

**IN THE COURT OF COMMON PLEAS  
ROSS COUNTY, OHIO**

James R. Hatfield,  
3010 West Junction Road  
Chillicothe, Ohio 45601

Plaintiff,

vs.

Ross County Board of Elections  
475 Western Avenue, Suite D  
PO Box 1663  
Chillicothe, Ohio 45601

Defendant.

Case No. \_\_\_\_\_

Judge \_\_\_\_\_

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**VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT  
AND PROHIBITORY INJUNCTION**

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Now comes Plaintiff James R. Hatfield and for his Verified Complaint against Defendant Ross County Board of Elections alleges as follows:

**INTRODUCTION**

1. This is an action for declaratory judgment and preliminary and permanent injunction, brought pursuant to Ohio Revised Code Chapters 2721 and 2727, as well as Ohio Rule of Civil Procedure 65.
2. Plaintiff James R. Hatfield (“Plaintiff” or “Hatfield”) seeks to obtain declaratory judgment that Isaac Oberer (“Oberer”) is not qualified to be a candidate for Ross County Sheriff because Oberer does not meet the qualifications set forth in Ohio Revised Code Section 311.01(B) and that the denial of Plaintiff’s related Protest was improper.
3. Plaintiff seeks to have Defendant Ross County Board of Elections (“Defendant” or “Board of Elections”) restrained and preliminarily and permanently enjoined or prohibited from

placing the name of Isaac Oberer on the November 2024 ballot as a candidate for the Office of Ross County Sheriff.

### **JURISDICTION**

4. This Court has jurisdiction to grant the requested relief pursuant to Ohio Revised Code Chapters 2721 and 2727. *See also Tatman v. Carley*, 2004-Ohio-4118 (5<sup>th</sup> Dist.).
5. Venue is proper in this Court pursuant to Civ.R. 3(C)(2) and (3) in that Ross County, Ohio is the location in which Defendant has its principal place of business and conducted the activity giving rise to the claims for relief.

### **BACKGROUND**

6. Plaintiff James R. Hatfield is a resident of, and registered voter and qualified elector in, Ross County, Ohio.
7. Defendant, the Ross County Board of Elections, is a Board organized and existing under Ohio Revised Code Section 3501.06.
8. Oberer appeared before Ross County Court of Common Pleas Judge Matthew Schmidt on or about March 12, 2024 to provide an affidavit pursuant to Ohio Revised Code Section 311.01(F)(1). A true and accurate copy is attached as Exhibit 1-A.
9. On March 12, 2024, Judge Schmidt issued a Journal Entry that Oberer presented the following items to the Court: (1) a Criminal History Record Check from BCI dated March 11, 2024; (2) Oberer's residence and employment histories; and (3) an affidavit pursuant to O.R.C. § 311.01(F)(1). A true and accurate copy is attached as Exhibit 1-B. Upon information and belief, Judge Schmidt submitted said items to Defendant on March 12, 2024 for Defendant's consideration, per O.R.C. § 311.01(F)(2), of whether Oberer meets the qualifications specified in O.R.C. §311.01(B) and (C).

10. Upon information and belief, Judge Schmidt did not submit to Defendant any copies of education records, such as transcripts, diplomas, or degrees, relating to Oberer. The March 12, 2024 Journal Entry signed by Judge Schmidt does not include any reference to a high school diploma awarded to Oberer or any certificate of high school equivalence. Likewise, the March 12, 2024 Journal Entry signed by Judge Schmidt does not include any reference to a bachelor's or associate degree completed by Oberer.
11. Oberer seeks to run as an Independent Candidate for Ross County Sheriff.
12. On or about March 18, 2024, Defendant received Oberer's Nominating Petitions to be an Independent Candidate for Ross County Sheriff.
13. The last day on which an Independent Candidate for Office of County Sheriff could file their Nominating Petitions in Ohio for purposes of the November 2024 general election was March 18, 2024, per Ohio Revised Code Section 3513.257.
14. On or about March 25, 2024, Plaintiff filed a timely protest with Defendant to challenge Oberer's qualifications for the Office of County Sheriff, and, on or about April 2, 2024, Defendant sent notice of a related hearing scheduled for April 8, 2024. A true and accurate copy of the March 25, 2024 protest is attached as Exhibit 1, which contains the protest's exhibits A and B, and a true and accurate copy of the hearing notice dated April 2, 2024 is attached as Exhibit 2.
15. On or about April 5, 2024, Defendant cancelled the hearing that was set for April 8, 2024 with the stated reason that Defendant could not hear Plaintiff's March 25, 2024 protest since Oberer had not been certified as a candidate by Defendant. A true and accurate copy of the April 5, 2024 notice is attached as Exhibit 3.
16. Oberer's Nominating Petitions to be an Independent Candidate for Ross County Sheriff were certified by Defendant on or about May 7, 2024.

17. On or about May 24, 2024, Plaintiff filed a timely protest with Defendant to challenge Oberer's qualifications for the Office of County Sheriff. A true and accurate copy of the May 24, 2024 Protest is attached as Exhibit 4.
18. Plaintiff's Protest alleged that Oberer does not have either the requisite two (2) consecutive years of supervisory experience as a peace officer at the rank of sergeant or above, as set forth by O.R.C. § 311.01(B)(9)(a), or the requisite post-secondary degree as specified in O.R.C. § 311.01(B)(9)(b).
19. Plaintiff's Protest also alleged that Oberer has not disclosed a copy of a high school diploma awarded to Oberer or any certificate of high school equivalence.
20. Oberer does not possess at least two (2) consecutive years of supervisory experience as a peace officer at the rank of sergeant or above.
21. Upon information and belief, Oberer has not completed a bachelor's degree in any field from a college or university authorized to confer degrees by the Ohio board of regents or the comparable agency of another state in which the college or university is located.
22. Upon information and belief, Oberer does not possess an associate degree in law enforcement or criminal justice from a college or university authorized to confer degrees by the Ohio board of regents or the comparable agency of another state in which the college or university is located.
23. Defendant scheduled a special meeting for June 17, 2024 to conduct a hearing for the presentation of evidence in Plaintiff's May 24, 2024 Protest. Upon information and belief, Defendant sent notice of the June 17, 2024 hearing to Oberer via certified mail on May 29, 2024, regular mail on June 6, 2024, and electronic mail on June 11, 2024; however, Oberer failed to respond. A true and accurate copy of the mailed notice is attached as Exhibit 5 and a copy of Defendant's emailed notice to Oberer is attached as Exhibit 6.

24. Upon information and belief, Defendant attempted to make contact with Oberer by telephone in further effort to ensure Oberer had notice of the June 17, 2024 hearing, but Defendant's attempts were unsuccessful. (*See also* Exhibit 11, p. 5).
25. Upon information and belief, Defendant learned that Oberer retained legal counsel and, on or about June 13, 2024, Defendant attempted to hand deliver notice of the June 17, 2024 hearing to Oberer's legal counsel, Michael Warren, who refused to sign for the notice. A true and accurate copy of the June 13, 2024 notice, documenting Mr. Warren's refusal, is attached as Exhibit 7. (*See also* Exhibit 11, p. 5-6).
26. On June 17, 2024, Defendant held a special meeting with the purpose of conducting a hearing for the presentation of evidence in Plaintiff's May 24, 2024 Protest, but Oberer was not present. Plaintiff therefore requested and was granted a continuance of the hearing.
27. Defendant scheduled a special meeting for July 10, 2024 to allow Defendant to hear evidence as to Plaintiff's May 24, 2024 Protest. Defendant sent notice of the July 10, 2024 hearing to Oberer on or about July 3, 2024. A true and accurate copy of the July 3, 2024 notice is attached as Exhibit 8.
28. Plaintiff's legal counsel for the Protest and related hearing, Keith Washburn, issued a subpoena to Oberer, care of Oberer's legal counsel, Michael Warren, for Oberer's attendance at the July 10, 2024 hearing. The subpoena was delivered to Mr. Warren on or about July 8, 2024. A true and accurate copy of the subpoena issued by Mr. Washburn to Oberer is attached as Exhibit 9, and a copy of the delivery confirmation received from the United States Postal Service is attached as Exhibit 10.
29. On July 10, 2024, Defendant held a hearing for the presentation of evidence in Plaintiff's May 24, 2024 Protest. Before opening statements began, Board Member Eric Rinehart recused himself, leaving only Board Members Beth Neal, Doug Corcoran, and Philip Gray

able to vote on whether Oberer satisfied the requirements of Ohio Revised Code Section 311.01(B) to remain certified as an Independent Candidate for Ross County Sheriff in the November 2024 general election.

30. Oberer did not personally appear for the July 10, 2024 hearing conducted by Defendant for the presentation of evidence in Plaintiff's May 24, 2024 Protest. (*See Exhibit 11, p. 6*).
31. Due to Oberer not appearing for the July 10, 2024 hearing, Plaintiff was denied the opportunity to elicit hearing testimony from Oberer.
32. During the July 10, 2024 hearing, Oberer's legal counsel, Michael Warren, stipulated that Oberer did not possess at least two consecutive years of supervisory experience as a peace officer at the rank of sergeant or above. (*See Exhibit 11, p. 19, 51*).
33. No evidence was presented during the July 10, 2024 hearing showing that Oberer possesses at least two consecutive years of supervisory experience as a police officer at the rank of sergeant or above.
34. Defendant created a record of its July 10, 2024 proceedings. A true and accurate copy of the transcript is attached as Exhibit 11.
35. On July 10, 2024, Defendant denied Plaintiff's Protest by a two (2) to one (1) vote. As a result, Oberer has remained certified as a candidate for Ross County Sheriff in the November 2024 general election.
36. Prior to denying Plaintiff's Protest, Defendant did not receive or otherwise view a copy of a high school diploma awarded to Oberer.
37. Prior to denying Plaintiff's Protest, Defendant did not receive or otherwise view a copy of a certificate of high school equivalence issued to Oberer for achievement of specified minimum scores on a high school equivalency test approved by the department of education pursuant to Ohio Revised Code Section 3301.80(B).

38. Prior to denying Plaintiff's Protest, Defendant did not receive or otherwise view a copy of a bachelor's degree completed by Oberer.
39. Prior to denying Plaintiff's Protest, Defendant did not receive or otherwise view a copy of an associate degree in law enforcement or criminal justice completed by Oberer.
40. A public records request was made to Defendant on July 11, 2024 for (1) any and all protests against the candidacy of Oberer for County Sheriff, (2) any and all notices of a hearing over a protest against the candidacy of Oberer for County Sheriff, (3) any Board of Elections meeting minutes regarding a protest against the candidacy of Oberer for County Sheriff, (4) the full transcript of the July 2024 hearing over the protest against the candidacy of Oberer for County Sheriff, including all hearing exhibits, and (5) all documentation of the Board of Elections' determination of the validity of Oberer's certification as candidate for County Sheriff.
41. Defendant did not produce any documents in response to the July 11, 2024 public records request until some, but not all, of the requested documents were sent July 24, 2024.
42. The July 10, 2024 hearing was not transcribed until Sunday, August 4, 2024 and a copy of the transcript was not released until Monday, August 5, 2024. Plaintiff now files this Complaint two days later, Wednesday, August 7, 2024.

#### **COUNT I – DECLARATORY JUDGMENT**

43. Plaintiff restates by reference as if rewritten in this paragraph all of the allegations of the previous paragraphs of this Complaint.
44. This Court is empowered under the Ohio Declaratory Judgment Act, Ohio Revised Code Chapter 2721, to issue a declaration with regard to Oberer's lack of qualifications for the Office of County Sheriff and Plaintiff's rights with regard to the related Protest as set forth in this Complaint.

45. There exist real controversies between Plaintiff and Defendant as to whether Oberer is qualified under Ohio Revised Code Section 311.01(B) to be a candidate for the Office of County Sheriff and whether Plaintiff's related Protest was properly denied.
46. These controversies are justiciable controversies.
47. Because of the imminent nature of the November 2024 election, as well as Defendant's actions in completing and publishing the ballot for the November 2024 election, speedy relief is necessary to preserve the rights of the parties.
48. Upon information and belief, Oberer does not have the requisite two (2) years of supervisory experience, as described in O.R.C. § 311.01(B)(9)(a), nor the requisite bachelor's or associate degree, as described in O.R.C. § 311.01(B)(9)(b), to qualify as a candidate for the Office of County Sheriff.
49. A declaration by this Court with regard to Oberer's lack of qualifications for the Office of County Sheriff and Plaintiff's rights with regard to the related Protest will put an end to the existing controversies.
50. Plaintiff is entitled to declaratory judgment that Oberer is not qualified under Ohio Revised Code Section 311.01(B) to be an Independent Candidate for Ross County Sheriff.

### **COUNT II – PRELIMINARY AND PERMANENT INJUNCTION**

51. Plaintiff restates by reference as if rewritten in this paragraph all of the allegations of the previous paragraphs of this Complaint.
52. Upon information and belief, Oberer is not qualified to be a candidate for Ross County Sheriff in the November 2024 general election because Oberer does not meet the requirements set forth in Ohio Revised Code Section 311.01(B).
53. Plaintiff has been or is about to be irreparably harmed and has no adequate remedy at law.

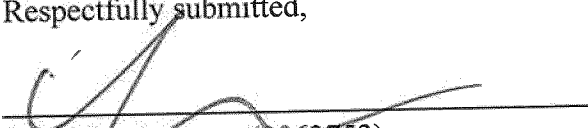


54. Plaintiff is entitled to a temporary restraining order and preliminary and permanent injunctive relief enjoining Defendant from placing the name of Isaac Oberer on the November 2024 ballot as a candidate for Ross County Sheriff.

55. **WHEREFORE**, Plaintiff prays for the following relief:

- a. Declaratory judgment that Isaac Oberer is not qualified to be a candidate for Ross County Sheriff in the November 2024 general election;
- b. Declaratory judgment that the Board of Elections' denial of Plaintiff's Protest was improper; and
- c. Preliminary and permanent injunctive relief enjoining the Board of Elections from placing the name of Isaac Oberer on the November 2024 ballot as a candidate for Ross County Sheriff.

Respectfully submitted,



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