

EXHIBIT 1

IN THE COMMON PLEASE COURT  
ATHENS COUNTY, OHIO  
-CIVIL DIVISION-

**BRYON GRAF II**  
CASE NO.  
6849 Park Street South  
South Pasadena, Florida 33707

Plaintiff

vs.

**CITY OF NELSONVILLE**  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 1

**MARK HALL SR**  
(City Manager)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 2

**STEVE PIERSON**  
(Assistant City Manager/ Code Officer)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 3

**HARRY BARBER III**  
(Fire Chief/ Fire Inspector)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 4

**JASON WALLACE**  
(Chief of Police)

FILED  
ATHENS COUNTY, OHIO  
APR 07 2016  
*Arthur*  
CLERK  
OF COMMON PLEAS COURT

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211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 5

**BERNARD VANCURREN**  
(Police Officer)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 6

**KEVIN DOTSON**  
(President City Council/Mayor's Court Judge)  
(Planning & Development Committee)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 7

**TERRY KOONS**  
(Council Member) (Planning & Development Committee)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 8

**BILL HOAG**  
(Council Member)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 9

**GREG SMITH**  
(Council Member)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 10

**CORY TAYLOR**  
(Council Member)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 11

**LINDA WATKINS**  
(Council Member) (Planning & Development Committee)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 12

**EDDIE VAN BIBER**  
(Council Member)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 13

**RICHARD HEDGES**  
(City Prosecutor)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 14

**BETTY JO PARSLEY**  
(Planning Commission)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 15

**DAVE LOGE**  
(Planning Commission)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 16

**LYNN GARBO**  
(Planning Commission)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 17

**GREGG CLEMENT**

(Planning Commission)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 18

**ANTHONY DAVIS**  
(Planning Commission)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 19

**JON FLOWERS**  
(Planning Commission)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 20

**SARA MILLIGAN**  
(Planning Commission)  
211 Lake Hope Drive  
Nelsonville, Ohio 45764

Defendant 21

**VERIFIED COMPLAINT AND DEMAND FOR TRIAL BY JURY FOR NEGLIGENCE,  
GROSS NEGLIGENCE, VIOLATION OF STATE AND FEDERAL CONSTITUTIONAL  
RIGHTS, VIOLATIONS OF OHIO LAW, MALICE, MISFEASANCE, MALFEASANCE,  
NONFEASANCE, HARRASMENT, ARBITRARY OR CAPRICIOUS ACTIONS, AND  
ULTRA VIRES ACTS IN EXCESS OF STATUTORY POWERS AND AUTHORITES.**

**AND**

**REQUEST FOR IMMEDIATE INJUNCTIVE RELIEF**

**AND**

**REQUEST FOR CRIMINAL INVESTIGATION THRU A SPECIAL PROSECUTOR**

STATE OF OHIO,

COUNTY OF ATHENS, ss.

Now comes Plaintiff, Bryon Graf II, and for his complaint against the Defendants identified above, states as follows:

1. Defendants have committed acts of negligence, gross negligence, breach of constitutional rights, misfeasance, malfeasance, and nonfeasance, arbitrary or capricious actions, and ultra vires acts with malice in excess of statutory powers and authorities.
2. Plaintiff has been harmed by the Defendants acts the extent of which shall be proven at trial.

**COUNT ONE  
FACTS**

3. In March of 2013 the Plaintiff purchased a property at 615 E Canal Street/616 Jackson Street in the City of Nelsonville herein referred to as the subject property.
4. On or about May of 2013 the Plaintiff began construction to make multiple units in the two buildings.
5. In the months of May thru August 2013, Steve Pierson Code Enforcement Officer herein after referred to as Code Officer for the City of Nelsonville, Ohio was observed on various occasions sitting across the street and in the turning lane of Canal street observing and what appeared to be taking pictures of work being done by contractors at 615 E Canal Street/616 Jackson Street in the City of Nelsonville herein referred to as the subject property. No contact about the subject property during May, June, July, August of 2013 was ever made to the Plaintiff by the Code Officer.

6. On or about the 15<sup>th</sup>, of August 2013 the Plaintiff as per his usual way of life was publicly advising people of his departure to Florida for the winter as of September 15<sup>th</sup>, 2013 and advising others of the contact information for the Plaintiff and other information relevant to being able to communicate to the Plaintiff in Florida including various City of Nelsonville departments.
7. On or about August 30<sup>th</sup> 2013, Harry Barber III, Inspector for Nelsonville Fire Department, herein after referred to as Fire Inspector, stopped at the subject property and wanted entry. The contractor at the property stated he was not able to grant such permission and gave the Fire Inspector the Plaintiff's cell phone number since the Plaintiff was not present.
8. Shortly, thereafter on or about August 30<sup>th</sup> 2013 the Fire Inspector contacted John Cheeseman a fire fighter for the city of Nelsonville while he was off-duty working part time as a contractor for the Plaintiff and was questioned about the number of units the Plaintiff was preparing the drive-thru portion of the subject property for. The fire fighter/contractor Cheeseman told the Fire Inspector he did not know as Cheeseman did not know the plans or intentions of the Plaintiff at that point. Thru such conversation the Fire Inspector told Cheeseman that the Plaintiff was only aloud to have 4 units in the total buildings, and that the Fire Inspector would not need to inspect the building if there was only that many occupied units. (See Exhibit 0 & Exhibits of taped conversations shall be presented in Court)
9. The subject property had two unique structures herein further referred to as the drive thru and a house that were separated by a walk way of approximately 4 feet

between the two structures. The walk way was gated on one end and walled off on the other. No roofing other than over hangs were present at that time.

10. The Plaintiff up to the date of August 30<sup>th</sup> 2013 had roughed in plumbing and features that could accommodate up to 5 units in the drive thru and had only intended to use two of the units and unfinished units for storage that would have been easily converted to additional units by the Plaintiff at a later date if the Plaintiff choose. The house portion of the subject property had two units in it.
11. The Fire Inspector contacted the Plaintiff on or about August 30<sup>th</sup>, 2013 at 11:53 AM on Plaintiff's cell phone and asked the Plaintiff how many units he was making the subject property into. The Plaintiff told the Fire Inspector that there was 4 units to be occupied, and he was ruffing in for possible more units later. The Fire Inspector stated that if it was more than four he would have to inspect this property as it would then fall into an inspection status under Ohio commercial buildings for apartments, but since there was only four units the Fire Inspector stated he need not be involved. During this conversation there was no mention of permits, flood plains, or any other matter brought to the attention of the Plaintiff. Further, this was the first contact with the Plaintiff by any city official in regards to the subject property. (See Exhibit 1)
12. When the Plaintiff did leave on September 15, 2013 there were two completed units in the house portion of the subject property and two completed units in the drive thru portion of the subject property. The other 3 roughed in units in the drive thru were walled off and lots of roughed in worked completed such as water, sewer, and electric, but there was no intent nor ability of habitation of those units

by the Plaintiff till the Plaintiff researched more as to the number of units and codes needed to comply with commercial building from the State of Ohio.

13. On September 16<sup>th</sup> the day after the Plaintiff left for Florida and was still in route to Florida the Code Officer sends certified mail to the Plaintiff for the Plaintiff to fill out related to the subject property stating that the Plaintiff was not in compliance with the zoning ordinances and FEMA for the subject property. (See Exhibit 2 A & B)
14. On September 16, 2013 the Code Officer further contacts the State of Ohio Department of Commerce Compliance Division and states that there is "Work being done without permits & possible unlicensed contractors" a state violation on a commercially used building, due to the number of units within the structures. (See Exhibit 3)
15. The Plaintiff upon receiving information from the Code Officer as to permitting and or other rules begins working with the Code Officer to comply with the Code Officers request. The Plaintiff each step of the way with information obtained attempts to work with the Code Officer.
16. On or about October 4, 2013 Phillip Teal from the State of Ohio comes to the subject property to follow up on the complaint filed by the Nelsonville Code Officer and finds no violations. At this time there is only 2 completed units in the drive thru portion and 2 units in the house portion a total of 4 occupied units as outlined by the Fire Inspector on August 28, 2013. Phillip Teal further explains that each building under Ohio code could house 3 units each and not fall into commercial inspection mandated by the State of Ohio. This meaning the subject

property as a whole could have up to 6 units. Three units in each of the two buildings. The Plaintiff then communicates to the Code Officer such findings (See Exhibit 3 bottom of page findings and Exhibit 4)

17. In a further conversation with Phillip Teal State Inspector. Teal states that the report was communicated back to the Code Officer. The Code Officer was not satisfied, and called more times to have the State of Ohio come back again to inspect the subject property and Teal states the Code Officer is out to get the Plaintiff.
18. On or about October 7<sup>th</sup>, 2013 the State of Ohio Inspector Paul Wilson or Phillip Teal comes out and re-inspects the property and states due to various utilities running through the structure of one building to the other and all the calls they have had from Steve Pierson not being satisfied with the initial report that it would be recommended that only 3 units be used and occupied without submitting plans to the state for further determination, based on Steve Pierson's continual "hounding" of the state about the property. The Plaintiff that day immediately worked with 1 of the 4 occupied residential units who voluntarily agreed to relocate to another accommodation of the Plaintiff at a different property location to come into immediate compliance with the State of Ohio's current opinion on the matter. The Plaintiff immediately instructed all contractors to stop work on the other unfinished units in the drive thru portion as the intent from October 4, 2013 conversation with inspectors of the State of Ohio was to create a functional 3<sup>rd</sup> unit in the drive thru portion of the subject property. The Plaintiff further begins to plan with various contractors that once the Plaintiff's lease obligations

are fulfilled that the Plaintiff was going to redesign the various partially finished units of subject project to make a total of only 3 larger units to make sure the Plaintiff was in compliance, or to redesign to meet state code of multiple units that would require state of Ohio to certify plans and other obligation that the Plaintiff would have to meet. On this same day the Plaintiff contacts the Code Officer and asks about the cost and other information to get new water and sewer taps so the Plaintiff can move forward on trying to be able to fill out and document the forms that the Code Officer sent to bring the subject property into the proper compliance that the Code Officer felt was necessitated. (See Exhibit 5)

19. On or about October 9<sup>th</sup>, 2013 as Teal/Wilson recommended on October 7<sup>th</sup>, 2013 the Plaintiff sends a certified letter to Jeff Eaton Teal/Wilsons supervisor explaining that the subject property would only house 3 occupied units until more information from the city of Nelsonville Code Officer could be obtained. This was received by Eaton's office on October 15, 2013 (See Exhibit 6)
20. On October 21, 2013 the Plaintiff follows up with Code Officer to get the information requested for tap fees so the Plaintiff can fill out the paper work requested by the Code Officer. (See Exhibit 7)
21. On October 21, 2013 the Code Officer told the Plaintiff that he will have till November 9, 2013 to get all the required paper work into the Code Officer. Further notice that the Code Officer CC's the Law Director and the Prosecutor showing intent to prosecute prior to the deadline given the Plaintiff. (See Exhibit 8)
22. On or about October 24<sup>th</sup> 2013 the Plaintiff returns a call to the Fire Inspector

from a message received from the Fire Inspector with regards to the subject property. The Fire Inspector states that anytime construction takes place in the City of Nelsonville Fire Inspector will usually go out and check that construction. This being contrary to what the Fire Inspector stated on August 30<sup>th</sup>, 2013 and the only communication made by the Fire Inspector till the message was left for the Plaintiff. The Plaintiff questions the motives of the Fire Inspector due to the Fire Inspector completely lying on August 30<sup>th</sup>, 2013 to the Plaintiff that he did not need to inspect the property. The Plaintiff explains the state had been out and was satisfied with everything and that the Plaintiff was in compliance with the State of Ohio's request. The Fire Inspector refuses to say why he wants to do the inspection. The Fire Inspector after being questioned hangs up on the Plaintiff. The Plaintiff immediately calls the Fire Inspector back and Fire Inspector states he locked himself out his office. So Plaintiff is requested by the Fire Inspector to call him back at a later time. The Fire Inspector further refuses to share public information requested by the Plaintiff that the Fire Inspector stated to the Plaintiff while speaking to the Plaintiff in this conversation. The information that was requested was the Fire Inspector stated he had a complaint from someone up town as to the property, and would not divulge the name. (Exhibits of taped conversations shall be presented in Court)

23. On October 24<sup>th</sup>, 2013 the Plaintiff again ask Code Officer for cost of taps so Plaintiff can figure out the economics of deciding how many units he will want to place in the subject property and the cost of various alternatives. (See Exhibit 9)
24. On October 25<sup>th</sup>, 2013 the Code Officer responds to the numerous request of the

Plaintiff as to fees for taps with vague information, and states that Mark Hall Sr. herein after refereed to a City Manager will relay the information of the cost for taps after an approval for the project. The applications requested by the Code Officer cannot be properly filled out as the Plaintiff must weigh the cost to be able to decide how many units the filled out paper work will entail and as with any business actual cost must be calculated to arrive at a proper decision. This is a continual part of the malicious acts perpetrated by the Defendants. (See Exhibit 10)

25. On or about October 29<sup>th</sup>, 2013 at approximately 8:39AM the Plaintiff returns the call to the Fire Inspector and the Fire Inspector states he would still like entry. The Plaintiff states he would be willing to work with the Fire Inspector and would like to have in writing or electronic communication have the Fire Inspector to forward the laws that he has numerous times exerted, and to what specifics his inspection was to encompass. The Plaintiff further request that the prosecutor submit to the Plaintiff that this was only to be used as a Fire Inspection not for any other purpose by the City of Nelsonville. The Fire Inspector states that he was bringing the Code Officer with the Fire Inspector. The Plaintiff then states that the Fire Inspector would have to use the legal rights afforded him since the Fire Inspector would not provide such information as requested by the Plaintiff.  
(Exhibits of taped conversations shall be presented in Court)
26. On November 1, 2013 Albert Harry Barber III under the guise of being duly designated by ORC 3737.14(A) files for an Administrative Search Warrant without documentation as to his authorization as outlined in ORC 3737.14(A)

**“RIGHT OF ENTRY** The fire marshal, any assistant fire marshal, the chief of the fire department of each municipal corporation where a fire department is established, the chief of the fire department in each township where a fire department is established, and such members of any such departments as may be designated by such chief, the fire prevention officer of a municipal corporation where no fire department exists, or the fire prevention officer of a township where no fire department is established, at all reasonable hours, may enter into all buildings and upon all premises and vehicles within their jurisdiction for the purpose of examination.” The application for the Warrant filled out by Harry Barber III fire inspector lacks such authorizations from the Fire Chief of the City of Nelsonville as the designee of such Nelsonville Fire Chief. (See Exhibit 11) Harry Barber III does not fulfill the criteria as set forth in ORC 3713.14(A). The Code Officer stated that the Plaintiff would have through November 9, 2013 to fill out the proper paper work and come into compliance. (See Exhibit 6) The Warrant application further states that the “City Code Enforcement office tried to get the property owner to comply with local zoning and flood damage reduction ordinances.” (See Exhibit 11 Page 3) Since the time afforded the Plaintiff was through November 9, 2013 to comply it is clear the intent of the Defendants was malicious, since the Warrant was executed on November 1, 2013. The Fire Inspector executes such search warrant with various others including the Code Officer. (See Exhibit 12) No attempt to gain entry directly by the Fire Inspector was attempted through the proper lease holders residing at the residence and such application for a Warrant violated the rights of the Lessee’s of such units and placed the Plaintiff in a paradox of protecting the sanctity of the Lessee’s because of the bullying of the City of Nelsonville officials. The Code Officer and the Fire

Inspector conspired together by their own actions and deeds with clear intent to entrap the Plaintiff through this warrant by the Fire Inspector and Code Officers previous purposeful misdirection and vague and unclear contacts with the Plaintiff. The Fire Inspector, Code Officer, Private Enterprise, numerous City Council and Committee members of the City of Nelsonville, various contracted service providers, and managerial personnel for the City of Nelsonville have conspired together to illegally on numerous occasions commit federal racketeering aka the RICO act, tampering with evidence a violation of section 2921.12 of the ORC (Ohio Revised Code), dereliction of duty a violation of ORC 2921.44, interfering with civil rights a violation of the US Constitution the Ohio State Constitution and ORC 2921.45, using sham legal process a violation of ORC 2921.52, conspiracy a violation of ORC 2923.01, extortion a violation of ORC 2905.11, and coercion a violation of ORC 2905.12 among other federal and state laws and torts.

27. On or about November 7, 2013 the property is condemned by the City of Nelsonville. The Condemnation of the subject property was based solely on the Fire Inspectors report of the day of November 1, 2013. The Fire Inspector and Code Officer conspired together and or with others to wait in lie for the Plaintiff to leave for Florida on September 15, 2013, so the Defendants could pounce upon the Plaintiff to further the Defendants own agendas. The Fire Inspector gave false and misleading information to the Plaintiff, while the Code Officer also gave false information and used trickery to lull the Plaintiff into a sense of complying in cooperation with the city. The actions of both the Fire Inspector and Code

Officer was willful and malicious by their acts and deeds. The basis for the condemnation was based upon the actual number of completed units being more than 3 completed units, and not being in compliance with filing out proper paper work that the Plaintiff had through November 9, 2013 to complete, (See Exhibit 13 A & B) although all of this being contrary as outlined by Harry Barber on August 30, 2013 who told the Plaintiff he could have 4 units, and Steve Pierson who stated the Plaintiff would have through November 10, 2013. (See Exhibit 8 and Exhibit 13 A & B)

28. The Fire Inspector calls in Lindsay Dexter for taped interview on November 6, 2013. Dexter was a resident at 616 Jackson Street being the subject of part of the search warrant that was executed by the Fire Inspector on November 1, 2013. In such interview the Fire Inspector states to Dexter that the property was not structurally unsound. The Fire Inspector further states that due to the number of units is why he was having the property condemned as it did not meet fire codes for the number of units. Two of the three units that were rented at the time of the search warrant had been inspected and certified as habitable being one by Athens Metropolitan Housing and the other by Integrated Services of Athens County. (See Exhibit 14 ) All three residence after talking with the Plaintiff explained how they were upset at the City of Nelsonville for invading their home and causing such havoc. Further two of the residence have signed Affidavits expressing their feelings shortly after the invasion by the search warrant that was executed on November 1, 2013. (See Exhibits 15 A & B) (The taped recording shall be provide at trail)

29. On or about the 19<sup>th</sup> of November 2013 the City by Code Officer is by and thru its Prosecutor/Judge Richard Hedges herein after referred to as Prosecutor, charged the Plaintiff with multiple offense in regards to the subject property, and ordered the Plaintiff to appear before the Judge/Prosecutor Richard Hedges on December 11, 2013. Many of the Defendants, knowing that the Plaintiff resided in Florida for the winter, again seized and opportunity to force the Plaintiff into having to obtain legal counsel since the impracticality for the Plaintiff to appear to such a charge of a minor misdemeanor was ridiculous. This coupled with the fact of the Code Officer and Fire Inspector both lying and giving inaccurate misleading information, to which the Fire Inspector and Code Office had already obtained a condemnation order placed on the subject property, and then to continue to harass the Plaintiff with such charges is all but ridiculous to conceive it was just a coincidence. (See Exhibit 16 pages 1-3)
30. From December 11, 2013 till July 9, 2014 the Plaintiff thru counsel tries to resolve the complaint made against him in Mayor's court with the Prosecutor/Judge Rick Hedges to no avail. The Plaintiff early on tried to plead No Contest to save enormous cost and effort to resolve such a trivial matter and the Prosecutor/Judge Rick Hedges refuses to accept such plea all the way up and through July 9, 2014.
31. On May 1, 2014 Code Officer knowing full well the Plaintiff is in Florida and using an attorney to fight the minor misdemeanor charges the Code Office filed sends mail to the Plaintiff to remove a pop machine that was bolted down and attached and permanently affixed to real estate prior to any law made against pop

machines in the city of Nelsonville. The machine was located at 201 St Charles Street and was placed and permanently attached to the property on or about late Spring of 2006. In 2006 the Plaintiff had various pop machines throughout the city and worked with the City Manager Mark Hall in March of 2007 and moved various pop machines that were attached and permanently affixed to real estate and enclosed them in an attempt of good will by the Plaintiff, with the understanding that the City would not contact or pursue any more action with the Plaintiff about the machine at 201 St Charles Street, because it was impractical to move that machine. On December 1, 2010 the Plaintiff was contacted by the Code Officer to remove the same pop machines at 201 St Charles and a second machine at 592 Walnut St. The Plaintiff verbally contacted the Code Officer about the machine at 201 St Charles Street in December of 2010 and explained that he had an agreement with Mark Hall in 2007 that the machine at 201 St Charles Street was ok to be left there. The Plaintiff further sent an email on December 25, 2010 requesting a building permit to build around the pop machine at 592 Walnut Street to enclose such machine. The Plaintiff had never heard anymore from the Code Officer since the email was sent on December 25, 2010 and the Plaintiff thought this was all taken care of, till May 1, 2014 when the Code Officer once again 4 years later decides now is the time to strike at the Plaintiff since he is in Florida and would not be able to attend another minor misdemeanor hearing. The Plaintiff reiterates to the Code Officer by email on May 2, 2014 about the pop machine at 201 St Charles the same things that were communicated in December of 2010 and how the pop machine was a permanent part of real estate prior to any

code being passed and under law would grandfather, and that Mark Hall had reached an agreement with the Plaintiff not to pursue any action against the pop machine at 201 St Charles in 2007. The Plaintiff also communicates that he had never heard back from the Code officer since the Plaintiff's last communication on December 25, 2010 about 592 Walnut Street pop machine. The Plaintiff is also notified that he must do something about a vehicle of a tenant's of the Plaintiff's at 830 Chestnut as it appears to be inoperable. The Plaintiff in the same email about the pop machines responds to the Code Officer and explains that the Plaintiff doesn't own the vehicle and legally cannot remove it from the property, and ask what the city does with an abandon vehicle on public property. The Code Officer replies by email on May 4, 2015 and states "...the property owner is first responsible for what occurs on the property...". Since legally a property owner cannot under Ohio Landlord Tenant Law assume a tenant is guilty of committing a crime and move to take action against such residence without clear a proper compelling evidence of such conviction for such crime the Plaintiff's hands become tied to take action against a tenant. The Code Officer further states "I am not sure what the city does with abandoned vehicles parked on public property that is handled by the Police Department." The Code Officer clearly is inapt at the Code Officers position, and unwilling to speak with another department to ask what they normally would be done in such an instance. The Code Officer states that he will speak with the City Manager Mark Hall about the pop machines and "grandfathering". The Code Officer states the City Manager has no recollection of that matter. The Plaintiff attempts to get documentation of such notice for the pop

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machines to be moved and other public records for 2007 and is told no one knows where they are and who would have them. A clear violation of the Sunshine Laws and of Record Retention laws of the State of Ohio. ( See Exhibit 17 )

32. On or about late May or Early June of 2014 the Plaintiff returns to his residence in Nelsonville.
33. On or about June 5, 2014 the Plaintiff has both pop machines removed being 201 St Charles St and 592 Walnut St in fear of having to fight more misdemeanor offenses in Mayor's Court with the City of Nelsonville and has spent near \$3,000.00 on attorney fees on the two minor misdemeanors filed by the City against the Plaintiff in November 2013 for the property on Canal St. The Plaintiff has the original contractor who installed the pop machine at 201 St Charles be the person to remove it with photos along with a second contractor whom both have made a signed statement of the facts of the removal of the pop machine. The Plaintiff further weighs the need to get clearance on the property on Canal and has seen from numerous personal experiences with the City of Nelsonville that if you cause any waves whatsoever by asking questions or other relevant issues the City Officials will continue to harass and attempt to sanction individuals who the City Officials do not like. (See Exhibit 18 Pages 1-5)
34. During late Spring thru early Summer the Plaintiff completes paper work necessary for the subject property as outlined by the Code Officer.
35. On or about July 9, 2014 when entering the City of Nelsonville Council Chambers/ Court Room prior to the Plaintiff's hearing, hears the Prosecutor/Judge Rick Hedges discussing the Plaintiff's case with the believed Clerk of Mayor's

Court herein after referred to as Clerk and a Police Officer herein after referred to as Officer in what is believed to be the Clerk of Courts office in the North West Side of the room. The door is open to the Court Room and the Clerk's Office and anyone in the room could hear the conversation. The Plaintiff was the only person present at this time. The Plaintiff hears who he latter finds out is the Prosecutor/Judge Rick Hedges telling the Clerk and Officer that this was going to be the first Property Zoning issue the city had brought to trail, and that the City needed to make an example of the Plaintiff as the City needed this case so the City could move forward on gaining more zoning regulations that were being attempted to be implemented by the City and the Plaintiff was the example that would be used to catalyst this agenda. The Plaintiff then comes before the Prosecutor/Judge Rick Hedges and again tries to work things out about the prosecution and explains the situation to the Mayor's court of how he had completed all paper work necessitated by the City of Nelsonville and fulfilled all obligations required of the Plaintiff by the City of Nelsonville. The Plaintiff not being able to reach an agreement with the Prosecutor/Judge Rick Hedges then ask that the case be transferred to the Municipal Court where the Plaintiff could get a fair trial. (Tape recording to be provided at trail)

36. On or about July 18, 2014 the Plaintiff's counsel notifies the Prosecutor/Judge Rick Hedges that the Plaintiff will be continuing Pro-Se from that point forward. (See Exhibit 19 pages 1-2)
37. On or about July 28, 2014 the Plaintiff contacts the Prosecutor/Judge Rick Hedges and ask that if the Prosecutor/Judge is going to pursue action against the Plaintiff

the this action be done as soon as possible as the Plaintiff would be returning to Florida for the winter in the near future for further medical treatments. (See Exhibit 20)

38. On or about June or July of 2014 the Plaintiff ask Fireman Cheeseman who was working still as a contractor for the Plaintiff on the subject property if he could ask the Fire Inspector for the Plaintiff when he went back into work for the Fire Department if the Fire Inspector was going to need to inspect the property since it was only 3 units. The Fire Inspector told Fireman Cheeseman that he would not need to inspect since it was only three units. This information then was relayed to the Plaintiff from Fireman Cheeseman. (See Exhibit 21)
  39. On or about August 9, 2014 the Plaintiff files a Non-Sufficient Funds Check from Mariah Russel with the Nelsonville Police Department for prosecution. (See Exhibit 22 Pages 1-8)
  40. On or about the 25<sup>th</sup> of August 2013 Fireman Cheeseman while at work for the Plaintiff tells the Plaintiff that the Fire Inspector wanted the Plaintiff to get a hold of him because he would have to inspect the subject property. Again direct misleading lies from the Fire Inspector.
  41. On or about the 28<sup>th</sup> of August 2013 the Plaintiff has the Fireman Cheeseman while at work ask the Fire Inspector at the City Fire Department about needing to inspect, since the Fire Inspector had already stated the Fire Inspector didn't need to inspect. The Fire Inspector again mislead the Plaintiff with bad information and affirms he did state an inspection wasn't needed prior. (Taped recorded conversation to be provided at trail).
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42. On or about the 29<sup>th</sup> of August 2013 the Plaintiff calls the Fire Inspector and schedules the soonest possible time the Fire Inspector can come to give guidance so the Plaintiff once again doesn't spend money worthlessly to find out that he has once again relied on the misleading and untrue information from the Fire Inspector. The Plaintiff had moved forward with work on the project believing there would be no inspection on the subject property as the Fire Inspector had stated two months earlier. The Plaintiff again has to wait and reevaluate what must be done prior to moving forward as planned due to new rules set forth by the Fire Inspector causing the Plaintiff another delay.
43. On or about the 3<sup>rd</sup> of September 2014 the Fire Inspector comes and tells the Plaintiff that he must redo various things that are already done. The Plaintiff then has various things dismantled that were already completed and redone to satisfy the Fire Inspector. The Plaintiff is once again delayed another couple of weeks since completion would have been the 1<sup>st</sup> of September 2014.
44. On or about the 16<sup>th</sup> of September 2014 the Plaintiff has the Fire Inspector come back to have final clearance and have the condemnation order released from the subject property. The Code Officer comes with the Fire Inspector the reason being unclear as the Code Officer has no jurisdiction of the interior of the premises and goes thru with the Fire Inspector. **The Code Officer or anyone else from the City had on or about January 26, 2011 by certified mail been notified by the Plaintiff not to come on any of the Plaintiff's properties without being summoned to the property by a resident or the Plaintiff.** The Fire Inspector passes the subject property and the condemnation order was to be lifted. The

Plaintiff further has a realtor with the Plaintiff and list the subject property for sale. The Code Officer and Fire Inspector state everything is fine and acknowledge that the condemnation order is completely lifted and that the property can be used by the defendant for rental purposes, and they would take care of all things needed to clear anything required to make the subject property whole. (Exhibit 23 pages 1)

45. On or about the 16<sup>th</sup> of February 2015 a Police Officer Bernard VanCurren is summonsed to one of the Plaintiff's rental properties at 188 W. Washington St by a Lessee thereof. The officer told the Lessee to willfully break and enter into a locked private area of the Plaintiff's. The Plaintiff was on the phone with his daughter when over a scanner the call was heard. No attempt to call the Plaintiff or the Plaintiff's daughter was made by Officer VanCurren (See Exhibit 24 Pages 1-2)
46. On or about the 18<sup>th</sup>, of February 2015 the Plaintiff sends an email to the Chief of Police Jason Wallace explaining that he wanted an explanation and charges filed for the incident involving Officer VanCurren. The Plaintiff further requests an update about the NSF check of Mariah Russel's that was turned over to the police department for prosecution on August 9, 2014.
47. On or about the 19<sup>th</sup> of February the Plaintiff mails a certified letter to the Chief of Police Jason Wallace herein after referred to as Police Chief with a copy of the email sent to the Police Chief since the Plaintiff had no response from the Police Chief. On or about the 23<sup>rd</sup>, of February the Code Officer signed acceptance for the Chief of Police of the certified mail the Plaintiff had sent. (See Exhibit 25

pages 1-3)

48. On or about the 4<sup>th</sup> of March, 2015 the Prosecutor/Judge Rick Hedges files a hand written set of new charges and dates of infractions against the Plaintiff directly in the Municipal Court of Athens. The date of September 9<sup>th</sup>, 2013 that supposedly such violations took place. This being a clear violation of Ohio Revised Code 2901.13 Statute of limitations. The Prosecutor/Judge Rick Hedges further misspells the Plaintiff's last name, making it virtually impossible for the Plaintiff to have found this thru the Clerk of Courts office. Secondly. The Prosecutor/Judge Rick Hedges has such summons to appear sent to an address that the City of Nelsonville was aware the Plaintiff was not at, and that the Plaintiff had been having communication from all city departments to a different and current address. The Prosecutor and the City of Nelsonville had knowledge that the Plaintiff was in Florida. It is clear by action and deed the City has conspired to be malicious against the Plaintiff, (See Exhibit 26 Pages 1-2)
49. On or about March 10, 2015 it was by sheer luck the Plaintiff had found out about such charges and contacted an attorney to make sure the Plaintiff did not have an arrest warrant issued for failure to appear since the Plaintiff was in Florida and needed to be in Court on the 11<sup>th</sup>, of March 2015.
50. On or about March 11, 2015 the Plaintiff emails Mark Hall Sr. herein after referred to as City Manager and the Code Officer/Assistant City Manager Steve Pierson who has gained a new title and herein after referred to as Code Officer or Assistant City Manager, along with a copy of the Certified letter accepted by the Police Chief on the 23<sup>rd</sup> of February 2015 and ask that they look into the matter of

the breaking and entering at the W. Washington Street property since the Plaintiff has heard nothing from the Police Chief. (See Exhibit 27)

51. On or about the 14<sup>th</sup> of March 2015 the Plaintiff not hearing any response from anyone at the City about the break in at 188 W Washington sends a certified letter to the City Manager and Assistant City Manager that was received March 17, 2015. (See Exhibit 28)
52. On or about the 18<sup>th</sup> of March 2015 the Assistant City Manager responds to Plaintiff in regards to the certified letter and states he has little knowledge but has forwarded to appropriate persons. (See Exhibit 29 pages 1-4)
53. On or about March 23, 2015 the Police Chief leaves a voice message for the Plaintiff stating that the Police Chief had forwarded the complaint to the Law Director and was waiting on the Law Director's reply and would update the Plaintiff once he had heard from the Law Director. To the date of this filing no one from the City has contacted the Plaintiff with any further information about this complaint.
54. On or about the April 1, 2015 the Plaintiff emails the Police Chief and thanks him for contacting him about the complaint. Further the Plaintiff ask that he be updated about his request made on February 18, 2015 about the NSF status of charges filed on Mariah Russel as he has heard nothing since the request. The Police Chief responds on April 4, 2015 and the Police Chief states he will forward the Plaintiff's request to Officer Kurtz. (See Exhibit 30 pages 1-2)
55. Approximately within seven days of April 4, 2015, communication with Officer Kurtz and the Plaintiff was made, and Officer Kurtz states that he has turned that

over to the Prosecutor Rick Hedges a long time ago and I would need to contact the Prosecutor.

56. On or about the 14<sup>th</sup>, of April 2015, the Plaintiff goes directly to the Prosecutors web site and ask for an update of the Russell case through a direct link found at such web site for contact to Rick Hedges Prosecutor/Judge/ private attorney.
  57. On or about May 28, 2015, not having any response from the Prosecutor, the Plaintiff then ask the Code Officer for the Prosecutor's email address so the Plaintiff can keep records of the Plaintiff's request to the Prosecutor for updates. The Plaintiff further, by searching Municipal Court Records, has found that the Prosecutor had prosecuted Mariah Russell on the NSF charge and the Municipal Court on January 26, 2015 ordered Russell to pay the Plaintiff \$300 at increments of \$50 per month. The Plaintiff had not received nor known of any payments that were to be made by Russell until the Plaintiff's own discovery. (See Exhibit 31)
  58. On or about May 28, 2015, the Plaintiff sends the 2<sup>nd</sup> email to the Prosecutor Richard Hedges asking for an update as to the Mariah Russell case. (See Exhibit 32)
  59. On or about June 8, 2015 the Plaintiff again contacts the Prosecutor the Plaintiffs third attempt to get some input about the Russell NSF case. (See Exhibit 33)
  60. On or about June 25, 2015 the Plaintiff again contacts the Prosecutor the Plaintiffs fourth attempt to get some input about the Russell NSF case. (See Exhibit 34)
  61. On or about the July 22, 2015 the Plaintiff has to make another special trip to Ohio from Florida for a pre- trail hearing on July 24, 2015 for the Code infractions filed on March 4<sup>th</sup>, 2015. The Plaintiff has a motion filed to dismiss
-

the case due to ORC statute of limitations. The Prosecutor states that he will not go along with the motion to dismiss and will be filing a response. The Plaintiff urges the Court to have a speedy ruling on this since the Plaintiff had to travel all the way from Florida to be in the Court. The Court orders another hearing on the motion for July 30, 2015. The Plaintiff has to stay in the Ohio area as the drive back to Florida would not be feasible till such hearing. (See Exhibit 35 page 1)

62. On or about the 30<sup>th</sup> of July, 2015 the Plaintiff is back in Court and the Prosecutor Rick Hedges has provided charges of a separate date and counts that were brought against the Plaintiff last heard in Mayor's court by the Prosecutor/Judge Rick Hedges on July 9, 2014, over a year prior, who states this is one in the same case. The Prosecutor admits in open Court that on or about July 28, 2014 the Prosecutor received a letter from the Plaintiff acting Pro-Se asking the Prosecutor to move forward on those charges that were heard in Mayor's court on July 9, 2014. ORC speedy trial issues along with ORC statute of limitations issues are weighed by the Court and the case is dismissed with the City of Nelsonville ordered to pay cost. (See Exhibit 35 page 1-2)
63. On or about August 25, 2015 the Plaintiff again contacts the Prosecutor the Plaintiffs fifth attempt to get some input about the Russell NSF case. (See Exhibit 36 pages 1-2)
64. On or about the 27<sup>th</sup>, of August 2015 the Prosecutor Rick Hedges responds to the Plaintiff and states that the Prosecutor did not respond to the Plaintiff due to the pending action against the Plaintiff. Since the Prosecutor knew on or about the 18<sup>th</sup>, of July 2014 that the Plaintiff was acting Pro-Se in the actions the Prosecutor

was pursuing against the Plaintiff there is no remote defense of conflict of interest. Further the Prosecutor could have advised third parties to make contact with the Plaintiff and/or pursue other means. The conflict of interest by the Prosecutor would have been those outlined by the American Bar Association herein stated and if the Prosecutor could not have contact with the Plaintiff or fulfill the Prosecutor's duties he should have passed the Prosecution of the case of Russell or the action against the Plaintiff to a third party. ABA

**Standard 3-1.3 Conflicts of Interest (a)** A prosecutor should avoid a conflict of interest with respect to his or her official duties. This is a clear malicious act by deed and action. (See Exhibit 37)

65. On or about August 28<sup>th</sup>, 2015 the Plaintiff responds with information requested from the Plaintiff about the Russell case and the Plaintiff further ask the Prosecutor; "In the event that I would find myself in the same situation of you prosecuting me on a violation for the City and at the same time being a victim of a crime that you are pursuing for the City then how do I gain information and protection while that is occurring. " (See Exhibit 38)
66. On or about September 27, 2015 the Plaintiff again sends an email to the Prosecutor reiterating the question on August 28<sup>th</sup>, 2015 of what the Plaintiff should do as a victim and as a Defendant to be able to deal with the crimes perpetrated against the Plaintiff, and asking for an update on Russell, since the Plaintiff has heard nothing from the Prosecutor. On October 14, 2015 the Prosecutor replies "Hopefully that won't happen but if it does, ask your attorney to talk to me. The rules say I can't talk to you but I can talk to you through your legal representative." It is the responsibility of the City and the Prosecutor to

protect the victim of a crime not burden the victim with the cost of having to pay for counsel to gain protection as a victim of a crime. On October 15, 2015 the Plaintiff emails the Prosecutor Hedges and ask if the Prosecutor is going to pursue the case against Russell. On November 2, 2015 the Prosecutor responds by email and says "Will check with court for motion to impose". As of December 6, 2015 no such action by the Prosecutor has been taken. Since the time of the check being turned over to the City of Nelsonville on August 9, 2014 the victim (Plaintiff) has not seen any remuneration from the criminal Russell. (See Exhibit 39 pages 1- 5)

67. On or about September 28, 2015 the Plaintiff while reviewing some deeds from the Recorders office in Athens finds that the condemnation order that was supposed to have been released by the City of Nelsonville on or about the 16<sup>th</sup>, of September 2014 for the subject property at Canal Street has in fact had not been done. (See Exhibit 40)

68. The Code Officer and Fire Inspector were both present on September 16, 2014 along with the listing agent Miki Brooks and had full knowledge that the Plaintiff was putting the property up for sale. To the date of this filing the Plaintiff has thru the Plaintiff's listing agent not received any inquiry on the subject property and suspects such condemnation still attached to the subject property has stifled interest by prospective buyers.

69. On or about the September 28, 2015 the Plaintiff emails the Code Officer to see why the condemnation was not lifted by the Code Officer as the Code Officer stated it would be lifted over a year prior. On October 1, 2015 the Code Officer, responds and states the Code Officer was waiting on City Manager's signature.

On October 8, 2015 Code Officer states that the release of condemnation was recorded that day. The Code Officer, Fire Inspector, nor the City Manager offer any explanation as to why this was not done over a year prior. (See Exhibit 41 pages 1- 2)

70. On numerous dates and times the Code Officer has required directly or by implication that the Plaintiff violate numerous criminal and civil laws to obtain an end desired by the Code Officer and those the Code Officer represents. Many more such capricious actions, and ultra vires acts with malice in excess of statutory powers and authorities shall be provided. These shall all be proven at trial. (See Exhibit 42 pages 1-17)
71. On numerous dates and times the Code Officer has required directly or by implication that the Plaintiff comply with various codes solely based on assumptions and unreliable and inaccurate information a means to harass the Plaintiff. Many more such capricious actions, and ultra vires acts with malice in excess of statutory powers and authorities shall be provided. Many more such capricious actions, and ultra vires acts with malice in excess of statutory powers and authorities shall be provided. These shall all be proven at trial. (See Exhibit 43)
72. The Defendants 2 thru 21 have numerous times blatantly and willfully by the Defendants deeds, actions, and admissions attempted to or have violated the Plaintiff's Fourteenth Amendment rights, under the U.S. Constitution -- No state shall "deny to any person within its jurisdiction the equal protection of the laws." Defendants have further violated the Plaintiff's rights under Article I, Section 2,

Ohio Constitution: "All political power is inherent in the people. Government is instituted for their equal protection and benefit..." Defendants 7 & 8 publicly argue that the code should not be enforced equally depending on the choice of the Defendants. There are many more such evidences of this philosophy by the Defendants that shall be brought forward. These shall all be proven at trial. (See Exhibit 44)

73. The Defendants 2, 3 and Defendants 7 thru 21 have numerous times blatantly and willfully by the Defendants deeds, actions, and admissions attempted to or have violated Ohio Revised Code 3781.01 (B). The state residential building code the board of building standards adopts pursuant to section 3781.10 of the Revised Code does not prevent a local governing authority from adopting additional regulations governing residential structures that do not conflict with the state residential building code if the procedures in division (C) of this section are followed. (C) (1) A local governing authority shall, and any person may, notify the board of building standards of any regulation the local governing authority adopts pursuant to division (B) of this section and request the board of building standards to determine whether that regulation conflicts with the state residential building code. The Plaintiff attended numerous meetings and informed the Defendants the Defendants were violating the law. (See Exhibit 45 pages 1-4 & Exhibit 46 Nelsonville City Code Title 31 pages 1-42)
74. Further Defendants 2, 3 and Defendants 7 thru 21 have numerous times blatantly and willfully by the Defendants deeds, actions, and admissions attempted to or have violated ORC 3781.10 (2) The rules governing nonresidential buildings are

the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of the Revised Code is enforceable. The rules governing residential buildings are uniform requirements for residential buildings in any area with a building department certified to enforce the state residential building code. In no case shall any local code or regulation differ from the state residential building code unless that code or regulation addresses subject matter not addressed by the state residential building code or is adopted pursuant to section 3781.01 of the Revised Code. (See Exhibit 45 pages 1- & Exhibit 46 Nelsonville City Code Title 31 pages 1-42)

75. The Defendants 2, thru 21 have numerous times blatantly and willfully by the Defendants deeds, actions, and admissions attempted to or have violated US Constitutions Fourth Amendment "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Mandating inspections of occupied dwellings, exterior and interior, of non-public viewed areas is a clear violation of Fourth Amendment Rights. (See Exhibit 45 pages 1-4 & Exhibit 46 Nelsonville City Code Title 31 pages 1-42)
76. The Defendants 2 thru 21 have numerous times blatantly and willfully by the Defendants deeds, actions, and admissions attempted to or have violated US

Constitutions Fourteenth Amendment Section 1 "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." To not protect occupied home owners with the same protection afforded to a rented dwelling leaves such ideology of health, safety, and welfare at the door step of equal protection and is at best a suspicious guise to enter and control undesirable, less economical fortunate persons of the same rights afforded those with more means. To care for the health, safety, and welfare of those in one dwelling and not care for the health, safety, and welfare of those in a comparable dwelling is not equal protection of the law. The ability of a homeowner to rectify his own situation does not preclude that the children of either the home owner or renter have no control over their destiny and should be protected equally. The renter has the means to contact local health agencies to have issues and complaints resolved by imposing sanctions against a landlord up and to the condemnation of the building and until such compliance is made by the land owner. The home owners children are at more risk than the renters since the home owner themselves are far less likely to report themselves to an agency about health, safety, or welfare of the condition of the home owners dwelling. Therefore arguing that the purpose of an intrusive inspection into a rented dwelling is equally protecting the health, safety, and welfare of community is far reaching

and completely contrary to the ideology that the renter's children need more protection than a home owner's children, being the home owner who is less likely to take advantage of agencies designed to protect the integrity of health, safety, and welfare. It would appear that inspecting the home owner's home would be easier to justify in the name of health, safety, and welfare, and not inspecting the renters home for the health, safety, and welfare of the children therein, since the renter is more likely to contact public health, safety, and welfare agencies. City Council members justify unequal enforcement of laws. (See Exhibit 45 pages 1-4 & Exhibit 46 Nelsonville City Code Title 31 pages 1-42)

77. The Defendants 2 thru 21 have numerous times blatantly and willfully by the Defendants deeds, actions, and admissions attempted to or have violated ORC 2905.11 Extortion. (A) No person, with purpose to obtain any valuable thing or valuable benefit or to induce another to do an unlawful act, shall do any of the following: (1) Threaten to commit any felony; (2) Threaten to commit any offense of violence; (3) Violate section 2903.21 or 2903.22 of the Revised Code; (4) Utter or threaten any calumny against any person; (5) Expose or threaten to expose any matter tending to subject any person to hatred, contempt, or ridicule, or to damage any person's personal or business repute, or to impair any person's credit.
- (B) Whoever violates this section is guilty of extortion, a felony of the third degree. (C) As used in this section, "threat" includes a direct threat and a threat by innuendo. Further the same defendants have violated ORC 2905.12 Coercion.
- (A) No person, with purpose to coerce another into taking or refraining from action concerning which the other person has a legal freedom of choice, shall do

any of the following:(1) Threaten to commit any offense;(2) Utter or threaten any calumny against any person;(3) Expose or threaten to expose any matter tending to subject any person to hatred, contempt, or ridicule, to damage any person's personal or business repute, or to impair any person's credit;(4) Institute or threaten criminal proceedings against any person;(5) Take, withhold, or threaten to take or withhold official action, or cause or threaten to cause official action to be taken or withheld. The Plaintiff numerous times advised the Defendants herein that they were violating numerous laws herein outlined and other laws that shall be brought to trial, without any relief by the Defendants afforded to the Plaintiff. Further the Defendants sanctioning and or perpetrating such actions as allowing Defendants to instruct others to break in to the Plaintiff's property. Allowing Defendants to trespass upon properties at will and brag about it in the local media. Allow the Plaintiff to be prosecuted for charges than tell various other individuals that permitting is not required for the same offense the Plaintiff was charged with. For the Defendants to purposely discuss among themselves and others the Defendants plans to use the Plaintiff as a "poster child" to be able to further the Defendants agenda to pass a housing code, are all part of a pattern of corrupt activity set out by the Defendants. (See Exhibit 47 pages 1-10)

78. The Defendants 2 thru 21 have numerous times blatantly and willfully by the Defendants deeds, actions, and admissions attempted to or have violated U.S. Code Title 18 Part I Chapter 96 § 1962 Racketeer Influenced and Corrupt Organizations Act also known as the RICO Act which shall be proven at trial.
79. Defendants 2 thru 21 have numerous times blatantly, wantonly, and willfully by

deeds, actions, and admissions attempted to individually or have conspired together on one or more occasions to "target" the Plaintiff so that the Defendants 2 thru 21 could further their agenda of using the Plaintiff as a "poster child" to achieve the defendants goals, while not affording the Plaintiff the same protection of the law as others in the community. The Plaintiff has numerous times asked the Defendants to take action against those with the same such infractions that the Plaintiff was asked to rectify with little to no response by the Defendants. This then is a continual blatant act of harassment targeted against the Plaintiff. One such infraction of many to be provide at trial. (See Exhibit 48 pages 1-5 and up to 100 photos to be presented at trial of infractions not addressed by the Defendants at or about the same time.)

80. The Defendants 2 thru 21 have by deed, action, or negligence allowed or have violated Chapter 149 of the Ohio Revised Code. A few of many infractions that shall be shown in court. (See Exhibit 49 pages 1-19)

#### COUNT TWO

81. Plaintiff incorporates all paragraphs stated above as if fully rewritten here.
82. Defendant 2 Mark Hall Sr. and or those directly under his control or supervision, has willfully, unlawfully, and fraudulently lied and commanded the Plaintiff on one or more occasions to comply to orders directed by the Defendant Mark Hall Sr. or else the Plaintiff would face criminal and/or economic sanctions from the City of Nelsonville.
83. The Defendant Mark Hall Sr. has been directly or indirectly involved in the destruction of evidence and or public records and has used selective enforcement

as a tool of harassment against the Plaintiff.

84. The actions of the Defendants have caused great economic loss to the Plaintiff in excess of \$25,000,000 the specifics of which shall be proven at trial.

### COUNT THREE

85. Plaintiff incorporates all paragraphs stated above as if fully rewritten here.
86. Defendant 3 Steve Pierson has willfully, unlawfully, and fraudulently commanded the Plaintiff on one or more occasions to comply to orders directed by the Defendant Steve Pierson or those influenced by, or under his control or else the Plaintiff would face criminal and/or economic sanctions from the City of Nelsonville.
87. Steve Pierson has continually and repeatedly commanded the Plaintiff to perform or do actions that the Defendant has had no legal authority or grounds for. The Defendant has further numerous times used inaccurate or untrue information to attempt and/or compel the Plaintiff with threat of legal and economic sanctions. The Defendant has violated Ohio criminal law numerous times against the Plaintiff to obtain the Defendant's malicious ends.
88. The Defendant Steve Pierson has been directly or indirectly involved in the destruction of evidence and or public records. Further the Defendant has used selective enforcement as a tool of harassment against the Plaintiff. These all being with clear malicious intent.
89. The actions of the Defendants have caused great economic loss to the Plaintiff in excess of \$25,000,000 the specifics of which shall be proven at trial.

### COUNT FOUR

90. Plaintiff incorporates all paragraphs stated above as if fully rewritten here.
91. Defendant 4 Harry Barber III has willfully and fraudulently commanded the Plaintiff on one or more occasions to comply to his orders directed by the Defendant Harry Barber III or those under his control or the Plaintiff would face criminal and/or economic sanctions from the City of Nelsonville.
92. Harry Barber III willfully had on numerous occasions gave the Plaintiff false and/or misleading information so the Plaintiff would move forward based on such information provided then use the work done by the Plaintiff in a trap to sanction the Plaintiff legally and economically. The Defendant further has been compensated for two or more positions at the same time drawing wage from both positions at the same time, making utterly impossible for the Plaintiff to know what role the Defendant is acting in since the Defendant was being paid for both positions for the same time he was working.
93. The Defendant Harry Barber III has been directly or indirectly involved in the destruction of evidence and or public records. Further the Defendant has used selective enforcement as a tool of harassment against the Plaintiff. These all being with clear malicious intent.
94. The actions of the Defendants have caused great economic loss to the Plaintiff in excess of \$25,000,000 the specifics of which shall be proven at trial.

**COUNT FIVE**

95. Plaintiff incorporates all paragraphs stated above as if fully rewritten here.
96. Defendant 5 Jason Wallace has willfully and by dereliction of duty hampered justice that should be afforded to the Plaintiff. The Defendant further has been

directly or indirectly involved in the destruction of evidence and or public records. Further the Defendant or those supervised by the Defendant thru gross negligence has allowed illegal activities that violate Ohio code/laws to continue as a standard practice when dealing with the Plaintiff. These all being with clear malicious intent.

97. The actions of the Defendants have caused great economic loss to the Plaintiff in excess of \$25,000,000 the specifics of which shall be proven at trial.

#### COUNT SIX

98. Plaintiff incorporates all paragraphs stated above as if fully rewritten here.
99. Defendant 6 Bernard VanCurren has willfully instructed others to commit crimes against the Plaintiff with wanton and malicious disregard for Ohio law. This being with clear malicious intent.
100. The actions of the Defendants have caused great economic loss to the Plaintiff in excess of \$25,000,000 the specifics of which shall be proven at trial.

#### COUNT SEVEN

101. Plaintiff incorporates all paragraphs stated above as if fully rewritten here.
102. Defendant 7 Kevin Dotson, Defendant 8 Terry Koons, Defendant 9 Bill Hoag, Defendant 10 Greg Smith, Defendant 11 Cory Taylor, Defendant 12, Linda Watkins, Defendant 13 Eddie Van Biber, Defendant 14 Richard Hedges, Defendant 15 Betty Jo Parsley, Defendant 16 Dave Loge, Defendant 17 Lynn Garbo, Defendant 18 Gregg Clement, Defendant 19 Anthony Davis, Defendant 20 Jon Flowers, Defendant 21 Sara Milligan, together and individually have violated numerous Ohio laws including but not limited to Ohio sunshine laws, the Ohio

public meetings laws, and Ohio building standards general provisions. Further the Defendants or those supervised by the Defendants thru gross negligence have allowed illegal activities that violate Ohio code/laws to continue as a standard practice when dealing with the Plaintiff. These all being with clear malicious intent.

103. The actions of the Defendants have caused great economic loss to the Plaintiff in excess of \$25,000,000 the specifics of which shall be proven at trial.

#### COUNT EIGHT

104. Plaintiff incorporates all paragraphs stated above as if fully rewritten here.
105. Defendant 2 Mark Hall Sr, Defendant 3 Steve Pierson, Defendant 4 Harry Barber III, Defendant 5 Jason Wallace, Defendant 6 Bernard VanCurren, Defendant 7 Kevin Dotson, Defendant 8 Terry Koons, Defendant 9 Bill Hoag, Defendant 10 Greg Smith, Defendant 11 Cory Taylor, Defendant 12, Linda Watkins, Defendant 13 Eddie Van Biber, Defendant 14 Richard Hedges, Defendant 15 Betty Jo Parsley, Defendant 16 Dave Loge, Defendant 17 Lynn Garbo, Defendant 18 Gregg Clement, Defendant 19 Anthony Davis, Defendant 20 Jon Flowers, Defendant 21 Sara Milligan, by and thru their actions jointly have allowed, supported, committed illegal activities that violate the Complicity, Corrupt Activity, and Conspiracy laws of the state of Ohio. Further the Defendants herein named acting under the guise of Defendant 1 the City of Nelsonville have violated Racketeer Influenced and Corrupt Organizations Act, commonly known as the Federal RICO act.
106. The actions of the Defendants have caused great economic loss to the Plaintiff in

excess of \$25,000,000 the specifics of which shall be proven at trial.

#### COUNT NINE

107. Plaintiff incorporates all paragraphs stated above as if fully rewritten here.
108. Defendant 13 Richard Hedges has maliciously prosecuted the Plaintiff on several occasions. In one instance Defendant prosecuted the Plaintiff for exercising his legal rights in requesting an investigation into the actions of Defendant 6 Bernard VanCurren.
109. The actions of the Defendants have caused great economic loss to the Plaintiff in excess of \$25,000,000 the specifics of which shall be proven at trial.

#### COUNT TEN

110. Plaintiff incorporates all paragraphs stated above as if fully rewritten here.
111. Defendant 1 the City of Nelsonville condoned and ratified the actions or deeds of Defendants 2-21 herein identified and is liable for such unlawful acts of negligence, gross negligence, arbitrary or capricious actions, and ultra vires acts in excess of statutory powers and authorities.
112. The Plaintiff has suffered immense economic loss by the actions of the Defendants herein described. The Plaintiff has suffered great mental, physical, and emotional distress as a direct result of the deeds and actions by Defendants 2 thru 21. The Plaintiff in his golden years has suffered the immense lack of quality of life the Plaintiff should have been afforded, due to the negligent deeds and action of Defendants 2 thru 21.

#### **PLAINTIFF'S REQUEST FOR IMMEDIATE INJUNCTIVE RELIEF**

The Plaintiff with great fear of retaliation and loss or destruction of public records

would ask this court to immediately have court certified copies made or seizure of all records in all formats of the City of Nelsonville so the integrity of discovery by the Plaintiff can remain intact due to the serious nature of all the Defendants blatant, reckless, and wanton disregard for the law and preservation of public records.

**PLAINTIFF'S REQUEST FOR SPECIAL PROSECUTOR**

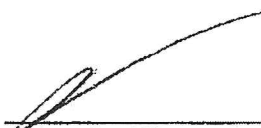
The Plaintiff is requesting that this Court based on this complaint and the prima facie evidence herein set forth see the immediate need for an investigation into these allegations of illegal activity by numerous defendants herein named, and appoint a special prosecutor to investigate these wrong doings for possible criminal charges.

WHEREFORE, Bryon Graf the Plaintiff request judgment as follows:

- A. Final judgment against Defendant 1 City of Nelsonville for compensatory damages, and other compensation allowed by law.
- B. Final judgment against Defendant 2 Mark Hall Sr, Defendant 3 Steve Pierson, Defendant 4 Harry Barber III, Defendant 5 Jason Wallace, Defendant 6 Bernard VanCurren, Defendant 7 Kevin Dotson, Defendant 8 Terry Koons, Defendant 9 Bill Hoag, Defendant 10 Greg Smith, Defendant 11 Cory Taylor, Defendant 12, Linda Watkins, Defendant 13 Eddie Van Biber, Defendant 14 Richard Hedges, Defendant 15 Betty Jo Parsley, Defendant 16 Dave Loge, Defendant 17 Lynn Garbo, Defendant 18 Gregg Clement, Defendant 19 Anthony Davis, Defendant 20 Jon Flowers, Defendant 21 Sara Milligan, in an amount exceeding \$25,000,000 from the Defendants jointly and severally for emotional and physical distress, general damages, special damages, compensatory, and punitive damages.
- C. An award of costs, attorney fees, interest and such additional relief as the Court deems

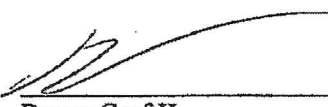
fair and equitable.

Respectfully submitted,

  
\_\_\_\_\_  
Bryon Graf II  
6849 Park Street  
South Pasadena, FL 33707  
727-289-8476 or 740-753-3575  
bryongraf@sbcglobal.net

**VERIFICATION**

Bryon Graf II, being first duly sworn, states that he has read the foregoing Verified Complaint, and that the factual allegations contained therein are true according to his personal knowledge or according to his knowledge and belief.

  
\_\_\_\_\_  
Bryon Graf II

Sworn to and subscribed in my presence this 5<sup>th</sup> day of April, 2016.

SEAL

Notary Public

  
\_\_\_\_\_  
Norma Antonio

