

# **Transcript Case Number A1606293**

**Judge Robert P. Ruehlman**

**May 17, 2017**

**Future Recourse Allows Appellants to Intervene in Any Future Challenge.**

June 23, 2017/madeiramessenger.com

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COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

- - -

THE ROBERT MCCABE COMPANY, )  
INC., et al., )  
 )  
PLAINTIFFS, )  
 )  
vs. )  
 )  
CITY OF MADERIA CITY )  
COUNCIL, et al., )  
 )  
DEFENDANTS.)

CASE NO. A-1606293

- - -

TRANSCRIPT OF PROCEEDINGS

- - -

APPEARANCES:

Charles B. Galvin, Esq.  
Austin W. Musser, Esq.  
  
On behalf of the Plaintiffs.

Brian W. Fox, Esq.  
Steven P. Goodin, Esq.  
  
On behalf of the Defendants.

BE IT REMEMBERED that upon the  
Hearing of this cause, on May 17, 2017, before  
the Honorable Robert P. Ruehlman, a said judge  
of the said court, the following proceedings  
were had.

MORNING SESSION, May 17, 2017

1  
2 THE COURT: All right. So on  
3 A1606923. McCabe Company versus City of  
4 Madeira. Come on up. I do have a son  
5 that lives in Madeira. My son Michael  
6 and his wife and my grandchild live in  
7 Maderia. I don't know too much about --

8 MR. GOODIN: We appreciate them  
9 paying taxes, Judge, yeah.

10 THE COURT: Also Sarah and her  
11 husband, friends of mine, I never discuss  
12 what happens out there too much. I  
13 discuss scuba diving, stuff like that,  
14 and my son just discusses the kids. So  
15 we don't discuss too much what's going on  
16 in Maderia, other than, you know, how his  
17 lawn is doing. He has a private sewer,  
18 it was kind of an issue. Okay, so I put  
19 that out there.

20 MR. GOODIN: Thanks, Your Honor.  
21 We have no objection.

22 THE COURT: This is a zoning  
23 appeal? There hasn't been a record?

24 MR. FOX: So, Your Honor, we  
25 filed --

1 THE COURT: It's kind of unusual.

2 MR. FOX: Yeah, sure. Brian Fox on  
3 behalf of the City of Maderia. I'm the  
4 Law Director. Steve Goodin also, we work  
5 together in the same firm. So he's  
6 represented Maderia on several matters.

7 They filed their Notice of Appeal  
8 on November 16th. We filed our Motion to  
9 Dismiss on December 9th, because their  
10 Notice of Appeal was premature. In the  
11 actual filing itself, it conceded,  
12 acknowledged, that it may very well be  
13 premature.

14 Administrative decisions become  
15 final in a zoning context for purposes of  
16 a 2505.07 appeal in two situations.  
17 First, if the city issues some form of  
18 official correspondence indicating that  
19 the decision has become final; or,  
20 second, if the minutes themselves have  
21 been voted upon.

22 THE COURT: So, what's this case  
23 about? What is happening? So, what  
24 happened?

25 MR. FOX: So, this case was

1           somebody who wanted to develop a piece of  
2           property to bring a grill, a restaurant  
3           into the central business district in the  
4           City of Maderia.

5           THE COURT: Bring a what?

6           MR. FOX: A restaurant.

7           THE COURT: A restaurant?

8           MR. FOX: Yeah.

9           THE COURT: What kind of  
10          restaurant?

11          MR. GOODIN: It was called the  
12          swingline Grill, kind of a sandwich shop  
13          place. If you have been to the Loveland  
14          Bike Trail, there's a restaurant up there  
15          that is similar.

16          THE COURT: Okay. I live out by  
17          another bike trail near Indiana. I live  
18          in North Bend near Brauer Road. They  
19          have a lot of bikers, a lot of racers  
20          that go up there. It's pretty  
21          competitive. Loveland, that's pretty far  
22          away from me, although it's beautiful,  
23          gorgeous.

24          MR. FOX: Right, yeah. So, its  
25          kind of a sandwich shop. It goes before

1 the Planning Commission. The Planning  
2 Commission has a verbal vote, and they  
3 verbally vote to approve the decision.

4 THE COURT: Change the zoning?

5 MR. FOX: To approve the restaurant  
6 with a number of conditions. Subsequent  
7 to that, there was a discussion with the  
8 Planning Commission. The Planning  
9 Commission never voted to approve those  
10 minutes. The city never issued any  
11 formal correspondence saying that the  
12 approval was a final appealable decision.  
13 So the city learned that there may have  
14 been a conflict of interest in the case.

15 So the city, me, in particular, met  
16 with the Planning Commission, we  
17 discussed the issue. We included in the  
18 final decision the approval of the  
19 minutes, a statement that the application  
20 was ultimately rejected.

21 The Appellants were on -- they did  
22 not --

23 THE COURT: They were rejected?  
24 why did they reject it?

25 MR. FOX: Because of the conflict.

1 We reached out to the Ethics Commission  
2 and said, you know, here's a situation,  
3 and then we --

4 THE COURT: What kind of conflict?

5 MR. FOX: It was a property  
6 ownership issue. But we actually don't  
7 think there was a problem, but we wanted  
8 to go above and beyond in abundance of  
9 caution to go ahead and reject the  
10 application and require the applicant to  
11 resubmit -- by the way, they do not  
12 represent the applicant that's not why  
13 we're here. They represent folks in the  
14 community who were against the approval,  
15 the verbal approval of the application  
16 itself. So...

17 THE COURT: So, now it's not gone  
18 through.

19 MR. GOODIN: Its over.

20 MR. FOX: Yeah. So initially when  
21 we filed our motion to dismiss, we filed  
22 it on the premature Notice of Appeal.  
23 Then after it gets filed, I discussed  
24 with opposing counsel who's -- the  
25 opposing counsel, I discussed this with

1 in particular isn't here. He basically  
2 was like, once the decision becomes  
3 final, it looks like we're going to 41(a)  
4 it, because our interests are aligned.

5 So, then we issue formal  
6 correspondence on January 20 saying:  
7 Dear Applicant: You're going to have to  
8 resubmit, we have got this issue. We  
9 want to make sure everything is  
10 above-board. Just in the abundance of  
11 caution, please resubmit an application.

12 Then on February 21st the minutes  
13 are approved by the Planning Commission  
14 to add an additional layer off finality.  
15 Then --

16 THE COURT: Which it is again --

17 MR. FOX: It's rejected, interest  
18 aligned. So I'm a little unclear as to  
19 why we're still here, because the  
20 applicant is not appealing the decision,  
21 and the City ultimately denied rejected  
22 the application. That's what --

23 THE COURT: The applicant who owned  
24 the restaurant is not pursuing it?

25 MR. FOX: Right, yeah. And the



1           appellant has an interest that are  
2           aligned with the city.

3           THE COURT: That being the  
4           community group?

5           MR. FOX: Right, yeah. Not the  
6           community group, it's really people who  
7           own property in that area.

8           THE COURT: They don't?

9           MR. FOX: Except for one of the  
10          appellants who doesn't.

11          THE COURT: So, why are we here  
12          then?

13          MR. GOODIN: That's what we're  
14          asking.

15          MR. FOX: That's a good question.  
16          We're asking the Court to take this case  
17          off life support.

18          THE COURT: Yeah. So, if it  
19          hasn't --

20          MR. GALVIN: So, if I can jump in  
21          and kind of fill in some gaps there. As  
22          an overarching thing, I think we are both  
23          aligned in terms of the end result is  
24          that this application be denied.

25          THE COURT: Why don't want they

1 want that restaurant there?

2 MR. GALVIN: That's -- our clients  
3 are just, they are opposed to some of the  
4 conditions in the business that was being  
5 proposed there.

6 MR. MUSSER: A lot of it has to do  
7 with traffic, Your Honor, too. Some  
8 traffic, it impacts on neighboring  
9 property owners. It's already congested  
10 right in that direction, right in that  
11 area.

12 THE COURT: What part of town is  
13 it?

14 MR. MUSSER: It's like right in the  
15 middle of Laurel and Miami.

16 THE COURT: Miami, yeah.

17 MR. MUSSER: Near A Tavola  
18 Restaurant, that's right there in  
19 downtown Maderia.

20 MR. GALVIN: So the bottom line is,  
21 Your Honor --

22 THE COURT: What type of restaurant  
23 is A Tavola?

24 MR. MUSSER: A pizza place.

25 THE COURT: That's right, I have

1           been there. I'm kind of familiar with  
2           the area. There's a Krogers up the  
3           street there.

4                     MR. MUSSER: Yes, sir.

5                     MR. GALVIN: So the bottom line is,  
6           we want to see the same end result in  
7           this matter achieved. The problem is  
8           that we don't believe that what the city  
9           has done properly protects our rights in  
10          terms of, if this applicant does decide  
11          to appeal, the manner in which they tried  
12          to dispose of that decision.

13                    We don't agree that the -- the  
14          initial argument that gave rise to this  
15          Motion to Dismiss was that our appeal was  
16          premature. And then in the supplemental  
17          filing, that argument was completely  
18          abandoned and the city reversed course  
19          and said, oh, no, it's moot. Now it's  
20          kind of like, well, which one do we  
21          respond to?

22                    But we believe that what should  
23          happen is either this Court should remand  
24          the matter to the Planning Commission so  
25          that they can properly memorialize their

1 decision denying the application, or if  
2 it would be your preference, you could  
3 enter an order nullifying the actions  
4 that the city has taken.

5 MR. GOODIN: Judge, if we could  
6 respond to that just very briefly, just  
7 so the Court is absolutely clear on what  
8 happened. What happened was the Planning  
9 Commission approved it, and then the Law  
10 Director discovers that one of the  
11 Planning Commission member, arguably  
12 shouldn't have voted on it, because he  
13 had an interest in some property nearby.  
14 The Ethics Commission said he shouldn't  
15 have -- he probably shouldn't have voted,  
16 he should have recused.

17 THE COURT: Did he get in trouble?

18 MR. GOODIN: No, he didn't get in  
19 trouble. They didn't do anything with  
20 him. It was an honest mistake. He  
21 really didn't know -- it involved a  
22 trust. It was convoluted fact pattern.

23 THE COURT: Okay.

24 MR. GOODIN: So the Planning  
25 Commission, when it goes to full council,

1 that's why there's a delay here.

2 Typically, something like this would have  
3 been approved pretty quickly.

4 THE COURT: Yeah.

5 MR. GOODIN: Then City Council  
6 looks at it and they said, well, okay  
7 there's this issue, we're just going to  
8 deny it. And if he wants to reapply at  
9 some point, he can reapply, and that's  
10 what they did.

11 So that's why we think the remand  
12 part of it, you know, because they've  
13 already -- you know, they did approve --  
14 they approved at the low level, then they  
15 denied it at the higher level.

16 MR. FOX: Well, they verbally  
17 approved it.

18 MR. GOODIN: Yeah, that's right,  
19 verbally approved it.

20 MR. FOX: An administrative  
21 decision does not become final until  
22 there's a written memorialization of  
23 that.

24 THE COURT: Right.

25 MR. FOX: So before any issue --

1 before the decision was finalized, the  
2 Planning Commission made a decision to  
3 change its course, based on the advice of  
4 counsel.

5 THE COURT: Okay.

6 MR. GOODIN: Yeah.

7 MR. FOX: So then we rejected the  
8 application in writing on January 20, and  
9 then on February 21st.

10 MR. GOODIN: Our position is  
11 actually pretty simple, Judge, if he  
12 wants to reapply at the some point, then  
13 they can appeal.

14 THE COURT: Yeah, then it's  
15 appealable.

16 MR. FOX: It's a final appealable  
17 order.

18 MR. GOODIN: Yeah, right.

19 THE COURT: The find the -- they  
20 read the sentence where they hide the  
21 ball.

22 MR. FOX: Yeah, the shell game.

23 THE COURT: It's not your fault.  
24 It's a first impression case for me. I  
25 never had a case like this before.

1 MR. MUSSER: Your Honor, if I may,  
2 I think --

3 THE COURT: It really needs to go  
4 back to make a final decision.

5 MR. FOX: The final decision has  
6 already been made.

7 MR. MUSSER: And the problem we  
8 have with that, Your Honor, is we  
9 disagree with their initial -- what their  
10 initial premise, which is that you have  
11 to have a writing to have a final  
12 decision. I mean, in this case, we  
13 waited four months for the written  
14 minutes or the final decision to be  
15 issued. There are requirements for a  
16 complete record.

17 THE COURT: You don't have to agree  
18 with this, if you don't want it.

19 MR. MUSSER: We all agree. Our  
20 beef is -- at this point, is not so much  
21 with them, is that we don't want this  
22 applicant to show up some day and say, I  
23 have a permit or I'm entitled to a permit  
24 because of the approval.

25 MR. FOX: He could never do that, I

1 mean, based on the law.

2 THE COURT: They can't do that.

3 MR. MUSSER: I understand -- I  
4 understand that they believe that. But I  
5 don't think that what they have done  
6 actually precludes that.

7 I think what they have to do is  
8 they have to send it back, and they have  
9 to have the Planning Commission formally  
10 do it this time, reopen the case and  
11 formally say there was an inconsistency  
12 with what we did before, we're rejecting  
13 the application.

14 THE COURT: Probably the best way  
15 thing to do it -- in North Bend we do  
16 everything really in one day. My wife  
17 was on the Planning Commission, boom,  
18 it's little-bitty community. I think it  
19 would be a good idea to do that, so it's  
20 final. I don't think -- what can I do, I  
21 can't do anything.

22 MR. FOX: I think the case is  
23 already final.

24 THE COURT: Oh, I basically think  
25 so.



1 MR. FOX: So we dismiss the case.  
2 Their fear of, you know, that this  
3 applicant is somehow going to believe  
4 that he's entitled to do something is --  
5 there's no basis in that.

6 THE COURT: That would be dumb of  
7 that person to do that. Waste his time  
8 and money.

9 MR FOX: And their clients, the  
10 appellants in this case, are involved in  
11 three other cases where they have sued  
12 the city on various different things;  
13 three of which have been dismissed or  
14 judgment has been granted in the city's  
15 favor. This is part of a broader --

16 MR. MUSSER: Your Honor, none of  
17 that has to do with this appeal.

18 MR. FOX: -- nexus of that  
19 activity.

20 MR. MUSSER: I don't think what  
21 we're asking for is unreasonable. I am  
22 not even asking to reopen it for  
23 testimony. I'm asking them to reopen it  
24 so they can get a final decision that's  
25 clean.

1           what they've done is very -- the  
2           opposite end of clean. And if this  
3           applicant wanted to come in and start  
4           building or sue them in a dec action and  
5           say, hey, I'm entitled to a permit --

6           THE COURT: So you represent the  
7           community and your at odds with how they  
8           are handling the Law Department, I guess?

9           MR. MUSSER: Frankly, I mean, Your  
10          Honor, they could have a new law director  
11          in a year who disagrees with this Law  
12          Department's interpretation, I don't  
13          know. All I'm saying is I think the  
14          cleanest way --

15          THE COURT: well, they can  
16          always -- you can also reverse yourself  
17          anyway.

18          MR. MUSSER: You can do it, as long  
19          as you do it within the appeal period,  
20          and there is some case law on that. And  
21          that's where it comes back to the initial  
22          question of, when did the appeal period  
23          start to run?

24          MR. FOX: The applicants -- if the  
25          applicants were here, and they were the

1 ones that were appealing the case, maybe  
2 that makes sense, but the applicant is  
3 not a participant in the administrative  
4 appeal. Their time for filing has  
5 obviously expired. They are not going to  
6 be participating.

7 THE COURT: No.

8 MR. FOX: So their fear that they  
9 are going to show up and start, you know,  
10 laying foundation, trying to build this  
11 restaurant is irrational.

12 MR. GALVIN: well, there's also a  
13 concern, Your Honor, over a method in  
14 which you have an open public meeting  
15 where this was decided and voted on by  
16 the Planning Commission, and then  
17 litigation ensues. And then off the  
18 record, outside the public eye, the Law  
19 Director unilaterally approaches the  
20 Planning Commission and says, hey we got  
21 an issue here, and you reversed this  
22 behind closed doors, whatever, in a forum  
23 that's not --

24 THE COURT: He gave you what you  
25 want, it's reversed.

1 MR. GALVIN: And ultimately we are  
2 aligned there. But the process for  
3 getting there, again, is what the concern  
4 is that this leaves open a loophole that  
5 needs to be closed.

6 MR. MUSSER: Your Honor, I guess I  
7 just don't understand it. I never have  
8 gotten A good explanation of why the City  
9 is so reluctant to just have the Planning  
10 Commission reopen the case on a remand  
11 from this Court and dismiss the  
12 application formally, one time.

13 MR. FOX: It's already been  
14 rejected.

15 MR. MUSSER: Again, what does it  
16 hurt? You have Planning Commission  
17 meetings regularly, the next one you put  
18 this on the docket.

19 MR. GOODIN: Whoa, whoa --

20 THE COURT: It's been rejected  
21 though, you know.

22 MR. MUSSER: But it's been  
23 rejected, again, kind of behind closed  
24 doors after litigation's ensued. And I  
25 do think there's a question of whether or

1 not the appeal period had started to run  
2 from the time they made their decision as  
3 opposed to four months later when they  
4 formalized it.

5 THE COURT: This person is not  
6 going to pursue it.

7 MR. GOODIN: Judge, and I wasn't  
8 going to put this on the record, but I  
9 guess I have no choice. What our real  
10 concern is if you remand it back for  
11 another finalization, even though a final  
12 ruling is done, what we're going to come  
13 back here -- my concern is we're going to  
14 be faced with a fee application from  
15 these gentlemen saying, hey, we won  
16 because we forced some sort of action,  
17 and then the taxpayers of Madeira are  
18 paying for this stuff.

19 And we have been dealing with this  
20 particular plaintiff on a number of  
21 matters like this, and it ends up being  
22 the endgame almost every time. I hate to  
23 say that, but I'm going to put it right  
24 out there, that's one of our concerns.  
25 We don't want to finance it.

1 THE COURT: Yeah --

2 MR. MUSSER: I am not aware of any  
3 entitlements or fees under 2506 --

4 THE COURT: Well, let me look it  
5 over. There's a lot of stuff going on,  
6 you know, it's a first impression for me.  
7 I never had a case like this in the 31  
8 years I have been doing this, and it's  
9 kind of -- kind of going from the ground.

10 Let me look everything over and  
11 I'll give you a decision in just a few  
12 days.

13 MR. GOODIN: Thank you, Judge,  
14 there's no rush.

15 THE COURT: Yeah -- well, I want to  
16 get it done. So, I'll put it on the  
17 docket. You will get a notice to appear,  
18 but don't appear, that's just for me to  
19 make sure I decide this case. So I'll  
20 have my decision out by next wednesday,  
21 okay.

22 MR. GALVIN: Thank you, Your Honor.

23 MR. GOODIN: Give me next -- I got  
24 a lot going on that day, let me do it  
25 by -- how about Thursday the 25th?

1 MR. FOX: That's great, Your Honor.

2 THE COURT: I'll call you guys.

3 MR. GALVIN: Thank you, Your Honor.

4 MR. FOX: Thank you.

5 THE COURT: Just give me a few days  
6 to sort this out.

7 MR. GOODIN: Understood.

8 THE COURT: Okay. So don't come in  
9 on the 25th, you will get a notice  
10 possibly, that's just for me to make sure  
11 I do this. But I never -- I never liked  
12 to have cases under submission for long  
13 period of times, so I always do it this  
14 way so I can get it done.

15 So we'll do research and figure it  
16 all out and call you on the 25th at nine  
17 for decision. All right. Thanks.

18 MR. GALVIN: Thanks.

19 MR. FOX: Thanks.

20 MR. GOODIN: Thank you, Your Honor.

21 (Proceedings concluded.)

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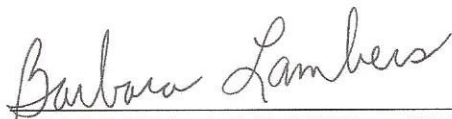
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## 1 CERTIFICATE

2 I, BARBARA LAMBERS, RMR, the  
3 undersigned, an Official Court Reporter for the  
4 Hamilton County Court of Common Pleas, do  
5 hereby certify that at the same time and place  
6 stated herein, I recorded in stenotype and  
7 thereafter transcribed the within 22 pages, and  
8 that the foregoing Transcript of Proceedings is  
9 a true, complete, and accurate transcript of my  
10 said stenotype notes.

11 IN WITNESS WHEREOF, I hereunto set my  
12 hand this 9th day of June, 2017.

13  
14  
15 

16 \_\_\_\_\_  
17 BARBARA LAMBERS, RMR  
18 Official Court Reporter  
19 Court of Common Pleas  
20 Hamilton County, Ohio  
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# Entry Case Number **A1606293**

**Judge Robert P. Ruehlman**

**Entered June 12, 2017**

**madeiramessenger.com / June 23, 2017**

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IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

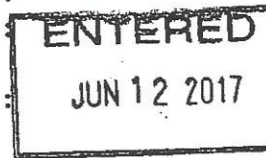
COURT OF COMMON PLEAS  
ENTER  
HON. ROBERT P. RUEHLMAN  
THE CLERK SHALL SERVE NOTICE  
TO PARTIES PURSUANT TO CIVIL  
RULE 58 WHICH SHALL BE TAXED  
AS COSTS HEREIN.

THE ROBERT MCCABE COMPANY, : CASE NO. A1606293  
INC., et al., :  
Appellants, :

vs. :

: JUDGE ROBERT P. RUEHLMAN  
:  
: ENTRY GRANTING DEFENDANT'S  
: 12 (B)(1) MOTION TO DISMISS  
:

CITY OF MADEIRA CITY  
COUNCIL, et al.,  
Appellees.



This matter is before the Court on Appellees City of Madeira City Council and City of Madeira Planning Commission's **Motion to Dismiss for Lack of Subject Matter Jurisdiction.**

After reviewing the submitted briefs and hearing oral argument this Court finds as follows:

Whether this Court retains subject matter jurisdiction pursuant to ORC § 2506 is a matter of law. *Burns v. Daily*, 114 Ohio App.3d 693, 701 (11<sup>th</sup> Dist. 1996).

Appeals of decisions from administrative agencies are governed by ORC § 2506 *et seq.* ORC §2506.01 (A) limits appeals of administrative decisions to "final order[s], adjudication[s], or decision[s] of any officer, tribunal, authority, board, bureau, [or] commission..." While ORC §2506.01 (C) represents a final, appealable decision as any decision which will affect or determine rights, commissions speak through their written record or minutes. *Swafford v. Norwood Bd. Of Educ.*, 14 Ohio App.3d 346, 348 (1<sup>st</sup> Dist. 1984). Regardless of any decision made by oral pronouncement or vote, the act lacks the clarity found in a final written approval, which is necessary for any further challenge.

FOR COURT USE ONLY

S. C. : 8  
Line # : \_\_\_\_\_

This case was filed on November 16, 2016, based solely on the oral decision of the Madeira and before any written decision had been formerly issued by Madeira. That filing was therefore premature and not ripe for review. In fact, when the parties appeared for argument on this Motion to Dismiss the final written decision was no longer congruent with the original oral decision. Madeira eventually reversed its oral decision when it finally published its minutes on January 9, 2017 when additional inquiry showed a procedural defect in the vote. These events exemplify the need for a final written decision before initiating an appeal process.

Additionally, and contrary to those arguments made by Appellants, there is recourse for Appellants to intervene in any future challenge (i.e. by the original applicant) to Appellee's final decision. Adjacent land owners are entitled to intervene in challenges to administrative decisions, even when it is to protect a "victory" at the administrative level. *American Sand & Gravel, Inc. v. Theken*, 41 Ohio App.3d 98, 101 (5<sup>th</sup> Dist. 1987). While this does not cover all listed Appellants, there is clearly room for those interests to be represented in any future appeal regarding this matter.

Therefore, Appellee's Motion to Dismiss is **GRANTED**. The captioned Defendants are dismissed without prejudice.

**IT IS SO ORDERED.**



---

JUDGE ROBERT P. RUEHLMAN

# Letter of Inquiry Sent to Madeira Law Director Brian W. Fox Esq.

Madeiramessenger.com / June 23, 2017

Please Scroll Down

# GEORGE M. PARKER

ATTORNEY AND COUNSELOR AT LAW  
PARKERGEO@AOL.COM

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June 23, 2017

Mr. Brian W. Fox, Esq.  
Madeira City Law Director  
7141 Miami Avenue  
Madeira, OH 45243  
VIA EMAIL ONLY TO [BFox@Graydon.law](mailto:BFox@Graydon.law)

Dear Mr. Fox,

This letter is a follow up to my 11/21/2016 letter to you sent on behalf of P. Douglas Oppenheimer concerning a city council member's participation as a member of the Madeira planning commission. We asked that you inspect various aspects of the "Swingline Grill" process and inquire about potential conflicts and unlawful interest in a public contract. I never received a response from you to my letter.

Who was the council member that was to have engaged in behavior that was reported to the Ohio Ethics Commission? Is there a public record that details the allegations and the findings? If so, can I get a copy?

Has the City council or the City manager rejected the planning commission approvals of Swingline applications in light of the ethics issues raised in my aforementioned letter? If so, has the council or the omnipotent manager set aside the vote and approval of the planning commission in writing? Not to belabor the point, but has anyone represented to a tribunal, court or panel that in fact conflicts of interest exist and therefore Mr. Powers had to begin anew the entire (or any portion) of the application process? If only a portion of the application process was to be "re-done" why and what was the justification?

Waiting Expectantly,  
/S/ George M. Parker

George M. Parker