

State officials could be in big trouble over the State Auditor's survey "to gather information and provide greater transparency."

Some state officials seem to be extremely agitated regarding the EdChoice voucher litigation and may have recently dove into a pool loaded with legal liabilities as they attempt to defeat the case outside the court room.

First, the Attorney General filed a motion to dismiss the EdChoice voucher litigation. The Judge rejected the state's motion and allowed the case to go forward with all five (5) claims intact. State officials should take heed of that fact!

Second, the Attorney General has pulled out all the stops to quash the subpoena the Plaintiff's submitted to the President of the Senate. The "survey" may well be one of the reverberations of subpoena.

Third, the Auditor of State, in response to a request "from the General Assembly", is conducting a "survey on the use of public funds in support of the EdChoice Vouchers Hurt Ohio lawsuit." The General Assembly did not request the survey. The Senate President is the requester.

This Auditor's survey is harassment, pure and simple. The State Defendants know they can't win in the court of public opinion or in the court of law; thus are using bully tactics in an attempt to impede the progress of the lawsuit.

The Coalition was organized in 1991 and successfully litigated the DeRolph school funding case. A letter dated February 11, 1991 from the legal counsel with the State Auditor's office indicated that school districts can use school funds to litigate the constitutionality of school funding statutes. No school district has been cited by the Auditor for illegal use of public funds as a member of the Coalition.

The EdChoice voucher lawsuit is in progress. ORC Section 2921.03 comes into play here. Violation of section 2921.03 is a felony in the third degree. Plaintiff's attorneys in the EdChoice voucher litigation will use any and all legal options to hold State officials accountable for their actions in this matter.

Section 2921.03 | Intimidation.

Effective: November 6, 1996

Latest Legislation: House Bill 644, House Bill 88 - 121st General Assembly

(A) No person, knowingly and by force, by unlawful threat of harm to any person or property, or by filing, recording, or otherwise using a materially false or fraudulent writing with malicious purpose, in bad faith, or in a wanton or reckless manner, shall attempt to influence, intimidate, or hinder a public servant, a party official, or an attorney or witness involved in a civil action or

proceeding in the discharge of the person's the duties of the public servant, party official, attorney, or witness.

(B) Whoever violates this section is guilty of intimidation, a felony of the third degree.

(C) A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death, or loss to person or property incurred as a result of the commission of the offense and for reasonable attorney's fees, court costs, and other expenses incurred as a result of prosecuting the civil action commenced under this division. A civil action under this division is not the exclusive remedy of a person who incurs injury, death, or loss to person or property as a result of a violation of this section.

The Legislative Service Commission presents the text of this section as a composite of the section as amended by multiple acts of the General Assembly. This presentation recognizes the principle stated in [R.C. 1.52\(B\)](#) that amendments are to be harmonized if reasonably capable of simultaneous operation.