

CLERMONT COUNTY BOARD OF ELECTIONS  
HEARING OF CHALLENGE OF RIGHT TO VOTE  
AND CORRECTION OF REGISTRATION LIST  
Wednesday April 14, 2021 – 10:00 a.m.

**I. Call to Order**

Chairman Ray Lembke called the hearing to order at 10:05 a.m.

**II. Introduction of Board Members, Staff and Counsel**

Chairman Lembke introduced himself, other board members Rick Combs, Gregg Conrad and Rick Grant, Director Julia Carney, Deputy Director Chris Dennison and Assistant Prosecutor Brian Shrive.

**III. Purpose of Meeting**

Chairman Lembke reviewed the purpose of the meeting: A challenge to the right of Mr. Mark N. Wilson to vote, based on registration at 352 Center Street in Miamiville, 45147 has been filed by Mr. Joseph Janis, Jr. We are here to take evidence on that challenge today.

**IV. Introduction of Parties**

Chairman Lembke asked the parties to introduce themselves:  
Mark N. Wilson and Joseph Janis, Jr. introduced themselves for the record.

**V. Documents Reviewed by Board**

Chairman Lembke stated that the board has reviewed the Challenge of Right to Vote form, our voter registration form for Mr. Wilson, and the documentation from the county's voter registration database.

**VI. Burden of Proof and Order of Hearing**

Chairman Lembke stated that the Challenger (Mr. Janis) has the burden of proof. The Board will be conducting a quasi-judicial hearing; testimony will be given under oath. The four board members retain the power to decide for themselves how much weight they are going to accord to a particular piece of evidence.

Chairman Lembke described the order of the hearing: opening statements, presentation of evidence and the examination of witnesses, and closing statements by both parties, with the Challenger presenting first and the Challenged Voter presenting second.

**VIII. Swearing in Witnesses**

Chairman Lembke asked those who were going to present factual information for the Board's consideration to please stand and be sworn in. Mr. Janis, Mr. Wilson, and Ms. Tamra Ducolon were sworn in by Assistant Prosecutor Brian Shrive.

**IX. Opening Statements**

Mr. Janis introduced himself and stated that he lives in Sycamore Township, Hamilton County, Ohio and is an Ohio elector. He filed this challenge based on the state law which says any Ohio elector may challenge the voter registration of another Ohio elector. He became aware that people were registering to vote in Hamilton County, Ohio from United States Postal Service offices, contract stations, and retail stores such as the UPS Store and has filed many challenges with the Hamilton County Board of Elections. Through public records and some public records requests made by Mr. Janis of the Clermont County BOE, he became aware that a person, later identified as Mr. Mark N. Wilson, had registered to vote as of February 10, 2020 at 352 Center Street, Apartment 27, Miamiville, OH 45147-3620. Mr. Janis referenced a copy of the certificate of registration for Mark N. Wilson, which was also provided to the board members. Mr. Janis testified, that during the course of one of his visits to the Miamiville post office located at 352 Center Street, he asked the postal clerk if anyone and specifically Mark Wilson lived at that address. The response from the clerk was that some people lived upstairs. Mr. Janis also made a physical inspection that time of the post office lobby. Mr. Janis indicated the reason he filed this challenge was Mark N. Wilson does not reside at this address. This address is a United States Postal Service office and apartment 0027 is apparently one of the rental post office boxes at this venue. Mr. Janis also made contact with Director Carney and asked her to respond to some public records requests. He asked for the voting information on Mr. Mark N. Wilson, which she supplied. Mr. Janis also had a couple of phone conversations with her, and asked Director Carney if the Clermont County BOE had recently been involved in voter registration challenges because he was interested in knowing the proper procedures before he filed. She informed him that in recent history, to her knowledge, no one had filed a voter registration challenge.

He filed a praecipe for subpoenas, for three people: 1) Mr. Mark N. Wilson, of that address he purports to reside at in Miamiville, Ohio; 2) Tamra L. Ducolon, Agent, who apparently is the agent of record for the landlord of the post office building; and 3) the United States Postal Service Postmaster/Postmistress for that post office. Director Carney sent a response from the United States Postal Service. They indicated that they would not send a representative and cited several court cases for the basis of that action. Mr. Janis also discussed his review of the building from the Clermont County Auditor records.

Based on Mark Wilson's registration forms, he lists Box 202. Box 202 is also the address for the agent of the landlord, so he believes that Mr. Wilson must have some kind of association with the landlord, which is because he listed on the Board of Elections records a post office box number matching the same address listed for the building landlord. Mr. Janis stated that it was his belief that currently the Ohio General Assembly does not allow people to register and vote from post office boxes, whether they're at the United States Postal Service office, the United States Postal Service contract units, or a private retail store.

Mr. Wilson made his opening statement. He stated that he pays child support for his son in this county and is not happy to have to spend his time at this hearing. He reviewed his address and voting history with the Board, indicating that he had previously lived and voted in Miami Township. He then moved to the apartment above the post office and updated his address information with the BMV. But last year, he went to the BMV and got a new ID; the BMV didn't enter his information correctly. He then had to go get another ID on March 6<sup>th</sup> of this year, after he voted in this past election. He indicated that he had both of his IDs to prove that the BMV made a mistake. He stated that he does not live in a post office box. He has a utility statement and a child support statement from April to verify his address. He doesn't know where Mr. Janis got his information, but he is wrong.

Mr. Wilson described how he voted in November at River Hills Church, because that's where he and Ms. Ducolon vote. He was allowed to vote, they looked at his ID and everything was correct, and he voted. Mr. Wilson also discussed his lease for the apartment at 352 Center Street, which started in 2018 that renews itself every year. The landlord, which is his girlfriend, owns that property, and he lives right above that post office. Mr. Wilson stated that he had all the proof in his pocket to prove it. He is up to date from this past month, and his utilities from that apartment above the post office show that he lives there.

#### **X. Testimony and Evidence**

Chairman Lembke asked Mr. Janis if he had any further evidence he wanted to present. Mr. Janis responded that as a private citizen, he would not normally have access to a lease or BMV or ID or those types of records and changes, etc.

Mr. Janis called Tamra L. Ducolon as his first witness. He asked her if she was the agent for Tebbie Properties. She replied affirmatively, that she was the agent for Tebbie Properties, LLC. Mr. Janis showed Ms. Ducolon a picture of the building at 352 Center Street and asked her to confirm that it was a picture of the building at 352 Center Street. Mr. Janis questioned Ms. Ducolon, about the P.O. Box 202, Miami, Ohio address which is listed as the address for Tebbie Properties LLC, and on Mr. Wilson's voter registration card and if Mr. Wilson was affiliated with the LLC. Ms. Ducolon responded that Mr. Wilson picks up the mail for her.

Mr. Shrive raised an objection on behalf of the board. "The question is where does he live? So if you have questions about where he lives, ask. But if you have questions about where else he gets mail, or his affiliation with his landlord, we're not going to hear it." stated Mr. Shrive.

Mr. Lembke also cautioned Mr. Janis against asking the witness "why did somebody else do something?" You can ask the witness about things she knows. You should also keep the testimony on the issue – the issue is "does Mr. Wilson live at 352 Center Street in Miami?"

Mr. Janis then questioned Ms. Ducolon if she had knowledge that Mr. Wilson lived at 352 Center Street and how long he had lived there. She answered that she had knowledge to answer yes to both parts of the question. She commented that the problem is that the building actually has two addresses 350 and 352 Center Street. The building is cut in half, so the post office and the apartment above it are 352 Center Street. Every resident in Miami, they do not have any mailbox service, they just have post office boxes. She also has a store called ET Mailbox at 350 Center Street, as shown on the photo of the building. You are able to see the mailboxes on the side of the building, and she has a sign up there with her phone numbers and sells roadside mailboxes to homeowners.

Mr. Janis asked if everyone in Miami had to use post office boxes, as there was no postal delivery to homes and businesses. Ms. Ducolon responded that was correct. There's a certain area, which you can only tell if you drive down the street, you can see that some people get the mail delivered directly to their homes, but the people in that little town have to go to the post office and pick it up because they have no other way to get their mail.

Mr. Lembke interjected, that he couldn't speak for his colleagues on the board, but it's a little bit difficult for him to understand how or why the manner in which mail is delivered to postal customers in Miami bears on the issue of where Mr. Wilson lives. He wants to keep the hearing focused on the issue to be decided.

Mr. Janis responded that he was just trying to establish if the agent for the landlord personally knew Mr. Wilson by where he resided and possibly by appearance. Mr. Janis concluded his questioning of Ms. Ducolon.

Mr. Grant asked if there are apartments in that building, and if there were more than one. Ms. Ducolon answered that there were two apartments, one above the post office, which is 352, and then one next door,

which is 350, but she wasn't sure how they had separate addresses. Mr. Grant then asked if there were other tenants in the building. Ms. Ducolon responded that yes, Mr. Glen Mills has lived in the other apartment.

Mr. Combs asked how many tenants were in that building, other than the post office and specifically about the number of apartments. Ms. Ducolon said there were two apartments upstairs. Mr. Combs then asked about access to the building, if you entered the building from the road on the north side of the building. Ms. Ducolon answered that one apartment is entered from the north side of the building. The front is where people go in for the post office boxes and for her store; the other entrance is behind the post office and has a deck that you go up the stairs to the other apartment. Mr. Combs asked about the mailbox store. Ms. Ducolon stated that the post office and her store are on the first floor and that she has the mailbox store.

Chairman Lembke asked when the building was separated into two addresses, and if anything was physically done to the building, or is it simply one structure. Ms. Ducolon didn't know how they did it, but it is physically one building. This ended Ms. Ducolon's testimony.

Mr. Janis called Mr. Mark Wilson to testify. Mr. Lembke reminded Mr. Wilson that he was under oath.

Mr. Janis questioned Mr. Wilson as to the month, day and year of the lease showing that he lives at 352 Center Street. Mr. Wilson responded that the lease started on March 1, 2018, and it renews itself once a year. Mr. Janis asked if Mr. Wilson and apparently one or two other people live there now on the second floor of that building. Mr. Wilson answered that it has always been that way.

Mr. Janis asked about the certified mail that contained the subpoena for this hearing and if Mr. Wilson recalled using Box 27, Miami, OH as an address. Mr. Wilson explained that he had an issue with the BMV. So now he has to straighten that out because he just got a new ID then they messed up on it again, twice in one year. The BMV got the information wrong; he told them that he had a PO Box, but the BMV changed it to that address above that post office. So now he has to go back and get another ID and pay the state more money just so he can have a valid ID, which was a mistake on their part. The post office had nothing to do with it. The BMV had a human error, which humans make errors.

Mr. Janis indicated that based on the testimony of Mr. Wilson and Mr. Wilson's agent for the landlord, under oath, that Mr. Wilson resided at that address and there seems to be some conflict with the multiple addresses for the building. Based on his earlier testimony of issues related to post office boxes and so forth, he believes he presented an adequate case of why he felt that Mr. Wilson was not registered or why Mr. Wilson was registered to vote from a post office box. So based on the testimony provided today, he requested to withdraw the challenge.

Chairman Lembke asked if Mr. Wilson wanted to withdraw his complaint relative to Mr. Wilson. Mr. Janis responded affirmatively, based on the testimony of Mr. Wilson and Ms. Ducolon.

Chairman Lembke asked legal counsel, if that was sufficient to terminate this proceeding, or at this point does the board need to vote. Mr. Shrive advised that the Board should vote on whether to reject the challenge.

**2021-40** – Mr. Combs made the motion that the board reject the challenge to Mr. Wilson's right to vote and that his voter registration shall remain on our records as 352 Center Street, Miami, OH 45147.

Mr. Conrad seconded the motion. Upon roll call:

Mr. Combs – Yes

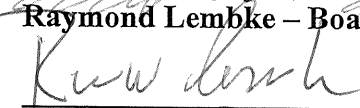
Mr. Conrad – Yes

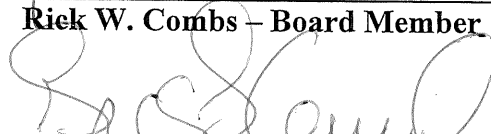
Mr. Grant – Yes

Mr. Lembke – Yes

Chairman Lembke stated that the challenge was rejected. Mr. Wilson's voter registration remains as it is on our records. He thanked everybody for coming today and adjourned the hearing.

  
Raymond Lembke – Board Chair

  
Rick W. Combs – Board Member

  
Gregg L. Conrad – Board Member

  
Rick Grant – Board Member

Date 5/20/21