

IN THE SUPREME COURT OF OHIO

THE STATE OF OHIO EX. REL.
SUMMIT COUNTY REPUBLICAN
PARTY EXECUTIVE COMMITTEE
520 S. Main Street, Suite 2437
Akron, Ohio 44311

CASE NUMBER: **08-0478**

RELATOR,

vs.

JENNIFER BRUNNER
OHIO SECRETARY OF STATE
180 East Broad Street, 15th Floor
Columbus, Ohio 43215-3726

EXPEDITED ELECTIONS MATTER
Brought Pursuant to Rule X, Section
9 Rules of Practice of the Supreme Court
and Ohio Revised Code Section 3501.07

RESPONDENT.

PETITION FOR WRIT OF MANDAMUS, WRIT OF PROHIBITION,
OTHER WRIT, AND ALTERNATE WRITS
Positively Verified

TIMOTHY J. GRENDELL (#0005827)
Grendell & Simon Co., L.P.A.
6640 Harris Road
Broadview Heights, Ohio 44147
Phone No.: (440) 746-9600
Fax No.: (440) 746-9604
E-mail: grendellandsimon@yahoo.com

COUNSEL FOR RELATOR
SUMMIT COUNTY REPUBLICAN PARTY EXECUTIVE COMMITTEE

Relator Summit County Republican Party Executive Committee (“Summit GOP Executive Committee”), for its Petition against Respondent, Jennifer Brunner, Ohio Secretary of State (“Brunner”), states to this Honorable Court as follows:

PARTIES

1. Relator is the lawful and duly existing Executive Committee of the Republican Party of Summit County, Ohio.
2. Respondent, Jennifer Brunner, is the duly elected Secretary of State for the State of Ohio.

JURISDICTION

3. Ohio Constitution, Article IV, Section 2(B)(1)(d) and the Rules of Practice of the Supreme Court of Ohio, Rule X, vest this Court with original jurisdiction to grant a writ of mandamus, a writ of prohibition, and other writs.
4. Ohio Revised Code Section 3501.07 (copy attached as Exhibit P hereto and made a part hereof) provides Relator with the right to seek a writ of mandamus to compel Brunner to approve Brain K. Daley, Relator’s recommended appointee, to the Summit County Board of Elections.
5. Ohio Revised Code § 2503.40 vest this Court with original jurisdiction to grant an alternative, other writ when necessary to enforce the administration of justice.
(Smith v. Granville Twp. Bd. of Trustees (1996), 77 Ohio St.3d 1215 671 N.E.2d 1277.)
6. The rules of Practice of the Supreme Court of Ohio, Rule X, Section 9 provides an expedited process for review of election matters, such as the matters involved herein.

FACTS COMMON TO ALL COUNTS

7. Pursuant to Ohio Revised Code Section 3501.07, Relator on or about January 29, 2008, unanimously recommended the appointment of Alex R Arshinkoff as a member of the Summit County, Ohio Board of Elections for a full term commencing March 1, 2008, to said Respondent Brunner (A copy of said recommendation is attached hereto as Exhibit A and incorporated herein as if fully rewritten.)
8. By letter dated February 20, 2008, Brunner arbitrarily and without valid reason rejected said recommendation. (A copy of said letter is attached hereto as Exhibit B and is incorporated herein as if fully rewritten.)
9. Relator called a meeting of its members on Tuesday, February 26, 2008 to review Brunner's letter and to decide upon a course of action.
10. Relator on about February 26, 2008, by a vote of 56 to 1, recommended the appointment of Brian K. Daley as a member of the Summit County, Ohio Board of Elections for a full term commencing March 1, 2008, Respondent Brunner, consistent with Ohio Revised Code 3501.07 (A copy of said recommendation is attached hereto as Exhibit C and is incorporated herein as if fully rewritten.)
11. The recommended appointee, Mr. Brian K. Daley, is more than competent and qualified to serve on the Summit County Board or Elections. Brian Daley is a graduate of Northeastern University (1965), a former Certified Internal Auditor, and the retired Director-Finance, TRW Steering Wheel Systems, N.A.. Mr. Daley was elected to and served on the Hudson City Council for four years, including

two years as Council President. A copy of Brian K. Daley's resume is attached as Exhibit O hereto and is fully incorporated herein.

12. By letter dated February 29, 2008, and transmitted via email at 8:37 pm on February 29, 2008, Brunner arbitrarily and without valid reasons rejected said recommendation. (A copy of said letter is attached hereto as Exhibit D and incorporated herein as if fully rewritten.)
13. A press release concerning said letter was released by State Senator Kevin Coughlin over one hour prior to the notification of Relator, Mr. Brian Daley or the general public concerning Brunner's rejection of Mr. Brian Daley's appointment (See Akron Beacon Journal Article regarding same attached as Exhibit E hereto and fully incorporated herein.)
14. Brunner asserted two alleged reasons for rejecting Brian Daley's recommendation based on untrue, unsworn, unverified and unsubstantiated allegations and a newspaper editorial endorsement for a prior unrelated City Council election.
15. Brunner has rejected Brian Daley's recommendation on mere suspicion, rank hearsay, and personal opinions, not verified factual evidence.
16. Brunner did not seek a response to these unfounded allegations from either Alex R. Arshinkoff, as Chairman of the Summit County Republican Party Executive Committee, Brian K. Daley, the recommended appointee, or Jack Morrison, Jr., a Republican member of the Summit County Board of Elections. (See affidavits from Brian K. Daley, Alex K. Arshinkoff and Jack Morrison, Jr. attached hereto as Exhibits F to H respectively and incorporated herein as if fully rewritten.)

17. Brunner provided the Summit GOP Executive Committee no opportunity to exercise its rights under Ohio Revised Code 3501.07 with respect to recommending another individual elector for the Summit County Board of Elections or filing a mandamus action before Brunner appointed another person, who was not recommended by the Summit County GOP Executive Committee, to the Board of Elections position.
18. Brunner's decision to reject the recommendation was based on unfounded allegations with no response sought from or afforded to the Summit GOP Executive Committee or the recommended appointee.
19. Brian K. Daley is a duly qualified elector and member of the Republican Party of Summit County is of good character, and is competent to serve as a member of the Summit County Board of Elections (See affidavits of John W. Jeffers, Exhibit I; John V. Frank, Exhibit J; Eugene Wyatt, Exhibit K; David Burke, Exhibit L; George Janik., Exhibit M; and Elsie Thomas, Exhibit N, all incorporated herein as if fully rewritten.)

COUNT I
(Mandamus – Brian K. Daley)

20. The verified allegations stated in paragraphs 1-19 above are incorporated as if fully rewritten herein.
21. Brunner's so-called reasons for stating that Brian Daley is not competent to be a member of the Summit County Ohio Board of Elections constitute nothing more than mere suspicion, and are arbitrary and capricious, are not supported by credible evidence, constitute an abuse of discretion, and are insufficient as a matter of law to allow Brunner to refuse to appoint Brian Daley to the Summit

County Board of elections pursuant to O.R.C Section 3501.07. (See State Ex Rel. Cuyahoga County Democratic Party Executive Committee v. Taft, Secretary of State (1993), 67 Ohio St.3d 1.)

22. Ohio Revised Code Section 3501.07 mandates and requires that Respondent, Brunner, appoint the elector recommended by the political party executive committee unless Respondent finds “that the elector would not be a competent member of such board.”
23. As demonstrated by Brian Daley’s ample qualifications attached as Exhibit O hereto and made a part hereof (including his experience as a Director of Finance for a division of TRW, Inc.), Brian Daley is competent and extremely qualified to serve on the Summit County Board of Elections.
24. Brunner’s denial of Mr. Daley’s appointment is based solely on (a) a newspaper editorial from a prior election in 2007, which is totally unrelated to the issue of Mr. Daley’s competence to serve on the Summit County Board of Elections in 2008 as recommended by the Summit GOP Executive Committee, and (b) a letter from an obvious political rival, with an apparent personal grudge against Mr. Daley, that is nothing more than the unsubstantiated personal views and hearsay comments of an individual who obviously has personal issues with Brian K. Daley. Neither of these documents have been verified, sworn to or submitted under oath and both of these documents fail to address Brian K. Daley’s personal competence to serve on the Summit County Board of Elections.

25. By her own admission (See Exhibit D hereto at P. 3 ¶ 1), Brunner has refused to appoint Brian Daley to the Summit County Board of Elections because of her suspicion or perception of his “temperament”, not his competence.
26. Under O.R.C. Section 3501.07, the Secretary of State has no legal authority to decline to appoint the recommended appointee of a county party executive committee for a position on a county elections board on the basis of “temperament.”
27. Under O.R.C. Section 3501.07, Brunner is without legal authority to deny the appointment of, and has a statutory legal duty to appoint, the individual recommended by the Summit County GOP Executive Committee to the Summit County Board of Elections if that recommended appointee is competent.
28. Brian K. Daley, recommended by a 56-1 vote of the Summit GOP Executive Committee, is competent to serve on the Summit County Board of Elections as so recommended.
29. Under O.R.C. 3501.07, Brunner has a legal duty to appoint Brian K. Daley to the Summit County Board of Elections. (*State Ex Rel. Cuyahoga Democratic Party Executive Committee v. Taft, Secretary of State* (1993), 67 Ohio St.3d 1).
30. Brunner has failed to perform and has refused to perform her legal duty to appoint Brian K. Daley to the Summit County Board of Elections and Brunner has attempted to frustrate that legal duty by appointing someone else, who was not recommended by the Summit GOP Executive Committee, to that position before the Summit GOP Executive Committee could seek mandamus pursuant to O.R.C. Section 3501.07.

31. Relator Summit County GOP Executive Committee has no other adequate remedy at law because (a) Relator's statutory remedy at law under O.R.C. Section 3501.07 is a mandamus action, and (b) given that the Summit County Board of Elections intends to conduct its re-organizational or organizational meeting on March 5, 2008 and Donald Varian, the unlawful appointee of Brunner intends to participate as a member of the Elections Board at that meeting, no other remedy would be sufficiently speedy or effective and the denial of the requested writ will result in injury for which no other adequate remedy exists in the ordinary course of law. (*State ex rel. Brady V. Blackwell* (2006), 112 Ohio St.3d 1)
32. Under these circumstances Relator is entitled to a writ of mandamus, pursuant to O.R.C. 3501.07, mandating and directing that Brunner appoint the competent Brian Daley to the Summit County Board of Elections as overwhelmingly recommended by the Summit GOP Executive Committee.

COUNT II
(Mandamus -Donald Varian)

33. The verified allegations stated in paragraphs 1-32 above are incorporated as if fully rewritten herein.
34. Under O.R.C. Section 3501.07, Brunner has a legal duty to solicit and obtain the recommendation of the Summit GOP Executive Committee for all appointees to the Summit County Board of Elections.
35. Under O.R.C. Section 3501.07, Brunner has no legal authority to appoint someone other than the Summit GOP Executive Committee's recommended appointee Brian Daley to the Summit County Board of Elections until Brunner has provided written notice of her reasons for not appointing Mr. Daley and

provides the Summit County GOP Executive Committee with the opportunity to either recommend another elector or apply to this Court for a writ of mandamus.

36. In this case, Brunner has violated her legal duty under O.R.C. Section 3501.07 as discussed in paragraph 35 above by announcing the appointment of Donald Varian to the Summit County Board of Elections before providing the Summit GOP Executive Committee with the opportunity to exercise the Committee's statutory rights to recommend another elector or maintain and adjudicate a mandamus action.
37. Under O.R.C. Section 3501.07, Brunner has no legal authority to appoint a person to a local county board of elections unless the local county party executive committee fails to recommend an elector as provided in Section 3501.07 or has unsuccessfully adjudicated a mandamus action.
38. The Summit GOP Executive Committee has made a recommendation in this case, in fact, two recommendations; therefore, Brunner is precluded from unilaterally appointing Donald Varian to the Board of Elections.
39. Brunner has a legal duty not to appoint Donald Varian to the Board of Elections since such appointment violates O.R.C. Section 3501.07 and Brunner has a legal duty not to violate Ohio Elections Laws.
40. Brunner has not asked for or received the recommendation of Donald Varian for the position of the Summit County Board of Elections from the Summit GOP Executive Committee.
41. Brunner has breached her statutory duty requiring a recommendation of an appointee to the board of elections by the Summit GOP Executive Committee and

has circumvented that duty by unilaterally attempting to appoint Donald Varian without providing the Summit GOP Executive Committee with the opportunity to make another recommendation after Brunner arbitrarily, and without valid reason rejected the Summit GOP Executive Committee's recommendation of Brian Daley, a competent elector, for that appointment.

42. Brunner has breached and is attempting to breach her statutory duty to seek and obtain the recommendation of the Summit GOP Executive Committee before appointing Donald Varian to the Summit County Board of Elections.

43. Pursuant to O.R.C. Section 3501.07, Brunner is without legal authority to make unilateral appointments to the Summit County Board of Elections and Brunner has a legal duty to comply with O.R.C. 3501.07.

44. Relator is entitled to a writ of mandamus mandating and requiring that Brunner provide the Summit County GOP Executive Committee with the opportunity to make another recommendation for the Board of Elections or to pursue and complete this mandamus action before Brunner can lawfully appoint Donald Varian or any other person to the Summit County Board of Elections.

COUNT III
(Prohibition)

45. The verified allegations stated in paragraphs 1-44 above are incorporated as if fully rewritten herein.

46. By appointing Donald Varian without providing Relator with its statutory right to challenge Brunner's denial of Brian K. Daley recommended appointment by filing a mandamus action, Brunner has unlawfully exercised quasi-judicial power and has usurped this Honorable Court's authority to exercise its judicial power.

47. Brunner's exercise of such power is unauthorized by law, especially since Brunner's exercise of that power contravenes O.R.C. Section 3501.07.
48. Given the scheduled, March 5, 2008 reorganization or a organizational meeting for the Summit County Board of Elections and Donald Varian's apparent participation at that meeting pursuant to Brunner's unlawful appointment of Mr. Varian, denying a writ of prohibition precluding Brunner's unlawful and ultra vires appointment of Donald Varian will result in injury to Relator for which no other remedy exists in the ordinary course of law.
49. Relator, Summit GOP Executive Committee is entitled to a writ of prohibition against Brunner (a) prohibiting and precluding Brunner from appointing Donald Varian or any other person to the Summit county Board of Elections until this mandamus action has been completed, and (b) invalidating any such appointment allegedly made prior to the filing of this action.

COUNT IV
(Other Writ)

50. The verified allegations stated in paragraphs 1-49 above are incorporated as if fully rewritten herein.
51. Ohio Revised Code Section 2503.40 authorizes this Court to issue, in addition to the original jurisdiction conferred by Section 2, Article IV of the Ohio Constitution, "writs of supersede as in any case, and other writs not specifically provided for and not prohibited by law, when necessary to enforce the administration of justice." (*Smith v. Granville Twp. Bd. of Trustees* (1996), 77 Ohio St.3d 1215)

52. Given the scheduled March 5, 2008 reorganization of the Summit County Board of Elections and the apparent intention of Brunner to allow her unlawful appointee, Donald Varian, to participate as a member of the Board. Relator Summit GOP Executive Committee seeks a writ directing that Brunner withdraw her unlawful appointment of Mr. Varian until Relator can complete this statutorily permitted mandamus action as said writ is “necessary to enforce the administration of justice.”
53. The writ requested from this Court in this action is not specifically provided for or specifically prohibited by law.
54. Relator, Summit GOP Executive Committee, is entitled to a special writ as described in paragraph 49 above.

COUNT V
(Alternate Writs)

55. The verified allegations stated in paragraphs 1-54 above are incorporated as if fully rewritten herein.
56. Given the unique time constraints arising from the scheduled March 5, 2008 reorganizational or organizational meeting of the Summit County Board of Elections and Brunner’s unlawful appointment of Mr. Varian to participate at that meeting, Relator, Summit County GOP Executive Committee is entitled to such alternate writs as necessary to prevent, prohibit, and preclude Brunner from appointing or allowing Donald Varian to serve as a member of the Summit County Board of Elections at the March 5, 2008 meeting and until this action has been fully adjudicated in this Honorable Court.

PRAYER FOR RELIEF

WHEREFORE, Relator, Summit GOP Executive Committee prays for relief as follows:

- A. On Count I, issuance of a peremptory writ of mandamus mandating and directing that Respondent Brunner approve and appoint Brian K. Daley to the Summit County Board of Elections as recommended by Relator.
- B. On Count II, issuance Of a peremptory writ of mandamus mandating and directing that Respondent Brunner reject the appointment or approval of Donald Varian to serve on the Summit County Board of Elections prior to the completion of this action.
- C. On Count III, issuance of a peremptory writ of prohibition prohibiting Respondent Brunner from appointing Donald Varian to serve on the Summit County Board of Elections prior to the completion of this action, and thereafter upon the issuance of a writ of mandamus by this Court pursuant to paragraph A above.
- D. On Count IV, issuance of a peremptory other writ, including an emergency other writ, precluding Respondent's Brunner's appointment of Donald Varian to the Summit County Board of Elections and staying said appointment until this action has been fully adjudicated by this Court.
- E. On Count V, an alternative writ, including, without limitation, an alternative emergency writ, finding Respondent Brunner without legal authority (i) to reject the appointment of the competent Brian K. Daley to the Summit County Board of Elections as recommended by the Summit GOP Executive Committee and (ii) to appoint and allow Donald Varian, who has not been recommended by the Summit

County GOP Executive Committee to serve on the Summit County Board of Elections before the Summit GOP Executive Committee had the opportunity to recommend another elector or complete this statutory mandamus action.

F. Such other relief as this Court deems equitable, necessary, proper or just.

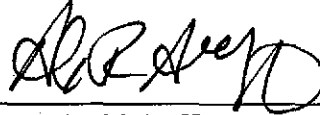
Respectfully submitted,

Grendell & Simon Co., L.P.A.
6640 Harris Road
Broadview Heights, Ohio 44147

By: 
TIMOTHY J. GREDELLE (#0005827)
Phone No.: (440) 746-9600
Fax No.: (330) 659-2278
E-mail: grendellandsimon@yahoo.com

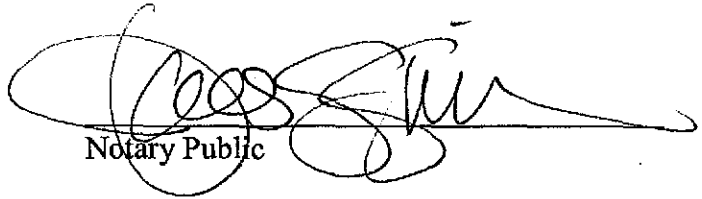
VERIFICATION

I, Alex R. Arshinkoff, having been duly sworn, state and depose, based on my own personal knowledge of the facts, that all of the allegations contained in the Petition to which this Verification is attached are true and correct and that all of the Exhibits attached to the Petition are true and correct to the best of my knowledge.



Alex R. Arshinkoff

Sworn to and subscribed before me by Alex R. Arshinkoff on this 3rd day of March,
2008.

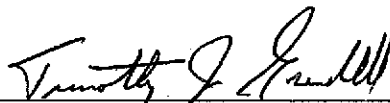


Notary Public

JAMES S. SIMON, Attorney-At-Law
Notary Public - State of Ohio
My Commission has no expiration date
Sec. 147.03 F.C.

CERTIFICATE OF SERVICE

A copy the verified petition has been hand delivered to the Respondent and the Office of the Ohio Attorney General on March 4, 2008. Relator also requests a copy be served on the Respondent by this Court according to its procedures for such service.



Timothy J. Grendell
Attorney for Relator



SUMMIT COUNTY REPUBLICAN PARTY

Central Committee Officers

Jonathan T. Pavloff
Chairman

Joseph Masich
Executive Vice Chairman

Kurt Laubinger
Vice Chairman

Madge Doerler
Vice Chairman

Les Knight
Vice Chairman

Joyce Stull
Vice Chairman

Robert F. Linton
Secretary

Tammy M. Erickson
Assistant Secretary

James S. Simon
Treasurer

Executive Committee Officers

Alex R. Arshinkoff
Chairman

Bryan C. Williams
Executive Vice Chairman

Dr. William Demas
Vice Chairman

Carol Curtis
Vice Chairman

Deidre Hanlon
Vice Chairman

Paul Swanson
Vice Chairman

Jack Morrison Jr.
Secretary

Steven Kotsatos
Assistant Secretary

Kim S. Arnold
Treasurer

January 30, 2008

Secretary of State's Office – Elections Division
Attn: Myra Hawkins
P.O. Box 2828
Columbus, OH 43216

Dear Ms. Hawkins;

The Summit County Republican Executive Committee acted upon the recommendation for the appointment of member to the Summit County Board of Elections at a regularly called meeting of such committee held on Tuesday, January 29, 2008, at the Summit County Republican Headquarters, 520 South Main Street, Suite 2437, Akron, Ohio.

Herewith, we submit the recommendation of Alex R. Arshinkoff for appointment of member to the Summit County Board of Elections, for the four-year term beginning March 1, 2008 and a copy of the resolution authorizing such authorizing such recommendation.

Sincerely yours,

Alex R. Arshinkoff, Chairman
Republican Executive Committee

Mr. Jack Morrison, Jr., Secretary
Republican Executive Committee

**Questionnaire for Prospective Appointment as a Member
of the Sunitt County Board of Elections**

(Please return YOUR RESUME with your completed form, unless you are being reappointed to the Board)

Full Name (please print): Alexander R. Arshinkoff Date: 1-29-08

Present Home Address: 466 West Streetsboro Street City: Hudson

44236 330-650-5055
Zip Code Home telephone number E-mail address

Date of Birth: 12-31-54 Aliases or Maiden Name: None

Driver's License Number: RT 806634 SS#: 293-52-4757

Previous addresses in past ten years (Include years of residence, city & state)
466 West Streetsboro Street
Hudson, OH 44236

Business Address: 520 South Main Street #2437 City: Akron

44311 Chairman 330-434-9151
Zip Code Occupation Business telephone number

When answering the following questions, please attach additional sheets as necessary.

1. Are you currently holding any elected office? Yes No
If yes, please identify.

2. Are you currently holding any appointed office for which you must subsequently be elected? If yes, please identify. Yes No

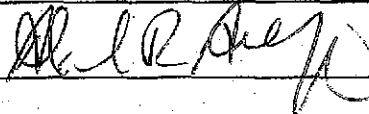
3. Have you ever been convicted of a misdemeanor or felony? If yes, give details of conviction: what, when and where. Yes No

4. Are there any circumstances which might present a conflict of interest with the administrative duties of a member of the board of elections? (see enclosed ethics policy, Directive #2007-35) If yes, please identify. Yes No

5. Please describe any employment or interests in contracts you have had with the board of elections within the last 24 months.
None

6. Have you ever been required, as a candidate or campaign treasurer, to file a campaign finance report with any board of elections or the Secretary of State? Yes No

7. Has a campaign in which you were involved as a candidate or treasurer ever been the subject of a referral or complaint to the Ohio Elections Commission? If yes, please explain. Yes No

Signature: 

Date: 1-29-08

Send to: Secretary of State's Office
Attention: Myra Hawkin
P O Box 2828, Columbus, OH 43210

RESOLUTION

BE IT RESOLVED, by the Summit County Republican Executive Committee, that Alex R. Arshinkoff, an elector qualified and competent to perform the duties of such office, be and he is hereby recommended for appointment as a Member of the Board of Elections for Summit County, Ohio for the term beginning March 1, 2008 and ending February 29, 2012.

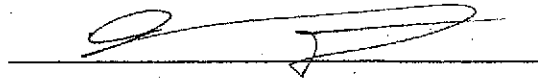
BE IT FURTHER RESOLVED: that the Chairman and Secretary of said Executive Committee, be and they are hereby authorized and instructed to send to the Secretary of State a certification of the action taken by said Executive Committee; and said Alex R. Arshinkoff is an elector qualified and competent to perform the duties of such office, and that this resolution was passed at a meeting of said Executive Committee by a majority vote of members thereof.

Akron, Ohio, January 29, 2008

I hereby certify that the foregoing is a true and correct copy of the Resolution passed by the Summit County Republican Executive Committee on January 29, 2008.



Alex R. Arshinkoff
Chairman, Republican Executive Committee
Summit County, Ohio



Jack Morrison, Jr.
Secretary, Republican Executive Committee
Summit County, Ohio

Recommendation for Full Term Appointment of

Member of Board of Elections

(For unexpired term use Form # 301)

Summit County

Akron, Ohio January 29, 2008

The undersigned Chairperson and Secretary of the Dem. Rep. Party Executive Committee of

Summit County, Ohio, do hereby certify that at a meeting of said Executive Committee,

held on the 29th day of January, 2008, it was resolved by a majority vote of the members thereof that

Mr.

Mrs.

Ms. Alexander Ray Arshinkoff

Political Party Affiliation

Dem.

Rep. Birthdate 12-31-54

466 West Streetsboro Street

Street and Number or Rural Route

Hudson, Ohio 44236

City or Village

Zip Code

Residence Telephone: 330-650-5055

Office Telephone: 330-434-9151

who is an elector qualified and competent to perform the duties of such office, be and is hereby recommended for appointment as a member of the Board of Elections for said county for the full term beginning March 1, 2008 and ending February 29, 2012.



Chairperson Alex R. Arshinkoff

520 South Main Street, Suite
Address 2437 Akron Ohio 44311

The address of the Chairperson and Secretary must be provided.

Send to:

Secretary of State's Office - Elections Div.
Attn: Myra Hawkins
P. O. Box 2828
Columbus, OH 43216


Secretary Jack Morrison Jr.,

520 South Main Street, Suite
Address 2437 Akron Ohio 44311

Alex R. Arshinkoff
466 West Streetsboro Street
Hudson, Ohio 44236
(330) 650-5055

Employment

6/27/78 - Present Chairman, Summit County Republican Executive Committee
12/78 - Present Member and Past Chairman, Summit County Board of Elections
11/94 - Present President, Arshinkoff and Associates
1983 - 2006 Seibert-Keck Insurance Agency, Licensed Insurance Agent and Broker,
Fairlawn, Ohio

Political Activities

2006 Co-Chairman of the Blackwell for Governor Committee
2006 Senior Advisor to the Betty Montgomery Campaign
2004 Member of the Electoral College representing Ohio's 14th
Congressional District
2004 Delegate at Large: Republican National Convention
2003 - 2004 Member, National Finance Committee, Bush-Cheney '04
2001 Member of the Electoral College representing Ohio's 14th
Congressional District
2000 Delegate-At-Large: Republican National Convention
1999 - 2000 Member, National Finance Committee, Bush for President
1995 - 2002 Chairman, Ohio DeWine for Senate Committee
1996 Vice Chairman of the Ohio Delegation and Delegate to the 1996 Republican
National Convention
1995 Chairman: The 1995 Ohio Gubernatorial Inaugural Committee
6/92-5/95 Chairman: Ohio Voinovich for Governor Committee
2/91-6/92 Chairman: Ohio Voinovich/DeWine Committee
1988 - 2004 Member, Ohio Republican State Central and Executive Committee

Political Activities-Continued

1992 Member, George Bush for President, Ohio Steering Committee

1988 Member, George Bush for President, National Steering Committee
Member, George Bush for President, Ohio Steering Committee
Northeast Ohio Chairman, George Bush for President Committee

1985-1987 Member, National Steering Committee Fund for America's Future

1992 Delegate-at-Large, Republican National Convention
Secretary and Member (Representing Ohio), Committee on Permanent Organization, Republican National Convention

1988 Delegate-at-Large, Republican National Convention

1984 Delegate, Republican National Convention
Member (Representing Ohio), Committee on Credentials, Republican National Convention

1976: Alternate Delegate, Republican National Convention

1974-1988 Delegate to all State Republican Conventions

1974-1978 Vice Chairman, Summit County Republican Executive Committee

1974-Present Member, Summit County Republican Executive Committee

1974-Present Member, Summit County Republican Central Committee

Civic, Community, Club Affiliations and Activities

1997 to 2001 Chairman, The University of Akron Board of Trustees

1996 to 1997 Vice Chairman, The University of Akron Board of Trustees

1992 – 2001 Member, University of Akron Board of Trustees

Present Member, Association of Ohio Commodores

Present Member, University of Akron Ray C. Bliss and Ellen P. Bliss Scholarship Committee

Member, Phi Kappa Tau Fraternity

Past President. Akron Fraternal Homeholding Board of Trustees

Civic, Community, Club Affiliations and Activities - Continued

Member, University of Akron Alumni Association-Hilltoppers

32nd Degree Mason, Shriner

Member, Downtown Kiwanis Club of Akron

Member, Portage Country Club

Awards and Honors

2001 Awarded Doctor of Humane Letters Degree, University of Akron
1994 Awarded the Ray C. Bliss Outstanding Alumni Achievement Award from the
 Alpha Phi Chapter of Phi Kappa Tau

Education

Akron Public Schools
Jackson Memorial High School, Massillon, Ohio
University of Akron

Personal

D.O.B. December 31, 1954
Spouse: Karen Lynn Arshinkoff

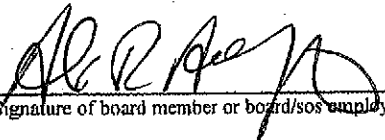
ETHICS POLICY ACKNOWLEDGMENT FORM

To be completed by members and employees of the Ohio boards of elections and employees of the secretary of state. For board of elections members and employees, a copy of this completed form is to be filed with the Secretary of State's Election's Division. For Secretary of State employees, return the completed form to your supervisor.

Directive 2007-35

I Alex R. Arshinkoff hereby acknowledge that I have reviewed the
(Printed name of board member or board/sos employee)

Secretary of State's Ethics Policy and Ohio ethics laws, that I will comply with the same, and that failure to comply with the ethics policy or Ohio ethics laws may result in disciplinary action, which may include dismissal for employees of secretary of state or removal for members and employees of the boards of elections.


(Signature of board member or board/sos employee)

1-29-08
(Date signed)

The boards of elections are charged by statute with a broad range of duties. Among other responsibilities R.C. 3501.11 requires that boards do the following:

- appoint and remove the director, deputy director, and employees and all registrars, judges, and other officers of elections, fill vacancies. (R.C. 3501.11(D));
- make and issue rules and instructions, not inconsistent with law or the rules, directives or advisories issued by the secretary of state, as it considers necessary for the guidance of elections officers and voters (R.C. 3501.11(E));
- investigate irregularities, nonperformance of duties, or violations of Title 35 of the Revised Code by election officers and other persons; (R.C. 3501.11(J));

I am aware of substantial written evidence concerning your past performance as a member of the Summit County Board of Elections that leads to the unavoidable conclusion that you are either unable or unwilling to competently perform these and other board duties and have not demonstrated a temperament suited to competent service as a board of elections member. Past and current Summit County board employees and other officials have reported to me incidents attributing to you behavior characterized as harassment, intimidation, threats, hostility, retribution and condescension in your role as a board member, either directly or indirectly. Credible claims indicate that you have berated staff and created a hostile work environment in which board employees have endured coercion if not outright threats. One employee has described the Summit County Board of Elections as having "the most negative, back-biting, unprofessional, juvenile and hypocritical atmosphere I have ever worked in" and attributes that environment to you.

Moreover, while it is true that our election system does contemplate a certain degree of healthy partisanship to ensure a robust check and balance and fairness in the administration of elections, it is also true that there are boundaries to the acceptable exercise of partisanship by board members, especially in the performance of their duties and especially as it affects the supervision of board employees. Overt political activity must be left outside the doors of the boards of elections. Only then will the public have confidence that elections in the county are free, fair, open and honest. Credible complaints indicate that you have fostered an overall partisan climate at the board where Republican board employees have been intimidated from even talking to fellow board employees who are Democrats. Employees report being asked to engage in inappropriate partisan political activity, such as recruiting precinct committee persons from the board office during the workday and preparing petitions for them. Some of these reports, if true, approach or cross the limits of legality. In your role as a member of the board, it is inappropriate that such irregularities be fostered or even tolerated, when it is incumbent on you as a member of the board to investigate irregularities and issue guidance for elections officers and voters.


In addition, I have further reviewed three affidavits prepared and signed by individuals who have served as judges of the Common Pleas Court of Summit County. These affiants have testified under oath that you attempted to interfere with the discharge of their official judicial duties and attempted to intimidate them. While these alleged actions may be more in the capacity of Republican county party chairman, it reflects poorly on your fitness to serve as a member of the Summit County Board of Elections and cannot be ignored, as these judges maintain candidacies every six years over which you have

election jurisdiction as a member of the Summit County Board of Elections. These affidavits lend strong evidence that you have engaged in conduct that jeopardizes the faith the public has in the fair conduct of elections, impugning your competence to continue as a member of the Summit County Board of Elections.

In view of these and other examples of your past conduct as a board member, I conclude that there are substantiated reasons to support my conclusion that you are not fit, suitable, adequate, or qualified, i.e., competent, to continue in that position. I therefore decline to accept your nomination for a new four-year term to the Summit County Board of Elections.

Pursuant to R.C. 3501.07, the Executive Committee of the Republican Party of Summit County may submit a recommendation of another elector for appointment to the Summit County Board of Elections. If the Committee chooses to submit to me a new recommendation it should do so by close of business on February 29, 2008, as the law contemplates that I make regular board appointments "[o]n the first day of March in even-numbered years."

Sincerely,



Jennifer Brunner

cc: Jack Morrison Jr., Secretary, Summit County Republican Party Executive Committee



SUMMIT COUNTY REPUBLICAN PARTY

Central Committee Officers

Jonathan T. Pavloff
Chairman

Joseph Masich
Executive Vice Chairman

Kurt Laubinger
Vice Chairman

Madge Doerler
Vice Chairman

Les Knight
Vice Chairman

Joyce Stull
Vice Chairman

Robert F. Linton
Secretary

Tammy M. Erickson
Assistant Secretary

James S. Simon
Treasurer

Executive Committee Officers

Alex R. Arshinkoff
Chairman

Bryan C. Williams
Executive Vice Chairman

Dr. William Demas
Vice Chairman

Carol Curtis
Vice Chairman

Deidre Haulon
Vice Chairman

Paul Swanson
Vice Chairman

Jack Morrison Jr.
Secretary

Steven Kotsatos
Assistant Secretary

Kim S. Arnold
Treasurer

February 26, 2008

Secretary of State's Office – Elections Division
Attn: Myra Hawkins
P.O. Box 2828
Columbus, OH 43216

Dear Ms. Hawkins;

The Summit County Republican Executive Committee acted upon the recommendation for the appointment of member to the Summit County Board of Elections at a regularly called meeting of such committee held on Tuesday, February 26, 2008, at the Summit County Republican Headquarters, 520 South Main Street, Suite 2437, Akron, Ohio.

Herewith, we submit the recommendation of Brian K. Daley for appointment of member to the Summit County Board of Elections, for the four-year term beginning March 1, 2008 and a copy of the resolution authorizing such recommendation.

Sincerely yours,

Alex R. Arshinkoff, Chairman
Republican Executive Committee

Mr. Jack Morrison, Jr., Secretary
Republican Executive Committee

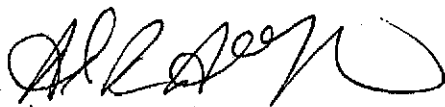
RESOLUTION

BE IT RESOLVED, by the Summit County Republican Executive Committee, Brian K. Daley, an elector qualified and competent to perform the duties of such office, be and he is hereby recommended for appointment as a Member of the Board of Elections for Summit County, Ohio for the term beginning March 1, 2008 and ending February 29, 2012.

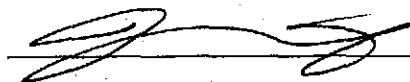
BE IT FURTHER RESOLVED: that the Chairman and Secretary of said Executive Committee, be and they are hereby authorized and instructed to send to the Secretary of State a certification of the action taken by said Executive Committee; and said Brian K. Daley is an elector qualified and competent to perform the duties of such office, and that this resolution was passed at a meeting of said Executive Committee by a majority vote of members thereof.

Akron, Ohio, February 26, 2008

I hereby certify that the foregoing is a true and correct copy of the Resolution passed by the Summit County Republican Executive Committee on February 26, 2008.



Alex R. Arshinkoff
Chairman, Republican Executive Committee
Summit County, Ohio



Jack Morrison, Jr.
Secretary, Republican Executive Committee
Summit County, Ohio

Questionnaire for Prospective Appointment as a Member of the Summit County Board of Elections

(Please return YOUR RESUME with your completed form, unless you are being reappointed to the Board)

Full Name (please print): Brian K. Daley Date: 2-26-08
 Present Home Address: 132 South Main Street City: Hudson
44236 300-342-1115 briankdaley@yahoo.com
 Zip Code Home telephone number E-mail address

Date of Birth: 09-02-41 Aliases or Maiden Name: None

Driver's License Number: RN558421 SS#: 010-32-3109

Previous addresses in past ten years (include years of residence, city & state)

132 South Main Street Hudson Ohio 44236

Business Address: None City: _____

Zip Code Occupation Business telephone number

When answering the following questions, please attach additional sheets as necessary.

1. Are you currently holding any elected office?
If yes, please identify. Yes No

2. Are you currently holding any appointed office for which you must subsequently be elected? If yes, please identify. Yes No

3. Have you ever been convicted of a misdemeanor or felony?
If yes, give details of conviction: what, when and where. Yes No

4. Are there any circumstances which might present a conflict of interest with the administrative duties of a member of the board of elections? (see enclosed ethics policy, Directive #2007-35)
If yes, please identify. Yes No

5. Please describe any employment or interests in contracts you have had with the board of elections within the last 24 months.

None

6. Have you ever been required, as a candidate or campaign treasurer, to file a campaign finance report with any board of elections or the Secretary of State? Yes No

7. Has a campaign in which you were involved as a candidate or treasurer ever been the subject of a referral or complaint to the Ohio Elections Commission? If yes, please explain. Yes No

Signature: Brian K Daley

Date: 2-26-2008

Send to: Secretary of State's Office
Attention: Myra Hawkins
P O Box 2828, Columbus, OH 43216

Recommendation for Full Term Appointment of Member of Board of Elections (For unexpired term use Form # 301)

Sunitt County

Akron, Ohio February 26, 2008

The undersigned Chairperson and Secretary of the Dem. Rep. Party Executive Committee of

Sunitt County, Ohio, do hereby certify that at a meeting of said Executive Committee,

held on the 26th day of February, 2008, it was resolved by a majority vote of the members thereof that

Mr.
 Mrs.
 Ms. Brian K. Daley

Political Party Affiliation
 Dem.
 Rep. Birthdate 09-02-41

132 South Main Street
Street and Number or Rural Route
Hudson Ohio 44236
City or Village Zip Code

Residence Telephone: 330-342-1115

Office Telephone: _____

who is an elector qualified and competent to perform the duties of such office, be and is hereby recommended for appointment as a member of the Board of Elections for said county for the full term beginning March 1, 2008 and ending February 29, 2012.

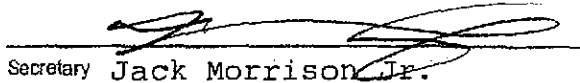


Chairperson Alex R. Arshinkoff

The address of the Chairperson and Secretary must be provided.

520 South Main Street Akron Ohio 44
Address 44311 Suite 2437

Send to:
Secretary of State's Office - Elections Div.
Attn: Myra Hawkins
P. O. Box 2828
Columbus, OH 43216


Secretary Jack Morrison Jr.

520 South Main Street Akron Ohio
Address 44311 Suite 2437

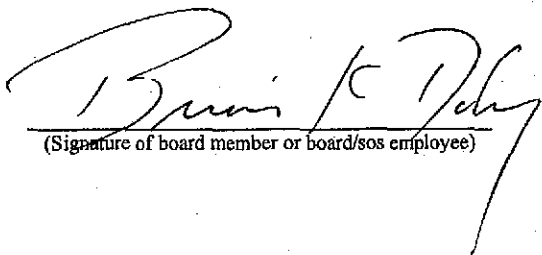
ETHICS POLICY ACKNOWLEDGMENT FORM

To be completed by members and employees of the Ohio boards of elections and employees of the secretary of state. For board of elections members and employees, a copy of this completed form is to be filed with the Secretary of State's Election's Division. For Secretary of State employees, return the completed form to your supervisor.

Directive 2007-35

I Brian K. Daley hereby acknowledge that I have reviewed the
(Printed name of board member or board/sos employee)

Secretary of State's Ethics Policy and Ohio ethics laws, that I will comply with the same, and that failure to comply with the ethics policy or Ohio ethics laws may result in disciplinary action, which may include dismissal for employees of secretary of state or removal for members and employees of the boards of elections.


(Signature of board member or board/sos employee)

2/26/08
(Date signed)

Brian K. Daley
132 S. Main Street
Hudson, OH 44236
(330) 342-1115

1987 **TRW Inc.**, Cleveland, OH
to \$10 billion automotive and space & defense conglomerate
1998

Director-Finance, TRW Steering Wheel Systems, N.A. (1996-1997).

Responsible for all financial and MIS functions of TRW's North American steering wheel operations, including capital equipment planning and financing. Additionally, since January 1998, I worked periodically for TRW, on a consulting basis, on various business acquisition and financial reporting matters.

Manager - Internal Audit (1987-1996).

Responsible for managing numerous concurrent audits of TRW's \$7.0 billion worldwide automotive operations.

Also, during its 1992/1993 automotive sector restructuring, served as project finance director for the divestiture of TRW's non-core businesses in the US and Europe. In this capacity, I worked with investment bankers, tax attorneys and prospective buyers in establishing sales terms and evaluating various financial structuring alternatives to maximize transaction benefits.

1976 **BATUS Inc.**, Louisville, KY
to \$6.5 billion subsidiary of British American Tobacco U.K., Ltd.
1987 with interests in retail, tobacco and paper

Controller, Gimbel's Department Stores (1986-1987).

A \$500 million retailer with 20 department stores in the New York and Philadelphia areas.

Director - Corporate Audit, BATUS (1983-1985).

Directed the central audit function, comprised of 32 professionals, in financial, operational and EDP audits and was functionally responsible for an additional 38 auditors at operating companies.

Asst. Controller - Brown & Williamson Tobacco Company (1976-1983).

Established and directed comprehensive audit program for all domestic and international operations. Expanded audit scope to include advertising agencies, sales promotion, market research, transportation and manufacturing. Also, directed risk management department and was responsible for special financial analysis of major capital projects.

1973 **Seeburg Industries, Inc.**, New York, NY
to Major manufacturer and marketer of leisure time devises and consumer products.
1976

Audit Director, Seeburg Industries, Inc.

Responsible for internal audit activities of the company's manufacturing and distribution operations.

Controller, Seeburg Products Division

Responsible for all accounting and financial reporting functions of the division.

1971 **Howard Johnson Company**, Braintree, MA
to A leading motor lodge and restaurant chain.
1973

Served as Audit Manager, and later as Motor Lodge Division Controller

1966 **General Electric Company**, Lynn, MA and Schenectady, NY
to Employed in a variety of financial positions while a participant in the
1971 **General Electric Company Financial Management Program**. Joined
Corporate Audit Staff upon completion of the program.

Education/Professional

BS in Business Administration (Accounting Major), Northeastern University, 1965.
General Electric Company - Financial Management Program, 1968.
Northwestern University (Kellogg School) - Institute for Management, 1983.

Certified Internal Auditor (CIA), 1972.

Kentucky Governor's Executive Management Commission, 1980.

Budget Committee of the Tobacco Institute, Washington, DC, 1983.

Board of Directors, National Retail Merchants Association, Audit Group,

Brian K. Daley – Supplemental information

- In 1998, retired as Director-Finance, TRW Steering Wheel Systems, N.A.
- Through 2005, worked on a consulting basis in the U.S. and Europe, for three large corporations. This work was in the areas of mergers and acquisitions, controllership, financial reporting and auditing.
- Served on Hudson City Council from December of 2003 until December 2007; the last two years as Council president.
- Married, three children and five grandchildren



JENNIFER BRUNNER
OHIO SECRETARY OF STATE

180 East Broad Street, 15th floor
Columbus, Ohio 43215-3726 USA
Tel.: 1-614-466-2655
Fax: 1-614-644-0649
www.sos.state.oh.us

Via electronic mail and regular U.S. mail

February 29, 2008

Alex R. Arshinkoff
Chair, Summit County Republican Party Executive Committee
520 South Main Street, Suite 2437
Akron, OH 44311

Dear Chairman Arshinkoff:

I have received from you a recommendation for the full term appointment of Brian K. Daley to the Summit County Board of Elections for the term beginning March 1, 2008. The recommendation, dated February 26, 2008, was sent to my office by you in your capacity as Chairperson of the Executive Committee of the Summit County Republican Party. Because I believe there is reason to believe that Mr. Daley would not be a competent member of the Board, as outlined in my reasons below, I will not appoint him to the Summit County Board of Elections.

Yesterday I received a letter dated February 28, 2008 from Scott W. Sigel concerning the process by which the Executive Committee obtained the nomination of Mr. Daley to the Summit County Board. Mr. Sigel's letter is accompanied by a sworn affidavit that indicates the following:

- Mr. Sigel is a member of the Summit County Republican Party Executive Committee.
- Mr. Sigel received on February 26 a list of 112 named individuals from the Party in response to a request for the most recent list of members of the Executive Committee.
- At the meeting the executive director took a roll call that identified 112 individuals as members of the Executive Committee.
- Fifty-four (54) members of the Executive Committee were present at the meeting.
- Mr. Sigel raised a point of order at the meeting asserting the lack of a quorum to legally transact business.

In his letter Mr. Sigel states that a quorum did not exist "using any of the set of base figures as to total members." He requests that I "disregard this tainted and legally invalid nomination" and appoint someone "who has the respect, credibility, and independence to carry out their duties [as a Board of Elections member] in a fair, impartial and objective manner."

You, your legal representative, and my office have exchanged communications concerning the quorum requirements that the Executive Committee of the Summit County Republican Party must meet in order to conduct its business. You have acknowledged that the Party has neither a written constitution nor written by-laws. It also appears that the Party has followed Roberts' Rules of Order to conduct business in the past and that a quorum under the circumstances would have been a majority of the total number of Executive Committee members. It appears to me that Mr. Sigel may well be correct that a quorum did not exist at the meeting of February 26.

Procedural issues relating to the February 26 meeting, however, are not the reason for my decision to reject the nomination of Mr. Daley to the Summit County Board of Elections. Rather my decision is compelled by my determination to act in the best interest of the Board and the citizens of Summit County, and to further the overriding goal of assuring public confidence in elections in Ohio.

It is my duty as chief elections officer for the State of Ohio, and pursuant to R.C. 3501.05, to "appoint all members of boards of elections." Pursuant to R.C. 3501.06, board members serve "as the secretary's representatives" for a term of four years.

R.C. 3501.07 establishes the process by which the secretary of state makes those appointments. More specifically, R.C. 3501.07 provides that "the county executive committee of the major political party entitled to [an] appointment may make and file a recommendation with the secretary of state for the appointment of a qualified elector" and further provides:

"The secretary of state shall appoint such elector, unless he [or she] has reason to believe that the elector would not be a competent member of such board. In such cases the secretary of state shall so state in writing to the chairman of such county executive committee, with the reasons therefor."

I have found the following dictionary definitions of the word "competent:" "answering to all requirements; adequate; sufficient; suitable; capable; legally qualified; fit;" "able to do something well;" "properly or sufficiently qualified; capable;" "adequate for the purpose;" and "having requisite or adequate ability or qualities."

The boards of elections are charged by statute with a broad range of duties. Among other responsibilities R.C. 3501.11 requires that boards do the following:

- appoint and remove the director, deputy director, and employees and all registrars, judges, and other officers of elections, fill vacancies. (R.C. 3501.11(D));
- make and issue rules and instructions, not inconsistent with law or the rules, directives or advisories issued by the secretary of state, as it considers necessary for the guidance of elections officers and voters (R.C. 3501.11(E));
- investigate irregularities, nonperformance of duties, or violations of Title 35 of the Revised Code by election officers and other persons; (R.C. 3501.11(J));

I have before me evidence concerning certain characteristics and past public actions of Mr. Daley that leads to the conclusion that he would not be a competent member of the Board as is required to perform these and other board of elections' duties. This information further convinces me that he does not possess the temperament required for competent service as a board of elections member. By way of example, I have received the following comments concerning Mr. Daley from members of the Summit County community:

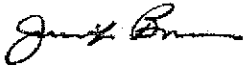
- On October 29, 2007 the Akron Beacon Journal described Mr. Daley, identified as President of the Hudson City Council, as follows: "Daley's approach, in style and substance, is not suited to the political realities of Hudson. It would fit a highly partisan, high-profile Senate contest. *** Daley plays the arch ideologue in a city better served by practical problem-solvers. His way clashes sharply with the nonpartisan tradition of governing. *** As the council president, Daley has operated like a bully. Staff resignations have become commonplace, ***. ***Daley has poisoned the political climate in Hudson, proving a harmful distraction."
- Mr. Daley has been described in a written communication to my staff from Michael Moran, who has served on Hudson City Council in Summit County with him, as "very outspoken, never concedes mistakes, and he tries to intimidate others with a loud voice, and sometimes threats. ***There are many other instances of Brian's overbearing personality being used by him in lieu of reasoned discussion to try and get his way. *** Brian is thought of as a bully by many." In connection with a local school funding issue it has been stated, "Brian not only thought that city officials should not work with the schools, he also demanded that the city administration not meet with the Chamber of Commerce or the Hudson Economic Development Corporation. He called them 'special interests' and 'ankle-biters.'" Schools routinely place issues on the election ballot throughout the State of Ohio, and boards of elections must work with school administrators in the process of placing issues on school funding before the county's voters.

The Summit County Board of Elections has experienced in the past an environment described as including harassment, intimidation, threats, hostility, retribution and condescension, making it difficult for employees of the board to constructively work together for the public good. I cannot in good conscience appoint an individual to the Board whose past behavior predicts the fostering of a similar unproductive environment. I will not make an appointment that may lead to a failure of confidence among the Summit County electorate or cause them to doubt that their elections are trustworthy and administered in a fair manner so as to benefit the citizens of Summit County and of the State of Ohio.

In view of the evidence before me, I conclude that there are substantiated reasons to support my conclusion that Mr. Daley is not fit, suitable, adequate, or qualified, i.e., competent, to serve as a member of the Summit County Board of Elections.

Accordingly, pursuant to the statutory authority vested in me by R.C. 3501.04 as chief election officer of the state, and pursuant to R.C. 3501.05 and 3501.06, I have determined to appoint Donald Varion rather than Brian Daley as a member of the Summit County Board of Elections for the term beginning March 1, 2008.

Sincerely,



Jennifer Brunner

cc: Brian Daley

3/1/08 Akron Beacon J. (Ohio) (Pg. Unavail. Online)
2008 WLNR 4110453

Akron Beacon Journal (Ohio)
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March 1, 2008

Coughlin supporter gets spot on board: Ohio secretary of state replaces Arshinkoff with Akron attorney, rejects the GOP-backed nominee

Stephanie Warsmith
The Akron Beacon Journal, Ohio

Mar. 1--First, Ohio Secretary of State Jennifer Brunner removed Summit County Republican Chairman Alex Arshinkoff from the elections board seat he had held for nearly 30 years.

Now, she has rejected the party's suggested replacement for Arshinkoff, former Hudson Council President **Brian Daley**.

Instead, late Friday, Brunner appointed Donald Varian, an Akron attorney in league with state Sen. Kevin Coughlin, Arshinkoff's arch nemesis. Varian is rumored to be Coughlin's suggested replacement for Arshinkoff as the party's chairman in Coughlin's months-long quest to reorganize the county's GOP.

Brunner, a Democrat, said in a letter to the county Republican Party that she received information leading her to conclude that Daley wouldn't be a "competent" member of the board. She referred to an October Akron Beacon Journal editorial that described Daley as a "bully" on Hudson council. She also pointed to information she received from Mike Moran, a Democratic Hudson City Council member, who said Daley "tries to intimidate others with a loud voice, and sometimes threats."

"The Summit County Board of Elections has experienced in the past an environment described as including harassment, intimidation, threats, hostility, retribution and condescension," Brunner wrote. "I cannot in good conscience appoint an individual to the board whose past behavior predicts the fostering of a similar unproductive environment."

Brunner had given the party until the close of business Friday to name a replacement for Arshinkoff.

Challenge possible

Arshinkoff said the party's executive committee will hold an emergency meeting Monday to decide how to respond to Brunner's decision, which could include a challenge in the Ohio Supreme Court. He said Brunner should have gone back to the

party if she wasn't happy with its nominee.

"We will fight this with everything we have," he said.

Daley is upset that he -- like Arshinkoff -- wasn't given the opportunity to defend himself before Brunner decided. He thinks he would have made a good board member.

"I wasn't given the opportunity to refute the hearsay allegations on which Brunner based her decision," said Daley, a retired financial executive who was president of Hudson City Council and the Ward 1 representative when he lost re-election in November. "To me, that just offends my sense of fair play."

As the state's chief elections officer, Brunner has the ultimate say on who sits on the four-person county elections boards. She must make appointments to the boards -- made up of two Democrats and two Republicans who oversee elections in the county -- by March 1. Board members are appointed to four-year terms.

Motives questioned

Arshinkoff accused Brunner of being part of a larger scheme involving Wayne Jones -- the finance chairman of the Summit County Democratic Party and an elections board member -- and Pete Kostoff, Jones' Republican law partner at Roetzel & Andress. Arshinkoff maintains that Kostoff is behind the attempt to replace him as chairman and wants to have both parties under the control of the same law firm.

"The secretary of state has chosen who they want to be the chairman of the Summit County Republican Party and put him on the board of elections," Arshinkoff said. "I'm proud I haven't been endorsed by Jennifer Brunner and Wayne Jones."

Patrick Gallaway, a spokesman for Brunner, said Brunner appointed the person "she thought would be the best fit for the board." He said she was facing a midnight deadline for the appointment.

Varian said he's honored to be on the board and hopes he brings "a degree of civility" and "professionalism" to the body. He denied being part of any larger plan, as Arshinkoff has suggested.

"I'm an independent person," he said. "I have all my life been."

Varian represented Coughlin and his supporters at a Tuesday elections board meeting in which they were questioned about why they had not personally answered subpoenas for a January elections board meeting.

Coughlin pleased

Coughlin, R-Cuyahoga Falls, is leading an effort to oust Arshinkoff as chairman by gaining a majority on the county party's central committee in Tuesday's election.

The committee must meet within 60 days of the election to decide the party's leadership.

"The rejection of Arshinkoff's hand-picked puppet is another victory for all who value free and fair elections," Coughlin said in a written release sent out at 7:09 p.m. Friday -- before Brunner had officially announced her decision.

(Brunner provided the letter to the party, Dailey and the Beacon Journal at 8:33 p.m.).

Coughlin said he learned of Brunner's decision from Varian, whom Brunner had called to see whether he would accept the appointment.

Coughlin has been unwilling to name his suggested new chairman. Varian has said this decision will follow Tuesday's election but that he's "not ruled out" the possibility.

Jones, who has clashed with Arshinkoff during several recent board meetings, said he respects Varian. He said Varian knows election law.

"He is an honorable person," said Jones, who has denied that his law firm is behind the effort to remove Arshinkoff as chairman. "That's what you're looking for."

Jones said the board needs to get its "integrity back."

Stephanie Warsmith can be reached

at 330-996-3705 or

swarsmith@thebeaconjournal.com.

---- INDEX REFERENCES ----

NEWS SUBJECT: (Legal (1LE33); Judicial (1JU36); Government (1GO80); World Elections (1WO93); Political Parties (1PO73); Global Politics (1GL73); Public Affairs (1PU31))

REGION: (USA (1US73); Americas (1AM92); Ohio (1OH35); North America (1NO39))

Language: EN

OTHER INDEXING: (BEACON JOURNAL; BOARD; GOP; HUDSON; HUDSON CITY COUNCIL; HUDSON COUNCIL; OHIO SUPREME COURT; SUMMIT COUNTY BOARD OF ELECTIONS; SUMMIT COUNTY DEMOCRATIC PARTY; SUMMIT COUNTY REPUBLICAN PARTY) (Alex Arshinkoff; Arshinkoff; Brian Daley; Brunner; Coughlin; Daley; Donald Varian; Jennifer Brunner; Jones; Kevin Coughlin; Kostoff; Mike Moran; Motives; Patrick Gallaway; Stephanie Warsmith; Varian; Wayne Jones)

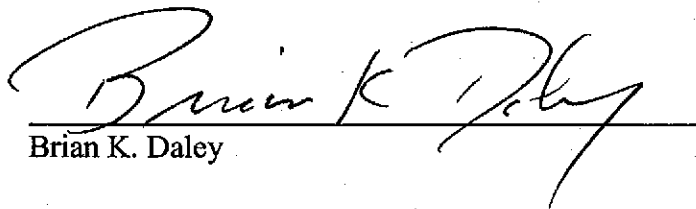
STATE OF OHIO)
)
COUNTY OF SUMMIT)

AFFIDAVIT OF BRIAN K. DALEY

I, Brian K. Daley, being first duly sworn according to law, deposes and states as follows:

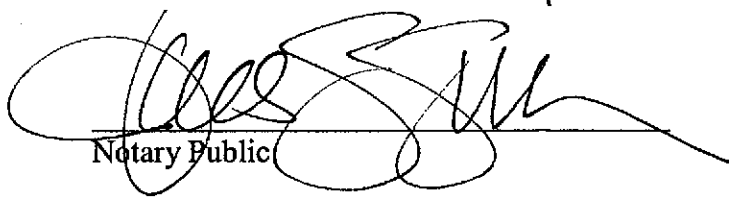
1. My name is Brian K. Daley.
2. I reside at 132 S. Main Street, Hudson, Ohio.
3. The factual matters stated in this Affidavit are based upon and made on the basis of my personal knowledge.
4. The attached Exhibit "A", Resume, truly and accurately describes my work and professional experience and community involvement.
5. On February 26, 2008, the Summit County Republican Executive Committee recommended my appointment to the Summit County Board of Elections by a vote of 56 to 1.
6. At no time following the recommendation of my appointment for the Summit County Board of Elections did Secretary of State Jennifer Brunner or any one in her office contact me concerning my qualifications or competence or provide me or the Summit County Republican Executive Committee with an opportunity to respond to allegations she received concerning my qualifications and/or competence.

Further, Affiant sayeth naught.



Brian K. Daley

SWORN TO before me and subscribed in my presence this 3rd day of March, 2008.



Notary Public

«AK3:930208_v1»

JAMES S. SIMON, Attorney-At-Law
Notary Public - State of Ohio
My Commission has no expiration date
Sec. 147.03 R.C.

Brian K. Daley
132 S. Main Street
Hudson, OH 44236
(330) 342-1115

1987 **TRW Inc.**, Cleveland, OH
to \$10 billion automotive and space & defense conglomerate
1998

Director-Finance, TRW Steering Wheel Systems, N.A. (1996-1997).

Responsible for all financial and MIS functions of TRW's North American steering wheel operations, including capital equipment planning and financing. Additionally, since January 1998, I worked periodically for TRW, on a consulting basis, on various business acquisition and financial reporting matters.

Manager - Internal Audit (1987-1996).

Responsible for managing numerous concurrent audits of TRW's \$7.0 billion worldwide automotive operations.

Also, during its 1992/1993 automotive sector restructuring, served as project finance director for the divestiture of TRW's non-core businesses in the US and Europe. In this capacity, I worked with investment bankers, tax attorneys and prospective buyers in establishing sales terms and evaluating various financial structuring alternatives to maximize transaction benefits.

1976 **BATUS Inc.**, Louisville, KY
to \$6.5 billion subsidiary of British American Tobacco U.K., Ltd.
1987 with interests in retail, tobacco and paper

Controller, Gimbel's Department Stores (1986-1987).

A \$500 million retailer with 20 department stores in the New York and Philadelphia areas.

Director - Corporate Audit, BATUS (1983-1985).

Directed the central audit function, comprised of 32 professionals, in financial, operational and EDP audits and was functionally responsible for an additional 38 auditors at operating companies.

Asst. Controller - Brown & Williamson Tobacco Company (1976-1983).

Established and directed comprehensive audit program for all domestic and international operations. Expanded audit scope to include advertising agencies, sales promotion, market research, transportation and manufacturing. Also, directed risk management department and was responsible for special financial analysis of major capital projects.



1973 **Seeburg Industries, Inc.**, New York, NY
to Major manufacturer and marketer of leisure time devices and consumer products.
1976

Audit Director, Seeburg Industries, Inc.

Responsible for internal audit activities of the company's manufacturing and distribution operations.

Controller, Seeburg Products Division

Responsible for all accounting and financial reporting functions of the division.

1971 **Howard Johnson Company**, Braintree, MA
to A leading motor lodge and restaurant chain.
1973

Served as Audit Manager, and later as Motor Lodge Division Controller

1966 **General Electric Company**, Lynn, MA and Schenectady, NY
to Employed in a variety of financial positions while a participant in the
1971 General Electric Company Financial Management Program. Joined
Corporate Audit Staff upon completion of the program.

Education/Professional

BS in Business Administration (Accounting Major), Northeastern University, 1965.
General Electric Company - Financial Management Program, 1968.
Northwestern University (Kellogg School) - Institute for Management, 1983.

Certified Internal Auditor (CIA), 1972.

Kentucky Governor's Executive Management Commission, 1980.

Budget Committee of the Tobacco Institute, Washington, DC, 1983.

Board of Directors, National Retail Merchants Association, Audit Group,

Brian K. Daley – Supplemental information

- In 1998, retired as Director-Finance, TRW Steering Wheel Systems, N.A.
- Through 2005, worked on a consulting basis in the U.S. and Europe, for three large corporations. This work was in the areas of mergers and acquisitions, controllership, financial reporting and auditing.
- Served on Hudson City Council from December of 2003 until December 2007; the last two years as Council president.
- Married, three children and five grandchildren

STATE OF OHIO)
)
COUNTY OF SUMMIT)


AFFIDAVIT OF ALEX R. ARSHINKOFF

I, Alex R. Arshinkoff, being first duly sworn according to law, deposes and states as follows:

1. My name is Alex R. Arshinkoff.
2. I reside at 466 W. Streetsboro Street, Hudson, Ohio 44236.
3. I am the Chairman of the Summit County Republican Executive Committee and the factual matters stated in this Affidavit are based upon and made on the basis of my personal knowledge of those facts.
4. On February 26, 2008, the Summit County Republican Executive Committee on a vote of 56 to 1 recommended the appointment of Brian K. Daley to the Summit County Board of Elections.
5. At no time did Secretary Brunner or any one in her office contact me concerning Mr. Daley's qualifications or competence or provide me or the Summit County Republican Executive Committee an opportunity to respond to allegations she received concerning Mr. Daley.
6. Prior to attempting to appoint Donald Varian to the Summit County Board of Elections, Secretary of State Jennifer Brunner did not provide the Summit County Republican Executive Committee with the opportunity either to recommend another elector to the Secretary of State for the Summit County Board of Elections position or to apply for a Writ of Mandamus to the Ohio Supreme Court to compel the Secretary of State to appoint Brian K. Daley, the Summit County Republican Executive Committee's recommendation appointee.
7. Following receiving notice of the rejection of the appointment by Ohio Secretary of State, Jennifer Brunner, I called an emergency meeting of the Summit County Republican Executive Committee for March 3, 2008.
8. At its March 3, 2008 meeting, the Summit County Republican Executive Committee voted, with 60 in favor, one against and one abstention, to seek alternate writs of Mandamus, Prohibition, and Quo Warranto from the Ohio Supreme Court both ordering Jennifer Brunner as Secretary of State to appoint Brian K. Daley as a Republican member to the Summit County Board of Elections for the full term commencing March 1, 2008 and to stay the reorganization of said Board of Elections pending the outcome of its actions in the Ohio Supreme Court.

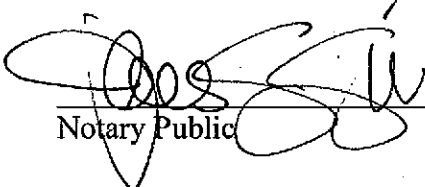
9. The Summit County Republican Executive Committee also voted, with 60 in favor, one against and one abstention, to engage Grendell & Simon Co., L.P.A., to represent it before the Ohio Supreme Court.
10. I have read the foregoing Complaint seeking alternate writs of Mandamus, Prohibition, and Quo Warranto, have personal knowledge of the facts set forth therein and hereby attest that those facts are true and accurate.

Further, Affiant sayeth naught.



Alex R. Arshinkoff

SWORN TO before me and subscribed in my presence this 3rd day of March, 2008.



Notary Public

JAMES S. SIMON, Attorney-At-Law
Notary Public - State of Ohio
My Commission has no expiration date
Sec. 147.03 R.C.

STATE OF OHIO)
)
COUNTY OF SUMMIT)

AFFIDAVIT OF JACK MORRISON, JR.

I, Jack Morrison, Jr., being first duly sworn according to law, deposes and states as follows:

1. My name is Jack Morrison, Jr.
2. I reside at 2938 Silver Lake Blvd., Silver Lake, Ohio.
3. I am the Secretary of the Summit County Republican Executive Committee and the factual matters stated in this Affidavit are based upon and made on the basis of my personal knowledge.
4. I am also a Republican member of the Summit County Board of Elections, having served on the Summit County Board of Elections for approximately two years.
5. On February 26, 2008, the Summit County Republican Executive Committee recommended the appointment of Brian K. Daley to the Summit County Board of Elections by a vote of 56 to 1.
6. At no time following the recommendation of Mr. Daley for appointment to the Summit County Board of Elections did Secretary of State Jennifer Brunner or any one in her office contact me concerning Mr. Daley's qualifications or competence or provide me or the Summit County Republican Executive Committee with an opportunity to respond to allegations she received concerning Mr. Daley.
7. Prior to attempting to appoint Donald Varian to the Summit County Board of Elections, Secretary of State Jennifer Brunner did not provide the Summit County Republican Executive Committee with the opportunity either to recommend another elector to the Secretary of State for the Summit County Board of Elections position or to apply for a Writ of Mandamus to the Ohio Supreme Court to compel the Secretary of State to appoint Brian K. Daley, the Summit County Republican Executive Committee's recommendation appointee.

Further, Affiant sayeth naught.



Jack Morrison, Jr.

SWORN TO before me and subscribed in my presence this 3rd day of March, 2008.



Notary Public

JAMES S. SIMON, Attorney-At-Law
Notary Public - State of Ohio
My Commission has no expiration date
Sec. 147.03 R.C.

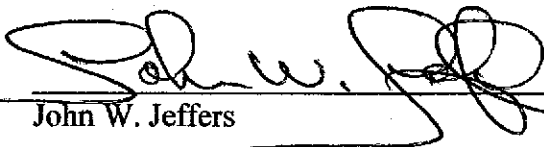
STATE OF OHIO)
)
COUNTY OF SUMMIT)

AFFIDAVIT OF JOHN W. JEFFERS

I, John W. Jeffers, being first duly sworn according to law, deposes and states as follows:


1. My name is John W. Jeffers.
2. I reside at 1770 Old Tannery Circle, Hudson, Ohio 44236.
3. The factual matters stated in this Affidavit are based upon and made on the basis of my personal knowledge.
4. I am currently an Of Counsel member of the law firm of Weston Hurd LLP, having retired as a Partner.
5. I am also a Ward Councilman on Hudson City Council.
6. I have resided in Hudson for approximately ten years.
7. I served with Brian K. Daley on Hudson City Council for four years.
8. In my work with Mr. Daley on Hudson City Council, I found him to be fair, unbiased and always interested, first and foremost, in the best interests of the City of Hudson.
9. I also feel that Mr. Daley treated Hudson City Council members with dignity and respect, even if our opinions differed. Any suggestion that Mr. Daley is a "bully" or "overbearing" is completely without merit.
10. I believe that Mr. Daley would be a competent member of the Summit County Board of Elections and an asset to the Board.

Further, Affiant sayeth naught.



John W. Jeffers

SWORN TO before me and subscribed in my presence this 3rd day of March, 2008.



Notary Public

«AK3:929996_v2»

KELLIE REINEL
Notary Public - State of Ohio
My Commission Expires October 4, 2009

EXHIBIT T

STATE OF OHIO)
)
COUNTY OF SUMMIT)

AFFIDAVIT OF JOHN V. FRANK

I, John V. Frank, being first duly sworn according to law, deposes and states as follows:


1. My name is John V. Frank.
2. I reside at 2080 Stockbridge Rd., Akron, Ohio.
3. I am retired from serving as the President of the Burton D. Morgan Foundation.
4. The factual matters stated in this Affidavit are based upon and made on the basis of my personal knowledge.
5. I am also retired from serving as the Eighth Ward Councilman for the City of Akron for many years.
6. I serve on a number of community boards and am active in a number of community organizations in and around Akron and Hudson, Ohio.
7. I have known Brian K. Daley for approximately five years, having met him during his tenure on Hudson City Council while I was President of the Burton D. Morgan Foundation.
8. Mr. Daley, as President of Hudson City Council played an invaluable role in assisting me with the Burton D. Morgan Foundation's move to Hudson, Ohio.
9. The Burton D. Morgan Foundation provided grant assistance to the Economic Development program Mr. Daley initiated.
10. I have found Mr. Daley to be helpful, reliable and community oriented.
11. I respect Mr. Daley's skill as a leader and his ability to work well with groups of people.
12. As a former elected official, I am familiar with the elections system and the Summit County Board of Elections.
13. I believe that Mr. Daley would be a competent member of the Summit County Board of Elections and an asset to the Board, who will work cooperatively and professionally with the other members of the Board.

Further, Affiant sayeth naught.



John V. Frank

SWORN TO before me and subscribed in my presence this 3rd day of
March, 2008.



Notary Public

Robert W Carter Jr
Notary Public
My Commission Expires June 30, 2011

STATE OF OHIO)
)
COUNTY OF SUMMIT)


AFFIDAVIT OF EUGENE WYATT

I, Eugene Wyatt, being first duly sworn according to law, deposes and states as follows:

1. My name is Eugene Wyatt.
2. I reside at 41 Hudson Commons, Hudson, Ohio 44236.
3. The factual matters stated in this affidavit are based upon and made on the basis of my personal knowledge.
4. I have lived in Hudson for over 26 years.
5. I spent twelve years as a volunteer member of the Hudson City Architectural and Historic Board of Review.
6. I have known Brian K. Daley for approximately four years.
7. I closely follow Hudson City government and its activities.
8. I had the opportunity to work with Mr. Daley for two years while he was a member of Hudson City Council and the City Council's liaison to the Hudson City Architectural and Historic Board of Review.
9. In my dealings with Mr. Daley on the Hudson City Architectural and Historic Board of Review, I found him to be fair, nonpartisan, unbiased, of even temperament, and always interested first and foremost with the best interests of the City of Hudson.
10. In my dealings with Mr. Daley on the Hudson City Architectural and Historic Board of Review, he always treated Board members with dignity and respect, even if our opinions differed.
11. I have always felt that Mr. Daley was a competent and fair member of City Council and that he did a good job as a Ward Councilman and President of City Council.
12. Mr. Daley will be a competent member of the Summit County Board of Elections and an asset to the Board, who will work effectively and cooperatively with the other Board members.

Further, Affiant sayeth naught.

Brian Atkinson
Notary Public, State of Ohio
Commission Expires
December 5, 2011


NOTARY PUBLIC


Eugene Wyatt

EXHIBIT K

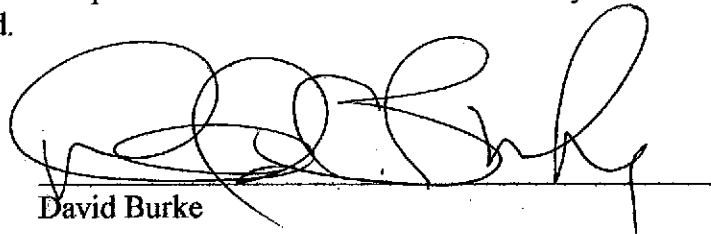
STATE OF OHIO)
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COUNTY OF SUMMIT)

AFFIDAVIT OF DAVID BURKE

I, David Burke, being first duly sworn according to law, deposes and states as follows:

1. My name is David Burke.
2. I reside at 186 South Main Street, Hudson, Ohio 44236.
3. The factual matters stated in this Affidavit are based upon and made on the basis of my personal knowledge.
4. I have lived in Hudson for over twenty-eight years.
5. My wife and I are social friends of Brian K. Daley and his wife, Raija.
6. My wife and I are registered Democrats.
7. I have always found Mr. Daley to be fair and respectful of others and to not be one to let differences of political philosophy affect his attitude toward others.
8. I believe that Mr. Daley would be a competent member of the Summit County Board of Elections and an asset to the Board.

Further, Affiant sayeth naught.



David Burke

SWORN TO before me and subscribed in my presence this 3 day of
MARCH, 2008.

Brian Atkinson
Notary Public

Brian Atkinson
Notary Public, State of Ohio
Commission Expires
December 5, 2011

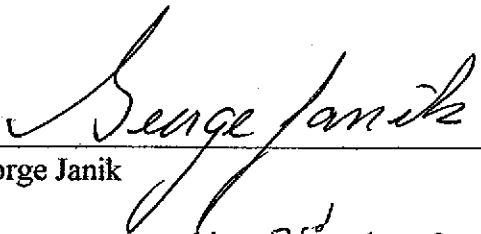
STATE OF OHIO)
)
COUNTY OF SUMMIT)

AFFIDAVIT OF GEORGE JANIK

I, George Janik, being first duly sworn according to law, deposes and states as follows:

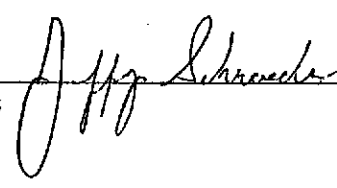
1. My name is George Janik.
2. I reside at 36 Thirty Acres, Hudson, Ohio 44236.
3. The factual matters stated in this Affidavit are based upon and made on the basis of my personal knowledge.
4. I have lived in Hudson for over twenty years.
5. I am a retired executive, having retired from IBM.
6. I closely follow Hudson City Government and its activities.
7. I have always felt that Mr. Daley was a competent and fair member of City Council and that he did a good job as a Ward Councilman and President of City Council.
8. I always found that Mr. Daley treated his Hudson City Council colleagues with decency and respect, even when their opinions differed.
9. I believe that Mr. Daley would be a competent member of the Summit County Board of Elections and an asset to the Board.

Further, Affiant sayeth naught.



 George Janik

SWORN TO before me and subscribed in my presence this 3rd day of March, 2008.



 Notary Public

JEFFREY D. SCHROEDER, NOTARY PUBLIC
 IN AND FOR THE STATE OF OHIO
 MY COMMISSION EXPIRES SEPT. 26, 2012

STATE OF OHIO

)

)

COUNTY OF SUMMIT


)

AFFIDAVIT OF ELSIE THOMAS

I, Elsie Thomas, being first duly sworn according to law, deposes and states as follows:

1. My name is Elsie Thomas.
2. I reside at 103 Clairhaven Drive, Hudson, Ohio 44236.
3. The factual matters stated in this Affidavit are based upon and made on the basis of my personal knowledge.
4. I have spent thirteen years as a volunteer member of the Hudson City Tree Commission.
5. I have known Brian K. Daley for approximately four years.
6. I had the opportunity to work with Mr. Daley for two years while he was a member of Hudson City Council and the City Council's liaison to the Hudson City Tree Commission.
7. In my dealings with Mr. Daley on the Hudson City Tree Commission, I found him to be intelligent, fair, competent and nonpartisan, unbiased and always interested first and foremost with the best interests of the City of Hudson.
8. In my dealings with Mr. Daley on the Hudson City Tree Commission, he always treated Commission members with dignity and respect, even if our opinions differed. Mr. Daley is able to work cooperatively with both those who share his opinions and those who do not share his opinions.
9. I believe that Mr. Daley would be a competent member of the Summit County Board of Elections and an asset to the Board.

Further, Affiant sayeth naught.

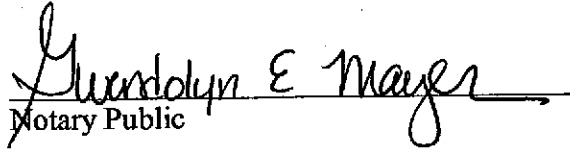


Elsie Thomas

EXHIBIT N

SWORN TO before me and subscribed in my presence this 3rd day of
March, 2008.

«AK3:929990_v2»


Notary Public

GWENDOLYNE E. MAYER
Resident, Portage County
Notary Public, State of Ohio
My Commission Expires 03-11-2010

See Exhibit A attached to Exhibit F hereto

EXHIBIT 0

3501.07 Filling vacancies on county boards of elections.

At a meeting held not more than sixty nor less than fifteen days before the expiration date of the term of office of a member of the board of elections, or within fifteen days after a vacancy occurs in the board, the county executive committee of the major political party entitled to the appointment may make and file a recommendation with the secretary of state for the appointment of a qualified elector. The secretary of state shall appoint such elector, unless he has reason to believe that the elector would not be a competent member of such board. In such cases the secretary of state shall so state in writing to the chairman of such county executive committee, with the reasons therefor, and such committee may either recommend another elector or may apply for a writ of mandamus to the supreme court to compel the secretary of state to appoint the elector so recommended. In such action the burden of proof to show the qualifications of the person so recommended shall be on the committee making the recommendation. If no such recommendation is made, the secretary of state shall make the appointment.

If a vacancy on the board of elections is to be filled by a minor or an intermediate political party, authorized officials of that party may within fifteen days after the vacancy occurs recommend a qualified person to the secretary of state for appointment to such vacancy.

Effective Date: 03-23-1972

EXHIBIT P