

**IN THE FOURTH DISTRICT COURT OF APPEALS
ATHENS COUNTY, OHIO**

**STATE OF OHIO, ex rel. Jonathan R.
Flowers, *et al.*,**

Relators,

v.

City of Nelsonville, Ohio, *et al.*,

Respondents.

Case No. 26CA0003

Panel Not Yet Assigned

AFFIDAVIT OF NIC JOSEPH-SAUL

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**EXHIBIT
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AFFIDAVIT OF NIC JOSEPH SAUL

STATE OF OHIO)
)
COUNTY OF ATHENS) ss.

Nic Joseph Saul, being first duly sworn, according to law, and states the following:

1. I am over the age of 18 and have personal knowledge of the matters contained within this affidavit.
2. My full name is Nicole A. Joseph Saul, but I use the first name “Nic” in both my personal and my professional life. I’m currently employed as a court reporter.
3. I currently serve as Member of Council for the City of Nelsonville, Ohio. I was first appointed to a seat on Council and sworn in at a City Council meeting on April 14, 2025. Under the Nelsonville City Charter, I was subsequently elected for a full term commencing on December 1, 2025 (pursuant to Nelsonville City Charter § 4.01). I was sworn in to my current seat at a City Council meeting on December 1, 2025 and am currently serving a four-year term.
4. My husband Dakota and I closed on our Franklin Street home in October of 2023 and were fully moved in before the end of November the same year. We had been renting in Columbus for years and felt it was time for us to buy our own place. We enjoyed our time in Columbus but buying a home there was out of reach for us financially. Our search had started in the Sandusky area and taken us to Mansfield, Springfield, and finally Nelsonville. We were looking for a smaller town where we could get to know our neighbors, be within

reach of urban areas for work, and have plenty of things to do for recreation both indoors and outdoors. Nelsonville checked all of those boxes - a friendly community where we already knew a couple people; local shops and restaurants; a thriving theatre/music/arts scene; a reasonable commute to cities like Athens, Marietta, Chillicothe, Jackson, and Columbus; a short drive to many great hiking and other outdoor recreation spots. Plus there was a house on the market in our price range that was still being listed by the seller on Airbnb - where else can you “try before you buy” a home? We were sold.

5. In the fall of 2024, we were aware of Issue 23 being on the ballot. My husband leaned in favor of it because of what he had been hearing about locals’ concerns and desire for change regarding the city government. While those things resonated with me as well, I ultimately could not get behind the initiative because there was not enough information available to me at the time that would’ve helped me understand exactly what changes abolishing the Charter would bring, and I did not want to get involved in plunging Nelsonville into the unknown.
6. In the late winter / early spring of 2025, my husband informed me of an opening to clerk for the City’s Issue 23 Advisory Ad Hoc Committee, a body that had been tasked with developing a transition plan for the implementation of Issue 23 (which had passed in the November 2024 election by a wide margin). As a court reporter often assigned to cover meetings and hearings for civic associations, municipal bodies, and state agencies, I thought my skills and experience could serve the city well. I was recommended for the position and the City Council voted to approve me.
7. My responsibilities as Clerk for the Ad Hoc Committee included taking notes and audio recordings of their meetings that I used to draft their minutes, as well as highlighting any formal recommendations made by the Committee so they could be forwarded to Council. As I conducted this work, I learned of the early concerns the Committee identified regarding the transition to statutory government:
 - a. the potential financial burden of a more robust civil service;
 - b. barriers to conducting census recounts as the City had done in 2020;
 - c. the need for a complete review of the City’s Code of Ordinances to ensure that surviving legislation was harmonious with the Ohio Revised Code’s requirements for a statutory government;
 - d. narrower requirements for certain offices (such as Law Director, who would’ve had to be elected from among city residents);
 - e. the need for wards for the purpose of electing ward-based members of City Council, the absence of time to spend drafting ward maps that could be approved for use in upcoming elections, and the city government’s lack of authority to adopt wards while the Charter was still in effect;

- f. the gap between the end of current City Council terms on November 30, 2025 and the date that Issue 23 would've gone into effect - January 1, 2026 (known as the "December Problem");
 - g. and concerns regarding the City's continued authority to collect income taxes at its current rate of 1.75%.
- 8. Near the beginning of 2025, City Council had voted to place a charter amendment (known as Issue 4) on the May Primary Election ballot, which would have:
 - a. retained the home rule charter but add a clause that defined sundown procedures (which was lacking in the original Charter - another snag in the implementation of Issue 23);
 - b. transformed the office of the City Manager into the office of the Mayor;
 - c. kept elections for municipal offices nonpartisan;
 - d. established term limits for the Mayor and City Council;
 - e. authorized City Council under the Charter to adopt ward maps;
 - f. and adjusted the structure of City Council to include a Council President, 3 at-large members, and 4 ward-based members.
- 9. Issue 4 also would've explicitly ended all elected officials' terms on November 30, 2025 and allowed officials-elect to be seated on December 1, 2025. Along with a few friends, I developed and disseminated informational materials about Issue 4, discussed its details on social media and around town, and tabled outside of the polling place on Election Day to encourage voters to support Issue 4. It ultimately failed, but by a significantly narrower margin than Issue 23 had passed with.
- 10. While clerking for the Ad Hoc Committee, I learned of two vacancies on City Council that the City was struggling to fill. One of these seats, the one that would have to be filled first because it had been vacated first, was subject to a lawsuit brought forth by Rita Nguyen and Sue Powell (*State ex rel. Margarita Nguyen, et al. v. Opha Lawson, et al.*, 4th Dist. Athens No. 24CA011). That seat, which Ms. Powell was claiming a right to despite having resigned from it, had been held by Tony Dunfee after Ms. Powell's resignation in 2024 and until Mr. Dunfee's subsequent resignation in early 2025. Mr. Dunfee had initially been named as a defendant in Ms. Powell's and Ms. Nguyen's lawsuit, and the individual who would be appointed to replace him in this seat was expected to be substituted in as a defendant. Being new to town, I initially approached people who had been around longer than I had, wanting to gauge their interest in filling the seat. None of the people I spoke with were willing to take on the risk of being sued immediately upon appointment. Because I have a degree in Political Science, a background in civic engagement, experience observing effective public decision-making bodies as a court reporter, and perhaps a naïve lack of concern over being named in a lawsuit for simply being there - not having had

anything to do with what had transpired prior to my appointment - I submitted a letter of interest.

11. Once I heard that my application had been accepted, then-Council President Gregg Clement would be officially recommending me to fill the first vacancy on March 27, 2025, and Council would be voting on my appointment at their next meeting, I resigned as Ad Hoc Committee Clerk. I also reached out to Cameron Peck via Facebook Messenger because I knew he had been collecting signatures to appear on the ballot for a City Council seat in November 2025. I encouraged him to also submit a letter of interest as well, and despite barely knowing him, spoke highly of him in my communications with Mr. Clement, saying in an email on March 25, 2025, "he's a carpenter by trade, he seems well-connected with parents in the local school district, and a couple of his priorities are to maintain the cleanliness of the city and promote the off-road trail system to boost tourism in the warm months," and in a separate email thread on March 25, 2025, "I hope Cameron represented himself well in his letter of interest and resume because in our conversations he's always seemed to have good ideas and a good head on his shoulders."
12. At a regular Council meeting on April 14, 2025, Mr. Peck and I were appointed and sworn in as new Council members, filling the two vacancies. The YouTube video found at URL <https://youtu.be/S-b-RU1DJ4Y?si=liezylqAMeHWRhlV> is a true and accurate recording of this meeting.
13. Around the same time, I also learned that there were only two or three individuals who had submitted petitions to appear on the ballot for City Council seats in the November 2025 election. Out of concern for not having enough candidates to fill all the open seats (of which I assumed there would be 7 because Issue 23 was expected to go into effect on January 1, 2026 and all of Council would need to be replaced), I started collecting signatures to appear on the ballot as an Independent, in keeping with my belief that municipal elections should be kept non-partisan as they had been under the Charter. I worked with Mr. Peck, his associate Wesley Henderson, and my friend McCray Powell to circulate petitions. Together, we collected enough signatures for each of us to appear on the ballot. However, Mr. Peck had already filed part petitions before we started working together and was not allowed to file any supplementals. At the July 15, 2025 Athens County Board of Elections meeting which I attended, the Board determined that Mr. Peck had failed to meet the valid signature requirement. Mr. Henderson, Mr. Powell, and I were certified to the ballot as Independents, along with Lynn Bishop. Despite having collected signatures on a petition for Ward 4 Council Member, Glenn Smith was certified to the ballot at-large because no wards exist yet in the City of Nelsonville, a decision the Board of Elections held at a subsequent hearing after I filed a protest against his certification.

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14. By this time, a solution to the “December Problem” had been identified: allow qualified Nelsonville electors to run for City Council under the Charter for a term that started on December 1, 2025 and ended on December 31, 2025. Mr. Powell and I helped Mr. Peck collect signatures to appear on the ballot for one of these seats; this effort was successful. Typically, Mr. Peck would not have been allowed to petition for another office after having been rejected from the ballot, but the Board of Elections allowed it under extraordinary circumstances because the office for which he was now collecting signatures was mutually exclusive with the office for which he had not been certified to the ballot. Tony Brooks, Director of the Athens County Board of Elections, sent out written guidance for individuals interested in running for the “December term” via email on June 26, 2025. Cory Taylor also declared write-in candidacy for one of these seats, in accordance with this guidance.
15. After being appointed to Council, I continued attending Ad Hoc Committee meetings and hearing reports from their Chairperson, Reid Courtney, who gave periodic updates during Council meetings. The concerns identified early on by the Committee were persistent, and every attempt to address them seemed to unearth more. I started having conversations with other individuals on Council about the possibility of repealing Issue 23. It had been passed as an ordinance, not a charter amendment, and just as ordinances enacted by City Council were subject to repeal, it seemed to follow that ordinances enacted by the voters would also be subject to repeal. At first, I was hesitant to pursue a repeal of Issue 23 before the election because I feared it would derail the public conversation in a way that could ultimately be detrimental to the City. However, I came to realize that repealing Issue 23 sooner rather than later could save the voters of Nelsonville confusion at the polls where they would be confronted with two separate slates of City Council candidates. In fact, the Board of Elections started reaching out to the City at the end of July / beginning of August, seeking guidance on whether or not Issue 23 would be ^{repealed via 03/13/26} replaced so they’d know how to proceed in anticipation of their deadline for printing ballots (a date in or around mid-August 2025).
16. At 7:14 PM on Sunday, August 10, 2025, Cameron Peck sent an email to Jonathan Robe, cc’ing Opha Lawson, Cory Taylor, Fred Holmes, Gregg Clement, and me. The email contained a draft of “Resolution 25” which had been written as a repeal of Issue 23. Mr. Peck requested that Mr. Robe review this resolution as the City Attorney in anticipation of City Council moving forward with introducing it. “Resolution 25” became the basis for Ordinance 54-25 with Mr. Robe’s revisions. Ordinance 54-25 was introduced by Mr. Taylor at the August 11, 2025 regular council meeting. Mr. Peck made a motion to suspend the rules, which Mr. Lawson seconded. All present Council members voted yea to proceed with an emergency declaration. I made the motion to adopt, which Mr. Peck seconded. All present Council members voted yea on adoption, with the exception of Jonathan Flowers, who voted no. Mr. Clement was not present at this meeting.

17. Nelsonville's findings of fact that served as our rationale for repealing Issue 23 were clearly stated in the preamble of Ordinance 54-25.
18. As stated previously, the need for Ordinance 54-25 to be passed on first reading under emergency suspension of the rules was due to the overwhelming indications that Issue 23 could not be lawfully implemented without significant detriment to the City's interests as indicated by the concerns brought forth by the Ad Hoc Committee and outlined in the preamble of Ordinance 54-25, as well as the looming deadline for the Athens County Board of Elections to finalize and print the November 2025 ballots.
19. Members of the public have claimed since August 2025 that City Council passed Ordinance 54-25 under emergency suspension of the rules in an attempt to preclude a referendum against it. Such a consideration was not part of any of the discussions at the time which I was privy to as a member of Council. In fact, despite having previously reviewed the Nelsonville City Charter, I did not personally have the understanding that ordinances passed under emergency suspension of the rules would not be subject to referendum.
20. While the Board of Elections ultimately decided not to make any significant changes to the ballots as a result of Ordinance 54-25, they did update their guidance to candidates who wanted to run for the "December term." With the Nelsonville City Charter still in place, the next term for elected officials would commence on December 1st. McCray Powell and I both declared write-in candidacy for City Council under the Charter for the full term starting on December 1, 2025. Unlike Mr. Peck and Mr. Taylor, we did not specify a term ending date of December 31, 2025.
21. As a result of the pending litigation that has ensued from the passing of Ordinance 54-25, it has come to my attention that the Athens County Board of Elections does not have an up-to-date record of the City of Nelsonville's current elected officials and the timeline of succession that led from early 2024 to the present. I have been working with my colleagues to demystify this, but the turnover rate in recent years among officials in elected offices has led to gaps in our institutional knowledge, and the complicated circumstances surrounding the November 2025 election due to Issue 23 and its repeal have made this into quite a challenge. As far as I can piece together at the current time, under the Nelsonville City Charter there would have been four City Council seats for full four-year terms and three City Council seats for unexpired terms ending in 2027 on the ballot in November 2025. No candidates filed for any unexpired terms in the November 2025 election. Mr. Powell, Mr. Peck, Mr. Taylor, and I either appeared on the ballot or ran as write-ins for the four open full terms and - running essentially unopposed - were elected. In keeping with Mr. Peck's and Mr. Taylor's filing paperwork that had specified a term ending date of December 31, 2025, both vacated their seats at the end of December 2025. Mr. Peck was

appointed by City Council to Mr. Taylor's former seat and Charlotte Beach was appointed to Mr. Peck's former seat, and as an Ohio Notary I swore in both of them at a special Council meeting on January 6, 2026. Amy Hollenbaugh, Nancy Sonick, and Gregg Clement were appointed and sworn in to Council at a special meeting on December 1, 2025.

- a. Elected to a full term from 2025 to 2029: McCray Powell and Nic Joseph Saul.
- b. Appointed to a vacant full-term seat, to serve until the next municipal election in 2027: Cameron Peck and Charlotte Beach.
 - i. Their successors in the 2027 general election will serve for the remainder of their unexpired terms (until 2029).
- c. Appointed to vacant unexpired terms, to serve until the terms expire in 2027: Amy Hollenbaugh, Nancy Sonick, and Gregg Clement.
 - i. Their successors in the 2027 general election will serve the full term until 2031.

22. With the exception of Mr. Powell and myself, the remaining candidates who were on the ballot for City Council full terms commencing January 1, 2026 (assumed for most of 2025 to be "statutory council seats") have been gathering at The Lodge at Hocking College every 1st and 3rd Monday since January and pretending to conduct city business. These individuals are Jonathan Flowers (their purported Mayor), Andrea Thompson-Hashman (their purported Auditor), Michael Milane (their purported Treasurer), Garry Hunter (their purported Law Director), Dan Sherman (their purported Council President), Jessica Hollenbaugh, Lynn Bishop, Wesley Henderson, Sue Powell, and Glenn Smith (their purported Councilmembers).

23. As previously stated, Mr. Flowers and Mr. Henderson were on Council as of August 11, 2025. Mr. Henderson voted to adopt Ordinance 54-25 while Mr. Flowers voted against it. Mr. Henderson subsequently tendered a notice of resignation from Council via email on September 22, 2025. Mr. Flowers served the remainder of his term until November 30, 2025.

24. Mr. Milane served as the Nelsonville City Treasurer until the end of December 2025, so he was present for several discussions about the repeal of Issue 23 and the rationale thereof.

25. Ms. Powell, Ms. Hollenbaugh, and Ms. Bishop attended most Nelsonville City Council meetings between August and December 2025 and occasionally offered comments, typically related to their position that City Council should rescind Ordinance 54-25 and proceed with the abolishment of Nelsonville City Charter under Issue 23. Ms. Sue Powell in particular shared with the City and the public that the so-called statutory group had already been conducting meetings, from which Mr. McCray Powell and I were excluded

despite having been elected alongside them, and preparing to make decisions on behalf of the City as early as December 2025.

26. All of the individuals I have identified in sections 22 through 24 have been aware since August 2025 that the City's position would be defending and enforcing Ordinance 54-25.
27. Throughout their campaigns and even after the November 2025 election until the end of the year, the proponents of Issue 23 who were running for office publicly declared themselves to be statutory candidates who would be taking seats within the statutory government. Over the weekend before their first purported meeting which occurred on January 5, 2026, they changed their tune and started claiming that because the November 2025 ballots and Certificates of Election issued thereafter made no mention of "statutory," they were in fact elected under the Charter. This group opened their purported meeting on January 5, 2026 under the Charter and appointed Jonathan Flowers as their City Manager before introducing an "ordinance" to repeal Ordinance 54-25, purportedly retroactively reinstating Issue 23 and the statutory transition even though it had been prevented from going into effect on January 1. At successive "meetings," they have continued to pretend to pass "ordinances," mostly to "repeal" Ordinances that the Nelsonville City Council under the Charter has passed since January 6th.
28. On February 12th, their purported "Council Clerk," Greg Smith, sent an e-mail notifying the public of a "regular meeting" and two "special meetings" to be conducted on February 16, 17, and 18, 2026, at The Lodge at Hocking College. These were scheduled for the purported intention of introducing "legislation" for first reading on the 16th, second reading on the 17th, and third reading and adoption on the 18th. I reviewed the videos of the February 16 and 18 "meetings" on Becky Barber's Facebook profile today.
29. As I remain a named defendant in *State ex rel. Margarita Nguyen, et al. v. Opha Lawson, et al.*, 4th Dist. Athens No. 24CA011, I have become aware of a brief by counsel for Ms. Nguyen and Ms. Sue Powell, Joshua J. Brown, filed on February 26, 2026, which contains the following statements of facts:
 - ¶29. The people purportedly elected in the November 2025 election are pretending to be a City Council. (Ex. H, Aff. Nguyen, ¶16.) They are meeting at a nearby college and pretending to carry on City business. (*Id.*)
 - ¶30. On February 6, 2026, this Court issued an Order in this case, requiring the parties "to brief the questions of whether (1) the November 2024 election approval of Issue 23 that abolished the city's charter, effective January 2026 and (2) the November 2025 city council elections make the relief sought in this action moot."

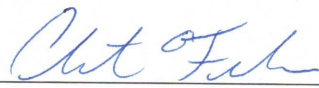
¶32. Self-proclaimed members of the false City Council recently filed a quo warranto action, attempting to undo Nelsonville Ordinance 54-25. *State ex rel. Flowers, et al. v. City of Nelsonville*, 4th Dist. Athens No. 26ca00003 (Feb. 5, 2026).

30. Attorney Brown continued to set forth Law and Analysis on pages 5 through 8 of this brief in support of the above statements 29 through 32.



NIC JOSEPH SAUL

Sworn to before me and subscribed in my presence this ¹³12th day of March, 2026.



NOTARY PUBLIC
My Commission Expires: 2-15-30