

FILED  
KNOX COUNTY  
COMMON PLEAS

IN THE COURT OF COMMON PLEAS, KNOX COUNTY OHIO

JOHN FRESHWATER,

2011 OCT -5 AM 9:40

Plaintiff,

MARY JO HANKINS  
CLERK OF COURTS

CASE NO. 11AP02-0090

vs.

:

JUDGE OTHO EYSTER

MOUNT VERNON CITY SCHOOL DISTRICT :  
BOARD OF EDUCATION :

JOURNAL ENTRY

Defendant.

:

:

This matter came before the Court as an original action filed by Plaintiff ("Freshwater") pursuant to Ohio Revised Code §3319.19.16. Freshwater is appealing the Defendant's ("Board of Education") January 10, 2011, Resolution terminating Freshwater's employment contract.

At Freshwater's request and pursuant to the provisions of O.R.C. §3319.16, a public hearing was held before Referee R. Lee Shepard, Esq. The Referee presided over thirty-eight (38) days of witness testimony from over eighty (80) witnesses generating six thousand three hundred forty four (6,344) pages of transcript. The Referee also admitted approximately three hundred fifty (350) exhibits into evidence. The Referee issued a Report on January 7, 2011, recommending the Board of Education terminate Freshwater's contract(s) for "good and just cause."

Based on the number of witnesses and exhibits presented at the Referee's hearing held over a period of over twenty-one (21) months, the Court finds Freshwater's request that the Court conduct additional hearings is not well taken.

The Court, having reviewed the certified transcript of the testimony and the evidence admitted at the hearing before the Referee, the transcript of original papers filed with the

Board of Education, a certified copy of the minutes of the Board of Education meetings, the Board of Education Resolutions, and having considered the applicable law, finds there is clear and convincing evidence to support the Board of Education's termination of Freshwater's contract(s) for good and just cause, and

**IT IS ORDERED, ADJUDGED, AND DECREED** that Freshwater's request that the Court conduct additional hearings is denied, and

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** the Complaint filed in this matter is denied and the Resolution of the Board of Education dated January 10, 2011, terminating any and all contracts with Freshwater is affirmed, and

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** Freshwater is to pay the costs of this proceeding within 30 days of receipt of the cost bill.

**IT IS SO ORDERED.**



JUDGE OTHO EYSTER

Close Code: 18

cc:

John Freshwater, Plaintiff  
David Kane Smith, Esq.  
Krista Keim, Esq.  
Paul Deegan, Esq.