

**IN THE COURT OF APPEALS
TENTH APPELLATE DISTRICT
FRANKLIN COUNTY, OHIO**

**STATE OF OHIO *ex rel.* WADE STEEN
16710 CLIFTON BLVD.
LAKEWOOD, OHIO 44107**

PLAINTIFF-RELATOR,

VS.

**G. BRENT BISHOP, *QUALITATE QUA*,
DISPUTED BOARD MEMBER
STATE TEACHERS RETIREMENT BOARD
8536 CARTNEY CT.
DUBLIN, OHIO 43017-9304**

DEFENDANT-RESPONDENT,

-AND-

**CAROL CORRETHEERS, *QUALITATE QUA*,
BOARD CHAIR,
STATE TEACHERS RETIREMENT BOARD
275 E. BROAD ST.
COLUMBUS, OH 43215-3771**

DEFENDANT-RESPONDENT,

-AND-

**DALE PRICE, *QUALITATE QUA*,
VICE CHAIR,
STATE TEACHERS RETIREMENT BOARD
275 E. BROAD ST.
COLUMBUS, OH 43215-3771**

DEFENDANT-RESPONDENT,

-AND-

**ALISON LANZA FALLS, *QUALITATE QUA*,
BOARD MEMBER**

CASE NO.

JUDGES:

**COMPLAINT FOR WRIT IN QUO
WARRANTO FOR OUSTER OF G.
BRENT BISHOP**

THE LAW OFFICE OF NORMAN A. ABOOD

Norman A. Abood, Esq. (0029004)

Tyler J. Lantzsch, Esq. (0102438)

101 Broadcast Building

136 N. Huron Street

Toledo, Ohio 43604-2304

Ph.: 419.724.3700

Fax: 419.724.3701

E-mail: norman@nabood.com

tyler@nabood.com

Attorneys for Plaintiff, Wade Steen

STATE TEACHERS RETIREMENT BOARD	)
275 E. BROAD ST.	)
COLUMBUS, OH 43215-3771	)
	)
DEFENDANT-RESPONDENT,	)
	)
-AND-	)
	)
RUDY H. FICHTENBAUM, <i>QUALITATE</i>	)
QUA, BOARD MEMBER	)
STATE TEACHERS RETIREMENT BOARD	)
275 E. BROAD ST.	)
COLUMBUS, OH 43215-3771	)
	)
DEFENDANT-RESPONDENT,	)
	)
-AND-	)
	)
STEVEN FOREMAN, <i>QUALITATE</i> QUA,	)
BOARD MEMBER	)
STATE TEACHERS RETIREMENT BOARD	)
275 E. BROAD ST.	)
COLUMBUS, OH 43215-3771	)
	)
DEFENDANT-RESPONDENT,	)
	)
-AND-	)
	)
CLAUDIA HERRINGTON, <i>QUALITATE</i> QUA,	)
BOARD MEMBER	)
STATE TEACHERS RETIREMENT BOARD	)
275 E. BROAD ST.	)
COLUMBUS, OH 43215-3771	)
	)
DEFENDANT-RESPONDENT,	)
	)
-AND-	)
	)
ELIZABETH JONES, <i>QUALITATE</i> QUA,	)
BOARD MEMBER	)
STATE TEACHERS RETIREMENT BOARD	)
275 E. BROAD ST.	)
COLUMBUS, OH 43215-3771	)
	)
DEFENDANT-RESPONDENT,	)
	)
-AND-	)
	)
ARTHUR LARD, <i>QUALITATE</i> QUA,	)

BOARD MEMBER)
STATE TEACHERS RETIREMENT BOARD)
275 E. BROAD ST.)
COLUMBUS, OH 43215-3771)

DEFENDANT-RESPONDENT,)

-AND-)

JULIE SELLERS, *QUALITATE QUA*,)
BOARD MEMBER)
STATE TEACHERS RETIREMENT BOARD)
275 E. BROAD ST.)
COLUMBUS, OH 43215-3771)

DEFENDANT-RESPONDENT,)

-AND-)

STEPHANIE K. SIDDENS, *QUALITATE QUA*,)
EX OFFICIO BOARD MEMBER)
STATE TEACHERS RETIREMENT BOARD)
275 E. BROAD ST.)
COLUMBUS, OH 43215-3771)

DEFENDANT-RESPONDENT.)

-AND-)

MIKE DEWINE, *QUALITATE QUA*)
GOVERNOR OF OHIO)
RIFFE CENTER)
30TH FLOOR)
77 SOUTH HIGH STREET)
COLUMBUS, OHIO 13215-6117)

DEFENDANT-RESPONDENT.)

_____/) _____/

NOW COMES the Plaintiff-Relator (hereinafter “Relator”), Wade Steen (hereinafter, “Plaintiff” or “Mr. Steen”), by and through his undersigned counsel, who for his *Complaint in Quo Warranto for Ouster of G. Brent Bishop*, submits as follows:

I. INTRODUCTION

1. Wade Steen, CPA, was first appointed, pursuant to O.R.C. § 3307.05(C) by then-Gov. Kasich as an “investment expert” member of the State Teachers Retirement System (hereinafter, “STRS”) Board (the “STRS Board”). He was reappointed by Gov. Mike DeWine (“Gov. DeWine”) for a term beginning November 25, 202, and ending on September 27, 2024. On May 5, 2023, Gov. DeWine announced his removal of Mr. Steen mid-term from the STRS Board and his appointment of G. Brent Bishop (hereinafter, “Mr. Bishop”) as Mr. Steen’s replacement. The STRS Board immediately replaced Mr. Steen, and over Mr. Steen’s repeated protests terminated his access and ability to participate as an STRS Board member. Gov. DeWine claims without foundation that Mr. Steen serves at the pleasure of the Governor and that he has the unbridled power to remove Mr. Steen as and when he determines. These are false claims, contrary to the Ohio Constitution, Ohio statutes and Court interpretations of those statutes.
2. This Complaint is brought pursuant to Ohio Const. art. IV, § 3(B)(1)(a) and O.R.C. § 2733.06, against Mr. Bishop, the usurper of Mr. Steen’s position, the Governor for wrongfully removing Mr. Steen, and the STRS Board for its groundless joinder in the Governor’s wrongful actions. Mr. Steen seeks a Court Order immediately removing Mr. Bishop and reinstating Mr. Steen to his position as the appointed “investment expert” on the STRS Board for the duration of his term.

II. PARTIES

3. Relator, Wade Steen, is, a resident of the City of Lakewood, Cuyahoga County, Ohio; prior to that he was a resident of the City of Columbus, Franklin County, Ohio.

4. Defendant-Respondent (hereinafter “Respondent”), G. Brent Bishop, is, and at all times material herein has been, a resident of the city of Dublin, Franklin County, Ohio.
5. Respondent, Gov. Mike DeWine, is, and at all times material herein has been, a resident of the City of Bexley, Franklin County, Ohio.
6. Respondent, Carol Correthers (hereinafter, “Carrethers”), is, and at all times material herein has been, the Board Chair of the STRS Board doing business in Columbus, Franklin County, Ohio.
7. Respondent, Dale Price (hereinafter, “Price”), is, and at all times material herein has been, the Vice Chair of the STRS Board doing business in Columbus, Franklin County, Ohio.
8. Respondent, Alison Lanza Falls (hereinafter, “Falls”), is, and at all times material herein has been, a member of the STRS Board doing business in Columbus, Franklin County, Ohio.
9. Respondent, Rudy H. Fichtenbaum (hereinafter, “Fichtenbaum”), is, and at all times material herein has been, a member of the STRS Board doing business in Columbus, Franklin County, Ohio.
10. Respondent, Steven Foreman (hereinafter, “Foreman”), is, and at all times material herein has been, a member of the STRS Board doing business in Columbus, Franklin County, Ohio.
11. Respondent, Claudia Herrington (hereinafter, “Herrington”), is, and at all times material herein has been, a member of the STRS Board doing business in Columbus, Franklin County, Ohio.
12. Respondent, Elizabeth Jones (hereinafter, “Jones”), is, and at all times material herein has been, a member of the STRS Board doing business in Columbus, Franklin County, Ohio.
13. Respondent, Arthur Lard (hereinafter, “Lard”), is, and at all times material herein has been, a member of the STRS Board doing business in Columbus, Franklin County, Ohio.

14. Respondent, Julie Sellers (hereinafter, “Sellers”), is, and at all times material herein has been, a member of the STRS Board doing business in Columbus, Franklin County, Ohio.
15. Respondent, Stephanie K. Siddens (hereinafter, “Siddens”), is, and at all times material herein has been, an *ex officio* member of the STRS Board doing business in Columbus, Franklin County, Ohio.
16. Correthers, Price, Falls, Fichtenbaum, Foreman, Harrington, Jones, Lard, Sellers, and Siddens are hereinafter collectively referred to as the “STRS Board Members”.

III. JURISDICTION, STANDING, & VENUE

17. This Court has original subject matter jurisdiction of the matters at issue in this case pursuant to Ohio Const. art. IV, § 3(B)(1)(a), which provides as follows:

(B) (1) The courts of appeals shall have original jurisdiction in the following:

(a) Quo Warranto

18. Relator, Mr. Steen, has standing to bring this action pursuant to O.R.C. § 2733.06, which provides as follows:

A person claiming to be entitled to a public office unlawfully held and exercised by another may bring an action therefor by himself or an attorney at law, upon giving security for costs.

19. The position of “investment expert” appointed by the Governor of the State of Ohio pursuant to O.R.C. § 3307.05(C) is a “public office” as contemplated in O.R.C. § 2733.06.
20. Respondent, Mr. Bishop, has wrongfully taken and is acting in, the position of the Governor’s appointed “investment expert” to the STRS Board, the public office position to which Mr. Steen is legally entitled and from which Mr. Steen has been wrongfully removed.
21. Mr. Steen has given the Clerk of Court upon the filing hereof “security for costs”.

22. Venue is proper in this Court pursuant to O.R.C § 2733.03, which provides in pertinent part as follows:

An action in quo warranto can be brought only in the supreme court, or in the court of appeals of the county in which the defendant, or one of the defendants, resides or is found, or, when the defendant is a corporation, in the county in which it is situated or has a place of business.

**COUNT ONE
(USURPATION OF OFFICE)**

23. Relator repeats and reiterates each and every allegation set forth in paragraphs 1 thru 22 hereinabove as if fully restated herein.
24. The State Teachers Retirement System is a public agency created by statute, *i.e.*, O.R.C. § 3307.03.
25. The STRS Board is created by O.R.C. § 3307.04.
26. At all times material herein, Mr. Steen, has been and continues to be a Certified Public Accountant (“CPA”), duly qualified and licensed to practice as such in the State of Ohio.
27. Mr. Steen’s work experience includes but is not limited having served as the Franklin County Ohio Treasurer, Cuyahoga County Fiscal Officer, and is currently Cleveland Metroparks Chief Financial Officer.
28. O.R.C. § 3307.05(C) sets forth the qualifications required for appointment as an “investment expert” to the STRS Board.
29. Qualification for appointment to the STRS Board relates to the acts which the appointee must perform before he is entitled to enter upon the duties of the office. *See, e.g., State ex rel. Brothers v. Zellar*, 7 Ohio St. 2d 109, 36 Ohio Op. 2d 107, 218 N.E.2d 729, 1966 Ohio LEXIS 325 (Ohio 1966), citing O.R.C. § 3.01
30. At all times material herein, Mr. Steen, has been and continues to be duly qualified to be a member of the STRS Board as an “investment expert” in that he:

- a. is and has been a resident of the State of Ohio (O.R.C. § 3307.05(C)(1));
- b. within the three years immediately preceding his appointment, was not “employed by the public employees retirement system, police and fire pension fund, state teachers retirement system, school employees retirement system, or state highway patrol retirement system or by any person, partnership, or corporation that has provided to one of those retirement systems services of a financial or investment nature, including the management, analysis, supervision, or investment of assets” (O.R.C. § 3307.05(C)(2));
- c. has the requisite “direct experience in the management, analysis, supervision, or investment of assets.” (O.R.C. § 3307.05(C)(3)).

31. O.R.C. § 3307.05 provides as follows:

The state teachers retirement board shall consist of the following members:

...

(C) Two members, known as the investment expert members, *who shall be appointed for four-year terms*. One investment expert member shall be appointed by the governor, ...

(emphasis added.)

- 32. Under Ohio law the provision in O.R.C. § 3307.05(C) allowing for appointment by the Governor of the State of Ohio of one (1) “investment expert” as a member of the STRS Board is for a *fixed term of four years*.
- 33. Mr. Steen was first appointed, pursuant to O.R.C. § 3307.05(C) by then-Gov. Kasich as an “investment expert” member of the STRS Board.
- 34. In 2020, Gov. DeWine, pursuant to O.R.C. § 3307.05(C), reappointed Mr. Steen to the position of “investment expert” as a member of the STRS Board (“Gov. DeWine”) with his term extending to September 27, 2024.

35. The Ohio Revised Code does not provide that the investment expert member appointed by the Governor to the STRS Board serves at the pleasure of the Governor.
36. The Ohio Revised Code does not provide that the Governor's power to appoint an investment expert member to the STRS Board is subject to the advice and consent of the Ohio Senate.
37. The Ohio Revised Code does not provide the Governor of the State of Ohio with the power to reduce the term of an individual duly appointed and qualified for the position of the Governor's appointed investment expert member of the STRS Board.
38. The Ohio Revised Code does not provide the Governor of the State of Ohio with the power to appoint a STRS board member for less than a four (4) year term.
39. O.R.C. § 3307.061 sets forth the basis upon which a member of the STRS Board may be removed, including, but not limited to, removal for willfully neglecting to perform any official duty imposed by law.
40. Removal from office pursuant to O.R.C. § 3307.061 requires a written complaint be filed in the Court of Common Pleas in the county in which the Board member resides and mandates certain other due process protects as defined in that section.
41. Mr. Steen has not committed any such acts, by commission or omission, as would allow for his removal from the STRS Board pursuant to O.R.C. § 3307.061.
42. Mr. Steen's actions while on the STRS Board, particularly in investigating the financial management and use of STRS funds, have been in compliance with and furtherance of his duties as the Governor's appointed investment expert member of the STRS Board.
43. Mr. Steen's attendance at STRS Board meetings has been in compliance with his duties as an STRS Board member including but not limited to in compliance with STRS Board rules and regulations; any claims to the contrary are false.

44. Mr. Steen has not abandoned or otherwise vacated his position on the STRS Board.
45. No complaint seeking Mr. Steen's removal from the STRS Board has been filed in any court or for any reason.
46. Mr. Steen has timely and repeatedly protested his removal from the STRS Board.
47. Mr. Steen has demanded through the Office of the Ohio Attorney General that he be allowed to continue serving his term of office on the STRS Board, which demand has been refused.
48. Mr. Steen has demanded directly to the STRS Board that he be allowed to continue his term of office on the STRS Board, which demand has been refused.
49. Despite demand to the Office of the Ohio Attorney General and the STRS Board that they provide the legal basis allowing the Governor to prematurely end Mr. Steen's membership term on the STRS Board, the Attorney General and the STRS Board have failed and/or refused to provide any such explanation.
50. Ohio Const. art. IV, § 27 provides in part:

The election and appointment of all officers, and the filling of all vacancies, not otherwise provided for by this constitution, or the constitution of the United States, shall be made in such manner as may be directed by law, ...
51. Gov. DeWine acted without legal authority in removing Mr. Steen from his position as investment expert member on the STRS Board.
52. Gov. DeWine acted contrary to the laws of the State of Ohio in removing Mr. Steen from his position as investment expert member on the STRS Board.
53. Gov. DeWine acted without legal authority in appointing Mr. Bishop to his position as investment expert member on the STRS Board.
54. Gov. DeWine acted contrary to the laws of the State of Ohio in appointing Mr. Bishop to his position as investment expert member on the STRS Board.

55. The STRS Board acted without legal authority in removing Mr. Steen from his position as investment expert member on the STRS Board.
56. The STRS Board acted contrary to the laws of the State of Ohio in removing Mr. Steen from his position as investment expert member on the STRS Board.
57. The STRS Board acted without legal authority in recognizing Governor DeWine's appointment of Mr. Bishop to his position as investment expert member on the STRS Board.
58. The STRS Board acted contrary to the laws of the State of Ohio in recognizing Governor DeWine's appointment of Mr. Bishop to his position as investment expert member on the STRS Board.
59. Mr. Bishop has without legal authority and contrary to the laws of the State of Ohio wrongfully occupied and usurped Mr. Steen's position on the STRS Board.
60. Despite demand that he cease and desist from occupying and usurping Mr. Steen's position on the STRS Board, Mr. Bishop has without legal authority and contrary to the laws of the State of Ohio wrongfully continues to occupy and usurp Mr. Steen's position and perform Mr. Steen's duties on the STRS Board and to enjoy he privileges and emoluments thereof to the exclusion of Mr. Steen.

WHEREFORE, Relator, Wade Steen, prays for the following relief:

- i. That Respondent G. Brent Bishop be required to show by what warrant he holds the office of the Governor of Ohio's appointed investment expert member of the STRS Board;
- ii. That Respondent Governor DeWine be required to show upon what authority he based his removal of Mr. Steen from the office of the Governor of Ohio's appointed investment expert member of the STRS Board;

- iii. That Respondent Governor DeWine be required to show upon what authority he based his appointment of Mr. Bishop to the office of the Governor of Ohio's appointed investment expert member of the STRS Board;
- iv. That Respondent STRS Board be required to show upon what authority they based their removal of Mr. Steen from the office of the Governor of Ohio's appointed investment expert member of the STRS Board;
- v. That Respondent STRS Board be required to show upon what authority they base their recognition of Mr. Bishop as the proper holder of the office of the Governor of Ohio's appointed investment expert member of the STRS Board;
- vi. That Respondent G. Brent Bishop be ousted from the office of the Governor of Ohio's appointed investment expert member of the STRS Board;
- vii. That Relator Wade Steen be given immediate possession of the office of the Governor of Ohio's appointed investment expert member of the STRS Board with all rights privileges and emoluments thereof;
- viii. That Relator Wade Steen recover his costs herein; and
- ix. That Relator Wade Steen be awarded such other and further relief as the Court deems just or equitable.

Respectfully requested,
THE LAW OFFICE OF NORMAN A. ABOOD
/s/ Norman A. Abood
Norman A. Abood
/s/ Tyler J. Lantzs
Tyler J. Lantzs
Norman A. Abood, Esq. (0029004)
Tyler J. Lantzs, Esq. (0102438)
101 Broadcast Building
136 N. Huron Street
Toledo, Ohio 43604-2304
Ph.: 419.724.3700

Fax: 419.724.3701
E-mail: norman@nabood.com
Tyler@nabood.com
- *Attorneys for Relator*

PRAECIPE

TO THE CLERK:

Please serve a copy of this Complaint with Summons on each of the Defendant-Respondents named hereinabove at the addresses listed, by pre-paid First-Class United States certified mail, return receipt requested.

/s/ Norman A. Abood
Norman A. Abood
- *Attorney for Relator*