

OHIO AUDITOR OF STATE  
KEITH FABER



88 East Broad Street  
Columbus, Ohio 43215  
FraudOhio@ohioauditor.gov  
(800) 282-0370  
Report fraud: 866-Fraud-OH

October 5, 2023

**VIA PERSONAL SERVICE**

City of Lorain  
Attn. Chief of Police  
100 W. Erie Ave.  
Lorain, OH 44052

RE: Service of Subpoena *Duces Tecum*

Dear Custodian of Records:

Attached is a Subpoena *Duces Tecum*.

Please provide a certification of the records upon compliance with the subpoena.

If you should have any questions, please do not hesitate to contact me at the number listed below, or contact Greg Kopniske, Fraud Investigator at 614-499-4231 or [GTKopniske@ohioauditor.gov](mailto:GTKopniske@ohioauditor.gov).

Sincerely,

Keith Faber  
Auditor of State

Thomas N. Anger  
Legal Counsel  
Special Investigations Unit  
Direct: (614) 728-7436

cc: Greg Kopniske, Fraud Investigator



**SUBPOENA**  
*DUCES TECUM*

STATE OF OHIO,  
COUNTY OF FRANKLIN, SS:

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**IN THE MATTER OF  
THE AUDITOR OF STATE'S  
INVESTIGATION OF:  
The City of Lorain  
County of Lorain, Ohio**

**TO:       The City of Lorain  
          Attn. Police Chief  
          100 W. Erie Ave.  
          Lorain, OH 44052**

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BY AUTHORITY OF SECTION 117.18 OF THE OHIO REVISED CODE:

You are hereby directed to appear before me and/or my designated representative at **12:00 o'clock p.m.**, on the **26<sup>th</sup> day of October, 2023**, at the **Office of the Auditor of State, Greg Kopniske, Fraud Investigator, Special Investigations Unit, 88 East Broad Street, 10th Floor, Columbus, Ohio 43215**, then and there to give testimony and to produce the following books, records, documents or other items, which are in your custody or under your control:

**SEE ATTACHED.**

**You will not be obligated to appear as stated above provided that the subpoenaed documents are delivered to Greg Kopniske, Fraud Investigator at the address stated above on or before October 26, 2023. Please call Greg Kopniske, Fraud Investigator at 614-499-4231 or email at [GTKopniske@ohioauditor.gov](mailto:GTKopniske@ohioauditor.gov) when the documents are ready.**

YOU WILL PLEASE TAKE NOTE:

Section 9.84 of the Ohio Revised Code provides that: "Any person appearing as a witness before any public official, department board, bureau, commission, agency or representative thereof, in any administrative or executive proceeding or investigation, public or private, if he so requests, shall be permitted to be accompanied, represented, and advised by an attorney, whose participation in the hearing shall be limited to the protection of the rights of the witness, and who may not examine or cross-examine witnesses, and the witness shall be advised of his right to counsel before he is interrogated."



Thomas N. Anger  
Legal Counsel  
Special Investigations Unit  
State of Ohio, Auditor of State  
88 East Broad Street, 10th Floor  
Columbus, Ohio 43215

**SUBPOENA**  
*DUCES TECUM*

The subpoenaed party, **City of Lorain** is directed to produce for inspection and copying any and all original documents in its possession or control, or in the possession or control of **City of Lorain** agents, subsidiaries, or affiliated companies, partnerships or firms, that were obtained, collected, copied, created, written, generated, read, reviewed, analyzed or used in any fashion, whether directly or indirectly, by **City of Lorain**, and any of its partners, shareholders, officers, employees and/or agents:

**In order to complete our review of documents related to the investigation of  
The City of Lorain, we are requesting the following documents:**

**See ATTACHMENT A**

**Please provide all records in electronic format. If it is not possible to provide the records in electronic format, please call Investigator Greg Kopniske at 614-499-4231 before proceeding.**

For the purpose of the subpoena *duces tecum*, the term “document” or “documents” shall be defined to the broadest extent permitted by Rule 34 of the Ohio Rules of Civil Procedure and includes, whenever applicable and without limitation, the original (absent the original, a copy) of magnetically, optically, visually or aurally stored or produced, including, but not limited to, letters; correspondence; memoranda; telegrams; notes; reports; compilations; data; notebooks; laboratory notebooks; working papers; spreadsheets; graphs; charts; blueprints; books; pamphlets; brochures; circulars; manuals; instructions; ledgers; drawings; including engineering, assembly and detailed drawings, sketches; photographs; diaries; sales literature; advertising literature; agreements; minutes; and sound reproductions; printout sheets; summaries of records of telephone conversations, personal conversations or interviews; and any and all other writings, typings, printings, drafts, copies and/or mechanical, magnetic, optic or photographic reproductions or recordings thereof in the possession, custody or control of **City of Lorain**, or known to **City of Lorain**. “Document” or “documents” also includes all copies which are not identical to the originals, such as those bearing marginal comments, alterations, notes or other notations not present on the original document as originally written, typed or otherwise prepared.

For the purposes of this subpoena *duces tecum*, the term “original” shall have the same meaning as in Rule 1001(3) of the Ohio Rules of Evidence and shall also include any duplicates, as that term is defined in Rule 1001(4) of the Ohio Rules of Evidence, of any documents the originals of which are not in the possession of **City of Lorain**.

**If you have any questions, please contact Greg Kopniske, Fraud Investigator, at 614-499-4231 or email [GTKopniske@ohioauditor.gov](mailto:GTKopniske@ohioauditor.gov).**

**SUBPOENA**  
***DUCES TECUM***

Please provide the following records:

1. Please provide the following documents/records for the following people/positions named (as employed by the City of Lorain, Ohio, Police Department) for the time period of October 1, 2019, to and including August 18, 2023: Roger Watkins, Les Palmer, Michael Failing, Andrew Mathewson, Corey Middlebrook, and Police Chief James McCann.
  - a) The dates and times all were originally scheduled to work for the above time period.
  - b) The dates and times actually worked for the above time period.
  - c) Any schedule change requests for the above time period.
  - d) Scheduled time off and leave requests (including but not limited to comp. time, sick time, family leave, vacation, personal time, holiday time, and bereavement leave).
  - e) Any time scheduled/used as training time.
  - f) Any reports, by pay period, showing the number of hours worked, any leave time used, and any instances of higher pay position pay earned.

The Auditor of State reserves the right to request further documentation based on the response to the items identified after our review.

Due to the ongoing investigation, please do not disclose to anyone outside the Auditor of State Office, items produced pursuant to this subpoena.

**ATTACHMENT "A"**

RETURN OF SERVICE AND CERTIFICATION

I, \_\_\_\_\_, a duly authorized representative of the Ohio Auditor of State's Special Investigations Unit, do hereby certify that I served a true and accurate copy of the attached Subpoena on the following subpoenaed party or the party's representative:

\_\_\_\_\_

Service was made on \_\_\_\_\_.

Service was made by the following means:

Certified Mail, Return Receipt Requested

Personal Service

Residential Service

Service accepted by the following means: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Position