> 409:21;410:22; 411:10,10,17;412:6; 417:10,11;418:6; 452:9;460:18;473:6</p> <p><b>beers (3)</b> 410:3;411:12;473:6</p> <p><b>beforehand (1)</b> 446:11</p> <p><b>beginning (3)</b> 386:22;458:21,21</p> <p><b>behalf (3)</b> 373:4;375:9;394:23</p> <p><b>behavior (3)</b> 470:10;484:3,11</p>	<p><b>behind (1)</b> 413:4</p> <p><b>belabor (1)</b> 377:20</p> <p><b>belittled (3)</b> 434:10,23;481:25</p> <p><b>belong (1)</b> 425:18</p> <p><b>beneficial (1)</b> 402:17</p> <p><b>best (5)</b> 394:4,5;436:20; 442:15;490:21</p> <p><b>better (4)</b> 391:10;426:1;431:5; 462:17</p> <p><b>beverage (1)</b> 440:21</p> <p><b>beverages (4)</b> 459:19;485:11,13,19</p> <p><b>big (3)</b> 398:9;411:19;475:18</p> <p><b>biggest (2)</b> 404:14;437:5</p> <p><b>bill (14)</b> 426:22,23;427:24; 430:5,10;431:8,24; 433:13;448:2,3,8,16; 467:11;483:18</p> <p><b>binder (1)</b> 383:11</p> <p><b>birthday (1)</b> 441:1</p> <p><b>birthdays (1)</b> 440:8</p> <p><b>bit (9)</b> 379:23;380:16; 400:3;409:5;410:1; 411:7;417:5;440:2; 448:24</p> <p><b>bite (2)</b> 408:10;409:4</p> <p><b>blanche (1)</b> 449:25</p> <p><b>blatant (1)</b> 480:21</p> <p><b>blood (1)</b> 395:10</p> <p><b>blue (1)</b> 470:7</p> <p><b>body (1)</b> 491:5</p> <p><b>bomb (2)</b> 440:15;483:6</p> <p><b>book (9)</b> 383:10,13;388:13; 389:7;399:2;406:3; 443:2;453:17;473:14</p> <p><b>boss (3)</b> 456:3;461:13;482:3</p> <p><b>both (14)</b> 379:6;402:20;407:8; 409:10;417:10;420:17;</p>	<p>471:10;478:19;479:5, 8;484:10;492:17,17,19</p> <p><b>bottle (1)</b> 461:4</p> <p><b>bottles (2)</b> 440:7;461:2</p> <p><b>bottom (4)</b> 377:1;457:13; 470:20;490:10</p> <p><b>bought (1)</b> 409:21</p> <p><b>bourbon (2)</b> 440:21;468:15</p> <p><b>box (1)</b> 406:17</p> <p><b>boyfriend (1)</b> 412:20</p> <p><b>brand (1)</b> 418:3</p> <p><b>brass (1)</b> 463:20</p> <p><b>break (6)</b> 433:12;441:13,15, 18;478:23,25</p> <p><b>breakfast (1)</b> 426:2</p> <p><b>breaking (2)</b> 452:15;486:6</p> <p><b>brief (3)</b> 379:8;384:17;415:16</p> <p><b>briefly (2)</b> 390:23;428:23</p> <p><b>bring (4)</b> 417:2;436:8;459:18; 484:12</p> <p><b>bringing (1)</b> 462:1</p> <p><b>broke (1)</b> 482:16</p> <p><b>broken (2)</b> 427:6,7</p> <p><b>brother (2)</b> 403:20;434:4</p> <p><b>brothers (1)</b> 470:7</p> <p><b>brought (13)</b> 381:11;415:15; 428:1,6,18;429:3; 448:25;468:12;473:10; 479:24;481:12,14; 490:18</p> <p><b>Buchanan (6)</b> 425:6;433:22;464:2; 467:4;481:19;483:3</p> <p><b>Buchanan's (2)</b> 463:21;467:13</p> <p><b>budget (3)</b> 395:19,25;422:14</p> <p><b>bugs (1)</b> 437:8</p> <p><b>building (1)</b> 423:14</p> <p><b>bullets (1)</b></p>	<p>457:19</p> <p><b>bullshit (1)</b> 477:5</p> <p><b>business (4)</b> 426:12;442:23; 485:4;491:13</p> <p><b>buy (1)</b> 440:7</p>
<b>C</b>				
<p><b>Call (21)</b> 375:23,25;382:4; 384:14;385:19;401:11; 402:20;410:14,18; 413:20;417:9;426:1,9; 456:14,16;478:20; 492:2;493:25;494:3,3; 495:8</p> <p><b>called (20)</b> 378:11,16,17;379:1; 381:14;382:14,19; 385:16;389:23;393:18; 399:23;402:20,21; 403:12;404:2;413:2; 430:8;439:23;440:16; 482:14</p> <p><b>calling (2)</b> 413:23;427:15</p> <p><b>calls (9)</b> 378:3;392:15; 427:11;429:15;431:17; 432:13;436:17;444:6; 449:18</p> <p><b>came (41)</b> 378:14;381:17,22; 387:10;402:1,5,8,10; 405:23;414:20;417:7; 419:7;423:10,21,25; 424:4;426:11,14; 427:17;428:3;429:10; 430:11,21;431:7; 438:1,19,21;439:8,18, 24;440:20;444:22; 451:4;466:18,21; 474:17,25;476:20; 488:25;489:5,23</p> <p><b>can (39)</b> 377:10;388:2,3,5,6, 6;390:23;394:24; 395:9;405:1;410:6; 411:16,17;414:17; 416:3;432:6;434:19; 435:20;437:24;441:15; 442:17;445:16;446:1; 449:4;454:1;456:1; 465:7;467:8;468:6; 469:2;470:21;471:3; 473:6;477:3;484:18; 486:7,9,11;491:18</p> <p><b>cans (1)</b> 412:6</p> <p><b>capable (2)</b></p>				

<p>434:12;475:22  <b>car (20)</b>                  380:18,19,19;                  400:18;404:15;410:4,                  13;411:11;412:5,21;                  413:6,11,12,19;414:2,                  7;428:14;459:8;468:8,                  23  <b>cards (2)</b>                  430:20;432:16  <b>care (26)</b>                  387:7;402:24;405:7;                  410:7,20;423:8,20,22;                  424:2,6,11,20,22;                  426:5,8,12,23;432:6;                  433:9,15;434:18,19;                  436:20;448:10;485:15;                  494:15  <b>cared (1)</b>                  391:11  <b>career (1)</b>                  475:15  <b>careless (1)</b>                  457:15  <b>carrying (2)</b>                  458:5;472:14  <b>carte (1)</b>                  449:25  <b>Carter (2)</b>                  380:5;403:3  <b>cascading (1)</b>                  484:18  <b>case (10)</b>                  400:3;419:20;                  427:21,22;435:22;                  440:8;444:18;479:17;                  483:3;484:23  <b>cases (1)</b>                  435:6  <b>caught (2)</b>                  404:15;455:11  <b>cause (4)</b>                  471:7;484:17,18;                  487:4  <b>celebrate (1)</b>                  441:2  <b>cell (17)</b>                  426:16;427:22,24;                  429:12;432:18,22,24;                  446:23;447:9,18,20;                  448:21;449:14,23;                  483:16,17;489:7  <b>Center (1)</b>                  424:20  <b>certain (3)</b>                  423:25;459:1;483:15  <b>certified (1)</b>                  376:4  <b>certifies (1)</b>                  497:5  <b>chain (2)</b>                  388:14;482:16  <b>Chaloupka (2)</b></p>	<p>399:10;404:6  <b>championships (1)</b>                  460:10  <b>chance (2)</b>                  464:24;494:18  <b>change (1)</b>                  412:1  <b>changeover (1)</b>                  435:18  <b>characterization (2)</b>                  467:14,16  <b>Chardon (2)</b>                  386:10,20  <b>charge (6)</b>                  428:2;430:10;                  487:23;488:4,9;489:7  <b>charged (2)</b>                  433:4;473:21  <b>charges (4)</b>                  429:3;433:19;                  444:24;490:11  <b>charging (4)</b>                  444:6;466:10,11;                  487:20  <b>chatted (1)</b>                  379:22  <b>check (2)</b>                  425:11;433:7  <b>checked (1)</b>                  425:14  <b>checking (1)</b>                  427:21  <b>Chief (85)</b>                  372:6;373:6;375:25;                  376:8,14,20;378:4,4,                  16,16;379:2;380:1,22;                  381:11;383:2;388:21;                  389:22;390:15,16;                  395:14;404:22,23;                  414:23;415:22;421:8;                  425:14;428:3,6,23;                  441:25;442:25;445:2,                  9,11;446:8,12,14,18;                  456:10,22,25;457:1,7,                  7,18;458:14;467:2;                  469:24;470:19;471:19;                  472:24;474:2,9,22;                  475:21,24;477:16,19;                  479:9;480:2;481:20;                  482:9,12,16,20,22;                  483:8,24;484:1,3,17,                  21;485:15;486:13;                  487:18;488:8;489:2,                  16;490:20;491:20;                  493:17,18,23;494:6;                  497:11  <b>chief/fire (2)</b>                  415:22;456:21  <b>chiefs (1)</b>                  475:16  <b>Chief's (4)</b>                  425:23;427:2;440:3;                  477:24</p>	<p><b>child (1)</b>                  434:6  <b>children (1)</b>                  434:1  <b>Chillicothe (1)</b>                  372:14  <b>chips (1)</b>                  420:11  <b>choice (1)</b>                  418:3  <b>Christie (5)</b>                  410:16;412:18;                  417:10;420:1,15  <b>Christmas (1)</b>                  440:8  <b>Cindy (7)</b>                  438:6;463:6,10,11,                  14,16,17  <b>circumstances (1)</b>                  377:25  <b>cited (1)</b>                  484:22  <b>cities (1)</b>                  426:11  <b>citizen (2)</b>                  445:22;470:2  <b>CITY (66)</b>                  372:1,13,14;375:9;                  376:18;380:19,19;                  384:6,7;391:19;                  396:11;398:8,12,13;                  400:18;403:21;404:15,                  21;407:1,16;413:15,17,                  25;414:5;421:17;                  423:14;424:12,20;                  425:19;427:23;429:2;                  430:21;442:3,12,23;                  453:23,24;454:10,11,                  25;455:7,13,23;457:14,                  16;458:11,11,23;                  469:9;471:19;472:25;                  480:20,22;481:5,8;                  482:15;483:19,25;                  484:5,24,25;486:10,11,                  16,24;497:7  <b>City-issued (3)</b>                  460:19;487:24;                  488:14  <b>City's (2)</b>                  388:21;414:15  <b>civil (2)</b>                  476:6;487:16  <b>claim (1)</b>                  476:14  <b>claimed (1)</b>                  438:20  <b>claims (1)</b>                  399:10  <b>Claw (4)</b>                  409:22,23;410:2;                  452:11  <b>Claws (1)</b>                  413:9</p>	<p><b>clean (4)</b>                  417:16;423:3,9,17  <b>cleaned (4)</b>                  423:7,16,19;424:10  <b>cleaner (1)</b>                  424:13  <b>cleaning (4)</b>                  423:13;424:5,10,23  <b>clear (4)</b>                  378:6,6,19;419:3  <b>cleared (2)</b>                  380:23;381:5  <b>clearly (2)</b>                  412:9;447:8  <b>Clerk (4)</b>                  373:14;425:5;                  481:19;483:3  <b>Cleveland (1)</b>                  497:18.5  <b>client (1)</b>                  441:23  <b>clients (4)</b>                  380:8;385:18;401:5;                  403:18  <b>Clint (2)</b>                  433:25;434:3  <b>close (10)</b>                  380:8,9;395:8;405:5;                  418:18;434:2,5;                  436:12;439:5,21  <b>closed (3)</b>                  478:19;479:3;491:5  <b>closet (3)</b>                  437:1;463:25;464:8  <b>closing (5)</b>                  478:21;479:12,15,                  18;491:3  <b>clue (2)</b>                  436:25;451:1  <b>Code (4)</b>                  445:20;473:18,22;                  493:15  <b>Codified (1)</b>                  493:14  <b>colleague (1)</b>                  375:6  <b>College (1)</b>                  440:14  <b>color (1)</b>                  465:8  <b>column (1)</b>                  489:14  <b>comical (1)</b>                  468:21  <b>coming (8)</b>                  376:13;390:9;423:6;                  426:7;437:15;463:25;                  464:8;481:22  <b>command (1)</b>                  482:17  <b>commencing (1)</b>                  497:8  <b>comment (11)</b></p>	<p>404:14;418:15;                  419:1;422:11;436:23;                  437:23;439:20;464:6;                  465:15;476:2,5  <b>comments (9)</b>                  398:6;404:24;                  413:21;438:16;467:17;                  488:22,23;495:10,12  <b>common (5)</b>                  398:18;423:18;                  428:14;440:6;461:3  <b>communication (3)</b>                  380:10;391:2;394:21  <b>community (4)</b>                  421:8;424:20;426:9;                  440:14  <b>companies (1)</b>                  436:17  <b>compiling (1)</b>                  431:8  <b>complain (1)</b>                  435:4  <b>complaint (10)</b>                  396:16,21;397:1,4;                  401:14,22;402:1,2;                  437:20;446:17  <b>complaints (10)</b>                  402:3;435:1,2,2,7,9,                  10,12,12;445:22  <b>complete (1)</b>                  495:9  <b>completed (2)</b>                  387:23;493:7  <b>completely (1)</b>                  491:22  <b>comprehend (2)</b>                  392:2;395:12  <b>comprehended (2)</b>                  390:7;393:2  <b>computers (1)</b>                  432:17  <b>conceal (1)</b>                  462:21  <b>concern (5)</b>                  379:12;396:17;                  400:7;415:18;480:14  <b>concerned (2)</b>                  378:5;391:9  <b>concerning (4)</b>                  391:2;400:6;413:25;                  442:23  <b>concerns (4)</b>                  399:7,17,19;415:15  <b>concluded (2)</b>                  375:10;496:1  <b>conclusion (4)</b>                  444:12,23;490:16,19  <b>conclusions (1)</b>                  488:23  <b>conclusively (2)</b>                  458:2;472:12  <b>concoct (1)</b>                  477:5</p>
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<p><b>concur (1)</b> 493:21</p> <p><b>conduct (6)</b> 483:21,23;485:2,3; 488:9;490:6</p> <p><b>conducting (2)</b> 445:22;493:13</p> <p><b>confidential (1)</b> 480:14</p> <p><b>confirm (6)</b> 385:20;394:25; 397:15;405:2;468:6; 469:3</p> <p><b>confirmation (1)</b> 434:8</p> <p><b>confirmed (3)</b> 463:10,11,16</p> <p><b>confronted (1)</b> 438:7</p> <p><b>confused (2)</b> 423:24;462:17</p> <p><b>confusing (2)</b> 401:25;448:24</p> <p><b>consent (4)</b> 393:25;394:7;457:6; 458:15</p> <p><b>consider (4)</b> 393:9;479:10; 486:23;487:22</p> <p><b>consideration (1)</b> 490:24</p> <p><b>considered (1)</b> 434:3</p> <p><b>considers (1)</b> 479:10</p> <p><b>Consolo (22)</b> 373:4;375:20,22,25; 376:7;389:7;441:9,14, 22,24;445:2;461:17; 466:1;467:6;471:18; 477:16,23;478:9; 487:8,9;491:2,17</p> <p><b>conspiracy (2)</b> 482:11,24</p> <p><b>constantly (1)</b> 427:11</p> <p><b>consumed (3)</b> 460:6,20;487:24</p> <p><b>consuming (1)</b> 469:12</p> <p><b>contact (16)</b> 380:3;384:5;389:24; 390:12;391:15;392:1, 8;400:5;403:11,16; 408:8;453:13,22; 454:2,9;467:3</p> <p><b>contacted (3)</b> 390:24,25;392:11</p> <p><b>contained (1)</b> 443:20</p> <p><b>container (5)</b> 462:23;483:20; 484:20;488:6,8</p>	<p><b>contemplated (1)</b> 415:16</p> <p><b>context (2)</b> 408:13;438:21</p> <p><b>continue (3)</b> 388:1;409:20;484:2</p> <p><b>contract (2)</b> 396:5;464:24</p> <p><b>contradicted (1)</b> 415:3</p> <p><b>contrived (1)</b> 482:24</p> <p><b>control (2)</b> 427:24,25</p> <p><b>convenient (1)</b> 409:17</p> <p><b>conversation (32)</b> 379:8;382:16;383:1, 23;384:17;390:2; 392:13;393:2,22; 394:2;398:3;404:5; 405:19;409:9;411:3,6; 412:4;416:13,23,24; 417:13;419:4,12,24; 429:21;447:17;451:21; 454:20;455:6;462:3; 463:17;468:18</p> <p><b>conversations (12)</b> 392:14;393:8; 403:13;405:4;409:14; 413:24;434:13;436:5, 13,15;437:3;453:11</p> <p><b>convulsing (1)</b> 421:23</p> <p><b>copied (1)</b> 383:19</p> <p><b>Corillo (1)</b> 438:24</p> <p><b>correcting (1)</b> 446:5</p> <p><b>correction (1)</b> 376:18</p> <p><b>corrective (1)</b> 445:24</p> <p><b>correlate (1)</b> 390:6</p> <p><b>couch (3)</b> 419:2,4,5</p> <p><b>Council (44)</b> 372:13;373:7,8,9,10, 11,12,13,14;377:14,21, 25;387:3;388:16; 395:23;397:7;398:14; 406:9;407:23;408:5; 413:13;415:2;420:1; 426:21;433:23;440:4; 441:11;444:23;474:13; 478:25;479:9,10,21; 487:9;491:8,11,17; 492:20;493:5,17,20,24; 494:1;497:7</p> <p><b>Councilman (1)</b> 413:25</p>	<p><b>councilman's (2)</b> 396:17;397:7</p> <p><b>councilmen's (1)</b> 398:7</p> <p><b>Councilwoman (17)</b> 408:14;412:25; 416:8,21;417:3,15; 418:8,25;419:21; 420:17;421:6;427:16; 442:23;450:25;452:11; 472:20;489:16</p> <p><b>Counsel (6)</b> 389:7;394:19;482:3; 491:4;492:17,18</p> <p><b>Counsel/Referee (1)</b> 373:2</p> <p><b>counseled (3)</b> 480:7,12,23</p> <p><b>counseling (9)</b> 388:6;398:24;446:9; 471:7;473:25;474:2; 475:15;480:16,17</p> <p><b>counselor (1)</b> 388:9</p> <p><b>count (1)</b> 493:24</p> <p><b>countless (1)</b> 425:10</p> <p><b>County (2)</b> 425:23;497:2</p> <p><b>couple (8)</b> 381:22;409:5;410:3; 411:18;412:6;415:25; 426:14;458:13</p> <p><b>course (2)</b> 436:11;449:8</p> <p><b>court (3)</b> 495:24;497:16,17</p> <p><b>cover (1)</b> 462:17</p> <p><b>covered (1)</b> 436:19</p> <p><b>COVID (2)</b> 402:24;403:14</p> <p><b>criminal (2)</b> 483:23;487:16</p> <p><b>CROSS (1)</b> 374:2</p> <p><b>crossed (1)</b> 417:1</p> <p><b>cross-examination (3)</b> 375:11;445:5,7</p> <p><b>current (1)</b> 381:24</p> <p><b>cussing (1)</b> 483:5</p> <p><b>Cuyahoga (1)</b> 497:2</p>	<p><b>date (2)</b> 406:15;443:9</p> <p><b>dated (4)</b> 385:6;404:1;461:17; 493:16</p> <p><b>dates (1)</b> 386:15</p> <p><b>daughter (3)</b> 412:19;418:16;462:4</p> <p><b>daughter's (1)</b> 418:19</p> <p><b>day (23)</b> 377:11;378:7; 385:18;393:17;401:12; 407:24;408:7,8; 415:10;419:3;421:12; 423:16;430:16,17,18; 440:11;456:13;476:13, 17;482:14;484:1,2; 486:1</p> <p><b>days (7)</b> 377:16;401:12; 423:15;426:9;451:23; 466:17;481:4</p> <p><b>deal (1)</b> 398:9</p> <p><b>dealings (1)</b> 439:2</p> <p><b>deals (3)</b> 406:21;407:14;443:5</p> <p><b>dealt (1)</b> 494:10</p> <p><b>December (1)</b> 408:25</p> <p><b>decide (2)</b> 444:23;490:19</p> <p><b>decided (2)</b> 387:13;409:16</p> <p><b>decision (1)</b> 422:5</p> <p><b>decorum (1)</b> 482:4</p> <p><b>DEFENDANT'S (6)</b> 374:7;383:14; 388:14;389:8;406:4; 478:15</p> <p><b>DEFENSE (1)</b> 374:2</p> <p><b>definitely (2)</b> 382:3,5</p> <p><b>degraded (1)</b> 434:23</p> <p><b>demand (3)</b> 412:11;453:16,20</p> <p><b>demeanor (1)</b> 467:14</p> <p><b>demotion (1)</b> 494:19</p> <p><b>denial (1)</b> 397:20</p> <p><b>denied (1)</b> 397:13</p> <p><b>Denise (1)</b> 373:14</p>	<p><b>deny (5)</b> 397:6,15;483:7,8; 490:17</p> <p><b>denying (3)</b> 450:19,20;465:13</p> <p><b>department (51)</b> 376:11;396:1,10; 402:9,11;405:23,25; 406:14;407:9,12; 421:10,12,16;422:6,21; 423:16;424:2,13,19,21; 428:6,12;432:19; 437:6,13,19;438:14; 439:10;440:18;442:8, 11;449:6,9,10;459:17; 460:20;465:11;467:17; 471:9;477:11,12; 481:16,17;482:5; 483:25;484:12,13,15; 485:25;486:10;494:8</p> <p><b>departmental (1)</b> 449:22</p> <p><b>Depending (1)</b> 461:12</p> <p><b>depends (2)</b> 451:14;453:4</p> <p><b>derogatory (1)</b> 418:17</p> <p><b>deserve (2)</b> 476:11;477:14</p> <p><b>deserved (1)</b> 477:14</p> <p><b>Deserving (1)</b> 475:2</p> <p><b>desk (1)</b> 401:2</p> <p><b>destroyed (1)</b> 442:19</p> <p><b>destructive (1)</b> 457:15</p> <p><b>detail (1)</b> 392:13</p> <p><b>details (1)</b> 404:10</p> <p><b>determination (1)</b> 444:15</p> <p><b>determine (1)</b> 493:18</p> <p><b>determining (2)</b> 489:18,19</p> <p><b>deto (1)</b> 380:23</p> <p><b>dictated (1)</b> 396:7</p> <p><b>die (1)</b> 382:12</p> <p><b>different (4)</b> 389:5;415:25; 489:21;494:12</p> <p><b>diligently (1)</b> 422:17</p> <p><b>dinner (1)</b></p>
		<b>D</b>		
		<b>damning (1)</b> 392:20		

<p>415:11 <b>DIRECT (4)</b> 374:2;376:6;426:13; 442:25 <b>directed (1)</b> 426:21 <b>directing (1)</b> 483:19 <b>directives (1)</b> 445:20 <b>directly (1)</b> 401:6 <b>Director (28)</b> 373:3;383:7,19; 384:16;388:16;389:4; 391:20;392:8;393:12; 395:6;396:13;399:6, 15,19;401:17,22;402:8, 15;403:25;404:9; 407:10;429:6;444:21, 22;446:19;456:4; 480:13;482:18 <b>Director/Prosecutor (1)</b> 391:1 <b>disagree (5)</b> 467:10,13,16,19,21 <b>disciplinary (3)</b> 445:24;446:7,13 <b>discipline (6)</b> 446:11;471:1; 473:25;475:2;476:11; 494:14 <b>discredit (2)</b> 484:13;485:24 <b>discriminated (1)</b> 489:3 <b>discuss (5)</b> 399:17,19,20; 434:15;491:12 <b>discussed (5)</b> 409:12;432:13; 461:17;466:3;491:14 <b>discussion (6)</b> 375:4;390:11; 448:17,19,20;494:2 <b>discussions (2)</b> 466:2,5 <b>disease (6)</b> 451:5;452:6;474:15; 476:23;479:23;480:3 <b>disheartening (1)</b> 467:22 <b>dismissal (1)</b> 471:8 <b>dispatch (5)</b> 425:5,6;428:13; 432:21,22 <b>disposition (1)</b> 474:3 <b>dispute (1)</b> 478:12 <b>disrepute (1)</b> 484:13</p>	<p><b>distract (1)</b> 421:7 <b>Divine (1)</b> 434:7 <b>divulge (1)</b> 442:18 <b>document (6)</b> 406:6;444:6,20; 487:20;489:21,23 <b>documentation (1)</b> 479:7 <b>documents (6)</b> 393:23;435:23; 465:25;466:10,11; 489:11 <b>done (9)</b> 409:2;421:11;425:7, 15;444:14,18;476:24; 490:9,16 <b>donors (1)</b> 422:20 <b>door (6)</b> 378:22;379:3,6; 412:7,8,11 <b>doors (1)</b> 387:16 <b>double (2)</b> 425:11,13 <b>doubt (1)</b> 464:23 <b>down (14)</b> 396:15;399:16,20; 401:2,11;403:25; 412:8,11;419:18; 433:12;436:9;477:4, 20;485:17 <b>drank (6)</b> 410:2;411:11; 419:23;422:1;441:7; 474:20 <b>drink (24)</b> 382:10;397:23; 398:13,14;400:18,20; 411:10,15,17;414:7; 419:22,22;421:24; 422:2;440:11;441:3; 452:8;455:17,24; 458:22;459:4;460:1, 18;461:10 <b>drinking (33)</b> 390:3;396:18;397:9, 13;398:2,6,7,16; 399:11;400:7,22; 404:15;414:1;418:1,9; 421:22;440:3;452:7; 455:1,12;461:1,13; 467:24;468:3,15; 469:5,8;480:8;481:7; 483:12,19;484:20; 485:14 <b>drive (12)</b> 380:18;397:16,18; 400:18,20;452:8;</p>	<p>455:13,17,25;458:22; 459:5;468:7 <b>driven (1)</b> 472:24 <b>driveway (8)</b> 411:5,9,11,12;412:2, 21;413:7;420:19 <b>driving (17)</b> 390:3;396:20; 398:12;409:17;452:7, 12;454:25;455:7,12; 462:22;480:8;481:7; 483:20,20;484:20; 487:24;488:14 <b>drop (1)</b> 427:11 <b>dropped (1)</b> 410:12 <b>dropping (1)</b> 483:6 <b>drove (4)</b> 380:21;452:10; 457:1;469:9 <b>drug (3)</b> 458:4,4;475:6 <b>drugs (1)</b> 387:10 <b>drunk (2)</b> 397:17;419:18 <b>duly (1)</b> 376:3 <b>dumbfounded (1)</b> 434:11 <b>during (12)</b> 390:25;392:4,9; 393:17;395:19,25; 397:19;404:21;412:15; 435:17;451:13;472:2 <b>duties (1)</b> 388:21 <b>duty (15)</b> 383:8;399:9;409:7; 422:1,3;460:6;470:17; 481:11;484:10,10,11; 485:6,6,23;488:2 <b>dynamics (1)</b> 412:22</p>	<p>389:12;443:9 <b>effectively (1)</b> 399:13 <b>efficiency (2)</b> 484:14,25 <b>effort (1)</b> 424:4 <b>eight (1)</b> 385:24 <b>either (4)</b> 410:10;433:14; 454:7;464:19 <b>elephant (2)</b> 413:13;427:14 <b>Eleven (1)</b> 493:8 <b>else (5)</b> 400:15;401:17; 449:19;450:21;482:7 <b>email (13)</b> 382:18;383:3,9,18; 385:6;388:14;392:1; 399:4;400:5;403:24; 404:1;453:14;461:17 email@fincunmancinicom (1) 497:19.5 <b>emailed (1)</b> 383:22 <b>emails (2)</b> 427:10;429:15 <b>emergency (2)</b> 403:22;446:10 <b>emotionally (1)</b> 395:13 <b>employed (2)</b> 396:7;424:13 <b>employee (16)</b> 406:10,21;407:15; 423:23;424:7,19; 443:6,19;453:22; 454:3,10;457:22; 458:2,10;472:2;483:11 <b>employees (3)</b> 384:5;463:22;483:7 <b>employment (6)</b> 458:6;472:3,7,15,16, 19 <b>end (5)</b> 379:20;386:22; 387:22;419:10;441:4 <b>ended (3)</b> 398:4;414:10;433:17 <b>enforcement (1)</b> 380:3 <b>engaged (2)</b> 472:15,19 <b>enjoyed (1)</b> 437:15 <b>enter (4)</b> 380:23;384:6; 453:23;454:11 <b>entered (1)</b> 379:6</p>	<p><b>entire (2)</b> 434:2;488:2 <b>entitled (1)</b> 491:7 <b>entry (1)</b> 412:11 <b>environment (2)</b> 437:7,18 <b>equipment (5)</b> 449:9,11;458:11; 468:23;485:1 <b>equivalent (2)</b> 396:8,9 <b>ER (1)</b> 380:22 <b>erased (1)</b> 442:19 <b>erasing (1)</b> 442:1 <b>especially (1)</b> 475:13 <b>Esq (3)</b> 373:2,3,4 <b>establish (1)</b> 445:17 <b>established (1)</b> 449:21 <b>Euclid (1)</b> 376:19 <b>even (15)</b> 382:25;395:8;417:5; 425:14;435:3,17; 442:12,14;475:15; 476:12,22;486:20,22; 489:20;494:19 <b>evening (6)</b> 375:2;381:4,17; 440:17,22;493:8 <b>event (4)</b> 404:18;440:16; 458:10;482:24 <b>events (5)</b> 384:1,2;426:6;440:5; 461:3 <b>eventually (1)</b> 436:3 <b>everybody (11)</b> 375:3;406:24;427:5; 437:14;438:24;440:17; 465:11;474:23;479:13; 482:7;483:5 <b>everyone (1)</b> 480:6 <b>evidence (16)</b> 399:8;473:10; 478:18;479:5,11,14; 480:13,20;484:16; 485:19;488:20;489:6; 490:14;491:6,9;492:21 <b>evidentiary (1)</b> 479:4 <b>exactly (12)</b> 380:25;395:8;397:5;</p>
<b>E</b>				
	<p><b>early (4)</b> 387:22;396:18; 407:20;426:15 <b>East (1)</b> 497:17.5 <b>easy (1)</b> 429:20 <b>eat (4)</b> 387:8;408:10;409:4, 4 <b>effect (1)</b> 484:18 <b>Effective (2)</b></p>			

408:12;409:24;419:23; 425:3;432:10;433:2; 438:6;439:16;469:1 <b>EXAMINATION (2)</b> 376:6;471:17 <b>examined (1)</b> 376:4 <b>examining (1)</b> 441:23 <b>example (4)</b> 470:1,6;482:6; 485:16 <b>except (1)</b> 446:8 <b>exception (5)</b> 456:7,17;457:5,24; 458:6 <b>exceptions (4)</b> 456:20,24;457:18; 458:14 <b>excess (3)</b> 397:9,14;483:18 <b>exchange (1)</b> 399:4 <b>exclude (1)</b> 478:14 <b>excuse (5)</b> 452:14;469:14; 477:6,13;480:2 <b>excused (1)</b> 452:7 <b>excuses (1)</b> 452:16 <b>executive (7)</b> 491:9,12,15,19; 493:1,5,7 <b>exemplary (1)</b> 494:8 <b>Exhibit (32)</b> 383:14;385:5; 388:14;389:4,8; 390:18;393:14;399:1, 14;406:3,4,25;414:11, 15;443:1,2;445:11; 449:1;453:15;456:6; 459:13;470:20;471:3, 19,20;473:15,16; 478:15;489:11;490:4; 493:3,4 <b>exhibits (10)</b> 375:15;414:15; 426:24;431:8;450:12; 477:24;478:17;479:7; 495:24,25 <b>exist (1)</b> 407:16 <b>expect (2)</b> 486:9,11 <b>experiences (1)</b> 398:15 <b>explain (3)</b> 389:25;411:14; 489:24	<b>explained (1)</b> 393:24 <b>explaining (1)</b> 459:12 <b>explanation (4)</b> 396:2;428:25;429:3, 5 <b>explicitly (1)</b> 455:7 <b>example (1)</b> 494:17 <b>express (2)</b> 457:6;458:15 <b>extra (1)</b> 377:15 <b>eyelash (1)</b> 412:17	19,20;437:14 <b>far (2)</b> 453:4;473:25 <b>Fast (2)</b> 391:13;411:15 <b>father (1)</b> 439:23 <b>favor (1)</b> 495:19 <b>explored (1)</b> 484:12 <b>February (13)</b> 399:1,5,15;401:15, 22;402:16;403:24; 404:1,17;451:11,18; 455:6;480:12 <b>feel (11)</b> 394:14;421:9;432:8; 436:7;452:6;475:12; 481:25;486:18,25; 494:11,16 <b>feelings (1)</b> 421:14 <b>feels (2)</b> 481:22;482:2 <b>felony (2)</b> 486:21;487:18 <b>felt (2)</b> 463:17;468:9 <b>female (1)</b> 465:15 <b>few (4)</b> 377:15;378:17; 447:1;466:17 <b>figure (3)</b> 378:24;451:25; 483:25 <b>filed (1)</b> 437:20 <b>files (1)</b> 478:11 <b>Final (2)</b> 446:6,13 <b>Finally (1)</b> 442:25 <b>FINCUN-MANCINI (1)</b> 497:17 <b>find (8)</b> 383:8;388:4;422:9, 14,18,19;478:18;490:5 <b>fine (2)</b> 429:12;441:12 <b>finger (1)</b> 483:5 <b>Fire (3)</b> 395:14;456:10;457:7 <b>fired (2)</b> 486:5,7 <b>firm (1)</b> 395:4 <b>first (18)</b> 375:23;376:3; 386:16;392:4,6,9;	426:18;434:11;442:3; 453:14;456:8;458:25; 471:4;473:16,24; 476:13;479:18;480:6 <b>Fisher (15)</b> 397:24;403:3,4; 404:24;405:3,5;412:3; 416:18;423:2;435:3; 437:23;440:19;451:21; 476:4;482:13 <b>Fisher's (12)</b> 389:20;390:6; 392:18;408:1;413:3; 416:7;452:10;462:3,4; 466:21;472:17;488:16 <b>fit (2)</b> 413:19;456:1 <b>five (3)</b> 423:14;427:8;479:15 <b>flip (14)</b> 427:3,13;428:5,11; 429:17,19,19,24; 430:12;446:24;447:10, 22;450:14;489:11 <b>flipping (1)</b> 483:5 <b>floored (1)</b> 434:21 <b>Florida (1)</b> 439:25 <b>flows (1)</b> 485:16 <b>FMLA (2)</b> 388:20;389:3 <b>focus (1)</b> 487:22 <b>fog (1)</b> 382:24 <b>Folks (1)</b> 490:10 <b>follow (2)</b> 387:20;470:2 <b>followed (2)</b> 380:22;443:20 <b>following (3)</b> 377:17;457:17,19 <b>follows (1)</b> 376:5 <b>follow-up (1)</b> 455:19 <b>food (1)</b> 420:11 <b>football (1)</b> 460:10 <b>FOP (1)</b> 438:19 <b>force (1)</b> 489:2 <b>foregoing (1)</b> 497:5 <b>forget (1)</b> 455:24 <b>Forgive (3)</b>	383:12;386:1;451:22 <b>form (1)</b> 394:6 <b>Former (2)</b> 378:4;404:22 <b>forth (1)</b> 481:12 <b>forward (2)</b> 391:13;486:11 <b>forwarded (1)</b> 425:9 <b>found (3)</b> 397:19;405:13; 422:22 <b>founded (3)</b> 444:15,25;490:11 <b>four (5)</b> 376:13;381:4; 420:21;427:8;475:23 <b>four-page (1)</b> 406:6 <b>frame (2)</b> 386:1;404:21 <b>Frank (1)</b> 373:4 <b>free (2)</b> 432:8;481:2 <b>freezer (1)</b> 460:20 <b>Friday (4)</b> 382:1;386:8,9; 423:15 <b>fridge (1)</b> 420:16 <b>friend (1)</b> 380:1 <b>friendly (3)</b> 434:16;437:13,14 <b>friend's (1)</b> 488:19 <b>front (4)</b> 388:13;445:11; 449:1;468:24 <b>frustrated (1)</b> 439:2 <b>FTO (1)</b> 439:23 <b>functional (1)</b> 407:8 <b>funding (4)</b> 422:9,14,18,19 <b>further (5)</b> 441:10;445:3; 471:15;477:17;491:13 <b>future (1)</b> 437:12
<b>F</b>		<b>G</b>		
	<b>fabricating (1)</b> 467:5 <b>face-to-face (2)</b> 400:9;403:15 <b>facility (10)</b> 385:15;386:7,10,16, 20,21;392:6;424:23; 459:18;485:13 <b>fact (25)</b> 384:14;385:3; 391:25;395:3;397:6, 17;411:12;417:2; 421:18;422:8,18; 423:4;428:11;429:21; 431:18;432:25;433:3; 448:7;456:16;458:9; 468:21;469:5;472:24; 481:20;486:22 <b>facts (3)</b> 444:12;483:2,2 <b>factual (3)</b> 419:14;427:11; 451:23 <b>fail (1)</b> 484:17 <b>fair (15)</b> 394:14;395:5; 408:19,20;415:1; 453:17;459:2,3,5,6,8, 10;465:23;490:8,21 <b>fairly (1)</b> 461:3 <b>Faith (1)</b> 484:5 <b>falling (1)</b> 419:18 <b>familiar (1)</b> 403:20 <b>families (2)</b> 416:16;417:16 <b>family (9)</b> 381:12,13;394:22; 395:2;405:10;418:19,	<b>feel (11)</b> 394:14;421:9;432:8; 436:7;452:6;475:12; 481:25;486:18,25; 494:11,16 <b>feelings (1)</b> 421:14 <b>feels (2)</b> 481:22;482:2 <b>felony (2)</b> 486:21;487:18 <b>felt (2)</b> 463:17;468:9 <b>female (1)</b> 465:15 <b>few (4)</b> 377:15;378:17; 447:1;466:17 <b>figure (3)</b> 378:24;451:25; 483:25 <b>filed (1)</b> 437:20 <b>files (1)</b> 478:11 <b>Final (2)</b> 446:6,13 <b>Finally (1)</b> 442:25 <b>FINCUN-MANCINI (1)</b> 497:17 <b>find (8)</b> 383:8;388:4;422:9, 14,18,19;478:18;490:5 <b>fine (2)</b> 429:12;441:12 <b>finger (1)</b> 483:5 <b>Fire (3)</b> 395:14;456:10;457:7 <b>fired (2)</b> 486:5,7 <b>firm (1)</b> 395:4 <b>first (18)</b> 375:23;376:3; 386:16;392:4,6,9;	426:18;434:11;442:3; 453:14;456:8;458:25; 471:4;473:16,24; 476:13;479:18;480:6 <b>Fisher (15)</b> 397:24;403:3,4; 404:24;405:3,5;412:3; 416:18;423:2;435:3; 437:23;440:19;451:21; 476:4;482:13 <b>Fisher's (12)</b> 389:20;390:6; 392:18;408:1;413:3; 416:7;452:10;462:3,4; 466:21;472:17;488:16 <b>fit (2)</b> 413:19;456:1 <b>five (3)</b> 423:14;427:8;479:15 <b>flip (14)</b> 427:3,13;428:5,11; 429:17,19,19,24; 430:12;446:24;447:10, 22;450:14;489:11 <b>flipping (1)</b> 483:5 <b>floored (1)</b> 434:21 <b>Florida (1)</b> 439:25 <b>flows (1)</b> 485:16 <b>FMLA (2)</b> 388:20;389:3 <b>focus (1)</b> 487:22 <b>fog (1)</b> 382:24 <b>Folks (1)</b> 490:10 <b>follow (2)</b> 387:20;470:2 <b>followed (2)</b> 380:22;443:20 <b>following (3)</b> 377:17;457:17,19 <b>follows (1)</b> 376:5 <b>follow-up (1)</b> 455:19 <b>food (1)</b> 420:11 <b>football (1)</b> 460:10 <b>FOP (1)</b> 438:19 <b>force (1)</b> 489:2 <b>foregoing (1)</b> 497:5 <b>forget (1)</b> 455:24 <b>Forgive (3)</b>	383:12;386:1;451:22 <b>form (1)</b> 394:6 <b>Former (2)</b> 378:4;404:22 <b>forth (1)</b> 481:12 <b>forward (2)</b> 391:13;486:11 <b>forwarded (1)</b> 425:9 <b>found (3)</b> 397:19;405:13; 422:22 <b>founded (3)</b> 444:15,25;490:11 <b>four (5)</b> 376:13;381:4; 420:21;427:8;475:23 <b>four-page (1)</b> 406:6 <b>frame (2)</b> 386:1;404:21 <b>Frank (1)</b> 373:4 <b>free (2)</b> 432:8;481:2 <b>freezer (1)</b> 460:20 <b>Friday (4)</b> 382:1;386:8,9; 423:15 <b>fridge (1)</b> 420:16 <b>friend (1)</b> 380:1 <b>friendly (3)</b> 434:16;437:13,14 <b>friend's (1)</b> 488:19 <b>front (4)</b> 388:13;445:11; 449:1;468:24 <b>frustrated (1)</b> 439:2 <b>FTO (1)</b> 439:23 <b>functional (1)</b> 407:8 <b>funding (4)</b> 422:9,14,18,19 <b>further (5)</b> 441:10;445:3; 471:15;477:17;491:13 <b>future (1)</b> 437:12
<b>G</b>		<b>G</b>		
	<b>Gabor (2)</b> 482:2;485:20 <b>Gabor's (2)</b> 467:16,18			

<p><b>game (2)</b> 415:10;460:21</p> <p><b>garbage (1)</b> 412:6</p> <p><b>gave (12)</b> 389:4;400:25; 401:10;418:6;420:14, 15;428:25;433:1; 438:18;439:17;456:2; 464:24</p> <p><b>general (1)</b> 445:18</p> <p><b>gestures (1)</b> 488:21</p> <p><b>gets (1)</b> 479:17</p> <p><b>girlfriend (3)</b> 416:22;418:8;419:6</p> <p><b>gist (1)</b> 393:1</p> <p><b>given (2)</b> 447:19;450:6</p> <p><b>giving (1)</b> 393:1</p> <p><b>glass (1)</b> 468:15</p> <p><b>godfather (1)</b> 434:6</p> <p><b>Godparent (1)</b> 481:21</p> <p><b>goes (2)</b> 383:6;475:19</p> <p><b>Good (8)</b> 375:2;419:15; 439:15;470:6;475:24, 25;483:2;484:7</p> <p><b>goofing (2)</b> 420:20,25</p> <p><b>granted (7)</b> 389:3;413:22;415:3, 19;428:10;429:13,18</p> <p><b>great (2)</b> 392:13,13</p> <p><b>greater (1)</b> 396:9</p> <p><b>grown (1)</b> 434:19</p> <p><b>guarantee (1)</b> 437:24</p> <p><b>guards (1)</b> 387:15</p> <p><b>guess (10)</b> 375:4;402:14; 405:21;412:12;414:9; 418:22;427:14;439:12; 456:19;475:19</p> <p><b>guidance (2)</b> 380:6;490:5</p> <p><b>guideline (1)</b> 457:17</p> <p><b>guidelines (4)</b> 407:8;415:21;456:8; 457:4</p>	<p><b>guilty (2)</b> 487:1,4</p> <p><b>guys (2)</b> 416:9;419:13</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>hairs (1)</b> 405:22</p> <p><b>half (4)</b> 427:9;452:11;466:7; 475:23</p> <p><b>Hall (2)</b> 372:14;424:20</p> <p><b>hallmarks (1)</b> 397:21</p> <p><b>hand (3)</b> 375:5;488:21;495:14</p> <p><b>hand-in-hand (2)</b> 407:5,6</p> <p><b>handle (1)</b> 476:21</p> <p><b>hang (4)</b> 409:18,20;410:10; 416:17</p> <p><b>hanging (3)</b> 409:25;410:17; 418:25</p> <p><b>happen (2)</b> 399:18;439:6</p> <p><b>happened (17)</b> 377:4;378:1;380:14; 381:1;387:4;399:22; 421:25;424:14;431:11; 433:16;438:10;440:23, 25;452:17;460:24; 474:10;481:4</p> <p><b>happening (1)</b> 429:9</p> <p><b>hard (1)</b> 411:13</p> <p><b>hate (1)</b> 492:18</p> <p><b>Haven (2)</b> 386:13;393:16</p> <p><b>Haymer (5)</b> 373:11;492:5,6; 494:21,22</p> <p><b>head (6)</b> 378:6,20;379:24; 396:10;401:2;483:24</p> <p><b>health (2)</b> 399:7;494:10</p> <p><b>hear (4)</b> 448:5;466:25; 487:14;488:21</p> <p><b>heard (32)</b> 377:19;395:18; 406:24,25;411:7; 416:25;417:21;426:18; 427:1,4;433:22;434:9, 21;438:6,17,20; 441:25;447:24;448:7;</p>	<p>464:18;479:13;480:4; 481:16;483:3;485:7, 13,19;487:15,17; 488:23,24;491:3</p> <p><b>HEARING (9)</b> 372:1.5;375:5; 478:16,19;479:4; 491:21;493:11,14; 494:3</p> <p><b>heart (1)</b> 395:9</p> <p><b>heated (1)</b> 434:12</p> <p><b>held (5)</b> 474:23,24;475:22; 482:8,9</p> <p><b>Helen (2)</b> 430:22;431:4</p> <p><b>help (22)</b> 378:15,15;379:10, 11,18,19;380:16; 382:6;387:19;400:24; 403:17,19;404:23; 405:1,14,17,24;431:20; 439:9;464:21;477:3; 485:9</p> <p><b>helped (1)</b> 439:13</p> <p><b>helpful (1)</b> 388:4</p> <p><b>hereinafter (1)</b> 376:4</p> <p><b>herself (1)</b> 434:20</p> <p><b>hey (7)</b> 379:2;400:3,16; 402:16;419:12;430:9; 438:1</p> <p><b>high (2)</b> 460:9,21</p> <p><b>higher (2)</b> 482:8,10</p> <p><b>highest (1)</b> 396:10</p> <p><b>Highland (3)</b> 381:9,20;385:16</p> <p><b>hired (1)</b> 433:24</p> <p><b>hiring (1)</b> 396:12</p> <p><b>Hispanic (2)</b> 464:20;489:1</p> <p><b>Historical (1)</b> 442:14</p> <p><b>hit (1)</b> 377:1</p> <p><b>hmm (1)</b> 382:12</p> <p><b>holiday (1)</b> 377:11</p> <p><b>home (23)</b> 381:11,17;382:10, 14;385:9;396:20;</p>	<p>397:12,18;409:16; 410:9,15,23;412:19; 416:20;417:6;421:1; 441:4;452:10;461:4; 468:8,10;469:9;472:20</p> <p><b>homosexual (2)</b> 463:22;483:11</p> <p><b>honest (1)</b> 422:23</p> <p><b>honestly (3)</b> 377:1;392:12;418:10</p> <p><b>horrendous (1)</b> 392:22</p> <p><b>horrible (1)</b> 475:8</p> <p><b>hospital (3)</b> 377:22;380:21; 382:21</p> <p><b>hospitalized (1)</b> 404:19</p> <p><b>hostile (5)</b> 437:7,18;454:7; 481:8;483:4</p> <p><b>hotel (4)</b> 378:2,21;379:7; 419:13</p> <p><b>hours (16)</b> 380:24;381:22; 389:10;409:5;415:10; 416:10;417:19;420:21, 24;456:13;458:5; 469:12,15,17;472:13, 14</p> <p><b>house (14)</b> 389:21;390:7; 392:18;396:18;397:7; 410:25;413:3,3;416:7, 9;417:3;472:17; 488:16,19</p> <p><b>houses (4)</b> 398:7,14;414:6; 474:20</p> <p><b>Huh (1)</b> 421:3</p> <p><b>hung (3)</b> 409:4,8;416:14</p> <p><b>hunt (2)</b> 476:17;481:14</p> <p><b>husband (1)</b> 433:25</p> <p><b>Hutton (14)</b> 378:4,16;379:2; 380:1,22;383:2; 389:22;390:15,16; 404:22;414:23;482:16, 21,22</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>idea (8)</b> 378:10;384:13; 412:22;429:17;436:24; 474:11;489:15,25</p>	<p><b>identification (1)</b> 406:5</p> <p><b>imagine (2)</b> 378:8;463:13</p> <p><b>immediately (2)</b> 388:19;401:11</p> <p><b>immoral (2)</b> 483:22;485:2</p> <p><b>impact (1)</b> 399:12</p> <p><b>Impair (2)</b> 484:14,24</p> <p><b>impaired (5)</b> 397:16;472:25; 473:1,7,11</p> <p><b>implemented (1)</b> 425:12</p> <p><b>implying (1)</b> 450:3</p> <p><b>important (1)</b> 416:5</p> <p><b>impromptu (1)</b> 425:25</p> <p><b>improper (1)</b> 457:15</p> <p><b>inappropriate (3)</b> 418:14;462:5,9</p> <p><b>incident (7)</b> 440:13,14,20,22; 460:9;485:5;488:11</p> <p><b>incidents (2)</b> 466:17,19</p> <p><b>include (2)</b> 415:20;456:7</p> <p><b>including (2)</b> 424:23;471:2</p> <p><b>increase (1)</b> 395:20</p> <p><b>increasing (1)</b> 432:15</p> <p><b>independent (1)</b> 490:8</p> <p><b>INDEX (1)</b> 374:1</p> <p><b>indicate (4)</b> 404:9;413:8;449:9; 463:6</p> <p><b>indicated (8)</b> 432:4;448:16; 455:22;464:11,20; 465:18;479:3;486:13</p> <p><b>indicating (2)</b> 383:3;466:13</p> <p><b>individual (6)</b> 400:25;413:20; 424:1,7;439:19;465:10</p> <p><b>influence (2)</b> 457:23;458:3</p> <p><b>informal (1)</b> 446:9</p> <p><b>information (5)</b> 392:19;403:11; 427:12;438:18;442:11</p>
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<p><b>informed (1)</b> 466:24 <b>initiating (1)</b> 445:23 <b>inquires (1)</b> 430:6 <b>in-residence (3)</b> 381:6;386:9,25 <b>inside (1)</b> 416:9 <b>inspected (1)</b> 423:11 <b>inspection (3)</b> 423:6,8,10 <b>inspection's (1)</b> 423:22 <b>installations (1)</b> 485:12 <b>instances (1)</b> 399:11 <b>instruct (1)</b> 448:3 <b>instructed (1)</b> 448:2 <b>instruction (1)</b> 467:11 <b>intake (3)</b> 381:21,22;382:8 <b>integrate (1)</b> 435:19 <b>intended (2)</b> 449:11,16 <b>intensive (1)</b> 387:2 <b>internal (3)</b> 385:2;431:22;445:23 <b>interpret (3)</b> 392:21;396:20; 463:15 <b>interpretation (1)</b> 418:23 <b>interpreted (1)</b> 463:14 <b>interrupt (2)</b> 441:10;486:3 <b>into (24)</b> 380:19,23;384:11; 407:20,25;408:1; 411:4;412:6;417:6; 431:23,25;432:14; 459:18;468:14;474:15; 476:13;484:13;490:24; 491:9,11,19;492:25; 493:5,10 <b>intoxicated (2)</b> 378:8;468:9 <b>introduced (1)</b> 428:12 <b>introduction (2)</b> 375:15;477:24 <b>investigated (3)</b> 384:23;385:1;431:20 <b>investigation (18)</b></p>	<p>384:19;385:2; 389:17,18;391:7; 431:22;443:6,14; 444:14;465:20;466:14; 477:5;480:15;481:6; 490:6,8,16,18 <b>investigations (2)</b> 441:5;445:23 <b>involving (1)</b> 485:5 <b>iPad (1)</b> 432:19 <b>iPhone (2)</b> 427:3;447:16 <b>ironic (2)</b> 382:7;405:13 <b>issue (4)</b> 399:23;402:6;414:7; 423:23 <b>issues (7)</b> 377:13;430:24; 480:24;481:7,8,9; 494:11 <b>J</b> <b>jail (7)</b> 423:3,6,7,7,17,21; 424:23 <b>Jameson (1)</b> 417:22 <b>Jamey (4)</b> 403:3;410:11,14; 417:10 <b>Jamey's (2)</b> 410:25;413:3 <b>January (9)</b> 395:19;398:23; 401:15,20;402:13; 451:8,13;454:19;480:7 <b>Jeffrey (1)</b> 373:9 <b>job (5)</b> 421:7,20;428:5; 483:15;485:9 <b>Joe (1)</b> 373:10 <b>John (1)</b> 373:8 <b>joint (1)</b> 424:4 <b>joke (1)</b> 439:22 <b>joked (3)</b> 429:22,24;430:13 <b>jokes (1)</b> 430:15 <b>joking (1)</b> 434:16 <b>Jose (5)</b> 438:24;439:1,5,9,13 <b>joyful (1)</b> 468:19</p>	<p><b>Jr (1)</b> 373:8 <b>jubilant (1)</b> 468:20 <b>July (6)</b> 376:8;388:15,23; 461:17,22;493:16 <b>June (2)</b> 386:22;387:22 <b>junk (1)</b> 436:16 <b>jury (2)</b> 491:5,6 <b>K</b> <b>keep (4)</b> 430:11;437:7;454:6; 492:18 <b>Kelly (2)</b> 373:13;412:16 <b>kept (3)</b> 379:9;427:5,5 <b>Kevin (2)</b> 373:5;476:19 <b>kick (3)</b> 418:24,24;477:4 <b>kidding (1)</b> 468:20 <b>kids (1)</b> 481:21 <b>kind (19)</b> 382:7,23;384:16; 393:5;400:19;401:13; 405:18,19;409:8; 410:8;420:25;423:23; 433:13;434:21;438:3; 439:25;440:1;475:8; 477:5 <b>kinds (2)</b> 404:25;405:14 <b>KIRTLAND (17)</b> 372:1,13,13,14; 376:17;407:16;445:19; 449:5;453:23,24; 454:10,12;481:15; 484:6;493:14;494:7; 497:7 <b>knew (10)</b> 381:13;398:18; 403:2,10;410:24; 437:5;439:10,11; 465:12;476:21 <b>knocking (1)</b> 378:22 <b>knowledge (9)</b> 397:11;398:18; 428:14;431:23;433:9; 440:6;442:12,20; 466:22 <b>known (5)</b> 398:17,19;399:8; 433:24,25</p>	<p><b>knows (1)</b> 438:25 <b>Kudos (1)</b> 391:10 <b>L</b> <b>lack (2)</b> 426:1;431:5 <b>Lake (1)</b> 425:23 <b>Lakeland (1)</b> 440:14 <b>Lallo (26)</b> 373:3;375:9,13,16, 19;383:19;384:16; 391:1;392:8;393:12, 20;435:16;445:6,8; 466:4;471:14;473:13; 477:18;478:2,3; 479:16,18,20;486:4; 487:7;493:3 <b>Lallo's (1)</b> 399:15 <b>Lance (13)</b> 372:6.5;373:4,6; 374:3;376:1,2;383:10; 435:13;491:13;493:11, 17,23;497:11 <b>language (2)</b> 477:6;488:22 <b>laptop (1)</b> 435:19 <b>laptops (1)</b> 430:21 <b>large (1)</b> 492:23 <b>last (17)</b> 375:5,9,17;376:13; 388:17;406:3;415:20; 443:1;457:12;464:24; 466:7;470:19,21,23; 473:13;489:14;494:18 <b>late (4)</b> 375:18;396:18,19; 401:20 <b>later (8)</b> 380:20,25;384:12; 385:4,19;401:12,13; 481:5 <b>lateral (1)</b> 439:9 <b>LaTurner (12)</b> 427:19;433:1; 440:18;447:14,20,21; 467:25;468:4,11,12,19; 469:7 <b>LaTurner's (1)</b> 467:20 <b>Laurelwood (2)</b> 379:21,22 <b>Lauren (7)</b> 380:5;403:2,5,11,12;</p>	<p>405:8,8 <b>Lauren's (1)</b> 403:9 <b>Law (36)</b> 373:3;380:2;383:19; 384:15;388:15;389:4; 390:25;391:20;392:8; 393:12;395:6;399:6, 14,19;401:17,22;402:8, 15;403:25;404:9; 429:6;444:21,22; 452:15;462:19;473:8; 480:1,13,21;484:7,8; 486:6,16,20;488:7; 491:20 <b>law-abiding (1)</b> 470:2 <b>lawful (1)</b> 376:3 <b>lawyer (2)</b> 483:1;484:7 <b>lawyers (1)</b> 487:15 <b>layoff (1)</b> 424:14 <b>LBGTQ (2)</b> 488:22,25 <b>leading (4)</b> 381:13;408:3; 425:13;450:17 <b>learned (1)</b> 448:17 <b>learning (1)</b> 392:17 <b>least (3)</b> 381:22;416:10; 443:14 <b>leave (12)</b> 383:4;386:23; 388:20;414:8;433:6; 451:13,14,18,24; 480:10,18;490:10 <b>leaves (1)</b> 446:10 <b>leaving (4)</b> 419:19;481:9,11; 485:6 <b>left (7)</b> 387:12;409:23; 413:10;420:9;440:22; 441:16;465:1 <b>legislative (1)</b> 491:5 <b>lengthy (1)</b> 390:10 <b>Lesnick (7)</b> 373:8;492:7,8; 494:23,24;495:13,20 <b>letter (3)</b> 461:21;481:5,13 <b>level (2)</b> 463:12;485:3 <b>LGB (1)</b></p>
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<p>464:7 <b>LGBTQ (1)</b> 436:23 <b>life (4)</b> 405:9;451:25;452:1; 490:23 <b>light (5)</b> 427:17;466:18,20, 21;474:17 <b>lighten (1)</b> 435:25 <b>liked (1)</b> 464:21 <b>limit (3)</b> 428:16;429:17; 479:14 <b>limitation (1)</b> 459:7 <b>limitations (2)</b> 459:1,4 <b>limited (2)</b> 392:14;442:15 <b>limits (1)</b> 450:1 <b>line (5)</b> 415:20;417:1;472:2, 14;490:10 <b>lines (2)</b> 417:15;448:21 <b>liquor (2)</b> 440:7;461:2 <b>listed (1)</b> 458:14 <b>listen (4)</b> 382:13;400:17; 438:3;487:13 <b>listened (1)</b> 479:13 <b>Lite (1)</b> 409:22 <b>little (16)</b> 379:22;380:15; 400:3;405:13;408:13; 409:5;410:1;411:7; 417:5;434:3;436:1,20; 440:2;448:24;468:21; 492:23 <b>live (1)</b> 387:6 <b>lives (2)</b> 409:11,12 <b>living (1)</b> 419:2 <b>load (1)</b> 435:25 <b>Lobe (2)</b> 429:6;444:22 <b>locker (1)</b> 423:18 <b>long (9)</b> 376:11;380:25; 381:19;386:7,20; 403:6;415:17;418:20;</p>	<p>434:1 <b>longer (3)</b> 424:17,18;432:21 <b>look (19)</b> 377:4;378:14; 383:25;388:17;427:7; 432:14;441:15;444:11; 450:9,10,12;453:4; 459:13;471:23;487:20, 21;490:12;492:22; 494:14 <b>looking (6)</b> 393:4,4;441:11; 449:6;476:18;489:10 <b>looks (1)</b> 465:16 <b>losing (2)</b> 427:10,10 <b>lot (13)</b> 379:12;380:2,9; 387:3;403:15;404:25; 416:14;422:22,24; 451:1;483:21;487:11; 488:18 <b>Lowery (14)</b> 373:7;491:10,24; 492:1,9,10;493:6; 494:1,25;495:1,8,14, 18,21 <b>LOWREY (1)</b> 375:2 <b>Lutheran (3)</b> 380:21,24;381:4 <b>Lying (4)</b> 483:15;486:6;489:7, 9</p>	<p><b>Mark (1)</b> 373:2 <b>marked (1)</b> 406:4 <b>Matt (1)</b> 393:20 <b>matter (24)</b> 384:14;403:1;411:1, 12;414:3;421:12,13, 14;422:8,18;423:4; 428:11,22;429:14,15, 20;432:25;433:3; 434:15,17;468:21; 474:3;477:8;491:4 <b>Matthew (2)</b> 373:3,12 <b>May (16)</b> 386:22;387:22; 393:8;399:12,12; 411:7;414:5;427:22; 435:23;437:11;440:8; 465:25;470:25;471:1; 477:19;479:19 <b>maybe (8)</b> 378:24;386:14; 401:6,12;405:7,22; 409:5;419:22 <b>Mayor (39)</b> 373:5;382:14,19; 383:18,22;384:4; 385:12;388:16;389:24; 390:13;391:23;393:8; 397:25;398:17;400:6; 401:20,21;402:6,12; 407:10;415:16,22; 429:7;444:5,21; 453:14;454:20,24; 455:9;456:21,25; 457:7;458:15;478:6; 479:8,16;480:8; 482:18,22 <b>Mayor's (11)</b> 375:10;395:18; 396:14;414:20;426:18; 429:22;430:4,22; 431:6;486:15;493:16 <b>mean (14)</b> 395:11,12;411:14; 413:23;418:12;440:6; 447:24;455:3;460:23; 462:8;464:17,18; 474:18;489:23 <b>means (3)</b> 428:15;489:20,25 <b>meant (2)</b> 392:3;446:3 <b>meantime (1)</b> 425:18 <b>Meanwhile (1)</b> 410:12 <b>medical (3)</b> 383:4,4;451:15 <b>medically (2)</b></p>	<p>380:23;381:5 <b>meet (3)</b> 408:10;409:1;426:3 <b>meeting (10)</b> 377:14;397:7,25; 430:16,18;432:5,9; 438:19;464:13;496:1 <b>meetings (11)</b> 380:13;388:3,5,6,10; 403:15;425:24,25,25; 426:2,6 <b>meets (1)</b> 416:8 <b>Member (12)</b> 373:8,9,10,11,12,13; 418:20;471:8;477:1; 481:19;482:23;489:2 <b>members (6)</b> 449:10;459:16; 481:15,17,18;486:14 <b>memo (3)</b> 424:3,8;476:14 <b>mental (1)</b> 494:10 <b>mention (9)</b> 396:11,16;412:14; 419:25;423:5;424:25; 433:11;451:24;464:8 <b>mentioned (5)</b> 397:24;400:4;403:9; 412:16;440:13 <b>mentioning (1)</b> 398:11 <b>Mentor (1)</b> 390:3 <b>messages (7)</b> 427:10;442:1,22; 447:16;449:18;450:24; 489:12 <b>messaging (2)</b> 429:15;431:15 <b>met (3)</b> 409:3;413:7;426:12 <b>Mexican (2)</b> 438:15;464:13 <b>MIA (3)</b> 453:8;483:14;485:7 <b>middle (6)</b> 383:13;401:15; 404:17,18;471:23; 473:17 <b>might (2)</b> 459:4;486:20 <b>Mike (1)</b> 380:11 <b>Miller (1)</b> 409:22 <b>mind (3)</b> 395:7;412:16;477:9 <b>mine (2)</b> 412:13;433:8 <b>minority (1)</b> 438:13</p>	<p><b>minute (3)</b> 383:25;484:21;486:3 <b>minutes (5)</b> 412:24;441:19; 447:1;479:15;493:8 <b>Misappropriating (1)</b> 483:17 <b>misconduct (4)</b> 443:6,20;486:9; 487:3 <b>misfeasance (1)</b> 487:2 <b>misrepresented (1)</b> 477:10 <b>missing (1)</b> 483:14 <b>misspeak (1)</b> 453:19 <b>mistake (2)</b> 475:11;477:13 <b>mistakes (4)</b> 425:9;470:8;475:25; 476:1 <b>mixed (1)</b> 492:19 <b>mocked (2)</b> 434:9;481:24 <b>moment (1)</b> 379:5 <b>Monday (1)</b> 423:15 <b>Mondays (1)</b> 425:1 <b>money (2)</b> 422:22,24 <b>monthly (1)</b> 425:25 <b>months (5)</b> 411:19;436:17,17; 450:16;466:8 <b>moral (2)</b> 485:3,5 <b>more (13)</b> 389:15;391:9,11; 392:18;397:10;405:9; 409:18;417:14;419:22; 422:25;426:14;441:3; 469:1 <b>morning (15)</b> 378:3;381:2;382:3; 384:15;385:7,24; 386:2;396:19;407:20; 414:11;419:11;420:5, 7;421:23;426:15 <b>Most (2)</b> 434:6;484:11 <b>motion (5)</b> 491:8,14,24;495:13, 16 <b>motor (2)</b> 487:25;488:5 <b>move (6)</b> 375:4,7,14;436:10;</p>
	<b>M</b>			

<p>486:11;491:14 <b>moved (1)</b> 491:16 <b>movie (1)</b> 415:11 <b>moving (1)</b> 491:18 <b>much (9)</b> 380:25;384:12; 385:3;391:8;409:11; 436:2;439:13;441:10; 487:10 <b>mud (1)</b> 475:6 <b>multiple (1)</b> 402:3 <b>multitude (1)</b> 475:16 <b>municipal (1)</b> 447:9 <b>must (4)</b> 404:3;446:11; 456:20;485:2 <b>mutual (1)</b> 380:1 <b>myself (4)</b> 378:18,19;440:19; 452:16</p>	<p>407:10 <b>Negative (2)</b> 448:22;493:21 <b>Neglect (1)</b> 485:6 <b>negligent (1)</b> 457:15 <b>negotiations (1)</b> 395:20 <b>neither (2)</b> 409:15;420:25 <b>new (3)</b> 380:8;403:18;430:23 <b>next (11)</b> 387:25;404:18; 417:17;430:18;444:11; 457:21;458:1,9; 482:14;486:1;488:3 <b>nice (1)</b> 418:10 <b>night (14)</b> 375:5,10,17;378:8; 381:10;385:19;396:19; 407:19;417:4;419:10; 462:1,12;467:23; 472:21 <b>Ninth (1)</b> 497:17.5 <b>Nobody (14)</b> 384:22;402:1,10; 404:21;405:22,25; 406:2;429:2,7;437:20; 481:25;488:25;489:5, 23 <b>none (1)</b> 494:3 <b>nonemployees (1)</b> 457:4 <b>nonfeasance (1)</b> 487:2 <b>normal (4)</b> 409:9,13;416:13; 419:24 <b>Nosse (14)</b> 372:6.5;373:4,6; 374:3;376:1,2;486:13; 491:13;493:17,18,23; 494:6;495:9;497:11 <b>N-O-S-S-E (1)</b> 376:1 <b>Nosse's (2)</b> 491:20;493:11 <b>notes (1)</b> 386:18 <b>notice (1)</b> 473:21 <b>notified (1)</b> 452:24 <b>notify (4)</b> 452:18,20,24;453:2 <b>notifying (2)</b> 400:6;481:10 <b>November (3)</b></p>	<p>408:25;430:25;431:1 <b>nowhere (1)</b> 490:5 <b>number (9)</b> 389:5;403:20; 450:20;468:5;480:4; 481:6,7,11;486:19 <b>numbers (4)</b> 401:4;402:21; 414:15;431:17 <b>numerous (8)</b> 378:11;398:20; 403:10;405:3,4;414:4; 436:5,5</p>	<p>478:11;485:14;486:17, 21;487:3 <b>officer (12)</b> 376:16,18;438:14, 23;464:20;465:16; 473:4;475:25;483:22; 484:9;489:4,4 <b>officers (2)</b> 424:6;482:8 <b>offices (1)</b> 423:19 <b>OHIO (8)</b> 372:1,15;439:23; 445:20;473:18;493:15; 497:1,18.5 <b>old (2)</b> 427:8,9 <b>older (1)</b> 435:19 <b>once (3)</b> 420:3;483:1;484:7 <b>one (40)</b> 381:25;382:2; 384:20;391:15,18; 393:23,25;397:20; 398:6;403:20;406:3; 409:15;411:16;413:10; 419:22;420:25;428:12, 13;433:19;438:13,13; 439:24;440:12;458:20, 21;459:4;460:17; 473:6;474:19;475:15; 476:17;481:7,21; 486:3,9,11;487:4,6,23; 489:22 <b>ones (1)</b> 414:14 <b>only (9)</b> 391:18;403:3;420:2; 421:16;439:24;449:11; 466:20;467:3;494:13 <b>onto (2)</b> 453:24;454:11 <b>OPBA (7)</b> 464:12;481:5,15,18, 20;482:12,23 <b>open (7)</b> 385:10;411:10; 462:23;483:20;484:19; 488:6,8 <b>operate (4)</b> 406:14;407:9; 458:10;471:24 <b>operated (2)</b> 473:1;488:5 <b>operating (8)</b> 406:7,11;407:4,11; 443:4;490:2,7,13 <b>operation (2)</b> 484:14,24 <b>opinion (3)</b> 422:4,23;476:16 <b>opportunity (6)</b></p>	<p>399:16;408:5; 465:19;478:20;483:8; 491:11 <b>opposed (1)</b> 495:21 <b>opted (1)</b> 388:8 <b>options (1)</b> 494:18 <b>oral (1)</b> 446:9 <b>order (3)</b> 384:2,5;454:16 <b>ordered (1)</b> 385:12 <b>ordering (1)</b> 430:23 <b>ordinance (2)</b> 487:1;493:15 <b>ordinary (1)</b> 418:11 <b>organizations (1)</b> 425:19 <b>orientation (1)</b> 489:5 <b>originally (3)</b> 414:18;415:7;460:18 <b>others (2)</b> 458:17;485:15 <b>ours (2)</b> 416:19;442:15 <b>oust (1)</b> 482:12 <b>out (52)</b> 378:14,24;383:2; 390:24;394:23;398:5; 400:18,20;402:9,18; 403:11,17;404:13,22; 406:6;409:4,8,11,18, 20;410:1,11,17;412:5; 413:20,23;414:6,20; 416:14;417:9;418:11, 24,25,25;424:9; 426:14;428:24;431:4; 433:14;437:1,7; 451:25;458:5;463:25; 464:8;472:14;476:14; 477:3;482:25;484:2; 488:17;490:2 <b>outrageous (1)</b> 418:22 <b>outside (10)</b> 379:3;387:17;420:9, 19;425:19;426:11; 462:12,15;466:25; 482:15 <b>over (16)</b> 375:6;391:16; 400:10,14;403:13; 410:20;412:7,17; 413:2;427:24,25; 436:13,13;445:14; 473:7;484:19</p>
<b>N</b>				
<p><b>NA (1)</b> 388:5 <b>name (3)</b> 380:5;386:11;403:9 <b>names (3)</b> 401:1,10;480:15 <b>nature (8)</b> 393:10;437:2,17; 438:4,5;440:25; 442:17;475:20 <b>near (1)</b> 468:4 <b>necessarily (1)</b> 388:4 <b>necessary (1)</b> 447:4 <b>need (23)</b> 379:18;380:16; 382:5,6,17;383:2; 390:12,13;405:20,24; 412:9;431:20;435:13, 14,22,23;436:25; 468:9;469:2;478:23; 486:23;487:5;491:14 <b>needed (11)</b> 377:14;415:23; 421:15;422:10,21,22; 426:7;428:10,19; 439:16;450:6 <b>needing (1)</b> 421:23 <b>needs (1)</b></p>	<p><b>oath (1)</b> 486:17 <b>Objection (6)</b> 466:1;467:6,8;478:1; 491:18,23 <b>obligation (1)</b> 486:15 <b>obviously (3)</b> 379:16;391:20; 405:17 <b>occasion (1)</b> 440:12 <b>occasions (4)</b> 378:18;398:20; 402:22;440:23 <b>occurred (1)</b> 448:17 <b>o'clock (4)</b> 381:4;385:24; 408:11;409:2 <b>October (2)</b> 430:25;450:11 <b>off (29)</b> 377:7,7,9,18;393:21; 401:1;408:7,9;409:6,7; 410:12;416:4;420:3,6, 6,25;427:20;430:11; 434:11;452:18,19; 453:3,6,7;470:17; 484:10,11,21;485:23 <b>off-duty (2)</b> 399:11;470:10 <b>offer (2)</b> 447:18;451:20 <b>offered (8)</b> 379:17;404:25; 405:14;417:10,21; 433:10,13;447:22 <b>office (33)</b> 393:18,21,22,25; 394:7;400:11,11; 401:8;414:20;430:8; 440:3,4,20;441:7; 444:7;459:23;460:2; 461:2,7,11,14;467:24; 468:3,5,14;469:5,7,22;</p>	<p><b>O</b></p>	<p><b>O</b></p>	<p><b>O</b></p>

<p><b>overcharge (1)</b> 430:3</p> <p><b>overheard (2)</b> 488:24,25</p> <p><b>own (3)</b> 388:1;435:21;494:16</p>	<p>402:5,7;429:6;453:2; 461:2;470:8;473:6; 478:23;482:15;485:7</p> <p><b>percent (2)</b> 400:12;417:14</p> <p><b>percentage (1)</b> 396:9</p> <p><b>perform (1)</b> 399:13</p> <p><b>performing (1)</b> 421:20</p> <p><b>period (4)</b> 429:14;447:11; 450:25;480:24</p> <p><b>permit (2)</b> 461:15;484:2</p> <p><b>permitted (3)</b> 387:1;391:15,19</p> <p><b>person (6)</b> 382:8;420:2;484:19; 486:7;494:11,12</p> <p><b>personal (26)</b> 383:4;398:15; 403:16;405:9;409:11; 413:6,19;415:5; 416:23;421:14;428:21, 21;429:14;434:13; 447:2,6;451:25;452:1; 455:24;456:9,18; 458:24;463:12;468:8; 483:18;485:3</p> <p><b>personally (1)</b> 465:10</p> <p><b>personnel (3)</b> 445:25;446:6;478:11</p> <p><b>persons (1)</b> 413:20</p> <p><b>person's (1)</b> 398:14</p> <p><b>Petersburg (2)</b> 430:22;431:4</p> <p><b>phone (59)</b> 378:3,17;383:22; 391:16;392:15;401:3; 412:3;420:2,3;426:16; 427:3,6,7,7,8,13,16,21, 23,24;428:9;429:19,19, 24;430:1,12,24;432:17, 18,24;446:24;447:2,10, 10,15,18,20,22;449:14, 23;450:2,5,5,9,10,14, 16,17,19,20,22,22,23; 483:16,17,18;489:8,8, 11</p> <p><b>phones (11)</b> 427:25;428:5,9,11, 18;429:13,13,18; 432:22;446:23;448:21</p> <p><b>phrase (1)</b> 472:5</p> <p><b>physically (2)</b> 395:13;427:6</p> <p><b>pick (2)</b></p>	<p>426:2;468:11</p> <p><b>picked (1)</b> 409:3</p> <p><b>pill (1)</b> 482:22</p> <p><b>place (6)</b> 394:3;432:9;442:10; 450:5;470:15;494:14</p> <p><b>placed (1)</b> 424:8</p> <p><b>places (1)</b> 415:25</p> <p><b>plaintiff (1)</b> 479:17</p> <p><b>Plaintiff's (1)</b> 471:19</p> <p><b>plan (1)</b> 432:16</p> <p><b>please (10)</b> 387:1;408:6;441:23; 446:1;454:1;470:22; 471:5;492:2;493:25; 494:4</p> <p><b>pm (5)</b> 372:15;383:20; 408:1;496:1;497:8</p> <p><b>pocket (1)</b> 422:25</p> <p><b>point (17)</b> 377:21;385:9; 388:17;390:18;395:5; 397:2;398:21;402:10; 411:18;414:8;415:13; 421:4;428:24;430:4; 435:16;439:1;457:2</p> <p><b>pointed (2)</b> 473:13;490:1</p> <p><b>Police (44)</b> 372:6;373:6;375:25; 376:16;388:22;399:6; 407:12;415:22;421:7, 10,16;424:21;432:19; 439:10;440:3;442:8; 445:19;446:8,12,14; 449:5;456:21;457:7; 459:17,18;469:24; 471:9;473:4;475:21, 25;477:11,12;481:16, 17;482:4,8,9;483:24; 485:11,12,18;486:10; 494:7;497:11</p> <p><b>police- (1)</b> 425:18</p> <p><b>policies (9)</b> 406:13;442:10,15; 445:19;470:9,13,15; 479:25;486:20</p> <p><b>policy (32)</b> 398:12;406:21; 414:12,19;415:3,5,7, 12,20;416:1,6;427:23; 442:4,6,9;444:11; 445:17;446:3,21;</p>	<p>450:4;456:6;459:11, 16;469:19,21;470:5, 25;471:11,20;472:10; 485:2;488:1</p> <p><b>Pollock (1)</b> 380:12</p> <p><b>porch (2)</b> 410:17;417:8</p> <p><b>portrayed (1)</b> 439:12</p> <p><b>position (10)</b> 377:10;379:24; 421:10;424:1,17,18; 474:22;475:22;478:22; 495:11</p> <p><b>positive (1)</b> 411:4</p> <p><b>possession (1)</b> 457:22</p> <p><b>possible (7)</b> 436:21;437:14; 460:22,23,24,25;469:8</p> <p><b>possibly (3)</b> 432:11;439:13,17</p> <p><b>post (3)</b> 481:11;483:13;485:6</p> <p><b>Potential (1)</b> 481:9</p> <p><b>Potter (4)</b> 373:5;453:15; 476:19;478:6</p> <p><b>pound (2)</b> 483:2;484:8</p> <p><b>pounding (1)</b> 412:8</p> <p><b>pounds (1)</b> 411:23</p> <p><b>practice (3)</b> 401:6,9;453:1</p> <p><b>preferred (1)</b> 418:3</p> <p><b>premises (3)</b> 384:6;453:24;454:11</p> <p><b>preparation (1)</b> 435:22</p> <p><b>prepared (4)</b> 414:18,21;423:9; 424:3</p> <p><b>preparing (1)</b> 435:5</p> <p><b>present (1)</b> 478:20</p> <p><b>presented (4)</b> 393:23;415:7; 431:24;477:8</p> <p><b>President (14)</b> 373:7;375:2;491:10, 24;492:1,10;493:6,24; 494:1;495:1,8,14,18,21</p> <p><b>pressure (1)</b> 395:10</p> <p><b>presumed (2)</b> 458:2;472:13</p>	<p><b>pretty (4)</b> 395:14;411:17; 440:16;468:19</p> <p><b>prevent (1)</b> 421:19</p> <p><b>previous (3)</b> 377:8,15;396:6</p> <p><b>previously (4)</b> 378:22;447:13; 450:7;460:1</p> <p><b>print (1)</b> 406:17</p> <p><b>prior (11)</b> 376:16;389:19,21, 23;423:7;430:24; 458:5;472:14;485:21; 487:24;494:2</p> <p><b>private (5)</b> 401:6,9;422:20; 488:15,16</p> <p><b>privilege (1)</b> 466:5</p> <p><b>privy (1)</b> 397:11</p> <p><b>probably (5)</b> 395:10;402:17; 441:13;461:15;467:8</p> <p><b>problem (17)</b> 376:21;377:12; 379:17;402:11,12,16; 405:6,24;421:22; 433:12;475:13,18; 476:8,20;477:2; 488:12;494:9</p> <p><b>procedure (6)</b> 406:7,12;407:4; 443:5,5;473:14</p> <p><b>procedures (14)</b> 406:13;407:11; 443:19;445:18;449:22, 23,24;470:9,14,15; 479:25;490:3,7,13</p> <p><b>proceed (2)</b> 375:21;379:14</p> <p><b>proceeding (1)</b> 487:17</p> <p><b>proceedings (3)</b> 372:12;375:1;497:6</p> <p><b>process (9)</b> 381:21;395:3,25; 417:18;423:11;430:23; 435:17;479:21,24</p> <p><b>processed (1)</b> 435:10</p> <p><b>program (7)</b> 381:7;387:5,18,23; 388:9;406:10;407:15</p> <p><b>programs (1)</b> 422:19</p> <p><b>progressed (1)</b> 474:15</p> <p><b>projected (1)</b> 385:17</p>
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<p><b>prolonged (1)</b> 385:18 <b>proper (1)</b> 482:4 <b>property (4)</b> 453:25;454:12; 488:15,16 <b>prosecution (2)</b> 399:25;401:8 <b>prosecutor (5)</b> 401:18;435:13,15, 16,19 <b>Prosperity (3)</b> 386:13;391:14; 393:16 <b>prove (1)</b> 488:7 <b>provided (7)</b> 387:7;402:21; 406:25;429:16;445:19; 478:12;480:15 <b>PUBLIC (10)</b> 372:1.5;442:6,16,19; 462:15;483:21,25; 486:9;488:17;491:22 <b>pull (2)</b> 407:25;408:1 <b>pulled (6)</b> 411:4,9;413:4;473:7; 478:6;484:19 <b>punished (1)</b> 477:14 <b>punishment (1)</b> 476:5 <b>purchase (1)</b> 422:15 <b>purchased (1)</b> 427:25 <b>purely (3)</b> 447:2,5;483:17 <b>purpose (4)</b> 445:16,17;449:11,16 <b>purposes (1)</b> 459:24 <b>pursuant (4)</b> 457:17;486:25; 487:1;493:14 <b>put (11)</b> 377:9;384:11; 389:25;396:1,3;416:3; 421:15;428:12;473:20; 476:13;490:14 <b>putting (3)</b> 409:10;473:24; 487:12</p>	<p style="text-align: center;"><b>R</b></p> <p><b>racial (2)</b> 483:6;488:23 <b>racially (1)</b> 489:2 <b>Racking (1)</b> 483:18 <b>raise (1)</b> 396:4 <b>rate (2)</b> 395:9;396:9 <b>Re (2)</b> 372:5;497:10 <b>reach (1)</b> 477:2 <b>reached (7)</b> 394:23;402:9,18; 403:11;404:22;444:15; 490:16 <b>reaction (1)</b> 417:4 <b>read (7)</b> 445:16;446:1;447:7; 454:1;457:12;470:22; 489:21 <b>readily (7)</b> 398:20;411:1; 413:18;471:22;475:3; 476:8;477:2 <b>reading (1)</b> 454:5 <b>ready (7)</b> 375:21;378:18; 388:19,22;420:18; 435:11;461:18 <b>realization (1)</b> 451:5 <b>realize (6)</b> 376:25;384:11; 385:3;391:3;474:14; 475:18 <b>realized (3)</b> 389:14;391:25; 421:21 <b>really (15)</b> 378:5,20;379:17; 385:2;391:3;395:12; 396:18,19;409:15; 410:9;435:13;437:8; 439:15;471:23;488:21 <b>reason (4)</b> 431:3;436:1;449:15; 492:25 <b>reasonable (2)</b> 480:11,19 <b>reasons (4)</b> 383:5;451:15; 478:21;494:19 <b>recall (51)</b> 379:12;392:25; 395:23;398:3;399:22;</p>	<p>401:1;404:4;407:23; 408:12;411:2;417:6, 13;418:12;419:3,21, 23;420:3,14;428:7; 433:10;438:15,16; 439:20;447:12;450:24; 455:2,3;460:9,13,14, 15,16,22;462:4,5,7,9, 12;464:9,12,15;465:7, 17;468:1,13,16,17; 469:5,6;482:13;483:9 <b>received (13)</b> 396:25;400:5;435:2, 12;443:25;444:1,7; 454:18;461:21,25; 465:24;466:9;480:20 <b>receives (1)</b> 481:5 <b>recent (1)</b> 396:12 <b>recently (2)</b> 425:12;434:6 <b>Recess (3)</b> 441:20,22;479:1 <b>recognize (1)</b> 442:13 <b>recognized (1)</b> 445:20 <b>recollection (5)</b> 384:1;394:4,5; 410:14,21 <b>recommended (2)</b> 393:12;400:25 <b>recommending (1)</b> 461:22 <b>record (7)</b> 442:20;491:18,23; 492:16;493:7;494:8; 495:23 <b>records (8)</b> 435:11,21;442:6,16; 450:9,10;465:25;466:7 <b>RECROSS (1)</b> 374:2 <b>REDIRECT (3)</b> 374:2;471:16,17 <b>reference (4)</b> 418:16;427:13; 436:22;438:12 <b>REFERENCED/MARKED (1)</b> 374:7 <b>references (2)</b> 423:1;437:9 <b>referencing (2)</b> 460:23;467:25 <b>referred (2)</b> 380:10;438:13 <b>referring (1)</b> 417:1 <b>refers (1)</b> 401:4 <b>reflect (2)</b> 484:11,13</p>	<p><b>refresh (1)</b> 384:1 <b>regard (1)</b> 427:15 <b>regarding (14)</b> 384:17;390:3; 396:17;399:25;409:14; 422:16;426:6;429:22; 447:18,19;462:3; 465:9;468:2;469:21 <b>Regardless (2)</b> 433:15;444:9 <b>regards (2)</b> 396:12;403:16 <b>regimented (1)</b> 387:5 <b>regret (1)</b> 474:9 <b>regular (2)</b> 380:12;493:10 <b>regulation (1)</b> 428:17 <b>regulations (7)</b> 407:3;449:5;459:14; 471:4,11;490:1,4 <b>rehab (16)</b> 390:24,25;391:7; 392:4;429:10;431:11, 14,23,25;433:18,20; 443:15;466:14,17,20; 476:13 <b>rehash (1)</b> 476:3 <b>relate (1)</b> 398:15 <b>related (1)</b> 425:19 <b>relates (2)</b> 456:18;457:21 <b>relation (1)</b> 403:22 <b>relationship (13)</b> 408:16;416:15,17, 19,19,20,21,22;421:6; 433:23;434:14;436:8; 481:23 <b>relative (2)</b> 387:8;465:8 <b>release (2)</b> 385:17;388:8 <b>released (1)</b> 381:3 <b>relevance (1)</b> 478:16 <b>relevant (1)</b> 463:13 <b>religion (1)</b> 465:9 <b>remember (28)</b> 377:16;378:22; 382:16;386:15;397:5; 398:4,4,10;400:15; 403:2;407:2;409:23;</p>	<p>410:21;412:15;413:24; 418:15,21;420:13; 429:21;432:10;440:4; 454:24;463:18,19; 468:3,14,18,24 <b>remotely (1)</b> 435:21 <b>remove (1)</b> 484:17 <b>removed (3)</b> 424:1,17;486:8 <b>rendered (1)</b> 485:25 <b>repercussion (1)</b> 436:21 <b>rephrase (1)</b> 467:9 <b>reply (2)</b> 385:6;399:15 <b>report (1)</b> 486:1 <b>reported (1)</b> 482:21 <b>reporter (2)</b> 495:24;497:16 <b>REPORTERS (1)</b> 497:17 <b>representation (1)</b> 395:1 <b>representatives (1)</b> 432:11 <b>represented (1)</b> 394:19 <b>representing (1)</b> 479:16 <b>reprimand (4)</b> 436:3;471:7;474:5; 475:14 <b>reprimanding (1)</b> 446:5 <b>reprimands (1)</b> 446:9 <b>requaifications (1)</b> 422:12 <b>request (11)</b> 396:1,3;454:16,18; 456:10;480:10,11,18, 18;491:21;493:16 <b>requested (5)</b> 395:20;454:4,14,17; 492:20 <b>requesting (3)</b> 396:3;454:2,9 <b>required (1)</b> 471:24 <b>Requires (1)</b> 444:14 <b>residence (2)</b> 408:2;418:13 <b>residents (2)</b> 387:6;400:21 <b>resignation (3)</b> 390:20;394:1,11</p>
<p style="text-align: center;"><b>Q</b></p> <p><b>quick (2)</b> 411:17;441:12 <b>quite (2)</b> 379:16;444:4</p>				

<p><b>resigning (1)</b> 393:9</p> <p><b>respect (1)</b> 486:10</p> <p><b>respond (3)</b> 404:6,7;465:3</p> <p><b>responding (1)</b> 465:20</p> <p><b>response (5)</b> 388:25;389:1; 396:14;403:22;434:10</p> <p><b>responses (1)</b> 402:23</p> <p><b>responsibilities (2)</b> 425:20;444:2</p> <p><b>responsibility (4)</b> 446:2,4,7,14</p> <p><b>rest (2)</b> 477:23;478:17</p> <p><b>restaurant (1)</b> 426:2</p> <p><b>resting (1)</b> 395:10</p> <p><b>restrict (1)</b> 422:14</p> <p><b>restricted (1)</b> 415:13</p> <p><b>restriction (1)</b> 428:17</p> <p><b>restrictions (1)</b> 423:25</p> <p><b>restrictive (1)</b> 415:19</p> <p><b>restrooms (1)</b> 423:18</p> <p><b>restructuring (1)</b> 432:18</p> <p><b>rests (2)</b> 446:8,14</p> <p><b>result (1)</b> 486:18</p> <p><b>resume (1)</b> 388:21</p> <p><b>retention (2)</b> 442:4,9</p> <p><b>return (2)</b> 388:20;461:19</p> <p><b>review (5)</b> 425:7;491:7,8; 492:20,24</p> <p><b>reviewed (1)</b> 406:18</p> <p><b>reviewing (1)</b> 445:22</p> <p><b>revised (5)</b> 406:18;445:20; 473:18,22;493:15</p> <p><b>revisions (1)</b> 414:23</p> <p><b>Richard (1)</b> 373:7</p> <p><b>rid (2)</b> 432:23,24</p>	<p><b>right (29)</b> 377:21;378:13; 382:9;383:10;385:12; 389:12;394:17;402:13; 406:22;429:7;433:5; 444:16,25;445:12; 446:15,24;453:10; 456:17;458:14,15; 463:8;469:24;475:10; 477:10;479:11;485:16; 488:11,13;489:12</p> <p><b>rights (4)</b> 443:24;444:2;476:6; 491:20</p> <p><b>rise (1)</b> 475:20</p> <p><b>Road (2)</b> 372:14;428:20</p> <p><b>Roelle (17)</b> 373:14;492:2,3,5,7,9, 11,13;493:6;494:3,5, 21,23,25;495:2,4,6</p> <p><b>roll (5)</b> 492:2;493:25;494:2, 4;495:8</p> <p><b>roof (1)</b> 395:11</p> <p><b>room (10)</b> 378:2,24;379:7; 381:14;410:18;413:13; 417:8;419:2;427:14; 438:25</p> <p><b>rooms (1)</b> 423:18</p> <p><b>rotation (1)</b> 424:5</p> <p><b>Rough (1)</b> 463:20</p> <p><b>Roughly (6)</b> 376:12;381:1; 382:15;404:4;408:11; 412:22</p> <p><b>rule (4)</b> 457:5,24;459:14; 460:4</p> <p><b>rules (14)</b> 387:21;407:1,3; 449:4,7;459:13,21; 470:2;471:3,6,11; 480:21;490:1,4</p> <p><b>Ruple (5)</b> 373:9;492:11,12; 495:2,3</p>	<p>474:21,23,24;475:1; 480:24</p> <p><b>sat (7)</b> 379:7;380:15; 396:15;399:20;403:25; 417:9;419:2</p> <p><b>satisfy (1)</b> 487:5</p> <p><b>Saturday (6)</b> 381:25;382:2,2; 384:15;385:14,16</p> <p><b>savvy (1)</b> 429:18</p> <p><b>saw (13)</b> 392:21;407:21,25; 413:5,19;430:10; 434:20;462:14,15,22; 482:14;485:23;489:13</p> <p><b>saying (18)</b> 379:10;389:15; 398:4;400:15;403:8; 427:5;438:16;439:20; 450:21;454:25;458:24; 462:5,7;464:15; 468:24;469:6;483:6,9</p> <p><b>schedule (3)</b> 377:10;424:5,9</p> <p><b>scheduling (1)</b> 377:13</p> <p><b>school (2)</b> 460:9,21</p> <p><b>Schulz (6)</b> 373:12;491:16; 492:13,14;495:4,5</p> <p><b>Scott (1)</b> 373:11</p> <p><b>scrambling (1)</b> 485:8</p> <p><b>search (2)</b> 393:24;394:7</p> <p><b>season (2)</b> 410:18;417:8</p> <p><b>seat (1)</b> 468:22</p> <p><b>second (12)</b> 385:5;386:20;443:1; 472:2,13;475:4;478:4; 488:9,20;491:25; 495:17,18</p> <p><b>section (4)</b> 443:20,23;473:18,21</p> <p><b>seeing (2)</b> 380:11;484:16</p> <p><b>seek (1)</b> 398:23</p> <p><b>semantics (1)</b> 461:24</p> <p><b>send (2)</b> 382:18;383:9</p> <p><b>sense (4)</b> 382:11;384:10; 390:4;439:4</p> <p><b>sent (3)</b></p>	<p>435:14;450:24; 453:15</p> <p><b>sentence (8)</b> 454:1,5;458:9,21; 470:21,23;471:4; 473:24</p> <p><b>separate (2)</b> 402:22;432:12</p> <p><b>Sergeant (45)</b> 389:20;390:6; 392:18;397:23;403:4, 21;404:24;405:3,5; 408:1;412:3;413:3; 416:7,18,25;417:21; 418:1;419:25;423:2; 427:3,19;433:1;435:3; 437:23;440:18,19,19; 447:14,20,21;451:21; 452:10,24;462:4; 466:21;467:20,25; 468:4,11,11,19;469:6; 472:16;476:4;482:13</p> <p><b>sergeants (1)</b> 441:6</p> <p><b>sergeant's (4)</b> 430:12;432:24; 447:20;489:8</p> <p><b>serious (2)</b> 486:22,23</p> <p><b>served (1)</b> 417:22</p> <p><b>service (2)</b> 396:12;424:19</p> <p><b>services (1)</b> 403:5</p> <p><b>session (11)</b> 393:17;441:21; 475:16;491:9,12,15,19; 493:1,5,7,11</p> <p><b>sessions (1)</b> 397:19</p> <p><b>set (8)</b> 377:10;403:17; 423:11;430:16,16,18; 470:1;485:16</p> <p><b>setting (2)</b> 470:6;482:6</p> <p><b>several (8)</b> 388:2,10;399:11; 402:5,7;403:12; 420:24;422:19</p> <p><b>sex (1)</b> 465:8</p> <p><b>sexual (3)</b> 464:4;483:10;489:4</p> <p><b>shall (8)</b> 449:10;457:22; 458:10;459:17;471:6; 485:4,12,18</p> <p><b>shift (2)</b> 440:11;441:4</p> <p><b>shocked (3)</b> 393:5;417:1;463:7</p>	<p><b>shooter (1)</b> 440:15</p> <p><b>short (1)</b> 441:22</p> <p><b>Shortly (2)</b> 433:17;465:1</p> <p><b>shoulders (1)</b> 378:7</p> <p><b>show (2)</b> 378:21;453:7</p> <p><b>showed (2)</b> 412:24;420:21</p> <p><b>shower (2)</b> 381:12,18</p> <p><b>shows (1)</b> 416:8</p> <p><b>sick (1)</b> 395:12</p> <p><b>side (3)</b> 383:11;426:24; 428:20</p> <p><b>sides (2)</b> 478:19;479:11</p> <p><b>sidetracked (1)</b> 380:14</p> <p><b>sign (1)</b> 394:11</p> <p><b>signed (2)</b> 394:6,9</p> <p><b>SIM (2)</b> 430:20;432:16</p> <p><b>simpler (1)</b> 430:12</p> <p><b>single (3)</b> 423:16;437:11; 440:11</p> <p><b>sister (1)</b> 434:3</p> <p><b>sisters (1)</b> 470:7</p> <p><b>sit (4)</b> 399:16;436:9; 437:10;440:10</p> <p><b>sits (3)</b> 433:3,4;494:11</p> <p><b>sitting (2)</b> 419:4;476:7</p> <p><b>situation (4)</b> 391:5;405:11; 421:13;461:12</p> <p><b>six (6)</b> 458:5;469:12,15,17; 472:13,14</p> <p><b>sleep (1)</b> 387:8</p> <p><b>small (2)</b> 406:16;422:24</p> <p><b>smelling (1)</b> 468:25</p> <p><b>Smolic (10)</b> 373:10;413:25; 455:22;456:3;491:25; 492:15;495:6,7,17,19</p>
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<p><b>snacks (1)</b> 420:12</p> <p><b>sobered (1)</b> 392:2</p> <p><b>soccer (1)</b> 415:10</p> <p><b>Society (1)</b> 442:14</p> <p><b>somebody (13)</b> 402:18;419:24; 437:22;453:10;462:15, 22;464:4,12;475:13, 14;476:4,7;479:22</p> <p><b>someone (2)</b> 428:19;463:25</p> <p><b>somewhere (3)</b> 386:14;408:11; 409:25</p> <p><b>sooner (1)</b> 469:16</p> <p><b>Sorry (12)</b> 379:5;401:21;403:7; 406:11;408:13;411:22; 419:8;429:11;472:1; 474:10;477:6;487:19</p> <p><b>sort (1)</b> 389:19</p> <p><b>sorts (1)</b> 426:4</p> <p><b>source (1)</b> 466:25</p> <p><b>speak (8)</b> 378:25;388:9; 391:19;392:24;395:2; 429:8;463:13,15</p> <p><b>speaking (4)</b> 399:24;403:2;411:5; 468:1</p> <p><b>special (1)</b> 461:3</p> <p><b>specific (4)</b> 398:5;404:10; 440:13;443:13</p> <p><b>specifically (2)</b> 432:5;492:21</p> <p><b>speculate (3)</b> 403:1;424:16;476:22</p> <p><b>splitting (1)</b> 405:22</p> <p><b>spoke (9)</b> 381:12;383:1; 384:15;389:22;393:20; 394:24;463:8,9;467:18</p> <p><b>sponsor (1)</b> 434:7</p> <p><b>Springs (3)</b> 381:9,20;385:16</p> <p><b>SS (1)</b> 497:1.5</p> <p><b>stabbed (1)</b> 437:17</p> <p><b>staff (2)</b> 424:22;483:14</p>	<p><b>staffing (1)</b> 377:13</p> <p><b>standard (9)</b> 406:7,11;407:11; 443:4;474:23,25; 482:9,10;490:13</p> <p><b>stands (1)</b> 474:19</p> <p><b>start (3)</b> 395:3;399:12;479:19</p> <p><b>started (2)</b> 392:17;393:21</p> <p><b>starting (3)</b> 384:19;453:14;457:4</p> <p><b>state (3)</b> 395:7;460:10;497:1</p> <p><b>stated (2)</b> 412:10;491:21</p> <p><b>statement (5)</b> 419:14;443:23; 444:1;467:18;478:21</p> <p><b>statements (7)</b> 437:4,5;483:4,7,10, 11,13</p> <p><b>station (3)</b> 460:7;465:5;468:12</p> <p><b>statute (1)</b> 486:25</p> <p><b>statutory (1)</b> 490:2</p> <p><b>stay (6)</b> 387:7;387:13; 400:18,20,21;404:13</p> <p><b>stayed (1)</b> 377:15</p> <p><b>stealing (1)</b> 486:5</p> <p><b>step (5)</b> 387:25;395:15; 417:18;430:4;477:19</p> <p><b>stern (1)</b> 463:19</p> <p><b>still (12)</b> 378:8,14,23;380:6; 385:9;388:11;394:17; 401:3;410:8;413:10; 432:22;453:13</p> <p><b>stop (13)</b> 383:10;398:1,1,6,7; 410:20;413:2,8,12; 419:19;428:2,23;463:1</p> <p><b>stopped (4)</b> 398:22;409:21,24; 438:2</p> <p><b>stops (1)</b> 412:16</p> <p><b>store (4)</b> 409:17;459:17; 485:12,18</p> <p><b>stored (2)</b> 460:19;461:7</p> <p><b>story (1)</b> 408:5</p>	<p><b>Street (1)</b> 497:17.5</p> <p><b>strengths (1)</b> 439:15</p> <p><b>strike (1)</b> 465:23</p> <p><b>stuck (2)</b> 391:11;398:5</p> <p><b>stuff (7)</b> 384:18;400:19; 426:7;435:14,14; 436:14;477:7</p> <p><b>subject (5)</b> 449:7;459:1,21; 470:25;471:1</p> <p><b>submitted (2)</b> 479:5,7</p> <p><b>subordinates (2)</b> 424:22;483:15</p> <p><b>substantiated (1)</b> 444:25</p> <p><b>sudden (1)</b> 389:16</p> <p><b>suffer (1)</b> 376:20</p> <p><b>sufficient (1)</b> 471:7</p> <p><b>suggest (2)</b> 398:23;451:20</p> <p><b>Suite (1)</b> 497:18</p> <p><b>summed (1)</b> 490:20</p> <p><b>sun (2)</b> 410:17;417:7</p> <p><b>Sunday (5)</b> 382:3;385:21,25; 386:5,8</p> <p><b>Sunshine (1)</b> 491:20</p> <p><b>supersede (1)</b> 407:4</p> <p><b>supervisors (1)</b> 439:3</p> <p><b>supervisor's (3)</b> 428:13;446:1,4</p> <p><b>support (1)</b> 488:4</p> <p><b>supposed (4)</b> 461:4,7;470:1; 482:17</p> <p><b>sure (22)</b> 378:25;379:1,11,11; 380:20,24;389:1; 391:10;395:8;400:12; 418:3;423:17;425:3,7; 448:23;459:20;461:6; 469:1;470:11;478:10, 12;480:6</p> <p><b>suspension (2)</b> 471:8;474:7</p> <p><b>sustain (1)</b> 467:8</p>	<p><b>swallow (1)</b> 482:22</p> <p><b>SWAT (1)</b> 439:14</p> <p><b>swearing (1)</b> 482:3</p> <p><b>sworn (2)</b> 376:3;446:5</p> <p><b>Szary (3)</b> 426:19;447:25; 448:20</p> <p><b>Szary's (1)</b> 467:10</p>	<p><b>tells (1)</b> 399:6</p> <p><b>Teresa (8)</b> 426:18;430:5,21; 431:7;432:3,12;433:6; 467:10</p> <p><b>term (5)</b> 426:1;431:5;451:1; 463:18;490:12</p> <p><b>terminate (4)</b> 393:4;475:1;493:17, 22</p> <p><b>terminated (5)</b> 393:3;476:10;487:3; 493:19;495:10</p> <p><b>terminating (1)</b> 479:22</p> <p><b>Termination (12)</b> 372:6;461:22;471:2; 475:12;477:15;490:21; 491:12;493:12,21; 494:13,16;497:11</p> <p><b>terms (1)</b> 413:15</p> <p><b>testified (23)</b> 376:4;447:1,5,13,24; 448:9;451:4,10;452:9; 454:21;455:16;460:1; 461:1;462:2;463:24; 464:2,4;469:4;474:18; 481:18,20;482:13; 494:15</p> <p><b>testify (3)</b> 447:25;448:6,7</p> <p><b>testifying (1)</b> 481:23</p> <p><b>testimony (21)</b> 375:11;377:8,19; 395:18;399:5;414:22; 427:1;441:25;449:14; 463:7,21;464:11; 467:4,10,20,21;479:6; 480:4;481:17;483:3,12</p> <p><b>texting (8)</b> 427:15;429:17,19, 23;430:11,13;432:13; 489:16</p> <p><b>texts (1)</b> 489:15</p> <p><b>thanks (2)</b> 411:21;433:5</p> <p><b>theft (1)</b> 486:21</p> <p><b>theory (1)</b> 482:11</p> <p><b>therapist (4)</b> 380:2,7,11,13</p> <p><b>therapy (3)</b> 380:2;387:2;393:17</p> <p><b>therefore (1)</b> 480:14</p> <p><b>thinking (3)</b> 378:6;379:1;404:16</p>
<b>T</b>				
<p><b>table (1)</b> 495:16</p> <p><b>talk (19)</b> 400:4;405:8,8; 407:18;409:20;413:12; 414:9;416:14,15,16; 426:16;436:9;440:2; 453:16;456:6;466:2; 467:19;475:10;478:24</p> <p><b>Talked (14)</b> 379:23;380:15; 396:15;400:2;402:18; 403:5,8;404:8,25; 409:4;412:14;446:23; 463:12;472:21</p> <p><b>talking (21)</b> 382:8;390:5;400:16; 401:16,16;410:1,8; 412:3;417:12;420:10, 20;427:18,18;430:1; 436:24;438:23;460:16; 463:6,21;464:10;466:4</p> <p><b>Talks (3)</b> 473:16,17,25</p> <p><b>tall (2)</b> 411:25,25</p> <p><b>target (1)</b> 443:13</p> <p><b>taste (2)</b> 397:24;411:15</p> <p><b>taxpayers (1)</b> 486:16</p> <p><b>team (4)</b> 403:23;439:14; 460:10,21</p> <p><b>tech (1)</b> 429:18</p> <p><b>technically (2)</b> 456:14,15</p> <p><b>telephone (7)</b> 390:11;400:10,14; 403:13;411:6;431:16; 449:18</p> <p><b>television (1)</b> 492:23</p> <p><b>telling (3)</b> 427:6;447:21;464:12</p>	<p><b>Termination (12)</b> 372:6;461:22;471:2; 475:12;477:15;490:21; 491:12;493:12,21; 494:13,16;497:11</p> <p><b>terms (1)</b> 413:15</p> <p><b>testified (23)</b> 376:4;447:1,5,13,24; 448:9;451:4,10;452:9; 454:21;455:16;460:1; 461:1;462:2;463:24; 464:2,4;469:4;474:18; 481:18,20;482:13; 494:15</p> <p><b>testify (3)</b> 447:25;448:6,7</p> <p><b>testifying (1)</b> 481:23</p> <p><b>testimony (21)</b> 375:11;377:8,19; 395:18;399:5;414:22; 427:1;441:25;449:14; 463:7,21;464:11; 467:4,10,20,21;479:6; 480:4;481:17;483:3,12</p> <p><b>texting (8)</b> 427:15;429:17,19, 23;430:11,13;432:13; 489:16</p> <p><b>texts (1)</b> 489:15</p> <p><b>thanks (2)</b> 411:21;433:5</p> <p><b>theft (1)</b> 486:21</p> <p><b>theory (1)</b> 482:11</p> <p><b>therapist (4)</b> 380:2,7,11,13</p> <p><b>therapy (3)</b> 380:2;387:2;393:17</p> <p><b>therefore (1)</b> 480:14</p> <p><b>thinking (3)</b> 378:6;379:1;404:16</p>			

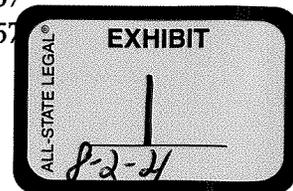
<p><b>third (3)</b> 432:12;457:3,9</p> <p><b>though (3)</b> 431:25;454:17; 464:19</p> <p><b>thought (5)</b> 418:12;436:8; 451:22;454:5;474:16</p> <p><b>thoughts (1)</b> 495:10</p> <p><b>threat (1)</b> 440:15</p> <p><b>threaten (1)</b> 487:16</p> <p><b>threatening (1)</b> 487:18</p> <p><b>three (8)</b> 408:11;409:2; 410:18;416:10;417:8, 19;481:4;489:7</p> <p><b>three-month (1)</b> 480:24</p> <p><b>throughout (2)</b> 408:8;445:21</p> <p><b>throw (2)</b> 410:6;412:5</p> <p><b>ticket (1)</b> 463:5</p> <p><b>timeline (1)</b> 404:17</p> <p><b>times (13)</b> 377:16;378:11; 403:10;414:4;425:10; 439:6;441:7;455:16; 459:23;463:18;485:10, 21;489:22</p> <p><b>Tito's (1)</b> 418:4</p> <p><b>today (6)</b> 414:10;448:9;451:4; 467:4;481:21;494:12</p> <p><b>together (6)</b> 390:1;426:11; 434:14;435:5,8;485:8</p> <p><b>toilets (1)</b> 423:3</p> <p><b>told (42)</b> 378:11,12;379:13, 14,15;380:16;381:15; 382:17,21;384:22; 389:24;390:8,15; 391:22;392:23;397:4, 10;398:20;399:10; 402:6;404:6;405:16, 17,19;410:24;413:2; 415:5;421:21;423:5; 426:21,23;427:19; 430:2;431:19;433:8; 436:25;443:12,12; 447:14;455:11,22; 489:9</p> <p><b>tolerate (1)</b> 457:14</p>	<p><b>Tom (1)</b> 429:6</p> <p><b>tomorrow (1)</b> 385:24</p> <p><b>took (14)</b> 377:7,17;381:12,17, 20;401:10;410:5; 416:4;424:22;426:12; 432:9;439:15;472:20; 494:9</p> <p><b>top (2)</b> 399:14;401:1</p> <p><b>totality (1)</b> 391:3</p> <p><b>touch (1)</b> 390:12</p> <p><b>tow (1)</b> 436:17</p> <p><b>toward (1)</b> 383:13</p> <p><b>towards (2)</b> 467:14,17</p> <p><b>town (1)</b> 422:24</p> <p><b>track (1)</b> 416:4</p> <p><b>training (3)</b> 422:10,12;459:24</p> <p><b>Transcript (2)</b> 372:12;497:6</p> <p><b>transfer (1)</b> 439:9</p> <p><b>transferred (2)</b> 386:9,11</p> <p><b>transpire (1)</b> 399:21</p> <p><b>transpired (1)</b> 440:17</p> <p><b>treated (2)</b> 476:12;481:24</p> <p><b>treatment (10)</b> 381:7;386:10;387:2, 9,18,20;390:17; 394:17;397:20;398:24</p> <p><b>trial (3)</b> 399:24;400:1,2</p> <p><b>tried (6)</b> 434:17;436:19; 437:6,13;438:25; 464:21</p> <p><b>trouble (1)</b> 482:19</p> <p><b>true (7)</b> 391:11;407:12; 414:25;444:24;459:16; 473:8;497:5</p> <p><b>truly (1)</b> 484:18</p> <p><b>try (4)</b> 378:15;382:25; 485:8,9</p> <p><b>trying (12)</b> 378:18,23;379:23;</p>	<p>422:9,13;435:25; 441:10;458:19;480:25; 481:2;482:12;490:23</p> <p><b>Tuesday (1)</b> 372:15</p> <p><b>turn (9)</b> 388:13;389:5; 390:18;399:1;406:3; 449:4;476:25;486:14; 490:23</p> <p><b>turned (1)</b> 403:7</p> <p><b>turpitude (1)</b> 485:5</p> <p><b>twice (2)</b> 402:22;480:23</p> <p><b>two (15)</b> 389:25;390:1; 393:23;398:4;400:25; 401:10,12;402:22; 411:12;415:21;432:11; 466:7;468:5;470:19; 473:6</p> <p><b>type (2)</b> 407:1;442:8</p>	<p><b>unless (1)</b> 391:18</p> <p><b>unrelated (1)</b> 399:23</p> <p><b>unsafe (1)</b> 457:16</p> <p><b>unsigned (2)</b> 390:20;393:15</p> <p><b>up (33)</b> 376:13;378:21; 379:5,20;385:10; 392:2;393:20;401:18; 403:17;406:16,17; 408:3;409:3;418:23; 421:22;423:6,11; 424:4;425:13;426:7; 430:18;431:16;433:17; 436:6;439:24;448:25; 450:17;453:8;468:11; 481:22;487:12;490:20; 492:19</p> <p><b>upgrading (1)</b> 430:20</p> <p><b>uphold (2)</b> 486:16,17</p> <p><b>upon (3)</b> 477:23;484:14; 493:15</p> <p><b>urinating (4)</b> 462:12,15;483:21; 488:18</p> <p><b>usage (2)</b> 426:16;431:17</p> <p><b>use (53)</b> 391:16;398:11; 399:9;407:8;413:15, 19;414:2,11,18;415:4, 5,6,8,12,13,23;416:6; 428:10,16,19,19,20; 429:13;432:20,21; 433:2;447:2,4,6,9,14, 19;449:9,17;450:2,5,6; 455:24;456:1,9,18; 457:16,23;458:25; 465:3;471:11,20; 474:16;483:16,18; 485:1,23;489:8</p> <p><b>used (14)</b> 428:15;432:20,25; 449:15;450:7,16,18,19; 458:4;463:19;465:7; 477:11;478:5;489:9</p> <p><b>using (8)</b> 427:3;438:7;450:22, 23;452:14;482:4; 486:6;492:18</p> <p><b>usually (1)</b> 452:22</p> <p><b>utilize (1)</b> 449:10</p>	<p><b>vacation (2)</b> 377:11;452:21</p> <p><b>vague (1)</b> 436:22</p> <p><b>Valenti (1)</b> 440:19</p> <p><b>various (1)</b> 471:11</p> <p><b>vehicle (39)</b> 397:18;398:11,13; 410:5;413:5,16,17,25; 414:5,11;415:4,4,12; 436:15;455:1,8,13,17, 23;456:2;457:16; 458:11,23,25;459:18; 460:19;469:9;471:10, 20,25;472:25;473:2; 481:8;485:1,18,22; 487:25;488:6,15</p> <p><b>vehicles (1)</b> 436:16</p> <p><b>verbal (1)</b> 488:22</p> <p><b>verbatim (4)</b> 382:24;392:25; 396:8;398:3</p> <p><b>Verizon (5)</b> 430:9,19;432:5,11; 435:18</p> <p><b>veteran (1)</b> 494:7</p> <p><b>video (12)</b> 389:20;390:2; 392:17,20;407:21; 412:24;416:8;420:21; 466:22;482:14;485:24; 492:22</p> <p><b>violate (1)</b> 472:10</p> <p><b>violates (1)</b> 491:19</p> <p><b>violating (2)</b> 471:10,22</p> <p><b>violation (13)</b> 459:10;460:4;461:8; 462:19;469:19,21; 476:6;480:21;486:19, 21;488:1,6,8</p> <p><b>violations (4)</b> 470:5;471:6;473:17; 479:25</p> <p><b>Violators (1)</b> 470:25</p> <p><b>visitors (1)</b> 391:17</p> <p><b>vodka (2)</b> 418:2,5</p> <p><b>voiced (1)</b> 415:18</p> <p><b>VOLUME (1)</b> 372:10</p> <p><b>voluntarily (1)</b> 476:9</p>
<b>U</b>				
<p><b>ugly (1)</b> 392:20</p> <p><b>ultimately (1)</b> 482:21</p> <p><b>unable (1)</b> 419:18</p> <p><b>unauthorized (1)</b> 457:16</p> <p><b>unbecoming (3)</b> 483:22;484:9;488:9</p> <p><b>Uncontroverted (1)</b> 483:12</p> <p><b>under (12)</b> 380:6;389:16; 390:17;428:6;444:11, 12;456:7;457:3,23; 458:3;473:7;491:20</p> <p><b>undercut (1)</b> 484:23</p> <p><b>Underneath (1)</b> 472:12</p> <p><b>understood (1)</b> 420:8</p> <p><b>unfit (2)</b> 383:8;485:25</p> <p><b>unfounded (4)</b> 444:16,25;481:13; 490:12</p> <p><b>unhappy (1)</b> 439:11</p> <p><b>uniform (2)</b> 460:12,15</p> <p><b>union (5)</b> 399:6,6;400:6; 401:23;404:10</p>	<p><b>used (14)</b> 428:15;432:20,25; 449:15;450:7,16,18,19; 458:4;463:19;465:7; 477:11;478:5;489:9</p> <p><b>using (8)</b> 427:3;438:7;450:22, 23;452:14;482:4; 486:6;492:18</p> <p><b>usually (1)</b> 452:22</p> <p><b>utilize (1)</b> 449:10</p>	<p><b>V</b></p>		

<p><b>voluntary (1)</b> 387:13</p> <p><b>vote (8)</b> 493:18,20,21,22,22, 22;494:2,20</p> <p><b>vulgar (3)</b> 483:10;488:21,22</p>	<p>412:10;448:15</p> <p><b>welcomed (1)</b> 417:6</p> <p><b>well-being (1)</b> 399:8</p> <p><b>weren't (4)</b> 386:23;425:8;429:4; 472:7</p> <p><b>whatnot (5)</b> 400:22;403:14; 410:14;422:20;430:13</p> <p><b>What's (6)</b> 386:11;390:13; 406:11;411:19;416:12; 434:10</p> <p><b>whatsoever (2)</b> 378:7;389:19</p> <p><b>whenever (2)</b> 412:10;446:6</p> <p><b>wherever (1)</b> 415:11</p> <p><b>White (4)</b> 409:22,22;410:2; 452:11</p> <p><b>whole (10)</b> 391:3,4;407:24; 424:13;428:24;432:18; 454:1;457:2;476:3; 479:21</p> <p><b>who's (2)</b> 380:1;489:4</p> <p><b>whose (2)</b> 412:21;416:17</p> <p><b>Wickliffe (1)</b> 403:21</p> <p><b>wife (4)</b> 381:20;416:22; 427:21;447:15</p> <p><b>willing (8)</b> 380:17;387:18; 388:19;403:17,19; 461:18;475:9,10</p> <p><b>Willoughby (2)</b> 398:21;400:12</p> <p><b>winter (2)</b> 408:17,23</p> <p><b>wise (2)</b> 483:1;484:7</p> <p><b>wish (2)</b> 375:14;492:25</p> <p><b>witch (2)</b> 476:17;481:14</p> <p><b>within (4)</b> 458:4;469:12,17; 480:23</p> <p><b>without (3)</b> 409:10;481:10; 490:19</p> <p><b>witness (3)</b> 375:24;445:4;477:21</p> <p><b>WITNESSES (5)</b> 374:2;375:12; 477:22;479:6;480:5</p>	<p><b>woke (1)</b> 378:2</p> <p><b>Wolfe (15)</b> 373:13;408:8,14,14; 412:25;450:25;452:11; 467:23;468:2,5,7; 492:3,4;494:5,6</p> <p><b>woman (1)</b> 434:19</p> <p><b>won (2)</b> 460:10,21</p> <p><b>word (11)</b> 412:13;434:7;437:9, 9,11;438:8;465:3,4; 483:6;486:6;488:25</p> <p><b>words (1)</b> 465:8</p> <p><b>work (20)</b> 387:19;388:20; 407:5;408:9;410:4; 419:11;420:5,7; 421:24;422:2;429:14; 431:4;437:7,15,18; 461:19;482:1;485:8; 486:1;487:11</p> <p><b>worker (1)</b> 423:14</p> <p><b>working (5)</b> 377:5;409:2;422:17; 456:13,15</p> <p><b>workplace (3)</b> 481:9,10;483:4</p> <p><b>work-related (1)</b> 401:7</p> <p><b>worry (5)</b> 410:7,22;413:9; 414:3;437:16</p> <p><b>worth (1)</b> 475:8</p> <p><b>wrap (2)</b> 378:19;379:23</p> <p><b>write (1)</b> 383:2</p> <p><b>written (6)</b> 444:1;445:19; 456:23;457:6;458:15; 479:6</p> <p><b>wrong (1)</b> 451:22</p> <p><b>wrote (2)</b> 401:2;436:6</p>	<p><b>yelled (1)</b> 434:15</p> <p><b>yesterday (20)</b> 395:18;404:24; 405:15;406:24;410:24; 414:9,22;416:25; 423:1;426:14;433:11, 22;434:9,22;438:7; 441:25;464:10;468:1; 469:1;476:5</p> <p><b>yoga (1)</b> 465:16</p> <p><b>Yup (1)</b> 457:10</p>	<p>377:5;399:5</p> <p><b>13 (3)</b> 472:7;487:25;488:10</p> <p><b>13th (2)</b> 407:20;462:2</p> <p><b>14 (3)</b> 472:7;487:25;488:11</p> <p><b>14th (2)</b> 407:21;462:2</p> <p><b>15 (1)</b> 455:14</p> <p><b>16th (9)</b> 377:22;378:2; 381:10;382:1;383:20; 384:23;389:12,22; 395:17</p> <p><b>17 (1)</b> 399:15</p> <p><b>1720 (1)</b> 497:18</p> <p><b>17th (5)</b> 385:6,14;403:24; 404:1,2</p> <p><b>1801 (1)</b> 497:17.5</p> <p><b>18th (2)</b> 386:5,16</p> <p><b>1996 (1)</b> 433:25</p> <p><b>19th (1)</b> 465:25</p>
<b>W</b>		<b>Z</b>		
<p><b>wait (1)</b> 484:21</p> <p><b>waiting (2)</b> 385:9;436:18</p> <p><b>wake (1)</b> 421:22</p> <p><b>Walked (1)</b> 412:7</p> <p><b>wants (4)</b> 413:13;476:14; 477:9;481:25</p> <p><b>warned (1)</b> 455:7</p> <p><b>warrant (1)</b> 476:10</p> <p><b>warranted (3)</b> 446:6;475:12;476:6</p> <p><b>water (5)</b> 420:13,14,15,16,17</p> <p><b>waters (1)</b> 420:18</p> <p><b>waver (1)</b> 439:5</p> <p><b>wavered (1)</b> 421:9</p> <p><b>wavers (1)</b> 439:6</p> <p><b>way (20)</b> 381:13;383:12; 411:3;417:5;421:17; 425:14;429:20;433:12; 439:3,12;441:2; 459:12;463:9,12; 475:6;477:3;482:1,5; 489:17,19</p> <p><b>Wayne (6)</b> 380:18,21;391:20; 403:4,5,8</p> <p><b>wayside (1)</b> 422:7</p> <p><b>Wednesday (1)</b> 389:23</p> <p><b>week (18)</b> 377:5,6,15,18;386:8; 388:10;391:17;392:4, 9;409:6;420:6;423:15; 452:21;453:3,7,12; 488:2,3</p> <p><b>weekly (1)</b> 388:10</p> <p><b>weight (1)</b> 411:20</p> <p><b>welcome (2)</b></p>	<p><b>whatnot (5)</b> 400:22;403:14; 410:14;422:20;430:13</p> <p><b>What's (6)</b> 386:11;390:13; 406:11;411:19;416:12; 434:10</p> <p><b>whatsoever (2)</b> 378:7;389:19</p> <p><b>whenever (2)</b> 412:10;446:6</p> <p><b>wherever (1)</b> 415:11</p> <p><b>White (4)</b> 409:22,22;410:2; 452:11</p> <p><b>whole (10)</b> 391:3,4;407:24; 424:13;428:24;432:18; 454:1;457:2;476:3; 479:21</p> <p><b>who's (2)</b> 380:1;489:4</p> <p><b>whose (2)</b> 412:21;416:17</p> <p><b>Wickliffe (1)</b> 403:21</p> <p><b>wife (4)</b> 381:20;416:22; 427:21;447:15</p> <p><b>willing (8)</b> 380:17;387:18; 388:19;403:17,19; 461:18;475:9,10</p> <p><b>Willoughby (2)</b> 398:21;400:12</p> <p><b>winter (2)</b> 408:17,23</p> <p><b>wise (2)</b> 483:1;484:7</p> <p><b>wish (2)</b> 375:14;492:25</p> <p><b>witch (2)</b> 476:17;481:14</p> <p><b>within (4)</b> 458:4;469:12,17; 480:23</p> <p><b>without (3)</b> 409:10;481:10; 490:19</p> <p><b>witness (3)</b> 375:24;445:4;477:21</p> <p><b>WITNESSES (5)</b> 374:2;375:12; 477:22;479:6;480:5</p>	<p><b>worker (1)</b> 423:14</p> <p><b>working (5)</b> 377:5;409:2;422:17; 456:13,15</p> <p><b>workplace (3)</b> 481:9,10;483:4</p> <p><b>work-related (1)</b> 401:7</p> <p><b>worry (5)</b> 410:7,22;413:9; 414:3;437:16</p> <p><b>worth (1)</b> 475:8</p> <p><b>wrap (2)</b> 378:19;379:23</p> <p><b>write (1)</b> 383:2</p> <p><b>written (6)</b> 444:1;445:19; 456:23;457:6;458:15; 479:6</p> <p><b>wrong (1)</b> 451:22</p> <p><b>wrote (2)</b> 401:2;436:6</p>	<p><b>Zicarelli (29)</b> 373:2;375:8,14,16, 18,20,23;441:9,18,21; 445:5;467:7;471:16; 473:15;475:5;477:17, 19,22;478:1,14;479:2; 486:2;487:7;491:1; 492:16;493:4,13; 495:11,23</p> <p><b>Zoom (3)</b> 388:3;432:9,12</p>	
<b>1</b>		<b>2</b>		
<p><b>year (4)</b> 377:2;396:1;427:9; 428:7</p> <p><b>years (7)</b> 376:12,13;398:19; 424:8;427:8;428:8; 475:23</p> <p><b>yell (2)</b> 436:10,11</p>	<p style="text-align: center;"><b>Y</b></p>	<p><b>1 (2)</b> 426:24;431:8</p> <p><b>1.4.34 (1)</b> 473:18</p> <p><b>1:00 (1)</b> 420:23</p> <p><b>10 (2)</b> 412:24;441:19</p> <p><b>10.17 (2)</b> 459:14;461:8</p> <p><b>10.50 (1)</b> 449:4</p> <p><b>10.73 (2)</b> 471:4;473:14</p> <p><b>10:00 (3)</b> 385:25;386:2;493:9</p> <p><b>10:11 (1)</b> 493:8</p> <p><b>10:17 (1)</b> 493:10</p> <p><b>10:20 (1)</b> 496:1</p> <p><b>10:44 (1)</b> 385:6</p> <p><b>100 (2)</b> 400:12;417:13</p> <p><b>12 (6)</b> 409:22;414:11,16; 456:6;470:20;471:20</p> <p><b>128 (1)</b> 395:10</p> <p><b>12th (2)</b></p>	<p><b>2 (4)</b> 470:21,23;471:25; 472:1</p> <p><b>2:00 (1)</b> 414:10</p> <p><b>2017 (2)</b> 376:9;396:7</p> <p><b>2019 (3)</b> 406:16,19;443:10</p> <p><b>2020 (7)</b> 408:17,23,23;424:2, 15;431:1;434:7</p> <p><b>2021 (11)</b> 372:15;377:3,5; 387:22;388:15;390:20; 395:19;408:22;431:2; 493:16;497:8</p> <p><b>216 (1)</b> 497:19</p> <p><b>23 (1)</b> 386:14</p> <p><b>23rd (2)</b> 386:17,19</p> <p><b>24 (2)</b> 415:10;456:13</p> <p><b>24-hour (1)</b> 387:7</p> <p><b>26 (2)</b> 390:20;393:14</p>	

<p><b>26th (1)</b> 394:3 <b>28 (3)</b> 376:12;406:16,19 <b>28-year (1)</b> 494:7</p>	<p>497:19 <b>6th (2)</b> 388:23;461:17</p>			
<p><b>3</b></p>	<p><b>7</b></p>			
<p><b>3 (5)</b> 372:10,15;426:24; 431:9;497:7 <b>300 (1)</b> 411:23 <b>30-day (2)</b> 447:11;450:25 <b>326 (1)</b> 411:23 <b>372 (1)</b> 372:10 <b>377 (1)</b> 374:3 <b>389 (1)</b> 374:8</p>	<p><b>7 (8)</b> 406:25;449:1; 459:13;471:3;473:15, 16;490:4;493:16 <b>7:30 (1)</b> 382:15 <b>7th (1)</b> 461:22</p>			
<p><b>4</b></p>	<p><b>8</b></p>			
<p><b>4 (4)</b> 426:24;431:9; 443:23;450:12 <b>406 (1)</b> 374:10 <b>44114 (1)</b> 497:18.5 <b>443 (1)</b> 374:9 <b>446 (1)</b> 374:3 <b>472 (1)</b> 374:3 <b>480 (1)</b> 389:9 <b>496 (1)</b> 372:10</p>	<p><b>8:00 (3)</b> 382:15;385:25;386:2</p>			
<p><b>5</b></p>	<p><b>9</b></p>			
<p><b>5 (3)</b> 444:12;450:12; 489:11</p>	<p><b>9 (2)</b> 493:3,4 <b>9:00 (2)</b> 383:20;420:23 <b>9:30 (1)</b> 381:2 <b>9301 (1)</b> 372:14</p>			
<p><b>6</b></p>				
<p><b>6 (4)</b> 388:15;443:9,23; 444:12 <b>6:00 (2)</b> 372:15;497:8 <b>6:09 (2)</b> 407:25;408:1 <b>6'5 (1)</b> 412:1 <b>696-2272 (1)</b></p>				

**iPhone8**  
**Listed as "Chief Lance Nosse Cell"**  
***Voice Usage from Oct-20 to Apr-21***

<u>Wireless #</u>	<u>Date</u>	<u>Destination</u>	<u>Minutes</u>	<u>Number</u>
216-402-0591	10/1/2020	Cleveland	1	2164027946
216-402-0591	10/1/2020	Cleveland	1	2164027946
216-402-0591	10/1/2020	Incoming	1	2164027946
216-402-0591	10/1/2020	Cleveland	1	2164028301
216-402-0591	10/1/2020	Cleveland	1	2164028301
216-402-0591	10/1/2020	Incoming	3	2164028982
216-402-0591	10/1/2020	Vm Deposit	1	2164071885
216-402-0591	10/1/2020	Incoming	13	2164071885
216-402-0591	10/1/2020	Cleveland	6	2164071885
216-402-0591	10/1/2020	Cleveland	2	2164071885
216-402-0591	10/1/2020	Cleveland	4	2164079965
216-402-0591	10/1/2020	Willoughby	1	4406672398
216-402-0591	10/1/2020	Incoming	16	4406672398
216-402-0591	10/1/2020	Incoming	1	4406672398
216-402-0591	10/1/2020	Incoming	4	4406672398
216-402-0591	10/1/2020	Willoughby	1	4406672398
216-402-0591	10/1/2020	Incoming	1	4409534130
216-402-0591	10/2/2020	Cleveland	2	2164071885
216-402-0591	10/2/2020	Cleveland	1	2164814585
216-402-0591	10/2/2020	Incoming	1	2168596521
216-402-0591	10/2/2020	Incoming	1	4402314347
216-402-0591	10/2/2020	Painesvl	1	4402314347
216-402-0591	10/2/2020	Incoming	1	4403543293
216-402-0591	10/2/2020	Willoughby	1	4403824973
216-402-0591	10/2/2020	Incoming	1	4404877678
216-402-0591	10/2/2020	Incoming	9	4406550279
216-402-0591	10/2/2020	Vm Deposit	1	4406550279
216-402-0591	10/2/2020	Willoughby	1	4406672398
216-402-0591	10/2/2020	Willoughby	5	4406672398
216-402-0591	10/2/2020	Willoughby	3	4406672398
216-402-0591	10/2/2020	Willoughby	3	4406672398
216-402-0591	10/2/2020	Incoming	2	4406672398
216-402-0591	10/2/2020	Incoming	7	4407968788
216-402-0591	10/2/2020	Vm Deposit	2	4407968788
216-402-0591	10/2/2020	Brecksvl	2	4408321050
216-402-0591	10/2/2020	Incoming	2	4408972231
216-402-0591	10/3/2020	Painesvl	5	4402516585
216-402-0591	10/3/2020	Willoughby	3	4406672398
216-402-0591	10/3/2020	Incoming	3	4408972231
216-402-0591	10/3/2020	Ashtabula	3	4409944201
216-402-0591	10/4/2020	Kirtland	3	4402561181
216-402-0591	10/4/2020	Mentoronlk	1	4402572557
216-402-0591	10/4/2020	Mentoronlk	1	4402572557



216-402-0591	10/4/2020 Mentoronlk	1	4402572557
216-402-0591	10/4/2020 Incoming	8	4402572557
216-402-0591	10/4/2020 Incoming	6	4405395649
216-402-0591	10/5/2020 Incoming	6	2163124205
216-402-0591	10/5/2020 Cleveland	1	2164028982
216-402-0591	10/5/2020 Cleveland	1	2164028982
216-402-0591	10/5/2020 Incoming	1	2164079965
216-402-0591	10/5/2020 Incoming	3	2164079965
216-402-0591	10/5/2020 Cleveland	1	2164079965
216-402-0591	10/5/2020 Incoming	2	2164079965
216-402-0591	10/5/2020 Incoming	1	2164079965
216-402-0591	10/5/2020 Incoming	1	2164079965
216-402-0591	10/5/2020 Vm Deposit	1	2164079965
216-402-0591	10/5/2020 Vm Deposit	1	2164079965
216-402-0591	10/5/2020 Incoming	2	2164079965
216-402-0591	10/5/2020 Incoming	1	2164079965
216-402-0591	10/5/2020 Incoming	1	2166225739
216-402-0591	10/5/2020 Incoming	2	3306876121
216-402-0591	10/5/2020 Incoming	1	3306876121
216-402-0591	10/5/2020 Incoming	6	3306876121
216-402-0591	10/5/2020 Akron	1	3306876121
216-402-0591	10/5/2020 Incoming	3	4402219213
216-402-0591	10/5/2020 Willoughby	2	4402219213
216-402-0591	10/5/2020 Willoughby	4	4402219213
216-402-0591	10/5/2020 Willoughby	4	4402219213
216-402-0591	10/5/2020 Willoughby	2	4402219213
216-402-0591	10/5/2020 Incoming	1	4402519985
216-402-0591	10/5/2020 Incoming	1	4402711346
216-402-0591	10/5/2020 Incoming	1	4402711346
216-402-0591	10/5/2020 Willoughby	1	4404786883
216-402-0591	10/5/2020 Willoughby	1	4404874700
216-402-0591	10/5/2020 Incoming	3	4404874700
216-402-0591	10/5/2020 Incoming	2	4404877678
216-402-0591	10/5/2020 Willoughby	1	4405370059
216-402-0591	10/5/2020 Cleveland	1	4405395649
216-402-0591	10/5/2020 Incoming	7	4406672398
216-402-0591	10/5/2020 Willoughby	1	4406672398
216-402-0591	10/5/2020 Incoming	1	4406672398
216-402-0591	10/5/2020 Willoughby	2	4406672398
216-402-0591	10/5/2020 Willoughby	1	4406672398
216-402-0591	10/5/2020 Painesvl	2	4407963647
216-402-0591	10/5/2020 Painesvl	1	4407963647
216-402-0591	10/5/2020 Willoughby	1	4409469274
216-402-0591	10/5/2020 Willoughby	2	4409469274
216-402-0591	10/6/2020 Incoming	1	2163105210
216-402-0591	10/6/2020 Cleveland	1	2164027946
216-402-0591	10/6/2020 Vm Deposit	1	2164027946
216-402-0591	10/6/2020 Cleveland	2	2164028982
216-402-0591	10/6/2020 Incoming	1	2164071885

216-402-0591	10/6/2020 Incoming	5	2164071885
216-402-0591	10/6/2020 Vm Deposit	3	2164079965
216-402-0591	10/6/2020 Incoming	2	2164079965
216-402-0591	10/6/2020 Vm Deposit	1	2164079965
216-402-0591	10/6/2020 Cleveland	4	2164079965
216-402-0591	10/6/2020 Incoming	2	2164079965
216-402-0591	10/6/2020 Vm Deposit	1	2164079965
216-402-0591	10/6/2020 Incoming	2	2165488821
216-402-0591	10/6/2020 Incoming	1	2168596704
216-402-0591	10/6/2020 Incoming	4	4402219213
216-402-0591	10/6/2020 Incoming	2	4402219213
216-402-0591	10/6/2020 Incoming	1	4402219213
216-402-0591	10/6/2020 Willoughby	2	4402219213
216-402-0591	10/6/2020 Incoming	1	4403643018
216-402-0591	10/6/2020 Willoughby	18	4403643018
216-402-0591	10/6/2020 Willoughby	1	4404874700
216-402-0591	10/6/2020 Willoughby	8	4404874700
216-402-0591	10/6/2020 Incoming	1	4404874700
216-402-0591	10/6/2020 Incoming	3	4404874700
216-402-0591	10/6/2020 Willoughby	3	4404874700
216-402-0591	10/6/2020 Willoughby	1	4404874700
216-402-0591	10/6/2020 Willoughby	1	4404874700
216-402-0591	10/6/2020 Willoughby	4	4406672398
216-402-0591	10/6/2020 Incoming	7	4406672398
216-402-0591	10/6/2020 Willoughby	1	4406672398
216-402-0591	10/6/2020 Incoming	6	4406672398
216-402-0591	10/6/2020 Willoughby	2	4406672398
216-402-0591	10/6/2020 Incoming	2	4407963647
216-402-0591	10/6/2020 Vm Deposit	1	4407963647
216-402-0591	10/6/2020 Incoming	2	4407995019
216-402-0591	10/6/2020 Cleveland	1	4407995019
216-402-0591	10/7/2020 Incoming	3	2164071885
216-402-0591	10/7/2020 Cleveland	3	2164079965
216-402-0591	10/7/2020 Vm Deposit	1	2164079965
216-402-0591	10/7/2020 Vm Deposit	1	2164400758
216-402-0591	10/7/2020 Cleveland	2	2164400758
216-402-0591	10/7/2020 Cleveland	1	2164816824
216-402-0591	10/7/2020 Incoming	4	2164816824
216-402-0591	10/7/2020 Incoming	1	4402219213
216-402-0591	10/7/2020 Willoughby	1	4402239413
216-402-0591	10/7/2020 Willoughby	3	4402239413
216-402-0591	10/7/2020 Willoughby	1	4402239413
216-402-0591	10/7/2020 Painesvl	5	4402314347
216-402-0591	10/7/2020 Incoming	5	4402513633
216-402-0591	10/7/2020 Painesvl	2	4402519985
216-402-0591	10/7/2020 Incoming	12	4403643018
216-402-0591	10/7/2020 Incoming	2	4404874700
216-402-0591	10/7/2020 Incoming	3	4404874700
216-402-0591	10/7/2020 Willoughby	10	4406672398

216-402-0591	10/7/2020 Incoming	4	4407968788
216-402-0591	10/7/2020 Cleveland	2	4407995019
216-402-0591	10/8/2020 Cleveland	2	2162101705
216-402-0591	10/8/2020 Incoming	5	2162101705
216-402-0591	10/8/2020 Incoming	2	2164028982
216-402-0591	10/8/2020 Cleveland	2	2164028982
216-402-0591	10/8/2020 Cleveland	7	2164079965
216-402-0591	10/8/2020 Incoming	1	2164079965
216-402-0591	10/8/2020 Cleveland	2	2164079965
216-402-0591	10/8/2020 Incoming	1	2164079965
216-402-0591	10/8/2020 Cleveland	2	2164079965
216-402-0591	10/8/2020 Cleveland	3	2164079965
216-402-0591	10/8/2020 Incoming	6	2164816824
216-402-0591	10/8/2020 Cleveland	1	2164816824
216-402-0591	10/8/2020 Cleveland	2	2164816824
216-402-0591	10/8/2020 Willoughby	3	4402219213
216-402-0591	10/8/2020 Willoughby	1	4402219213
216-402-0591	10/8/2020 Vm Deposit	1	4402516585
216-402-0591	10/8/2020 Willoughby	24	4406672398
216-402-0591	10/8/2020 Willoughby	2	4408972231
216-402-0591	10/8/2020 Incoming	1	5633332065
216-402-0591	10/8/2020 Gallipolis	17	7402080930
216-402-0591	10/9/2020 Cleveland	2	2164026082
216-402-0591	10/9/2020 Cleveland	2	2164026082
216-402-0591	10/9/2020 Cleveland	2	2164028301
216-402-0591	10/9/2020 Incoming	2	2164028982
216-402-0591	10/9/2020 Cleveland	1	2164028982
216-402-0591	10/9/2020 Incoming	18	2164071885
216-402-0591	10/9/2020 Incoming	1	2164079965
216-402-0591	10/9/2020 Incoming	1	2164079965
216-402-0591	10/9/2020 Incoming	7	2164079965
216-402-0591	10/9/2020 Vm Deposit	1	2164079965
216-402-0591	10/9/2020 Incoming	1	2164079965
216-402-0591	10/9/2020 Cleveland	7	2164079965
216-402-0591	10/9/2020 Incoming	2	2164079965
216-402-0591	10/9/2020 Incoming	1	2164079965
216-402-0591	10/9/2020 Cleveland	1	2164817160
216-402-0591	10/9/2020 Incoming	1	2168596496
216-402-0591	10/9/2020 Kirtland	2	4402561134
216-402-0591	10/9/2020 Chardon	1	4402862539
216-402-0591	10/9/2020 Incoming	2	4403392883
216-402-0591	10/9/2020 Painesvl	1	4403392883
216-402-0591	10/9/2020 Willoughby	4	4404874700
216-402-0591	10/9/2020 Willoughby	2	4404874700
216-402-0591	10/9/2020 Incoming	1	4404889738
216-402-0591	10/9/2020 Incoming	2	4405395649
216-402-0591	10/9/2020 Willoughby	2	4406550279
216-402-0591	10/9/2020 Willoughby	2	4406672398
216-402-0591	10/9/2020 Incoming	1	4406676122

216-402-0591	10/9/2020 Incoming	1	4407995019
216-402-0591	10/9/2020 Toll-Free	1	8442928615
216-402-0591	10/9/2020 Toll-Free	10	8442928615
216-402-0591	10/10/2020 Cleveland	1	2164028301
216-402-0591	10/10/2020 Cleveland	1	2164028982
216-402-0591	10/10/2020 Cleveland	1	2164028982
216-402-0591	10/10/2020 Incoming	3	2164079965
216-402-0591	10/10/2020 Cleveland	1	2164079965
216-402-0591	10/10/2020 Vm Deposit	2	2164079965
216-402-0591	10/10/2020 Cleveland	1	2164817160
216-402-0591	10/10/2020 Willoughby	12	4406672398
216-402-0591	10/10/2020 Willoughby	2	4406672398
216-402-0591	10/10/2020 Willoughby	1	4406672398
216-402-0591	10/10/2020 Willoughby	2	4406676122
216-402-0591	10/10/2020 Willoughby	34	4407258234
216-402-0591	10/10/2020 Incoming	1	4407258234
216-402-0591	10/10/2020 Incoming	2	4407963647
216-402-0591	10/11/2020 Cleveland	1	2164028982
216-402-0591	10/11/2020 Incoming	3	2164028982
216-402-0591	10/11/2020 Cleveland	5	2164028982
216-402-0591	10/11/2020 Cleveland	4	2166442156
216-402-0591	10/11/2020 Incoming	1	2166442156
216-402-0591	10/11/2020 Incoming	1	4402516585
216-402-0591	10/11/2020 Incoming	1	4402516585
216-402-0591	10/11/2020 Painesvl	1	4402516585
216-402-0591	10/11/2020 Incoming	12	4402516585
216-402-0591	10/11/2020 Incoming	1	4402516585
216-402-0591	10/11/2020 Vm Deposit	1	4402516585
216-402-0591	10/11/2020 Willoughby	4	4404630768
216-402-0591	10/11/2020 Willoughby	48	4406672398
216-402-0591	10/11/2020 Willoughby	1	4406672398
216-402-0591	10/11/2020 Willoughby	1	4406672398
216-402-0591	10/11/2020 Vm Deposit	1	7402080930
216-402-0591	10/12/2020 Incoming	1	2164027946
216-402-0591	10/12/2020 Cleveland	1	2164027946
216-402-0591	10/12/2020 Cleveland	1	2164027946
216-402-0591	10/12/2020 Cleveland	1	2164027946
216-402-0591	10/12/2020 Incoming	1	2164079965
216-402-0591	10/12/2020 Incoming	1	2164079965
216-402-0591	10/12/2020 Incoming	1	2164079965
216-402-0591	10/12/2020 Cleveland	1	2164079965
216-402-0591	10/12/2020 Incoming	3	2164079965
216-402-0591	10/12/2020 Incoming	2	2164079965
216-402-0591	10/12/2020 Incoming	1	2164079965
216-402-0591	10/12/2020 Cleveland	7	2164079965
216-402-0591	10/12/2020 Incoming	18	2169702763
216-402-0591	10/12/2020 Incoming	16	4402513633
216-402-0591	10/12/2020 Incoming	1	4402562277
216-402-0591	10/12/2020 Willoughby	10	4404638762

216-402-0591	10/12/2020 Willoughby	3	4404787643
216-402-0591	10/12/2020 Willoughby	5	4404787643
216-402-0591	10/12/2020 Cleveland	6	4405395649
216-402-0591	10/12/2020 Willoughby	4	4406672398
216-402-0591	10/12/2020 Willoughby	1	4406672398
216-402-0591	10/12/2020 Willoughby	1	4406692862
216-402-0591	10/13/2020 Vm Deposit	1	2164028982
216-402-0591	10/13/2020 Incoming	1	2164079965
216-402-0591	10/13/2020 Cleveland	1	2164079965
216-402-0591	10/13/2020 Cleveland	3	2164816824
216-402-0591	10/13/2020 Incoming	1	2168596591
216-402-0591	10/13/2020 Willoughby	9	4402219213
216-402-0591	10/13/2020 Willoughby	4	4402219213
216-402-0591	10/13/2020 Willoughby	4	4402219213
216-402-0591	10/13/2020 Vm Deposit	1	4402516585
216-402-0591	10/13/2020 Kirtland	1	4402562277
216-402-0591	10/13/2020 Incoming	1	4402562277
216-402-0591	10/13/2020 Incoming	6	4402791890
216-402-0591	10/13/2020 Vm Deposit	1	4402890862
216-402-0591	10/13/2020 Incoming	17	4402890862
216-402-0591	10/13/2020 Incoming	3	4404874700
216-402-0591	10/13/2020 Willoughby	2	4404874700
216-402-0591	10/13/2020 Incoming	5	4404874700
216-402-0591	10/13/2020 Incoming	2	4405395649
216-402-0591	10/13/2020 Cleveland	1	4405395649
216-402-0591	10/13/2020 Incoming	1	4405395649
216-402-0591	10/13/2020 Incoming	4	4405395649
216-402-0591	10/13/2020 Willoughby	1	4406672398
216-402-0591	10/13/2020 Willoughby	12	4406672398
216-402-0591	10/13/2020 Incoming	9	4406672398
216-402-0591	10/13/2020 Willoughby	1	4408972231
216-402-0591	10/13/2020 Incoming	13	4408972231
216-402-0591	10/14/2020 Incoming	6	2164079965
216-402-0591	10/14/2020 Vm Deposit	1	2164079965
216-402-0591	10/14/2020 Incoming	5	2164079965
216-402-0591	10/14/2020 Incoming	2	2164816824
216-402-0591	10/14/2020 Incoming	4	4402516585
216-402-0591	10/14/2020 Incoming	1	4402516585
216-402-0591	10/14/2020 Painesvl	10	4402516585
216-402-0591	10/14/2020 Vm Deposit	1	4402516585
216-402-0591	10/14/2020 Incoming	5	4402516585
216-402-0591	10/14/2020 Painesvl	2	4402519985
216-402-0591	10/14/2020 Cleveland	3	4404290293
216-402-0591	10/14/2020 Incoming	4	4404874700
216-402-0591	10/14/2020 Incoming	10	4406672398
216-402-0591	10/14/2020 Willoughby	20	4406672398
216-402-0591	10/14/2020 Incoming	3	4406672398
216-402-0591	10/14/2020 Willoughby	10	4406672398
216-402-0591	10/14/2020 Willoughby	1	4406672398

216-402-0591	10/14/2020 Incoming	5	4406672398
216-402-0591	10/15/2020 Incoming	3	2163879172
216-402-0591	10/15/2020 Cleveland	6	2164079965
216-402-0591	10/15/2020 Incoming	1	2164079965
216-402-0591	10/15/2020 Willoughby	25	4402219213
216-402-0591	10/15/2020 Painesvl	1	4402513633
216-402-0591	10/15/2020 Incoming	2	4402513633
216-402-0591	10/15/2020 Incoming	2	4402513633
216-402-0591	10/15/2020 Painesvl	1	4402513633
216-402-0591	10/15/2020 Incoming	2	4402516585
216-402-0591	10/15/2020 Incoming	1	4402711346
216-402-0591	10/15/2020 Incoming	1	4402711346
216-402-0591	10/15/2020 Incoming	1	4402711346
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216-402-0591	10/15/2020 Incoming	1	4402711346
216-402-0591	10/15/2020 Willoughby	2	4403643018
216-402-0591	10/15/2020 Willoughby	2	4403643018
216-402-0591	10/15/2020 Incoming	11	4404793257
216-402-0591	10/15/2020 Incoming	4	4404874700
216-402-0591	10/15/2020 Willoughby	4	4404874700
216-402-0591	10/15/2020 Willoughby	3	4406672398
216-402-0591	10/15/2020 Incoming	16	4406672398
216-402-0591	10/15/2020 Willoughby	2	4406672398
216-402-0591	10/15/2020 Painesvl	1	4407963647
216-402-0591	10/15/2020 Painesvl	3	4407963647
216-402-0591	10/15/2020 Willoughby	2	4409534217
216-402-0591	10/15/2020 Incoming	2	8442928615
216-402-0591	10/15/2020 Toll-Free	11	8552311590
216-402-0591	10/16/2020 Incoming	1	2164028301
216-402-0591	10/16/2020 Cleveland	2	2164028301
216-402-0591	10/16/2020 Cleveland	4	2164028982
216-402-0591	10/16/2020 Incoming	2	2164079965
216-402-0591	10/16/2020 Cleveland	2	2164079965
216-402-0591	10/16/2020 Cleveland	4	2164079965
216-402-0591	10/16/2020 Incoming	2	2164079965
216-402-0591	10/16/2020 Incoming	1	2164079965
216-402-0591	10/16/2020 Cleveland	3	2164098172
216-402-0591	10/16/2020 Incoming	5	4402314347
216-402-0591	10/16/2020 Kirtland	2	4402561134
216-402-0591	10/16/2020 Cleveland	1	4405395649
216-402-0591	10/16/2020 Willoughby	1	4406672398
216-402-0591	10/16/2020 Incoming	1	4406672398
216-402-0591	10/16/2020 Incoming	1	4406672398
216-402-0591	10/16/2020 Willoughby	2	4406672398
216-402-0591	10/16/2020 Willoughby	3	4406672398
216-402-0591	10/16/2020 Incoming	8	4406672398
216-402-0591	10/16/2020 Willoughby	13	4406672398
216-402-0591	10/16/2020 Willoughby	2	4406672398
216-402-0591	10/16/2020 Willoughby	2	4409426611
216-402-0591	10/16/2020 Willoughby	1	4409426611

216-402-0591	10/16/2020 Incoming	1	7402080930
216-402-0591	10/17/2020 Incoming	3	4405395649
216-402-0591	10/18/2020 Incoming	1	2164079965
216-402-0591	10/18/2020 Willoughby	5	4406672398
216-402-0591	10/18/2020 Incoming	37	7402080930
216-402-0591	10/19/2020 Incoming	2	2164079965
216-402-0591	10/19/2020 Cleveland	5	2164079965
216-402-0591	10/19/2020 Incoming	2	2164079965
216-402-0591	10/19/2020 Incoming	1	2164910950
216-402-0591	10/19/2020 Cleveland	4	2165368584
216-402-0591	10/19/2020 Incoming	3	4402219213
216-402-0591	10/19/2020 Willoughby	1	4402219213
216-402-0591	10/19/2020 Incoming	2	4402562277
216-402-0591	10/19/2020 Incoming	10	4404290293
216-402-0591	10/19/2020 Willoughby	2	4404786883
216-402-0591	10/19/2020 Incoming	4	4404793257
216-402-0591	10/19/2020 Incoming	1	4404874700
216-402-0591	10/19/2020 Willoughby	1	4404874700
216-402-0591	10/19/2020 Incoming	3	4404874700
216-402-0591	10/19/2020 Incoming	2	4404874700
216-402-0591	10/19/2020 Willoughby	2	4404878984
216-402-0591	10/19/2020 Incoming	9	4405675448
216-402-0591	10/19/2020 Ashtabula	4	4409944201
216-402-0591	10/20/2020 Incoming	1	2164079965
216-402-0591	10/20/2020 Incoming	5	2164816824
216-402-0591	10/20/2020 Vm Deposit	1	2165368584
216-402-0591	10/20/2020 Incoming	2	2165368584
216-402-0591	10/20/2020 Incoming	38	4402314347
216-402-0591	10/20/2020 Incoming	22	4402513633
216-402-0591	10/20/2020 Kirtland	6	4402562277
216-402-0591	10/20/2020 Chardon	3	4402791890
216-402-0591	10/20/2020 Incoming	9	4402791890
216-402-0591	10/20/2020 Willoughby	11	4404874700
216-402-0591	10/20/2020 Incoming	8	4404874700
216-402-0591	10/20/2020 Incoming	4	4404874700
216-402-0591	10/20/2020 Willoughby	2	4404874700
216-402-0591	10/20/2020 Willoughby	6	4406550279
216-402-0591	10/20/2020 Incoming	2	4406672398
216-402-0591	10/20/2020 Willoughby	14	4406672398
216-402-0591	10/20/2020 Willoughby	4	4406672398
216-402-0591	10/20/2020 Willoughby	2	4406672398
216-402-0591	10/20/2020 Incoming	24	4406672398
216-402-0591	10/20/2020 Incoming	19	6147742548
216-402-0591	10/20/2020 Columbus	1	6147742548
216-402-0591	10/20/2020 Incoming	2	6147742548
216-402-0591	10/20/2020 Incoming	41	7402080930
216-402-0591	10/21/2020 Incoming	7	2164071885
216-402-0591	10/21/2020 Cleveland	1	2164071885
216-402-0591	10/21/2020 Incoming	3	2164079965

216-402-0591	10/21/2020 Vm Deposit	1	2164079965
216-402-0591	10/21/2020 Incoming	2	2164079965
216-402-0591	10/21/2020 Cleveland	3	2164079965
216-402-0591	10/21/2020 Cleveland	2	2164079965
216-402-0591	10/21/2020 Cleveland	7	2164098172
216-402-0591	10/21/2020 Cleveland	2	2164816824
216-402-0591	10/21/2020 Cleveland	38	2165709960
216-402-0591	10/21/2020 Willoughby	10	4402219213
216-402-0591	10/21/2020 Willoughby	3	4402219213
216-402-0591	10/21/2020 Painesvl	10	4402310102
216-402-0591	10/21/2020 Kirtland	4	4402563332
216-402-0591	10/21/2020 Vm Deposit	1	4403395116
216-402-0591	10/21/2020 Willoughby	2	4404786883
216-402-0591	10/21/2020 Willoughby	2	4404786883
216-402-0591	10/21/2020 Willoughby	3	4404786883
216-402-0591	10/21/2020 Willoughby	3	4404789716
216-402-0591	10/21/2020 Willoughby	1	4404874700
216-402-0591	10/21/2020 Willoughby	2	4404874700
216-402-0591	10/21/2020 Incoming	4	4404874700
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216-402-0591	10/21/2020 Cleveland	3	4405395649
216-402-0591	10/21/2020 Cleveland	1	4405395649
216-402-0591	10/21/2020 Incoming	14	4406672398
216-402-0591	10/21/2020 Incoming	10	4406672398
216-402-0591	10/21/2020 Incoming	5	4406672398
216-402-0591	10/21/2020 Willoughby	4	4406672398
216-402-0591	10/21/2020 Willoughby	3	4406672655
216-402-0591	10/21/2020 Willoughby	1	4406672655
216-402-0591	10/21/2020 Incoming	10	7402080930
216-402-0591	10/21/2020 Gallipolis	1	7402080930
216-402-0591	10/22/2020 Cleveland	1	2164027946
216-402-0591	10/22/2020 Incoming	12	2164071885
216-402-0591	10/22/2020 Incoming	3	2164079965
216-402-0591	10/22/2020 Cleveland	1	2164079965
216-402-0591	10/22/2020 Cleveland	1	2164079965
216-402-0591	10/22/2020 Incoming	1	2164079965
216-402-0591	10/22/2020 Incoming	1	2164079965
216-402-0591	10/22/2020 Vm Deposit	1	2164079965
216-402-0591	10/22/2020 Incoming	1	2164079965
216-402-0591	10/22/2020 Incoming	2	2164079965
216-402-0591	10/22/2020 Incoming	3	4402516585
216-402-0591	10/22/2020 Painesvl	4	4402516585
216-402-0591	10/22/2020 Chardon	1	4402791890
216-402-0591	10/22/2020 Chardon	3	4402791890
216-402-0591	10/22/2020 Incoming	1	4403643018
216-402-0591	10/22/2020 Willoughby	3	4404786883
216-402-0591	10/22/2020 Vm Deposit	1	4404786883
216-402-0591	10/22/2020 Incoming	19	4404793257
216-402-0591	10/22/2020 Vm Deposit	2	4404793257

216-402-0591	10/22/2020 Willoughby	4	4404874700
216-402-0591	10/22/2020 Incoming	6	4404874700
216-402-0591	10/22/2020 Incoming	2	4404874700
216-402-0591	10/22/2020 Willoughby	1	4405671856
216-402-0591	10/22/2020 Incoming	10	4405671856
216-402-0591	10/22/2020 Incoming	6	4406672398
216-402-0591	10/22/2020 Willoughby	2	4406672398
216-402-0591	10/22/2020 Willoughby	1	4406672398
216-402-0591	10/22/2020 Incoming	11	4406672398
216-402-0591	10/22/2020 Incoming	4	7402080930
216-402-0591	10/23/2020 Vm Deposit	1	2164071885
216-402-0591	10/23/2020 Cleveland	1	2164079965
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216-402-0591	10/23/2020 Incoming	2	2164079965
216-402-0591	10/23/2020 Incoming	3	2164079965
216-402-0591	10/23/2020 Cleveland	1	2164079965
216-402-0591	10/23/2020 Incoming	2	4402513633
216-402-0591	10/23/2020 Painesvl	5	4402513633
216-402-0591	10/23/2020 Painesvl	3	4402513633
216-402-0591	10/23/2020 Willoughby	6	4404874700
216-402-0591	10/23/2020 Vm Deposit	1	4405395649
216-402-0591	10/23/2020 Vm Deposit	1	4405395649
216-402-0591	10/23/2020 Incoming	2	4405395649
216-402-0591	10/23/2020 Painesvl	1	4407968788
216-402-0591	10/23/2020 Willoughby	3	4408402709
216-402-0591	10/24/2020 Incoming	22	4406672398
216-402-0591	10/24/2020 Incoming	2	4406672398
216-402-0591	10/24/2020 Willoughby	1	4406672398
216-402-0591	10/25/2020 Cleveland	1	2164027946
216-402-0591	10/25/2020 Incoming	10	2169702763
216-402-0591	10/25/2020 Willoughby	3	4406672398
216-402-0591	10/25/2020 Incoming	35	4406672398
216-402-0591	10/25/2020 Gallipolis	5	7402080930
216-402-0591	10/25/2020 Incoming	2	7402080930
216-402-0591	10/26/2020 Incoming	4	2164079965
216-402-0591	10/26/2020 Incoming	5	2164079965
216-402-0591	10/26/2020 Incoming	1	2164079965
216-402-0591	10/26/2020 Incoming	9	4402516585
216-402-0591	10/26/2020 Willoughby	9	4403643018
216-402-0591	10/26/2020 Incoming	1	4404874700
216-402-0591	10/26/2020 Incoming	4	4404874700
216-402-0591	10/26/2020 Incoming	4	4405395649
216-402-0591	10/26/2020 Vm Deposit	1	4405395649
216-402-0591	10/26/2020 Willoughby	7	4406550279
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216-402-0591	10/26/2020 Willoughby	5	4406672398
216-402-0591	10/26/2020 Incoming	11	4406672398
216-402-0591	10/26/2020 Incoming	7	4408972231
216-402-0591	10/27/2020 Incoming	2	2164079965

216-402-0591	10/27/2020 Vm Deposit	1	2164079965
216-402-0591	10/27/2020 Cleveland	4	2164079965
216-402-0591	10/27/2020 Incoming	3	2164816824
216-402-0591	10/27/2020 Willoughby	2	4404874700
216-402-0591	10/27/2020 Incoming	3	4404874700
216-402-0591	10/27/2020 Cleveland	12	4405395649
216-402-0591	10/27/2020 Incoming	2	4405395649
216-402-0591	10/27/2020 Cleveland	1	4405395649
216-402-0591	10/27/2020 Incoming	9	4405675448
216-402-0591	10/27/2020 Willoughby	3	4406550279
216-402-0591	10/27/2020 Incoming	31	4406672398
216-402-0591	10/27/2020 Cleveland	2	4407995019
216-402-0591	10/27/2020 Incoming	1	4407995019
216-402-0591	10/27/2020 Incoming	3	4408236722
216-402-0591	10/27/2020 Ashtabula	3	4409944201
216-402-0591	10/27/2020 Ashtabula	5	4409944201
216-402-0591	10/27/2020 Ashtabula	2	4409944201
216-402-0591	10/28/2020 Cleveland	4	2164027946
216-402-0591	10/28/2020 Cleveland	3	2164027946
216-402-0591	10/28/2020 Cleveland	3	2164071885
216-402-0591	10/28/2020 Incoming	1	2164079965
216-402-0591	10/28/2020 Cleveland	3	2164079965
216-402-0591	10/28/2020 Cleveland	1	2164079965
216-402-0591	10/28/2020 Cleveland	3	2164098172
216-402-0591	10/28/2020 Cleveland	2	2164816824
216-402-0591	10/28/2020 Cleveland	1	2164816824
216-402-0591	10/28/2020 Vm Deposit	1	2165599733
216-402-0591	10/28/2020 Willoughby	2	4402219213
216-402-0591	10/28/2020 Incoming	2	4402219213
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216-402-0591	10/28/2020 Incoming	1	4402232140
216-402-0591	10/28/2020 Chardon	2	4402791890
216-402-0591	10/28/2020 Incoming	11	4402791890
216-402-0591	10/28/2020 Incoming	22	4404290293
216-402-0591	10/28/2020 Willoughby	1	4404874700
216-402-0591	10/28/2020 Incoming	4	4404874700
216-402-0591	10/28/2020 Willoughby	4	4404874700
216-402-0591	10/28/2020 Willoughby	13	4406672398
216-402-0591	10/28/2020 Incoming	2	4406836677
216-402-0591	10/28/2020 Cleveland	1	4407995019
216-402-0591	10/28/2020 Incoming	1	4407995019
216-402-0591	10/28/2020 Wickliffe	3	4408330570
216-402-0591	10/28/2020 Incoming	1	4409625407
216-402-0591	10/28/2020 Vm Deposit	1	4409944201
216-402-0591	10/29/2020 Cleveland	1	2164028982
216-402-0591	10/29/2020 Cleveland	2	2164079965
216-402-0591	10/29/2020 Cleveland	1	2164079965
216-402-0591	10/29/2020 Incoming	5	2164079965
216-402-0591	10/29/2020 Vm Deposit	1	2164098172

216-402-0591	10/29/2020 Incoming	1	2318345548
216-402-0591	10/29/2020 Kirtland	2	4402563311
216-402-0591	10/29/2020 Incoming	1	4402890862
216-402-0591	10/29/2020 Cleveland	5	4404290293
216-402-0591	10/29/2020 Willoughby	1	4404874700
216-402-0591	10/29/2020 Willoughby	3	4404874700
216-402-0591	10/29/2020 Willoughby	2	4404874700
216-402-0591	10/29/2020 Incoming	8	4406672398
216-402-0591	10/29/2020 Vm Deposit	1	4406672398
216-402-0591	10/29/2020 Willoughby	1	4406672398
216-402-0591	10/29/2020 Incoming	9	4406672398
216-402-0591	10/29/2020 Incoming	1	4408976944
216-402-0591	10/29/2020 Willoughby	2	4409542600
216-402-0591	10/30/2020 Cleveland	1	2164028301
216-402-0591	10/30/2020 Incoming	3	2164071885
216-402-0591	10/30/2020 Vm Deposit	1	2164071885
216-402-0591	10/30/2020 Cleveland	7	2164079965
216-402-0591	10/30/2020 Cleveland	1	2164079965
216-402-0591	10/30/2020 Cleveland	4	2164079965
216-402-0591	10/30/2020 Strongsvl	6	4402128813
216-402-0591	10/30/2020 Willoughby	4	4402219213
216-402-0591	10/30/2020 Willoughby	1	4402219213
216-402-0591	10/30/2020 Painesvl	2	4402513633
216-402-0591	10/30/2020 Painesvl	17	4402513633
216-402-0591	10/30/2020 Incoming	1	4402513633
216-402-0591	10/30/2020 Incoming	9	4403432687
216-402-0591	10/30/2020 Incoming	15	4403543715
216-402-0591	10/30/2020 Incoming	8	4404290293
216-402-0591	10/30/2020 Vm Deposit	1	4404290293
216-402-0591	10/30/2020 Willoughby	37	4406672398
216-402-0591	10/30/2020 Incoming	5	4406672398
216-402-0591	10/30/2020 Willoughby	2	4406672398
216-402-0591	10/30/2020 Painesvl	3	4407963647
216-402-0591	10/30/2020 Incoming	1	4407995019
216-402-0591	10/30/2020 Willoughby	2	4408972231
216-402-0591	10/30/2020 Willoughby	2	4409534180
216-402-0591	10/30/2020 Incoming	4	4409542600
216-402-0591	10/30/2020 Ashtabula	2	4409944201
216-402-0591	10/31/2020 Cleveland	2	2164028982
216-402-0591	10/31/2020 Incoming	1	2164028982
216-402-0591	10/31/2020 Incoming	1	2164079965
216-402-0591	10/31/2020 Incoming	4	2164079965
216-402-0591	10/31/2020 Cleveland	1	2164079965
216-402-0591	10/31/2020 Painesvl	1	4402513633
216-402-0591	10/31/2020 Painesvl	2	4402513633
216-402-0591	10/31/2020 Willoughby	7	4406672398
216-402-0591	11/1/2020 Incoming	15	4406672398
216-402-0591	11/1/2020 Vm Deposit	1	4406672398
216-402-0591	11/2/2020 Cleveland	1	2164027946

216-402-0591	11/2/2020 Cleveland	1	2164027946
216-402-0591	11/2/2020 Cleveland	2	2164079965
216-402-0591	11/2/2020 Cleveland	3	2164079965
216-402-0591	11/2/2020 Vm Deposit	1	4402516585
216-402-0591	11/2/2020 Vm Deposit	1	4402516585
216-402-0591	11/2/2020 Incoming	9	4402791890
216-402-0591	11/2/2020 Chardon	1	4402791890
216-402-0591	11/2/2020 Incoming	20	4404290293
216-402-0591	11/2/2020 Willoughby	6	4404786883
216-402-0591	11/2/2020 Willoughby	5	4404786883
216-402-0591	11/2/2020 Incoming	2	4404789716
216-402-0591	11/2/2020 Incoming	1	4404874700
216-402-0591	11/2/2020 Incoming	3	4404874700
216-402-0591	11/2/2020 Incoming	6	4404874700
216-402-0591	11/2/2020 Incoming	13	4404874700
216-402-0591	11/2/2020 Willoughby	1	4404874700
216-402-0591	11/2/2020 Willoughby	6	4404874700
216-402-0591	11/2/2020 Willoughby	5	4404874700
216-402-0591	11/2/2020 Cleveland	4	4405395649
216-402-0591	11/2/2020 Cleveland	3	4405395649
216-402-0591	11/2/2020 Cleveland	5	4405395649
216-402-0591	11/2/2020 Willoughby	1	4405671856
216-402-0591	11/2/2020 Painesvl	5	4406225814
216-402-0591	11/2/2020 Incoming	3	4406225814
216-402-0591	11/2/2020 Painesvl	3	4406225814
216-402-0591	11/2/2020 Vm Deposit	1	4406672398
216-402-0591	11/2/2020 Incoming	26	4406672398
216-402-0591	11/2/2020 Willoughby	9	4406672398
216-402-0591	11/2/2020 Willoughby	1	4406672398
216-402-0591	11/2/2020 Incoming	1	4407995019
216-402-0591	11/2/2020 Vm Deposit	1	4407995019
216-402-0591	11/2/2020 Willoughby	7	4408972231
216-402-0591	11/2/2020 Ashtabula	4	4409944201
216-402-0591	11/3/2020 Incoming	1	2162792454
216-402-0591	11/3/2020 Incoming	1	2164079965
216-402-0591	11/3/2020 Incoming	9	2164079965
216-402-0591	11/3/2020 Cleveland	4	2164079965
216-402-0591	11/3/2020 Cleveland	4	2164079965
216-402-0591	11/3/2020 Cleveland	1	2164079965
216-402-0591	11/3/2020 Incoming	3	2164079965
216-402-0591	11/3/2020 Vm Deposit	1	2164098172
216-402-0591	11/3/2020 Cleveland	7	2164098172
216-402-0591	11/3/2020 Incoming	4	2165135822
216-402-0591	11/3/2020 Incoming	27	2169702763
216-402-0591	11/3/2020 Incoming	4	4402516585
216-402-0591	11/3/2020 Vm Deposit	1	4402516585
216-402-0591	11/3/2020 Incoming	43	4402516585
216-402-0591	11/3/2020 Incoming	1	4402519985
216-402-0591	11/3/2020 Painesvl	13	4402519985

216-402-0591	11/3/2020 Willoughby	6	4403643018
216-402-0591	11/3/2020 Vm Deposit	1	4404290293
216-402-0591	11/3/2020 Incoming	5	4404290293
216-402-0591	11/3/2020 Incoming	4	4404874700
216-402-0591	11/3/2020 Willoughby	2	4404874700
216-402-0591	11/3/2020 Cleveland	7	4405395649
216-402-0591	11/3/2020 Cleveland	2	4405395649
216-402-0591	11/3/2020 Painesvl	4	4406225814
216-402-0591	11/3/2020 Incoming	6	4406227792
216-402-0591	11/3/2020 Willoughby	10	4406550279
216-402-0591	11/3/2020 Incoming	3	4406550279
216-402-0591	11/3/2020 Incoming	1	4406550279
216-402-0591	11/3/2020 Willoughby	9	4406550279
216-402-0591	11/3/2020 Willoughby	5	4406672398
216-402-0591	11/3/2020 Vm Deposit	2	4407856602
216-402-0591	11/3/2020 Incoming	13	4407856602
216-402-0591	11/3/2020 Vm Deposit	3	4407856602
216-402-0591	11/3/2020 Painesvl	5	4407963647
216-402-0591	11/3/2020 Painesvl	9	4407963647
216-402-0591	11/3/2020 Willoughby	5	4408972231
216-402-0591	11/3/2020 Incoming	1	4799991249
216-402-0591	11/4/2020 Cleveland	3	2164071885
216-402-0591	11/4/2020 Vm Deposit	1	2164079965
216-402-0591	11/4/2020 Cleveland	6	2164079965
216-402-0591	11/4/2020 Cleveland	4	2164816824
216-402-0591	11/4/2020 Cleveland	1	2164817160
216-402-0591	11/4/2020 Willoughby	7	4402219213
216-402-0591	11/4/2020 Incoming	3	4402219213
216-402-0591	11/4/2020 Willoughby	1	4402219213
216-402-0591	11/4/2020 Willoughby	1	4402239413
216-402-0591	11/4/2020 Painesvl	2	4402513633
216-402-0591	11/4/2020 Painesvl	1	4402513633
216-402-0591	11/4/2020 Kirtland	2	4402568772
216-402-0591	11/4/2020 Mentoronlk	1	4402572557
216-402-0591	11/4/2020 Vm Deposit	1	4404290293
216-402-0591	11/4/2020 Incoming	17	4404290293
216-402-0591	11/4/2020 Willoughby	1	4404635669
216-402-0591	11/4/2020 Incoming	3	4404786883
216-402-0591	11/4/2020 Willoughby	5	4404786883
216-402-0591	11/4/2020 Willoughby	4	4404874700
216-402-0591	11/4/2020 Cleveland	2	4405395649
216-402-0591	11/4/2020 Cleveland	1	4405395649
216-402-0591	11/4/2020 Willoughby	8	4405671856
216-402-0591	11/4/2020 Incoming	2	4406225814
216-402-0591	11/4/2020 Vm Deposit	2	4406550279
216-402-0591	11/4/2020 Willoughby	20	4406550279
216-402-0591	11/4/2020 Willoughby	6	4406672398
216-402-0591	11/4/2020 Willoughby	1	4406672398
216-402-0591	11/4/2020 Vm Deposit	2	4409944201

216-402-0591	11/4/2020 Incoming	3	4409944201
216-402-0591	11/5/2020 Incoming	1	2164028982
216-402-0591	11/5/2020 Incoming	1	2164028982
216-402-0591	11/5/2020 Cleveland	1	2164079965
216-402-0591	11/5/2020 Incoming	1	2165798606
216-402-0591	11/5/2020 Chardon	3	4402262007
216-402-0591	11/5/2020 Incoming	2	4402791890
216-402-0591	11/5/2020 Willoughby	3	4404874700
216-402-0591	11/5/2020 Incoming	3	4405395649
216-402-0591	11/5/2020 Willoughby	61	4405675448
216-402-0591	11/5/2020 Willoughby	20	4405675448
216-402-0591	11/5/2020 Vm Deposit	1	4406550279
216-402-0591	11/5/2020 Willoughby	17	4406550279
216-402-0591	11/5/2020 Willoughby	5	4406672398
216-402-0591	11/5/2020 Incoming	3	4406672398
216-402-0591	11/6/2020 Cleveland	4	2164071885
216-402-0591	11/6/2020 Cleveland	1	2164079965
216-402-0591	11/6/2020 Incoming	16	3306876121
216-402-0591	11/6/2020 Painesvl	5	4402515100
216-402-0591	11/6/2020 Incoming	1	4402515100
216-402-0591	11/6/2020 Painesvl	14	4402516585
216-402-0591	11/6/2020 Kirtland	3	4402561100
216-402-0591	11/6/2020 Incoming	19	4404290293
216-402-0591	11/6/2020 Willoughby	4	4404789716
216-402-0591	11/6/2020 Willoughby	1	4404874700
216-402-0591	11/6/2020 Incoming	3	4404874700
216-402-0591	11/6/2020 Incoming	4	4405395649
216-402-0591	11/6/2020 Incoming	1	4405671856
216-402-0591	11/6/2020 Willoughby	1	4406672398
216-402-0591	11/6/2020 Willoughby	1	4406672398
216-402-0591	11/6/2020 Willoughby	11	4406672398
216-402-0591	11/6/2020 Painesvl	11	4407963647
216-402-0591	11/6/2020 Painesvl	6	4407963647
216-402-0591	11/6/2020 Gallipolis	16	7402080930
216-402-0591	11/7/2020 Cleveland	1	2164079965
216-402-0591	11/7/2020 Cleveland	1	2164079965
216-402-0591	11/7/2020 Incoming	4	4402866226
216-402-0591	11/7/2020 Willoughby	2	4404635855
216-402-0591	11/7/2020 Incoming	2	4406672398
216-402-0591	11/8/2020 Cleveland	2	2165135822
216-402-0591	11/8/2020 Willoughby	16	4406672398
216-402-0591	11/9/2020 Incoming	4	2164079965
216-402-0591	11/9/2020 Cleveland	3	2164079965
216-402-0591	11/9/2020 Cleveland	3	2165368584
216-402-0591	11/9/2020 Incoming	7	4402219213
216-402-0591	11/9/2020 Incoming	4	4402513633
216-402-0591	11/9/2020 Incoming	8	4402519985
216-402-0591	11/9/2020 Incoming	7	4403395116
216-402-0591	11/9/2020 Willoughby	1	4404635855

216-402-0591	11/9/2020 Willoughby	5	4404874700
216-402-0591	11/9/2020 Willoughby	8	4404874700
216-402-0591	11/9/2020 Incoming	10	4406550279
216-402-0591	11/9/2020 Incoming	3	4406550279
216-402-0591	11/9/2020 Willoughby	11	4406550279
216-402-0591	11/9/2020 Willoughby	1	4406550279
216-402-0591	11/9/2020 Willoughby	13	4406550279
216-402-0591	11/9/2020 Incoming	2	4406550279
216-402-0591	11/9/2020 Incoming	2	4406550279
216-402-0591	11/9/2020 Willoughby	3	4406550279
216-402-0591	11/9/2020 Willoughby	8	4406672398
216-402-0591	11/9/2020 Willoughby	3	4406672398
216-402-0591	11/9/2020 Willoughby	10	4406672398
216-402-0591	11/9/2020 Painesvl	1	4407963647
216-402-0591	11/9/2020 Painesvl	3	4407963647
216-402-0591	11/9/2020 Incoming	27	7402080930
216-402-0591	11/9/2020 Gallipolis	7	7402081540
216-402-0591	11/10/2020 Incoming	4	2164816824
216-402-0591	11/10/2020 Incoming	3	2164816824
216-402-0591	11/10/2020 Northfield	28	3304682123
216-402-0591	11/10/2020 Willoughby	7	4402239413
216-402-0591	11/10/2020 Incoming	4	4402239413
216-402-0591	11/10/2020 Incoming	2	4402239413
216-402-0591	11/10/2020 Willoughby	1	4402239413
216-402-0591	11/10/2020 Painesvl	27	4402314347
216-402-0591	11/10/2020 Incoming	9	4402314347
216-402-0591	11/10/2020 Vm Deposit	1	4402513633
216-402-0591	11/10/2020 Incoming	4	4402513633
216-402-0591	11/10/2020 Incoming	7	4402513633
216-402-0591	11/10/2020 Vm Deposit	1	4404290293
216-402-0591	11/10/2020 Incoming	6	4404290293
216-402-0591	11/10/2020 Incoming	6	4404635855
216-402-0591	11/10/2020 Willoughby	3	4404874700
216-402-0591	11/10/2020 Incoming	5	4404874700
216-402-0591	11/10/2020 Cleveland	1	4405395649
216-402-0591	11/10/2020 Incoming	4	4405395649
216-402-0591	11/10/2020 Incoming	4	4405395649
216-402-0591	11/10/2020 Cleveland	3	4405395649
216-402-0591	11/10/2020 Incoming	2	4405395649
216-402-0591	11/10/2020 Cleveland	7	4405395649
216-402-0591	11/10/2020 Willoughby	2	4405671856
216-402-0591	11/10/2020 Willoughby	6	4406550279
216-402-0591	11/10/2020 Willoughby	34	4406550279
216-402-0591	11/10/2020 Incoming	3	4406550279
216-402-0591	11/10/2020 Vm Deposit	1	4406550279
216-402-0591	11/10/2020 Willoughby	12	4406672398
216-402-0591	11/10/2020 Willoughby	17	4406672398
216-402-0591	11/10/2020 Incoming	9	4406672398
216-402-0591	11/10/2020 Willoughby	4	4406672398

216-402-0591	11/10/2020 Incoming	1	4406672398
216-402-0591	11/10/2020 Incoming	2	4406672398
216-402-0591	11/10/2020 Vm Deposit	1	4406672398
216-402-0591	11/10/2020 Willoughby	7	4406672398
216-402-0591	11/10/2020 Willoughby	9	4406672398
216-402-0591	11/10/2020 Brecksvl	3	4408321050
216-402-0591	11/10/2020 Incoming	1	4408972231
216-402-0591	11/10/2020 Incoming	2	4408972231
216-402-0591	11/10/2020 Willoughby	1	4408972231
216-402-0591	11/10/2020 Ashtabula	4	4409944201
216-402-0591	11/11/2020 Incoming	3	4402239413
216-402-0591	11/11/2020 Painesvl	4	4402314347
216-402-0591	11/11/2020 Painesvl	2	4402314347
216-402-0591	11/11/2020 Painesvl	13	4402516585
216-402-0591	11/11/2020 Incoming	3	4403643362
216-402-0591	11/11/2020 Incoming	7	4404874700
216-402-0591	11/11/2020 Incoming	3	4404874700
216-402-0591	11/11/2020 Incoming	12	4405675448
216-402-0591	11/11/2020 Willoughby	6	4406550279
216-402-0591	11/11/2020 Willoughby	9	4406672398
216-402-0591	11/11/2020 Willoughby	5	4406672398
216-402-0591	11/11/2020 Willoughby	15	4406672398
216-402-0591	11/11/2020 Willoughby	6	4406672398
216-402-0591	11/11/2020 Willoughby	2	4406672398
216-402-0591	11/11/2020 Incoming	7	4407814700
216-402-0591	11/11/2020 Cleveland	2	4407856602
216-402-0591	11/12/2020 Incoming	1	2164071885
216-402-0591	11/12/2020 Incoming	53	2164071885
216-402-0591	11/12/2020 Cleveland	1	2164079965
216-402-0591	11/12/2020 Cleveland	1	2164816824
216-402-0591	11/12/2020 Incoming	4	2164816824
216-402-0591	11/12/2020 Cleveland	6	2165488821
216-402-0591	11/12/2020 Cleveland	1	2168596468
216-402-0591	11/12/2020 Incoming	10	4402314347
216-402-0591	11/12/2020 Painesvl	28	4402314347
216-402-0591	11/12/2020 Vm Deposit	1	4402519985
216-402-0591	11/12/2020 Incoming	5	4402519985
216-402-0591	11/12/2020 Kirtland	4	4402563332
216-402-0591	11/12/2020 Kirtland	1	4402563332
216-402-0591	11/12/2020 Kirtland	4	4402563332
216-402-0591	11/12/2020 Vm Deposit	2	4404639932
216-402-0591	11/12/2020 Willoughby	19	4404783788
216-402-0591	11/12/2020 Willoughby	1	4404874700
216-402-0591	11/12/2020 Willoughby	4	4404874700
216-402-0591	11/12/2020 Willoughby	2	4404874700
216-402-0591	11/12/2020 Painesvl	3	4406225814
216-402-0591	11/12/2020 Painesvl	2	4406225814
216-402-0591	11/12/2020 Incoming	28	4406672398
216-402-0591	11/12/2020 Vm Deposit	1	4406672398

216-402-0591	11/12/2020 Willoughby	9	4406672398
216-402-0591	11/12/2020 Vm Deposit	1	4406672398
216-402-0591	11/12/2020 Vm Deposit	1	4406672398
216-402-0591	11/12/2020 Willoughby	4	4406672398
216-402-0591	11/12/2020 Incoming	1	4406672398
216-402-0591	11/12/2020 Willoughby	7	4406672398
216-402-0591	11/12/2020 Vm Deposit	1	4406672398
216-402-0591	11/12/2020 Willoughby	2	4406672398
216-402-0591	11/12/2020 Incoming	6	4406672398
216-402-0591	11/12/2020 Willoughby	18	4406672398
216-402-0591	11/12/2020 Willoughby	14	4406672398
216-402-0591	11/12/2020 Incoming	14	4406672398
216-402-0591	11/12/2020 Willoughby	11	4406672398
216-402-0591	11/12/2020 Incoming	10	4406672398
216-402-0591	11/12/2020 Willoughby	10	4406797281
216-402-0591	11/13/2020 Cleveland	1	2164028982
216-402-0591	11/13/2020 Cleveland	1	2164028982
216-402-0591	11/13/2020 Incoming	4	2164079965
216-402-0591	11/13/2020 Cleveland	1	2164079965
216-402-0591	11/13/2020 Incoming	8	2164079965
216-402-0591	11/13/2020 Willoughby	1	4402239413
216-402-0591	11/13/2020 Vm Deposit	1	4402513633
216-402-0591	11/13/2020 Painesvl	1	4402513633
216-402-0591	11/13/2020 Painesvl	3	4403502728
216-402-0591	11/13/2020 Vm Deposit	1	4404290293
216-402-0591	11/13/2020 Incoming	1	4404290293
216-402-0591	11/13/2020 Cleveland	10	4404290293
216-402-0591	11/13/2020 Willoughby	1	4404874700
216-402-0591	11/13/2020 Willoughby	2	4404874700
216-402-0591	11/13/2020 Willoughby	3	4404874700
216-402-0591	11/13/2020 Cleveland	2	4405395649
216-402-0591	11/13/2020 Cleveland	1	4405395649
216-402-0591	11/13/2020 Incoming	1	4405395649
216-402-0591	11/13/2020 Vm Deposit	1	4405395649
216-402-0591	11/13/2020 Cleveland	1	4405395649
216-402-0591	11/13/2020 Incoming	4	4406225814
216-402-0591	11/13/2020 Vm Deposit	1	4406550279
216-402-0591	11/13/2020 Incoming	2	4406550279
216-402-0591	11/13/2020 Willoughby	6	4406672398
216-402-0591	11/13/2020 Willoughby	2	4406672398
216-402-0591	11/13/2020 Incoming	9	4406672398
216-402-0591	11/13/2020 Willoughby	2	4406672398
216-402-0591	11/13/2020 Willoughby	6	4406672398
216-402-0591	11/13/2020 Willoughby	11	4406672398
216-402-0591	11/13/2020 Willoughby	2	4406672398
216-402-0591	11/13/2020 Willoughby	3	4406672655
216-402-0591	11/13/2020 Willoughby	2	4406672655
216-402-0591	11/13/2020 Willoughby	2	4406692862
216-402-0591	11/13/2020 Willoughby	3	4406692862
216-402-0591	11/13/2020 Willoughby		

216-402-0591	11/13/2020 Willoughby	1	4406692862
216-402-0591	11/14/2020 Incoming	1	2162337595
216-402-0591	11/14/2020 Cleveland	4	2164079965
216-402-0591	11/14/2020 Incoming	7	2164079965
216-402-0591	11/14/2020 Cleveland	2	2164079965
216-402-0591	11/14/2020 Incoming	3	2164079965
216-402-0591	11/14/2020 Cleveland	3	2164079965
216-402-0591	11/14/2020 Cleveland	9	2165709960
216-402-0591	11/14/2020 Vm Deposit	1	4402513633
216-402-0591	11/14/2020 Incoming	4	4402513633
216-402-0591	11/14/2020 Incoming	2	4404874700
216-402-0591	11/15/2020 Cleveland	1	2164027946
216-402-0591	11/15/2020 Incoming	1	2164027946
216-402-0591	11/15/2020 Cleveland	1	2164028301
216-402-0591	11/15/2020 Cleveland	1	2164028301
216-402-0591	11/15/2020 Vm Deposit	1	2164028982
216-402-0591	11/15/2020 Painesvl	8	4402513633
216-402-0591	11/15/2020 Incoming	4	4406672398
216-402-0591	11/15/2020 Incoming	6	4406672398
216-402-0591	11/15/2020 Willoughby	1	4406672398
216-402-0591	11/15/2020 Willoughby	1	4406672398
216-402-0591	11/15/2020 Incoming	2	4406672398
216-402-0591	11/15/2020 Willoughby	8	4406672398
216-402-0591	11/15/2020 Willoughby	8	4406672398
216-402-0591	11/16/2020 Incoming	1	2164071885
216-402-0591	11/16/2020 Cleveland	11	2164071885
216-402-0591	11/16/2020 Cleveland	1	2164079965
216-402-0591	11/16/2020 Incoming	5	2164079965
216-402-0591	11/16/2020 Incoming	1	2164783754
216-402-0591	11/16/2020 Cleveland	4	2165368584
216-402-0591	11/16/2020 Incoming	1	2165368584
216-402-0591	11/16/2020 Cleveland	2	2165368584
216-402-0591	11/16/2020 Incoming	2	4402219213
216-402-0591	11/16/2020 Incoming	11	4402314347
216-402-0591	11/16/2020 Painesvl	4	4402314347
216-402-0591	11/16/2020 Incoming	4	4402314347
216-402-0591	11/16/2020 Painesvl	1	4402513633
216-402-0591	11/16/2020 Painesvl	1	4402513633
216-402-0591	11/16/2020 Painesvl	6	4402513633
216-402-0591	11/16/2020 Incoming	1	4402866226
216-402-0591	11/16/2020 Cleveland	9	4404290293
216-402-0591	11/16/2020 Willoughby	5	4404874700
216-402-0591	11/16/2020 Willoughby	1	4404874700
216-402-0591	11/16/2020 Willoughby	3	4404874700
216-402-0591	11/16/2020 Willoughby	10	4404874700
216-402-0591	11/16/2020 Incoming	2	4404889738
216-402-0591	11/16/2020 Willoughby	1	4405274860
216-402-0591	11/16/2020 Incoming	2	4405274860
216-402-0591	11/16/2020 Willoughby	2	4405274860

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216-402-0591	11/16/2020 Incoming	1	4405675448
216-402-0591	11/16/2020 Painesvl	3	4406225814
216-402-0591	11/16/2020 Incoming	2	4406225814
216-402-0591	11/16/2020 Painesvl	1	4406225814
216-402-0591	11/16/2020 Painesvl	7	4406225814
216-402-0591	11/16/2020 Vm Deposit	1	4406225814
216-402-0591	11/16/2020 Incoming	1	4406672655
216-402-0591	11/16/2020 Painesvl	1	4407963647
216-402-0591	11/16/2020 Painesvl	1	4407963647
216-402-0591	11/16/2020 Incoming	1	4407995019
216-402-0591	11/17/2020 Cleveland	1	2164028982
216-402-0591	11/17/2020 Incoming	1	2164960978
216-402-0591	11/17/2020 Incoming	3	3306876121
216-402-0591	11/17/2020 Akron	1	3306876121
216-402-0591	11/17/2020 Incoming	3	4402219213
216-402-0591	11/17/2020 Painesvl	4	4402513633
216-402-0591	11/17/2020 Incoming	1	4402513633
216-402-0591	11/17/2020 Incoming	2	4402513633
216-402-0591	11/17/2020 Painesvl	2	4402516585
216-402-0591	11/17/2020 Incoming	4	4404874700
216-402-0591	11/17/2020 Cleveland	3	4405395649
216-402-0591	11/17/2020 Painesvl	5	4406225814
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216-402-0591	11/17/2020 Incoming	2	4406550279
216-402-0591	11/17/2020 Willoughby	17	4406672398
216-402-0591	11/17/2020 Willoughby	15	4406672398
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216-402-0591	11/17/2020 Willoughby	1	4406672655
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216-402-0591	11/18/2020 Cleveland	3	2164079965
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216-402-0591	11/18/2020 Willoughby	3	4402239413
216-402-0591	11/18/2020 Painesvl	24	4402314347
216-402-0591	11/18/2020 Painesvl	1	4402314347
216-402-0591	11/18/2020 Incoming	1	4402866226
216-402-0591	11/18/2020 Vm Deposit	1	4404290293
216-402-0591	11/18/2020 Incoming	23	4404290293
216-402-0591	11/18/2020 Incoming	6	4404874700
216-402-0591	11/18/2020 Incoming	1	4404874700
216-402-0591	11/18/2020 Incoming	16	4404874700
216-402-0591	11/18/2020 Willoughby	13	4406672398
216-402-0591	11/18/2020 Incoming	13	4406672398
216-402-0591	11/18/2020 Incoming	47	4406672398
216-402-0591	11/18/2020 Painesvl	6	4407963647

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216-402-0591	11/19/2020 Cleveland	2	2164079965
216-402-0591	11/19/2020 Incoming	3	2164079965
216-402-0591	11/19/2020 Cleveland	1	2165135822
216-402-0591	11/19/2020 Incoming	7	2165135822
216-402-0591	11/19/2020 Cleveland	2	2165368584
216-402-0591	11/19/2020 Incoming	1	3304261994
216-402-0591	11/19/2020 Willoughby	3	4402219213
216-402-0591	11/19/2020 Incoming	1	4402232140
216-402-0591	11/19/2020 Willoughby	1	4402232140
216-402-0591	11/19/2020 Painesvl	10	4402314347
216-402-0591	11/19/2020 Painesvl	4	4402513633
216-402-0591	11/19/2020 Incoming	5	4404290293
216-402-0591	11/19/2020 Incoming	2	4404786883
216-402-0591	11/19/2020 Willoughby	2	4404786883
216-402-0591	11/19/2020 Incoming	35	4404793257
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216-402-0591	11/19/2020 Willoughby	6	4404874700
216-402-0591	11/19/2020 Painesvl	6	4406225814
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216-402-0591	11/19/2020 Willoughby	1	4406672398
216-402-0591	11/19/2020 Incoming	20	4406672398
216-402-0591	11/19/2020 Incoming	2	4406672398
216-402-0591	11/19/2020 Willoughby	35	4406672398
216-402-0591	11/19/2020 Cleveland	1	4407854437
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216-402-0591	11/19/2020 Gallipolis	31	7402080930
216-402-0591	11/19/2020 Gallipolis	23	7402080930
216-402-0591	11/20/2020 Cleveland	1	2164028301
216-402-0591	11/20/2020 Cleveland	14	2164079965
216-402-0591	11/20/2020 Incoming	2	2164079965
216-402-0591	11/20/2020 Cleveland	1	2164400758
216-402-0591	11/20/2020 Cleveland	7	2164400758
216-402-0591	11/20/2020 Kirtland	4	4402561134
216-402-0591	11/20/2020 Incoming	54	4403643018
216-402-0591	11/20/2020 Incoming	48	4403643018
216-402-0591	11/20/2020 Incoming	6	4403643018
216-402-0591	11/20/2020 Cleveland	19	4404290293
216-402-0591	11/20/2020 Willoughby	1	4404786883
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216-402-0591	11/20/2020 Incoming	3	4404874700
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216-402-0591	11/20/2020 Willoughby	3	4406672398
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216-402-0591	11/20/2020 Willoughby	17	4406697022
216-402-0591	11/20/2020 Painesvl	1	4407963647
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216-402-0591	11/21/2020 Cleveland	2	2164079965
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216-402-0591	11/21/2020 Incoming	2	2167801789
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216-402-0591	11/21/2020 Willoughby	62	4403643018
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216-402-0591	11/22/2020 Incoming	6	2169702763
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216-402-0591	11/23/2020 Willoughby	7	4402219213
216-402-0591	11/23/2020 Incoming	6	4402516585
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216-402-0591	11/23/2020 Incoming	3	4403643018
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216-402-0591	11/23/2020 Incoming	9	4404874700
216-402-0591	11/23/2020 Incoming	6	4405395649
216-402-0591	11/23/2020 Willoughby	5	4406550279
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216-402-0591	11/24/2020 Willoughby	22	4406672398
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216-402-0591	11/24/2020 Cleveland	3	4407853505
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216-402-0591	11/24/2020 Incoming	3	7402080930
216-402-0591	11/24/2020 Gallipolis	3	7402080930
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216-402-0591	11/25/2020 Cleveland	6	2164028301
216-402-0591	11/25/2020 Cleveland	2	2164079965
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216-402-0591	11/25/2020 Incoming	5	4403643018
216-402-0591	11/25/2020 Incoming	21	4403643018
216-402-0591	11/25/2020 Incoming	17	4403643018
216-402-0591	11/25/2020 Incoming	31	4403643018
216-402-0591	11/25/2020 Incoming	2	4404290293
216-402-0591	11/25/2020 Willoughby	2	4404786883
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216-402-0591	11/25/2020 Incoming	3	4404874700
216-402-0591	11/25/2020 Cleveland	2	4405395649
216-402-0591	11/25/2020 Cleveland	4	4405395649
216-402-0591	11/25/2020 Incoming	5	4405442199
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216-402-0591	11/25/2020 Incoming	2	4407963647
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216-402-0591	11/25/2020 Painesvl	1	4407963647
216-402-0591	11/25/2020 Incoming	3	7402080930
216-402-0591	11/26/2020 Willoughby	73	4403643018
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216-402-0591	11/26/2020 Charlotte	2	7046095271
216-402-0591	11/26/2020 Gallipolis	21	7402080930
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216-402-0591	11/28/2020 Willoughby	7	4403643018
216-402-0591	11/28/2020 Incoming	5	4403643018
216-402-0591	11/28/2020 Incoming	17	4403643018
216-402-0591	11/28/2020 Willoughby	14	4403643018
216-402-0591	11/28/2020 Willoughby	7	4403643018
216-402-0591	11/28/2020 Incoming	7	4403643018

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216-402-0591	11/28/2020 Willoughby	16	4403643018
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216-402-0591	11/29/2020 Willoughby	21	4403643018
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216-402-0591	11/30/2020 Incoming	4	4404874700
216-402-0591	11/30/2020 Willoughby	6	4406550279
216-402-0591	11/30/2020 Willoughby	3	4406550279
216-402-0591	11/30/2020 Willoughby	3	4406672398
216-402-0591	11/30/2020 Incoming	1	4406672398
216-402-0591	11/30/2020 Willoughby	2	4406672398
216-402-0591	11/30/2020 Willoughby	1	4406672398
216-402-0591	11/30/2020 Willoughby	13	4406672398
216-402-0591	11/30/2020 Willoughby	5	4406672398
216-402-0591	11/30/2020 Willoughby	1	4406692862
216-402-0591	11/30/2020 Vm Deposit	1	4407968788
216-402-0591	12/1/2020 Cleveland	4	2164028982
216-402-0591	12/1/2020 Cleveland	1	2164079965
216-402-0591	12/1/2020 Incoming	3	2164079965
216-402-0591	12/1/2020 Incoming	5	2164079965
216-402-0591	12/1/2020 Cleveland	1	2164079965
216-402-0591	12/1/2020 Cleveland	1	2164079965
216-402-0591	12/1/2020 Cleveland	2	2164079965
216-402-0591	12/1/2020 Cleveland	1	2164079965
216-402-0591	12/1/2020 Cleveland	6	2164816824

216-402-0591	12/1/2020 Cleveland	4	2164816824
216-402-0591	12/1/2020 Incoming	3	2165488821
216-402-0591	12/1/2020 Incoming	1	2166668134
216-402-0591	12/1/2020 Willoughby	1	4402219213
216-402-0591	12/1/2020 Incoming	1	4402219213
216-402-0591	12/1/2020 Willoughby	1	4402219213
216-402-0591	12/1/2020 Incoming	2	4402239413
216-402-0591	12/1/2020 Vm Deposit	1	4402516585
216-402-0591	12/1/2020 Willoughby	3	4403418638
216-402-0591	12/1/2020 Incoming	2	4403418638
216-402-0591	12/1/2020 Willoughby	4	4403418638
216-402-0591	12/1/2020 Willoughby	2	4403418638
216-402-0591	12/1/2020 Vm Deposit	1	4403643678
216-402-0591	12/1/2020 Vm Deposit	1	4403643678
216-402-0591	12/1/2020 Incoming	2	4403643678
216-402-0591	12/1/2020 Willoughby	2	4403913191
216-402-0591	12/1/2020 Vm Deposit	1	4404290293
216-402-0591	12/1/2020 Cleveland	5	4404290293
216-402-0591	12/1/2020 Incoming	6	4404290293
216-402-0591	12/1/2020 Incoming	3	4404290293
216-402-0591	12/1/2020 Vm Deposit	1	4404290293
216-402-0591	12/1/2020 Willoughby	2	4404634552
216-402-0591	12/1/2020 Willoughby	2	4404786883
216-402-0591	12/1/2020 Incoming	6	4404874700
216-402-0591	12/1/2020 Willoughby	3	4404874700
216-402-0591	12/1/2020 Willoughby	2	4404874700
216-402-0591	12/1/2020 Incoming	3	4404874700
216-402-0591	12/1/2020 Incoming	2	4404874700
216-402-0591	12/1/2020 Incoming	1	4404874700
216-402-0591	12/1/2020 Incoming	1	4404874700
216-402-0591	12/1/2020 Incoming	2	4404874700
216-402-0591	12/1/2020 Willoughby	1	4404874700
216-402-0591	12/1/2020 Incoming	2	4404874700
216-402-0591	12/1/2020 Incoming	1	4404874700
216-402-0591	12/1/2020 Incoming	1	4404874700
216-402-0591	12/1/2020 Willoughby	2	4404874700
216-402-0591	12/1/2020 Willoughby	2	4404874700
216-402-0591	12/1/2020 Willoughby	1	4404874700
216-402-0591	12/1/2020 Willoughby	5	4404874700
216-402-0591	12/1/2020 Willoughby	1	4404874700
216-402-0591	12/1/2020 Willoughby	2	4404878984
216-402-0591	12/1/2020 Willoughby	1	4405370059
216-402-0591	12/1/2020 Incoming	2	4405395649
216-402-0591	12/1/2020 Vm Deposit	1	4405395649
216-402-0591	12/1/2020 Cleveland	3	4405395649
216-402-0591	12/1/2020 Cleveland	1	4405395649
216-402-0591	12/1/2020 Painesvl	2	4406225814
216-402-0591	12/1/2020 Painesvl	2	4406225814
216-402-0591	12/1/2020 Vm Deposit	1	4406550279

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216-402-0591	12/1/2020 Willoughby	5	4406672398
216-402-0591	12/1/2020 Willoughby	3	4406672398
216-402-0591	12/1/2020 Willoughby	6	4406672398
216-402-0591	12/1/2020 Incoming	4	4406672398
216-402-0591	12/1/2020 Incoming	3	4406672398
216-402-0591	12/1/2020 Incoming	3	4406672398
216-402-0591	12/1/2020 Willoughby	1	4406672398
216-402-0591	12/1/2020 Incoming	2	4406672398
216-402-0591	12/1/2020 Willoughby	6	4406672398
216-402-0591	12/1/2020 Incoming	4	4406672398
216-402-0591	12/1/2020 Willoughby	1	4406672398
216-402-0591	12/1/2020 Willoughby	4	4406672398
216-402-0591	12/1/2020 Incoming	1	4406672398
216-402-0591	12/1/2020 Willoughby	1	4406672398
216-402-0591	12/1/2020 Willoughby	2	4406672398
216-402-0591	12/1/2020 Willoughby	1	4406672398
216-402-0591	12/1/2020 Incoming	4	4406672398
216-402-0591	12/1/2020 Incoming	1	4406672655
216-402-0591	12/1/2020 Willoughby	2	4406672655
216-402-0591	12/1/2020 Incoming	1	4406672655
216-402-0591	12/1/2020 Willoughby	2	4406672655
216-402-0591	12/1/2020 Cleveland	1	4407736307
216-402-0591	12/1/2020 Incoming	1	4407854437
216-402-0591	12/1/2020 Cleveland	1	4407854437
216-402-0591	12/1/2020 Cleveland	1	4407995019
216-402-0591	12/1/2020 Cleveland	1	4407995019
216-402-0591	12/1/2020 Willoughby	3	4409422900
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216-402-0591	12/1/2020 Willoughby	3	4409429112
216-402-0591	12/1/2020 Willoughby	1	4409531234
216-402-0591	12/2/2020 Incoming	2	2165368584
216-402-0591	12/2/2020 Incoming	3	2165368584
216-402-0591	12/2/2020 Cleveland	2	2165368584
216-402-0591	12/2/2020 Incoming	2	4402513633
216-402-0591	12/2/2020 Painesvl	1	4402513633
216-402-0591	12/2/2020 Incoming	6	4402516585
216-402-0591	12/2/2020 Kirtland	4	4402563332
216-402-0591	12/2/2020 Kirtland	4	4402563332
216-402-0591	12/2/2020 Painesvl	13	4403392883
216-402-0591	12/2/2020 Incoming	8	4404630768
216-402-0591	12/2/2020 Incoming	1	4404634552
216-402-0591	12/2/2020 Willoughby	3	4404786883
216-402-0591	12/2/2020 Willoughby	1	4404786883
216-402-0591	12/2/2020 Incoming	1	4404874700

216-402-0591	12/2/2020 Incoming	7	4404874700
216-402-0591	12/2/2020 Willoughby	2	4404874700
216-402-0591	12/2/2020 Painesvl	5	4406225814
216-402-0591	12/2/2020 Willoughby	10	4406672398
216-402-0591	12/2/2020 Cleveland	2	4407995019
216-402-0591	12/2/2020 Incoming	2	4407995019
216-402-0591	12/2/2020 Incoming	9	7402080930
216-402-0591	12/3/2020 Cleveland	1	2164027946
216-402-0591	12/3/2020 Incoming	1	2164079965
216-402-0591	12/3/2020 Cleveland	2	2164079965
216-402-0591	12/3/2020 Cleveland	7	2164079965
216-402-0591	12/3/2020 Incoming	6	2165488821
216-402-0591	12/3/2020 Willoughby	1	4402239413
216-402-0591	12/3/2020 Incoming	1	4402239413
216-402-0591	12/3/2020 Incoming	1	4402513633
216-402-0591	12/3/2020 Willoughby	5	4403643018
216-402-0591	12/3/2020 Incoming	3	4404290293
216-402-0591	12/3/2020 Vm Deposit	1	4404290293
216-402-0591	12/3/2020 Incoming	6	4404874700
216-402-0591	12/3/2020 Incoming	7	4404874700
216-402-0591	12/3/2020 Willoughby	1	4404874700
216-402-0591	12/3/2020 Cleveland	13	4405395649
216-402-0591	12/3/2020 Incoming	8	4405675448
216-402-0591	12/3/2020 Incoming	11	4406672398
216-402-0591	12/3/2020 Cleveland	1	4407995019
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216-402-0591	12/3/2020 Brecksvl	2	4408321050
216-402-0591	12/3/2020 Incoming	1	4408972231
216-402-0591	12/4/2020 Cleveland	2	2164025058
216-402-0591	12/4/2020 Cleveland	2	2164027946
216-402-0591	12/4/2020 Cleveland	8	2164071885
216-402-0591	12/4/2020 Incoming	21	2164071885
216-402-0591	12/4/2020 Cleveland	4	2164079965
216-402-0591	12/4/2020 Incoming	2	2164079965
216-402-0591	12/4/2020 Incoming	2	2164079965
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216-402-0591	12/4/2020 Cleveland	2	2164079965
216-402-0591	12/4/2020 Cleveland	7	2164817160
216-402-0591	12/4/2020 Incoming	1	4402219213
216-402-0591	12/4/2020 Willoughby	16	4402219213
216-402-0591	12/4/2020 Incoming	1	4402513633
216-402-0591	12/4/2020 Painesvl	15	4402513633
216-402-0591	12/4/2020 Painesvl	2	4403392883
216-402-0591	12/4/2020 Painesvl	5	4403392883
216-402-0591	12/4/2020 Willoughby	2	4403643018
216-402-0591	12/4/2020 Willoughby	9	4403643018
216-402-0591	12/4/2020 Vm Deposit	1	4405395649
216-402-0591	12/4/2020 Cleveland	1	4405395649

216-402-0591	12/4/2020 Incoming	8	4405395649
216-402-0591	12/4/2020 Incoming	7	4406672398
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216-402-0591	12/4/2020 Willoughby	1	4406672398
216-402-0591	12/4/2020 Incoming	2	4406672655
216-402-0591	12/4/2020 Willoughby	2	4406692862
216-402-0591	12/4/2020 Incoming	2	4406692862
216-402-0591	12/4/2020 Cleveland	2	4407995019
216-402-0591	12/4/2020 Willoughby	6	4408972231
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216-402-0591	12/5/2020 Cleveland	1	2162893937
216-402-0591	12/5/2020 Vm Deposit	2	2163169004
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216-402-0591	12/5/2020 Cleveland	2	2165135822
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216-402-0591	12/5/2020 Willoughby	1	4404874045
216-402-0591	12/5/2020 Willoughby	1	4404874045
216-402-0591	12/5/2020 Incoming	1	4404874045
216-402-0591	12/5/2020 Willoughby	20	4406672398
216-402-0591	12/5/2020 Incoming	4	4406672398
216-402-0591	12/5/2020 Incoming	10	4406672398
216-402-0591	12/5/2020 Willoughby	1	4406672398
216-402-0591	12/5/2020 Wickliffe	6	4408330570
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216-402-0591	12/5/2020 Wickliffe	6	4408330570
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216-402-0591	12/6/2020 Cleveland	1	2164028301
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216-402-0591	12/6/2020 Incoming	1	4403643018
216-402-0591	12/6/2020 Willoughby	5	4403643018
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216-402-0591	12/6/2020 Incoming	6	4403643018
216-402-0591	12/6/2020 Incoming	9	4406672398
216-402-0591	12/6/2020 Incoming	1	4406672398
216-402-0591	12/6/2020 Willoughby	1	4406672398
216-402-0591	12/6/2020 Willoughby	1	4406672398
216-402-0591	12/6/2020 Willoughby	24	4406672398
216-402-0591	12/6/2020 Willoughby	13	4406672398
216-402-0591	12/6/2020 Willoughby	6	4406672398
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216-402-0591	12/7/2020 Incoming	1	2164071885
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216-402-0591	12/7/2020 Cleveland	4	2164079965

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216-402-0591	12/7/2020 Incoming	1	4402219213
216-402-0591	12/7/2020 Incoming	2	4402219213
216-402-0591	12/7/2020 Incoming	2	4402219213
216-402-0591	12/7/2020 Incoming	1	4403643018
216-402-0591	12/7/2020 Willoughby	9	4403643018
216-402-0591	12/7/2020 Incoming	18	4403643018
216-402-0591	12/7/2020 Incoming	1	4403643018
216-402-0591	12/7/2020 Willoughby	16	4403643018
216-402-0591	12/7/2020 Incoming	7	4404874700
216-402-0591	12/7/2020 Incoming	4	4404874700
216-402-0591	12/7/2020 Incoming	17	4404874700
216-402-0591	12/7/2020 Cleveland	2	4405395649
216-402-0591	12/7/2020 Cleveland	1	4405395649
216-402-0591	12/7/2020 Incoming	2	4405395649
216-402-0591	12/7/2020 Incoming	6	4406672398
216-402-0591	12/7/2020 Cleveland	1	4407995019
216-402-0591	12/8/2020 Incoming	1	2163020722
216-402-0591	12/8/2020 Cleveland	1	2164028301
216-402-0591	12/8/2020 Cleveland	7	2164028982
216-402-0591	12/8/2020 Incoming	8	2164028982
216-402-0591	12/8/2020 Cleveland	7	2164071885
216-402-0591	12/8/2020 Cleveland	6	2164079965
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216-402-0591	12/8/2020 Cleveland	1	2164079965
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216-402-0591	12/8/2020 Cleveland	9	2169058991
216-402-0591	12/8/2020 Incoming	1	3809999848
216-402-0591	12/8/2020 Willoughby	1	4402219213
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216-402-0591	12/8/2020 Incoming	4	4402219213
216-402-0591	12/8/2020 Incoming	1	4402219213
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216-402-0591	12/8/2020 Painesvl	7	4402314347
216-402-0591	12/8/2020 Painesvl	3	4402314347
216-402-0591	12/8/2020 Painesvl	6	4402513633
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216-402-0591	12/8/2020 Incoming	1	4402513633
216-402-0591	12/8/2020 Painesvl	1	4402513633
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216-402-0591	12/8/2020 Incoming	4	4402516585
216-402-0591	12/8/2020 Vm Deposit	1	4402516585
216-402-0591	12/8/2020 Incoming	24	4402516585
216-402-0591	12/8/2020 Incoming	5	4403399069
216-402-0591	12/8/2020 Willoughby	34	4403643018
216-402-0591	12/8/2020 Willoughby	2	4403643018

216-402-0591	12/8/2020 Willoughby	1	4403643018
216-402-0591	12/8/2020 Willoughby	4	4403643678
216-402-0591	12/8/2020 Incoming	3	4404786883
216-402-0591	12/8/2020 Willoughby	1	4404786883
216-402-0591	12/8/2020 Willoughby	27	4404796318
216-402-0591	12/8/2020 Incoming	9	4404874700
216-402-0591	12/8/2020 Incoming	5	4404874700
216-402-0591	12/8/2020 Willoughby	2	4404878984
216-402-0591	12/8/2020 Willoughby	12	4404878984
216-402-0591	12/8/2020 Cleveland	3	4405395649
216-402-0591	12/8/2020 Cleveland	28	4405525650
216-402-0591	12/8/2020 Incoming	3	4406550279
216-402-0591	12/8/2020 Incoming	4	4406672398
216-402-0591	12/8/2020 Cleveland	3	4407245303
216-402-0591	12/8/2020 Incoming	2	4408231400
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216-402-0591	12/8/2020 Incoming	1	5673353993
216-402-0591	12/8/2020 Incoming	1	7404363461
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216-402-0591	12/9/2020 Cleveland	5	2162101705
216-402-0591	12/9/2020 Cleveland	25	2163371620
216-402-0591	12/9/2020 Incoming	13	2164071885
216-402-0591	12/9/2020 Cleveland	1	2164079965
216-402-0591	12/9/2020 Cleveland	5	2164079965
216-402-0591	12/9/2020 Incoming	3	2164079965
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216-402-0591	12/9/2020 Cleveland	2	2164079965
216-402-0591	12/9/2020 Cleveland	1	2164079965
216-402-0591	12/9/2020 Incoming	1	4402219213
216-402-0591	12/9/2020 Willoughby	8	4402219213
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216-402-0591	12/9/2020 Willoughby	3	4402219213
216-402-0591	12/9/2020 Willoughby	3	4402219213
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216-402-0591	12/9/2020 Incoming	1	4403643018
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216-402-0591	12/9/2020 Willoughby	12	4403643018
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216-402-0591	12/9/2020 Incoming	20	4403643018
216-402-0591	12/9/2020 Incoming	4	4404136563
216-402-0591	12/9/2020 Painesvl	2	4404136563
216-402-0591	12/9/2020 Willoughby	14	4404874700
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216-402-0591	12/9/2020 Willoughby	3	4404874700
216-402-0591	12/9/2020 Incoming	1	4404874700
216-402-0591	12/9/2020 Willoughby	1	4404874700

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216-402-0591	12/9/2020 Incoming	9	4405373636
216-402-0591	12/9/2020 Cleveland	4	4405395649
216-402-0591	12/9/2020 Willoughby	4	4406672398
216-402-0591	12/9/2020 Painesvl	15	4407963647
216-402-0591	12/10/2020 Cleveland	1	2162101705
216-402-0591	12/10/2020 Incoming	1	2164026043
216-402-0591	12/10/2020 Incoming	1	2164079965
216-402-0591	12/10/2020 Cleveland	2	2164079965
216-402-0591	12/10/2020 Cleveland	1	2164079965
216-402-0591	12/10/2020 Incoming	3	2164079965
216-402-0591	12/10/2020 Cleveland	1	2164079965
216-402-0591	12/10/2020 Incoming	7	2164079965
216-402-0591	12/10/2020 Incoming	4	2164079965
216-402-0591	12/10/2020 Incoming	3	4402219213
216-402-0591	12/10/2020 Willoughby	2	4402219213
216-402-0591	12/10/2020 Incoming	1	4402219213
216-402-0591	12/10/2020 Painesvl	5	4402516585
216-402-0591	12/10/2020 Incoming	2	4402517487
216-402-0591	12/10/2020 Painesvl	19	4403395116
216-402-0591	12/10/2020 Painesvl	1	4403395116
216-402-0591	12/10/2020 Willoughby	1	4403643018
216-402-0591	12/10/2020 Willoughby	7	4403643018
216-402-0591	12/10/2020 Willoughby	18	4403643018
216-402-0591	12/10/2020 Willoughby	8	4403643018
216-402-0591	12/10/2020 Willoughby	13	4404793257
216-402-0591	12/10/2020 Willoughby	8	4404874700
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216-402-0591	12/10/2020 Willoughby	7	4404874700
216-402-0591	12/10/2020 Incoming	6	4404874700
216-402-0591	12/10/2020 Incoming	3	4404874700
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216-402-0591	12/23/2020	Cleveland	4	2164079965
216-402-0591	12/23/2020	Cleveland	3	2164817160
216-402-0591	12/23/2020	Cleveland	1	2164817160
216-402-0591	12/23/2020	Willoughby	1	4402219213
216-402-0591	12/23/2020	Willoughby	1	4402219213
216-402-0591	12/23/2020	Incoming	1	4402219213
216-402-0591	12/23/2020	Willoughby	2	4402219213
216-402-0591	12/23/2020	Vm Deposit	1	4402516585
216-402-0591	12/23/2020	Painesvl	5	4402516585
216-402-0591	12/23/2020	Incoming	14	4402519985
216-402-0591	12/23/2020	Willoughby	16	4403643018
216-402-0591	12/23/2020	Willoughby	5	4403643018
216-402-0591	12/23/2020	Incoming	2	4403643018
216-402-0591	12/23/2020	Incoming	4	4403643018

216-402-0591	12/23/2020 Willoughby	2	4403643018
216-402-0591	12/23/2020 Incoming	1	4403643018
216-402-0591	12/23/2020 Willoughby	3	4403643018
216-402-0591	12/23/2020 Willoughby	6	4403643018
216-402-0591	12/23/2020 Incoming	1	4403643018
216-402-0591	12/23/2020 Incoming	1	4403643018
216-402-0591	12/23/2020 Willoughby	5	4404874700
216-402-0591	12/23/2020 Cleveland	1	4405525650
216-402-0591	12/23/2020 Cleveland	1	4405525650
216-402-0591	12/23/2020 Cleveland	1	4405525650
216-402-0591	12/23/2020 Wickliffe	11	4405851112
216-402-0591	12/23/2020 Vm Deposit	1	4406550279
216-402-0591	12/23/2020 Incoming	2	4406550279
216-402-0591	12/23/2020 Vm Deposit	1	4406550279
216-402-0591	12/23/2020 Incoming	2	4406672398
216-402-0591	12/23/2020 Willoughby	5	4406672398
216-402-0591	12/23/2020 Willoughby	7	4406672398
216-402-0591	12/24/2020 Incoming	3	2164079965
216-402-0591	12/24/2020 Cleveland	1	2164079965
216-402-0591	12/24/2020 Cleveland	3	2164079965
216-402-0591	12/24/2020 Incoming	2	2164079965
216-402-0591	12/24/2020 Incoming	2	2164079965
216-402-0591	12/24/2020 Cleveland	3	2164079965
216-402-0591	12/24/2020 Cleveland	3	2164079965
216-402-0591	12/24/2020 Willoughby	5	4402219213
216-402-0591	12/24/2020 Willoughby	22	4403643018
216-402-0591	12/24/2020 Incoming	28	4403643018
216-402-0591	12/24/2020 Willoughby	2	4404874700
216-402-0591	12/24/2020 Wickliffe	1	4405851112
216-402-0591	12/24/2020 Incoming	1	4406672398
216-402-0591	12/24/2020 Willoughby	2	4406672398
216-402-0591	12/24/2020 Incoming	1	4406672398
216-402-0591	12/24/2020 Mentor	2	4409746487
216-402-0591	12/25/2020 Cleveland	2	2164079965
216-402-0591	12/25/2020 Cleveland	1	2164079965
216-402-0591	12/25/2020 Cleveland	1	2164079965
216-402-0591	12/25/2020 Cleveland	1	2164817160
216-402-0591	12/25/2020 Incoming	62	4403643018
216-402-0591	12/25/2020 Incoming	5	4403643018
216-402-0591	12/25/2020 Willoughby	16	4403643018
216-402-0591	12/25/2020 Willoughby	4	4403643018
216-402-0591	12/25/2020 Willoughby	1	4404786883
216-402-0591	12/25/2020 Willoughby	1	4404786883
216-402-0591	12/25/2020 Incoming	4	4404874700
216-402-0591	12/25/2020 Cleveland	2	4407856602
216-402-0591	12/25/2020 Incoming	9	7402080930
216-402-0591	12/26/2020 Painesvl	3	4402519985
216-402-0591	12/26/2020 Painesvl	11	4402519985
216-402-0591	12/26/2020 Willoughby	10	4403643018

216-402-0591	12/26/2020 Willoughby	33	4403643018
216-402-0591	12/26/2020 Willoughby	1	4403643018
216-402-0591	12/26/2020 Willoughby	2	4403643018
216-402-0591	12/26/2020 Willoughby	23	4403643018
216-402-0591	12/26/2020 Incoming	1	4405395649
216-402-0591	12/26/2020 Vm Deposit	1	4405395649
216-402-0591	12/26/2020 Cleveland	5	4405395649
216-402-0591	12/26/2020 Incoming	15	4407856602
216-402-0591	12/27/2020 Willoughby	14	4403643018
216-402-0591	12/27/2020 Willoughby	4	4403643018
216-402-0591	12/27/2020 Willoughby	13	4403643018
216-402-0591	12/27/2020 Cleveland	6	4405395649
216-402-0591	12/27/2020 Willoughby	2	4406672398
216-402-0591	12/27/2020 Incoming	4	4406672398
216-402-0591	12/27/2020 Willoughby	3	4406672655
216-402-0591	12/27/2020 Willoughby	1	4406672655
216-402-0591	12/28/2020 Cleveland	2	2162101705
216-402-0591	12/28/2020 Cleveland	2	2164028982
216-402-0591	12/28/2020 Willoughby	22	4403643018
216-402-0591	12/28/2020 Willoughby	17	4403643018
216-402-0591	12/28/2020 Willoughby	12	4403643018
216-402-0591	12/28/2020 Willoughby	6	4403643018
216-402-0591	12/28/2020 Cleveland	2	4404290293
216-402-0591	12/28/2020 Willoughby	4	4404874700
216-402-0591	12/28/2020 Incoming	8	4406672398
216-402-0591	12/28/2020 Willoughby	1	4406672398
216-402-0591	12/28/2020 Incoming	4	4406672398
216-402-0591	12/28/2020 Willoughby	2	4406672398
216-402-0591	12/28/2020 Willoughby	6	4406672398
216-402-0591	12/28/2020 Incoming	1	4406672398
216-402-0591	12/28/2020 Willoughby	1	4406672655
216-402-0591	12/28/2020 Willoughby	2	4406672655
216-402-0591	12/29/2020 Incoming	4	2164079965
216-402-0591	12/29/2020 Incoming	1	2164079965
216-402-0591	12/29/2020 Cleveland	1	2164079965
216-402-0591	12/29/2020 Cleveland	2	2164079965
216-402-0591	12/29/2020 Incoming	2	2164079965
216-402-0591	12/29/2020 Cleveland	3	2164098172
216-402-0591	12/29/2020 Cleveland	7	2166214644
216-402-0591	12/29/2020 Incoming	8	4402219213
216-402-0591	12/29/2020 Willoughby	1	4402219213
216-402-0591	12/29/2020 Vm Deposit	1	4402516585
216-402-0591	12/29/2020 Incoming	5	4402517487
216-402-0591	12/29/2020 Vm Deposit	2	4402517487
216-402-0591	12/29/2020 Willoughby	1	4403643018
216-402-0591	12/29/2020 Incoming	1	4403643018
216-402-0591	12/29/2020 Incoming	20	4403643018
216-402-0591	12/29/2020 Willoughby	44	4403643018
216-402-0591	12/29/2020 Willoughby	12	4403643018

216-402-0591	12/29/2020	Willoughby	2	4404786883
216-402-0591	12/29/2020	Willoughby	6	4406672398
216-402-0591	12/29/2020	Willoughby	2	4406672398
216-402-0591	12/29/2020	Willoughby	3	4406672398
216-402-0591	12/29/2020	Willoughby	1	4406672398
216-402-0591	12/29/2020	Incoming	1	4408400663
216-402-0591	12/30/2020	Cleveland	2	2164028301
216-402-0591	12/30/2020	Cleveland	1	2164079965
216-402-0591	12/30/2020	Incoming	1	2164079965
216-402-0591	12/30/2020	Cleveland	1	2164079965
216-402-0591	12/30/2020	Incoming	5	2164079965
216-402-0591	12/30/2020	Willoughby	31	4403643018
216-402-0591	12/30/2020	Willoughby	10	4403643018
216-402-0591	12/30/2020	Willoughby	36	4403643018
216-402-0591	12/30/2020	Willoughby	1	4403643018
216-402-0591	12/30/2020	Incoming	2	4403643018
216-402-0591	12/30/2020	Willoughby	3	4403643018
216-402-0591	12/30/2020	Willoughby	71	4403643018
216-402-0591	12/30/2020	Willoughby	22	4403643018
216-402-0591	12/30/2020	Willoughby	9	4403643018
216-402-0591	12/30/2020	Willoughby	1	4403643018
216-402-0591	12/30/2020	Incoming	22	4403643018
216-402-0591	12/30/2020	Willoughby	30	4403643018
216-402-0591	12/30/2020	Willoughby	12	4404878984
216-402-0591	12/30/2020	Incoming	2	4405395649
216-402-0591	12/30/2020	Cleveland	1	4405395649
216-402-0591	12/30/2020	Incoming	6	4405395649
216-402-0591	12/30/2020	Vm Deposit	1	4405395649
216-402-0591	12/30/2020	Cleveland	1	4405395649
216-402-0591	12/30/2020	Cleveland	1	4405395649
216-402-0591	12/30/2020	Cleveland	4	4407854437
216-402-0591	12/31/2020	Cleveland	3	2164028982
216-402-0591	12/31/2020	Cleveland	5	2164079965
216-402-0591	12/31/2020	Cleveland	1	2164079965
216-402-0591	12/31/2020	Cleveland	2	2164079965
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216-402-0591	12/31/2020	Cleveland	5	2164079965
216-402-0591	12/31/2020	Incoming	1	2164098172
216-402-0591	12/31/2020	Vm Deposit	1	2164098172
216-402-0591	12/31/2020	Willoughby	6	4402219213
216-402-0591	12/31/2020	Willoughby	3	4402219213
216-402-0591	12/31/2020	Willoughby	3	4402219213
216-402-0591	12/31/2020	Painesvl	3	4403399069
216-402-0591	12/31/2020	Willoughby	27	4403643018
216-402-0591	12/31/2020	Incoming	2	4403643018
216-402-0591	12/31/2020	Incoming	1	4403643018
216-402-0591	12/31/2020	Willoughby	1	4403643018
216-402-0591	12/31/2020	Incoming	8	4403643018

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216-402-0591	12/31/2020	Willoughby	16	4403643018
216-402-0591	12/31/2020	Incoming	3	4403643018
216-402-0591	12/31/2020	Incoming	1	4403643018
216-402-0591	12/31/2020	Incoming	7	4404874700
216-402-0591	12/31/2020	Willoughby	1	4404874700
216-402-0591	12/31/2020	Incoming	6	4405395649
216-402-0591	12/31/2020	Gallipolis	1	7402080930
216-402-0591	12/31/2020	Incoming	8	7402080930
216-402-0591	1/1/2021	Cleveland	1	2164079965
216-402-0591	1/1/2021	Cleveland	1	2164079965
216-402-0591	1/1/2021	Incoming	1	2164079965
216-402-0591	1/1/2021	Incoming	3	2164079965
216-402-0591	1/1/2021	Kirtland	1	4402563336
216-402-0591	1/1/2021	Incoming	3	4403643018
216-402-0591	1/1/2021	Incoming	23	4403643018
216-402-0591	1/1/2021	Willoughby	2	4403643018
216-402-0591	1/1/2021	Willoughby	34	4403643018
216-402-0591	1/1/2021	Incoming	3	4403643018
216-402-0591	1/1/2021	Willoughby	44	4403643018
216-402-0591	1/1/2021	Willoughby	2	4403643018
216-402-0591	1/1/2021	Willoughby	8	4403643018
216-402-0591	1/1/2021	Willoughby	2	4403643018
216-402-0591	1/1/2021	Willoughby	2	4403643018
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216-402-0591	1/1/2021	Willoughby	1	4403643018
216-402-0591	1/1/2021	Willoughby	2	4406672398
216-402-0591	1/1/2021	Willoughby	10	4406672398
216-402-0591	1/1/2021	Incoming	2	7402080930
216-402-0591	1/2/2021	Cleveland	3	2164079965
216-402-0591	1/2/2021	Cleveland	1	2164079965
216-402-0591	1/2/2021	Cleveland	5	2167801789
216-402-0591	1/2/2021	Akron	3	3303880878
216-402-0591	1/2/2021	Willoughby	9	4403643018
216-402-0591	1/2/2021	Willoughby	2	4403643018
216-402-0591	1/2/2021	Willoughby	19	4403643018
216-402-0591	1/2/2021	Willoughby	1	4403643018
216-402-0591	1/2/2021	Incoming	2	4403643018
216-402-0591	1/2/2021	Willoughby	1	4403643018
216-402-0591	1/2/2021	Willoughby	32	4403643018
216-402-0591	1/2/2021	Willoughby	11	4403643018
216-402-0591	1/2/2021	Incoming	3	4403643018
216-402-0591	1/2/2021	Willoughby	1	4403643018
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216-402-0591	1/2/2021	Incoming	1	4403643018
216-402-0591	1/2/2021	Willoughby	21	4403643018
216-402-0591	1/2/2021	Willoughby	22	4403643018
216-402-0591	1/2/2021	Willoughby	9	4403643018
216-402-0591	1/2/2021	Willoughby	32	4403643018

216-402-0591	1/2/2021 Willoughby	1	4403643362
216-402-0591	1/2/2021 Gallipolis	10	7402080930
216-402-0591	1/3/2021 Willoughby	3	4402219213
216-402-0591	1/3/2021 Willoughby	10	4403643018
216-402-0591	1/3/2021 Willoughby	21	4403643018
216-402-0591	1/3/2021 Willoughby	15	4403643018
216-402-0591	1/3/2021 Incoming	3	4403643018
216-402-0591	1/3/2021 Willoughby	1	4403643018
216-402-0591	1/3/2021 Willoughby	31	4403643018
216-402-0591	1/3/2021 Incoming	13	4403643018
216-402-0591	1/3/2021 Willoughby	9	4406672398
216-402-0591	1/3/2021 Incoming	6	4408972231
216-402-0591	1/3/2021 Gallipolis	16	7402080930
216-402-0591	1/4/2021 Cleveland	1	2164079965
216-402-0591	1/4/2021 Incoming	2	2164079965
216-402-0591	1/4/2021 Cleveland	1	2164079965
216-402-0591	1/4/2021 Cleveland	1	2164079965
216-402-0591	1/4/2021 Incoming	4	2164079965
216-402-0591	1/4/2021 Incoming	1	2164079965
216-402-0591	1/4/2021 Incoming	1	2164871964
216-402-0591	1/4/2021 Incoming	1	2164871964
216-402-0591	1/4/2021 Willoughby	7	4402219213
216-402-0591	1/4/2021 Incoming	2	4402219213
216-402-0591	1/4/2021 Painesvl	6	4402517487
216-402-0591	1/4/2021 Willoughby	8	4403431474
216-402-0591	1/4/2021 Incoming	6	4403643018
216-402-0591	1/4/2021 Willoughby	6	4403643018
216-402-0591	1/4/2021 Incoming	5	4403643018
216-402-0591	1/4/2021 Incoming	2	4403643018
216-402-0591	1/4/2021 Willoughby	1	4403643018
216-402-0591	1/4/2021 Incoming	24	4403643018
216-402-0591	1/4/2021 Incoming	15	4403643018
216-402-0591	1/4/2021 Willoughby	5	4403643018
216-402-0591	1/4/2021 Incoming	2	4403643018
216-402-0591	1/4/2021 Incoming	12	4403643018
216-402-0591	1/4/2021 Willoughby	4	4403643018
216-402-0591	1/4/2021 Incoming	26	4403643018
216-402-0591	1/4/2021 Willoughby	1	4404874700
216-402-0591	1/4/2021 Incoming	3	4404874700
216-402-0591	1/4/2021 Incoming	9	4404874700
216-402-0591	1/4/2021 Willoughby	2	4404889738
216-402-0591	1/4/2021 Vm Deposit	1	4405395649
216-402-0591	1/4/2021 Incoming	3	4405395649
216-402-0591	1/4/2021 Incoming	2	4405673174
216-402-0591	1/4/2021 Willoughby	13	4406550279
216-402-0591	1/4/2021 Incoming	12	4406672398
216-402-0591	1/4/2021 Willoughby	4	4406672398
216-402-0591	1/4/2021 Vm Deposit	1	4409944201
216-402-0591	1/4/2021 Incoming	5	4409944201

216-402-0591	1/5/2021	Cleveland	1	2164028982
216-402-0591	1/5/2021	Cleveland	1	2164079965
216-402-0591	1/5/2021	Incoming	1	2164079965
216-402-0591	1/5/2021	Incoming	2	2164079965
216-402-0591	1/5/2021	Incoming	4	2164079965
216-402-0591	1/5/2021	Cleveland	1	2164079965
216-402-0591	1/5/2021	Incoming	1	2169104264
216-402-0591	1/5/2021	Akron	2	3306876121
216-402-0591	1/5/2021	Akron	10	3306876121
216-402-0591	1/5/2021	Incoming	2	4133879742
216-402-0591	1/5/2021	Vm Deposit	2	4133879742
216-402-0591	1/5/2021	Willoughby	2	4402219213
216-402-0591	1/5/2021	Willoughby	4	4402219213
216-402-0591	1/5/2021	Incoming	2	4402517487
216-402-0591	1/5/2021	Willoughby	1	4402693703
216-402-0591	1/5/2021	Painesvl	4	4403528974
216-402-0591	1/5/2021	Willoughby	1	4403643018
216-402-0591	1/5/2021	Incoming	6	4403643018
216-402-0591	1/5/2021	Willoughby	2	4403643018
216-402-0591	1/5/2021	Incoming	1	4403643018
216-402-0591	1/5/2021	Willoughby	8	4403643018
216-402-0591	1/5/2021	Willoughby	23	4403643018
216-402-0591	1/5/2021	Willoughby	19	4403643018
216-402-0591	1/5/2021	Incoming	117	4403643018
216-402-0591	1/5/2021	Cleveland	5	4404290293
216-402-0591	1/5/2021	Cleveland	5	4404290293
216-402-0591	1/5/2021	Willoughby	5	4404786883
216-402-0591	1/5/2021	Incoming	16	4404793257
216-402-0591	1/5/2021	Willoughby	7	4404874700
216-402-0591	1/5/2021	Incoming	7	4404874700
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216-402-0591	1/5/2021	Incoming	2	4406672655
216-402-0591	1/5/2021	Vm Deposit	1	4406672655
216-402-0591	1/5/2021	Incoming	2	4407995019
216-402-0591	1/5/2021	Incoming	3	4408972231
216-402-0591	1/5/2021	Mentor	4	4409746487
216-402-0591	1/5/2021	Incoming	1	5134230816
216-402-0591	1/6/2021	Cleveland	1	2164079965
216-402-0591	1/6/2021	Incoming	2	2164079965
216-402-0591	1/6/2021	Cleveland	2	2164079965
216-402-0591	1/6/2021	Incoming	3	2164079965
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216-402-0591	1/6/2021	Incoming	3	4403643018
216-402-0591	1/6/2021	Willoughby	44	4403643018
216-402-0591	1/6/2021	Willoughby	5	4403643018
216-402-0591	1/6/2021	Willoughby	1	4403643018



216-402-0591	1/7/2021 Willoughby	16	4406672398
216-402-0591	1/7/2021 Willoughby	1	4406672398
216-402-0591	1/7/2021 Incoming	1	4406672398
216-402-0591	1/7/2021 Willoughby	1	4406672398
216-402-0591	1/7/2021 Willoughby	7	4406692862
216-402-0591	1/7/2021 Willoughby	2	4406692862
216-402-0591	1/7/2021 Incoming	1	4407963647
216-402-0591	1/7/2021 Painesvl	1	4407963647
216-402-0591	1/8/2021 Cleveland	5	2162101705
216-402-0591	1/8/2021 Cleveland	1	2164071885
216-402-0591	1/8/2021 Cleveland	4	2164071885
216-402-0591	1/8/2021 Cleveland	10	2164079965
216-402-0591	1/8/2021 Incoming	1	2164079965
216-402-0591	1/8/2021 Incoming	1	2164079965
216-402-0591	1/8/2021 Cleveland	4	2164400758
216-402-0591	1/8/2021 Cleveland	6	2164816824
216-402-0591	1/8/2021 Incoming	1	2167103134
216-402-0591	1/8/2021 Vm Deposit	1	3306876121
216-402-0591	1/8/2021 Incoming	5	3306876121
216-402-0591	1/8/2021 Willoughby	1	4402219213
216-402-0591	1/8/2021 Willoughby	8	4402219213
216-402-0591	1/8/2021 Incoming	2	4402314347
216-402-0591	1/8/2021 Painesvl	11	4402513633
216-402-0591	1/8/2021 Painesvl	2	4402516585
216-402-0591	1/8/2021 Incoming	18	4403643018
216-402-0591	1/8/2021 Willoughby	2	4403643018
216-402-0591	1/8/2021 Willoughby	19	4403643018
216-402-0591	1/8/2021 Willoughby	53	4403643018
216-402-0591	1/8/2021 Willoughby	1	4403643018
216-402-0591	1/8/2021 Willoughby	15	4403643018
216-402-0591	1/8/2021 Willoughby	26	4403643018
216-402-0591	1/8/2021 Willoughby	4	4403643018
216-402-0591	1/8/2021 Incoming	7	4404874700
216-402-0591	1/8/2021 Willoughby	5	4404874700
216-402-0591	1/8/2021 Incoming	1	4404874700
216-402-0591	1/8/2021 Incoming	4	4404874700
216-402-0591	1/8/2021 Willoughby	4	4404874700
216-402-0591	1/8/2021 Incoming	6	4406672398
216-402-0591	1/8/2021 Incoming	1	4406672398
216-402-0591	1/8/2021 Willoughby	9	4406672398
216-402-0591	1/8/2021 Willoughby	20	4406672398
216-402-0591	1/8/2021 Willoughby	5	4406672398
216-402-0591	1/8/2021 Incoming	1	4406672398
216-402-0591	1/8/2021 Willoughby	4	4406672398
216-402-0591	1/8/2021 Willoughby	2	4406698399
216-402-0591	1/8/2021 Incoming	4	4406698399
216-402-0591	1/8/2021 Willoughby	1	4406698399
216-402-0591	1/9/2021 Cleveland	1	2162893937
216-402-0591	1/9/2021 Cleveland	1	2164079965

216-402-0591	1/9/2021 Cleveland	2	2164079965
216-402-0591	1/9/2021 Cleveland	3	2164079965
216-402-0591	1/9/2021 Cleveland	2	2164079965
216-402-0591	1/9/2021 Willoughby	1	4403643018
216-402-0591	1/9/2021 Incoming	3	4403643018
216-402-0591	1/9/2021 Incoming	5	4403643018
216-402-0591	1/9/2021 Willoughby	40	4403643018
216-402-0591	1/9/2021 Willoughby	7	4403643018
216-402-0591	1/9/2021 Willoughby	2	4403643018
216-402-0591	1/9/2021 Incoming	2	4403643018
216-402-0591	1/9/2021 Willoughby	2	4403643018
216-402-0591	1/9/2021 Willoughby	30	4403643018
216-402-0591	1/9/2021 Willoughby	36	4403643018
216-402-0591	1/9/2021 Willoughby	2	4403643018
216-402-0591	1/9/2021 Willoughby	14	4403643018
216-402-0591	1/9/2021 Willoughby	13	4403643018
216-402-0591	1/9/2021 Incoming	6	4406672398
216-402-0591	1/9/2021 Willoughby	1	4406672398
216-402-0591	1/10/2021 Cleveland	3	2164079965
216-402-0591	1/10/2021 Cleveland	3	2164079965
216-402-0591	1/10/2021 Incoming	3	2164079965
216-402-0591	1/10/2021 Willoughby	1	4402239413
216-402-0591	1/10/2021 Painesvl	1	4402314347
216-402-0591	1/10/2021 Painesvl	1	4402513633
216-402-0591	1/10/2021 Willoughby	1	4403643018
216-402-0591	1/10/2021 Willoughby	149	4403643018
216-402-0591	1/10/2021 Willoughby	94	4403643018
216-402-0591	1/10/2021 Incoming	2	4403643018
216-402-0591	1/10/2021 Incoming	4	4403643018
216-402-0591	1/10/2021 Incoming	4	4403643018
216-402-0591	1/10/2021 Incoming	10	4403643018
216-402-0591	1/10/2021 Willoughby	1	4403643018
216-402-0591	1/10/2021 Willoughby	1	4403643018
216-402-0591	1/10/2021 Incoming	9	4403643018
216-402-0591	1/10/2021 Willoughby	12	4403643018
216-402-0591	1/10/2021 Willoughby	38	4403643018
216-402-0591	1/10/2021 Incoming	1	4405675448
216-402-0591	1/10/2021 Willoughby	2	4406672398
216-402-0591	1/10/2021 Willoughby	1	4406672398
216-402-0591	1/10/2021 Willoughby	2	4406672398
216-402-0591	1/11/2021 Willoughby	1	4402219213
216-402-0591	1/11/2021 Willoughby	1	4402219213
216-402-0591	1/11/2021 Incoming	1	4402219213
216-402-0591	1/11/2021 Willoughby	1	4402219213
216-402-0591	1/11/2021 Incoming	2	4402219213
216-402-0591	1/11/2021 Incoming	10	4402516585
216-402-0591	1/11/2021 Kirtland	3	4402565600
216-402-0591	1/11/2021 Incoming	3	4403643018
216-402-0591	1/11/2021 Incoming	41	4403643018

216-402-0591	1/11/2021 Incoming	13	4403643018
216-402-0591	1/11/2021 Incoming	4	4403643018
216-402-0591	1/11/2021 Incoming	5	4403643018
216-402-0591	1/11/2021 Incoming	1	4403643018
216-402-0591	1/11/2021 Cleveland	10	4404290293
216-402-0591	1/11/2021 Incoming	17	4404290293
216-402-0591	1/11/2021 Incoming	10	4404789716
216-402-0591	1/11/2021 Willoughby	1	4404789716
216-402-0591	1/11/2021 Willoughby	3	4404874700
216-402-0591	1/11/2021 Willoughby	1	4406672398
216-402-0591	1/11/2021 Willoughby	3	4406672398
216-402-0591	1/11/2021 Willoughby	2	4406672398
216-402-0591	1/11/2021 Painesvl	1	4407963647
216-402-0591	1/11/2021 Painesvl	10	4407968788
216-402-0591	1/12/2021 Cleveland	1	2164028301
216-402-0591	1/12/2021 Cleveland	2	2164079965
216-402-0591	1/12/2021 Incoming	3	2164079965
216-402-0591	1/12/2021 Incoming	1	4402219213
216-402-0591	1/12/2021 Willoughby	1	4402219213
216-402-0591	1/12/2021 Incoming	1	4402516585
216-402-0591	1/12/2021 Incoming	4	4403643018
216-402-0591	1/12/2021 Willoughby	32	4403643018
216-402-0591	1/12/2021 Willoughby	50	4403643018
216-402-0591	1/12/2021 Willoughby	9	4403643018
216-402-0591	1/12/2021 Willoughby	2	4403643018
216-402-0591	1/12/2021 Incoming	5	4403643018
216-402-0591	1/12/2021 Willoughby	8	4403643018
216-402-0591	1/12/2021 Willoughby	4	4403643018
216-402-0591	1/12/2021 Incoming	2	4403643018
216-402-0591	1/12/2021 Willoughby	15	4403643018
216-402-0591	1/12/2021 Incoming	5	4403643018
216-402-0591	1/12/2021 Willoughby	15	4403643018
216-402-0591	1/12/2021 Willoughby	14	4403643018
216-402-0591	1/12/2021 Willoughby	17	4403643018
216-402-0591	1/12/2021 Willoughby	12	4403643018
216-402-0591	1/12/2021 Incoming	7	4403643018
216-402-0591	1/12/2021 Willoughby	13	4403643018
216-402-0591	1/12/2021 Incoming	13	4403643018
216-402-0591	1/12/2021 Willoughby	21	4403643018
216-402-0591	1/12/2021 Incoming	2	4403643018
216-402-0591	1/12/2021 Willoughby	3	4403643018
216-402-0591	1/12/2021 Incoming	3	4404786883
216-402-0591	1/12/2021 Incoming	1	4406672398
216-402-0591	1/12/2021 Willoughby	3	4406672398
216-402-0591	1/12/2021 Willoughby	2	4406672398
216-402-0591	1/12/2021 Incoming	1	4407995019
216-402-0591	1/12/2021 Cleveland	1	4407995019
216-402-0591	1/12/2021 Cleveland	2	4407995019
216-402-0591	1/12/2021 Incoming	1	4407995019

216-402-0591	1/12/2021 Willoughby	4	4409422900
216-402-0591	1/13/2021 Incoming	3	2164079965
216-402-0591	1/13/2021 Incoming	5	2164079965
216-402-0591	1/13/2021 Cleveland	1	2164079965
216-402-0591	1/13/2021 Cleveland	3	2164079965
216-402-0591	1/13/2021 Incoming	1	2164079965
216-402-0591	1/13/2021 Incoming	2	2164079965
216-402-0591	1/13/2021 Incoming	1	2166667937
216-402-0591	1/13/2021 Willoughby	2	4402219213
216-402-0591	1/13/2021 Willoughby	1	4402219213
216-402-0591	1/13/2021 Willoughby	2	4402219213
216-402-0591	1/13/2021 Willoughby	1	4402219213
216-402-0591	1/13/2021 Incoming	2	4402219213
216-402-0591	1/13/2021 Chardon	2	4402262007
216-402-0591	1/13/2021 Chardon	5	4402262007
216-402-0591	1/13/2021 Painesvl	14	4402516585
216-402-0591	1/13/2021 Incoming	22	4403643018
216-402-0591	1/13/2021 Willoughby	1	4403643018
216-402-0591	1/13/2021 Willoughby	16	4403643018
216-402-0591	1/13/2021 Willoughby	3	4403643018
216-402-0591	1/13/2021 Willoughby	19	4403643018
216-402-0591	1/13/2021 Willoughby	4	4403643018
216-402-0591	1/13/2021 Willoughby	25	4403643018
216-402-0591	1/13/2021 Incoming	60	4403643018
216-402-0591	1/13/2021 Willoughby	4	4404635669
216-402-0591	1/13/2021 Willoughby	1	4404635669
216-402-0591	1/13/2021 Incoming	6	4404635669
216-402-0591	1/13/2021 Incoming	2	4404786883
216-402-0591	1/13/2021 Willoughby	4	4404786883
216-402-0591	1/13/2021 Willoughby	3	4404786883
216-402-0591	1/13/2021 Willoughby	1	4404786883
216-402-0591	1/13/2021 Incoming	6	4404789716
216-402-0591	1/13/2021 Willoughby	1	4404789716
216-402-0591	1/13/2021 Incoming	4	4404789716
216-402-0591	1/13/2021 Willoughby	9	4404874700
216-402-0591	1/13/2021 Willoughby	8	4405676968
216-402-0591	1/13/2021 Incoming	1	4406672398
216-402-0591	1/13/2021 Willoughby	1	4406672398
216-402-0591	1/13/2021 Incoming	6	4406672398
216-402-0591	1/13/2021 Willoughby	1	4406672398
216-402-0591	1/13/2021 Incoming	3	4408972231
216-402-0591	1/13/2021 Gallipolis	1	7402080930
216-402-0591	1/13/2021 Incoming	12	7402080930
216-402-0591	1/14/2021 Cleveland	3	2162101705
216-402-0591	1/14/2021 Incoming	3	2164079965
216-402-0591	1/14/2021 Cleveland	6	2164079965
216-402-0591	1/14/2021 Cleveland	2	2164079965
216-402-0591	1/14/2021 Cleveland	1	2164816824
216-402-0591	1/14/2021 Willoughby	1	4402219213

216-402-0591	1/14/2021 Chardon	2	4402262007
216-402-0591	1/14/2021 Chardon	1	4402262007
216-402-0591	1/14/2021 Chardon	1	4402262007
216-402-0591	1/14/2021 Willoughby	18	4403643018
216-402-0591	1/14/2021 Willoughby	9	4403643018
216-402-0591	1/14/2021 Incoming	3	4403643018
216-402-0591	1/14/2021 Willoughby	2	4403643018
216-402-0591	1/14/2021 Incoming	15	4403643018
216-402-0591	1/14/2021 Willoughby	18	4403643018
216-402-0591	1/14/2021 Willoughby	13	4403643018
216-402-0591	1/14/2021 Willoughby	107	4403643018
216-402-0591	1/14/2021 Incoming	4	4404290293
216-402-0591	1/14/2021 Vm Deposit	1	4404290293
216-402-0591	1/14/2021 Hillcrest	3	4404595855
216-402-0591	1/14/2021 Willoughby	6	4404635669
216-402-0591	1/14/2021 Willoughby	2	4404874700
216-402-0591	1/14/2021 Incoming	6	4404889738
216-402-0591	1/14/2021 Incoming	1	4404889738
216-402-0591	1/14/2021 Incoming	3	4404889738
216-402-0591	1/14/2021 Willoughby	5	4406550279
216-402-0591	1/14/2021 Willoughby	15	4406672398
216-402-0591	1/14/2021 Willoughby	11	4406672398
216-402-0591	1/14/2021 Mentor	1	4409746487
216-402-0591	1/15/2021 Incoming	2	2162893937
216-402-0591	1/15/2021 Cleveland	1	2164079965
216-402-0591	1/15/2021 Cleveland	2	2164079965
216-402-0591	1/15/2021 Incoming	1	2166263026
216-402-0591	1/15/2021 Chardon	1	4402262007
216-402-0591	1/15/2021 Chardon	1	4402262007
216-402-0591	1/15/2021 Painesvl	3	4402515219
216-402-0591	1/15/2021 Incoming	4	4402516585
216-402-0591	1/15/2021 Vm Deposit	1	4402516585
216-402-0591	1/15/2021 Incoming	7	4402516585
216-402-0591	1/15/2021 Incoming	24	4403643018
216-402-0591	1/15/2021 Willoughby	13	4403643018
216-402-0591	1/15/2021 Willoughby	1	4403643018
216-402-0591	1/15/2021 Willoughby	22	4403643018
216-402-0591	1/15/2021 Willoughby	66	4403643018
216-402-0591	1/15/2021 Incoming	1	4404793257
216-402-0591	1/15/2021 Willoughby	1	4404874700
216-402-0591	1/15/2021 Willoughby	2	4404874700
216-402-0591	1/15/2021 Willoughby	14	4404874700
216-402-0591	1/15/2021 Incoming	3	4404874700
216-402-0591	1/15/2021 Incoming	1	4406672398
216-402-0591	1/15/2021 Incoming	11	4406672398
216-402-0591	1/15/2021 Willoughby	3	4406672398
216-402-0591	1/15/2021 Incoming	1	4406672398
216-402-0591	1/15/2021 Willoughby	4	4406672398
216-402-0591	1/15/2021 Incoming	2	4407963647

216-402-0591	1/15/2021 Willoughby	8	4408409687
216-402-0591	1/15/2021 Incoming	3	4409432500
216-402-0591	1/16/2021 Incoming	43	4403643018
216-402-0591	1/16/2021 Willoughby	5	4403643018
216-402-0591	1/16/2021 Incoming	7	4403643018
216-402-0591	1/16/2021 Willoughby	7	4403643018
216-402-0591	1/16/2021 Willoughby	2	4403643678
216-402-0591	1/16/2021 Incoming	21	4403645088
216-402-0591	1/16/2021 Willoughby	20	4406672398
216-402-0591	1/16/2021 Incoming	2	4407963647
216-402-0591	1/16/2021 Painesvl	7	4407963647
216-402-0591	1/17/2021 Cleveland	1	2164027946
216-402-0591	1/17/2021 Cleveland	1	2164028301
216-402-0591	1/17/2021 Incoming	1	2164079965
216-402-0591	1/17/2021 Willoughby	46	4403643018
216-402-0591	1/17/2021 Willoughby	181	4403643018
216-402-0591	1/17/2021 Willoughby	1	4403643018
216-402-0591	1/17/2021 Willoughby	91	4403643018
216-402-0591	1/17/2021 Willoughby	13	4403643018
216-402-0591	1/17/2021 Incoming	25	4403643018
216-402-0591	1/17/2021 Willoughby	2	4403643018
216-402-0591	1/17/2021 Willoughby	12	4403643018
216-402-0591	1/17/2021 Incoming	40	4403643018
216-402-0591	1/17/2021 Willoughby	1	4403643018
216-402-0591	1/17/2021 Cleveland	20	4404290293
216-402-0591	1/17/2021 Incoming	3	4404874700
216-402-0591	1/17/2021 Willoughby	11	4406672398
216-402-0591	1/17/2021 Willoughby	8	4406672398
216-402-0591	1/17/2021 Gallipolis	5	7402080930
216-402-0591	1/18/2021 Cleveland	2	2162885476
216-402-0591	1/18/2021 Cleveland	2	2164079965
216-402-0591	1/18/2021 Cleveland	3	2164079965
216-402-0591	1/18/2021 Willoughby	3	4402219213
216-402-0591	1/18/2021 Painesvl	1	4403392883
216-402-0591	1/18/2021 Painesvl	5	4403392883
216-402-0591	1/18/2021 Willoughby	66	4403643018
216-402-0591	1/18/2021 Willoughby	20	4403643018
216-402-0591	1/18/2021 Incoming	11	4403643018
216-402-0591	1/18/2021 Incoming	13	4403643018
216-402-0591	1/18/2021 Incoming	3	4404874700
216-402-0591	1/18/2021 Willoughby	1	4406672398
216-402-0591	1/18/2021 Incoming	9	4406672398
216-402-0591	1/18/2021 Painesvl	7	4407963647
216-402-0591	1/18/2021 Cleveland	3	4407995019
216-402-0591	1/18/2021 Cleveland	2	4407995019
216-402-0591	1/18/2021 Willoughby	1	4408402709
216-402-0591	1/18/2021 Willoughby	2	4408402709
216-402-0591	1/19/2021 Incoming	2	2164079965
216-402-0591	1/19/2021 Cleveland	1	2164079965

216-402-0591	1/19/2021	Cleveland	1	2164079965
216-402-0591	1/19/2021	Incoming	3	2164079965
216-402-0591	1/19/2021	Cleveland	1	2164079965
216-402-0591	1/19/2021	Cleveland	1	2164816824
216-402-0591	1/19/2021	Incoming	3	2164816824
216-402-0591	1/19/2021	Cleveland	3	2164816824
216-402-0591	1/19/2021	Cleveland	1	2164816824
216-402-0591	1/19/2021	Incoming	1	2166667945
216-402-0591	1/19/2021	Chardon	1	4402262007
216-402-0591	1/19/2021	Incoming	1	4402262007
216-402-0591	1/19/2021	Chardon	2	4402262007
216-402-0591	1/19/2021	Painesvl	2	4402513633
216-402-0591	1/19/2021	Incoming	14	4402516585
216-402-0591	1/19/2021	Incoming	3	4402516585
216-402-0591	1/19/2021	Vm Deposit	1	4402516585
216-402-0591	1/19/2021	Painesvl	4	4403392883
216-402-0591	1/19/2021	Willoughby	16	4403643018
216-402-0591	1/19/2021	Willoughby	11	4403643018
216-402-0591	1/19/2021	Incoming	12	4403643018
216-402-0591	1/19/2021	Willoughby	242	4403643018
216-402-0591	1/19/2021	Willoughby	33	4403643018
216-402-0591	1/19/2021	Incoming	3	4403643018
216-402-0591	1/19/2021	Willoughby	1	4403643018
216-402-0591	1/19/2021	Willoughby	11	4403643018
216-402-0591	1/19/2021	Willoughby	8	4404635669
216-402-0591	1/19/2021	Willoughby	1	4404635669
216-402-0591	1/19/2021	Willoughby	11	4404789716
216-402-0591	1/19/2021	Willoughby	8	4404874700
216-402-0591	1/19/2021	Willoughby	1	4406550279
216-402-0591	1/19/2021	Willoughby	1	4406672398
216-402-0591	1/19/2021	Incoming	6	4406672398
216-402-0591	1/19/2021	Willoughby	3	4406672398
216-402-0591	1/19/2021	Incoming	3	4406672398
216-402-0591	1/19/2021	Cleveland	1	4407856602
216-402-0591	1/20/2021	Terrace	1	2162791028
216-402-0591	1/20/2021	Incoming	13	2164071885
216-402-0591	1/20/2021	Cleveland	2	2164071885
216-402-0591	1/20/2021	Cleveland	2	2164071885
216-402-0591	1/20/2021	Incoming	7	2164079965
216-402-0591	1/20/2021	Cleveland	10	2164079965
216-402-0591	1/20/2021	Cleveland	1	2164816824
216-402-0591	1/20/2021	Incoming	1	2165330059
216-402-0591	1/20/2021	Cleveland	4	2165368584
216-402-0591	1/20/2021	Willoughby	2	4402235325
216-402-0591	1/20/2021	Incoming	44	4402235325
216-402-0591	1/20/2021	Incoming	3	4402513633
216-402-0591	1/20/2021	Incoming	3	4402517487
216-402-0591	1/20/2021	Painesvl	8	4402517487
216-402-0591	1/20/2021	Willoughby	20	4403643018

216-402-0591	1/20/2021 Incoming	2	4403643018
216-402-0591	1/20/2021 Willoughby	107	4403643018
216-402-0591	1/20/2021 Willoughby	1	4403643018
216-402-0591	1/20/2021 Incoming	8	4403643018
216-402-0591	1/20/2021 Incoming	3	4403643018
216-402-0591	1/20/2021 Willoughby	7	4403643018
216-402-0591	1/20/2021 Incoming	14	4403643018
216-402-0591	1/20/2021 Willoughby	14	4403643018
216-402-0591	1/20/2021 Willoughby	14	4403643018
216-402-0591	1/20/2021 Incoming	3	4403643018
216-402-0591	1/20/2021 Willoughby	1	4403643018
216-402-0591	1/20/2021 Incoming	14	4403643018
216-402-0591	1/20/2021 Incoming	17	4403643018
216-402-0591	1/20/2021 Incoming	1	4403643018
216-402-0591	1/20/2021 Willoughby	10	4403643018
216-402-0591	1/20/2021 Willoughby	8	4403643018
216-402-0591	1/20/2021 Willoughby	1	4403643018
216-402-0591	1/20/2021 Willoughby	3	4404874700
216-402-0591	1/20/2021 Vm Deposit	1	4406550279
216-402-0591	1/20/2021 Willoughby	3	4406550279
216-402-0591	1/20/2021 Incoming	5	4406550279
216-402-0591	1/20/2021 Willoughby	1	4406672398
216-402-0591	1/20/2021 Willoughby	2	4406672398
216-402-0591	1/20/2021 Willoughby	1	4406672398
216-402-0591	1/20/2021 Willoughby	2	4406672398
216-402-0591	1/20/2021 Cleveland	2	4408232601
216-402-0591	1/21/2021 Cleveland	10	2164079965
216-402-0591	1/21/2021 Cleveland	5	2164079965
216-402-0591	1/21/2021 Cleveland	6	2165330059
216-402-0591	1/21/2021 Incoming	13	2169702763
216-402-0591	1/21/2021 Painesvl	1	4402513633
216-402-0591	1/21/2021 Incoming	4	4403643018
216-402-0591	1/21/2021 Willoughby	27	4403643018
216-402-0591	1/21/2021 Willoughby	2	4403643018
216-402-0591	1/21/2021 Incoming	4	4403643018
216-402-0591	1/21/2021 Willoughby	3	4403643018
216-402-0591	1/21/2021 Incoming	23	4403643018
216-402-0591	1/21/2021 Incoming	138	4403643018
216-402-0591	1/21/2021 Incoming	1	4403643018
216-402-0591	1/21/2021 Incoming	16	4403643018
216-402-0591	1/21/2021 Willoughby	15	4403643018
216-402-0591	1/21/2021 Incoming	4	4404874700
216-402-0591	1/21/2021 Willoughby	2	4406672398
216-402-0591	1/21/2021 Willoughby	4	4406672398
216-402-0591	1/22/2021 Cleveland	2	2164071885
216-402-0591	1/22/2021 Incoming	16	2164071885
216-402-0591	1/22/2021 Cleveland	6	2164816824
216-402-0591	1/22/2021 Incoming	4	4402513633
216-402-0591	1/22/2021 Painesvl	2	4402519985

216-402-0591	1/22/2021 Incoming	14	4403643018
216-402-0591	1/22/2021 Incoming	25	4403643018
216-402-0591	1/22/2021 Incoming	3	4403643018
216-402-0591	1/22/2021 Incoming	1	4403643018
216-402-0591	1/22/2021 Willoughby	6	4403643018
216-402-0591	1/22/2021 Incoming	3	4404889738
216-402-0591	1/22/2021 Willoughby	1	4405711825
216-402-0591	1/22/2021 Incoming	1	4406550279
216-402-0591	1/22/2021 Vm Deposit	2	4406550279
216-402-0591	1/22/2021 Incoming	3	4406550279
216-402-0591	1/22/2021 Incoming	13	4406672398
216-402-0591	1/22/2021 Cleveland	1	4407995019
216-402-0591	1/22/2021 Incoming	4	4407995019
216-402-0591	1/22/2021 Cleveland	2	4407995019
216-402-0591	1/23/2021 Cleveland	1	2164027946
216-402-0591	1/23/2021 Incoming	3	2164027946
216-402-0591	1/23/2021 Cleveland	1	2164028301
216-402-0591	1/23/2021 Cleveland	2	2164028301
216-402-0591	1/23/2021 Cleveland	1	2164028301
216-402-0591	1/23/2021 Cleveland	1	2164028301
216-402-0591	1/23/2021 Cleveland	2	2164028301
216-402-0591	1/23/2021 Incoming	1	2164079965
216-402-0591	1/23/2021 Incoming	4	2164079965
216-402-0591	1/23/2021 Incoming	1	2164079965
216-402-0591	1/23/2021 Willoughby	2	4402239413
216-402-0591	1/23/2021 Willoughby	2	4402239413
216-402-0591	1/23/2021 Painesvl	1	4402513633
216-402-0591	1/23/2021 Incoming	3	4403643018
216-402-0591	1/23/2021 Willoughby	8	4403643018
216-402-0591	1/23/2021 Willoughby	13	4403643018
216-402-0591	1/23/2021 Willoughby	4	4403643018
216-402-0591	1/23/2021 Incoming	11	4403643018
216-402-0591	1/23/2021 Incoming	8	4403643018
216-402-0591	1/23/2021 Vm Deposit	1	4404290293
216-402-0591	1/23/2021 Incoming	8	4404290293
216-402-0591	1/23/2021 Willoughby	9	4404874700
216-402-0591	1/23/2021 Incoming	2	4404874700
216-402-0591	1/23/2021 Willoughby	1	4404874700
216-402-0591	1/23/2021 Ashtabula	8	4406453276
216-402-0591	1/23/2021 Willoughby	50	4406550279
216-402-0591	1/23/2021 Incoming	10	4406672398
216-402-0591	1/23/2021 Willoughby	14	4406672398
216-402-0591	1/23/2021 Bainbridge	3	4407086620
216-402-0591	1/24/2021 Incoming	4	2164079965
216-402-0591	1/24/2021 Willoughby	6	4403643018
216-402-0591	1/24/2021 Willoughby	10	4403643018
216-402-0591	1/24/2021 Incoming	6	4403643018
216-402-0591	1/24/2021 Willoughby	11	4403643018
216-402-0591	1/24/2021 Willoughby	3	4403643018

216-402-0591	1/24/2021 Willoughby	1	4403643018
216-402-0591	1/24/2021 Willoughby	121	4403643018
216-402-0591	1/24/2021 Incoming	42	4403643018
216-402-0591	1/24/2021 Incoming	1	4403643018
216-402-0591	1/24/2021 Incoming	5	4403643018
216-402-0591	1/24/2021 Incoming	3	4403643018
216-402-0591	1/24/2021 Incoming	8	4403643018
216-402-0591	1/24/2021 Willoughby	1	4403643018
216-402-0591	1/24/2021 Willoughby	9	4403643018
216-402-0591	1/24/2021 Willoughby	9	4403643018
216-402-0591	1/24/2021 Willoughby	1	4403643018
216-402-0591	1/24/2021 Incoming	6	4406672398
216-402-0591	1/24/2021 Willoughby	4	4406672398
216-402-0591	1/24/2021 Incoming	4	4408972231
216-402-0591	1/24/2021 Willoughby	10	4408972231
216-402-0591	1/24/2021 Incoming	21	7402080930
216-402-0591	1/24/2021 Incoming	8	7402080930
216-402-0591	1/24/2021 Incoming	2	7402080930
216-402-0591	1/25/2021 Cleveland	1	2164028982
216-402-0591	1/25/2021 Cleveland	1	2164079965
216-402-0591	1/25/2021 Cleveland	1	2164079965
216-402-0591	1/25/2021 Cleveland	1	2164079965
216-402-0591	1/25/2021 Cleveland	2	2164079965
216-402-0591	1/25/2021 Incoming	4	2164816824
216-402-0591	1/25/2021 Willoughby	81	4403643018
216-402-0591	1/25/2021 Incoming	3	4403643018
216-402-0591	1/25/2021 Incoming	1	4403643018
216-402-0591	1/25/2021 Incoming	15	4403643018
216-402-0591	1/25/2021 Willoughby	29	4403643018
216-402-0591	1/25/2021 Incoming	12	4403643018
216-402-0591	1/25/2021 Willoughby	1	4403643018
216-402-0591	1/25/2021 Willoughby	35	4403643018
216-402-0591	1/25/2021 Incoming	4	4404612550
216-402-0591	1/25/2021 Incoming	3	4404874700
216-402-0591	1/25/2021 Incoming	8	4406672398
216-402-0591	1/25/2021 Willoughby	1	4406672398
216-402-0591	1/25/2021 Incoming	3	4406672398
216-402-0591	1/25/2021 Incoming	2	4407995019
216-402-0591	1/26/2021 Cleveland	2	2164028301
216-402-0591	1/26/2021 Cleveland	1	2164028982
216-402-0591	1/26/2021 Cleveland	4	2164816824
216-402-0591	1/26/2021 Cleveland	1	2164817160
216-402-0591	1/26/2021 Incoming	1	2165791318
216-402-0591	1/26/2021 Incoming	7	4402516585
216-402-0591	1/26/2021 Incoming	4	4402516585
216-402-0591	1/26/2021 Painesvl	1	4403528974
216-402-0591	1/26/2021 Willoughby	45	4403643018
216-402-0591	1/26/2021 Willoughby	18	4403643018
216-402-0591	1/26/2021 Willoughby	37	4403643018

216-402-0591	1/26/2021 Willoughby	2	4403643018
216-402-0591	1/26/2021 Willoughby	8	4403643018
216-402-0591	1/26/2021 Incoming	6	4403643018
216-402-0591	1/26/2021 Incoming	21	4403643018
216-402-0591	1/26/2021 Willoughby	8	4403643018
216-402-0591	1/26/2021 Incoming	1	4403643018
216-402-0591	1/26/2021 Incoming	31	4403643018
216-402-0591	1/26/2021 Incoming	31	4403643018
216-402-0591	1/26/2021 Willoughby	14	4403643018
216-402-0591	1/26/2021 Incoming	3	4403643018
216-402-0591	1/26/2021 Willoughby	4	4403643018
216-402-0591	1/26/2021 Incoming	2	4403643018
216-402-0591	1/26/2021 Incoming	2	4403643018
216-402-0591	1/26/2021 Willoughby	1	4403643018
216-402-0591	1/26/2021 Incoming	1	4404874700
216-402-0591	1/26/2021 Willoughby	2	4404874700
216-402-0591	1/26/2021 Cleveland	2	4405395649
216-402-0591	1/26/2021 Incoming	2	4406672398
216-402-0591	1/26/2021 Willoughby	2	4406672398
216-402-0591	1/26/2021 Incoming	1	4406672398
216-402-0591	1/26/2021 Willoughby	2	4406672398
216-402-0591	1/26/2021 Willoughby	1	4406674065
216-402-0591	1/26/2021 Incoming	2	4406674065
216-402-0591	1/26/2021 Willoughby	3	4406674065
216-402-0591	1/26/2021 Incoming	1	4407963647
216-402-0591	1/26/2021 Incoming	1	4407995019
216-402-0591	1/26/2021 Cleveland	1	4407995019
216-402-0591	1/27/2021 Incoming	2	2164079965
216-402-0591	1/27/2021 Cleveland	1	2164079965
216-402-0591	1/27/2021 Incoming	4	2164079965
216-402-0591	1/27/2021 Incoming	3	2164079965
216-402-0591	1/27/2021 Cleveland	3	2164816824
216-402-0591	1/27/2021 Cleveland	1	2164816824
216-402-0591	1/27/2021 Willoughby	8	4402219213
216-402-0591	1/27/2021 Ashtabula	13	4402280405
216-402-0591	1/27/2021 Painesvl	9	4402516585
216-402-0591	1/27/2021 Incoming	3	4403395116
216-402-0591	1/27/2021 Painesvl	21	4403395116
216-402-0591	1/27/2021 Painesvl	1	4403543232
216-402-0591	1/27/2021 Incoming	2	4403643018
216-402-0591	1/27/2021 Willoughby	2	4403643018
216-402-0591	1/27/2021 Incoming	12	4403643018
216-402-0591	1/27/2021 Incoming	6	4403643018
216-402-0591	1/27/2021 Incoming	2	4403643018
216-402-0591	1/27/2021 Incoming	1	4403643018
216-402-0591	1/27/2021 Incoming	124	4403643018
216-402-0591	1/27/2021 Willoughby	8	4404784873
216-402-0591	1/27/2021 Incoming	6	4404889738
216-402-0591	1/27/2021 Willoughby	3	4406672398

216-402-0591	1/27/2021 Incoming	10	4406672398
216-402-0591	1/27/2021 Willoughby	21	4406672398
216-402-0591	1/27/2021 Cleveland	5	4407995019
216-402-0591	1/28/2021 Cleveland	2	2164079965
216-402-0591	1/28/2021 Cleveland	1	2164079965
216-402-0591	1/28/2021 Incoming	1	2165456687
216-402-0591	1/28/2021 Cleveland	1	2165707308
216-402-0591	1/28/2021 Painesvl	1	4402513633
216-402-0591	1/28/2021 Incoming	1	4402513633
216-402-0591	1/28/2021 Painesvl	1	4402513633
216-402-0591	1/28/2021 Painesvl	1	4402513633
216-402-0591	1/28/2021 Willoughby	10	4403643018
216-402-0591	1/28/2021 Willoughby	4	4403643018
216-402-0591	1/28/2021 Willoughby	20	4403643018
216-402-0591	1/28/2021 Incoming	5	4403643018
216-402-0591	1/28/2021 Incoming	14	4403643018
216-402-0591	1/28/2021 Incoming	7	4403643018
216-402-0591	1/28/2021 Incoming	19	4403643018
216-402-0591	1/28/2021 Incoming	84	4403643018
216-402-0591	1/28/2021 Incoming	25	4403643018
216-402-0591	1/28/2021 Willoughby	1	4403645088
216-402-0591	1/28/2021 Incoming	2	4403645088
216-402-0591	1/28/2021 Willoughby	2	4403645088
216-402-0591	1/28/2021 Willoughby	2	4404874700
216-402-0591	1/28/2021 Incoming	7	4406550279
216-402-0591	1/28/2021 Willoughby	5	4406550279
216-402-0591	1/28/2021 Vm Deposit	1	4406550279
216-402-0591	1/28/2021 Incoming	4	4406550279
216-402-0591	1/28/2021 Vm Deposit	1	4406550279
216-402-0591	1/28/2021 Willoughby	1	4406550279
216-402-0591	1/28/2021 Incoming	4	4406672398
216-402-0591	1/29/2021 Cleveland	2	2163198652
216-402-0591	1/29/2021 Cleveland	1	2164071885
216-402-0591	1/29/2021 Incoming	2	2164071885
216-402-0591	1/29/2021 Incoming	9	2164071885
216-402-0591	1/29/2021 Cleveland	7	2164079965
216-402-0591	1/29/2021 Cleveland	1	2164079965
216-402-0591	1/29/2021 Cleveland	1	2164816824
216-402-0591	1/29/2021 Cleveland	1	2164816824
216-402-0591	1/29/2021 Incoming	2	2164816824
216-402-0591	1/29/2021 Willoughby	2	4402219213
216-402-0591	1/29/2021 Incoming	1	4402515219
216-402-0591	1/29/2021 Incoming	5	4402515219
216-402-0591	1/29/2021 Incoming	1	4402516585
216-402-0591	1/29/2021 Incoming	14	4403643018
216-402-0591	1/29/2021 Incoming	1	4403643018
216-402-0591	1/29/2021 Incoming	4	4403643018
216-402-0591	1/29/2021 Incoming	4	4403643018
216-402-0591	1/29/2021 Incoming	14	4403643018

216-402-0591	1/29/2021 Incoming	3	4403643018
216-402-0591	1/29/2021 Incoming	2	4403643018
216-402-0591	1/29/2021 Incoming	1	4403643018
216-402-0591	1/29/2021 Willoughby	3	4403643018
216-402-0591	1/29/2021 Willoughby	10	4403643018
216-402-0591	1/29/2021 Incoming	6	4403643018
216-402-0591	1/29/2021 Incoming	4	4403643018
216-402-0591	1/29/2021 Incoming	7	4405675448
216-402-0591	1/29/2021 Willoughby	4	4406672398
216-402-0591	1/29/2021 Willoughby	5	4406672398
216-402-0591	1/29/2021 Willoughby	2	4406692862
216-402-0591	1/29/2021 Incoming	2	4406836677
216-402-0591	1/29/2021 Cleveland	1	4407995019
216-402-0591	1/29/2021 Cleveland	3	4407995019
216-402-0591	1/30/2021 Cleveland	51	2162874390
216-402-0591	1/30/2021 Cleveland	1	2164028982
216-402-0591	1/30/2021 Incoming	5	2164079965
216-402-0591	1/30/2021 Cleveland	1	2164079965
216-402-0591	1/30/2021 Incoming	4	2164079965
216-402-0591	1/30/2021 Painesvl	27	4402519985
216-402-0591	1/30/2021 Willoughby	1	4403643018
216-402-0591	1/30/2021 Willoughby	4	4403643018
216-402-0591	1/30/2021 Willoughby	1	4403643018
216-402-0591	1/30/2021 Willoughby	13	4403643018
216-402-0591	1/30/2021 Incoming	2	4403643018
216-402-0591	1/30/2021 Incoming	71	4403643018
216-402-0591	1/30/2021 Willoughby	9	4403643018
216-402-0591	1/30/2021 Incoming	12	4403643018
216-402-0591	1/30/2021 Willoughby	2	4403643018
216-402-0591	1/30/2021 Incoming	17	4403643018
216-402-0591	1/30/2021 Incoming	6	4403643018
216-402-0591	1/30/2021 Willoughby	1	4403643362
216-402-0591	1/30/2021 Incoming	2	4403643362
216-402-0591	1/30/2021 Willoughby	1	4403643362
216-402-0591	1/30/2021 Willoughby	3	4404874700
216-402-0591	1/30/2021 Willoughby	6	4404889738
216-402-0591	1/30/2021 Willoughby	1	4405673174
216-402-0591	1/30/2021 Wickliffe	2	4405853322
216-402-0591	1/30/2021 Incoming	1	4406672398
216-402-0591	1/30/2021 Incoming	3	4406672398
216-402-0591	1/30/2021 Willoughby	16	4406672398
216-402-0591	1/30/2021 Incoming	11	4406672398
216-402-0591	1/30/2021 Willoughby	7	4406672398
216-402-0591	1/30/2021 Cincinnati	11	5135321124
216-402-0591	1/31/2021 Incoming	1	2164079965
216-402-0591	1/31/2021 Cleveland	1	2164079965
216-402-0591	1/31/2021 Cleveland	2	2164079965
216-402-0591	1/31/2021 Incoming	8	4402516585
216-402-0591	1/31/2021 Willoughby	50	4403643018

216-402-0591	1/31/2021 Incoming	1	4403643018
216-402-0591	1/31/2021 Willoughby	7	4403643018
216-402-0591	1/31/2021 Willoughby	25	4403643018
216-402-0591	1/31/2021 Willoughby	10	4403643018
216-402-0591	1/31/2021 Incoming	9	4403643018
216-402-0591	1/31/2021 Incoming	1	4403643018
216-402-0591	1/31/2021 Willoughby	28	4403643018
216-402-0591	1/31/2021 Willoughby	18	4403643018
216-402-0591	1/31/2021 Willoughby	8	4403643018
216-402-0591	1/31/2021 Incoming	15	4403643018
216-402-0591	1/31/2021 Willoughby	13	4403643018
216-402-0591	1/31/2021 Willoughby	1	4406672398
216-402-0591	2/1/2021 Cleveland	15	2162885476
216-402-0591	2/1/2021 Incoming	8	2164816824
216-402-0591	2/1/2021 Incoming	5	2164816824
216-402-0591	2/1/2021 Cleveland	1	2164816824
216-402-0591	2/1/2021 Incoming	1	4402219213
216-402-0591	2/1/2021 Willoughby	5	4402271630
216-402-0591	2/1/2021 Willoughby	3	4402271630
216-402-0591	2/1/2021 Incoming	2	4402513633
216-402-0591	2/1/2021 Willoughby	1	4403643018
216-402-0591	2/1/2021 Incoming	6	4403643018
216-402-0591	2/1/2021 Incoming	7	4403643018
216-402-0591	2/1/2021 Willoughby	1	4403643018
216-402-0591	2/1/2021 Incoming	18	4403643018
216-402-0591	2/1/2021 Willoughby	3	4403643018
216-402-0591	2/1/2021 Willoughby	3	4403643018
216-402-0591	2/1/2021 Incoming	4	4404138900
216-402-0591	2/1/2021 Willoughby	5	4404874700
216-402-0591	2/1/2021 Incoming	2	4405673174
216-402-0591	2/1/2021 Incoming	1	4406550279
216-402-0591	2/1/2021 Incoming	5	4406672398
216-402-0591	2/1/2021 Cleveland	1	4407995019
216-402-0591	2/2/2021 Incoming	8	2162447335
216-402-0591	2/2/2021 Cleveland	3	2164028301
216-402-0591	2/2/2021 Cleveland	3	2164028301
216-402-0591	2/2/2021 Cleveland	1	2164028982
216-402-0591	2/2/2021 Cleveland	1	2164079965
216-402-0591	2/2/2021 Cleveland	1	2164079965
216-402-0591	2/2/2021 Incoming	5	2164400758
216-402-0591	2/2/2021 Incoming	5	2164816824
216-402-0591	2/2/2021 Painesvl	1	4403395116
216-402-0591	2/2/2021 Painesvl	1	4403395116
216-402-0591	2/2/2021 Willoughby	3	4403643018
216-402-0591	2/2/2021 Willoughby	15	4403643018
216-402-0591	2/2/2021 Willoughby	9	4403643018
216-402-0591	2/2/2021 Willoughby	3	4403643018
216-402-0591	2/2/2021 Incoming	48	4403643018
216-402-0591	2/2/2021 Incoming	73	4403643018

216-402-0591	2/2/2021 Incoming	1	4403643018
216-402-0591	2/2/2021 Incoming	21	4403643018
216-402-0591	2/2/2021 Willoughby	18	4403643018
216-402-0591	2/2/2021 Willoughby	11	4403643018
216-402-0591	2/2/2021 Willoughby	1	4403643018
216-402-0591	2/2/2021 Incoming	21	4403643018
216-402-0591	2/2/2021 Willoughby	1	4404874700
216-402-0591	2/2/2021 Incoming	2	4404874700
216-402-0591	2/2/2021 Willoughby	10	4406672398
216-402-0591	2/2/2021 Willoughby	2	4406676122
216-402-0591	2/2/2021 Incoming	3	4407968788
216-402-0591	2/3/2021 Cleveland	2	2164816824
216-402-0591	2/3/2021 Incoming	3	2164817160
216-402-0591	2/3/2021 Willoughby	9	4402890862
216-402-0591	2/3/2021 Incoming	6	4403643018
216-402-0591	2/3/2021 Incoming	5	4403643018
216-402-0591	2/3/2021 Incoming	24	4403643018
216-402-0591	2/3/2021 Willoughby	6	4403643018
216-402-0591	2/3/2021 Incoming	18	4403643018
216-402-0591	2/3/2021 Incoming	23	4403643018
216-402-0591	2/3/2021 Incoming	4	4403643018
216-402-0591	2/3/2021 Incoming	12	4403643018
216-402-0591	2/3/2021 Incoming	12	4403643018
216-402-0591	2/3/2021 Incoming	3	4403643018
216-402-0591	2/3/2021 Incoming	42	4403643018
216-402-0591	2/3/2021 Incoming	2	4404794420
216-402-0591	2/3/2021 Willoughby	7	4406672398
216-402-0591	2/3/2021 Incoming	2	7402080930
216-402-0591	2/3/2021 Gallipolis	2	7402080930
216-402-0591	2/4/2021 Cleveland	2	2164028301
216-402-0591	2/4/2021 Incoming	4	2164071885
216-402-0591	2/4/2021 Incoming	3	2164071885
216-402-0591	2/4/2021 Cleveland	1	2164071885
216-402-0591	2/4/2021 Cleveland	23	2164071885
216-402-0591	2/4/2021 Cleveland	1	2164071885
216-402-0591	2/4/2021 Incoming	2	2164071885
216-402-0591	2/4/2021 Cleveland	1	2164071885
216-402-0591	2/4/2021 Cleveland	6	2164816824
216-402-0591	2/4/2021 Cleveland	2	2164816824
216-402-0591	2/4/2021 Incoming	9	2164816824
216-402-0591	2/4/2021 Incoming	1	2164816824
216-402-0591	2/4/2021 Incoming	2	2164817160
216-402-0591	2/4/2021 Cleveland	1	2164817160
216-402-0591	2/4/2021 Painesvl	3	4402513633
216-402-0591	2/4/2021 Painesvl	2	4402513633
216-402-0591	2/4/2021 Painesvl	1	4402513633
216-402-0591	2/4/2021 Painesvl	1	4402513633
216-402-0591	2/4/2021 Willoughby	1	4403643018
216-402-0591	2/4/2021 Willoughby	55	4403643018

216-402-0591	2/4/2021 Incoming	10	4403643018
216-402-0591	2/4/2021 Incoming	11	4403643018
216-402-0591	2/4/2021 Incoming	16	4403643018
216-402-0591	2/4/2021 Incoming	7	4403643018
216-402-0591	2/4/2021 Incoming	27	4403643018
216-402-0591	2/4/2021 Willoughby	18	4403643018
216-402-0591	2/4/2021 Willoughby	9	4403643018
216-402-0591	2/4/2021 Incoming	3	4403645088
216-402-0591	2/4/2021 Willoughby	1	4403645088
216-402-0591	2/4/2021 Vm Deposit	1	4404290293
216-402-0591	2/4/2021 Vm Deposit	1	4404290293
216-402-0591	2/4/2021 Cleveland	12	4404290293
216-402-0591	2/4/2021 Cleveland	6	4404290293
216-402-0591	2/4/2021 Willoughby	3	4406672398
216-402-0591	2/4/2021 Willoughby	5	4406672398
216-402-0591	2/4/2021 Willoughby	5	4406672398
216-402-0591	2/4/2021 Willoughby	2	4406672398
216-402-0591	2/4/2021 Willoughby	1	4406672398
216-402-0591	2/4/2021 Willoughby	9	4406672398
216-402-0591	2/4/2021 Willoughby	4	4406672655
216-402-0591	2/4/2021 Incoming	5	4407968788
216-402-0591	2/4/2021 Cincinnati	1	5135321124
216-402-0591	2/4/2021 Gallipolis	1	7402080930
216-402-0591	2/4/2021 Incoming	13	7402080930
216-402-0591	2/5/2021 Cleveland	1	2164079965
216-402-0591	2/5/2021 Cleveland	5	2164816824
216-402-0591	2/5/2021 Incoming	2	2164816824
216-402-0591	2/5/2021 Painesvl	2	4402515100
216-402-0591	2/5/2021 Incoming	4	4402515100
216-402-0591	2/5/2021 Incoming	7	4403643018
216-402-0591	2/5/2021 Incoming	1	4403643018
216-402-0591	2/5/2021 Willoughby	27	4403643018
216-402-0591	2/5/2021 Incoming	4	4403643018
216-402-0591	2/5/2021 Incoming	10	4403643018
216-402-0591	2/5/2021 Willoughby	5	4403643018
216-402-0591	2/5/2021 Willoughby	9	4403643018
216-402-0591	2/5/2021 Incoming	10	4403643018
216-402-0591	2/5/2021 Incoming	1	4403643018
216-402-0591	2/5/2021 Incoming	3	4403643018
216-402-0591	2/5/2021 Vm Deposit	2	4404290293
216-402-0591	2/5/2021 Incoming	13	4404290293
216-402-0591	2/5/2021 Willoughby	1	4404795841
216-402-0591	2/5/2021 Cleveland	1	4405395649
216-402-0591	2/5/2021 Vm Deposit	1	4405395649
216-402-0591	2/5/2021 Cleveland	2	4405395649
216-402-0591	2/5/2021 Cleveland	1	4405395649
216-402-0591	2/5/2021 Willoughby	7	4406550279
216-402-0591	2/5/2021 Willoughby	1	4406672398
216-402-0591	2/5/2021 Incoming	5	4406672398

216-402-0591	2/5/2021 Incoming	1	4406676122
216-402-0591	2/5/2021 Bainbridge	12	4407086620
216-402-0591	2/5/2021 Willoughby	1	4407251389
216-402-0591	2/5/2021 Vm Deposit	2	4407968788
216-402-0591	2/5/2021 Painesvl	4	4407968788
216-402-0591	2/5/2021 Incoming	2	4407968788
216-402-0591	2/5/2021 Cleveland	1	4407995019
216-402-0591	2/6/2021 Cleveland	1	2164028301
216-402-0591	2/6/2021 Painesvl	34	4402314347
216-402-0591	2/6/2021 Willoughby	1	4403643018
216-402-0591	2/6/2021 Incoming	48	4403643018
216-402-0591	2/6/2021 Incoming	18	4403643018
216-402-0591	2/6/2021 Incoming	3	4403643018
216-402-0591	2/6/2021 Incoming	6	4403643018
216-402-0591	2/6/2021 Incoming	22	4403643018
216-402-0591	2/6/2021 Incoming	10	4403643018
216-402-0591	2/6/2021 Incoming	108	4403643018
216-402-0591	2/6/2021 Incoming	14	4403643018
216-402-0591	2/6/2021 Vm Deposit	1	4404635669
216-402-0591	2/6/2021 Incoming	7	4404635669
216-402-0591	2/6/2021 Incoming	8	4404874700
216-402-0591	2/6/2021 Mentor	3	4409746487
216-402-0591	2/7/2021 Incoming	2	2164079965
216-402-0591	2/7/2021 Incoming	1	2164079965
216-402-0591	2/7/2021 Incoming	2	2164079965
216-402-0591	2/7/2021 Incoming	1	2164079965
216-402-0591	2/7/2021 Cleveland	4	2164079965
216-402-0591	2/7/2021 Cleveland	1	2164079965
216-402-0591	2/7/2021 Incoming	11	2169702763
216-402-0591	2/7/2021 Willoughby	7	4403643018
216-402-0591	2/7/2021 Incoming	6	4403643018
216-402-0591	2/7/2021 Willoughby	7	4403643018
216-402-0591	2/7/2021 Incoming	25	4403643018
216-402-0591	2/7/2021 Incoming	60	4403643018
216-402-0591	2/7/2021 Willoughby	2	4403643018
216-402-0591	2/7/2021 Willoughby	3	4403643018
216-402-0591	2/7/2021 Willoughby	1	4403643018
216-402-0591	2/7/2021 Incoming	26	4403643018
216-402-0591	2/7/2021 Willoughby	22	4403643018
216-402-0591	2/7/2021 Incoming	62	4403643018
216-402-0591	2/7/2021 Willoughby	13	4403643018
216-402-0591	2/7/2021 Incoming	23	4403643018
216-402-0591	2/7/2021 Incoming	14	4403643018
216-402-0591	2/7/2021 Willoughby	1	4403643018
216-402-0591	2/7/2021 Willoughby	5	4403643018
216-402-0591	2/7/2021 Incoming	1	4403643018
216-402-0591	2/8/2021 Cleveland	2	2164071885
216-402-0591	2/8/2021 Cleveland	1	2164079965
216-402-0591	2/8/2021 Cleveland	3	2164079965

216-402-0591	2/8/2021 Incoming	1	2164079965
216-402-0591	2/8/2021 Incoming	1	2164079965
216-402-0591	2/8/2021 Incoming	1	2164079965
216-402-0591	2/8/2021 Incoming	10	2164079965
216-402-0591	2/8/2021 Cleveland	1	2164079965
216-402-0591	2/8/2021 Cleveland	2	2164079965
216-402-0591	2/8/2021 Incoming	1	2164079965
216-402-0591	2/8/2021 Cleveland	6	2164079965
216-402-0591	2/8/2021 Incoming	3	2164079965
216-402-0591	2/8/2021 Cleveland	2	2164079965
216-402-0591	2/8/2021 Incoming	2	2164079965
216-402-0591	2/8/2021 Incoming	3	2164816824
216-402-0591	2/8/2021 Incoming	3	4402262007
216-402-0591	2/8/2021 Painesvl	1	4402516585
216-402-0591	2/8/2021 Painesvl	7	4402516585
216-402-0591	2/8/2021 Incoming	5	4403643018
216-402-0591	2/8/2021 Willoughby	9	4403643018
216-402-0591	2/8/2021 Incoming	21	4403643018
216-402-0591	2/8/2021 Willoughby	2	4403643018
216-402-0591	2/8/2021 Willoughby	28	4403643018
216-402-0591	2/8/2021 Willoughby	12	4403643018
216-402-0591	2/8/2021 Incoming	8	4403643018
216-402-0591	2/8/2021 Incoming	1	4403643018
216-402-0591	2/8/2021 Incoming	110	4403643018
216-402-0591	2/8/2021 Incoming	1	4403643018
216-402-0591	2/8/2021 Willoughby	13	4403643018
216-402-0591	2/8/2021 Willoughby	19	4403643018
216-402-0591	2/8/2021 Willoughby	1	4403913191
216-402-0591	2/8/2021 Incoming	1	4403913191
216-402-0591	2/8/2021 Incoming	19	4405675448
216-402-0591	2/8/2021 Willoughby	23	4406672398
216-402-0591	2/8/2021 Willoughby	1	4406672398
216-402-0591	2/8/2021 Willoughby	1	4406672398
216-402-0591	2/8/2021 Incoming	19	4406672398
216-402-0591	2/8/2021 Willoughby	3	4406672655
216-402-0591	2/8/2021 Incoming	1	4406676122
216-402-0591	2/8/2021 Incoming	1	4406676122
216-402-0591	2/8/2021 Painesvl	2	4407963647
216-402-0591	2/8/2021 Cleveland	2	4407995019
216-402-0591	2/9/2021 Cleveland	2	2164079965
216-402-0591	2/9/2021 Incoming	6	2164079965
216-402-0591	2/9/2021 Cleveland	3	2164816824
216-402-0591	2/9/2021 Painesvl	13	4402516585
216-402-0591	2/9/2021 Willoughby	7	4403643018
216-402-0591	2/9/2021 Willoughby	1	4403643018
216-402-0591	2/9/2021 Willoughby	12	4403643018
216-402-0591	2/9/2021 Incoming	15	4403643018
216-402-0591	2/9/2021 Incoming	33	4403643018
216-402-0591	2/9/2021 Incoming	29	4403643018

216-402-0591	2/9/2021 Incoming	41	4403643018
216-402-0591	2/9/2021 Willoughby	26	4403643018
216-402-0591	2/9/2021 Willoughby	23	4403643018
216-402-0591	2/9/2021 Willoughby	6	4403643018
216-402-0591	2/9/2021 Willoughby	3	4403643018
216-402-0591	2/9/2021 Incoming	26	4403643018
216-402-0591	2/9/2021 Incoming	3	4404874700
216-402-0591	2/9/2021 Willoughby	8	4404874700
216-402-0591	2/9/2021 Incoming	13	4405711825
216-402-0591	2/9/2021 Willoughby	4	4406672398
216-402-0591	2/9/2021 Willoughby	14	4406672398
216-402-0591	2/9/2021 Incoming	2	4406672398
216-402-0591	2/9/2021 Incoming	2	4406692862
216-402-0591	2/9/2021 Incoming	2	7402080930
216-402-0591	2/10/2021 Incoming	1	2161130345
216-402-0591	2/10/2021 Cleveland	19	2164071885
216-402-0591	2/10/2021 Willoughby	8	4403643018
216-402-0591	2/10/2021 Incoming	6	4403643018
216-402-0591	2/10/2021 Willoughby	23	4403643018
216-402-0591	2/10/2021 Willoughby	15	4403643018
216-402-0591	2/10/2021 Incoming	7	4403643018
216-402-0591	2/10/2021 Willoughby	17	4403643018
216-402-0591	2/10/2021 Willoughby	1	4403643018
216-402-0591	2/10/2021 Incoming	13	4403643018
216-402-0591	2/10/2021 Willoughby	1	4403643018
216-402-0591	2/10/2021 Incoming	21	4403643018
216-402-0591	2/10/2021 Willoughby	1	4403643018
216-402-0591	2/10/2021 Willoughby	6	4403643018
216-402-0591	2/10/2021 Willoughby	40	4403643018
216-402-0591	2/10/2021 Incoming	29	4403643018
216-402-0591	2/10/2021 Incoming	8	4403643018
216-402-0591	2/10/2021 Incoming	14	4403643018
216-402-0591	2/10/2021 Incoming	14	4403643018
216-402-0591	2/10/2021 Willoughby	9	4403643018
216-402-0591	2/10/2021 Willoughby	14	4403643018
216-402-0591	2/10/2021 Incoming	30	4403643018
216-402-0591	2/10/2021 Willoughby	4	4403643018
216-402-0591	2/10/2021 Willoughby	13	4403643018
216-402-0591	2/10/2021 Willoughby	1	4404786883
216-402-0591	2/10/2021 Incoming	1	4404874700
216-402-0591	2/10/2021 Willoughby	8	4404874700
216-402-0591	2/10/2021 Incoming	3	4405395649
216-402-0591	2/10/2021 Cleveland	2	4405395649
216-402-0591	2/10/2021 Willoughby	1	4406672398
216-402-0591	2/10/2021 Willoughby	5	4406672398
216-402-0591	2/10/2021 Willoughby	1	4406672398
216-402-0591	2/10/2021 Incoming	23	4406672398
216-402-0591	2/10/2021 Willoughby	1	4406672398
216-402-0591	2/10/2021 Willoughby	29	4406672398

216-402-0591	2/10/2021 Willoughby	1	4406672398
216-402-0591	2/10/2021 Willoughby	1	4406672398
216-402-0591	2/10/2021 Incoming	6	4406672398
216-402-0591	2/10/2021 Willoughby	1	4406672398
216-402-0591	2/10/2021 Incoming	23	4406672655
216-402-0591	2/10/2021 Vm Deposit	1	4406672655
216-402-0591	2/10/2021 Incoming	1	4406672655
216-402-0591	2/10/2021 Incoming	3	4407995019
216-402-0591	2/10/2021 Incoming	1	4407995019
216-402-0591	2/10/2021 Incoming	20	4408972231
216-402-0591	2/11/2021 Cleveland	1	2164027946
216-402-0591	2/11/2021 Cleveland	1	2164028301
216-402-0591	2/11/2021 Cleveland	2	2164079965
216-402-0591	2/11/2021 Incoming	18	4403643018
216-402-0591	2/11/2021 Willoughby	3	4403643018
216-402-0591	2/11/2021 Willoughby	10	4403643018
216-402-0591	2/11/2021 Willoughby	36	4403643018
216-402-0591	2/11/2021 Incoming	22	4403643018
216-402-0591	2/11/2021 Incoming	18	4403643018
216-402-0591	2/11/2021 Willoughby	7	4403643018
216-402-0591	2/11/2021 Incoming	39	4403643018
216-402-0591	2/11/2021 Incoming	4	4403643018
216-402-0591	2/11/2021 Incoming	6	4403643018
216-402-0591	2/11/2021 Willoughby	17	4403643018
216-402-0591	2/11/2021 Willoughby	1	4403645088
216-402-0591	2/11/2021 Incoming	2	4403645088
216-402-0591	2/11/2021 Incoming	4	4404874700
216-402-0591	2/11/2021 Vm Deposit	1	4405395649
216-402-0591	2/11/2021 Cleveland	10	4405395649
216-402-0591	2/11/2021 Incoming	2	4406672398
216-402-0591	2/11/2021 Willoughby	4	4406672398
216-402-0591	2/11/2021 Willoughby	24	4406672398
216-402-0591	2/11/2021 Willoughby	1	4406672398
216-402-0591	2/11/2021 Willoughby	1	4406672398
216-402-0591	2/11/2021 Willoughby	5	4406672655
216-402-0591	2/11/2021 Incoming	1	4407995019
216-402-0591	2/11/2021 Incoming	1	4408972231
216-402-0591	2/11/2021 Incoming	12	4408972231
216-402-0591	2/12/2021 Incoming	1	2164028982
216-402-0591	2/12/2021 Incoming	2	2164028982
216-402-0591	2/12/2021 Incoming	1	2164028982
216-402-0591	2/12/2021 Cleveland	2	2164079965
216-402-0591	2/12/2021 Cleveland	2	2164079965
216-402-0591	2/12/2021 Chardon	1	4402262007
216-402-0591	2/12/2021 Incoming	1	4402516585
216-402-0591	2/12/2021 Willoughby	1	4403643018
216-402-0591	2/12/2021 Incoming	6	4403643018
216-402-0591	2/12/2021 Willoughby	1	4403643018
216-402-0591	2/12/2021 Willoughby	4	4403643018

216-402-0591	2/12/2021 Willoughby	23	4403643018
216-402-0591	2/12/2021 Incoming	1	4403643018
216-402-0591	2/12/2021 Willoughby	5	4403643018
216-402-0591	2/12/2021 Incoming	24	4403643018
216-402-0591	2/12/2021 Incoming	2	4403643018
216-402-0591	2/12/2021 Willoughby	2	4403913191
216-402-0591	2/12/2021 Cleveland	25	4404290293
216-402-0591	2/12/2021 Incoming	2	4404635669
216-402-0591	2/12/2021 Vm Deposit	1	4404635669
216-402-0591	2/12/2021 Willoughby	2	4404874700
216-402-0591	2/12/2021 Willoughby	1	4405373636
216-402-0591	2/12/2021 Willoughby	17	4406550279
216-402-0591	2/12/2021 Incoming	24	4406672398
216-402-0591	2/12/2021 Willoughby	3	4406672398
216-402-0591	2/12/2021 Willoughby	2	4406672398
216-402-0591	2/12/2021 Incoming	3	4406672398
216-402-0591	2/12/2021 Willoughby	1	4406672398
216-402-0591	2/12/2021 Willoughby	5	4406672398
216-402-0591	2/12/2021 Incoming	2	4407995019
216-402-0591	2/12/2021 Incoming	1	4408972231
216-402-0591	2/13/2021 Cleveland	2	2164079965
216-402-0591	2/13/2021 Cleveland	2	2164079965
216-402-0591	2/13/2021 Cleveland	1	2164079965
216-402-0591	2/13/2021 Cleveland	7	2164079965
216-402-0591	2/13/2021 Incoming	1	2164079965
216-402-0591	2/13/2021 Painesvl	3	4402516585
216-402-0591	2/13/2021 Incoming	2	4402516585
216-402-0591	2/13/2021 Chardon	1	4402859796
216-402-0591	2/13/2021 Willoughby	79	4403643018
216-402-0591	2/13/2021 Incoming	11	4403643018
216-402-0591	2/13/2021 Willoughby	3	4403643018
216-402-0591	2/13/2021 Willoughby	8	4403643018
216-402-0591	2/13/2021 Willoughby	4	4403643018
216-402-0591	2/13/2021 Incoming	20	4403643018
216-402-0591	2/13/2021 Willoughby	36	4403643018
216-402-0591	2/13/2021 Willoughby	1	4404635669
216-402-0591	2/13/2021 Willoughby	1	4405373636
216-402-0591	2/13/2021 Incoming	5	4405373636
216-402-0591	2/13/2021 Willoughby	1	4406672398
216-402-0591	2/13/2021 Willoughby	24	4406672398
216-402-0591	2/13/2021 Gallipolis	37	7402080930
216-402-0591	2/13/2021 Toll-Free	1	8663139396
216-402-0591	2/13/2021 Toll-Free	1	8772374321
216-402-0591	2/14/2021 Incoming	1	4402516585
216-402-0591	2/14/2021 Vm Deposit	1	4402516585
216-402-0591	2/14/2021 Painesvl	2	4402516585
216-402-0591	2/14/2021 Incoming	5	4402516585
216-402-0591	2/14/2021 Incoming	1	4402516585
216-402-0591	2/14/2021 Willoughby	1	4403643018

216-402-0591	2/14/2021 Incoming	9	4403643018
216-402-0591	2/14/2021 Willoughby	4	4403643018
216-402-0591	2/14/2021 Incoming	2	4403643018
216-402-0591	2/14/2021 Willoughby	2	4403643018
216-402-0591	2/14/2021 Incoming	1	4403643018
216-402-0591	2/14/2021 Willoughby	1	4403643018
216-402-0591	2/14/2021 Willoughby	1	4403643018
216-402-0591	2/14/2021 Willoughby	1	4403643018
216-402-0591	2/14/2021 Incoming	2	4403643018
216-402-0591	2/14/2021 Incoming	8	4403643018
216-402-0591	2/14/2021 Willoughby	1	4403643018
216-402-0591	2/14/2021 Willoughby	4	4403643018
216-402-0591	2/14/2021 Incoming	11	4403643018
216-402-0591	2/14/2021 Willoughby	40	4403643018
216-402-0591	2/14/2021 Willoughby	5	4403643018
216-402-0591	2/14/2021 Incoming	5	4406672398
216-402-0591	2/15/2021 Incoming	4	4402516585
216-402-0591	2/15/2021 Incoming	28	4403643018
216-402-0591	2/15/2021 Incoming	9	4403643018
216-402-0591	2/15/2021 Willoughby	11	4403643018
216-402-0591	2/15/2021 Willoughby	2	4403643018
216-402-0591	2/15/2021 Incoming	23	4403643018
216-402-0591	2/15/2021 Willoughby	32	4403643018
216-402-0591	2/15/2021 Incoming	4	4404630768
216-402-0591	2/15/2021 Incoming	5	4406672398
216-402-0591	2/16/2021 Northamptn	2	4133879742
216-402-0591	2/16/2021 Incoming	5	4402516585
216-402-0591	2/16/2021 Willoughby	2	4403643018
216-402-0591	2/16/2021 Willoughby	17	4403643018
216-402-0591	2/16/2021 Incoming	10	4404793257
216-402-0591	2/16/2021 Willoughby	18	4404793257
216-402-0591	2/16/2021 Willoughby	1	4404793257
216-402-0591	2/16/2021 Incoming	7	4404874700
216-402-0591	2/16/2021 Willoughby	12	4406550279
216-402-0591	2/16/2021 Willoughby	13	4406550279
216-402-0591	2/16/2021 Willoughby	20	4406550279
216-402-0591	2/16/2021 Willoughby	3	4406672398
216-402-0591	2/16/2021 Incoming	11	4406672398
216-402-0591	2/16/2021 Incoming	3	4407493655
216-402-0591	2/16/2021 Willoughby	8	4408972231
216-402-0591	2/17/2021 Incoming	1	2162798482
216-402-0591	2/17/2021 Cleveland	30	2164071885
216-402-0591	2/17/2021 Incoming	4	2164071885
216-402-0591	2/17/2021 Cleveland	1	2164079965
216-402-0591	2/17/2021 Incoming	1	2164079965
216-402-0591	2/17/2021 Painesvl	5	4402513633
216-402-0591	2/17/2021 Willoughby	51	4403643018
216-402-0591	2/17/2021 Incoming	1	4403643018
216-402-0591	2/17/2021 Incoming	13	4403643018

216-402-0591	2/17/2021 Willoughby	20	4403643018
216-402-0591	2/17/2021 Incoming	9	4403643018
216-402-0591	2/17/2021 Incoming	1	4403643018
216-402-0591	2/17/2021 Willoughby	12	4403643018
216-402-0591	2/17/2021 Willoughby	12	4403643018
216-402-0591	2/17/2021 Willoughby	14	4403643018
216-402-0591	2/17/2021 Willoughby	6	4403643018
216-402-0591	2/17/2021 Willoughby	36	4403643018
216-402-0591	2/17/2021 Willoughby	6	4403643018
216-402-0591	2/17/2021 Willoughby	12	4403643018
216-402-0591	2/17/2021 Vm Deposit	2	4404290293
216-402-0591	2/17/2021 Vm Deposit	1	4404290293
216-402-0591	2/17/2021 Willoughby	11	4404793257
216-402-0591	2/17/2021 Vm Deposit	1	4406672655
216-402-0591	2/17/2021 Incoming	5	4406672655
216-402-0591	2/17/2021 Willoughby	1	4406672655
216-402-0591	2/17/2021 Incoming	17	4407963647
216-402-0591	2/17/2021 Painesvl	3	4407963647
216-402-0591	2/17/2021 Incoming	7	4407968788
216-402-0591	2/17/2021 Painesvl	4	4407968788
216-402-0591	2/18/2021 Incoming	3	2164075213
216-402-0591	2/18/2021 Incoming	1	4402515219
216-402-0591	2/18/2021 Painesvl	4	4402515219
216-402-0591	2/18/2021 Incoming	1	4402516585
216-402-0591	2/18/2021 Willoughby	2	4403643018
216-402-0591	2/18/2021 Willoughby	31	4403643018
216-402-0591	2/18/2021 Willoughby	4	4403643018
216-402-0591	2/18/2021 Willoughby	15	4403643018
216-402-0591	2/18/2021 Willoughby	7	4403643018
216-402-0591	2/18/2021 Willoughby	5	4403643018
216-402-0591	2/18/2021 Willoughby	26	4403643018
216-402-0591	2/18/2021 Willoughby	47	4403643018
216-402-0591	2/18/2021 Willoughby	14	4403643018
216-402-0591	2/18/2021 Incoming	8	4403643018
216-402-0591	2/18/2021 Willoughby	21	4403643018
216-402-0591	2/18/2021 Incoming	12	4403643018
216-402-0591	2/18/2021 Incoming	10	4403643018
216-402-0591	2/18/2021 Willoughby	16	4403643018
216-402-0591	2/18/2021 Willoughby	10	4403643018
216-402-0591	2/18/2021 Cleveland	1	4404290293
216-402-0591	2/18/2021 Willoughby	31	4404793257
216-402-0591	2/18/2021 Incoming	2	4404793257
216-402-0591	2/18/2021 Incoming	4	4404874700
216-402-0591	2/18/2021 Incoming	4	4404874700
216-402-0591	2/18/2021 Incoming	1	4404874700
216-402-0591	2/18/2021 Incoming	15	4406672398
216-402-0591	2/18/2021 Vm Deposit	1	4406672655
216-402-0591	2/18/2021 Willoughby	2	4406672655
216-402-0591	2/18/2021 Incoming	4	4406672655

216-402-0591	2/18/2021 Incoming	4	4406672655
216-402-0591	2/18/2021 Incoming	10	4407493655
216-402-0591	2/19/2021 Incoming	43	2164079965
216-402-0591	2/19/2021 Cleveland	3	2164079965
216-402-0591	2/19/2021 Cleveland	2	2164079965
216-402-0591	2/19/2021 Cleveland	18	2164079965
216-402-0591	2/19/2021 Incoming	3	2164446612
216-402-0591	2/19/2021 Incoming	35	4403643018
216-402-0591	2/19/2021 Willoughby	23	4404783788
216-402-0591	2/19/2021 Willoughby	5	4404786883
216-402-0591	2/19/2021 Willoughby	15	4404874700
216-402-0591	2/19/2021 Incoming	6	4405395649
216-402-0591	2/19/2021 Vm Deposit	1	4405395649
216-402-0591	2/19/2021 Painesvl	1	4406225814
216-402-0591	2/19/2021 Incoming	3	4407962721
216-402-0591	2/20/2021 Incoming	1	2164400758
216-402-0591	2/20/2021 Incoming	6	4405300168
216-402-0591	2/20/2021 Incoming	7	4405395649
216-402-0591	2/20/2021 Vm Deposit	1	4405395649
216-402-0591	2/20/2021 Cleveland	18	4405395649
216-402-0591	2/20/2021 Willoughby	1	4409539772
216-402-0591	2/20/2021 Incoming	11	7402080930
216-402-0591	2/21/2021 Cleveland	2	2164028301
216-402-0591	2/21/2021 Cleveland	9	4405395649
216-402-0591	2/21/2021 Cleveland	1	4405395649
216-402-0591	2/21/2021 Cleveland	26	4405395649
216-402-0591	2/22/2021 Cleveland	2	2162915120
216-402-0591	2/22/2021 Cleveland	1	2164079965
216-402-0591	2/22/2021 Cleveland	2	2164079965
216-402-0591	2/22/2021 Cleveland	2	2164816824
216-402-0591	2/22/2021 Incoming	1	4133879742
216-402-0591	2/22/2021 Incoming	5	4402262007
216-402-0591	2/22/2021 Chardon	1	4402262007
216-402-0591	2/22/2021 Incoming	9	4402516585
216-402-0591	2/22/2021 Vm Deposit	2	4402516585
216-402-0591	2/22/2021 Kirtland	1	4402561134
216-402-0591	2/22/2021 Painesvl	2	4403395116
216-402-0591	2/22/2021 Willoughby	5	4404874700
216-402-0591	2/22/2021 Painesvl	2	4406226577
216-402-0591	2/22/2021 Willoughby	4	4406672398
216-402-0591	2/22/2021 Willoughby	1	4406672398
216-402-0591	2/22/2021 Willoughby	2	4406672398
216-402-0591	2/22/2021 Willoughby	2	4406672655
216-402-0591	2/22/2021 Wickliffe	1	4409437001
216-402-0591	2/23/2021 Incoming	3	2164079965
216-402-0591	2/23/2021 Cleveland	4	2164079965
216-402-0591	2/23/2021 Incoming	1	2164079965
216-402-0591	2/23/2021 Cleveland	1	2164079965
216-402-0591	2/23/2021 Northamptn	4	4133879742

216-402-0591	2/23/2021 Incoming	4	4402219213
216-402-0591	2/23/2021 Painesvl	6	4404139969
216-402-0591	2/23/2021 Willoughby	2	4404874700
216-402-0591	2/23/2021 Willoughby	2	4406672398
216-402-0591	2/23/2021 Willoughby	1	4406672398
216-402-0591	2/23/2021 Willoughby	16	4406672398
216-402-0591	2/23/2021 Incoming	5	4406672655
216-402-0591	2/23/2021 Willoughby	1	4406692862
216-402-0591	2/24/2021 Incoming	11	2164079965
216-402-0591	2/24/2021 Incoming	3	2164079965
216-402-0591	2/24/2021 Cleveland	1	2164816824
216-402-0591	2/24/2021 Incoming	7	2166367971
216-402-0591	2/24/2021 Cleveland	5	2167312155
216-402-0591	2/24/2021 Incoming	2	4402262007
216-402-0591	2/24/2021 Chardon	8	4402262007
216-402-0591	2/24/2021 Incoming	17	4402516585
216-402-0591	2/24/2021 Incoming	12	4404290293
216-402-0591	2/24/2021 Incoming	3	4404874700
216-402-0591	2/24/2021 Incoming	5	4404874700
216-402-0591	2/24/2021 Willoughby	21	4406672398
216-402-0591	2/24/2021 Incoming	1	4407995019
216-402-0591	2/25/2021 Cleveland	1	2164079965
216-402-0591	2/25/2021 Incoming	2	4404874700
216-402-0591	2/26/2021 Cleveland	1	2164071885
216-402-0591	2/26/2021 Cleveland	1	2164079965
216-402-0591	2/26/2021 Incoming	4	2165599733
216-402-0591	2/26/2021 Incoming	8	2165980358
216-402-0591	2/26/2021 Cleveland	2	2165980358
216-402-0591	2/26/2021 Willoughby	1	4403643678
216-402-0591	2/26/2021 Willoughby	1	4404874700
216-402-0591	2/26/2021 Vm Deposit	1	4406550279
216-402-0591	2/26/2021 Willoughby	2	4406550279
216-402-0591	2/26/2021 Willoughby	1	4406672398
216-402-0591	2/26/2021 Incoming	2	4409944201
216-402-0591	2/27/2021 Cleveland	5	2164075213
216-402-0591	2/27/2021 Willoughby	3	4403643678
216-402-0591	2/27/2021 Willoughby	4	4404874700
216-402-0591	2/27/2021 Willoughby	36	4406672398
216-402-0591	2/27/2021 Willoughby	20	4406672398
216-402-0591	2/27/2021 Mentor	2	4409746487
216-402-0591	2/27/2021 Incoming	28	7402080930
216-402-0591	2/28/2021 Cleveland	1	2164079965
216-402-0591	2/28/2021 Incoming	9	4406672398
216-402-0591	2/28/2021 Willoughby	17	4406672398
216-402-0591	3/1/2021 Cleveland	1	2164075213
216-402-0591	3/1/2021 Cleveland	1	2164079965
216-402-0591	3/1/2021 Northamptn	3	4133879742
216-402-0591	3/1/2021 Lyndhurst	3	4404612550
216-402-0591	3/1/2021 Incoming	1	4404789716

216-402-0591	3/1/2021 Incoming	5	4404874700
216-402-0591	3/1/2021 Incoming	1	4404874700
216-402-0591	3/1/2021 Incoming	7	4404874700
216-402-0591	3/1/2021 Painesvl	1	4406223232
216-402-0591	3/1/2021 Incoming	16	4406223232
216-402-0591	3/1/2021 Willoughby	7	4406550279
216-402-0591	3/1/2021 Willoughby	10	4406672398
216-402-0591	3/1/2021 Willoughby	1	4406672398
216-402-0591	3/1/2021 Incoming	3	4406672398
216-402-0591	3/1/2021 Incoming	6	4406672398
216-402-0591	3/1/2021 Incoming	2	4407995019
216-402-0591	3/2/2021 Cleveland	4	2164079965
216-402-0591	3/2/2021 Willoughby	7	4402219213
216-402-0591	3/2/2021 Incoming	4	4402516585
216-402-0591	3/2/2021 Incoming	2	4404612550
216-402-0591	3/2/2021 Incoming	19	4404874700
216-402-0591	3/2/2021 Willoughby	1	4406672398
216-402-0591	3/2/2021 Incoming	1	4406672398
216-402-0591	3/2/2021 Incoming	4	4407242203
216-402-0591	3/3/2021 Incoming	2	0
216-402-0591	3/3/2021 Incoming	2	4402239413
216-402-0591	3/3/2021 Willoughby	1	4402239413
216-402-0591	3/3/2021 Painesvl	2	4402314347
216-402-0591	3/3/2021 Incoming	2	4402513633
216-402-0591	3/3/2021 Painesvl	1	4402513633
216-402-0591	3/3/2021 Incoming	1	4404874700
216-402-0591	3/3/2021 Willoughby	1	4404874700
216-402-0591	3/3/2021 Willoughby	1	4404874700
216-402-0591	3/3/2021 Incoming	1	4404874700
216-402-0591	3/3/2021 Incoming	2	4404874700
216-402-0591	3/3/2021 Willoughby	1	4404874700
216-402-0591	3/3/2021 Painesvl	1	4406225814
216-402-0591	3/3/2021 Painesvl	1	4406226577
216-402-0591	3/3/2021 Painesvl	5	4407962721
216-402-0591	3/3/2021 Cleveland	1	4407995019
216-402-0591	3/3/2021 Cleveland	2	4407995019
216-402-0591	3/3/2021 Willoughby	1	4408972231
216-402-0591	3/4/2021 Incoming	3	2164079965
216-402-0591	3/4/2021 Cleveland	1	2164079965
216-402-0591	3/4/2021 Cleveland	5	2164079965
216-402-0591	3/4/2021 Incoming	4	4404630768
216-402-0591	3/4/2021 Willoughby	26	4405675448
216-402-0591	3/4/2021 Willoughby	5	4406672398
216-402-0591	3/4/2021 Willoughby	17	4406672398
216-402-0591	3/5/2021 Cleveland	4	2164079965
216-402-0591	3/5/2021 Willoughby	2	4402219213
216-402-0591	3/5/2021 Willoughby	1	4404775162
216-402-0591	3/5/2021 Incoming	1	4404775162
216-402-0591	3/5/2021 Incoming	10	4404874700

216-402-0591	3/5/2021 Incoming	4	4406672398
216-402-0591	3/5/2021 Willoughby	1	4406672398
216-402-0591	3/5/2021 Willoughby	6	4406672398
216-402-0591	3/5/2021 Incoming	2	4407242203
216-402-0591	3/6/2021 Incoming	1	2164028301
216-402-0591	3/6/2021 Cleveland	11	2164079965
216-402-0591	3/6/2021 Willoughby	2	4402219213
216-402-0591	3/6/2021 Incoming	4	4402219213
216-402-0591	3/6/2021 Painesvl	2	4402513633
216-402-0591	3/6/2021 Willoughby	22	4406672398
216-402-0591	3/6/2021 Incoming	6	4406676122
216-402-0591	3/7/2021 Cleveland	3	2164079965
216-402-0591	3/7/2021 Cleveland	5	2164079965
216-402-0591	3/7/2021 Incoming	4	2164079965
216-402-0591	3/7/2021 Incoming	3	2164094045
216-402-0591	3/7/2021 Cleveland	5	2167312155
216-402-0591	3/7/2021 Painesvl	1	4402516585
216-402-0591	3/7/2021 Incoming	6	4402516585
216-402-0591	3/8/2021 Incoming	1	0
216-402-0591	3/8/2021 Incoming	3	4403125337
216-402-0591	3/8/2021 Incoming	1	4403913191
216-402-0591	3/8/2021 Incoming	1	4403913191
216-402-0591	3/8/2021 Cleveland	26	4404290293
216-402-0591	3/8/2021 Willoughby	4	4404874700
216-402-0591	3/8/2021 Willoughby	4	4405675448
216-402-0591	3/8/2021 Willoughby	3	4406672398
216-402-0591	3/8/2021 Willoughby	18	4406672398
216-402-0591	3/8/2021 Incoming	7	4406672398
216-402-0591	3/8/2021 Willoughby	2	4406672398
216-402-0591	3/8/2021 Willoughby	2	4406672398
216-402-0591	3/9/2021 Chardon	1	4402262007
216-402-0591	3/9/2021 Chardon	6	4402262007
216-402-0591	3/9/2021 Incoming	2	4402262007
216-402-0591	3/9/2021 Willoughby	8	4406550279
216-402-0591	3/9/2021 Willoughby	9	4406550279
216-402-0591	3/9/2021 Willoughby	3	4406550279
216-402-0591	3/9/2021 Vm Deposit	1	4406550279
216-402-0591	3/9/2021 Willoughby	2	4406672398
216-402-0591	3/9/2021 Willoughby	2	4406672398
216-402-0591	3/9/2021 Willoughby	4	4406672398
216-402-0591	3/9/2021 Willoughby	2	4406672398
216-402-0591	3/9/2021 Incoming	3	4407736307
216-402-0591	3/9/2021 Cleveland	7	4408233569
216-402-0591	3/9/2021 Toll-Free	3	8009722651
216-402-0591	3/10/2021 Willoughby	2	4402232140
216-402-0591	3/10/2021 Willoughby	4	4402232140
216-402-0591	3/10/2021 Chardon	1	4402262007
216-402-0591	3/10/2021 Incoming	1	4402262007
216-402-0591	3/10/2021 Incoming	1	4402262007

216-402-0591	3/10/2021 Chardon	1	4402262007
216-402-0591	3/10/2021 Incoming	1	4402314347
216-402-0591	3/10/2021 Painesvl	1	4402513633
216-402-0591	3/10/2021 Incoming	2	4404874700
216-402-0591	3/10/2021 Incoming	8	4406672398
216-402-0591	3/10/2021 Incoming	1	4407854437
216-402-0591	3/10/2021 Cleveland	1	4407854437
216-402-0591	3/10/2021 Incoming	23	4408231159
216-402-0591	3/10/2021 Incoming	2	4408321050
216-402-0591	3/11/2021 Cleveland	1	2164400758
216-402-0591	3/11/2021 Incoming	1	2164953435
216-402-0591	3/11/2021 Willoughby	3	4402219213
216-402-0591	3/11/2021 Chardon	1	4402262007
216-402-0591	3/11/2021 Incoming	2	4402262007
216-402-0591	3/11/2021 Incoming	1	4402262007
216-402-0591	3/11/2021 Painesvl	1	4402513633
216-402-0591	3/11/2021 Willoughby	1	4403643678
216-402-0591	3/11/2021 Incoming	4	4404874700
216-402-0591	3/11/2021 Willoughby	2	4406672398
216-402-0591	3/11/2021 Cleveland	1	4408233569
216-402-0591	3/11/2021 Willoughby	2	4408402709
216-402-0591	3/11/2021 Incoming	3	7402080930
216-402-0591	3/11/2021 Gallipolis	7	7402080930
216-402-0591	3/11/2021 Toll-Free	4	8669012739
216-402-0591	3/12/2021 Incoming	4	4402262007
216-402-0591	3/12/2021 Chardon	2	4402262007
216-402-0591	3/12/2021 Ashtabula	8	4402280405
216-402-0591	3/12/2021 Willoughby	1	4405675448
216-402-0591	3/12/2021 Willoughby	6	4406672398
216-402-0591	3/12/2021 Willoughby	1	4406672655
216-402-0591	3/12/2021 Painesvl	1	4407963647
216-402-0591	3/12/2021 Incoming	1	4408972231
216-402-0591	3/13/2021 Cleveland	1	2164079965
216-402-0591	3/13/2021 Cleveland	1	2164079965
216-402-0591	3/13/2021 Incoming	5	2164079965
216-402-0591	3/13/2021 Willoughby	10	4405675448
216-402-0591	3/13/2021 Willoughby	8	4406672398
216-402-0591	3/13/2021 Willoughby	4	4406672398
216-402-0591	3/13/2021 Incoming	23	4406672398
216-402-0591	3/14/2021 Cleveland	1	2164079965
216-402-0591	3/14/2021 Kirtland	6	4402563332
216-402-0591	3/14/2021 Willoughby	22	4406672398
216-402-0591	3/15/2021 Vm Deposit	1	4133879742
216-402-0591	3/15/2021 Northamptn	3	4133879742
216-402-0591	3/15/2021 Chardon	5	4402262007
216-402-0591	3/15/2021 Chardon	3	4402262007
216-402-0591	3/15/2021 Chardon	1	4402262007
216-402-0591	3/15/2021 Incoming	2	4402515100
216-402-0591	3/15/2021 Incoming	1	4402516585

216-402-0591	3/15/2021 Painesvl	1	4403399069
216-402-0591	3/15/2021 Cleveland	14	4404290293
216-402-0591	3/15/2021 Incoming	1	4404874700
216-402-0591	3/15/2021 Willoughby	2	4404874700
216-402-0591	3/15/2021 Willoughby	6	4404874700
216-402-0591	3/15/2021 Willoughby	17	4406672398
216-402-0591	3/15/2021 Willoughby	4	4406672398
216-402-0591	3/15/2021 Vm Deposit	1	4406672655
216-402-0591	3/16/2021 Cleveland	1	2162915120
216-402-0591	3/16/2021 Cleveland	2	2164028301
216-402-0591	3/16/2021 Cleveland	6	2164079965
216-402-0591	3/16/2021 Cleveland	2	2164079965
216-402-0591	3/16/2021 Incoming	3	2164079965
216-402-0591	3/16/2021 Painesvl	9	4402516585
216-402-0591	3/16/2021 Willoughby	10	4402898075
216-402-0591	3/16/2021 Willoughby	2	4402898075
216-402-0591	3/16/2021 Incoming	7	4402898075
216-402-0591	3/16/2021 Incoming	2	4404874700
216-402-0591	3/16/2021 Willoughby	1	4404874700
216-402-0591	3/16/2021 Incoming	4	4405395649
216-402-0591	3/16/2021 Incoming	8	4406672398
216-402-0591	3/16/2021 Wickliffe	1	4409437001
216-402-0591	3/17/2021 Willoughby	1	4402218144
216-402-0591	3/17/2021 Incoming	8	4402218144
216-402-0591	3/17/2021 Lyndhurst	4	4404491540
216-402-0591	3/17/2021 Lyndhurst	6	4404491540
216-402-0591	3/17/2021 Willoughby	2	4404874700
216-402-0591	3/17/2021 Incoming	2	4404877678
216-402-0591	3/17/2021 Incoming	5	4406672398
216-402-0591	3/17/2021 Willoughby	1	4406672398
216-402-0591	3/17/2021 Incoming	1	4406672398
216-402-0591	3/17/2021 Incoming	16	4406672398
216-402-0591	3/17/2021 Willoughby	5	4406672398
216-402-0591	3/17/2021 Cleveland	3	4407854437
216-402-0591	3/17/2021 Incoming	2	4408972231
216-402-0591	3/17/2021 Incoming	1	9703835179
216-402-0591	3/18/2021 Peppertike	10	2162451290
216-402-0591	3/18/2021 Cleveland	1	2164079965
216-402-0591	3/18/2021 Cleveland	6	2164079965
216-402-0591	3/18/2021 Cleveland	1	2164079965
216-402-0591	3/18/2021 Incoming	2	2164079965
216-402-0591	3/18/2021 Incoming	5	2165368584
216-402-0591	3/18/2021 Incoming	10	2165368584
216-402-0591	3/18/2021 Incoming	3	4402218144
216-402-0591	3/18/2021 Incoming	9	4404290293
216-402-0591	3/18/2021 Cleveland	1	4404290293
216-402-0591	3/18/2021 Vm Deposit	1	4404290293
216-402-0591	3/18/2021 Lyndhurst	8	4404491540
216-402-0591	3/18/2021 Lyndhurst	1	4404491540

216-402-0591	3/18/2021 Lyndhurst	4	4404491540
216-402-0591	3/18/2021 Willoughby	3	4405274860
216-402-0591	3/18/2021 Willoughby	1	4405274860
216-402-0591	3/18/2021 Willoughby	1	4405274860
216-402-0591	3/18/2021 Willoughby	1	4406672398
216-402-0591	3/18/2021 Incoming	4	4406672654
216-402-0591	3/18/2021 Painesvl	3	4407962721
216-402-0591	3/18/2021 Incoming	1	4408972231
216-402-0591	3/18/2021 Incoming	1	5135206704
216-402-0591	3/19/2021 Incoming	3	4402515219
216-402-0591	3/19/2021 Willoughby	1	4404635669
216-402-0591	3/19/2021 Willoughby	1	4404635669
216-402-0591	3/19/2021 Cleveland	1	4405395649
216-402-0591	3/19/2021 Incoming	1	4405395649
216-402-0591	3/19/2021 Willoughby	3	4406672398
216-402-0591	3/19/2021 Willoughby	1	4406672398
216-402-0591	3/19/2021 Incoming	3	4406672398
216-402-0591	3/19/2021 Painesvl	3	4407962721
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216-402-0591	3/20/2021 Cleveland	1	2164079965
216-402-0591	3/20/2021 Cleveland	3	2164079965
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216-402-0591	3/20/2021 Willoughby	2	4406672398
216-402-0591	3/20/2021 Willoughby	7	4406672398
216-402-0591	3/21/2021 Willoughby	14	4406672398
216-402-0591	3/22/2021 Pepperpike	2	2162451290
216-402-0591	3/22/2021 Cleveland	5	2162881444
216-402-0591	3/22/2021 Incoming	17	2165599733
216-402-0591	3/22/2021 Willoughby	3	4402219213
216-402-0591	3/23/2021 Incoming	6	2162451290
216-402-0591	3/23/2021 Pepperpike	1	2162451290
216-402-0591	3/23/2021 Willoughby	1	4402271630
216-402-0591	3/23/2021 Incoming	4	4404791100
216-402-0591	3/23/2021 Willoughby	2	4404791100
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216-402-0591	3/23/2021 Incoming	4	4406672398
216-402-0591	3/23/2021 Willoughby	2	4406672398
216-402-0591	3/23/2021 Willoughby	6	4406672398
216-402-0591	3/23/2021 Willoughby	4	4406672398
216-402-0591	3/23/2021 Willoughby	1	4406672398
216-402-0591	3/23/2021 Incoming	2	4407963647
216-402-0591	3/24/2021 Cleveland	7	2162918480
216-402-0591	3/24/2021 Incoming	1	2164079965
216-402-0591	3/24/2021 Incoming	1	2164079965
216-402-0591	3/24/2021 Willoughby	3	4402239413
216-402-0591	3/24/2021 Incoming	2	4402239413
216-402-0591	3/24/2021 Painesvl	2	4402314347

216-402-0591	3/24/2021 Incoming	11	4403643018
216-402-0591	3/24/2021 Willoughby	3	4404786883
216-402-0591	3/24/2021 Incoming	2	4405274860
216-402-0591	3/24/2021 Vm Deposit	1	4406550279
216-402-0591	3/24/2021 Willoughby	12	4406672398
216-402-0591	3/24/2021 Willoughby	2	4406672398
216-402-0591	3/24/2021 Incoming	2	4406672655
216-402-0591	3/25/2021 Cleveland	1	2164079965
216-402-0591	3/25/2021 Cleveland	2	2164079965
216-402-0591	3/25/2021 Cleveland	2	2164079965
216-402-0591	3/25/2021 Cleveland	2	2164400758
216-402-0591	3/25/2021 Northamptn	1	4133879742
216-402-0591	3/25/2021 Incoming	2	4402219213
216-402-0591	3/25/2021 Painesvl	4	4402314347
216-402-0591	3/25/2021 Painesvl	1	4402314347
216-402-0591	3/25/2021 Kirtland	2	4402562277
216-402-0591	3/25/2021 Willoughby	2	4403643018
216-402-0591	3/25/2021 Willoughby	1	4406672398
216-402-0591	3/25/2021 Willoughby	2	4406672398
216-402-0591	3/25/2021 Willoughby	5	4406672398
Total		24,778	

# City of Kirtland



## City Council

Council Meeting  
Schedule

Council Agendas,  
Minutes and  
Legislation

Code of Ordinances

Ward Map

The City Council is composed of seven members who are elected for staggered four-year terms. Three are at-large representatives and four are ward representatives. At-large members represent the city as a whole; ward members represent their respective areas.

Council Meetings are normally scheduled for the first and third Mondays of every month at 7:00 p.m. at the at Kirtland Municipal Center.

### 2020 Council Meeting Dates



Ward 1  
Council Member  
Kelly Wolfe  
440-364-3018



**iPhone8**  
**Listed as "Chief Lance Nosse Cell"**  
***Text Usage from Oct-20 to Apr-21***

<u>Wireless #</u>	<u>Message Date/Time</u>	<u>Message type</u>	<u>To/from wireless #</u>
216-402-0591	10/27/2020 9:21	Text Messaging	440-226-2007
216-402-0591	10/27/2020 9:23	Text Messaging	440-226-2007
216-402-0591	10/27/2020 9:27	Text Messaging	440-226-2007
216-402-0591	10/27/2020 9:27	Text Messaging	440-226-2007
216-402-0591	10/27/2020 9:34	Text Messaging	440-226-2007
216-402-0591	10/27/2020 14:15	Picture/Video	440-346-5834
216-402-0591	10/27/2020 14:15	Picture/Video	440-413-9969
216-402-0591	10/27/2020 14:15	Picture/Video	440-622-6577
216-402-0591	10/27/2020 14:15	Picture/Video	440-773-9921
216-402-0591	10/27/2020 14:16	Picture/Video	440-478-7643
216-402-0591	10/27/2020 14:16	Picture/Video	440-487-8537
216-402-0591	10/27/2020 14:16	Picture/Video	440-742-8155
216-402-0591	10/27/2020 14:18	Picture/Video	440-417-8670
216-402-0591	10/27/2020 14:20	Picture/Video	440-622-3232
216-402-0591	10/27/2020 14:21	Picture/Video	440-463-5669
216-402-0591	10/27/2020 14:24	Picture/Video	440-742-8155
216-402-0591	10/27/2020 14:26	Picture/Video	440-228-0405
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216-402-0591	10/27/2020 14:43	Picture/Video	440-226-2007
216-402-0591	10/27/2020 14:44	Picture/Video	440-742-8155
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216-402-0591	10/27/2020 15:01	Picture/Video	440-622-6577
216-402-0591	10/27/2020 15:02	Picture/Video	440-622-3232
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216-402-0591	10/27/2020 17:58	Picture/Video	440-364-3362
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216-402-0591	10/28/2020 12:36 Picture/Video	440-742-8155
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216-402-0591	10/31/2020 20:30 Picture/Video	216-513-8477
216-402-0591	10/31/2020 20:31 Picture/Video	216-970-2763
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216-402-0591	10/31/2020 21:53 Picture/Video	216-513-5822
216-402-0591	10/31/2020 21:53 Picture/Video	216-513-5822
216-402-0591	10/31/2020 21:54 Picture/Video	216-513-5822

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216-402-0591	3/29/2021 19:34	Picture/Video	216-554-0358
216-402-0591	3/29/2021 20:04	Picture/Video	216-513-8477
216-402-0591	3/29/2021 20:06	Picture/Video	216-288-2349
216-402-0591	3/29/2021 20:06	Picture/Video	216-288-2349
216-402-0591	3/29/2021 20:07	Picture/Video	216-513-8477
216-402-0591	3/29/2021 20:08	Picture/Video	216-513-8477
216-402-0591	3/29/2021 20:13	Picture/Video	216-407-9965
216-402-0591	3/29/2021 20:13	Picture/Video	216-513-8477
216-402-0591	3/29/2021 20:13	Picture/Video	216-554-0358
216-402-0591	3/29/2021 20:14	Picture/Video	216-407-9965
216-402-0591	3/29/2021 20:14	Picture/Video	216-513-8477
216-402-0591	3/29/2021 20:14	Picture/Video	216-554-0358
216-402-0591	3/29/2021 20:14	Picture/Video	216-970-2763
216-402-0591	3/29/2021 20:15	Picture/Video	216-513-8477
216-402-0591	3/29/2021 20:26	Picture/Video	216-970-2763
216-402-0591	3/29/2021 20:27	Picture/Video	216-513-8477
216-402-0591	3/29/2021 20:27	Picture/Video	216-513-8477
216-402-0591	3/29/2021 20:27	Picture/Video	216-970-2763
216-402-0591	3/29/2021 20:28	Picture/Video	216-554-0358

216-402-0591	3/30/2021 10:58	Text Messaging	440-251-7487
216-402-0591	3/30/2021 11:19	Text Messaging	440-251-7487
216-402-0591	3/30/2021 11:21	Text Messaging	440-251-7487
216-402-0591	3/30/2021 11:25	Text Messaging	440-251-7487
216-402-0591	3/30/2021 11:28	Text Messaging	440-251-7487
216-402-0591	3/30/2021 12:22	Text Messaging	440-251-7487
216-402-0591	3/30/2021 12:24	Text Messaging	440-251-7487
216-402-0591	3/30/2021 12:29	Text Messaging	440-251-7487
216-402-0591	3/30/2021 13:15	Text Messaging	440-251-7487
216-402-0591	3/30/2021 13:17	Text Messaging	440-251-7487
216-402-0591	3/30/2021 18:28	Picture/Video	216-407-9965
216-402-0591	3/30/2021 19:14	Picture/Video	216-554-0358
216-402-0591	3/30/2021 19:23	Picture/Video	216-513-8477
216-402-0591	3/30/2021 19:24	Picture/Video	216-554-0358
216-402-0591	3/31/2021 10:26	Picture/Video	440-622-6577
216-402-0591	3/31/2021 10:26	Picture/Video	440-622-6577
216-402-0591	3/31/2021 10:27	Picture/Video	440-226-2007
216-402-0591	3/31/2021 10:27	Picture/Video	440-226-2007
216-402-0591	3/31/2021 10:34	Picture/Video	440-622-6577
216-402-0591	3/31/2021 10:46	Text Messaging	440-226-2007
216-402-0591	3/31/2021 11:00	Text Messaging	440-226-2007
216-402-0591	3/31/2021 11:03	Text Messaging	440-226-2007
216-402-0591	3/31/2021 14:39	Text Messaging	440-749-3734
216-402-0591	3/31/2021 14:52	Text Messaging	440-749-3734
216-402-0591	3/31/2021 14:53	Text Messaging	440-749-3734
216-402-0591	3/31/2021 14:54	Text Messaging	440-749-3734
216-402-0591	3/31/2021 14:55	Text Messaging	440-749-3734
216-402-0591	3/31/2021 14:55	Text Messaging	440-749-3734
216-402-0591	3/31/2021 17:48	Picture/Video	216-513-8477
216-402-0591	3/31/2021 17:49	Picture/Video	216-407-9965
216-402-0591	3/31/2021 17:49	Picture/Video	216-554-0358
216-402-0591	3/31/2021 17:54	Picture/Video	216-288-2349
216-402-0591	3/31/2021 18:48	Picture/Video	216-554-0358
216-402-0591	3/31/2021 18:55	Picture/Video	216-513-8477
216-402-0591	3/31/2021 18:56	Picture/Video	216-554-0358
216-402-0591	3/31/2021 18:57	Picture/Video	216-554-0358
216-402-0591	3/31/2021 18:58	Picture/Video	216-513-8477
216-402-0591	3/31/2021 18:58	Picture/Video	216-513-8477
216-402-0591	3/31/2021 23:06	Picture/Video	216-513-5822
216-402-0591	4/1/2021 10:51	Text Messaging	440-251-8631
216-402-0591	4/1/2021 11:00	Text Messaging	440-251-8631
216-402-0591	4/1/2021 11:15	Text Messaging	440-463-5669
216-402-0591	4/1/2021 11:16	Text Messaging	440-251-8631
216-402-0591	4/1/2021 11:16	Text Messaging	440-463-5669
216-402-0591	4/1/2021 11:24	Text Messaging	440-251-8631
216-402-0591	4/1/2021 11:48	Text Messaging	440-251-8631
216-402-0591	4/2/2021 3:38	Picture/Video	757-536-3954
216-402-0591	4/2/2021 12:42	Text Messaging	234-207-0052
216-402-0591	4/2/2021 15:19	Text Messaging	234-207-0052

216-402-0591	4/2/2021 15:55	Text Messaging	234-207-0052
216-402-0591	4/2/2021 15:55	Text Messaging	234-207-0052
216-402-0591	4/2/2021 21:34	Text Messaging	234-207-0052
216-402-0591	4/3/2021 10:01	Picture/Video	216-554-0358
216-402-0591	4/3/2021 10:05	Picture/Video	216-513-8477
216-402-0591	4/3/2021 10:06	Picture/Video	216-513-8477
216-402-0591	4/3/2021 10:06	Picture/Video	216-554-0358
216-402-0591	4/3/2021 10:06	Picture/Video	216-554-0358
216-402-0591	4/3/2021 10:07	Picture/Video	216-513-8477
216-402-0591	4/3/2021 10:08	Picture/Video	440-653-3868
216-402-0591	4/3/2021 10:14	Text Messaging	216-513-8477
216-402-0591	4/3/2021 10:14	Text Messaging	216-513-8477
216-402-0591	4/3/2021 10:15	Text Messaging	216-513-8477
216-402-0591	4/3/2021 10:15	Text Messaging	216-513-8477
216-402-0591	4/3/2021 10:16	Text Messaging	216-513-8477
216-402-0591	4/3/2021 10:16	Text Messaging	216-513-8477
216-402-0591	4/3/2021 10:16	Text Messaging	216-513-8477
216-402-0591	4/3/2021 10:16	Text Messaging	216-513-8477
216-402-0591	4/3/2021 10:17	Text Messaging	216-513-8477
216-402-0591	4/3/2021 10:17	Text Messaging	216-513-8477
216-402-0591	4/3/2021 12:22	Text Messaging	216-513-8477
216-402-0591	4/3/2021 13:41	Text Messaging	216-513-8477
216-402-0591	4/3/2021 14:19	Text Messaging	216-513-8477
216-402-0591	4/3/2021 14:27	Text Messaging	216-513-8477
216-402-0591	4/3/2021 14:29	Text Messaging	216-513-8477
216-402-0591	4/3/2021 14:29	Text Messaging	216-513-8477
216-402-0591	4/3/2021 14:30	Text Messaging	216-513-8477
216-402-0591	4/3/2021 20:23	Text Messaging	440-567-5448
216-402-0591	4/3/2021 20:47	Text Messaging	440-567-5448
216-402-0591	4/3/2021 21:35	Text Messaging	440-251-7487
216-402-0591	4/3/2021 22:33	Text Messaging	440-251-7487
216-402-0591	4/3/2021 22:39	Text Messaging	440-251-7487
216-402-0591	4/3/2021 22:40	Text Messaging	440-251-7487
216-402-0591	4/3/2021 22:43	Text Messaging	440-251-7487
216-402-0591	4/3/2021 22:45	Text Messaging	440-251-7487
216-402-0591	4/3/2021 22:49	Text Messaging	440-251-7487
216-402-0591	4/4/2021 10:53	Text Messaging	440-251-7487
216-402-0591	4/4/2021 10:54	Text Messaging	440-251-7487
216-402-0591	4/4/2021 10:58	Text Messaging	440-251-7487
216-402-0591	4/4/2021 10:58	Text Messaging	440-251-7487
216-402-0591	4/4/2021 13:27	Text Messaging	440-251-6585
216-402-0591	4/4/2021 14:48	Picture/Video	216-970-2763
216-402-0591	4/4/2021 14:49	Picture/Video	216-407-9965
216-402-0591	4/4/2021 14:49	Picture/Video	216-554-0358
216-402-0591	4/4/2021 15:06	Picture/Video	440-487-4045
216-402-0591	4/4/2021 17:02	Text Messaging	614-774-2548
216-402-0591	4/4/2021 18:07	Text Messaging	440-479-1100
216-402-0591	4/4/2021 18:16	Text Messaging	614-774-2548
216-402-0591	4/4/2021 18:38	Text Messaging	440-479-1100
216-402-0591	4/4/2021 18:39	Text Messaging	440-479-1100

216-402-0591	4/5/2021 10:35 Text Messaging	624-005-0000
216-402-0591	4/5/2021 11:42 Text Messaging	440-251-6585
216-402-0591	4/5/2021 11:55 Text Messaging	440-251-6585
216-402-0591	4/6/2021 9:25 Text Messaging	440-226-2007
216-402-0591	4/6/2021 9:28 Text Messaging	440-226-2007
216-402-0591	4/6/2021 9:29 Text Messaging	440-226-2007
216-402-0591	4/6/2021 10:40 Text Messaging	440-226-2007
216-402-0591	4/6/2021 11:45 Picture/Video	440-622-6577
216-402-0591	4/6/2021 12:15 Picture/Video	440-226-2007
216-402-0591	4/6/2021 12:23 Picture/Video	440-622-6577
216-402-0591	4/6/2021 12:24 Picture/Video	440-622-6577
216-402-0591	4/6/2021 12:30 Picture/Video	440-226-2007
216-402-0591	4/6/2021 13:21 Picture/Video	440-226-2007
216-402-0591	4/6/2021 13:32 Picture/Video	440-622-6577
216-402-0591	4/6/2021 14:46 Text Messaging	440-251-7487
216-402-0591	4/6/2021 15:02 Text Messaging	440-251-7487
216-402-0591	4/6/2021 15:06 Text Messaging	440-251-7487
216-402-0591	4/7/2021 10:25 Picture/Video	440-897-7493
216-402-0591	4/7/2021 18:07 Text Messaging	440-251-6585
216-402-0591	4/9/2021 12:26 Text Messaging	440-463-5669
216-402-0591	4/11/2021 12:34 Text Messaging	440-251-7487
216-402-0591	4/11/2021 13:47 Text Messaging	440-251-7487
216-402-0591	4/11/2021 13:58 Text Messaging	440-251-7487
216-402-0591	4/11/2021 13:59 Text Messaging	440-251-7487
216-402-0591	4/11/2021 16:26 Text Messaging	440-251-6585
216-402-0591	4/11/2021 17:12 Text Messaging	440-251-6585
216-402-0591	4/11/2021 17:12 Text Messaging	440-251-6585
216-402-0591	4/11/2021 21:03 Text Messaging	440-251-6585
216-402-0591	4/11/2021 21:04 Text Messaging	440-251-6585
216-402-0591	4/11/2021 21:05 Text Messaging	440-251-6585
216-402-0591	4/11/2021 21:05 Text Messaging	440-251-6585
216-402-0591	4/12/2021 10:30 Text Messaging	440-463-5669
216-402-0591	4/12/2021 15:30 Text Messaging	440-251-6585
216-402-0591	4/13/2021 15:04 Text Messaging	624-005-0000
216-402-0591	4/14/2021 9:46 Text Messaging	440-251-7487
216-402-0591	4/14/2021 9:53 Text Messaging	440-251-7487
216-402-0591	4/14/2021 9:59 Text Messaging	440-251-7487
216-402-0591	4/15/2021 11:58 Text Messaging	440-251-6585
216-402-0591	4/15/2021 14:17 Text Messaging	440-251-6585
216-402-0591	4/17/2021 10:44 Text Messaging	440-226-2007
216-402-0591	4/17/2021 10:46 Text Messaging	440-226-2007

**Flip Phone**  
**Listed as "Sergeant Cell" or "Police3"**  
**Voice Usage from Oct-20 to Apr-21**

<b>KPD Cell Phone #</b>	<b>Date</b>	<b>Minutes</b>	<b>To/From Wireless #</b>	<b>Time</b>
440-897-6399	10/4/2020	3	4407491091	10:43 AM
440-897-6399	10/12/2020	1	4407737753	1:40 PM
440-897-6399	10/16/2020	1	2168704432	4:06 PM
440-897-6399	10/16/2020	2	4402568020	4:27 PM
440-897-6399	10/16/2020	1	4402563336	4:05 PM
440-897-6399	11/17/2020	2	4404774995	8:47 AM
440-897-6399	11/17/2020	8	4404774995	11:14 AM
440-897-6399	11/17/2020	2	4407731073	12:16 PM
440-897-6399	11/24/2020	1	4402237234	4:35 PM
440-897-6399	11/24/2020	7	4402839191	1:49 PM
440-897-6399	11/27/2020	4	2163220060	3:24 PM
440-897-6399	11/27/2020	1	2163220060	3:07 PM
440-897-6399	11/27/2020	2	2163220060	3:09 PM
440-897-6399	11/27/2020	2	4403825917	3:29 PM
440-897-6399	12/3/2020	7	4408321050	2:57 PM
440-897-6399	12/18/2020	2	4402890300	1:41 AM
440-897-6399	1/4/2021	2	4402858438	5:27 PM
440-897-6399	1/8/2021	3	2165540544	10:18 PM
440-897-6399	2/6/2021	1	2167770105	1:53 PM
440-897-6399	2/16/2021	1	4402238331	9:40 PM
440-897-6399	2/16/2021	1	4402238331	9:41 PM
440-897-6399	2/16/2021	1	4402238331	9:43 PM
440-897-6399	2/16/2021	1	4402238331	9:41 PM
440-897-6399	2/16/2021	1	4402238331	9:44 PM
440-897-6399	2/16/2021	1	4402238331	9:42 PM
440-897-6399	2/19/2021	10	4403643018	4:14 PM
440-897-6399	2/19/2021	6	4403643018	4:29 PM
440-897-6399	2/19/2021	3	4403643018	3:05 PM
440-897-6399	2/19/2021	8	4403643018	8:16 PM
440-897-6399	2/19/2021	1	86	8:52 PM
440-897-6399	2/19/2021	8	4403643018	11:47 PM
440-897-6399	2/19/2021	68	4403643018	11:57 PM
440-897-6399	2/19/2021	1	4403643018	11:53 AM
440-897-6399	2/19/2021	9	4403643018	12:31 PM
440-897-6399	2/19/2021	1	4403643018	11:49 AM
440-897-6399	2/19/2021	3	4403643018	2:45 PM
440-897-6399	2/20/2021	13	4403643018	6:24 PM
440-897-6399	2/20/2021	24	4403643018	1:10 AM
440-897-6399	2/20/2021	23	4403643018	8:32 PM
440-897-6399	2/20/2021	7	4403643018	11:27 PM
440-897-6399	2/20/2021	14	4403643018	1:37 A



440-897-6399	2/20/2021	13	4403643018	11:36 PM
440-897-6399	2/20/2021	35	4403643018	9:27 PM
440-897-6399	2/20/2021	11	4403643018	9:11 PM
440-897-6399	2/21/2021	19	4403643018	9:26 PM
440-897-6399	2/21/2021	10	4403643018	10:07 PM
440-897-6399	2/21/2021	20	4403643018	12:18 AM
440-897-6399	2/21/2021	17	4403643018	6:08 PM
440-897-6399	2/21/2021	11	4403643018	11:19 PM
440-897-6399	2/21/2021	20	4403643018	2:52 PM
440-897-6399	2/21/2021	2	4403643018	5:42 PM
440-897-6399	2/21/2021	12	4403643018	11:03 PM
440-897-6399	2/22/2021	18	4403643018	8:35 AM
440-897-6399	2/22/2021	66	4403643018	10:32 PM
440-897-6399	2/22/2021	46	4403643018	5:00 PM
440-897-6399	2/22/2021	12	4403643018	4:32 PM
440-897-6399	2/22/2021	5	4403643018	2:39 PM
440-897-6399	2/22/2021	12	4403643018	2:55 PM
440-897-6399	2/23/2021	1	4403643018	6:16 PM
440-897-6399	2/23/2021	3	4403643018	2:48 PM
440-897-6399	2/23/2021	2	4403643018	6:09 PM
440-897-6399	2/23/2021	13	4403643018	6:47 PM
440-897-6399	2/23/2021	19	4403643018	10:07 PM
440-897-6399	2/23/2021	6	4403643018	6:16 PM
440-897-6399	2/23/2021	27	4403643018	5:30 PM
440-897-6399	2/23/2021	1	4403643018	3:07 PM
440-897-6399	2/23/2021	18	4403643018	4:10 PM
440-897-6399	2/23/2021	34	4403643018	8:22 AM
440-897-6399	2/23/2021	96	4403643018	10:47 PM
440-897-6399	2/24/2021	23	4403643018	12:08 PM
440-897-6399	2/24/2021	3	4403643018	10:57 AM
440-897-6399	2/24/2021	18	4403643018	11:13 AM
440-897-6399	2/24/2021	1	4403643018	3:41 PM
440-897-6399	2/24/2021	9	4403643018	3:51 PM
440-897-6399	2/24/2021	34	4403643018	2:42 PM
440-897-6399	2/24/2021	6	4403643018	3:23 PM
440-897-6399	2/24/2021	1	4403643018	11:48 PM
440-897-6399	2/24/2021	8	4403643018	12:45 PM
440-897-6399	2/24/2021	23	4403643018	9:59 AM
440-897-6399	2/24/2021	11	4403643018	1:20 PM
440-897-6399	2/24/2021	17	4403643018	8:42 AM
440-897-6399	2/24/2021	7	4403643018	11:45 AM
440-897-6399	2/24/2021	30	4403643018	4:09 PM
440-897-6399	2/25/2021	1	3128714243	3:23 PM
440-897-6399	2/25/2021	18	4403643018	9:24 PM
440-897-6399	2/25/2021	10	4403643018	6:10 PM
440-897-6399	2/25/2021	22	4403643018	4:11 PM
440-897-6399	2/25/2021	10	4403643018	9:12 PM

440-897-6399	2/25/2021	77	4403643018	11:05 PM
440-897-6399	2/25/2021	67	4403643018	12:01 AM
440-897-6399	2/25/2021	9	4403643018	2:34 PM
440-897-6399	2/25/2021	9	4403643018	5:05 PM
440-897-6399	2/25/2021	2	4403643018	11:54 AM
440-897-6399	2/25/2021	13	4403643018	2:54 PM
440-897-6399	2/25/2021	29	4403643018	8:25 AM
440-897-6399	2/25/2021	14	4403643018	10:31 PM
440-897-6399	2/26/2021	5	4403643018	6:04 PM
440-897-6399	2/26/2021	11	4403643018	8:27 AM
440-897-6399	2/26/2021	1	4403643018	5:57 PM
440-897-6399	2/26/2021	6	4403643018	6:16 PM
440-897-6399	2/26/2021	12	4403643018	9:25 AM
440-897-6399	2/26/2021	3	4403643018	5:57 PM
440-897-6399	2/26/2021	2	4403643018	3:23 PM
440-897-6399	2/26/2021	2	4403643018	2:44 PM
440-897-6399	2/26/2021	3	4403643018	10:27 AM
440-897-6399	2/26/2021	28	4403643018	5:28 PM
440-897-6399	2/26/2021	1	4403643018	3:20 PM
440-897-6399	2/26/2021	1	4403643018	5:07 PM
440-897-6399	2/26/2021	9	4403643018	3:33 PM
440-897-6399	2/26/2021	9	4403643018	5:10 PM
440-897-6399	2/27/2021	31	4403643018	2:20 AM
440-897-6399	2/27/2021	1	4403643018	3:25 PM
440-897-6399	2/27/2021	27	4403643018	4:48 PM
440-897-6399	2/27/2021	13	4403643018	1:43 PM
440-897-6399	2/27/2021	26	4403643018	10:54 PM
440-897-6399	2/27/2021	86	4403643018	12:54 AM
440-897-6399	2/27/2021	3	4403643018	4:14 PM
440-897-6399	2/27/2021	9	4403643018	1:30 PM
440-897-6399	2/27/2021	36	4403643018	12:06 AM
440-897-6399	2/27/2021	4	4403643018	12:48 PM
440-897-6399	2/27/2021	3	4403643018	9:08 PM
440-897-6399	2/27/2021	22	4403643018	5:20 PM
440-897-6399	2/27/2021	16	4403643018	11:23 PM
440-897-6399	2/28/2021	5	4403643018	6:12 PM
440-897-6399	2/28/2021	1	4403643018	9:32 PM
440-897-6399	2/28/2021	22	4403643018	10:23 PM
440-897-6399	2/28/2021	5	4403643018	11:13 AM
440-897-6399	2/28/2021	6	4403643018	11:37 AM
440-897-6399	2/28/2021	16	4403643018	11:32 PM
440-897-6399	2/28/2021	131	4403643018	12:26 AM
440-897-6399	2/28/2021	8	4403643018	12:58 PM
440-897-6399	2/28/2021	6	4403643018	12:12 PM
440-897-6399	2/28/2021	11	4403643018	10:04 PM
440-897-6399	2/28/2021	4	4403643018	6:22 PM
440-897-6399	2/28/2021	32	4403643018	10:47 PM

440-897-6399	2/28/2021	16	4403643018	1:08 PM
440-897-6399	3/1/2021	1	4403643018	3:06 PM
440-897-6399	3/1/2021	10	4403643018	3:08 PM
440-897-6399	3/1/2021	1	4403643018	4:53 PM
440-897-6399	3/1/2021	14	4403643018	8:40 AM
440-897-6399	3/1/2021	2	4403643018	4:53 PM
440-897-6399	3/1/2021	17	4403643018	4:20 PM
440-897-6399	3/1/2021	77	4403643018	10:31 PM
440-897-6399	3/1/2021	4	4403643018	12:07 PM
440-897-6399	3/2/2021	41	4403643018	10:16 PM
440-897-6399	3/2/2021	1	4403643018	9:59 AM
440-897-6399	3/2/2021	31	4403643018	8:25 AM
440-897-6399	3/2/2021	6	4403643018	5:24 PM
440-897-6399	3/2/2021	4	4403643018	9:27 PM
440-897-6399	3/2/2021	16	4403643018	11:06 PM
440-897-6399	3/2/2021	1	4403643018	9:23 PM
440-897-6399	3/2/2021	5	4403643018	6:20 PM
440-897-6399	3/2/2021	1	4403643018	5:19 PM
440-897-6399	3/2/2021	33	4403643018	12:01 PM
440-897-6399	3/2/2021	11	4403643018	3:09 PM
440-897-6399	3/3/2021	26	4403643018	8:26 AM
440-897-6399	3/3/2021	10	4403643018	6:19 PM
440-897-6399	3/3/2021	6	4403643018	10:42 AM
440-897-6399	3/3/2021	17	4403643018	5:52 PM
440-897-6399	3/3/2021	21	4403643018	2:36 PM
440-897-6399	3/3/2021	56	4403643018	9:22 PM
440-897-6399	3/3/2021	30	4403643018	11:50 AM
440-897-6399	3/3/2021	2	4403643018	1:06 PM
440-897-6399	3/3/2021	16	4403643018	4:41 PM
440-897-6399	3/4/2021	49	4403643018	10:27 PM
440-897-6399	3/4/2021	3	4403643018	11:25 PM
440-897-6399	3/4/2021	46	4403643018	11:28 PM
440-897-6399	3/4/2021	7	4403643018	2:57 PM
440-897-6399	3/4/2021	1	4403643018	3:28 PM
440-897-6399	3/4/2021	10	4403643018	8:03 PM
440-897-6399	3/4/2021	1	4403643018	4:25 PM
440-897-6399	3/4/2021	7	4403643018	2:36 PM
440-897-6399	3/4/2021	2	4403643018	7:29 PM
440-897-6399	3/4/2021	2	4403643018	2:49 PM
440-897-6399	3/4/2021	1	4403643018	3:18 PM
440-897-6399	3/4/2021	24	4403643018	8:24 AM
440-897-6399	3/4/2021	4	4403643018	4:44 PM
440-897-6399	3/4/2021	16	4403643018	4:25 PM
440-897-6399	3/5/2021	1	4403643018	2:54 PM
440-897-6399	3/5/2021	8	4403643018	10:04 PM
440-897-6399	3/5/2021	8	4403643018	10:12 PM
440-897-6399	3/5/2021	36	4403643018	8:19 AM

440-897-6399	3/5/2021	1	4403643018	5:40 PM
440-897-6399	3/5/2021	8	4403643018	2:55 PM
440-897-6399	3/5/2021	48	4403643018	4:44 PM
440-897-6399	3/5/2021	6	4403643018	5:41 PM
440-897-6399	3/5/2021	61	4403643018	10:44 PM
440-897-6399	3/6/2021	6	4403643018	11:21 AM
440-897-6399	3/6/2021	11	4403643018	1:55 PM
440-897-6399	3/6/2021	25	4403643018	11:22 PM
440-897-6399	3/6/2021	13	4403643018	8:49 PM
440-897-6399	3/6/2021	3	4403643018	9:09 AM
440-897-6399	3/6/2021	34	4403643018	9:04 PM
440-897-6399	3/6/2021	16	4403643018	1:00 PM
440-897-6399	3/6/2021	10	4403643018	11:54 AM
440-897-6399	3/6/2021	1	4403643018	1:00 PM
440-897-6399	3/6/2021	77	4403643018	9:49 PM
440-897-6399	3/7/2021	19	4403643018	12:59 PM
440-897-6399	3/7/2021	37	4403643018	2:15 PM
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440-897-6399	3/7/2021	1	4403643018	11:49 AM
440-897-6399	3/7/2021	3	4403643018	2:02 PM
440-897-6399	3/7/2021	27	4403643018	9:23 PM
440-897-6399	3/7/2021	3	4403643018	10:42 AM
440-897-6399	3/7/2021	25	4403643018	10:23 PM
440-897-6399	3/7/2021	9	4403643018	9:27 AM
440-897-6399	3/7/2021	20	4403643018	9:59 PM
440-897-6399	3/7/2021	19	4403643018	3:04 PM
440-897-6399	3/7/2021	10	4403643018	11:33 AM
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440-897-6399	3/7/2021	12	4403643018	11:04 AM
440-897-6399	3/7/2021	1	3128714243	5:49 PM
440-897-6399	3/8/2021	19	4403643018	11:18 PM
440-897-6399	3/8/2021	15	4403643018	8:34 AM
440-897-6399	3/8/2021	1	4403643018	2:36 PM
440-897-6399	3/8/2021	2	4403643018	3:07 PM
440-897-6399	3/8/2021	13	4403643018	10:29 PM
440-897-6399	3/8/2021	2	4403643018	2:26 PM
440-897-6399	3/8/2021	16	4403643018	4:18 PM
440-897-6399	3/8/2021	1	4403643018	3:01 PM
440-897-6399	3/8/2021	7	4403643018	5:39 PM
440-897-6399	3/8/2021	16	4403643018	5:46 PM
440-897-6399	3/8/2021	6	4403643018	6:18 PM
440-897-6399	3/8/2021	24	4403643018	10:05 PM
440-897-6399	3/8/2021	6	4403643018	5:11 PM
440-897-6399	3/8/2021	3	4403643018	6:03 PM
440-897-6399	3/9/2021	14	4403643018	6:04 PM
440-897-6399	3/9/2021	1	3128714243	8:23 PM
440-897-6399	3/9/2021	1	4403643018	2:46 PM

440-897-6399	3/9/2021	4	4403643018	2:32 PM
440-897-6399	3/9/2021	6	4403643018	4:09 PM
440-897-6399	3/9/2021	62	4403643018	11:16 PM
440-897-6399	3/9/2021	37	4403643018	4:40 PM
440-897-6399	3/9/2021	59	4403643018	10:07 PM
440-897-6399	3/9/2021	3	4403643018	4:26 PM
440-897-6399	3/9/2021	18	4403643018	5:25 PM
440-897-6399	3/9/2021	16	4403643018	5:47 PM
440-897-6399	3/9/2021	2	4403643018	10:02 PM
440-897-6399	3/9/2021	2	4403643018	2:42 PM
440-897-6399	3/10/2021	10	4403643018	9:38 PM
440-897-6399	3/10/2021	7	4403643018	3:10 PM
440-897-6399	3/10/2021	15	4403643018	5:11 PM
440-897-6399	3/10/2021	16	4403643018	7:41 AM
440-897-6399	3/10/2021	1	4403643018	6:04 PM
440-897-6399	3/10/2021	18	4403643018	1:14 PM
440-897-6399	3/10/2021	3	4403643018	11:42 AM
440-897-6399	3/10/2021	1	4403643018	1:11 PM
440-897-6399	3/10/2021	26	4403643018	10:03 PM
440-897-6399	3/10/2021	11	4403643018	4:13 PM
440-897-6399	3/10/2021	44	4403643018	6:11 PM
440-897-6399	3/10/2021	18	4403643018	9:20 AM
440-897-6399	3/10/2021	2	4403643018	6:00 PM
440-897-6399	3/11/2021	1	4403643018	2:51 PM
440-897-6399	3/11/2021	3	4406793154	5:45 PM
440-897-6399	3/11/2021	25	4403643018	8:22 AM
440-897-6399	3/11/2021	22	4403643018	9:49 PM
440-897-6399	3/11/2021	1	4403643018	11:48 AM
440-897-6399	3/11/2021	5	4403643018	12:32 PM
440-897-6399	3/11/2021	1	4403643018	7:01 AM
440-897-6399	3/11/2021	6	4403643018	6:29 PM
440-897-6399	3/11/2021	29	4403643018	11:15 PM
440-897-6399	3/11/2021	1	4403643018	3:26 PM
440-897-6399	3/11/2021	9	4403643018	11:50 AM
440-897-6399	3/11/2021	2	4403643018	3:12 PM
440-897-6399	3/11/2021	1	4403643018	5:42 PM
440-897-6399	3/11/2021	55	4403643018	10:12 PM
440-897-6399	3/11/2021	9	4403643018	3:15 PM
440-897-6399	3/15/2021	8	4403643018	6:52 PM
440-897-6399	3/15/2021	11	4403643018	6:15 PM
440-897-6399	3/15/2021	10	4403643018	8:08 PM
440-897-6399	3/19/2021	1	4403643018	11:08 AM
440-897-6399	3/19/2021	62	4403643018	11:11 AM
440-897-6399	3/19/2021	1	4403643018	11:10 AM
440-897-6399	3/21/2021	1	86	5:09 AM

## Flip Phone

Listed as "Sergeant Cell" or "Police3"

Text Usage from Oct-20 to Apr-21

Wireless #	Cost	Message Date/Time	To/from wireless number
440-897-6399		11/24/2020 13:47	6245
440-897-6399		2/16/2021 15:45	561-501-0314
440-897-6399		2/19/2021 11:46	440-364-3018
440-897-6399		2/19/2021 11:53	440-364-3018
440-897-6399		2/19/2021 14:02	440-364-3018
440-897-6399		2/19/2021 14:04	440-364-3018
440-897-6399		2/19/2021 14:22	440-364-3018
440-897-6399		2/19/2021 14:26	440-364-3018
440-897-6399		2/19/2021 14:26	440-364-3018
440-897-6399		2/19/2021 14:30	440-364-3018
440-897-6399		2/19/2021 14:34	440-364-3018
440-897-6399		2/19/2021 14:42	440-364-3018
440-897-6399		2/19/2021 14:45	440-364-3018
440-897-6399		2/19/2021 18:35	440-364-3018
440-897-6399		2/19/2021 18:35	440-364-3018
440-897-6399		2/19/2021 18:39	440-364-3018
440-897-6399		2/19/2021 18:40	440-364-3018
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440-897-6399		2/19/2021 20:12	440-364-3018
440-897-6399		2/19/2021 20:14	440-364-3018
440-897-6399		2/19/2021 20:14	440-364-3018
440-897-6399		2/19/2021 20:15	440-364-3018
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440-897-6399		2/19/2021 20:16	440-364-3018
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440-897-6399		2/19/2021 22:51	440-364-3018
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440-897-6399		2/19/2021 23:13	440-364-3018
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440-897-6399		2/19/2021 23:14	440-364-3018
440-897-6399		2/19/2021 23:15	440-364-3018
440-897-6399		2/19/2021 23:15	440-364-3018









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440-897-6399		2/20/2021 18:14	440-364-3018
440-897-6399	0.02	2/20/2021 18:15	440-364-3018
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440-897-6399	0.02	2/20/2021 22:17	440-364-3018
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440-897-6399	0.02	3/10/2021 8:09	440-364-3018
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440-897-6399	0.1	3/10/2021 8:48	440-364-3018
440-897-6399	0.02	3/10/2021 8:49	440-364-3018
440-897-6399	0.02	3/10/2021 8:49	440-364-3018
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440-897-6399	0.02	3/10/2021 8:53	440-364-3018
440-897-6399	0.02	3/10/2021 8:53	440-364-3018
440-897-6399	0.1	3/10/2021 9:08	440-364-3018
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440-897-6399	0.1	3/10/2021 9:09	440-364-3018

440-897-6399	0.02	3/10/2021 9:09	440-364-3018
440-897-6399	0.02	3/10/2021 9:09	440-364-3018
440-897-6399	0.1	3/10/2021 9:10	440-364-3018
440-897-6399	0.02	3/10/2021 9:10	440-364-3018
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440-897-6399	0.1	3/10/2021 9:13	440-364-3018
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440-897-6399	0.02	3/10/2021 9:14	440-364-3018
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440-897-6399	0.1	3/10/2021 10:57	440-364-3018
440-897-6399	0.02	3/10/2021 10:58	440-364-3018
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440-897-6399	0.02	3/10/2021 14:50	440-364-3018
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440-897-6399	0.02	3/11/2021 18:29	440-364-3018
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440-897-6399	0.1	3/11/2021 19:28	440-364-3018
440-897-6399	0.02	3/11/2021 19:28	440-364-3018
440-897-6399	0.02	3/11/2021 19:28	440-364-3018
440-897-6399	0.1	3/11/2021 19:31	440-364-3018
440-897-6399	0.1	3/11/2021 19:32	440-364-3018
440-897-6399	0.02	3/11/2021 19:32	440-364-3018
440-897-6399	0.1	3/11/2021 19:33	440-364-3018
440-897-6399	0.02	3/11/2021 19:34	440-364-3018
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440-897-6399	0.1	3/11/2021 19:38	440-364-3018
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440-897-6399	0.02	3/11/2021 19:39	440-364-3018
440-897-6399	0.1	3/11/2021 19:40	440-364-3018
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440-897-6399	0.02	3/11/2021 19:43	440-364-3018
440-897-6399	0.1	3/11/2021 19:44	440-364-3018
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440-897-6399	0.1	3/11/2021 21:33	440-364-3018
440-897-6399	0.02	3/11/2021 21:41	440-364-3018
440-897-6399	0.02	3/11/2021 21:48	440-364-3018
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440-897-6399	0.02	3/15/2021 18:47	440-364-3018
440-897-6399	0.1	3/15/2021 18:48	440-364-3018
440-897-6399	0.02	3/15/2021 18:48	440-364-3018
440-897-6399	0.02	3/15/2021 18:50	440-364-3018
440-897-6399	0.1	3/15/2021 18:50	440-364-3018
440-897-6399	0.02	3/15/2021 18:51	440-364-3018
440-897-6399	0.1	3/15/2021 18:52	440-364-3018
440-897-6399	0.1	3/15/2021 19:44	440-364-3018
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440-897-6399	0.02	3/15/2021 19:45	440-364-3018
440-897-6399	0.1	3/18/2021 18:40	440-364-3018
440-897-6399	0.1	3/18/2021 18:43	440-364-3018
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440-897-6399	0.02	3/18/2021 18:47	440-364-3018
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440-897-6399	0.1	3/18/2021 18:47	440-364-3018
440-897-6399	0.02	3/18/2021 18:50	440-364-3018

440-897-6399  
440-897-6399  
Total

0.02  
0.02  
118.84

3/18/2021 19:02  
3/18/2021 19:02

440-364-3018  
440-364-3018



## Summary for Kirtland Police3: 440-897-6399

### Your Plan

**America's Choice SharePlan 400**  
 \$38.45 monthly charge  
 400 monthly allowance minutes  
 \$.25 per minute after allowance

**M2M National Unlimited**  
 Unlimited Mobile to Mobile

**Beginning on 09/19/12:**  
**25% Access Discount**

**UNL Night & Weekend Min**  
 Unlimited monthly OFFPEAK

**200 Text PIX FLIX Messages**  
 200 monthly message allowance  
 \$.10 per message sent after allowance  
 \$.02 per message Rcv'd after allowance

Have more questions about your charges?  
 Get details for usage charges at  
[b2b.verizonwireless.com](http://b2b.verizonwireless.com).

### Monthly Charges

America's Choice SharePlan 400	03/26 - 04/25	38.45
25% Access Discount	03/26 - 04/25	-9.61
		<b>\$28.84</b>

### Usage and Purchase Charges

Voice	Allowance	Used	Billable	Cost
Shared <i>minutes</i>	400 (shared)	4	---	---
Mobile to Mobile <i>minutes</i>	unlimited	2639	---	---
Night/Weekend <i>minutes</i>	unlimited	2	---	---
<b>Total Voice</b>				<b>\$0.00</b>

Messaging	Allowance	Used	Billable	Cost
Text, Picture & Video <i>messages</i>	200	200	---	---
Text, Picture & Video - Sent <i>messages</i>	---	690	690	69.00
Text, Picture & Video - Rcv'd <i>messages</i>	---	856	856	17.35
<b>Total Messaging</b>				<b>\$86.35</b>

**Total Usage and Purchase Charges \$86.35**

### Surcharges

Fed Universal Service Charge	2.77
Regulatory Charge	.21
OH Tax Recovery Surcharge	.30
OH Reg Fee	.19
<b>Total</b>	<b>\$3.47</b>

### Taxes, Governmental Surcharges and Fees

State/Local E911 (\$0.25/No.)	.25
<b>Total</b>	<b>\$0.25</b>

**Total Current Charges for 440-897-6399 \$118.91**

## Detail for Kirtland Police3: 440-897-6399

### Voice

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Chrgs	LD/Other Chrgs	Total
2/26	8:27A	440-364-3018	Peak	M2MAllow	Cleveland OH	Willoughby OH	11	---	---	---
2/26	9:25A	440-364-3018	Peak	M2MAllow	Euclid OH	Incoming CL	12	---	---	---
2/26	10:27A	440-364-3018	Peak	M2MAllow	Kirtland OH	Willoughby OH	3	---	---	---
2/26	2:44P	440-364-3018	Peak	M2MAllow	Kirtland OH	Willoughby OH	2	---	---	---
2/26	3:20P	440-364-3018	Peak	M2MAllow	Kirtland OH	Willoughby OH	1	---	---	---
2/26	3:23P	440-364-3018	Peak	M2MAllow	Kirtland OH	Incoming CL	2	---	---	---
2/26	3:33P	440-364-3018	Peak	M2MAllow	Kirtland OH	Willoughby OH	9	---	---	---



# Kirtland Police Department

## Rules and Regulations



*Lance R. Nosse*  
*Police Chief*



City of  
**Kirtland**

9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

February 17, 2020

Order #31

TO ALL MEMBERS OF THE KIRTLAND POLICE DEPARTMENT:

The City of Kirtland Charter mandates that the director of Public Safety establishes rules and regulations for the administration and operation of the Police Department.

I hereby adopt these Rules and Regulations with the approval of the Director of Public Safety, and they shall be the official Rules and Regulations of the Kirtland Police Department, effective February 17, 2020.



Lance R. Nosse, CLEE  
Chief of Police

City of  
**Kirtland**

9301 CHILICOTHE ROAD  
KIRTLAND, OHIO 44094

City of Faith & Beauty

(440) 256-3332  
FAX (440) 256-9301

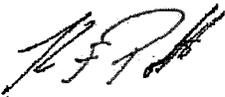
February 3, 2020

Chief Lance R. Nosse.  
Police Department  
City of Kirtland

Dear Chief Nosse:

I hereby approve and adopt the proposed Rules and Regulations of the Police Department as the Official Rules and Regulations of the Kirtland Police Department effective immediately.

Sincerely,



Kevin F. Potter

Mayor and Director of Public Safety

City of  
**Kirtland**

9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

**PURPOSE**

It is the purpose of these Rules and Regulations to promote efficiency, harmony and discipline in the Police Department so that it may function effectively in protecting life and property and assuring the citizens of Kirtland a feeling of security and tranquility.

The Chief of Police has established the Rules and Regulations hereinafter set forth; and, it is at his request that they are instituted in this form. It is the duty of every member of the Department to familiarize and conduct themselves in accordance with their principles.

**POLICY**

The Kirtland City Council, by Charter, Article II-A section 2, requires that the Public Safety Director establish the rules and regulations for the administration and operation of the Police Department and for the guidance of the officers and members thereof.

**DEFINITIONS**

The Kirtland Police Department has a well-deserved reputation for professionalism and efficiency in servicing the public, as well as combating crime, without regard to race, color, religion, sex, national origin, age or other factors. We are proud of this tradition of excellence and strive for its continuance.

The term "members of the Police Department" applies to all employees of the Police Department, both sworn and non-sworn. The term "officer" applies only to sworn police officers of the Department. The term "civilian members" applies only to non-sworn personnel employed by the Police Department.

**PROCEDURES:**

**10.01      VIOLATION OF RULES**

Members of the Police Department shall not commit acts or omit any acts, which constitute a violation of any of the rules, regulations, directives or orders of the Department, whether stated in this rule or elsewhere.

City of  
**Kirtland**

9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

**10.02      DISTRIBUTION OF RULES**

Each employee will be provided a copy of the Rules of Conduct. These Rules of Conduct will be kept in a designated area of each employees Policy and Procedures Manual. It shall be each employee's responsibility to read, understand and comply with these Rules and Regulations.

**10.03      GENERAL RESPONSIBILITIES**

Within their lawful jurisdiction, members shall at all times take appropriate action to: protect life and property; preserve the peace, prevent crimes. They will also enforce all Federal laws, State statutes and City ordinances coming within departmental jurisdiction. Officers on this department are subject to call at all times to report to active duty if their services are required.

**10.04      KNOWLEDGE OF LAWS AND REGULATIONS**

Every member is required to establish and maintain a working knowledge of all municipal ordinances currently in force, the rules and policies of the department and the general and special orders of the department.

**10.05      COMMUNICATION WITH LEGISLATIVE MEMBERS**

No member of the Police Department shall contact members of Council or the Mayor on *official police matters* except through the chain of command or with the permission of the Chief. Any member contacted by a Council Member or the Mayor regarding *official police matters* shall immediately notify the Chief of Police of the incident and details involved.

**10.6      UNBECOMING CONDUCT**

Members of the Police Department shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Unbecoming conduct shall include that which brings the Department into disrepute or reflects discredit upon the individual as a member of the Police Department, or that which impairs the operation or efficiency of the Department or the individual. Conduct deemed to be unbecoming may result in the appropriate disciplinary action, up to and including termination of the employee.

City of  
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9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

**10.07**      **IMMORAL CONDUCT**

Officers shall maintain a level of moral conduct in their personal and business affairs, which is in keeping with the highest standards of the law enforcement profession. Officers shall not participate in any incident involving moral turpitude, which impairs their ability to perform as law enforcement officers or causes the Department to be brought into disrepute.

**10.08**      **CONFORMANCE TO LAWS**

Members of the Police Department shall obey all laws of the United States and of any state or local jurisdictions in which the members are present. A conviction of the violation of any law shall be prima facie evidence of a violation of this section.

**10.09**      **REPORTING FOR DUTY**

Members of the Police Department shall report for duty at the time and place required by assignment or orders and shall be properly equipped and cognizant of information required for the proper performance of duty, so that they may immediately assume their duties. Judicial subpoenas shall constitute an order to report for duty under this section. The official uniform will be worn during all court appearances.

**10.10**      **NEGLECT OF DUTY**

Members of the Police Department shall not commit any acts that are specifically prohibited by the laws of this state, the ordinances of this city, these Rules of Conduct, or any other orders, policies, procedures or directives of the Police Department. Members shall not engage in any activity or personal business, which could cause them to neglect or be inattentive to duty.

**10.11**      **FICTITIOUS ILLNESS OR INJURY REPORTS**

Members of the Police Department shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health.

City of  
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9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

**10.12      SLEEPING ON DUTY**

Members of the Police Department shall remain awake while on duty. If unable to do so, they shall so report to their superior officer, who shall determine the proper course of action.

**10.13      SEXUAL ACTIVITY**

Members shall not engage in *any* form of sexual activity while on duty.

**10.14      LEAVING DUTY POST**

Members of the Police Department shall not leave their assigned duty post during a tour of duty except when instructed by proper authority.

**10.15      MEALS AND BREAKS**

Officers shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of having meals during their tour of duty, but only for such period of time and at such time and place as established by departmental procedures.

**10.16      UNSATISFACTORY PERFORMANCE**

Members shall maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Officers shall perform their duties in a manner, which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance includes, but is not limited to, a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indicators of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the Department.

City of  
**Kirtland**

9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

**10.17      ALCOHOLIC BEVERAGES AND DRUGS IN  
POLICE INSTALLATIONS**

Members of the Police Department shall not store or bring into any police facility or vehicle alcoholic beverages, controlled substances, narcotics, or hallucinogens except those which are to be submitted to the property room as evidence, safekeeping, or for disposal. The Chief of Police may grant exceptions for training purposes.

**10.18      POSSESSION AND USE OF DRUGS**

Members of the Police Department shall not possess or use any controlled substances, narcotics, or hallucinogens which could affect or impair their ability to function in their job, except when prescribed in the treatment of members by a physician or dentist. When any controlled substances, narcotics, or hallucinogens are prescribed, members shall notify their superior officer.

**10.19      USE OF ALCOHOL ON DUTY OR IN UNIFORM**

Members of the Police Department shall not consume intoxicating beverages while in uniform or on duty except in the performance of duty and while acting under proper and specific orders from a superior officer. Members of the Police Department shall not appear for duty or be on duty while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on their breath.

**10.20      USE OF ALCOHOL OFF DUTY**

Members of the Police Department while off duty shall refrain from consuming intoxicating beverages to the extent that it results in impairment, obnoxious or offensive behavior which discredits them or the Department, or renders the member unfit to report for their next regular tour of duty.

City of  
**Kirtland**

9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

**10.21      USE OF TOBACCO**

Officers when in uniform may use \*tobacco as long as they are not:

1. In formation
2. Directing traffic
3. Leaving their assigned area or post for the sole purpose of using tobacco.

All Members must obtain permission to use tobacco from the public when they are in the public's direct contact. There will be no smoking in the Police building or Police vehicles by any Members of the Police Department except as provided for by the Chief of Police. (\*Including smokeless tobacco and/or vaping devices and electronic cigarette)

**10.22      INSUBORDINATION**

Members of the Police Department shall promptly obey any lawful orders of a superior officer. This will include orders relayed from a superior officer by an officer of the same or lesser rank.

**10.23      CONFLICTING OR ILLEGAL ORDERS**

Members of the Police Department who are given an otherwise proper order, which is in conflict with a previous order, rule, regulation, or direction shall respectfully inform the superior officer issuing the order of the conflict. If the superior officer issuing the order does not alter or retract the conflicting order, the last given order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior officer. Members shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued. Members of the Police Department shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of the order, officers shall request the issuing officer to clarify the order or to confer with higher authority

**10.24      GIFTS, GRATUITIES, BRIBES OR REWARDS**

Members of the Police Department shall not solicit from any person, business, or organization any gift (including money, tangible or intangible personal property, loan, promise, and service of entertainment) or accept any gift from any party with an expectation of preferential treatment.

City of  
**Kirtland**

9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

**10.25      ABUSE OF POSITION**

**1. Use of Official Position or Identification:**

Members of the Police Department shall not use their official position, official identification cards or badges for:

- Personal or financial gain.
- Obtaining privileges not otherwise available to them except in the performance of duty.
- Avoiding consequences of illegal acts.
- Soliciting or accepting contributions for the Department or for any other agency, organization, event, or cause without the express consent of the Chief.
- Members shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief.

**2. Use of Name, Photograph, or Title:**

Members of the Police Department shall not authorize the use of their names, photographs, or official titles, which identify them as officers, or employees of the Police Department in connection or commercial enterprise without the approval of the Chief.

**10.26      ENDORSEMENT AND REFERRALS**

Members of the Police Department shall not recommend or suggest in any manner an attorney, ambulance service, towing service, bondsman, mortician, etc. except in the transaction of personal business. In the case of ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or request assistance, members shall proceed in accordance with established departmental procedures.

**10.27      IDENTIFICATION**

Officers shall carry their badges or identification cards on their persons at all times, except when impractical or dangerous to their safety or to an investigation. They shall furnish their names and badge number to any person requesting that information when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

City of  
**Kirtland**

9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

**10.28      IDENTIFICATION-CIVILIAN MEMBER**

Civilian members of the Police Department shall furnish their name and/or badge number to any person requesting that information when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

**10.29      CITIZEN COMPLAINTS**

Members of the Police Department shall courteously and promptly record, in writing any complaint made by a citizen against any member of the Department and refer to any procedure authorized by the Chief of Police. Members taking the complaint may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from lodging a complaint against any member of the Department.

**10.30      COURTESY**

Members of the Police Department shall be courteous to the public. Members shall be tactful in the performance of their duties; shall control their tempers and exercise the utmost patience and discretion; and shall not engage in argumentative discussions, even in the face of extreme provocation. In the performance of their duties, members shall not use coarse, violent, profane, or insolent language or gestures and shall not express any prejudice concerning race, color, sex, religion, politics, and national origin. Life style, or similar personal characteristics.

**10.31      COOPERATION**

Members of the Police Department shall cooperate with one another in the performance of their public duty and all law enforcement agencies, other city department and public service organizations. Members shall give aid and information, as such organization may be entitled to receive consistent with department orders.

City of  
**Kirtland**

9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

**10.32            COOPERATION WITH THE MEDIA**

Members authorized by the Chief of Police shall extend full cooperation to the media, provided the investigation or prosecution of a case is not jeopardized. Any member of the Department not authorized to give out information to the media or other individuals regarding police work or any activity of the Department, will be subject to disciplinary action taken against them.

**10.33            DISSEMINATION OF INFORMATION**

Members shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established procedures.

- Members shall only remove or copy official Department records or reports with proper authorization in accordance with established Departmental procedures.
- Members shall not divulge confidential personal information of Department personnel or the identity of persons giving confidential information except as authorized.
- Data systems, computers, all data stored in CAD, LEADS, NCIC, OHLEG, or any other interfaced systems shall be restricted to the use of Members duly authorized.

**10.34            RESPECT/ADDRESSING SUPERIORS/PEERS/  
SUBORDINATES**

Every member shall accord respect to his/her commander, supervisor or superior at all times and shall refrain from critical or derogatory comments on orders received from or issued by him/her. Members shall observe a respectful attitude and use proper title, particularly in the presence of the public. All members shall show respect to one another. Disrespect to a Supervisor shall include, but not limited to, abusive language, gestures, defamatory statements toward a Supervisor, whether in or out of the presence of the Supervisor.

Members shall conduct themselves in a manner that will foster cooperation among Members of the Department, showing respect, courtesy, and professionalism in their dealings with one another. Any member who feels that he/she has been discredited by a Supervisor or other member through unreasonable or arbitrary conduct, or abusive language shall report the incident, in writing, and direct it through the Chain of Command.

City of  
**Kirtland**

9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

**10.35      INFORMING SUPERIORS**

Members shall inform their Supervisor of any matter coming to their attention which may affect the welfare or be of interest to the Department or City service.

**10.36      REQUEST FOR ASSISTANCE**

When any person requests assistance or advice, makes a complaint or reports an incident, either by telephone or in person, Members will obtain, record, and act upon all pertinent information in a professional manner consistent with established Departmental procedures. Officers will assist other Officers and citizens in distress or in any other situation where assistance is critical to the successful performance of a Departmental function.

**10.37      MAINTAINING COMMUNICATION**

Officers on duty shall be directly available to respond to service via radio, telephone or other electronic communication. The Communication Center and/or the Supervisor shall be notified of the location and reason when Officers leave their patrol vehicles. Officers shall remain available to respond to service during duty hours.

**10.38      RESPONDING TO CALLS**

Members of the Department shall respond without delay to all calls for police assistance from citizens or other persons. Emergency calls take precedence; however, all calls shall be answered as soon as possible consistent with normal safety precautions and vehicle laws.

**10.39      ASSOCIATIONS**

Members shall avoid regular or continuous associations or dealings with persons and/or organizations whom they know or should know are persons under criminal investigation or indictment or who have a reputation in the community, or the Department, for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties or where unavoidable because of other personal relationships of the Members.

City of  
**Kirtland**

9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

**10.40**      **VISITING PROHIBITED ESTABLISHMENTS**

Members of the Police Department shall not knowingly visit or frequent a house of prostitution, gambling house or establishment wherein the laws of the United States, the State, or local laws are violated, except in the performance of duty or while acting under proper and specific orders from a superior officer.

**10.41**      **GAMBLING**

Members shall not engage or participate in any form of illegal gambling at any time except in the performance of duty and while acting under proper specific orders from a Supervisor.

**10.42**      **PUBLIC STATEMENTS AND APPEARANCES**

Members shall not publicly criticize or ridicule the Department, its policies, or other Members by speech, writing, or other expression where such speech, writing, or expression is defamatory, obscene, and unlawful, that undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for the truth.

Members shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information or any other matters of the Department while holding themselves out as representing the Department in such matters without proper authority. Members may lecture on police or other related subjects only with prior approval of the Chief.

**10.43**      **PERSONAL APPEARANCE**

Members of the Police Department on duty shall wear uniforms or clothing in accordance with Department Policy and Procedures. Except when acting under proper and specific orders from a superior officer, members on duty shall maintain a neat, well-groomed appearance and shall style their hair according to the policy and procedures.

**10.44 POLITICAL ACTMTY (ref. 123:1-46-02 ORC)**

Members shall be guided by State Law regarding their participation and involvement in political activities (ORC 124.57). Members shall be guided by the following examples of permitted and prohibited activities while serving on the Department:

1. Permitted Activity:

- Register and vote in any election.
- Express opinions as individuals privately and publicly on political issues and candidates.
- Attend political conventions, rallies, fundraising functions, and similar political functions.
- Actively engage in any nonpartisan political functions.
- Signing nominating petitions as individuals.
- Voluntary financial contributions to political organizations.
- Display of political materials in the employee's home or on the employee's property.
- Serve as election judges or clerks or in a similar position to perform nonpartisan duty as prescribed by state or local laws.
- Wearing political badges or buttons (while off duty and out of uniform) or the display of political stickers on private vehicles.
- Hold Membership in a political party and participate in its functions to the extent consistent with the law and consistent with this section.
- Otherwise participate fully in public affairs except as provided by law to the extent that such endeavors do not impair the neutral and efficient performance of official duties or create real or apparent conflicts of interest.

2. Prohibited Activity

- Candidacy for public office in a partisan election.
- Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party.
- Filing of petitions meeting statutory requirements for partisan candidacy to elective office
- Service in an elected or appointed office in any partisan political organization.
- Acceptance of a party-sponsored appointment to any office normally filled by partisan election.
- Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success.
- Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party of political candidate.

City of  
**Kirtland**

9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

- Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan issues.
- Services as a recorder, checker, watcher, challenger, judge or board of election poll worker for any party or partisan committee.
- Participation in political caucuses of a partisan nature.
- Participation in a political action committee which supports partisan activity.

**10.45      TELEPHONES**

Members of the Police Department shall have telephones in their residence and shall immediately report any changes in telephone numbers or addresses to their superior officers and to such other persons as may be appropriate and shall respond to calls from the Police Department as soon as possible. Members shall notify their Supervisor of anticipated absence.

**Emergency/Reserve Duty:**

All Officers and Members of the Department when on vacation or regular days off are subject to recall to duty by the Chief of Police in the event of an emergency, which by its nature, would necessitate the need of such Member. Although certain hours are allotted for regular tour of duty, Members are considered to be at all times on reserve duty subject to call when required.

**10.46      INTERVENTION**

Officers shall not interfere with cases being handled by other officers of the Department or by any other governmental agency unless:

- Ordered to intervene by a superior officer, or
- The intervening officer believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.

Officers shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their superior officer, unless the urgency of the situation requires immediate police action.

City of  
**Kirtland**

9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

**10.47      DEPARTMENTAL REPORTS**

Members of the Police Department shall submit all necessary reports on time and in accordance with established departmental procedures. Reports submitted by members shall be truthful and complete and no member shall knowingly enter or cause to be entered any inaccurate, false, or improper information, or alter, remove, or destroy any report once filed for the purpose of obstructing justice, misleading superior officers, or altering the natural order of information. Incomplete reports will be maintained in the records office and the reporting officer shall indicate why the report is incomplete and the approximate time of completion.

**10.48      PROCESSING PROPERTY AND EVIDENCE**

Property or evidence, which has been discovered, gathered, or received in connection with departmental responsibilities, will be processed in accordance with established departmental procedures. Members of the Police Department shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established departmental procedure.

**10.49      ABUSE OF PROCESS**

Officers shall not intentionally make false accusations of criminal or traffic charge(s).

**10.50      USE OF DEPARTMENT EQUIPMENT**

Members of the Police Department shall utilize Department equipment only for its intended purpose in accordance with established departmental procedures and shall not abuse, damage, or lose Department equipment. All Department equipment issued to members shall be maintained in a proper order. The loss or damage of departmental property assigned to or used by members shall be reported immediately to their superior and shall be the member's responsibility to replace.

City of  
**Kirtland**

9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

**10.51 OPERATING VEHICLES**

Members of the Police Department shall operate official vehicles in a careful and prudent manner and shall obey all laws and all departmental orders pertaining to such operation. Loss or suspension of any driving license shall be reported to the Department immediately.

**10.52 DEPARTMENT VEHICLE USE**

No Officer shall use a Departmental vehicle for any other use than that which is directly connected with the official business. No person will be allowed to ride in a police vehicle except Members of the Department, individuals detained or being transported in the course of police duties, or others authorized by the Supervisor or Chief. This rule does not apply to the Chief or Lieutenant who are on call and have Departmental vehicles assigned on a full-time basis.

**10.53 CARRYING FIREARMS**

Officers shall carry firearms in accordance with the law and established departmental procedures.

**10.54 USE OF WEAPONS**

Officers shall not use or handle weapons in a careless or imprudent manner. Officers shall use weapons in accordance with the law and departmental procedures.

**10.55 TRUTHFULNESS**

Members of the Police Department shall always be truthful and honest. Reports and communications shall be accurate and truthful. Members shall fully and truthfully answer all questions specifically directed and narrowly relating to the performance of official duties which may be asked of them.

City of  
**Kirtland**

9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

**10.56      REPORTING VIOLATIONS OF THE LAWS, ORDINANCES,  
RULES, ORDERS**

Members knowing of other Members or employees violating laws, ordinances, rules of the Department, or disobeying orders, shall report the same, in writing, to their immediate Supervisor via the chain of command.

**10.57      ABSENCE WITHOUT CALL**

Members shall not be absent from work without permission. Members who are unable to report or remain on duty for any reason will notify the Department in sufficient time to ensure proper coverage for their shift in accordance with Department procedures. Unexplained absences for three days or more by any member of the Department shall be held to be a resignation.

**10.58      USE OF POLYGRAPH, MEDICAL EXAMINATIONS,  
PHOTOGRAPHS, AND LINE-UPS**

1.    Polygraph Examinations:

Upon the order of the chief, members of the Police Department shall submit to polygraph examinations when the examinations are specifically directed and narrowly related to a particular internal investigation being conducted by the Department.

Whenever a complaint from a citizen is the basis for the investigation, the matter is non-criminal and no corroborating information has been discovered, Members shall generally not be required to submit to polygraph examinations unless the citizen first submits to a polygraph examination which is specifically directed and narrowly related to the complaint.

2.    Medical Examinations, Photographs and Line-Ups:

Upon the order of the Chief or the Chiefs designee, members of the Police Department shall submit to legally permissible medical ballistics, chemical or other tests, photographs, or line-ups. All procedures carried out under this section shall be specifically directed and narrowly related to a particular internal investigation being conducted by the Department

City of  
**Kirtland**

9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

**10.59      TREATMENT OF PERSONS IN CUSTODY**

Members of the Police Department shall not mistreat persons who are in their custody. Members shall handle such persons in accordance with the law and department procedures.

**10.60      USE OF FORCE**

Officers shall not use more force in any situation than is reasonably necessary under the circumstances. Officers shall use force in accordance with the law and departmental procedures.

**10.61      ARREST, SEARCH AND SEIZURE**

Officers shall not make any arrest, search, or seizure, which they know or should know, is not in accordance with the law and departmental procedures.

**10.62      SUBPOENAS AND TESTIFYING FOR THE DEFENDANT**

Any member of the Department subpoenaed to testify for the defense in any court, trial or hearing against the City, Department or any member thereof shall immediately, upon receipt of said subpoena, notify and make it available to the Chief of Police. Members shall report any service by the court to the Chief of Police, including civil suits, related to their duties as a member of the Department and an employee of the City of Kirtland.

**10.63      PART-TIME EMPLOYMENT**

Officers shall devote full time and attention to police business and are prohibited from being engaged in any other business, unless they first obtain permission from the Chief of Police. All requests for outside employment will be routed up the chain of command to the Chief of Police.

City of  
**Kirtland**

9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

**10.64**      **INJURY IN THE LINE OF DUTY**

In case of personal injury sustained by any member of the Department while in the performance of his duty, shall within twenty-four (24) hours, report or cause to be reported such injury through channels to the Chief of Police who will investigate and forward a report to the Mayor.

**10.65**      **CIVIL ACTION**

Employees shall not institute or participate in any civil action (deposition, affidavit, or appear as a witness) arising out of their official duties without first notifying the Chief of Police. Officers shall not use their position with the Department as a means of forcing or intimidating persons whom they are engaged with in civil matters to settle a case in their favor.

**10.66**      **PAYMENT OF DEBT**

Members of the Department shall arrange their personal affairs so that credit and collection agencies will not have to make use of the city or police department for the purpose of making collections, which would interfere with the efficiency and effectiveness of the department

**10.67**      **CHAIN OF COMMAND**

Members shall follow the proper chain of command when reporting to any Supervisor for any purpose, official or personal. However, the Chief of Police has established an "open door" policy, when problems are of a personal nature that personnel would prefer to discuss their problem directly with the Chief. Members must first notify their Supervisor when requesting to speak directly with the Chief, but will not be required to divulge the nature of the matter to be discussed.

**10.68**      **CRIMINAL VIOLATIONS BY MEMBERS**

If a Member is cited, arrested, or charged with a criminal violation, other than a minor traffic offense, regardless of jurisdiction, the Member shall notify his immediate Supervisor in writing and provide a full and accurate account of the circumstances immediately upon returning to duty.

City of  
**Kirtland**

9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

**10.69      OFFICER RESPONSIBILITY TO TAKE ACTION**

Officers, while on duty, shall willfully take all necessary and proper police actions in accordance with the Police Department's General Orders, Policies, Procedures, other Departmental directives and the Ohio Revised Code.

- Officers shall respond to and perform any police duty when an emergency exists, whether or not they have been notified by a superior Officer.
- Officers, while off duty, shall take necessary police action when they observe an offense which creates an immediate danger to persons or property located within the City, when properly equipped and prepared to handle the incident (G.O. 121).
- Officers shall search thoroughly for, collect, preserve, and identify evidence of persons, property, and locations at any crime scene or arrest activity.

**10.70      SUPERVISOR RESONIBILLITY TO TAKE ACTION**

Supervisors shall properly provide the necessary direction, coordination, and control of Officers and Members under their command in the performance of all necessary duties which are intended to achieve the objectives of the Department. In the performance of duties, each Supervisor shall be responsible for the satisfactory completion of tasks, concerning police activities.

- Supervisors shall proceed to the scene of any incident when they reasonably believe or should reasonably believe that their presence and authority is required to complete the goals and objectives of the Department.
- Supervisors, at a crime scene, shall assume control of the scene and direct, coordinate and control Officers so that no unfavorable developments will result.

**10.71      HARASSMENT (SEXUAL, ETHIC, RACIAL OR RELIGIOUS)**

Members shall not intentionally subject any citizen or fellow employee to any verbal or physical harassment of a sexual, ethnic, racial or religious nature.

City of  
**Kirtland**

9301 Chillicothe Rd.  
Kirtland, OH 44094

**Division of Police**

Chief Lance R. Nosse

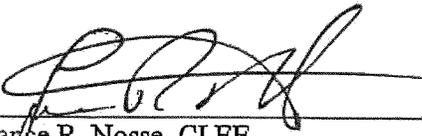
**10.72**      **ETHICS**

Members of the Police Department shall not conspire or knowingly engage in any activity which deprives any person of their civil rights, due process, equal opportunity for employment, advancement, job opportunities, or any constitutionally or statutory guaranteed right. No member of the Police Department shall disseminate confidential police related information to any unauthorized person for any purpose.

**10.73**      **DISCIPLINE/DISMISSAL**

Violation of any of these rules shall be sufficient cause for counseling, reprimand, suspension, and/or dismissal of any member of the Police Department. Members shall hold their positions during good behavior and efficient service, but may be removed for the following reasons, as listed in the Ohio Revised Code, Section 124.34: "Incompetence, Inefficiency, Dishonesty, Drunkenness, Immoral Conduct, Insubordination, Discourteous Treatment of the Public, Neglect of Duty, Violation of the Civil Service Laws or the Rules of the Civil Service Commission, or any other failure of good behavior, or any other acts of Misfeasance, Malfeasance, or Nonfeasance in Office."

BY ORDER OF

  
\_\_\_\_\_  
Lance R. Nosse, CLEE  
Chief of Police

§ 254.28 HARASSMENT POLICY.

(a) *Adoption; purpose.* There is hereby established and adopted the following sexual harassment policy for the city, the purpose of which is to maintain a healthy work environment and to provide procedures for reporting, investigation and resolution of complaints of workplace harassment, sexual or otherwise.

(b) *General statement of policy.* It is the policy of the city that all employees have the right to work in an environment free of all forms of harassment. The city does not condone and will not tolerate any harassment. Therefore, the city shall take direct and immediate action to prevent such behavior and to remedy all reported instances of workplace harassment, sexual or otherwise.

(c) *Sexual harassment defined.* As used in this section, "sexual harassment" means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- (2) Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

(d) *Discussion of policy.*

(1) *Prohibited activity.*

A. No city employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person.

B. Employees shall not make offensive or derogatory comments based on race, color, sex, religion or national origin either directly or indirectly to another person. Such harassment is a prohibited form of discrimination under state and federal employment law and is also considered misconduct subject to disciplinary action by the city.

(2) *Supervisors' and employees' responsibilities.*

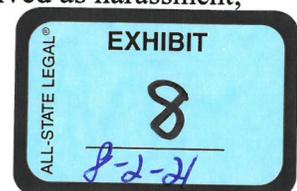
A. Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes the following:

1. Monitoring the unit work environment on a daily basis for signs that harassment may be occurring;
2. Counseling all employees on the types of behavior prohibited and the city's procedures for reporting and resolving complaints of harassment;
3. Stopping any observed acts that may be considered harassment and taking appropriate steps to intervene, whether or not the involved employees are within the particular supervisor's line of supervision; and
4. Where there has been a complaint of harassment, taking immediate action to limit the work contact between two employees, pending investigation.

B. Each supervisor has the responsibility to assist any city employee who comes to that supervisor with a complaint of harassment to document and file such complaint with the Mayor.

C. Each employee of the city is responsible for assisting in the prevention of harassment through the following acts:

1. Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
2. Reporting acts of harassment to a supervisor; and



3. Encouraging any employee, who confides that he or she is being harassed, to report these acts to a supervisor.

D. Failure to take action to stop known harassment shall be grounds for discipline.

(3) *Complaint procedures.*

A. Employees encountering harassment shall tell the harasser that his or her actions are unwelcome and offensive. The employee shall document all incidents of harassment in order to provide the fullest basis for investigation.

B. Any employee who believes that he or she is being harassed shall report the incident(s) to his or her supervisor as soon as possible so that steps may be taken to protect the employee from further harassment and appropriate investigative and disciplinary measures may be initiated. Where this is not practical, the employee may instead file a complaint with another supervisor, the internal investigations authority or the Mayor.

1. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incidents complained of, the person(s) performing or participating in the harassment and the dates on which it occurred.

2. The city employee taking the complaint shall expeditiously deliver the complaint to the Mayor.

C. The Mayor or his or her designee shall be responsible for the investigation of any complaint alleging harassment.

1. The Mayor shall immediately notify the Law Director if the complaint contains evidence of criminal activity, such as battery, rape or attempted rape.

2. The Mayor shall include a determination as to whether or not other employees are being harassed by the person and as to whether or not other city employees participated in or encouraged the harassment.

3. The Mayor shall inform the parties involved of the outcome of the investigation.

4. The city shall maintain a file of harassment complaints in a secure location. Council shall be provided with an annual summary of these complaints.

D. There shall be no retaliation against any employee for filing a harassment complaint or assisting, testifying or participating in the investigation of such a complaint.

(4) *Grievance procedure.* Complainants or employees accused of harassment may file a grievance/appeal in accordance with city procedures when they disagree with the investigation or disposition of a harassment claim. This section does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.

(Res. 93-R-81, passed 12-20-1993)

# Kirtland Police Department

To: Whom it may concern

April 17, 2021

From: Sgt. LaTurner

Topic: Kirtland Unit 890

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On Saturday April 17, 2021 upon arrival for duty Sgt. Fisher requested I complete a full vehicle inventory of Kirtland Unit 890. At 0827hrs. I unsecured Kirtland Unit 890 from secured storage (bay 2) and moved it to the sally port to complete a vehicle inventory. The interior and exterior of the described unit was photographed. The described photos are attached to this report. An attached report was completed documenting all damage that was observed on the exterior of the vehicle. I then began an inventory of all property located on the interior of the vehicle. Located in the truck compartment of the described vehicle was a trunk vault which was found to be locked. I located the trunk vault key which was on the key ring Sgt. Fisher provided me. It should be noted that the interior of the vehicle had a strong odor of an alcoholic beverage. Upon completion of the vehicle inventory Kirtland Unit 890 was re-secured in secured storage (bay 2) at 0925 hrs. The keys for Kirtland Unit 890 and keys to secured storage (bay 2) were secured in the Sergeants office.

Respectfully,



Sgt. LaTurner



## Kirtland Unit 890 Inventory

April 17, 2021

### Vehicle Damage:

- **Drivers side front quarter panel**
  - Scrape on trim & body with (2) dents
- **Drivers side mirror**
  - Scuff
- **Drivers door**
  - Dent/crease under driver's door handle
- **Rear driver's door**
  - Dent on body line
- **Drivers side rear quarter panel**
  - Scrape
  - Multiple dings above rear wheel
- **Passenger Mirror**
  - Plastic cracked with scuff marks
- **Passenger front quarter panel**
  - Scrape down length of panel

### Vehicle Inventory:

- **Drivers door pocket**
  - Leatherman
  - (2) Knife
  - Handcuffs
  - Flashlight
  - 30 round AR-15 magazine (loaded)
- **Drivers floor board**
  - Glasses cleaner
- **Front center console**
  - 4 KPD patches
  - Gum
  - Lip balm
  - Charger
  - Watch batteries
  - Pens
  - Miller lite bottle cap
  - Lens cleaner
  - Body spray
- **Center console**
  - (2) Keys on Carabiner
  - (2) Gator masks
  - Glasses with case

- **Visors**
  - Sun glasses
  - (2) Crosses
- **Driver rear door**
  - Hat
- **Passenger rear door**
  - Glove
- **Under Passenger seat**
  - Knife
- **Passenger door pocket**
  - (4) un-issued Minor Misdemeanor Citations
  - Minor Misdemeanor ticket book
  - Hair brush
- **Glove Box**
  - Cologne
  - Hand sanitizer
  - IB Profen
  - Vitamins
  - Flashlight
  - Toothbrush
  - Phone cords
  - Glasses with case
  - Tooth paste
  - Vehicle registration
- **Trunk**
  - Measuring wheel
  - Body Armor
  - Black shoes
  - Duty bag
  - Umbrella
  - Snow brush
- **Trunk Vault**
  - Caution tape
  - Measuring tape
  - CPR mask
  - LED flares
  - (3) boxes .223 ammo
  - (1) box 9mm ammo
  - Digital camera
  - Evidence bag with loose .223 ammo
  - Flashlight

- AR-15 with loaded 30 round magazine
- (3) loaded 30 round AR-15 magazines
- Handcuffs
- Duty belt
- X26 Taser
- Medical kit

# City of Kirtland

9301 Chillicothe Road  
Kirtland, Ohio 44094

**City of Faith and Beauty**

(440) 256-3332  
Fax (440) 256-9301  
www.kirtlandohio.com

## VEHICLE/EQUIPMENT USE POLICY

### Policy Statement

To ensure an employee's safety and operational responsibility, the City has established the following requirements and expectations for the use of City vehicles and equipment.

### Guidelines

The use of City vehicle/equipment for personal use is strictly prohibited. Employees of the City (regular, part-time, and seasonal) are expressly prohibited from using City property, whether vehicular or other equipment, to conduct business from which they may realize a personal economic benefit or to promote or support any political activity. The provision of this policy also extends to family members and associates of employees. Any exceptions to this policy must be approved in advance by the Mayor and/or the Police Chief/Fire Chief.

Those employees who are permitted to take a City vehicle to and from work for the reason that they are either required to do so by the terms of their employment or probably need the vehicle after hours only for safety or work-related reasons and are also permitted to take the vehicle to lunch or other meals while actually engaged in employment activities on behalf of the City.

Non-employees are not permitted to ride in a city vehicle except for business-related reasons (i.e., carpooling to a permitted function). Only in an extreme emergency (i.e., safety) would a minor be permitted to ride in a City vehicle. Activities such as routinely dropping off or picking up children from school or daycare is strictly forbidden. No exception to this rule related to nonemployee passengers is allowed without the express written consent and approval of the Mayor and/or the Police Chief/Fire Chief.

Mobile electronic devices, including cellular phones or other means of communication, are not to be used while operating any type of motor vehicle, equipment or machinery powered by electricity or internal combustion engine, unless the employee is able to use a "hands free" device. Employees are instructed to safely park vehicles before operating mobile electronic devices utilized for communication such as cellular phones, whenever possible. Under no circumstances are employees permitted to use the texting functions on any such devices while operating any type of motor vehicle, equipment or machinery powered by electricity or internal combustion engine.

Additionally, the City will not tolerate improper, careless, negligent, destructive, unauthorized or unsafe use of City vehicles pursuant to the following guidelines:



- Seatbelts are to be used at all times when driving a City vehicle.
- When using City vehicles, employees are expected to exercise care, see that proper maintenance is performed and follow all operating instructions, safety standards and guidelines.
- Employees are required to notify their supervisor of any vehicles that appear to be damaged, defective or in need of repair.
- Improper, careless, negligent, destructive, unauthorized or unsafe use or operation of equipment or vehicles, as well as traffic and parking violations can result in disciplinary action, up to and including termination of employment. The City does not bear a financial responsibility to reimburse operators for any fines, etc. levied as a result of illegal vehicle operation. In the event of an accident or damage to a City vehicle while in the possession or custody of an authorized operator, the operator must file a report with the Kirtland Police Department (or appropriate jurisdiction) detailing the nature of the accident and/or the extent of the damage. Employees filing a false report or found to have been negligent in the operation of the vehicle may be subject to discipline including employment termination.

If required to operate a vehicle, machinery or equipment powered by electricity or internal combustion engine, the employee during the time of employment shall not be in possession of, use or be under the influence of alcohol, inhalants or drugs, of any kind, that in any way are likely to impair the employee's ability to safely operate a vehicle, machinery or equipment, powered electrically or by internal combustion engine.

It will be conclusively presumed that the employee is under the influence of such alcohol and/or drug if such alcohol or drug is used within six (6) hours prior to carrying out such employment activities. In any event, no employee shall operate a City vehicle or City equipment with a blood alcohol concentration level of 0.08 or greater. In addition, no employee shall use an illegal controlled substance, under federal or state of Ohio laws or applicable city ordinances, or any otherwise legal substance, the packaging of which contains a warning to the effect that such substance should not be taken while operating any type of vehicle, machinery or equipment powered by electricity or internal combustion engine. It will be conclusively presumed that the employee is under the influence of such alcohol and/or drug if such alcohol or drug is used within six (6) hours prior to engaging in such activities. In addition to the restrictions set out in this paragraph, employees have an affirmative duty to report their use of alcohol, illegal use of controlled substance or other substances to their immediate supervisor at the time the employee next reports for scheduled duty or at the time they are called for unscheduled duty, if such employee's regular duties involve operating of City vehicles, machinery or equipment powered electrically or by internal combustion engine.

Misuse, neglect, theft or loss of City property is prohibited. The City reserves the right to recover expenses (in an amount to be determined by the Finance Director) associated with violation of this policy. Violators of this policy may be subject to disciplinary action, including termination.

With appropriate advance approval of the Department Director, City employees will be permitted to use their own vehicles to conduct City business. Such use is eligible for reimbursement of personal vehicle mileage at the current Internal Revenue Service (IRS) mileage allowance. Reimbursement of limited to mileage incurred in the course of carrying out official duties or obligations of the City. City employees using personal vehicles must be in compliance with all appropriate insurance and Bureau of Motor Vehicle laws and regulations. Employees are responsible for notifying their Department Director if they are not in compliance and shall be prohibited from driving for City business. The employee's insurance provides Primary coverage in the event that they are involved in an accident while using their personal vehicle for City business.

# City of Kirtland

9301 Chillicothe Road  
Kirtland, Ohio 44094

City of Faith and Beauty

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Fax (440) 256-9301  
www.kirtlandohio.com

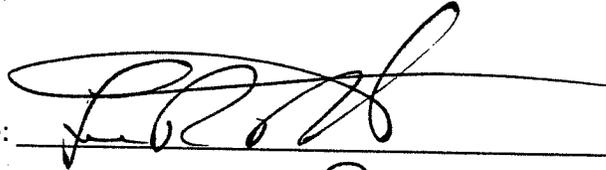
## Policy Receipt Acknowledgement for Vehicle & Equipment Use

I have read and understand the content, requirements, and expectations of the vehicle and equipment use policy for employees of the City of Kirtland. I have received a copy of the policy and agree to abide by the policy guidelines as a condition of my employment and my continuing employment at the City of Kirtland.

I understand that if I have questions, at any time, regarding the vehicle and equipment use policy, I will consult with my immediate supervisor or the Human Resources department.

Please read the vehicle and equipment use policy carefully to ensure that you understand the policy before signing this document.

Employee Signature: \_\_\_\_\_



Employee Printed Name: \_\_\_\_\_

LANCE R. NOSSE

Date: \_\_\_\_\_

02/25/2020



Baldwin's Ohio Revised Code Annotated  
Title VII. Municipal Corporations  
Chapter 737. Public Safety (Refs & Annos)  
Cities--Police and Fire Departments

**R.C. § 737.06**

**737.06 Chief of police**

Currentness

The chief of police shall have exclusive control of the stationing and transfer of all patrolmen, auxiliary police officers, and other officers and employees in the police department, and police auxiliary unit, under such general rules and regulations as the director of public safety prescribes.

**CREDIT(S)**

(130 v H 121, eff. 5-6-63; 1953 H 1; GC 4372)

Notes of Decisions (29)

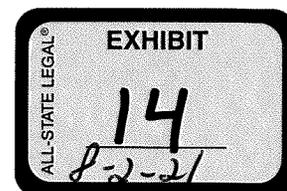
R.C. § 737.06, OH ST § 737.06

Current through Files 29, 30 (immediately effective Revised Code sections only), and 31 to 38 of the 134th General Assembly (2021-2022).

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End of Document

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(440) 256-3332

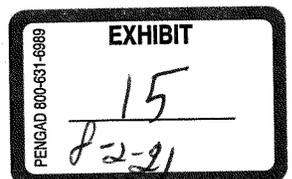
Fax (440) 256-9301

[www.kirtlandohio.com](http://www.kirtlandohio.com)

July 7, 2021

Lance R. Nosse

[REDACTED]



# City of Kirtland

9301 Chillicothe Road  
Kirtland, Ohio 44094

City of Faith and Beauty

(440) 256-3332

Fax (440) 256-9301

[www.kirtlandohio.com](http://www.kirtlandohio.com)

**Re: Termination of Lance R. Nosse, Police Chief of City of Kirtland**

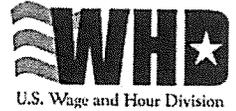
Dear Mr. Nosse:

By order of this letter, as the Mayor of the City of Kirtland and its Director of Public Safety, I am officially submitting your termination as Chief of Police to City Council for its concurrence and approval. First, I am in receipt of a written communication from your attorney, Frank Consolo, specifically that "Lance has agreed to resign and retire effective July 2, 2021. Mutual release and waiver to be agreed to by parties." The City has relied upon that statement and proceeded accordingly. However, my law director has indicated to me that on July 2, 2021, at approximately 3:45 pm, your attorney had called him on the telephone and informed him that you no longer wish to resign and retire. The City has not received anything in writing on or before July 2, 2021 withdrawing your resignation and retirement. The City is of the position that you have retired as of July 2, 2021. Nonetheless, we are in receipt of an email authored by your attorney dated July 6, 2021 disputing the City's position and insisting that you did not resign and are not retired. Because of this dispute, I find it necessary to proceed with removal proceedings pursuant to Ohio Revised Code 733.35, *et seq.*, the City of Kirtland's Charter, and Kirtland Codified Ordinance 244.01(d). As such, it is my finding that you shall be hereby terminated, for cause, as the Chief of Police, subject to the concurrence of two-thirds of the members of Council.

After an investigation spanning nearly three months, I have reason to believe, and have come to the conclusion, that, pursuant to R.C. 733.35, you are guilty in the performance of your official duty of misfeasance, malfeasance, nonfeasance, misconduct in office, gross neglect of duty, and/or habitual drunkenness.

Notice of Eligibility and Rights & Responsibilities  
(Family and Medical Leave Act)

U.S. Department of Labor  
Wage and Hour Division



OMB Control Number: 1235-0003  
Expires: 8/31/2021

In general, to be eligible an employee must have worked for an employer for at least 12 months, meet the hours of service requirement in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles. While use of this form by employers is optional, a fully completed Form WH-381 provides employees with the information required by 29 C.F.R. § 825.300(b), which must be provided within five business days of the employee notifying the employer of the need for FMLA leave. Part B provides employees with information regarding their rights and responsibilities for taking FMLA leave, as required by 29 C.F.R. § 825.300(b), (c).

**[Part A – NOTICE OF ELIGIBILITY]**

TO: Lance Nosse  
Employee  
FROM: City of Kirtland  
Employer Representative  
DATE: 4/20/2021

On 4/16/2021, you informed us that you needed leave beginning on 4/16/2021 for:

- The birth of a child, or placement of a child with you for adoption or foster care;
- Your own serious health condition;
- Because you are needed to care for your \_\_\_ spouse; \_\_\_ child; \_\_\_ parent due to his/her serious health condition.
- Because of a qualifying exigency arising out of the fact that your \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent is on covered active duty or call to covered active duty status with the Armed Forces.
- Because you are the \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent; \_\_\_ next of kin of a covered servicemember with a serious injury or illness.

This Notice is to inform you that you:

- Are eligible for FMLA leave (See Part B below for Rights and Responsibilities)
- Are not eligible for FMLA leave, because (only one reason need be checked, although you may not be eligible for other reasons):
  - You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately \_\_\_ months towards this requirement.
  - You have not met the FMLA's hours of service requirement.
  - You do not work and/or report to a site with 50 or more employees within 75-miles.

If you have any questions, contact \_\_\_\_\_ or view the FMLA poster located in \_\_\_\_\_.

**[PART B-RIGHTS AND RESPONSIBILITIES FOR TAKING FMLA LEAVE]**

As explained in Part A, you meet the eligibility requirements for taking FMLA leave and still have FMLA leave available in the applicable 12-month period. However, in order for us to determine whether your absence qualifies as FMLA leave, you must return the following information to us by \_\_\_\_\_. (If a certification is requested, employers must allow at least 15 calendar days from receipt of this notice; additional time may be required in some circumstances.) If sufficient information is not provided in a timely manner, your leave may be denied.

- Sufficient certification to support your request for FMLA leave. A certification form that sets forth the information necessary to support your request \_\_\_ is/\_\_\_ is not enclosed.
- Sufficient documentation to establish the required relationship between you and your family member.
- Other information needed (such as documentation for military family leave): \_\_\_\_\_

No additional information requested

CONTINUED ON NEXT PAGE

Form

**EXHIBIT**

16

8-2-21

PENGAD 800-631-6899

If your leave does qualify as FMLA leave you will have the following responsibilities while on FMLA leave (only checked blanks apply):

Contact \_\_\_\_\_ at \_\_\_\_\_ to make arrangements to continue to make your share of the premium payments on your health insurance to maintain health benefits while you are on leave. You have a minimum 30-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.

You will be required to use your available paid  sick, \_\_\_\_\_ vacation, and/or \_\_\_\_\_ other leave during your FMLA absence. This means that you will receive your paid leave and the leave will also be considered protected FMLA leave and counted against your FMLA leave entitlement.

\_\_\_\_ Due to your status within the company, you are considered a "key employee" as defined in the FMLA. As a "key employee," restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us. We  have/  have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us.

\_\_\_\_ While on leave you will be required to furnish us with periodic reports of your status and intent to return to work every \_\_\_\_\_. (Indicate interval of periodic reports, as appropriate for the particular leave situation).

If the circumstances of your leave change, and you are able to return to work earlier than the date indicated on the this form, you will be required to notify us at least two workdays prior to the date you intend to report for work.

If your leave does qualify as FMLA leave you will have the following rights while on FMLA leave:

• You have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period calculated as:  
\_\_\_\_ the calendar year (January – December).

\_\_\_\_ a fixed leave year based on \_\_\_\_\_

the 12-month period measured forward from the date of your first FMLA leave usage.

\_\_\_\_ a "rolling" 12-month period measured backward from the date of any FMLA leave usage.

• You have a right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. This single 12-month period commenced on \_\_\_\_\_

• Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.

• You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. (If your leave extends beyond the end of your FMLA entitlement, you do not have return rights under FMLA.)

• If you do not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; 2) the continuation, recurrence, or onset of a covered servicemember's serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.

• If we have not informed you above that you must use accrued paid leave while taking your unpaid FMLA leave entitlement, you have the right to have \_\_\_\_\_ sick, \_\_\_\_\_ vacation, and/or \_\_\_\_\_ other leave run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements of the leave policy. Applicable conditions related to the substitution of paid leave are referenced or set forth below. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid FMLA leave.

\_\_\_\_ For a copy of conditions applicable to sick/vacation/other leave usage please refer to \_\_\_\_\_ available at: \_\_\_\_\_

\_\_\_\_ Applicable conditions for use of paid leave: \_\_\_\_\_

Once we obtain the information from you as specified above, we will inform you, within 5 business days, whether your leave will be designated as FMLA leave and count towards your FMLA leave entitlement. If you have any questions, please do not hesitate to contact:

Louis Slapnickner \_\_\_\_\_ at 440-256-3332

**PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT**

It is mandatory for employers to provide employees with notice of their eligibility for FMLA protection and their rights and responsibilities. 29 U.S.C. § 2617; 29 C.F.R. § 825.300(b), (c). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**

Designation Notice  
(Family and Medical Leave Act)

U.S. Department of Labor  
Wage and Hour Division



OMB Control Number: 1235-0003

Expires: 8/31/2021

Leave covered under the Family and Medical Leave Act (FMLA) must be designated as FMLA-protected and the employer must inform the employee of the amount of leave that will be counted against the employee's FMLA leave entitlement. In order to determine whether leave is covered under the FMLA, the employer may request that the leave be supported by a certification. If the certification is incomplete or insufficient, the employer must state in writing what additional information is necessary to make the certification complete and sufficient. While use of this form by employers is optional, a fully completed Form WH-382 provides an easy method of providing employees with the written information required by 29 C.F.R. §§ 825.300(c), 825.301, and 825.305(c).

To: Lance Nosse

Date: 04/20/2021

We have reviewed your request for leave under the FMLA and any supporting documentation that you have provided. We received your most recent information on 04/16/2021 and decided:

**Your FMLA leave request is approved. All leave taken for this reason will be designated as FMLA leave.**

The FMLA requires that you notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your leave entitlement:

Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your leave entitlement: 480 Hours

Because the leave you will need will be unscheduled, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

**Please be advised (check if applicable):**

You have requested to use paid leave during your FMLA leave. Any paid leave taken for this reason will count against your FMLA leave entitlement.

We are requiring you to substitute or use paid leave during your FMLA leave.

You will be required to present a fitness-for-duty certificate to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. A list of the essential functions of your position is is not attached. If attached, the fitness-for-duty certification must address your ability to perform these functions.

**Additional information is needed to determine if your FMLA leave request can be approved:**

The certification you have provided is not complete and sufficient to determine whether the FMLA applies to your leave request. You must provide the following information no later than \_\_\_\_\_, unless it is not practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied.  
(Provide at least seven calendar days)

(Specify information needed to make the certification complete and sufficient)

We are exercising our right to have you obtain a second or third opinion medical certification at our expense, and we will provide further details at a later time.

Your FMLA Leave request is Not Approved.

The FMLA does not apply to your leave request.

You have exhausted your FMLA leave entitlement in the applicable 12-month period.

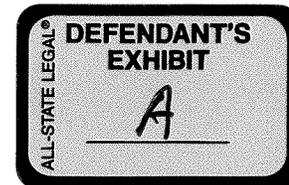
**PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT**

It is mandatory for employers to inform employees in writing whether leave requested under the FMLA has been determined to be covered under the FMLA. 29 U.S.C. § 2617; 29 C.F.R. §§ 825.300(d), (e). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 – 30 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**

---

**From:** Frank Consolo  
**Sent:** Tuesday, July 6, 2021 1:13 AM  
**To:** Matthew A. Lallo; mschulz@kirtlandohio.com; shaymer@kirtlandohio.com;  
jsmolic@kirtlandohio.com; jruple@kirtlandohio.com; jlesnickjr@kirtlandohio.com;  
rlowery@kirtlandohio.com; kwolfe@kirtlandohio.com; kpotter@kirtlandohio.com  
**Cc:** Debbie Rann  
**Subject:** RE: Nosse Retirement

**Importance:** High



Law Director Lallo, Council and Mayor-

I respectfully disagree with your below assessment. My client never tendered a resignation effective July 2, 2021. My client's initial decision to retire was based upon information you and Asst. Law Director Lobe provided us. First it was contingent upon his payout which you provided to us. That original payout had a termination date of May 15. However, when you sent me the final version of the payout on June 30, it was about \$10,000 less than the May 15 payout provided to us. The May 15 payout, upon which my client relied, showed him getting paid out for 480 hours of sick time. That is a significant difference from the buyout you presented last week and was a significant factor in my client choosing not to retire on July 2.

In addition, we discovered on the morning of July 2 that you never provided us with the April 19, 2021 letter from the OPBA which apparently started the witch hunt against my client. Significantly, that letter makes clear that the City and OPBA representatives met on April 16, after my client had been admitted to the hospital for alcoholism, to discuss "objective" complaints against him and procedures to remove him as Chief. Had it been made clear to us that the entire investigation into my client's conduct was the product of self-serving complaints by OPBA members, including now acting-chief Fisher, who took surveillance video of my client and gave certain parts of it to the City, my client's decision to retire would not have occurred.

Further, my client's decision to retire was always contingent upon a mutual release and waiver of claims, especially since Asst. Law Director Lobe made clear on several occasions that the City was looking into possible criminal charges against my client. To that end, you and I tried to work out a satisfactory release on July 1 up to almost midnight. Incredibly to me, and my client, was the fact that the City would not agree to a mutual non-disparagement provision. That refusal also led to my client deciding not to retire as of July 2.

Finally, the July 2 morning edition of a local newspaper had a front page headline that my client was resigning amidst an ongoing investigation. We viewed this headline, which obviously came from the City administration, as defamatory and the City casting my client in a false light. This conduct by the City also caused my client to choose not to retire on July 2.

So at this point, my client is immediately ready, willing and able to return to work from his FMLA leave and resume his duties as the City's rightful Chief of Police. Please advise as to when he should report for duty. If however, the City refuses to allow my client to return to work, and refuses to recognize that he is still employed as Chief, then we will be forced to initiate all appropriate legal actions, including filing a charge of disability discrimination with the EEOC/OCRC; filing a complaint for violation of the FMLA; and filing complaints for defamation and invasion of privacy against the City's officials and employees.

In the event that we are forced to pursue litigation, please put your insurance carrier on notice of this claim. Also each of you are hereby notified to preserve all electronically stored information, copies and backup, as defined by Rule 34 of the Federal Rules of Civil Procedure, along with any paper files which you maintain, relevant to this dispute, wherein Lance Nosse alleges that he has been discriminated against based on his disability, refused FMLA and an appropriate accommodation, and retaliated against through a bogus investigation into his job performance, all beginning in February 2021. Chief Nosse will be seeking in discovery, and through the Ohio Public Records Act, electronic data in your custody and control that is relevant to this action, including without limitation emails, text messages and other information contained on your computer systems, cellular phones and any electronic storage systems. Chief Nosse considers this electronic data and paper files to be valuable and irreplaceable sources of discoverable information in this matter. Chief Nosse places each of you on notice to preserve all documents regarding Chief Nosse's disability, the investigation into his job performance and communications amongst yourselves concerning these issues. Chief Nosse places each of you on notice not to allow the deletion of any electronic communications, such as emails or text messages, relating to this matter. Further Chief Nosse places each of you on notice that he intends to perform a forensic examination of the desktop/laptop computers in the Mayor's office and Police Chief's office, and any other electronic devices that were used by any of you, including lap top computers, smart phones and any and all servers utilized by the City to discover information relating to the City's handling of Chief Nosse's disability and its subsequent retaliatory investigation of his workplace conduct. No procedures should be implemented to alter any active, deleted or fragmented data. Moreover, no electronic data should be disposed of or destroyed.



Frank Consolo  
627 W. St. Clair Avenue – Cleveland, OH 44113  
Tel: (216) 696-5400 – Fax: (216) 696-2610 – Cell: (216) 952-8682

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IRS CIRCULAR 230: Under U.S. Treasury Regulations, we are required to inform you that any tax advice contained in this communication (including any attachment) is not intended to be used, and cannot be used, to avoid penalties imposed under the Internal Revenue Code.

**From:** Matthew A. Lallo <mlallo@lallofeldman.com>  
**Sent:** Saturday, July 3, 2021 4:51 PM  
**To:** Frank Consolo <fconsolo@consololaw.com>  
**Subject:** Nosse Retirement

Dear Atty Consolo,

We have been in communication with you since the early part of June, 2021 wherein you requested some time to determine if your client would retire or face a removal action. You made initial offers which the City rejected and then you offered to have your client resign as of July 2, 2021. I requested

the same in writing which you did provide via written communication of June 17, 2021. The City accepted the resignation, set forth a job search for a new Police Chief, and also issued press releases based upon your client's decision.

As we discussed this was always a two step process. Each step was independent of each other. Initially, he had to affirmatively retire effective July 2, 2021 and then the parties were to enter into a separate, mutual release based upon terms to be agreed to by the parties. The parties' inability to reach an agreement at this time on a mutual release does not negate his retirement.

Further, the City accepted your client's resignation and did not move forward on the removal action based upon your written representation for your client, Chief Nosse. Additionally I sent you a draft of a mutual release because you indicated that you were going to prepare said release, but I did not receive anything from you. So, I took the liberty of drafting the release consistent with our legal agreement.

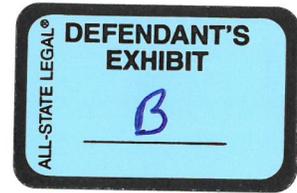
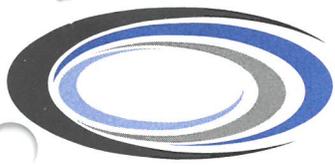
Yesterday, in the late afternoon, I received your surprising telephone communication indicating your client's desire to withdraw his resignation. We received no written communication from you. The attempt to withdraw his resignation is a moot point because the City has already processed his retirement and did not go forward with the removal hearing based upon your express written representations. As such, Mr. Nosse's employment with the City of Kirtland has ceased, effective July 2, 2021. If your client would like to revisit and sign the mutual release that I had drafted and sent to you, please let me know as we have a limited window from which we can attain an agreement.

Best regards,

**Matthew A. Lallo**  
*Attorney*

Lallo & Feldman Co., LPA  
4230 State Route 306, Suite 240  
Willoughby, Ohio 44094  
Tel: (440) 953-0362  
Fax: (440) 953-1427  
[www.LalloFeldman.com](http://www.LalloFeldman.com)

Sent from my iPhone



July 12, 2021

*Sent via email to Mayor and Councilpersons*

Mayor Potter and Council  
City of Kirtland  
9301 Chillicothe Rd.  
Kirtland, OH 44094

Re: Police Chief Nosse Termination Hearing

Dear Mayor Potter and Council:

This letter responds to the Mayor's letter of alleged charges against my client, Police Chief Lance Nosse, dated July 7, 2021, concerning the above-captioned matter. My client never received this letter of alleged charges against him. I never received a copy of the letter until the afternoon of Thursday, July 8, 2021. As the Mayor and the Law Director were aware, I was in a jury trial all last week which did not end until Friday afternoon.

The notification of charges and the scheduling of a termination hearing for Monday, July 12, with only 1 ½ business days' notice, is highly prejudicial and unfair to my client and a violation of his right to due process.

The Mayor's letter claims that the termination hearing is being conducted pursuant to R.C. 733.35 *et seq.* Presumably, that is his reason for scheduling the termination hearing with so little notice and opportunity to prepare.

Certainly, the City knows, however, that R.C. Sections 733.35 and 733.36 apply only to "villages", **not to "cities" such as Kirtland.** *State ex rel. Prentice v. Middleburg Heights, 12 Ohio App. 2d 59, 60, 231 N.E.2d 85, 86-87 (1967).* Accordingly, the time requirement that Council hear the charges at its next regular Council meeting, specified in R.C. 733.36, does not apply. Therefore, I respectfully request that the hearing set by the Mayor for tonight, without Council authorization, be immediately cancelled thereby affording my client his right to due process to adequately prepare a defense to the charges the Mayor has alleged against him and to clear his name.<sup>1</sup>

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<sup>1</sup> Please note that if tonight's Council meeting to hear the Mayor's charges against my client and to act on the Mayor's request for termination, is not cancelled and moves forward, then my client demands that the hearing be conducted in public, and not in executive session, pursuant to R.C. 121.22(G)(1).

If the hearing moves forward, please be advised that my client will immediately initiate appropriate legal proceedings to remedy this action by the Mayor and Council depriving my client of his constitutional and civil right to due process in defending himself against the Mayor's charges, as well as depriving him of his civil right to a name-clearing hearing to address the false and defamatory information Mayor Potter created and disseminated about him to the public. *See, Kiser v. Lowe, 236 F. Supp. 2d 872, 878 (S.D. Ohio 2002).*

In order to be able to prepare a defense to the Mayor's charges against him, we demand that the City provide us with all evidence relating to the charges. With regard to charges no. 1 and 6, please identify who alleged the Chief consumed alcohol prior to driving and operated a city-issued motor vehicle with an open container on April 13-14, 2021. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

With regard to charge no. 2, we demand that the City provide us with all evidence that Chief Nosse created an environment at the Police Department that brings the Department in disrepute, reflects discredit upon himself as a member of the Police Department, and impairs the operation and efficiency of the Department. Include all evidence showing the frequent use of vulgar hand gestures, vulgar language, verbal abuse (yelling, providing mean-spirited comments), sexual comments, gender comments, LGBTQ comments, and racial comments are all unbecoming conduct. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

With regard to charge no. 3, we demand that the City provide us with all evidence that Chief Nosse failed to maintain a level of moral conduct both in his personal and business affairs that brings disrepute to the Department. In addition to the above, provide all evidence that Chief Nosse lied to both the Mayor and his staff as it relates to the use of his cell phone and a "sergeant's phone". Also, please provide all evidence that Chief Nosse destroyed what may have been a public record, in violation of Ohio's Public Records Law, including the City's policies and/or ordinances pertaining to retention of public records by its employees. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

With regard to charges nos. 4 and 5, we demand that the City provide us with all evidence that Chief Nosse engaged in activity or personal business that caused him to neglect or be inattentive to the City, including evidence showing frequent trips leaving the City for several hours during the workday for personal business and that said absences caused him to be inattentive to the City, and that he left not only his post, but the City during normal business

hours for no municipal purpose. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

With regard to charge no. 7, we demand that the City provide us with all evidence that Chief Nosse used alcohol while off duty to the extent that it resulted in impairment, obnoxious or offensive behavior which not only discredits him but the Department, or rendered him unfit for his next shift. Include all evidence relating to the night of April 13-14, 2021, as well as other times you claim that his use of alcohol impaired his ability and rendered him unfit for his next shifts. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

With regard to charge no. 8, we demand that the City provide us with all evidence that Chief Nosse misused his City-issued cellular telephone and later misappropriated a “sergeant’s phone” for personal use, including cell phone distribution and usage policies. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

With regard to charge no. 9, we demand that the City provide us with all evidence that Chief Nosse failed to report damage to his City-issued vehicle, including records of damage reported to the City for all other City-vehicles from 2019 to the present. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

With regard to charge no. 10, we demand that the City provide us with all evidence that Chief Nosse lied to the Mayor when being questioned regarding the use of the City-issued vehicle and to his staff about the use of the “sergeant’s phone”. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

With regard to charges no. 11 and 13, we demand that the City provide us with all evidence that Chief Nosse made various statements or comments to subordinates that constitute harassment (sexual, ethnic and racial) and explicitly and/or implicitly ridiculed, mocked, derided, or belittled subordinates, including copies of complaints made by the subordinates and the

personnel files for all subordinates. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

With regard to charge no. 12, we demand that the City provide us with all evidence that Chief Nosse deleted records that should have been maintained in accordance with the Ohio Public Records laws, including identification of such records and the City's policies or ordinances concerning retention of public records by its employees. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

Finally, we demand all evidence relating to complaints made against Chief Nosse by the Ohio Patrolman's Benevolent Association ("OPBA" or "Police Union") and by former and current members of the Kirtland Police Department, including the initial complaints made in February 2021. This includes all communications with the Police Union's attorneys, including Adam Chaloupka, and current "acting-Chief Jamey Fisher and former Sgt. Jamie Tavano. We further demand the personnel files of Jamey Fisher, Jamie Tavano, and all disciplinary proceedings against each of them.

For the benefit of Council, and to provide some context, we request such evidence because this is not the first time that the OPBA has initiated complaints, at the behest of its members, against Kirtland's Police Chief, in order to get the Chief removed and one of its members installed as the new Chief. This will be the first time, however, that a Kirtland Mayor will have allowed himself to be manipulated by the OPBA and its members and conspire with them to remove the City's Chief.

Back on February 12, 2021, Adam Chaloupka, OPBA General Counsel, sent an email to the City claiming that it had come to his attention from multiple OPBA bargaining unit members that they, and consequently, himself were concerned about Chief Nosse's health and well-being based on suspected alcohol use while on and off duty.

Now, given that Mayor Potter is a self-acknowledged recovering alcoholic, one would think that he would have taken steps to immediately consult with the Chief on these claims and place the Chief on Family and Medical Leave to obtain a medical evaluation. No-he did not. Instead, shortly after the February 12 email from the OPBA, the Mayor warned the Chief to "stop drinking in the City" and to "stop going out with, or to the houses of Councilmembers to drink with them after meetings". The Law Director at least went a bit further, and because he regarded the claims of alcohol abuse as credible, he suggested a counselor for the Chief to contact regarding alcohol abuse.

Then, on the morning of April 16, 2021, Chief Nosse made the decision that he needed to seek medical treatment for what he suspected was an alcoholism disability. Chief admitted himself into Lutheran Hospital on the morning of Friday, April 16. He then was released from Lutheran on April 18 and transmitted to treatment facility, Highland Springs, where he stayed until April 23. On April 23 he was moved from Highland Springs to Prosperity Haven, where he stayed until May 29, 2021. Thereafter, he was released and began individual therapy with a counselor and began attending regular AA meetings.<sup>2</sup>

After Chief Nosse was admitted to the hospital on the morning of April 16, the OPBA held a meeting with Asst. Law Director Tom Lobe and the Mayor. Not so coincidentally, the OPBA all of a sudden had “objective” evidence for the Mayor to use against Chief Nosse and demanded the Mayor remove him as Chief. This “objective” evidence included personal videos from Sgt. Fisher’s home surveillance system from the night of April 13 when the Chief, with Fisher’s approval, stopped over Fisher’s house. After failing to provide any “objective” evidence since February 12 Fisher and the OPBA suddenly provided these videos to the Mayor and Lobe- on the same day Chief Nosse admits he has a disability and checks into the hospital. Oh, and by the way, the Mayor names Fisher the “acting Chief” at this time.

As I said before, this is not the first time the OPBA, and its members have tried to force a Mayor to remove a Chief. Back in 2002-2003, then Sgt. Jamie Tavano<sup>3</sup> made complaints against then Chief Baumgart of fraud and theft in office and conspired with the OPBA to get Chief Baumgart removed and Tavano installed as the new Chief. Upon investigation of Tavano’s complaints, which he brought with the help of OPBA attorney Kevin Powers, it was determined that they were completely false and unfounded. The OPBA told then Mayor Podojil that Tavano would not stop until Chief Baumgart was fired. Mayor Podojil told OPBA attorney Powers to “get the f\*\*\* out of my office”.

Several years later, in 2013-14, Tavano, with the assistance of the OPBA again tried to get Chief Baumgart removed. This time Tavano encouraged a part-time patrol officer to lodge an unfair labor complaint with the State Employment Relations Board (“SERB”) against Chief Baumgart for refusing to allow him to work full-time hours. Tavano also alleged that Chief Baumgart had retaliated against him by placing Tavano on midnight shift. Once again, the evidence showed that the complaints against Chief Baumgart were completely false and

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<sup>2</sup> Please note that not until I was retained to protect the Chief’s rights did the City offer, or place him on, FMLA leave. The City granted Chief Nosse 480 hours of FMLA beginning April 16, 2021. That meant that the Chief was on protected FMLA leave through July 9, 2021.

<sup>3</sup> Tavano and Jamey Fisher have been friends since at least 1998. In 1998, Fisher, then a Kirtland Patrol officer, was fired for entering a resident’s house and arresting the resident without probable cause and without a warrant. Tavano was the Police Union steward and with the OPBA was able to get Fisher his job back, convincing an arbitrator that Fisher did not have enough training. Furthermore, Mayor Potter and Tavano apparently are friends. In a September 25, 2019 YouTube campaign interview the Mayor did with Team IBB, at time index 6:41, Tavano is acknowledged as being present for the interview and given a “shout out”.

unfounded. Sgt. Tavano, with the approval of Mayor Davidson faced charges and was demoted to patrol officer.

Now this time it is Tavano's buddy, Jamey Fisher, who has enlisted the aid of the OPBA, and is leveling false and unfounded charges against a Kirtland Police Chief in the hopes of being named the new Chief. The difference this time is that Mayor Potter, unlike his successors, is being controlled by the OPBA and its bargaining unit members and is complicit in this witch hunt against Chief Nosse.

Even worse, however, is that Mayor Potter, and Council, if it joins in this effort to remove Chief Nosse, will have completely disregarded Chief Nosse's rights under the Americans With Disabilities Act ("ADA") and retaliated against him for invoking his rights under the ADA.

Consequently, it is imperative that Chief Nosse and I be provided with all of the foregoing requested evidence, as well as an opportunity to interview those individuals alleging misconduct by Chief Nosse, in order to prepare and present a complete defense to the Mayor's charges. Therefore, in the interest of justice, due process and my client's constitutional and civil rights, the July 12, 2021 termination hearing must be postponed.

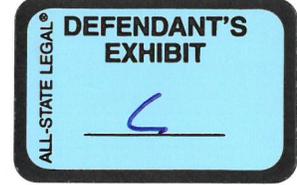
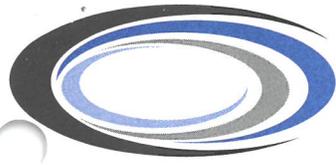
Sincerely,



Frank Consolo

FC/dr

c: Law Director Lallo



July 20, 2021

*Sent via email (mlallo@lallofeldman.com)*

Law Director Matthew A. Lallo  
City of Kirtland  
9301 Chillicothe Rd.  
Kirtland, OH 44094

Re: Police Chief Nosse August 2 Termination Hearing

Dear Law Director Lallo:

This letter requests information to allow me to prepare a defense to the Mayor's July 7, 2021 letter of alleged charges against my client, Police Chief Lance Nosse, which charges will be heard by Council at its August 2 meeting.

With regard to charges no. 1 and 6, please identify who alleged the Chief consumed alcohol prior to driving and operated a city-issued motor vehicle with an open container on April 13-14, 2021. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

With regard to charge no. 2, please provide all evidence that Chief Nosse created an environment at the Police Department that brings the Department in disrepute, reflects discredit upon himself as a member of the Police Department, and impairs the operation and efficiency of the Department. Include all evidence showing the frequent use of vulgar hand gestures, vulgar language, verbal abuse (yelling, providing mean-spirited comments), sexual comments, gender comments, LGBTQ comments, and racial comments are all unbecoming conduct. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

With regard to charge no. 3, please provide all evidence that Chief Nosse failed to maintain a level of moral conduct both in his personal and business affairs that brings disrepute to the Department. In addition to the above, provide all evidence that Chief Nosse lied to both the Mayor and his staff as it relates to the use of his cell phone and a "sergeant's phone". Also, please provide all evidence that Chief Nosse destroyed what may have been a public record, in

violation of Ohio's Public Records Law, including the City's policies and/or ordinances pertaining to retention of public records by its employees. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

With regard to charges nos. 4 and 5, please provide all evidence that Chief Nosse engaged in activity or personal business that caused him to neglect or be inattentive to the City, including evidence showing frequent trips leaving the City for several hours during the workday for personal business and that said absences caused him to be inattentive to the City, and that he left not only his post, but the City during normal business hours for no municipal purpose. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

With regard to charge no. 7, please provide all evidence that Chief Nosse used alcohol while off duty to the extent that it resulted in impairment, obnoxious or offensive behavior which not only discredits him but the Department, or rendered him unfit for his next shift. Include all evidence relating to the night of April 13-14, 2021, as well as other times you claim that his use of alcohol impaired his ability and rendered him unfit for his next shifts. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

With regard to charge no. 8, please provide all evidence that Chief Nosse misused his City-issued cellular telephone and later misappropriated a "sergeant's phone" for personal use, including cell phone distribution and usage policies. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

With regard to charge no. 9, please provide all evidence that Chief Nosse failed to report damage to his City-issued vehicle, including records of damage reported to the City for all other City-vehicles from 2019 to the present. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

With regard to charge no. 10, please provide all evidence that Chief Nosse lied to the Mayor when being questioned regarding the use of the City-issued vehicle and to his staff about

the use of the “sergeant’s phone”. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

With regard to charges no. 11 and 13, please provide all evidence that Chief Nosse made various statements or comments to subordinates that constitute harassment (sexual, ethnic and racial) and explicitly and/or implicitly ridiculed, mocked, derided, or belittled subordinates, including copies of complaints made by the subordinates and the personnel files for all subordinates. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

With regard to charge no. 12, please provide all evidence that Chief Nosse deleted records that should have been maintained in accordance with the Ohio Public Records laws, including identification of such records and the City’s policies or ordinances concerning retention of public records by its employees. Please identify the individual(s) making the allegations and indicate whether the individual(s) making the allegations were interviewed by the City, when interviewed, who interviewed, the substance of the statements made, and the efforts made by the City to corroborate any such statements. Please provide copies of any such statements or notes relating to such statements.

Finally, please provide all evidence relating to complaints made against Chief Nosse by the Ohio Patrolman’s Benevolent Association (“OPBA” or “Police Union”) and by former and current members of the Kirtland Police Department, including the initial complaints made in February 2021. This includes all communications with the Police Union’s attorneys, including Adam Chaloupka, and current “acting-Chief Jamey Fisher and former Sgt. Jamie Tavano. We further request the personnel files of Jamey Fisher, Jamie Tavano, and all disciplinary proceedings against each of them.

Please promptly provide all requested information and records within at least one week of the date of this letter so that we may adequately prepare for the August 2 termination hearing.

Sincerely,



Frank Consolo

FC/dr  
c: Chief Nosse

## Frank Consolo

---

**From:** Matthew A. Lallo <mlallo@lallofeldman.com>  
**Sent:** Friday, July 30, 2021 5:55 PM  
**To:** Frank Consolo  
**Cc:** Debbie Rann; Lance Nosse  
**Subject:** Re: Response to 7/20/21 Letter Re: Chief Nosse

Mr. Consolo:

Council hasn't denied any request. According to the statute, the purpose of R.C. 733.38 is to investigate charges. Should there have been a need during its investigation, Council has the discretion to pass an ordinance issuing a subpoena and commanding a person to testify.

As you know from the statute, the only way Council can exercise this discretionary authority is to pass an ordinance authorizing the same. Ordinances must be passed in an open meeting. The last public meeting occurred on July 12th when you were present and attended the hearing addressing the Chief's termination. After that hearing was continued on your request, a couple motions were raised pursuant to R.C. 733.35 et seq. and were addressed by Council. To the best of my knowledge, no request for a subpoena was made at that time. Unfortunately, there have been no public meetings since.

### Matthew A. Lallo

*Attorney*

Lallo & Feldman Co., LPA  
[4230 State Route 306, Suite 240](#)  
[Willoughby, Ohio 44094](#)  
Tel: [\(440\) 953-0362](#)  
Fax: [\(440\) 953-1427](#)  
[www.LalloFeldman.com](#)

Sent from my iPad

On Jul 30, 2021, at 4:54 PM, Frank Consolo <fconsolo@consololaw.com> wrote:

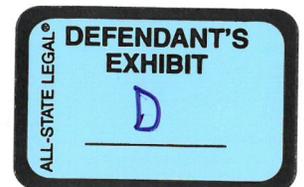
Law Director-

I have not received a response to my below request for subpoenas. For the record, is Council denying the request?

<image001.png>

<image002.gif>

Frank Consolo  
627 W. St. Clair Avenue – Cleveland, OH 44113



Tel: (216) 696-5400 – Fax: (216) 696-2610 – Cell: (216) 952-8682

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IRS CIRCULAR 230: Under U.S. Treasury Regulations, we are required to inform you that any tax advice contained in this communication (including any attachment) is not intended to be used, and cannot be used, to avoid penalties imposed under the Internal Revenue Code.

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**From:** Frank Consolo  
**Sent:** Thursday, July 29, 2021 3:33 PM  
**To:** Matthew A. Lallo <mlallo@lallofeldman.com>  
**Cc:** 'Debbie Rann' <drann@consololaw.com>; Lance Nosse <noss1990@live.com>  
**Subject:** RE: Response to 7/20/21 Letter Re: Chief Nosse  
**Importance:** High

Law Director Lallo-

The City, over my objection, maintains that the Chief's termination hearing is governed by R.C. 733.35-733.39. Given the City's position then it is incumbent on the Council, pursuant to R.C. 733.38, to provide and issue subpoenas. Please advise as soon as possible.

**§ 733.38 Power of legislative authority as to process.**

For the purpose of investigating charges filed pursuant to section 733.35 of the Revised Code against the head of any department or officer, the legislative authority of a municipal corporation may issue subpoenas or compulsory process to compel the attendance of persons and the production of books and papers before it, and such legislative authority may provide by ordinance for exercising and enforcing this section.

<image001.png>

<image002.gif>

Frank Consolo  
627 W. St. Clair Avenue – Cleveland, OH 44113  
Tel: (216) 696-5400 – Fax: (216) 696-2610 – Cell: (216) 952-8682

This transmission contains confidential information which may be subject to the attorney-client privilege or otherwise protected against unauthorized use. Any disclosure, distribution, copying or use of the information by anyone other than the intended recipient is strictly prohibited.

IRS CIRCULAR 230: Under U.S. Treasury Regulations, we are required to inform you that any tax advice contained in this communication (including any attachment) is not intended to be used, and cannot be used, to avoid penalties imposed under the Internal Revenue Code.

---

**From:** Matthew A. Lallo <[mlallo@lallofeldman.com](mailto:mlallo@lallofeldman.com)>  
**Sent:** Tuesday, July 27, 2021 5:05 PM  
**To:** Frank Consolo <[fconsolo@consololaw.com](mailto:fconsolo@consololaw.com)>  
**Subject:** RE: Response to 7/20/21 Letter Re: Chief Nosse

Mr. Consolo:

I am sorry that you are not satisfied with the response, but this is not a criminal or civil action. As it relates to the subpoenas, I'd suggest you draw up the subpoena and have the Clerk of Council sign it. Then you can have it served by any means as outlined in the Civil Rules.

- Matt

**Matthew A. Lallo**  
*Attorney*

Lallo & Feldman Co., LPA  
4230 State Route 306, Suite 240  
Willoughby, Ohio 44094  
Tel: (440) 953-0362  
Fax: (440) 953-1427  
[www.LalloFeldman.com](http://www.LalloFeldman.com)

<image003.jpg>

---

**From:** Frank Consolo <[fconsolo@consololaw.com](mailto:fconsolo@consololaw.com)>  
**Sent:** Tuesday, July 27, 2021 1:53 PM  
**To:** Matthew A. Lallo <[mlallo@lallofeldman.com](mailto:mlallo@lallofeldman.com)>  
**Cc:** Debbie Rann <[drann@consololaw.com](mailto:drann@consololaw.com)>; Lance Nosse <[noss1990@live.com](mailto:noss1990@live.com)>  
**Subject:** RE: Response to 7/20/21 Letter Re: Chief Nosse  
**Importance:** High

Law Director Lallo-

Your response is inadequate and deprives my client of his due process rights. We have asked you to specifically identify each individual who made allegations against Chief Nosse and specifically provide a summary of what they alleged. The only person specifically identified with a summary of their allegation is Sgt. LaTurner. Merely reiterating the witnesses you intend to call does not give my client adequate notice of his other accusers and the allegations they make against him, which allegations the Mayor deemed sufficient to recommend the Chief's termination. Please provide this specific information.

Also, please respond to my inquiry about the Council issuing subpoenas.

<image001.png>

<image002.gif>

Frank Consolo  
627 W. St. Clair Avenue – Cleveland, OH 44113  
Tel: (216) 696-5400 – Fax: (216) 696-2610 – Cell: (216) 952-8682

This transmission contains confidential information which may be subject to the attorney-client privilege or otherwise protected against unauthorized use. Any disclosure, distribution, copying or use of the information by anyone other than the intended recipient is strictly prohibited.

IRS CIRCULAR 230: Under U.S. Treasury Regulations, we are required to inform you that any tax advice contained in this communication (including any attachment) is not intended to be used, and cannot be used, to avoid penalties imposed under the Internal Revenue Code.

---

**From:** Matthew A. Lallo <[mlallo@lallofeldman.com](mailto:mlallo@lallofeldman.com)>  
**Sent:** Tuesday, July 27, 2021 1:29 PM  
**To:** Frank Consolo <[fconsolo@consololaw.com](mailto:fconsolo@consololaw.com)>  
**Subject:** Response to 7/20/21 Letter Re: Chief Nosse

Mr. Consolo,

I am in receipt of your letter dated July 20 requesting additional information including numerous requests about evidence, witness statements, interviews, etc. As I'm sure you're aware, R.C. 733.35 only requires that the Chief be provided with "written charges...setting forth in detail a statement of alleged guilt". The City has already provided those written charges and the detailed statement of alleged guilt in the Mayor's letter dated July 7. In addition, because this is not a court proceeding, the City is under no obligation to provide any additional information (i.e., discovery, witness lists, exhibit lists, etc.). Nonetheless, the City has in fact provided you with all "discovery" on May 19th. Additionally, the City provided to you on July 7 a detailed listing of the charges along with a witness list and exhibits that the City plans to introduce at the administrative hearing. To date, the City has made every effort to provide you with all documents and evidence it currently has in its possession. Furthermore, per that July 7 letter, the City reserved its right to call additional witnesses should the need arise. In an effort to go above and beyond, I wanted to inform you that Sgt. Eric LaTurner will testify as well.

When reviewing your letter, the first request for each charge is to provide you with all evidence of the various violations. Said evidence has either already been provided to you in the form of a video, photo, or other documentation. In some instances, said evidence will be introduced at hearing via oral testimony of various witnesses. There are no witness statements, affidavits, or anything of the like.

With regard to charges 1 and 6, the following persons may be called to testify that the Chief was in violation of said policies on April 13-14: Kelly Wolfe, Sgt. Jamey Fisher, Wayne Baumgart, Chief Hutton, and Mayor Potter. Additionally, Sgt. Eric LaTurner will testify to the same violations but from a prior incident after a Council meeting wherein both the Chief and Ms. Wolfe consumed alcohol in the Chief's office and the Chief later drove his city-issued vehicle home.

With regard to charge number 2, the following persons may be called to establish this violation: Amy Buchanan, Cindy Gabor, Wayne Baumgart, Chief Hutton, Cassia Phillips, Jose Carrillo, Sgt. LaTurner, Sgt. Fisher, and Mayor Potter.

With regard to charge number 3, the following persons may be called to establish this violation: Amy Buchanan, Cindy Gabor, Wayne Baumgart, Chief Hutton, Cassia Phillips, Jose Carrillo, Sgt. LaTurner, Sgt. Fisher, and Mayor Potter.

With regard to charge number 4, the following persons may be called to establish this violation: Kelly Wolfe, Amy Buchanan, Cindy Gabor, Wayne Baumgart, Chief Hutton, Cassia Phillips, Jose Carrillo, Sgt. LaTurner, Sgt. Fisher, and Mayor Potter.

With regard to charge number 5, the following persons may be called to establish this violation: Amy Buchanan, Cindy Gabor, Wayne Baumgart, Chief Hutton, Sgt. LaTurner, Sgt. Fisher, and Mayor Potter.

With regard to charge number 7, the following persons may be called to establish this violation: Kelly Wolfe, Amy Buchanan, Cindy Gabor, Wayne Baumgart, Chief Hutton, Cassia Phillips, Sgt. LaTurner, Sgt. Fisher, and Mayor Potter.

With regard to charge number 8, the following persons may be called to establish this violation: Amy Buchanan, Cindy Gabor, Teresa Szary, Sgt. LaTurner, Sgt. Fisher, and Mayor Potter.

With regard to charge number 9, the following persons may be called to establish this violation: Sgt. LaTurner, Sgt. Fisher, and Mayor Potter.

With regard to charge number 10, the following persons may be called to establish this violation: Amy Buchanan, Cindy Gabor, Teresa Szary, Sgt. LaTurner, Sgt. Fisher, and Mayor Potter.

With regard to charge number 11, the following persons may be called to establish this violation: Amy Buchanan, Cindy Gabor, Cassia Phillips, Sgt. LaTurner, Sgt. Fisher, and Mayor Potter.

With regard to charge number 12, the following persons may be called to establish this violation: Teresa Szary and Mayor Potter.

With regard to charge number 13, the following persons may be called to establish this violation: Amy Buchanan, Cindy Gabor, Cassia Phillips, Sgt. Fisher, and Mayor Potter.

Within your last paragraph, you had requested all communication regarding the February 2021 concern with the OPBA. You have already been provided those communications. Lastly, pursuant to your request, I am currently in the process of compiling your record request for the personnel files of Jamey Fisher and Jamie Tavano along with the relevant disciplinary proceedings. As soon as that is ready, I will send you a Dropbox link with said documents.

I trust that this letter adequately addresses all of your requests in preparation for the August 2 hearing. Please do not hesitate to contact me with any other questions or concerns as it relates to this matter.

Best regards,

**Matthew A. Lallo**  
*Attorney*

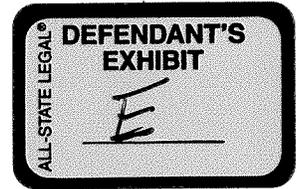
Lallo & Feldman Co., LPA  
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Willoughby, Ohio 44094  
Tel: (440) 953-0362  
Fax: (440) 953-1427  
[www.LalloFeldman.com](http://www.LalloFeldman.com)

<image003.jpg>

**Matthew A. Lallo**

---

**From:** Matt Lallo  
**Sent:** Wednesday, February 17, 2021 4:57 PM  
**To:** 'Adam Chaloupka'  
**Subject:** RE: Confidential - OPBA Concern



Adam,

I wanted to let you know that I've had an opportunity to sit down with the chief and discuss the below concerns. He was very appreciative of the members' concern for his health and well-being and was very honest with me as it relates to his current issues. I gave him a few different contacts for him and suggested he reach out to one of those professionals for assistance. He was very receptive of the suggestion and indicated that he will proceed in that fashion.

Please feel free to contact me if you'd like more information or to discuss.

Best,

Matt Lallo

Matthew A. Lallo  
Lallo & Feldman Co., LPA

Phone: (440) 953-0362  
Fax: (440) 953-1427  
Email: [www.LalloFeldman.com](http://www.LalloFeldman.com)

4230 State Route 306, Suite 240  
Willoughby, Ohio 44094

[www.LalloFeldman.com](http://www.LalloFeldman.com)

-----Original Message-----

**From:** Adam Chaloupka <[achaloupka@opba.com](mailto:achaloupka@opba.com)>  
**Sent:** Friday, February 12, 2021 1:01 PM  
**To:** Matthew Lallo <[mlallo@lallofeldman.com](mailto:mlallo@lallofeldman.com)>  
**Subject:** Confidential - OPBA Concern

Matt,

Unfortunately, it has come to my attention from multiple OPBA bargaining unit(s) members that they, and consequently, myself are concerned about the Police Chief Lance Nosse's health and well-being.

While there is no known evidence of alcohol use or abuse while on duty, I have been told of several instances where off-duty drinking may have or may start to have an impact on his ability to effectively perform his duties and represent the City of Kirtland. And that this may have been exacerbated by events in his personal life.

I am able to provide more specific details upon request, but the OPBA and its member officers at the City of Kirtland have confided in me and wish to remain anonymous. Furthermore we ask that this notification to you remain confidential.

We also hope this notification serves as the first step to benefit the Chief's health and well-being so that the appropriate steps can be taken to confidentially investigate, and if necessary, help the Chief obtain any help deemed necessary. We only wish the he can continue to effectively lead the Kirtland Police Department and stay healthy.

Thank you,

Adam Chaloupka  
OPBA Attorney

Sent from my iPhone

**From: Kevin Potter** KPotter@kirtlandohio.com  
**Subject: Leave of Absence**  
**Date: Apr 16, 2021 at 21:00:44**  
**To: Lance Nosse** lnosse@kirtlandpolice.com  
**Cc: Matthew Lallo** mlallo@lallofeldman.com,  
**tomlobe@yahoo.com**

**Lance,**

Pursuant to our conversation, you have agreed to take a leave of absence for personal and medical reasons. While you focus on your health and well-being, and until otherwise approved by me, I am requesting that you do not contact any employee of the City of Kirtland and that you do not enter onto the premises of any City of Kirtland property.

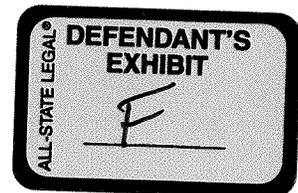
At this time, I am authorizing you to use your accrued sick time to remain on the City's payroll. Additionally, please confirm receipt and approval of the contents of this email via a responsive email back to me.

Please use this time to take care of yourself and your family and know that my prayers are with you all.

Thank you.

Kevin

Kevin Potter  
Mayor - City of Kirtland, Ohio  
440-429-0253



From: Lance Nosse Inosse@kirtlandpolice.com  
Subject: Re: Leave of Absence  
Date: Apr 17, 2021 at 10:44:27  
To: Kevin Potter KPotter@kirtlandohio.com  
Cc: Matthew Lallo mlallo@lallofeldman.com,  
tomlobe@yahoo.com

---

Mayor,

I acknowledge this email as my official request for a medical leave of absence. I understand the guidance set-forth in your email and correspondence. I truly appreciate the help you have provided me and my family and I look forward to a speedy recovery. Thank you for your understanding and consideration.

Regards,  
Lance R. Nosse

On Apr 16, 2021, at 21:00, Kevin Potter  
<[KPotter@kirtlandohio.com](mailto:KPotter@kirtlandohio.com)> wrote:

Lance,

Pursuant to our conversation, you have agreed to take a leave of absence for personal and medical reasons. While you focus on your health and well-being, and until otherwise approved by me, I am requesting that you do not contact any employee of the City of Kirtland and that you do not enter onto the premises of any City of Kirtland property.



City of Kirtland



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Kirtland residents regarding Department Leadership:

City of Kirtland

9301 Chillicothe Road  
Kirtland, Ohio 44094

City of Faith and Beauty

(440) 256-3332

Fax (440) 256-9301

www.kirtlandohio.com

**Memo:**

April 17<sup>th</sup>, 2021

**From:** Mayor Kevin Potter

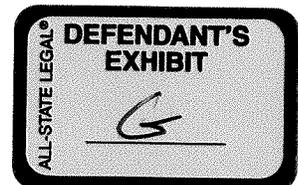
**Subject:** Department Leadership

Due to personal and medical issues, Chief Nosse has taken a leave of absence from the City of Kirtland effective April 16, 2021. Pursuant to the collective bargaining agreement, Sgt. Jamey Fisher has been designated as the Executive Officer of the Kirtland Police Department and will perform the duties of the Chief of Police in the Chief's absence. Sgt. Fisher will serve in this role for an undetermined period of time.

Additionally, in light of serious and troubling information brought to my attention late Friday, I am requesting an independent investigation related to the conduct of an individual within the Kirtland Police Department. My administration is committed to the utmost transparency and will keep our employees and community apprised as information is made legally available. Please be advised that any and all questions should be directed to the City of Kirtland's legal department.

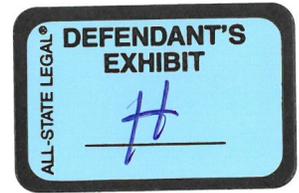
As Mayor and Safety Director of the City of Kirtland, I want to ensure our employees and residents that the integrity of any City Department and the safety of our citizens is and will remain my administration's top priority.

Thank you.





REPRESENTING OHIO'S FINEST



## OHIO PATROLMEN'S BENEVOLENT ASSOCIATION

800-457-4190

www.opba.com

800-457-4190

April 19, 2021

Thomas G. Lobe, Esq.  
Assistant Law Director  
City of Kirtland  
323 W. Lakeside Ave, Suite 210  
Cleveland, Ohio 44133

RE: Lance Nosse, Chief of Police

**\*\*\*PRIVATE AND  
CONFIDENTIAL\*\*\***

Mr. Lobe,

Please let this letter serve as a follow-up to our in-person meeting on April 16, 2021.

As you know the Ohio Patrolmen's Benevolent Association ("OPBA"), on behalf of its members within the City of Kirtland Police Department, sent an e-mail to City of Kirtland Law Director Matthew A. Lallo, Esq, on February 12, 2021, concerned for health and well-being of Police Chief Lance Nosse. This email addressed possible alcohol abuse and other personal matters that could potentially affect Chief Nosse's job duties. At the time, our concern was based only upon hearsay and speculation, but we believed it was serious enough to warrant notice to the City of Kirtland.

Additionally, you now know the OPBA obtained "objective" evidence this past week. Such evidence, specifically, privately owned and maintained surveillance audio and video, elevated our prior concerns for the need to directly inform the City of Kirtland of its contents. As such, at our meeting you were advised of the full nature and scope of our concerns related to Chief Nosse's ability to continue as police chief. There the OPBA permitted the viewing of the surveillance video in question, as well as informed you of the following:

- The attendance and availability of Chief Nosse during his scheduled work days. That his time sheets and ID badge recorded swipes should be reviewed.
- A review of the "Flock" camera system utilized by the City of Kirtland and surrounding communities to determine the whereabouts of the city-owned vehicle he uses for both personal and official use during business hours.
- The need for the examination of the exterior and interior of the city-owned vehicle. As well as, the interior of Chief Nosse's office at the City of Kirtland Police Department.

**CLEVELAND OFFICE:**

10147 Royalton Road, Suite J  
P.O. Box 338003  
North Royalton, Ohio 44133  
440-237-7900 • FAX: 440-237-6446

**COLUMBUS OFFICE:**

92 Northwoods Blvd.  
Suite B2  
Columbus, Ohio 43235  
614-888-7901 • FAX: 614-888-7906

**TOLEDO OFFICE:**

405 Madison Ave.  
Suite 1000  
Toledo, Ohio 43604  
419-242-1400 • FAX: 419-246-5764

- The use of a city owned iPhone for the Chief Nosse’s personal affairs. As well as, the use of the “Sergeant’s” flip-phone for the Chief’s personal affairs.
- Certain remarks by Chief Nosse of an inappropriate racial and sexual nature made in the presence of OPBA member officers.
- The possibility that Chief Nosse *himself* falsified training documents and certifications for *himself* where he did not actually attend or perform the required departmental training.

Earlier this morning, I provided you—in your mailbox at your downtown Cleveland office—with a flash drive containing seven (7) different files that are “clipped” from approximately six hours of private surveillance audio and video recorded from April 13 to April 14, 2021. The OPBA determined that these files are the most relevant to our reported concerns involving the Chief’s alcohol abuse. The files contain Chief Nosse, his city-provided vehicle, and an individual not associated with the City of Kirtland Police Department at a location outside of the City of Kirtland.

All of our member officer(s) with direct and indirect knowledge of this situation share the OPBA’s genuine concern for Chief Nosse’s health and wellbeing. Further, we hope he gets the help he so desperately needs.

However, the interests of our member officers come first. At this time the OPBA does not believe that Lance Nosse is currently fit to continue as Chief of Police for the City of Kirtland. His actions jeopardize the City of Kirtland and its police department’s integrity in the community. Now, having obtained and learned of this “objective” evidence, the OPBA and our member officers have an obligation to provide this information to the City of Kirtland. We cannot risk Chief Nosse’s actions causing damage to the reputation and credibility of any of our individual member officers.

If the City determines it necessary to conduct an internal investigation as a result of these disclosures—or if it chooses to have an outside, independent person or agency investigate the matter—please coordinate all formal or informal communication and/or interviews with any of our member officer(s) through undersigned OPBA General Counsel Adam Chaloupka. And, if you have any further questions of the OPBA in this matter, do not hesitate to ask.

Sincerely,



Adam M. Chaloupka  
General Counsel  
Ohio Patrolmen’s Benevolent Association

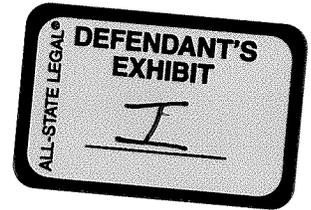
Cc: Matthew A. Lallo, Law Director, City of Kirtland

<u>CLEVELAND OFFICE:</u>	<u>COLUMBUS OFFICE:</u>	<u>TOLEDO OFFICE:</u>
10147 Royalton Road, Suite J P.O. Box 338003 North Royalton, Ohio 44133 440-237-7900 • FAX: 440-237-6446	92 Northwoods Blvd. Suite B2 Columbus, Ohio 43235 614-888-7901 • FAX: 614-888-7906	405 Madison Ave. Suite 1000 Toledo, Ohio 43604 419-242-1400 • FAX: 419-246-5764

**Christine Speece**

---

**From:** Kevin Potter  
**Sent:** Tuesday, April 20, 2021 1:49 PM  
**To:** Christine Speece  
**Cc:** Matthew Lallo; Mary Kovalchik; Louis Slapnicker  
**Subject:** Jamey Fisher



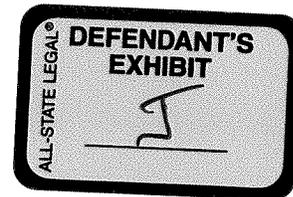
Chris,

As you know, Sgt. Jamey Fisher has assumed a role of Executive Officer for the Kirtland Police Department. Can you please adjust Sgt. Fisher's pay, effective 4/16 2021 to be commensurate with Chief Nosse's rate of pay? The period of time for which this role might continue is undetermined at this time. If you have any questions, please let me know.

Thank you,

Kevin

Kevin Potter  
Mayor - City of Kirtland, Ohio  
440-429-0293



April 26, 2021

I, Chief Lance R. Nosse, do hereby, voluntarily and without duress, irrevocably resign my employment with the City of Kirtland as its Chief of Police, effective 12:01 am on May 2, 2021.

Respectfully submitted,

\_\_\_\_\_  
Lance R. Nosse, Chief of Police

\_\_\_\_\_  
Date

Accepted by: \_\_\_\_\_

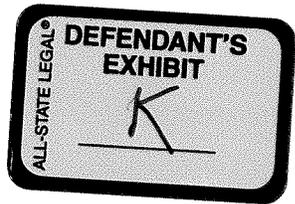
\_\_\_\_\_  
Date

copy made by Tyler of envelope 5-8-08  
**COPY**

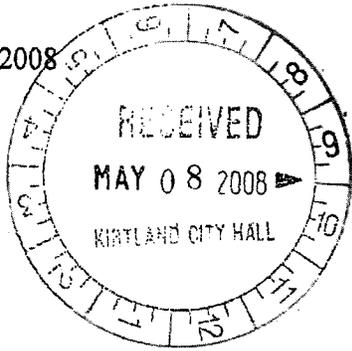
# MGGM

Mansour, Gavin, Gerlack & Manos Co., L.P.A.

Writer's E-Mail:  
JBudzik@mggmlpa.com



May 2, 2008



Holly M. Levine  
Labor Relations Specialist, SERB  
65 East State Street, Suite 1200  
Columbus, Ohio 43215-4213

RE: City of Kirtland and Ohio Patrolmen's Benevolent Association  
Case No. 08-UPL-04-0143

Dear Ms. Levine:

Please accept this letter as the City of Kirtland's response to the Charging Party's information request in the above-captioned matter. The responses are set forth numerically and correspond to each of your numbered requests for information.

1. The Collective Bargaining Agreement (CBA) has effective (duration) dates of January 1, 2006 through December 31, 2008.
2. In addition to the assertions contained in the unfair labor practice (ULP) charge, the Charging Party, City of Kirtland, submits the Ohio Patrolmen's Benevolent Association, through its attorney/legal representative is attempting to interfere with the administration of the City and the Police Department and the selection of the Police Chief as an employer representative in at least two ways.

First, the Charged Party has attempted to discredit Police Chief Wayne Baumgart since the new Mayor, Mark Tyler, has taken office knowing full well that the previous Mayor, Edward Podojil, investigated allegations made by the Union against the Chief and cleared Chief Baumgart of any wrongdoing. In fact, the prior investigation revealed that a Union representative at the Police Department and the Union were malicious in this attempt and that the allegations had no basis in truth. Copies of the prior investigation are enclosed as Exhibit 1.

Second, the Union is attempting to coerce the administration to going outside of the agency to have a third party investigate issues, which have already been adjudicated. The Union is using tactics that reek with threats of "going to the media" or taking issues to the Ohio Attorney General (OAG), or the County Prosecutor, which in fact, the Union has already done

Holly M. Levine, Labor Relations Specialist  
State Employment Relations Board  
May 2, 2008  
Page 2

and those agencies did not find reason to pursue such allegations. Charles E. Coulson, the Prosecuting Attorney for Lake County specifically advised Mr. Powers on May 23, 2006 that the allegations he raised in his April and May letters with attachments were not criminal in nature and appeared to be labor management issues. See Exhibit 2. Similarly, on May 9, 2006, the Criminal Justice Ombudsman for the OAG advised Mr. Powers his allegations were not within the jurisdiction of the OAG. Despite these repeated conclusions, Mr. Powers are again recently contacting Mayor Tyler to review these prior matters and/or to agree to have the agencies to further investigate the Police Chief. All of the attempts by the Union attorney/representatives are aimed at interfering with the Employer's selection of its representative, the Police Chief, and to interfere with the operations of the Police Department. Moreover, as noted in Item 1, the CBA expires in December, 2008. It is apparent that the Union seeks to discredit the Chief of Police in preparation for upcoming negotiations. During the bargaining of the last contract, Mr. Powers demanded that former Mayor Podojil terminate Chief Baumgart's employment for illegal or improper actions.

3. With regard to a factually dated background for the ULP charge, I note the following. On January 8, 2008, Attorney Kevin Powers sent a letter to Chief Baumgart alleging the Chief was harassing Sgt. Jamie Tavano. Mr. Powers also made a public records request. See Exhibit 3. As you can see, Mr. Powers "tone" is rather accusatory by statements to the Chief such as "given your thirst for revenge against Sgt. Tavano it is abundantly clear what you are doing," "your memos are lame attempts to build a paper trail that puts Sgt. Tavano in a false and negative light," "your prior shenanigan in forging documents," and "you continue to slander Sgt. Tavano with statements you make to both his . . . peers as well as potential employers. This must stop immediately or you will be sued." Further, you can see that Mr. Powers "carbon copies" Jamie Tavano. Several days later, Mr. Powers sent Mayor Mark Tyler a "blind copy" of the letter with many other documents which were used in the prior investigation in 2006. See Exhibit 4. Mr. Powers' failure to "cc" Mayor Tyler on his original letter was intentional in order to bypass the Chief of Police and to interfere with the City's designation of the Chief as a representative for matters including collective bargaining.

The undersigned responded to Mr. Powers on January 25, 2008. See Exhibit 5. Mr. Powers' inaccuracies were pointed out as well as an opportunity for the Union attorney to provide certain information as alleged in his letter. On January 28, 2008, Mr. Powers corresponded to the undersigned alleging the Chief's prior investigations have turned into whitewashes and that if the Mayor was serious about investigating the Kirtland P.D., he would have an outside agency do it, however, he noted the undersigned would advise that is not necessary. Mr. Powers further stated, "Baumgart's interest is in continuing his reign of incompetence and worse." See Exhibit 6.

I have provided other correspondence from Mr. Powers. The parties considered a meeting to address the Union letters, however, it was determined such meeting would not be fruitful. Mr. Powers' attacks on Chief Baumgart, however, continued. See Exhibit 7. Significantly, in his February 25, 2008 letter, Mr. Powers's states "not only is the Chief corrupt, he tolerates it in others, as well. You can add these to the list of accusations I have made against Baumgart."

Holly M. Levine, Labor Relations Specialist  
State Employment Relations Board  
May 2, 2008  
Page 3

On February 28, 2008, Mr. Powers wrote to the undersigned requesting a draft poll to vote on whether an outside agency such as the County Prosecutor or U.S. Dept. of Justice should investigate whether video evidence concerning two criminal cases were tampered with and that Departmental training and personnel records were fraudulently created/or falsified. See Exhibit 8. When the Employer attempted to obtain public records from Sgt. Tavano, which he created, Mr. Powers wrote to the Law Director and the undersigned on March 25, 2008 that "we will not willingly participate in your cover-up. We are providing copies of all Sgt. Tavano's notes to the County Prosecutor and the Department of Justice." Mr. Powers concluded by stating, "instead of protecting the interest of the City and the Kirtland P.D., you have opted to protect Baumgart. Why?"

These letters and threats by the Union attorney have been issued with precise purposes in mind – to interfere with the City's selection of its Chief as a City representative and to impugn the reputation of the Chief of Police in the mind of the newly elected Mayor and to interfere with the Chief's right to operate the Police Department in violation of the labor contract and the Ohio Collective Bargaining Law, R.C. Chapter 4117. Significantly, Mr. Powers continually refers to the Chief as "Baumgart" again intentionally refusing to recognize the Chief's rank and authority in the Department and as a City representative.

The facts establish a finding of probable cause as alleged in the charge as supported in this position statement.

4. The Charging Party's position is set forth in this position statement as verified by the Union attorney's own correspondence which establishes the unfair labor practice. Hence, no further statements are included. The two witnesses who can further support the Charging Party's case are as follows:

1. Hon. Mark Tyler  
Mayor, City of Kirtland  
9301 Chillicothe Road  
Kirtland, Ohio 44094  
(440) 256-3332, Ext. 4

Mayor Tyler can provide information that upon his assuming office, he received a "blind copy" of a correspondence from Mr. Powers with other documentation. The Mayor believed this information was provided by Mr. Powers for him, as Mayor, to investigate the Chief of Police on issues already decided by the former Mayor. Mayor Tyler will also provide information that the Union attorney's action and continued correspondence is aimed at interfering with the City's selection of its bargaining representatives and to impugn the character and reputation of Chief Baumgart especially in light of the fact that the Collective Bargaining Agreement expires in December, 2008.

Holly M. Levine, Labor Relations Specialist  
State Employment Relations Board  
May 2, 2008  
Page 4

2. Edward Podojil  
Former Mayor of Kirtland  
9030 Regency Drive  
Kirtland, Ohio 44094  
440 256 4131

Mr. Podojil is the former Mayor who served in that capacity for two terms, for a total of eight years. Former Mayor Podojil will provide information concerning the Union and its attorney's allegations of wrongdoing against Chief Baumgart in 2006 and his findings, which, concluded the allegations, were unfounded and otherwise exonerated the Chief. Specifically, Mr. Podojil can provide information that Mr. Powers demanded, at a collective bargaining session, that the Mayor immediately terminate Chief Baumgart for wrongdoing in 2006 and how Mr. Powers had exemplified his bias and misconduct towards the Chief.

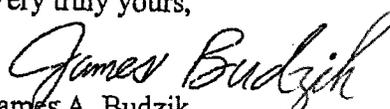
5. There are no court actions or SERB administrative actions that relate directly to this charge. I do note, however, that a criminal suspect has sued Sgt. Tavano, Chief Baumgart and other officers for alleged excessive force during an interrogation in federal court. The Judge, however, has dismissed that case. Presumably, the federal court dismissal of the suspect's legal action contains the same or similar matters Mr. Powers raised against Chief Baumgart.

6. While you inquire into any procedural defenses, as a Charging Party, I note it not appropriate for a Charging Party to specify defenses on behalf of the Charged Party. In any event, there are no procedural defenses or jurisdictional issues based upon the Union's attorney's conduct and correspondence from January 8<sup>th</sup> through the date of this response in 2008.

Based upon the Charge and of the supporting information contained in this response, the City of Kirtland respectfully submits that you should recommend a finding of probable cause against the OPBA for violations of R.C. 4117.11(B) as set forth in the Charge.

Should you have any further questions or concerns, please do not hesitate to contact me.

Very truly yours,

  
James A. Budzik

JAB:ss

Enclosure

cc: Mayor Mark Tyler  
Chief Wayne Baumgart  
Law Director Daniel Richards

**INVESTIGATION, FINDINGS AND CONCLUSIONS**  
**CONCERNING ALLEGATIONS AGAINST**  
**POLICE CHIEF WAYNE BAUMGART**

**I. INTRODUCTION**

In March, 2006, Kevin Powers, Esq., attorney for the Ohio Patrolmen's Benevolent Association (OPBA) alleged Police Chief Wayne Baumgart is dishonest and improperly approved hours of work and pay for Amy Buchanan when she was not working. The OPBA and/or Attorney Powers was requested to submit documentation to support the allegations. On April 14, 2006 Sgt. Jamie Tavano submitted a packet of information for my review. Subsequently, Mr. Powers also alleged the Chief forged records submitted to the Department of Jobs and Family Services regarding statements submitted in the unemployment claim of former officer David Perez. The OPBA generally alleged Chief Baumgart has engaged in a relentless pattern of harassment against Sgt. Tavano. Mr. Powers also filed allegations of criminal misconduct against the Police Chief regarding the above matters with Charles Coulson, the Lake County Prosecutor and Attorney General Jim Petro.

On May 9, 2006, Mr. Arthur A. Reitz, Criminal Justice Ombudsman for the Attorney General responded to Mr. Powers that the allegations were not within the jurisdiction of the Attorney General's Office and that after contact with Prosecuting

Attorney Coulson, was advised that the County Prosecutor had no plans to take any action. On May 17, 2006, Mr. Powers wrote to Mr. Coulson advising that he (Mr. Powers) did not want to jeopardize a criminal investigation by publicizing information prematurely. On May 23, 2006 Prosecuting Attorney Coulson forwarded a letter to Powers stating that, in his opinion, the allegations did not constitute a criminal matter but rather appeared to be a labor-management dispute. Mr. Coulson suggested that if Mr. Powers had further concerns, he should take them up with the City of Kirtland.

As Mayor, I completed the internal investigation with Law Director Richards by interviewing a number of employees and reviewing pertinent documents and now issue the following investigation summary.

## **II. FINDINGS**

### **A. Time Records of Ms. Amy Buchanan.**

Sgt. Tavano submitted documentation alleging five (5) instances of improper rerecording of time by Ms. Buchanan and the Police Chief approving such time. First, Sgt. Tavano states Ms. Buchanan is a "clerk." According to Chief Baumgart, Ms. Buchanan is the supervisor of the records and dispatch area. Discussion with dispatchers confirm Ms. Buchanan is the supervisor. As a supervisor, the Chief has allowed her to utilize flexible hours to the same extent as the police sergeants. Ms. Buchanan and both sergeants have been allowed to use "flextime" as established by the time cards.

I further discussed the time records with the Finance Director. After a thorough review of Sgt. Tavano's allegations against Ms. Buchanan as well as the Chief's

responses, copies of which are attached, I conclude Ms. Buchanan has not defrauded the City, nor has the Chief improperly approved the time records. Four of the five allegations of discrepancies have been properly explained or corrected. Sgt. Tavano's item B of his materials claims on October 2, 2005, Buchanan went home early after being paid time and one-half for 8 hours. This claim cannot be proved (verified) or disproved. Even Sgt. Tavano states her actual arrival time is unknown. Consequently, no actual proof of impropriety has been established for that date.

No direct evidence of falsification of time records by Ms. Buchanan has been established. Accordingly, the allegations against Ms. Buchanan and the Chief for approving such alleged false time records are dismissed.

**B. Allegations of Chief Baumgart's Harrassment of Sgt. Tavano**

While the OPBA alleges the Police Chief has engaged in a pattern of harassment against Sgt. Tavano, neither the OPBA nor Tavano submitted any facts or supporting documentation/proof to establish the charge. Chief Baumgart denies he has "harassed" Tavano. The OPBA has also filed an unfair labor practice charge against the City alleging the Chief has intimidated or harassed Sgt. Tavano. Jurisdiction with allegations of harassment or intimidation properly belongs with State Employment Relations Board through the unfair labor practice proceedings.

My investigation however, reveals that in the past Chief Baumgart has utilized Sgt. Tavano as the "second in command" or the lead supervisor in the absence of the Chief. Significantly, the Chief recommended and approved Sgt. Tavano going to

Northwestern Supervisor's School for Police Administrators. Tavano previously acknowledged he was the Chief's second-in-command. These facts rebut general allegations of harassment.

I am aware the Chief issued a reprimand to Sgt. Tavano for misconduct. I recently heard Sgt. Tavano's grievance contesting the reprimand and issued a decision. That issue has been dealt with in accordance with the Collective Bargaining Agreement. The issuance of a reprimand in and of itself does not establish harassment on the Chief's part. Inasmuch as no proof of harassment was established, such charges by the OPBA or Sgt. Tavano must be dismissed.

C. Allegations of forgery of documents submitted in response to the unemployment claim of former officer David Perez.

The last allegation of the OPBA/Kevin Powers is that the Chief of Police committed forgery in violation of R.C. Section 2913.31 by submitting handwritten notes to the Office of Unemployment Compensation concerning the claim of former officer David Perez. Mr. Powers states the notes were submitted by the Chief to the Unemployment Compensation Commission "hoping Officer Perez would be denied unemployment benefits." The notes contained dates written down by the Chief when conversations took place between him and Perez, however, time records verify that on two of the days, i.e. November 24 and 25, 2005 the Chief did not work due to the Thanksgiving Holiday nor did Perez work on November 25, 2005.

First, the allegations of criminal misconduct have been addressed by the other public entities responsible for enforcement of the Ohio criminal statutes. The conclusion

which have been reached is that these matters do not rise to the level of criminal misconduct. Moreover, the Mayor's office is not the appropriate authority to review or determine alleged criminal activity. Thus, the prior findings of the other public entities have addressed the OPBA's and Mr. Powers concerns.

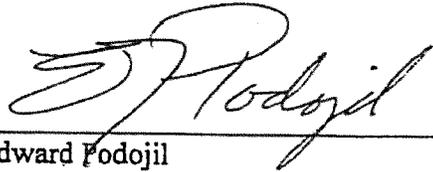
Second, I note that Chief Baumgart did not submit one piece of documentation to the Ohio Department of Jobs and Family Services or the Ohio Bureau of Unemployment Compensation regarding Mr. Perez's unemployment claim. Information regarding unemployment claims is actually submitted by the Finance Department. In this case, the Chief did submit notes to Finance for background to help prepare the City's information. The Chief's notes were not intended to be submitted as part of the claim response.

The Chief acknowledged that that listing of dates was not entirely correct and which subsequently were corrected. The substance of the Chief's notes regarding content was correct. Hence, the listing of an incorrect date which was corrected is not "forgery" under any interpretation of the term.

Finally, Mr. Perez's' claim was allowed and not appealed by the City. Thus, no evidence of ill-will or spite by the Chief against Mr. Perez exists in this record. Mr. Perez and the OPBA was well aware of the interim nature of Perez's officer appointment, ie., an emergency civil service appointment not to exceed one year due to another police officer being off on military leave to serve in Iraq. Consequently, the allegations of forgery are also dismissed.

III. CONCLUSION

The allegations of dishonesty and forgery against Chief Wayne Baumgart have not been supported or established. The County Prosecutor's Office and/or the Ohio Attorney General's Office also concur that the allegations do not rise to criminal misconduct. Consequently, the allegations are dismissed.



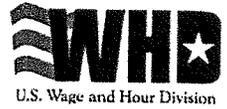
\_\_\_\_\_  
Mayor Edward Fodojil

Date: \_\_\_\_\_

7/13/06

Notice of Eligibility and Rights & Responsibilities (Family and Medical Leave Act)

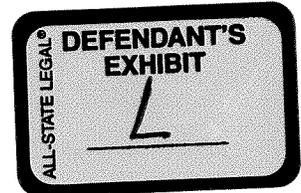
U.S. Department of Labor Wage and Hour Division



OMB Control Number: 1235-0003 Expires: 8/31/2021

In general, to be eligible an employee must have worked for an employer for at least 12 months, meet the hours of service requirement in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles. While use of this form by employers is optional, a fully completed Form WH-381 provides employees with the information required by 29 C.F.R. § 825.300(b), which must be provided within five business days of the employee notifying the employer of the need for FMLA leave. Part B provides employees with information regarding their rights and responsibilities for taking FMLA leave, as required by 29 C.F.R. § 825.300(b), (c).

[Part A - NOTICE OF ELIGIBILITY]



TO: Lance Nosse Employee
FROM: City of Kirtland Employer Representative
DATE: 4/20/2021

On 4/16/2021, you informed us that you needed leave beginning on 4/16/2021 for:

- The birth of a child, or placement of a child with you for adoption or foster care;
Your own serious health condition;
Because you are needed to care for your spouse; child; parent due to his/her serious health condition.
Because of a qualifying exigency arising out of the fact that your spouse; son or daughter; parent is on covered active duty or call to covered active duty status with the Armed Forces.
Because you are the spouse; son or daughter; parent; next of kin of a covered servicemember with a serious injury or illness.

This Notice is to inform you that you:

- Are eligible for FMLA leave (See Part B below for Rights and Responsibilities)
Are not eligible for FMLA leave, because (only one reason need be checked, although you may not be eligible for other reasons):
You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately months towards this requirement.
You have not met the FMLA's hours of service requirement.
You do not work and/or report to a site with 50 or more employees within 75-miles.

If you have any questions, contact or view the FMLA poster located in

[PART B-RIGHTS AND RESPONSIBILITIES FOR TAKING FMLA LEAVE]

As explained in Part A, you meet the eligibility requirements for taking FMLA leave and still have FMLA leave available in the applicable 12-month period. However, in order for us to determine whether your absence qualifies as FMLA leave, you must return the following information to us by. (If a certification is requested, employers must allow at least 15 calendar days from receipt of this notice; additional time may be required in some circumstances.) If sufficient information is not provided in a timely manner, your leave may be denied.

- Sufficient certification to support your request for FMLA leave. A certification form that sets forth the information necessary to support your request is/ is not enclosed.
Sufficient documentation to establish the required relationship between you and your family member.
Other information needed (such as documentation for military family leave):

No additional information requested

If your leave does qualify as FMLA leave you will have the following responsibilities while on FMLA leave (only checked blanks apply):

Contact \_\_\_\_\_ at \_\_\_\_\_ to make arrangements to continue to make your share of the premium payments on your health insurance to maintain health benefits while you are on leave. You have a minimum 30-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.

You will be required to use your available paid  sick, \_\_\_\_\_ vacation, and/or \_\_\_\_\_ other leave during your FMLA absence. This means that you will receive your paid leave and the leave will also be considered protected FMLA leave and counted against your FMLA leave entitlement.

\_\_\_\_ Due to your status within the company, you are considered a "key employee" as defined in the FMLA. As a "key employee," restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us. We  have/  have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us.

\_\_\_\_ While on leave you will be required to furnish us with periodic reports of your status and intent to return to work every \_\_\_\_\_. (Indicate interval of periodic reports, as appropriate for the particular leave situation).

If the circumstances of your leave change, and you are able to return to work earlier than the date indicated on the this form, you will be required to notify us at least two workdays prior to the date you intend to report for work.

If your leave does qualify as FMLA leave you will have the following rights while on FMLA leave:

• You have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period calculated as:

\_\_\_\_ the calendar year (January – December).

\_\_\_\_ a fixed leave year based on \_\_\_\_\_

the 12-month period measured forward from the date of your first FMLA leave usage.

\_\_\_\_ a "rolling" 12-month period measured backward from the date of any FMLA leave usage.

• You have a right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. This single 12-month period commenced on \_\_\_\_\_

• Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.

• You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. (If your leave extends beyond the end of your FMLA entitlement, you do not have return rights under FMLA.)

• If you do not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; 2) the continuation, recurrence, or onset of a covered servicemember's serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.

• If we have not informed you above that you must use accrued paid leave while taking your unpaid FMLA leave entitlement, you have the right to have  sick,  vacation, and/or  other leave run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements of the leave policy. Applicable conditions related to the substitution of paid leave are referenced or set forth below. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid FMLA leave.

\_\_\_\_ For a copy of conditions applicable to sick/vacation/other leave usage please refer to \_\_\_\_\_ available at: \_\_\_\_\_

\_\_\_\_ Applicable conditions for use of paid leave: \_\_\_\_\_

Once we obtain the information from you as specified above, we will inform you, within 5 business days, whether your leave will be designated as FMLA leave and count towards your FMLA leave entitlement. If you have any questions, please do not hesitate to contact:

Louis Slapnickner \_\_\_\_\_ at 440-256-3332

**PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT**

It is mandatory for employers to provide employees with notice of their eligibility for FMLA protection and their rights and responsibilities. 29 U.S.C. § 2617; 29 C.F.R. § 825.300(b), (c). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**

Designation Notice  
(Family and Medical Leave Act)

U.S. Department of Labor  
Wage and Hour Division



OMB Control Number: 1235-0003  
Expires: 8/31/2021

Leave covered under the Family and Medical Leave Act (FMLA) must be designated as FMLA-protected and the employer must inform the employee of the amount of leave that will be counted against the employee's FMLA leave entitlement. In order to determine whether leave is covered under the FMLA, the employer may request that the leave be supported by a certification. If the certification is incomplete or insufficient, the employer must state in writing what additional information is necessary to make the certification complete and sufficient. While use of this form by employers is optional, a fully completed Form WH-382 provides an easy method of providing employees with the written information required by 29 C.F.R. §§ 825.300(c), 825.301, and 825.305(c).

To: Lance Nosse

Date: 04/20/2021

We have reviewed your request for leave under the FMLA and any supporting documentation that you have provided. We received your most recent information on 04/16/2021 and decided:

Your FMLA leave request is approved. All leave taken for this reason will be designated as FMLA leave.

The FMLA requires that you notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your leave entitlement:

Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your leave entitlement: 480 Hours

Because the leave you will need will be unscheduled, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

**Please be advised (check if applicable):**

You have requested to use paid leave during your FMLA leave. Any paid leave taken for this reason will count against your FMLA leave entitlement.

We are requiring you to substitute or use paid leave during your FMLA leave.

You will be required to present a fitness-for-duty certificate to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. A list of the essential functions of your position  is  is not attached. If attached, the fitness-for-duty certification must address your ability to perform these functions.

**Additional information is needed to determine if your FMLA leave request can be approved:**

The certification you have provided is not complete and sufficient to determine whether the FMLA applies to your leave request. You must provide the following information no later than \_\_\_\_\_, unless it is not practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied.  
(Provide at least seven calendar days)

(Specify information needed to make the certification complete and sufficient)

We are exercising our right to have you obtain a second or third opinion medical certification at our expense, and we will provide further details at a later time.

Your FMLA Leave request is Not Approved.

The FMLA does not apply to your leave request.

You have exhausted your FMLA leave entitlement in the applicable 12-month period.

**PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT**

It is mandatory for employers to inform employees in writing whether leave requested under the FMLA has been determined to be covered under the FMLA. 29 U.S.C. § 2617; 29 C.F.R. §§ 825.300(d), (e). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10–30 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.



	<b>STANDARD OPERATING PROCEDURE</b>
Effective Date: March 6, 2019	Number: 300 A
<b>Subject: Investigation of Employee Misconduct</b>	
Reference: 300,301,302,305,315,320,340	Number of Pages: 1 of 6
	C.A.L.E.A. Reference:

**ORGANIZATIONAL INTEGRITY**

**Purpose:**

The purpose of this Policy is to establish general procedures, in addition to those provided in Kirtland Police Policies, written Directives, Ohio Revised Code, and recognized collective bargaining agreements, for reviewing citizen complaints, conducting internal affairs investigations, and initiating corrective and/or disciplinary actions against agency personnel.

**Supervisor's Responsibility:**

Nothing in this Policy is meant to take away from a Supervisor the responsibility of correcting, admonishing, or reprimanding subordinate personnel whenever it is warranted. Final disciplinary authority and responsibility rests with the Chief of Police. Except for informal counseling, oral reprimands, and emergency administrative leaves, all agency discipline must be approved beforehand by the Chief of Police.

**A. Complaint Investigation:**

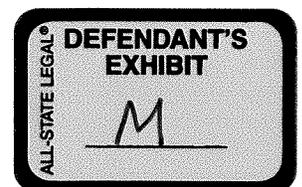
It is the policy of this agency that all allegations of employee misconduct be appropriately investigated and promptly adjudicated. All reports or accusations made against employees of this agency, from all sources, shall be completely investigated in order to ensure the integrity of the agency and its employees. Anonymous complaints can be difficult to investigate; however, the agency will carefully review each complaint for validation before disregarding it for lack of a credible complainant. The Agency has the responsibility to protect the rights of all persons within its jurisdiction. This includes protecting its officers and employees from false allegations of misconduct. In this context, complainants should be made aware of the following sections of the Ohio Criminal Code:

ORC 2917.32(A) (3) No person shall report to any law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur.

ORC 2921.13 (A) No person shall knowingly make a false statement, or knowing swear or affirm the truth of a false statement previously made when any of the following apply:  
The statement is made with purpose to mislead a public official in performing his function.

ORC 2921.15(B) No person shall knowingly file a complaint against a peace officer that alleges that the peace officer engaged in misconduct in the performance of the officer's duties if the person knows that the allegation is false.

\*(These crimes are misdemeanors of the first degree punishable upon conviction by a fine not more than \$1,000 and/or imprisonment not more than 6 months.)





Subject/Event: Investigation of Employee Misconduct	Procedure Number: 300-A	Page Number: 2 of 6
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#### **B. Records Maintenance and Security:**

Every internal affairs or citizen complaint investigation report shall be assigned a case reference number. The numbering system will be sequential in nature and will start over each January. Example, the first case of 2018 would be numbered as 18-01; the next case would be 18-02, then 18-03 etc. The original case file will be maintained by the Chief of Police until the case is closed. At the conclusion of the case, the file will be stored in a locked file cabinet in the Chief's office. Only the Chief of Police and the Executive Lieutenant or other designee will have access. The case file will remain in the file cabinet until disposed of under the rules of the Records Retention Schedule.

#### **C. Direct Accessibility to the Chief of Police:**

The Executive Lieutenant or other designee is responsible for the Internal Affairs function. The designee reports directly to the Chief. Generally the member's supervisor will be assigned, through the Chain of Command, to conduct the investigation. The Chief may determine it necessary to assign another individual to serve as the Internal Affairs investigator due to extenuating circumstances. In such cases, the investigator may be directed by the Chief to report directly to the Chief regarding matters concerning the internal affairs investigation. Any and all personnel have the ability to report directly to the Chief when investigating an internal affairs case.

#### **D. Complaint Registering Procedures:**

The Agency makes information available to the public on procedures to be followed in registering complaints against the agency and or its employees. The complaint process is outlined on the Agency website and available in pamphlet form. Complaints shall be accepted in person, by telephone, email or agency complaint form. Commendations shall be made available to the public in the same manner.

#### **E. Annual Summaries – Public Availability:**

Upon written request the Chief of Police or his designee will compile an annual statistical summary of all internal investigations that will be made available to the public and all Agency employees.

#### **F. COMPLAINT PROCEDURES:**

##### **1. Complaint Types:**

Generally there are two types of complaints, *criminal misconduct* or *non-criminal misconduct*. Supervisors receiving a complaint regarding officer or civilian employee behavior shall review the complaint and determine which of the following categories it falls. If, after preliminary review, the supervisor determines that the complaint does not fit either category, he/she should document the complaint in their supervisor notes.

a. A complaint against a member which alleges criminal misconduct is considered to be a criminal complaint and is subject to the formal internal affairs function. Criminal misconduct is defined as any action in violation of the Ohio Revised Code.



Subject/Event:	Procedure Number:	Page Number:
Investigation of Employee Misconduct	300-A	3 of 6

b. *Non-criminal misconduct* is defined as behavior which is either unethical or immoral, and has the potential for reflecting negatively upon the reputation and image of the Police Office, but does not constitute a violation of the Ohio Revised Code. A complaint which alleges such behavior is considered a noncriminal misconduct complaint. An investigation of this type of complaint is considered formal, is subject to the formal internal affairs function and the affected employee is advised of his Garrity rights (an employee being questioned as part of an official internal investigation, must answer all questions or face Agency disciplinary action, and that no statements can be used against him in any subsequent criminal proceeding) and Piper rights (any police officer or employee who is under investigation by internal affairs, shall be permitted to have an attorney present during questioning).

Complaints of a non-serious nature will be taken by the supervisor on duty. An informal inquiry will be conducted which may result in no further investigation or in a request for a formal internal affairs investigation. In informal inquiries, the accused employee will be informed of the complaint.

Investigation of complaints of employee misconduct should be conducted by the employee's immediate supervisor. The following types of complaints are examples of those that can be investigated by the immediate supervisor:

- Non-criminal complaints;
- A complaint that does not involve violence; and
- Policy violations.

The results of all informal inquiries will be reduced to writing and documented in supervisory notes with the final disposition noted. The supervisor should advise their superior officer of the inquiry.

#### **G. Notification to the Chief of Police:**

Whenever the incident allegedly committed by the person is a criminal offense, and the evidence is such that had the crime been committed by a private citizen it would have generated an arrest, the Chief of Police shall be advised of the circumstances and render a decision as to whether personnel should be arrested forthwith; or criminal action should be delayed pending further investigation. The Chief of Police shall be informed as soon as practical of investigations of a lesser nature.

#### **H. Investigation Time Limits:**

All complaints against the Police Division Office, or any of its employees, shall be completely investigated within sixty days from the date of the filing of the complaint. The Chief may, on a case-by-case basis, grant an extension to this time limit, at his discretion based on extenuating circumstances.

#### **I. Collective Bargaining:**

Nothing in this policy shall interfere with rights or procedures outline for officers covered by collective bargaining agreement between the employer and the Union.



Subject/Event:	Procedure Number:	Page Number:
Investigation of Employee Misconduct	300-A	4 of 6

#### **J. Informing Complainants:**

When an individual wishes to make a complaint the on duty supervisor will review the complaint process with them and answer any questions that they may have.

Once the investigation is completed the complainant(s) shall be advised of the findings and whether or not any corrective and/or disciplinary action resulted.

#### **K. Statement of Allegations/Rights:**

When employees are notified that they have become the subject of an internal affairs investigation, the Police Division Office shall issue the employee a written statement of the allegation(s) and the employee's rights and responsibilities relative to the investigation.

##### ***Cooperation and Truthfulness***

Agency personnel shall fully cooperate during internal affairs and citizen complaint investigations. All personnel are required to truthfully answer questions, render relevant statements, material, and evidence in connection with such investigations. Personnel who fail to cooperate, or who are not truthful, shall be subject to disciplinary action up to and including termination from the Agency.

##### ***Dissemination of Findings***

Agency personnel who are the subject of an internal affairs or citizen complaint investigation shall be informed in writing of the findings and, when appropriate, any corrective and/or disciplinary action. The complainant(s) of any internal affairs or citizen complaint investigation shall be advised of the findings and whether or not any corrective and/or disciplinary action resulted.

##### ***Appeal***

Notwithstanding the provisions of this Chapter, any Agency personnel who are the subject of disciplinary action shall be afforded the right to appeal as provided in this policy and recognized collective bargaining agreements.

#### **L. Submission to Tests, Procedures:**

During an internal affairs investigation, specific questions may arise that can be answered through specific testing or procedures. The following guidelines shall be used in such cases: An employee may be required to submit to a medical or laboratory examination, at the Agency's expense, when the examination is specifically directed and narrowly related to a particular internal affairs investigation being conducted by the agency. An example is when there are indications that agency personnel is physically or mentally impaired due to the consumption of alcoholic beverage and/or habit forming drugs or addicting narcotics, the person shall submit to a breath, blood, or urinalysis examination when directed by a command officer or supervisor. An employee may be required to be photographed and the photos used in an internal affairs investigation being conducted by the agency. An employee may be required to participate in a line-up when such action is material to a particular formal internal affairs investigation being conducted by the Agency. An employee may be required to submit financial disclosure statements when such requirement is material to a particular internal affairs investigation.



Subject/Event:	Procedure Number:	Page Number:
Investigation of Employee Misconduct	300-A	5 of 6

A polygraph examination may be used as an investigative aid as per the provisions provided by the labor agreement.

No law enforcement officer who is subject to criminal prosecution shall be ordered or coerced to waive any right granted by law. If there is the potential for criminal prosecution, officers who are ordered to provide statements during an internal investigation are protected under the Garrity Rule.

#### **M. Relieved from Duty:**

Upon notification of an incident of alleged misconduct, or personal knowledge of misconduct by Agency personnel, a command officer or supervisor may immediately place the person on emergency administrative leave, and direct him or her to report to the Chief of Police before returning to duty. The command officer or supervisor may order this emergency administrative leave when the action of the person is, for example, grossly immoral, indecent, brutal, involved the physical mistreatment of another person; or when the accused personnel is intoxicated, refused to obey a lawful order of a superior officer or refused to comply with law(s) and/or agency rules, orders, or regulations; or is otherwise unfit for duty. When an accused is placed on emergency administrative leave, the command officer or supervisor shall, as soon as is practical, notify the Chief of Police.

Corrective Action and Involuntary Termination authorizes administrative leave in circumstances when the health or safety of any staff member or of any person or property entrusted to the staff member's care could be adversely affected, or during an administrative investigation.

#### **N. Conclusion of Fact:**

All investigations into allegations of misconduct shall result in a "CONCLUSION OF FACT" which will be designated as follows;

**Unfounded:** The investigation conclusively proved that the act(s) complained of did not occur. This finding also applies when the individual personnel was not involved in the act(s) which may have occurred.

**Exonerated:** The act(s) which provided the basis for the complaint or allegation occurred; however, investigation revealed it was justified, lawful and proper.

**Sustained:** The investigation disclosed sufficient evidence to clearly prove the allegation(s) made in the complaint.

**Not sustained:** Insufficient evidence to either prove or disprove allegation(s).



Subject/Event: Investigation of Employee Misconduct	Procedure Number: 300-A	Page Number: 6 of 6
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**O. Corrective and/or Disciplinary Action:**

When a finding of Sustained is included in a final summary report of investigation, the Chief of Police will determine whether immediate corrective and/or disciplinary action will be initiated in conformity with the findings in the report. When disciplinary action is indicated by the findings, one or more of the following actions may be taken by the Chief of Police, or the appointing authority, subject to the provisions of Agency policies, and recognized collective bargaining agreements:

- Informal counseling
- Oral reprimand
- Written reprimand
- Denial or delay of promotion
- Suspension
- Demotion
- Termination
- Corrective Action and Involuntary Termination:



	<b>STANDARD OPERATING PROCEDURE</b>
Effective Date: June 01, 2017	Number: 606
Subject <b>EMPLOYEE ASSISTANCE PROGRAM</b>	
Reference:	Number of Pages: 1 of 4
Reviewed and revised 03/28/2019	C.A.L.E.A. Reference:

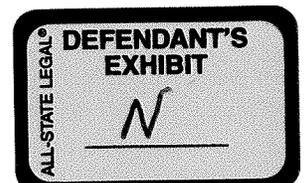
**Policy:**

The City of Kirtland is committed to maintaining a safe, healthful and efficient working environment for it's employees and visitors. Consistent with the spirit and intent of this commitment, the City of Kirtland prohibits:

1. The unlawful or unauthorized use, manufacture, possession, sale or transfer of illegal drugs and/or controlled substances on the property of the City of Kirtland.
2. Reporting to work or working impaired or under the influence of any illegal drug, controlled substance, and/or alcohol.
3. Consumption of alcohol on City of Kirtland premises.
4. Improper self-medication of over-the-counter or prescription drugs on the City of Kirtland premises.

**Definitions:**

1. **Illegal drugs and controlled substance:** any substance which in any manner alters normal perception, thought functions, behavior or mood, including but not limited to marijuana, cocaine, narcotics, tranquilizers, amphetamines, and barbiturates.
2. **City of Kirtland Premises:** All City of Kirtland buildings, other buildings where City of Kirtland employees work, parking lots, parking garages, or other open areas owned by or under control of the City of Kirtland, in any City of Kirtland vehicle, or at any other location while on business.
3. **Impaired:** Employee performance that is inhibited by observable, documentable signs including, but not limited to, drowsiness and/or sleepiness, odor of alcohol on breath or clothing, slurred/incoherent speech, unusually aggressive or bizarre behavior, unexplained change in mood, lack of dexterity, lack of coordination in walking, unexplained work related accident or injury.





Subject/Event: Employee Assistance Program	Procedure Number: 606	Page Number: 2 of 4
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4. **Improper Self-Medication:** Includes, but is not limited to, using prescribed drugs prescribed to someone else, using drugs at other than the prescribed dosage, or using over-the-counter medication in a manner not in accord with the manufacturer's instructions.

**Procedure:**

A. **Voluntary Seeking Assistance:**

The City of Kirtland recognizes that substance/alcohol abuse/dependency is a progressive chronic disease that has adverse effects on both the employee's quality of life and performance. However, substance/alcohol abuse/dependency is treatable and early recognition is advisable. Employee's who suspect they may have a problem with substances/alcohol are encouraged to voluntarily seek assistance and treatment. It is the employee's responsibility to seek assistance before job performance is adversely affected.

The City of Kirtland maintains an Employee Assistance Program in order to provide confidential assistance in receiving appropriate treatment. An employee's decision to seek/receive treatment through our Employee Assistance Program or through any other alcohol/substance abuse program will not be used for a basis for corrective action. However, such treatment will not be viewed as a substitute or a defense for appropriate corrective action.

B. **Programs of Education, Prevention, Treatment and Support:**

The City of Kirtland provides access to an outside Employee Assistance Program to help support and encourage a drug and alcohol free workplace and lifestyle.

C. **Pre-Employment Substance Testing:**

Pre-employment substance testing is required of all prospective new-hires, rehires or reinstated individuals as part of a routine pre-employment health assessment. Positive results may preclude an applicant from being hired, rehired or reinstated. Applicants precluded from employment as a result of substance abuse testing **may/may not** reapply for employment.

D. **Reporting Drug/Alcohol related Convictions:**

Employees are required to report to their supervisor any criminal convictions of drug and/or alcohol related violations on the City of Kirtland premises and/or while conducting City of Kirtland business. The report shall be reported no more than 24 hours after the date of the conviction.



Subject/Event: Employee Assistance Program	Procedure Number: <b>606</b>	Page Number: 3 of 4
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**E. Reasonable Suspicion of Impairment:**

When a supervisor believes an employee is working in an impaired condition, the supervisor shall:

1. Record all observations in writing
2. If feasible, request a second supervisor to witness, confirm and record observable deficiencies in employee behavior/performance.
3. Notify the employee in private of the need for immediate medical evaluation to determine fitness-for-duty.
4. Confidentially contact the Employee Assistance Program Administrator to provide pertinent information. The City of Kirtland Police Department should be notified if the Supervisor has concern for the safety of the employee or others.
5. Escort the employee to the nearest hospital emergency room or medical center.
6. Initiate corrective action if appropriate.

**F. Reasonable Suspicion of Possession:**

If a supervisor has reasonable suspicion that an employee is in improper possession of alcohol, illegal drugs and/or a controlled substance, the Supervisor may request the City of Kirtland Police Department perform appropriate searches of the employee and the premises where the employee utilizes City of Kirtland property.

**G. Refusal to Comply:**

Any employee refusing to comply with a lawful search, medical evaluation, or otherwise failing to cooperate with an investigation will be subject to removal from the City of Kirtland premises and will be subject to corrective action up to and including termination.

**H. Safe Transportation:**

Supervisors will arrange for transportation for the employee to the nearest hospital or medical center when the Supervisor has reasonable suspicion the employee is impaired. If the employee refuses to go to the nearest hospital or medical center then the Supervisor will arrange for transportation to his or her home. If the employee refuses transportation assistance, the Supervisor should document that fact and notify the City of Kirtland Police Department.



Subject/Event: Employee Assistance Program	Procedure Number: 606	Page Number: 4 of 4
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I. **Medical Restrictions:**

If the employee has documented medical work restrictions related to substance/alcohol abuse/dependency, the supervisor will adhere to procedures set forth by the department to ensure the safety of the employee, other employees, the community and visitors of the City of Kirtland and surrounding areas.

J. **Confidentiality:**

Employee information related to this policy (reasonable suspicion of impairment, medical evaluations, etc.) shall be held in strict confidence. The Employee Assistance Program operates under State and Federal Confidentiality rules and releases only limited information to the Supervisor.

K. **Licensing Boards:**

The City of Kirtland maintains a cooperative, working relationship with all appropriate licensing/certification boards/Regulatory agencies. Appropriate boards/regulatory agencies will be notified when the safety of the employee and/or minimum professional standards are not met as mandated by law.

**Violation of Policy:**

Any employee who is found in violation of this policy is:

1. Subject to corrective action up to and including termination.
2. They will be required to participate in the City of Kirtland's Employee Assistance Program.
3. Treatment expense not covered by the Employee Assistance Program or the employee's health plan; including health screens are the responsibility of the employee.
4. Non-compliance of treatment requirements may result in corrective action up to and including termination.