



Ohio Administrative Code

Rule 117-5-03 Filing affidavit of failure of performance of county auditor.

Effective: July 16, 2021

(A) The sworn affidavit and evidence submitted to the office of the auditor of state pursuant to division (A)(1) of section 319.26 of the Revised Code shall be in the following form and manner:

"AFFIDAVIT (Type or print full name)

The undersigned, being _____ the treasurer or _____ a county commissioner of _____ County, Ohio, hereby states as follows:

That, _____, the auditor of said county has purposely, knowingly, or recklessly failed to perform a fiscal duty expressly imposed by law, with respect to the fiscal duties of the office of county auditor, or has purposely, knowingly, or recklessly committed any act expressly prohibited by law, with respect to the fiscal duties of the office of county auditor.

The terms "fiscal duty expressly imposed by law" and "act expressly prohibited by law" may include a duty imposed by or an act prohibited by a statute contained within the Ohio Revised Code and/or an Ordinance or Resolution adopted by the board of county commissioners.

That the fiscal duty which, _____, the auditor of said county, has purposely, knowingly, or recklessly failed to perform, is expressly imposed by the following law(s): _____.

or

That the act(s) which said aforementioned auditor has purposely, knowingly, or recklessly committed is expressly prohibited by the following laws:

_____.



The facts constituting the purposeful, knowing, or reckless failure of the said county auditor to perform a fiscal duty expressly imposed by law, with respect to the fiscal duties of the office of county auditor, or of the said county auditors purposeful, knowing, or reckless commission of any act expressly prohibited by law, with respect to the fiscal duties of the office of county auditor, are as follows:

_____ Add additional pages as may be necessary.

Evidence supporting the foregoing allegations is as follows:

_____ Add additional pages as may be necessary.

BY SIGNING BELOW, YOU ARE SWEARING TO THE TRUTH OF THE ALLEGATION(S) AND THE AUTHENTICITY OF ALL DOCUMENTS AND EXHIBITS WHICH ARE DEEMED INCORPORATED HEREIN. ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT IN SUCH AN AFFIDAVIT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, A FELONY OF THE THIRD DEGREE.

_____ SIGNATURE OF AFFIANT

Date: _____

TO CONSTITUTE A VALID COMPLAINT, THIS AFFIDAVIT MUST BE SIGNED BEFORE A NOTARY PUBLIC. FAILURE TO SIGN AND TO INCLUDE A PROPERLY COMPLETED JURAT (BELOW) WILL RESULT IN THE IMMEDIATE DISMISSAL OF THE COMPLAINT.

STATE OF OHIO)

_____) ss:

_____ COUNTY)

Before me, a Notary Public, in and for said county and state, personally appeared the Affiant



identified above who, after having been first duly sworn pursuant to law, executed the foregoing document, and averred that the same was his own free act and deed, and that the content thereof is true to the best of his knowledge, understanding, and belief.

NOTARY PUBLIC

My Commission Expires:"

(B) For purposes of completing the affidavit, the terms "fiscal duty expressly imposed by law" and "act expressly prohibited by law" may include a duty imposed by or an act prohibited by a statute contained within the Ohio Revised Code and/or an ordinance or resolution adopted by the board of county commissioners

(C) Any such affidavit, together with any supporting evidence accompanying the same, shall be delivered to the offices of the auditor of state in Columbus, Ohio, or forwarded to the auditor of state at said office, via certified United States mail with return receipt requested, postage prepaid. The effective receipt of any such affidavit and any supporting evidence accompanying the same shall be the date of actual delivery to and receipt by the auditor of state.