

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

UKG, Inc.
C/o CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus, OH 43219

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.

Sincerely,

Keith Faber
Auditor of State

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

cc: Cara Yoder, Forensic Audit Manager

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: UKG, Inc.
C/o CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus, OH 43219**

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 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, **UKG, Inc.** 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 **UKG, Inc.** 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 **UKG, Inc.**, 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 email Forensic Audit Manager Cara Yoder at CLYoder@ohioauditor.gov 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 **UKG, Inc.**, or known to **UKG, Inc.** “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 **UKG, Inc.**

If you have any questions, please contact Cara Yoder, Forensic Audit Manager, at 216-630-4219 or at 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 Telestaff 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.