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Special prosecutor named in Clermont Commissioner under ethics cloud

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BATAVIA - A special prosecutor has been appointed as part of an Ohio Ethics Commission investigation of Clermont County Commissioner Mary Walker.

"I don't have a timeline on it," said Lynn Alan Grimshaw, the Wheelersburg lawyer who will determine whether to bring charges that Walker violated state law by voting on a county contract with an engineering and surveying company run by her son, Mark D. Walker.

"I've touched base with Paul Nick, (chief investigative attorney) with the Ethics Commission," Grimshaw said. "They are going to finish their investigation."

"When they are done, I will review it with them - and we'll see where we go."

Walker didn't respond to an Enquirer request for comment.

Regardless of whether she is charged, Walker shouldn't expect Republicans to support her if she seeks re-election next year, said the chairman of the county GOP.

"I do not believe that Commissioner Walker would receive the endorsement of the Clermont County Republican Party, nor should she seek the endorsement," said Tim Rudd, party chairman.

When asked Tuesday whether he would call on her to resign, Rudd said: "Commissioner Walker should seek legal counsel and follow their advice."

Walker has acknowledged that she knowingly voted in July 2006 on a \$58,500 contract for a water main replacement project with Professional Engineering Group, a company run by her son. The contract was for work in Union Township, where she lives.

The vote had the appearance of impropriety, the office of Ohio Auditor Mary Taylor said Sept. 25.

CANDIDATES LINING UP

It's premature to discuss whether Walker might be charged, let alone whether she might resign or make a plea deal, Grimshaw said.

Either misdemeanor or felony charges could be filed if an investigation indicates state law was broken, Grimshaw said.

If convicted of a felony ethics violation, a public official could be sentenced to up to 18 months in prison and fined up to \$5,000.

Walker's four-year term runs through December 2008. Commissioners are paid \$63,833 annually.

The county Republican Party's 200 precinct captains are to vote on endorsements for the 2008 election at a Nov.

28 meeting, Rudd said. The deadline for candidates to submit their names is Nov. 20.

Two township trustees have informed Rudd they would like to be endorsed to run for Walker's seat - Ed Humphrey of Miami Township and Archie Wilson of Batavia Township. "I do not believe Ed and Archie will be the only two who come forward for party endorsement - or, if it comes to a vacancy, the filling of" Walker's seat, Rudd said. "I have received phone calls from other individuals who at this point are considering it."

The actions of County Commissioner R. Scott Croswell III, whose term of office runs through 2010, were also called into question by the Ohio auditor.

In 2006, Croswell approved eight payments totaling \$2,027 to Croswell Bus Lines Inc., a company of which he is part owner.

Croswell, a lawyer, has said he would have abstained from voting if he had been informed by county staff what bills he was approving, but added that he's confident he broke no state law.

Rudd said Croswell continues to have the party's support because none of his actions appears to have violated Ohio law.

"I know that the state auditor referred up to the (Ethics Commission) several issues regarding both commissioners," Rudd said. "I don't believe the issues that involve Commissioner Croswell rise to the level of a criminal offense.

"The difference here is Commissioner Croswell did not sign off on a contract with Croswell Bus Lines. All he did was approve the payment of bills" to the company, Rudd said.

EXPERIENCED PROSECUTOR

Grimshaw, a former Scioto County prosecutor, is experienced in investigations of public officials.

Grimshaw and Nick were special prosecutors in the case involving former Butler County Treasurer Carole B. Mosketti, who pleaded guilty May 17 to a misdemeanor charge of conflict of interest.

Mosketti admitted she hired a granddaughter, Heather Maus, as a part-time employee. In a plea agreement through which she avoided a jail sentence, Mosketti agreed to resign from office May 31.

"That was one of the demands that we made," Grimshaw said. "Often you have options as a prosecutor what you charge someone with, and sometimes it just comes down to what does a prosecutor want based upon the seriousness of the charge."

Clermont County Prosecutor Don White requested a special prosecutor in the Mary Walker case, according to court records.

Common Pleas Court Judge William Walker (no relation to the county commissioner) named Grimshaw, ordering that he be paid \$150 an hour, plus expenses.