

CLERMONT COUNTY BOARD OF ELECTIONS
HEARING OF CHALLENGE OF RIGHT TO VOTE AND CORRECTION OF REGISTRATION LIST

I. Call to Order

Chairman Ray Lembke called the hearing to order at 8:42 a.m. and led the pledge of allegiance.

II. Introduction of Board Members

Chairman Lembke introduced himself and the other board members: Rick Grant, Rick Combs and Gregg Conrad. He asked the participants to speak clearly for the recording and to avoid crosstalk.

III. Purpose of Meeting

Chairman Lembke explained that this is a quasi-judicial hearing; the four board members are loosely analogous to a jury. The board will decide the matter; all four have an equal vote, and at least three must agree for a decision. The chairman functions loosely as a judge. Mr. Lembke introduced Brian Shrive as the board's legal counsel from the Clermont County Prosecutor's office.

IV. Rules of Evidence

Chairman Lembke stated that the residency challenge had been brought by Michael Lyrenmann of 6334 Vantaggio Circle, Loveland, Ohio, and asked Mr. Lyrenmann if he was represented by counsel; he was not. Mr. Lembke explained that Mr. Lyrenmann, as the challenger, has the burden of proof. He must bring evidence to support the proposition that Mr. Paul Chambers is not properly registered to vote. In a quasi-judicial proceeding, the board is not bound by strict rules of evidence. However, the decision needs to be based on reliable information, so he asked the parties presenting evidence to clearly explain why the information is reliable.

V. Documents Reviewed by Board

Mr. Lembke read the reason on the "Challenge of Right to Vote Form": the property at which Mr. Chambers resides is zoned for commercial use (B-2). Per Miami Township zoning regulations, this parcel does not meet the requirements for residential use permitted by Chapter 11, Section 11.02T, therefore he does not maintain a valid residence as required to be an elector. Mr. Lembke asked Mr. Lyrenmann if there was an issue as to Mr. Chambers actually residing at 990 State Route 28, Milford, Ohio, and whether he planned to present any specific evidence that Mr. Chambers does not live at that address. Mr. Lyrenmann does not have specific evidence other than the property does not appear to maintain the qualifications for residency.

Mr. Lembke asked if Mr. Lyrenmann could explain how the Miami Township zoning ordinance controls someone's residence for purposes of their right to vote. Mr. Lyrenmann stated that the property in question would not meet the criteria of a residence and therefore residency would not be established, which he understands is a requirement for the right to vote. Mr. Lembke asked if there was evidence that residential use is prohibited in the Miami Township B-2 zoning district. Mr. Lyrenmann stated that he simply had a copy of the zoning regulations, and a copy of the auditor's listing showing the current zoning of the property.

Mr. Lembke explained that when property is zoned for a more intensive use (commercial is generally considered to be more intensive than residential), that does not necessarily mean that less intensive uses are prohibited. He also explained that there can be a use variance granted, or there could be a permitted non-conforming use that pre-dates the zoning.

VI. Opening Statements

Mr. Lembke gave each party five minutes for an opening statement to state their position and explain what the facts will show.

Mr. Lyrenmann said that he had no information other than the facts stated in his challenge form. He has a question of residency at the specific address and has the form filed with the Secretary of State (SOS) for Paul Chambers' business that lists a different address: 2902 Arrowhead Trail, Loveland, Ohio. The specifics of the challenge are more narrowly restricted to the fact that he believes Mr. Chambers is registered in an incorrect precinct or area. Mr. Chambers was running for school board in the Milford Exempted Village School District (EVSD). Due to the conflicting addresses used for his business and/or claimed residence on such forms, and the current zoning criteria of the address he used, he would not meet the criteria for the Milford EVSD area, but would possibly be more correctly registered at a different address.

Paul Chambers thanked the board for letting him speak a couple of days before Christmas. He said that this was an absurd claim, and spoke of a long history of harassment related to the Milford EVSD election that he and others in the room have experienced from the complainant. Mr. Chambers stated that the complaint is completely invalid; where he and his son lay their head is not in question. He has had multiple witnesses over the past 2.5 years that he has been residing at 990 Business 28 in Milford, Ohio, where he both resides and runs his business. He looks forward to presenting his evidence.

VII. Testimony and Evidence

Chairman Lembke reminded the parties that the issue is the location of Mr. Chambers' voting residence, and asked everyone to confine their comments to that.

Brian Shrive administered the oath to swear in Michael Lyrenmann.

Mr. Lyrenmann provided a copy of Chapter 11 of the Miami Township zoning ordinance, which mentions residential use in some very specific instances. He does not believe the residential use criteria are currently satisfied by the Milford property used by Mr. Chambers' business, a business which is registered at 2902 Arrowhead Trail, Loveland, Ohio. There seems to be an inconsistency regarding the business address and the business being run out of the address on his voter registration.

Mr. Lembke asked which specific zoning criteria are not met by Mr. Chambers' residential use of the 990 Business 28 address. Mr. Lyrenmann replied that 11.02(T) permits residential use if it is an integral part of a mixed-use development project and part of a planned development overlay, with a litany of criteria. One specific criteria is first floor retail and upper floor residential, but Mr. Chambers claims a first floor residence. He is not aware that the property conforms to either development use.

Mr. Lembke asked if Mr. Lyrenmann had any evidence that residing at the address in violation of Miami Township zoning would mean the address is improper for voting purposes; those are different bodies of law. Mr. Lyrenmann asked the board if it was possible to be registered to vote as a resident at an address or property or unit that does not meet the criteria of residency per zoning code. Mr. Lyrenmann said he does not know the answer; he would defer to the board if that is permitted or not. His understanding is that we do not give businesses, in general the business address, a right to vote, so he thinks that is not permitted, but does not know the specifics of that law. Mr. Lembke clarified that Mr. Lyrenmann is not aware of anything that says the zoning controls what address you can use to register to vote. Mr. Lyrenmann agreed that was correct.

Mr. Grant asked if Mr. Lyrenmann has raised his objection with the zoning commission in Miami Township, and has anything from them that says Mr. Chambers does not or cannot live there. Mr. Lyrenmann said he has not specifically done that. Mr. Grant clarified that the zoning has not ruled that it is impermissible to live there, to which Mr. Lyrenmann agreed. Mr. Lembke asked if Mr. Lyrenmann has any knowledge of variances granted for this property; he replied that he does not.

Mr. Conrad asked for the date of the SOS business registration. Mr. Lyrenmann read the original effective date as February 14, 2019.

Mr. Lembke asked if there were any documents which Mr. Lyrenmann wished to offer to the board. He said only the two documents, which were part of the public record, and commented that the interior of the claimed residential address may not include complete components of a residential address, including a kitchen area, etc., so he asked that the board consider asking Mr. Chambers to describe the components of his residence to see if it meets residency qualifications. Mr. Lembke asked whether he knows the property does not have all of the components of what would traditionally be considered a residence, or if he is just unsure. Mr. Lyrenmann replied that he is just not sure.

Mr. Lembke asked if Mr. Lyrenmann had anything else to present or any other witnesses he wants to call on the hearing of Mr. Chambers; he declined and rested his case.

Brian Shrive administered the oath to swear in Paul Chambers.

Mr. Chambers stated that the address where he started his business in January 2019 is well-documented. He was currently living in an apartment. His business is a small mobile-detail business; technically, there is no brick and mortar for the business; he used his apartment address as anyone would when they start a business. He moved out that summer and moved in with his then-girlfriend for a little bit. Then in 2021, with the majority of his customer base in Milford and himself teaching in the Milford school district, he decided to move with his son to Milford. His son transferred to Milford schools; to avoid any eligibility hits from being out of district, he had to go through a long process of proving his residence. The athletic director did a walk-through of the residence to ensure that it was inhabited, that it had a kitchen, beds, and shower. It has been used as a business in the past, a gentleman lives on the second floor.

Mr. Lembke clarified that the residence he was describing was 990 Business 28 in Milford, Ohio; Mr. Chambers replied affirmatively, and said that when he moved into Milford, he moved into 990 Business 28. He described many renovations, including a bedroom wall, framing, time, money, and effort to create a place that he and his son have called home for the past 2.5 years. He was able to successfully vote in three elections since 2021 without question until he decided to run for school board and anger some people. This is all very vindictive and has caused a lot of stress and anxiety for his family and friends. He pointed out that if he were homeless, it would not change the fact that he still has a right to vote. Under Ohio law, your residence to be able to vote is a location that you consider to be a permanent -- not temporary -- residence,

and the place to which your habitation is fixed. It is very well known that he and his son meet both of those requirements in this building. He is not a zoning expert, but did everything he could to make it livable and habitable. He is happy to address the zoning issue with Miami Township if he needs to take that on instead of calling a hearing and wasting people's time. He would be happy to look into a simple request to change the zoning situation. Because of the results of the election, and the fact that his son plans to leave for the military in the coming months, he does not plan to continue to live at this residence much longer. Because of harassment from certain community members, including the complainant today, he is reconsidering his potential plans to buy a home in Milford.

Mr. Lembke asked whether Mr. Chambers in fact lives at 990 Business 28. Mr. Chambers replied, yes, 100 percent. Mr. Lembke asked whether Mr. Chambers had ever been subject to any enforcement proceedings by the appropriate zoning officials. Mr. Chambers replied no.

Mr. Combs asked about inspections by the township officials. Mr. Chambers said the fire department does regular inspections; they recently hung some fire extinguishers on the wall. Mr. Combs asked if he gets mail there. Mr. Chambers replies that he does; he has three recent Duke Energy bills, and his and his son's bank statements addressed to 990 Business 28. Mr. Combs asked about the Arrowhead apartment. Mr. Chambers said that he has not lived there since 2019. He lived there for one year after his college graduation, but after a short stay with his girlfriend, moved into his current residence to grow his business and ensure his son's football eligibility. His son was then considered an in-town resident and able to become a Milford Eagle.

Mr. Conrad restated that the school board said he lives at the Milford residence. Mr. Chambers clarified that it was the school administration; they had to do a walk-through of the residence. Mr. Chambers stated that he hadn't completely kept up with the paperwork for his business registration; he had recently found another old address tied to his business records. Just because a business is registered at an old address doesn't mean it should be questioned. He has pictures on his phone of his entire residence, as well as his cats living there.

Mr. Lembke asked if Mr. Chambers had anything else to present or any other witnesses to call; he declined and said he does not want to waste any more time.

Mr. Lembke asked Mr. Lyrenmann if he had any questions of Mr. Chambers; he did not.

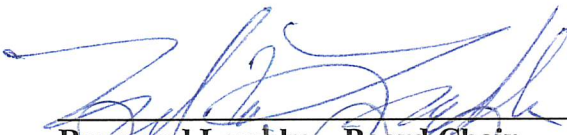
Mr. Lembke gave both parties the opportunity to make a closing statement. He asked them to restrict their closing to something the board has not already heard. Both parties declined.

Mr. Lembke declared the hearing on Mr. Chambers' voting eligibility closed. At 9:09, the board recessed to deliberate. At 9:14, the board reconvened. Mr. Lembke requested the participants and spectators to provide their names and addresses for the record.

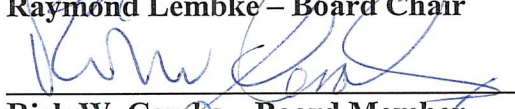
2023-163 – Mr. Combs made a motion to reject the challenge and to leave Mr. Chambers on the voting roll as he is registered now. Mr. Conrad seconded the motion. Upon roll call:

- Mr. Combs – Yes
- Mr. Conrad – Yes
- Mr. Grant – Yes
- Mr. Lembke – Yes

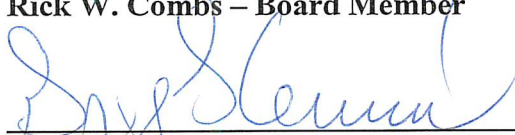
At 9:15 a.m., Mr. Lembke thanked everyone and stated that the hearing was concluded.




Raymond Lembke – Board Chair



Rick W. Combs – Board Member



Gregg L. Conrad – Board Member



Rick Grant – Board Member

Date 2/21/2024

Cherie Wilson

From: Cherie Wilson
Sent: Monday, December 18, 2023 4:14 PM
To: info@clermontsun.com
Cc: Chris Dennison
Subject: December 22 hearing and board meeting
Attachments: Dec 22 2023 hearing before board mtg.doc

Good afternoon,

I had sent the notice for the December 22nd board meeting earlier this month (12/6). However, please be advised and post as a PSA (no cost) the attachment regarding the residency hearing prior to the board meeting. This was scheduled today in response to a challenge we just received, and we are required to give 24-hour notice of board meetings.

My direct phone number is 732-7485 if you have any questions.

Thank you!

Cherie Wilson, Administrative Support Specialist
Clermont County Board of Elections
76 S. Riverside Dr.
Batavia, OH 45103

Clermont County Board of Elections Notice of Hearing

The Clermont County Board of Elections has scheduled a voter residency hearing at 8:30 a.m. on Friday, December 22, 2023 prior to the monthly board meeting.

The residency hearing and board meeting will be held at the Board Office, 76 S. Riverside Dr., Batavia, 45103.

Ray Lembke – Chairman
Stephanie Hemmer-Haight – Director