

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
GEAUGA COUNTY, OHIO

2016 SEP 16 AM 9:44

PROBATE-JUVENILE
DIVISION
GEAUGA COUNTY, OHIO

IN THE MATTER OF:)

CHESTER TOWNSHIP PARK)
DISTRICT)

CASE NO.: 84 PC 000139

Judge Timothy J. Grendell

JUDGMENT ENTRY

The Ohio Supreme Court has unanimously ruled that a probate court’s authority “surely includes the ability to issue orders to enforce the entry creating the park district, including orders that impose duties on those interfering with the park district’s purpose.” *State ex rel. Chester Twp. v. Grendell*, 2016-Ohio-1520, at ¶30.

Pursuant to R.C. 2101.06, the Court previously appointed Mary Jane Trapp, an attorney at law (Attorney Registration #: 0005315), as special master commissioner to investigate matters pending before the Court concerning the Chester Township Park District formed by Judge Frank Lavrich through Case No. 84 PC 000139.

In furtherance of her Master Commissioner duties pursuant to R.C. 2101.06, Master Commissioner Trapp is authorized to and shall investigate the following:

1. Did the Chester Township Trustees commit fraud upon the Probate Court in connection with the revised park agreement prepared by the Township Trustees’ attorney and submitted to the Chester Township Park Board to sign, and then subsequently voting 2-1 against executing that same revised agreement?

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2. Did the Chester Township Trustees interfere with the operation or purpose of the park district by submitting a revised park agreement to the Chester Township Park Board to sign, and subsequently voting 2-1 against executing the same revised park agreement, which was drafted by the Township Trustees' attorney?
3. Did the Chester Township Trustees commit contempt of court by failing to execute the revised park agreement prepared by the Township Trustees' attorney?
4. Did Chester Township Trustee Kenneth Radtke interfere with the operation or purpose of the Chester Township Park Board by inducing and/or intimidating or attempting to induce or intimidate current members of the Chester Township Park Board to resign from their current position as Township Park Board members?
5. Did the Geauga County Prosecutor's Office and/or private counsel retained by the Chester Township Trustees perpetuate fraud on the Court or act in complicity with others to commit fraud on the Court with respect to actions taken and/or misrepresentations made by one or more of those attorneys to the Court in connection with the revised agreement submitted to the Park Board for signature?
6. Did the Chester Township Trustees' actions or inaction with respect to the revised park agreement violate R.C. Ch. 1545?
7. Did the Chester Township Trustees' actions or inaction with respect to the revised park agreement violate Probate Judge Frank Lavrich's original order creating the Chester Park District?

Master Commissioner Trapp has been previously sworn under oath. Bond is not required.

Master Commissioner Trapp is appointed and fully authorized to investigate these matters in accordance with R.C. 2101.06 and *State ex rel. Chester Twp. v. Grendell*, 2016-Ohio-1520.

Master Commissioner Trapp shall submit a written report to the Court as to the matters stated above by November 15, 2016, stating her findings of fact and conclusions of law with transcripts of any and all witness testimony attached. *See* R.C. 2101.06.

Master Commissioner fees shall be allowed and taxed as costs pursuant to R.C. 2101.07.

IT IS SO ORDERED.


TIMOTHY J. GRENDALL, JUDGE

cc: Master Commissioner Trapp
Chester Township Trustees
Prosecutor
Atty. Raskin / Atty. Scialdone
Chester Park Board
Atty. Gillette