



The City of East Cleveland

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Audit Committee

Gerald L. Silvera
Chairman

Ella Mae Bowman
Vice-Chairman

Bernice Ewing

Legal Authority

Chapter 141 of the Codified
Ordinances of the City of East
Cleveland, Ohio.

Members serve pursuant to
Resolution 98-11, passed on
January 3, 2012.

September 20, 2013

To: Members of City Council:
Dr. Joy A. Jordan, DDS, President, Chantelle Lewis, Vice President,
Barbara Thomas, Nathaniel Martin, and Mansell Baker

Mr. Dave Yost
Ohio Auditor of State

Ms. Rhonda C. Hall, CPA
Partner, Audit, and Accounting Services
Ciuni & Panichi

Subject: Demand for a Finding for Recovery for \$18,787.86, against
Mr. Kevin Valentine, Mayor Gary Norton, Jr., former Finance Director
Jack Johnson, and current Finance Director Irene Crowell,
in the matter of Ordinances 17-09 & 18-09.

Mayor Gary Norton's appointment of Mr. Kevin Valentine as Director of Parks and Recreation, including the compensation received is in violation of Ordinance 17-09 and 18-09, respectfully. Ordinance 17-09, passed on April 14, 2009, made it illegal for any employee of the City of East Cleveland to hold more than one position. Ordinance 18-09, passed on April 14, 2009, made it illegal for any employee of the City of East Cleveland to receive compensation from more than one position. **Mayor Norton was President of City Council when these Ordinances became law.**

The Committee's October 22, 2012 report noted that Mr. Kevin Valentine, Director of Helen S. Brown Senior Center, was appointed by Mayor Norton sometime during the second half of FY2012 to be the Director of Parks and Recreation at the rate of \$14,996.80 per year, in addition to his duties and compensation as Director of Helen S. Brown Senior Center.

An Employee Payroll Report prepared by the Human Resources Department and submitted to Council in September of 2012 verifies that Mr. Valentine is receiving the following compensation as Director of Parks and Recreation:

Hourly Rate	Cycle Hrs.	Budget Account	Pct	Base Annual	Medicare	P.E.R.S.	Total Payroll Cost
\$7.21	80	1110.2310.5211	100	\$14,996.80	\$217.45	\$2,099.55	\$17,314.00

The Audit Committee estimates that Mr. Valentine's cash payments and payroll costs amounted to approximately \$8,657.00 in FY2012 (Since we do not have an official start date we can only estimate payout for FY2012), and \$10,130.86 in FY2013 to-date. These estimates do not include accrued vacation time that may have been cashed out. **This represents approximately \$18,787.86 in illegal appropriations that must be returned to the General Fund of the City of East Cleveland.**

STRICT LIABILITY

In the Auditor of State's Bulletin 2008-006 on the subject of Strict Liability, it states: "Under Ohio law, any public official who either authorizes an illegal expenditure of public funds or supervises the accounts of a public office from which such illegal expenditure is made is strictly liable for the amount of the expenditure. *Seward v. National Surety Corp.*, 120 Ohio St. 47 (1929); 1980 Op. Att'y Gen. No. 80-074; Ohio Rev. Code Section 9.39; *State, ex. Rel. Village of Linndale v. Masten*, 18 Ohio St. 3d 228 (1985). Public officials controlling public funds or property are secondarily liable for the loss incurred should such funds or property be fraudulently obtained by another, converted, misappropriated, lost or stolen. Public officials will be liable if and to the extent that recovery or restitution is not obtained from the persons who unlawfully obtained such funds or property. 1980 Op. Att'y Gen. No. 80-074. "

THE CHARTER

Section 113 of the East Cleveland Charter, states the general powers and duties of the mayor are *"The Mayor shall be the chief executive officer of the City, responsible for carrying out and fulfilling the intent and purpose of any and all legislation duly passed by the Council. The Mayor shall supervise the administration of all the affairs of the City and the conduct and administration of all departments and divisions thereof, except the Council and as otherwise provided by this Charter, and the Mayor shall have all such powers as are conferred upon Mayors by the laws of the State of Ohio. The Mayor shall be the chief conservator of the peace within the City and shall see that all laws, resolutions, and ordinances are enforced therein."*

LAW DIRECTOR'S OPINION

Law Director Riley in an Opinion dated February 22, 2013, that covered several topics, stated: *"Time and again the question has been posed as to whether resolutions and ordinances are enforceable if the book titled "Codified Ordinances of the City of East Cleveland Ohio" has not been "officially" approved by Council by resolution. It should be patently clear to all observers that once an ordinance or resolution has been properly voted on and passed by Council and approved by the Mayor, that that enactment becomes the official local law regarding that specific matter. Additionally, it becomes effective and enforceable within the time frame stated in the body of the enactment irrespective of whether it has been included in the previously referenced book of Codified Ordinances. Were this not the case, none of the ordinances and resolutions enacted post Council approval would ever become enforceable. We all know that to be a non-sequitur. The sole purpose of Council's approval of the bound book of ordinances and resolutions is to provide the public with a convenient and accessible copy of the local laws and to give a basis for payment of the Walter H. Drane Co. for its service.*

In summary, a single, unbound piece of legislation by Council is effective law once it has been properly enacted and approved and is effective and enforceable pursuant to the date stated therein."

AUDIT COMMITTEE JUDGMENT

It is the unanimous judgment of the Audit Committee that Ordinances 17-09 and 18-09 are law, as evidenced by the 2009 Council Legislative Docket, which Mayor Norton is duty-bound by the Charter to enforce. That Mayor Norton knowingly violated The Charter and Codified Ordinance 525.12(d)(e) when he illegally appointed Mr. Kevin Valentine as Director of Parks and Recreation, and directed former Finance Director Jack Johnson, and current Finance Director Irene Crowell to pay Mr. Valentine's salary.

Upon motion carried, the Audit Committee hereby demands Ciuni & Panichi to conduct a complete audit of all payments made to Mr. Kevin Valentine (as Director of Parks and Recreation), and to immediately submit all available documentation to the Auditor of State's Legal Office for a legal determination to confirm a Finding for Recovery against Mr. Kevin Valentine, Mayor Gary Norton, Former Finance Director Jack Johnson, and current Finance Director Irene Crowell.

The Audit Committee further demands that all appropriate legal actions are taken to compel repayment at the earliest possible time, and that any other appropriate legal sanctions for violations of local or state laws will be pursued.

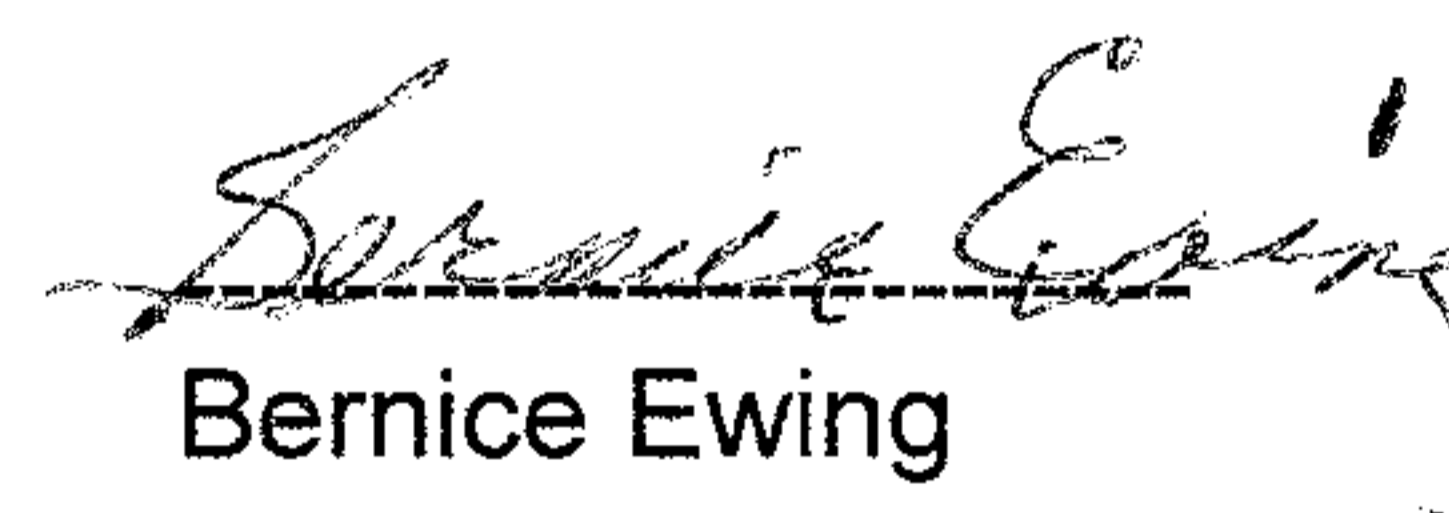
Approved this 20th Day of September 2013, by:



Gerald L. Silvera
Chairman



Ella Mae Bowman
Vice Chairman



Bernice Ewing

ORDINANCE NO. 17-09

AN ORDINANCE PROHIBITING ANY EMPLOYEE OF THE CITY OF EAST CLEVELAND, REGARDLESS OF POSITION OR TITLE, FROM HOLDING MORE THAN ONE POSITION AT A TIME.

Requested By: Councilwoman Mildred Brewer
Sponsored By: Councilwoman Mildred Brewer
First Reading on March 17, 2009
Passed Second Reading on April 7, 2009
Vetoed By Mayor Brewer on April 13, 2009
Veto Overridden on April 14, 2009, at Special Council Meeting
(Yeas- Thomas, Jordan, Martin, and Brewer) (Nay- Norton)

ORDINANCE NO. 18-09

AN ORDINANCE PROHIBITING ANY EMPLOYEE OF THE CITY OF EAST CLEVELAND, REGARDLESS OF POSITION OR TITLE, FROM RECEIVING COMPENSATION FOR MORE THAN ONE POSITION.

Requested By: Councilwoman Mildred Brewer
Sponsored By: Councilwoman Mildred Brewer
First Reading on March 17, 2009
Passed Second Reading on April 7, 2009
Vetoed By Mayor Brewer on April 13, 2009
Veto Overridden on April 14, 2009, at Special Council Meeting
(Yeas- Thomas, Jordan, Martin, and Brewer) (Nay- Norton)

ORDINANCE NO. 19-09

AN ORDINANCE REQUIRING ALL MONIES FOR RENTING THE MARTIN LUTHER KING JR CIVIC CENTER AND HELEN S. BROWN SENIOR CENTER TO BE PAID DIRECTLY TO THE DEPARTMENT OF FINANCE.

Requested By: Councilwoman Mildred Brewer
Sponsored By: Councilwoman Mildred Brewer
First Reading on February 17, 2009
Passed Second Reading on March 3, 2009
Vetoed By Mayor Brewer on March 9, 2009
Mayor's Veto Unanimously Overturned by Council on March 17, 2009

Table with columns: Payroll Name, Home Department, Home Department Desc, Hourly Rate, Cycle Hours, Budget Acct, Pct, Base annual, Medicare, P.E.R.S. Includes sub-totals for FIRE SALARIES, POLICE-PARKING BUR SALARIES, PARK & REC SALARIES, HOUSING SALARIES, and SERVICE SALARIES.

15

44

8 sep

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3

Police and Fire Pension	Education/Medic Pay/ Med. Opt-out/Fire Inspector Pay.	SWAT	Longevity	Longevity	Clothing Allowance	Shoe Allowance	Gun Allowance	Comp Time Buyout	Total Payrol Cost
18,529.64	1,240.00			1,325	400	100	0	980	88,074
				750					42,774
7,235.16					400	100			33,310
7,235.16					400	100			33,310
									26,959
12,077.69				1,325	400	100			56,595
12,077.69	841.83				400	100			56,112
13,567.71				1,125	400	100			63,152
12,077.69				1,125	400	100			56,395
12,006.06	841.83			825	400	100			56,612
12,077.69	673.03				400	100			55,943
12,077.69				975	400	100			56,245
13,567.71	845.87			1,125	400	100			63,998
14,785.51	5,202.17			1,125	400	100		1,713	75,590
12,077.69					400	100	0	0	55,270
7,235.16					400	100			33,310
9,656.42					400	100	0		44,290
12,077.69				975	400	100			56,245
13,567.71				1,325	400	100			63,352
12,077.69	841.83			975	400	100			57,087
14,785.51	500.00			1,325	400	100		401	69,776
12,077.69				1,325	400	100			56,595
12,077.69	500.00			1,125	400	100			56,895
7,235.16	504.26				400	100			33,815
13,567.71	2,445.87			1,125	400	100			65,598
12,077.69				825	400	100			56,095
9,656.42	673.03				200	100			44,763
9,656.42					200	100			44,090
12,077.69	673.03				400	100			55,943
7,235.16					400	100			33,310
12,077.69	841.83				400	100			56,112
12,077.69	841.83				400	100			56,112
12,077.69				975	400	100		1,076	57,321
12,077.69	841.83			975	400	100			57,087
9,656.42					200	100			44,090
12,077.69	841.83				400	100			56,112
12,077.69				825	400	100			56,095
13,567.71	5,952.17			1,325	400	100			69,305
12,077.69	750			1,325	400	100		587	57,932
12,077.69	2,601.09			975	400	100			58,847
7,235.16					400	100			33,310
13,567.71	945.87			975	400	100			63,948
12,077.69				825	400	100			56,095
14,785.51	750.00			1,325	400	100			69,625
14,785.51				1,325	400	100			68,875
12,077.69				825	400	100		267	56,362
12,077.69					400	100			55,270
12,077.69	1,683.66			975	400	100		502	58,431
542,985.26	31,832.86	0.00	0	31,350	17,800	4,600		5,526	2,621,444
									24,081
									24,081
									10,991
									10,991
									10,991
									17,314
									26,415
				500					38,196
				1,100					44,339
				1,600					159,236
				0					8,890
			0	0		0			31,218
									31,218
									28,816
				900					30,004
									32,322
									24,494
0.00			0.00	900.00	0.00	0.00	0.00	0.00	186,962
									9,975
									9,975
									9,975
									X 92,361 X
									28,072
									26,380
									30,017
									28,072
				750					46,928
									24,136
				500					40,122
									36,020
									28,072
				1,250					410,105
				850					36,774
				600					36,524
				1,200					37,124
				2,650					110,423
0.00			0.00	3,900.00	0.00	0.00	0.00	0.00	520,528.44

Payroll Name	Pay Date	Home Department Desc - Check	Budge Acct	Gross Wages
Fambrough, William	03/01/2013	Parks & Recreation-Other Employees	1110.2310.5211	\$ 259.69
Hairston, Alan	03/01/2013	Parks & Recreation-Other Employees	1110.2310.5211	\$ 792.00
Muhammad, Sulaiman	03/01/2013	Parks & Recreation-Other Employees	1110.2310.5211	\$ 1211.76
Nelson, Patricia	03/01/2013	Parks & Recreation-Other Employees	1110.2310.5211	\$ 1426.08
Spotts, Ralph E.	03/01/2013	Police-Chief	1110.2110.5210	\$ 3010.06
Barclay, Yvonne	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 5254.58
Brooks, Babelon	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 1149.00
Dunlap II, Joe	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 1516.17
Fruth, Joshua T	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 2052.41
Gardner, Teshia	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 2056.20
Gholston, Lakessa L	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 1516.17
Hollins, Linda	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 1497.51
Joiner, Anthony	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 1652.64
McClanahan, Nicole	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 1149.00
McDougle, Kissa	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 1235.41
Robinson, Sharell	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 2665.56
Rodgers, Jolanda	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 3216.29
Salters, Janae	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 3567.69
Smith, Dedra S	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 1610.16
Smith, Laquita	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 1149.00
Sullivan, Frank	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 1240.28
Terry, David	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 1348.89
Thompson, Franklin J	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 1964.38
Veals, Vanessa	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 1538.40
Walker, David	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 1094.41
Walker, Tiffany	03/01/2013	Police-Other Employees	1110.2110.5211	\$ 2415.71
Wright, Delinda	03/01/2013	Police-Parking Violations Bur-Other	1110.2140.5211	\$ 821.47
Allen, Mark	03/01/2013	Police-Regular	1110.2110.5212	\$ 1786.75
Armstead, Shanika	03/01/2013	Police-Regular	1110.2110.5212	\$ 1516.17
Balli, Matthew	03/01/2013	Police-Regular	1110.2110.5212	\$ 2285.63
Bolton, Kenneth R.	03/01/2013	Police-Regular	1110.2110.5212	\$ 1930.05
Cardilli, Michael L.	03/01/2013	Police-Regular	1110.2110.5212	\$ 3293.85

Payroll Name	Home Department Desc - Check	Gross Pay	Pay Date
Lowe, Tyler	Paramedic - Full Time	\$ 300.00	12/07/2012
Fambrough, William	Parks & Recreation-Other Employees	\$ 1730.40	12/07/2012
Fambrough, William	Parks & Recreation-Other Employees	\$ 1730.40	12/21/2012
Hairston, Alan	Parks & Recreation-Other Employees	\$ 629.75	12/07/2012
Hairston, Alan	Parks & Recreation-Other Employees	\$ 624.25	12/21/2012
Muhammad, Sulalman	Parks & Recreation-Other Employees	\$ 250.00	12/07/2012
Muhammad, Sulalman	Parks & Recreation-Other Employees	\$ 1371.65	12/07/2012
Muhammad, Sulalman	Parks & Recreation-Other Employees	\$ 1350.61	12/21/2012
Nelson, Patricia	Parks & Recreation-Other Employees	\$ 1846.98	12/07/2012
Nelson, Patricia	Parks & Recreation-Other Employees	\$ 605.00	12/07/2012
Nelson, Patricia	Parks & Recreation-Other Employees	\$ 1599.39	12/21/2012
Spotts, Ralph E.	Police-Chief	\$ 2692.00	12/21/2012
Spotts, Ralph E.	Police-Chief	\$ 612.50	12/07/2012
Spotts, Ralph E.	Police-Chief	\$ 3002.56	12/21/2012
Spotts, Ralph E.	Police-Chief	\$ 3010.06	12/07/2012
Barclay, Yvonne	Police-Other Employees	\$ 1149.00	12/07/2012
Barclay, Yvonne	Police-Other Employees	\$ 356.25	12/07/2012
Barclay, Yvonne	Police-Other Employees	\$ 1141.50	12/21/2012
Brooks, Babelon	Police-Other Employees	\$ 1149.00	12/07/2012
Brooks, Babelon	Police-Other Employees	\$ 1141.50	12/21/2012
Brooks, Babelon	Police-Other Employees	\$ 356.25	12/07/2012
Dunlap II, Joe	Police-Other Employees	\$ 1516.17	12/07/2012
Dunlap II, Joe	Police-Other Employees	\$ 1508.67	12/21/2012
Dunlap II, Joe	Police-Other Employees	\$ 612.50	12/07/2012
Fruth, Joshua T	Police-Other Employees	\$ 1348.90	12/07/2012
Fruth, Joshua T	Police-Other Employees	\$ 1366.54	12/21/2012
Fruth, Joshua T	Police-Other Employees	\$ 612.50	12/07/2012
Gardner, Teshia	Police-Other Employees	\$ 1542.82	12/07/2012
Gardner, Teshia	Police-Other Employees	\$ 412.50	12/07/2012
Gardner, Teshia	Police-Other Employees	\$ 1058.84	12/21/2012
Gholston, Lakessa L	Police-Other Employees	\$ 1508.67	12/21/2012
Gholston, Lakessa L	Police-Other Employees	\$ 1516.17	12/07/2012
Gholston, Lakessa L	Police-Other Employees	\$ 612.50	12/07/2012
Hollins, Linda	Police-Other Employees	\$ 1460.26	12/07/2012
Hollins, Linda	Police-Other Employees	\$ 356.25	12/07/2012
Hollins, Linda	Police-Other Employees	\$ 1341.01	12/21/2012
Joiner, Anthony	Police-Other Employees	\$ 1652.64	12/07/2012
Joiner, Anthony	Police-Other Employees	\$ 1645.14	12/21/2012
Joiner, Anthony	Police-Other Employees	\$ 612.50	12/07/2012
Little, Alisa	Police-Other Employees	\$ 1251.75	12/21/2012
Little, Alisa	Police-Other Employees	\$ 1202.90	12/07/2012
Little, Alisa	Police-Other Employees	\$ 356.25	12/07/2012
McClanahan, Nicole	Police-Other Employees	\$ 1141.50	12/21/2012
McClanahan, Nicole	Police-Other Employees	\$ 1149.00	12/07/2012
McClanahan, Nicole	Police-Other Employees	\$ 356.25	12/07/2012