



PROTECTING ★ THE ★ UNPROTECTED

OHIO ATTORNEY GENERAL'S OFFICE

# HIGHLIGHTS | 2022



**DAVE YOST**  
OHIO ATTORNEY GENERAL





## **MISSION STATEMENT**

THE ATTORNEY GENERAL'S OFFICE PROTECTS OHIO  
AND ITS FAMILIES.



OUR ACTIONS ARE DRIVEN BY THEIR INTERESTS,  
GUIDED BY THE RULE OF LAW  
AND THE RELENTLESS PURSUIT OF JUSTICE.



WE WORK TO CONSTRAIN EVIL AND  
EMPOWER GOOD, WITHOUT PARTISAN PREFERENCE  
OR SUBJECTIVE JUDGMENT, AS DEFINED  
BY THE LAW AND BY THE CONSTITUTIONS OF  
THE UNITED STATES AND OHIO.

# FROM THE ATTORNEY GENERAL

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## **My Fellow Ohioans,**

In November of 2022, you re-elected me as Attorney General of Ohio. I am grateful for this vote of confidence in the work our agency has been doing for the past four years.

Re-election means that I get to spend another four years working with the 1,500 men and women of the Attorney General's Office, a team that is distinguished by brains, energy and a passion for ensuring that all Ohioans are treated with justice and dignity, and protected from thugs, thieves and scofflaws.

This booklet highlights just some of the many achievements of this remarkable staff in 2022.

Our work is driven by our motto: Do Big Good.

With that in mind, it is fitting that this 2022 review begins with the first disbursement from the hundreds of millions of dollars our agency has won for Ohio to repair the damage caused by the opioid epidemic. These settlements with the drug manufacturers and distributors who fueled the epidemic are a down payment on justice.

The opioid epidemic was overshadowed for the past three years by the onslaught of COVID-19, but it did not go away. In fact, opioid overdose deaths surged during the COVID crisis. This year — and for years to come — millions of dollars will be channeled to local communities to help them recover from the devastation.

In the new term, the remarkable staff of the Ohio Attorney General's Office will continue work like this on behalf of all Ohioans.

Happy New Year!



**Dave Yost**  
Ohio Attorney General





# 2022

## AN EXCLAMATION POINT ON AG YOST'S FIRST TERM

For Ohio Attorney General Dave Yost and his dedicated staff, 2022 — the final year of Yost's first term in the Attorney General's Office — was marked by continuing successes in their pursuits to right wrongs and otherwise protect the people of this great state.

In the fight to eliminate unlawful robocalls, for example, AG Yost filed a federal lawsuit over a massive “auto warranty” robocall scheme that, late in the year, prompted the Federal Communications Commission to recommend a record-breaking \$300 million fine against those responsible.

Likewise, in the fall, his office scored another victory in its ongoing efforts to ensure that pharmacy benefit managers do not get away with ripping off the state, bringing the total recovered through lawsuit settlements to more than \$100 million.

At the same time, AG Yost has made sure law enforcement officers across the state received the training, tools and support they need to keep up with the demands of the job and to stay ahead of the dangers that come with it.

In these and many other ways, Yost and his team work diligently — every day — on behalf of Ohioans.

This publication explores just a sampling of the Big Good accomplished in 2022.





## First money from opioid settlement makes its way to Ohio communities

Attorney General Yost’s commitment to partner with local governments to fight the opioid epidemic began paying off in cash in 2022 when settlement money started flowing into hard-hit communities around the state.



The money, totaling more than \$8.6 million, is the first installment in an 18-year, \$808 million payout to the state by Cardinal Health, McKesson and AmerisourceBergen, the nation’s three largest pharmaceutical distributors. The AG’s office brokered the landmark settlement for Ohio in 2021; Ohio’s share is part of a \$21 billion nationwide settlement.

In all, more than 500 Ohio cities, townships, villages and counties benefited from the 2022 distribution. Amounts varied based on population and the epidemic’s local impact; Hamilton and Franklin counties, for example, each received more than \$500,000, and Montgomery County, nearly \$450,000. In addition, municipalities within those counties were awarded hundreds of thousands of dollars.

“It’s about time that Ohio’s communities got some relief from the key players at the heart of our opioid crisis,” Yost said. “You can be damn sure more will be coming.”

Ohio’s share of the nationwide settlement was initially in doubt until AG Yost persuaded a majority of the state’s local governments to agree to the deal — a condition demanded by the big three distributors.

Under what came to be known as the OneOhio plan, the state of Ohio oversees negotiations in opioid lawsuits on behalf of participating local governments and then disburses the settlement money. Local governments retain authority to determine how to use the money to combat the epidemic — largely through efforts focused on prevention, treatment and long-term recovery.

The OneOhio plan splits the overall settlement money into three pots, with 85 percent of the total targeted for local distribution.

## Yost still pursuing recovery money

**A steadfast leader in the opioid fight**, Ohio was among the first states to sue distributors and manufacturers for recklessly flooding the market with massive amounts of the drugs.

Since taking office in 2019, Attorney General Yost has reached several settlements that ultimately will provide more than \$1 billion for Ohio.

Most recently, in November 2022, Yost continued his string of successes when he and 15 other state attorneys general compelled CVS and Walgreens, the nation’s two largest pharmacy chains, to agree to a tentative combined \$10 billion nationwide settlement for their role in the opioid crisis. Walmart, another defendant in the case, agreed to a nationwide settlement of up to \$3.1 billion.

These deals followed the \$808 million settlement with distributors Cardinal Health, McKesson and AmerisourceBergen; a settlement worth up to \$185 million for Ohio with drug makers Johnson & Johnson and Janssen Pharmaceuticals; and a settlement worth up to \$24.7 million with the consulting firm McKinsey & Co. All of these deals were brokered in 2021.

Except for the Cardinal Health, McKesson and AmerisourceBergen lawsuit, which has been finalized, the exact amount of Ohio’s share of the nationwide opioid settlements has yet to be determined.

Whether Ohio receives its maximum allotted share will depend on how many local governments and other subdivisions permit the state to act on their behalf as part of the OneOhio plan. If local governments, were to pursue their own individual lawsuits, for example, the state’s maximum share of the settlements would be reduced.



## Yost's leadership bearing fruit in battle to end robocall scams

Partnering with other states and the federal government in 2022, Attorney General Yost found a winning formula in his persistent efforts to eliminate the illegal robocalls that prey on unwitting consumers nationwide.

One noteworthy strike in the battle came on July 7, when Yost filed a federal lawsuit naming 22 defendants responsible for a scheme that bombarded U.S. consumers with billions of illegal robocalls, many of which were “auto warranty” spam calls.

Simultaneous with the suit filing, the Federal Communications Commission (FCC) supported Yost's crackdown by issuing cease-and-desist letters to some of the same targets named in the lawsuit. The FCC also issued a public notice to all U.S.-based voice service providers, informing them of the letters and authorizing them to cut off any traffic from the pertinent targets.

The next month, USTelecom, the premier trade association representing service providers and suppliers for the communications industry, roundly endorsed targeted enforcement efforts such as those initiated by Yost and the FCC.

In comments submitted Aug. 17 to the FCC regarding commission proposals to expand caller ID authentication and robocall mitigation rules, USTelecom singled out the Yost/FCC actions as an effective approach and included data showing a severe dropoff in the number of robocalls after those actions were taken.

“When enforcers act judiciously and in a targeted manner, illegal robocall campaigns diminish,” USTelecom wrote.

Yost's federal lawsuit identifies the leaders of the robocall scheme as Aaron Michael Jones, Roy Cox Jr. and Stacey Yim, all of California. Jones and Cox have previously been sued by the Federal Trade Commission for similar violations of



“It's time to eradicate this plague.”

Attorney General Dave Yost

U.S. telecommunications rules.

“This particular operation prompted more than 1,600 unwanted-call complaints to my office,” Yost said “It's time to eradicate this plague.”

The suit alleges that the defendants orchestrated an unlawful and complex robocall scheme, at times bombarding consumers with 77 million robocalls a day to generate sales leads. While unleashing the calls, it says, they violated multiple state and federal laws by engaging in “spoofing,” disguising the information that appears on Caller ID. In addition, they concealed the call originators by interweaving companies and individuals, potentially even using aliases and fake entities.

On Dec. 21, the FCC proposed a record-breaking fine of nearly \$300 million in the case, calling the scope of the scheme “astounding” and crediting Yost's lawsuit for triggering the commission's enforcement actions.

USTelecom said in its comments to the FCC that aggressive enforcement actions — along with FCC regulation changes, increased expectations and robocall mitigation activity across the industry — “are working to fill the loopholes, stop the workarounds, and put bad actors on explicit notice regarding their illegal activities.”

Yost's lawsuit stemmed from the investigative work of his Robocall Enforcement Unit, part of the attorney general's Consumer Protection Section, and followed on the heels of

letters issued by Yost to Voice over Internet Protocol (VoIP) providers warning them to better monitor the traffic they carry.

### A settled complaint

In a related robocall action, Yost settled a case with voice service provider G4 Telecom Inc. and its owner, Joe Putegnat.

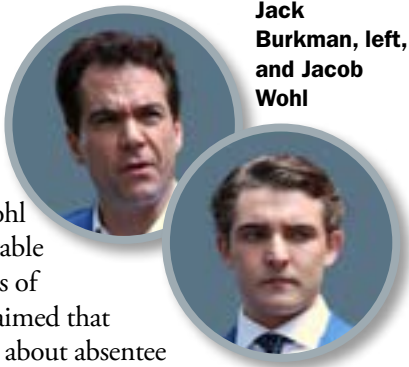
G4 was carrying traffic for bad actors engaging in robocalls, some of whom were among the 22 defendants in the federal lawsuit filed in July.

The agreement requires G4 to pay the state \$20,000 and stop assisting and facilitating others in violating the Telemarketing Sales Rule by carrying illegal robocall traffic and to implement extensive screening for future customers — to avoid carrying additional illegal robocalls.

### Other steps forward

Also in 2022 as part of the robocall fight, Yost and/or his Consumer team:

- ★ Worked with the office of Cuyahoga County Prosecutor Michael O'Malley to hold Jack Burkman of Arlington, Virginia, and Jacob Wohl of Los Angeles accountable for arranging thousands of robocalls that falsely claimed that information submitted about absentee voting in the 2020 general election, would be used by law enforcement for outstanding warrants, by credit card companies to collect outstanding debts, and by the Centers for Disease Control to track people for mandatory vaccines.
- In October, both men pleaded guilty to a single count of telecommunications fraud and were ordered to pay the maximum fine of \$2,500 each. On Nov. 29, they were sentenced to 24 months of community control; a 180-day curfew from 8 p.m. to 8 a.m.; and 500 hours of community service by working a voter registration drive in Washington, D.C.
- ★ Announced in August that Ohio, North Carolina and Indiana are co-leading a national Anti-Robocall Litigation Task Force of 51 attorneys general to take legal action against the VoIP providers responsible for bringing overseas-based robocalls into the United States or facilitating robocalls from senders inside the United States.
- ★ Co-hosted with Michigan Attorney General Dana Nessel the National Association of Attorneys General Robocall Summit in Detroit. The July event allowed state and federal partners to share experiences, resources and expertise to combat the robocall scourge.



Jack Burkman, left, and Jacob Wohl



Other ways that the AGO safeguarded Ohioans' wallets:

### First Energy attorney fees

Shocked to learn that attorneys for First Energy were seeking to pocket a third of the \$49 million ratepayer class-action settlement that his office helped to negotiate, AG Yost filed an objection in federal court.

In December, the judge in the case agreed with Yost: He reduced the fee request of \$16.3 million by 18.5%, allowing an additional \$3.03 million to go to ratepayers.

In his objection, Yost pointed out that others did the heavy lifting in discovering the crimes and stopping collection of the ratepayer rider: "The settlement table was set by my office and the U.S. Attorney, and now these greedy attorneys are sitting down to dine. First Energy already shook down Ohio ratepayers. Let's not let plaintiff attorneys do the same."

### MORE FOR RATEPAYERS

**\$16,333,333**

Attorney fees requested

**\$13,301,992**

Attorney fees awarded

**\$3,031,341**

Ratepayer savings

### Window Planet case

A Hamilton County window company owner is serving a yearlong prison sentence for ripping off customers who had bought windows from her business, Window Planet.

Tara Curles, 45, pleaded guilty in September to attempting to engage in a pattern of corrupt activity and was sentenced in October. She also must pay 38 consumers the full restitution of \$82,812 and is banned for life from owning, operating or managing any sales business.

Curles accepted money from the customers but did not deliver the windows or provide refunds. The Economic Crimes Unit in the AG's Consumer Protection Section investigated and prosecuted the case.

### TurboTax software deception

When the maker of TurboTax software deceived consumers into paying for tax services that should have been free, AG Yost joined other states in a lawsuit and secured \$5 million for the Ohioans who were unfairly charged.

An agreement reached in May with all 50 states and the District of Columbia requires Intuit Inc. to pay a combined \$141 million in restitution to millions of consumers nationwide. Ohio's portion is being distributed directly to 163,367 eligible Ohioans.





# FIGHTING HUMAN TRAFFICKING

## OOCIC task forces target ‘johns’

Attorney General Dave Yost made no secret of his plan to crack down on buyers of sex in Ohio in 2022, declaring as much at the start of the year during opening remarks at his Human Trafficking Summit.

“As long as sex buyers create demand, human trafficking will continue,” he told summit attendees on Jan. 22. “So we need to hit the demand side hard.”

Using task forces organized under the AG’s Ohio Organized Crime Investigations Commission (OOCIC), the Attorney General’s Office addresses the issues that fuel sex trafficking by tapping the talents and expertise of law enforcement agencies statewide and medical and social-services partners.

In August, the OOCIC coordinated a statewide operation, dubbed “Operation Time’s Up,” that targeted buyers of sex — commonly called “johns” — with a series of stings. The sweep also prioritized assistance for trafficking victims.

Ninety-eight law enforcement agencies and dozens of social-service partners collaborated on the weekend sweep, which ended in the arrests of 35 johns and 21 others seeking to buy sex from minors. The effort also coincided with the culmination of an investigation of illicit massage parlors in Cleveland and a statewide search for missing children by the U.S. Marshals Service.

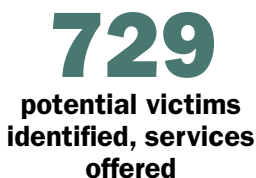
“Those who keep human traffickers in business are going to pay a price along with the traffickers themselves,” Yost said. “My office, with the vital help of our many law enforcement partners, is committed to going after the demand side of this contemptible exploitation of vulnerable young women and girls.”

As has been the practice during such operations, law officers interviewed individuals — men and women — found to be offering to sell sex. The possible victims were also offered help from health-care and social-services partners working alongside law enforcement — intervention that can help pull victims out of the trafficking trap.



### BY THE NUMBERS

A summary of the accomplishments of the six OOCIC human trafficking task forces from Jan. 1, 2022, through Nov. 30, 2022\*:



\*Complete fourth-quarter data not yet available.

NOTE: Not all arrests, indictments and counts involved human trafficking charges; some involved charges related to prostitution, narcotics, firearms, warrants, etc.



## See something, say something

Those with knowledge about victims of human trafficking are encouraged to contact the Ohio Bureau of Criminal Investigation at 855-BCI-OHIO (855-224-6336) or the National Human Trafficking Hotline at 888-373-7888.



Other investigations and actions taken by OOCIC human trafficking task forces:

### Central Ohio

Two separate investigations conducted by the Central Ohio Human Trafficking Task Force led to the indictment and arrest of five Columbus residents on charges related to juvenile sex trafficking.

David Lee Au, 36, and Josclyn Sellers, 37, were indicted in August in Franklin County on charges related to the sex trafficking of a juvenile. They face one felony count each of trafficking in persons, compelling prostitution and promoting prostitution.

Two months earlier, three people were arrested on charges related to the trafficking of multiple juveniles for sex.

★ **Ka-Auija'e "Unique" Washington**, 20, faces nine felony counts, including trafficking in persons, compelling prostitution, promoting prostitution, commercial sexual exploitation of a minor and pandering sexually-oriented material involving a minor.

★ **Levrous "Vell" Alfred**, 28, is charged with felony counts of trafficking in persons, promoting prostitution and compelling prostitution.

★ **Patrice Bigord**, 21, faces one felony count of compelling prostitution.

### Southeastern Ohio

In the spring, the Southeastern Ohio Human Trafficking Task Force brought the hammer down on nine men thought to be involved in sex crimes

against children in Morgan County.

"This task force waded into a cesspool of men who were allegedly trafficking a juvenile victim and sexually exploiting other children — pure filth," Yost said.

Investigators say Rusty Campbell of McConnellsville was trafficking a juvenile victim in exchange for money, methamphetamine and other favors. He also was said to be having sex with other juvenile victims, creating child pornography, and participating in an online group sharing explicit videos of child sexual abuse.

Campbell has been indicted and arrested on one count of rape, five counts of human trafficking, 27 counts of pandering obscenity involving a minor and two counts of unlawful sexual conduct with a minor.

After Campbell's arrest, eight other Morgan County men were also indicted and arrested in the case.

### Northeastern Ohio

Eight people were arrested in February ahead of the National Basketball Association's All-Star Game festivities in Cleveland — the type of large-scale public event that can fuel the demand for purchased sex.

The localized sweep, dubbed "Operation Fouled Out," was led by the Cuyahoga Regional Human Trafficking Task Force.

Law enforcement identified and interviewed 15 individuals selling sex, who were then offered help from health-care and social-services organizations.

"This operation's mission was twofold — to arrest johns soliciting sex and to proactively encounter potential victims," AG Yost said. "Our task force reinforced both the consequences for buying sex and the pathways available for victims to find a way out."



## Sports sites help raise awareness

### Working to reinforce the point

that human trafficking is everyone's problem, AG Yost in 2022 continued his push to partner with professional and college sports teams in Ohio to raise awareness and educate the public about the scourge.

During the Major League Soccer season, the attorney general and the Columbus Crew teamed up on a public-service announcement in which Yost advises fans on how to recognize signs of trafficking and report a potential problem. The PSA played at the Crew's Lower.com Field.

Likewise, the Cincinnati Reds helped to raise awareness for a second consecutive Major League Baseball season by running a PSA featuring Yost and Kentucky Attorney General Daniel Cameron. The video, introduced at the end of the 2021 season, ran throughout the 2022 season during home games at Great American Ball Park.

And, in March, UD Arena at the University of Dayton — as host of the NCAA's First Four basketball tournament — joined Yost's office in an anti-trafficking poster campaign.

These 2022 efforts followed an earlier partnership tied to an MLB All-Star Game that took place in Cleveland.

"Human trafficking knows no boundaries and, unfortunately, is happening throughout Ohio," Yost said. "High-traffic sports venues can help us engage fans in our fight to sideline traffickers."



## Beyond a shadow of doubt: AG ensures impartiality in police-shooting cases

An inherent tension underlies any shooting at the hands of police, especially if the shooting victim dies and the public calls into question the police response. At times, it can rip a community apart.

Family and friends of the victim as well as community leaders, citizens and news organizations might demand quick answers: Was it necessary? Was the degree of force appropriate? Were the officers adequately trained and did they follow proper procedures?

Before those legal questions can be answered, however, the facts of the case must be determined first. And they must be determined in a manner that precludes suspicion.

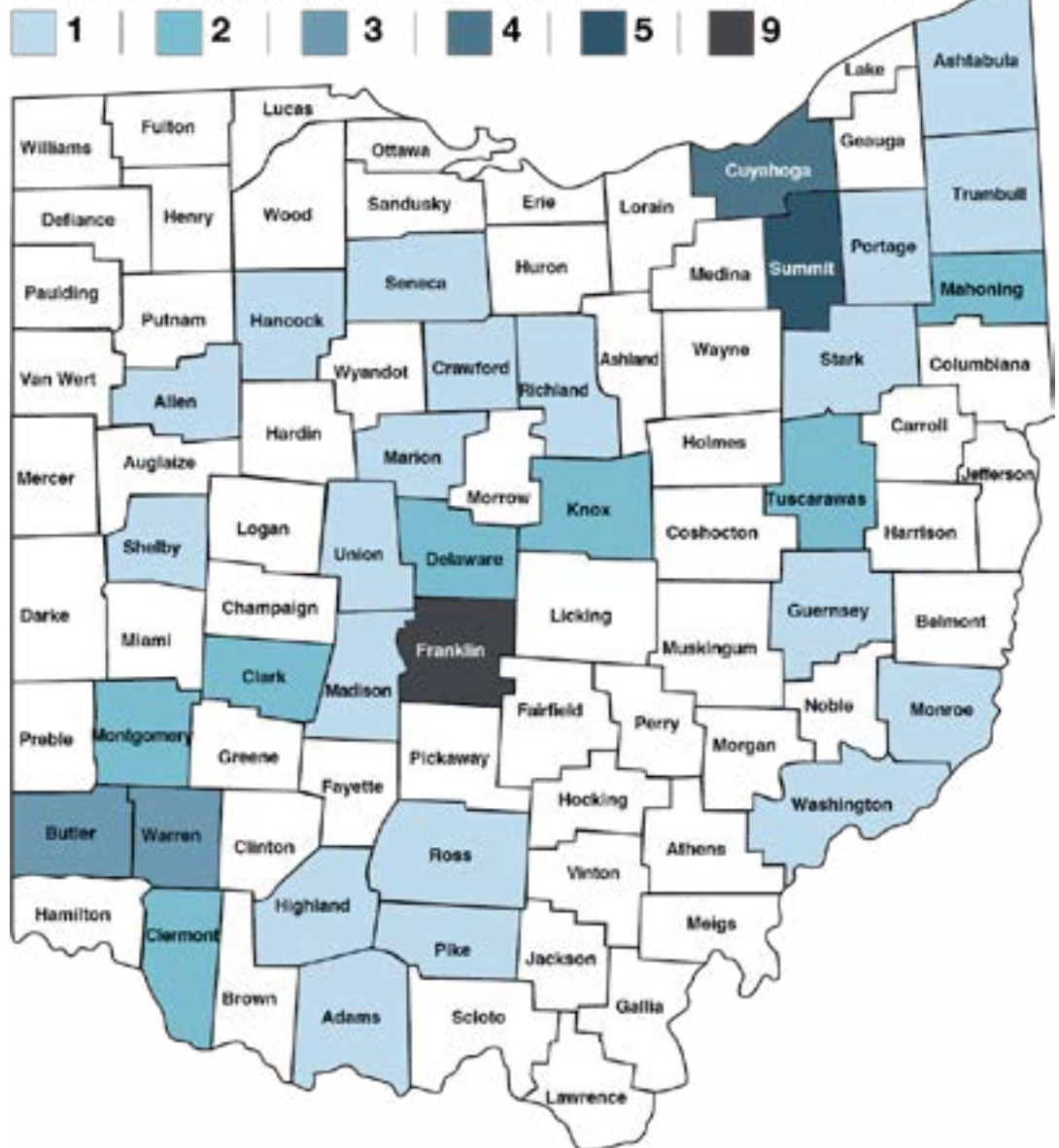
That's why AG Yost — who prides himself on his administration's transparency — strongly encourages law enforcement agencies to enlist the help of an independent third party to investigate any shootings involving their officers. If law enforcement is to have the support of the communities it serves, an independent investigation is not a luxury but a requirement.

In many cases, the request falls to BCI.

BCI's Officer Involved Critical Incident (OICI) response team and its Special Investigations Unit investigate more police shootings than any other agency in Ohio, and the numbers have

### 2022 officer-involved critical incidents

In 2022, BCI accepted 59 requests from Ohio law enforcement agencies to investigate officer-involved shootings. BCI served as the lead investigative agency in 56 of those cases.



# INVESTIGATIONS BY YEAR



grown considerably over the last four years. In 2022, BCI undertook 59 new investigations of officer-involved critical incidents at the request of local agencies. Since 2019, when Yost came to office, BCI has investigated 204 OICI cases.

The process BCI follows is extensive and complex and can run up against speed bumps at any point along the way, but generally it involves documenting the crime scene, collecting and processing evidence; interviewing the officers; questioning witnesses; compiling video and electronic evidence; and researching the officers' background and training. BCI also works closely with the coroner or medical examiner to evaluate the autopsy and toxicology reports.

Once the investigation is complete, BCI delivers its findings to the prosecuting attorney, sometimes to the AG's Special Prosecutions Section. That's because Yost encourages local prosecutors to consider working with his team if a conflict of interest arises or public trust is at stake.

In 2022, the Special Prosecutions Section presented nine officer-involved critical incident cases to county grand juries. Many of these cases involved more than one officer. Most of these critical incidents were shootings, and most of them resulted in the death of the subject. In each case, the grand jury declined to indict the officers involved.



## What is an OICI?

Officer-involved critical incident refers to any of the following:

- ★ The discharge of a firearm by a law enforcement officer or other official during the course of his or her duties that is directed at a human being (not including the shooting of an animal, training accidents or accidental discharges that result in no injuries), whether or not the person sustains an injury.
- ★ Any incident in which a law enforcement officer suffers serious physical harm or death at the hands of another, including "friendly fire" situations.
- ★ Any incident involving the use of force by a law enforcement officer against another person when it appears that the person may have sustained serious physical harm or death.
- ★ "In-custody deaths," even if there isn't a known use of force by corrections officers but circumstances are questionable.

## Fatal OICI cases: An open book

In the case of a fatal police shooting in which BCI was the primary investigator or the Special Prosecutions Section presented the case to a grand jury, the Attorney General's Office posts the entire case file online so the public can review the facts. These files might include a range of lab reports, interviews with officers and witnesses, radio transcripts, videos and photos, and personnel files. In 2022, the AG's office posted 22 case files:

<b>Innes Lee</b>	<b>James Williams</b>	<b>Devon Taylor</b>
<b>Ma'Khia Bryant</b>	<b>Quincy Pritchett</b>	<b>Miles Jackson</b>
<b>James Haynes</b>	<b>James Gross</b>	<b>Cora Baughman</b>
<b>Kevin Giesel</b>	<b>Zachery Edwards</b>	<b>Kyle Veyon</b>
<b>Eric Cole</b>	<b>Mark Evers</b>	<b>Stephaun Jones</b>
<b>Dustin Booth</b>	<b>Andrew Teague</b>	<b>Pozz Striblin</b>
<b>Jonathon Myers</b>	<b>David Ward</b>	
<b>Matthew Todhunter</b>	<b>Thomas Cromwell</b>	

In total, 24 case files are available for public review at [www.OhioAttorneyGeneral.gov/SpecialPages/Investigative-Documents](http://www.OhioAttorneyGeneral.gov/SpecialPages/Investigative-Documents).

## Best practices for law enforcement

The Attorney General's Office has published "Best Practices for Investigating an Officer-Involved Critical Incident," written by Mark Kollar, BCI special agent-in-charge and statewide coordinator for officer-involved critical incident investigations. The book can be downloaded at [www.OhioAttorneyGeneral.gov/BestPractices](http://www.OhioAttorneyGeneral.gov/BestPractices).





# AG Yost's fight against PBMs has yielded \$100 million for state

Attorney General Yost has never shied away from taking on the big dogs of corporate America. He and his team stand as guardians between the people and the mega companies whose behind-the-scenes boardroom decisions can directly impact Ohioans' wallets. Sometimes, even their privacy.



Last fall, AG Yost scored his latest victory in an ongoing campaign to ensure that health insurance middlemen, known as pharmacy benefit managers, are not ripping off the state. To date, he has recovered more than \$100 million in two settlements with PBMs, with another case pending.

“I said before that we will do everything in our power to protect Ohioans from PBMs, and we don't plan to stop at \$100 million in recoveries,” said Yost, who began investigating PBMs in 2018 while state auditor. “Stay tuned.”

PBMs are private companies that act on behalf of health

insurers and government-funded health programs, like Medicare and Medicaid. PBMs are supposed to work for these insurers to negotiate the best possible prices with pharmacies and pharmaceutical manufacturers. Often, these negotiations result in the opposite. Drug prices are not transparent and are frequently inflated. Multiple secrecy agreements prevent customers and sometimes even government programs from understanding how much drugs actually cost.

PBMs have been the target of lawsuits in Ohio and other



### Making Google come clean on tracking, preferencing

AG Yost and 39 other attorneys general worked together to stop Google from continuing to track the location of users who had turned off the location-tracking feature on their phones. Location data is a key part of Google’s digital-advertising strategy.

Ohio will receive nearly \$13.4 million from the \$391.5 million settlement — the largest multistate privacy settlement in U.S. history.

The attorneys general said Google had violated consumer protection laws by misleading consumers about its location-tracking practices since at least 2014. An investigation revealed that location tracking wasn’t truly disabled unless a user also turned off a lesser-known setting called “Web & App Activity.”

Separate from this case, AG Yost is pursuing another historic Google lawsuit — one involving self-preferencing by Google Search.

Yost contends Google thwarts competition by using its dominance in internet searches to steer users to its own products. He wants the search giant to be declared a common carrier, making it subject to special government regulations that would likely end self-preferencing. The trial against Google Search is scheduled to begin May 14, 2024, in Delaware County Common Pleas Court.

### Protecting pension systems and individual investors

Thanks to the efforts of AG Yost, Ohio was appointed lead plaintiff in a class-action lawsuit against Facebook that seeks to recover millions of dollars in losses suffered by the Ohio Public Employees Retirement System (OPERS) and others around the world, as well as individual investors.

In July, a federal judge granted Ohio the right to lead the lawsuit along with PFA Pension of Denmark because they hold the largest financial stakes in the case.

The decision consolidated a series of suits against Facebook, now known as Meta. The class action alleges that the social media giant violated federal securities law in 2021 by hiding from the public information it had that

Facebook’s proprietary algorithms promoted offensive and dangerous content to users and contributed to mental health and emotional problems among teens — especially girls.

The suit contends that Facebook’s misrepresentations boosted the price of its stock. The stock dropped later that year when a company whistleblower revealed efforts that Facebook allegedly took to suppress the information. As a result of the revelation, OPERS lost about \$3 million.

In a separate but related action — this time involving a securities class-action lawsuit against Warner Bros. Discovery — a federal judge granted Yost’s motion to have two Ohio pension systems named as lead plaintiffs and the Attorney General’s Office appointed as lead counsel.

The entertainment conglomerate Warner Bros. Discovery was formed in April 2022 when AT&T’s Warner Media Unit merged with Discovery. The lawsuit contends Warner Bros. Discovery deliberately misled investors during the merger process, resulting in a combined loss of \$25.5 million for OPERS and the State Teachers Retirement System.

## BY THE NUMBERS

**\$391.5M**

total settlement for the U.S. in the case against Google

**\$13.4M**

Ohio’s share of the Google settlement

**\$15M**

the amount that OptumRX agreed to repay the state

**\$88.3M**

the amount that Centene Corp. agreed to repay the state

states after some PBMs were found to have charged states far more for drugs than they paid pharmacists to fill the prescriptions.

In October, OptumRX agreed to repay the state \$15 million, though it admitted no wrongdoing or liability.

Yost’s lawsuit alleged that OptumRx overcharged the Ohio Bureau of Workers Compensation for claims made by injured workers for generic drugs. OptumRX is owned by UnitedHealth Group and is one of the largest pharmacy benefit managers in the nation. The bureau dropped OptumRX in 2018.

Along with OptumRx, Yost has pursued two other similar cases:

- ★ In June 2021, just three months after Yost sued Centene Corp, the company agreed to pay Ohio \$88.3 million for overcharges to the Ohio Department of Medicaid. The settlement was the first secured by a state attorney general against a PBM. And it is still the most favorable settlement, when considered on a per-Medicaid-recipient basis.
- ★ In July 2020, Yost filed a lawsuit on behalf of the Ohio Highway Patrol Retirement System accusing Express Scripts, owned by Cigna, of multiple contract breaches that enabled the company to pocket millions in overcharges. That case is pending.



# Work of Health Care Fraud team protects Ohioans most in need

**G**uys like Geron Tate are the kind of crooks the Health Care Fraud Section loves to take down. His deceit was so bold, he apparently thought he'd never be caught.

Tate owned an outpatient treatment center for substance-use disorders in Mansfield. As an approved Medicaid provider, he was supposed to be part of the safety net the federal government maintains to assist low-income, disabled and elderly Americans with health care.

In Ohio, 3 million people receive Medicaid benefits, and 165,000 doctors, hospitals, dentists and other health care professionals provide the medical goods and services they need. Now and then, a provider tries to scam the system. Geron Tate was one of them.

Investigators with the Medicaid Fraud Control Unit, a team within the AG's Health Care Fraud Section that focuses on Medicaid providers, determined that Tate billed Ohio's Medicaid program for counseling services that he never provided — in fact, about 5,000 times between 2015 and 2021. What's more, agents with the MFCU identified 25 separate occasions when Tate billed for counseling services he said he provided in Mansfield even though he was out of state at the time.

Tate, 66, was sentenced in November to six years in prison after pleading guilty to one count of aggravated theft, a second-degree felony, and one count of Medicaid fraud, a third-degree felony. As part of the plea agreement, he will pay \$1.57 million in restitution to the Ohio Department of Medicaid.

"Cases like this make my blood boil," Yost said. "This money was designed to help people who are struggling with addiction; instead, he was just stealing it. He deserves every last day of this sentence."

In addition to investigating and prosecuting cases of provider fraud, the MFCU also enforces Ohio's Patient Abuse and Neglect Law, which protects the mentally and physically disabled and the elderly in Ohio's long-term care facilities. Three cases from 2022 highlight the team's work:

- ★ **Gregory Cornell, a licensed practical nurse at the Armstrong Memory Care Assisted Living facility in Warren**, was helping an elderly resident into bed when the woman became combative. Cornell responded by pinning her wrists against the bed and holding a pillow over her face while threatening to smother her. "These little girls will be leaving here in an hour and it's just going

## Protecting the vulnerable: A team effort across AGO

**Besides the Health Care Fraud Section**, other areas of the AGO team also help ensure that the rights of the elderly and vulnerable are protected.

Thanks in part to an investigation led by the Bureau of Criminal Investigation at the request of the Knox County prosecutor, a grand jury in September indicted a former law enforcement officer and his wife on seven felony charges stemming from the theft of more than \$450,000 from an elderly woman with Alzheimer's disease.

Daniel and Elisabeth Bobo befriended Kay and Richard Hoppe and later helped the couple move into a Mount Vernon nursing home. After Mr. Hoppe died in 2018, Daniel Bobo allegedly persuaded Mrs. Hoppe, whose Alzheimer's had recently been diagnosed, to grant him power of attorney.

Daniel Bobo was named executor of Mrs. Hoppe's estate before she died in August 2020 at age 78. Until he resigned in September 2021, Bobo was a deputy sergeant for the Knox County Sheriff's Office. He and his wife allegedly used the \$450,000 for personal expenses.

The AGO's Special Prosecutions Section will prosecute the case.



to be me and you,” he said, according to witnesses who also reported that the woman was visibly scared and confused and made whimpering noises. With the help of the Trumbull County Prosecutor’s Office, Cornell was convicted of one count of patient abuse and sentenced to five years of community control, which was then transferred to West Virginia where the defendant now resides.

★ **As business manager of Edgewood Manor of Wellston, a care facility in Jackson County, Cassandra Gillum** stole residents’ funds and covered her thefts with falsified checks and petty cash account entries. At sentencing, the judge called her actions repugnant and said she preyed

upon the most vulnerable population. Convicted of theft from the elderly and forgery, Gillum was ordered to pay restitution of \$21,634.64 and sentenced to five years of community control with a reserved prison sentence of 48 months.

★ **Angela Gallegos’s 83-year-old father was a resident of St. Catherine’s Manor care facility in Findlay.** She was required to use her father’s Social Security payments to cover the cost of his care but instead diverted \$34,412.22 for her own use. She pleaded guilty in Hancock County Common Pleas Court to one count of theft from a person in a protected class, a fourth-degree felony. Her sentencing is pending.



## Medicaid Fraud Control Unit earns top honor again

**The AG’s Health Care Fraud Section** essentially consists of two teams: one focused on Medicaid provider fraud, and patient abuse and neglect in long-term-care facilities; the other, on Workers’ Compensation. In total, about 115 people staff the section, more than 100 of them in the nationally recognized Medicaid Fraud Control Unit (MFCU).

MFCUs operate in each of the 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands under the oversight of the Office of Inspector General in the U.S. Department of Health and Human Services.

Year after year, Ohio’s MFCU is recognized as one of the most effective in the nation. For the past decade, it has ranked in the top three in the number of indictments and convictions among the 53 MFCUs nationwide. In 1994, 2010, and again last year, Ohio’s MFCU was recognized as the top unit in the country and honored with the Inspector General’s annual Award for Excellence in Fighting Fraud, Waste and Abuse.

The award recognizes the unit’s performance in 2021, when it was responsible for 197 indictments and 156 convictions, as well as the recovery of nearly \$40 million in restitution orders and settlements. Its performance in 2022 was nearly as impressive, with 154 indictments, 167 convictions and the recovery of \$9.79 million.



# TRAINING PEACE OFFICERS

## Led by OPOTA, Yost’s office made statewide police training a reality

Attorney General Yost is loud and clear that Ohio’s law enforcement officers should undergo a uniform amount of advanced training annually to be at the top of their profession.

Thanks to his insistence and the work of his staff, they were provided that opportunity in 2022. And if he gets his way, a permanent fund will be established to make sure training happens every year.

“It’s just common sense,” he said. “Think of it in sports terms. You wouldn’t expect your school team to eventually be the best in the state if the players couldn’t practice after their freshman year.”

Historically, money for training has been a problem. Even though state law requires Ohio’s 30,000 sworn peace officers and troopers to take 24 hours of continuing professional training every year, the same law waters down the mandate by stipulating that training isn’t required unless lawmakers allocate the money to pay for it. The result? State-funded annual training for Ohio’s cops is hit or miss.

Last year proved the exception. A pilot program approved by the legislature for 2022 provided \$15 million for continuing professional training, one of the largest investments in CPT in state history. The program, championed by the Ohio Attorney General’s Office, was administered by the Ohio Peace Officer

Training Academy (OPOTA), an arm of the AG’s office.

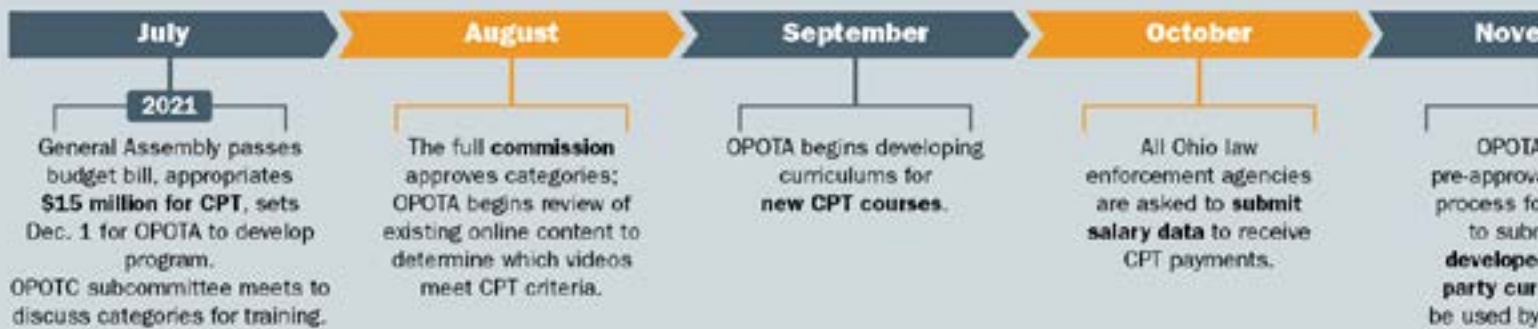
Sworn peace officers and troopers — full-time, part-time, reserve and auxiliary — were required to take 24 hours of advanced training, with the state paying each agency up to 50% of their officers’ salaries for the time spent in training. The agencies picked up the rest.

Training could be taken through OPOTA, either online or in-person. Additionally, to ease the travel burden and expense of taking in-person classes in London, Attorney General Yost and OPOTA worked with five regional educational centers to bring training closer to where law enforcement officers live and work, establishing partnerships in Springfield, Cincinnati, Lorain, Warren and Nelsonville.

Law enforcement agencies also were given the option of creating and teaching their own CPT curriculum, or contracting with a third-party provider, so long as the curriculum was approved by OPOTA.

In total, 806 of the state’s roughly 900 agencies received funding to train more than 27,000 law enforcement officers in 2022. The other agencies either did not apply for CPT funding or did not qualify, in some cases because their officers served part-time and also worked for agencies that did not receive funding. Agencies that did not apply for funding typically were private police agencies (for example, hospitals, amusement parks) that did not wish their salaries to become public information. In any case, all sworn officers were still required to complete CPT by Dec. 31.

**How CPT came about for 2022** | Getting CPT up and running was a Herculean effort. Beginning in July 2021, when the General Assembly approved \$15 million for the pilot program, OPOTA had six months to conceive a new curriculum, get it approved, begin developing the courses and videos, and complete processing to pay the 806 participating law enforcement agencies.







Members of the Lorain County Community College Police Academy accept their STAR Academy award.

## A permanent fund for CPT?

At the end of 2022, AG Yost was working with the administration, legislature and law enforcement to establish a permanent, sustainable fund that would ensure continuing professional training (CPT) every year for Ohio's 30,000 sworn peace officers and troopers.

At the same time, he worked with lawmakers to ensure that funding was approved to continue the CPT pilot program through the end of the fiscal year, June 30. The program was originally funded for the 2022 calendar year only. The additional appropriation — \$5 million, plus authorization to use the remaining \$3.7 million from the original appropriation — means CPT can continue without interruption until the new two-year state budget takes effect July 1.

The creation of a permanent CPT fund is AG Yost's ultimate goal. It would accomplish two things. First, it would better prepare the state's sworn officers for the demands and dangers of the job and, in turn, keep the communities they serve safer. Second, it would eliminate the need for lawmakers to make CPT funding decisions every two years as part of the budget process.

"It's time we got this done," AG Yost said, "and I'll be working like hell to see that it happens on my watch."

States have different requirements for training and have adopted different methods to pay for it. California, Arkansas, Minnesota, New Hampshire, for example, fund law enforcement training through their state's general budget.



Massachusetts pays for training through rental car fees; Colorado, through vehicle registration fees. Illinois relies on money confiscated in criminal cases as well as the general revenue fund. Kentucky imposes a surcharge on casualty insurance.

## Better from the start

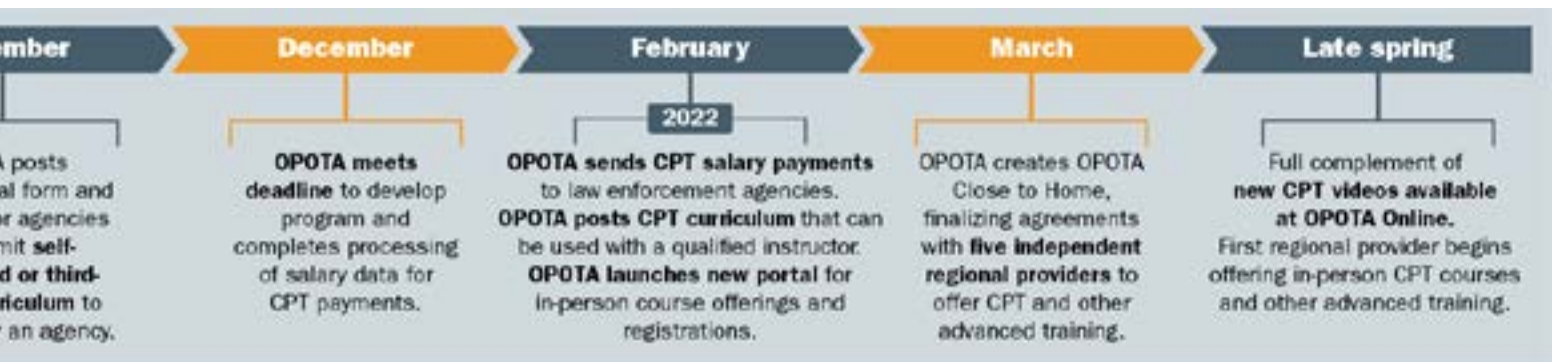
AG Yost's focus on law enforcement training isn't limited to CPT. He wants to raise the bar for basic training in Ohio, too.

In 2022, he designated 11 officer training centers as STAR Academies for going above and beyond the minimum standards mandated by the state. In total, 13 academies have received the STAR designation since Yost's office initiated the program in late 2021.

The Ohio Peace Officer Training Commission establishes standards for basic-training academies; STAR Academies meet at least a dozen extra criteria.

## Star Academies

- ★ Akron Police Department (2021)
- ★ Great Oaks Police Academy (2021)
- ★ Butler Tech Police Academy
- ★ Central Ohio Technical College
- ★ Stark State College Law Enforcement Academy
- ★ University of Akron/Summit County Sheriff's Office Academy
- ★ Kent State University Basic Police Academy
- ★ Youngstown State University Police Academy
- ★ Polaris Career Center Police Academy
- ★ Lorain County Community College Police Academy
- ★ Southern Ohio Police Academy
- ★ Dayton Police Academy
- ★ Marion Technical College Law Enforcement Academy







# AG Yost keeps police agencies well-equipped, well-informed

A portable drug-detecting device supplied by the Ohio Attorney General's Office proved vital last year in Union County when a Highway Patrol trooper pulled over a driver who was thought to be carrying a stash of illegal drugs in his pickup.

The hand-held device, called an MX908 mass spectrometer, confirmed within minutes that the substance in numerous bags found in Jonathan Flack's vehicle was methamphetamine.

Flack — who has a long history of drug offenses, including trafficking — was taken to jail.

"The same way breathalyzers helped us crack down on drunken drivers, the 908s will help us combat drug offenders and traffickers," Attorney General Dave Yost said. "This brings technology out of the lab and into the field. It has the potential to revolutionize how drug testing is done in Ohio."

The 908 is just one example of the resources that Yost's office regularly works to provide law enforcement agencies statewide to help them perform at the highest level possible.

Had there been no such device available, the trooper in Union County would have had to send a sample of the substance to the Highway Patrol crime lab for chemical analysis — a process that might take weeks, giving the suspect plenty of time to flee. Instead, he arrested Flack on the spot and seized not only the meth (with an estimated street value of \$100,000) but also a handgun, ammunition, other drugs, scales, a drug ledger and more than \$10,000 in cash.

Flack, 49, is now serving 16½ to 22 years in prison for drug and weapons offenses.

The 908s are at the center of a rapid-drug-testing pilot program funded by various federal grants that was launched by Yost in late 2021 through the AG's Bureau of Criminal Investigation (BCI) and expanded in 2022. The devices, which are shared regionally among law enforcement agencies, make it possible for officers and deputies to quickly analyze unknown substances and provide results for prosecutors.



In early 2023, select agencies in southeastern Ohio will be trained to use the 908s — the last region of the state to receive the devices and 908 training. The ultimate goal is for all agencies to be within an hour's drive of one of the devices.

"We are here to do whatever we can to ease the very demanding job of our law enforcement officers," Yost said. "One of our priorities is providing the latest technology and tools to help keep Ohio's peace officers a step ahead of the criminals they confront every day."

### Other physical resources

In addition to the 908 program, Yost's office in 2022 secured a \$384,000 federal grant to help Ohio's 88 sheriffs with implementation of the statewide sex offender registry.

The grant was provided by the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART), part of the U.S. Department of Justice. The money is funding computers, cameras and software.

In 2009, Ohio became the first state to substantially implement the Sex Offender Registration and Notification Act (SORNA). The federal law was designed to protect

### ITEMS PURCHASED

Here's how the SMART grant money is being used:

**\$68,921**

for 78 computers

**\$1,177**

88 adapters

**\$14,185**

for 90 cameras  
(88 for sheriffs, two for AGO)

**\$300,000**

software customizations  
(to be completed in 2023)

# BCI expertise invaluable in cold-case investigations

## The Bureau of Criminal Investigation's Cold Case Unit

helps local law enforcement agencies initiate fresh looks at unsolved cases using recently developed forensic analysis and investigative resources — a collaborative approach that continued to pay off in 2022. Here are just two of the notable cases in which the unit was involved:



### Franklin, Licking counties

The advanced DNA analysis performed by BCI to help the Franklin County Sheriff's Office solve a 1991 murder proved doubly effective.

The results not only prompted investigators in August to arrest Columbus resident Robert Edwards, 67, in the murder of 30-year-old Alma Lake; it also linked Edwards to a similar slaying in 1996 in neighboring Licking County.

Lake's death closely mirrored that of

Michelle Dawson, 36. Both had been raped before being killed; both were left naked in a grassy area.

Edwards is charged with aggravated murder and murder in both cases. He is awaiting trial in Lake's slaying.

### Mercer County

The parents of Ryan Zimmerman saw justice prevail in January when Sarah Buzzard received a life sentence for killing their son six years earlier.

Buzzard and Naira Jen Whitaker, Buzzard's partner in crime and in life, might have gotten away with murder had it not been for the work of a BCI analyst.

The case originated in January 2016, when bones were found near Grand Lake St. Marys in Mercer County. An autopsy revealed that the remains belonged to a young man who had been dismembered by a saw. Authorities couldn't identify the remains, though, and the case went cold until June 2020, when the BCI criminal intelligence

analyst connected the remains to a 2015 missing-person report filed with Columbus police by Zimmerman's parents.

DNA from Zimmerman's parents later confirmed that the remains were those of their son.

Zimmerman had crossed paths with Buzzard and Whitaker beginning in August 2015, when he moved from Kentucky to Columbus to live with a man he met online. The man shared an apartment with his wife and his wife's friend, Buzzard and Whitaker. The two women had an intimate relationship and later married and moved to Indiana.

Mercer County investigators and BCI agents tracked down evidence from websites and social media — and uncovered physical evidence — that ultimately implicated the women in the slaying.

Buzzard was arrested in August 2021; before investigators could arrest Whitaker, she shot and killed herself.

the public by establishing a comprehensive national system for registering convicted sex offenders.

Yost has consistently sought to improve Ohio's ability to monitor sex offenders and to enhance tools for interagency communication.

### Educational aid

Physical tools aren't the only form of assistance that Yost's office provides law enforcement agencies — the office also shares its knowledge and expertise.

A case in point is the Ohio Intelligence and Digital Forensics Conference, presented in October by BCI's Criminal Intelligence and Cyber Crimes units in partnership with the Ohio Narcotics Intelligence Center.

The free daylong event brought together investigators, analysts, and computer specialists involved in technology and digital investigations for advanced training and intelligence sharing. The 123 conference participants represented various local, state and federal agencies, and included both sworn and civilian staff.



The group explored some of the latest intelligence and digital forensics technology, including PenLink and Cellebrite. Also discussed were ways to leverage Google Data in criminal investigations and what investigators need to know about iPhone eSIM.



# ‘Funeral director’ conviction exemplifies help AGO offers

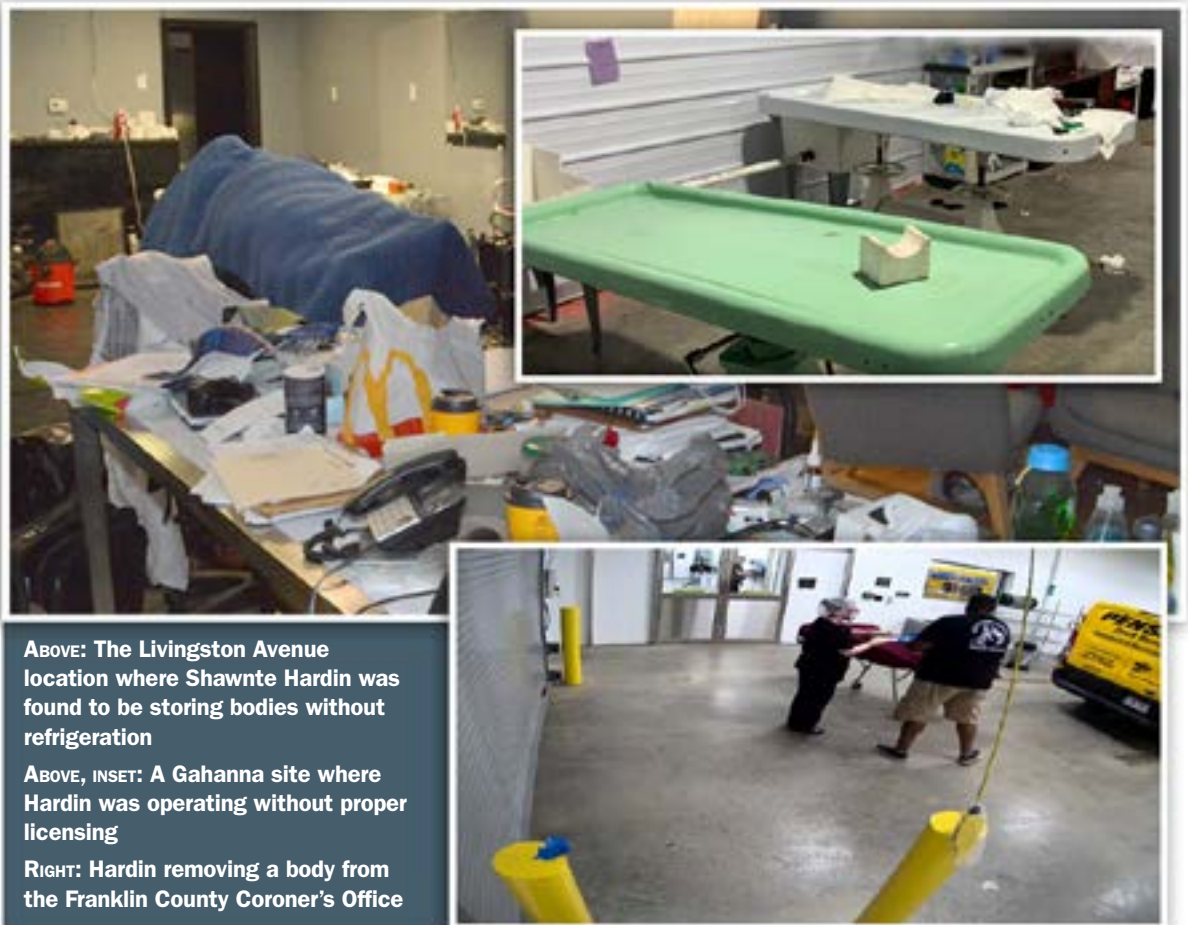
The Special Prosecutions Section of the Ohio Attorney General’s Office lends its extensive expertise and experience to cases throughout Ohio only when asked.

One of the more noteworthy cases handled by section attorneys in 2022 originated as a request for assistance from the Lucas County prosecutor — and ended in a prison sentence of 11 years, 10 months for Shawnte Hardin, an Akron-area pastor who for years ran an unlicensed funeral business in multiple Ohio counties.

“Real pastors pray at funerals — they don’t prey on grieving families,” Yost said.

Hardin was sentenced Aug. 26 in Lucas County Common Pleas Court on 31 charges — including engaging in a pattern of corrupt activity, tampering with records, telecommunications fraud, operating an unlicensed funeral home, possessing criminal tools, abuse of a corpse, representation of a funeral director while unlicensed, passing bad checks, theft and failure to file taxes.

An investigation by the Special Prosecutions Section, the AG’s Bureau of Criminal Investigation (BCI) and the Ohio Board of Embalmers and Funeral Directors found that Hardin operated businesses in Lucas, Cuyahoga, Summit and Franklin counties under myriad names: Hussain Funeral Directors, Celebration of Life Memorial Chapels,



**ABOVE: The Livingston Avenue location where Shawnte Hardin was found to be storing bodies without refrigeration**

**ABOVE, INSET: A Gahanna site where Hardin was operating without proper licensing**

**RIGHT: Hardin removing a body from the Franklin County Coroner’s Office**

Hardin Funeral Home Inc., American Mortuary Services and Transportation, and Shawnte Davon Hardin Services LLC.

Much of Hardin’s business was generated through word of mouth among families struggling to afford funeral costs for a loved one.





In 2022, AG Yost’s Special Prosecutions Section opened 145 criminal matters at the request of prosecutors or courts in more than 48 of Ohio’s 88 counties. Here’s a sampling of the section’s legal wins:

### **Auglaize County**

Tom Stinebaugh learned in October that he is not above the law. That’s when an Auglaize County Common Pleas jury found the suspended mayor of Wapakoneta guilty of theft in office, having an unlawful interest in a public contract and three counts of conflict of interest.

Stinebaugh, whose duties were suspended after the indictment, was sentenced to 18 months in prison — a sentence that was stayed pending his appeal.

A felony conviction would prohibit him from holding public office again.

### **Champaign County**

Also in October, justice prevailed at last when AGO special prosecutors secured a conviction in a 10-year-old cold case involving the slaying and robbery of an elderly Urbana man.

A Champaign County Common Pleas jury found Springfield resident Josiah Mathews guilty of two counts of murder and one count each of aggravated robbery, robbery, felonious assault, grand theft of a motor vehicle, and tampering with evidence.

The charges stemmed from an attack inside 87-year-old Louis Taylor’s home on Oct. 24, 2011. Mathews assaulted Taylor, then stole his vehicle. Taylor died of his injuries three

weeks later. Mathews is expected to be sentenced in early 2023.

### **Crawford County**

A Crawford County Common Pleas jury in October sentenced Galion resident Jason Tupps to 5 to 7½ years in prison for the rape of his wife.

Tupps, 47, must register as a Tier III sex offender with his county sheriff and verify his home address, work address and vehicle information every 90 days for the rest of his life. He is a former Crawford County jail officer.

### **Hocking County**

A 28-year-old Logan woman will spend at least two decades in prison for fatally abusing her boyfriend’s 2-year-old daughter.

After pleading guilty to aggravated murder, Destani Neel was sentenced in May to life in prison with the possibility of parole after 20 years.

According to the coroner’s report in the case, the toddler died from the effects of multiple instances of blunt force trauma. She also had injuries “of varying ages” on her head, neck, torso, arms, legs, hands and feet; bruised internal organs; a broken collarbone; and other injuries.

### **Richland County**

In late August, a Richland County man who repeatedly molested an underage boy in a church sound booth in the early 1990s finally faced the music.

Kevin Cross, now 66, was sentenced to 80 years to life for six counts of rape, each a first-degree felony.

The victim had disclosed the crimes to law enforcement only recently, prompting an investigation by the Ohio Bureau of Criminal Investigation.

## **AVAILABLE TO ASSIST**

AG Yost’s Special Prosecutions Section is made up of seasoned prosecutors with expertise in cases involving capital murder, officer-involved shootings, child abuse, drug trafficking, public corruption and other areas. These attorneys are available to assist local prosecutors throughout the state by:

- ★ Serving as a lead prosecutor in a criminal case when requested to do so by a county prosecutor.
- ★ Being appointed an assistant prosecutor in a case in which specialized knowledge or expertise is required or in which a lack of local resources would limit the prosecution.
- ★ Being requested to assist when a prosecutor has a conflict of interest in a case — say, he or she represented a defendant prior to becoming the elected prosecutor.
- ★ Being asked to review and prosecute officer-involved shooting cases. Because local prosecutors work daily with local law enforcement, an AGO special prosecutor helps to ensure an independent review.

Throughout his three-week trial, prosecutors presented evidence that exemplified Hardin’s criminal enterprise. More than 50 witnesses — including doctors, religious leaders and numerous families — testified that Hardin deceived them into believing that he was a licensed funeral director offering affordable services.

In many instances, however, he never returned cremated remains, never cremated bodies, and did not produce death certificates in a timely fashion.

Hardin made headlines in September 2021 when BCI discovered that he was storing two decomposing bodies without refrigeration in a rundown hair-and-nail salon at 1615 E. Livingston Ave. in Columbus.

Four months later, in January 2022, more than 80 cremated remains were discovered in Akron at Greater Faith Missionary Baptist Church, where Hardin once served as senior pastor.

Many of the remains have been identified and returned to relatives. Others are still unclaimed.



## Monsanto funds to help pay for removal of dam

**T**he advisory board established to recommend how best to use \$63 million of the \$80 million secured last spring in a settlement with the Monsanto Co. recommended in December that the Ohio Environmental Protection Agency allocate \$25 million of the proceeds toward the removal of the Cuyahoga River Gorge Dam.

The money will help remove an estimated 900,000 cubic yards of contaminated sediment, restore fish and wildlife habitat, and restore more than a mile of the river for community recreational use.

The long-awaited Monsanto settlement, announced in March 2022 by Attorney General Yost, is among the largest environmental settlements in state history.

The case originated in 2018, when the state filed a lawsuit maintaining that Monsanto for decades knowingly made products with harmful levels of polychlorinated biphenyls (PCBs), a group of man-made chemicals that can cause cancer in humans, are toxic to fish and wildlife, and can damage waterways and soil.

The PCBs eventually made their way into the environment, contaminating Lake Erie, the Ohio River and many other rivers, streams and creeks throughout Ohio, as well as groundwater, sediment, soil, plants and wildlife.

The settlement, which authorized the creation of the PCB Advisory Board, stemmed from protracted litigation filed by the attorney general, with the money being placed in Ohio EPA accounts designated for mitigating future environmental hazards. The Gorge Dam project is the first to benefit from the settlement funds.

Key evidence in the Monsanto case was an internal company memo dating from 1937 that acknowledged “systemic toxic effects” resulting from prolonged exposure to PCBs, which were used in paints, caulks, inks, dyes, lubricants, sealants, plasticizers, coolants and other products that the company made from 1935 until 1977. The federal government banned PCBs in 1979.

### Illegal dumping

In September, Cincinnati business owner Douglas Evans and his companies were ordered to pay a \$550,000 penalty and clean up their mess after illegally discarding waste at three sites.

Because their actions may have polluted the Little Miami River, a fourth of the penalty money — \$137,500 — was awarded to the Little Miami Conservancy.



The civil penalty stemmed from a lawsuit filed by the state in Hamilton County Common Pleas Court. The suit maintained that Evans — through Evans Landscaping and three other businesses he owns — violated Ohio laws regulating disposal of solid waste and construction and demolition debris at three of his properties.

The case was referred to Attorney General Yost’s office by the Ohio EPA and the Hamilton County Public Health District.

### Illegal open burning

A Clinton County “environmental terrorist” who repeatedly flouted the law is serving a two-year prison sentence for his defiance.

Jason Wallace, 46, of the unincorporated community of Cuba, was found guilty in July of two counts of illegal open burning of solid waste, an unclassified felony, and two misdemeanor counts of causing air pollution. The charges resulted from separate offenses — one in 2020 and the other last year.

Although authorities warned Wallace several times not to open-burn solid wastes, he ignored them.

Yost’s Environmental Enforcement Section prosecuted the case after an investigation by BCI’s Environmental Enforcement Unit and the Ohio EPA’s Special Investigations Unit.

### Volkswagen settlement

In January, AG Yost and Volkswagen agreed to a \$3.5 million settlement over claims that the auto manufacturer manipulated the computer software in its vehicles to mask nitrogen dioxide emissions, a violation of state environmental laws.

The settlement resolved a lawsuit filed in 2016 in Franklin County Common Pleas Court, with the Ohio EPA and Attorney General’s Office (AGO) splitting the monetary award. The AGO plans to use its portion to pursue other environmental violators.

When a consumer would have a vehicle serviced or repaired at a Volkswagen dealership, the company would manipulate the vehicle’s software by putting it into “test” mode, which suspended normal driving operations and reduced emissions. During normal driving, however, the vehicles emitted higher levels of nitrogen dioxide.

The shop where A&E owners and operators stockpiled poached deer and stolen venison

# Deer-poaching charges settled in Gallia County

In October, Attorney General Yost's environmental team wrapped up its criminal case against A&E Deer Processing in Gallia County — one of the largest criminal indictments involving deer poaching from the state and theft of venison.

The 13 defendants prosecuted in Ohio (a 14th was prosecuted in Pennsylvania) faced more than 100 felony and misdemeanor counts combined, with the case stretching to four counties in Ohio and Pennsylvania.

The charges, which spanned two hunting seasons, included engaging in a pattern of corrupt activities, grand theft, falsification, tampering with records, possession of untagged deer parts, hunting with an illegal implement, complicity to wildlife sales and more.

The final two defendants were sentenced on Oct. 27.

A pre-indictment investigation by the Ohio Department of Natural Resources' Division of Wildlife found that the owners and operators of A&E falsely game-checked deer, created false deer harvest records, falsified deer tags, exceeded deer hunting limits, and stole venison from more than 280 customers who had paid the company to process their deer. The scheme allowed A&E to have in its possession more deer than Ohio law permits.

A&E stockpiled the illegally acquired deer meat, which it then made into summer sausage and sold for profit.

Yost's Environmental Enforcement Section prosecuted the case.

## BY THE NUMBERS

A numerical summary of Ohio's A&E Deer Processing criminal case, which included 13 defendants:

**\$57,723**  
combined restitution

**114**  
combined criminal counts (both felonies and misdemeanors)

**\$13,000**  
second-highest individual restitution

**1,000**  
combined hours of community service ordered

**\$20,000**  
highest individual restitution

**2,000+** combined weight in pounds of stolen venison\*

**700+** combined weight in pounds of deer meat stolen from hunters

**13**  
defendants prosecuted in Ohio

**\$6,550**  
combined court costs

**30**  
white-tailed deer poached from state

**\$10,050**  
combined fines

**66**  
combined years in hunting-license suspensions



Sausage made from stolen deer meat

\*The venison was stolen from 280+ customers and poached from the state of Ohio.





# OTHER KEY ACHIEVEMENTS

## Nippert Stadium addressing accessibility shortcomings

As part of an agreement brokered by the Ohio Attorney General’s Office, the University of Cincinnati is working to make Nippert Stadium more accessible to people with disabilities before UC’s 2024 football season begins.

The settlement, reached last summer, requires the university to modernize the stadium by adding more than 100 wheelchair-accessible spaces and companion seats – bringing the total to roughly 200 of each.

The case, handled by Yost’s Civil Rights Section, stemmed from a complaint filed in 2021 with the Ohio Civil Rights Commission by Kevin Flynn, a former Cincinnati City Council member who uses a motorized wheelchair. When Flynn and his son attended a Bearcat game, his son had to sit on the ground next to his father’s wheelchair due to the limited seating for those with disabilities and their companions. Because of a lack of training, stadium employees did not know how to accommodate Flynn and his son.

The stadium opened in 1915, well before the Americans with Disabilities Act (ADA) became law in 1990. Many older structures are not in compliance with ADA regulations, but Ohio’s accessibility laws require that they be brought into compliance whenever a major renovation or remodeling takes place.

UC spent almost \$86 million in 2013-15 to overhaul the stadium, including the addition of more than 5,000 seats and luxury boxes. With only 69 wheelchair-accessible seats and 88 companion seats, however, the stadium wasn’t in compliance with federal or state accessibility laws.

Under the settlement, the university will add the accessible/companion seating to the bowl, club and suite areas. In addition, all Nippert staff members are required be trained on accommodating people with disabilities.

“Bearcat fans, whether they use a wheelchair or not, should have the same opportunity to cheer on their team,” the attorney general said. “This settlement guarantees that all fans will have equal access for decades to come.”



Ben Levin | via Creative Commons

## Settlement money from JUUL case coming in

Ohio has begun receiving payments toward the \$22.8 million it is due to receive from a multistate settlement with JUUL Labs over the e-cigarette manufacturer’s willful marketing and sales to youths even though its e-cigarettes are illegal for minors to purchase and unhealthy for them to use.

The \$435 million settlement with Ohio and 32 other states was announced in September and finalized in December, with JUUL making its first payment to Ohio — more than \$2.1 million — in the final weeks of 2022.

As part of the agreement, the company must also comply with injunctive requirements that severely limit its marketing and

sales practices.

“This puts an end to JUUL’s trawling for new addicts among our children,” the attorney general said.

The settlement money is to be paid out over a period of six to 10 years, with the amounts paid increasing the longer the company takes to make the payments. If JUUL extends the payment period to 10 years, the final settlement could reach \$476.6 million, with Ohio receiving nearly \$24.8 million.

Both the financial and injunctive terms exceed any previous agreement that JUUL has reached with states that did not participate in this lawsuit.



Attorney General Yost visits a Drug Dropoff Day station in Springfield.

### AG's Drug Dropoff Days going strong

Continuing his commitment to keeping Ohio communities safer and healthier, AG Yost followed his initial Drug Dropoff Day in July 2021 with two more in 2022.

All told, the three events to date — held in counties that account for the state's highest rates of opioid deaths — have resulted in the proper disposal of more than 1,400 pounds of expired or unused drugs.

With the U.S. Drug Enforcement Administration sponsoring Drug Takeback Days in April and October, AG Yost's Drug

Dropoff Days are deliberately timed for January and July to give Ohioans additional public opportunities to properly discard old or unneeded medicines.

Together, the quarterly events both save lives and help protect the environment.

"There's no better way to reduce the risk of medications ending up in the wrong hands — or, potentially, in the water supply," Yost said. "It's not environmentally friendly to flush unused prescriptions down the drain or toss them in the trash, which is why proper disposal is so crucial."

### Summer Rays closed for good

In May, Attorney General Yost's Charitable Law Section succeeded in permanently shutting down a family business disguised as a nonprofit.

The operators of Summer Rays, a sober-living facility, violated their fiduciary duties as a registered charity and exploited residents for their own personal financial gain.

Charles (Chuck) Kirk, director of both Summer Rays and Reynoldsburg Revolve Church (RRC), controlled more than two dozen Summer Rays properties, mostly in Franklin County, many of which were used to house about 100 recovering drug users and alcoholics.

He used intimidation and indoctrination to control residents and failed to provide them with formalized counseling or help them develop individualized plans for leaving the program.

The Kirk family lived in a house paid for by Summer Rays. And two of Kirk's daughters lived rent-free in Summer Rays houses — without Summer Rays residents or programming — while attending college.

"Chuck Kirk used his absolute control over the finances of Summer Rays and RRC to rip off the individuals he claimed to want to help," Yost said. "Charities are not to be confused with family businesses."

Both nonprofits were dissolved by a court-appointed receiver.





## OTHER KEY ACHIEVEMENTS

### Zane State building at center of lawsuit

AG Yost in October sued three companies for faulty design and shoddy workmanship on a campus building constructed in 2013 at Zane State College in Zanesville.

The problematic design and construction of the college's Advanced Sciences and Technology Center have caused the brick and stone façade to split and crumble on the building's south, east and west sides — and forced the closure of one entrance for safety reasons, the state's lawsuit contends.

“Structural integrity is key when building schools, but so is professional integrity,” Yost said. “The safety of students depends on both.”

Attorneys in Yost's Court of Claims Section attempted to mediate with SHP Leading Design, Quandel Construction Group and Robertson Construction for the \$1.6 million cost of the needed repairs or in-kind work, but the two sides could not reach an agreement.

The suit is pending in Muskingum County Common Pleas Court.



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**The brick and stone façade of Zane State's Advanced Sciences and Technology Center is splitting and crumbling on three sides due to problematic design and construction, AG Yost's lawsuit maintains.**









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# HIGHLIGHTS OF 2022

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