

ed robbery. Mayo, 32, ated the threats in prison so er inmates could hear him, made intimidating remarks ng a court hearing in May. Mayo had only recently been ven the father of a ar-old, one of a group of sib-

make stupid remarks off hand," Witt said. "But when they are repeated with credible and specific names and dates, it has to be taken seriously."

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## Summit deputies free to return to work as charges are dropped

BY BEN FARKAS  
Plain Dealer Reporter

ROCKLYN — Five Summit County sheriffs deputies no longer face criminal charges relating to the death of an inmate but they may be the target of a federal investigation.

And Mark McCullough's family is pursuing a wrongful death suit in U.S. District Court, saying McCullough died of excessive force and reckless conduct by the deputies.

McCullough, 28, died Aug. 20, 2005, after deputies were called to restrain him so he could be given medication after he appeared naked, defecated and urinated on his cell walls with his deputies. Deputies used a stun gun, pepper spray and hog-tied McCullough.

Prosecutors said the mentally

ill man died from excessive force, but defense lawyers maintained the 290-pound McCullough died of heart failure related to his untreated psychiatric illness.

Visiting Summit County Judge H.F. Inderlied agreed with that conclusion in August, when he acquitted deputy Stephen Krendick of murder after a seven-day trial.

Following that ruling, prosecutors recently requested charges be dismissed against the remaining deputies. Mark Mayer and Dominic Martucci were charged with felonious assault. Deputy Brian Polinger and Sgt. Brett Hadley were charged with reckless homicide.

The five, who were placed on unpaid leave after they were indicted in September 2007, will return to their jobs in the Sum-

mit County Jail, said sheriff's spokeswoman Christine Croce. They went on paid leave several months ago after they showed financial hardship, she said. Krendick is back; Mayer and Martucci will return Monday and Hadley and Polinger will return Sept. 22.

The FBI has followed the McCullough case, which is routine because of the circumstances of his death, said Scott Wilson, spokesman in the Cleveland office.

"If it is deemed appropriate, we will conduct a further investigation into the incident," he said.

Wilson said his agency is still gathering information.

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## Parental-responsibility law voided

Appeals court rules against Maple Hts.

BY TERRY OBLANDER  
Plain Dealer Reporter

A state appeals court has ruled against the city of Maple Heights law that held parents accountable for their children's actions.

It was the second time that a court has ruled against the city in the case of a Maple Heights parent who was charged under the city's parental-responsibility ordinance.

Helma Ephraim, then 44, was charged with the offense of neglecting her 17-year-old son who was arrested for leading police on a high-speed chase that ended in the car he was driving hitting a police officer. Police found the youth carrying a concealed handgun.

In June 2007, Garfield County Municipal Judge Jennifer Weiler ruled the Maple Heights law was unconstitutional because it placed the burden of proof on the parent and

violated constitutional due-process guarantees.

On Thursday, three 8th Ohio District Court of Appeals judges said the ordinance should be overturned because it clashed with Ohio law. The court sidestepped constitutional issues.

The opinion, written by Judge Melody Stewart, said the Maple Heights ordinance conflicted with a section of criminal law that defines guilt.

Stewart wrote that the ordinance could make a lawbreaker out of a parent who took no action to break a law — a clear difference from the state law.

She said that in a clash between state law and a city ordinance, state law prevails.

Maple Heights Law Director John Montello said he had not received a copy of the decision.

"It was worth a shot, I suppose," he said of the city's appeal. Montello was not law director when the ordinance was put in place in 2006.

He said he was not sure if the city would further appeal the case.

John Martin, of the Cuyahoga County public defender's office, said he believed the court was addressing the notion of parental culpability for a child's action for the first time. He said parents have always had a civil responsibility for the actions of minor children.

The appeals court ruling, he said, should block any Cuyahoga County community from making similar laws.

"I would hope communities recognize as a matter of policy that making parents criminals for their children's behavior is an excessive exercise of municipal powers," he said.

Former Mayor Michael Ciaravino could not be reached for comment. Last year, he said the ordinance had been a powerful tool for police and helped establish a community standard for parenting.

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## PAYDAY

BY TOM B1  
Referendum is a snag

The secretary's office said it did not find any evidence that a Form 15 was filed by Arno Political Consultants, a California firm hired by the lenders to collect many of its signatures.

One of the penalties if you don't file the Form 15 is a misdemeanor, but separately, you could get thrown entirely off the lot," said Sandy Theis, spokeswoman for the Vote Yes Issue 5 Committee. The group had filed a public records request asking to see the form.

The group asked Brunner "to bow them off the ballot, and if

you can't do that, then at least throw out the signatures collected by this group," Theis said.

Brunner instead appointed a hearing officer who will hear from both sides before making a recommendation to Brunner.

Ohioans for Financial Freedom filed about 422,000 signatures, needing 241,366 valid ones from at least 44 counties to make the ballot. It is unclear how many of those signatures were collected, and from which counties, by Arno consultants.

The lending group's spokeswoman isn't saying.

"We have received this protest by the opposition and we are looking into their allegations," said Kim Norris, spokeswoman for Ohioans for Financial Freedom.

She would not answer questions about Arno consultants

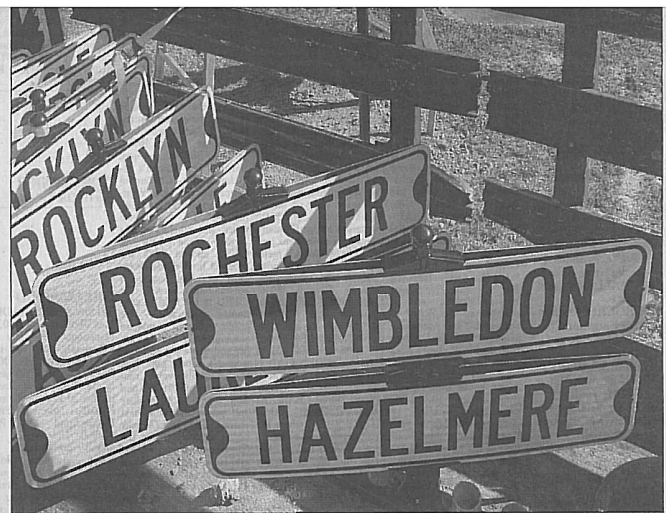
and whether the forms were filed. Norris said the group is continuing to campaign.

A 2007 report by the Ballot Initiative Strategy Center accused Arno of using questionable strategies in previous years in other states, including "bait and switch" tactics and training circulators to forge signatures.

The allegations show why the Form 15 is needed so that Ohio can keep track of who is behind signature gathering, said Bill Faith, of the Coalition on Homelessness and Housing Ohio, the group seeking to keep the payday loan reforms.

A yes vote on Issue 5 keeps the law and the 28 percent cap, while a no vote repeals it.

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SCOTT SHAW | THE PLAIN DEALER

New street signs are going up in Shaker Heights, which Hector Irizarry of Trafteech was installing Thursday. The city will sell the old signs from 10 a.m. to 4 p.m. Nov. 22.

## COMMUNITIES

From staff reports

### CUYAHOGA COUNTY

#### Get rid of household chemicals

Here's a chance to clean out your basement and garage of old oil-based paint, pesticides and other unwanted household chemicals. Bring them to the Household Hazardous Waste Round-up from 9 a.m. to 4 p.m. today at the Cuyahoga County Fairgrounds. A list of acceptable items can be found on the Cuyahoga County Solid Waste District's Web site, cuyahogawd.org, or by calling 216-443-3749. No latex paint will be accepted.

### AKRON

#### Canalway Oktoberfest

The inaugural Oktoberfest hosted by the Ohio & Erie Canalway Coalition, Ohio Brewing Co. and Damon's will be 1 to 11 p.m. today at Lock 3 in downtown Akron. Admission is free. The festival includes a variety of music and bands, German food and fun games. A jumbo television screen will show the Ohio State University-University of Southern California football game at 8 p.m. Saturday. All proceeds from the Oktoberfest go toward the Ohio & Erie Canalway Coalition and its efforts to develop the Ohio & Erie Canal Towpath Trail.

### CLEVELAND

#### School board has vacancies

Larry Davis has resigned from the Cleveland school board, leaving the nine-member board with two vacancies. Davis, a program manager for the Cuyahoga Metropolitan Housing Authority, has served on the school board for five years. He said he left the board "to pursue other opportunities." Mayor Frank Jackson, who under state law appoints the board, will name a successor. Jackson also has to select a replacement for Flor Gomez, who resigned in February. His first pick for that vacancy had a conflict of interest, spokeswoman Andrea Taylor said. The second did not meet a requirement that she be the parent of a Cleveland schools graduate or have a child in the schools. Jackson would prefer to replace Gomez with another Hispanic board member, Taylor said. To be considered, call Monyka Price, Jackson's chief of education, at 216-420-8087, e-mail mprice@city.cleveland.oh.us or send a letter to Price at 601 Lakeside Ave., Room 227, Cleveland 44114.

#### Visit Christmas Story House

Throughout September, active military personnel and veterans, and current and retired police officers and firefighters will be allowed free admission to A Christmas Story House & Museum at 3159 West 11th St. in Tremont. Proof of service, such as military ID or badge must be presented. Additional tickets for family members will be \$1 off the regular admission price. The house was used in the film "A Christmas Story." It is open year-round, 10 a.m. to 5 p.m. Thursday, Friday and Saturday and noon to 5 p.m. Sunday. For more information, call 216-298-4919, or visit AChristmasStoryHouse.com.

### CLEVELAND

#### Free legal advice

Free legal advice will be offered by the volunteer lawyer program of the Legal Aid Society of Cleveland. Attorneys will discuss only civil matters and will offer advice and referrals. Those seeking help

should bring documents related to their case. They will be helped on a first-come, first-served basis. The clinics will be from 10 a.m. to noon Saturday at the West Side Catholic Center, 3135 Lorain Ave. and from 9:45 a.m. to noon on Saturday, Sept. 27 at the Spanish American Committee, 4407 Lorain Ave., on Saturday, Oct. 4, at the LGBT Center of Greater Cleveland, 6600 Detroit Ave. and on Saturday, Oct. 11, at the Fatima Family Center, 6600 Lexington Ave.

#### Slovenian dancers perform

Folklorna Skupina Kres, a Slovenian folk dancing group, will perform at 7 p.m. Saturday at the Slovenian National Home, 6417 St. Clair Ave. The group's 135 dancers range in age from kindergarten to college. The event includes dancing and food after the performance. Tickets are \$15 for adults and \$5 for child balcony and child floor seating. Call 440-256-1546.

### MEDINA

#### Appliance drop-off

Medina County residents will be able to dispose of used appliances next week at two sites: Central Processing Facility, 8700 Lake Road, Westfield Township, 6 a.m.-4:30 p.m., Monday through Friday, and 8 a.m.-2 p.m. Saturday; and Plum Creek County Sanitary Engineers Plant, 2417 Plum Creek Parkway, 8 a.m. to 2 p.m. Saturday only. Appliances that will be accepted include refrigerators and freezers, washing machines and dryers, dishwashers, ranges, air conditioners, hot-water tanks, dehumidifiers and small kitchen appliances. For more information, call 330-769-1273, Ext. 101, or 1-800-968-7273.

### NEW FRANKLIN

#### Trail dedication

The newest section of the Ohio & Erie Canal Towpath Trail will be dedicated at 11 a.m. Friday by Summit County Metro Parks officials. The 1.1-mile stretch, in southern Summit County, runs north from Vanderhoof Road, parallel with Eastern Road. The trailhead is at 2445 Vanderhoof Road. A metroparks naturalist will take visitors on a short hike after ribbon-cutting ceremonies. The trail is expected to be completed in Summit County by 2010.

### RITTMAN

#### POW/MIA ceremony

POW/MIAs from all wars will be remembered during a ceremony at 1 p.m. Saturday at the main flag pole of the Ohio Western Reserve National Cemetery, 10175 Rawiga Road. The ceremonies will include speakers, Lorain's Southview High School ROTC Honor Guard, listing of wars and a 21-gun salute. The ceremony is presented by Rolling Thunder Inc. Ohio Chapter 8. The public is invited. For more information, call Becky Blackmore at 330-723-0116.

### SHAKER HEIGHTS

#### Assessing education policy

A panel of education leaders will discuss the effect of federal education policy on children during a town hall meeting on Sunday, Sept. 21, from 4 to 5:30 p.m. at Plymouth Church, 2860 Coventry Road. Panelists will include Mark Freeman, superintendent of the Shaker Heights schools; Cleveland Heights teacher Monica Lewis; and Jan Resseger, minister for public education and witness for the United Church of Christ. For more information, call 216-921-3510 or go to PlymouthChurchUC-C.org.

### NSUMER AID

Consumer attorney general's public action line, 8 a.m. to 5 p.m. Mon. through Fri. Other times, messages are recorded. Call toll-free 1-800-282-0515.