

August 9th 2007

To: Detective Wagner  
750 Mt Orab Pike  
Georgetown OH 45121

Re: Incident 07 48635 13 Criminal Damaging

I have been considering your office's confused attempt to unravel the puzzle of these criminal damaging events -- as your associates in records as well as the recording deputy have amply presented in their own statements to me by phone. I will address your presumably joint definition of the 'alleged issues' just as I clarified for Assistant Prosecutor Erhardt in my letter to him of July 27th, in case he has not had time to share the ideas with your department. Clearly, Prosecutor Erhardt and your office have been already deciding on collaboration ideas.

ALLEGED MISREPRESENTATION OF AN OFFICIAL DOCUMENT AS AN EXCUSE TO DISMISS THE REALITY OF THE CRIME

Your team's amazingly similar opinions -- right down to the novel phrasing of the scolding remarks about "doctoring the official report" and "need to keep the media in the dark over the details in public records" -- has a major flaw. I haven't seen this level of mirrored handiwork since I uncovered a cheating ring of test-takers in my Operations Research classes at UC, main campus back in 1967.

I wish to point out that I have not only the right to report a crime, I have the right -- even duty -- to expect that the testimony that I make to the recording officer be in fact accurately RECORDED and furthermore that the publicly available records show the actual severity of the crime reported. Not 'broken pipes', value \$0 instead of \$70,000!

When I checked the report that Cpl Sininger had filed -- which the records officer couldn't even locate since Cpl Sininger had not even gotten our name spelled right on the report -- the copy I received from the records office, after providing a written request with more details to identify the time and officer, did not -- in any way -- reflect what I had told him. As I told Mr Erhardt, even an uninterested third grader could have been more accurate -- which I might point out is a criticism of the record and not \*necessarily\* of the deputy. The rules of logic apply.

I was assured by your own officers that I spoke to over the phone originally -- including you -- back at the beginning of June when I requested to see my file --

that it was my right to correct the inaccuracies in Sininger's attempt to record my own report. In comparison to my experience in witnessing a crime in Butler County, the deficiencies of 'oral report' in the hands of an uninterested officer compared to the written reports we were requested to make back then were surely apparent. And that Butler County criminal -- who had cleanly escaped by the time their own delayed response team arrived -- did get caught and our statements were available to the defense lawyer at the trial, exactly as we had written them.

There was no instructions given by your officers on how to resubmit my report and the existing report was totally inaccurate in several areas. Criminal mischief does not even begin to describe the extent of the damage that was perpetrated -- and almost completely defeated -- by chance of our own unique diligence in designing controls for our water supply system. If it had been your doublewide and standard BCRWA controls you would have been short one house. \$0.00 as the measure of severity does not even begin to describe the liability we were subjected to and you did recognize -- in our original phone conversation -- that the criminal activity was a quantum step more serious, namely our whole home could have been destroyed, as surely you still do see. The subfloor, the insulation, the plumbing, the electrical, the HVAC, the foundation were all subjected to the damaging activity. That floor does support the walls which would have been next to fall. Roughly \$70,000 of damage, plus our labor.

I hope that you will completely realize that this is not "criminal mischief", but clearly criminal damaging, as I have indicated in my own version of the paperwork that I was sent and that should have been there in the first place. Just because our unique DIY plumbing happened to defeat the criminal intended liability does not disqualify this incident as 'damaging' which you will kindly and definitely recognize in the content of the ORC definition of damaging -- which was indicated in the corrected report, replacing the incorrectly cited mischief text.

I wrote that corrected report, using your own format specifically to facilitate your workload because parallelism is a most expeditious method of identifying 'where' I was pointing out the necessary attention to be focused. This is a standard approach for information presentation in the corporate world. As you or the prosecutor inadvertently noticed, it is exceedingly easy to see what has needed to be changed.

Apparently the copy I sent to the prosecutor arrived at his office before your copy had reached records officer Green -- or you -- since I had sent it to your attention in care of Cpl Sininger that same day that I sent the prosecutor's copy so that he would have an accurate report and not an insufficient indication of the severity and details. I do not know how long it did take for Sininger's mailbox to have been checked and forwarded to you and Officer Green, but

graciously we will assume that the problem was that apparently the simple discrepancy in timing has misled your own office as well as the prosecutor's own opinion about the exercise that was in progress to get this genuinely criminal damaging event adequately recorded.

Apparently someone made the totally unwarranted assumption that the original was the \*correct\* report. Further, you and the prosecutor completely unfairly accuse me of 'altering' and 'doctoring' MY OWN ORIGINAL testimony in an absurd conclusion that I was attempting to mislead authorities about what I had told the recording officer for the "official record" -- which clearly I was not doing by any opinion that was fully informed about the operation in progress which the Sheriff's office surely should have been since I was directly working with you and the records officer on that operation. It is rather disappointing that with so many hands in the Sheriff's kitchen that no one was able to recall what process was in progress, so I would hope you now have the corrected answer to your misleading of the prosecutor's opinion that I had an 'inescapable credibility question.' It would be fair to expect that you would now decently adjust your erroneous contribution to the prosecutor's 'discount' of the corrected report version so we can all begin a reconsideration of the evidence, and I do mean evidence.

There may be no credible evidence in Cpl Sininger's version of reality but there is no shortage of evidence on which to be basing an assessment of 'probable cause' pointing to a particular individual -- or pair of individuals in the Health Dept -- as the perpetrator -- singular or plural, as the Columbo's Notes does demonstrate.

In which case, when you review the undiscounted Columbo analysis you will see that the 'accused/s' is/are highly probable candidates for the role as 'prime suspect/s', based on factual evidence and the resulting implications of those facts. I challenge you, or anyone else to present a more credible suspect list. No one else has come up with a better candidate among those I have consulted with.

Furthermore I gave you two possible lines of investigation to pursue -- one that could potentially resolve the case and the other that could strengthen the proximity case against the primary suspect/s. I have since even realized another possible clincher though how to implement its use is not clear. If you relayed those clinching clues to the 'accused/s', then you have irresponsibly damaged my right to confidentiality in seeking justice and personal safety for myself and my children. How would you feel if it had been your house -- unable to be occupied and defended -- and your children's lives that were at risk of homelessness?

As for 'conjecture and theory' or even talk of 'circumstantial evidence', what

was presented to you was a list of facts, each followed by the valid conclusions that were directly implied. As a PhD with honors in mathematics with over 20 years of application of theory to decision analysis and operations research, including stints at NKU, U of Cincinnati, State University of New York and the University of Toronto at Erindale campus as well as in more than one industry -- insurance and retailing-- working for multinational leaders in those industries, I would appreciate recognition that I do know how to construct conclusions and know the difference between assumptions and conclusions. It is too bad that I have to pull rank to get proper recognition, and I shudder to think what would happen to people with fewer assets to bring to the table in countering the destructive opinion of their government personnel when said government personnel is confronted with discomfoting testimony from the man/woman in the street that challenges a vested authority -- like an inside authority in another office of that same government. Particularly a suspected authority with connections to both the Prosecutor's office and the Sheriff's office. This Environmental Crime Unit appears to be mostly a service to the bigger cities and counties in our EPA-defined region than to Brown County, at least judging by the taskforce press releases online. Yet the embarrassing presence of this connection between the suspect/s and the very officials that citizens are supposed to depend on for their safety is now becoming apparent and we wonder whether this reality of official's familiarity with the suspect/s is an impairment to my right to your services as owed to a citizen of Brown County.

We thought you had begun credibly -- in our phone conversation -- in your recognition of the severity of the attempted criminal damaging . We have however seen -- when serving on a Grand Jury comparing case after case of police performance and prosecutorial performance -- the clearly less adequate tenacity on the part of the officer who knew the accused. Rather disappointing as the victim was not served. The saving grace of that jury duty was the one case of officer valor and caring-skill in disarming a distraught young man, saving that family from grief and successfully ending an episode combining access to weapons while in a state of disillusionment/depression. We surely do hope you see the parallelism point of our including the valor episode in the face of weapons' access combined with emotional upheaval.

#### FOIA REQUEST? OR DETECTIVE DUTY

Another remaining issue on our investigative agenda is to find out if there is a destination/date listing for health department personnel's on-location projects, the existence of which is yet to be determined and was among the items we requested your -- and the prosecutor's -- assistance with in the Columbo Notes. Possibly you might ask Ms York whether such a time and destination schedule is kept, presumably for travel mile reimbursements. We would be quite willing to pursue this question ourselves as an FOIA if the prosecutor consider's it to be satisfactorily benign for us to do it within whatever prosecutorial responsibilities

remain from his 'menacing' investigative agenda. How would anyone conclude that we were being menacing or slanderous in simply seeking this data on scheduled visits around Brown County by all sanitarians and plumbing staff? All of which is needed under the conclusions pending in Columbo's Notes.

#### CONSIDERATION OF PLAN

As for the suggestion that we pursue some sort of complaint process within the Health District against one or more of their employees, we would remind you of their complicity/duplicity/naiveness in the history of our experience with the current holders of those offices. We attempted to exercise their own variance option last November when it still existed under the old ODH rules and our carefully crafted presentation was very strangely 'misprinted' when it was given to the Board at their November meeting -- a copy of which I still have in my possession with all its puzzling decimated form -- as I made clear reference to in the Columbo materials sent to you. And further one of 'the accused' has misled the Board -- all of which doesn't quite meet your expectation of responsible consideration needed for such a serious aggravated crime. Nor mine.

And BTW, in that crime I witnessed in Butler County, it is also instructive to know that the victim in that case did in fact -- by herself -- locate the criminal, who had turned up in a neighboring county's jail later that night on intoxication problems unrelated to the incident I witnessed. The victim had gone to each jail in the area and checked for recent activity til she identified the criminal, as should have been done by any interested and thinking officer genuinely intent on solving that crime. I happened to meet the criminal's lawyer in the courtroom just prior to his trial and learned that this fellow had a history and was an itinerant high-tech construction worker whose record was not discovered right away either. I wonder how many 'things' this apparently well credentialed high-tech construction worker had done before he let his temper drive his van over the top of her little sportscar when her respect for the red light didn't please his desire to run the light, thinking he could get away again but underestimating her indignant resolve to not just be another victim with no interested Columbo. What's your interest?

Sincerely,

MJ Raichyk, PhD