



Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2022-1090
Officer Involved Critical Incident – 8643 Werger Road, Windham
Township, OH

Investigative Activity: Interview with Witness
Involves: William Duck (W), Lindsey Cianciolo (W)
Date of Activity: 06/23/2022
Author: SA Arvin E. Clar, #127

Narrative:

On June 23, 2022, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Arvin Clar (Clar) conducted an interview with members of Portage County Health District (PCHD). The interview was regarding the officer-involved critical incident that occurred on May 14, 2022, at 8643 Werger Rd., that resulted in the death of Cora Baughman (Baughman). The interview was not recorded.

The interview began at 1335 hours, and was conducted in the conference room of the PCHD, located at 705 Oakwood St., Ravenna, Ohio.

Attending the interview were Mary Helen Smith (Smith), Director of Environmental Health Division, and William Duck (Duck), Registered Sanitarian (inspector) for PCHD; also attending the interview was Lindsey Cianciolo (Cianciolo), Inspector for PCHD. Cianciolo informed SA Clar that she [Cianciolo] would be resigning from her position with PCHD effective July 1, 2022. Cianciolo also said she would make herself available for any further assistance she could offer regarding this incident.

Cianciolo said that on April 14 2022, Richard Knerem (Knerem), 8643 Werger Rd., Windham Township, filed a "Portage County Combined General Health District, Nuisance Complaint" reporting the following:

"We have concerns on our neighbor's property located at 8657 Werger Road, Garrettsville, Ohio 44231. And feel that maybe their septic may be flowing into our yard as the area between our yards stays very wet with what appears to be black sewage water at times.

We have tied into a pipe that was flowing water freely into our yard and still seems to not have fixed the situation with the how wet and possible sewage in the yard.

We have also attended our village meeting and requested that they investigate the situation at the property as it appears that there is a small-standing dwelling behind the trailer that is

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being occupied on a full-time bases by approximately 2 people which may be adding to the situation of the septic. We were told they could not access the property unless emergency services were needed.

We are asking if someone could access the situation to make sure that there currently is not a septic issue allowing it to flow onto our property. Appreciate your time.”

Knerem also attached photos to the April 14, 2022, “Nuisance Complaint Report.”

Cianciolo then said that she was aware that Knerem had contacted the PCHD on March 25, 2021, to report that his neighbor’s septic system was failing and waste water was “running onto his property.”

Cianciolo also said that Knerem reported that his neighbor resided in a mobile home and behind the mobile home was a “cottage” building. Knerem reported that he believed people were residing in the “cottage” building; and, waste water from their properties was running onto his property.

Cianicolo said that on April 20, 2022, she stopped at the property of Cora Baughman, 8657 Werger Rd., Windham Township, to investigate the complaint filed by Knerem.

Cianicolo said that she was met by Baughman, who said she was leaving but would make arrangements to reschedule an interview. Cianicolo said Baughman claimed the septic system was “working fine.”

Cianicolo said, when she first met Baughman, she [Baughman] appeared to be irritated and upset but not hostile.

Cianicolo said that on May 2, 2022, she did return to interview Baughman and perform a “dye” test on Baughman’s septic system located on her property.

Cianicolo said that her observation showed what appeared to be two dwellings on the property. Cianicolo reported in her case notes, “Homeowner says they are tied into the same septic and that the other building is used for storage.”

Cianicolo then said that she conducted the dye test of the mobile home using a green dye. Cianicolo reported in her case notes that “No evidence of public health nuisance at this time.”

Cianicolo then said she continued to monitor the septic system. Cianicolo did report that the septic tanks are not exposed. Cianicolo also noted that a dye test will be needed to test the other building for possible health issues.

On May 3, 2022, Cianicolo came back to Baughman’s property to check for signs of dye. Cianicolo reported that she, “Did not observe any evidence of public health nuisance.”

On May 5, 2022, Cianicolo returned to Baughman’s property and reported observing “black coloration surfacing in area where trench is purported to be located. Didn’t observe dye.”

Cianicolo said that when she saw the black surface water, the septic system may be showing

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signs of failing.

Smith said that when the surface water and or dye appear to emit a strong odor and are readily viable, that is the issue when it becomes a public health nuisance.

Cianicolo said that Baughman did not believe her septic system was a problem. Cianicolo also said that Baughman smoked heavily when she was being interviewed.

On May 6, 2022, Health Inspector William Duck (Duck) went out to Baughman's property to conduct another visual inspection.

Duck said when he arrived, he recalls it was raining. Duck said that Baughman was very cordial.

Duck said that he walked the area identified as the "leach field" and did not observe any dye on the surface area of the property.

Duck also said that Baughman was "very worried and stressed" that her septic system was going to fail.

Duck again tried to calm Baughman by informing her that he did not see a problem and if the septic system did need replacing, there was financial assistance that was available.

Duck said that Baughman was upset and had expressed that she recently had lost her husband.

On May 9, 2022, Duck returned to Baughman's property. Duck said that he did call Baughman to let her know he was coming out to view the area.

Duck said he walked the area with Baughman and did not observe the dye or other surface issues.

Duck said that Baughman was still very upset and continued to worry that she "was going to be kicked out of her house."

Duck again advised Baughman that there were programs to assist people who need replacement of septic systems.

Duck said Baughman told him [Duck] that she had lost two children and her husband. Baughman also said she takes care of her grandson. Baughman then told Duck that she would do whatever she needs to protect her grandson.

Duck asked Baughman about the dwelling behind the mobile home, where she resides. Baughman told Duck that her grandson "hangs out" and the dwelling is not hooked up. Baughman claimed that she disconnected the lines because they had become frozen.

On May 12, 2022, Cianciolo returned to Baughman's property. Cianciolo said she walked the septic area and did not notice any odors or sewage surfacing onto the ground.

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Cianciolo was met by Baughman and her grandson. Cianciolo inquired about the rear dwelling and was quickly told by the grandson that he sleeps and lives in the mobile home with his grandmother, Cora Baughman. Baughman said that they use the rear dwelling to do canning.

Cianciolo wanted to explore the dwelling but Baughman quickly skipped over the topic. The grandson did inform Cianciolo there was a bathroom located in the back dwelling. Cianciolo said she was unable to perform a walkthrough of the dwelling.

Cianciolo again informed Baughman there were applications for funding to assist in replacing septic systems.

Cianciolo also said that Baughman always wanted to be present when persons from the department came out for inspections.

A copy of the April 14, 2022, complaint filed by Knerem has been attached to this report and placed in this case file.

Attachments:

Attachment # 01: 07_21_2022 PCHD Complaint (Knerem 4-14-2022)



Portage County Combined General Health District
Nuisance Complaint Report
(Please Print)

Reported by: <i>Richard Knaren</i>	Township: <i>Windham</i>
Address/Location: <i>8643 Weger Rd</i>	Phone: <i>330-527-5000</i>
Occupant's Name: <i>Cora Baugham</i>	Township: <i>Windham</i>
Address: (Location of violation) <i>8657 Weger Rd</i>	Phone:
<i>Garrettsville Ohio 44231</i>	
Legal Owner of Premise <i>Cora Ann Baughman</i>	Township: <i>Windham</i>
Address <i>Same as Above.</i>	Phone:
Nature of Complaint:	
<i>See attached + photo's</i>	
Complainant's Signature: <i>Richard Knaren</i>	Date: <i>4-14-2022</i>

RECEIVED

April 14, 2022

We have concerns on our neighbor's property located at 8657 Werger Road, Garrettsville, Ohio 44231. and feel that maybe their septic may be flowing into our yard as the area between our yards stays very wet with what appears to be black sewage water at times.

We have tied into a pipe that was flowing water freely into our yard and still seems to not have fixed the situation with the how wet and possible sewage in the yard.

We have also attended our village meeting and requested that they investigate the situation at the property as it appears that there is a small free-standing dwelling behind the trailer that is being occupied on a full-time basis by approximately 2 people which may be adding to the situation of the septic. We were told they could not access the property unless emergency services were needed.

We are asking if someone could access the situation to make sure that there currently is not a septic issue allowing it to flow onto our property. Appreciate your time.

PORTAGE COUNTY HEALTH DISTRICT
WASTEWATER NUISANCE FILE NOTES



HEALTH DISTRICT

Location 8657 Werger Road, Windham Township

4/20/2022: Stopped at property to attempt nuisance investigation.

Homeowner was just leaving as I got there. Got her contact information: Cora - 330-256-1508. Will call to schedule. -LC

4/26/22: Left message with Cora to schedule. -LC

5/9/22 Observed No Public Health Nuisance at this time. I walked

the beach Area w/ Cora. *LC*

5/12/22: No evidence of public health nuisance observed. -LC



- Locate any roads, drives or other compacted areas
- Locate water courses/ponds/lakes
- Note drainage ways or standing water (note that soil work was not performed in these areas if they exist)
- Oil or gas wells, tanks, piping
- Existing system creating a nuisance?** Yes No
- System repair/replacement required?** Yes No

For system repair/replacement

Soil testing warranted?

- Yes - Acceptable outlet for an Interceptor drain if needed?
 - Yes - Location: _____
 - No
- No - Acceptable discharge point for NPDES replacement?
 - Yes - Location: _____
 - No - Room available for tertiary treatment? Y / N

Comments:

5/1/22 Appear to be two dwellings on the property. Homeowner says they are tied into the same septic and that the other building is used for storage. Conducted dye test of mobile home using green dye and monitored. No evidence of public health nuisance at this time. Will continue to monitor. Septic tanks are not exposed, so will need to dye test other building after and do walk through to determine if it needs it's own septic. -LC

5/3/22: Monitored for dye. Did not observe any evidence of public health nuisance. -LC

5/5/22: Monitored for public health nuisance. Saw black coloration surfacing in area where trench system is purported to be located. Didn't observe dye. -LC

5/6/22 Met Cora @ Property. Walked Yard together. Observed No Public Health Nuisance. -LC

Evaluated By: Lindsey Cianciolo

Dates: 5/2/22



Portage County Combined General Health District
 705 Oakwood Street, 2nd Floor
 Ravenna, OH 44266
www.portagehealth.net



General Site Evaluation - Existing Sewage System

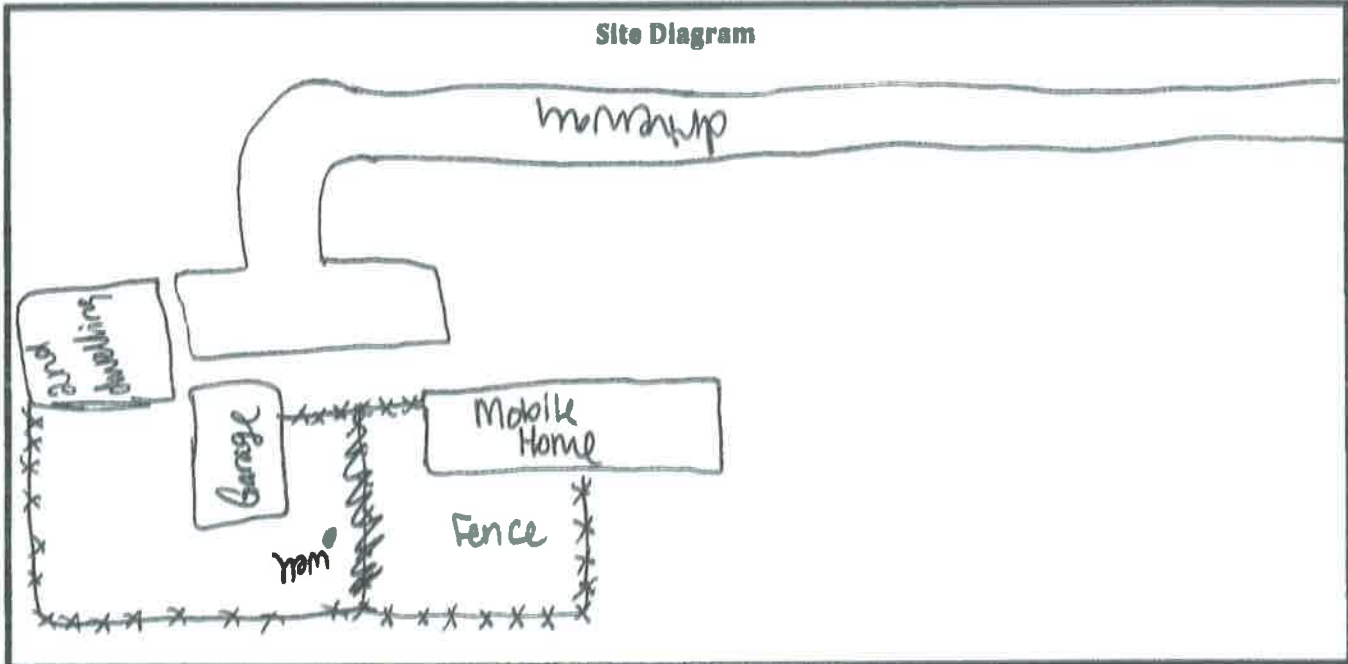
HEALTH DISTRICT

Address: 2657 Wenger Road
 Township/City: Windham

Owner: Cora Baughman
 Phone: 330-256-1508

Reason for inspection: _____

Site Diagram



<u>Dye color</u>	<u>Dye location</u>	<u>All grey water tied in?</u>	<u>Sewage system permit on file?</u>
<input checked="" type="checkbox"/> Yellow/Green	_____	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Red	_____	<input type="checkbox"/> No	<input type="checkbox"/> No

Clearwater properly routed away? Yes No, plumbing Permit Required? Y / N
Cleanout in house? Yes No House occupied? Yes No

- Locate existing well or sewage system on property
- Locate neighboring well(s) and/or sewage systems (measure with tape measure to ensure isolation distances can be met)
- Determine potential for flooding (always obtain flood plain information from county website for any creek/stream on the site)
- Observe any bedrock at grade, outcrops of rock in ditches, side slopes, stream beds
- Note the general direction and degree of slope across the site and across the proposed STS
- Look for evidence of previous foundations or structures that may interfere with location of sewage system
- Note vegetation (open, heavily wooded, wetland vegetation like willow trees, phragmite, reeds, rush grass cattails, etc.)
- Note evidence of site disturbance, grading, filling, compaction or other former land use that could cause a problem for sewage system