



OHIO AUDITOR OF STATE  
**KEITH FABER**





# OHIO AUDITOR OF STATE KEITH FABER



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## BASIC AUDIT REPORT

Painesville Township Park District  
Lake County  
8130 Humphrey Hill Drive  
Concord, Ohio 44077

We have completed certain procedures in accordance with Ohio Rev. Code Section 117.01(G) to the accounting records and related documents of the Painesville Township Park District, Lake County, (the Park District) for the years ended December 31, 2023, and 2022.

Our procedures were designed solely to satisfy the audit requirements of Ohio Rev. Code Section 117.11(A). Because our procedures were not designed to opine on the Park District's financial statements, we did not follow *generally accepted auditing standards*. We do not provide any assurance on the Park District's financial statements, transactions or balances for the years ended December 31, 2023, and 2022.

The Park District's management is responsible for preparing and maintaining its accounting records and related documents. Our responsibility under Ohio Rev. Code Section 117.11(A) is to examine, analyze and inspect these records and documents.

Based on the results of our procedures, we found the following significant compliance or accounting issues to report.

### Current Year Observations

1. **Ohio Rev. Code § 149.43(E)(2)** provides that every public office must have a policy in place for responding to public records requests. Generally, a public records policy cannot: (1) limit the number of public records the office will make available to a single person; (2) limit the number of public records the office will make available during a fixed period of time; and (3) establish a fixed period of time before the office will respond to a request for inspection/copying of public records unless that period is less than eight hours. However, pursuant to Ohio Rev. Code § 149.43(B)(7)(c), the policy may limit the number of public records the public office will physically deliver by U.S. Mail or other delivery service to ten per month unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. "Commercial" is narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

**Ohio Rev. Code § 149.43(E)(2)** further requires all public offices take certain actions with regard to their public record policy. Public offices must distribute their Public Records Policy to the employee who is the records custodian/manager or otherwise has custody of the records of that office and have that employee acknowledge receipt of the Public Records Policy; create and display in a conspicuous place in all locations where the public office has branch offices a poster describing the public records policy; and, if the public office has a manual or handbook of its general policies and procedures for all employees, include the public records policy in that manual or handbook.

The Park District has no formal written policy that would demonstrate compliance with the Ohio Revised Code. This could result in records requests not being fulfilled in accordance with Ohio law.

The Park District shall establish a public records policy. The policy shall be distributed to the records custodian/manager and the Park District should have a written acknowledgement of receipt from the records custodian/manager. In addition, a poster describing the public records policy must be conspicuously displayed in all of the Park District's branch offices and the public records policy must be included in policy manuals or handbooks if any exist.

Pursuant to Ohio Rev. Code § 109.43(E)(2), the Ohio Attorney General has developed and provided to all public offices a model public records policy for responding to public records requests. The policy, which is available at <https://www.ohioattorneygeneral.gov/Files/Government-ntities/Model-Public-Records-Policy.aspx>, provides guidance to public offices in developing their own policies for responding to public records requests in compliance with the Public Records Act.

2. **Ohio Rev. Code § 135.01(J)** defines "Public depository" to mean an institution which receives or holds any public deposits.

**Ohio Rev. Code § 135.03** provides any national bank, any bank doing business under authority granted by the superintendent of financial institutions, or any bank doing business under authority granted by the regulatory authority of another state of the United States, located in this state, is eligible to become a public depository, subject to sections [135.01](#) to [135.21](#) of the Revised Code. That statute further provides any federal savings association or any savings and loan association or savings bank doing business under authority granted by the regulatory authority of another state of the United States, located in this state, and authorized to accept deposits is eligible to become a public depository, subject to sections [135.01](#) to [135.21](#) of the Revised Code.

The Park District established a savings and checking account with Cardinal Credit Union in 2023; however, a Credit Union is not an eligible public depository under Ohio Law and those funds should be moved to an eligible public depository.

3. **Ohio Rev. Code § 102.03(D)** states that "No public official or employee shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

**Ohio Rev. Code § 2921.42(A)(1)** states that "No public official shall knowingly authorize, or employ the authority or influence of the public official's office to secure authorization of any public contract in which the public official, a member of the public official's family, or any of the public official's business associates has an interest."

**Ohio Rev. Code § 2921.42(A)(4)** states, "No public official shall knowingly have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the public official is connected."

The Ohio Ethics Commission advised in **Adv. Op. No. 92-008** that "[d]ivision (A)(1) of Section 2921.42 and Division (D) of Section 102.03 of the Revised Code prohibit a township trustee, who is also a member of the board of directors of a bank that is a township depository, from authorizing, or using his authority or influence to secure, the deposit of township funds with the bank he serves, or otherwise performing any of the duties assigned to the township trustee pursuant to the Uniform Depository Act, with respect to the bank he serves."

In 2023, the Park District entered into a depository agreement with Cardinal Credit Union. In addition to a Credit Union not being an otherwise eligible public depository, Board Member Sandra Hamo was, at that time, the Cardinal Credit Union Board of Directors' Chairperson. She used her influence as a Park District Board member to persuade other members of the Park District governing board members to deposit Park District funds with the Cardinal Credit Union. This agreement was entered into without evidence of Board approval in a regular or special meeting open to the public.

Park District board members should always abstain from using undue influence on any Park District official regarding contracts and agreements with related parties. Furthermore, any decisions regarding contracts and depository agreements should be evidenced by resolutions and/or ordinances approved in regular or special meetings open to the public.

This matter will be referred to the Ohio Ethics Commission.

**Current Status of Matters Reported in our Prior Engagement**

1. In addition to the public records policy reported in item 1, our prior audit for the years ended December 31, 2021, and 2020 included an observation that the Park District had no records retention schedule. Based on the results of our review of District records for the years ended December 31, 2023, and 2022, the District did have a records retention schedule in place.



Keith Faber  
Auditor of State  
Columbus, Ohio

November 22, 2024

# OHIO AUDITOR OF STATE KEITH FABER



**PAINESVILLE TOWNSHIP PARK DISTRICT**

**LAKE COUNTY**

**AUDITOR OF STATE OF OHIO CERTIFICATION**

This is a true and correct copy of the report, which is required to be filed pursuant to Section 117.26, Revised Code, and which is filed in the Office of the Ohio Auditor of State in Columbus, Ohio.



**Certified for Release 12/12/2024**

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This report is a matter of public record and is available online at  
[www.ohioauditor.gov](http://www.ohioauditor.gov)