

1 in case we recall her after they put on  
2 their case.

3 THE COURT: You can go home if you  
4 want to.

5 All right. You can come on up.  
6 All right. If you'll raise your right  
7 hand and be sworn.)

8 (The witness was sworn.)

9 THE COURT: Just have seat right  
10 here.

11 THE WITNESS: Thank you.

12 THE COURT: And once you're seated,  
13 if you will just pick up the microphone  
14 and hold it and speak directly into it.

15 Mr. Parker, go ahead, sir.

16 CHRISTY LOWNDES

17 having been first duly sworn, was examined and  
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MR. PARKER:

21 Q. Ma'am, what is your name?

22 A. Christy Lowndes.

23 THE COURT: Say that last name  
24 again.

25 THE WITNESS: Lowndes.

1 THE COURT: Lens?

2 THE WITNESS: Lowndes.

3 THE COURT: Oh, okay.

4 Q. Is that L-o-w-n-d-e-s?

5 A. Correct.

6 Q. Ms. Lowndes, do you live in the  
7 City of Madeira?

8 A. I do.

9 Q. Do you work for the City of  
10 Madeira?

11 A. I do.

12 Q. What's your position?

13 A. I am currently the tax  
14 commissioner, assistant treasurer.

15 Q. Where were you on March 13th, 2017  
16 at 7:30 p.m.?

17 A. I don't recall. Probably at home.

18 Q. You were not at the city council  
19 meeting?

20 A. I was not at the city council  
21 meeting.

22 Q. Okay. When were you appointed as  
23 the acting Madeira City Council Clerk?

24 A. The acting clerk, Tuesday morning.

25 Q. The 14th?

1 A. Tuesday, March 14th.

2 Q. By who?

3 A. City manager.

4 Q. The city manager appointed you  
5 acting clerk?

6 A. Correct.

7 Q. What authority does the city  
8 manager have to appoint an acting clerk?

9 A. He is the city manager.

10 MR. PARKER: So you signed your  
11 name on a piece of paper --

12 May I approach the witness, Judge?

13 THE COURT: Yes.

14 MR. PARKER: Exhibit two.

15 Q. You signed your name on a piece of  
16 paper certifying to the Hamilton County Board of  
17 Elections that an ordinance that was passed the  
18 night before was a true and accurate version of  
19 what it purports to be, even though you didn't  
20 attend the meeting, because your boss, the city  
21 manager, told you to?

22 A. Correct. We had a conversation  
23 with the city manager, and that's correct.

24 Q. What time in the morning on Tuesday  
25 morning did you have this conversation with

1 Mr. Moeller?

2 A. Somewhere between eight -- 8:30  
3 maybe.

4 Q. And what did he say you needed to  
5 do?

6 A. I don't recall word for word. But  
7 it was, we need to print the ordinance, put the  
8 votes on it, and get it to the Board of  
9 Elections.

10 Q. Why?

11 A. I guess there was a time deadline.

12 Q. So the time deadline was to give a  
13 document to the Board of Elections, signed by  
14 somebody that --

15 A. Certifying, yes.

16 Q. -- certifying that it was something  
17 that you didn't even know happened?

18 A. It was something that was passed by  
19 the previous council, yes. Previous night.

20 Q. You weren't there?

21 A. I was not there.

22 Q. You were just told to sign it as  
23 the acting clerk by your boss?

24 A. Right.

25 MR. PARKER: Judge, I have nothing



1 further.

2 THE COURT: Okay. Mr. Fox, do you  
3 have any questions? Or Mr. Goodin?

4 MR. GOODIN: Your Honor, I would  
5 ask just a couple of follow-ups. Be real  
6 quick.

7 CROSS-EXAMINATION

8 BY MR. GOODIN:

9 Q. Again, going back to March the  
10 14th, so you came into the office that morning?

11 A. Yes.

12 Q. Right? And you're the tax  
13 commissioner/assistant treasurer?

14 A. Assistant treasurer, correct.

15 Q. How long have you been in that  
16 role?

17 A. I've been in that role since 2012.

18 Q. Okay. And did you have any service  
19 in Madeira prior to that?

20 A. I started with the City in 1998.

21 Q. Okay. So you've been a longtime  
22 city employee?

23 A. Yes.

24 Q. Okay. And you learned that there  
25 had been a -- you knew that there was a council

1 meeting the previous evening?

2 A. Correct.

3 Q. With public notices and so forth?

4 A. Yes.

5 Q. Okay. You had a conversation with  
6 Mr. Moeller, the city manager?

7 A. Correct.

8 Q. And he related to you what?

9 A. That the ordinance -- 17-06 I  
10 believe -- needed to go down to the Board of  
11 Elections. Christine was on vacation. And so  
12 as acting clerk I signed it.

13 Q. Okay.

14 A. Just basically stating that's what  
15 happened the night before.

16 Q. Were you aware of any improprieties  
17 involving -- involved in your appointment as  
18 acting clerk?

19 MR. PARKER: Objection, Judge.

20 How -- that's asking her to draw a legal  
21 conclusion. She --

22 THE COURT: Overruled. Overruled.

23 You were just appointed that  
24 morning, ma'am?

25 THE WITNESS: Yes.

1 Q. Okay. Anything unusual about that  
2 from your standpoint?

3 A. Absolutely not.

4 Q. Okay. Mr. Moeller, did he relay to  
5 you that he had been in attendance at the  
6 meeting on March 13th?

7 A. Yes.

8 Q. Okay. Did you have any reason to  
9 doubt his representation as to what had passed?

10 A. Absolutely not.

11 Q. Did you have any reason to doubt  
12 the accuracy of 17 --

13 MR. PARKER: Objection. Relevance.  
14 It's irrelevant.

15 THE COURT: You kind of opened the  
16 door on it. Overruled.

17 MR. GOODIN: There is a fraud  
18 allegation, Judge. Thank you.

19 Q. Any reason to doubt the veracity of  
20 17-06 as it was presented to you in writing?

21 A. Absolutely not.

22 Q. Okay. And you signed the  
23 ordinance?

24 A. Correct.

25 Q. As the acting clerk?

1 A. Yes.

2 Q. Could you state just briefly for  
3 the record why it was important for you to  
4 certify it if you had been -- based on your  
5 understanding?

6 A. Certifying it means that it was  
7 exactly what happened at the previous council,  
8 that is what council had passed, and it had to  
9 go to the Board of Elections for the special  
10 election.

11 Q. Again, there were recordings of the  
12 prior meeting, correct?

13 A. There were recordings, yes.

14 Q. And minutes were being generated?

15 A. Minutes were being generated, yes.

16 Q. Under the supervision of Mr.  
17 Moeller?

18 A. Correct.

19 Q. And you had access to all these if  
20 you needed to double check?

21 A. Absolutely.

22 THE COURT: Wait a minute. Now,  
23 did she double -- did she read the  
24 minutes? Is that what you're saying?

25 MR. GOODIN: I think the minutes



1 are being generated at that time.

2 Q. This was the next morning. Right?

3 THE COURT: I'm sorry. Go ahead.

4 Q. Sorry. I didn't want to put words  
5 in your mouth.

6 A. That's correct, yes.

7 Q. Did you have any intention on your  
8 part, personally, to commit any kind of fraud,  
9 or to defraud, or to keep any --

10 MR. PARKER: Objection, Judge. May  
11 we approach?

12 THE COURT: No. I'm going to  
13 overrule it.

14 MR. PARKER: Judge --

15 THE COURT: You did amend the  
16 complaint so --

17 MR. PARKER: Judge --

18 THE COURT: -- I'll permit it.

19 MR. PARKER: I don't think this is  
20 fair, to be asking her -- I think --

21 THE COURT: I'm going to allow it,  
22 Mr. Parker. I'll note your objection.

23 MR. PARKER: She should be advised  
24 that she may need an attorney, Judge. I  
25 don't think this is appropriate -- I

1 think it's an inappropriate line of  
2 questioning, especially when it's her  
3 boss' lawyer.

4 THE COURT: We're talking about  
5 civil fraud.

6 MR. GOODIN: Right.

7 THE COURT: Not criminal. So  
8 overruled. Go ahead.

9 BY MR. GOODIN:

10 Q. Did you have any intent to mislead  
11 the voters in any way by signing -- by  
12 certifying this ordinance?

13 A. Absolutely not.

14 Q. Did you have any intent to commit a  
15 fraud upon Mr. Oppenheimer or any member of the  
16 Madeira community?

17 A. Absolutely not.

18 MR. GOODIN: Nothing further,  
19 Judge. Thank you.

20 THE COURT: Mr. Stevenson? All  
21 right. Mr. Parker, any further -- any  
22 questions based on that?

23 MR. PARKER: Judge, may I approach  
24 the witness?

25 THE COURT: Yes, sir.

## REDIRECT EXAMINATION

1  
2 BY MR. PARKER:

3 Q. Are you familiar with the City of  
4 Madeira charters?

5 A. Somewhat.

6 Q. You know the city manager doesn't  
7 appoint the clerk, don't you?

8 A. I would not say I knew that, no.

9 Q. Okay. I'm going to let you read  
10 what's been underlined there in the charter.

11 A. Okay.

12 Q. City manager does not appoint the  
13 clerk, city council does, correct?

14 A. According to this, correct.

15 Q. Well, according to this, that's --

16 A. Clerk shall be a resident of the  
17 municipality.

18 Q. Okay. Now you know that. Would  
19 you have signed that document for any other  
20 reason than your boss told you to? Exhibit 2.  
21 Exhibit 2, the place where your signature is,  
22 would you have signed that for any other reason  
23 other than your boss told you to?

24 A. I probably would have liked to have  
25 had council's authority to do so.