

SPRINGFIELD TWP. TRUSTEES

AUGUST 11, 2015

EXHIBIT "A"

Barb Fletcher

From: "timothy foley" <tdmfoley@att.net>
To: <mhively1@woh.rr.com>; <john.roeder@gmail.com>; <meyers01@gmail.com>; <deanwells2805@woh.rr.com>
Cc: <jscoby@gmail.com>; "<Barb Fletcher" <springfieldtwp@bizwoh.rr.com>
Sent: Tuesday, August 11, 2015 8:50 PM
Subject: Fw: Box 826

--- On Tue, 8/4/15, Saunders, Ryan <rsaunders@clarkcountyohio.gov> wrote:

> From: Saunders, Ryan <rsaunders@clarkcountyohio.gov>
> Subject: Box 826
> To: "timothy foley" <tdmfoley@att.net>
> Date: Tuesday, August 4, 2015, 3:20 PM
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>
> Mr. Foley,
>
> You asked me to look into
> whether the current auxiliary member job description is
> legal and whether there are any current issues with the
> auxiliary member position. The purpose of the auxiliary
> member position is to "provide ground and
> rehab support [for] the Springfield Township Fire
> Department per [its] Standard Operating Practices Manual on
> an as-needed basis."
> Job Description of Auxiliary Member.
>
> You have provided me with
> the meeting minutes of the June 23, 2015 hearing and you
> have also provided me with the job description and email
> correspondences from Michael Botkin at the Ohio Auditor of
> State Office. As indicated in Mr. Botkin's
> emails, he recommends the Auxiliary Group to be separate
> and apart from the Township. As the current system is
> organized, there is significant liability that the Township
> would be incurring if it were to pass this resolution.
>

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- > Traditionally, an
- > auxiliary group is an independent, outside
- > organization whose mission it is to support the
- > operations of the fire department. (Emphasis added).
- > Although auxiliaries are not a part of the fire departments
- > they serve,
- > the auxiliaries work hand-in-hand to support and aid the
- > fire department.
- >
- > I urge the Township to
- > look at the purpose of the Springfield Township Auxiliary
- > Group ("the Group"). If the Group is not
- > affiliated with the Township, the Township will not incur
- > liability for injuries the volunteers receive while
- > volunteering
- > for the Group. If the Group is not affiliated with the
- > Township, the Group can have its own non-profit tax
- > identification number, raise funds in support of the
- > Township and its mission, and choose to donate to the
- > Township when it so chooses.
- >
- >
- > The current organization
- > of the group creates substantial liability for the Township.
- > As it currently stands, the Group members would be employees
- > of the Township, and any money they would collect would be
- > under the "color of office" and
- > would be public funds. Furthermore, these
- > "employees" would be compensated to do
- > non-township duties on township time. This is not proper. A
- > township employee is not permitted to fundraise while they
- > are being compensated by the township. Whereas, if they
- > were truly and independent Auxiliary Group, such as the
- > Dayton Fire Department and Springfield Fire
- > Department's Auxiliary Groups, they could have any
- > type of fundraisers they chose to, and they could donate to
- > the Township as they saw fit.
- >
- > If the members of the
- > community wish to start an auxiliary group to assist
- > Springfield Township Fire Department in its firefighting
- > duties by providing lights, hot drinks, and water during
- > emergencies, I would recommend that the officials
- > for the Township separate themselves from the auxiliary
- > group. Furthermore, if the Group wishes to operate the Box
- > 826 truck, it will need to be sold by the Township to them
- > for fair market value.
- >
- >
- > If you should have any

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> questions or concerns, please email me.

>

>

> Thank you,

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>

> Ryan A. Saunders

> Assistant Prosecuting

> Attorney

> Clark County Prosecutor's

> Office

> 50 E. Columbia St., Suite

> 449

> Springfield, OH 45502

> Phone: 937-521-1770

> Fax: 937-328-2657

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Barb Fletcher

From: "timothy foley" <tdmfoley@att.net>
To: "Barb Fletcher" <springfieldtwp@bizwoh.rr.com>
Sent: Wednesday, August 12, 2015 9:24 AM
Attach: Michael Botkin.vcf
Subject: Fw: RE:

--- On Wed, 8/12/15, Michael A. Botkin <MABotkin@ohioauditor.gov> wrote:

> From: Michael A. Botkin <MABotkin@ohioauditor.gov>
 > Subject: RE:
 > To: "timothy foley" <tdmfoley@att.net>
 > Date: Wednesday, August 12, 2015, 7:30 AM
 > Good morning Tim - sorry
 > that I'm just getting back with you. For some reason
 > your email went to my "junk email" inbox and I
 > just happened to see it.
 >
 > As
 > far as your concern in the last sentence below, what I can
 > tell you is that if a check is written to the Springfield
 > Township Fire Dept - then that is a department that is
 > directly under the control of the trustees and should be
 > deposited into the Township's account and recorded in
 > the "Fire/EMS" fund (or other similar named fund)
 > as a "donation receipt". Those monies would
 > generally speaking always be considered "public
 > funds". However, as you indicated below, there may have
 > been some donations solicited by the Fire Association that
 > the township employees/trustees are NOT aware of - so in
 > that case, I don't believe the courts would make someone
 > accountable for money that they never knew existed.
 >
 > Checks written to the Fire
 > Association - those funds would generally be considered
 > "public funds" when the Fire Association donates
 > to the Township Fire Department.
 >
 >
 >
 > -----Original
 > Message-----
 > From: timothy foley [mailto:tdmfoley@att.net]
 > Sent: Tuesday, August 11, 2015 11:35 PM
 > To: Michael A. Botkin
 > Subject:
 >
 > hi
 > mike...the clark county prosecutor agreed with you that the
 > proposed Springfield township fire dept.auxiliary group

8/12/2015

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> should not be employed by the township and should be
> independent. there was some lengthy discussion at
> tonight's meeting about the solicitations made donated
> to the spfld. twp. fire dept. I know that the trustees and
> fiscal officer are not accountable for solicitations hired
> by the associations.

>
> matt
> clum, from you office, and the prosecutor agree
> that the fiscal officer and trustees are not accountable for
> association fire dept. solicitation \$\$\$ for closure, if
> solicitations are made payable to the fire dept. and not the
> association, are they public funds???

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> Facebook<<https://www.facebook.com/ohioauditor>>

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> Twitter<<https://www.twitter.com/ohioauditor>>

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>
> OhioAuditor.gov<<http://www.ohioauditor.gov>>

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>
> skinnyOhio.org<<http://www.skinnyohio.org>>

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