

July 27th 2007

To: Christian Erhardt
Assistant Prosecutor
200 East Cherry St
Georgetown OH 45121

I have reviewed your attempt to unravel the puzzle of these events as you have presented your own opinion in your letter of July 24th. And in a similar approach -- since that approach seems to suit your position at that point -- I will address your definition of the 'alleged issues' although not in the same order.

ALLEGED CRIMINAL CONDUCT

Your considered opinion has a major flaw. 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.

When I checked the report that Cpl Sininger 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. Even a third grader could have been more accurate. I was assured by the officers I spoke to over the phone that it was my right to correct the inaccuracies in Sininger's attempt to record my 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.

I wrote that corrected report, using their format specifically to facilitate their workload because that is a most expeditious method of identifying 'where' I was pointing out the necessary attention to be focused. As you inadvertently noticed, it is exceedingly easy to see what has needed to be changed. Apparently the copy I sent to you arrived at your office before their copy had reached records officer Green since I had sent it to the attention of Detective Wagner and care of Cpl Sininger that same day that I sent yours so that you would have an accurate report. I do not know how Cpl Sininger would have felt, but I will be contacting Officer Green, and if necessary Detective Wagner, to make sure their copy did reach its intended destination.

Apparently you made the totally unwarranted assumption that the original was the correct report and further you completely unfairly accuse me of 'altering' and 'doctoring' my own testimony in an attempt to mislead you, so I would hope

you now have the corrected answer to your 'inescapable credibility question.' You may now adjust your erroneous 'discount' of the corrected version and 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 as the perpetrator. In which case, when you review the undiscounted analysis you will see that the 'accused' is a highly probably candidate for the role as 'prime suspect', based on factual evidence and the resulting implications. I challenge you, or him, or anyone else to present a more credible suspect. No one else has come up with a better candidate.

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. 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', 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?

We do recognize that your workload for the next period will be rather exhausting with three cases before the municipal court -- according to the court's website-- but we would appreciate your attention to our case as well. We are diligently working to meet our own weather-dictated timetable on our construction agenda and will be approaching the level of possibly presenting the first testing results for due diligence inspection, conceivably by September. Arranging suitable verification for our progress -- namely a watertightness test -- and opening the next project phase, will encounter significant resistance from all sides. Presumably you could persuade the Health Department to respect our request for a more suitable inspector since there are other credible sanitarians on their staff, whether their administrator or their sewage director want to give those staff-sanitarians their deserved promotions is not important for a watertightness test, they have all the experience required to inspect our progress and ok our new progress on the next phase with or without that deserved promotion from 'training' status.

As for 'conjecture and theory', 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.

We thought you had begun credibly in your original letter with your own reassurances that you did not intend to interfere in our rightful presentation of grievances and other requests to our elected officials, but we have also been alarmed to note that our research shows that your own chief prosecutor has been a member of a major city task force focusing on 'environmental crime' and to realize the connection between that vested political interest and the identity of the prime suspect in our own criminal damaging case who is none other than the health department's sewage director apparently also with connections on the environmental crime unit.

We are consequently quite impressed with your opening attempts to handle this unfortunate entanglement and were disappointed in your current conclusions that we were misleading you even though our voluminous response to your own investigation was clearly aimed at making sure that you did not lack for evidence. We however do feel that it does complicate our trust in your responses to our involvement in your investigation of our alleged 'menacing' accusations, with little regard to their basis in fact not fiction nor recklessness and no acknowledgement of the actually misleading individual in the Health Department - - evidence of which we did include in that voluminous set of documents we provided to you. If you have difficulty in finding that part, we would be happy to point it out. As for guiding the Health Department in their response to the alleged menacing and accumulating evidence -- assuming that the Health Department is your client, not just the 'accused' -- we would suggest that your involvement would be compromising to your own opinion of right and wrong so it would be advisable to be bowing out as you have done, though with more empathy for the Health Commissioner's need to be aware of that individual's own situation as having interests not supporting the Health Department's own agenda, since the ODH is not interested in environmental crime at all, only the EPA, the Sheriff and the Prosecutor have that agenda, suggesting that the Health Commissioner has a cowbird in the Health Department nest.

FOIA REQUESTS

We believe most of our need for FOIA data has been satisfied and that those FOIA done so far have been adequately demonstrating our points about the 'accused' and how our requests for our design were valid but diverted from rightful consideration by the Board and no more requests are planned for data

from individual plumbing or septic system files. The only remaining issue on our agenda is to find out if there is a destination/date listing for department personnel's on-location projects, the existence of which is yet to be determined and was among the items we requested your assistance with. 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 if you consider it to be satisfactorily benign in whatever prosecutorial responsibilities remain from your 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?

CONSIDERATION OF PLAN

As for the variance situation, that is quite complicated. The new ODH rules as of January 2007 did eliminate all variance requests except one category, eliminating the 'experimental system' option which would have allowed us to make such a board presentation as you are thinking. Instead those January 2007 rules in effect for the first half of this year have put the responsibility for establishing whether a novel system will be acceptable on the designer to show that the design meets the detailed performance required in the rules -- rather than the rigid prescription requirements of the old code with its placement of responsibility on the board and the inspector to permit variances in design necessitated by owner preference or site. That January 2007 performance-based situation was to be the rule for the next 5 years -- at least until just either this month or possibly September, since both those dates have been circulated as the changeover date when the January rules will be rescinded/modified in some as yet unclear way. OAC 3701-29 was legislatively yanked unexpectedly so the certifying exams that I took in June 2007 in order to be qualified to design and install our own system have been somewhat revised so I'll be spending some time reassessing the changes in the OAC -- some of which will not be posted online until next month. So far my contacts in the industry and in Columbus ODH have not indicated any impact on our own plans but how this will impact the Health Department of Brown County and their attitudes I do not want to guess. They may think they have totally been reinstated as prescribers of systems, which doesn't seem to be the case. We attempted to exercise the variance option last November when it still existed 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 in the materials sent to you. And further 'the accused' misled the Board -- all of which which doesn't quite meet your expectation of responsible consideration. 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 the 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' he had done before he let his temper drive his van over the top of her sportscar when her respect for the red light didn't please him, thinking he could get away again but underestimating her indignant resolve to not just be another victim with no interested Columbo.

Sincerely,

MJ Raichyk, PhD