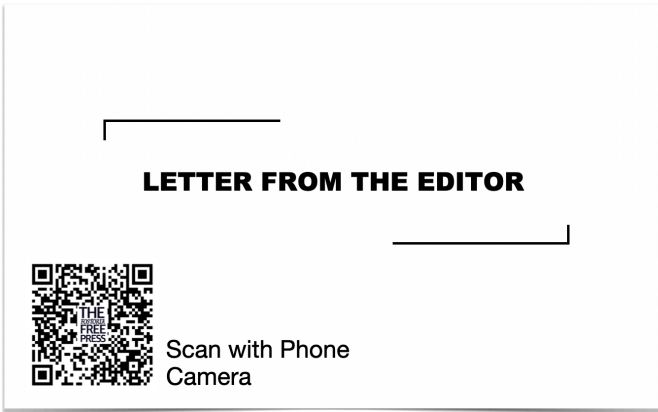


A new media company built on the principles that were once the foundation of American journalism.

Uncovering Fostoria’s Financial Records Expense Reports Released



From the Editor-in-Chief

“Over the course of 2023, I conducted six months of research on the City of Fostoria. My concerns began in March when the former City Auditor warned the City Council about a \$7.1 million annual carryover in the General Fund. She cautioned that the City operates annually on \$9.1 million. When there is nearly a year's worth of carryover, the public can petition to request that money back, for example, in the form of a stimulus.

My concerns escalated when I discovered that the City of Fostoria lacked a proper Purchase Order (PO) system. Essentially, money was being spent without proper oversight.... (scan QR code to read the entire letter)

Pending Lawsuit For Public Records

Case No. 2023-1360 Josh Tolento Pro se v. The City of Fostoria was filed and accepted by the Ohio Supreme Court on Oct. 25th, 2023. A petition for a writ of mandamus relating to public records is a legal action that seeks to compel a government agency or official to release or provide access to public records.

“Mandamus” is a legal term that refers to a court order that commands a government entity or official to perform a certain duty, often when they have failed to do so or are refusing to comply with a legal obligation. “It had been over 3 weeks since I requested specific financial documents from the City of Fostoria.- *Continue reading on page 2.*

Continued.

The requested financial documents can be easily printed and sent electronically via email. For instance, I contacted both the City of Findlay and the City of Tiffin to request the parks and recreation budget reports. I received Findlay's documents in less than 2 hours and Tiffin's in 6 hours.

Tolento stated, "I am deeply concerned about the City of Fostoria's failure to provide the requested financial documents. I believe that the City's delay in releasing these documents is intentional. I've noticed several red flags, and I firmly believe in doing what is right, what is fair, and what is just. When I dedicate myself to a cause, I pursue it relentlessly. The City of Fostoria has kept its financial records hidden from the public for far too long. Myself and other members of The Fostoria Free Press are committed to ensuring full transparency by making all financial records accessible to the public. Any financial compensation awarded to me will be used to cover the operational and publishing expenses of The Fostoria Free Press LTD. To date, all costs have been personally funded."

The City did comply with a Oct. 24th requests for 2023 budget reports, and MTD YTD revenue & expense reports. These documents were received electronically on Oct. 31st, 2023.

THE SUPREME COURT OF OHIO CASE INFORMATION

Case: 2023-1360: Joshua Tolento Pro se v. The City of Fostoria
Original Action in Mandamus
Filed: 10/25/2023
Status: Case is Open

Tolento filed an Original Action in Mandamus Lawsuit against The City of Fostoria with the following requested remedies:

1. Court ordered release of the following originally requested documents:

BALANCE SHEETS: July 1st – Sep 31st 2023.

GENERAL LEDGER: Jul 1st – Sep 31st 2023.

BANK TRANSACTIONS: July 1st – Sep 31st.

2. Court ordered improvement of The City of Fostoria's public records availability in a timely manner.

3. The prompt release of ALL financial documents upon future request of the Realtor."

The court referred this case to mediation on Oct. 31st, 2023

| Docket Items | Parties | Decisions | Printable View |
|---|---|-----------|----------------|
| Generally, scanned documents will be available within one business day from the date of filing. | | | |
| Date Filed | Description | Filed By | |
| 10/25/2023 | Complaint in mandamus of Joshua Tolento | Relator | |
| 10/26/2023 | Summons & complaint issued to respondent(s) | | |
| 10/26/2023 | Proof of mailing for The City of Fostoria; postage \$8.53 | | |
| 10/31/2023 | DECISION: The court refers this case to mediation under S.Ct.Prac.R. 19.01; all filing deadlines are stayed. See announcement at 2023-Ohio-3944 . | | |

Why Did The Former City Council President Resign?

Steve Kauffman, who recently resigned as Fostoria City Council President, addressed questions submitted by community members today. Kauffman officially stepped down from City Council last month, with his resignation effective as of September 30th, 2023. In his resignation letter, he briefly alluded to concerns about the City Government's priorities not aligning with the best interests of Fostoria's citizens. *Continue reading on page 3.*

Nine questions were submitted by community members, and below, you'll find Steve's responses. It's worth noting that Steve is married to Heidi Kauffman, who engaged the Hoover Law Office and initiated a litigation hold on the City on March 10th, 2023, just one day after her early termination.”

1. During your term from 2016 – 2023 – Do you have any ethical concerns regarding City Government?

There is a general misunderstanding of open meetings/ “Sunshine” laws regarding what can and cannot be discussed in private conversations, as well as the purpose of the executive session restrictions. I have nothing that I would consider as a major reportable infraction.

2. During the last several months of your term you said that your watched the body stray from their primary function to represent the best interest of Fostoria – Can you elaborate further and give examples of what you witnessed?

The best example of this is the personality conflicts that caused the council to, essentially, remove the finance director. According to all of the emails between Mr. Cassidy and Mr. Mennel, they acknowledge that she was the best we have had in many years, but they did not like her approach. Therefore, they went against the will of the people to move to a hired finance director after the expiration of the term and found what they believed to be a loophole to push her out, colluding behind the scenes to make it happen. They would rather have no one in that role for six months than have to deal with someone they did not like.

3. In your resignation letter you mention City Council’s refusal to act – Can you elaborate future, give an example, name specific parties?

I cannot recall a time in the last 12-18 months where the mayor or the safety service director were challenged on any topic. Their word is considered law. I asked for a water update in a meeting in the spring. I was told the issue was fixed, when it was clearly worse than it had been.

4. When citizens speak at council meetings, which members of Council have you witnessed rolling their eyes, or having dismissive behavior?

Not just the council, but there are many examples on video where those in the jury box get very defensive when asked about issues or when it is brought to their attention that no one at the city building can be reached.

5. In your resignation letter, what are some of the evident signs you briefly mention?

I think of three things that would help our citizens feel much better about their taxes being spent well:

The ongoing water issues. How many years have we been told that it either cannot be fixed or that “the fix is on the way?” It sure wasn’t like this when I moved here.

The lack of availability. I received numerous emails about voicemail boxes being full and emails going unanswered. When asked about it at meetings, the reply is always that people should just schedule a meeting. How?

6. What ever happened to the Covid money that did not get used ? Was it really used for fire and police Dpt. PPE?

To my knowledge it was all used. We didn't get much. Past that, those answers lie in the finance department.

7. How did the city wind up in financial distress- has anyone been held accountable?

It was that way when I was appointed. I do know that the issues no lie not in money, but in lack of proper procedures and the refusal to follow them. The mayor said in a meeting that every finance director has their own way of doing POs. Not true. There is Ohio law for that.

8. Why can't we have a transparent city checking account to help prevent future problems?

We can. Heidi was planning that when her term was ended. The mayor opposed it.

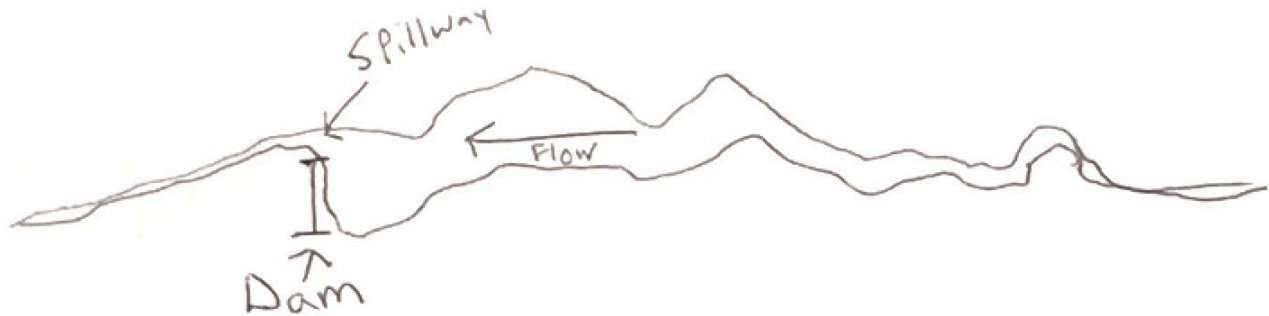
9. Who owns the City Lofts? Why is FEDC involved.

I have no knowledge of FEDC. They are not a city entity. I also don't know who owns the lofts. I would think a property search would show that.

City Government Diversity Shrinking as 2nd Mennel Milling Employee Will Join Fostoria City Council

Fostoria's City Council's composition will take one of two paths following the '23 election. Should Don Mennel assume the position of Mayor, the council will include (2) Mennel Milling employees, alongside the Chairman of the Board serving as Mayor. However, if Elliott Shaffer is elected Mayor of Fostoria, there will be (3) council members with Mennel Milling as their source of livelihood. These scenarios present potential conflicts of interest, which are subject to annual disclosure requirements submitted to The Ohio Ethics Commission. Council members in question must abstain from voting when decisions arise that could financially benefit The Mennel Milling Co., as their roles within the company make them potential beneficiaries of such decisions.

Van Buren State Park Project Commences Dam Will be Removed & The Lake Drained



Sarah Macy, program administrator for the Ohio Department of Natural Resources (ODNR) Division of Parks and Watercraft and the project manager for the Van Buren State Park H2Ohio Project, expressed excitement about the upcoming transformation of this small but significant park.

With the dam measuring 475 feet in length and 22.5 feet in height, the current reservoir area, approximately 55 acres, lacks the necessary depth for various recreational activities. Furthermore, the dam's condition had deteriorated over time, adversely impacting the water quality of Rocky Ford Creek, ultimately flowing into Lake Erie.

In July, the Ohio Controlling Board approved \$383,500 from an H2Ohio fund through ODNR to cover professional engineering services. GPD Group, operating as Glaus, Pyle, Schomer, Burns & DeHaven, Inc., an Akron-based firm, was enlisted to manage the project.

The decision to revitalize this area has been long-anticipated, according to Macy. She cited the age of the dam as a significant factor in this decision. The project's roots date back to 1939 when an earthen dam was constructed over Rocky Ford Creek, forming Van Buren Lake. The dam's initial purpose was to provide additional resources for fish and wildlife, and the lake served as a private wildlife preserve. In 1950, the lake and preserve were transferred to the Division of Parks and Recreation, where it has remained a state park.

Right to Public Records (Authorities)

U.S. Constitution Amendment I / Freedom of Press

The Ohio Public Records Act

ORC 149.43 (B)(1) Upon request by any person and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to the requester at all reasonable times during regular business hours.

ORC 149.43 (B)(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public.

ORC 149.43 (C)(1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it

available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may do only one of the following, and not both: (a) File a complaint with the clerk of the court of claims or the clerk of the court of common pleas under section [2743.75](#) of the Revised Code; (b) Commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action, and, if applicable, that includes an order fixing statutory damages under division (C)(2) of this section.

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FILED
OCT 26 2023
CLERK OF COURT
SUPREME COURT OF OHIO

The Supreme Court of Ohio
To Wit: October 26, 2023

Case No. 2023-1360
S U M M O N S

The following has been named as respondent in the enclosed action:

The City of Fostoria
213 S. Main Street
Fostoria, OH 44830

You are hereby notified that a complaint for a writ of mandamus has been filed against you in the SUPREME COURT OF OHIO, 65 South Front Street, Columbus, Ohio 43215-3431, by Joshua Tolento, 6272 Saginaw Rd. #1012, Grand Blanc, MI 48439.

Furthermore, you are hereby served with a copy of the complaint (enclosed) and are required to file an answer to the complaint or a motion to dismiss on or before the 21st day after service of this summons, unless otherwise ordered by the court. See S.Ct.Prac.R. 12.04.

If you fail to respond timely to the complaint, this action will proceed before the Court.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the Supreme Court, this date: October 26, 2023.

ROBERT VAUGHN CLERK

Amy J. Eves DEPUTY