

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF
INVESTIGATION



AGENCY: OHIO GOVERNOR'S OFFICE
FILE ID NO.: 2011-241
DATE OF REPORT: NOVEMBER 20, 2012

The Office of the Ohio Inspector General..... The State Watchdog

“Safeguarding integrity in state government”

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STATE OF OHIO
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REPORT OF INVESTIGATION

FILE ID NUMBER: 2011-241

SUBJECT NAME: Sherri Carbo
Nicholas Gatz
Nicole Kostura

POSITION: Regional Liaisons

AGENCY: Ohio Governor's Office

BASIS FOR INVESTIGATION: Initiative of the Ohio Inspector General

ALLEGATIONS: Political Activity on State Time

INITIATED: December 11, 2011

DATE OF REPORT: November 20, 2012

INITIAL ALLEGATION AND COMPLAINT SUMMARY

On December 19, 2011, the Office of the Ohio Inspector General initiated an investigation based on news articles that reported Kevin DeWine made comments which gave the impression that members of the Ohio Governor's Office engaged in political activity during work hours. The news articles reported that official documents showed three members from the Ohio Governor's regional liaison staff – Sherri Carbo, Nicholas Gatz, and Nicole Kostura – had filed petitions for candidates to run for seats on the Ohio Republican State Central Committee (ORSCC) in opposition to other candidates who supported DeWine continuing as ORSCC's chairman. The news articles further reported that the petitions may have been filed during weekday work hours.

BACKGROUND

The Ohio Governor's Office oversees the operations of state government and serves as the chief executive officer of state government. The major duties of the Ohio Governor include formulating and implementing administrative policy for state agencies, submitting biennial capital and operating budgets to the legislature, and appointing state agency directors, state board and commission members, and judges to mid-term vacancies. The Ohio Governor also serves as commander-in-chief of the Ohio National Guard. In addition to the Ohio Governor,¹ the Ohio Governor's Office employs a staff of 40.

The Ohio Governor's Office employs six regional liaisons. There is one liaison in each of the following areas of the state: Northwest Ohio, Western Ohio, Southwest Ohio, Northeast Ohio, Eastern Ohio, and Southeast Ohio. The regional liaisons are responsible for building working relationships for the Ohio Governor's Office throughout the state by working with community leaders and appointed and elected officials involved in governments in the respective regions.

¹ Source: <http://lsc.state.oh.us/fiscal/recovery>

Ohio Revised Code §3517 et seq. addresses the membership of the controlling committees of major or intermediate political parties in the state. Currently, during the primary election which is held every two years, one man and one woman are elected from the state central committee district for each major political party. The boundary lines of each state central committee district correspond to the lines of each state senate district. For a state central committee candidate to have been eligible in the primary election held on March 6, 2012, a candidate's petition(s) was due for filing on December 7, 2011, at the board of elections, in the county, or portion of a county within the state central committee district having the greatest number of citizens. Each candidate had to deliver a petition, or number of petitions having a collective total number of valid nominating signatures of electors of between five and 15.

APPLICABLE POLICIES

The Office of the Ohio Inspector General requested the Ohio Governor's Office provide a copy of the policy regulating political activity for employees. On April 29, 2011, the Ohio Governor's Office furnished a copy of a memorandum issued by former Governor Strickland's chief legal counsel, dated February 16, 2010. The memorandum, entitled "State of Ohio Political Activity Policy," was the most current policy in effect. [\(Exhibit](#)

[1\)](#) The State of Ohio Political Activity Policy section 4.1 states:

Ideally, if a state employee chooses to participate in election-related activities, those activities should be conducted on the weekends or outside normal work hours to eliminate any chance of inadvertent violation of the law, or even the appearance of impropriety. However, a state employee may engage in permissible political activity during normal work hours if the employee uses a lunch hour, personal leave, compensatory time, or vacation leave for that purpose.²

² Source: Political Activity Policy (Update.2)

INVESTIGATIVE SUMMARY

The Office of the Ohio Inspector General obtained timekeeping reports from the Ohio Administrative Knowledge System (OAKS) for three regional liaisons; Sherri Carbo, Southwest Ohio regional liaison; Nicholas Gatz, Southeast Ohio regional liaison; and Nicole Kostura, Northeast Ohio regional liaison, from December 1, 2011, through December 9, 2011. A timekeeping report was also obtained for David Luketic, administrative staff, from November 21, 2011, through December 9, 2011. Additionally, the following records were received from the Ohio Governor's Office:

- Written instructions or policies regarding political activity during working hours;
- Policies regarding use of state-issued vehicles;
- A list of all regional liaisons, the counties they covered, and their office locations;
- The following information for the regional liaisons identified above:
 1. List of all state-issued vehicles assigned to the regional liaisons, including their state vehicle tag numbers;
 2. Phone numbers for Blackberries or state-owned cell phones assigned to the regional liaisons;
 3. Copies of Outlook calendar entries for November and December 2011;
 4. Timesheets from November 21, 2011, through December 9, 2011;
 5. Copies of requests for leave to be taken from November 21, 2011, through December 9, 2011;
 6. Weekly or daily activity logs submitted for activities during the period from November 21, 2011, through December 9, 2011;
 7. Emails from November 21, 2011, through December 9, 2011; and

8. Travel reimbursement records for travel occurring from November 21, 2011, through December 9, 2011.

In order to assess the degree of involvement Kostura, Carbo, and Gatz may have had in circulation, delivery, or filing of petitions, the Office of the Ohio Inspector General requested and received declarations of candidacy and nominating forms for individuals connected to the investigation who sought to serve on the Republican State Central Committee. The petition filing locations for the following county boards of elections were chosen based on the Senate districts located within the regional liaisons' area:

- Pike County
- Cuyahoga County
- Butler County
- Warren County
- Hamilton County
- Clermont County

The Office of the Ohio Inspector General conducted interviews with the following regional liaisons employed by the Governor of Ohio's Office:

- Nicole Kostura, Northeast Ohio Regional Liaison
- Sherri Carbo, Southwest Ohio Regional Liaison
- Nicholas Gatz, Southeast Ohio Regional Liaison
- Christina Wagner, Eastern Ohio Regional Liaison
- Chase Francis, Northwest Ohio Regional Liaison
- Sandra Brasington, Western Ohio Regional Liaison

In an interview conducted by the Office of the Ohio Inspector General on March 28, 2012, Western Ohio Regional Liaison Sandra Brasington stated she filed her own petition to serve on the Montgomery County Republican Central Committee on December 7, 2011. A review of the timesheets provided by the Ohio Governor's Office revealed

Brasington did not report to work that day, and used eight hours of compensatory leave time. In an interview conducted by the Office of the Ohio Inspector General on March 27, 2012, Northwest Ohio Regional Liaison Chase Francis stated she did not circulate or file petitions on behalf of any candidates running for state central committee. A review of the timesheets provided by the Ohio Governor's Office showed Francis reported working 9.2 hours on December 7, 2011. In an interview conducted by the Office of the Ohio Inspector General on March 29, 2012, Eastern Ohio Regional Liaison Christina Wagner indicated she did not circulate or file petitions on behalf of any candidates running for state central committee. A review of the timesheets provided by the Ohio Governor's Office showed Wagner did not report to work on Wednesday, December 7, 2011, and used eight hours of compensatory leave time.

During the course of the interviews conducted with the six regional liaisons, each stated David Luketic, administrative staff, was on leave from the Ohio Governor's Office so that he could work on the Ohio Republican State Central Committee election. Timekeeping reports confirm that from December 1, 2011, through December 9, 2011, Luketic was on leave without pay. Information received from the Governor's Office revealed that Luketic verbally requested those days off, but did not have available leave time to use. The regional liaisons each recalled Luketic had asked them to assist any candidates needing help circulating or filing their petitions. The regional liaisons said they were not instructed to do so by Luketic, but were asked to help if necessary. The regional liaisons did not express concern that their positions with the Ohio Governor's Office would be in jeopardy if they did not assist with the petitions.

Timekeeping reports from OAKS were reviewed for Carbo, Gatz, and Kostura from December 1, 2011, through December 9, 2011. The following table shows the reported hours worked by the three individuals during that time period.

Date	Sherri Carbo's Hours	Nicholas Gatz's Hours	Nicole Kostura's Hours
12/1/2011	7	9.5	10.5
12/2/2011	8	8.5	11
12/5/2011	10	8	10.5
12/6/2011	7	6	8.2
12/7/2011	3	0	4
12/8/2011	10	7.5	11
12/9/2011	10	8	6.3

The Office of the Ohio Inspector General interviewed Southeast Ohio Regional Liaison, Nicholas Gatz, on February 12, 2012, and March 22, 2012. Gatz stated he did not circulate petitions on behalf of any candidates or himself, but he did file petitions for two candidates pursuing seats on the Ohio Republican State Central Committee. Gatz reported that while on personal leave from work on December 7, 2011, he filed petitions in Ross County for Bonnie Ward of Pike County, and in Fairfield County for Peggy Hayden of Guernsey County. Gatz stated Luketic requested he deliver and file the petitions for Ward and Hayden and added neither Ward nor Hayden contacted him by text or phone asking him to file the petitions. Review of Ward's petition of candidacy for the Republican State Central Committee filed at the Pike County Board of Elections indicated it was circulated by Bonnie L. Ward and was file-stamped "received" on December 7, 2011, at 9:02 a.m. Gatz stated he had known Bonnie Ward for approximately one year. According to Gatz, Ward did some work on the teacher evaluation policy with the education policy team in the Governor's Office, and is a school teacher in Pike County.

Gatz stated Luketic was with the Ohio Governor's Office under the public liaison office for a short period of time, left the office in the summer, returned again for a short period, then left and was no longer with the Ohio Governor's Office. According to Gatz, Luketic worked with the coalition groups and had helped Gatz when Governor Kasich would travel to his area, which was the southeast region of the state. Gatz referred to Luketic as a "political operative." Gatz had known Luketic for about one year, but explained Luketic had not been employed by the Ohio Governor's Office for a couple of months.

Gatz stated from what he knew publicly, Luketic took a leave of absence from the Ohio Governor's Office to work on the Ohio Republican State Central Committee election.

Gatz described his relationship with Hayden as "much more infrequent than with Ward." Gatz stated he met Hayden while working on a political campaign in 2008 and has seen her once or twice since then. Gatz indicated that he had not had any contact with Hayden in the "preceding years" and had not seen her at all. Gatz admitted that he would not have taken the day off to file petitions for Ward or Hayden's unless Luketic had asked. Although Gatz stated he filed petitions in Fairfield County, the Office of the Ohio Inspector General was unable to locate a petition filed under Peggy Hayden's name in Fairfield or other surrounding counties.

A review of timekeeping records obtained from the Ohio Governor's Office revealed Gatz used eight hours of vacation leave on December 7, 2011.

The Office of the Ohio Inspector General interviewed Northeast Ohio Regional Liaison Nicole Kostura on February 1, 2012. Kostura stated the only petition she filed was her own. Kostura's petition of candidacy for the Cuyahoga County Republican Central Committee was filed with the Cuyahoga County Board of Elections on December 6, 2011, at 1:05 p.m. Kostura currently serves on the Republican Central Committee for North Royalton, Ward 5-Precinct C. Kostura said she is not required to circulate and gather signatures on a petition for the seat; she only has to sign and submit it.³ Kostura reported filing her petition at the same time as delivering a letter from a friend who desired to withdraw her candidacy for a Cuyahoga County Republican Central Committee North Royalton seat in Ward 2 on December 6, 2011, around 1:10 - 1:15 p.m. Kostura stated she drove her personal car and was on her lunch break when the filing was made. Kostura was not aware of any other state employees having circulated or filed petitions while on state time.

³ In accordance with Ohio Revised Code §3513.051, a county central committee may determine no need for petition.

A review of Kostura's timesheets obtained from the Ohio Governor's Office revealed Kostura worked from 7:00 a.m. to 4:30 p.m. with a lunch break from 12:45 p.m. to 2:00 p.m.

The Office of the Ohio Inspector General obtained and reviewed petitions submitted to the boards of elections for Butler, Warren, Hamilton, and Clermont counties which comprised the regional territory of Southwest Ohio Liaison Sherri Carbo. A review of petitions obtained from the Butler County Board of Elections indicated Carbo circulated candidate petitions for Richard L. Alderson and Patricia F. Alderson, who were at the time candidates for Ohio Republican State Central Committee. Each petition had 12 signatures and were all collected on December 6, 2011, however there was no date or time stamp affixed to indicate when the petitions were received for filing at the Butler County Board of Elections. A review of petitions received from the Warren County Board of Elections showed Carbo circulated a petition for Rebecca Heimlich, also a candidate for Ohio Republican State Central Committee, and had 12 electors' signatures which were collected on December 1, 2011, December 2, 2011, and December 5, 2011. Heimlich's petition was stamped "received" by the Warren County Board of Elections on December 6, 2011, at 12:20 p.m. A review of petitions received from Hamilton and Clermont county boards of elections for candidates for Ohio Republican State Central Committee showed that Carbo did not circulate those petitions.

The Office of the Ohio Inspector General interviewed Southwest Ohio Regional Liaison Sherri Carbo on February 8, 2012, and March 28, 2012. Carbo stated that in addition to circulating a petition for herself as a candidate for Warren County Republican Central Committee, she also circulated petitions for Rebecca Heimlich, Richard Alderson, and Patricia Alderson. Carbo said she circulated the petitions during evenings and on weekends. Carbo stated she had known Heimlich for five years and referred to her as a friend. Carbo could not recall if Heimlich directly asked her for assistance, or if David Luketic told her that Heimlich was struggling to collect the needed signatures by the

deadline, due to Heimlich's last minute decision to run. The signatures appearing on both Carbo and Heimlich's petitions were obtained from people in Carbo's neighborhood.

Carbo stated that during a telephone conversation, David Luketic suggested Carbo reach out to the people and help them if needed. According to Carbo, there was no "directive" by Luketic to do so, and telephone calls received from Luketic were after work hours to her personal cell phone, and sometimes on Sunday evenings. Carbo said that Luketic is a former employee of the Ohio Governor's Office and had first taken a leave of absence to work on the Issue 2 campaign and then to work on Ohio Republican State Central Committee issues. While employed by the Ohio Governor's Office, Luketic was not Carbo's supervisor or in her chain of command but believed Luketic was with the office of coalitions in the Ohio Governor's Office. Carbo stated that Luketic was referred to as the "point guard" with regard to events that Governor Kasich was attending in their assigned regions of the state.

Carbo explained she had known Richard and Patricia Alderson for three years. Carbo did recall contacting the Aldersons to offer assistance, after Luketic reported the Aldersons were struggling to collect signatures by the deadline. Carbo specifically recalled circulating the Alderson's petition on December 6, 2011, at 10:00 p.m. All of the signatures on the Alderson's petitions, except for one or two, were obtained at the West Chester Tea Party meeting at the Grand Ole Pub in West Chester, Ohio. Carbo said she went to James Lewis' house on December 6, 2011, to obtain his signature and Lewis suggested Carbo take the petitions to the Tea Party meeting occurring that evening at the Grand Ole Pub in West Chester to gather the remaining needed signatures. Carbo stated she filed the Alderson's petitions at the Butler County Board of Elections on December 7, 2011, while off duty from work and using compensatory time.⁴ Carbo used her personal vehicle that day, as opposed to driving her state-issued vehicle.

⁴ Time off from regular work hours as defined in the Ohio Administrative Code Chapter 123:1-43 Overtime and Compensatory Time.

While on a leave of absence, Carbo recalled filing her own petition as a candidate for Warren County Republican Central Committee, and Heimlich's petitions for Ohio Republican State Central Committee at the Warren County Board of Elections on December 6, 2011. Carbo stated she drove her personal vehicle that day.

The vehicle log confirmed Carbo did not drive her state-issued vehicle on December 6, 2011, or December 7, 2011.

A review of Carbo's timesheets received from the Ohio Governor's Office revealed Carbo worked from 8:00 a.m. to 4:30 p.m. on December 6, 2011, with a lunch break from 11:30 a.m. to 1:00 p.m. On December 7, 2011, Carbo worked from 12:00 p.m. to 3:00 p.m. Carbo's OAKS time report for December 5, 2011, through December 9, 2011, revealed that Carbo utilized flextime⁵ by working 10-hour days on Monday, Thursday, and Friday; seven hours on Tuesday; and three hours on Wednesday to provide 40 hours for the week.

On April 3, 2012, and June 5, 2012, the Office of the Ohio Inspector General conducted interviews with the following individuals that signed candidate petitions for:

- Candidates Richard and Patricia Alderson:
 - James Lewis, West Chester, Ohio
 - Teresa Moody, West Chester, Ohio
 - Patricia Langdon, Fairfield, Ohio
 - Bill Langdon, Fairfield, Ohio
- Candidate Rebecca Heimlich:
 - Cindy Merkel, South Lebanon, Ohio
 - Anton VanDerMerwe, South Lebanon, Ohio
 - Charles Sweeney South Lebanon, Ohio
 - Janet Clem, South Lebanon, Ohio

⁵ A system allowing individual employees some flexibility in choosing the time, but not the number of their working hours in a work week.

During the interview with James Lewis, he confirmed his signatures on line 2 of Patricia Alderson's petition, and line 3 of Richard Alderson's petition. Lewis also confirmed what appeared to be the signature of Roxanne Lewis, his wife, on line 3 of Patricia Alderson's petition and line 2 of Richard Alderson's petition. Lewis stated Carbo came to their house on December 6, 2011, around 8:30 p.m. and asked James and his wife to sign the petitions. After the petitions were signed, Lewis recommended that in order to gather more signatures, Carbo should take both petitions to the Grand Ole Pub in West Chester, Ohio, where the West Chester Tea Party was conducting a meeting. Lewis estimated that if Carbo did follow his suggestion about going to the pub, she would probably have arrived at the Grand Ole Pub around 9:00 p.m.

In an interview with Teresa Moody, whose signature appeared on the petitions for both Patricia Alderson and Richard Alderson, Moody confirmed her signature on line 4 of both petitions. Moody could not remember the day specifically, but stated that she signs anything for the West Chester Tea Party. Moody stated she would have signed it in the evening, not during the day.

During the interview with Patricia Langdon, she confirmed her signatures on line 12 for both Patricia Alderson's and Richard Alderson's petitions. Also, Langdon said she recognized her daughter's signature, Michelle Langdon, on line 13 of both petitions. Langdon was advised that an attempt was made to interview her daughter Michelle that same day. Langdon stated her daughter was at work as a school teacher. Langdon also explained that she and her husband, Bill, own the Grand Ole Pub in West Chester, Ohio, and the hours of operation for the pub are Tuesday through Thursday 11:00 a.m. to 12:00 a.m., Friday and Saturday 11:00 a.m. to 2:30 a.m., and Sunday 11:00 a.m. to 11:00 p.m. Langdon stated her husband Bill usually works at the pub during the day and she arrives around 5:00 p.m. to help out. Langdon recalled that Jim Lewis, who is with the West Chester Tea Party, called her that evening at the pub and informed her that he was sending someone with petitions to the pub to collect signatures. Langdon stated that the

West Chester Tea Party holds gatherings at the pub on the first Tuesday of every month at 7:00 p.m. Langdon said she signed the petition after 7:00 p.m.

On April 3, 2012, the Office of the Ohio Inspector General interviewed Bill Langdon at the Grand Ole Pub and he confirmed Patricia's statement that the West Chester Tea Party holds gatherings at the Grand Ole Pub the first Tuesday of every month at 7:00 p.m. Bill Langdon stated the attendance at the gatherings ranges from three to 20 people.

On April 3, 2012, the Office of the Ohio Inspector General interviewed Janet Clem. Clem, who lives next door to Carbo, confirmed her signature on line 6 of Rebecca Heimlich's petition and recognized the signature of her husband, Michael, on line 12 of Heimlich's petition. Clem could not remember the exact date and time she and her husband signed the petition, but said it was probably in the evening after 6:30 p.m.

On June 5, 2012, the Office of the Ohio Inspector General conducted interviews with Cindy Merkel, Anton VanDerMerwe, and Charles Sweeney, who all reside in the same neighborhood as Carbo. Merkel confirmed her signature on line 5 of Heimlich's petition, and said she recognized the signature of her husband, Mark, on line 4 of Heimlich's petition. Merkel stated that it would have been after 6:00 p.m. when she and her husband signed the petitions, because Mark is at work and is not home before 6:00 p.m.

VanDerMerwe confirmed his signature on line 8 of Heimlich's petition and recognized the signature of his wife, Anna, on line 7 of Heimlich's petition. VanDerMerwe stated it was after 7:00 p.m. when Carbo came to their home and requested their signatures. VanDerMerwe stated he and his wife generally go to the gym at 6:00 p.m. and eat dinner at 7:00 p.m., and he recalled that he and Anna were eating dinner when Carbo came to the door.

Sweeney confirmed his signature on line 11 of Heimlich’s petition. Sweeney recalled signing the petition and said that it was probably in the evening, but could not be sure since it had been some time ago.

In order to obtain greater detail about the circumstances surrounding the news articles involving the comments of former Ohio Republican State Central Committee Chairman Kevin DeWine, the Office of the Ohio Inspector General made several attempts to arrange an interview with Kevin DeWine, but all proved unsuccessful. The table below illustrates those attempts.

DATE	CALL TO	CALL FROM	RESULTS
04/06/12	Kevin DeWine	Deputy Inspector General	Left a message on voicemail.
04/11/12	Kevin DeWine	Deputy Inspector General	Spoke with DeWine’s Assistant who stated he was out of the office, but she would have him call back.
04/12/12	Deputy Inspector General	Kevin DeWine	Left message on voicemail.
04/12/12	Kevin DeWine	Deputy Inspector General	Left message on voicemail.
04/17/12	Kevin DeWine	Deputy Inspector General	Left message on voicemail.
04/18/12	Deputy Inspector General	Kevin DeWine	Left message on voicemail.
04/18/12	Kevin DeWine	Deputy Inspector General	Left message on voicemail.
04/19/12	Kevin DeWine	Deputy Inspector General	Left message on voicemail asking for dates and times he’s available for interview.
04/23/12	Kevin DeWine	Deputy Inspector General	DeWine expressed reluctance about an interview. DeWine requested to speak to the Inspector General.
04/23/12	Kevin DeWine	Deputy Inspector General	Left message on voicemail.
05/01/12	Kevin DeWine	Deputy Inspector General	Advised DeWine that Inspector General will speak with him personally to discuss his concerns if needed.
05/07/12	Kevin DeWine	Inspector General	Left message on voicemail.
05/17/12	Kevin DeWine	Inspector General	Left message on voicemail.

On the two occasions telephone contact was made with DeWine, he did not provide additional information surrounding his comments made in the news articles.

CONCLUSION

The investigation did not find evidence the Ohio Governor's Office regional liaisons, Sherri Carbo, Nicholas Gatz and Nicole Kostura engaged in political activity during work hours using state resources.

Sherri Carbo did circulate and file nominating petitions for candidates pursuing election to the Ohio Republican State Central Committee, but no evidence was found to prove such political activity occurred at a time when Carbo was being paid to work for the state of Ohio, or while using vehicles, equipment, or other resources owned or leased by the state.

Nicholas Gatz did file nominating petitions for candidates pursuing election to the Ohio Republican State Central Committee, but no evidence was found to prove such political activity occurred during a time when Gatz was being paid to work for the state of Ohio, or while using vehicles, equipment, or other resources owned or leased by the state.

Nicole Kostura did file a nominating petition for herself as a candidate for a seat on the Cuyahoga County Republican Central Committee, and at the same time, delivered a withdrawal of candidacy letter for another person while visiting the Cuyahoga County Board of Elections. However, no evidence was found to prove the political activity described above occurred at a time when Kostura was being paid to work for the state of Ohio, or while using vehicles, equipment, or other resources owned or leased by the state.

Accordingly, the Office of the Ohio Inspector General finds no reasonable cause to believe wrongful acts or omissions occurred in these instances.

RECOMMENDATIONS

None

REFERRALS

None



STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

NAME OF REPORT: Ohio Governor's Office
FILE ID #: 2011-241

KEEPER OF RECORDS CERTIFICATION

This is a true and correct copy of the report which is required to be prepared by the Office of the Ohio Inspector General pursuant to Section 121.42 of the Ohio Revised Code.

Jill Jones
KEEPER OF RECORDS

CERTIFIED
November 20, 2012

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