

**BEFORE THE STATE PERSONNEL BOARD OF REVIEW**

David Douglas et. al.,	:	Case Nos.:	2022-REM-01-0005
	:		2022-WHB-01-0006
Appellants,	:		2022-REM-01-0007
	:		2022-WHB-01-0008
-vs-	:		2022-REM-01-0009
	:		2022-WHB-01-0010
City of Dover,	:		
	:	Raymond M. Geis	
Appellee.	:	<i>Administrative Law Judge</i>	
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**MOTION TO STAY PROCEEDINGS PENDING THE APPOINTMENT  
OF COUNSEL FOR MAYOR HOMRIGHAUSEN**

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**I. INTRODUCTION**

Now comes City of Dover Mayor and Appointing Authority, Richard P. Homrighausen, and hereby moves to stay these proceedings and set aside this Board’s February 14, 2022 Procedural Order pending the appointment of counsel for Mayor Homrighausen. As detailed in the Mayor’s *Motion to Intervene*, the Mayor’s statutorily appointed legal counsel, Law Director Douglas O’Meara, refuses to represent the Mayor’s legal interests **and has publicly stated that he does not and will not represent the Mayor.** See Exhibits A and B. The Mayor should not be left to defend his own legal interests *pro se* when his statutory legal counsel is actively working against his best interests. For obvious reasons, the Mayor is not comfortable submitting sworn testimony in the form of an affidavit to the State Personnel Board of Review (a quasi-judicial entity) without input and advice from legal counsel, which he is statutorily entitled to and which he simply does not have at this juncture due to Law Director O’Meara’s actions/inactions.

## II. BRIEF FACTUAL HISTORY

In December 2021, the Mayor, as appointing authority for the City of Dover, removed three unclassified employees from their positions. On or about January 7, 2022, the three unclassified employees appealed their removals to the State Personnel Board of Review (each employee filed a “removal” appeal as well as a “whistleblower” appeal for a total of six appeals). Law Director Douglas O’Meara, statutorily appointed counsel for Mayor Homrighausen, became aware of these appeals shortly after they were filed but failed to inform the Mayor despite his clear legal duty to serve as the Mayor’s attorney. *See* O.R.C. § 733.51. Instead of working in the best interests of the City and the Mayor, Law Director O’Meara went behind the Mayor’s back and entered into settlement discussions with the three employees through early February.

As part of these settlement discussions, Law Director O’Meara helped to create an illegal settlement agreement in which he **admits liability on behalf of his client**, an unequivocal breach of the attorney-client relationship and the Law Director’s duty of representation. Unconscionably, Law Director O’Meara did not include a waiver of claims against the Mayor in his personal capacity in the settlement agreement. To the contrary, the settlement agreement explicitly states the Mayor engaged in “unlawful” acts and was “obviously motivated by illegal retaliation” in removing the three employees. The settlement agreement is problematic on any number of levels, and a full explanation of the terms of this bizarre settlement agreement is outlined in the Mayor’s *Motion to Intervene*, which the Mayor hereby incorporates by reference as if fully restated herein.

Such actions by an attorney are unheard of, and Law Director O’Meara’s reasons for abandoning the Oath he took as a legal practitioner are unfathomable. When asked about his legal duty of representation, Law Director O’Meara responded: “I’ve made it crystal clear from the word go that I represent the city of Dover in this matter, and **I don’t represent the Mayor.**” *See* Exhibit

A. Even a cursory glance at O.R.C. § 733.51 and Chapter 137 of the Codified Ordinances of Dover indicates that Law Director O'Meara is obligated to represent the Mayor; and therefore, has willfully and intentionally forsaken his legal duty of representation.

When the Mayor realized that his attorney was actively working against him (instead of trying to help him, which he is statutorily required to do) he took it upon himself to file a *Motion to Intervene* in this matter, identifying all the ways in which his statutorily appointed legal counsel has been working against his best interests. Once Law Director O'Meara read the Mayor's *Motion to Intervene*, he did not change course. Instead, he doubled-down on his dereliction of duty, stating: "**I do not and will not represent the Mayor.**" See Exhibit B.

### III. CONCLUSION

It is abundantly clear that Law Director O'Meara has no intention of abiding by his statutory obligation to provide legal representation to the Mayor, and the Mayor should not be required to provide sworn testimony to a quasi-judicial agency unless and until he can review these matters with legal counsel. There is a reason that Mayors are statutorily afforded legal counsel. Law Director O'Meara refuses to represent the Mayor, and has publicly stated so. Mayor Homrighausen should not be required to "go it alone."

As it stands, the settlement agreement that has been passed by City Council exposes Mayor Homrighausen to great liability. And that settlement agreement emanates from the cases presently before this Board. Due to the undisputed fact that Law Director O'Meara refuses to represent him, Mayor Homrighausen is not comfortable submitting an affidavit to a quasi-judicial entity without input and counsel from legal counsel, which he is statutorily entitled to. Accordingly, along with the instant Motion to Stay Proceedings, Mayor Homrighausen is filing a Verified Complaint for Writ of Mandamus with the Tuscarawas County Court of Common Pleas seeking an order

requiring the City of Dover to provide him with legal counsel he is statutorily entitled to due to Law Director O'Meara's admitted refusal to do so.

In conclusion, Mayor Homrighausen moves to stay these proceedings and set aside the February 14, 2022 Procedural Order until counsel has been appointed to protect the Mayor's legal interests.

Respectfully Submitted,

/s/ Richard P. Homrighausen  
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*Mayor and Appointing Authority for the  
Appellee, City of Dover*

**CERTIFICATE OF SERVICE**

I certify that a copy of the above *MOTION TO STAY PROCEEDINGS PENDING THE APPOINTMENT OF COUNSEL FOR MAYOR HOMRIGHAUSEN* was filed with the State Personnel Board of Review and served by electronic mail this 24th day of February, 2022 upon:

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