

City of Kirtland

City of Faith and Beauty

9301 Chillicothe Road
Kirtland, Ohio 44094

(440) 256-3332
Fax (440) 256-9301
www.kirtlandohio.com

July 7, 2021

Lance R. Nosse

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

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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.

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CHARGES

You are hereby alleged to have committed the following violations of City policy, the Kirtland Police Department's Rules as Regulations (as authored by you as Chief of Police and as ratified by me as Director of Public Safety), the Ohio Revised Code, and the Kirtland Codified Ordinances:

1. Vehicle/Equipment Use Policy

- You are alleged to have consumed alcohol prior to driving the City-issued motor vehicle on April 13, 2021 and on April 14, 2021.
- You are alleged to have operated the City-issued motor vehicle with an open container in violation of the law of the State of Ohio on April 13, 2021.
- The violation of this written work rule can result in disciplinary action, including termination.

2. Kirtland Police Department Rules and Regulations – Rule 10.06 – Unbecoming Conduct

- There is evidence, both on duty for and off duty, of unbecoming conduct in violation of this rule. Through your actions on video from April 13-14, 2021 at a subordinate's home with driving the City-issued vehicle and your actions outside his home, said conduct was unbecoming. Additionally, there is evidence that you have created an environment at the Police Department that brings the Department in disrepute, reflects discredit upon you as a member of the Police Department, and impairs the operation and efficiency of the Department. Said evidence will show 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.

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3. Kirtland Police Department Rules and Regulations – Rule 10.07 – Immoral Conduct

- There is evidence that you failed to maintain a level of moral conduct both in your personal and business affairs that brings disrepute to the Department. In addition to the above, you have lied to both myself and my staff as it relates to the use of your cell phone and a “sergeant’s phone” and there is evidence that you have destroyed what may have been a public record, in violation of Ohio’s Public Records Laws.

4. Kirtland Police Department Rules and Regulations – Rule 10.10 – Neglect of Duty

- There is evidence that you have committed acts specifically prohibited by the laws of this State (open container, public records violations), policies and procedures (vehicle use policy and KPD’s Rules and Regulations). Additionally, there is evidence that you have engaged in activity or personal business that caused you to neglect or be inattentive to the City. Evidence will show frequent trips leaving the City for several hours during the work day for personal business and that said absences caused you to be inattentive to the City.

5. Kirtland Police Department Rules and Regulations – Rule 10.14 – Leaving Duty Post

- Evidence will show that you have left not only the post but the City during normal business hours for no municipal purpose.

6. Kirtland Police Department Rules and Regulations – Rule 10.17 – Alcoholic Beverages and Drugs in Police Installations

- See Violation of Vehicle Use Policy (Violation #1)

7. Kirtland Police Department Rules and Regulations – Rule 10.20 – Use of Alcohol Off Duty

- There is evidence that you have used alcohol while off duty to the extent that it resulted in impairment, obnoxious or offensive behavior which not only discredits you but the Department, or rendered you unfit for your next shift. This not only includes the night of April 13-14, 2021 but there is other evidence that the use of alcohol impaired your ability to render you unfit for your next shifts.

8. Kirtland Police Department Rules and Regulations – Rule 10.50 – Use of Department Equipment

- There is evidence that you have not used Department-issued equipment only for its intended purpose. Specifically, you are alleged to have misused not only your City-issued cellular telephone but you later misappropriated a “sergeant’s phone” for personal use.

9. Kirtland Police Department Rules and Regulations – Rule 10.51 – Operating Vehicles

- See Violation #1. Additionally, there is damage to your City-issued vehicle that was not reported to the City.

10. Kirtland Police Department Rules and Regulations – Rule 10.55 – Truthfulness

- There is evidence that you had lied to me when being questioned regarding the use of the City-issued vehicle and to my staff about the use of the “sergeant’s phone”.

11. Kirtland Police Department Rules and Regulations – Rule 10.71 – Harassment (Sexual, Ethnic, Racial or Religious)

- There is evidence that you engaged in conversation that is in violation of this rule when you have made various statements or comments to subordinates that constitute harassment (sexual, ethnic and racial).

Kirtland Police Department Rules and Regulations – Rule 10.73 – Discipline/Dismissal

- The violation of any of these Rules and Regulations (Violations 2-11) may be cause for dismissal.

12. Violation of Chapter 149 of the Ohio Revised Code

- There is evidence that you have deleted records that should have been maintained in accordance with the Ohio Public Records laws.

13. Violation of Kirtland Codified Ordinance 254.28 – Harassment Policy

- There is evidence that you explicitly and/or implicitly ridiculed, mocked, derided, or belittled subordinates. Additionally, there is evidence that you have made offensive or derogatory comments to subordinates based on race, color, or sex.
- Such harassment is considered misconduct and is subject to discipline.

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WITNESSES

The City may call any or all of the following witnesses. Additionally, the City reserves the right to call additional witnesses as may be required.

1. Kelly Wolfe
2. Sgt. Jamey Fisher
3. Amy Buchanan
4. Cindy Gabor
5. Wayne Baumgart
6. Tony Hutton
7. Cassia Phillips
8. Jose Carrillo
9. Kevin Potter
10. Teresa Szary
11. Lance Nosse

EXHIBITS

The City may present any or all of the following proposed exhibits. Additionally, the City reserves the right to present additional exhibits as may be required.

1. Videos from Nest camera, filmed at the home of a City employee on April 13-14, 2021
2. City of Kirtland's Vehicle/Equipment Use Policy and Chief Nosse's signature of receipt
3. Phone call records from Chief Nosse iPhone and the "sergeant's phone"
4. Text message records from Chief Nosse iPhone and the "sergeant's phone"
5. City's phone bill showing an overage for excessive texting on the "sergeant's phone"
6. Kirtland Police Department's Rules and Regulations

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7. Inventory from the search of the City-issued vehicle: video and report
8. Video from search of Chief's office
9. Ohio Sunshine Law Manual
10. Key fob entry and time sheets
11. OPBA letter dated 4/19/21
12. Email from Mayor offering him to take leave
13. Chief's email accepting the leave
14. Chief's consent to search office
15. Letter from BCI
16. Emails between Adam Chaloupka and Matt Lallo dated 2/12/21 and 2/17/21

HEARING ON CHARGES

Pursuant to R.C. 733.36, these charges are hereby being forwarded to City Council and shall be heard at the next regular meeting. Said meeting will be on the 12th day of July, 2021 and starts at 7:00 pm at the Kirtland City Hall. Your hearing will take place at that meeting. You may appear in person and by counsel. You are entitled to examine all witnesses and answer all charges against you.

Respectfully,



Kevin F. Potter, Mayor
City of Kirtland

cc: Kirtland City Council (via email)
Matthew Lallo, Director of Law (via email)
Tom Lobe, Asst. Director of Law (via email)
Frank Consolo, Attorney for Lance Nosse (via FedEx overnight mail)