

**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 Revised :
Code Section 3.16 Concerning Patrick : **NOTICE OF PRELIMINARY**
Kelly, Sheriff, Athens County, : **DETERMINATION**
Ohio :

This matter involves a preliminary determination by a Special Commission of three retired judges appointed by the Chief Justice of the Supreme Court of Ohio under R.C. 3.16 whether public official, Patrick Kelly, shall be suspended from office.

Patrick Kelly is currently the elected Sheriff of Athens County, Ohio. On January 31, 2014, Kelly was charged with multiple charges including: one count of Engaging in a Pattern of Corrupt Activity, a violation of R.C. 2923.32, a Felony of the First Degree; three counts of Theft in Office, violations of R.C. 2921.41, Felonies of the Fourth Degree; ten counts of Theft in Office, violations of R.C. 2921.41, Felonies of the Fifth Degree; four counts of Theft, violations of R.C. 2913.02, Felonies of the Fifth Degree; one count of Tampering with Records, a violation of R.C. 2913.42, a Felony of the Third Degree; one count of Tampering with Evidence, a violation of R.C. 2921.12, a Felony of the Third Degree; one count of Perjury, a violation of R.C. 2921.11, a Felony of the Third Degree; one count of Money Laundering, a violation of R.C. 1315.55, a Felony of the Third Degree; one count of Failure to Keep a Cashbook, a violation of R.C. 311.11 and R.C. 311.13, an Unclassified Felony pursuant to R.C. 311.99 and R.C. 2901.02 (E); one count of Obstructing Official Business, a violation of R.C. 2921.31, a Misdemeanor of

the Second Degree; and one count of Dereliction of Duty, a violation of R.C. 2921.44, a Misdemeanor of the Second Degree.

On February 4, 2014, Attorney General Mike DeWine filed a *Motion of the State of Ohio to Commence Suspension Proceedings Against a Public Official in Accordance with R.C. 3.16*. On February 14, 2014, the Attorney General filed a notice to the Chief Justice in Accordance with Ohio Rev. Code 3.16, requesting a special commission be appointed to make a preliminary determination of whether Kelly should be suspended from office. On February 19, 2014, not sooner than fourteen days after the Chief Justice's receipt of the special prosecutor's motion, the Chief Justice established a Special Commission composed of three retired judges of a court of record, Hon. Judge John Bender, Ret., Hon. Judge Neal Bronson, Ret., and Hon. Judge Jennifer Sargus, Ret. The Chief Justice provided the Commission with all documents and materials pertaining to the matter that were received from the special prosecuting attorney.

On March 3, 2014, the Special Commission convened to review the document that charged Kelly with the felony, the *Motion of the State of Ohio to Commence Suspension Proceedings Against a Public Official in Accordance with R.C. 3.16* and a letter from Kelly to Attorney General Mike DeWine dated February 13, 2014, constituting the public official's written statement pursuant to R.C. 3.16(B)(2). In this matter the alleged criminal conduct, as set forth in the indictment and supporting documentation, involves the alleged misuse of a broad range of the statutory powers and duties of the Office of Sheriff of Athens County Ohio, by the public official, Patrick Kelly. The alleged misuse includes, but is not limited to, (1) use of public funds for personal purposes (2) theft of public funds from statutory accounts under his control (3) theft of public property and (4) tampering with public records under his control.

The Commission preliminarily determines that Patrick Kelly's continued administration of, or conduct in the performance of the duties of, the Office of Sheriff of Athens County, Ohio, pending disposition of the criminal charges against him, would adversely affect the functioning of that office, and would adversely affect the rights and interests of the public, because he is legally responsible for administering the statutory funds, and performing the statutory duties, he is charged with criminally misusing.

Therefore, in accordance with R.C. 3.16(C)(2) and the preliminary determination made by the Commission, Patrick Kelly is hereby suspended from the Office of Sheriff of Athens County, Ohio.

Kelly may contest this preliminary determination by filing with the Special Commission a notice contesting the preliminary determination within fourteen days after the date of this notice. If no notice contesting the determination is filed by Kelly, this preliminary determination shall become the final determination of the Special Commission subject to the provision of R.C. 3.16(C)(4).

Dated: **March 4, 2014**

s/John F. Bender

Retired Judge John F. Bender

s/Neal B. Bronson

Retired Judge Neal B. Bronson

s/Jennifer S. Sargus

Retired Judge Jennifer S. Sargus