

OHIO AUDITOR OF STATE  
KEITH FABER



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

*VIA MAIL*

Kronos Incorporated  
C/o Corporation Service Company  
3366 Riverside Drive, Suite 103  
Upper Arlington, OH 43221

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 Cara Yoder, Forensic Audit Manager at 216-630-4219 or [CLYoder@ohioauditor.gov](mailto:CLYoder@ohioauditor.gov).

Sincerely,

Keith Faber  
Auditor of State

Tom Anger  
Attorney  
Special Investigations Unit  
Direct (614) 728-7436

cc: Cara Yoder, Forensic Audit Manager

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Efficient • Effective • Transparent



**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  
Lorain County, Ohio**

**TO: Kronos Incorporated  
C/o Corporation Service Company  
3366 Riverside Drive, Suite 103  
Upper Arlington, OH 43221**

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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 **29th day of September, 2023**, at the **Office of the Auditor of State, Cara Yoder, Forensic Audit Manager, 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 Cara Yoder, Forensic Audit Manager, at the address stated above on or before September 29th, 2023. Please call Cara Yoder, Forensic Audit Manager, at 216-630-4219 or email at [CLYoder@ohioauditor.gov](mailto:CLYoder@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 Anger  
Thomas 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, **Kronos Incorporated** 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 **Kronos Incorporated** 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 **Kronos Incorporated**, 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 Forensic Audit Manager Cara Yoder 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 recordations thereof in the possession, custody or control of **Kronos Incorporated**, or known to **Kronos Incorporated**. “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 Kronos Incorporated.

**If you have any questions, please contact Cara Yoder, Forensic Audit Manager, at 216-630-4219 or at [CLYoder@ohioauditor.gov](mailto:CLYoder@ohioauditor.gov)**

## **SUBPOENA**

### *DUCES TECUM*

- I. Please see attachment “A”**
  
- II. The Auditor of State reserves the right to request further documentation based on the response to the items identified after our review.**
  
- III. Due to the ongoing investigation, please do not disclose to anyone outside the Auditor of State’s Office, items produced pursuant to this subpoena.**

**ATTACHMENT A**  
**SUBPOENA**  
*DUCES TECUM*

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 Middlebrooks, 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).
- 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 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's Office, items produced pursuant to this subpoena.

RETURN OF SERVICE AND CERTIFICATION

I, Cara Yoder, 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:

Kronos Incorporated c/o Corporation Service Co.

Service was made on 9/1/23.

Service was made by the following means:

Certified Mail, Return Receipt Requested

Personal Service

Residential Service

Service accepted by the following means: email: CLYoder@ohioauditor.gov

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Cara Yoder  
Name

Forensic Audit Manager  
Position

7022 3330 0001 3462 0174

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	\$ <u>8.53</u>
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	
\$	<u>8.53</u>
Total Postage and Fees	
\$	

*Yoder*  
Postmark  
Here  
*Cara*

\$	
Sent To	Kronos Incorporated
Street	C/o Corporation Service Company
City, St	3366 Riverside Drive, Suite 103 Upper Arlington, OH 43221
PS Form 3800, July 2002	For Instructions