

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 9:19 a.m.

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 reviewed the purpose of the meeting: a hearing on the challenge to the right to vote of Mr. Gerald W. Combs. 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. Mr. Lyrenmann has the burden of proof, which means he must bring evidence to support the proposition that Mr. Combs is not entitled to use 595 Lodgepole Drive, Milford, Ohio as his voting address.

Mr. Lembke asked Gerald Combs if he was represented by counsel; he was not. Mr. Lembke explained that he would have an opportunity to present evidence as well.

V. Opening Statements

Chairman Lembke explained that opening statements are not the time to put on evidence; he asked the parties to limit their statements to five minutes to explain their positions and the key facts that they will show.

Michael Lyrenmann stated his complaint: Jerry Combs does not meet the requirements of residency for Ohio voting status, more specifically for the Milford Exempted Village School District (EVSD), because of a second home and the amount of time he spends currently in Florida. He plans to share excerpts from Ohio Revised Code (ORC) about residency requirements, residency of public officials, information about Mr. Combs' second address, and his wife's voter registration at that second address.

Gerald (Jerry) Combs thanked the board for their work. He noted that our country depends on fair and accessible elections that are rooted in integrity, and thanked the board for the role they play. He stated that he received the hearing notice in his mailbox exactly two days ago, Wednesday, December 20th, and was surprised at the immediacy of it. He described the complainant as having a long history of intimidation and harassment of individuals that have differing views that he does not know personally. He stated that he has never personally met the complainant, but a brief search of his social media posts and commentary will confirm what he just said, and the hearing is an extension of that relentless harassment. He stated that he is from a multi-generational family of Clermont County residents, attended high school in Clermont County and college in Ohio, and paid Ohio state and federal taxes during these years. He asserted that he owns and has lived in the same home for over twenty years, and continues to live in this home, which is his primary residence, and is recorded as such. He has an OH driver's license and his vehicles are registered in Ohio, where he also banks at Fifth Third. His work requires extensive travel, but his virtual office is in Ohio for his employer. He stated that he owns a second home in Florida, but that it is not his primary residence, and is recorded as such. He said that he is a member of the Milford EVSD Board of Education, and that this entire complaint is centered on that fact.

VI. Testimony and Evidence

Chairman Lembke advised Mr. Lyrenmann that it was his opportunity to present evidence in support of his reasons why he believes the board should disqualify Mr. Combs from voting at the Lodgepole Drive address.

Brian Shrive administered the oath to swear in Michael Lyrenmann.

Mr. Lyrenmann stated that he believes the relevant portions of the ORC are Section 315 which says that all public officials or elected officials must maintain a residency at all times during one's term of office. He believes that is not the case of Jerry Combs today. He cited specific residence determination rules from ORC 3503.02: the place where the family of a married person resides shall be considered to be that person's place of residence. Specifically, he has knowledge that Jerry's spouse is registered to vote in Collier County, Florida, and has a screenshot from the Florida SOS site of that registration. He doubts that Jerry Combs resides here when his family resides and is registered to vote in the state of Florida. His concern arose from the difficulty that Jerry Combs has had in attending certain school board meetings and committees, which has been exacerbated by this second home in Florida. According to Mr. Lyrenmann, at an October campaign event, Mr. Combs stated rather explicitly to an individual that he

lived in Florida, and that the community should be thankful for his service that he still comes up here to be on the board. Mr. Lyrenmann said that the specific statement was not a sworn statement, but a committee member that he personally knows who attended an event where Jerry Combs was. The Combs' Florida home was purchased in early 2022 per the Collier County Florida property records from their website. He asked the board to consider the spouse's voter registration and the location of his family's residence in Florida, and the ORC for residency determination.

Mr. Lembke asked if Mr. Lyrenmann had any documents to submit to the board. He provided copies of the documents he mentioned in his testimony.

Mr. Lembke offered Jerry Combs the opportunity to cross-examine Mr. Lyrenmann with the caution to restrict any cross-examination to the scope of his testimony. Mr. Combs declined.

Mr. Conrad clarified that the person Mr. Lyrenmann quoted in his testimony was not present at today's hearing, and that the statement was hearsay; Mr. Lyrenmann agreed that was correct.

Mr. Grant asked if Mr. Lyrenmann had any evidence that Gerald (Jerry) Combs was registered to vote in Florida, or that he actually lives in Florida other than owning a house down there. Mr. Lyrenmann responded that he did not other than statements that had been made to that effect.

Mr. Conrad asked if Mr. Lyrenmann had addressed Jerry Combs absences to the school board. Mr. Lyrenmann replied that he had made statements to the school board, but current board policies categorize some meetings as not required for him to physically attend.

Mr. Rick Combs asked if Mr. Lyrenmann had any knowledge of Jerry Combs' work, and if he had records showing the house in Milford has Jerry Combs and his wife's name on the deed for the property. Mr. Lyrenmann said he has not personally observed the deed, but has seen the listing on the county auditor website. He has no knowledge about Jerry Combs' work.

Mr. Lembke asked if Mr. Lyrenmann had any evidence that anyone other than Mr. Combs or his family resides at the 595 Lodgepole Drive address. Mr. Lyrenmann said that he does not have evidence of other persons residing there, but he does have evidence and knowledge that the property has been placed at various times for rent on websites like Zillow or Apartments.com, one with a timestamp as recently as two weeks ago.

After giving the board members a chance to ask any other questions, Mr. Lyrenmann rested his case.

Brian Shrive administered the oath to swear in Gerald (Jerry) Combs.

Jerry Combs thanked Mr. Conrad for addressing the hearsay, and stated unequivocally that the comment was false and did not happen. He said his wife is a registered voter in the state of Florida, and that he does own a second home in Florida. The recorded deed in the state of Ohio in Milford is in both names (his and his wife's), as is the recorded deed on the second home. He stated that it is not illegal to own a second home. Although his wife is registered in Florida, he is not. He said his friends think he needs to take an IQ test because he remains on the school board that pays \$125/month to represent children that he does not have in the district and taxpayers on both sides of the aisle, and that he has not gone to Florida when he has had the opportunity to become a resident there and take advantage of the financial benefits and lower tax benefits. He said that he had decided against that, and remained in Ohio, in Milford as his primary residence. Regarding the Zillow document, he and his wife did at one time in the past couple of years consider putting the house up for rent; Zillow captured that. They simply wanted to determine how much rent they could get and if there was any interest in the property as a potential rental; it is not currently on the market or available for rent. Regarding the Florida home, Mr. Lyrenmann has posted online documents of both homes, as well as pictures of his family as a smear tactic. When they purchased the Florida property in 2022, the tax bill was issued in their name as the new buyers, and automatically listed with a homestead exemption. He said he caught that, and emailed the Collier County auditor to explain that he lived in Ohio as his primary residence, and that the Florida property should be listed as a second home. He said he requested proof of the correction from Collier County to forward to the Clermont County auditor, asking them to keep his 595 Lodgepole Drive home as his primary residence. That information was recorded several months ago by auditors in both counties. So he caught a mistake and effectively asked the auditors to correct it.

Upon cross-examination, Mr. Lyrenmann asked Jerry Combs to state under oath the estimate of the percentage of time that he spends in Ohio at the Lodgepole address versus Florida at the Collier County address. Jerry Combs stated that he spends the majority of his time in Ohio.

Mr. Conrad asked about Jerry Combs’ business, which includes areas other than just Florida. Jerry Combs replied that he regularly travels across the country and also internationally, and has a virtual remote office in Ohio. Regarding the Milford school board, he has been on the board for 24 consecutive months. There are regular meetings on the third Thursday of every month with the exception of holidays, etc.; he has attended 23 of the 24 meetings live and in person. Other board members have missed at least one meeting, some have missed two live meetings. There is no statute that dictates that committee meetings must be attended live. He has attended several committee meetings live, but attends the majority virtually, which seems to aggravate one member of the school board a bit. However, he has received zero reprimand and is likely one of the most involved board members, albeit virtually in several of these committee meetings. He is a very engaged board member; the committee meetings happen a week before the regular meeting and he is not always able to attend due to his travel schedule. If the school board reprimanded him or found him to be breaking a statute or rule, he would act accordingly.

Mr. Lembke asked where Jerry Combs’ wife and children live. Mr. Combs replied that his wife and minor 17-year-old daughter live in Florida. Mr. Lembke read from ORC 3503.02(D): the place where the family of a married person resides shall be considered to be the person’s place of residence except when the spouses have separated and live apart. He asked Jerry Combs to clarify that his testimony was that his family lives in Florida. Mr. Combs replied that his testimony is that his wife and daughter live there. Mr. Lembke asked if there is anyone else in the family. Jerry Combs replied that there are no other family members at home; he has an older son.

Board Member Rick Combs asked Jerry Combs if the two had ever met or were related in any way, shape or form that he was aware of. Jerry Combs replied that he was unaware of any relationship, and that the two had never met.

Mr. Lembke asked if Jerry Combs had any other witnesses to call or documentary evidence to present to the board; he declined.

Mr. Lembke asked if Mr. Lyrenmann had any rebuttal evidence; he did not.

Mr. Lembke gave both parties the opportunity to make a closing statement if they have anything further to add that the board needs to consider. He asked them to restrict those to something the board has not already heard. Both parties declined.

At 9:39, the board recessed to deliberate. At 9:53 the board reconvened. Mr. Lembke listed exhibit numbers of the evidence for the record:

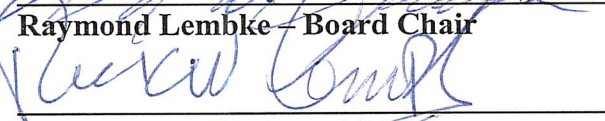
- Exhibit 1 – listings of the Combs’ home from Apartments.com and Zillow
- Exhibit 2 – voter information lookup from Collier County, Florida for Shannon K. Combs
- Exhibit 3 – download from Collier County property appraiser
- Exhibit 4 – copy of a statement that starts with “On October 18th, 2023, Jerry Combs attended”

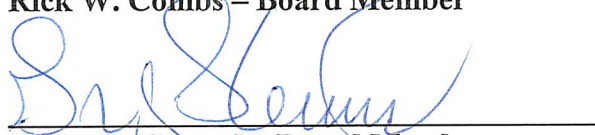
2023-164 – Mr. Conrad made a motion to reject the challenge and to leave Mr. Gerald Combs standing on the voter records the same. Mr. Grant seconded the motion. Upon roll call:

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

At 9:55 a.m., Mr. Lembke adjourned the hearing and thanked everyone for their time.


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

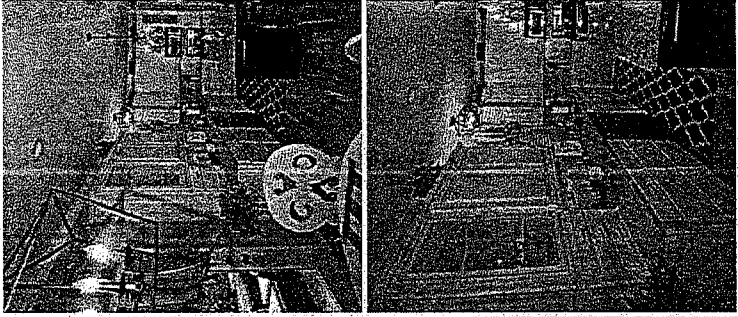
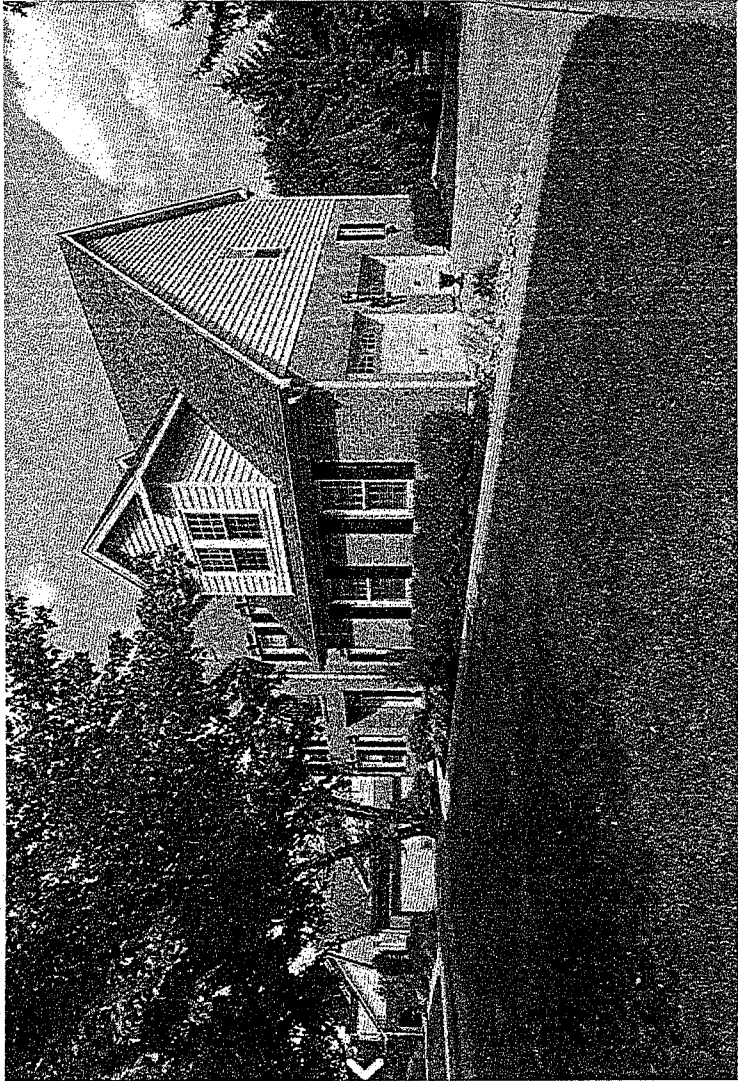
Clermont County Board of Elections Notice of Hearing

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

His home has been up listed for rent on
apartments.com and Zillow



Houses / Ohio / Clermont County / Milford / 595 Lodgepole Dr

595 Lodgepole Dr

Milford, OH 45150
Milford

Accessed
December
2023

2 Weeks Ago



7

Voter Information Lookup

Please find your voter registration information below.

Full Name: SHANNAN KAY COMES
Street Address: 1533 SAN MARCO RD
City: MARCO ISLAND
Zip Code: 34145
County Name: COLLIER
Voter Identification Number: 131398678
Date Of Registration: 1/24/2023
Party: Republican Party of Florida
Voter Status: Active*

* An active voter means the person is registered to vote. The deadline to register to be eligible to vote in an upcoming election is 29 days before that election.

Access Ballot and Precinct information available through your county Supervisor of Elections' website.

Jerry's home in Florida, purchased in February 2022:

COLLIER COUNTY
FLORIDA

Home Page

About the Appraiser

GIS Maps

Search Database

Exemptions

Tangible Personal Property

Mobile Home

Agricultural

More Information

Contact Us

Forms

Links

Feedback

Property Summary

Property Detail

Aerial

Sketches

Trim Notices

Print

New Search

Tax Bills

Change of Address

Full Screen

Parcel No 57781000007

Site Address 1533 SAN MARCO RD

Site City MARCO ISLAND

Site Zone Note 34145

Name / Address

COMBS, GERALD & SHANNAN

1533 SAN MARCO RD

City MARCO ISLAND

State FL

Zip 34145

Map No 7810

State No 770700 272 127810

Section 10

Township 52

Range 20

Acres Estimated 0.2

Legal MARCO BCH UNIT 8 BLK 272 LOT 12 OR 1308 PG 1106

Millage Area 0.58

Sub/Condo 776700 - MARCO BEACH UNIT 8

Use Code 0 1 - SINGLE FAMILY RESIDENTIAL

Millage Rate 0. Calculations

School 4.292

Other 5.1054

Total 9.3974

Latest Sales History

(Not all sales are listed due to confidentiality)

Date	Book Page	Amount
02/28/22	0102-3037	\$ 590,000
08/02/19	5680-2001	\$ 0
09/02/18	5680-1998	\$ 0
10/19/88	1388-1106	\$ 106,000
01/01/88	1323-972	\$ 84,200
09/01/87	1294-1094	\$ 0
09/01/87	1293-211	\$ 10,900

2023 Certified Tax Roll

(Subject to Change)

Land Value	Land Value
(-) Improved Value	\$ 312,685
(-) Market Value	\$ 135,537
(-) Assessed Value	\$ 448,222
(-) School Taxable Value	\$ 448,222
(-) Taxable Value	\$ 448,222

Trail Values shown above equal 0 this parcel was created after the final tax roll

3

On October 18th, 2023, Jerry Combs attended a campaign event for local candidates Paul Chambers and Rebecca Born.

He stated to a community member while present:

“Do you even know where I live? I live in Florida. The community should be thankful for my service that I still come up here to be on the Board.”