

**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 DANETTE I. MILLER

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**EXHIBIT
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AFFIDAVIT OF DANETTE I. MILLER

STATE OF OHIO)
)
COUNTY OF ATHENS) ss.

Danette I. Miller, being first duly sworn, according to law, states the following:

1. I am over the age of eighteen (18) and have personal knowledge of the matters contained within this Affidavit.
2. On March 4, 2026, I learned that Relator Mr. Sherman had “cancelled” the City of Nelsonville’s contract with SEOBD, which serves as the City’s Building Code Inspector, through an email communication that included an attached ordinance.
3. I had already spent a significant amount of time attempting to correct issues related to this matter last week and believed the situation had been resolved and brought under control.
4. On March 12, 2026, after 5:00 p.m., I received an email again from Rick Dostel of SEOBD. Mr. Dostal forwarded an email to me from the Ohio Department of Commerce, Board of Building Standards.
5. In the forwarded email, Meg Foley, Professional Development Coordinator for the Ohio Department of Commerce Board of Building Standards, indicated that the City of Nelsonville had been decertified.

6. Because this communication was received after normal business hours on a Thursday evening, I was unable to communicate with the relevant parties until I returned to the Nelsonville City Building on March 13, 2026.
7. When the Ohio Department of Commerce Board of Building Standards decertifies a city's building department, it means the city has lost its authority to enforce state building codes due to deficiencies or non-compliance. In such circumstances, the State typically assumes responsibility for code enforcement and plan approvals, which can cause delays and removes local control from the municipality.
8. The City of Nelsonville did not request or require the termination of the contract with SEOB. As stated above, Mr. Sherman communicated the cancellation directly to SEOB. It is also now my understanding that Mr. Sherman has also sent a cancellation notice to the Ohio Department of Commerce Board of Building Standards.
9. Upon returning to the office on March 13, 2026, I attempted to contact Meg Foley by telephone on three occasions; however, each call went to voicemail.
10. I then contacted Rick Dostal to discuss the situation. Mr. Dostal informed me that he was also attempting to reach the Ohio Department of Commerce Board of Building Standards regarding this matter.
11. Mr. Dostal later received an email response indicating that we should contact individuals named Rob or Laura with the Ohio Department of Commerce Board of Building Standards.
12. I then called the main contact number for the Ohio Department of Commerce Board of Building Standards and, after explaining the situation, was advised to speak with Laura.
13. I called Laura and left three voicemail messages in an attempt to discuss the matter and obtain clarification.
14. Addressing this issue required my attention throughout most of March 13, 2026, and being a Friday, and I could not reach anyone with the Ohio Department of Commerce Board of Building Standards, this will not be resolved until after the weekend.
15. The circumstances surrounding these actions created significant disruption for the City of Nelsonville and required substantial time and effort to address, which diverted attention from other important municipal responsibilities.
16. I may have additional testimony as this litigation proceeds. I appreciate the Court's attention to this matter because adherence to the rule of law is essential for the citizens of Nelsonville to achieve certainty regarding the lawful form of their municipal government.

Further Affiant sayeth naught.

Danette I. Miller

DANETTE I. MILLER

Sworn to before me and subscribed in my presence this 13th day of March, 2026.



JAMES MATTHEW GREENO
Notary Public, State of Ohio
My Commission Expires
April 6th, 2028

James Matthew Greeno

NOTARY PUBLIC