

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**CHRISTOPHER KNECHT,**

Plaintiff,

vs.

**JOHN KASICH, DAVID GOODMAN,  
MIKE DEWINE, TOM STRICKRATH  
BRUCE D. STEVENSON, SANDY  
WILSON, BETSY HOUCHEM, HOLLY  
FISHER, DAVID WILLIAMSON, CAROL  
ROSS, DAVID T. DANIELS, JAMES B.  
BELT, CHARLES J. DOLEZAL, LILI C.  
REITZ,**

Defendants.

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) Case No.: 2:12CV124  
) **James L. Graham, Judge**  
) **Norah King, Magistrate**

**SECOND AMENDED COMPLAINT  
CIVIL ACTION  
JURY TRIAL DEMAND**

**I. JURISDICTION**

1. Jurisdiction over claims brought under the Civil Rights Act of 1871 is conferred upon the Court by 28 U.S.C. §1331 and §1343(a) (3)-(4). Jurisdiction over the request for declaratory and injunctive relief under the Declaratory Judgment Act of 1934 is conferred upon the Court by 28 U.S.C. §§ 2201 and 2202. The Court also has jurisdiction over Plaintiff's related state law claims under 28 U.S.C. §1367(a).

**II. PARTIES**

2. Plaintiff, Christopher Knecht, is a second-class citizen of the United States residing in Hamilton County, City of Cincinnati, Ohio.

3. Defendant John Kasich has, at all times relevant to this action, been the duly elected Governor of the State of Ohio, with the duty to enforce state laws; the power to either approve or veto bills passed by the Ohio Legislature, *inter alia*, as held under Article III of the Ohio Constitution. Defendant Kasich has the authority to appoint administrative heads to any number of departments, agencies, commissions, boards, etc., of the State of Ohio who in return are to provide reports to defendant Kasich regarding all activities of

those departments, agencies, commissions, boards, etc., pursuant to Ohio Revised Code [hereafter, "ORC"] §§ 121.03 and 149.01. Defendant Kasich is being sued in his individual and official capacity.

4. Defendants Carol Ross, Mike Dewine, Tom Strickrath, Lili C. Reitz, David Goodman, Charles J. Dolezal, James Belt, David T. Daniels, Sandy Wilson, Betsy Houchen, Holly Fisher, Bruce Stevenson, and David Williamson have, at all times relevant to this action, been employed by the State of Ohio and assigned to various agencies of State government, to-wit; Ohio Construction Industry Licensing Board [Carol Ross-Executive Secretary, David Williamson-Director]; Ohio Department of Commerce [David Goodman]; Ohio Board of Nursing [Betsy Houchen-Director, Holly Fisher]; Ohio Bureau of Criminal Investigation and Identification [Tom Strickrath-Superintendent, Mike Dewine-Ohio Attorney General]; Ohio Dental Board [Lili C. Reitz-Director]; Ohio Division of Financial Institutions [Charles J. Dolezal-Superintendent]; Ohio Department of Agriculture [David T. Daniels-Director, James Belt-Agriculture Inspection Manager]; and, Ohio Division of Liquor Control [Bruce Stevenson-Superintendent, Sandy Wilson-Program Administrator]. Defendants Strickrath, Greene, Reitz, Goodman, Dolezal, Belt, Daniels, Wilson, and Stevenson, Houchen, and Fisher, are each being sued in their official capacity. Defendants Ross and Williamson are being sued in their individual and official capacities.

## **STATEMENT OF FACTS**

### **A. CRIMINAL BACKGROUND**

5. Plaintiff was convicted of the offenses of aggravated burglary and theft on March 31, 1987, in Hamilton County, Ohio, in the case of *State of Ohio v. Christopher J Knecht*, B-870308 (Ham. Co., Ohio 1987). On or about September 23, 1987, plaintiff was sentenced to the Ohio State Reformatory to serve consecutive sentences consisting of 6-25 years for the offense of aggravated burglary, and 11/2 years for the offense of theft;

6. Plaintiff's above aggravated burglary conviction was based on ORC §2911.11(A) (3) (115th Ohio General Assembly [hereafter, "OGA"], Senate Bill [hereafter, "SB"] 210, Effective July 1, 1983). Likewise, plaintiff's theft conviction was based upon ORC §2913.02(A) (1) (116th OGA House Bill [hereafter, "HB"] 49, Effective June 28, 1986);

7. Plaintiff was transported to the authority/jurisdiction of the Ohio Department of Rehabilitation and Correction [hereafter "DRC"] on or about October 13, 1987, until his release on March 4, 1999;

8. Upon plaintiff's conviction as mentioned in paragraph 5 above, he became a slave of the State of Ohio according to the Thirteenth Amendment to the United States Constitution as enforced under Ohio Revised Code 2961.01 (115th OGA Senate Bill 199, Effective July 1, 1983) which stated:

A person convicted of a felony under the laws of this or any other state or of the United States, unless his conviction is reversed or annulled, is incompetent to be an elector or juror, or to hold an office of honor, trust, or profit. When any such person is granted probation, parole, or a conditional pardon, he is competent to be an elector during the period of probation or parole or until the conditions of his pardon have been performed or have transpired, and thereafter following his final discharge. The full pardon of a convict restores the rights and privileges so forfeited under this section, but a pardon shall not release a convict from the costs of his conviction in this state, unless so specified. (110th OGA House Bill 511, Effective January 1, 1974).

9. Plaintiff was imprisoned under what was called 'reformatory law'; distinctive of being sentenced to a penitentiary in that a reformatory purported rehabilitative ideology, while being confined to a penitentiary simply meant punishment;

10. The distinction between reformatories and penitentiaries was abolished in 1987 via an amendment to O.R.C. §5120.03(B) ("Notwithstanding any provision of the Revised Code or the Administrative Code to the contrary, upon the issuance of the executive order, any distinction made between the types of prisoners sentenced to or otherwise assigned to the institutions under the control of the department shall be discontinued." "The director of rehabilitation and correction, by executive order, issued on or before December 31, 1988, shall eliminate the distinction between penal institutions and reformatory institutions.");

11. However, plaintiff was still entitled to various provisions of the reformatory laws, such as earned credit for time served based on good behavior;

12. While in prison, plaintiff obtained a general equivalency diploma in June of 1988, and participated in college courses in 1990 and again in 1996, participated in a stress management program in 1988, and was assigned to the DRC's Ohio Penal Industries in 1989 and again in 1996 as a data entry clerk transferring hard data from law books, vehicle identification cards, real estate appraisal forms, government fish and wildlife licenses, etc., to a then reel-to-reel computerized data bank managed by Unibase Corporation of Salt Lake City, Utah, an outside contractor of the DRC;

13. When plaintiff was released from prison on March 4, 1999, the provisions of Ohio Revised Code Section 2961.01 as it existed in 1987 had been amended and subsequently enacted into law (120th OGA House Bill 571) on October 6, 1994. Prior to that amendment, plaintiff was restored only his right to vote and had to be granted a pardon before the other rights listed in the 1983 statute were restored;

14. The 1994 version of ORC 2967.01 was effective when plaintiff was released from prison and those 'rights' not otherwise restored by the former provision of that statute were now automatically restored upon release from prison, according to ORC §§ 1.11, 1.48, and 1.58;

15. Over the course of several years plaintiff was eventually granted a 'Final Release' from parole, on October 27, 2003, which states in relevant part:

Since being granted parole, you have conducted yourself satisfactorily as demonstrated by your conduct and ability. The Ohio Adult Parole Authority hereby grants a Final Release on the above number to take effect [October 27, 2003].

Pursuant to Section 2961.01 your conviction of a felony precluded you from voting, serving on a jury, or holding an office of honor, trust, or profit. Upon your parole, you regained your eligibility to vote. Your Final Release enables you to serve on a jury and if not precluded by 2921.02, 2921.41, and 2921.43 or other Sections of the Revised Code, to hold a public office.

The Final Release **DOES NOT** relieve you of any disability prohibiting you from possessing a firearm under Section 2923.13 of the Revised Code.

16. The Ohio Attorney General's 1962 syllabus opinion regarding Ohio Revised Code Section 2961.01 indicated that while an ex-offender may not hold an office of public, trust, or honor, the ex-offender "does not lose his citizen rights generally";

17. Plaintiff has only been convicted of two traffic related offenses in 2003 since his release from prison in 1999;

## **B. CIVIL PUNISHMENT [COLLATERAL SANCTIONS]**

18. The collateral consequences of criminal convictions, commonly referred to as the "*Four C's*", is a euphemism to describe state-sponsored civil penalties/punishments which, unlike fines, prison time, or probation, are not specified in the criminal law and rarely mentioned during sentencing. Below represents the multiple forms of punishment plaintiff is subjected to due to his 2003 conviction just for lying to a police agent about his identity because he was driving without a license:

Ohio Revised Code	Action	Relevancy
ORC 109.511 (C)(1)	Employment as investigator or special agent -- termination for guilty plea	Employment
ORC 109.5721 (C), (E)	BCII notification to a public office about an employee	Employment
ORC 109.5721 (C), (E)	BCII notification to a public office about a volunteer worker	Civic and political participation
ORC 109.5721 (C), (E)	BCII notification to a public office about a licensed individual	License, business/professional
ORC 109.5721 (C), (E)	BCII notification to a public office about a person approved for adoption	Family
ORC 1121.23	Criminal records check of bank organizers, incorporators, directors and controlling shareholders	License, business/professional
ORC 1121.23	Criminal records check of bank executives	Employment
ORC 1155.03	Criminal records check of savings & loan organizers, directors and controlling persons	License, business/professional
ORC 1155.03	Criminal records check of savings & loan executives	Employment
ORC 1163.05	Criminal records check of savings bank organizers, directors and controlling persons	License, business/professional
ORC 1163.05	Criminal records check of savings bank executives	Employment
ORC 1315.141	Criminal records check of money transmitter organizers, directors and controlling persons	License, business/professional
ORC 1315.141	Criminal records check of money transmitter executives	Employment
ORC	Member of public employees	Civic and

145.057 (A), (E)		retirement board	political participation
ORC 1501.013 (B)(3), (5)		Employment as a natural resources law enforcement staff officer – termination for guilty plea	Employment
ORC 1503.29 (D)(2)(a), (3)		Employment as a forest officer – termination for guilty plea	Employment
ORC 1517.10 (C)(2)(a), (3)		Employment as a preserve officer – termination for guilty plea	Employment
ORC 1531.132 (B)(2)(a), (3)		Employment as a game protector -- termination for guilty plea	Employment
ORC 1541.11 (B)(2)(a), (3)		Employment as a state park officer – termination for guilty plea	Employment
ORC 1545.13 (C)(2)(a), (3)		Employment as a park district law enforcement officer – termination for guilty plea	Employment
ORC 1547.523 (B)(2)(a), (3)		Employment as a state watercraft officer – termination for guilty plea	Employment
ORC 1702.80 (E)(2)(a), (3)		Employment as police officer for a nonprofit corporation -- termination for guilty plea	Employment
ORC 1713.50 (E)(2)(a), (3)		Employment as police officer for a private college or university—termination for guilty plea	Employment
ORC 1733.47		Criminal records check of credit union organizers, incorporators, and directors	License, business/professional
ORC 1733.47		Criminal records check of credit union executive officers	Employment
ORC 1761.26		Criminal records check of organizers, incorporators and directors	License, business/professional
ORC 1761.26		Criminal records check of executive officers	Employment

ORC 306.352 (B)(2)(a), (3)		Employment as a regional transit authority police officer – termination for guilty plea	Employment
ORC 311.04 (C)(2)(a), (3)		Employment as a deputy sheriff – termination for guilty plea	Employment
ORC 3307.061 (A), (E)		Member of state teachers retirement board	Civic and political participation
ORC 3309.061 (A), (E)		Member of school employees retirement board	Civic and political participation
ORC 3319.292		Teaching license applicant may be questioned about actual, alleged offense.	License, business/professional
ORC 3319.316		BCII notice to department of education about a license holder	License, business/professional
ORC 3345.04 (C)(2)(a), (3)		Employment as a state university law enforcement officer -- termination for guilty plea	Employment
ORC 3735.311 (B)(2)(a)		Employment with housing authority police force – termination for guilty plea	Employment
OAC 3770:2-3-01 (A)(1)		Video lottery license: applicant must report any charges or convictions.	License, business/professional
ORC 4723.24 (A)		Possible non-delivery of nursing license renewal forms	License, business/professional
ORC 4723.651 (C)		Possible non-delivery of certificate renewal forms	License, business/professional
ORC 4727.15 (C), (D)		Possible fine, suspension or revocation based on conviction of licensee	License, business/professional
ORC 4731.281		Physician must report certain case outcomes when renewing certificate.	License, business/professional
ORC		Criminal record monitoring	License,



4749.031 (A)		and reports about a licensed individual	business/professional
ORC 4749.031 (A)		Criminal record monitoring and reports about a registered employee	Employment
ORC 4765.33		EMT or first responder certificate to practice – rules require report of conviction	License, business/professional
ORC 4973.171 (B)(2)(a), (3)		Employment as police officer for a bank, railroad or hospital -- termination for guilty plea	Employment
ORC 4973.171 (C)(2), (4)		Employment as police officer for an amusement park -- termination for guilty plea	Employment
ORC 505.49 (D)(2)(a), (3)		Employment as a township police officer – termination for guilty plea	Employment
ORC 509.01 (C)(2)(a), (3)		Employment as a police constable -- termination for guilty plea	Employment
ORC 511.232 (C)(2)(a), (3)		Employment as a township park district law enforcement officer – termination for guilty plea	Employment
ORC 5119.14 (C)(2)(a), (3)		Employment as a special police officer of ODMH – termination for guilty plea	Employment
ORC 5123.13 (C)(2)(a), (3)		Employment as a special police officer – termination for guilty plea	Employment
ORC 5502.14 (D)(2)(a), (3)		Employment as enforcement agent with Investigative Unit – termination for guilty plea	Employment
ORC 5505.048 (A), (E)		Member of state highway patrol retirement board	Civic and political participation
ORC 5743.45 (C)(2)(a), (3)		Employment as a tax enforcement agent – termination for guilty plea	Employment
ORC 5907.021		Employment as police chief of Ohio veterans' homes --	Employment

(B)(2)(a), (3)		termination for guilty plea	
ORC 5907.021 (B)(2)(a), (3)		Employment as a veterans' home police officer -- termination for guilty plea	Employment
ORC 6101.75 (C)(2)(a), (3)		Employment as a conservancy district police officer – termination for guilty plea	Employment
ORC 737.052 (B)(2)(a), (3)		Employment with city police department – termination for guilty plea	Employment
ORC 737.162 (B)(2)(a), (3)		Employment with village police force – termination for guilty plea	Employment
ORC 742.046 (A), (E)		Member of Police and Fire Pension Fund Board of Trustees	Civic and political participation

19. Defendants Strickrath, Dewine, Reitz, Goodman, Dolezal, Belt, Daniels, Wilson, Houchen, Fisher, Ross, Williamson, and Stevenson, enforce any number of the above civil punishments listed in paragraph 18 herein and/or those 480+ civil punishments enforced against plaintiff based on his 1987 felony convictions as demonstrated below;

### **1. Ohio Construction Industry Licensing Board**

20. In 1992, the OGA enacted provisions that created the Ohio Construction Industry Licensing Board (OCILB) (See: 1991-1992 Ohio Laws, Part IV, 5348 (Sub. H.B. 402, Eff. July 31, 1992) which provides licensure in the trades of electricity, hydronics, HVAC, plumbing and refrigeration, pursuant to ORC §4740.01 *et seq.* Prior to the OCILB, the Ohio Department of Commerce handled licensure applications of some of the trades which OCILB now governs;

21. In 1992, an applicant seeking licensure in any of those five trades was only required to be “of good moral character” as held under then ORC §4740.06(B) (3) [119<sup>th</sup> OGA HB 402, Eff. July 31, 1992]. In 2001, ORC §4740.06 was amended where presently an applicant seeking licensure in any of those five trades cannot have been convicted of or pleaded guilty to a misdemeanor involving moral turpitude or of any felony, pursuant to

ORC §4740.06(B)(5)(a), which has been effective since September 18, 2001 [124<sup>th</sup> OGA HB 434];

22. Defendant Williamson is the Director of the OCILB and enforces ORC §4740.06. Plaintiff sent an email to the OCILB inquiring as to whether or not he can obtain a license in any of the five trades in which licensure by that board is provided, and defendant Ross; who is the Executive Secretary of the OCILB, responded stating that the plaintiff “must NEVER have been convicted of a felony offense or moral turpitude to take any of the five trades” and that “[t]his is not up to the Board’s discretion. It is in the law which the board must uphold”;

23. Defendant Williamson is the Director of the OCILB responsible for compliance with ORC §4740.06. Defendants’ Williamson and Ross enforce ORC §4740.06 as defendant Ross explained in paragraph 24 above herein. Plaintiff is prohibited from obtaining a license in any of the five trades the OCILB provides licensure because plaintiff was convicted in 1987 for felony offenses;

24. The phrase, “good moral character” as used in 1992 would have applied to the plaintiff who was convicted of felony offenses in 1987. Plaintiff’s “good moral character” was restored with his “final release” as described in paragraph 15 above herein;

## **2. Ohio Board of Nursing**

25. When plaintiff was convicted of felony offenses in 1987, the Ohio Board of Nursing Education and Nursing Registration (now called the Ohio Board of Nursing (OBN)) was authorized to “deny, revoke, or suspend a certificate or license issued by the board....upon proof of: conviction of a felony or a crime involving moral turpitude;...” ORC §4723.28 [112<sup>th</sup> OGA HB 725 Eff. March 16, 1978];

26. During the 117<sup>th</sup> session of the OGA (1987-88), Amended Substitute HB529 was enacted into law which in part created ORC §4723.09. Defendant Houchen is the Director of the OBN and provides licensure to applicants seeking to practice as a

registered nurse, licensed practical nurse, and certificates to be a dialysis technician or community health worker. Defendant Fisher is the Adjudication Counsel for the OBN;

27. Plaintiff sent an email to the OBN inquiring whether his felony convictions from 1987 precluded him from obtaining a certificate/license as a: community health worker as held under ORC §4723.84(A) (4) [2003]; a registered nurse or licensed practical nurse under ORC §4723.09(A) (2) (b) [2002]; or a dialysis technician under ORC §4723.75(A) (4) [2002]. Defendant Fisher responded with an attachment indicating that plaintiff is precluded from obtaining a license or certificate from the OBN to be a registered nurse, licensed practical nurse, community health worker or a dialysis technician because he was convicted of aggravated burglary in 1987;

### **3. Ohio Department of Agriculture**

28. While defendant Ross stresses “[t]his is not up to the Board’s discretion. It is in the law which the board must uphold” as stated in paragraph 25 above herein, defendant Belt; the Agriculture Inspection Manager of the Ohio Department of Agriculture [hereafter, “ODA”], contends that “[a]s a general rule the Director [defendant Daniels] does not automatically propose to deny licensure for convictions that are greater than 10 years old” despite *the law* saying otherwise;

29. Defendant Daniels is the Director of the ODA and required to enforce ORC §921.23 which states that defendant Daniels may deny or refuse any provision of any license, permit, or registration issued pursuant to Chapter 921 of the Ohio Revised Code if defendant Daniels finds that the applicant has been “convicted of a misdemeanor involving moral turpitude or of a felony [ORC §921.23, Eff. 7-01-2004; 4-15-2005] even though defendant Belt states that ORC §921.23 is discretionarily enforced by defendant Daniels;

### **4. Ohio Bureau of Criminal Investigation and Identification**

30. Defendant Strickrath is the Superintendent of the Ohio Bureau of Criminal Investigation and Identification [hereafter, “BCI”] and defendant Dewine is the OAG

who oversees compliance with all laws by all divisions of state government as the ORC sets forth, especially the BCI which was created by statute within defendant Dewine's office and under his authority;

31. Defendants Strickrath and Dewine enforce any number of Ohio Revised Codes as described in paragraph 18 herein above despite plaintiff having been convicted of felony offenses well before the creation of the BCI much less any of the statutory provisions in which it enforces as previously mentioned;

#### **5. Ohio Board of Financial Institutions**

32. Defendant Dolezal is the Superintendent of the Ohio Board of Financial Institutions. According to ORC §1105.02(B) (1), “[n]o person who has been convicted of, or has pleaded guilty to, a felony involving dishonesty or breach of trust shall take office as a director.” Plaintiff sent defendant Dolezal an email inquiring as to whether or not that revised code applies to him since its effective date is January 1, 1997; ten (10) years after plaintiff was convicted of felony offenses. Plaintiff also inquired as to the procedure, policy or guideline used when conducting a criminal background check in accordance with ORC §1163.05 as it relates to employment in any financial field in which defendant Dolezal regulates under Ohio law;

33. Defendant Dolezal did not respond to plaintiff's request for clarification.

#### **6. Ohio Department of Commerce/Ohio Division of Liquor Control**

34. Defendant Stevenson is the Director of the Ohio Division of Liquor Control; a branch of the Ohio Department of Commerce; which is overseen by defendant Goodman, and is obligated by law to enforce ORC §4303.292(A) (1) (a) which states that the Ohio Division of Liquor Control may refuse to issue any retail permit if a permit applicant has been “convicted at any time of a crime that relates to fitness to operate a liquor establishment”. Plaintiff asked what exactly was a crime that ‘relates to fitness to operate a liquor establishment’ and whether that revised code; as created in July, 2004,

and later amended in 2006, applied to him since all plaintiff's convictions were prior to the effective date of that revised code;

35. Defendant Wilson; who is the Program Administrator of the Ohio Department of Commerce/Division of Liquor Control, responded to plaintiff's inquiry indicating that "[t]he Division evaluates each situation on a case-by-case basis. It is ultimately up the Superintendent to determine if an applicant is denied a liquor permit. The types of convictions, number of same crimes and how old the convictions are would be some of the facts considered in making a decision.";

### **7. Ohio Accountancy Board**

36. Plaintiff had sent an email to the Ohio Accountancy Board (OAB) asking if his 26 year old felony conviction would preclude him from obtaining a Certified Public Accountant certificate as held under ORC §4701.06(C) which *inter alia*, requires a showing of "good moral character", considering the age of his conviction and the fact that plaintiff's rights were restored pursuant to law upon his final release from supervision by the Ohio Adult Parole Authority;

37. Karen Salyer; the Certificate Secretary for the OAB responded informing plaintiff that she is "...the CPA Certification Secretary. Based upon the fact that the convictions were 26 years ago and that your rights were restored as authorized by law, these convictions will not prevent you from being CPA certified...";

### **8. Ohio Dental Board**

38. Plaintiff sent an email to defendant Reitz who is the Director of the Ohio Dental Board, inquiring as to whether he can obtain licensure to practice general dentistry as a result of his felony convictions in 1987, and whether one of the requirements of licensure by defendant Reitz; "good moral character" applied to plaintiff and how exactly is "good moral character" being defined;

39. Defendant Reitz responded and stated, “[c]ourts have held that criminal convictions may be proof that someone is not of good moral character. However, the Ohio State Dental Board looks at these on a case by case basis, and a conviction does not necessarily mean you would be unable to obtain a license. We would need to have the information to review to make that determination. In your case the convictions are old. Therefore, depending on the situation, it is likely that a license may be issued. If you file an application, simply be forthcoming with the information so the Board can make the appropriate decision.”;

40. The effect of holding a license is that the holder is relieved of the necessity of taking tests to qualify to engage in business in various jurisdictions throughout the state, as the OAG’s office noted in 1994 Op. OAG No. 94-088. The effects of prohibiting plaintiff from possessing a license as described in the proceeding paragraphs herein, deprives plaintiff of engaging in business in various jurisdictions throughout the State of Ohio whether it be within the public or private employment sector, or simply a labor gig where the contractor requires a license;

41. The attachment of multiple forms of civil punishments based on the past transactions of the plaintiff as described *in toto* herein, deprives plaintiff of inclusion within society by imposing numerous barriers in the area of employment with either the private or public sector; political and civic participation; housing and social service assistance; parental rights, which has over the course of several years left plaintiff unemployed, deep in debt, incapable of interacting with society due to restrictions as described herein which limit plaintiff’s ability to enjoy the fundamental right to life as other citizens of the State of Ohio and the United States of America enjoy, contrary to well established law;

42. The enforcement of the civil punishments by the defendants upon plaintiff are disproportionate to plaintiff’s past transactions, having no direct nexus, contrary to well established law;

43. The enforcement of the civil punishments by the defendants upon the plaintiff are forms of continuing punishment for crimes in which plaintiff had already been adjudicated of, contrary to well established law;

44. Defendants either enforce retroactive laws, discretionarily enforce laws, interpret definitions differently than other defendants in the exercise of their authority, demonstrating the lack of intelligent principles to guide defendants in the illegal exercise of judicial authority, contrary to well established law;

45. Plaintiff has a fundamental right to life as other American citizens, and the state-sponsored multiple punishments enforced against plaintiff strips plaintiff of inclusion within society as a bona fide citizen of the United States, contrary to well established law;

46. Defendant Kasich signed into law Ohio House Bill 86 of the 129th Ohio General Assembly which in part was enacted under Ohio Revised Code Section 2961.21 et seq., to provide relief from the punishment created by the State of Ohio as described above herein;

47. Ohio Revised Code Section 2961.21 et seq., states in full:

**2961.21 Definitions regarding application for certificate of achievement and employability.**

As used in sections 2961.21 to 2961.24 of the Revised Code:

(A)(1) "Discretionary civil impact" means any section of the Revised Code or the Administrative Code that creates a penalty, disability, or disadvantage, however denominated, to which all of the following apply:

(a) It is triggered in whole or in part by a person's conviction of an offense, whether or not the penalty, disability, or disadvantage is included in the judgment or sentence.



(b) It is imposed on a person, licensing agency, or employer.

(c) It permits, but does not require, that the person with the conviction record have a license denied or revoked, permits an agency to deny or revoke a license or certification to the person with the conviction record or business, or permits a business to refuse to employ the person with the conviction record.

(2)"Discretionary civil impact" does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, assessment, or costs of prosecution.

(B)"Eligible prisoner" means any of the following:

(1)A prisoner who is serving a prison term in a state correctional institution and who satisfies all of the criteria specified in division (A)(1) of section 2961.22 of the Revised Code to be eligible to apply to the department of rehabilitation and correction or the sentencing court for a certificate of achievement and employability;

(2)A prisoner who has been released from a state correctional institution, who is under supervision on parole or under a post-release control sanction, and who satisfies all of the criteria specified in division (A)(1) of section 2961.22 of the Revised Code to be eligible to apply to the adult parole authority for a certificate of achievement and employability.

(C)"Licensing agency" means any of the following:

(1)Any agency identified as a "licensing agency" under section 4776.01 of the Revised Code.

(2)Any regulatory or licensing board or agency not included in division (C)(1) of this section that has the administrative authority to issue, suspend, or revoke any professional license or certification or any license or certification that enables a person or entity to engage in any profession or occupation to attain a specified status or position. (D)(1) "Mandatory civil impact" means any section of the Revised Code or the Administrative Code that creates a penalty, disability, or disadvantage, however denominated, to which all of the following apply:

(a)It is triggered automatically solely by a person's conviction of an offense, whether or not the penalty, disability, or disadvantage is included in the judgment or sentence.

(b)It is imposed on a person, licensing agency, or employer.

(c)It precludes the person with the criminal record from maintaining or obtaining licensure or employment, precludes the agency from issuing a license or certification to the person with the criminal record or business, or precludes a business from being certified or from employing the person with the criminal record.

(2)"Mandatory civil impact" does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, assessment, or costs of prosecution.

Added by 129th General Assembly File No. 29, HB 86, § 1, eff. 9/30/2011.

**2961.22 Application for certificate of achievement and employability.**

(A)(1) Any prisoner serving a prison term in a state correctional institution who satisfies all of the following is eligible to apply to the department of rehabilitation and correction at a time specified in division (A) (2) of this section and in accordance with division (D) of this section for a certificate of achievement and employability:

(a)The prisoner has satisfactorily completed one or more in-prison vocational programs approved by rule by the department of rehabilitation and correction.

(b)The prisoner has demonstrated exemplary performance as determined by completion of one or more cognitive or behavioral improvement programs approved by rule by the department while incarcerated in a state correctional institution, while under supervision, or during both periods of time.

(c)The prisoner has completed community service hours.

(d)The prisoner shows other evidence of achievement and rehabilitation while under the jurisdiction of the department.

(2)An eligible prisoner may apply to the department of rehabilitation and correction under division (A)(1) of this section for a certificate of achievement and employability no earlier than one year prior to the date scheduled for the release of the prisoner from department custody and no later than the date of release of the prisoner. (B)(1) Any prisoner who has been released from a state correctional institution, who is under supervision on parole or under a post-release control sanction, and who satisfies all of the criteria set forth in division (A) (1) of this section is eligible to apply to the adult parole authority at a time specified in division (B) (2) of this section and in accordance with division (D) of this section for a certificate of achievement and employability.

(2)An eligible prisoner may apply to the adult parole authority under division (B) (1) of this section for a certificate of achievement and employability at any time while the prisoner is under supervision on parole or under a post-release control sanction. (C)(1) An eligible prisoner may apply to the department of rehabilitation and correction or to the adult parole authority at a time specified in division (A) or (B) of this section, whichever is applicable, for a certificate of achievement and employability that grants the prisoner relief from one or more mandatory civil impacts that would affect a potential job within a field in which the prisoner trained as part of the prisoner's in-prison vocational program. The prisoner shall specify the mandatory civil impacts from which the prisoner is requesting relief under the certificate. Upon application by a prisoner in accordance with this division, if the mandatory civil impact of any licensing agency would be affected by the issuance of the certificate to the prisoner, the department or authority shall notify the licensing agency of the filing of the application, provide the licensing agency with a copy

of the application and all evidence that the department, authority, or court has regarding the prisoner, and afford the licensing agency with an opportunity to object in writing to the issuance of the certificate to the prisoner.

(2) Upon application by a prisoner in accordance with division (C) (1) of this section, the department of rehabilitation and correction or the adult parole authority, whichever is applicable, shall consider the application and all objections to the issuance of a certificate of achievement and employability to the prisoner, if any, that were made by a licensing agency under division (C) (1) of this section. If the department or authority determines that the prisoner is an eligible prisoner, that the application was filed at a time specified in division (B) of this section, and that any licensing agency objections to the issuance of the certificate to the prisoner are not sufficient to deny the issuance of the certificate to the prisoner, subject to division (C)(3) of this section, the department or authority shall issue the prisoner a certificate of achievement and employability that grants the prisoner relief from the mandatory civil impacts that are specified in the prisoner's application and that would affect a potential job within a field in which the prisoner trained as part of the prisoner's in-prison vocational program.

(3) The mandatory civil impacts identified in division (A) (1) of section 2961.01 and in division (B) of section 2961.02 of the Revised Code shall not be affected by any certificate of achievement and employability issued under this section. No certificate of achievement and employability issued to a prisoner under this section grants the prisoner relief from the mandatory civil impacts identified in division (A)(1) of section 2961.0 1 and in division (B) of section 2961.02 of the Revised Code.

(E) The department of rehabilitation and correction shall adopt rules that define in-prison vocational programs and cognitive or behavioral improvement programs that a prisoner may complete to satisfy the criteria described 10 divisions (A) (1) (a) and (b) of

this section. Added by 129th General Assembly File No. 29, HB 86, §], eff. 9/30/2011].

**2961.23 Individualized consideration; civil liability.**

(A)(l) If a person who has been issued a certificate of achievement and employability under section 2961.22 of the Revised Code applies to a licensing agency for a license or certificate and the person has a conviction or guilty plea that otherwise would bar licensure or certification for the person because of a mandatory civil impact, the agency shall give the person individualized consideration for the license or certification, notwithstanding the mandatory civil impact, the mandatory civil impact shall be considered for all purposes to be a discretionary civil impact, and the certificate constitutes a rebuttable presumption that the person's criminal convictions are insufficient evidence that the person is unfit for the license or certification in question. Notwithstanding the presumption established under this division, the agency may deny the license or certification for the person if it determines that the person is unfit for issuance of the license.

(2)If an employer that has hired a person who has been issued a certificate of achievement and employability under section 2961.22 of the Revised Code applies to a licensing agency for a license or certification and the person has a conviction or guilty plea that otherwise would bar the person's employment with the employer or licensure for the employer because of a mandatory civil impact, the agency shall give the person individualized consideration, notwithstanding the mandatory civil impact, the mandatory civil impact shall be considered for all purposes to be

a discretionary civil impact, and the certificate constitutes a rebuttable presumption that the person's criminal convictions are insufficient evidence that the person is unfit for the employment, or that the employer is unfit for the license or certification, in question. Notwithstanding the presumption established under this division, the agency may deny the license or certification for the employer if it determines that the person is unfit for the employment or that the employer is unfit for the license or certification.

(B)If an employer hires a person who has been issued a certificate of achievement and employability under section 2961.22 of the Revised Code and if the person presents the employer with a copy of the certificate, all of the following apply:

(1)If a subsequent civil action against the employer alleges that the employer was negligent in hiring the person and if the civil action includes as an element of the alleged negligence that the employer had actual or constructive knowledge of the incompetence or dangerousness of the person, the person's presentation of the certificate to the employer is an absolute defense for the employer to the element of the employer's actual or constructive knowledge of the incompetence or dangerousness of the person.

(2)If the person, after being hired, subsequently demonstrates dangerousness and if the employer retains the person as an employee after the demonstration of dangerousness, the employer may be held liable in a civil action that is based on or relates to the retention of the person as an employee only if it is proved by a preponderance of the evidence that the person having hiring and firing responsibility for the employer had

actual knowledge that the employee was dangerous and was willful in retaining the person as an employee after the demonstration of dangerousness of which the person had actual knowledge. Added by 129th General Assembly File No. 29, HB 86, § 1, eff. 9/30/2011.

### **2961.24 Rules and regulations.**

The department of rehabilitation and correction shall adopt rules that specify standards and criteria for the revocation of a certificate of achievement and employability issued under section 296] .22 of the Revised Code. The rules shall require revocation of a certificate that has been issued to a person if the person is convicted of or pleads guilty to any offense other than a minor misdemeanor or a traffic offense. The rules shall not provide for revocation of a certificate that has been issued to a person based on a violation of a condition of conditional pardon, parole, other form of authorized release, transitional control, or post-release control under section 2967.15 of the Revised Code that is not also a criminal offense under any other section of the Revised Code.

Added by 129th General Assembly File No. 29, H B 86, § 1, eff. 9/30/2011.;

48. Ohio Revised Code Section 2961.21 et seq., deprives plaintiff from the very same entitlements, privileges, rights, and/or waivers that current prisoners and even current ex-prisoners of the State of Ohio would enjoy as of September 30, 2011, contrary to well established law;

49. An estimated 2 million Ohio citizens (out of 11.5 million, or about 17%) have a felony or misdemeanor conviction. About 400,000 individuals have come through the

Ohio prison system alone since the mid-1980s, including the plaintiff. Plaintiff, as well as those millions of citizens, would be deprived the same privileges, rights, entitlements, or immunities in which other ex-offenders would enjoy;

50. Even if Ohio Revised Code Section 2961.21 et seq. had retroactive application, plaintiff as well as hundreds of thousands of other Ohio ex-offenders would not qualify for the certificate of achievement/employability either because cognitive behavioral improvement and vocational programming wasn't available or wasn't available due to security classification, community service wasn't available, and other authorized achievements are too vague to determine exactly what they may entail;

51. As a result of the denial of rights, privileges, immunities, waivers, and/or entitlements which other prisoners and ex-prisoners of the State of Ohio will enjoy, plaintiff will be and is consistently subjected to numerous 'civil punishments' such as not being permitted to obtain licensing from the Ohio Construction Industry Licensing Board due to his felony convictions and misdemeanor convictions involving 'moral turpitude';

52. Any prisoner confined to the Ohio Department of Rehabilitation and Correction as of September 30, 2011, is permitted to " ... apply to the department of rehabilitation and correction or to the adult parole authority at a time specified ... , for a certificate of achievement and employability that grants the prisoner relief from one or more mandatory civil impacts that would affect a potential job within a field in which the prisoner trained as part of the prisoner's in-prison vocational program" (quoting in part, ORC §2961.22(C)(1));

53. ORC Section 2961.21 et seq., deprives plaintiff and other similar situated ex-offenders from receiving a 'certificate of achievement and employability' which would grant plaintiff and other similar situated ex-offenders relief from the numerous civil sanctions imposed by the State of Ohio, contrary to well established law;



54. The imposition of civil penalties upon plaintiff as well as similar situated ex-offenders is a form of punishment directly connected and in response to plaintiff and other similar situated ex-offenders' criminal convictions, contrary to well established law;

55. Defendant Kasich signed Ohio House Bill 86 into law on or about June 29, 2011 as reflected with the enactment of ORC Section 2961.21 et seq., which became effective on or about September 30,2011;

56. Plaintiff and other similar situated ex-offenders have suffered years of being treated as second class citizens of the United States; deprived of housing, employment, social service access; deprived even access to an entire community all based upon civil sanctions imposed by the State of Ohio, contrary to well established law;

57. Plaintiffs daughter suffers the effects of collateral sanctions as imposed upon plaintiff in that she must suffer the consequences of plaintiff quarter-century old criminal convictions in the form of continued poverty and associated dysfunction; contrary to well established law;

58. Plaintiff has been, is being, and will continue to be deprived of fundamental rights, entitlements, waivers, and other similar privileges afforded to other prisoners and soon-to-be ex-offenders of the DRC due to the actions and inactions of defendant Kasich who knew or should have known that by signing Ohio HB 86 into law as it relates to ORC Section 2961.21 et seq., plaintiff and other similar situated ex-offenders would not be entitled to the same relief as those prisoners and soon-to-be ex-offenders of the DRC as of September 30, 2011, contrary to well established law;

59. Plaintiff never received notice of any proposals to amend, enact, revise Ohio laws to contain restrictions against him and other ex-offenders based on his criminal conviction, contrary to well established law;

60. The actions and inactions of the defendant Kasich as described herein have stripped plaintiff of his citizenship rights, contrary to well established law;

61. Defendant Kasich knew or should have known that the actions and inactions described herein are contrary to well established law entitling plaintiff to the fundamental right to life as typically and historically portrayed, yet nevertheless continued to promote the imposition of disproportionately harsh restrictions/punishments upon plaintiff decades after plaintiff's criminal conviction;

62. Defendant Kasich, Strickrath, Dewine, Ross, Williamson, Dolezal, Reitz, Fisher, Houchen, Belt, Daniels, Wilson, and Stevenson have, at all times mentioned herein, acted under color of State law;

63. Ohio legislators are now proposing HB 524 which, if enacted by defendant Kasich, will add a new definition to multiple definitions of the phrase "moral turpitude" which precludes plaintiff from the remedial provisions in that Bill as it relates to the "collateral sanctions" attached to plaintiff solely because plaintiff's 1987 aggravated burglary conviction was considered by statute a violent offense even though no violence was used during the commission of the offense;

64. Plaintiff has no remedy at law to redress the continuing punishment by the State of Ohio through it's agents in the form of state-sponsored civil punishments for past criminal transactions regardless of the nature or occurrence of the offense;

**FIRST CAUSE OF ACTION  
EQUAL PROTECTION CLAUSE**

65. Plaintiff adopts and incorporates by reference paragraphs 5 through 64 herein above and states that defendant Kasich, under color of state law, deprived plaintiff and other similar situated ex-offenders of the entitlements, privileges, waivers, and/or rights

granted to any prisoner confined to the Ohio Department of rehabilitation and correction as of September 30, 2011, contrary to well established law;

**SECOND CAUSE OF ACTION  
DUE PROCESS CLAUSE**

66. Plaintiff adopts and incorporates by reference paragraphs 5 through 64 herein above and states that defendant Kasich deprived plaintiff and other similar situated ex-offenders due process by signing Ohio House Bill 86 into law as reflected with the enactment of Ohio Revised Code Section 2961.21 et seq., while not providing plaintiff and other similar situated ex-offenders the very same entitlements, privileges, rights, and/or waivers that others are afforded as of September 30, 2011, contrary to well established law;

67. Plaintiff adopts and incorporates by reference paragraphs 5 thru 64 herein above and states that his fundamental right to life is infringed upon by the exclusion of remedial benefits contained within ORC §2961.21 *et seq.*, contrary to well established law;

68. Plaintiff adopts and incorporates by reference paragraphs 5 through 64 herein above and states that all “collateral sanctions” attached to plaintiff by the defendants are improper delegations of judicial authority resulting in unbridled discretion or mandatory enforcement of laws; contrary to well established law;

69. Plaintiff adopts and incorporates by reference paragraphs 5 through 64 herein above and states that ‘public notice’ as defined and performed by defendants and their agents, successors in office and all others working in direct concert therewith, fails to provide plaintiff notice of proposed rule changes or proposed changes in laws within the State of Ohio, contrary to well established law;

70. Plaintiff adopts and incorporates by reference paragraphs 5 through 64 herein above and states that the enforcement of various “civil punishments” are impermissibly vague

resulting in the improper application of those penalties upon the plaintiff, contrary to well established law;

71. Plaintiff adopts and incorporates by reference paragraphs 5 through 64 herein above and states that the multiple forms of state-sponsored punishments as described above infringe on plaintiff's fundamental right to life by conferring overly broad discretion upon defendants which fail to promote a compelling state interest, but rather seeks to continue to punish plaintiff in multiple forms, contrary to well established law;

72. Plaintiff adopts and incorporates by reference paragraphs 5 through 64 herein above and states that the multiple definitions of "moral turpitude" and "good moral character", as well as the phrases describing a crime that "relates to fitness to operate a liquor establishment" and a "felony involving dishonesty or breach of trust" are impermissibly vague leaving plaintiff with no clue as to what definition will be used or what the definition is, contrary to well established law;

### **THIRD CAUSE OF ACTION EX POST FACTO CLAUSE**

73. Plaintiff adopts and incorporates by reference paragraphs 5 through 64 herein above and states that defendants have been enacting laws in the State of Ohio since plaintiff's conviction in 1987 which deprive him of relief from State imposed 'civil sanctions' while at the very same time increases the number of civil sanctions against him as a result of his conviction of 1987, contrary to well established law;

74. Plaintiff adopts and incorporates by reference paragraphs 5 through 64 herein above and states that the application of harsher licensing requirements or simple all out disbarment under various Ohio Revised Codes to ex-offenders who committed acts prior to the enactment of some of those licensing requirements, or prior to the harsher requirements of those licensing boards, are ex post facto laws, contrary to well established law;

**FOURTH CAUSE OF ACTION  
CRUEL AND UNUSUAL PUNISHMENT**

75. Plaintiff adopts and incorporates by reference paragraphs 5 through 64 herein above and states that the use of ‘collateral sanctions’ as punishment for an adjudicated criminal conviction violates plaintiff’s fundamental right to be free of cruel and unusual punishment under the Eighth Amendment to the United States Constitution in that it strips plaintiff of “full membership” in the community that every other citizen is entitled to in such a fundamental way that plaintiff’s citizenship is effectively denied, contrary to well established law;

76. Plaintiff adopts and incorporates by reference paragraphs 5 through 64 herein above and states that the continuing punishment of the plaintiff has resulted in lack of employment, homelessness, dysfunction, inability to interact with society, lack of citizenship in Ohio, psychological problems, exclusion of civic and political participation, etc., contrary to well established law;

**FIFTH CAUSE OF ACTION  
DOUBLE JEOPARDY CLAUSE**

77. Plaintiff adopts and incorporates by reference paragraphs 5 through 64 herein above and states that continuation of state-sponsored multiple punishments proscribed against the plaintiff in response to past criminal adjudicated transactions without a hearing/trial is contrary to well established law;

**SIXTH CAUSE OF ACTION  
INVOLUNTARY SERVITUDE CLAUSE**

78. Plaintiff adopts and incorporates by reference paragraphs 5 through 64 herein above and states that said ‘collateral sanctions’ as imposed upon the plaintiff subjects him to involuntary servitude and constitute civil death, contrary to well established law;

**STATE LAW CLAIMS**

**I. OHIO CONSTITUTION: EX POST FACTO**

79. Plaintiff adopts and incorporates by reference paragraphs 5 through 64 herein above and states that the enforcement of ORC §4740.06 [Eff. 2001] upon plaintiff instead of ORC §4740.06 [Eff. 1992] by defendants Williamson and Ross is contrary to Ohio's prohibition against ex post facto laws in which defendants Williamson and Ross knew or should have known that that statute imposed a new or additional burden, as to past transactions, contrary to Article II, Section 28 of the Ohio Constitution;

## **II. OHIO CONSTITUTION: SEPARATION OF POWERS DOCTRINE**

80. Plaintiff adopts and incorporates by reference paragraphs 5 through 64 herein above and states that the new or additional burden attached to plaintiff as to past transactions by defendants Williamson and Ross is the unauthorized delegation of authority with no intelligent principles to guide defendants Williamson and Ross' regulation of ORC §4740.06 as it applies to those Ohio residents seeking licensure who have felony convictions prior to the effective date of that revised code, contrary to Article IV, Section 5(B) of the Ohio Constitution;

## **III. OHIO CONSTITUTION: INALIENABLE RIGHTS**

81. Plaintiff adopts and incorporates by reference paragraphs 5 through 64 herein above and states that the multiple forms of civil punishment attached to plaintiff by the defendants deprives him of enjoying life and liberty, acquiring, possessing property, and seeking and obtaining happiness and safety, contrary to Article I, Section 1 of the Ohio Constitution;

82. Plaintiff has no adequate remedy at law in which to seek redress.

## **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff demands this Court to:

A. Declare ORC §4740.06 [Eff. 2001] as being retroactively enforced against the plaintiff based on the past transactions of 1987 and contrary to the ex post facto clause of the Ohio and United States Constitution;

B. Declare ORC §4740.06 [Eff. 2001] as being a disproportionate restriction against the plaintiff based on plaintiff's 1987 felony convictions and contrary to the due process clause of the Ohio and United States Constitutions;

C. Enjoin defendants and each of them, their successors in office, agents, and/or anyone acting in concert therewith from prohibiting plaintiff from obtaining licensure by the OCILB based upon his 1987 felony convictions;

D. Declare ORC §4740.06 [Eff. 2001] as enforced by defendants Williamson and Ross as violating the separation of powers doctrine of the Ohio and United States Constitutions;

E. Declare ORC §4740.06 [Eff. 2001] as enforced against plaintiff as a form of civil punishment after having been convicted of the same offense in criminal court as violating the double jeopardy clause of the Ohio and United States Constitution;

F. Declare ORC §4740.06 [Eff. 2001] as enforced against plaintiff by defendants Williamson and Ross violating plaintiff's right to be free of cruel or unusual punishment in violation of the Ohio and United States Constitution;

G. Declare ORC §2961.21 et seq., as violating the due process and equal protection clauses of the Ohio and United States Constitution;

H. Declare all forms of civil punishment or "collateral sanctions/consequences" as described herein *in toto* as violating the involuntary servitude provision of the Thirteenth Amendment to the United States Constitution;

I. Declare “moral turpitude”; “good moral character”; and/or the phrases describing a crime that “relates to fitness to operate a liquor establishment” and a “felony involving dishonesty or breach of trust” as unconstitutionally and impermissibly vague as it relates to restrictions in areas of employment, contrary to the Ohio and United States Constitutions;

J. Declare *in toto*, all “collateral consequences” as forms of punishment for past transactions;

K. Enjoin defendants, their successors in office, agents, employees, and anyone in concert therewith from applying any civil punishment against the plaintiff as described herein above;

L. Award plaintiff compensatory damages in an amount to be determined at trial against defendants Kasich, Williamson and Ross;

M. Award plaintiff nominal/punitive damages in the amount of one dollar from the defendants Kasich, Williamson and Ross, and each of them;

N. Plaintiff demands trial by jury on all issues properly presented thereto;

O. All else the Court deems just, proper, and equitable.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that I am competent to testify to the same. May 21, 2012.

Respectfully

submitted,



CHRISTOPHER KNECHT

PLAINTIFF IN PRO SE