

# **A FRIVOLOUS LAWSUIT FILED**

September 7, 2020

Contact: Atty. Kevin Davis

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On September 4, 2020, Jack Morrison, a political operative for the Summit County Republican Party, filed a lawsuit against Kandy Fatheree, Democratic candidate for Summit County Sheriff in the Court of Common Pleas. A motion for dismissal will be promptly filed, and Kandy Fatheree will ask the Court to impose sanctions for this frivolous action.

The Plaintiff is Dale Soltis, who just lost the Democratic Primary to Kandy Fatheree by over 7,000 votes. In keeping with a long-standing tradition, the Republicans are filing a complaint shortly before the election, for an issue which, if real, the law would require a challenge to have been raised prior to the primary election.

The complaint asks that the Court remove Kandy Fatheree from the ballot alleging, without a legal basis, that her candidacy violates the State Hatch act. However, in 2019, before filing her petitions, Sheriff Barry, on Fatheree's behalf, obtained a prosecutors' opinion that her candidacy was unequivocally legal.

Federal, State, and local laws were researched as well as the agreement between the Summit County Sheriffs Supervisors Association (SCSSA). The five-page legal opinion was received on March 28, 2019, in the form of Prosecutors Opinion 19-088. The opinion stated, "Accordingly, Federal, State, and Local Laws... would not prohibit the described candidacy". None of the facts have changed.

Fatheree said, "I am not a politician. I am the only candidate still working, and I have spent my entire career keeping people safe. If there were any doubts about my ability to run, I would not have. When elected, I will ensure that the Summit County Sheriff's Office will be transparent and continue to protect Summit County families. However, the old way of doing business is over. It's time for change. It's obvious that there are those who will say and do anything to keep the status quo, including lie to the voters."

## **ATTORNEY KEVIN DAVIS' STATEMENT:**

Kandy Fatheree's impressive resume reflects a candidate who has ascended to Captain's rank within the Sheriff's Department. She earned her rank through hard work and dedication. Given that, it's important to note that she did her "due diligence" well before she announced her candidacy.

Knowing that Sheriff Barry was not seeking re-election, Fatheree went to him for permission to continue working as a Captain while she ran for the open seat for Sheriff.

It's no accident that this has been filed a little over four weeks before early voting is to begin. Further, it's shocking to me that Dale Soltis would collaborate with the Republican Party. He was a member of the SCSSA and had full knowledge of this language within the agreement when he ran in the Democratic primary.

As Mr. Soltis has chosen to waste the Court's time with this meritless action, all questions should be forwarded to Kandy Fatheree's Attorney, Kevin Davis.