



Ohio Prosecuting Attorneys Association



2023 OPAA SUMMER WORKSHOP

June 23rd – 24th, 2023

Hotel Breakers Cedar Point, Sandusky, Ohio

We once again will be meeting on the shores of Lake Erie to educate the membership and to enjoy the other activities the area provides. As usual, we will provide both a criminal law track and a civil law track. The criminal side will have presentations on working with victims; litigation skills; cell phone evidence; and 4th amendment suppression issues. On the civil side we will explore the Inflation Reduction Act, construction procurement; public records; FMLA/FSLA; and actions of public and off-duty conduct of employees. We look forward to seeing all of you at Cedar Point!

Thursday will consist of committee meetings in the afternoon, and a welcoming reception in the evening. A family dinner is scheduled for Friday evening, and a family breakfast for Saturday morning. As usual, training sessions will be held on Friday and Saturday mornings.

The member registration fee of \$350.00 (both days) and \$200.00 (one day) (non-member fees are double) includes all training, handout materials, Friday's continental breakfast, and all breaks for registrants. In addition, it includes the Thursday evening reception, Friday evening dinner, and Saturday morning breakfast for the registrant and spouse or significant other (please see details regarding additional guests on page 8). In the event of cancellations after Friday, June 9th, the assessment will be \$175.00 (both days) and \$110.00 (one day), to partially cover the cost of meals which will have been guaranteed by that date. Complete details of activities appear in the activities section of this mailing. Non-member fees are double.

GUEST ROOM RESERVATIONS and TAX EXEMPTION: Tax Exemption Certificates must be sent to Hotel Breakers and not with your registration form to OPAA. Complete info regarding guest rooms and how to claim tax exemption appears later.

GUEST ROOMS CANCELLATIONS: There is a penalty for cancellation of guest rooms. **If it becomes necessary to cancel a room, please contact Diana first at (614-221-1266) or diana@ohiopa.org.** We often have a waiting list of people wanting rooms and we could not only assist them but save you a cancellation fee.

OPAA REGISTRATION DESK: The registration desk will be open from 2:00 to 5:00 p.m. on Thursday, June 22nd at the Hotel Breakers Main Lobby, and again from 8:00 a.m. to noon on both Friday, June 23rd and Saturday, June 24th at the Hotel Breakers East Conference Center Lobby.

WELCOMING RECEPTION: A welcoming reception will be held in the Lakeside Pavilion from 5:30-7:00 p.m. on Thursday, June 22nd. See reception details in the activities section. **Matrix Pointe Software is again graciously sponsoring the bar.**

FRIDAY EVENING DINNER: A family dinner buffet will be served in the Lakeside Pavilion from 6:00-9:00 p.m. on Friday, June 23rd. **Meal coupons must be presented to participate.** See dinner details in the activities section.

SATURDAY MORNING BREAKFAST BUFFET: A family breakfast buffet will be served in the Lakeside Dining from 7:00-9:30 a.m. on Saturday, June 24th. **Meal coupons must be presented to participate.** See breakfast details in the activities section.

TICKETS TO THE AMUSEMENT PARK AND DISCOUNT PARKING PASS: See details in the activities section.

Thursday, June 22

2:00 – 5:00 **REGISTRATION (Hotel Breakers Main Lobby)**

Friday, June 23

8:00 – 12:00 **REGISTRATION & CONTINENTAL BREAKFAST**

CRIMINAL TRAINING

9:00 – 10:30

Trauma Informed Approach to Working with Victims

Prosecutors are required to uphold victims' constitutional rights. This cannot be accomplished without awareness, understanding and practice of trauma-informed care. The support victims receive throughout the justice process helps prevent future violence and hold offenders accountable. The physical, emotional, and financial pain cascades from individuals to their families and communities. Preventing one form of violence may potentially prevent other forms of violence. Inclusion in the process helps victims to feel empowered and restores balance in their lives. Receiving up to date information about the offender's status and being kept informed is critical to victim safety and minimizing the trauma experienced.

Prosecutors work with victims who have experienced a series of traumas throughout their lives. It is essential to break down misunderstandings and dispel misguided beliefs about how victims should react or respond to trauma. Participants will learn how to recognize the signs and symptoms of trauma and how to integrate that knowledge into the practice of trauma-informed care. Participants will learn ways to prevent secondary victimization by the justice system.

***Mickey Valdez, C.A., Sexual Violence Specialist and
Crystal Baker, RASS, Director of Victim Services
Both of Summit County***

10:30 - 10:45

Break

10:45 - 12:00

Learning Litigation Skills From “Where the Crawdads Sing”

Where the Crawdads Sing is a novel that has sold over 15 million copies and has been created into a best-selling movie. In this murder mystery Catherine "Kya" Clark is accused of murdering Chase Andrews after their relationship ended. We will examine the trial by reviewing clips of this movie and discussing the trial tactics by the prosecutor and defense. We will determine whether a motion to suppress would have been successful in this case. We will learn litigation skills by reviewing the opening and closing arguments, the direct and the cross-examination of various witnesses and the alibi defense. Finally, attendees will examine why Kya did not report a sexual assault to the police and whether this failure to report is common in today's society. The goal of this program is for prosecutors to learn litigation skills while discussing this amazing story.

Philip Bogdanoff

Retired Career Prosecutor

CIVIL TRAINING

9:00 - 10:00

Local Government Incentives Available Under the Inflation Reduction Act

Federal energy policy is making many new incentives available for local governments to fund energy-related assets. The Inflation Reduction Act (“IRA”) established a set of energy-related asset categories that are now being directly subsidized by the federal government. Under the IRA, any advanced or renewable energy asset constructed by a local government is eligible for some kind of federal cash subsidy. Local governments are not taxpayers and historically have not been able to benefit from tax credits, but the IRA authorizes direct pay tax credits as cash subsidies to local governments to fund energy-related assets. Throughout the course of this presentation, we will explain how counties, townships, municipalities, and school districts can build and own long-term energy-producing assets like solar fields, install geothermal heating, or invest in clean fuel buses for their vehicle fleets, all with federal support.

John Caleb Bell, Partner

Public Finance Practice Group Chair and

John Flis, Associate

Bricker Graydon, Columbus

10:00 - 10:15

Break

10:15 – 11:00

2023 Update on Understanding Construction Procurement for Counties

Participants will be able to gain an understanding of the various delivery models available for county projects. When preparing for a construction project, one of the first decisions that must be made is whether to use a general contractor, construction manager at risk, or design-build delivery model. We will provide an overview of the construction procurement process for counties, including design professional procurement, competitive bidding, and procurement of construction managers at risk and design-builders. We will describe the standard of award and contracting process for each project delivery model. Additionally, we will compare the pros and cons of these delivery models, including how each relates to the project owner's

schedule and budget, how each model allocates risk, and the primary decision points within each model. This presentation will also identify and explain exceptions to competitive bidding available to counties.

***Christopher McCloskey, Partner
Bricker Graydon, Columbus***

11:00 – 12:00

Public Records Update

2022 saw an increase of public records requests on many facets of county government. This course will look at those cases along with CLEIRs, work product, law enforcement exemptions, and other items to know when asked for public records.

***Michael L. Walton, Associate Assistant Attorney General
Office of Ohio Attorney General Dave Yost***

Saturday, June 24

8:00 – 12:00

REGISTRATION (Breakers East Conference Center)

CRIMINAL TRAINING

9:00 - 10:00

Cell Phone Evidence in Criminal Prosecutions

Cell phone evidence has been widely utilized in criminal investigations and prosecutions. This presentation will explore the types of cellular evidence available as well as how it can be obtained and effectively used by prosecutors in investigations and at trial. The presentation will also highlight emerging technology that may provide new types of challenges and/or solutions for prosecutors.

***Kevin Horan
Precision Cellular Analysis
Special Investigator for Montgomery County Prosecutor's Office***

10:00 - 10:15

Break

10:15 - 11:00

Cell Phone Evidence in Criminal Prosecutions...continues

11:00 - 12:00

Mechanics of the Motion to Suppress on Fourth Amendment Grounds

Motions to suppress under the Fourth Amendment are so commonplace as to be expected in the vast majority of cases. This presentation will explore some of the key procedures surrounding such motions to suppress and will discuss some best practices in opposing such motions. Issues to be discussed include: whether an evidentiary hearing is even required for the motion; what evidence is admissible at the hearing; who has the burden of proof and on what issues; ensuring that issues are preserved for future appeal; and determining when it is advisable to request post-hearing briefing.

***Steven L. Taylor, Legal Research and Staff Counsel.
Ohio Prosecuting Attorneys Association***

CIVIL TRAINING

9:00 - 10:00

What to Say and How to Say It: Limitations on Levy and Bond Campaign Activities

Join Bricker Graydon Attorney, Nicole Donovan, as she covers limitations on levy and bond campaign activities for public taxing authorities. Attendees will get insight into common questions that may arise during the campaign process and how to best navigate them, as well as hot topics to keep in mind.

*Nicole Donovan, Partner
Bricker Graydon, Columbus*

10:00 - 10:15

Break

10:15 - 11:15

Avoiding the Department of Labor's "Mean Streak:" Minimizing the Risk of FMLA and FLSA Violations

The purpose of this presentation is to provide an overview and refresher regarding the obligations and responsibilities of public employers as it relates to employee protections provided by the FMLA and FLSA. During the presentation, a wide-ranging discussion regarding leave topics related to the FMLA, including: supervisor responsibilities, leave protections, employee abuse/misuse, questioning a medical certification and preparing for a DOL audit. Additional discussion will be had regarding the pay requirements of the FLSA. Specifically, discussion will be had regarding calculating the regular rate, employees eligible for the 207(k) partial exemption and the use of canines. Lastly, potential penalties will be discussed when faced with an allegation that an agency has violated either the FMLA or FLSA.

*Benjamin Albrecht, Partner
Fishel Downey Albrecht & Riepenhoff, LLP
New Albany*

11:15 – 12:00

Understanding Permissible Responses to the Actions of the Public and Off-Duty Conduct of Employees

The general public and public employees continue to push the envelope of what is permissible with respect to their conduct and behaviors. For example, it is becoming more prevalent that counties are faced with responding to citizens conducting "audits" of public facilities and expressing their dissatisfaction on social media. Additionally, employees continue to engage in behaviors off-duty that tend discredit public agencies. Responding to the behaviors and comments of the public on county property and regulating the off-duty behaviors of public employees are not without the risk of fallout.

This session will address concerns and considerations for public officials when responding to the actions of the public and employees.

*Benjamin Albrecht, Partner
Fishel Downey Albrecht & Riepenhoff, LLP
New Albany*

**WE HAVE BEEN APPROVED FOR 5.5 GENERAL CREDIT HOURS FROM THE
SUPREME COURT OF OHIO COMMISSION ON CONTINUING LEGAL
EDUCATION**

OPAA SUMMER WORKSHOP ACTIVITIES

JUNE 23rd – 24th, 2023
HOTEL BREAKERS (CEDAR POINT)
SANDUSKY, OHIO

Fill out the **Activities Registration Form** and mail (along with payment where applicable for additional meals) to OPAA to ensure that you and/or your family have a reserved spot for the functions you have chosen. If you are not participating in any activities, simply mark the form “not participating.” **If you do not submit the form, you will be contacted.**

THURSDAY, JUNE 22nd – WELCOMING RECEPTION

Hors d'oeuvres and host bar will be held in the Lakeside Pavilion from 5:30 – 7:00 p.m. **Matrix Pointe Software will again sponsor the bar. *Be sure to stop by their table at the back of the Criminal Track room to say hello and thank them for their generosity.***

FRIDAY, JUNE 23rd – FAMILY DINNER AND REFRESHMENTS

A family dinner buffet will be held from 6:00 – 9:00 p.m. in the Lakeside Pavilion. The registration fee covers the dinner for registrant and spouse or significant other. **A cash bar will be available during the dinner. ***Please see information below regarding costs for additional guests.***

SATURDAY, JUNE 24th – FAMILY BREAKFAST BUFFET

A family breakfast buffet will be served from 7:00 – 9:30 a.m. in the Lakeside Dining Room. The registration fee covers the breakfast for registrant and spouse or significant other. *****Please see information below regarding costs for additional guests.***

****MEAL FEES FOR ADDITIONAL GUESTS:**

It is necessary to charge a fee for all guests other than the registrant's spouse or significant other at the Family Dinner Buffet and Family Breakfast Buffet. There is no charge for the Welcoming Reception.

The charges are as follows:

Children 2 and under, no charge.

Adults and children 3 and older (yes, Cedar Point considers them to be adults and charges accordingly), breakfast \$18.25; dinner \$30.50.

Payment for additional meals must be made at the time the activity registration form is returned to OPAA, as meal tickets WILL NOT be issued until payment is received!

SPECIAL DIETARY NEEDS: If anyone in your party has special dietary needs, contact Diana by Friday, June 9th. OPAA will accommodate requests if they can be supplied by the venue at no additional cost. Any additional cost must be borne by the registrant, and they will be notified in advance.

CEDAR POINT AMUSEMENT PARK DISCONT TICKETS: OPAA is still able to provide our group with a discount price of \$43.74 with tax (ages 3 and older) per person per day. Children 2 and under are free. All Amusement Park tickets are now being sold digitally directly through the Cedar Point Store. OPAA's log in credentials are: www.cedarpoint.com/save with Username: OPAA and the Password: opaa. Since tickets are now being done digitally directly through Cedar Point, OPAA **will not** be selling paper Cedar Point Amusement Park Tickets at the OPAA Registration Desk. Tickets will be valid for one day only (Thursday, June 22; Friday, June 23; Saturday, June 24; Sunday, June 25). Please check with Cedar Point for any combined or special passes for the parks.

CEDAR POINT DISCOUNT ON PARKING FOR REGISTRANTS NOT STAYING AT THE HOTEL BREAKERS - Cedar Point is offering OPAA a discount rate of \$13.50 with tax per car/per day on parking, which is available through the Cedar Point Store. OPAA's log in credentials are: www.cedarpoint.com/save with Username: OPAA and the Password: opaa. **For those registrants that are staying at the Hotel Breakers your parking is included in your room cost.**

HOTEL BREAKERS GUEST ROOM INFORMATION: Be sure to follow all the Breakers' instructions below, as OPAA cannot intervene with guest room issues. The only exception to this is: **If it becomes necessary to cancel a room, please contact Diana (614-221-1266) before cancelling. We often have a waiting list of people wanting rooms and we might be able to assist them in obtaining a room and save you a cancellation fee!**

Please make your reservation with the Cedar Point reservationist or online using OPAA's group code. **ROOMS MUST BE BOOKED ON OR BEFORE 5/25/23.** If the credit card will not be available at check in, full payment must be made prior to the guest's arrival. For tax exemption to apply, the attached Tax Exemption Form must be completed, and the reservationist will instruct you to fax or email it to them in order to give you a total with the tax exemption. If you have further questions when making the reservation, please feel free to ask for a supervisor. If you book online, you can then email the tax exemption form to jfosco@cedarpoint.com along with your confirmation number, and she will apply the tax exemption and send the balance due total to you at that time.

RESERVATIONS TELEPHONE NUMBER: 419-627-2106

GROUP CODE: OPAA23

ONLINE RESERVATIONS: <https://reservations.cedarpoint.com/cedarpoint/>

- **Cutoff Date for our hold/block of rooms is 5/25/23.**
- When using the online reservations link, all boxes must be filled in before your room choices appear.
- When using the online reservations link, in the *Special Code* box select *group/block* and in the *Code Box* use *OPAA23*.
- Individuals (not group contact) are responsible for reservations, deposits, and cancellations.
- First night's full payment due at the time of booking.
- Payment Plans may be arranged with a reservationist at the time of booking if preferred.
- A \$50.00 fee applies to any cancellation. First-night deposit is forfeited for any cancellation received within 72 hours of arrival.
- Rooms are on hold for Thursday, June 22, 2023, and Friday, June 23, 2023.

Standard rooms, non-lake view, 1 king bed (\$287 Thu night) (\$299 Fri night);

Standard rooms, lake view, 1 king bed (\$297 Thu night) (\$309 Fri night);

Standard rooms, non-lake view, 2 queen beds (\$339 Thu night) (\$349 Fri night);

Standard suite, non-lake view, 2 queen beds & a pullout sofa bed (\$394 Thu night) (\$404 Fri night);

Standard suite, lake view, 2 queen beds & a pullout sofa bed (\$414 Thu night) (\$424 Fri night).

Be sure the Tax Exemption Form included with this mailing is submitted to The Hotel Breakers and not to OPAA.

OPAA SUMMER WORKSHOP ACTIVITIES REGISTRATION FORM

WELCOMING RECEPTION (Thursday, June 22nd) Meal Coupon Not Required

_____ Registrant
_____ # of Additional Adults (spouse or significant other, at no charge)
_____ # of Children 3 and older (see pricing information)
_____ # of children 2 years old or less (at no charge)
_____ I (we) will not be attending the welcoming reception.

FAMILY BUFFET DINNER (Friday, June 23rd) Meal Coupon Required

_____ Registrant
_____ # of Additional Adults (spouse or significant other, at no charge)
_____ # of Children 3 and older (see pricing information)
_____ # of children 2 years old or less (at no charge)
_____ I (we) will not be attending the family buffet dinner.

FAMILY BREAKFAST BUFFET (Saturday, June 24th) Meal Coupon Required

_____ Registrant
_____ # of Additional Adults (spouse or significant other, at no charge)
_____ # of Children 3 and older (see pricing information)
_____ # of children 2 years old or less (at no charge)
_____ I (we) will not be attending the family breakfast buffet.

_____ County

_____ Name (Please Print Clearly)

As previously stated, the registration fee covers all meals for the registrant and spouse or significant other. However, there is a charge for all additional guests including children 3 and over. **Payment for additional guests is to be made at the time the activities sheet is returned to OPAA. Please make checks payable to OPAA. Meal tickets WILL NOT be issued until payment is received.**

TO ENSURE PARTICIPATION IN CHOSEN ACTIVITIES, EACH PERSON REGISTERED MUST RETURN A COPY OF THIS REGISTRATION FORM BY FRIDAY, JUNE 9TH.

(EVEN IF YOU ARE NOT TAKING PART IN ACTIVITIES, THE OPAA STAFF NEEDS THIS FORM. PLEASE WRITE "NOT PARTICIPATING" AND RETURN FORM.

Please Return Form to:
Ohio Prosecuting Attorneys Association
196 East State Street, Suite 200
Columbus, Ohio 43215
Fax: 614-221-0753
diana@ohiopa.org

**PLEASE HAVE THE LAST FOUR (4) PAGES OF THIS MAILING
COPIED AND DISTRIBUTED TO EACH PERSON REGISTERED TO
ATTEND THE 2023 SUMMER WORKSHOP AND INSTRUCT EACH
REGISTRANT TO FILL OUT THE ACTIVITIES REGISTRATION FORM
TO BE RETURNED TO OPAA.**