

Office of the President of Council
Juanita Gowdy



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August 17, 2023

Brian Zimmerman, Director
Cleveland Metroparks
4101 Fulton Parkway
Cleveland, OH 44144

Mr. Zimmerman:

I have attached a copy of the East Cleveland Finance Department's check sign-out sheet and the other evidence I referenced in my letter. It shows the \$2 million Cleveland Metroparks check being signed for by a Cleveland Metroparks employee - whose signature is indistinguishable - on May 12, 2023. Neither you nor Ms. Rose Fini's information to the Clerk of Council, Eric J. Brewer, or to me was correct.

City hall records contradict your written statement that you submitted an invoice to receive the \$2 million check and then changed your mind about retrieving it because Council hadn't approved the lease. Someone from Cleveland Metroparks is associated with picking up a \$2 million check that was written from East Cleveland's American Rescue Plan Act (ARPA) account. If you knew Council had not approved the lease agreement, it seems odd that you agreed to his unlawful request for an invoice when it was easier to tell him "no" from the beginning.

Without confirmation, I and other members of Council had "heard" but not been able to confirm until now that the \$2 million check had been written by temporary payroll clerk Latasha Williams. This is an employee who'd been hired through a temp agency with no background in municipal finance whatsoever. It was shared with us that Cleveland Metroparks quietly returned the check she signed. That better explains why a check written to Cleveland Metroparks would be uncashed and in Mayor King's possession instead of voided and in the finance department. Please check your records, again, and confirm.

This drama includes a former chief accountant who had been designated by the director of finance to replace him when he resigned. King wanted her to write the \$2 million check to Cleveland Metroparks and she refused because Council hadn't approved the lease.

Hemmons and Michael Smedley told the employee she'd be terminated if King didn't get the \$2 million check he wanted to Cleveland Metroparks. He also wanted account and password access to write the check himself. That's not a duty given to any Ohio mayor and it's illegal. There is evidence in Council's possession of King not only placing himself on the city's accounts: he and Hemmons are also altering legislation and creating their own versions of ordinances and resolutions to justify their requests and transfers of public funds. The Ohio EPA recently rejected fraudulent legislation it received from a vendor King has allowed to write and submit its own legislation. An ex-council employee, Mansell Baker, informed the Clerk and Deputy Clerk of Council after a meeting with King that he told him the \$2 million check was written and delivered.

Our Clerk and Deputy Clerk of Council witnessed Cleveland Metroparks employees arrive at city hall to pick up the \$2 million check the first time and they left empty-handed. The chief accountant refused.

After King replaced her with the temporary payroll clerk, Williams, that's when the \$2 million Cleveland Metroparks check was written and your employees returned to retrieve it. The finance department's door is right across the hall from the Council office.

The legal mess King has created in his interactions with Council and other governmental entities by not obey-

ing laws has a profound impact on this city's reputation and image. The Council has been trying, with a sense of determination and despite the obstacles of his manipulating the public, to get King and his administration's errant and duty-exceeding behavior under control. We are constantly reporting the criminals acts we know he's engaged in with his staff to the appropriate law enforcement authorities.

From the FBI, to the Cuyahoga County Prosecuting Attorney, to the Ohio Auditor of State's special investigations unit, the Ohio Ethics Commission and the State Personnel Board of Review, all have stepped up to investigate this administration's corruption. The Ohio Ethics Commission warned King not to lease office space to the city after his appointment as mayor in 2016. He disregarded it for the past 7 years like he's disregarded every other law he's violated.

When Clerk Brewer reached out to your executive assistant and attorney Rose Fini on June 8, 2023, it was to establish a direct line of communications between Cleveland Metroparks and the legislative branch of government. Mayor King had attempted to obstruct Council's interactions with Cleveland Metroparks when he interjected himself in a May 2, 2023 email communication between your government and ours. A copy of that chain-of-communications is attached. Clerk Brewer on that day provided Cleveland Metroparks with the names and titles of the legislative officials with whom you needed to communicate. Council Vice President Patricia Blochowiak had raised the issue in an email about Mayor King's obstruction with his duty-exceeding attempts to approve members of council and its employees. She wrote as follows:

"Council President Juanita Gowdy hired Clerk of Council Eric Brewer and Deputy Clerk of Council Justyn Anderson. Mayor King's administration has been attempting to make decisions for Council and not recognizing that Council is a separate branch of government."

Afterwards, private attorney Willa Hemmons responded with the names of the members of council and officers King had designated. The email are attached as evidence. You'll read his proclamation that the council members and employees he's approved are "legally recognized." He's criminally obstructed the wages and benefits of our employees from being delivered to them.

In his statements and actions is evidence of King violating Section 113(A) of East Cleveland's charter. It instructs King that he does not supervise the affairs of Council.

Mr. Zimmerman, you should have known you were getting into a mess when you received King's ignorant and obstructive email on May 2, 2023. I reference Hemmons as a "private attorney" because Council enacted Res. No. 10-23 vacating the law director's office on January 26, 2023. No money was appropriated for a director or deputy director of law in the 2023 appropriations. Hemmons is the only employee in the history of Ohio who thinks she can write a legal opinion and cancel an ordinance of council that vacated her office. It's ridiculous that Judge William Dawson allows private attorneys to prosecute American defendants in the municipal court in violation of R.C. 2938.13.

King was told to appoint a qualified director of law whose bond council would confirm and he didn't. He ignored the resolution vacating the director and deputy director of law's office; just like he directed a payroll clerk to impersonate a director of finance on May 5, 2023 to write Cleveland Metroparks a \$2 million check. There's an email from Michael Smedley "appointing" temporary payroll clerk Williams to discharge the duties of an interim director of finance on May 8, 2023. That's three days after she signed a \$2 million check to Cleveland Metroparks without statutory authority as the director of finance.

Williams was required to be administered an oath of office that's filed with the Clerk of Council before she discharged the director of finance's duties. She was also required to deliver a bond Council approved. Council controls a city's finances under Ohio law and has never met Williams. She has attended no meetings of Council as required by law; and answered no questions.

The Charter of East Cleveland Mayor King quotes when convenient instructs him, the director of law and director of finance to attend every meeting of Council. The oath of office was required to be delivered to the Clerk of

Council within 10 days after her so-called May 8, 2023 appointment by Smedley. Smedley is not an appointing authority or an employee with wages appropriated for 2023. Council did not appropriate funds for a chief of staff. Section 731.49 of the Ohio Revised Code gives Council the authority to vacate the director of finance's office after the 10th day.

Consider that Mayor King disregarded Council to give Cleveland Metroparks a \$2 million check before you even met to discuss the agreement with our committees as we had requested more than once. Consider the attorney King refuses to remove from the payroll as the director of law and her May 2, 2023 obstructive email. Consider that Hemmons emailed an oath of office for Williams as the "interim" director of finance on August 9, 2023.

You can see from his interactions with Cleveland Metroparks that Mayor King is an elected official who lacks any respect for laws. It's the same with his interactions with Council; and why my communication was direct. This is a mayor who was recorded and has been documented drinking \$529 bottles of 18-year-old scotch liquor on public property with staff and vendors. His written response to the media was that no law or rule was going to stop him from violating smoking and liquor consumption laws on public property.

Council has attempted to meet with you, specifically, since April 2023 and each time there appears to have been a delay or an obstruction. When Clerk Brewer communicated with your executive assistant on June 8, 2023, he was told you weren't available until August 2023 when Council was on recess. Regular council meetings resume in September. Until we met he advised your staff that Cleveland Metroparks must return the \$2 million.

The unsworn and unbonded payroll clerk who's never met with Council gave King account and password access to East Cleveland's US Bank accounts and our NEC grant accounts. This is access King has requested that exists far outside the authority of a municipal mayor under Ohio law or East Cleveland's charter and ordinances. Copies of that evidence is also attached.

It is regrettable that my request for clarity about \$2 million in federal funds being transferred, unlawfully, to Cleveland Metroparks caused you to withdraw. The gravity of the duty-exceeding acts of an elected official who is in complete control of unauthorized and minion-like "so-called" public employees threatens the welfare of East Cleveland.

Thank you for your response. Your answer about the \$2 million check is only partially supported by the evidence. The evidence shows Cleveland Metroparks employees signing for the check you claim your agency never picked up.

You have implied that Council was not promptly responsive in scheduling a meeting with Cleveland Metroparks to discuss the proposed lease that came from Fini in March. The chain-of-communications I've attached with this correspondence shows we were responsive. You did not attend the meetings we scheduled. Council was informed by your staff that you wouldn't be available until August when we were on recess.

Respectfully,



Juanita Gowdy, President of Council

xc: East Cleveland City Council
Keith Faber, Ohio Auditor of State
Gregory Nelsen, FBI Special Agent in Charge
Michael O'Malley, Cuyahoga County Prosecuting Attorney
Barbara Mattei-Smith, Financial Planning & Supervision Commission
Cleveland Metroparks Board of Park Commissioners
Rose Fini, Chief Legal & Ethics Officer, Cleveland Metroparks
Wade Steen, CFO Cleveland Metroparks
Gordon Haye, Phd, East Cleveland Parks Association