

**Conflict with police chief**

# Ex-mayor may have broken law

Middleburg Hts. Council given lawyer's report on Starr

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PHOTOGRAPHS BY BETH MLADY | SPECIAL TO CLEVELAND.COM

Gary Starr announces his resignation as the long-serving mayor of Middleburg

IMAGE above from Plain Dealer e-edition

TEXT below from cleveland.com

By [Cory Shaffer, cleveland.com](http://Cory Shaffer, cleveland.com)

**MIDDLEBURG HEIGHTS, Ohio —** A lawyer hired by Middleburg Heights City Council issued a report on Tuesday claiming that now-former Mayor Gary Starr might have committed several felonies during his time in office.

Joe Diemert, a veteran attorney and former municipal law director, wrote in the eight-page report that in the final years of Starr's 37-year reign over the suburb, the mayor might have committed perjury, theft in office, falsification, tampering with evidence and destruction of public records.

Diemert is not a law enforcement official and holds no authority to bring any criminal charges against Starr. Council would have to refer the report's findings to police and prosecutors, and it was not immediately clear Tuesday night if council intended to do that.

Starr did not immediately respond to a request for comment late Tuesday.

The report is [the latest scandal to plague Starr](#) in a series of bizarre events that Diemert found began with a dispute between Starr and former Police Chief John Maddox over the department's use of lie-detector tests for new police recruits in 2014, while Starr's adult son was seeking to join the force.

That dispute escalated when Starr launched a secret campaign to coax state agents into investigating Maddox in a plot that included trying to lift Maddox's fingerprints off a glass case of a commemorative golf ball that Starr gifted Maddox, according to court records.

And it led to a lawsuit in 2018, after Starr refused to pay Maddox \$22,000 worth of unused sick time when Maddox retired.

Starr also ousted his safety director Sandra Kerber and law director Peter Hull as a result of the dispute, and the city ended up paying out more than \$500,000 to settle or prevent lawsuits from being filed over the firings.

Starr began stonewalling city council and refusing to provide records to the body that was trying to flex its oversight role in the wake of the lawsuit and other abrupt exoduses from top administration posts. Council then hired Diemert as a special counsel to pry the records loose from Starr and represent council.

[Starr abruptly resigned in November](#), as city council prepared to vote to have him removed from office. Starr and council president David Bortolotto signed an agreement in which council agreed, among other things, to stop all investigations of Starr in exchange for his resignation. The agreement ceased Diemert's investigation. He presented his report to council on Tuesday.

"As the report states there are many potential criminal allegations against Gary Starr and the necessary agencies and authorities are now going to have to do their part," Councilman Tim Ali said in a text message to [cleveland.com](#) late Tuesday.

### **The Maddox dispute**

Diemert concluded that the scandals started sometime in 2014 when Starr tried to convince the police department to drop its polygraph test requirement for new recruits. Starr's adult son, who once came under suspicion, but was never charged after \$20,000 disappeared from an armored truck, applied to become a Middleburg Heights police officer, according to court filings.

Starr denied in a sworn-deposition that he was ever opposed to the department's lie-detector policy and said he supported it, Diemert said. But Starr, who often secretly recorded his conversations with members of his administration, was captured in one of those recordings saying that he had "always been against polygraphs," Diemert's report said.

Starr's former executive assistant, Robert Downey, said in a separate deposition that Starr rejected a 2015 request from the department's union to insert a requirement for new recruits to take lie-detective tests into the collective-bargaining agreement, Diemert's report said.

Starr's statements made under oath could be taken as perjury, a third-degree felony, Diemert wrote.

Starr also lied to council during a Sept. 25 meeting over the city's \$380,000 agreement to settle Maddox's lawsuit, Diemert wrote. Starr denied recording conversations with his employees without their consent, Diemert wrote. Starr also said during the meeting that he didn't know about a letter that former interim safety Director John Ligato wrote to Ohio Attorney General's Bureau of Criminal Investigations asking them to open an investigation into Maddox's use of a law enforcement database, Diemert wrote.

Diemert's report said both statements were untrue and could be considered evidence that Starr knowingly lied to council during an official proceeding, which falls under the state's misdemeanor falsification statute.

### **Destruction of records**

Diemert also wrote that testimony contradicted Starr's claims in February 2018 that he found a bag full of shredded documents in the law director's office after he ousted Hull. The city's human resources coordinator, Jazmyn Stover, said in sworn testimony that she personally escorted Hull out of his office and locked the door the day he was fired, and she saw no bags full of shredded records, the report says.

In a bizarre move, Starr ordered yellow crime scene tape be put over Hull's door after his firing, then photographed it. The photographs were later released to reporters who reported on Hull's firing.

But Diemert said he did find evidence that Starr ordered the destruction of several public records in July 2018, and that Starr and Downey were seen in October removing boxes of records from city hall.

### **Use of public funds**

Diemert also found that Starr's administration spent tens of thousands of public dollars without notifying council.

The payments included \$13,000 to hire a law firm to investigate Maddox over his use of the law enforcement database and \$7,600 to Hennes Communications for "crisis administration" on how to respond to inquiries on Starr's son's involvement in a theft investigation in Garfield Heights, Diemert wrote.

There was also a total of \$11,350 paid to a Medina-based digital forensics company to review the computers and phones of Maddox, Hull and Hull's secretary after their ousters, Diemert said.

Diemert also said there was evidence that the city's IT chief refused to install monitoring devices on phones and computers in city hall, "but someone else outside did so," the report said.

Starr's former assistant, Patricia Oakar, said in a September letter that Starr tried to get her to work on his re-election campaign while on city time. Diemert said Hull corroborated Oakar's claims, but he had not yet interviewed other key witnesses and was unable to reach a conclusion on that accusation.

The report did not review Oakar's claims that Starr tried to force her to get a physical done by Starr's personal physician and to give him the results and that he placed a 2 1/2-inch rifle bullet on her desk just before she quit her job in 2015.

Diemert also did not look into claims that Starr initiated an investigation of Ali.

"Council as a whole can not continue because of the memo of understanding, but I never signed anything and justice will be served," Ali told [cleveland.com](http://cleveland.com).

*Beth Mlady, special to [cleveland.com](http://cleveland.com), contributed to this report.*