

**RECORD OF PROCEEDINGS**  
**German Township Board of Trustees**  
**Special Session**  
**June 26, 2018**

The German Township Trustees met in special session on Tuesday, June 26, 2018, at 7:00 p.m. at the German Township Office, 3940 Lawrenceville Dr., Springfield, Ohio. Mr. Kaffenbarger called the meeting to order.

Roll Call: Mr. Kaffenbarger – present; Mr. Clark - present; Mr. Metzger- present  
Fiscal Officer: Angela Griest

Township Personnel present: Karina Emory, secretary; Tim Holman, Fire Chief; Kyle Artis

Visitors: Beau Thompson, Township legal counsel, Clark County Prosecutor's Office; Liz McCormick, Clark County Prosecutor's Office; Donna Artis; Cody Artis; Savannah Artis; Chris Daugherty; Lorie Daugherty; Rachel McDonough; Adam McDonough; Mike Nealhy; David McGowan; and Springfield City Police Officer Hayes

**Pledge of Allegiance**

The reason for this special session of the German Township Board of Trustees is a hearing concerning the charges against Kyle Artis presented to them by Chief Holman.

Mr. Kaffenbarger explained the difference between an open session and an executive session. Mr. Thompson also clarified what is an open public session. Mr. Artis choose to have the hearing in open session.

Mr. Thompson explained that the trustees may call their witnesses and then Mr. Artis has a right to make a statement, and call his witnesses.

Mr. Thompson advised everyone there is a Supreme Court case that gives you the right to not answer any questions or make any comments.

**Trustees began by calling Witnesses.**

In order to separate witnesses, Mr. Thompson suggested Officer Hayes to step out of the room. (he did)

1. Mr. Kaffenbarger swore in the first witness: Chief Tim Holman.

Questions from Trustees:

Questions (Q): Mr. Kaffenbarger asked Chief Holman to explain the Township policies.

Answer (A): Chief Holman explained the charges were based on Fire Department policies: page 6- Code of Conduct of our Policy Manual – Any conduct outside of work that could damage the image or trust of the department ; and page 3 – Inappropriate Activities. Both of these a talk about the behavior of an employee, both on and off of duty, and the problem can becomes an issue of trust in the eyes of the community when these thing happens. Both policies refer to that. The behavior that took place has jeopardized that trust with the Community. We have had several comments and questions from the community concerning the situation. We cannot do our job for the community if they don't trust us.

Q: Has Mr. Artis received this information?

A: Yes. It was delivered to him personally.

Q to Mr. Artis: Do you acknowledge you received this information?

A: Yes.

Questions from Mr. Artis:

Q: Was this based on the conversation with me, or the police report?

A: Both. You told me you had a verbally confrontation and that the police department had then responded.

Comment from Mr. Artis: Yes on that day four men came into my yard, there was no truck in front of my house, my son was home that day. We have had our house broken into and things stolen within the last year. So I went outside and asked them what they were doing. Their hats were not marked Townsend Tree Company, clothing not marked, their truck was parked on 1822 Russel Avenue a block and half away. Once I figured out there were no threat, I headed back to the house. After I told them to stop cutting my trees, because we use our trees as sustainable living.

Q: Questions from Mrs. Artis: In the seven years, he has worked for you as an EMT at Quality Care and German Township, how many disciplinary issues have you had with him?

A: None

Comment from Mr. Artis: On the fact that I did call the Chief because this is the first time I've ever had anything like this happen. Where do we draw the line for being put on a pedestal as a public employee? Where is the line for defending your family and property at home? My son was home,

my wife is disabled. I didn't know if these guys were there to harm my family or not. I didn't see a tree truck or any equipment. there were four men in our yard, with a pole. I read on the German Township Police Facebook page about the issues of scammers stealing stuff or doing work on your property without permission and then try to make you pay. I draw the line. In the Police report, they are call themselves victims. They are not victims. I'm not the one that brought up the race issue. Mr. Cowen brought race up. I have pictures of the tree damage they done to my tree. I understand the easement rights for the electric, but they were trimming trees the wrong way. They didn't have the proper tools to do the job. I got upset on how they were trimming the trees. When I confronted him on that, that is when he started with the F-U this and F-U that. I am a 43 year old man, I am not going to put up with that. So I just walked away, and said you just can't trim a tree.

No further questions for Chief Holman.

2. Mr. Kaffenbarger swore in the next witness: Springfield Police Officer Hayes.

Questions from the trustees: Explain that day and the process of how you got involved.

A: Do not remember the time exactly, on 4-09-2018 received a dispatch to 1851 Norwood Avenue for a report of a man with gun. While in route, we were sent to Russel Street to speak with the victims. There were four victims, one was unwilling to cooperate, and we spoke to the other three. The victims stated they were on the property at 1851 Norwood trimming trees, as a subcontractor for Ohio Edison. They were in the area and had been for a couple of weeks. They stated that they went on to his property (Mr. Artis) to trim trees. Mr. Artis came out and asked what they were doing on his property. They told him they were subcontractors with Ohio Edison. They identified themselves as Townsend Tree Service. All had safety vests and hats. Mr. Artis asked if they knew how to cut a tree. Then Mr. Artis started yelling racial slurs at them. He then said, "See what happens when a nigger and Mexican try to trim a tree?" The victims advised that a female (Mrs. Artis) on the porch was yelling racial slurs and then said something about Donald Trump. At that time one of the victims told Mr. Artis "Fuck You" and then Mr. Artis went in the house and grabbed the shotgun from wherever he got it from and went to the front door with it. At that time, the victims said they feared for their safety, left and went to the next street and called the police.

After that, we headed to 1851 Norwood. Mr. & Mrs. Artis both came out into the grass. I spoke with him (Mr. Artis), as well as the other officers. I asked what happened. That is when he advised me that he was a German Township fire fighter. I asked him what happened, who pulled a gun. Mr. Artis advised he was not sure who they were, did not know they were a tree company. I asked if he had said the racial comment; he denied saying the racial slur. I asked Mrs. Artis if she made the comment about President Trump, she stated she did make the Trump comment in the heat of the moment. I then asked why he would go inside and to grab a shotgun and bring it to the front door. He said he did not do that, he said that he grabbed the shotgun off the freezer, turned his back to the front door, and took it to the back bedroom so that things did not get any more heated. The officers were questioning that, because why would you move the shotgun if you feared for your safety. After a little investigating, he was placed handcuffs and read his Miranda rights. I then asked him again if had had made the racial comments and he admitted about the Mexican but denied saying the "N" word. I asked him again about the shotgun, he said he did not bring it to the front door. The other officers went with his wife and took the pictures.

Q: What was the demeanor of the victims?

A: They all seemed fearful, upset. They were in the area cutting trees and this gentleman come to the door with a gun.

Q: How did the victims feel, their feelings at the time?

A: They were all pissed. Pretty upset. They all wanted to quit their job. They said if I had to get a gun pulled on me I don't want to work here anymore.

Q: Could you stand outside and look inside to see the refrigerator.

A: The officers that went inside to take pictures advised that you could not see the even see the tree if you were standing at the fridge. So if he had grabbed the shotgun, they wouldn't have seen it.

Q: When the victims called 911 did they describe the shotgun?

A: They said it was a black shotgun. They later identified the shotgun from the picture.

Q : In your opinion, did they describe it very well?

A: Very well.

Q: Was it loaded.

A: Yes it was loaded.

Mr. Thompson stated that since he (Officer Hayes) referenced the pictures they could bring them into discovery. He handed the photos to Officer Hayes, who gave them to the Board. Mr. Thompson also played the 911 tape. The trustees viewed the pictures and listened to the 911 tape.

Q: Where was the tree in relation to these pictures?

A: Outside of the range of this picture.

Q: So from where the officers were standing, could they have seen the gun when it was moved from point A to point B.?

A: I did not take the pictures. I did not go into the house. The other officers were inside and took the pictures. They did advise that you would have had to come closer to the door to have been able to see the shotgun.

Questions from Mr. Artis:

Q: You said that when they made that 911 call they seemed fearful. To me it seems they had time had to relax before they made that 911. They didn't sound fearful. The time frame they said I said the N word was 2:14, they made the 911 call at 2:34, officers arrived at my house at 2:53. I walked out, met you in the grass. I stated I had a CCW but did not have it on me. After we talked a while, I brought the incident that had taken place on March 3, between lieutenant here and the City, why would I put myself on the line like that, why would I jeopardized myself like that.

A: I do not recall.

Comments from Mr. Artis: You kept saying that my gun was on the refrigerator, I corrected you 3 times. I told you it was on the deep freeze beside the door, but in the police report you have written down that it was on the refrigerator. After you got out of the cruiser, you place me under arrest and read me my Miranda rights, and asked me again if I did say the N word, and I said I did not. I asked the question that if I was out in public and asked my wife to go to a Mexican restaurant, am I going to get arrested for it? In the police report you twisted that around and makes it sound like I did half of it. Also, I did tell you that they could have gotten those vests and hats anywhere and that I only knew they were trimming trees when I went and asked them. When we went into booking (work room) at one point you made a comment to the other officer that you didn't think that I had done this.

Response from Officer Hayes: I stated what I was talking about was the type of charges they were going to file, we wasn't sure what the charge was because if you have the ethnic intimidation it can up the charge. That is what was being discussed. Never said you didn't do it. To revamp about your cruiser statement, you never said anything about a Mexican restaurant. You stated that you had said something about Mexicans but not the N word.

Q: Why did you put my wife's statement in the report about Trump.

A: Because it is what the victims stated. She said a racial slur and mentioned Trump.

Q: How is that detrimental?

A: It was what was said. I never charged your wife with anything.

Q from Mr. Clark: What was he wearing at the time?

A: It appeared to be a Med Trans type jacket with a township shirt underneath.

Q: I do have a question about one of these pictures.

A: I did not take the pictures.

Q: I was outside when the police officers went inside to take pictures; I did not give permission to go inside.

A: I did not take the pictures. I cannot answer that.

No further questions for Officer Hayes.

**Mr. Kaffenbarger stated Mr. Artis could now call his witnesses for their testimony.**

3. Mr. Artis called Cody Artis. Mr. Kaffenbarger swore in the witness.

Questions from Mr. Artis:

Q: Why were you home from school that day?

A: I had gotten into a fight the week before and I was home because of a school suspension.

Q: You had been outside and you came in. What did you see.

A: I saw four men in the yard and there was no markings on them.

Q: After I got the gun from the bedroom did I take the gun outside ant any time during the confrontation?

A: No, you did not.

Q: Did I make a racial slur, or say the N word or anything about Mexicans?

A: No, you did not.

Q: Did your mom?

A: No, she did not.

Q: Did she say anything about Trump?

A: Yes she did.

Q: After I said the comment that the motherfuckers couldn't trim a tree, what did I do with the gun?

A: When he came back in the house, he picked up the gun, muzzle up, walked to the bedroom and set back on the rack, and then he went to the restroom.

Q: While I was in the restroom, what did mommy holler?

A: She yelled Trump will make America great again.

Trustees did not have any questions for this witness.

4. Mr. Artis called Donna Artis. Mr. Kaffenbarger swore in the witness.

Questions from Mr. Artis:

Q: On April 9, when Cody came in and told us there were men in the yard, what was the first thing that we done?

A: There were four men in the yard that we did not know. You went and put the shotgun on the freezer beside the door. Then you opened the door and politely asked them the first time what they were doing in the property. At that point, they said they were with the fucking electric company. They were contractors just doing their job. You asked them not to butcher the trees. He noticed they weren't doing it correctly, that is when a few words were exchanged, and that is when I came out. He came back inside, they continued to holler, flipping me off, calling me names. He sat down on the couch and noticed that they were cutting the trees wrong, which can kill your tree.

Q: At this time, where was the Townsend truck?

A: The truck was not visible. It was a block and a half on the backside of where we live. No identification that they were tree trimming. No identification on their clothing, or on their hats.

Q: Let's get to the time where I supposedly used racial slurs. After I walked past you after saying the MF could not trim a tree, what did I do next.

A: I was still hollering at them cause they were still yelling at me, You tapped me on the shoulder you tapped me on the shoulder and said come on, I'm done. He said they aren't going to get off my property. He walked behind me; picks up gun, muzzle up; and walks behind me, and takes it back to the bedroom and on the gun rack. He had tried to tell the police three times that the gun was on the freezer not the refrigerator in the kitchen. That was incorrect. There is a lot of crime in our neighborhood, but once he knew that it was just words and wasn't going to escalate, he put the gun up. I did not use a racial slur. I did make the comment on President Trump. That is my first amendment right. When you come on our property and are cursing and raising a fit, words are going to be exchanged. But nothing racial. We live in a predominately black neighborhood and our kids go to a predominately black school.

Q: Where was I when they were walking away with supposedly fear of their life, and calling the police?

A: You were coming out of the bathroom. They took their materials with them, yelling back at the house, and they just walked away.

Q: If someone pulled a gun on you, what would you do?

A: I would run away as fast as I could in fear for my life or I would stay and fight.

Questions from the Trustees:

Q: During this time, what did he have on?

A: As we were going out to meet the cops he put on an old Quality Care shirt that had the sleeves cut out. He just was honest with the police from the start by telling him he worked for German Township. I'm not this type of guy.

Q: Did anybody ask for ID badges?

A: Yes, because when he first went out, since there wasn't any identification on their clothing or hat, and no truck around that visibly identified them as Townsend Tree Trimming, he asked them if they had identification. They responded they didn't need any F-ing identification because they were working for Ohio Edison and we are just doing our F-ing job.

Q: Have you had any communication with Ohio Edison?

A: I have a complaint number. Presented them with information on their conduct.

Q: Did you receive any notice by Ohio Edison that these were their contractors?

A: I called them; they stated they had hired this company to do work for them.

Q: Any other response from Ohio Edison since you filed the complaint.

A: I just have a complaint number. They said that it could be two weeks to two months before they could respond. However, they did state that they received other complaints concerning Townsend Tree Trimming Services and their company would not be on their renewal list.

Mr. Artis showed pictures of the deep freeze and door locations, and pictures of the trees not cut properly.

Mrs. Artis stated that the next day she was taking a walk and saw them at another location. They had nothing marked identifying them, they were yelling and cussing at one another. She used her phone to video them. The Trustees reviewed the video.

5. Mr. Artis called Chris Daugherty. He was sworn in by Mr. Kaffenbarger:  
Mr. Daugherty stated he was speaking on behalf of Mr. Artis as a character witness. Has known him most of his life. Kyle had worked for Mr. Daugherty's dad for years. He was surprised to hear about this situation. He has never seen Kyle display this type of behavior. Kyle is kind to people of all ethnic groups, and races. He does not judge others by their race. If you look into his background you will not find anything like this. This job is his life. He has worked hard to do this job. How hard he worked to get the education. To provide for his family. He loves working here. Mr. Daugherty feels this is very unjust. Kyle has not been found guilty. Nothing has been proven. Please do not make a rash decision.

No questions by Mr. Artis or the Trustees.

6. Mr. Artis called Mike Nealy. He was sworn in by Mr. Kaffenbarger.  
Mr. Nealy stated he is an ordained minister. Kyle attends church with him. Mr. Artis has not been convicted. He doesn't believe there is enough evidence to convict him. What does the pictures of the rebel flag and the hat have to do with the case? Are they trying to profile him? Mr. Nealy searched Facebook and found one of the tree trimmer's, Tyler Rucker, Facebook page. He has looked up the criminal history of this person online and made a listing of his criminal history. These are the kind of people that he had on his property. Both items submitted to the trustees for their review. These guys (tree trimmers) had no identification, they were strangers in his yard chopping down his tree. He is a good EMT. Mr. Artis has helped me greatly in the past during the healing process of my heart problems.. Why has the Township not reached out to Mr. Artis during this difficult time and asked if there was anything he needed. They should have offered him the services of the Fire Department Chaplain to help him and his family through this difficult time. People and the news media make race an issue. We all need to learn to get along together. Until that happens there will always be race issues. This man could lose his job. Kyle saw people in his yard, damaging his tree, he had a right to protect himself.

No questions by Mr. Artis or the Trustees.

7. Kyle Artis took the Stand. Sworn in by Mr. Kaffenbarger.  
April 9, 2018 was a hard day in my life. My wife is disabled and my son was home. I was tired from work. I have my CCW and I have a shotgun in my house and around me because you can't trust everyone. In this day and age there are too many scammers, people trying to take what you have. I was always taught to stand up and fight when you are right, and to admit when you are wrong. Your word should mean something. On that day, I went outside to see who those men were. They told me they were with Townsend Tree Services. They had no identification, and their truck was block and a half away. When I went back into the house, I called the chief to tell him what had happened. I was in the restroom when I supposedly said what they accused me of saying. Started at 2:03 pm, they left my property at 2:14, the 911 call was made at 2:34. I remember, because of my job as an EMT I write thousands of reports. (Mr. Artis then described his first major EMS incident, which concerned a black man.) I would help anybody, no matter who they are, no matter their race, gay, bi, or anything. It doesn't matter. I really don't care. You are who you are. Then as soon as this went through the media, my name was mud. I was judged by social media. I received messages that called me a Nazi, that said I should have black blood in family. Which I do have cousins that are bi-racial, some from Fuji island. I would help anybody. My health has been affected by this. I swear, on this bible, that I did not say what they said I did. They have made false accusations. It's one thing to call me a liar, but it is another thing to have me arrested, and in front of my son. My daughter has been having nightmares afraid dad is going to prison. I have been on bended knee, and given it all to God. I will raise my right hand to God and say before him that I did not do this. All I can do here today is to ask you to take my word for it. I did not do this. I don't know what else I can do. I guarantee, without a doubt that I can take this to my grave knowing 100 percent I did not do this.

Questions from the Trustees:

Q: Why did you not initiate contact with the police?

A: I did not feel I needed to do that. I had asked them to leave my property. I said I would hire my own company, which I can do. They were leaving. I'm not the kind of guy that if you brush up against me that I'm going to get all upset. I wouldn't have called unless it had been more physical or detrimental. I just used common sense. I did not feel they needed involved.

Q: During this process, did you have on any German Township clothing?

A: I had on a jacket and a T-Shirt. But I can't remember what one I had on. I had a sleeveless t-shirt on at first. I'm not really sure what one I had on. The only time I brought up German Township was when the police officer asked for my name, social security, place of employment and that kind of thing. When the police officer brought up what they (victims) said I had said, I questioned that because I know we had just dealt with that stuff here with Mr. Baugh. Why would I do the same thing?

Testimony was over. Trustees could now go into executive session.

A question was asked why did the Township have this hearing at this time. (rather than later or after trial) It is because the Ohio Revised Code binds the Trustees for the timing of the hearing. Mr. Artis stated that the court trial was to be June 28, 2018. Ms. McCormick stated the date was July 31, 2018 at 9:00 a.m. for the trial. It was suggested that the Mr. Artis check with his legal counsel.

Someone in the audience wanted to ask a question. Trustees choose not to allow the public to comment, unless Mr. Artis choose to call him as a witness.

- A. Motion by Mr. Metzger to go into executive session at 8:40 p.m. Seconded by Mr. Clark.  
Roll Call: Mr. Kaffenbarger – yes; Mr. Clark – yes; Mr. Metzger – yes.  
Motion Carried.
- B. Motion by Mr. Metzger to go back into regular session at 9:20 p.m. Seconded by Mr. Clark.  
Roll Call: Mr. Kaffenbarger – yes; Mr. Clark – yes; Mr. Metzger – yes  
Motion Carried.

Mr. Kaffenbarger made the following statement: Kyle, we want you to understand the seriousness of breaking township policy.

Mr. Clark stated, which we all three feel this has been the case.

- C. Motion by Mr. Clark: Based on the evidence presented tonight, including a 911 call, pictures, video, and testimony, I move to suspend Kyle Artis for 45 days without pay starting today 06-26-2018 and ending on August 10<sup>th</sup> 2018. Seconded by Mr. Metzger.  
Roll Call: Mr. Kaffenbarger – yes; Mr. Clark – yes; Mr. Metzger – yes.  
Motion Carried.
- D. Motion by Mr. Metzger to authorize the President of the Board of Trustee's to act on behalf of the Board to work with the township's legal counsel to provide Mr. Artis with the required notice.  
Seconded by Mr. Clark.  
Roll Call: Mr. Kaffenbarger – yes; Mr. Clark – yes; Mr. Metzger – yes.  
Motion Carried.
- E. Motion to adjourn: Mr. Clark 2<sup>nd</sup>: Mr. Metzger Ayes: All

Approved by:  
Board of German Township Trustees

Recorded in the  
Record of Proceedings  
June 26, 2018

\_\_\_\_\_  
Rodney Kaffenbarger, President

\_\_\_\_\_  
Robert Clark, Vice President

\_\_\_\_\_  
Charles Metzger, Member

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Angela D. Griest, Fiscal Officer