

VERIFIED ELECTION COMPLAINT

David Palmer
Relator/Plaintiff
Sacramento, California

-vs-

Thomas J. Moyer
Chief Justice – Ohio Supreme Court
Columbus, Ohio



This complaint deals with Mr. Moyer's *serial* violations of O.R.C. § 3517.09.2 and § 3517.092 (B)(C), which state:

(B) No state elected officer, no campaign committee of such an officer, and no other person or entity shall knowingly solicit or accept a contribution on behalf of that office of that officer's campaign committee from any of the following:

- (1) A state employee whose appointing authority is the state elected officer;
- (2) A state employee whose appointing authority is authorized or required by law to be appointed by the state elected officer;
- (3) A state employee who functions in or is employed in or by the same public agency, department, division, or office as the state elected officer.

(C) No candidate for a state elective office, no campaign committee of such a candidate, and no other person or entity shall knowingly solicit or accept a contribution on behalf of that candidate or that candidate's campaign committee from any of the following:

- (1) A state employee at the time of the solicitation, whose appointing authority will be the candidate, if elected;
- (2) A state employee at the time of the solicitation, whose appointing authority will be appointed by the candidate, if elected, as authorized or required by law.
- (3) A state employee at the time of the solicitation, who will function in or be employed in or by the same public agency, department, division, or office as the candidate, if elected.

Moyer's Solicitation of Retired Judges

Ohio Const. 4.06(C) – states in relevant part:

Any voluntarily retired judge, or any judge who is retired under this section, may be assigned with his consent, by the chief justice or acting chief just of the Supreme Court to active duty as a judge...”

State employees at the time of the solicitation/contribution who were subject to Mr.

Moyer's *exclusive statutory* appointing authority are as follows:

Date	Amt.	Judges Name	Residence	Solicitation Status - Earnings-VJ
06-16-04	\$ 125	Anderson, Susan	Saint Paris	Retired VJ – Earnings not available
10-16-92	\$ 100	Bettis, Warren J.	Salem	Retired VJ - \$900,000 – '93-'04
05-24-04	\$ 250	Cartolano, Fred	Cincinnati	Retired VJ – Not available
05-13-98	\$ 500	Chinnock, William	Cleveland	Elected Judge - \$500,000 – '99-'04
11-06-98	\$ 100	Chinnock, William	Cleveland	Elected Judge - \$500,000 – '99-'04
09-23-04	\$1000	Clark, Joseph	Lancaster	Retired VJ - \$85,500 -10-03/1-05
01-08-04	\$ 500	Curran, Thomas	Cleveland	Retired VJ - \$33,900 – 07-03/10-03
05-24-04	\$ 250	Curran, Thomas	Cleveland	Retired VJ - \$33,900 – 07-03/10-03
06-17-04	\$ 250	Deshler, Dana	Columbus	Retired VJ - \$11,154 – 06-03/11-04
09-28-04	\$ 150	Deshler, Dana	Columbus	Retired VJ - \$11,154 – 06-03/11-04
01-22-04	\$ 250	Hair, Deidra	Cincinnati	Retired VJ – Not available
04-24-04	\$ 100	Harsha, William	Chillicothe	Retired VJ – Not available
09-09-04	\$ 100	Hendrickson, Wm	Monroe	Retired VJ - \$23,800 – '00-'04
09-22-98	\$ 200	Hendrickson, Wm	Monroe	Retired VJ - \$23,800 – '00-'04
10-12-04	\$ 200	Lawther, Robert	Westlake	Retired VJ - \$400,000 – '93-'02
01-04-93	\$1000	Lawther, Robert	Westlake	Retired VJ - \$400,000 – '93-'02
05-29-02	\$ 500	Lawther, Robert	Westlake	Retired VJ - \$400,000 – '93-'02
03-04-92	\$1000	Leach, Russell	Columbus	Retired VJ - \$900,000 – '93-'04
07-08-92	\$ 400	McQuade, Richard	Swanton	Retired VJ – \$550,000 – '92/'02
05-15-92	\$ 100	McQuade, Richard	Swanton	Retired VJ – \$550,000 – '92/'02
12-21-92	\$ 250	McQuade, Richard	Swanton	Retired VJ – \$550,000 – '92/'02
03-23-04	\$ 50	Milligan, John	Canton	Retired VJ - \$44,500 – '00-'04
10-26-98	\$ 400	Moser, John	Hamilton	Retired VJ - Not available
01-22-04	\$ 250	Moser, John	Hamilton	Retired VJ – Not available
08-17-04	\$ 100	Moser, John	Hamilton	Retired VJ – Not available
07-31-98	\$ 100	Nahra, Joseph	Cleveland	Ret VJ - \$175,000 – 01-99/10-04
02-12-04	\$ 100	Nurre, Thomas	Cincinnati	Ret VJ - \$106,600 – 03-03/12-04
01-08-04	\$ 200	Patton, John	Westlake	Ret VJ - \$167,000 – 03-02/05-04
01-08-04	\$ 300	Patton, John	Westlake	Ret VJ - \$151,000 – 03-02/07-04
08-24-04	\$ 250	Patton, John	Westlake	Ret VJ - \$151,000 – 03-02/07-04
12-21-92	\$ 200	Shoemaker, Fred	Westerville	Retired VJ - \$1.1 mil – '87-'04
02-10-93	\$ 250	Shoemaker, Fred	Westerville	Retired VJ - \$1.1 mil – '87-'04
03-13-04	\$ 100	Swain, Richard	Mentor	Retired VJ - Not available
11-20-03	\$2500	Wright, Craig	Columbus	Retired VJ - \$33,500 – 03-03/1-05
	\$12,125			

It is undisputed that the Ohio Constitution provides exclusive authority to Mr. Moyer to appoint retired judges to active duty. In fact, every retired visiting judge appointed by Mr. Moyer since 1987 owes his/her livelihood to him.

It would be frivolous to the nth degree for Mr. Moyer to assert that he was ignorant of Ohio Election Laws in soliciting/accepting campaign contributions from state employees as set forth above.

ELECTED APPELLATE JUDGE SOLICITATIONS

Sitting/Elected Appellate Judges are state employees who function in the same public agency/department as Mr. Moyer; therefore, soliciting/accepting contributions from said state employees violates ORC 3517.092(C)(4). The list of appellate judges solicited for contributions by Mr. Moyer is as follows:

Date	Amt.	Judges Name	Venue	Solicitation Status
08-19-98	\$ 50	Abele, Peter	4 th - Athens	Elected/Sitting Appellate Judge
10-22-04	\$ 400	Batchelder, Wm	9 th – Akron	Elected/Sitting Appellate Judge
06-18-04	\$1100	Cupp, Robert	3 rd – Lima	Elected/Sitting Appellate Judge
09-11-98	\$ 100	Deshler, Dana	10 th – Columbus	Elected/Sitting Appellate Judge
10-26-98	\$ 200	Deshler, Dana	10 th – Columbus	Elected/Sitting Appellate Judge
03-23-04	\$ 50	Edward, Julie	5 th – Canton	Elected/Sitting Appellate Judge
09-21-98	\$ 150	Farmer, Sheila	5 th – Canton	Elected/Sitting Appellate Judge
03-13-04	\$ 200	Klatt, William	10 th - Columbus	Elected/Sitting Appellate Judge
12-10-92	\$ 100	Nahra, Joseph	8 th – Cleveland	Elected/Sitting Appellate Judge
07-31-98	\$ 100	Nahra, Joseph	8 th – Cleveland	Elected/Sitting Appellate Judge
04-30-98	\$ 200	Petree, Charles	10 th – Columbus	Elected/Sitting Appellate Judge
08-17-04	\$1200	Valen, Anthony	12 th – Middletown	Elected/Sitting Appellate Judge
03-23-04	\$ 200	Wise, John	5 th – Canton	Elected/Sitting Appellate Judge
	\$4,050			

CONTRIBUTIONS FROM RETIRED VJ SPOUSES

The following spouses of retired visiting judges sitting by appoint of Chief Justice Thomas J. Moyer, all of whom were homemakers/housewives (e.g., unemployed) made the following campaign contributions.

Date	Amt.	Judges Name	Residence	Solicitation Status
09-18-98	\$ 100	Bettis, Warren J.	Salem	Barbara Bettis – Homemaker
08-31-98	\$1000	Burton, Everett	Portsmouth	Martha Burton - Homemaker
02-05-04	\$ 250	Cirigliano, Joseph	Elyria	Bev Cirigliano – Homemaker
01-08-04	\$ 500	Curran, Thomas	Cleveland	Jeanne Curran - Homemaker
05-24-04	\$ 250	Curran, Thomas	Cleveland	Jeanne Curran - Homemaker
10-13-04	\$ 150	Curran, Thomas	Cleveland	Jeanne Curran - Homemaker
05-20-98	\$2000	McQuade, Richard	Swanton	Mary McQuade - Homemaker
06-24-98	\$1000	Shannon, Ray	Cincinnati	Jane Shannon - Homemaker
05-28-98	\$1000	Thompson, Tommy	Columbus	E. Lavon Thompson – Homemaker
05-28-98	\$1000	Thompson, Tommy	Columbus	E. Lavon Thompson – Flag Ladys
04-30-98	\$ 150	Shoemaker, Fred	Columbus	Rosalie Shoemaker – Housewife
10-14-98	\$ 300	Shoemaker, Fred	Columbus	Rosalie Shoemaker – Homemaker
01-22-04	\$ 250	Shoemaker, Fred	Columbus	Rosalie Shoemaker – Homemaker
10-20-98	\$ 250	Yarbrough, Steve	Toledo	Carol Yarbrough – Dana Corp.
	\$8,200			

The above undisputed facts, all of which were obtained by relator via a review of Secretary of State Blackwell’s website and/or from public records provided by the Ohio Supreme Court clearly demonstrate that Mr. Moyer has engaged in a continuing pattern of illegally soliciting/accepting campaign contributions in violation of well-established Ohio Election Laws.

Put simply, Mr. Moyer’s conduct should result in a “slam-dunk” prosecution by the Elections Commission regarding his serial violations of the law as set forth herein.
