



August 14, 2023

Brian Zimmerman, Director  
Cleveland Metroparks  
4101 Fulton Parkway  
Cleveland, OH 44144

*RE: East Cleveland city council President demands return of \$2 million in ARPA funds from Cleveland Metroparks because the funds were transferred without authority and without an agreement*

Mr. Zimmerman:

On June 8, 2023, East Cleveland's Clerk of Council informed the Cleveland Metroparks chief legal adviser by email that the organization you supervise was the unlawful recipient of \$2 million in the city's American Rescue Plan Act (ARPA) funds in May 2023. Attorney Rose Fini was informed that Council had not approved an agreement with Cleveland Metroparks; nor had we approved a resolution authorizing Mayor King and/or the Director of Finance to transfer the \$2 million. You'll recall my invitation for you to discuss the proposed agreement before Council's Contracts & Property Committee in May 2023 was not honored. Your secretary informed Council you wouldn't be available until sometime in September 2023.

Attorney Fini responded by email to the Clerk of Council on June 9, 2023. Her exact words are as follows: *"Please note that Cleveland Metroparks is not in receipt of \$2 million from the City of East Cleveland."* A copy of their communications is attached.

I have attached an internal East Cleveland financial document dated May 4, 2023. It identifies Voucher No. 18145001 with a Purchase Order No. of RG181830 that is associated with an invoice numbered 3147 from Cleveland Metroparks. Check No. 120159 was written to Cleveland Metroparks for \$2 million.

I have attached a check sign-out sheet maintained by the East Cleveland Department of Finance that identifies Check No. 120159 for \$2 million as being picked up and signed for by a Cleveland Metroparks employee on May 5, 2023. These documents were created more than 30 days before the Cleveland Metroparks chief legal adviser shared false information with the Clerk of Council in writing on June 9, 2023.

Mr. Zimmerman, a serious trust has been breached that has soured members of Council and numerous East Cleveland residents on creating a relationship with Cleveland Metroparks. As \$2 million in public funds was transferred unlawfully by unauthorized municipal officials to your organization, we would have expected the officials on your side to confirm instead of deceiving us about the transfer as your attorney did. The lie makes the transaction appear more like a theft.

Cleveland Metroparks was not lawfully authorized to receive East Cleveland's \$2 million in ARPA funds. We demand a return of the federal money. It is the Council, not the mayor, who controls the finances of a municipal corporation pursuant to R.C. 731.47. The \$2 million was earmarked for an agreement the City of East Cleveland has not entered with Cleveland Metroparks. We think it's unethical for the attorney of a governmental organization to lie as Fini did.

The Council's number #1 concern is protecting the municipal corporation from the duty-exceeding acts of oath of office violating elected and appointed public officials that have plagued East Cleveland

for years. Discharging this oversight duty imposes a requirement that we report the felonious illegal transfer of \$2 million in federal funds to the appropriate federal and state authorities. Failure to report the misappropriation of \$2 million would constitute a violation of 18 U.S.C. 4, "Misprision of felony."

*"Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both."*

The Council has not been shared all of the communications between Mayor King and Cleveland Metroparks that, perhaps, might have led your agency to believe it was an authorized recipient of the municipal corporation's funds. Please forward all of the official communications and documents, pursuant to R.C. 149.43, that were created between the City of East Cleveland and Cleveland Metroparks regarding the proposed agreement to lease Forest Hills Park for our review and authentication. This would include but not be limited to email, letters, resolutions, contracts, etc.

Council has learned that Mayor King and attorney Willa Mae Hemmons have been creating their own versions of legislation and submitting it to government agencies as authentic. Please forward copies of any resolutions or ordinances in your possession that are purported to be official records of the City of East Cleveland regarding the proposed lease agreement.

We look forward to a return of the \$2 million that was transferred, unlawfully, to Cleveland Metroparks at the direction of East Cleveland's mayor as we have no agreement. It is not this Council's intent to drag a potential partner into a public controversy that has the appearances of a crime.

Respectfully,



Juanita Gowdy, President of Council

xc: Council

Keith Faber, Ohio Auditor of State

Gregory Nelsen, FBI Special Agent in Charge

Michael O'Malley, Cuyahoga County Prosecuting Attorney

Barbara Mattei-Smith, Financial Planning & Supervision Commission

Cleveland Metroparks Commission