

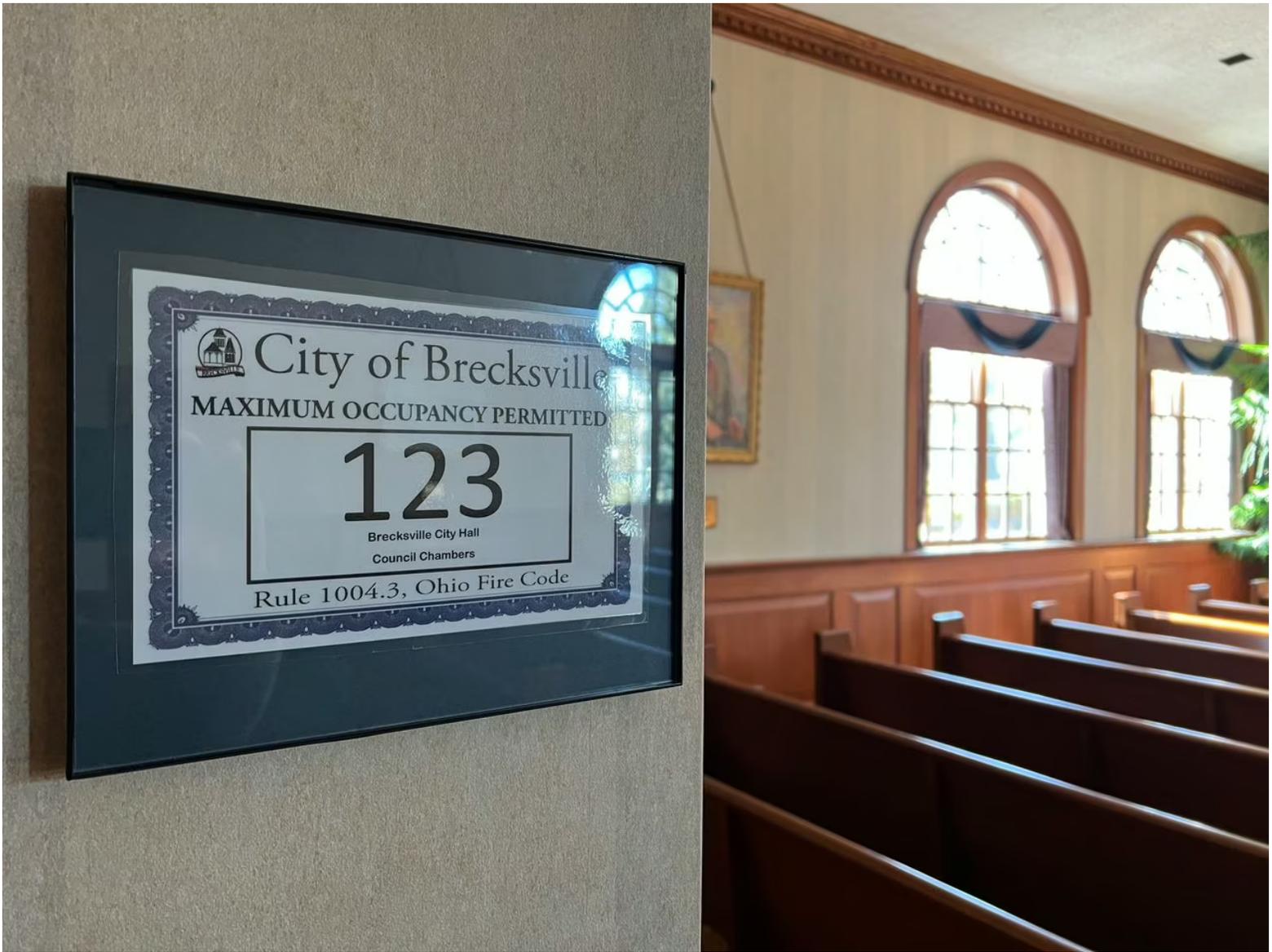


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Former councilman Jack Petsche sues Brecksville over corruption charges

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Former Brecksville Councilman Jack Petsche has sued the city. (Bob Sandrick, special to cleveland.com)

NEW!

By **Bob Sandrick, special to cleveland.com**

BRECKSVILLE, Ohio -- Jack Petsche, who was thrown off City Council in 2020 and indicted in 2021 on corruption charges that were eventually dismissed, has sued several current and former city officials for providing what he says was “false and misleading information” to investigators.

The lawsuit was filed March 16 in U.S. District Court in Cleveland. Named as defendants were Mayor Jerry Hruby, Law Director David Matty, council President Laura Redinger and former council members Gerald Broski, Louis Carouse Jr. and Kim Veras. The City of Brecksville was also named as a defendant.

The lawsuit claims that Hruby, Matty and Petsche's former council colleagues -- including Redinger, Broski, Carouse and Veras -- "conspired to engineer a baseless felony prosecution against him to snuff out his dissenting voice and political career, in retaliation for his exercise of his First Amendment rights (to free speech)."

"To ensure that Petsche would be prosecuted, defendants provided false and misleading information to investigators and otherwise withheld material information that they knew would confirm a lack of probable cause for any criminal charges against Petsche," the lawsuit says.

"Petsche was thus forced to vacate his elected office and spend two years of his life and hundreds of thousands of dollars in legal fees to defend against these bogus felony charges," the lawsuit says.

City officials and Cuyahoga County prosecutors said Petsche as a councilman voted to award city money to a construction firm, Panzica Construction Co., that had subcontracted with Petsche-owned USA Roofing. The project was the construction of a new Brecksville police station.

However, the charges against Petsche in Cuyahoga County Commons Pleas Court were thrown out by Judge John J. Russo in March 2022. Russo said prosecutors didn't present enough information to show that Petsche could be convicted of a crime.

Hruby, Matty, Carouse and Redinger told cleveland.com that they would not comment on pending litigation. James Climer, an attorney representing at least some of the defendants, said he, too, had no comment. Broski and Veras could not be reached in time for this story.

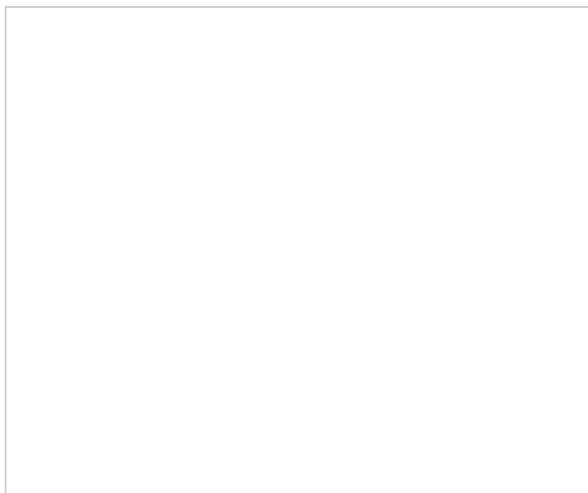
The lawsuit has been assigned to U.S. District Judge Bridget M. Brennan.

Peter Pattakos, Petsche's attorney, said he filed the lawsuit in federal court, as opposed to Common Pleas Court, because it involves Petsche's federally protected First Amendment rights.

Pattakos said the defendants have 60 days to answer Petsche's complaint. Petsche is seeking more than \$250,000 from the defendants, saying legal fees in his criminal case exceeded that amount.

Here's what happened, according to the lawsuit:

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In 2012, Petsche and his wife, Rose, wrote and led a successful ballot initiative through which Brecksville voters supported an amendment to the U.S. Constitution. The amendment would curb "the corrupting effects of corporate cash" on federal elections.

The ballot initiative also created an annual Democracy Day in Brecksville. It required the city to host a public hearing on the influence of money in politics.

City leaders, including Hruby and Matty, opposed the ballot initiative. Hruby tried unsuccessfully to invalidate it with the Ohio Supreme Court.

Petsche was elected to council in 2017 and was sworn into office in January 2018. At the time, he owned USA Roofing, which he had founded in 1995.

In 2018, the same year Petsche took office, he questioned the city's decision to pay close to \$682,000 in back sewer taxes for residents in the Four Seasons subdivision. Four Seasons residents included Veras and then-council President Michael Harwood, who died in April 2022.

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Both Veras and Harwood had properly recused themselves from the Four Seasons discussion, but Petsche believed that council was not transparent about the issue.

In October 2018, more than 300 residents filled council chambers to express their opinions about the sewer-tax bailout.

“Petsche’s advocacy on this issue drew the ire of his fellow councilpersons and other city leaders, including Hruby and Matty,” the lawsuit says. “Hruby and Matty both publicly expressed their anger with Petsche over his opposition to their Four Seasons dealings.

“In retaliation for Petsche’s (position), Hruby and Matty sought to exploit Petsche’s ownership of USA Roofing to institute a retaliatory criminal prosecution against him,” the lawsuit says.

In 2017, before Petsche joined council, Panzica, general contractor for the city’s new police station, awarded USA Roofing a subcontract to build the station’s roof.

After Petsche took office, he voted with all six other council members to borrow money for the police station project. He didn’t say at the time that USA Roofing had been hired by Panzica to build the station roof.

Under Ohio law, public officials cannot benefit financially from a public contract. However, Panzica had hired USA Roofing before Petsche was on council, so Petsche as a council member didn’t vote on the hiring of USA Roofing, the lawsuit says.

By 2017-2018, the lawsuit says, Brecksville officials were well aware that Petsche owned and operated USA Roofing, having worked with him on previous city projects. In addition, in August 2018, Petsche voluntarily recused himself from council discussions about the police station project.

Nevertheless, in September 2018, six days after local news outlets first reported the Four Seasons controversy, Hruby, at Matty's direction, filed a complaint against Petsche with the Ohio Ethics Commission.

The complaint said the city was unaware of Petsche's connection to USA Roofing because Petsche hadn't disclosed it.

"Hruby knew and intentionally omitted the fact that at least he, Matty and council's president, Mr. Harwood, were all aware of Petsche's ownership of USA Roofing and involvement in the police station project," the lawsuit says.

"Based on Hruby's mischaracterization of the facts, the Ohio Ethics Commission opened an investigation against Petsche."

In February 2019, during a council executive session, Matty discussed the ethics commission investigation with Carouse, Redinger and Veras.

"At this meeting, the gathered parties colluded to ensure that the (ethics commission) investigation would conclude that Petsche had committed an ethics violation, hoping to trigger a criminal prosecution against Petsche," the lawsuit says.

Broski, Carouse, Redinger and Veras subsequently told the ethics commission that they didn't know about Petsche's connection to USA Roofing and the police station project until Matty told them that the ethics commission investigation had started.

That was untrue, the lawsuit says.

In September 2019, the ethics commission, based on its findings, recommended the case for prosecution in Cuyahoga County. Petsche was indicted in June 2020.

In his 2022 decision to dismiss the charges against Petsche, Russo held that Petsche's council votes on the police station project did not fall under the state law barring officials from using the power of their office to secure public contracts.

Russo determined that the law did not bar public officials from all dealings in which they may have some interest, only those where "there is a risk that private considerations may detract from serving the public interests."

In a journal entry released later, Russo wrote that there wasn't enough evidence to show that Petsche had any criminal intent in voting for the contracts.

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