

IN THE COURT OF APPEALS  
BROWN COUNTY, OHIO

DENNIS VARNAU

Case No. CA 20090210

Relator

v.

DWAYNE WENNINGER

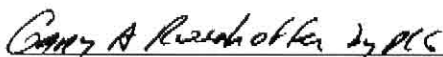
MOTION TO DISMISS

Respondent

Now comes the Respondent, Dwayne Wenninger, through counsel and moves to dismiss the Complaint filed herein.

Respondent has held the office of Brown County Sheriff since 2001 and meets all requirements of Section 311.01 of the Ohio Revised Code. See Affidavit of Respondent attached hereto and incorporated herein by reference.

Furthermore, the Respondent's qualifications were passed upon by the administrative Judge of the Brown County Court of Common Pleas as required by ORC 311.01(B)(6) prior to having his name placed on the ballot for election. The Relator's complaint is without merit and should be dismissed at Relator's cost.



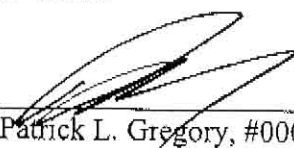
Gary A. Rosenhoffer, #0003276  
Counsel for Respondent  
302 E. Main St.  
Batavia, OH 45103  
Phone: 513/732/0300



Patrick L. Gregory, #0001147  
Counsel for Respondent  
717 W. Plane, PO Box 378  
Bethel, OH 45106  
Phone: 513/734/0950

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing Motion was mailed by regular mail this 16 day of March, 2009, to Thomas G. Eagle, Counsel for Relator at 3386 North State Route 123, Lebanon, Ohio 45036.

  
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Patrick L. Gregory, #0001147

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**DENNIS VARNAU**

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**DWAYNE WENNINGER**

**AFFIDAVIT OF RESPONDENT**  
**DWAYNE WENNINGER**

Respondent

COUNTY OF CLERMONT, STATE OF OHIO SS:

Now comes Dwayne Wenninger being first duly sworn and states as follows:

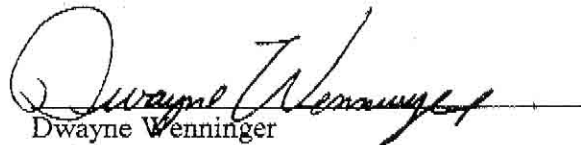
1. I am the Respondent herein.
2. I am a citizen of the United States.
3. I have resided in Brown County, Ohio since 1971.
4. I have all of the qualifications of an elector as specified in Section 3503.01 of the Ohio Revised Code and I have complied with all applicable election laws.
5. I received a high school diploma in 1986.
6. I have not been convicted of any felony or any offense involving moral turpitude in the laws of this state or any other state in the United States and I have not been convicted or plead guilty to an offense that is a misdemeanor of the 1<sup>st</sup> degree under the laws of this state or an offense under the laws any other state or the United States that carries a penalty that is substantially equivalent to the penalty of a misdemeanor of the 1<sup>st</sup> degree under the laws of this state.
7. I have been fingerprinted as required by section 311.01(B)(6).
8. I have filed all necessary documents with the administrative Judge of Brown

County, Ohio as required by Section 311.01(B)(7) of the Ohio Revised Code.

9. I have obtained or held within the three-year period ending immediately prior to the qualification date, a valid peace officer certificate of training issued by the Ohio Peace Officer Training Commission and I have been employed as a Brown County Sheriff on a full time basis since January 2001.

10. I have been acting and performing as Sheriff of Brown County, Ohio 2001, and thus comply with the supervisory experience requirement as set forth in Section 311.01(B)(9).

Further Affiant Sayeth Naught.

  
Dwayne Wenninger

Sworn to and subscribed in my presence on this 16<sup>th</sup> day of March, 2009, by Dwayne Wenninger.



Katie DeBell  
Notary Public, State of Ohio  
My Commission Expires  
June 3, 2013