

BEFORE THE OHIO ELECTIONS COMMISSION

MICHAEL C. BOCK	:	
Complainant	:	Case Nos.
	:	2009E-009
v.	:	
	:	
DR. ROBERT MENGERINK	:	
Respondent	:	

RECEIVED

JUL 13 2009

AFFIDAVIT OF DR. ROBERT MENGERINK

OHIO ELECTIONS COMMISSION

STATE OF OHIO	:	
	:	SS.
COUNTY OF FRANKLIN	:	

I, Dr. Robert Mengerink, having been duly cautioned and sworn, hereby state on the basis of firsthand, personal knowledge:

1. I am currently the superintendent of the Kettering City School District and served in that capacity during the relevant time in the instant matter.
2. I have served in this capacity since August, 1998.
3. The Blue Ribbon Report is sponsored by the Kettering City School District and intended to communicate information to Kettering School District residents about the activities, plans, policies, operations and events of the Kettering City School District.
4. Public resources are utilized to prepare and distribute The Blue Ribbon Report.
5. The Blue Ribbon Report is not a campaign piece and during my 11 years of service with the District has never included any sort of candidate advocacy or advocacy of a levy or bond issue.
6. One of my duties as the Superintendent of the Kettering City School District is to approve the content of the Blue Ribbon Report.
7. I approved the content of the Spring 2009 edition and provided the following quote: "Because this is a renewal levy, there will be absolutely no increase in taxes as a result of this Renewal Issue."

8. The purpose of my statement was to inform Kettering School District residents about the operations of the Kettering City School District and how the Renewal Issue on the May 5, 2009 ballot would impact the District's operations.
9. In 2004, Kettering voters approved a 6.9 mill levy for the purpose of raising \$8.2 million each year for Kettering Schools.
10. Kettering voters were asked to approve a five year renewal of this levy by ballot on May 5, 2009.
11. The 6.9 mill renewal levy was not a new levy. It is merely an extension of the 6.9 mill levy approved in 2004.
12. The Renewal Levy does not create any additional new money for the Kettering School District and as such is not a new tax on Kettering School District residents.
13. In my statement, when I used the word "tax" I was referring to the revenue generated by the Renewal Levy for the District.
14. I did not intend to refer to the effective tax rate imposed on each individual property owner needed to fund the Renewal Levy and did not use the term "effective tax rate."
15. The residential "effective tax rate" is far below the 6.9 mill levy that was originally approved in 2004 and can never go higher.
16. At the time of my statement, I did not have knowledge as to individual impact the Renewal Levy would have. Furthermore, I do not have knowledge of each individual property owner's property value and could not have known how the effective tax rate will impact each individual owner.
17. At the time of my statement, I did know the renewal extended the 2004 6.9 mill levy, which would generate the same amount of revenue for the District if approved by the voters.
18. I based my knowledge on the work of Dr. Robert Stabile – Ohio School Finance Blue Book, 2004-2005 Edition – when the statement was made. Dr. Stabile is a highly recognized expert in Ohio school funding.
19. I made the statement using verifiable information and Ohio Revised Code Section 5705.213(A)(2)(b), which provides: the amount of the renewal tax, which shall be no more than the amount of tax levied during the last year the tax being renewed is authorized to be in effect.

20. I believe my statement to be true and at no point in time doubted the truth of such.
21. At no time, did I ever intend to distribute a false statement in violation of Ohio Revised Code Section 3517.22(B)(2) nor was my statement specifically designed to influence an election. Rather, I was distributing what I believed, and still believe, to be a truthful statement about the nature of renewal levies in Ohio.

FURTHER AFFIANT SAYETH NAUGHT.

Robert A Mengerink
ROBERT MENGERINK

Sworn to before me and subscribed in my presence this 13th day of July, 2009.

Loretta A. Settelmeyer
Notary Public



LORETTA A. SETTELMÉYER
Notary Public, State of Ohio
My Commission Expires 06-08-11