

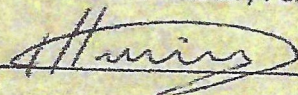
Person filing the complaint: Thomas R. Henning
Thomas R. Henning
8137 Camargo Woods Ct.
Cincinnati, Ohio, USA, 45243

Campaign finance violator: Joseph Grolmes
Joseph Grolmes
8009 Sanoma Dr.
Cincinnati, Ohio, 45243

During the 2023 City of Madeira Council Member at Large campaign, Joseph Grolmes distributed political literature to parishioners of St. Gertrude Church via US mail service. The literature did not contain a disclaimer. Multiple parishioners reported receiving the literature (Exhibit I). The head of St. Gertrude's church, Fr. John Paul Walker, admonished Joseph Grolmes for improper use of the parish directory and acknowledged the church was not involved in distribution of the literature (Exhibit II).

Ohio RC 3517.20 (IMPROPER OR MISSING DISCLAIMER) has been violated by Joseph Grolmes.

Signed and sworn before a Notary Public

Signed 

State OH Ohio _____

County _____ Hamilton _____

This document was acknowledged before me on this Sept. 27, 2024 by Thomas Henning.


Signature of Notary Public



Aaron Wilson
Notary Public, State of Ohio
My Commission Expires:
August 02, 2026

RECEIVED

OHIO ELECTIONS COMMISSION

THOMAS R. HENNING,

Complainant,

v.

JOSEPH GROLMES,

Respondent.

: **Case No. 2024D-032**

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**RESPONDENT’S MOTION TO
DISMISS OR, ALTERNATIVELY,
MOTION FOR JUDGMENT
ON THE PLEADINGS**

Respondent JOSEPH GROLMES hereby moves, pursuant to Ohio R. Civ. P. 12(B) and P. 12(C) incorporated herein by Ohio Admin. Code 3517-1-07(A), for an entry of dismissal or, alternatively, for judgment on the pleadings with respect to the *Complaint* filed herein.

Dismissal or judgment on the pleadings is warrant for any or all of the following reasons:

(1) the *Complaint* fails to comply with Ohio Admin. Code 3517-1-02(A)(1)(a) which explicitly mandates that complaints submitted to the Commission be “double-spaced”.

Complainant THOMAS HENNING has failed to comply with the requirement and there is no basis for the Commission to ignore its own rules.

(2) the *Complaint* fails to comply with Ohio Admin. Code 3517-1-02(A)(1) which explicit mandates that complaints submitted to the Commission must be “based on personal knowledge”. Complainant THOMAS HENNING has failed to comply with the requirement and there is no basis for the Commission to ignore its own rules. The lack of personal knowledge on the part of THOMAS HENNING is replete throughout the *Complaint*, including:

a. the so-called *Affidavit* in purporting to serve as the *Complaint* lacks any indication or declaration as to the basis of the statements therein, *i.e.*, whether

the assertions are, in fact, based on personal knowledge versus information and belief. See *Bonacorsi v. Wheeling & Lake Erie Ry. Co.*, 95 Ohio St.3d 314, 767 N.E.2d 707, 2002-Ohio-2220 ¶26 (“‘Personal knowledge’ is ‘knowledge gained through firsthand observation or experience, as distinguished from a belief based on what someone else has said’” (quoting Black's Law Dictionary 875 (7th ed.1999))); *Nau v. Stonebridge Operating Co., LLC*, 2019-Ohio-3647 ¶36 (7th Dist.) (“[p]ersonal knowledge does not depend on outside information or hearsay”).

- b. the so-called *Affidavit* in purporting to serve as the *Complaint*, together with the attachments, further demonstrate that the accusations by Complainant THOMAS HENNING are not premised upon facts personally known and observed by him but, instead, premised upon what others supposedly saw or reported. Consider, e.g.:
 - i. Complainant THOMAS HENNING asserts that “[m]ultiple parishioners reported receiving the literature (Exhibit I)” that is at issue, yet there is no basis that Mr. HENNING has personal knowledge of this as a factual matter.
 - ii. Complainant THOMAS HENNING asserts that “[t]he head of St. Gertrude’s church...admonished Joseph Grolmes for improper use of the parish church directory,” yet there is no basis whatsoever of this as a factual matter, let alone that Mr. HENNING has personal knowledge of this as a factual matter. Instead, the letter from the church pastor (which is still hearsay as Mr. HENNING lacks personal knowledge to

authenticate it or the basis of its issuance or receipt) contains no indication whatsoever that “[t]he head of St. Gertrude’s church...admonished Joseph Grolmes for improper use of the parish church directory”; instead, this letter indicates the only reprimand was directed to Jeff Parker, the individual who actually transmitted the letter to members of the parish. Thus, this assertion by Mr. HENNING is clearly and unequivocally false and Mr. HENNING knew or should have known of its falsity.

- c. as a factual matter, even accepting and considering *arguendo* the exhibits supposedly supporting the *Complaint*, there is no conduct on the part of Respondent JOSEPH GROLMES that would give rise to the alleged violation R.C. 3517.20:
 - i. as indicated in Exhibit I to the *Complaint* (at the very top), the email to members of the St. Gertrude Parish was transmitted by an individual named Jeff Parker, not by JOSEPH GROLMES.
 - ii. as indicated in Exhibit II to the *Complaint* (the letter from the pastor of the parish), the letter that is the subject of the complaint “was written by Jeff Parker” and that it was Mr. Parker who “gathered some names & addresses” for transmittal of the letter.
 - iii. as indicated in Exhibit II to the *Complaint* (the letter from the pastor of the parish), the letter “was an action taken by parishioner” who is clearly Jeff Parker as he started his letter (Exhibit I) with the salutation of “Dear fellow St. Gertrude parishioners”.

iv. no actual action by JOSPEH GROLMES or his campaign committee
(which is not named herein) is even alleged.

For the foregoing reasons, the *Complaint* should be dismissed with prejudice or,
alternatively, judgment should be entered in favor of

Respectfully,

/s/ Curt C. Hartman

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Attorney for Respondent

OHIO ELECTIONS COMMISSION

THOMAS R. HENNING,

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: **Case No. 2024D-032**

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: **MOTION FOR IMPOSITION**

: **OF SANCTIONS AGAINST**

: **COMPLAINANT THOMAS HENNING**

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Pursuant to Ohio Admin. Code 3517-1-13, Respondent JOSEPH GROLMES hereby moves for the imposition of sanctions against Complainant THOMAS HENNING due to filing a frivolous complaint against him.

Despite: (i) having won his election to the Madeira City Council at the election held in November 2023; and (ii) clearly having knowledge of the issues raised by his *Complaint* no later than mid-November 2023 (as stated in the opening sentence in *Exhibit II* to the *Complaint*), Complainant THOMAS HENNING waited over 10 months later to file this complaint that is not only void of any factual matters premised upon person knowledge (as required by Ohio Admin. Code 3517-1-02(A)(1)) but actually asserted an outright falsehood as a factual matter even though a simple review of the *Exhibits* to the *Complaint* would readily reveal such false and scurrilous assertions by Mr. HENNING as a factual matter herein.

Within the *Complaint* (and purported under some oath), Complainant THOMAS HENNING asserts unequivocally and as a factual matter that “[t]he head of St. Gertrude’s church...admonished Joseph Grolmes for improper use of the parish church directory.” Yet, there is absolutely and unequivocally no basis whatsoever for positing such as proposition as a factual matter. Instead, the letter from the church pastor contains no indication whatsoever that “[t]he

head of St. Gertrude's church...admonished Joseph Grolmes for improper use of the parish church directory"; instead, this letter indicates the only reprimand issued was specifically directed to Jeff Parker, the individual who actually transmitted the letter to members of the parish. As stated by the pastor in the letter, "I reached out to Jeff Parker.... He told me he gathered some names & addresses.... When I learned this, I reprimanded him [for] doing so...." Nothing within that letter (or otherwise) can even remotely support the false factual matter Mr. HENNING tendered under oath to this Commission that Mr. GROLMES was admonished by the head of the parish for the improper use of the church directory.

In light of the lack of personal knowledge of any factual matters within the *Complaint*, compounded by the outright falsehood leveled at Mr. GROLMES by Mr. HENNING, as well as the victor's revenge clearly being undertaken herein over 10 months after the election and knowledge of the underlying fact, the bringing of this *Complaint* asserting a disclaimer violation so long after an election was clearly filed "merely to harass or maliciously injure" Mr. GROLMES, R.C. 2323.51(A)(2)(i), and was also filed with "allegations or other factual contentions that have no evidentiary support," R.C. 2323.51(A)(2)(iii).

Accordingly, Mr. HENNING engaged in frivolous conduct in filing the *Complaint* and sanctions consistent with Ohio Admin. Code 3517-1-13 should be imposed.

Respectfully,

/s/ Curt C. Hartman
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