



City of Ashtabula
Ashtabula City Council
Finance & Personnel Committee Meeting
Friday, November 15, 2024 at 8:30 AM
Council Chambers
4230 Lake Avenue

Agenda

- 1. Opening of Committee Meeting**
 - a. Call to Order
 - b. Roll Call
 - c. Sunshine Law Certification
- 2. Welcome and Acknowledgement of Visitors**
- 3. Special Guest Presentation**
- 4. Finance Director's Report**
- 5. City Manager's Report**
- 6. Old Business**
 - a. Report from the State Auditor regarding the Court and recommendations
 - b. Email from Mediation Counsel
- 7. New Business**
- 8. Next Meeting**
 - a. December 20, 2024
- 9. Adjournment**



Ohio Auditor of State Special Investigations Unit



Case Closing Memo

Case Name: City of Ashtabula
Case #: 2024-CA14714
Ashtabula County / Northeast Region
Investigative Team: Investigator Rick Kridler & FAM Cara Yoder
Memo Date: September 27, 2024

Background:

The Auditor of State received an online complaint on July 23, 2024, pertaining to the City of Ashtabula's Municipal Court (the Court), where it was reported by the City Finance Director Marie Yvrose Augustin (Augustin) that numerous Court employees had left work early on Friday March 29, 2024. Afterwards, the Court Administrator, who was appointed by the Judge, modified the employees' timesheets to show them all working a full workday by manually entering their workday ending at 4:30 p.m. into the City software. On August 27, 2024, the Special Audit Task Force considered the reported allegation and determined to designate the case as a Preliminary Audit and Investigation.

Work Performed:

We interviewed Augustin and obtained further documentation from her regarding the City Municipal Court's funding. Augustin showed that Judge Laura DiGiacomo (DiGiacomo) makes Journal Entries throughout the year to designate certain fund percentages to cover employee salaries. Concerns were raised regarding improper use of the City credit card, and petty cash. Additionally, Augustin provided us documentation pertaining to employee's classification of exemption. The City's employee handbook, as well as policies and procedures were also provided, along with a demonstration of the City timekeeping system. Augustin described how after the reported March 29, 2024, incident was brought forth to the City Council, that they had tasked her to investigate the matter.

Augustin provided her internal investigation letter, where video footage corroborated the information in the initial complaint. During the internal investigation, Augustin reviewed numerous prior Fridays within the timekeeping software, where several similar incidents seem to have occurred. The internal investigation was forwarded to the City Council, where it was disseminated to Judge DiGiacomo. In response to Augustin's findings, DiGiacomo later submitted a letter that addressed the findings as being inaccurate, stating submitted timekeeping to Finance is only for the purpose of payroll, opposed to accurate timekeeping which is done by her. Since then, the Court has decided to seek an outside timekeeping system with Court funding.

Interviews were conducted with the City Solicitor Cecelia Cooper (Cooper), and City Councilwoman Kym Foglio (Foglio). Additional information was received regarding excessive use and spending by the Judge on the City credit card. Cooper also described how the Judge has sought outside defense Counsel, opposed to Cooper representing her. Because of that, very little communication transpires from the Court to Council, or other City officials, citing on the advice of Counsel by the Judge.

The Ohio Supreme Court Conflict Resolution Group has purview over the questions/concerns posed by the City. Review of the Ohio Judicial Council Budget Conference Handbook clarified that "In summary, the case law states that Ohio courts have the inherent power to issue an order requiring the funding authority to pay for the reasonable and necessary expenses of operating the courts and that it may not impede a court's business by refusing reasonable funding requests. The determination of what is a reasonable and necessary funding request rests solely with the court and the other branches of government may not substitute their judgment for that of the court."

Recommendation:

The team's recommendation is to close the preliminary audit and investigation and refer the matter to the Ohio Supreme Court Conflict Resolution Section.

Respectfully submitted,
 Investigator Kridler & FAM Yoder

From: [Robert F. Smith](#)
To: [Cheryl S. Gray](#); [Catherine E. Morgan](#); [Kelly M. Rollins](#)
Cc: [Tiffany L. Ridenbaugh](#); [Richard D. Blakesley](#); [Michael D. Vinson](#); [Randall E. Turner](#); [Donald J. Petit](#); [Samuel J. Kirk](#); [Thomas N. Anger](#)
Subject: FW: [External]GCRS Brochure
Date: Wednesday, November 6, 2024 12:23:39 PM
Attachments: [image001.png](#)
[GCRS brochure.pdf](#)

Cheryl,

Below is an email from the Mediation Counsel for the Supreme Court Conflict Resolution Services program. She has attached their brochure.

Please send this information to the complainants in the City of Ashtabula and City of Portsmouth cases which were on the most recent SATF Consent Agenda. Advise them that the GCRS is designed to mediate differences between governmental entities. Anne Thompson is aware of both situations and is anticipating filings from them. Please send them the attachment as well.

Please make sure to keep Anne's contact information as I have also advised her that we will be sending her every Township in the State of Ohio as the Trustees all hate their Fiscal Officers, who return the favor.

Robert F. Smith

From: Thompson, Anne <Anne.Thompson@sc.ohio.gov>
Sent: Wednesday, November 6, 2024 12:07 PM
To: Robert F. Smith <RFSmith@ohioauditor.gov>
Subject: [External]GCRS Brochure

You don't often get email from anne.thompson@sc.ohio.gov. [Learn why this is important](#)

*** Auditor of State Security Notice *** This e-mail is from an external source. Think before you click links or open attachments.

Good afternoon,

It was a pleasure speaking with you this morning regarding our Government Conflict Resolution Services program. Attached please find a brochure to share with parties.

Please let me know if you have any questions.

Thank you,
Anne



Anne Thompson | Mediation Counsel | Supreme Court of Ohio

65 South Front Street ■ Columbus, Ohio 43215-3431

614.387.9367 (telephone) ■ 614.387.9409 (fax)

anne.thompson@sc.ohio.gov

www.supremecourt.ohio.gov