

**BEFORE A SPECIAL COMMISSION OF THREE RETIRED JUDGES  
UNDER OHIO REVISED CODE §3.16  
APPOINTED BY  
THE CHIEF JUSTICE OF THE  
THE SUPREME COURT OF OHIO**

In re: A Proceeding Under Ohio : **NOTICE OF FINAL**  
Revised Code Section 3.16 concerning : **DETERMINATION**  
Patrick Kelly, Sheriff of Athens :  
County, Ohio

On January 31, 2014, Patrick Kelly, Sheriff of Athens County Ohio, was indicted by an Athens County, Ohio Grand Jury. The indictment charged Patrick Kelly with twenty-three felony counts and two misdemeanor counts, including thirteen counts of Theft in Office, four counts of Theft, one count of Tampering with Evidence, one count of Tampering with records, one count of Perjury, one count of Money Laundering, one count of Engaging in a Pattern of Corrupt Activity, one count of Failure to Keep a Cashbook, one count of Obstructing Official Business, and one count of Dereliction of Duty.

On February 4, 2014, Attorney General Mike DeWine filed a Motion to Commence Suspension Proceedings against Sheriff Kelly in accordance with R.C. 3.16(B), requesting the Chief Justice of the Supreme Court of Ohio to establish a special commission composed of three retired justices or judges of a court of record, to determine if Patrick Kelly should be suspended from the office of Sheriff of Athens County during the pendency of the criminal charges against him.

On February 19, 2014, Chief Justice O'Connor appointed Retired Judges Jennifer Sargus, Neal Bronson, and John Bender to the special commission as required by R.C.3.16(C) and provided the commission all documents and materials pertaining to Sheriff Kelly's alleged criminal misconduct.

The special commission met on March 3, 2014, and preliminarily determined that Sheriff Kelly should be suspended from the office of Sheriff of Athens County Ohio because his continued administration of, or conduct in the performance of the duties of the office of Sheriff of Athens County Ohio, as covered by the criminal charges, would adversely affect the functioning of that office or adversely affect the rights and interests of the public. The order suspending Sheriff Kelly was served on March 4, 2014, and is attached as **Exhibit A** to this report.

On March 12, 2014, Sheriff Kelly filed with the special commission a notice contesting the preliminary determination of suspension and requesting a hearing before the commission. The hearing/meeting was scheduled for March 26, 2014.

On March 25, 2014, counsel for Sheriff Kelly filed a “Consent to Suspension pursuant to R.C.3.16” with the special commission. This document is attached as **Exhibit B** to this report.

The special commission determines that the “Consent to Suspension” constitutes a withdrawal of Sheriff Kelly’s notice previously filed March 12, 2014, contesting the preliminary determination of suspension. Therefore in accordance with R.C.3.16(C)(2), the preliminary determination of the special commission to suspend Patrick Kelly from the office of Sheriff of Athens County, Ohio, becomes the final determination of the special commission.

Dated: **March 27, 2014**

**s/John F. Bender**

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Retired Judge John F. Bender

**s/Neal B. Bronson**

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Retired Judge Neal B. Bronson

**s/Jennifer S. Sargus**

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Retired Judge Jennifer S. Sargus