

Joseph, Kara

From: Joseph, Kara
Sent: Monday, August 01, 2011 8:40 AM
To: Walter, Jamie
Subject: RE: ALEC Attendee Contact List
Attachments: OH STFS11 Attendees.xls; ALEC Annual Meeting.xls

Here you are!

Kara Joseph

Sr. Legislative Aide

Office of Rep. John Adams

House Majority Whip

Ohio House of Representatives

Phone: (614) 466-1507

From: Walter, Jamie [<mailto:Jamie.Walter@senate.state.oh.us>]
Sent: Friday, July 29, 2011 3:14 PM
To: Joseph, Kara
Subject: ALEC Attendee Contact List

Hi Kara!

Do you happen to have a contact list for all the people from Ohio who are attending the conference next week? Senator Seitz said that you had one previously and he found it very useful. If you have one, could you please send it to me?

Thanks so much!

Jamie Walter

Administrative Aide

Senator William J. Seitz

Ohio Senate District 8

(614) 466-8068

PREFIX	FIRST_NAME	LAST_NAME	COMPANY	ST
Rep.	John	Adams	Ohio Legislature	OH
Mr.	Bob	Blazer	AT&T Ohio	OH
Rep.	Terry	Boose	Ohio Legislature	OH
Rep.	Danny	Bubp	Ohio Legislature	OH
Mr.	Jim	Butler	Ohio Legislature	OH
	Sean	Chichelli		OH
Ms.	Heather	Densmore	Merck & Company, Inc.	OH
Rep.	Timothy	Derickson		OH
Sen.	Keith	Faber	Ohio Legislature	OH
Mr.	Roger	Geiger	National Federation of Independent Business (NFIB)	OH
Rep.	Anne	Gonzales	Ohio Legislature	OH
Rep.	Cheryl	Grossman	Ohio Legislature	OH
Rep.	Matt	Huffman	Ohio Legislature	OH
Mrs.	Kara	Joseph		OH
Mr.	Edward	Kozelek	Time Warner Cable, Midwest Region	OH
Rep.	Casey	Kozlowski	Ohio Legislature	OH
Sen.	Frank	LaRose	Ohio Legislature	OH
Mrs.	Megan	Lashutka	Time Warner Cable	OH
Rep.	Jarrold	Martin	Ohio Legislature	OH
Mr.	Matt	Mayer	The Buckeye Institute	OH
	Jonathon	McGee	Ohio Cable Telecommunications	OH
Rep.	Ross	McGregor	Ohio Legislature	OH
Rep.	Robert	Mecklenborg	Ohio Legislature	OH
Mr.	Terrence	O'Donnell	Bricker & Eckler LLP	OH
	Bethany	Rhodes	Senator Lynn Wachtmann	OH
Rep.	Kristina	Roegner	Ohio Legislature	OH
Mr.	Brian	Rosen	Purdue Pharma L. P.	OH
Rep.	Cliff	Rosenberger	Ohio Legislature	OH
Rep.	Barbara	Sears	Ohio Legislature	OH
Sen.	William	Seitz	Ohio Legislature	OH
Mr.	Daniel	Snider	American Electric Power Company Inc.	OH
Rep.	Todd	Snitchler	Public Utilities Commission of Ohio (PUCO)	OH
Rep.	Gerald	Stebelton	Ohio Legislature	OH
Rep.	Michael	Stinziano	Ohio Legislature	OH
Rep.	Andrew	Thompson	Ohio Legislature	OH
Rep.	Joseph	Uecker	Ohio Legislature	OH
Dr.	Richard	Vedder	Ohio University	OH
Rep.	Lynn	Wachtmann	Ohio Legislature	OH
Mr.	Paul	Weirtz	AT&T	OH
	Jason	Whalen		OH
	Erica	Wilson		OH

Legislator & Spouse attending ALEC

Member	Total Guests	Spouse	Cell Phone
Adams, John	2	Tara	(937) 441-6073
Anielski, Marlene	4	Jonathan	(440) 821-5858
Baker, Nan	2	Craig	(440) 263-9630
Blessing, Lou	4	Linda	(513) 519-6647
Boose, Terry	2	Mary Lisa	(419) 706-2676
Bubp, Danny	1		(937) 205-3640
Coley, Bill	2	Carolyn	(513) 476-8477
Combs, Courtney	2	Carol Sue	(513) 236-0798
Condit, Margy	1		(513) 476-8934
Damschroder, Rex	2	Rhonda	(419) 307-3111
Gonzales, Anne	1		(614) 354-4034
Grossman, Cheryl	2	Ron	(614) 769-2323
Jordan, Kris	2	Melissa	(614) 203-5365
Joseph, Kara	1		(614) 397-0752
Maag, Ron	2	Janet	(513) 535-4331
Martin, Jarrod	2	Bernadette	(937) 475-2235
Niehaus, Tom	2	Emily	(513) 319-6569
Rhodes, Bethany	1		(419) 235-1283
Sears, Barbara	1		(419) 460-4600
Seitz, Bill	1		(513) 382-8281
Stinziano, Michael	1		(614) 940-6336
Thompson, Andy	2	Jade	(740) 350-3561

Joseph, Kara

From: Williams, Faith [fwilliams@bricker.com]
Sent: Thursday, March 24, 2011 4:06 PM
To: Joseph, Kara
Subject: Amendment -- as requested
Attachments: IRMA 711 draft revised 10-29.PDF^.PDF; Netting Issue Brief.PDF^.PDF; AOLIC -derivatives netting amendment -- history.PDF^.PDF

Importance: High

Kara:

It was good to meet you yesterday.


I've attached the draft amendment and other materials that Rep. Adams requested when I met with him yesterday.

We really appreciate his willingness to mention these to the Speaker in their meeting tomorrow -- and to ask about the possibility of including this in the budget bill.

Please let me know if you or Rep. Adams have any questions about this.

Thanks so much.

Faith

 <p>Bricker & Eckler ATTORNEYS AT LAW</p>	<p>Faith M. Williams</p> <p>Direct Dial 614.227.2374 fwilliams@bricker.com</p> <p>V-CARD BIO</p>	<p>Bricker & Eckler LLP 100 South Third Street Columbus, OH 43215-4291</p> <p>Main 614.227.2300 Fax 614.227.2390 www.bricker.com</p>
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___th General Assembly

Regular Session

S. B. No. _____

2010 -2011

As Introduced

Sen. _____ moved to amend as follows:

Section 1. Amend § 3903.01 of Title 39 as follows:

“As used in *sections 3903.01 to 3903.59 of the Revised Code*:

(A) "Admitted assets" means investment in assets which will be admitted by the superintendent of insurance pursuant to the law of this state.

(B) “Affiliate” shall have the same meaning as “affiliate of” or “affiliated with” in Section 3901.32 of the Revised Code.

(C) "Assets" means all property, real and personal, of every nature and kind whatsoever or any interest therein.

(D) "Ancillary state" means any state other than a domiciliary state.

(E) “Commodity Contract” means any of the following:

(1) A contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a board of trade designated as a contract market by the commodity futures trading commission under the federal Commodity Exchange Act, 7 U.S.C. § 1 et seq., or a board of trade outside the United States.

(2) An agreement that is subject to regulation under section 19 of the federal Commodity Exchange Act, 7 U.S.C. § 1 et seq., and that is commonly known to the commodities trade as a margin account, margin contract, leverage account or leverage contract.

(3) An agreement or transaction that is subject to regulation under section 4c(b) of the federal Commodity Exchange Act, 7 U.S.C. § 1 et seq., and that is commonly known to the

commodities trade as a commodity option.

(4) Any combination of the agreements or transactions referred to in this paragraph.

(5) Any option to enter into an agreement or transaction referred to in this paragraph.

(F) "Creditor" means a person having any claim, whether matured or unmatured, liquidated or unliquidated, secured or unsecured, absolute, fixed, or contingent.

(G) "Delinquency proceeding" means any proceeding commenced against an insurer for the purpose of liquidating, rehabilitating, reorganizing, or conserving the insurer, and any summary proceeding under *section 3903.09* or *3903.10 of the Revised Code*. "Formal delinquency proceeding" means any liquidation or rehabilitation proceeding.

(H) "Doing business" includes any of the following acts, whether effected by mail or otherwise:

(1) The issuance or delivery of contracts of insurance to persons resident in this state;

(2) The solicitation of applications for such contracts, or other negotiations preliminary to the execution of such contracts;

(3) The collection of premiums, membership fees, assessments, or other consideration for such contracts;

(4) The transaction of matters subsequent to execution of such contracts and arising out of them;

(5) Operating under a license or certificate of authority, as an insurer, issued by the department of insurance.

(I) "Domiciliary state" means the state in which an insurer is incorporated or organized, or, in the case of an alien insurer, its state of entry.

(J) "Fair consideration" is given for property or obligation when either of the following apply:

(1) When in exchange for such property or obligation, as a fair equivalent therefor, and in good faith, property is conveyed, services are rendered, an obligation is incurred, or an antecedent debt is satisfied;

(2) When such property or obligation is received in good faith to secure a present advance or antecedent debt in an amount not disproportionately small as compared to the value of the property or obligation obtained.

(K) "Foreign country" means any other jurisdiction not in any state.

(L) "Forward contract" has the same meaning as set forth in the Federal Deposit Insurance Act, 12 U.S.C.S. Section 1821(e)(8)(D), as amended from time to time.

(M) "Guaranty association" means the Ohio insurance guaranty association created by *section 3955.06 of the Revised Code* and any other similar entity hereafter created by the general assembly for the payment of claims of insolvent insurers. "Foreign guaranty association" means any similar entities now in existence in or hereafter created by the legislature of any other state.

(N) "Insolvency" or "insolvent" means:

(1) For an insurer issuing only assessable fire insurance policies either of the following:

(a) The inability to pay any obligation within thirty days after it becomes payable;

(b) If an assessment is made within thirty days after such date, the inability to pay the obligation thirty days following the date specified in the first assessment notice issued after the date of loss.

(2) For any other insurer, that it is unable to pay its obligations when they are due, or when its admitted assets do not exceed its liabilities plus the greater of either of the following:

(a) Any capital and surplus required by law for its organization;

(b) The total par or stated value of its authorized and issued capital stock.

(3) As to any insurer licensed to do business in this state as of the effective date of *sections 3903.01 to 3903.59 of the Revised Code* that does not meet the standard established under division (K)(2) of this section, the term "insolvency" or "insolvent" means, for a period not to exceed three years from the effective date of *sections 3903.01 to 3903.59 of the Revised Code*, that it is unable to pay its obligations when they are due or that its admitted assets do not exceed its liabilities plus any required capital contribution ordered by the superintendent under provisions of Title XXXIX [39] of the Revised Code.

(4) For purposes of divisions (K)(2) to (4) of this section, "liabilities" includes, but is not limited to, reserves required by statute or by rules of the superintendent or specific requirements imposed by the superintendent upon a subject company at the time of admission or subsequent thereto.

(O) "Insurer" means any person who has done, purports to do, is doing, or is licensed to do an insurance business, and is or has been subject to the authority of, or to liquidation, rehabilitation, reorganization, supervision, or conservation by, any insurance commissioner, superintendent, or equivalent official. For purposes of *sections 3903.01 to 3903.59 of the Revised Code*, any other persons included under *section 3903.03 of the Revised Code* are deemed to be insurers.

(P) "Netting agreement" means:

(1) a contract or agreement (including terms and conditions incorporated by reference therein), including a master agreement (which master agreement, together with all schedules, confirmations, definitions and addenda thereto and transactions under any thereof, shall be treated as one netting agreement), that documents one or more transactions between the parties to the agreement for or involving one or more qualified financial contracts and that provides for the netting, liquidation, setoff, termination, acceleration or close out under or in connection with one or more qualified

financial contracts or present or future payment or delivery obligations or payment or delivery entitlements thereunder (including liquidation or close-out values relating to such obligations or entitlements) among the parties to the netting agreement;

(2) any master agreement or bridge agreement for one or more master agreements described in paragraph (1) of this subsection; or

(3) any security agreement or arrangement or credit support document or guarantee or reimbursement obligation related to any contract or agreement described in paragraph (1) or (2) of this subsection; provided that any contract or agreement described in paragraph (1) or (2) of this subsection relating to agreements or transactions that are not qualified financial contracts shall be deemed to be a netting agreement only with respect to those agreements or transactions that are qualified financial contracts.

(Q) "Preferred claim" means any claim with respect to which the terms of sections 3903.01 to 3903.59 of the Revised Code accord priority of payment from the assets of the insurer.

(R) "Qualified financial contract" means any commodity contract, forward contract, repurchase agreement, securities contract, swap agreement and any similar agreement that the commissioner determines by regulation, resolution or order to be a qualified financial contract for the purposes of this chapter.

(S) "Reciprocal state" means any state other than this state in which in substance and effect division (A) of section 3903.18, and sections 3903.52, 3903.53, and 3903.55 to 3903.57 of the Revised Code are in force, in which provisions are in force requiring that the superintendent or equivalent official be the receiver, liquidator, rehabilitator, or conservator of a delinquent insurer, and in which some provision exists for the avoidance of fraudulent conveyances and preferential transfers.

(T) "Repurchase agreement" has the same meaning as set forth in the Federal Deposit Insurance Act, 12 U.S.C.S. Section 1821(e)(8)(D), as amended from time to time.

(U) "Secured claim" means any claim secured by mortgage, trust deed, security agreement, pledge, deposit as security, escrow, or otherwise, but not including special deposit claims or claims against assets. The term also includes claims which have become liens upon specific assets by reason of judicial process.

(V) "Securities contract" has the same meaning as set forth in the Federal Deposit Insurance Act, 12 U.S.C.S. Section 1821(e)(8)(D), as amended from time to time.

(W) "Special deposit claim" means any claim secured by a deposit made pursuant to statute for the security or benefit of a limited class or classes of persons, but not including any claim secured by assets.

(X) "State" has the meaning set forth in division (G) of *section 1.59 of the Revised Code*.

(Y) "Superintendent" or "superintendent of insurance" means the superintendent of insurance of this state, or, when the context requires, the superintendent or commissioner of insurance, or equivalent official, of another state.

(Z) "Swap agreement" has the same meaning as set forth in the Federal Deposit Insurance Act, 12 U.S.C.S. Section 1821(e)(8)(D), as amended from time to time.

(AA) "Transfer" includes the sale and every other and different mode, direct or indirect, or disposing of or of parting with property or with an interest in property, or with the possession of property or of fixing a lien upon property or upon an interest in property, absolutely or conditionally, voluntarily, or by or without judicial proceedings. The retention of a security title to property delivered to a debtor shall be deemed a transfer suffered by the debtor."

Section 2. Amend Chapter 3903 of Title 39 of the Revised Code by inserting a new Section 3903.301 that reads as follows:

“Section 3903.301. Qualified financial contracts.

(A) Notwithstanding any other provision under sections 3903.01 through 3903.59 of the Revised Code, including any other provision of this insurers supervision, rehabilitation, and liquidation act permitting the modification of contracts, or other law of a state, no person shall be stayed or prohibited from exercising:

(1) A contractual right to cause the termination, liquidation, acceleration or close out of obligations under or in connection with any netting agreement or qualified financial contract with an insurer because of:

(a) The insolvency, financial condition or default of the insurer at any time, provided that the right is enforceable under applicable law other than this insurers supervision, rehabilitation, and liquidation act; or

(b) The commencement of a formal delinquency proceeding under sections 3903.01 through 3903.59 of the Revised Code;

(2) Any right under a pledge, security, collateral, reimbursement or guarantee agreement or arrangement or any other similar security arrangement or arrangement or other credit enhancement relating to one or more netting agreements or qualified financial contracts;

(3) Subject to any provision of section 3903.30 of the Revised Code, any right to set off or net out any termination value, payment amount, or other transfer obligation arising under or in connection with one or more qualified financial contracts where the counterparty or its guarantor is organized under the laws of the United States or a state or a foreign jurisdiction approved by the Securities Valuation Office (SVO) of the NAIC as eligible for netting; or

(4) If a counterparty to a master netting agreement or a qualified financial contract with an insurer subject to a proceeding under sections 3903.01 through 3903.59 of the Revised Code terminates, liquidates, closes out or accelerates the agreement or contract, damages shall be measured as of the date or dates of termination, liquidation, close out or acceleration. The amount of a claim for damages shall be actual direct compensatory damages calculated in accordance with subsection (F) below.

(B) Upon termination of a netting agreement or qualified financial contract, the net or settlement amount, if any, owed by a non-defaulting party to an insurer against which an application or petition has been filed under this insurers supervision, rehabilitation, and liquidation act shall be transferred to or on the order of the receiver for the insurer, even if the insurer is the defaulting party, notwithstanding any walkaway clause in the netting agreement or qualified financial contract. For purposes of this subsection, the term " walkaway clause " means a provision in a netting agreement or a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from one of the parties in accordance with its terms upon termination, liquidation or acceleration of the netting agreement or qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of the party's status as a non-defaulting party. Any limited two-way payment or first method provision in a netting agreement or qualified financial contract with an insurer that has defaulted shall be deemed to be a full two-way payment or second method provision as against the defaulting insurer. Any such property or amount shall, except to the extent it is subject to one or more secondary liens or encumbrances or rights of netting or setoff, be a general asset of the insurer.

(C) In making any transfer of a netting agreement or qualified financial contract of an insurer subject to a proceeding under sections 3903.01 through 3903.59 of the Revised Code, the receiver shall either:

(1) Transfer to one party (other than an insurer subject to a proceeding under sections 3903.01 through 3903.59 of the Revised Code) all netting agreements and qualified financial contracts between a counterparty or any affiliate of the counterparty and the insurer that is the subject of the proceeding, including:

(a) All rights and obligations of each party under each netting agreement and qualified financial contract; and

(b) All property, including any guarantees or other credit enhancement, securing any claims of each party under each netting agreement and qualified financial contract; or

(2) Transfer none of the netting agreements, qualified financial contracts, rights, obligations or property referred to in Paragraph (1) of this subsection (with respect to the counterparty and any affiliate of the counterparty).

(D) If a receiver for an insurer makes a transfer of one or more netting agreements or qualified financial contracts, then the receiver shall use its best efforts to notify any person who is party to the netting agreements or qualified financial contracts of the transfer by 12:00 noon (the receiver's local time) on the business day following the transfer. For purposes of this subsection, " business day " means a day other than a Saturday, Sunday or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

(E) Notwithstanding any other provision of sections 3903.01 through 3903.59 of the Revised Code, a receiver may not avoid a transfer of money or other property arising under or in connection with a netting agreement or qualified financial contract (or any pledge, security, collateral or guarantee agreement or any other similar security arrangement or credit support document relating to a netting agreement or qualified financial contract) that is made before the commencement of a formal delinquency proceeding under this insurers supervision, rehabilitation, and liquidation act. However, a transfer may be avoided under sections 3903.26 through 3903.28 of the Revised Code if the transfer was made with actual intent to hinder, delay or defraud the insurer, a receiver appointed for the insurer, or existing or future creditors.

(F) (1) In exercising the rights of disaffirmance or repudiation of a receiver with respect to any netting agreement or qualified financial contract to which an insurer is a party, the receiver for the insurer shall either:

(a) Disaffirm or repudiate all netting agreements and qualified financial contracts between a counterparty or any affiliate of the counterparty and the insurer that is the subject of the proceeding; or

(b) Disaffirm or repudiate none of the netting agreements and qualified financial contracts referred to in subparagraph (a) (with respect to the person or any affiliate of the person).

(2) Notwithstanding any other provision of sections 3903.01 through 3903.59 of the Revised Code, any claim of a counterparty against the estate arising from the receiver's disaffirmance or repudiation of a netting agreement or qualified financial contract that has not been previously affirmed in the liquidation or immediately preceding conservation or rehabilitation case shall be

determined and shall be allowed or disallowed as if the claim had arisen before the date of the filing of the petition for liquidation or, if a conservation or rehabilitation proceeding is converted to a liquidation proceeding, as if the claim had arisen before the date of the filing of the petition for conservation or rehabilitation. The amount of the claim shall be the actual direct compensatory damages determined as of the date of the disaffirmance or repudiation of the netting agreement or qualified financial contract. The term "actual direct compensatory damages" does not include punitive or exemplary damages, damages for lost profit or lost opportunity or damages for pain and suffering, but does include normal and reasonable costs of cover or other reasonable measures of damages utilized in the derivatives, securities or other market for the contract and agreement claims.

(G) The term "contractual right" as used in this section includes any right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility, including a swap execution facility, registered under the Commodity Exchange Act, a security-based swap execution facility registered under the Securities Exchange Act of 1934, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and any right, whether or not evidenced in writing, arising under statutory or common law, or under law merchant, or by reason of normal business practice.

(H) The term "receiver" as used in this section includes any conservator, rehabilitator, or liquidator, as the context may require.

(I) The provisions of this section shall not apply to persons who are affiliates of the insurer that is the subject of the proceeding.

(J) All rights of counterparties under sections 3903.01 through 3903.59 of the Revised Code shall apply to netting agreements and qualified financial contracts entered into on behalf of the general account or separate accounts if the assets of each separate account are available only to counterparties to netting agreements and qualified financial contracts entered into on behalf of that separate account.”

Section 3. This bill will take effect immediately upon enactment, except that it will only apply to a delinquency proceeding that commences under this insurers supervision, rehabilitation, and liquidation act on or after enactment of this bill.



Derivatives Netting Amendment

**Association of Ohio
Life Insurance Companies**
100 South Third Street
Columbus, Ohio 43215-4291
(614)227-4860
www@aolic.com

Legislative Counsel:
Bricker & Eckler LLP
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(614)227-2374
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(614)227-4810

In 2010, AOLIC discussed the derivatives netting issue with several key members of the General Assembly, and with the Ohio Department of Insurance. There was broad support for the amendment; no opposition was expressed.

The ODI's budget submission in the Fall 2010 included the derivatives netting amendment.

Lt. Governor Taylor's budget submission also included the derivatives netting amendment.

It is our understanding that OBM removed this amendment from the Governor's budget submission because this amendment does not have a direct impact on the State budget.

We are not aware of any substantive concerns about the derivatives netting amendment.

March 2011

MEMBER COMPANIES

Anthem Life Insurance Co.
Columbus, Ohio

The Cincinnati Life Insurance Co.
Cincinnati, Ohio

Grange Life Insurance Co.
Columbus, Ohio

Great American Financial Resources, Inc.
Cincinnati, Ohio

MetLife
New York, New York

Motorists Life Insurance Co.
Columbus, Ohio

Nationwide Financial Services
Columbus, Ohio

New York Life Insurance Co.
New York, New York

Ohio National Life Insurance Co.
Cincinnati, Ohio

Patriot Life Insurance, member of Frankenmuth Insurance,
Frankenmuth, Michigan

The Prudential Insurance Co. of America
Newark, New Jersey

Western Reserve Life Assurance Co. of Ohio
St. Petersburg, Florida

Western & Southern Financial Group
Cincinnati, Ohio

Netting: Helping Insurers Manage Risk and Protect Policyholders

Introduction

Life insurers' products—life insurance, annuities, long-term care insurance and disability income insurance—provide individuals, families and businesses with financial protection that may last decades. Because of the long-term nature of these products, life insurers must be able to withstand credit and market risks of substantial duration. Life insurers use derivatives to manage risk and maintain their financial stability in a constantly changing global economy. This helps assure that regardless of economic conditions, insurers will be able to honor their obligations to policyholders. Eliminating unnecessary and costly barriers to the use of derivatives is thus in everyone's interest.

How Netting Works

In order to manage risks through use of derivatives, many insurers enter into qualified financial contracts "QFC" with counterparties, which are usually banks or other financial institutions. While these can take many forms, a basic QFC might involve a series of interest rate swaps. During the course of the transaction, each party may owe payments to the other. When the QFC is settled or terminated, the obligations are "netted" against each other. For example, assume that an insurance company and a bank enter into a QFC of 10 interest rate swaps. The bank owes the insurer \$70 million arising from seven of the 10 swaps, while the insurer owes the bank \$30 million arising from three of the 10 swaps. Upon termination of the QFC, the obligations are netted, resulting in net \$40 million obligation from the bank to the insurance company.

The Problem

Ohio-domiciled insurance companies face a disadvantage in obtaining derivatives to manage risk because Ohio's receivership laws do not permit netting in the rare instance an insurer is placed into rehabilitation or liquidation. By contrast, the receivership statutes of 11 other states specifically allow netting; similarly the federal bankruptcy code specifically allows netting with respect to non-insurance entities.

If an insurer is placed into receivership in Ohio, the counterparty would be obligated to pay the full amount it owes the insurer but may not be able to collect the full amount owed to it by the insurer. This unequal treatment of QFCs may deter counterparties from entering into such contracts with insurance companies or could result in them charging higher fees on insurers. The result is that prudent risk management is becoming more difficult and more expensive for Ohio-domiciled life insurers.

The Solution

Ohio's receivership law should be amended to specifically allow netting. The National Association of Insurance Commissioners (NAIC) has adopted a model law—*The Insurer Receivership Model Act*—which contains a provision that specifically allows for the netting of QFCs when an insurer is placed into receivership. As of March 1, 2011, this provision has been enacted in 11 other states. Enacting netting legislation would give Ohio-domiciled insurers broader parity with non-insurers, which in turn, would benefit both insurance companies and policyholders by enhancing the range of risk-management tools available to insurers.

Joseph, Kara

From: Joseph, Kara
Sent: Monday, May 02, 2011 8:01 AM
To: Williams, Faith
Subject: RE: Thank You!

Faith,

John is really glad he could help!

See you soon!

- Kara

Kara Joseph

Sr. Legislative Aide

Office of Rep. John Adams

House Majority Whip

Ohio House of Representatives

Phone: (614) 466-1507

From: Williams, Faith [<mailto:fwilliams@bricker.com>]

Sent: Friday, April 29, 2011 4:25 PM

To: Joseph, Kara

Subject: Thank You!


Kara:

Just a note to thank you and John for your assistance in getting the amendment on derivatives netting added to the Sub version of HB 153.

I'll look for an opportunity to thank both of you personally in the near future!

Thanks again and have a great weekend.

Faith

 <p>Bricker & Eckler ATTORNEYS AT LAW</p>	<p>Faith M. Williams</p> <p>Direct Dial 614.227.2374 fwilliams@bricker.com</p> <p>V-CARD BIO</p>	<p>Bricker & Eckler LLP 100 South Third Street Columbus, OH 43215-4291</p> <p>Main 614.227.2300 Fax 614.227.2390 www.bricker.com</p>
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Joseph, Kara

From: Joseph, Kara
Sent: Friday, March 25, 2011 3:30 PM
To: Williams, Faith
Subject: RE: Amendment -- as requested

Sound good, thank you!

Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

From: Williams, Faith [<mailto:fwilliams@bricker.com>]
Sent: Friday, March 25, 2011 12:26 PM
To: Joseph, Kara
Subject: Re: Amendment -- as requested

Kara: I just left a VM on his cell. I should be available all afternoon.

From: Joseph, Kara <Kara.Joseph@ohr.state.oh.us>
To: Williams, Faith
Sent: Fri Mar 25 10:18:42 2011
Subject: RE: Amendment -- as requested

Thank you! John just called you and would like you to call him when you get a chance. His cell phone number is 937-441-6073.

John also spoke to the Speaker about the derivative issue, and the Speaker asked him to take it to Rep. Amstutz and have it put into the budget.

- Kara

Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

From: Williams, Faith [<mailto:fwilliams@bricker.com>]
Sent: Friday, March 25, 2011 10:17 AM
To: Joseph, Kara
Subject: Re: Amendment -- as requested

Kara: I'm out of my office in a meeting this morning, but will forward the names and contact info to you this afternoon. Thanks.

Faith

From: Joseph, Kara <Kara.Joseph@ohr.state.oh.us>
To: Williams, Faith
Sent: Fri Mar 25 08:45:57 2011
Subject: RE: Amendment -- as requested

Faith,

It was a pleasure meeting you too! Rep. Adams was wondering if you could send me the contact names for the 4 insurance companies that are in Cincinnati so that he can call them next week for ALEC. He was also interested in asking you which ones would be most receptive to participating in ALEC?

Thank you!

- Kara

Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

From: Williams, Faith [<mailto:fwilliams@bricker.com>]
Sent: Thursday, March 24, 2011 4:06 PM
To: Joseph, Kara
Subject: Amendment -- as requested
Importance: High

Kara:

It was good to meet you yesterday.




I've attached the draft amendment and other materials that Rep. Adams requested when I met with him yesterday.

We really appreciate his willingness to mention these to the Speaker in their meeting tomorrow -- and to ask about the possibility of including this in the budget bill.

Please let me know if you or Rep. Adams have any questions about this.

Thanks so much.

Faith

 <p>Bricker & Eckler ATTORNEYS AT LAW</p>	<p>Faith M. Williams</p> <p>Direct Dial 614.227.2374 fwilliams@bricker.com</p> <p> </p>	<p>Bricker & Eckler LLP 100 South Third Street Columbus, OH 43215-4291</p> <p>Main 614.227.2300 Fax 614.227.2390 www.bricker.com</p>
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Joseph, Kara

From: Joseph, Kara
Sent: Friday, March 25, 2011 10:19 AM
To: Williams, Faith
Subject: RE: Amendment -- as requested

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Kara Joseph

*Sr. Legislative Aide
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Ohio House of Representatives
Phone: (614) 466-1507*

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Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip*

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Subject: Amendment -- as requested
Importance: High

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Thanks so much.

Faith

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Joseph, Kara

From: Joseph, Kara
Sent: Friday, March 25, 2011 8:46 AM
To: Williams, Faith
Subject: RE: Amendment -- as requested

Faith,

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Thank you!

- Kara

Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

From: Williams, Faith [<mailto:fwilliams@bricker.com>]
Sent: Thursday, March 24, 2011 4:06 PM
To: Joseph, Kara
Subject: Amendment -- as requested
Importance: High

Kara:

It was good to meet you yesterday.

I've attached the draft amendment and other materials that Rep. Adams requested when I met with him yesterday.

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Please let me know if you or Rep. Adams have any questions about this.

Thanks so much.

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 <p>Bricker & Eckler ATTORNEYS AT LAW</p>	<p>Faith M. Williams</p> <p>Direct Dial 614.227.2374 fwilliams@bricker.com</p> <p> </p>	<p>Bricker & Eckler LLP 100 South Third Street Columbus, OH 43215-4291</p> <p>Main 614.227.2300 Fax 614.227.2390 www.bricker.com</p>
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Joseph, Kara

From: Joseph, Kara
Sent: Friday, March 25, 2011 8:40 AM
To: Williams, Faith
Subject: RE: Amendment -- as requested

Thank you so much!

Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

From: Williams, Faith [<mailto:fwilliams@bricker.com>]
Sent: Thursday, March 24, 2011 4:06 PM
To: Joseph, Kara
Subject: Amendment -- as requested
Importance: High

Kara:

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Thanks so much.

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Joseph, Kara

From: Joseph, Kara
Sent: Monday, April 11, 2011 9:52 AM
To: John Adams
Subject: Insurance names

Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

From: Williams, Faith [<mailto:fwilliams@bricker.com>]
Sent: Friday, March 25, 2011 5:12 PM
To: Joseph, Kara
Subject: RE: Amendment -- as requested

Kara:

I spoke with John a short time ago.

For the ALEC event, here are the companies and contacts that I'd suggest. These people may not be the decision-makers on these issues, but they're the ones that will understand what ALEC is, and be able to get a response from their companies about providing support.

Ed Babbitt
Western & Southern
513-629-1464

Scott Gilliam
Cincinnati Financial
513-870-2811

John Gruber
Great American Financial
(513) 412-1462

Elizabeth (Liz) Martini
Ohio National Life Insurance Co.
513-794-6647

Have a great weekend!

Faith

From: Joseph, Kara [<mailto:Kara.Joseph@ohr.state.oh.us>]
Sent: Friday, March 25, 2011 10:19 AM
To: Williams, Faith
Subject: RE: Amendment -- as requested

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John also spoke to the Speaker about the derivative issue, and the Speaker asked him to take it to Rep. Amstutz and have it put into the budget.

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House Majority Whip

Ohio House of Representatives

Phone: (614) 466-1507

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To: Williams, Faith

Sent: Fri Mar 25 08:45:57 2011

Subject: RE: Amendment -- as requested

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House Majority Whip

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Joseph, Kara

From: Joseph, Kara
Sent: Monday, March 28, 2011 9:26 AM
To: John Adams
Subject: Insurance company contact info

John,

Here is the contact info for you.

Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

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Joseph, Kara

From: Joseph, Kara
Sent: Thursday, November 10, 2011 1:58 PM
To: 'Slagle, Christopher'
Subject: RE: HB 133

Chris,

Believe it or not, the Governor's office has broken the law and hasn't made their appointments yet!

- Kara

Kara Joseph

Sr. Legislative Aide

Office of Rep. John Adams

House Majority Whip

Ohio House of Representatives

Phone: (614) 466-1507

From: Slagle, Christopher [<mailto:CSlagle@bricker.com>]
Sent: Thursday, November 10, 2011 1:41 PM
To: Joseph, Kara
Cc: Slagle, Christopher
Subject: HB 133

Hi Kara - hope you're doing well. Quick question for you if you have a minute - do you happen to know the status of appointments to the Oil & Gas Leasing Commission? I was under the impression - perhaps incorrectly - that the initial appointments were due in late October. Any thoughts or insights you might have? Thanks
Kara - look forward to catching up soon. - Chris

Christopher N. Slagle
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215
ph: 614.227.8826
cell: 614.397.1792
fax: 614.227.2390
cslagle@bricker.com

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Joseph, Kara

From: Joseph, Kara
Sent: Thursday, November 10, 2011 1:54 PM
To: 'Slagle, Christopher'
Subject: RE: HB 133

Yes, they should have been appointed by October 30th. I'm checking into it and will let you know.

- Kara

Kara Joseph

Sr. Legislative Aide

Office of Rep. John Adams

House Majority Whip

Ohio House of Representatives

Phone: (614) 466-1507

From: Slagle, Christopher [<mailto:CSlagle@bricker.com>]
Sent: Thursday, November 10, 2011 1:41 PM
To: Joseph, Kara
Cc: Slagle, Christopher
Subject: HB 133

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227-8899), collect, or by electronic mail (webmaster@be.bricker.com) and promptly destroy the original transmission. Thank you for your assistance.

Joseph, Kara

From: Joseph, Kara
Sent: Wednesday, September 28, 2011 11:54 AM
To: John Adams
Subject: FW: OMA Follow-Up Questions Tax Study Committee

Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

From: Eisaman, Lizz
Sent: Wednesday, September 28, 2011 8:52 AM
To: Eisaman, Lizz
Subject: FW: OMA Follow-Up Questions Tax Study Committee

Good Morning,

In response to questions asked during Thursday's study committee hearing, Mr. Engel has provided the responses below. His contact information is at the end of the email if you have any additional questions.

Sincerely,

Lizz Eisaman

From: Ryan Augsburger [<mailto:raugsburger@Ohiomfg.com>]
Sent: Friday, September 23, 2011 3:32 PM
To: Eisaman, Lizz
Cc: mengel@bricker.com
Subject: OMA Follow-Up Questions Tax Study Committee

Hello Lizz,

Thanks again for allowing Mark Engel to testify yesterday on behalf of the OMA. I also appreciated our catch up call just a few moments ago.

Mark was asked a couple questions and promised a follow-up response.

1. Can the OMA provide a number for new manufacturers in Ohio, or expansions, since 2005?
A: Unfortunately as a trade association, the OMA has no way of tracking private investment decisions, however the Department of Development or the Ohio Business Development Coalition may have some investment data available for the years since tax reform. Additionally I would point out that Ohio has won the Governor's Cup for new business recruitment perhaps 4 of the past 5 years. Again ODOD or Ohio Business Development Coalition are best suited to assist. Finally I would add that we are familiar with some high profile investments that are largely attributable to tax reform: Amylin Pharmaceutical Manufacturing plant located in West Chester. Whirlpool has intentionally relocated operations from Iowa and Mexico to Ohio. Honda recently announced over \$400 of new investment. Real success stories are out there.
2. A question arose about an exclusion that applies to construction contractors and they asked for statutory or administrative references to it.

Answer: The cite is R.C. 5751.01(P) and O.A.C. 5703-29-13(C).

Also I have included Mark's contact information below just in case he can be of assistance to you or chairman Adams as you work to craft the report.


Ryan Augsburger

Managing Director, Public Policy Services

The Ohio Manufacturers' Association

Protecting and growing Ohio manufacturing
www.ohiomfg.com

33 N. High Street
Columbus, OH 43215
Tel: 614.629.6817
Mobile: 614.348.1227
raugsburger@ohiomfg.com

	<p>Mark A. Engel</p> <p>Direct Dial 513.870.6565 mengel@bricker.com</p> <p>V-CARD BIO</p>	<p>Bricker & Eckler LLP 9277 Centre Pointe Drive Suite 100 West Chester, OH 45069</p> <p>Main 513.870.6700 Fax 513.870.6699 www.bricker.com</p>
<p>Think green! Please print only if necessary.</p>		
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<p>*****</p>		

Joseph, Kara

From: Joseph, Kara
Sent: Monday, May 02, 2011 8:01 AM
To: Williams, Faith
Subject: RE: Thank You!

Faith,

John is really glad he could help!

See you soon!

- Kara

Kara Joseph

Sr. Legislative Aide

Office of Rep. John Adams

House Majority Whip

Ohio House of Representatives

Phone: (614) 466-1507

From: Williams, Faith [<mailto:fwilliams@bricker.com>]

Sent: Friday, April 29, 2011 4:25 PM

To: Joseph, Kara

Subject: Thank You!




Kara:

Just a note to thank you and John for your assistance in getting the amendment on derivatives netting added to the Sub version of HB 153.

I'll look for an opportunity to thank both of you personally in the near future!

Thanks again and have a great weekend.

Faith

 <p>Bricker & Eckler ATTORNEYS AT LAW</p>	<p>Faith M. Williams</p> <p>Direct Dial 614.227.2374 fwilliams@bricker.com</p> <p> </p>	<p>Bricker & Eckler LLP 100 South Third Street Columbus, OH 43215-4291</p> <p>Main 614.227.2300 Fax 614.227.2390 www.bricker.com</p>
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Joseph, Kara

From: Joseph, Kara
Sent: Thursday, April 21, 2011 2:11 PM
To: Lora L. Miller
Subject: RE: ALEC in Cincinnati
Attachments: OH STFS11 Attendees.xls

There are a few others who have registered but are not yet on the list.

Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

From: Lora L. Miller [<mailto:loram@ohioretailmerchants.com>]
Sent: Wednesday, April 20, 2011 3:26 PM
To: Joseph, Kara
Subject: ALEC in Cincinnati

Hi Kara,

Who are the legislators going to next week's ALEC meeting?

Thanks!

Lora

Lora L. Miller
Director of Governmental Affairs & Public Relations
Ohio Council of Retail Merchants
50 W. Broad St., Ste. 2020
Columbus, OH 43215
614-221-7833
614-221-7020 (fax)
loram@ohioretailmerchants.com

GO BUCKS!

"One of the hardest tasks of leadership is understanding that you are not what you are, but what you're perceived to be by others." - Edward L. Flom, CEO of Florida Steel

PREFIX	FIRST_NAME	LAST_NAME	COMPANY	ST
Rep.	John	Adams	Ohio Legislature	OH
Mr.	Bob	Blazer	AT&T Ohio	OH
Rep.	Terry	Boose	Ohio Legislature	OH
Rep.	Danny	Bubp	Ohio Legislature	OH
Mr.	Jim	Butler	Ohio Legislature	OH
	Sean	Chichelli		OH
Ms.	Heather	Densmore	Merck & Company, Inc.	OH
Rep.	Timothy	Derickson		OH
Sen.	Keith	Faber	Ohio Legislature	OH
Mr.	Roger	Geiger	National Federation of Independent Business (NFIB)	OH
Rep.	Anne	Gonzales	Ohio Legislature	OH
Rep.	Cheryl	Grossman	Ohio Legislature	OH
Rep.	Matt	Huffman	Ohio Legislature	OH
Mrs.	Kara	Joseph		OH
Mr.	Edward	Kozelek	Time Warner Cable, Midwest Region	OH
Rep.	Casey	Kozlowski	Ohio Legislature	OH
Sen.	Frank	LaRose	Ohio Legislature	OH
Mrs.	Megan	Lashutka	Time Warner Cable	OH
Rep.	Jarrold	Martin	Ohio Legislature	OH
Mr.	Matt	Mayer	The Buckeye Institute	OH
	Jonathon	McGee	Ohio Cable Telecommunications	OH
Rep.	Ross	McGregor	Ohio Legislature	OH
Rep.	Robert	Mecklenborg	Ohio Legislature	OH
Mr.	Terrence	O'Donnell	Bricker & Eckler LLP	OH
	Bethany	Rhodes	Senator Lynn Wachtmann	OH
Rep.	Kristina	Roegner	Ohio Legislature	OH
Mr.	Brian	Rosen	Purdue Pharma L. P.	OH
Rep.	Cliff	Rosenberger	Ohio Legislature	OH
Rep.	Barbara	Sears	Ohio Legislature	OH
Sen.	William	Seitz	Ohio Legislature	OH
Mr.	Daniel	Snider	American Electric Power Company Inc.	OH
Rep.	Todd	Snitchler	Public Utilities Commission of Ohio (PUCO)	OH
Rep.	Gerald	Stebelton	Ohio Legislature	OH
Rep.	Michael	Stinziano	Ohio Legislature	OH
Rep.	Andrew	Thompson	Ohio Legislature	OH
Rep.	Joseph	Uecker	Ohio Legislature	OH
Dr.	Richard	Vedder	Ohio University	OH
Rep.	Lynn	Wachtmann	Ohio Legislature	OH
Mr.	Paul	Weirtz	AT&T	OH
	Jason	Whalen		OH
	Erica	Wilson		OH

Joseph, Kara

From: Joseph, Kara
Sent: Monday, April 18, 2011 2:48 PM
To: garygkoch@gmail.com
Subject: ALEC
Attachments: OH STFS11 Attendees.xls

Gary,

John asked me to forward this list of attendees. Rep. Blessing is also registered but not listed.

- Kara

Kara Joseph

Sr. Legislative Aide

Office of Rep. John Adams

House Majority Whip

Ohio House of Representatives

Phone: (614) 466-1507

PREFIX	FIRST_NAME	LAST_NAME	COMPANY	ST
Rep.	John	Adams	Ohio Legislature	OH
Mr.	Bob	Blazer	AT&T Ohio	OH
Rep.	Terry	Boose	Ohio Legislature	OH
Rep.	Danny	Bubp	Ohio Legislature	OH
Mr.	Jim	Butler	Ohio Legislature	OH
	Sean	Chichelli		OH
Ms.	Heather	Densmore	Merck & Company, Inc.	OH
Rep.	Timothy	Derickson		OH
Sen.	Keith	Faber	Ohio Legislature	OH
Mr.	Roger	Geiger	National Federation of Independent Business (NFIB)	OH
Rep.	Anne	Gonzales	Ohio Legislature	OH
Rep.	Cheryl	Grossman	Ohio Legislature	OH
Rep.	Matt	Huffman	Ohio Legislature	OH
Mrs.	Kara	Joseph		OH
Mr.	Edward	Kozelek	Time Warner Cable, Midwest Region	OH
Rep.	Casey	Kozlowski	Ohio Legislature	OH
Sen.	Frank	LaRose	Ohio Legislature	OH
Mrs.	Megan	Lashutka	Time Warner Cable	OH
Rep.	Jarrold	Martin	Ohio Legislature	OH
Mr.	Matt	Mayer	The Buckeye Institute	OH
	Jonathon	McGee	Ohio Cable Telecommunications	OH
Rep.	Ross	McGregor	Ohio Legislature	OH
Rep.	Robert	Mecklenborg	Ohio Legislature	OH
Mr.	Terrence	O'Donnell	Bricker & Eckler LLP	OH
	Bethany	Rhodes	Senator Lynn Wachtmann	OH
Rep.	Kristina	Roegner	Ohio Legislature	OH
Mr.	Brian	Rosen	Purdue Pharma L. P.	OH
Rep.	Cliff	Rosenberger	Ohio Legislature	OH
Rep.	Barbara	Sears	Ohio Legislature	OH
Sen.	William	Seitz	Ohio Legislature	OH
Mr.	Daniel	Snider	American Electric Power Company Inc.	OH
Rep.	Todd	Snitchler	Public Utilities Commission of Ohio (PUCO)	OH
Rep.	Gerald	Stebelton	Ohio Legislature	OH
Rep.	Michael	Stinziano	Ohio Legislature	OH
Rep.	Andrew	Thompson	Ohio Legislature	OH
Rep.	Joseph	Uecker	Ohio Legislature	OH
Dr.	Richard	Vedder	Ohio University	OH
Rep.	Lynn	Wachtmann	Ohio Legislature	OH
Mr.	Paul	Weirtz	AT&T	OH
	Jason	Whalen		OH
	Erica	Wilson		OH

Joseph, Kara

From: Joseph, Kara
Sent: Wednesday, February 23, 2011 10:15 AM
To: Kozelek, Ed
Subject: RE: ALEC

Will do!

Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

From: Kozelek, Ed [<mailto:ed.kozelek@twcable.com>]
Sent: Tuesday, February 22, 2011 7:32 PM
To: Joseph, Kara
Subject: RE: ALEC

Please send to me so we can track.
Thanks.
Ed

Edward F. Kozelek
Vice-President, Government Relations
Time Warner Cable Midwest Region
1015 Olentangy River Road
Columbus, Ohio 43212
Direct Line: 614-827-7955
Cell: 614-395-5068

From: Joseph, Kara [<mailto:Kara.Joseph@ohr.state.oh.us>]
Sent: Tuesday, February 22, 2011 6:18 PM
To: Kozelek, Ed; Lashutka, Megan
Subject: ALEC

Ed,
I just received a check from Bricker & Eckler for ALEC. What do you want me to do with it?

- Kara

Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

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Joseph, Kara

From: Joseph, Kara
Sent: Tuesday, February 22, 2011 6:37 PM
To: Lashutka, Megan
Subject: RE: ALEC

Thank you!

Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

From: Lashutka, Megan [<mailto:megan.lashutka@twcable.com>]
Sent: Tuesday, February 22, 2011 6:30 PM
To: Joseph, Kara
Subject: Re: ALEC

Hi I'm working on the addresses

From: Joseph, Kara <Kara.Joseph@ohr.state.oh.us>
To: Kozelek, Ed; Lashutka, Megan
Sent: Tue Feb 22 18:17:59 2011
Subject: ALEC

Ed,

I just received a check from Bricker & Eckler for ALEC. What do you want me to do with it?

- Kara

Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

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Joseph, Kara

From: Joseph, Kara
Sent: Thursday, September 30, 2010 3:50 PM
To: John.Mahaney@development.ohio.gov
Subject: FW: PACE
Attachments: PACE Legislation Ohio.docx; ATT00001...htm

John,

Here's the info. Can you give me any ideas?

Thanks!

- Kara

Kara Joseph

Legislative Aide

Office of Rep. John Adams

House Minority Whip

Ohio House of Representatives

Phone: (614) 466-1507

From: John Adams [<mailto:adamshd78@woh.rr.com>]

Sent: Thursday, September 30, 2010 3:49 PM

To: Joseph, Kara

Subject: Fwd: PACE

Begin forwarded message:

From: "Tom Milligan" <tom@westernohiocutstone.com>

Date: September 21, 2010 4:39:48 PM EDT

To: <adamshd78@woh.rr.com>

Subject: PACE

John,

Thanks for calling me back.

This was put out by the Law Firm of Bricker and Eckler. I would like to talk to you more about where this is headed in Ohio and whether you think it is a good thing particularly for construction.

Tom

Energy SIDs and PACE Financing in Ohio

[Contacts for more information](#)

Ohio recently joined seventeen other states and enacted property assessed clean energy (PACE) legislation. PACE laws allow property owners to borrow money through governmental loans or bonds to pay for energy improvements to their properties.

Ohio's PACE authority is contained in [Ohio House Bill 1](#), enacted on July 17, 2009, and [Ohio Senate Bill 232](#), enacted on June 4, 2010 and effective June 17, 2010. HB 1 allows Ohio municipalities and townships to assist property owners in financing solar improvements benefiting their properties. By requesting a special assessment from a municipality or township and cooperating with the municipality or township, a property owner can finance solar photovoltaic and solar thermal systems, including roof-top and ground-mounted solar arrays and solar water heating systems. A special financing district called a "special improvement district" or "SID" must be created within each municipality or township to facilitate solar improvement financing.

[Ohio Senate Bill 232](#) expanded Ohio's PACE legislation beyond solar to include wind, geothermal, biomass, gasification and energy efficiency technologies that "reduce energy consumption or support the production of clean, renewable energy" As with Solar SIDs, participating municipalities or townships must pass legislation to establish an Energy SID and to determine what improvements qualify as "alternative energy technologies." In addition, as a result of SB 232, utility companies that are required by Ohio law to meet certain energy efficiency and peak demand reduction benchmarks are authorized to credit certain of the energy efficiency gains from Energy SID projects to the satisfaction of those benchmarks.

Joseph, Kara

From: Joseph, Kara
Sent: Monday, June 28, 2010 1:30 PM
To: McNamara, Shannon
Subject: FW: OSFC
Attachments: Sidney Daily News OSFC.pdf; OSFC MOU Ferguson Construction.pdf

Kara Joseph

Legislative Aide

Office of Rep. John Adams

House Minority Whip

Ohio House of Representatives

Phone: (614) 466-1507

From: John Scheu [<mailto:jscheu@houston.k12.oh.us>]

Sent: Wednesday, June 23, 2010 8:21 AM

To: jotte@senate.state.oh.us; Joseph, Kara; keith.faber@senate.state.oh.us; adamshd78@woh.rr.com

Cc: gwccates@aol.com; sd14@senate.state.oh.us; jeff_replogle@ham.honda.com; ditmerfarms@embarqmail.com; jbowling@rittal-corp.com; jdakbowl@embarqmail.com; bill.clark@goodrich.com; tom.elliott@hydro.com; jetfan6@gmail.com; edward.waters@oig.state.oh.us

Subject: OSFC

To All: Attached is an article from the June 23 front page of the Sidney Daily News, concerning the EDGE controversy with our school construction project. I have also attached the original letter from Richard Murray to Ferguson Construction, requesting their agreement to end this controversy. This same letter without the very last paragraph was sent yesterday to Ferguson's, which they again declined to agree to. Rich Murray called me yesterday, saying he thought the issue was on its way to being resolved- and thus Ferguson would be approved at Thursday, June 24 OSFC Commission meeting. Upon the board counsel (Jack Rosati, Bricker and Eckler) recommendation, I did not return Rich Murray's phone call- the OSFC attorney (John Eufinger) called Jack Rosati and said apparently Ferguson's had agreed to the revised letter sent from OSFC to resolve this issue, and the Director was wholeheartedly recommending approval of Ferguson Construction to the OSFC Commission, for their vote on June 24. I called Mick Given, President of Ferguson, and he said no such agreement had been reached, and the only difference in the OSFC second MOU was the elimination of the paragraph about future Ferguson projects. OSFC (John Eufinger) has asked Jack Rosati if the request for public records would be taken off the table if we would have assurance the Commission was going to approve Ferguson's EDGE waiver. I shared with Jack Rosati that in my dealings with Rich Murray, I don't trust anything he says or does, and I'm still going to testify to the Commission tomorrow, because even if an agreement is made with Ferguson, it is not a slam dunk the Commission will approve them, since Murray has had a problem according to him directly, to get all Commission members on board for this issue. As far as dropping the public records request, I'm not going to do this because I still feel it is important to know if Ferguson Construction (non union company) and Hardin-Houston Schools is the first project OSFC has denied an EDGE waiver for- both before the project began, and after the project began (since Ferguson was approved by the BOE in February and the EDGE Waiver Committee on April 29- and then reversed by the Commission at the end of May, meaning Ferguson has worked 3 months on the project and not been paid by OSFC). In addition to my public records request (which in an email I told Rick Savors I would gladly drive over to OSFC on June 22 and pick this information up myself), Senator Faber and Jack Rosati have made similar requests for such information. The reason why I feel it is important to

receive this information is because of future OSFC projects, some of which will be occurring in the next year in Senator Faber's district, possibly encountering the same controversies we have had with OSFC and this EDGE goal. Thus, I am still planning on testifying tomorrow at 1:30 p.m. to the OSFC Commission.

John Scheu
Superintendent
Hardin-Houston Local Schools (Shelby County)
5300 Houston Rd.
Houston, OH 45333
937-295-3010 ext. 224

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IN76 Preview Covington's 175th Anniversary Festival and the story of one of the town's famous legacies, with setting your sights on this weekend's Maria Stein Country Fest or the Spectacular Summer Cruise-In & Concert. Inside



Phillies beat Indians • Jamie Moyer tossed eight crisp innings and the Philadelphia Phillies beat the Cleveland Indians 2-1 on Tuesday night. 2B

Inside today: Liberty Days features full schedule of events — 8A

WEDNESDAY

YOUR HOMETOWN NEWSPAPER SINCE 1891

Sidney Daily News

Vol. 120 No. 124

June 23, 2010

Sidney, Ohio

www.sidneydailynews.com

75 cents

TODAY'S NEWS

TODAY'S WEATHER

90° 72°

For a full weather report, turn to Page 7B.

INSIDE TODAY



TV producer • Sidney High School graduate Erin Johnson registered a change of address after she recently accepted a new job with a Fox News affiliate morning show in San Diego, Calif. 1B

DEATHS

Obituaries and/or obit notices for the following people appear on Page 3A today:

- Ruth Elan Boggs
- Waldo W. Borchert
- Kenneth Michael Meier
- Jerry Douglas Goff
- Robert "Boo" L. Wertz
- Carl T. Stamer
- Patricia L. Lawrence
- Rita B. Ross

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City County records2A
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Obituaries3A
Obituary11A
Score2-4B
State news4A
Tween 12 and 205B
Weather/Sudoku/Dear Abby/Out of the Past/DK DonorHub7B

THOUGHT FOR TODAY

"To have felt too much is to end in feeling nothing."
— Dorothy Thompson, American Journalist (1894-1961)

For more on today in history, turn to Page 7B.

NEWS NUMBERS

News tips, call 498-5982.
News delivery, call 498-5930.
Classified advertising, call 498-5925.
Retail advertising, call 498-5920.
Visit the Sidney Daily News on the Web at www.sidneydailynews.com



State looks at school project

Scheu to testify before School Facilities Commission

BY DARRIN MICHAEL
dmichael@sdnccg.com

HOUSTON — A Shelby County school superintendent will testify before the Ohio School Facilities Commission (OSFC) on Thursday regarding a controversy surrounding the construction of a new school project in his district.

The OSFC recently met with Ferguson Construction, the contractor for the Hardin-Houston School District construction project,

after the commission said questions were raised over Ferguson's failure to meet a 5 percent Encouraging Diversity, Growth and Equity (EDGE) quota to hire small, socially and economically disadvantaged Ohio companies. Those in charge of overseeing the state's multibillion school construction program say they are pushing for more diverse business contractor participation on local projects.

According to the OSFC's website, Ohio's EDGE program aims to promote small busi-

nesses with public contracting. Reportedly, it is an assistance program for economically and socially disadvantaged business enterprises. The website says the overall goal of the program is to "encourage, nurture and support the growth of economically and socially underutilized businesses to

See STATE/Page 2A



Scheu

County won't fund park district

BY KATHY LEESE
Staff Writer

Despite presenting a proposal June 5 to provide funding to carry it through the rest of the year, the Shelby County Commissioners have now decided not to give the Shelby County Park District (SCPD) additional

funding, essentially pulling the plug on all but volunteer operations and terminating Director Richard Millhouse. The commissioners have also reportedly



Millhouse

See PARK/Page 2A



SDN Photo: Mike Crumbrack

Boy struck

Sidney Police officers investigate a scene where a child was hit by a vehicle at the intersection of Terry Hawk Drive and Mohican Court Tuesday about 7:30 p.m. in Sidney. Reportedly, a 4-year-old boy was struck by a pickup truck.

Sidney girl watches Boyd with special interest

BY MELANIE SPEICHER
mspeicher@sdnccg.com

It's something Megan Platt, 9, of Sidney never thought she'd experience. Watching a fellow dancer enthrall the United States on Fox's "So You Think You Can Dance."

Megan, who has been dancing for six years, is a member of the Senior Production competition team at the Dance Center in Wapakoneta. She, along with other members of the team, have been watching Kent Boyd as he has traveled from Bakers to Chicago to Las Vegas to Los Angeles as a contestant on the show.

"It's really fun dancing with him," said Megan, the daughter of Sandy and Mike Pint. "He has helped me a lot this year. He's like another teacher to me. It's been a great experience working with him."

Both Megan and her mom said Boyd is funny and has a wonderful personality. "He would get on me because my arms weren't straight during a dance," said Megan. "He'd tell me to straighten my arms or he was 'going to tell my mom.'"

Megan is the youngest member of the competition team, while Boyd, as a senior, was one of the oldest. They dance together in a jazz production of "Kansas Land" and a tap

production to "Transylvania Mania." "Now he's the youngest one competing on the show," said Megan.

The dancers knew Boyd was waiting for the day he turned 18 so he could audition for the show. But no one really knew for sure he had been selected to go to Las Vegas after the Chicago audition.

"There was a banner in the hallway at the Dance Center, so we knew something was going on," said Megan.

And then, she said, a couple of weeks before recital, Boyd stopped dancing with the group. "I'd go up and ask him if he was dancing today," said Megan, "and he told me he was really sick."

So as the dancers were preparing for recital, Boyd was preparing for a journey of his own that has led him to Los Angeles.

One day after practice, the dancers were told to hurry up, there was a celebration being planned. The group learned Boyd had advanced past the Chicago audition and was on his way to Las Vegas.

"We gave him a suitcase filled with things," said Megan. "We gave him a John Deere T-shirt that says 'nothing tips like a cow' and we all signed it."

See BOYD/Page 9A



Photo provided

KENT BOYD (left) and Megan Platt pose after one of their dance competitions in which they danced to "Kansas Land." Both are members of the Senior Production dance competition at the Dance Center in Wapakoneta.

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STATE

From Page 1

foster their development and increase the number of qualified competitors in the marketplace... With that said, the OSFC has certain to reverse a waiver request submitted by Ferguson Construction for the project, causing frustration for all those involved.

'Long, hard fight' After a long, hard fight, Hardin-Houston won approval, obtained competitive bid contracts and began construction of their new facility in April of 2010. When they undertook the construction plans, they sought the best company for the best price. That contractor was Ferguson Construction, Faber's letter to Murray states.

"I am sure that you agree that Ohio taxpayers would rather pay the agreed-upon price, instead of paying considerably more to meet the MBE/EDGE quotas," Faber says in the letter. He added Ferguson properly determined that changing the contract and increasing the cost of the project was not preferable and chose to apply for a waiver.

They submitted the required information to the OSFC, clearly outlining their ample efforts to solicit EDGE-certified businesses and also the considerable cost implications of awarding contracts to the few EDGE-certified businesses who submitted bids," Faber states.

The request for a waiver was submitted by Ferguson in March of this year. The OSFC EDGE Waiver Committee met in April and considered the request and according to Faber, recommended approval of it to the full commission. An OSFC employee later informed the construction manager the waiver had been granted.

"The OSFC has since acknowledged that the notification to the school district and the construction manager was an error and on May 25, the commission voted to go against the recommendation of the waiver committee and

reject Ferguson Construction's request," Faber states. "The role and responsibility of the waiver committee and the responsibility given by the commission to their recommendations remains unclear to me, but the fact remains that after deliberations and consideration of the evidence, the EDGE Waiver Committee found the waiver request was sufficient. Furthermore, all relevant parties were under the impression the waiver had been granted."

Faber goes on to state in the letter while he is pleased construction continues with the Hardin-Houston project, that he has been "dismayed to learn of the miscommunications, inconsistencies and bureaucratic roadblocks the district has experienced in working the OSFC."

"Without pay" The project has continued uninterrupted due solely to the willingness of Ferguson Construction to temporarily work without pay, Faber added.

On Tuesday, Scheu told the Sidney Daily News from the school district's standpoint, they just want to see construction of the new building, which has already begun, continue as planned.

"We are on schedule and under budget," Scheu said. "We don't want there to be any delays." In March 2009, acting on Scheu's recommendation, board members passed a resolution authorizing the school district to withdraw its mem-

bership with both the Ohio School Boards Association (OSBA) and the Buckeye Association of School Administrators (BASA) for the remainder of the year. The board did not renew its membership with either organization in 2010. The move to withdraw from both came after the two statewide organizations issued a joint statement supporting Gov. Ted Strickland's plan for education, he added. Scheu said the district felt neither organization was taking an aggressive approach to represent more rural districts like Hardin-Houston.

Not a fan While Scheu has made it public that he is not a fan of Strickland's plan for education, he added he hopes the OSFC's move isn't a political one.

"I would certainly like to think it isn't," he said. Scheu said it is troubling that the waiver committee went ahead and approved Ferguson only to later be reversed by the OSFC a month later.

"It is still troubling to me as to why this decision was made," he said. "We feel Ferguson has done everything they've been asked to and have made a good-faith effort to meet EDGE's requirements."

Ferguson continues to work on the project without being paid for it. "There are certainly some questions that need to be answered and the timing of this decision is certainly suspect," Scheu said.

PARK

From Page 1

made inquiries into the possibility of selling off some of the park-owned properties. Millhouse has been informed his job, which he has held for 15 years, is being terminated. The announcement came days after one of the county commissioners presented a proposal to provide \$27,000 in additional funding to see the park district through to Jan. 1. That money would primarily cover Millhouse's salary.

After receiving the proposal from Commissioner Larry Kleinhaus, Millhouse was to talk with the park board about it, but was notified two days later in a phone call from Kleinhaus that funding was not available.

A copy of the formal letter from the Shelby County Commissioners was obtained by the Sidney Daily News. Dated June 15, it stated it is difficult to see money issues in today's economic climate. "In of the belief we have no other option," he said.

Kleinhaus said the situation being faced by the park district is "not considered an emergency; an emergency in my mind is a storm comes through and destroys some part of a building. I would say this situation is another victim of economic changes."

Kleinhaus said taking care of the park land is "the park district's duties. They're saying they have volunteers and Friends of the Park and that will continue." He said he believes the volunteers can help the park operations run smoothly.

Kleinhaus said if the public wants to use permanent improvement funds to salvage the park district, "the commissioners would listen to them."

"The permanent improvement fund contains \$1.3 million. Millhouse said the commissioners had talked to the Shelby County Prosecutor Ralph Bauer about whether they could sell the park district land. But Millhouse noted only the park board can sell the properties. This was later confirmed by Bauer, who verified the commissioners had discussed the option with him.

Park District Board Chairman Gary Strasser said he was puzzled over the turn of events regarding funding, noting, "I'm not exactly sure what happened."

Newly appointed board member David Fleming said he hopes the decision is not political. "I'm so new, it's like swimming with alligators. We kind of thought we would make it through the end of the year but obviously that's not going to happen. Inside of a week, it all turned 180 degrees."

According to Fleming, Shelby County Auditor Dennis York told them "things were looking better" and didn't think squawking out \$27,000 or \$28,000 was going to be terribly hard. Fleming said he left the meeting with the county commissioners "feeling pretty good" there was some money to get us through the end of the year."

York told the Daily News, "I'd be lying if I said the county has no money to fund the park district." He said funds could be taken out of the permanent improvement fund, subject to approval by Shelby County Common Pleas Court Judge Jim Stevenson. York said he doubted Stevenson "would argue" with the request. "This is not a huge amount of money."

As to providing the additional funding to the park district, York said "it's judgment call." He said the county "does have a significant balance" in the permanent

improvement fund. The park district has limited revenues, including miscellaneous amounts for camping fees and restitution totaling \$192 and farm land rental at \$100 per acre for 18 acres for an overall total of \$1,920.

Fleming said the park board does not want to sell its properties. "We have no intention of doing that." He noted some local residents have donated land to the park district and that the land needs to be cared for.

Currently, the district leases the Lockington Reserve from the Miami Conservancy District and owns Hardin Park, Burnham Woods, the Miami Erie Canal Trail and the Renner Nature Reserve and Sanctuary.

Fleming said the board is considering its options, including a tax levy. But he noted it is difficult to see money issues in today's economic climate. "In of the belief we have no other option," he said.

Kleinhaus said the situation being faced by the park district is "not considered an emergency; an emergency in my mind is a storm comes through and destroys some part of a building. I would say this situation is another victim of economic changes."

Kleinhaus said taking care of the park land is "the park district's duties. They're saying they have volunteers and Friends of the Park and that will continue." He said he believes the volunteers can help the park operations run smoothly.

Kleinhaus said if the public wants to use permanent improvement funds to salvage the park district, "the commissioners would listen to them."

"The permanent improvement fund contains \$1.3 million. Millhouse said the commissioners had talked to the Shelby County Prosecutor Ralph Bauer about whether they could sell the park district land. But Millhouse noted only the park board can sell the properties. This was later confirmed by Bauer, who verified the commissioners had discussed the option with him.

Park District Board Chairman Gary Strasser said he was puzzled over the turn of events regarding funding, noting, "I'm not exactly sure what happened."

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CITY RECORD

Fire, rescue

- 8:50 a.m.: medical. Medics responded to the 800 block of Linden Avenue on a medical call.
-7:02 a.m.: medical. Medics responded to the 300 block of Cisco Road on a medical call.
-4:52 a.m.: medical. Medics responded to the 200 block of Jefferson Street on a medical call.
-3:41 p.m.: medical. Sidney paramedics responded to the 200 block of Oak Avenue on a medical call.
-3:34 p.m.: medical. Medics responded to the 1300 block of Logan Court on a medical call.
-1:50 p.m.: medical. Medics responded to the 400 block of East Court Street on a medical call.
-10:55 a.m.: medical. Medics responded to the 300 block of Secord Avenue on a medical call.
-9:03 a.m.: medical. Medics responded to the 500 block of North Vandemark Road on a medical call.

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HOW MAY WE HELP YOU?

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Regional Group Editor
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Graphics Manager
Bobbi Stauffer Assistant Business Manager
Melanie Spelcher News Editor
Becky Smith Advertising Manager

COUNTY RECORD

Sheriff's log

- TUESDAY
-1:06 p.m.: assault. Shelby County Sheriff's deputy responded to the 2000 block of Fair Road in Clinton Township on a report of an assault.
-9:27 a.m.: vandalism. Deputies responded to the 1300 block of Lochard Road in Franklin Township on a report a mailbox had been destroyed.
MONDAY
-11:04 a.m.: fight. Deputies responded to the 800 block of East Court Street in Clinton Township on a report of a possible fight at Orion Park.
-6:23 p.m.: theft. Deputies responded to Shelby Memory Gardens, 8601 State Route 47, in Turtle Creek Township where some wreaths and a veteran's plaque was missing.
-12:26 p.m.: vandalism. Deputies responded to 100 block of East Wall Street in Salem Township on a report of some vandalism to the building.

Fire, rescue

- TUESDAY
-10:44 a.m.: medical. Perry-Port-Salem Rescue responded to the 18000 block of Johnson Road in Perry Township on a medical call.
-9:00 a.m.: medical. Fort Loraine Rescue responded to the 50 block of Sawmill Road in McLean Township where a 73-year-old woman was complaining of dizziness.
-7:27 a.m.: medical. Houston Rescue responded to the 2000 block of Ohio 66 in Loraine Township where a 73-year-old woman was complaining of low blood pressure.
-1:51 a.m.: medical. Fort Loraine Rescue responded to the 10000 block of Mason Road in Turtle Creek Township where an 84-year-old man required medical assistance.
MONDAY
-8:19 a.m.: medical. Jackson Center Rescue responded to the 200 block of South Main Street in Jackson Township where a woman reportedly had bleach in her eyes.

Police investigate apparent suicide

Sidney Police have begun investigating an apparent suicide after finding that a note found at the scene alluded to suicide. In an inspection of the body, officials from the county Coroner's Office found no signs of trauma. Lantry's body was later transported to the Mon-Opal Liming, 40, dead. The Shelby County Coroner was notified and the investigation was turned over to detectives with the department.

Sidney Police Chief Kevin Gessler said on Tuesday that a note found at the scene alluded to suicide. In an inspection of the body, officials from the county Coroner's Office found no signs of trauma. Lantry's body was later transported to the Mon-Opal Liming, 40, dead. The Shelby County Coroner was notified and the investigation was turned over to detectives with the department.

Which local officials care enough about you to answer your questions? FIND OUT on JUNE 24 Citizens For Accountability Town Hall Meeting 7pm -10pm Sidney American Legion 1265 N. Fourth Ave. For more info email: CFAccountability@hotmail.com or 492-1489



School Facilities Commission

Ted Strickland, Governor
Richard C. Murray, Executive Director

June 16, 2010

Martin L. Given, President
Ferguson Construction Company
400 Canal Street, PO Box 726
Sidney OH 45365

RE: EDGE Participation Goal
Hardin-Houston Local School District
New Hardin-Houston K12
Combination General Trades and Masonry Contract

Dear Mr. Given:

Before the Ohio School Facilities Commission ("Commission") will waive the 5% EDGE participation goal ("the goal") on a project, its staff must ensure that all avenues to achieve full participation have been exhausted. It is the Commission's intent that all Contracts meet the required EDGE participation goal. However, we recognize that in certain limited circumstances, it may not be possible for all contractors to meet the assigned level of participation. The Commission is required to review the quality of those efforts, and determine whether the efforts of the vendor constitute a "good faith effort" under the circumstances.

As you are aware, the Ferguson Construction Company ("Ferguson" or "Contractor") contract for the combination General Trades and Masonry contract for the Hardin Houston K12 Project ("Project") was presented for approval at the Commission's May 25, 2010 meeting. Approval of the contract was deferred pending further staff assessment of opportunities for a higher degree of attainment.

On March 9, 2010, Ferguson submitted a letter of Good Faith Effort, citing a 0.50% commitment to participate in the EDGE Business Assistance Program; the previously cited attainment goal was 0.25%, or \$25,410.00 of total contract bid of \$10,164,600.00.

In a meeting between OSFC, the Hardin-Houston School District and Ferguson on June 1, 2010, Ferguson stated a commitment to additional attainment, amounting to 1.5% of total contract. We recognize that effort but, upon further review of the scope of the contract, I have determined that a higher degree of EDGE

June 16, 2010

participation is normally warranted for a general trades package, and therefore I propose to extend the review of your "good faith effort."

Ferguson in part cited demonstration of good faith efforts to OSFC by providing evidence of invitations, discussions or contact with 37 identifiable EDGE vendors/contractors. Contractor offers to provide OSFC with relevant information concerning those 37 EDGE contacts, responses and bids. OSFC acknowledges that Contractor has engaged four of the 37 EDGE certified businesses to attain the 1.5% of total contract. To evaluate that effort and to assist with additional attainment, OSFC will interview at least ten of the remaining 33 EDGE businesses to discuss the interaction of the Contractor and the EDGE business. OSFC will report the results of those discussions to you.

OSFC acknowledges that Ferguson has participated in 7 projects with the OSFC in which Ferguson committed to meet or exceed the EDGE Goal. These projects and the associated EDGE percentages are found in the table below and illustrate the efforts that Ferguson has previously made to meet the participation goals of the EDGE program.

School District	County	Building	Contract Amount	EDGE %	EDGE Amount
Milton Union	Miami	New K-12	\$20,213,800	5.1	\$1,028,000
Hamilton	Butler	Crawford	\$7,618,000	5.2	\$402,025
Hamilton	Butler	Riverview	\$8,153,000	8.3	\$677,170
St. Marys	Auglaize	Site Amenities	\$1,714,000	15.5	\$110,000
St. Marys	Auglaize	New Middle/High	\$12,192,000	10.98	\$1,110,000
Dayton	Montgomery	Charity Adams-Earley	\$4,068,000	10.48	\$388,147
Wapakoneta	Auglaize	New Elementary	\$4,787,300	12	\$396,950

OSFC asks you to continue to work cooperatively through completion of Project to improve upon the EDGE attainment percentage and continue to examine opportunities for the use of EDGE firms, including but not limited to, substitution of subcontractors as the need may arise; portions of the project for which no subcontract has been awarded; the purchase of materials for the project; and any other area that the OSFC and Contractor may identify. Every 90 days, OSFC and the Construction Manager will audit and review the progress made toward improving the EDGE participation and will detail the steps taken to date in working to improve participation. In the event that you are able to reach 5% EDGE participation on this project, this review process will no longer be required.

In addition, let me clarify that EDGE participation does not have to be limited to your direct sub-contractors. Third-tier subcontractors may be considered in determining EDGE participation. Therefore, we expect you to work with existing subcontractors for the duration of the Project to identify opportunities for them to subcontract for work or material to attain greater EDGE participation. We further ask that you report demonstrated efforts and progress with subcontractors through the completion of the Project. OSFC will assist you in these efforts. OSFC expects any "good faith effort" to include efforts by you to include third tier subcontractors.

Ohio School Facilities Commission

Page 3

June 16, 2010

With respect to your on-going efforts, OSFC will evaluate Ferguson on subsequent bids on OSFC projects, based upon EDGE participation and attainment of the Goal on this Project. Any subsequent waiver requests by you for other OSFC project work will be evaluated in part by progress on the Project Goal.

With your written concurrence, the steps outlined above provide an opportunity to move forward with this contract at the next Commission meeting.

Sincerely,



Richard C. Murray
Executive Director

CC: John Scheu, Superintendent, Harden-Houston LSD
Jennifer Stokes, OSFC Project Administrator
Clay Keith, Bovis Lend Lease, Construction Manager
Susan Hagan, OSFC Small & Developing Business Liaison
Hon. Keith Faber, State Senator, 12th District
Hon. John Adams, State Representative, 78th District
J. Pari Sabety, Director, Office of Budget and Management
Hugh Quill, Director, Department of Administrative Services
Deborah Delisle, Superintendent of Public Instruction
Hon. Teresa Fedor, State Senator, 11th District
Hon. Gary Cates, State Senator, 4th District
Hon. Matt Patten, State Representative, 18th District
Hon. Kris Jordan, State Representative, 2nd District

Joseph, Kara

From: Joseph, Kara
Sent: Tuesday, August 10, 2010 1:59 PM
To: John Scheu
Subject: RE: FW: OSFC

Wow. OSFC sure knows how to get into high water!

Kara Joseph

Legislative Aide

Office of Rep. John Adams

House Minority Whip

Ohio House of Representatives

Phone: (614) 466-1507

From: John Scheu [mailto:jscheu@houston.k12.oh.us]
Sent: Tuesday, August 10, 2010 12:19 PM
To: keith.faber@senate.state.oh.us; jotte@senate.state.oh.us; Joseph, Kara; adamshd78@woh.rr.com
Cc: sd19@senate.state.oh.us; sd14@senate.state.oh.us
Subject: Fwd: FW: OSFC

I thought we had issues with Richard Murray- reading what New Boston continues to go through is despicable. Please don't let this issue die- I believe that the reason Strickland so adamantly is defending Murray is because he was aware and supportive of what Murray was doing from the start, and he can't fire Murray because of this. I am told by the IG office that yet another IG report will be forthcoming after they have had a chance to finalize their investigation of the EDGE issue and OSFC, which our school district is a key player in this investigation. If BASA and OSBA don't support these school districts that are being subjected to this type of behavior and intimidation, and call for Murray's resignation, will speak volumes of their political leanings and lack of neutrality.

John Scheu
Superintendent
Hardin-Houston Local Schools (Shelby County)
5300 Houston Rd.
Houston, OH 45333
937-295-3010 ext. 224

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----- Original Message -----

John,

I thought you would be interested to see just how bad OSFC can screw a District.

Mike

----- Forwarded Message

From: "mike.staggs" <mike.staggs@newboston.k12.oh.us>

Date: Mon, 9 Aug 2010 16:08:11 -0400

To: "Rosati Jr., Jack" <JRosati@bricker.com>, Dennis Paben <DPaben@legatkingcott.com>, Charles Nelson <cnelson@legatkingcott.com>, <edward.waters@oig.state.oh.us>, <kyle.dupler@oig.state.oh.us>, <geoff.dutton@oig.state.oh.us>

Cc: "mike.staggs" <mike.staggs@newboston.k12.oh.us>

Conversation: OSFC

Subject: OSFC

Gentlemen,

On Thursday August 5, 2010 Chad Miller sent an E-Mail to virtually everyone involved with the New Boston project. I feel his communication was vindictive, threatening, and completely unprofessional. I have attached a response to the OSFC but want to run it past my Board Thursday. Please keep this confidential until it is sent to them. I have tried to list all important events in reference to our Project.

- 3/08 NB BOE hired Legat & Kingscott as our design professional
- 11/08 NB passed bond issue
- 2/09 Project agreement executed between NBLSD and OSFC
- 4/09 Variances granted by OSFC due to small student population
- 5/09 Program of Requirements approved
- 7/09 Schematic design approved
- 10/09 Design Development approved (project \$66,000 over budget)
- 11/09 Rich Murray stated at BOE meeting "if you choose a PLA, we will make it work", referring to the retaining wall and \$500,000 budget overage.
- 1/10 Construction Documents under review
- 1/10 BOE tabled PLA
- 1/10 Tri-State Building Trades withdraws the PLA from consideration
- 1/10 Burgess & Niple "independent" study discussed, project put on "indefinite hold" by R. Murray (IG's investigation uncovered that results were dictated by OSFC)
- 2/10 M. Staggs letter to R. Murray and the Commission requesting that the project move forward
- 2/10 R. Murray response to the Staggs letter demanding he withdraw the request or Murray would "throw down the gauntlet if NB did not withdraw the letter".
- 2/10 R. Murray, Joe McGraw, and Mayor Warren concoct alternative site scheme and J. McGraw presents it to the Board. The site would take away the only ball fields in New Boston and are even more in the floodway than proposed site
- 2/10 Scioto County Superintendents write letter to Governor Strickland seeking assistance (NB, Clay, Washington-Nile, and Wheelersburg)
- 2/10 Mike Mendenhall visits NB and tells Staggs "Going to the Commission would create a hostile environment. The OSFC could delay a project 2 years, and if that didn't seem like like enough it could be longer"
- 2/10 NB/Bricker & Eckler issue a public records request

3/10 NB told DCK will arbitrarily add additional costs to estimate based on Clay and Washington-Nile data, both of which have PLA's (project now estimated to be \$2.4 million over budget)

4/10 NB Village Council denies proposal to give ball fields to school district to be used for new building

4/12 Scioto Co. Superintendents jointly meet with OSFC

4/10 OSFC spends app. \$20,000 on study for the site they cannot get

5/10 the proposed site floods and original site does not. NB residents take pictures of the flood. Pictures sent to OSFC. NB residents question the intelligence of the OSFC

5/10 NB project taken off "indefinite hold"

7/10 value engineering session NB agrees to cut project for a total of \$2.8 million (educationally detrimental cuts agreed upon to keep the ball rolling)

8/10 VE log incorrectly states District approved cutting off the front of the building

8/10 C. Miller demands building front be cut off Staggs refuses

8/10 C. Miller sends threatening, vindictive E-Mail to NB BOE, Architect, construction manager, and cc's other OSFC staff

----- End of Forwarded Message

Joseph, Kara

From: Joseph, Kara
Sent: Wednesday, April 28, 2010 10:07 AM
To: John Adams - home
Subject: FW: Hardin Houston Edge Information
Attachments: Attach0.html; JMC Form 28 for Hydro Phase Services.pdf; Ferguson Edge email.pdf; Ferguson Form 28 (signed).pdf; HH A1 EDGE letter.pdf; HH Burkett email.pdf; HH Ferguson Edge back up.pdf; HH LSD Summary of Prime Contracts with EDGE participation.DOC; JMC EDGE Letter 04-08-10.pdf

Kara Joseph

Legislative Aide

Office of Rep. John Adams

House Minority Whip

Ohio House of Representatives

Phone: (614) 466-1507

From: John Scheu [mailto:jscheu@houston.k12.oh.us]
Sent: Tuesday, April 27, 2010 12:06 AM
To: Joseph, Kara; District78; sd12@senate.state.oh.us; jotte@senate.state.oh.us
Cc: jeff_replogle@ham.honda.com; ditmerfarms@embarqmail.com; jbowling@rittal-corp.com; jdakbowl@embarqmail.com; bill.clark@goodrich.com; tom.elliott@hydro.com; jetfan6@gmail.com; Ryan Maier; Sara Roseberry; Amy Ayers; dfreytag@freytaginc.com
Subject: Fwd: Hardin Houston Edge Information

The OSFC Commission late this afternoon approved waivers for the EDGE goal for the contractors listed below. Clay and the contractors have to meet with OSFC about the seriousness of not meeting this 5% goal. This was after Clay Keith called me this morning and was told by OSFC that if these contractors could not attain this 5% EDGE goal today, that they would be taken off the project, their work would be re-bid, and the project would come to a halt. I spent 90 minutes this afternoon talking with three attorneys from Bricker and Eckler, the school board's OSFC Legal Counsel (Sylvia Gillis), and planning strategy if the waiver was not approved. Just recently, the OSFC has been very strict on this 5% goal- making it almost a requirement instead of a goal. The contractors have complained that in West Central Ohio there are not enough EDGE contractors to choose from, they have been forced in other jobs to hire non qualified contractors, and it has added significant costs to their jobs. If the OSFC had decided to stop our project and reject these contractors, the attorneys suggested H-H and the rejected contractors together file suit against OSFC as a declaratory judgement action in Shelby County- this would be the quickest route to continuing the project.

Keep in mind that all these contractors were approved on February 28, 2010 by the school board, upon the recommendation by the Construction Manager (Bovis) and Freytag Architects- and this was after an extensive interview process with each contractor that was recommended and approved. This interview process included the EDGE goals. The actual construction of the project began on March 29, 2010. Thus, many of these contractors have been on site working for a month- and came this close to being pulled off the job for not meeting a goal- not requirement. Sylvia Gillis will forward to Representative Adams the names of other school districts who just recently have had similar issues with OSFC.

I feel it would be a good idea for myself and a board member, and perhaps Senator Faber or Representative Adams, to accompany these contractors and CM when they meet with OSFC. My hope is that this unnecessary hassle and stress will not adversely affect another school district as it has H-H. I have also been given the name and number of the Inspector General to call about this issue. The email below is from Clay Keith, CM, to Sylvia Gillis, Board Legal Counsel.

John Scheu
Superintendent
Hardin-Houston Local Schools (Shelby County)
5300 Houston Rd.
Houston, OH 45333
937-295-3010 ext. 224

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----- Original Message -----

Sylvia

Here is the form and back up as requested. In attempts to resolve the Edge concerns we met with Susan on April 8th regarding this contract and had the following notes:

If a Contractor does not have any Edge Participation they should not fill out form 28

Burkett – We should ask them if they talked to any of the 529 Edge contractors regarding any services they might have available such as cleaning or trucking. They need to request a waiver on their letterhead.

Ferguson – How can other G.C's in the area make it and they cannot. They need to have both parties sign the Edge participation form. Send the actual bids they claimed to have received as part of their back up.

Reddy – OK

JMC – Need information regarding insulator that is Edge and that they are having problems with. Need to have form 28 signed. Need explanation on their letterhead.

On April 14th we followed up on the information that was requested and sent to Susan. She had asked to contact the contractors directly and I requested a conference call with the team members so that we could all be on the same page. The following is my notes from that day:

Burkett – Will be granted a waiver.

Reddy – OK

Ferguson, JMC and A1 waivers were declined/rejected.

A-1 Conference call – Waiver request was received that included back up of the Edge website screenshots from their search for Edge contractors related to fire protection. Susan has found that sprinkler contractors are finding Edge participation, some issues are due to logistics and participation. She asked if A1 had looked at the entire region 4 and directed them not to put in a specific search and to look at everyone.

Discussed Ferguson after A-1 hung the phone up. Susan had stated that she had not received the bid documents as back up that she had requested. I told her that it was sent by Lisa LeMar and that I would re-send it to her as we spoke. Susan went through the documentation from Ferguson and stated that this information was good, but that we should keep pushing them to get additional participation.

JMC Conference call – Current Edge participation is 28,000. Susan commented that the 5% is highly recommended . It is a goal not a requirement. JMC requested a list of other Edge Providers that mechanical contractors are using.

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EDGE LIST USED ON HARDIN HOUSTON SCHOOL

DIV	PHASE	NAME	CONTACT	PHONE	FAX	CELL	STATUS	LOCATION	INVITED TO BID	SUBMITTED BID	AWARDED
1	EDGE - EDDB PARTICIPATION	Ellington Management Services	Marilyn Crowley	(800) 319-1385	(513) 544-0182			Lockland			
1	EDGE - EDDB PARTICIPATION	DPS Diversity/Outreach office	Terr Allen	542-3751				Dayton			
1	EDGE - EDDB PARTICIPATION	State of Ohio EDGE									
1	Cleaning	Kingdom Bright	Tracy	(937) 671-5167	(937) 648-2199		EDGE, S/DBE	Kettering	Yes	Yes	YES
1	Cleaning	Lee's Flooring & Contracting Serv.	Dane	(513) 541-2924	(513) 541-6476	(513) 253-2509	EDGE, MBE, FBE, SDBE	Cincinnati	Yes	NO	NO
1	Cleaning	Williams Janitorial Services		(937) 278-4941	(937) 278-5410		EDGE	Dayton	Yes	NO	NO
1	Earthwork & Utilities	Dixie Excavating	Bob Garber	(937) 296-1940	(937) 296-1941	286-1241	EDGE, union	Kettering	Yes	NO	NO
2	Trucking / Hauling	Salem Trucking	Teresa Humrickhouse	(419) 943-3329	(419) 581-8697		EDGE / DBE	Leipsic	Yes	Yes	NO
2	Chain Link Fences & Gates	Allied Fence Builders	Bill Monroe / Melanie Fogt	(937) 226-0311	(937) 226-0347		EDGE	Dayton	Yes	NO	NO
2	Chain Link Fences & Gates	Lannis Fence Systems	Craig Storch	(614) 237-7628	(614) 237-0533		EDGE	Dayton	Yes	NO	NO
2	Chain Link Fences & Gates	Mad River Construction	Kim Whiteaker	271-8075	253-5665		EDGE	Dayton	Yes	NO	NO
2	Seeding & Landscaping	Biosource Landscaping	Robyn Crawford	(937) 372-5921	(937) 372-3500		WBE, EDGE, DBE	Xenia	Yes	Yes	NO
2	Seeding & Landscaping	Grandscapes	Jeff Weigandt	(937) 492-8144	492-8145		EDGE	Sidney	Yes	Yes	NO
2	Asphalt	Woodland Acres	Stephanie	(419) 523-4399	(419) 523-9509		EDGE, WBE	Ottawa	Yes	NO	NO
2	Asphalt	C.A. Threatts & Sons		(513) 542-0896	(513) 931-3309		EDGE		Yes	NO	NO
2	Asphalt	Republic Asphalt Paving		(937) 277-4258	(937) 296-0351		EDGE	Moraine	Yes	NO	NO
2	Site Concrete	W.C. Jones Asphalt Paving Co.	Leo Lucas	(937) 228-1253	(937) 228-9300	313-4695	EDGE	Dayton	Yes	NO	NO
3	Place & Finish	Asphalt Construction	Chris Baldwin	(937) 550-4900	(937) 550-4636		EDBE, S/DBE	Franklin	Yes	NO	NO
3	Concrete Subcontractors	Justin Concrete Construction	Mike Mattis Ext 16	(513) 559-9390	(513) 559-1997		EDGE	Cincinnati	Yes	NO	NO
5	Structural & Misc Steel	White and White Concrete Co.	Jonathan White	(937) 672-2513	(937) 268-9698		EDGE ???	Dayton	Yes	NO	NO
5	Structural & Misc Steel	Dayton Professional Ironworks		(937) 898-6438	(937) 898-2538		EDGE, EDBE	Dayton	Yes	NO	NO
5	Structural & Misc Steel	Earl Building Products	Shannon	(937) 781-3275	(937) 253-2898		EDGE, EDBE	Dayton	Yes	NO	NO
5	Structural & Misc Steel	Judo Steel	Dave Fader	268-7613	268-2245		NON-AISC, EDGE, WBE	Dayton	Yes	Yes	NO
5	Steel Erection	Elco Steel Company, Inc.	Bill	(888) 335-3526	(937) 268-7894		EDGE		Yes	NO	NO
7	Waterproofing	WIW Enterprises, Inc	Vicki Simpson	(937) 254-4926	(937) 254-2211		EDGE	Dayton	Yes	NO	NO
7	Applied Fireproofing	Oren Plastering	Carol Davis	(937) 233-7621	(937) 233-7638		EDGE	Hutber	Yes	NO	NO
7	EPDM Roofing	Penelope Contract	Gina Baker	(937) 212-4948	(937) 415-2170	(937) 212-4948	EDGE	Vandalia	Yes	NO	NO
7	Joint Sealants	Architectural Maint. Services		(937) 859-0895	(937) 866-5638		EDGE, S/DBE	Miamisburg	Yes	NO	NO
8	Drs & Hdwr - Install	Tamsah Enterprises	Barbara Howell	(937) 593-8209	(937) 593-0847		EDGE	Bellevue	Yes	NO	NO
8	Glass & Aluminum Doors/Windows	Best Glass	Mike Steinbrugge	(937) 228-3811	(937) 228-0282		EDGE		Yes	NO	NO
9	Painting & HP Coatings	A New Dawn Painting Company	Dawn Arlington	(614) 491-9965	(614) 491-9916		EDGE	Columbus	Yes	NO	NO
9	Painting & HP Coatings	C.W. Painting Co.	Charles White	(614) 474-6570	(614) 318-2750		EDGE		Yes	NO	NO
9	Painting & HP Coatings	E&S Painting & Drywall		(937) 293-3444	(937) 293-3444		EDGE, EDBE	Dayton	Yes	NO	NO
9	Painting & HP Coatings	Jameco Properties, LLC	Micheal Miller	(937) 684-9071	(937) 684-9072		MBE, DBE, SBE, WBE, EDGE	Springfield	Yes	NO	NO
9	Painting & HP Coatings	Perry Interiors	Karen	(513) 761-9333	(513) 761-4039		EDGE, EDBE	Cincinnati	Yes	Yes	NO
10	Signage	Sign Connection, Inc.	Jane F.	(937) 456-4070	(937) 435-4071		EDGE	Dayton	Yes	NO	NO
12	Furnishings	Briely Shade	Kristine Klipsline		(937) 698-3221		EDGE	West Milton	Yes	Yes	YES

EDGE Contractor	Section Bid	Price	Low Price Contractor	Low Price	Difference
Grandscape	Landscaping	\$ 26,520.00	Bladecutters	\$ 21,175.00	\$ 5,345.00
Grandscape	Seeding	\$ 69,948.46	Landscape Associates	\$ 45,000.00	\$ 24,948.46
Grandscape	Pavers	\$ 14,820.00	Landscape Associates	\$ 8,700.00	\$ 6,120.00
Grandscape	Running track fence	\$ 19,652.00	Hunt's Fence, Inc.	\$ 19,850.00	\$ (198.00)
Grandscape	Barrier Gate fence	\$ 8,400.00	Hunt's Fence, Inc.	\$ -	\$ 8,400.00
Judo Steel	Structural Steel Material	\$ 808,350.00	Cheugh & Schlegel	\$ 630,000.00	\$ 178,350.00
Judo Steel	Structural Steel Erection	\$ 383,000.00	Cheugh & Schlegel	\$ 220,000.00	\$ 163,000.00
Perry Interiors	Painting, base bid	\$ 229,000.00	Seven Brothers Painting	\$ 116,986.00	\$ 112,014.00
		\$ 1,559,690.46		\$ 1,061,711.00	\$ 497,979.46

(included in running track fence quote)

↑ Increase in cost to the contract in order to utilize EDGE bids



EDGE
CONTRACTOR

DBE Certified/
Landscaping

Proposal P-1124
Ferguson Construction Company
400 Canal Street
Sidney OH 45365

February 9, 2010

Ref: Hardin Houston School

Seeding

Labor, material and equipment to prepare seed bed, apply fertilizer, seed, mulch and tackifier for 1,216,495 sq. ft. @ .0575 q. ft. \$69,948.46

Landscaping

- 7 Red Sunset Maple 1 3/4"
- 6 Crescendo Sugar Maple 1 3/4"
- 2 Ohio Buckeye 1 3/4"
- 2 River Birch 1 3/4"
- 8 Princeton Sentry Ginkgo 1 3/4"
- 5 Kentucky Coffee Tree 1 3/4"
- 3 Moraine Sweetgum 1 3/4"
- 7 Indian Magic Crab 1 3/4"
- 5 Columbia London Planetree 1 3/4"
- 1 Plantree 1 3/4"
- 6 Serbian Spruce 3-4'
- 3 Colorado Spruce 3 - 4'
- 9 Cleveland Slect Pear 1 3/4"
- 6 Swamp White Oak 1 3/4"
- 5 Burr Oak 1 3/4"
- 9 Norther Red Oak 1 3/4"
- 7 Black Choke berry 18"
- 5 Red Osier Dogwood 18"
- 3 Winterberry 18"
- 3 Spicebush 18"
- 5 Diablo Ninebark 18"

ALT 10, 11 $\left\langle \begin{matrix} 3 \\ 4 \\ 15 \end{matrix} \right\rangle$

Labor, material and equipment to plant above listed plants, including mulching, staking, fertilizer, watering, soil additives, stone, edging, weed barrier, water-worn stone mulch bed \$26,520.00

EDGE



GRANDSCAPES INC

DBE Certified/
Landscaping

Page 2

Pavers

Labor, material and equipment to install pavers as per spec
1200 sq. ft. @ 12.35 sq. ft.
Concrete work by others

\$14,820.00 ✓

Alternate for Running Track Fence

Labor, material, equipment and concrete to install fence, including the following:

- 1600 ft. - 2 x 9 ga. 42" KK 2 oz. C/L Fence
- 200 - 2-3/8 x 6' DQ 40 Posts
- 1600 ft. - 1-5/8 x 21' SE DQ 40 Pipe
- 1600 ft. - 7 GA Coil Spr. Aluminized Coil
- 14 - 2-7/8 x 7' DQ 40 Posts
- 5 - 4' Walk Gates
- 1 - 12' Double Drive Gate

\$19,652.00 ✓

Labor, material and equipment to install 1 - barrier gate as on sheet sp1.10

$\$4,200.00 \times 2 = \underline{\$8,400}$

Labor, material, equipment and concrete to install 370' of 6' high chain link fence around play area and water well tank
4 end post, 2 corner post

\$8,200.00

Note:

- Final price is determined on field measure.
- Price is based on pulling in on job 2 times.
- Grade is to be + or - 1".
- Seeding is to be preformed in 4" topsoil.
- All temporary seeding is .05 per sq. ft. plus \$750.00 move in.
- All prices will expire 30 days from the date of this proposal.
- It is the customer's responsibility to have all underground utilities marked prior to any work being performed.

BASE BID = \$16,600
MISSING ALUMINUM
AND 360' OF 4' FENCE
W/ GATES

Proposal Issued by:

Lisa Weigandt
Lisa Weigandt - President
Grandscapes Inc.

Acceptance of Proposal:

Name: WILL REMOVE EXIST FENCE
AND KEEP MATERIAL AT NO COST.
Date: _____

EDGE CONTRACTOR



and LS Combs Inc
869 US Rte 68 S
Xenia, OH 45385



Seeding Proposal

Bid Date	Proposal #
2/5/2010	2428

Project				
Hardin Houston K-12				
Description	Qty	Price	UOM	Total
Rockhound, Hydroseed, Fertilize, and Hydromulch Quantity is an estimate. Final pay to be based on actual areas seeded.	176,914	0.60	SY	106,148.40
Total				\$106,148.40

BioSource is a Drug Free Workplace, Female owned and registered EDGE and DBE.

Estimating Contact: Robyn Crawford

Email	Phone #	Fax #	Web Site
info@biosourcelandscaping.com	937-372-5921	937-372-3500	www.biosourcelandscaping.com

02-140



907 Wardhill • Lima, Ohio 45805 • 419-229-5214 • FAX 419-222-6302

2/9/10

Hardin Houston K-12

Landscape Plantings

\$28700.00 ✓

Plants, mulch, edging, decorative stone NO topsoil

Lawn Seeding (Based on 1174000 s.f.)

\$45,000.00 ≈ .0383/SF ✓

Cultivate seed bed, fine grade, seed, fertilize, straw, tack and re-fertilization

Brick pavers at entrance and across drive,
pavers, sand leveling bed and joint sand,
No concrete, curbing or edging included

\$8700.00 ✓

Thank you and good luck!

John Runkel
John Runkel

ALT. 10, 11 59,400 SF x .0383 = \$2,275
USE THESE NUMBERS PER MAT P.

BLADECUTTER'S LAWN SERVICE

P.O. Box 403

Dayton, OH 45405-0403

QUOTE

(937) 274-3861

FAX (937) 274-9306

Bill To:

● January 20, 2010

Services Provided At:

Hardin-Houston Local Schools

Sales Rep	Terms
John Scott, President	Net 30 days. 2% interest per month will be added to all past due invoices. Sales tax will be added to all invoices as applicable.

* BladeCutter's will abide by horticultural standards set forth by the Ohio Nursery and Landscape Association.

* BladeCutter's will install landscaping according to the plan LA 1.1 and LA 1.2.

Labor and Materials \$21,175.00

Seeding \$0.07 per sq ft.

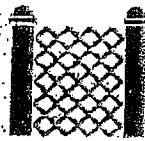
ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are here-by accepted. You are authorized to do the work as specified. Payment will be outlined above.

Signature _____ Date _____

Signature _____ Date _____

BladeCutter's Inc.



HUNT'S FENCE, INC.

1402 Campbell Road
MARION, OHIO 43302
hunts_fence@verizon.net
(740) 382-0929
Fax: (740) 382-5892

PROPOSAL SUBMITTED TO <i>Estimating</i>		PHONE	DATE <i>2/8/10</i>
STREET		JOB NAME <i>Hardin-Houston K-12 School</i>	
CITY, STATE and ZIP CODE		JOB LOCATION <i>Houston, OH</i>	
ARCHITECT	DATE OF PLANS	JOB PHONE	

We hereby submit applications and estimates for:

*Furnish & install - 360' of 4' vinyl coated chain link
 - 216' of 6' aluminum fence with gates
 - (2) 24' pipe barrier gates*

\$ 19850.00
Incl. tax

Alt 10/11

*- 1500' of 42" chain link with gates (galvanized)
 \$ 18950.00*

WILL REMOVE EXIST. FENCE AND KEEP MATERIAL AT NO COST...

Note: Priced with House Wages

MPK

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

dollars (\$ *See Above*)

Payment to be made as follows:

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature

Stacy Hunt

Note: This proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____

Signature _____

02/11/10

EDGE CONTRACTOR

JUDO STEEL CO., INC.

AISC CERTIFIED FABRICATORS OF
STRUCTURAL AND MISCELLANEOUS STEEL
1526 NICHOLAS ROAD
DAYTON, OHIO 45418
PHONE: (937) 268-7413 FAX: (937) 268-2245
CERTIFIED FEMALE BUSINESS

XX

TO: BIDDERS

DATE: 2-9-10

FROM: DAVE FADER

PROPOSAL NO: J-6425

ATTENTION: ESTIMATING DEPARTMENT

PROJECT: HARDIN HOUSTON K-12

WE ARE PLEASED TO QUOTE THE FOLLOWING : FURNISH ONLY ; PRIME PAINTED ;
DELIVERED TO JOB SITE ; TO INCLUDE ADDENDUMS 1 THRU 3 :

#2000 MISC. STEEL ALLOWANCE (E)
50 L/F LINTEL ALLOWANCE
SHOP INSTALL MASONRY TIE ANCHORS (TIES PROVIDED BY OTHERS)
COLUMNS (E)
BEAMS (E)
JOIST AND DECK (E)
BEARING PLATES
PERIMETER ANGLE (E)
ROOF FRAMES (E)
MISC. JOIST REINFORCING ANGLES AT CONCENTRATED LOADS (E)
INTERIOR WALL HEAD ANCHOR ANGLE (E)
DOCK EDGE AND DOCK LEVELER ANGLE FRAMES
WALL BUMPER CHANNEL AT STAGE (E)
SLAB EDGE BENT PLATE AND ANGLE (E)
JOIST BRIDGING ANCHOR ANGLE (E)
JOIST BOTTOM CHORD ANCHOR CLIP ANGLES (E)
LINTELS - GALVANIZED AS REQUIRED
BRICK SUPPORT CHANNEL AND ANGLE (E)
FLEX ANCHOR CLIP ANGLES (E)
DECK SUPPORT ANGLE AND PLATE (E)
UNIT D EXTERIOR RAMP AND STAIR STEEL RAIL (E)
UNIT A EXTERIOR RAMP AND STAIR ALUMINUM RAIL (E)
UNIT C ENTRY STAIR AND RAMP STEEL RAILS (E)
UNIT C ENTRY STAIR AND RAMP ALUMINUM WALL RAILS (E)
OPERABLE PARTITION SUPPORT BEAM (E)
BOLLARDS
LADDERS TO ROOF (E)
CONCRETE STAIR ALUMINUM RAILS (E)
RAMP STEEL PIPE RAILS (E)
METAL PAN STAIRS C-120 ; A128 ; B116 ; B126 W/ ALUMINUM RAILS (E)
GALVANIZED STEEL PIPE TRENCH COVER PLATES
ALUMINUM PIPE TRENCH COVER PLATE AND LINER
BARRIER GATES (E)
ELEVATOR PIT LADDER (E)
ELEVATOR SILL ANGLE
EXTERIOR WALL LOUVER ANCHOR ANGLE (E)
SHOP DRAWINGS AND FASTENERS FOR ABOVE

RC MAN

FOR THE SUM OF : \$ 808,350.00 NO TAX INCLUDED

* ALTERNATE ADD FOR ERECTION OF ABOVE ITEMS MARKED (E) : + \$ 383,000.00 NO TAX INCLUDED

* ALTERNATE ADD # 5 (FURNISH ONLY) FOR THE SUM OF : + \$ 66,500.00 NO TAX INCLUDED

* ALTERNATE ADD FOR ERECTION #5 FOR THE SUM OF : + \$ 19,000.00 NO TAX INCLUDED

* ALTERNATE ADD #7 (FURNISH ONLY) FOR THE SUM OF : + \$ 30,950.00 NO TAX INCLUDED

* ALTERNATE ADD FOR ERECTION #7 FOR THE SUM OF : + \$ 14,500.00 NO TAX INCLUDED

SPECIFIC EXCLUSIONS:

NO KNOX BOXES
NO WOOD FLOOR EXPANSION JOINT COVERS
NO DOWNSPOUT BOOTS
NO CUSTOM ROUGH HARDWARE
NO FASTENERS FOR OTHER TRADES
NO GROUT OR CONCRETE FILL
NO OTHER ITEMS THAN LISTED ABOVE

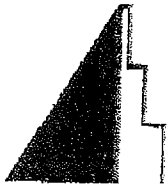
STANDARD EXCLUSIONS :

- NO CLEANING OF STEEL AFTER SHIPMENT
- NO WEATHER PROTECTION OF STEEL AT SITE
- NO BONDING AND/OR LIQUIDATED DAMAGES
- PRICE VALID FOR 10 DAYS
- NO TESTING OR INSPECTION
- NO LIGHT GAUGE FRAMING
- NO ALLOWANCES OR CONTINGENCIES - UNLESS OTHERWISE SPECIFIED
- ALL ITEMS NOT SHOWN ON ARCHITECTURAL AND STRUCTURAL DRAWINGS

SINCERELY,



DAVE FADER
VICE PRESIDENT



Cheugh & Schlegel, Inc.

Structural Framing Systems

PROPOSAL

To: General Contractor
 From: Karl Jentgen
 Date: February 9, 2010
 Re: Hardin-Houston New K-12 // Houston, OH - Revised

Furnish and Install:

Columns, beams, joist and deck, angle framing, tube steel, deck ledger angle, block ledger angle (galvanized), perimeter angle, roof frames, bracing angles, bridging termination angles, roof channel support members, valley plate bearing bars, wall support angles, roof access ladders, wall and guard rails (exterior galvanized), four sets of stairs with rails, one stop gate, one elevator pit ladder.

Furnish Only:

Joist and beam bearing plates, anchor bolts, beam lintels (exterior galvanized), angle lintels, stop gate posts and details of our work.

For the Sum of\$850,000.00
 (Sales Tax NOT Included)

MAT'L ONLY \$630,000

Add Alternate #5

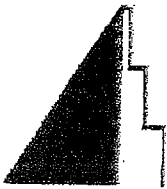
For the Sum of\$40,000.00

Add Alternate #7

For the Sum of\$23,000.00

Accepted by: _____ Accepted/C&S _____

Title: _____ Date: _____



Cheugh & Schlegel, Inc.

Structural Framing Systems

PROPOSAL

Hardin-Houston New K-12 // Houston, OH

Page 1 of 2

Exclude:

Light gauge framing, contingencies, grout or grouting, shoring, engineering, non-ferrous metals (ono), galvanizing (ono), dewatering of site, special finishes, touch up painting, anchor bolts for other trades, costs for testing or inspections, cast iron downspout boots, aluminated pipe bollards, unistruts, threaded rod and stone anchors.

Please Note:

Material portion of this proposal based on current market rate and will be reviewed for increase or decreases at time of purchase.

Laydown area by others.

Crane access and equipment access ways by others.

Reasonable access to work areas required.

Addendums 1 – 3 noted.

One ton allowance included.

Accepted by: _____ Accepted/C&S _____

Title: _____ Date: _____

Perry Interiors, Inc.

7604 Production Dr.

Cincinnati, Oh 45237-3209

Phone 513-761-9333

Fax 513-761-4039

Email: perryinteriors@fuse.net

Project: NEW HARDIN - HOUSTON K-12 SCHOOLS

Contractor: _____

Sections: #099123

Sales Tax: Included: _____ Not Included: X Addenda's: 1,2,3

Base Bid: \$229,000.00 ALT#2 -\$5,500.00 ALT#5+17,920.00 ALT#9 NC

Due Date: 2/9/2010 Time: 3:30PM Attn: _____

Qualifications & clarifications :

***** PERRY INTERIORS IS WBE, SBE AND EDGE CERTIFIED *****

1) PATCH & PREP OF EXISTING SURFACES TO BE DONE BY OTHERS.

2) ACOUSTICAL WALL AND CEILING TREATMENTS ARE NOT INCLUDED.

3) VISUAL DISPLAY SURFACES ARE NOT INCLUDED.

4) NO PAINTING OF MECHANICAL OR ELECTRICAL ITEMS UNLESS ATTACHED TO A SCHEDULED FINISHED SURFACE.

5) NO COLOR CODING OF PIPING IS INCLUDED.

6) PLAYGROUND COATINGS ARE NOT INCLUDED.

7) JOINT SEALANTS (CAULKING) ARE NOT INCLUDED.

8) WOOD DOORS TO BE PRE-FINISHED.

9) ARCHITECTURAL WOODWORK, STANDING & RUNNING TRIM TO BE PRE-FINISHED.

10) NO CORNER GUARDS OR WALL PROTECTION INCLUDED.

11) WE HAVE NOT INCLUDED THE PAINTING OF GALVANIZED LINTELS. IF WE ARE TO PAINT THEM, PLEASE ADD \$5,800.00 TO OUR QUOTE.

12) WE HAVE NOT INCLUDED THE SEALING OF CONCRETE FLOORS.

13) VOLUNTARY ALTERNATE: SEAL CONCRETE FLOORS APPROXIMATELY 4500 SF - BROOM CLEAN & 1 COAT OF SEALER \$2,600.00

SIGNED: DOUG STIENE DATE: 2/9/2010

09-910-01

Seven Brothers Painting, Inc.
50805 Rizzo Dr
Shelby Twp, MI 48315
Tell: 586 977-5906 Fax: 586 423-0368

QUOTE

Date	Quote #
2/9/2010	239

Quote To:
Ferguson Const
937 498-1769

Project Name:
Hardin K-9
Houston OH

108 5-5

1796 →

TONY (C): (586) 615-1706

Attn
Fax

Tel:

Description	Amount
Painting per specifications	116,986.00
Alternate 2 - deduct \$15,000	
Alternate 5 - gym wall add \$1,080	
Alternate 5 - gym exposed ceiling add \$1,600	
Alternate 7 - walls add \$ 1,008	
Alternate 7 - gym ceiling add \$917	
Alternate 7 - exposed ceiling add \$100	
Alternate 13 - delete \$2,298	

2,680

1,925

5,202

Please call if you require additional information.
Thank You

Total \$116,986.00

09-9/10-01

BID PACKAGE	CONTRACTOR	BASE BID	ALTERNATES	TOTAL CONTRACT	EDGE COMMITMENT	EDGE VALUE
04 – Kitchen Equipment	Burkett Restaurant Equipment	\$ 358,000.00	None	\$ 358,000.00	C -- 0%	0%
05 – Fire Protection	A1 Sprinkler Company, Inc.	\$ 416,800.00	9 \$ 35,900.00	\$ 452,700.00	C--0%	0%
08--Electrical	Reddy Electric Co.	\$1,510,400.00	9 \$ 1,971.00 12 \$ 3,000.00	\$ 1,515,371.00	A – 5%	75,768
10 – Combined Masonry & General Trades	Ferguson Construction Co.	\$9,762,000.00	4 \$ 32,700.00 8 \$ 25,000.00 9 \$ 20,500.00 10 \$233,000.00 12 \$ 49,400.00 13 \$ 42,000.00	\$10,164,600.00	B – ¼%	57,665.00
11 – Combined Plumbing & HVAC	JMC Mechanical Inc.	\$2,793,600.00	None	\$ 2,793,600.00	B – 1%	28,000

NOTES:

1. Fire Protection (A1 Sprinkler Company). A1 indicated on the EDGE Commitment form that it would meet or exceed the 5% EDGE goal for the contract. The actual documentation submitted post-bid indicates less than 5%; the company requested a waiver from the EDGE goal and provided documentation showing why it had not achieved the 5% and describing its efforts.
2. Plumbing & HVAC (JMC Mechanical). JMC indicated on the EDGE Commitment form that it would meet or exceed the 5% EDGE goal for the contract. Post-award, it has had to remove
3. General Trades & Masonry (Ferguson). [explanation and supporting documentation of good faith efforts]
4. Kitchen Equipment (Burkett). Kitchen equipment vendors usually indicate 0% EDGE participation because the contract is mostly the purchase of equipment and the delivery is a very small component of the contract; most vendors deliver and install the equipment themselves rather than using subcontractors to do so.
5. Location: Hardin-Houston LSD is located in Shelby County (between Dayton and Lima, but west of I-75). It is in a rural area.

State of Ohio
Ohio School Facilities Commission

INPUT FORM NO 28: EDGE PARTICIPATION DECLARATION
Certified Statement of Intent to Contract and Perform

Submit one fully-completed form for each EDGE Business Enterprise

Project Name and Location: New Hardin-Houston K-12 School
School District Name/County: Hardin-Houston Local School District, Shelby County

A. Bidder Company Name: Ferguson Construction Company

B. Certified EDGE Business Enterprise information (for project contract at ANY tier)

Mark all that apply:

Bidder Subcontractor Material Supplier Professional Services Goods/Services

EDGE Business Name: Brierly Shade

EDGE Business Address: 4240 State Route #48
West Milton, OH 45383

EDGE Business Federal Tax I.D. _____ E-mail: _____

Contact Person: Kristie Phone: (937) 223-9139

Description of materials, supplies, labor, etc. to be provided by certified EDGE Business Enterprise
(may use industry codes)

Window Treatments/Blinds

C. Certification of Intent

By signing below, Bidder certifies that it intends to contract with the certified EDGE Business Enterprise for the portion of the Contract described above related to the Contract for this Project and for the estimated cost shown below. By signing below, the certified EDGE Business Enterprise certifies that it intends to contract with the Bidder and intends to provide the portion of the Contract described above related to the Contract for this Project for the estimated amount of:

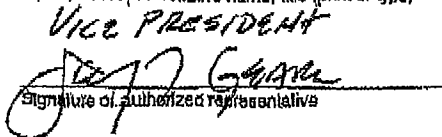
Sixteen Thousand, Seven
Hundred Ninety-Five and no /100 dollars (\$16,795.00).

EDGE Business Enterprise

Authorized representative name, title (print or type)

KRISTINE KEIRSTEIN
Signature of authorized representative

Bidder
JAY T GEARON
Authorized representative name, title (print or type)

VICE PRESIDENT

Signature of authorized representative

Return to:

State of Ohio
Ohio School Facilities Commission

INPUT FORM NO 28: EDGE PARTICIPATION DECLARATION
Certified Statement of Intent to Contract and Perform

Submit one fully-completed form for each EDGE Business Enterprise

Project Name and Location: New Hardin-Houston K-12 School
School District Name/County: Hardin-Houston Local School District, Shelby County

A. Bidder Company Name: Ferguson Construction Company

B. Certified EDGE Business Enterprise Information (for project contract at ANY tier)

Mark all that apply:

Bidder Subcontractor Material Supplier Professional Services Goods/Services

EDGE Business Name: Kingdom Bright, Inc.
EDGE Business Address: 2210 Arbor Boulevard, 2nd Floor
Moraine, OH 45806

EDGE Business Federal Tax I.D. _____ E-mail: _____

Contact Person: Stephanie McGuire Phone: (937) 610-1190

Description of materials, supplies, labor, etc. to be provided by certified EDGE Business Enterprise
(may use industry codes)

Brick veneer cleaning, construction cleaning

C. Certification of Intent

By signing below, Bidder certifies that it intends to contract with the certified EDGE Business Enterprise for the portion of the Contract described above related to the Contract for this Project and for the estimated cost shown below. By signing below, the certified EDGE Business Enterprise certifies that it intends to contract with the Bidder and intends to provide the portion of the Contract described above related to the Contract for this Project for the estimated amount of:

Forty Thousand, Eight
Hundred Seventy and no /100 dollars (\$40,870.00)

EDGE Business Enterprise

Stephanie McGuire -VP
Authorized representative name, title (print or type)

[Signature]
Signature of authorized representative

Bidder

JAY T GEARON
Authorized representative name, title (print or type)

VICE PRESIDENT
[Signature]
Signature of authorized representative

Return form to:

Keith, Clayton

From: Keith, Clayton
Sent: Friday, April 16, 2010 9:41 AM
To: 'Travis Lusky'
Cc: Hagan, Susan; 'Fetty, Jennifer'; McDougal, Keith
Subject: RE: Hardin Houston

Travis

Per conversations with Susan Hagan your request for waiver is approved.

Clay Keith

From: Travis Lusky [mailto:tlusky@baseequipment.com]
Sent: Friday, April 16, 2010 9:39 AM
To: Keith, Clayton
Subject: Hardin Houston

Clayton,

Have we heard anything about the EDGE for Hardin Houston?

Thank you.

Travis Lusky
Project Manager
Burkett Restaurant Equipment
tlusky@baseequipment.com
Ph: 419-242-7377 ex. 115
Fax: 419-241-0670

State of Ohio
Ohio School Facilities Commission

INPUT FORM NO 28: EDGE PARTICIPATION DECLARATION
Certified Statement of Intent to Contract and Perform

Submit one fully-completed form for each EDGE Business Enterprise

Project Name and Location: New Hardin Houston K-12 School
School District Name/County: Hardin Houston Local School District / Shelby County

A. Bidder Company Name: JMC Mechanical, Inc.

B. Certified EDGE Business Enterprise information (for project contract at ANY tier)

Mark all that apply:

Bidder Subcontractor Material Supplier Professional Services Goods/Services

EDGE Business Name: Hydro Phase Services

EDGE Business Address: 634 Sycamore Street
Cincinnati, OH 45209

EDGE Business Federal Tax I.D. 20-2949304 E-mail: hydrophase@isoc.net

Contact Person: Tom McDonald Phone: (513) 721-1389

Description of materials, supplies, labor, etc. to be provided by certified EDGE Business Enterprise
(may use industry codes)

Water Treatment

C. Certification of Intent

By signing below, Bidder certifies that it intends to contract with the certified EDGE Business Enterprise for the portion of the Contract described above related to the Contract for this Project and for the estimated cost shown below. By signing below, the certified EDGE Business Enterprise certifies that it intends to contract with the Bidder and intends to provide the portion of the Contract described above related to the Contract for this Project for the *estimated amount of:*

Ten thousand and 00 /100 dollars (\$ 10,000.00).

EDGE Business Enterprise

Bidder

Tom McDonald
Authorized representative name, title (print or type)

Richard McCormick Vice President
Authorized representative name, title (print or type)

Tom McDonald
Signature of authorized representative

Richard McCormick
Signature of authorized representative

Return form to:

Sylvia

Here is the form and back up as requested. In attempts to resolve the Edge concerns we met with Susan on April 8th regarding this contract and had the following notes:

If a Contractor does not have any Edge Participation they should not fill out form 28

Burkett – We should ask them if they talked to any of the 529 Edge contractors regarding any services they might have available such as cleaning or trucking. They need to request a waiver on their letterhead.

Ferguson – How can other G.C's in the area make it and they cannot. They need to have both parties sign the Edge participation form. Send the actual bids they claimed to have received as part of their back up.

Reddy – OK

JMC – Need information regarding insulator that is Edge and that they are having problems with. Need to have form 28 signed. Need explanation on their letterhead.

On April 14th we followed up on the information that was requested and sent to Susan. She had asked to contact the contractors directly and I requested a conference call with the team members so that we could all be on the same page. The following is my notes from that day:

Burkett – Will be granted a waiver.

Reddy – OK

Ferguson, JMC and A1 waivers were declined/rejected.

A-1 Conference call – Waiver request was received that included back up of the Edge website screenshots from their search for Edge contractors related to fire protection. Susan has found that sprinkler contractors are finding Edge participation, some issues are due to logistics and participation. She asked if A1 had looked at the entire region 4 and directed them not to put in a specific search and to look at everyone.

Discussed Ferguson after A-1 hung the phone up. Susan had stated that she had not received the bid documents as back up that she had requested. I told her that it was sent by Lisa LeMar and that I would re-send it to her as we spoke. Susan went through the documentation from Ferguson and stated that this information was good, but that we should keep pushing them to get additional participation.

JMC Conference call – Current Edge participation is 28,000. Susan commented that the 5% is highly recommended . It is a goal not a requirement. JMC requested a list of other Edge Providers that mechanical contractors are using.

This email (including any attachments) is confidential. If you are not the intended recipient you must not copy, use, disclose, distribute or rely on the information contained in it. If you have received this email in error, please notify the sender immediately by reply email and delete the email from your system. Confidentiality and legal privilege attached to this communication are not waived or lost by reason of mistaken delivery to you. Lend Lease does not guarantee that this email or the attachment(s) are unaffected by computer virus, corruption or other defects. Lend Lease may monitor incoming and outgoing emails for compliance with its Email Policy. Please note that our servers may not be located in your country.

Joseph, Kara

From: Joseph, Kara
Sent: Thursday, December 15, 2011 2:32 PM
To: 'John Adams'
Subject: RE: Who is missing?

I'm trying to get you the new person's info. You do realize you sent this to everyone???

- Kara

Kara Joseph
Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507

-----Original Message-----

From: John Adams [<mailto:adamshd78@woh.rr.com>]
Sent: Thursday, December 15, 2011 2:29 PM
To: Brian Hill; Peter Stautberg; Dave Hall; Bill Hayes; Barbara Sears; Marlene Anielski; Matt Huffman; Robert Sprague; Casey Kozlowski; Al Landis; Lynn Slaby; John Adams; Jeff McClain; Bill Batchelder; Rex Damschroder; Robert Hackett; Tina Roegner; Tim Derickson; Bruce Goodwin; Ron Young; Jay Hottinger; Gerald Stebelton; Mike Dovilla; Lou Terhar; Richard Adams; Andy Brenner; Jarrod Martin; Craig Newbold; Joe Uecker; Bob Peterson; Ron Amstutz; Terry Boose; Jim Butler; Randy Gardner; Nan Baker; Jim Buchy; Courtney Combs; Andy Thompson; Mike Duffey; Terry Johnson; Danny Bulp; Ron Maag; Kirk Schuring; Terry Blair; Cheryl Grossman; Michael Henne; Ross McGregor; Anne Gonzales; Christina Hagan; Peter Beck; Dorothy Pelanda; Cliff Rosenberger; Lou Blessing; Margaret Ruhl; Lynn Watchmann; Joseph, Kara
Subject: Who is missing?

Joseph, Kara

From: Joseph, Kara
Sent: Wednesday, December 14, 2011 1:51 PM
Subject: FW: Education Summit

You should all have received the following invitation. Only legislators from eight states have been invited to this summit, and out of those eight states, four were priority states, Ohio being one of those four. We would encourage you, if you have an interest in education, to sign up and attend this event. I know that a few of you have already registered, so that is great! If you have any questions, feel free to ask.

Kara Joseph

Sr. Legislative Aide

Office of Rep. John Adams

House Majority Whip

Ohio House of Representatives

Phone: (614) 466-1507



Dear Legislator,

You are cordially invited to attend ALEC's K-12 Education Reform Academy, February 3-4, 2012 at the Ritz-Carlton in Amelia Island, Florida. For invited legislators like you, ALEC will cover your room for up to two nights at the host hotel. ALEC will also reimburse up to \$500 for travel expenses, which includes coach airfare, cabfare, and a reimbursement of 55.5 cents per mile driven.

This event will address the top reforms in K-12 education that ALEC believes each state must have to ensure the successful and productive education for all American students. We will discuss what you as a state legislator can do to address a variety of issues surrounding K-12 education reform, including charter schools accessibility, accountability and transparency, standards for teacher excellence, open enrollment, vouchers, tax credits, and blended learning options.

If you are able to join us, please fill out the registration form found [here](#) and return it via email to Ellen Hughes at ellen@donerfundraising.com as soon as possible.

Monica Mastracco

Legislative Analyst, Education Task Force
American Legislative Exchange Council

1101 Vermont Avenue, NW, 11th Floor
Washington, DC 20005
202.742.8525

From: Laura Elliott
Sent: Friday, December 09, 2011 9:34 AM
To: 'Joseph, Kara'; Dave Myslinski; Monica Mastracco
Subject: RE: Education Summit

Dave or Monica would be able to help you, so I'm forwarding you to them.

Thanks,
Laura

From: Joseph, Kara [<mailto:Kara.Joseph@ohr.state.oh.us>]
Sent: Friday, December 09, 2011 9:20 AM
To: Laura Elliott
Subject: Education Summit

Laura,

Who handles the Education Summit? I've got legislators asking me about it, but I wasn't sent any information on it and don't know what to tell them.

- Kara

Kara Joseph
Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507

Joseph, Kara

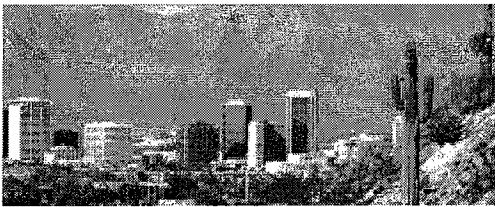
From: Joseph, Kara
Sent: Monday, November 28, 2011 10:11 AM
Subject: ALEC Dates to Remember!!!

Please put these dates on your calendar now for the upcoming ALEC meetings! This way you can plan your other events/vacations around these dates. ☺

Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

Upcoming Meetings



States & Nation Policy Summit 2011

Nov. 30 – Dec. 2, 2011
Westin Kierland Resort & Spa
6902 E. Greenway Parkway
Scottsdale, AZ 85254

Spring Task Force Summit 2012

May 11 – May 12, 2012
Charlotte, NC

39th Annual Meeting

July 25-28, 2012

Salt Lake City, Utah

States & Nation Policy Summit 2012

November 28-30, 2012

Washington, D.C.

Joseph, Kara

From: Joseph, Kara
Sent: Wednesday, October 05, 2011 2:02 PM
Subject: Register NOW for ALEC's States & Nation Policy Summit!
Attachments: ALEC Scholarship Reimbursement Rules 11-11.doc

Dear Members,

It's time to register for ALEC's States & Nation Policy Summit! I've included the details of the conference below. You must register by November 7th to receive the early bird rate.

Attached to this e-mail are the rules for what the ALEC Ohio Scholarship Fund will pay for. Please make sure you review this information so that there is no confusion about how much will be covered. If you have any questions at all, please feel free to call me in the office at 614-466-1507 or on my cell at 614-397-0752.

It should be a great conference!

- Kara

Kara Joseph

Sr. Legislative Aide

Office of Rep. John Adams

House Majority Whip

Ohio House of Representatives

Phone: (614) 466-1507

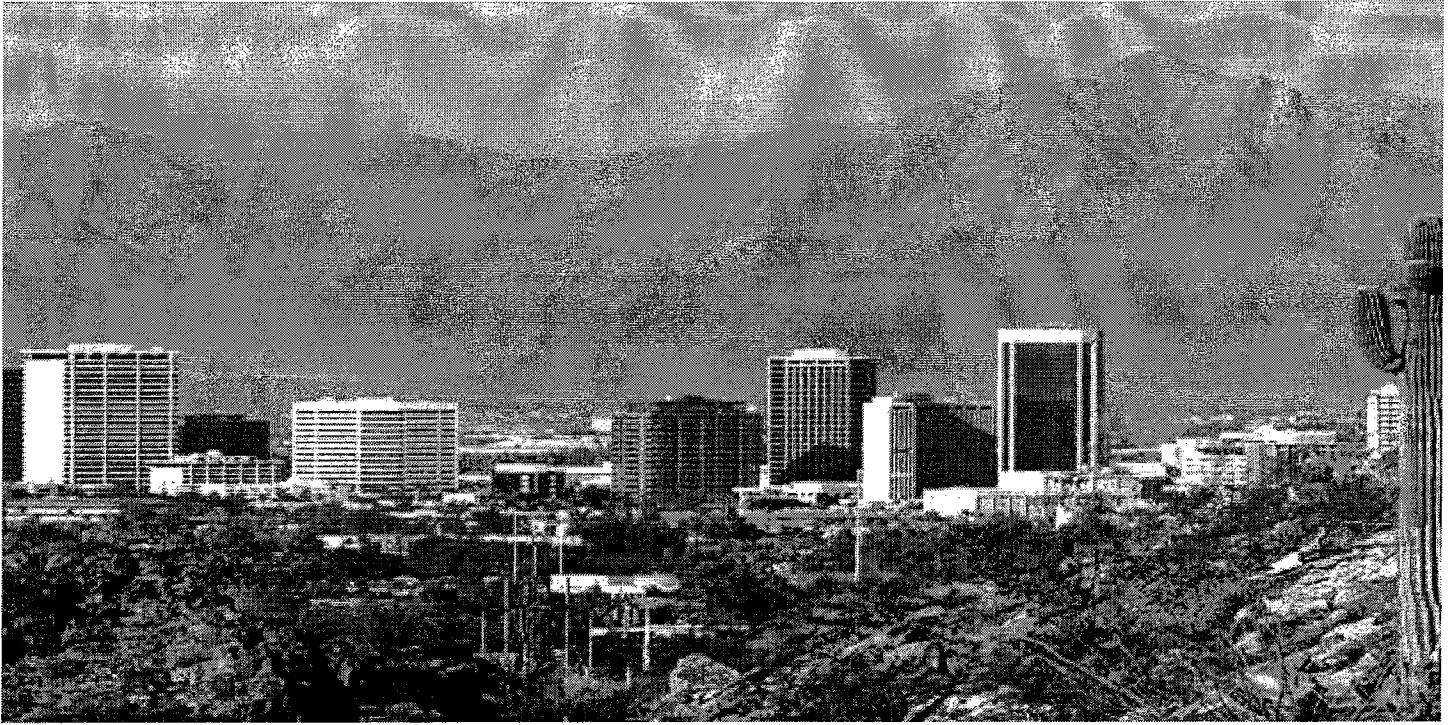
STATES &
NATION
POLICY SUMMIT

PHOENIX, AZ
NOV. 30 - DEC. 2, 2011

The 2011 States & Nation Policy Summit will be held in sunny Phoenix, Arizona. Join ALEC and hundreds of fellow state legislators for one of the nation's most prestigious state-level conferences. Check back for more information in the coming weeks. We look forward to seeing you there!

[Registration](#) **[Hotel](#)** **[Agenda](#)**

If you need a new username and password to register for this meeting, [click here](#).



**ALEC - Ohio Scholarship Reimbursement Rules
States & Nation Policy Summit – Scottsdale, AZ
Nov. 30 – Dec. 2, 2011**

- **Reimbursement maximum for Airline Flight to (PHX) Phoenix, AZ: \$350.** Only coach fare amount will be covered.
- **Maximum reimbursement for bags will be \$50**
- **If you decide to drive, your maximum reimbursement for mileage will be: \$350**
- **Maximum Cab fare/parking fee reimbursement while in New Orleans: \$100.** Cab fares will be greater than \$100, however it is one fee regardless of number of passengers. (Car pooling would be appreciated to save money.)
- **Maximum parking reimbursement at Ohio airport (or hotel if driving): \$50**
- **Maximum Hotel reimbursement will be during the arrival date of 11/29/11 and departure date of 12/03/11.** Hotel reimbursement will be for a maximum of 2 persons.
- **Maximum reimbursement for ALEC registration will be: \$325.** (You must also claim the \$50 credit when you register for the event with the following code: *SNPS11REG-HOSTHOTEL* This will drop your registration fee from \$375 down to \$325.
- **Maximum spouse registration: \$150** (Kids Congress will NOT be reimbursed.)
- **Meal reimbursement is for ALEC member only and will be at a maximum of: \$50.** Meals will be reimbursed only if something isn't already provided by ALEC or another event/reception.
- Alcohol will NOT be reimbursed.
- **Receipts MUST be submitted to my assistant, Kara Joseph, for reimbursement no later than March 2, 2012.** Reimbursement will be forfeited if not submitted by that date.

If you have any other questions, please do not hesitate to ask me or Kara.

Rep. John Adams,
ALEC Ohio Chair

Joseph, Kara

From: Joseph, Kara
Sent: Thursday, July 14, 2011 10:54 AM
Subject: ALEC Cigar Caucus Reception
Attachments: Cigar Caucus Invitation

To the Member attending ALEC:

Please let me know ASAP if you plan on attending the Cigar Reception in New Orleans. I will reserve transportation if we have enough members and family attending this event. Please let me know the exact number of guests that will go to this event.

Thank you!

- Kara

Kara Joseph

Sr. Legislative Aide

Office of Rep. John Adams

House Majority Whip

Ohio House of Representatives

Phone: (614) 466-1507

Joseph, Kara

From: Joseph, Kara
Sent: Wednesday, July 13, 2011 12:27 PM
Subject: 2011 ALEC OHIO NIGHT - Please RSVP
Attachments: Final legislator 2011 ALEC OHIO NIGHT (2).pdf

You're invited to

ALEC OHIO NIGHT

National World War II Museum

945 Magazine Street New Orleans, LA

Friday, August 5, 2011 6:00PM-8:00PM



THE NATIONAL WWII MUSEUM

The National World War II Museum will be closed to the public, and open to Ohio Night attendees Please join us for food and beverages at this historical site

Spouses and children are welcome

RSVP by July 29, 2011 to Ed Kozelek, ALEC Ohio Private Sector Chair at OhioALECrsvp@live.com



PLEASE JOIN US *for*
CIGARS *on the* **BALCONY.**



FRIDAY, AUGUST 5TH

9:30 PM - 12:30 AM

633-B DECATUR *on the* **HISTORIC
UPPER PONTALBA APARTMENTS.**



CIGAR CAUCUS

*The Cigar Caucus invites you to experience the
French Quarter, socializing with old friends and
making new ones in the heart of the Big Easy.*

Contact **DEBORAH DUVIC** by email at
DEBORAH@THECAPITOLGROUP.NET
or call 225-381-0127.

Sponsored by



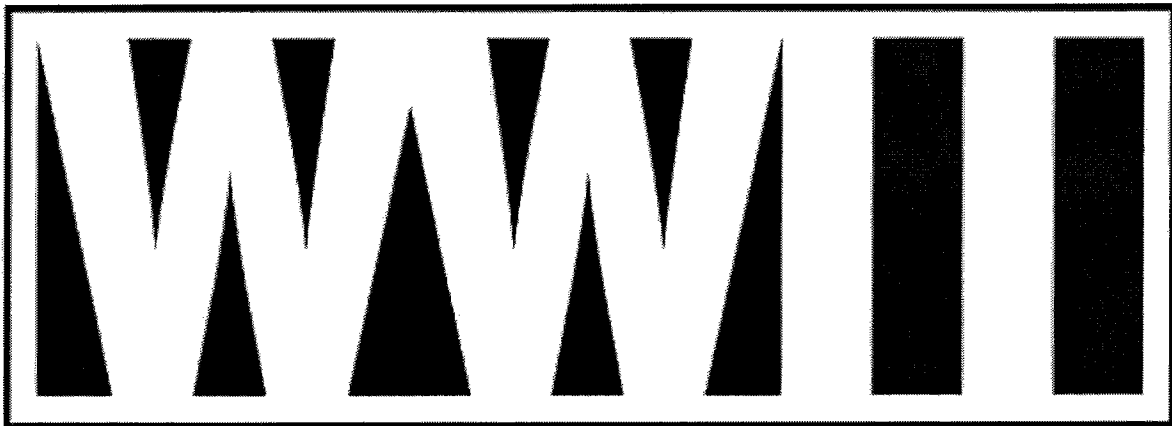
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RSVP by July 29, 2011 to Ed Kozelek, ALEC Ohio Private Sector Chair at OhioALECrsvp@live.com

Joseph, Kara

From: Joseph, Kara
Sent: Wednesday, June 22, 2011 9:12 AM
Subject: Annual Meeting attendance

For those of you attending the annual meeting:

I would greatly appreciate it if you would let me know when you will be arriving in New Orleans for the ALEC annual meeting. This will assist those individuals who are putting together dinner invitations so that we don't have a repeat of last year where members were signed up for dinner but didn't even arrive until after the event.

Thank you so much for your assistance!

- Kara

Kara Joseph

Sr. Legislative Aide

Office of Rep. John Adams

House Majority Whip

Ohio House of Representatives

Phone: (614) 466-1507

Joseph, Kara

From: Joseph, Kara
Sent: Tuesday, June 21, 2011 1:43 PM
Subject: Final legislator 2011 ALEC OHIO NIGHT
Attachments: Final legislator 2011 ALEC OHIO NIGHT.pdf

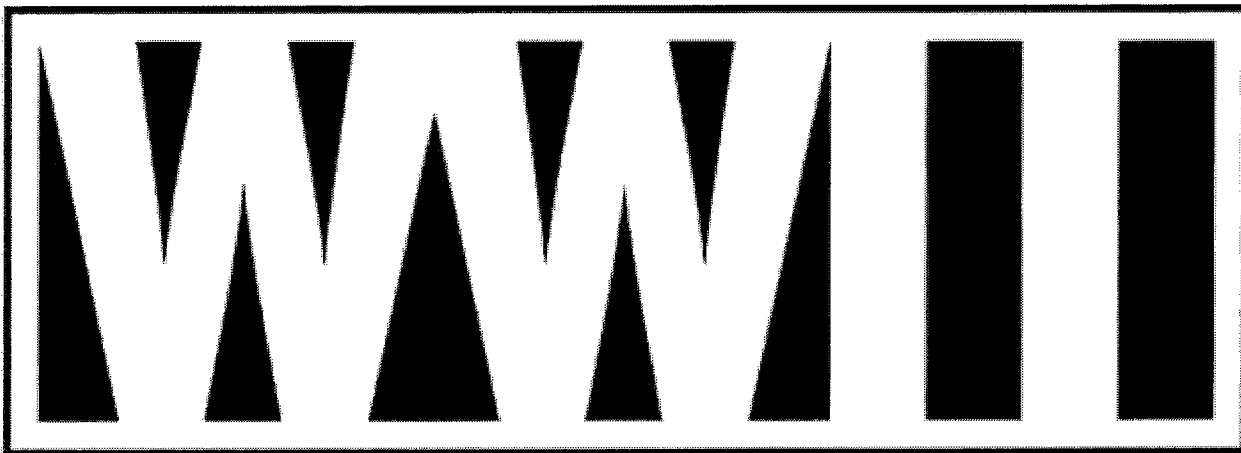
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RSVP by July 29, 2011 to Ed Kozelek, ALEC Ohio Private Sector Chair at OhioALECrsvp@live.com

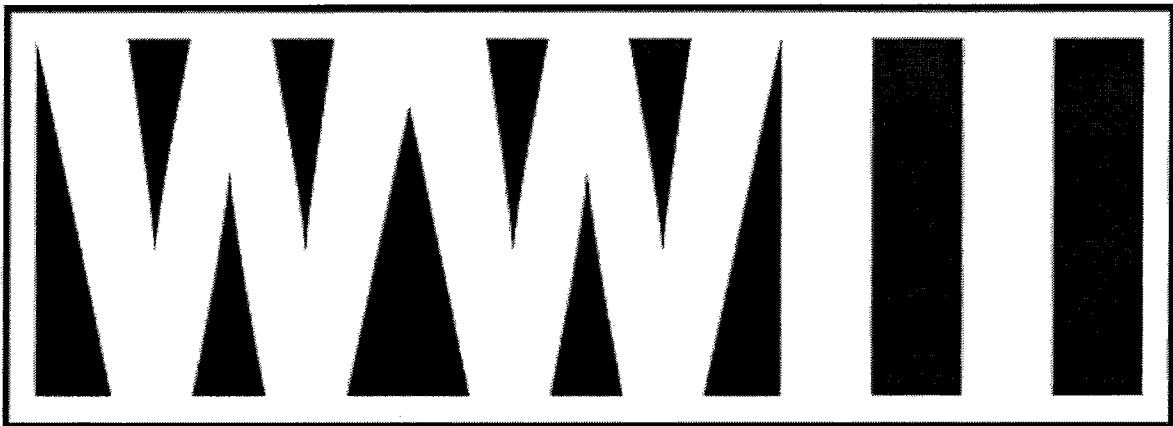
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Please join us for food and beverages at this historical site

Spouses and children are welcome

RSVP by July 29, 2011 to Ed Kozelek, ALEC Ohio Private Sector Chair at OhioALECrsvp@live.com

Joseph, Kara

From: Joseph, Kara
Sent: Monday, June 20, 2011 1:05 PM
To: Members_GOP; Staff_GOP
Subject: Session & Caucus

Importance: High

To all Members:

Tuesday night's caucus is strongly recommended for all caucus members. We have session days on Tuesday, Wednesday and Thursday. If for any reason you cannot attend any of these scheduled session days, please contact your designated Whip.

Thank you!

Kara Joseph

Sr. Legislative Aide

Office of Rep. John Adams

House Majority Whip

Ohio House of Representatives

Phone: (614) 466-1507

Joseph, Kara

From: Joseph, Kara
Sent: Monday, June 06, 2011 2:59 PM
Subject: FW: Early Bird Registration Rate ends TOMORROW

Don't forget to register for the ALEC conference!!!

Kara Joseph

Sr. Legislative Aide

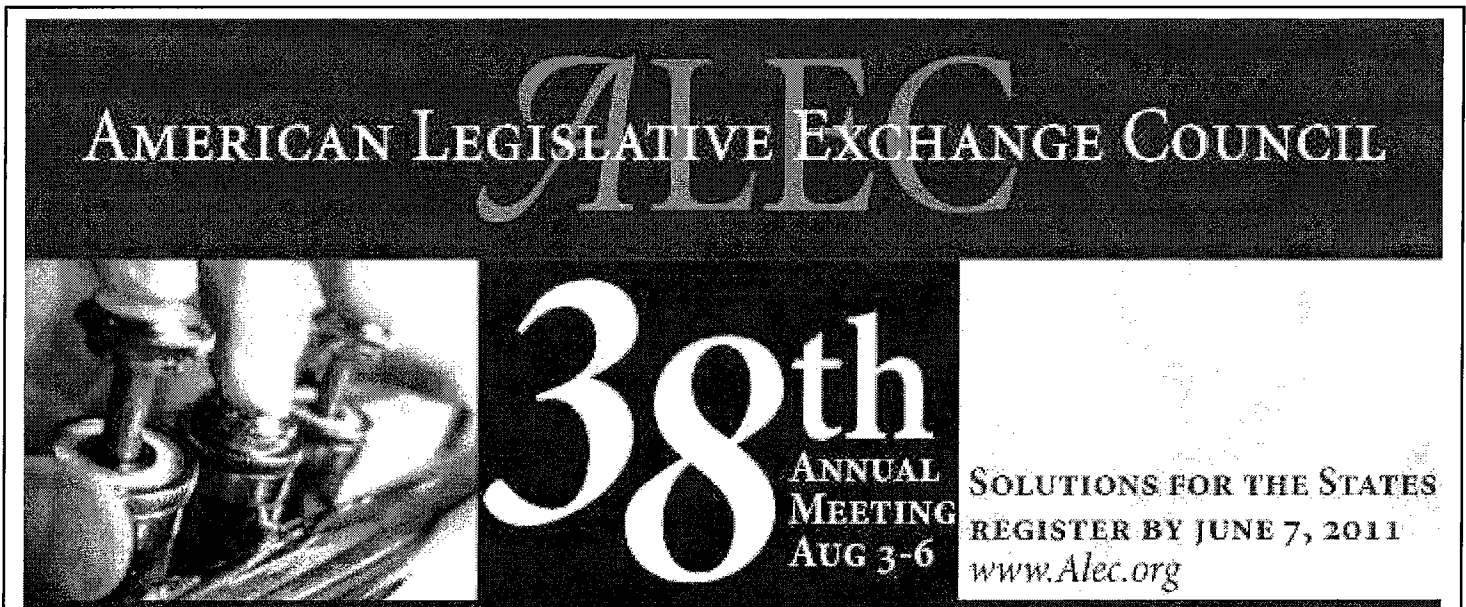
Office of Rep. John Adams

House Majority Whip

Ohio House of Representatives

Phone: (614) 466-1507

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The banner features the ALEC logo at the top, which includes the text "AMERICAN LEGISLATIVE EXCHANGE COUNCIL" and "ALEC" in a large, stylized font. Below the logo is a photograph of a gavel resting on a stack of books. To the right of the photograph, the text "38th ANNUAL MEETING AUG 3-6" is displayed in a large, bold font. Further to the right, the text "SOLUTIONS FOR THE STATES REGISTER BY JUNE 7, 2011 www.Alec.org" is written in a smaller font.

Early Bird Registration Rate ends TOMORROW!

**Early Bird Registration Rate ends TOMORROW!
Register before attendee costs go up!**

**You'll also receive an additional \$100
reimbursement by reserving your hotel**

room at the New Orleans Marriott!

*C'mon Down
to the Big Easy*

New lower rates for 2011!

American Legislative Exchange Council | 1101 Vermont Ave., NW 11th Floor, Washington, DC 20005
ph: 202-466-3800 | fax: 202-466-3801 | [Our website](#) | [Send to a friend](#)

Joseph, Kara

From: Joseph, Kara
Sent: Tuesday, May 31, 2011 12:40 PM
Subject: FW: Register Now to Receive Early Bird Rate for ALEC Annual Meeting
Attachments: ALEC Scholarship Reimbursement Rules 08-11.doc

ALEC Members,

Make sure you register now to take advantage of the early bird registration for ALEC's Annual Meeting. I've also enclosed a list of what the ALEC Scholarship Fund will pay for.

Let me know if you have any questions!

- Kara

Kara Joseph

Sr. Legislative Aide


Office of Rep. John Adams

House Majority Whip


Ohio House of Representatives

Phone: (614) 466-1507

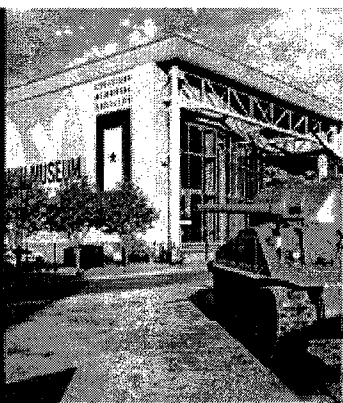
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AMERICAN LEGISLATIVE EXCHANGE COUNCIL



38th
ANNUAL
MEETING
AUG 3-6



Solutions
for the States

JOIN US FOR THE LOUISIANA
WELCOME RECEPTION AT THE
NATIONAL WWII MUSEUM

Have you registered for the Annual Meeting yet? There are now new **LOWERED RATES** for all attendees! Make sure you [register](#) by **June 7th** to receive the Early Bird rate.

And while you're at it, reserve your hotel room at the New Orleans Marriott. When you book your

room at the host hotel you'll receive a \$100 reimbursement on your already-reduced registration!

[Click here](#) to reserve your room today, or call (800) 228-9290 and ask for the American Legislative Exchange Council's room block.

Questions? Please call or email Caitlin McGovern at (202) 379-4384 or cmcgovern@alec.org.

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ph: 202-466-3800 | fax: 202-466-3801 | [Our website](#) | [Send to a friend](#)

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If you would prefer not to receive emails from us, go [here](#).

Please send any comments about this email to kbuss@alec.org

ALEC - Ohio Scholarship Reimbursement Rules
Annual Meeting – New Orleans, LA
August 2 – 6, 2011

- **Reimbursement maximum for Airline Flight to (MSY) New Orleans, Louisiana: \$300**
- **Maximum reimbursement for bags will be \$25**
- **If you decide to drive, your maximum reimbursement for mileage will be: \$300**
- **Maximum Cab fare/parking fee reimbursement while in New Orleans: \$50**
- **Maximum parking reimbursement at Ohio airport: \$50**
- **Maximum Hotel reimbursement will be during the arrival date of 08/02/11 and departure date of 08/06/11. Hotel reimbursement will be for a maximum of 2 persons.**
- **Maximum reimbursement for ALEC registration will be: \$475**
- **Maximum spouse registration: \$150 (Kids Congress will NOT be reimbursed.)**
- **Meal reimbursement is for ALEC member only and will be at a maximum of: \$50. Meals will be reimbursed only if something isn't already provided by ALEC or another event/reception.**
- **Alcohol will NOT be reimbursed.**
- **Receipts MUST be submitted to my assistant, Kara Joseph, for reimbursement no later than November 4, 2011. Reimbursement will be forfeited if not submitted by that date.**

If you have any other questions, please do not hesitate to ask me or Kara.

Rep. John Adams,
ALEC Ohio Chair

Joseph, Kara

From: Joseph, Kara
Sent: Wednesday, May 18, 2011 7:57 AM
Subject: This morning!!! ALEC: Higher Education Issue Briefing
Attachments: Ohio Invitation[1].pdf

Importance: High

Just a reminder that this event is this morning at 10:30am!!! Please make every effort to attend!

Kara Joseph

Sr. Legislative Aide

Office of Rep. John Adams

House Majority Whip

Ohio House of Representatives

Phone: (614) 466-1507

From: Joseph, Kara
Sent: Thursday, May 12, 2011 12:20 PM
Subject: ALEC: Higher Education Issue Briefing

(Staff is welcome to attend)

AMERICAN LEGISLATIVE EXCHANGE COUNCIL
ALEC

Join us for a
Higher Education Issue Briefing

Wednesday, May 18
10:30 a.m. – 11:30 a.m.

Riffe Center
15th Floor Majority Caucus Room

Following the release of ALEC's latest publication, *10 Questions State Legislators Should Ask About Higher Education*, Richard Petrick will discuss today's most pressing issues facing Ohio's colleges and universities.

Please RSVP by Monday, May 16 to Monica Mastracco at
mmastracco@alec.org or (202) 742-8525

For more information,
please contact Dave Myslinski
Director of ALEC's Education Task Force at
dmyslinski@alec.org or (202) 742-8531



Join us for a Higher Education Issue Briefing

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Joseph, Kara

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Sent: Thursday, May 12, 2011 12:20 PM
Subject: ALEC: Higher Education Issue Briefing
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(Staff is welcome to attend)



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For more information,
please contact Dave Myslinski
Director of ALEC's Education Task Force at
dmyslinski@alec.org or (202) 742-8531

Joseph, Kara

From: Joseph, Kara
Sent: Friday, March 25, 2011 11:25 AM
Subject: FW: Online Registration and Housing Cut-off Deadline Extended

Good news! Registration has been extended for another 2 weeks. Please make sure you register!!! Let me know if I can assist you with anything. If you don't have your user name and password, let me know and I'll get it for you.


Thank you!

Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

From: ALEC Meetings [<mailto:meetings@alec.org>]
Sent: Thursday, March 24, 2011 3:05 PM
To: Joseph, Kara
Subject: Online Registration and Housing Cut-off Deadline Extended

Problem viewing this email? [Click here](#) for our online version



Register Now!
Spring Task Force
Summit
April 28-29, 2011
Cincinnati, OH

2011 Spring Task Force Summit – Hotel and Online Registration Deadline Extended to April 6th

Good news! The Hilton Cincinnati Netherland Plaza has extended the hotel reservation cut-off deadline until April 6th, so you still can get a room at the conference rate and receive a **\$50 discount on registration!**

We are still taking registrations via fax, phone, and online for the 2011 Spring Task Force Summit that will be held in Cincinnati, Ohio on April 28-29!

Visit [ALEC's website](#) today to sign up for this event, arrange housing and learn

about exciting things to do in Cincinnati!



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ph: 202-466-3800 | fax: 202-466-3801 | [Our website](#) | [Send to a friend](#)

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To unsubscribe from all of ALEC's electronic communications, please [click here](#)

If you would prefer not to receive emails from us, go [here](#).

Please send any comments about this email to kbuss@alec.org



Joseph, Kara

From: Joseph, Kara
Sent: Monday, March 21, 2011 3:17 PM
Subject: FW: ALEC Hotel Deadline Wednesday
Attachments: ALEC Scholarship Reimbursement Rules 04-11.doc

ALEC Members,

Just a reminder to make sure you sign up for ALEC's Spring Task Force! Scholarship reimbursement rules are attached.

Feel free to call me at work: 614-466-1507 or on my cell at any time: 614-397-0752.

Kara Joseph

Sr. Legislative Aide

Office of Rep. John Adams

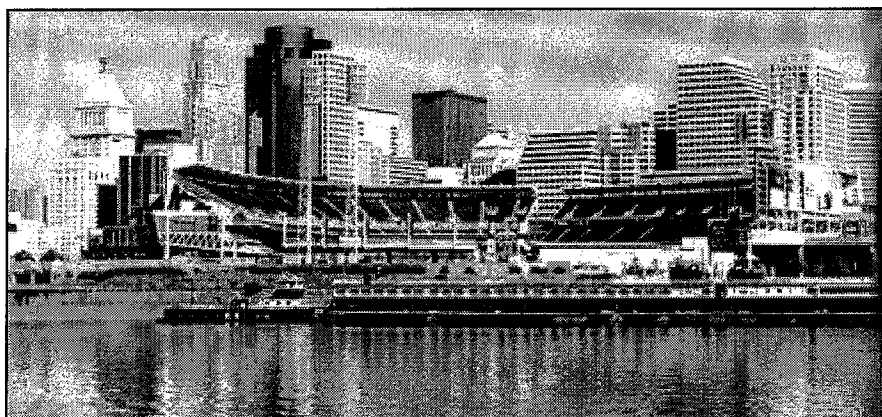
House Majority Whip

Ohio House of Representatives

Phone: (614) 466-1507

From: ALEC Meetings [<mailto:meetings@alec.org>]
Sent: Friday, March 18, 2011 4:51 PM
To: Joseph, Kara
Subject: ALEC Hotel Deadline Wednesday

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Spring Task Force
Summit
April 28-29, 2011
Cincinnati, OH

Register Now for ALEC's Spring Task Force Summit!

March 23rd is the housing deadline for ALEC's Spring Task Force Summit. Make your reservation today to take advantage of the discounted group rates at the Hilton Cincinnati Netherland Plaza, ALEC's headquarter hotel. In addition, by booking at the host hotel, you can save \$50 on registration fees. Visit the [ALEC website](#) to register, book housing, and obtain travel information.

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meet in Cincinnati:

- Civil Justice
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- Education
- Energy, Environment and Agriculture
- Health and Human Services
- Public Safety and Elections
- Tax and Fiscal Policy
- Telecommunications and Information Technology

We look forward to seeing you in Cincinnati at ALEC's Spring Task Force Summit!

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ALEC Scholarship Reimbursement Rules
Spring Task Force – Cincinnati, OH
April 29 – 30, 2011

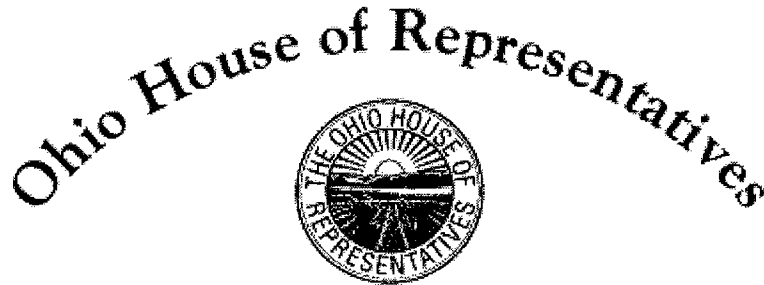
- Reimbursement for travel from home to Hilton Netherland Plaza (over 25 miles): \$0.505 per mile.
- **Maximum parking reimbursement: \$30.00**
- **Maximum Hotel reimbursement will be for one night at \$169 plus tax.** Only exceptions will be for members who have a subcommittee/workgroup that you are assigned to that meets at 8 am or 9 am Friday AND you live more than 60 minutes away.
- **Maximum reimbursement for ALEC registration** will be for early-bird registration amount only:
 - Task Force Member: \$150
 - Non-Task Force Member: \$400
- Maximum spouse registration: \$150.00
 - Registration for children is NOT covered.
- **Alcohol will NOT be reimbursed.**
- **Meals will not be reimbursed.**
- Receipts **MUST** be submitted to my assistant, Kara Joseph, for reimbursement no later than **July 29, 2011**. **Reimbursement will be forfeited if not submitted by that date.**

If you have any other questions, please do not hesitate to ask me or Kara.

Rep. John Adams,
ALEC Ohio Chair

Joseph, Kara

From: Joseph, Kara
Sent: Monday, March 07, 2011 1:32 PM
Subject: ALEC Spring Task Force
Attachments: ALEC Scholarship Reimbursement Rules 04-11.doc; Reserve Hotel.doc



**John Adams
Majority Whip**

MEMORANDUM

TO: ALEC Members
FROM: Rep. John Adams
DATE: March 7, 2011
RE: ALEC Spring Task Force

The ALEC Spring Task Force in Cincinnati, Ohio will be coming up in less than two months. I wanted to remind you to make your hotel reservations this week if possible. The hotel will fill up quickly, so even if you end up not needing the room, you can cancel your reservation within 72 hours of the event.

Reservations should be made through ALEC's website at:
http://www.alec.org/AM/Template.cfm?Section=Registration_and_Housing. If you don't have your user name and password for the ALEC site, contact my aide, Kara Joseph at kara.joseph@ohr.state.oh.us or 614-466-1507 and she will be able to assist you.

ALEC Scholarship rules for the upcoming conference are also attached.

ALEC Scholarship Reimbursement Rules
Spring Task Force – Cincinnati, OH
April 29 – 30, 2011

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If you have any other questions, please do not hesitate to ask me or Kara.

Rep. John Adams,
ALEC Ohio Chair

Ohio House of Representatives



John Adams
Majority Whip

MEMORANDUM

TO: ALEC Members

FROM: Rep. John Adams

DATE: March 7, 2011

RE: ALEC Spring Task Force

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Joseph, Kara

From: Joseph, Kara
Sent: Thursday, April 15, 2010 3:14 PM
To: RepAll
Subject: Wishful Thinking About Tax Burdens in Ohio
Attachments: Tax Foundation.pdf

Dear Members and staff:

Attached you will find the response by the Tax Foundation to the "misdirection" and comments of Tax Commissioner Levin in regard to Ohio's tax burden.

Rep. Adams encourages you to read the attachment.

Kara Joseph

Legislative Aide

Office of Rep. John Adams

House Minority Whip

Ohio House of Representatives

Phone: (614) 466-1507



FISCAL FACT

April 7, 2010
No. 220

Wishful Thinking About Tax Burdens in Ohio

by Mark Robyn and Rob Shrum

Richard Levin, Ohio's top revenue official, continues to cheerlead for the state's broken tax system, as covered by the *Urbana Daily Citizen*,¹ the *Lancaster Eagle Gazette*,² and the *Akron Beacon Journal*.³ Levin's pronouncement late last month that Ohio is not a high-tax state would normally be dismissed as an April Fool's Day joke, but he tries to add weight to his claim by citing a report by the Federation of Tax Administrators (FTA).

Levin says the numbers show that Ohio has a middle-of-the-road tax burden, but he is misconstruing Census data and consequently comes to an incorrect conclusion.

Levin's Numbers from the FTA Are Just State Tax Collections Divided by Population, Which Is Not a Burden Measure and Should Not Be Used to Compare States

The Federation of Tax Administrators' (FTA) analysis utilizes state tax collections data and population data from the US Census Bureau, and personal income data from the Bureau of Economic Analysis. Dividing total state tax collections by population and personal income yields the two measures in the FTA's study: taxes per person and taxes as a percent of income. These calculations show that Ohio's state tax collections are 35th highest on a per capita basis, and 33rd highest when measured as a percentage of Ohioans' personal income.

On the surface this type of analysis seems cut and dry, but the numbers are easy to misinterpret. The FTA analysis of Census data used by Levin compares only *state* tax collections and not *state and local* tax collections, resulting in an apples-and-oranges comparison due to states having varying levels of local tax powers. (Ohio has high local tax collections.) Census itself warns that

¹ <http://www.urbanacitizen.com/main.asp?SectionID=3&SubSectionID=5&ArticleID=153548>

² <http://www.lancastereaglegazette.com/article/20100401/NEWS01/4010304>

³ <http://www.ohio.com/business/89894102.html>

Mark Robyn is Staff Economist and Rob Shrum is Manager, Development and State Affairs, at the Tax Foundation.

its data does not account for tax incidence and should not be used in this way. Yet the FTA and Levin use it in this improper way anyway.

Cherry-Picking State Tax Collections and Not Including Local Tax Collections Provides an Inaccurate Base of Comparison Against Other States

Data on state-level tax collections is useful for some purposes. We at the Tax Foundation have sometimes included the table in our *Facts & Figures* booklet⁴ each year, though we prefer to use *state revenues*, which include non-tax revenues. But it should not be interpreted as the total tax burden faced by Ohioans because it does not take into account local taxation. Local-level taxation makes up nearly 45% of all taxes collected in Ohio, relatively high among the states. Cherry-picking state data, as Levin did, thus results in an inaccurately positive measure for Ohio.

The delegation of powers and responsibility for services between localities and states vary greatly from one state to another. If two states provide the same level of services at the same costs, but one prefers to have most spending and taxing decisions made from the State Capitol while the other prefers localities to provide the services and collect the taxes, Levin's use of FTA data would suggest that the first state has a higher tax burden. In fact, they are equal.

A Complete Measure of Tax Burden Must Go Beyond Tax Collection Data and Look at Economic Incidence

Imagine a piano teacher giving lessons to students from his house. Would anyone say that the piano teacher is paying for the lessons, just because the payments were collected in his house? Richard Levin and the FTA apparently would, since they do not understand the difference between tax *collections* and tax *burdens*. Collections are a measure of the total amount of money brought in within a given geographic area. Burdens are a measure of the taxes owed by people.

To get a true account of the tax burden borne by residents of Ohio, we must go beyond simply dividing tax collections by population. This is because the person who writes the tax payment check is not necessarily the same person who bears the economic burden of the tax. The Census Bureau understands this and includes the following warning in their *State Government Tax Collections in 2009*⁵ report, from which the FTA obtained its tax data:

Analysis using total tax or per capita tax as a measure of tax burden on the citizens of a particular state can be misleading and misinterpreted. Different states use different approaches to taxation, and comparing only the total taxes collected by each state is not enough to understand the economic impact of those states' taxes. The U.S. Census Bureau's statistics on state tax revenues reflect the taxes a state collects from activity within the state, not necessarily from the individuals within a state.

For example, the state of Florida's general sales and gross receipts revenue is highly reliant on tourism from out-of-state residents, and therefore using a per capita amount for this sales and gross receipts tax would be misleading to describe the tax burden for the state's citizens. A similar case occurs in Alaska, where severance tax is paid solely by oil and gas companies that operate within the state and not the citizens of the state, thus a per capita figure is not reflecting the true burden upon the citizens. In each of these cases, per capita should be seen not as a

⁴ <http://www.taxfoundation.org/publications/show/2181.html>

⁵ <http://www.census.gov/govs/statetax/>

burden on the citizen but rather a reflection of the portion of tax imposed on behalf of each citizen.

In short, the Census itself recognizes a significant flaw in relying on per capita tax collections to measure tax burdens. Its example of Alaska is instructive: the state has no income or state sales tax and derives most of its revenue from severance taxes on the extraction of oil and gas. While these severance taxes are *collected* in Alaska, they are *borne* mostly by consumers around the country in the form of higher prices. Collections data (and the FTA report) would show Alaska to be a high-tax state; after accounting for tax exporting, Alaskans actually have one of the lowest tax burdens.

The same is true of Florida. When tourists visit Florida they spend money and pay the state's sales tax on those purchases. While the tax is collected in Florida, the burden of the tax is not on Florida residents but tourists from around the country. Heeding the Census Bureau's warning, our *State and Local Tax Burdens* study⁶ acknowledges and addresses these concerns of tax exporting.

Ohio's State-Local Tax Burden Per Capita Is 18th Highest Nationally; 7th Highest Nationally as a Percentage of Income

When one includes state and local revenue sources and accounts for tax exporting, as we do in our *State-Local Tax Burdens*⁷ report, Ohio's true tax burden per capita in 2008 stands at 18th nationally, with a tax burden per capita of \$4,049, 17 places higher than the FTA ranking used by Levin. Ohioans spend 10.4% of their income on state-local taxes, the 7th highest in the United States, higher than the national average of 9.7%, and drastically higher than the FTA's ranking of 33rd. This is very different from the picture painted by those who wish to portray Ohio as a low-tax state.

Not Only Is Ohio's Tax Burden High; Its Taxes Are Also Badly Structured

When evaluating a state's tax climate, one must consider both the overall level of taxation and the structure of a state's tax system. In addition to having an above-average tax burden, Ohio has a badly structured tax system, including a gross receipts tax. Near-unanimous economic evidence warns against gross receipts taxes as warping investment incentives in a way that takes a heavy toll on the state's economy.

It is true that Ohio no longer has a corporate income tax; it has something worse: a gross receipts tax called the Commercial Activities Tax (CAT). These taxes have deceptively low statutory rates, but high effective tax rates. This is because the tax is charged on the full price of the product *every time* it passes between firms in the production chain. For instance, a loaf of bread that passes through its production chain of farmer, miller, and baker would be taxed in full at each level of production. This is in contrast to other taxes, which aim to tax each final retail product once and only once.

Since the price at each step includes the costs incurred during previous phases of production, including taxes, the result is that the gross receipts tax is charged on previous taxes paid, an effect known as tax pyramiding. This leads to very different effective tax rates between similar

⁶ <http://www.taxfoundation.org/taxdata/show/335.html>

⁷ <http://www.taxfoundation.org/taxdata/show/335.html>

industries and products, distorting company structure and economic decisions. Virtually all economists agree that while gross receipts taxes look attractive because of simple administration and low statutory tax rates, they actually introduce severe economic distortions and damage a state's economy. The existence of Ohio's gross receipts tax is one reason that the state is ranked 47th in our *State Business Tax Climate Index*.

Ohio's nine-bracket personal income tax system is one of the nation's most complex, with a top rate of 5.925% that kicks in at an income level of \$200,000. Approximately 180 school districts and 579 cities impose income taxes ranging from 0.50% to 2.75%.

Levin has specifically ridiculed the Tax Foundation for criticizing Ohio's intangibles tax, saying that it has not existed since 1985. We responded to him, pointing out that the tax is still alive and well and that Levin was a named defendant in a case involving the tax before the Ohio Supreme Court in 2008. Levin now says the tax doesn't "meaningfully" exist. Perhaps for him, but not for those who have to pay it and comply with its rules.

Conclusion

State officials in Ohio have steadily engaged in a propaganda effort to claim that the state's tax system is non--distortionary and the burden on its taxpayers is low. But this conclusion is based upon misuse of data provided by organizations like the FTA whose own data sources warn against their flawed methodology.

The reality is that all reliable evidence tells Ohioans that they're more heavily taxed at the state-local level than the residents of most states. In 2008 their state and local tax burden was 18th highest on a per capita basis and 7th as a percentage of income. The state ranks very poorly on our *State Business Tax Climate Index*.⁸ Levin and his supporters may want to believe that Ohio is America's best kept secret for low taxes, but it ain't so.

To earn such bragging rights, state officials need to acknowledge the position they are in and work for lower tax burdens and a sounder tax system that does not distort economic decisions.

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⁸ <http://www.taxfoundation.org/taxdata/show/22661.html>

Joseph, Kara

From: Joseph, Kara
Sent: Monday, April 19, 2010 9:14 AM
To: John Adams - home
Subject: FW: Wishful Thinking About Tax Burdens in Ohio

Kara Joseph

*Legislative Aide
Office of Rep. John Adams
House Minority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

From: Ron Amstutz [<mailto:ron@amstutz.org>]
Sent: Thursday, April 15, 2010 4:43 PM
To: Joseph, Kara; RepAll
Subject: RE: Wishful Thinking About Tax Burdens in Ohio

I have reviewed the document provided by the NTF, and I find that I agree with a large proportion of what they argue. They do show some of their own biases, for example their dislike of the gross receipts tax. The last portion of their document is unclear and I doubt parts of it. Hopefully we can get some clarification as we examine it further.

I definitely agree with their view that it is much more accurate to look at state and local taxes combined. I do not agree with the tax commissioners characterization of Ohio as a low tax state. However, I do not believe the NTF has made a clear or convincing case that Ohio is worse than about average on the aggregate. I do think we are still seriously behind the eight ball on our state and local income taxes. Although a top bracket of 6.24 percent (NTU actually got this wrong, but I don't blame them the way the administration has been hiding this fact) is better than the 7.5 percent rate that was in place in 2004, it is still one of the highest rates in the nation, especially when you add the local income tax rate that most Ohioans also pay.

These are preliminary comments. I may have more to share as we look at this information, and related information, in more depth.

Ron Amstutz
Member
Ohio House of Representatives
ron@amstutz.org
330-262-7371 district
614-466-1474 statehouse
77 South High St. – Fl 12
Columbus, OH 43215

From: Joseph, Kara [<mailto:Kara.Joseph@ohr.state.oh.us>]
Sent: Thursday, April 15, 2010 3:14 PM
To: RepAll
Subject: Wishful Thinking About Tax Burdens in Ohio

Dear Members and staff:

Attached you will find the response by the Tax Foundation to the "misdirection" and comments of Tax Commissioner Levin in regard to Ohio's tax burden.

Rep. Adams encourages you to read the attachment.

Kara Joseph

Legislative Aide

Office of Rep. John Adams

House Minority Whip

Ohio House of Representatives

Phone: (614) 466-1507

Joseph, Kara

From: Joseph, Kara
Sent: Monday, April 11, 2011 1:20 PM
To: Kozelek, Ed; Lashutka, Megan
Subject: RE: Cincinnati Call Lists

Oops, sorry about my confusion. I've been riding John to call all of the members. I'll follow up with him again today.

Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

From: Kozelek, Ed [<mailto:ed.kozelek@twcable.com>]
Sent: Monday, April 11, 2011 1:18 PM
To: Joseph, Kara; Lashutka, Megan
Subject: RE: Cincinnati Call Lists

Thanks for that info. I'll check on Connie.

I'm talking about the call lists for the upcoming event in Cincy? There are many good groups who legislators were supposed to call.

Has it happened yet?

Ed

Edward F. Kozelek
Vice-President, Government Relations
Time Warner Cable Midwest Region
1015 Olentangy River Road
Columbus, Ohio 43212
Direct Line: 614-827-7955
Cell: 614-395-5068

From: Joseph, Kara [<mailto:Kara.Joseph@ohr.state.oh.us>]
Sent: Monday, April 11, 2011 1:17 PM
To: Kozelek, Ed
Subject: RE: Cincinnati Call Lists

Ed,

I called Connie Nolder. She said she sent the check to you back in February. The check was by Ilene Sottile with LKQ. But after looking at my list of people who's checks have been deposited into our account, I don't see it listed.

What do you want to do about that one?

John has phone calls into Bergdoll & Dever on Friday. He'll call them again today.

- Kara

Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

From: Kozelek, Ed [<mailto:ed.kozelek@twcable.com>]

Sent: Monday, April 11, 2011 12:59 PM

To: Joseph, Kara; Lashutka, Megan

Subject: RE: Cincinnati Call Lists

Where are we on getting the calls made?

Ed

Edward F. Kozelek
Vice-President, Government Relations
Time Warner Cable Midwest Region
1015 Olentangy River Road
Columbus, Ohio 43212
Direct Line: 614-827-7955
Cell: 614-395-5068

From: Joseph, Kara [<mailto:Kara.Joseph@ohr.state.oh.us>]

Sent: Monday, April 11, 2011 12:54 PM

To: Lashutka, Megan; Kozelek, Ed

Subject: RE: Cincinnati Call Lists

Yes, although you have a bit more than me.

And yes, Stautberg did sign up.

Kara Joseph

*Sr. Legislative Aide
Office of Rep. John Adams
House Majority Whip
Ohio House of Representatives
Phone: (614) 466-1507*

From: Lashutka, Megan [<mailto:megan.lashutka@twcable.com>]

Sent: Monday, April 11, 2011 10:58 AM

To: Kozelek, Ed; Joseph, Kara

Subject: Cincinnati Call Lists

Ed and Kara:

Here's what I found from my notes regarding the call lists for Cincinnati Sponsorships. Is this what you both recall?

P&G- Niehaus

Kroger- Seitz

Macy's- Retail Merchants via Ed

5/3rd – Stautberg (did he sign up for membership?)

Ashland- Blessing

AK Steel- Beck

Chiquita- Seitz

GE- Seitz

WalMart- Wachtmann

Western Southern- Hottinger, Hackett

Convegys- Niehaus

American Financial- Seitz and Beck

Rock Gaming- Blessing and Chip Gerhart

Hospitals- Wachtmann and Bridget Gargan

Megan M. Lashutka
Director, Government Relations Midwest Region



1015 Olentangy River Road
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Joseph, Kara

From: Joseph, Kara
Sent: Monday, April 11, 2011 12:54 PM
To: Lashutka, Megan; Kozelek, Ed
Subject: RE: Cincinnati Call Lists

Yes, although you have a bit more than me.

And yes, Stautberg did sign up.

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Sr. Legislative Aide

Office of Rep. John Adams

House Majority Whip

Ohio House of Representatives

Phone: (614) 466-1507

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Sent: Monday, April 11, 2011 10:58 AM
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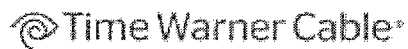
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Rock Gaming- Blessing and Chip Gerhart

Hospitals- Wachtmann and Bridget Gargan

Megan M. Lashutka
Director, Government Relations Midwest Region



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