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IN THE COURT OF COMMON PLEAS
LOGAN COUNTY, OHIO
GENERAL DIVISION
* * *

IN RE: REMOVAL OF
ELAINE FAGAN-MOORE FROM
OFFICE AS MAYOR OF LAKEVIEW,

Plaintiff,

vs.

CASE NO. CV 24 09 0278

ELAINE FAGAN-MOORE,

Defendant.

* * *

Deposition of **ELAINE FAGAN-MOORE**,
Defendant herein, called by the Plaintiff for
cross-examination pursuant to the Rules of Civil
Procedure, taken before me, Leigh Anne Trainer, a
Notary Public in and for the State of Ohio, at
the offices of The Steinhelfer Firm, LLC, 112 West
Columbus Avenue, Bellefontaine, Ohio, on Monday,
November 4, 2024, at 9:59 a.m.

* * *

1 **APPEARANCES:**

2 On behalf of Plaintiff:

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8 On behalf of Defendant Elaine Fagan-Moore:

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EXAMINATIONS CONDUCTED

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1 ELAINE FAGAN-MOORE
2 of lawful age, Defendant herein, having been first
3 duly cautioned and sworn, as hereinafter
4 certified, was examined and testified as follows:

5 CROSS-EXAMINATION

6 BY MR. STEINHELPER:

7 Q. Ma'am, can you state your full
8 name for the record?

9 A. I'm Elaine Fagan-Moore.

10 Q. And what's your current address?

11 A. 215 North Pine Street, Lakeview,
12 Ohio 43331.

13 Q. And your current occupation?

14 A. I serve as mayor for the Village
15 of Lakeview.

16 Q. How long have you held that
17 office?

18 A. I will have the swearing-in
19 anniversary in December. I started office
20 January 1st of 2024.

21 Q. Have you ever had your deposition
22 taken before?

23 A. Like when I was getting divorced.

24 Q. How long ago was that?

25 A. I think we're going on 28 years.

1 Q. Okay. Then I'll refresh you with
2 a few of the ground rules. The first, and most
3 important one, is that we don't talk over each
4 other. As you can see, Leigh Anne is taking
5 everything down and if we interrupt each other
6 or talk over each other, it makes it difficult
7 for her.

8 The second important rule is
9 that -- breaks are allowed. You can ask for a
10 restroom break or any sort of break that you
11 want, but we'd simply ask that you not do that
12 while a question is pending. If you would like
13 to take a break and a question is pending,
14 please answer the question first and then ask
15 for the break.

16 The third important rule is that
17 we don't want you to guess. We're entitled to
18 your best estimate if you don't know the exact
19 answer or measurement. For example, we don't
20 want you to simply speculate or guess.

21 Do you have an understanding of
22 the difference between an estimate and a guess?

23 A. It's either black or white.

24 Q. Let me explain it this way. If I
25 were to ask you how long your dining room table

1 is, you may not know the exact answer; but you
2 could give me an estimate because you see it
3 about every day. If I asked you the size of my
4 dining room table, you would have to guess
5 because you've never seen it before,
6 presumably.

7 So when you have some information
8 upon which to base your answer, that would be
9 an estimate.

10 A. Okay.

11 Q. Have you ever testified in court
12 as a witness?

13 A. In my insurance days, yes.

14 Q. What do you mean by "insurance
15 days"?

16 A. My former career.

17 Q. And what was that?

18 A. I was a claims manager and a
19 subrogation manager.

20 Q. So you have some understanding of
21 the insurance industry?

22 A. Yes.

23 Q. Do you know what an ISO rating is?

24 A. Not officially. I've heard the
25 term.

1 Q. Okay. In your insurance days, as
2 you refer to them, about how many times do you
3 think you testified in court?

4 A. Maybe once.

5 Q. Okay. How long ago do you think
6 that was?

7 A. Probably 30 years ago.

8 Q. Okay. Have you taken any
9 medications today that might impair your
10 memory?

11 A. No.

12 Q. You've also not consumed any
13 alcohol or drugs today; is that correct?

14 A. Correct.

15 Q. In your own words, what is your
16 understanding of why you're here today?

17 A. I was asked to come here and have
18 a deposition.

19 Q. Anything else?

20 A. No.

21 Q. Did you review any documents to
22 prepare for your deposition?

23 A. No.

24 Q. Did you review any fire reports to
25 prepare?

1 A. No.

2 Q. Any kind of maps?

3 A. No.

4 Q. What about personnel files?

5 A. No.

6 Q. Any police reports?

7 A. No.

8 Q. Have you ever been a party to a
9 lawsuit before?

10 A. No.

11 Q. So this is the first time?

12 A. Yes. Well, other than the
13 divorce. Does that count?

14 Q. It does.

15 A. Okay. So if we're talking about
16 divorce -- I mean, that's so far in my rearview
17 mirror. It's a figment of my imagination.

18 Q. I understand. Divorce is a bit
19 different.

20 A. Yeah.

21 Q. Do Village employees ever have a
22 need to get ahold of you?

23 A. My phone is always available.

24 Q. Okay. Is that what you use -- is
25 that how they would normally get ahold of you

1 is by telephone?

2 A. Yeah.

3 Q. Is that the quickest, most
4 efficient way?

5 A. I would say so, yes.

6 Q. And what phone number do they use
7 for that?

8 A. They can call the Village office
9 number.

10 Q. What is it, ma'am?

11 A. I don't have it memorized. I
12 don't memorize numbers, but I can look it up
13 for you. It would be the (937)843-2851. I'm
14 extension 5.

15 Q. Is that a landline, ma'am?

16 A. It is -- well, I don't know. It's
17 at the office. I don't know how it's hooked
18 up. It's a desk phone.

19 Q. Okay. It's not a cell phone,
20 correct?

21 A. Oh, no.

22 Q. Do you know who the service
23 provider is for that telephone number you just
24 gave me?

25 A. No.

1 Q. Where is this desk phone located?

2 A. At our now temporary office on
3 Lake Street.

4 Q. How often are you in that office
5 in a typical week?

6 A. I'm usually in and out of there
7 every day.

8 Q. On a normal weekday -- being
9 Monday through Friday -- about how many hours
10 out of the day is someone available to answer
11 that telephone number?

12 A. It will leave a voicemail message
13 for me. They have an option to go to like our
14 clerks or the Village administrator, so I guess
15 they can leave a message any time.

16 Q. A voicemail you mean?

17 A. Voicemail, uh-huh.

18 Q. And how do you access the
19 voicemail?

20 A. I see it on the light on the
21 phone.

22 Q. So you can only access the
23 voicemail if you are physically present in the
24 office?

25 A. Oh, good question. Okay. Now I

1 understand. My computer will show that there's
2 been a call.

3 Q. Meaning your laptop computer?

4 A. My issued laptop from the Village.

5 Q. Okay. Is anyone else issued a
6 laptop from the Village?

7 A. I don't know who all has laptops.

8 Q. Was it purchased during your
9 administration or does it predate that?

10 A. It was given to me when I came
11 into office.

12 Q. Have you ever used any other phone
13 number to conduct Village business?

14 A. If someone gave my personal cell
15 out, I've maybe taken a call there.

16 Q. So it has happened while you were
17 mayor?

18 A. It has.

19 Q. And have you used your personal
20 cell to ever communicate with a member of
21 Village council?

22 A. If they call it, I answer the
23 phone.

24 Q. So is the answer yes?

25 A. If my phone rings, I answer the

1 phone.

2 Q. Has the person on the other end of
3 that line ever been a member of Village
4 council?

5 A. I would imagine. I would say so,
6 yes.

7 Q. What about a Village employee?

8 A. Define "employee."

9 Q. Do you have any understanding of
10 what a Village employee is?

11 A. Well, it would be people that are
12 on council or are admins or anybody that works
13 in the office.

14 Q. Who are the -- what you refer to
15 as "admins"?

16 A. Those would be Chris and Diana.

17 Q. What are Chris and Diana's full
18 names?

19 A. Sieler, S-I-E-L-E-R. I'm sorry.
20 I can't remember Chris' last name.

21 Q. Diana Sieler?

22 A. Yeah.

23 Q. What do Chris and Diana do for the
24 Village?

25 A. They handle the fiduciary, like

1 when people come in and make payments, send out
2 water bills, like utility bills.

3 Q. Do they have anything to do with
4 the expenditure of Village funds?

5 A. That goes through the fiscal
6 officer.

7 Q. Who is the fiscal officer?

8 A. Heather Kegg.

9 Q. Is that someone you would consider
10 to be an employee of the Village?

11 A. She is employed by the Village.

12 Q. Have you ever sent Heather Kegg a
13 text message from your personal cell phone?

14 A. I don't recall.

15 Q. Have you ever talked to Heather
16 Kegg on your cell phone?

17 A. May, may not. I don't know. It
18 depends on -- I don't know. I can't remember
19 everything.

20 Q. Well, let's go to March 14th. Can
21 you explain -- beginning with the morning of
22 the 14th -- where you were and how you spent
23 your day?

24 MR. MESSMER: Objection to form. Can
25 you state the year?

1 BY MR. STEINHELPER:

2 Q. Of this year, ma'am.

3 A. So March 14th, the day of the
4 tornado?

5 Q. Correct.

6 A. Okay. I was in the office. It
7 was just a typical day. I left there probably
8 around 6:30. I remember that it was a really
9 warm day. It was a beautiful, spring day. I
10 was excited about spring coming.

11 Q. At about what time on March 14th
12 did you realize that the Village of Lakeview
13 was potentially in the path of a tornado?

14 A. At about a quarter to 7:00 when my
15 boyfriend called me.

16 Q. Where were you when he called you?

17 A. I left the office to go get
18 something to eat because I skipped lunch.
19 Buckeye was packed, so I turned around and I
20 went to La Playa because I knew I could get a
21 couple tacos fast. My boyfriend called me and
22 asked where I was, and he said: Go home and
23 call me.

24 Q. Do you-all live together?

25 A. No, sir.

1 Q. Does he live in Lakeview?

2 A. No, sir.

3 Q. Does he live in the Indian Lake
4 area?

5 A. No, sir.

6 Q. Did you, in fact, then go home?

7 A. Well, to be quite frank with you,
8 I was famished. I went -- when I went home, I
9 went and got an ice cream cone.

10 I love storms. I had no idea what
11 was going on. I was watching the storm, then
12 my phone rang again and I saw that it was him.
13 I go: I'm so sorry; I was just hungry. And he
14 goes: You have 15 minutes.

15 At that point in time I had to
16 prepare myself and my pets to get to safety.

17 Q. In addition to preparing your pets
18 for safety, what further steps did you take to
19 prepare for any sort of emergency response?

20 A. I wasn't aware of anything except
21 just to take care of myself.

22 Q. Would that be none, ma'am?

23 A. I wasn't aware to do anything
24 else.

25 Q. Where were you physically located

1 when the tornado struck Lakeview?

2 A. I had to be in a closet.

3 Q. Was anyone else with you?

4 A. Just my pets.

5 Q. What was the first phone call you
6 made after the tornado passed?

7 A. My boyfriend was on the phone with
8 me the whole time walking me through it because
9 I thought I was going to die.

10 Q. What's your boyfriend's name?

11 A. His name is Joe.

12 Q. John?

13 A. No. Joe.

14 Q. What's Joe's last name?

15 A. Watercutter.

16 (Court reporter interrupted the
17 proceedings.)

18 THE WITNESS: W-A-T-E-R-C-U-T-T-E-R.

19 BY MR. STEINHELPER:

20 Q. What county does Mr. Watercutter
21 live in?

22 A. Shelby.

23 Q. Was he also in the path of the
24 tornado?

25 A. No. He could see it coming.

1 That's why he called me.

2 Q. Were you in contact with any
3 members of the Lakeview Fire Department during
4 or immediately after the tornado?

5 A. When Joe got there, they had to
6 board up my house and they asked what they
7 wanted me to do, and I said that I needed to
8 get downtown.

9 Q. Let's break that down because I
10 don't know when Joe got there. Can you tell us
11 when Joe got there?

12 A. I don't remember.

13 Q. Was it on March 14th?

14 A. Oh, yeah. I was in shock.

15 Q. Okay. What did you do after Joe
16 got there?

17 A. They boarded up my house and
18 secured the pets.

19 Q. Who did?

20 A. Joe did --

21 Q. Okay.

22 A. -- and his son and his pastor.

23 Q. Were members of the Lakeview Fire
24 Department involved in this?

25 A. No.

1 Q. Okay. So how soon after the
2 tornado struck was the first time that you
3 contacted anyone from the fire department?

4 A. All I can remember is that it was
5 dark and they drove me up to the Village.

6 Q. Who drove you up to the Village,
7 ma'am?

8 A. Joe did and his son and pastor.

9 Q. What do you mean by "up to the
10 Village"?

11 A. Well, the Village is away from my
12 house, so I had to go east.

13 Q. When you say "the Village," are
14 you referring to the Village building or what
15 do you mean by "the Village"?

16 A. Oh, no. We went as far downtown
17 as we could and then diverted up to 33.

18 Q. Why did you divert up to 33?

19 A. Because there was stuff in the
20 road. We couldn't get through.

21 Q. What kind of stuff was in the
22 road?

23 A. Just stuff.

24 Q. Like trees?

25 A. Stuff.

1 Q. Was it debris?

2 A. Lots of stuff.

3 Q. Okay. So the downtown was
4 inaccessible to vehicular traffic; is that what
5 you're saying?

6 A. At that time.

7 Q. Okay. Because of debris, correct?

8 A. Stuff.

9 Q. And was the municipal building
10 accessible to vehicular traffic?

11 A. Don't know. Didn't go there.

12 Q. Is the municipal building
13 downtown?

14 A. It was.

15 Q. Okay. And you're saying that
16 immediately after the tornado, the downtown was
17 inaccessible to vehicular traffic; is that
18 correct?

19 A. If I recall, there was police
20 there diverting people to go up Harrison.

21 Q. Is Harrison towards the lake or
22 towards the west?

23 A. It's east, sir.

24 Q. It's east, okay.

25 A. Towards the lake.

1 Q. Now, what directives, if any, did
2 you issue to Village departments during or
3 immediately following the tornado?

4 A. That night I called -- I saw two
5 of the firemen and then I tried to call Norm
6 and he wouldn't answer the phone.

7 Q. Which two firemen did you see on
8 the evening of March 14th, 2024?

9 A. Austin Johnston and the other one,
10 I think, is Jacobs. I had to ask who he was
11 because I didn't know him.

12 Q. You said Austin Johnston and then
13 another firefighter whose last name is Jacobs?

14 A. I think it's Don Jacobs. I don't
15 know for sure.

16 Q. Is Austin Johnston still on the
17 fire department?

18 A. He is.

19 Q. Is it a volunteer fire department?

20 A. It is.

21 Q. What is your understanding of how
22 a volunteer fire department works?

23 A. I'm not sure what the question is.

24 Q. Is the firehouse, for example,
25 staffed at all times?

1 A. No.

2 Q. Is it ever staffed?

3 A. Other than the chief.

4 Q. What do you mean by "other than
5 the chief"?

6 A. Well, the chief is there.

7 Q. Okay. And the current chief is
8 who?

9 A. Josh Oakley.

10 Q. When is Josh Oakley there?

11 A. I don't know their schedule.

12 Q. Is he there like a normal job,
13 like about eight hours a day?

14 A. No. He works at another job.

15 Q. So he has a different full-time
16 job?

17 A. He does.

18 Q. And are the volunteer firefighters
19 for the Lakeview Fire Department compensated in
20 any way?

21 A. I am not sure how they're
22 compensated.

23 Q. When did you become aware that
24 people were delivering disaster relief supplies
25 to the fire department?

1 A. I have no idea.

2 Q. Did you play any role in the
3 coordination of disaster relief supplies?

4 A. No.

5 Q. And also no role in delivering
6 those supplies to the villagers?

7 A. I was delivering food.

8 Q. Okay. What about tarps, did you
9 deliver any tarps?

10 A. No.

11 Q. If someone needed a tarp on or
12 about March 15th of 2024, where would you
13 direct them to go?

14 A. There were two resource centers --
15 they call them MARCs -- so there would be
16 downtown Lakeview, the Baptist Church, and the
17 Methodist Church.

18 Q. Is that three resource centers?

19 A. I don't know which one was
20 labeled -- if they were all labeled MARC. I
21 wasn't involved in that.

22 Q. How did the resource centers come
23 to be?

24 A. I have no idea.

25 Q. You didn't have any role in

1 coordinating that?

2 A. No.

3 Q. And you're saying on March 15th of
4 2024 that that's where you would direct someone
5 to go for disaster relief supplies?

6 A. I didn't personally tell anybody.
7 If the question came up, there was like a
8 command central in Russells Point. Those were
9 outside my wheelhouse of giving any directives
10 where people should or shouldn't go. Those
11 were handled through other operations. I'm
12 guessing perhaps through the EMA.

13 Q. What sort of communications did
14 you have with the EMA that Friday after the
15 tornado?

16 A. I don't remember.

17 Q. Could the answer be none?

18 A. I just started reporting to -- we
19 called it Ground Zero. They did a debriefing
20 through the sheriff's office in the morning and
21 then at night. I usually would go at night
22 because during the day I was busy.

23 Q. You would go where at night,
24 ma'am?

25 A. To command central.

1 Q. Where was that?

2 A. Russells Point Sheriff's
3 Department.

4 Q. The Logan County Sheriff's Office?
5 Is that what you mean?

6 A. No. It was at the firehouse in
7 Russells Point.

8 Q. Who set up that command center?

9 A. I imagine the sheriff.

10 Q. When was the first time after the
11 tornado struck that you spoke with anybody at
12 the Logan County Sheriff's Office?

13 A. I don't remember.

14 Q. Do you remember the name of anyone
15 you spoke with at EMA?

16 A. Helen Norris. She was a speaker
17 at like the ground zero events.

18 Q. And how frequently were you in
19 contact with Ms. Norris?

20 A. I would see her at these ground
21 zero events.

22 Q. I don't know how often those
23 events are, ma'am. Can you tell us how
24 frequently?

25 A. They did one in the morning and

1 one at night. I usually went at night because
2 I was down in the Village during the day.

3 Q. When you say "in the Village," do
4 you mean downtown?

5 A. Downtown.

6 Q. Was the Lakeview Fire Department
7 accessible to vehicular traffic on March 15th
8 of 2024?

9 A. I just remember people saying it
10 was cleared pretty fast. I can't give you the
11 exact date.

12 Q. When was the first time after the
13 tornado struck that you went to the Lakeview
14 Fire Department?

15 A. The fire department; we had to
16 report down there the morning after the tornado
17 because we had to do a drive-around to look at
18 all the damage.

19 Q. So that morning of March 15th when
20 you drove to the firehouse, was the firehouse
21 accessible to vehicular traffic?

22 A. Oh, yeah. That's how I got there.
23 I didn't walk.

24 Q. Okay. When you went there the
25 morning of March 15th, 2024, were disaster

1 relief supplies already accumulating there at
2 the firehouse?

3 A. I don't know. I just stayed in
4 the fire room like when you first walk in the
5 firehouse because there were so many people
6 there. That's where I sat in a conference room
7 like this.

8 Q. You didn't witness any disaster
9 relief supplies at the fire department
10 yourself?

11 A. I wasn't out in the bays. I was
12 in the firehouse. Do you know how the
13 firehouse is set up?

14 Q. Not as well as you do, ma'am.

15 A. Okay.

16 Q. Go ahead and explain to us where
17 the bays are.

18 A. That's where fire trucks are.

19 Q. Is that where disaster relief
20 supplies were kept?

21 A. No clue.

22 Q. Okay. Did you at some point
23 direct disaster relief supplies to be moved?

24 A. During the tornado?

25 Q. At any time after the tornado.

1 A. After the tornado, okay. I would
2 say months after I was asked what to do with
3 the supplies -- the people had dwindled down --
4 and I told them to contact the churches.

5 Q. Did you direct anyone at the
6 Lakeview Fire Department to get the disaster
7 relief supplies out of there?

8 A. They asked the question and I said
9 to contact the church.

10 Q. Who asked the question, ma'am?

11 A. I don't know if it was Joel or
12 Josh.

13 Q. And what was the question he asked
14 you?

15 A. They have supplies and people were
16 no longer coming in and they wanted to get them
17 where they needed to go.

18 Q. Were they extra supplies?

19 A. They just said stuff.

20 Q. People were no longer coming to
21 receive the supplies? Is that what he was
22 communicating?

23 A. Right. And the community was so
24 gracious to give things, and we wanted to make
25 sure that people could still get them.

1 Q. When did this conversation take
2 place?

3 A. I have no idea of the date. I
4 know it was way after the storm.

5 Q. Prior to that, did you ever direct
6 anyone at the Lakeview Fire Department to
7 remove the disaster relief supplies from the
8 firehouse?

9 A. No.

10 Q. Did you ever direct disaster
11 relief supplies to be moved to a downtown
12 parking lot?

13 A. No.

14 Q. Was The Depot ever a place that
15 you coordinated with after the tornado?

16 A. I was not in charge of The Depot.

17 Q. Did you coordinate with The Depot
18 in any manner after the tornado?

19 A. I was not in charge of The Depot.

20 Q. What role, if any, did The Depot
21 play in the disaster relief efforts?

22 A. You would have to ask The Depot.

23 Q. Was The Depot ever a station where
24 people delivered disaster relief supplies?

25 A. I saw supplies there. It was also

1 a place where I could drop food off from people
2 that said they would help. That was primarily
3 to feed the workers.

4 Q. Okay.

5 MR. STEINHELPER: Let's take a short
6 break.

7 (Pause in proceedings.)

8 MR. STEINHELPER: We are back on the
9 record in the deposition of Elaine Fagan-Moore.

10 BY MR. STEINHELPER:

11 Q. Ma'am, in your own words, can you
12 describe what you believe the role of the mayor
13 of the Village of Lakeview entails?

14 A. As the mayor -- I am what they
15 call in the government world a weak mayor. So
16 a mayor does not have any voting say-so; it's
17 primarily for council. The only time that I
18 would play a role would be if there was a
19 tie --

20 Q. You're talking about --

21 A. -- on issues.

22 Q. Sorry. You're talking about
23 voting at city council meetings; is that
24 correct?

25 A. Yes.

1 Q. What are your primary
2 responsibilities as mayor, as you understand
3 them?

4 A. To be an advocate in the
5 community, learn about things happening in the
6 community, growth, development.

7 Q. How do you ensure that you're
8 fulfilling all the aspects of your duties to
9 serve the public?

10 A. I make sure that I attend those
11 meetings, talk to people.

12 Q. By "those meetings," you mean the
13 Village council meetings?

14 A. Those, and we have our mayor
15 meetings on a quarterly basis.

16 Q. What, if anything, do you do to
17 ensure openness and transparency in government?

18 A. I have no control over what the
19 government does. I have control with -- if
20 something is asked of me to do. That's my
21 role; to be responsible for myself.

22 Q. What role, if any, did you play in
23 the disaster relief efforts as mayor?

24 A. I don't understand the question.

25 Q. What, if anything, did you do to

1 coordinate disaster relief efforts in the
2 Village of Lakeview?

3 A. I didn't coordinate disaster
4 relief.

5 Q. What steps, if any, did you take
6 to assist in the disaster relief efforts in
7 Lakeview?

8 A. I delivered food to our workers.
9 I helped when it came time to try to salvage
10 our office.

11 Q. How do you interpret your
12 authority over the various departments within
13 the Village such as -- for example, the fire
14 department?

15 A. I don't run the fire department.

16 Q. Do you have any authority over the
17 fire department?

18 A. I don't run the fire department.

19 Q. Do you have any authority over the
20 fire department?

21 A. I don't run the fire department.

22 Q. Do you have any duty to ensure
23 that the fire department is operating
24 efficiently?

25 A. I don't run the fire department.

1 Q. Do you have any duty to ensure the
2 safety of the citizens of Lakeview?

3 A. I don't run the fire department,
4 and we don't have a police department.

5 Q. Who provides the police services?

6 A. That would be the Logan County
7 Sheriff.

8 Q. I want to go back to March 15th of
9 2024. Ma'am, you testified earlier that that
10 was the first time after the tornado struck
11 that you visited the fire station; is that
12 correct?

13 A. Yeah. We had to report there
14 because it was the beginning of command. The
15 other responding departments -- there was a lot
16 of people there. I don't know who all they
17 were. The Ohio National Guard was there. It
18 was an opportunity to listen as they were
19 debriefing what the plan of action was going to
20 be.

21 Q. Upon arriving at the fire station
22 on the morning of March 15th, what were your
23 observations regarding the relief efforts that
24 were already underway?

25 A. I was just in a conference room.

1 You walk in and primarily you were there to
2 listen.

3 Q. What were people doing?

4 A. The Ohio National Guard talked,
5 the sheriff talked, and then they took us out
6 for a tour so we could see the city -- or the
7 Village.

8 Q. Was Norman Spring present?

9 A. He was there. He was in and out.

10 Q. What was he doing?

11 A. He was just present.

12 Q. What actions, if any, did you take
13 to assist with the relief efforts at the fire
14 station on March 15th?

15 A. I didn't.

16 Q. Who did you perceive to be leading
17 the relief efforts at the fire station on
18 March 15th upon your arrival?

19 A. I can't pinpoint who was running
20 what. There was a lot of humans there, big
21 people.

22 Q. And of these "big people," did you
23 communicate with any of them directly about
24 their needs?

25 A. I was there to listen. They were

1 in charge.

2 Q. Did you communicate with the Logan
3 County Sheriff's Office about the disaster
4 relief efforts?

5 A. No. I wasn't in charge.

6 Q. Since the tornado struck on
7 March 14th, have you communicated with the
8 Logan County Sheriff's Office at all regarding
9 disaster relief efforts?

10 A. Are we talking today?

11 Q. The time period on this would be
12 any time since the tornado struck on
13 March 14th.

14 A. So ask the question again, please.

15 MR. STEINHELPER: Can I have the
16 question read back, please?

17 COURT REPORTER: Since the tornado
18 struck on March 14th, have you communicated with
19 the Logan County Sheriff's Office at all regarding
20 disaster relief efforts?

21 THE WITNESS: I wasn't in charge of
22 disaster relief products.

23 BY MR. STEINHELPER:

24 Q. Regardless of whether you were in
25 charge of disaster relief products, did you

1 communicate with the Logan County Sheriff's
2 Office at any point since the tornado struck
3 regarding the topic of disaster relief in
4 Lakeview?

5 A. It wasn't my role.

6 Q. Ma'am, can you answer that with a
7 yes or no, please?

8 A. It was not my role.

9 Q. I understand that you believe it
10 was not your role. Regardless of whether it
11 was your role to coordinate those efforts or be
12 in charge of them, have you communicated with
13 the Logan County Sheriff's Office or any of its
14 deputies or employees regarding the topic of
15 disaster relief in Lakeview, Ohio?

16 MR. MESSMER: Objection. Asked and
17 answered. You can answer, if you know.

18 THE WITNESS: I'm sorry?

19 MR. MESSMER: You can answer, if you
20 know.

21 THE WITNESS: No.

22 BY MR. STEINHELPER:

23 Q. Thank you. Have you communicated
24 with EMA regarding the topic of disaster relief
25 in Lakeview?

1 A. It was not my role, so that would
2 be no.

3 Q. Have you communicated with anyone
4 at the Lakeview Fire Department regarding
5 disaster relief in Lakeview?

6 A. It was not my role.

7 Q. Is that also a "no," ma'am?

8 A. Are you talking on the Saturday
9 after? I want to make sure I'm clear what you
10 are asking me.

11 Q. The relevant time period for all
12 of these questions is any time since the
13 tornado struck on March 14th of 2024.

14 A. That's too wide of a span. You
15 have to be specific.

16 Q. Well, we'll narrow that down, but
17 I first need to know whether a communication
18 existed at all.

19 A. Again, I think I told you
20 earlier -- and I think you made notes of that,
21 if I might -- that months later a question was
22 asked -- traffic is dying down of humans and we
23 don't want this to go to waste, and I had them
24 contact the churches.

25 Q. Any further communications with

1 the Lakeview Fire Department or any of its
2 firefighters regarding the topic of disaster
3 relief in Lakeview?

4 A. Nope. Outside my wheelhouse.

5 Q. Did you give any specific
6 instructions to Village personnel regarding
7 disaster relief?

8 A. No.

9 Q. Is that no for the entire time
10 period since March 14th?

11 A. For what to do with supplies?

12 Q. Regarding the topic of disaster
13 relief in Lakeview at all.

14 A. Disaster relief; are we talking
15 like toilet paper and paper towels?

16 Q. We're talking about Lakeview's
17 efforts to recover from the tornado.

18 A. I'm not clear on the question.

19 MR. MESSMER: Can you rephrase the
20 question, please?

21 BY MR. STEINHELPER:

22 Q. Ma'am, do you have any
23 understanding of the term "disaster relief
24 efforts"?

25 A. I refer to it in my world as

1 toilet paper and stuff that was donated from
2 the school.

3 Q. What about the clearing of debris?

4 A. Oh, no. I wasn't in charge of
5 that.

6 Q. Who was?

7 A. That would have been our Village
8 administrator.

9 Q. Who's that?

10 A. Dave Scott.

11 Q. How frequently are you in contact
12 with Dave Scott?

13 A. We usually talk every day. He's
14 the Village administrator.

15 Q. Have you ever spoken to him on
16 your cell phone?

17 A. I would have to probably say yes.

18 Q. What is your cell phone number?

19 A. (614)620-0887.

20 Q. In speaking to Dave Scott on your
21 phone, did you ever discuss Village business?

22 A. I have no idea. If a question
23 come up, I could answer a question; but my
24 day-to-day business would be with him.

25 Q. Ma'am, you said you speak to him

1 about every day, correct?

2 A. Correct.

3 Q. Are you gabbing about personal
4 matters for the most part?

5 A. Personal -- I don't understand.

6 Q. Do you talk to him about what you
7 had for lunch or engage in idle gossip or
8 tittle-tattle or do you discuss Village
9 business with this gentleman?

10 A. Well, I don't know what
11 tittle-tattle is; however, let's stay on point
12 here. If he asks me a question: How are you
13 today? I would say: I'm fine. Outside of
14 that, business is business. If I go in the
15 office, that's usually where I conduct
16 business. My home is my castle. I like to
17 separate the two. Does that make sense?

18 Q. When you speak to Mr. Scott, it's
19 usually about business-related things; is that
20 a fair statement?

21 A. Yeah. I'm not all up in his
22 personal business.

23 Q. Looking back, do you believe that
24 your actions the week following March 14th of
25 2024 were effective in providing relief to

1 those affected by the tornado?

2 A. Again, I wasn't in charge in
3 providing relief to individuals.

4 Q. Do you believe you did an
5 effective job as mayor as it relates to
6 disaster relief?

7 MR. MESSMER: Objection. Asked and
8 answered. You can answer, if you know.

9 THE WITNESS: What's the question?

10 MR. STEINHELPER: I'll have it read
11 back.

12 COURT REPORTER: Do you believe you
13 did an effective job as mayor as it relates to
14 disaster relief?

15 THE WITNESS: I tried to help where I
16 could. I fed the people. I talked to people.

17 BY MR. STEINHELPER:

18 Q. In your role as mayor, how do you
19 view your responsibility in the immediate
20 aftermath of the tornado?

21 A. I did everything I possibly could.

22 Q. Including what, ma'am?

23 A. I attended the ground zero
24 meetings, tried to be aware of what was
25 happening, just listened to others that were

1 there.

2 Q. Can you describe for us the
3 process or criteria that you used to determine
4 whether an executive session is necessary
5 during a Village council meeting?

6 A. That's usually under the guidance
7 of our solicitor.

8 Q. On what grounds did you decide to
9 move into an executive session on January 16th
10 of 2024?

11 MR. MESSMER: Objection to form. You
12 can answer.

13 THE WITNESS: That is really directed
14 by council. I can't call an executive session.

15 BY MR. STEINHELPER:

16 Q. Have you ever moved to go into
17 executive session?

18 A. I would read what was provided on
19 the agenda by the solicitor and then council
20 makes those decisions.

21 Q. Does the solicitor draft the
22 agenda?

23 A. The language is written up from a
24 solicitor.

25 Q. Who drafts the agenda?

1 A. That would be Heather Kegg, the
2 fiscal officer.

3 Q. Is it your testimony, ma'am, that
4 when you arrive at a Village council meeting,
5 you don't know what business will be conducted
6 until Heather Kegg tells you?

7 MR. MESSMER: Objection. Misstates
8 testimony. You can answer.

9 THE WITNESS: We get the agenda the
10 morning of the council meeting.

11 BY MR. STEINHELPER:

12 Q. What role, if any, do you have in
13 setting the agenda?

14 A. If I want, I can add if I want to
15 talk about something as mayor. Outside of
16 that, it's provided by council.

17 Q. Are you saying that the individual
18 members of council compile the agenda?

19 A. That and our fiscal officer.

20 Q. On what grounds did council go
21 into executive session on March 26th of 2024?

22 A. I don't remember that date.

23 Q. When council goes into executive
24 session, is the reason for that stated?

25 A. It's read off the agenda.

1 Q. How do you ensure compliance with
2 Ohio's Open Meetings Act?

3 MR. MESSMER: Objection to form. You
4 can answer.

5 THE WITNESS: What's the question
6 again?

7 BY MR. STEINHELPER:

8 Q. How do you ensure compliance with
9 Ohio's Open Meetings Act?

10 A. I don't understand the question.

11 Q. Do you have any understanding of
12 what Ohio's Open Meetings Act is?

13 A. I would have to read the
14 definition.

15 Q. What concerns, if any, led you to
16 question Fire Chief Norm Spring's medical
17 fitness and initiate an investigation?

18 MR. MESSMER: Objection. Assumes
19 facts not in the record. You can answer.

20 THE WITNESS: Ask the question again.

21 BY MR. STEINHELPER:

22 Q. What specific concerns, if any,
23 led you to question Fire Chief Norm Spring's
24 medical fitness and initiate an investigation?

25 A. That would come from the

1 solicitor.

2 Q. Who was the solicitor at the time?

3 A. Connor Kinsey.

4 Q. So it was Connor Kinsey's idea to
5 initiate the investigation?

6 MR. BEY: Objection. Privileged.
7 You're asking what legal counsel said to her in
8 her role as the mayor. That's confidential.

9 BY MR. STEINHELPER:

10 Q. What was your understanding of the
11 purpose of the investigation?

12 A. That would go back to Connor
13 Kinsey and council.

14 Q. Is it fair to say then that you
15 have no understanding of the purpose of the
16 investigation?

17 MR. MESSMER: Objection. We're going
18 to object to this entire line of questioning as
19 it has to do with advice from legal counsel and
20 instruct her not to answer.

21 BY MR. STEINHELPER:

22 Q. What was the outcome of the
23 investigation?

24 A. Of what?

25 Q. Was there an investigation into

1 Fire Chief Norm Spring's medical fitness?

2 A. That's the same question.

3 MR. MESSMER: Objection. This is all
4 advice from legal counsel. This is all privileged
5 communications.

6 BY MR. STEINHELPER:

7 Q. Ma'am, did you put out a press
8 release referring to an investigation into Fire
9 Chief Norm Spring?

10 A. That would be from the solicitor.

11 Q. Acting in the solicitor's official
12 capacity?

13 A. That's the solicitor's decision.

14 Q. Was the solicitor acting in her
15 official capacity when she put out that press
16 release?

17 MR. MESSMER: Objection to form.
18 She's not the solicitor.

19 BY MR. STEINHELPER:

20 Q. Is it your understanding, ma'am,
21 that the solicitor was acting in the
22 solicitor's official capacity when she put out
23 that press release?

24 MR. MESSMER: Objection. Do you have
25 this press release?

1 MR. STEINHELPER: I think everyone
2 does. It's on Facebook.

3 MR. BEY: Well, I don't have
4 Facebook.

5 MR. STEINHELPER: We can get the
6 press release during a break.

7 BY MR. STEINHELPER:

8 Q. Do you know what press release I'm
9 talking about? Was Lynnette Dinkler ever
10 Village solicitor?

11 A. She was.

12 Q. What was the time period on that?

13 A. She came in March until she died.

14 Q. When did she die?

15 A. Sadly I don't remember the date.

16 Q. During her brief tenure as Village
17 solicitor, did she ever put out a press
18 release?

19 A. If I recall.

20 Q. How many times did she put out a
21 press release?

22 A. I think only one time she wrote a
23 release.

24 Q. And did that press release refer
25 to Norman Spring in any manner?

1 A. I don't remember.

2 Q. Did it refer to an investigation
3 of any Village employee?

4 MR. BEY: Not necessarily an
5 objection; but if you have the press release,
6 which you said you do, then the press release says
7 what it says.

8 MR. STEINHELPER: Yes, I believe it
9 speaks for itself. I'm trying to get to the
10 mayor's understanding of it.

11 MR. BEY: Do you have it?

12 MR. STEINHELPER: As I said, we can
13 get it during a break; but I'll conduct the
14 deposition as I see fit.

15 MR. BEY: Why don't you get it in
16 front of her and ask her about the document you're
17 referencing?

18 MR. STEINHELPER: I may choose to do
19 that. Was there a question pending? I think
20 there was.

21 COURT REPORTER: Did it refer to an
22 investigation of any Village employee?

23 THE WITNESS: You'll have to get the
24 document to help me.

25 BY MR. STEINHELPER:

1 Q. You don't remember?

2 A. Do you realize what I've been
3 through since that tornado?

4 Q. Ma'am, you're not here to ask me
5 questions.

6 A. That's correct. I'm making a
7 statement for you.

8 Q. Okay. Do you have any
9 understanding of the term "safety equipment" as
10 it relates to the Lakeview Fire Department?

11 A. I'm not a firefighter, so that
12 would be no.

13 Q. Do you know what an air tank is?

14 A. I think it's what they wear on
15 their backs.

16 Q. So that they can breathe during a
17 fire?

18 A. I'm not sure how it operates.

19 Q. Do the air tanks have to be
20 tested?

21 A. That would be a firefighter
22 question.

23 Q. Prior to you taking office, did
24 the fire department ever require a prior
25 authorization for -- to expend Village funds to

1 test their safety equipment?

2 MR. MESSMER: Objection to form. You
3 can answer, if you know.

4 THE WITNESS: If I'm not in office,
5 how could I know that?

6 BY MR. STEINHELPER:

7 Q. During your administration, have
8 you ever required prior authorization for the
9 testing of fire department safety equipment?

10 A. I've never authorized or -- I
11 don't know how they do it.

12 Q. Did you speak to anyone in order
13 to prepare for your deposition today?

14 A. I don't understand the question.

15 Q. Did you speak to anyone in order
16 to refresh your memory about the events
17 relevant to the complaint in order to prepare
18 for your deposition here today?

19 A. No. I answered that earlier that
20 I did not review stuff. Does that make sense?

21 Q. Right. That was about the review
22 of documents. Now I'm asking whether you had a
23 conversation with any person in order to
24 prepare.

25 A. I would talk to my attorney.

1 Q. Okay. I don't want you to tell me
2 about any of that. How do you know Norm
3 Spring?

4 A. I met him because he was the fire
5 chief when I came in office.

6 Q. Did you know him prior to taking
7 office?

8 A. I just saw him at like -- the
9 Village, they had Fourth Thursday food trucks
10 and I met him.

11 Q. How would you describe your
12 relationship with Norm Spring?

13 A. Didn't know him.

14 Q. As we sit here today though, how
15 would you describe your relationship with
16 Mr. Spring?

17 A. I don't know him.

18 Q. Do you know Amy Stevens?

19 A. I know that she is a firefighter.

20 Q. Have you ever spoken to her?

21 A. I have.

22 Q. You ever spoken to her on Pine
23 Street?

24 A. No.

25 Q. Have you ever told Amy Stevens

1 that she cannot knock door-to-door on Pine
2 Street?

3 A. No.

4 Q. Have you ever told her to get off
5 of Pine Street?

6 A. No.

7 Q. Have you ever made any comment to
8 that effect to Amy Stevens?

9 A. No.

10 Q. Did you call her "queen ant?"

11 A. No.

12 Q. Was there a time when you
13 suspected that someone at the Lakeview Fire
14 Department had committed a theft?

15 A. No.

16 Q. And you don't believe that today;
17 is that correct?

18 A. I have no idea.

19 Q. Were there envelopes of money
20 discovered at the firehouse?

21 A. I did not discover money in
22 envelopes at the firehouse.

23 Q. How did you come to be aware of
24 the envelopes?

25 MR. MESSMER: Objection. Assumes

1 facts not in the record. You can answer.

2 THE WITNESS: How did I --

3 BY MR. STEINHELPER:

4 Q. How did you come to be aware of
5 those envelopes?

6 A. Well, Josh would have said --
7 Oakley -- who's the interim chief.

8 Q. Is it your understanding that Josh
9 Oakley is the person who discovered the
10 envelopes?

11 A. I have no idea who discovered
12 them.

13 Q. What, if anything, did Josh convey
14 to you about the envelopes?

15 A. That was through the solicitor.

16 Q. Josh Oakley didn't communicate
17 directly with you about the envelopes?

18 A. He was directed to talk with the
19 solicitor.

20 Q. Did he or did he not communicate
21 with you directly regarding the envelopes?

22 A. There were envelopes. I said to
23 call the solicitor.

24 Q. Was that the extent of your
25 conversation with Mr. Oakley about the

1 envelopes?

2 A. Yes.

3 Q. How many firefighters were on the
4 department when you took office?

5 A. I don't remember, but I do know
6 that we're way above where we were. I don't
7 remember the exact number.

8 Q. Was it more or less than 12?

9 A. I can't answer that.

10 Q. It could have been less?

11 A. I can't answer. I don't know.

12 Q. Do you know whether it was more or
13 less than six?

14 A. I was two-and-a-half months in
15 office.

16 Q. Could it have been less than six?

17 A. I would say not less than six. We
18 now have over 14.

19 Q. What do you believe caused the
20 multiple resignations within the fire
21 department referenced in the complaint?

22 A. I have no control and I don't
23 know.

24 Q. You have no understanding
25 whatsoever?

1 A. I believe those are personal
2 decisions.

3 Q. Based on you not having any
4 understanding of what caused that, is it fair
5 to say that you have not taken any steps to
6 remedy those causes?

7 A. If someone resigns, they resign.
8 There would be no need to have a conversation
9 with them.

10 Q. Were there multiple resignations
11 around the same time?

12 A. I don't remember the number. I
13 just remember maybe a couple of them at a
14 council meeting -- maybe two council meetings.
15 I don't recall.

16 Q. You testified earlier that the
17 firehouse is not staffed but for the chief; is
18 that correct?

19 A. The chief is -- he was retired and
20 that's where he elected he would go every
21 morning.

22 Q. And what about the current chief,
23 is that where he goes every morning?

24 A. I don't check in with him every
25 day nor did I with the prior chief.

1 Q. How did you respond to the
2 resignations?

3 A. They were accepted by council.

4 Q. What measures, if any, did you
5 take to fill the vacancies they caused?

6 A. Left that up to our two assistants
7 to do the recruiting.

8 Q. What assistants?

9 A. That would be Josh Oakley and Joe
10 Ferryman.

11 Q. Have you ever contacted the Logan
12 County Sheriff's Office regarding any topics
13 during your tenure as mayor?

14 MR. MESSMER: Objection. Relevance.
15 You can answer.

16 THE WITNESS: Subject matter?

17 BY MR. STEINHELPER:

18 Q. I don't know until you tell me.

19 A. That's a wide-open question.

20 Q. Correct. Have you contacted the
21 Logan County Sheriff's Office at any time since
22 January 1st of 2024?

23 MR. MESSMER: Objection. Relevance.
24 Can you limit your question to the scope of the
25 complaint?

1 MR. STEINHELPER: Well, it's a
2 deposition. We're going to try to narrow that
3 down. I don't know until I get the answer.

4 THE WITNESS: I mean, I've had lunch
5 with the sheriff. Is that what you mean?

6 BY MR. STEINHELPER:

7 Q. It could be. Other than having
8 lunch with the sheriff, have you ever contacted
9 the sheriff's office since January 1st of 2024?

10 A. Gosh. It could be a number of
11 things; fundraisers, how's things going.

12 Q. Did you ever harbor a belief that
13 any Lakeview firefighter stole relief supplies?

14 A. I would have no idea.

15 Q. Do you have any understanding of
16 the term "hard billing"?

17 A. I don't understand.

18 Q. Okay. What is your understanding
19 of your authority over budgetary and financial
20 decisions in the Village departments?

21 A. That is served by the roles of
22 fiscal officer and it is reviewed and approved
23 by council members.

24 Q. Who has the authority to hire and
25 fire the fiscal officer?

1 A. I imagine the Village
2 administrator. I don't know.

3 Q. Dave Scott?

4 A. Dave Scott is our Village
5 administrator.

6 Q. Do you play any role in the
7 financial decisions within the Village
8 departments?

9 A. I look at the numbers, but it's
10 approved strictly by council.

11 Q. What process do you follow to
12 ensure that you are acting within the scope of
13 your authority when making changes to
14 department budgets?

15 A. I don't make changes to department
16 budgets.

17 Q. Was prior authorization ever
18 required for the purchase of safety equipment?

19 A. I don't make those decisions.

20 Q. Do you know whether prior
21 authorization was ever required for the
22 purchase of air tanks?

23 MR. MESSMER: Objection. What's the
24 time frame?

25 MR. STEINHELPER: During her tenure

1 as mayor.

2 THE WITNESS: I don't have
3 authorization for air tanks.

4 BY MR. STEINHELPER:

5 Q. What do you mean that you don't
6 have authorization for them?

7 A. Expenses -- expenses are reviewed
8 by council.

9 Q. Does the purchase of air tanks
10 require prior authorization from Village
11 council?

12 A. They have to look and present a
13 bill and it goes to council.

14 Q. Who implemented that policy?

15 A. I just took it that it's always
16 been council.

17 Q. What about the testing of safety
18 equipment, any prior authorization required for
19 that?

20 A. The mayor makes no authorization
21 on any of that.

22 Q. What is your role in evaluating
23 the performance of Village employees?

24 A. I haven't had that opportunity.

25 Q. At no point during this year have

1 you had the opportunity to play any sort of
2 role in evaluating the performance of Village
3 employees?

4 A. Village employees, evaluating
5 them? I'm not sure of the question.

6 Q. Do you play any role in evaluating
7 the performance of Village employees?

8 A. I have not conducted any employee
9 performance reviews.

10 Q. Also not for Norm Spring?

11 A. I was only in office
12 two-and-a-half months.

13 Q. Who, if anyone, does conduct
14 performance reviews?

15 A. The fire chief reports to the
16 mayor and then the mayor shares with council.

17 Q. So it's the fire chief who
18 conducts the performance reviews?

19 A. No. I didn't understand the
20 question. I don't conduct -- I haven't
21 conducted any employee performance evaluations.

22 Q. Who does?

23 A. I haven't.

24 Q. There haven't been any done this
25 year; is that what you're testifying to?

1 MR. MESSMER: Objection. Misstates
2 the evidence in the record. Can I ask whose
3 performance review we're talking about here? Do
4 you have a specific person? That might help.

5 MR. STEINHELPER: Sure. Thank you.

6 BY MR. STEINHELPER:

7 Q. Let's talk about the Lakeview Fire
8 Department.

9 A. Okay.

10 Q. Have any performance reviews been
11 done in the year 2024 for any firefighters?

12 A. No.

13 Q. Has there been any investigation
14 taken into the effectiveness of the fire
15 department in 2024?

16 A. Council and solicitor, so
17 that's --

18 Q. The council and solicitor
19 conducted such an investigation?

20 A. Yeah. That's attorney --
21 privileged.

22 Q. When did they do that?

23 A. I don't know.

24 Q. Whose idea was it to do that?

25 MR. MESSMER: Objection. Calls for

1 privileged information.

2 MR. STEINHELPER: I think that tells
3 me who it is.

4 MR. MESSMER: Objection. Was that a
5 question?

6 MR. STEINHELPER: No.

7 BY MR. STEINHELPER:

8 Q. How do you view your role in
9 fostering a positive work environment within
10 the Lakeview Fire Department?

11 A. The feedback from them has been
12 extremely positive.

13 Q. Including Norm Spring?

14 A. I didn't have those conversations
15 with Norm Spring.

16 Q. What about Amy Stevens?

17 A. I haven't had those conversations
18 with Amy Stevens.

19 Q. What about Benjamin Avila?

20 A. It's Avila.

21 Q. Thank you.

22 A. You're welcome. I haven't
23 evaluated him.

24 Q. How do you work with the Lakeview
25 Fire Department or other agencies to provide

1 support and resources to the community during
2 crisis?

3 A. I'm not in charge of the fire
4 department for crisis.

5 Q. What do you understand to be the
6 responsibilities of the mayor in situations
7 where public safety resources are deployed?

8 A. That goes back to the fire chief.

9 Q. Does the mayor have any
10 responsibilities for public safety?

11 A. Define "public safety."

12 Q. Do you have any understanding of
13 the term "public safety"?

14 A. Do you mean like fire trucks and
15 fire runs?

16 Q. I think that would be included
17 under that.

18 A. I don't control fire trucks or
19 fire runs.

20 Q. Do you have any role to ensure
21 public safety within the Village?

22 A. Are we talking fire runs and
23 firemen, emergency response, like fires and
24 auto accidents? I don't have any authority
25 over that.

1 Q. What understanding do you have of
2 the term "conserving the peace"?

3 A. "Conserving the peace," I don't
4 know what you're asking. Ask again.

5 Q. What understanding, if any, do you
6 have of the term "conservator of the peace"?

7 A. I don't understand what you're
8 asking. Sorry.

9 Q. Do you have any understanding of
10 that term, ma'am?

11 A. It could mean a lot of things, so
12 I don't know what you're asking. Sorry.

13 Q. How do you define accountability
14 as it applies to your role as mayor?

15 A. When I was sworn into office, to
16 be honest, tell the truth, serve the people.

17 Q. Anything else?

18 A. Support council, listen to them.
19 Ultimately they are the hierarchy.

20 MR. BEY: I would like to interject.
21 You're asking legal definitions. She's not an
22 attorney. You're asking her legal definitions
23 from statutes.

24 MR. STEINHELPER: No. I'm asking for
25 her understanding, if she has one.

1 MR. BEY: I understand, but these are
2 legally defined.

3 BY MR. STEINHELPER:

4 Q. Was there any point at which you
5 developed concerns that Norman Spring might be
6 involved in theft or misuse of Village
7 resources?

8 A. No clue.

9 Q. Was there any point in time when
10 you developed a concern that Norman Spring
11 might be involved in the theft or misuse of
12 disaster relief supplies?

13 A. No idea.

14 Q. Did you ever develop a concern
15 that Amy Stevens might be involved in the theft
16 or misuse of Village resources?

17 A. No idea.

18 Q. Did you ever develop any concern
19 that Amy Stevens might be involved in theft or
20 misuse of disaster relief supplies?

21 A. No idea.

22 Q. You never personally witnessed any
23 conduct by Norman Spring or Amy Stevens that
24 would lead you to believe that they committed a
25 theft; is that correct?

1 A. No idea.

2 Q. Were there any reports or
3 complaints made by other individuals that led
4 you to suspect theft by either Spring or
5 Stevens?

6 MR. BEY: Objection to the extent
7 that this contains confidential information and
8 attorney/client privileged information.

9 MR. MESSMER: Can you read back the
10 question?

11 COURT REPORTER: Were there any
12 reports or complaints made by other individuals
13 that led you to suspect theft by either Spring or
14 Stevens?

15 THE WITNESS: I did not suspect theft
16 because I had no idea.

17 BY MR. STEINHELPER:

18 Q. What is Joshua Oakley's role
19 within the Village?

20 A. He is the interim police chief --
21 I mean, fire chief. Sorry.

22 Q. And what responsibilities does he
23 typically handle?

24 A. He's the fire chief.

25 Q. On what date did you first discuss

1 any suspicions of theft with Mr. Oakley?

2 MR. MESSMER: Objection. Assumes
3 facts not in the record. Objection to form. You
4 can answer, if you know.

5 THE WITNESS: I don't know if there
6 was a theft.

7 BY MR. STEINHELPER:

8 Q. Can you describe in detail any
9 instructions you gave to Mr. Oakley regarding
10 contacting the sheriff's office?

11 A. It was handled through our
12 solicitor.

13 Q. Were there no instructions from
14 you?

15 A. Elaine did not give anybody
16 instructions. That was given by the solicitor.

17 Q. Did you direct Mr. Oakley to
18 report specific individuals to the sheriff's
19 office?

20 A. I asked Mr. Oakley to contact our
21 solicitor.

22 Q. Were you present during any of the
23 communications between Mr. Oakley and the
24 sheriff's office?

25 A. I was not.

1 Q. Did you review the contents of
2 Mr. Oakley's report before he submitted it?

3 MR. MESSMER: Objection. Calls for
4 privileged information.

5 MR. STEINHELPER: Can you state the
6 nature of the privilege? I'm talking about
7 Mr. Oakley's report.

8 MR. MESSMER: She said that she
9 directed Oakley to confer with legal counsel, and
10 any advice from legal counsel is privileged.

11 BY MR. STEINHELPER:

12 Q. What was the primary objective in
13 having Mr. Oakley file a report with the
14 sheriff's office?

15 MR. MESSMER: Same objection.

16 BY MR. STEINHELPER:

17 Q. What is your understanding of the
18 primary objective of having Mr. Oakley file a
19 report with the sheriff's office?

20 MR. MESSMER: Objection. Privileged.

21 MR. BEY: You can't ask them
22 circumstances around privileged information to get
23 at the question differently.

24 MR. STEINHELPER: We believe it's not
25 privileged, but that's for someone else to decide.

1 MR. BEY: Well, we've raised an
2 objection. If you have a problem with that, then
3 bring it to the judge; but any information that's
4 submitted on the directive of the Village
5 solicitor in a confidential investigation is
6 privileged.

7 BY MR. STEINHELPER:

8 Q. Did you provide Mr. Oakley with
9 any documents, evidence, or information to
10 support the report he made with the sheriff's
11 office?

12 MR. MESSMER: Objection. Privileged.

13 BY MR. STEINHELPER:

14 Q. Did you have any discussions with
15 any members of the sheriff's office regarding
16 Mr. Oakley's report?

17 MR. MESSMER: Objection. Privileged.

18 BY MR. STEINHELPER:

19 Q. What evidence, if any, do you
20 believe supported the allegations of theft
21 against Mr. Spring?

22 MR. MESSMER: Objection. Assumes
23 facts not in the record. Objection to form.

24 MR. STEINHELPER: I'll have the
25 question read back, please.

1 COURT REPORTER: What evidence, if
2 any, do you believe supported the allegations of
3 theft against Mr. Spring?

4 THE WITNESS: I wasn't a part of it.
5 That goes back to the solicitor and Josh Oakley.

6 BY MR. STEINHELPER:

7 Q. What evidence, if any, do you
8 believe supported the allegations of theft
9 against Ms. Stevens?

10 MR. MESSMER: Objection. Privileged.
11 Asked and answered. Assumes facts not in the
12 record. Form.

13 BY MR. STEINHELPER:

14 Q. Were there any internal audits or
15 investigations conducted within the fire
16 department itself to substantiate these
17 suspicions before making the report to the
18 sheriff's office?

19 MR. BEY: Objection. Privileged.
20 Confidential. Investigations are generally
21 conducted by legal counsel or upon their
22 direction. This is going to inherently contain
23 confidential and privileged information, which is
24 protected under the attorney/client privilege.
25 She has no authority to waive that privilege.

1 That privilege is the Village's.

2 BY MR. STEINHELPER:

3 Q. Did you personally handle or
4 review any of the disaster relief supplies that
5 were allegedly misused or stolen?

6 MR. MESSMER: Objection. Form.
7 Privilege.

8 MR. STEINHELPER: I'm talking about
9 laundry detergent.

10 MR. MESSMER: You're saying that
11 things were allegedly misplaced or stolen. That's
12 not a fact in the record right now. If we're
13 talking about lost or stolen allegations, we're
14 talking about privilege again.

15 MR. STEINHELPER: I'm asking whether
16 she personally handled some laundry detergent.

17 MR. MESSMER: No, that's not what
18 your question was. If you want to ask her if
19 she's ever handled laundry detergent, you can ask
20 her that question. That's not what your question
21 was initially.

22 BY MR. STEINHELPER:

23 Q. What disaster relief supplies do
24 you believe were allegedly misused or stolen?

25 MR. MESSMER: Objection. Form.

1 Misstates testimony.

2 BY MR. STEINHELPER:

3 Q. How did you view your
4 responsibility as mayor in addressing the
5 alleged misconduct within the fire department?

6 MR. MESSMER: Objection. Form.
7 Misstates testimony. Asked and answered.

8 Privileged information.

9 BY MR. STEINHELPER:

10 Q. Did you discuss the potential
11 impact of these accusations with anyone else in
12 your administration before Mr. Oakley made his
13 report?

14 MR. MESSMER: Objection. Calls for
15 privileged information.

16 MR. BEY: I'll join in that
17 objection.

18 BY MR. STEINHELPER:

19 Q. In hindsight, do you believe the
20 report to the sheriff's office was necessary?

21 MR. MESSMER: Objection. Calls for
22 privileged information.

23 BY MR. STEINHELPER:

24 Q. What is the typical protocol for
25 summoning firefighters to the station when an

1 emergency call is received?

2 A. I don't understand the question.

3 Q. It's a volunteer fire department,
4 correct?

5 A. Correct.

6 Q. So at any given time the
7 firefighters are typically not onsite at the
8 station; is that correct?

9 A. Correct.

10 Q. What is your understanding of how
11 they are summoned to a call?

12 A. Oh, they get a call through the
13 dispatch.

14 Q. Have response times increased
15 since the tornado?

16 A. I have no idea.

17 Q. With regard to the fire
18 department, have response times increased since
19 the mass resignation in March?

20 MR. MESSMER: Objection. Misstates
21 testimony. Objection to form.

22 BY MR. STEINHELPER:

23 Q. Sometime in March several
24 firefighters resigned; is that correct?

25 A. March, maybe April.

1 Q. Since those resignations in the
2 spring of this year, have response times for
3 the Lakeview Fire Department increased?

4 A. I have no idea.

5 Q. Since the filing of our complaint
6 alleging that response times have increased,
7 imperilling Village safety, have you thought to
8 look into that?

9 A. I'm not aware of any -- what's the
10 word -- safety?

11 Q. Imperilling.

12 A. Imperilling safety. I haven't
13 received any formal complaints.

14 Q. What steps, if any -- scratch
15 that. Can you describe for us each and every
16 step that you've taken to determine whether
17 those allegations of increased response times
18 were true?

19 A. I haven't received any notice.

20 Q. So you've taken no steps to
21 determine whether or not that's true?

22 MR. MESSMER: Objection. Misstates
23 testimony. Objection to form.

24 MR. STEINHELPER: If she'd simply
25 answer the question, we could move on.

1 MR. MESSMER: Objection.

2 Argumentative.

3 BY MR. STEINHELPER:

4 Q. Ma'am, did you take any steps
5 whatsoever to determine the veracity of those
6 allegations?

7 A. I've not received any allegations.

8 Q. Have you reviewed the complaint in
9 this matter?

10 A. Which complaint?

11 Q. The lawsuit for which you are
12 sitting in front of me.

13 A. No validity.

14 Q. You've reviewed the complaint; is
15 that correct?

16 A. I would have to look at the
17 complaint.

18 Q. Okay. And were allegations
19 contained within that complaint that since the
20 fire department resignations in spring of this
21 year response times have increased; is that
22 correct?

23 A. If I don't receive notice from the
24 state fire marshal's office or somebody that
25 has that authority or knowledge, then it's

1 noise.

2 Q. Have you taken any steps to
3 determine whether response times have increased
4 since the spring resignations?

5 A. I have not received any notice
6 from those that would have authority and
7 knowledge that there was a problem.

8 Q. How would you go about determining
9 whether response times have increased?

10 A. If I don't have anything from the
11 state or a complaint from people that have
12 knowledge and authority; outside of that, it's
13 noise.

14 Q. So is the answer that you wouldn't
15 conduct any sort of investigation into response
16 times until receiving a complaint from the
17 state?

18 MR. MESSMER: Objection. Misstates
19 testimony. You can answer.

20 THE WITNESS: You have to go on
21 facts. I have no facts that there's been any
22 problems.

23 BY MR. STEINHELPER:

24 Q. To your knowledge, where do the
25 majority of the Lakeview volunteer firefighters

1 reside relative to the fire station?

2 A. Ask that question again.

3 Q. To your knowledge, where do the
4 majority of the Lakeview volunteer firefighters
5 reside relative to the fire station?

6 A. I personally can't speak to where
7 their homes are.

8 Q. Are most of the current volunteer
9 firefighters residents of the Village of
10 Lakeview?

11 A. Are they residents of the Village?

12 Q. Correct.

13 A. I don't know which ones are and
14 are not.

15 Q. Are more than half of them
16 residing in the Village?

17 A. I can't tell you, so that's a
18 no -- I don't know.

19 Q. Does their place of residence
20 affect the response times?

21 A. No, I would think not. At any
22 given time an alarm can go off and they could
23 be at the firehouse or they could be in
24 Lakeview.

25 Q. If an alarm went off but all of

1 the firefighters resided in Sidney, for
2 example, wouldn't that increase the response
3 times?

4 MR. MESSMER: Objection. Calls for
5 speculation.

6 THE WITNESS: Residing and the point
7 of where you are are two different subject
8 matters.

9 BY MR. STEINHELPER:

10 Q. You said that your home is your
11 castle, correct?

12 A. Well, that's a tongue in cheek;
13 but it is my home where I reside in the
14 Village.

15 Q. So is it fair to say that you
16 spend a significant amount of time there?

17 A. I would say that's irrelevant
18 where I spend my time.

19 Q. Do you believe that other people
20 spend a lot of time in their residences?

21 A. I don't know what other people do.

22 Q. How does the proximity of the
23 volunteer firefighter's residence to the fire
24 station impact response times?

25 MR. MESSMER: Objection. Asked and

1 answered. You can answer, if you know.

2 THE WITNESS: I don't know where they
3 are at any given run.

4 BY MR. STEINHELPER:

5 Q. In your opinion, how have the
6 resignations affected the department's ability
7 to respond quickly to emergencies?

8 A. The firefighters are up to 14.
9 Haven't had any state complaints or anything
10 that has significance, merit, or value.

11 Q. On September 9th of 2024, did a
12 Lakeview fire engine respond to a mutual aid
13 call without any water on the truck?

14 MR. MESSMER: Objection. Relevance.
15 That occurred after the filing of the petition.

16 MR. STEINHELPER: But it
17 substantiates the safety concerns in the petition.

18 MR. MESSMER: You can answer, if you
19 have any personal knowledge.

20 THE WITNESS: Sure. At our fire
21 meeting that they have on Sundays -- the first
22 Sunday after council -- that was squashed. It was
23 a rumor.

24 BY MR. STEINHELPER:

25 Q. Why do you believe it was a rumor?

1 A. I had asked Amy Stevens, who
2 brought it up, and she did not -- or would not
3 say who said it. She was just saying that she
4 heard it. Joe spoke and said that it did not
5 show up empty, Joe Ferryman; so it's a moot
6 point.

7 Q. After Joe told you that, did you
8 take any further steps to investigate whether
9 the fire engine showed up to a call without any
10 water on the truck?

11 A. Joe and Josh are in control, so I
12 allow them to do their jobs. If there was a
13 problem, they would have brought it to my
14 attention.

15 Q. Did anyone from a different fire
16 department speak to you about a Lakeview fire
17 engine arriving to a call without any water on
18 it?

19 A. I have not had a personal
20 conversation with anybody outside of my two
21 chiefs.

22 Q. What actions, if any, did you take
23 to address the resignations?

24 A. That's a personal decision.

25 Q. Can you describe your actions,

1 ma'am?

2 A. Focus forward and recruit.

3 Q. What role did you play in that
4 recruitment?

5 A. I don't recruit. That's up to the
6 chief.

7 Q. So is it fair to say you took no
8 actions to address the resignations?

9 MR. MESSMER: Objection. Form.

10 THE WITNESS: I'm stealing your
11 water.

12 MR. MESSMER: Go for it. You can
13 answer the question, if you know.

14 THE WITNESS: Ask the question again.

15 BY MR. STEINHELPER:

16 Q. Is it fair to say that you took no
17 actions to address the resignations?

18 A. If one resigns, that's a personal
19 decision and there's nothing further for me to
20 do.

21 Q. Did you or Village council
22 implement any policies that affected the fire
23 department's ability to respond quickly?

24 A. I don't implement policy.

25 Q. Are you aware of any specific

1 instances or emergencies where response times
2 were delayed due to lack of personnel?

3 A. I have not received anything
4 personally from the State of Ohio Fire Chief.

5 Q. Are you aware of any specific
6 instances or emergencies where response times
7 were delayed due to lack of resources?

8 A. I have not received any
9 notification from the state fire marshal's
10 office.

11 Q. What actions, if any, have you
12 taken as mayor to mitigate the increased
13 response times?

14 MR. MESSMER: Objection to form.

15 THE WITNESS: I have no control or
16 decision-making on response times.

17 BY MR. STEINHELPER:

18 Q. To your knowledge, what steps have
19 been taken by the fire department to mitigate
20 the increased response times?

21 MR. MESSMER: Objection to form.

22 There's no evidence that there's increased
23 response times. She testified that she has no
24 knowledge of increased response times. You're
25 asking a self-defeating question.

1 MR. STEINHELPER: At this point we're
2 getting into coaching the witness via objection.

3 MR. MESSMER: At this point we're
4 asking the same question over and over. She's
5 been asked about response times and she told you
6 that she doesn't have any knowledge about response
7 times.

8 MR. BEY: Your question assumes that
9 there's increased response times.

10 BY MR. STEINHELPER:

11 Q. How would one go about determining
12 whether response times have increased?

13 A. I don't understand what you're
14 asking.

15 Q. You've taken no steps to determine
16 whether response times have increased since the
17 spring resignations, correct? That was your
18 testimony.

19 A. I have no control of increased or
20 decreased response times and I received no
21 notification from people that would have
22 authority and knowledge of such matters versus
23 gossip.

24 Q. If a person did feel that it was
25 important to determine whether response times

1 have increased so that they could remedy that,
2 how would they go about determining whether the
3 response times have increased since the spring
4 resignations?

5 A. Feelings are not even a matter.
6 If I have not heard it from an authoritative
7 figure, which would be the state fire marshal's
8 office, there's no reason I would know or do
9 otherwise.

10 Q. You keep mentioning the state fire
11 marshal's office. Have you contacted the state
12 fair marshal's office about this issue?

13 A. About increased or decreased
14 times?

15 Q. Yes.

16 A. There would be no reason to
17 because I have not officially received any
18 notification.

19 Q. You would wait to receive a
20 notification from them, correct?

21 A. They are the governing body over
22 this. If any fire department is failing or not
23 meeting the grade card, it would be brought to
24 their attention.

25 Q. Where are the run reports kept?

1 A. I don't have any authority over
2 that. That's the chief's job.

3 Q. Do you have any idea where they
4 are located?

5 A. I would have no reason to know.
6 I'm not running the fire department.

7 Q. What responsibility do you believe
8 you have as mayor to ensure that the fire
9 department is sufficiently staffed and prepared
10 for emergency responses?

11 A. That is in the wheelhouse of the
12 chief and there's been no complaints from the
13 state fire marshal's office, so there would be
14 no need for me to question otherwise.

15 Q. Are you aware that neighboring
16 fire departments such as Waynesfield, De Graff,
17 Huntsville, or Belle Center stopped requesting
18 mutual aid from Lakeview?

19 MR. BEY: Objection. You're asking
20 questions that are assuming facts.

21 MR. STEINHELPER: I'm asking "are you
22 aware."

23 MR. MESSMER: You can answer, if you
24 know.

25 THE WITNESS: I wouldn't be aware of

1 that.

2 BY MR. STEINHELPER:

3 Q. What steps, if any, have you taken
4 to determine whether that's true?

5 A. I will go back to the state fire
6 marshal's office. If the Village of Lakeview
7 Fire Department -- Volunteer Fire Department
8 was not operating under the state guidelines,
9 that would be brought to our attention. They
10 rule. Facts.

11 Q. In hindsight, is there anything
12 you believe could have been done or should have
13 been done differently to prevent the
14 resignations?

15 A. Resignations was a personal
16 decision.

17 Q. Is it your understanding that it
18 was a coincidence that several happened around
19 the same time?

20 MR. MESSMER: Objection to form. You
21 can answer, if you know.

22 THE WITNESS: Personal decisions.
23 Everybody makes personal decisions in their life.

24 BY MR. STEINHELPER:

25 Q. Do you have an official Village

1 e-mail address?

2 A. I do.

3 Q. What is it, ma'am?

4 A. Let me make sure I don't misstate.

5 Q. Sure.

6 A. Ready?

7 Q. Yes.

8 A. Efaganmoore@lakeviewohio.com.

9 Q. Have you ever used any other
10 e-mail address to communicate with Village
11 council members?

12 A. Business is conducted on that
13 address.

14 Q. Is that a "no," ma'am?

15 A. Business is conducted on that
16 e-mail account.

17 Q. Have you ever used any other
18 e-mail address to communicate with any Village
19 council members?

20 A. Not that I'm aware.

21 MR. STEINHELPER: Let's take a brief
22 break and we'll wrap it up.

23 MR. MESSMER: Ten minutes? Five
24 minutes?

25 MR. STEINHELPER: Ten.

1 MR. MESSMER: Okay. We'll be back at
2 12:55.

3 (Pause in proceedings.)

4 BY MR. STEINHELPER:

5 Q. Ma'am, since the tornado, have you
6 received any communication from members of the
7 public about the fire department resignations?

8 A. All communications, inquiries
9 would be moved to the solicitor.

10 Q. Has anyone e-mailed
11 Efaganmoore@lakeviewohio.com about the
12 resignations?

13 A. I would move that on to our
14 solicitor for comment.

15 Q. Are you refusing to answer the
16 question?

17 A. I answered your question. At
18 least I thought I did.

19 Q. Since the tornado, has anyone
20 called you -- has any member of the public
21 called you regarding the resignations?

22 A. Any questions regarding those, I
23 would refer those on to the solicitor.

24 Q. Are you saying if and when a
25 member of the public e-mails you or calls you,

1 you refer that on to the solicitor?

2 A. Any inquiry about those matters, I
3 would move on to the solicitor.

4 Q. Any inquiry from a member of the
5 public; is that what you're saying?

6 A. Because that would be a matter for
7 our solicitor to address on resignations.

8 Q. So the e-mails do, in fact, exist?

9 A. That would go to the solicitor.

10 Q. It would go to the solicitor
11 because you press forward and forward the
12 e-mail to the solicitor or how does it get to
13 the solicitor?

14 A. If it was anything inquiring about
15 an employee relation or, you know, that matter,
16 that would go to the solicitor. That's not for
17 me to answer.

18 Q. How does it get to the solicitor?

19 A. Oh, I would send it to them.

20 Q. Thank you.

21 A. Okay.

22 Q. By forwarding the e-mail, correct?

23 A. Yes.

24 Q. Okay. Since the tornado, has your
25 office received any communications from members

1 of the public regarding the fire department's
2 response times?

3 A. I don't know.

4 Q. Since the tornado, has your office
5 received any communications from members of the
6 public regarding the FEMA 50 rule?

7 A. I don't know what that is.

8 Q. Who is Ken Conaway?

9 A. Ken Conaway is the floodplain
10 administrator.

11 Q. How do you know Ken Conaway?

12 A. Through our former solicitor,
13 Lynnette Dinkler, at her discretion.

14 Q. Did you have any relationship with
15 Ken Conaway prior to May of this year?

16 A. No.

17 Q. Did you ever talk to him prior to
18 May of this year?

19 A. No.

20 Q. What role did you play in his
21 appointment as floodplain administrator?

22 A. I did not.

23 Q. Did you make a recommendation to
24 city council that he be appointed floodplain
25 administrator?

1 A. That would be coming from the
2 solicitor to council.

3 Q. Prior to his appointment as
4 floodplain administrator, isn't it true that
5 you held the role as Village floodplain
6 administrator?

7 A. I did.

8 Q. And how did you execute that role?

9 A. What do you mean "execute" it?

10 Q. What did the role of Village
11 floodplain administrator entail when you held
12 the position?

13 MR. MESSMER: Objection. Relevance.
14 You can answer.

15 THE WITNESS: Prior to the tornado,
16 there was a floodplain change and it was -- you
17 would look at a map and you could tell if it was
18 in a floodplain. Any questions outside of that,
19 then I would contact the soil and water
20 conservation.

21 BY MR. STEINHELPER:

22 Q. When did this floodplain change
23 occur?

24 A. November of -- before my office --
25 going into office.

1 Q. When you held the role as
2 floodplain administrator, there was no change;
3 is that correct?

4 A. No. The change happened in '23.

5 Q. Okay.

6 MR. STEINHELPER: That concludes the
7 deposition.

8 MR. MESSMER: I have no questions.
9 Dan, do you have any questions?

10 MR. BEY: Yeah.

11 EXAMINATION

12 BY MR. BEY:

13 Q. Mayor, who oversees the
14 firefighters?

15 A. The chief.

16 Q. Okay. And do you supervise the
17 chief?

18 A. I do.

19 Q. And do you take any part in
20 day-to-day decisions or the technical decisions
21 on firefighting?

22 A. No.

23 Q. You leave that to the chief?

24 A. Absolutely.

25 Q. Is that because he's the expert in

1 the area?

2 A. Absolutely.

3 Q. Okay. When it comes to public
4 safety regarding questions relating to the
5 sheriff's department, would you leave that to
6 the sheriff?

7 A. Absolutely.

8 Q. Because they're the experts in the
9 area?

10 A. Absolutely.

11 Q. Subsequent to the tornado, you
12 said that there were multiple people on the
13 ground. I'm assuming those were the EMA
14 management?

15 A. When I went up in town?

16 Q. It's just as a general question.
17 You said there were a lot of people on the
18 ground, agencies. I'm assuming that was mostly
19 through the EMA management or various other
20 governmental agencies?

21 A. Yes. I had no directives in that.
22 At that point I was a commoner up there
23 looking.

24 Q. I think you said that the National
25 Guard was deployed?

1 A. Ohio National Guard, yeah.

2 Q. Do you have any professional
3 expertise in emergency response management?

4 A. No.

5 Q. Okay. Would you say that it's
6 your assumption that members of the Ohio
7 National Guard do?

8 A. Yes.

9 Q. Would you assume that the EMA or
10 Emergency Management Association has expertise
11 in responding to emergency situations?

12 A. Yeah. I would think that they are
13 trained and qualified in those roles.

14 Q. Would you assume that the Logan
15 County Sheriff's Department has training in the
16 emergency management response?

17 A. Yes.

18 Q. Would you assume that the fire
19 department in the Village of Russells Point
20 does?

21 A. I would say yes, in those roles.

22 Q. Okay. Is it generally your
23 practice to leave the technical decisions up to
24 those who have the training and are situated in
25 the position to oversee that?

1 A. Yes. Those people are in those
2 roles, as they were hired to do so.

3 Q. Okay. So as a general -- as a
4 general practice, my understanding, from what
5 you're saying, is if there are professionals in
6 the role that have training in the specific
7 area, you tend to defer to those experts?

8 A. Absolutely.

9 Q. Okay.

10 MR. BEY: No further questions.

11 THE WITNESS: Thank you.

12 MR. STEINHELPER: That concludes the
13 deposition.

14 MR. MESSMER: We'll read.

15 (Thereupon, the deposition was
16 concluded at 12:10 p.m.)

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1 STATE OF OHIO)

2 COUNTY OF CLARK) SS: CERTIFICATE

3 I, Leigh Anne Trainer, a Notary Public
4 within and for the State of Ohio, duly
5 commissioned and qualified,

6 DO HEREBY CERTIFY that the above-named
7 ELAINE FAGAN-MOORE, was by me first duly sworn to
8 testify the truth, the whole truth and nothing but
9 the truth; that said testimony was reduced to
10 writing by me stenographically in the presence of
11 the witness and thereafter reduced to typewriting.

12 I FURTHER CERTIFY that I am not a relative
13 or attorney of either party nor in any manner
14 interested in the event of this action; I am not
15 under a contract as defined in Civil Rule 28(D).

16 IN WITNESS WHEREOF, I have hereunto set my
17 hand and seal of office at Springfield, Ohio, on
18 this 18th day of November, 2024.

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 /s/ Leigh Anne Trainer
LEIGH ANNE TRAINER
NOTARY PUBLIC, STATE OF OHIO
My commission expires 5-7-2027

1 I, ELAINE FAGAN-MOORE, do hereby certify
2 that the foregoing is a true and accurate
3 transcription of my testimony.

4

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Signature: _____

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Date: _____

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4 MARK ON THE TRANSCRIPT. UPON COMPLETION, PLEASE
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25 Signature: _____ Date: _____