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## 5901.02 Veterans service commission.

In each county there shall be a commission known as "the veterans service commission." Except as provided in section 5901.021 of the Revised Code, the commission shall be composed of five residents of the county appointed to five-year terms by a judge of the court of common pleas. At the time of appointment or reappointment to the commission, no commission member appointed under this section shall be an employee of the commission or hold an elective or other appointive office of the county served by the commission.

Each member of the commission appointed under this section shall be an honorably discharged or honorably separated veteran. Within sixty days after the date of appointment, each such member shall file the member's form DD214 with the department of veterans services in accordance with guidelines established by the director of that department. Such appointments shall be made from lists of recommended persons, in the manner specified in the following paragraph. One person shall be a representative recommended by the American Legion; one person shall be a representative recommended by the Veterans of Foreign Wars; one person shall be a representative recommended by the Disabled American Veterans; one person shall be a representative recommended by the AMVETS; and one person shall be a representative recommended by the Military Order of the Purple Heart of the U.S.A., the Vietnam Veterans of America, or the Korean War Veterans Association. If any such organization has no post or chapter located in the county, the appointment shall be made from lists of recommended persons submitted by posts or chapters of any other congressionally chartered veterans organizations located in the county. If no such other organizations have posts or chapters located in the county, the judge responsible for making appointments under this section may appoint any qualified veteran to represent the veteran community.

On or before the fifteenth day of October of each year, the appointing judge shall notify each post or chapter of each organization within the county from which the member may or must be appointed that it may submit a list containing three recommendations of persons who are eligible for appointment. If the judge does not receive any recommendations within sixty days after providing the required notification, the judge may appoint any qualified veteran to represent the veteran community. The judge shall make the appointment on or before the fifteenth day of January of each year. Any vacancy in a membership appointed under this section shall be filled in the same manner as the original appointments.

Beginning in the year 2000, appointment of members to the commission under this section shall be made as follows:

- (A) Appointments for members to represent the American Legion shall be made for terms to commence in years ending in zero and five.
- (B) Appointments for members to represent the Veterans of Foreign Wars shall be made for terms to commence in years ending in one and six.
- (C) Appointments for members to represent the Disabled American Veterans shall be made for terms to commence in years ending in two and seven.
- (D) Appointments for members to represent the AMVETS shall be made for terms to commence in

years ending in three and eight.

(E) Appointments for members to represent the Military Order of the Purple Heart of the U.S.A., the Vietnam Veterans of America, or the Korean War Veterans Association shall be made for terms to commence in years ending in four and nine.

The terms immediately preceding the initial appointments made under divisions (A) to (E) of this section may be for periods of less than five years.

The appointing authority shall remove a member who fails to maintain certification or whose certification is revoked by the director of veterans services.

Effective Date: 09-04-2002; 2008 SB289 08-22-2008



*Court of Common Pleas*  
MONTGOMERY COUNTY

Mary Katherine Huffman  
Administrative Judge

GENERAL DIVISION

COURTS BUILDING  
41 NORTH PERRY ST.  
DAYTON, OH 45422-2150  
(937)496-7955

August 4, 2016

David Weeks, Commander  
Disabled American Veterans Chapter 9  
881 St. Simons Lane  
Dayton, OH 45458

Dear Mr. Weeks:

The General Division of the Montgomery County Common Pleas Court is currently soliciting names of individuals to be considered for the Veterans Service Commission to represent the Disabled American Veterans.

Enclosed is a job description for a Veterans Service Commissioner. The commencement date of this term is January 15, 2017, and the termination date is January 14, 2022. Under the provisions of the Ohio Revised Code, Section 5901.02, each Disabled American Veterans chapter in Montgomery County may submit a list containing three (3) recommendations of persons who are eligible and willing to serve in this capacity. Please note that any lists submitted must contain three names. Those with fewer or more than three recommendations will not be considered. Any honorably discharged veteran that your organization recommends for this position as Montgomery County Veterans Service Commissioner must be a resident of Montgomery County. Each recommended candidate must submit an application for the position. At the time of appointment to the Commission, no Commission member shall be an employee of the Commission or hold an elective or other appointive office of Montgomery County.

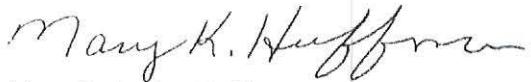
Please post the enclosed job description for a Veterans Service Commissioner and actively discuss among your membership the names of up to three persons that your chapter can recommend for appointment. Three application forms are enclosed. Each of your candidates should complete the form and attach a copy of their military discharge (DD214 or equivalent). Your organization should provide a cover letter detailing why your organization endorses each candidate recommended for this position.

Please return the applications and reasons for recommendations no later than Friday, October 4, 2016, to the following address:

*Montgomery County Common Pleas Court, General Division  
ATTN: Nancy E. Brookshire, Human Resources Officer  
41 North Perry Street, Lower Level  
Dayton, OH 45422*

Thank you for your assistance in this appointment.

Sincerely,



Mary Katherine Huffman  
Administrative Judge

Enclosures

cc (electronically): Patti Franklin, Administrative Officer, Montgomery County  
Veterans Service Commission



*Court of Common Pleas*  
MONTGOMERY COUNTY

Mary Katherine Huffman  
Administrative Judge

GENERAL DIVISION

COURTS BUILDING  
41 NORTH PERRY ST.  
DAYTON, OH 45422-2150  
(937)496-7955

August 4, 2016

William Bates  
Disabled American Veterans Chapter 140  
300 W. Hudson Ave.  
Dayton, OH 45406

Dear Mr. Bates:

The General Division of the Montgomery County Common Pleas Court is currently soliciting names of individuals to be considered for the Veterans Service Commission to represent the Disabled American Veterans.

Enclosed is a job description for a Veterans Service Commissioner. The commencement date of this term is January 15, 2017, and the termination date is January 14, 2022. Under the provisions of the Ohio Revised Code, Section 5901.02, each Disabled American Veterans chapter in Montgomery County may submit a list containing three (3) recommendations of persons who are eligible and willing to serve in this capacity. Please note that any lists submitted must contain three names. Those with fewer or more than three recommendations will not be considered. Any honorably discharged veteran that your organization recommends for this position as Montgomery County Veterans Service Commissioner must be a resident of Montgomery County. Each recommended candidate must submit an application for the position. At the time of appointment to the Commission, no Commission member shall be an employee of the Commission or hold an elective or other appointive office of Montgomery County.

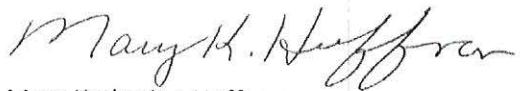
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Sincerely,



Mary Katherine Huffman  
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**Court of Common Pleas  
MONTGOMERY COUNTY**

**GENERAL DIVISION**

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Mary Katherine Huffman  
Administrative Judge

October 20, 2016

David Weeks, Commander  
Disabled American Veterans, Chapter 9  
881 St. Simons Lane  
Dayton, OH 45458

Dear Mr. Weeks:

The General Division has received your nomination packet for the Disabled American Veteran representative position on the Veterans Service Commission. Thank you for your submission. Unfortunately, one of the nominees has withdrawn his name, and we will need you to nominate a third person in order to comply with our request that each Commander submit three nominations.

I am again enclosing a job description, a copy of Ohio Revised Code Section 5901.02, and an Application for Consideration for Board Appointment. As indicated in my earlier letter, the commencement date of this term is January 15, 2017; please submit your additional nomination(s) on or before Tuesday, November 15, 2016, to: **Montgomery County Common Pleas Court, General Division; ATTN: Nancy E. Brookshire, Human Resources Officer; 41 North Perry Street, Lower Level; Dayton, OH 45422**.

Please remember that each recommended candidate must submit an application for the position. At the time of appointment, no Commission member shall be an employee of the Commission or hold an elective or other appointive office of Montgomery County. Each of your candidates should also attach a copy of their military discharge (DD214 or equivalent). Your organization should provide a cover letter detailing why your organization endorses each candidate recommended for this position.

Again, thank you very much for your assistance in this appointment.

Sincerely,

Mary Katherine Huffman  
Administrative Judge

Enclosures

cc (electronically): Patti Franklin, Administrative Officer, Montgomery County  
Veterans Service Commission



**Court of Common Pleas  
MONTGOMERY COUNTY**

**GENERAL DIVISION**

Mary Katherine Huffman  
Administrative Judge

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DAYTON, OH 45422-2150  
(937)496-7955

October 20, 2016

William Bates, Commander  
Disabled American Veterans, Chapter 140  
300 W. Hudson Ave.  
Dayton, OH 45406

Dear Mr. Bates:

Several weeks ago the General Division requested that you submit three nominations for consideration to be appointed to represent the Disabled American Veterans Chapter of the Veterans Service Commission. We received three nominations from another Commander, however, one of the nominees has withdrawn. Consequently, we are urging you to submit three nominations for this very important Montgomery County board.

I am again enclosing a job description, a copy of Ohio Revised Code Section 5901.02, and an Application for Consideration for Board Appointment. As indicated in my earlier letter, the commencement date of this term is January 15, 2017; please submit your additional nomination(s) on or before Tuesday, November 15, 2016, to: **Montgomery County Common Pleas Court, General Division; ATTN: Nancy E. Brookshire, Human Resources Officer; 41 North Perry Street, Lower Level; Dayton, OH 45422**.

Please remember that each recommended candidate must submit an application for the position. At the time of appointment, no Commission member shall be an employee of the Commission or hold an elective or other appointive office of Montgomery County. Each of your candidates should also attach a copy of their military discharge (DD214 or equivalent). **Your organization should provide a cover letter detailing why your organization endorses each candidate recommended for this position.**

Again, thank you very much for your assistance in this appointment.

Sincerely,

Mary Katherine Huffman  
Administrative Judge

Enclosures

cc (electronically): Patti Franklin, Administrative Officer, Montgomery County  
Veterans Service Commission



**Court of Common Pleas**  
**MONTGOMERY COUNTY**

Mary Katherine Huffman  
Administrative Judge

**GENERAL DIVISION**

COURTS BUILDING  
41 NORTH PERRY ST.  
DAYTON, OH 45422-2150  
(937)496-7955

October 31, 2016

David Weeks, Commander  
Disabled American Veterans, Chapter 9  
881 St. Simons Lane  
Dayton, OH 45458

Dear Mr. Weeks:

The Montgomery County Common Pleas Court has been contacted by a Montgomery County citizen and advised that he attempted to seek a nomination by a Disabled American Veterans chapter for an upcoming vacancy on the Montgomery County Veterans Services Commission. The citizen also advised the Court that he spoke with Mr. Tommy Adkins, another nominee for the position, and was told by Mr. Adkins that the DAV would not submit the citizen's name as the deadline for submitting nominations had passed. By letter dated October 20, 2016, to both DAV Chapter Commanders and under my signature, the time for submitting nominations was extended to November 15, 2016.

Needless to say, if the information received by the Court is true, it is extremely troubling, particularly given that not only is Mr. Atkins a nominee for the position, he currently sits as the DAV representative for the Commission. Please recall that it is the Court's obligation and authority to appoint members to the Veteran Services Commission, and not any individual or veterans' organization. The Court fully expects that there will be no effort by any individual or organization to interfere with the nomination process or selection by this Court. The Court expects to receive, forthwith, the nomination of the individual who recently sought to be nominated.

Sincerely,

*Nancy L. Brookshire/Jor*

Mary Katherine Huffman  
Administrative Judge

Enclosures

cc (electronically): Hon. Barbara P. Gorman, Presiding Judge  
Hon. Michael W. Krumholtz, Chair, Judicial Appointments Committee  
James E. Dare, Court Administrator  
Patti Franklin, Administrative Officer, Montgomery County  
Veterans Service Commission



*Court of Common Pleas*  
MONTGOMERY COUNTY

Mary Katherine Huffman  
Administrative Judge

GENERAL DIVISION

COURTS BUILDING  
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October 31, 2016

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Disabled American Veterans, Chapter 140  
300 W. Hudson Ave.  
Dayton, OH 45406

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Needless to say, if the information received by the Court is true, it is extremely troubling, particularly given that not only is Mr. Atkins a nominee for the position, he currently sits as the DAV representative for the Commission. Please recall that it is the Court's obligation and authority to appoint members to the Veteran Services Commission, and not any individual or veterans' organization. The Court fully expects that there will be no effort by any individual or organization to interfere with the nomination process or selection by this Court. The Court expects to receive, forthwith, the nomination of the individual who recently sought to be nominated.

Sincerely,

*Nancy L. Brookshire, Jr.*

Mary Katherine Huffman  
Administrative Judge

Enclosures

cc (electronically): Hon. Barbara P. Gorman, Presiding Judge  
Hon. Michael W. Krumholtz, Chair, Judicial Appointments Committee  
James E. Dare, Court Administrator  
Patti Franklin, Administrative Officer, Montgomery County  
Veterans Service Commission

**FILE COPY**

**A RESOLUTION FOR NOMINATION OF TOMMY D ADKINS, OF THE DISABLED AMERICAN VETERANS CHAPTER #9 DAYTON, OHIO, AS THE VETERAN MOST QUALIFIED AS THE DAV REPRESENTATIVE FOR COMMISSIONER TO THE MONTGOMERY COUNTY VETERANS SERVICE COMMISSION**

**WHEREAS**, The Disabled American Veterans was founded in 1920 by disabled veterans returning home from World War I. On June 17, 1932 the DAV was congressionally chartered. This federal charter by Congress recognized the DAV as the official voice of the nation's wartime disabled veterans; and

**WHEREAS**, the mission of the DAV must continue. Being a part of this organization is a huge responsibility. We must stand up for the rights of those veterans that can't stand up for themselves. By doing so, we bring purpose to our organization in regards to our relationship to America's promise to those that have sacrificed so much defending the freedoms and values that we all enjoy today; and

**WHEREAS**, because we advocate so strongly and passionately for their rights and benefits, we will continue that mission by showing this symbol of commitment to all Disabled Veterans. In doing so, we can be very proud. Proud not only to serve the DAV, but proud to say that we have served our country and fellow veterans and proud to say that we will honor our commitment; and

**WHEREAS**, Dayton, Ohio Chapter #9 of the Disabled American Veterans accepts its responsibility with showing this symbol of commitment by the nomination of the veteran most qualified for the DAV Representative as Commissioner to the Montgomery County Veterans Service Commission. In doing so, we bring purpose to our organization; NOW

**THEREFORE, BE IT RESOLVED** that Chapter #9 of the Dayton Ohio Disabled American Veterans assembled at a meeting in Dayton, Ohio on November 1, 2016, nominates Tommy D. Adkins as the veteran most qualified for the Disabled American Veteran DAV Representative as Commissioner to the Montgomery County Veterans Service Commission.

December 2, 2016

Ashley Webb, President  
Montgomery County Veterans Service Commission  
627 Edwin C. Moses Blvd.  
4th Floor, East Medical Plaza  
Dayton, Ohio 45417

Dear Mr. Webb,

I just received a copy of this letter today, written by Judge Mary Huffman addressed to DAV Chapter #9 Commander David Weeks dated October 31, 2016.

The letter is very troubling to me to say the least. It is very troubling because it wrongly accuses me of such an act without even hearing my side. In the letter it inferred the possibility of interfering with the nomination process or selection by the court, to the upcoming DAV vacancy on the Montgomery County Veterans Service Commission.

I deny those allegations and question why the letter wasn't sent to me, for a reply to such allegations? I believe that would be the next logical step, especially from a Judge, to hear from those that have been accused. So I may have the right of due process.

The letter states that I informed the gentleman the deadline for nominations had passed. This statement was a truthful statement. I did in fact tell the gentleman the deadline for nominations had passed. As it had! As I was told by Commander David Weeks and by Nancy Brookshire, the Human Resources Officer, the deadline to have applications for appointment, as well as my application for reappointment, must be turned in by October 4, 2016.

How would I even know the existence of another letter that Judge Huffman sent to Commander David Weeks, if as mentioned, it was addressed and sent informing him the nominations process had been extended to November 15, 2016? Especially since Commander Weeks stated the letter wasn't mailed to his address, but that of the Adjutant. I was completely unaware of any such extension until November 3, 2016 when Commander David Weeks informed me.

What the letter doesn't say is that on October 27, 2016, I was volunteering at the Dayton V.A. Medical Center in the surgical waiting room. I was informing family members about benefits their loved one may be entitled to.

Since this volunteering occurred at the Dayton V.A. Medical Center, I would have to say I was performing a dual role, not only as a Commissioner from the Montgomery County Veterans Service Commission, but too, as a National Officer with the Disabled American Veterans as a DAV Hospital Deputy Representative.

While I was assisting family members, I received a message that my DAV Hospital Representative, Mr. Vincent Dec, asking that I meet him in the cafeteria where he was talking to a newly joined DAV member. My DAV Hospital Representative, Mr. Vincent Dec, introduced us and informed the newly joined DAV member, that introduced himself as Bill, that I was the appointed Commissioner as the DAV representative to the Montgomery County Veterans Service Commission.

The gentleman asked about the upcoming DAV vacancy on the Montgomery County Veterans Service Commission. I informed him the deadline for nominations had passed, as I had to have my paperwork in by October 4.

I even told the gentleman who the appointing authority is and gave him the address to the Montgomery County Court of Common Pleas. I further told the gentleman if he belonged to other veteran organizations that he could apply each year to that vacancy on the Commission.

The gentleman then asked if I knew Danny Hamilton. I told him no. He said that he was a Montgomery County Veterans Service Commissioner and he told him that he could apply. I told him the name may sound familiar, but that he wasn't a current Commissioner. At that time he pulled his cell phone out and dialed Danny Hamilton's number. He asked if I would speak to him. I agreed to talk to him. I wasn't sure what Bill wanted me to talk about.

I introduced myself and asked Mr. Hamilton when he was on the Commission. He replied until last August. He further stated that he was appointed by the County Commissioners. I got off the phone and told the gentleman that Mr. Hamilton said he was appointed by the County Commissioners and was a Montgomery County Veterans Service Commissioner until August of last year.

I'm not sure of the gentleman's relationship with the former Montgomery County Veterans Service Commissioner Danny Hamilton. I did gather they were on friendly terms. More than just acquaintances. Additional, the gentleman asked that I type my name and phone number into his cell phone directory, which I was more than happy to do. That was the end of our conversation. Additionally, I didn't walk away thinking that the gentleman thought I was preventing him from applying to the DAV vacancy. Quite the opposite, I walked away thinking that I helped another veteran and answered the gentleman's questions.

Additionally, on November 8<sup>th</sup>, I had my reappointment interview with the appointment committee. The 3 judge panel consisted of Honorable Richard S Skelton, Honorable Michael Krumholtz and Honorable Mary K. Huffman. Not one of them mentioned this letter to me. Which begs the question. If my actions were as troubling as they mentioned in their letter, why did they not ask me to explain my actions? Had I had the letter at that time, I would have discussed it with them.

Further, I have learned to ask, how someone can conclude the possibility of interfering with the nomination process from this incident surely must want the current position that I hold. After all, why would someone join the DAV just to be appointed to the Montgomery County Veterans Service Commission? Someone who had never been active within the organization nor with the Dept. of Veterans Affairs? Even more so, they would accuse a person that would bend over backward to make sure every veteran has received every benefit they've earned. My wanting to make sure every veteran has received their benefits is fueled by the fact that I have witnessed firsthand the daunting maze of bureaucratic infrastructures pertaining to veteran benefits.

Yet, when I'm in a position of authority to assist veterans so they may not have to experience that same daunting maze of bureaucratic infrastructure, I find myself here, with the political posturing within the county government that keep veterans chasing after their benefits in that same daunting maze of bureaucratic infrastructure.

Therefore, I ask the Montgomery County Veterans Service Commission to investigate these unfounded and false allegations in an effort to protect the public trust and the integrity: of the Commission; each individual Commissioner; and myself. To fight back those that would use our appointment process as leverage to deny and prevent us to uphold and fulfill obligations enacted by law for the benefit of military veterans of Montgomery County.

I ask you to preserve the principles of the foundation for which our Commission was founded, putting the veterans first, before the alignment of political views and objectives.

Very Respectfully,

Tommy D. Adkins  
Commissioner, Secretary  
Montgomery County Veterans Service Commission  
627 Edwin C. Moses Blvd.  
4th Floor, East Medical Plaza  
Dayton, Ohio 45417  
O (937) 225-4801  
C (937) 287-8710



Ashley Webb &lt;mail@ashleywebb.com&gt;

## Attempt to Speak with Judge Huffman

Ashley Webb <mail@ashleywebb.com>  
 To: Ryan Colvin <colvinr@montcourt.org>

Fri, Dec 9, 2016 at 12:19 PM

Ryan,

I'm sending a courtesy copy of this email that I sent to my fellow Veterans Service Commissioners. If Judge Huffman would like to reconsider speaking with me prior to our regularly scheduled VSC meeting (9 am next Wednesday) I will make every effort to accommodate her schedule. My hope is that there is some misunderstanding that we can clear up. Unfortunately, with no communication from the Court we are left to consider worst case scenarios.

Thank you for passing this along.

Ashley

----- Forwarded message -----

From: **Ashley Webb** <mail@ashleywebb.com>  
 Date: Fri, Dec 9, 2016 at 12:08 PM  
 Subject: Attempt to Speak with Judge Huffman  
 To: John Meeks <johnrmeeks@frontier.com>, John Chatman <johnstanleychatman@yahoo.com>, Tom D Adkins <tadkins9@woh.rr.com>, Tom Istvan <csbistvn@aol.com>  
 Cc: Herbert Davis <davish@mcohio.org>, Patti Franklin <franklinp@mcohio.org>

Commissioners:

This is an update on my attempt to speak with Judge Huffman with regard to inappropriate influence in the appointment process. Judge Huffman has expressed, by letter to Mr. Weeks, a concern about Commissioner Adkins and his actions to inform a potential applicant that a published deadline has passed. We as a Commission are concerned that the court required additional names to be submitted after Mr. Weeks submitted three names and that the court demanded that a specific individual be recommended by the DAV Commander.

I left multiple messages with her office and received no response.

Monday evening I sent a message to the personal phone of her Bailiff (who also serves on the Miamisburg City Council and was elected when I was on the Kettering Council so I've known Ryan for several years). The response I received is below.

The conversation that I need to have with Judge Huffman is not appropriate for email. I have spent the week attempting to contact her through intermediaries to communicate that we would like to address her concerns, that the VSC has some concerns of our own, and that a face to face meeting would be appropriate.

Obviously, I cannot force the Judge to see me. Please consider how we can best respond with respect for the Court, while also upholding our duty to support the "Constitution and laws of the State of Ohio" as we all committed to when we took our Oath as members of the Veterans Service Commission. I believe that the court's action, by directing a Service Organization Commander to recommend a specific individual for appointment, is not in keeping with the letter or the intent of ORC 5901.02.

Between now and Wednesday I would like to prepare a resolution that outlines our action plan and then have the Commission come to an agreement so we can move forward. While it may be in our best personal interest and the path of least resistance to ignore the issue and wait for the outcome of Court's decision, I do not believe it is in the best interest of the Veterans of Montgomery County. The actions of the Court diminish the autonomy of the Service Organization Commanders and do not respect their sole authority, given in ORC 5901.02, to assemble "lists of recommended persons" from which Judges are bound by the same section to make their appointment from.

If we do not act at this time, we are setting a precedent that will allow the Court to ignore the place of Service Organization Commanders in the VSC appointment process. This year it is the DAV, but all of our organizations are

potential victims in the future.

Please contact me if you have suggestions for moving forward. I would like to have a draft resolution prepared for us to consider as a starting point at Wednesday's meeting.

Ashley

Me to Ryan Colvin (937) - mobile ★  
 12/5/16 5:56 PM 10 seconds ago

Me: Ryan - Can you please give me a call? Ashley Webb 937-490-9322 Thanks! 5:28 PM  
Ryan Colvin: Judge Huffman feels it is inappropriate to speak with you regarding any business concerning the Veterans Service Commission. If you have any concerns feel free to email her at huffmannmontcourt.org Thanks, Ryan 5:42 PM  
Me: Ryan - Thanks for responding. I do not want to put you in a compromising position. I will find another avenue to reach out to the Judge. - Ashley 5:56 PM

I left messages for Ryan Colvin, Judge Huffman's Bailiff, on Saturday 12/3 and Monday 12/5. When I received no response I sent his personal Cell Phone a text message asking him to call me. This is the response that I received.

--  
Ashley Webb  
937-490-9322  
mail@ashleywebb.com

--  
Ashley Webb  
937-490-9322  
mail@ashleywebb.com



Ashley Webb &lt;mail@ashleywebb.com&gt;

## Veterans Service Commission

Mary Huffman <huffmanm@montcourt.org>

Fri, Dec 9, 2016 at 3:32 PM

To: "mail@ashleywebb.com" <mail@ashleywebb.com>, "johnmeeks@frontier.com" <johnmeeks@frontier.com>, "johnstanleychatman@yahoo.com" <johnstanleychatman@yahoo.com>, "tadkins9@woh.rr.com" <tadkins9@woh.rr.com>, "csbistvn@aol.com" <csbistvn@aol.com>, Herbert Davis <DavisH@mcohio.org>, Patti Franklin <FranklinP@mcohio.org>  
Cc: Mary Montgomery <montgomerm@mcohio.org>, James Dare <darej@montcourt.org>

Mr. Webb,

I am addressing this email to you and copying the individuals to whom you sent the email, which you forwarded to my bailiff, Ryan Colvin. There is a great deal of information in your email that is incorrect and I will attempt to correct your misunderstandings in this email. I have also included in this email Mary Montgomery, the Chief of the Civil Division of the Montgomery County Prosecutor's Office. However, at the outset, I will make clear to you, as Mr. Colvin has attempted to do, that I will not speak directly with you, as the Veterans Service Commission has no role whatsoever in either nominating members or in attempting to influence the judges of the Montgomery County Common Pleas Court in fulfilling our statutory duty to make an appointment to the Veterans Services Commission.

On August 4, 2016, a letter was sent to the two DAV posts in Montgomery County, soliciting nominations for the court to choose from in making an appointment as the DAV representative to the Veterans Services Commission. In the correspondence, copies of which are attached, the court made clear that we expect to receive at least three nominations to choose from in making the appointment. On October 20, 2016, a second letter was forwarded to the two DAV posts, copies of which are attached, indicating that one of the three nominees withdrew from consideration, and the court requested an additional nomination, and the deadline for submission of nominations was extended to November 15, 2016. Please note that there is no statutory deadline for the submission of applications, except the court must make an appointment for this position by January 15, 2017. Please recall that it is the court's duty to appoint a member of the Veterans Services Commission, and we expect to have a number of individuals from which to choose. However, prior to the time the court received the third requested nomination, court personnel received communication from a member of the community that he had attempted to obtain a nomination as a member of the Veterans Services Commission, as the DAV representative, but the individual was advised by Tommy Atkins that the nominations were closed and that no additional nominations would be submitted, despite the court's request for a third nomination and extension of the deadline. As you will see from the attached correspondence, at no time did the court direct that any individual be nominated, but instead expressed concern that individuals were interfering with the court's statutory duty. The court also indicated its expectation that, in light of what we perceived as an attempt to interfere with the court's authority, we expected to receive the nomination of the individual who recently sought to be nominated. In your email, you suggest that the court is interfering with the role of the various service organizations in the appointment process. It appears that you have made an interpretation of O.R.C. Section 5901.02 that is inconsistent with the law. The service organizations have the right to make nominations, but the court has the ultimate duty and discretion in making appointments. The court will meet prior to January 15, 2017 to make an appointment to the Veterans Service Commission and the appropriate individuals will be advised at the time of the appointment.

If you have any concerns about the appointment process, I suggest you contact Mary Montgomery, as she is the court's counsel.

Kate Huffman

Administrative Judge

Montgomery County Common Pleas Court



Ashley Webb &lt;mail@ashleywebb.com&gt;

## Veterans Service Commission

Mary Huffman <Mary.Huffman@montcourt.oh.gov>

Fri, Dec 9, 2016 at 5:17 PM

To: Ashley Webb <mail@ashleywebb.com>

Cc: "johnmeeks@frontier.com" <johnmeeks@frontier.com>, "johnstanleychatman@yahoo.com"

<johnstanleychatman@yahoo.com>, "tadkins9@woh.rr.com" <tadkins9@woh.rr.com>, "csbistvn@aol.com"

<csbistvn@aol.com>, Herbert Davis <DavisH@mcohio.org>, Patti Franklin <FranklinP@mcohio.org>, Mary Montgomery <montgomeryerm@mcohio.org>, James Dare <James.Dare@montcourt.oh.gov>

Mr. Webb,

As I indicated in my email, if you feel the need to respond, your response should be directed to Mary Montgomery as the court's legal counsel, as the court will not engage in any further discussion of the court's exercise of its statutory duty.

Judge Huffman

Sent from my iPhone

On Dec 9, 2016, at 4:36 PM, Ashley Webb <mail@ashleywebb.com> wrote:

Judge Huffman,

Thank you for taking the time to reach out to the Veterans Service Commission. I appreciate your willingness to help us understand recent events from your perspective. Your thoughtful email deserves a well considered response and I would like to take some time to review it with my fellow Commissioners so you can be assured you are hearing from our Commission and not simply one member. I will ensure all respondents are included in any future correspondence.

Ashley Webb  
President  
Montgomery County Veterans Service Commission

# **DRAFT - FOR DISCUSSION @ VSC MEETING - 12/14/16**

Recommended response to developments in the Commissioner Appointment process.

**Incident:** Administrative Judge demanded that DAV Chapter Commander David Weeks recommend a particular individual for appointment to the Montgomery County VSC in a letter dated October 31, 2016: "The Court expects to receive, forthwith, the nomination of the individual who recently sought to be nominated." When this overreach was brought to the attention of the Administrative Judge, the Judge claimed that the Court "has the ultimate duty and discretion in making appointments." The Administrative Judge then made it clear that she had no interest in discussing the matter and referred any future correspondence to the court's legal counsel, "as the court will not engage in any further discussion of the court's exercise of its statutory duty."

**Goal:** Ensure that the roles of the Service Organizations and the Court of Common Pleas in the appointment process are understood and respected. O.R.C. 5901.02 clearly states that "appointments shall be made from lists of recommended persons" and that those recommendations "of persons who are eligible for appointment" are to come from the Service Organizations. The only time the Court has discretion in making appointments is "if the judge does not receive any recommendations within sixty days after providing the required notification," otherwise they are bound to choose from the lists provided by the Service Organizations. In addition, the O.R.C. is silent on what actions must be taken if someone on a recommended list declines the opportunity. The Court may extend any deadline it has set and offer to take additional recommendations, but has no authority to compel a service organization to provide additional names. Furthermore, the Court has no authority to demand a particular individual be recommended for appointment. By doing so, the Court effectively ignores the responsibility of the Service Organization in the appointment process and negates the check and balance that is clearly stated in the O.R.C.

**Action:** The Montgomery County Veterans Service Commission has attempted to discuss the developments in the Commissioner Appointment process in order to better understand the Court's actions, but our attempts have been rebuffed. Due to the appearance of overreach by the court and an unwillingness of the Administrative Judge to accept the Service Organizations independent role in determining which eligible Veterans should be recommended for appointment to the VSC, we as a commission, authorize the following action:

1. Ensure all correspondence and documentation received by the MCVSC is included in our meeting minutes and made part of the public record.
2. Prepare a copy of these documents and ensure the Commander of every post and chapter of every Veterans Service Organization in Montgomery County receives a copy. Include a cover letter that explains the Veterans Service Commission's concern and the suggestion that each organization carefully review their procedures for participation in the appointment process.
3. Provide a copy of the documents and cover letter to the media so Veterans and Citizens of Montgomery County can be informed of developments in the appointment process.
4. Contact the Ohio State Association of Veterans Service Commissioners to discuss how the Association may be able to help protect the rights of the Service Organizations in the Commissioner Appointment process.

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THIS IS A DRAFT FOR REVIEW AND DISCUSSION

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Montgomery County Veterans Service Commission  
627 S Edwin C Moses Boulevard  
Dayton, OH 45417

John Doe  
Commander  
AMVETS Post 1111 Commander  
123 Main Street  
Dayton, Ohio 45401

Mr. Doe:

The purpose of this letter is to inform you of recent events that relate to the process of appointing members to the Montgomery County Veterans Service Commission. These events have special relevance to you as the presiding officer of a Post or Chapter of a Veterans Service Organization in Montgomery County. We are sharing this information with you so you are well informed of your rights and duties as an integral part of the appointment process. Unfortunately, with the information our Commission has been able to gather it seems these rights and duties are not being respected by the Court of Common Pleas in the execution of this year's appointment process.

Please use the following timeline as a reference:

August 4, 2016	Administrative Judge informs DAV Commanders that lists of 3 recommended names are due October 4, 2016. Three names are submitted by DAV Chapter Commander David Weeks.
October 20, 2016	Administrative Judge informs DAV Commanders that one nominee has decided not to participate and the deadline to submit names has been extended to November 15, 2016

October 27, 2016

Wilbert Shanklin visited the Dayton VA, turned in a \$400 check to Vincent Dec to pay for a Life Membership to the DAV and approached Commissioner Tommy Adkins to ask about appointment to the VSC. Commissioner Adkins, who did not know the deadline had been extended, told Mr. Shanklin that this year's deadline had passed and encouraged him to apply next year.

October 31, 2016

Administrative Judge sends letter to DAV Chapter 9 Commander David Weeks demanding that Mr. Shanklin, who had just turned in his DAV membership days before, be nominated for appointment to the VSC

Our goal is to ensure that the roles of the Service Organizations and the Court of Common Pleas in the appointment process are understood and respected. O.R.C. 5901.02 clearly states that "*appointments shall be made from lists of recommended persons*" and that those recommendations "*of persons who are eligible for appointment*" are to come from the Service Organizations. The only time the Court has discretion in making appointments is "*if the judge does not receive any recommendations within sixty days after providing the required notification,*" otherwise they are bound to choose from the lists provided by the Service Organizations. In addition, the O.R.C. is silent on what actions must be taken if someone on a recommended list declines the opportunity.

The Court may extend any deadline it has set and offer to take additional recommendations, but has no authority to compel a Service Organization to provide additional names. Furthermore, the Court has no authority to demand a particular individual be recommended for appointment. By doing so, the Court effectively ignores the responsibility of the Service Organization in the appointment process and negates the check and balance that is clearly stated in the Ohio Revised Code.

When the Administrative Judge wrote to DAV Chapter 9 Commander David Weeks that, referring to Mr. Shanklin, "*The Court expects to receive, forthwith, the nomination of the individual who recently sought to be nominated*" she exceeded the Court's authority. When this overreach was brought to the attention of the Administrative Judge, the Judge claimed that the Court "*has the ultimate duty and discretion in making appointments.*" The Administrative Judge then made it clear that she had no interest in discussing the matter and referred any future correspondence to the court's legal counsel, "*as the court will not engage in any further discussion of the court's exercise of its statutory duty.*"

As representatives of all of the Veterans Organizations in the county, the Montgomery County Veterans Service Commission has attempted to discuss the developments in the Commissioner Appointment process with the Court in order to better understand the Court's actions, but our attempts have been rebuffed. The only course of action available to us is to share the details of these recent events with Veterans Service Organizations like yours and ensure that each of you are aware that your independent role in determining which eligible Veterans should be recommended for appointment to the MCVSC is in jeopardy.

We have attached copies of all of the relevant correspondence to this letter and each of us would be happy to answer any questions you may have for us regarding this matter or any other Veterans issues you may wish to discuss.

Thank you for your Service to our Country, and your continued Service to our Community!

For the Commission,

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THIS IS A DRAFT FOR REVIEW AND DISCUSSION

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**Court of Common Pleas**  
MONTGOMERY COUNTY  
GENERAL DIVISION

Mary Katherine Huffman  
Administrative Judge

COURTS BUILDING  
41 NORTH PERRY STREET  
DAYTON, OH 45422-2150  
(937)496-7955

December 16, 2016

RECEIVED  
12-19-2016  
5pm

Wilbert O. Shanklin  
376 Copper Beech Court  
Dayton, OH 45459

Dear Mr. Shanklin:

Congratulations on your appointment to the Veterans Service Commission as the Disabled American Veterans representative for the term commencing January 15, 2017, and ending January 14, 2022.

On behalf of the Court may I extend our best wishes for a successful and rewarding term. I'm sure you are aware that through your involvement, you are helping the Veterans Service Commission conduct its business efficiently so that it can continue to provide needed services to the veterans of this community.

Again, congratulations on your appointment.

Sincerely,

Mary Katherine Huffman  
Administrative Judge

MKH/neb

cc (electronically): Hon. Barbara P. Gorman, Presiding Judge  
Hon. Michael W. Krumholtz, Chair, Judicial Appointments Committee  
James E. Dare, Court Administrator  
Patti Franklin, Administrative Officer, Montgomery County Veterans Service Commission

FILED  
COURT OF COMMON PLEAS

2016 DEC 19 PM 1:33

GREGORY A. BRUSH  
CLERK OF COURTS  
MONTGOMERY COUNTY, OHIO

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

OATH OF OFFICE AS A MEMBER  
OF THE VETERANS SERVICE  
COMMISSION

ENTRY

STATE OF OHIO  
COUNTY OF MONTGOMERY

I, Wilbert O. Shanklin do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the State of Ohio; that I will honestly, faithfully, and impartially discharge and perform all duties incumbent upon me as a member of the Veterans Service Commission to which I have been appointed. I will execute these duties to the best of my ability and understanding, so far as the same may be lawfully in my power, so help me God.



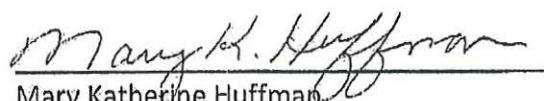
Wilbert O. Shanklin

] ss:

MONTGOMERY COUNTY ]

This is to certify that on the 19<sup>th</sup> day of December, A.D., 2016, Wilbert O. Shanklin did personally appear before me, Mary Katherine Huffman, Administrative Judge of the Court of Common Pleas, General Division, Montgomery County, Ohio, and did take the oath of office as prescribed by law as a member of the Veterans Service Commission of Montgomery County, Ohio, which oath was administered by me to him in due form.

IN WITNESS WHEREOF, I have hereunto subscribed my name to this Certificate on the 19<sup>th</sup> day of December, A.D., 2016.



Mary Katherine Huffman  
Administrative Judge  
Common Plea Court, General Division  
Montgomery County, Ohio

FILED

COURT OF COMMON PLEAS

2016 DEC 15 PM 2:53

GREGORY A. BRUSH  
CLERK OF COURTS  
MONTGOMERY CO OHIO

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

IN THE MATTER OF THE APPOINTMENT  
OF WILBURT O. SHANKLIN TO THE  
VETERANS SERVICE COMMISSION

ENTRY AND ORDER

It is hereby ORDERED that Wilburt O. Shanklin, an honorably discharged veteran and a resident of this county, be and is hereby appointed as the Disabled American Veterans Representative to the Veterans Service Commission of Montgomery County, for the term commencing January 15, 2017, and ending January 14, 2022.

SO ORDERED:

Mary K. Hoffman

W. L. Scott

Sam Log

~~John B. Gandy~~

Mary Wiseman

Barbara J. Germon

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JUDGES OF THE COMMON PLEAS COURT, GENERAL DIVISION  
MONTGOMERY COUNTY

COPY