

**RESOLUTION AUTHORIZING AN APPLICATION TO THE COURT OF COMMON PLEAS FOR CONSIDERATION AND AUTHORIZATION TO RETAIN THE SERVICES OF SPECIAL COUNSEL, CURT HARTMAN OF THE HARTMAN LAW FIRM, TO REPRESENT THE ASHTABULA COUNTY BOARD OF ELECTIONS IN A CHALLENGE OF RIGHT TO VOTE AND CORRECTION OF REGISTRATION LIST REGARDING THE ASHTABULA COUNTY PROSECUTING ATTORNEY, COLLEEN O'TOOLE**

WHEREAS, on October 4, 2023, the Board of County Commissioners of Ashtabula County (the Board) received a request from the Ashtabula County Board of Elections (the BOE) to make joint application to the Ashtabula Court of Common Pleas (Court) with the Ashtabula County Prosecuting Attorney (Prosecutor) to authorize the Board to employ outside legal counsel to represent the BOE in the BOE's receipt of Form 257, Challenge of Right To Vote and Correction of Registration List which challenges the elector status of the Prosecutor (the Matter) (a copy of the BOE's request is attached hereto and incorporated herein by reference as Attachment 1); and

WHEREAS, Ohio Revised Code Section 305.14(A) authorizes the Court, upon joint application of the Board and the Prosecutor, to employ legal counsel to assist the Prosecutor, the Board, or any other county officer in matters; and

WHEREAS, on October 5, 2023, the Prosecutor did not respond by the informed deadline of 4:00 p.m. as to whether or not she consents to the joint application; and

WHEREAS, because the Prosecutor has an inherent conflict in representing the BOE in the Matter of which the Prosecutor is the subject, the Board seeks consideration and authorization from the Court to employ separate legal counsel for the BOE to represent the BOE in the Matter; and

WHEREAS, the Board, on its own, requests the Court consider the Board's application and authorize the Board to employ outside legal counsel to the BOE to represent it in the Matter; and

WHEREAS, the Board desires to retain the services of Curt Hartman, of the Hartman Law Firm to represent the BOE in this Matter at a cost **not to exceed \$6,000.00**.

NOW THEREFORE, BE IT RESOLVED, By the Board of Commissioners of Ashtabula County, Ohio, that an application be filed with the Ashtabula County Court of Common Pleas for authorization to contract with outside legal counsel to provide legal services for the Ashtabula County Board of Elections in the Matter, as further outlined above. The cost of same shall be borne by Ashtabula County.

**ASHTABULA COUNTY COMMISSIONERS  
CERTIFICATION PAGE**

**Resolution No. 2023-501**

**October 05, 2023**

**RESOLUTION AUTHORIZING AN APPLICATION TO THE COURT OF COMMON PLEAS FOR CONSIDERATION AND AUTHORIZATION TO RETAIN THE SERVICES OF SPECIAL COUNSEL, CURT HARTMAN OF THE HARTMAN LAW FIRM, TO REPRESENT THE ASHTABULA COUNTY BOARD OF ELECTIONS IN A CHALLENGE OF RIGHT TO VOTE AND CORRECTION OF REGISTRATION LIST REGARDING THE ASHTABULA COUNTY PROSECUTING ATTORNEY, COLLEEN O'TOOLE**

**Upon the motion of J.P. Ducro IV, seconded by Kathryn L. Whittington.**

**VOTE:**

**Casey R. Kozlowski  
Kathryn L. Whittington  
J.P. Ducro IV**

**Aye  
Aye  
Aye**

**CERTIFICATE OF CLERK**

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon and duly passed by the Board of County Commissioners of Ashtabula County, Ohio, on the date noted above.



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Lisa Hawkins, Clerk of the Board  
Board of County Commissioners  
Ashtabula County, Ohio

**FILED**  
2023 OCT -5 PM 4:48  
ARMI DANIELS  
CLERK OF COURTS  
COMMON PLEAS COURT  
ASHTABULA CO OH

IN THE COURT OF COMMON PLEAS  
ASHTABULA COUNTY, OHIO

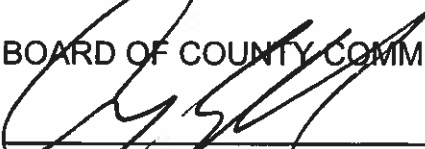
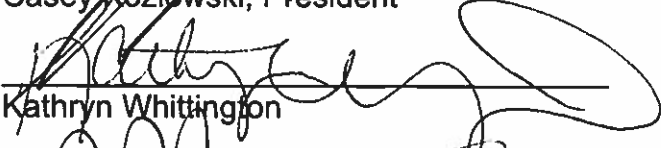

**COPY**

**IN RE: APPLICATION FOR  
EMPLOYMENT OF COUNSEL**

)  
) **CASE NO.** 2023md174  
)  
) **JUDGE**  
)  
) **APPLICATION FOR AUTHORITY TO**  
) **EMPLOY SEPARATE LEGAL COUNSEL**  
) **TO REPRESENT THE ASHTABULA**  
) **COUNTY BOARD OF ELECTIONS**

Now comes the Ashtabula County Board of Commissioners ("Board") pursuant to R.C. 305.14 and hereby moves this Court for an Order authorizing the Board to retain the legal services of Curt Hartman of the Hartman Law Firm to represent the Ashtabula County Board of Elections ("BOE") pursuant to the BOE's request in the matter of the receipt of Form 257, Challenge of Right to Vote and Correction of Registration List (the "Matter") pending before the BOE of which the Ashtabula County Prosecuting Attorney is the subject. A copy of the BOE's request is attached hereto and incorporated herein by reference as **Exhibit 1**. Due to the inherent conflict that exists, the Ashtabula County Prosecuting Attorney cannot represent the BOE in this Matter.

Attached as **Exhibit 2** is Resolution No. 2023-501 passed by the Board of Commissioners on October 5, 2023 authorizing the filing of this Application.

BOARD OF COUNTY COMMISSIONERS  
  
\_\_\_\_\_  
Casey Kozlowski, President  
  
\_\_\_\_\_  
Kathryn Whittington  
  
\_\_\_\_\_  
J.P. Ducro IV

COPY

**RESOLUTION AUTHORIZING AN APPLICATION TO THE COURT OF COMMON PLEAS FOR CONSIDERATION AND AUTHORIZATION TO RETAIN THE SERVICES OF SPECIAL COUNSEL, CURT HARTMAN OF THE HARTMAN LAW FIRM, TO REPRESENT THE ASHTABULA COUNTY BOARD OF ELECTIONS IN A CHALLENGE OF RIGHT TO VOTE AND CORRECTION OF REGISTRATION LIST REGARDING THE ASHTABULA COUNTY PROSECUTING ATTORNEY, COLLEEN O'TOOLE**

WHEREAS, on October 4, 2023, the Board of County Commissioners of Ashtabula County (the Board) received a request from the Ashtabula County Board of Elections (the BOE) to make joint application to the Ashtabula Court of Common Pleas (Court) with the Ashtabula County Prosecuting Attorney (Prosecutor) to authorize the Board to employ outside legal counsel to represent the BOE in the BOE's receipt of Form 257, Challenge of Right To Vote and Correction of Registration List which challenges the elector status of the Prosecutor (the Matter) (a copy of the BOE's request is attached hereto and incorporated herein by reference as Attachment 1); and

WHEREAS, Ohio Revised Code Section 305.14(A) authorizes the Court, upon joint application of the Board and the Prosecutor, to employ legal counsel to assist the Prosecutor, the Board, or any other county officer in matters; and

WHEREAS, on October 5, 2023, the Prosecutor did not respond by the informed deadline of 4:00 p.m. as to whether or not she consents to the joint application; and

WHEREAS, because the Prosecutor has an inherent conflict in representing the BOE in the Matter of which the Prosecutor is the subject, the Board seeks consideration and authorization from the Court to employ separate legal counsel for the BOE to represent the BOE in the Matter; and

WHEREAS, the Board, on its own, requests the Court consider the Board's application and authorize the Board to employ outside legal counsel to the BOE to represent it in the Matter; and

WHEREAS, the Board desires to retain the services of Curt Hartman, of the Hartman Law Firm to represent the BOE in this Matter at a cost **not to exceed \$6,000.00**.

NOW THEREFORE, BE IT RESOLVED, By the Board of Commissioners of Ashtabula County, Ohio, that an application be filed with the Ashtabula County Court of Common Pleas for authorization to contract with outside legal counsel to provide legal services for the Ashtabula County Board of Elections in the Matter, as further outlined above. The cost of same shall be borne by Ashtabula County.

FILED

2023 OCT -5 PM 4:48

APRIL DANIELS  
CLERK OF COURTS  
COMMON PLEAS COURT  
ASHTABULA CO OH

**ASHTABULA COUNTY COMMISSIONERS  
CERTIFICATION PAGE**

Resolution No. 2023-501

October 05, 2023

**RESOLUTION AUTHORIZING AN APPLICATION TO THE COURT OF COMMON PLEAS FOR CONSIDERATION AND AUTHORIZATION TO RETAIN THE SERVICES OF SPECIAL COUNSEL, CURT HARTMAN OF THE HARTMAN LAW FIRM, TO REPRESENT THE ASHTABULA COUNTY BOARD OF ELECTIONS IN A CHALLENGE OF RIGHT TO VOTE AND CORRECTION OF REGISTRATION LIST REGARDING THE ASHTABULA COUNTY PROSECUTING ATTORNEY, COLLEEN O'TOOLE**

Upon the motion of J.P. Ducro IV, seconded by Kathryn L. Whittington.

**VOTE:**

Casey R. Kozlowski  
Kathryn L. Whittington  
J.P. Ducro IV

Aye  
Aye  
Aye

**CERTIFICATE OF CLERK**

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon and duly passed by the Board of County Commissioners of Ashtabula County, Ohio, on the date noted above.



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Lisa Hawkins, Clerk of the Board  
Board of County Commissioners  
Ashtabula County, Ohio

COPY

IN THE COURT OF COMMON PLEAS  
ASHTABULA COUNTY, OHIO

In Re: Application to appoint	)	CASE NO. 2023-MD <u>174</u>
Curt Hartman	)	
Counsel for the Ashtabula	)	
County Board of Elections	)	
	)	JUDGE THOMAS E. HARRIS
	)	Administrative Judge
	)	
	)	<u>ORDER</u>

FILED

2023 OCT -5 PM 4:48

PAUL DANIELS  
CLERK OF COURTS  
COMMON PLEAS COURT  
ASHTABULA, OHIO

The Court finds that the Board of Commissioners of Ashtabula County have passed a resolution, pursuant to Ohio Revised Code Section 305.14, to appoint Attorney Curt Hartman of the Hartman Law Firm to advise and represent the Ashtabula County Board of Elections in all matters involving the challenge of the residency and voter status of Colleen M. O’Toole, who currently holds the office of Ashtabula County Prosecutor.

The Court finds that, on its face, Colleen M. O’Toole has a conflict of interest because she is the respondent to the challenge filed with the Ashtabula County Board of Elections, and she cannot ethically serve as legal counsel for the Ashtabula County Board of Elections and simultaneously be the respondent to a challenge filed regarding her residency and voter status.

The Board of Commissioners of Ashtabula County has a clear legal duty, pursuant to Ohio Revised Code Section 305.14 and *State ex rel. Trumbull Cty. Bd. of Elections v. Trumbull Cty. Bd. of Commrs.*, 11th Dist. Trumbull No. 2009 TR 85, 2010-Ohio-2281, to provide the Ashtabula County Board of Elections with separate legal counsel. The Ashtabula County Board of Elections has a duty to conduct a hearing within ten (10) days, pursuant to Ohio Revised Code Section 3503.24, so time is of the essence.

The application filed by the Board of Commissioners of Ashtabula County to appoint Attorney Curt Hartman of the Hartman Law Firm to represent and advise the Ashtabula County

Board of Elections in all matters involving the challenge to the residency and voter status of Colleen M. O'Toole is **GRANTED**.

**IT IS SO ORDERED.**

Pursuant to Civil Rule 58(B), the Clerk of this Court is directed to serve notice of this judgment and its date of entry in the journal upon the following: Prosecuting Attorney Colleen M. O'Toole; Commissioner Casey R. Kozlowski; Commissioner Kathryn L. Whittington; Commissioner J.P. Ducro, IV; Ashtabula County Board of Elections; and, Curt Hartman.

A handwritten signature in cursive script that reads "Thomas E. Harris". The signature is written in black ink and is positioned above a horizontal line.

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Judge Thomas E. Harris

Administrative Judge