

Honorable Brian Mueller
7331 Wood Meadow Drive
Madeira, Ohio 45243

January 13, 2018

Dear Councilman Mueller

I am writing this letter in response to your inaction regarding the criminal actions of our City Manager Thomas Moeller. The actions include instructing a subordinate to lie and falsify an Ordinance which in turn Mr. Moeller promptly hand delivered to the Hamilton County Board of Elections, perpetuating a fraud. After returning from the Board of Elections, Mr. Moeller continued the fraud by providing our residents a second copy of the Ordinance different from the Ordinance left at the Board of Elections, although Mr. Moeller had the BOE employee time stamp both the fraudulent Ordinance left at the BOE and the fraudulent copy brought back to Madeira with the same time, further perpetuating the crime. Now, we all are aware of the crime committed by Moeller, his sworn testimony is posted on madeiramessenger.com, Page 11 and both Councilman Hilberg and Mayor Traci Baylor This witnessed and listened to Mr. Moeller under oath. I want a public hearing scheduled at which time the actions outlined in this letter can be discussed.

The outcome of my case pending before the Hamilton County Court of Appeals will not exonerate Mr. Moeller nor any other appointed or elected official involved in what appears to be a cover up of Mr. Moeller's actions. You can no longer pretend that this never happened, please take the appropriate action, My Attorney George Parker and I look forward to a public hearing, unless you prefer to instead end Mr. Moeller's employment as our city manager.

Douglas Oppenheimer

7431 Mar Del

Madeira Ohio 45243

consultdoug@cinci.rr.com

513-240-4348

Brian Mueller
7331 Wood Meadow Dr.
Cincinnati, OH 45243

1/17/18

Mr. Douglas Oppenheimer
7431 Mar Del Drive
Cincinnati, OH 45243

Mr. Oppenheimer:

I have received your letter postmarked 1/16/18 in which you:

1. Claim city employee/manager Tom Moeller has committed a crime;
2. Claim that various city employees and officers misrepresented the language of a proposed charter amendment for financial or other personal gain (i.e., fraud); and
3. Request a public hearing conducted by city council to review the above two claims.

I am familiar with the matters you bring up and have further reviewed relevant documents. You are referring to the language of the 2017 charter amendments that voters approved which:

1. Eliminated residency requirements to comply with the Ohio Constitution;
2. Changed the manner for city notices;
3. Allowed council members to be appointed to various boards; and
4. Created the BZA.

You are correct that there are differences in the language of various versions of the ordinances at the heart of this subject. However, in my opinion these differences are irrelevant typographical errors. There is no difference in the substance of the different versions and you do not claim a substantive difference. Instead, you emphasize that these differences were flaws in procedure caused by City Manager Tom Moeller for his financial or personal gain. Therefore, you request that city council consider terminating Tom Moeller's employment.

I have not uncovered any evidence of fraud by Tom Moeller in this matter (or any matter). Additionally, you do not offer any evidence of financial or personal gain.

I do not believe Tom Moeller has committed a crime. Perhaps he and/or his administration made an error by mistake or in the zeal of performing his duties timely. I make mistakes regularly. My subordinates in my day job make mistakes regularly. I do not overly punish myself or my subordinates for inconsequential mistakes. I will not hold another – city employees and officers in this instance – to a higher standard. Even if you are correct that Tom Moeller made a mistake, that mistake had no consequence. The charter amendments were put to the voters in plain language on election day. Every voter understood what they were voting for or against on election day. I do not believe Tom Moeller committed a crime and I do not believe any potential mistake he made was consequential. If there was a city employee or officer who made a mistake in this matter, I forgive them.

Allegations of crime and fraud are serious matters. Crime and fraud by city employees would wreak havoc on our small city. As a parent and near lifetime resident of Madeira who volunteers many hours

every week to making Madeira a wonderful place to live, I implore you to call me (cell: 513-204-9814) or meet me in person to discuss such serious topics. You may also find it wise to directly contact the police department or Hamilton County Prosecutors office because I am admittedly no more than your average citizen when it comes to experience or enforcement authority in such matters. That being said and on the other hand, I hope you do not allege criminal acts and fraud of our city employees with malice by reckless disregard for the truth. I would not stand for that and would actively fight it with the same vigor I would if my day job subordinates or own family members were similarly accused. My research into these matters has uncovered previous instances where you have levied similar accusations against Tom Moeller. I implore you to be prudent in what you publish on your website, what you write in letters, and what you say in public.

I hope you accept my reply as well-intentioned to respond to the serious accusations you allege. As always, I am willing to meet in person to discuss any matter further.

Best Regards,


Brian Mueller

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