

Invited Comment

A document that claims to be a complaint of attorney misconduct against me was prepared by a Noblesville attorney on behalf of Rich and Ashley Kelly and has been disseminated publicly. The document makes several accusations about my interactions with Brett Todd and Ashley Kelly, and claims that I acted maliciously toward Sheriff Rich Kelly, and his wife Ashley, out of personal spite, and with political intent. I became aware of the document when it was submitted to the county's insurance carrier with notices declaring that Rich and Ashley Kelly intend to sue the commissioners, the council, Council President Alan Dunn, and the county attorney. I, too, received a notice that Rich and Ashley Kelly intend to sue me. The documents use colorful language to try to persuade a reader that I "strongarmed" a reporter to "alter and control" the media narrative.

Rich Kelly and Ashley Kelly have been charged with criminal offenses by a special prosecutor. After information was submitted to my office, I requested a State Board of Accounts audit of the Clinton County Sheriff's Commissary Fund in September of 2020. I requested a State Police investigation in February of 2021. I did assist the State Police criminal investigation. The State Board of Accounts Audit concluded in November of 2021. At the conclusion of the audit, I requested the appointment of a special prosecutor.

The Noblesville attorney's complaint incorrectly states that I filed the charges against Rich and Ashley Kelly, and that I made statements contained in the probable cause affidavit filed with those charges.

The special prosecutor filed criminal charges in March of 2022. The special prosecutor prepared and filed a probable cause affidavit in support of those charges. The statements in the probable cause affidavit were made by a State Police detective.

Formal charges begin a criminal case. Persons accused of a crime are presumed innocent unless they are proven guilty in a court of law. The prosecutor, on behalf of the State of Indiana, has the burden to prove criminal charges beyond a reasonable doubt.

The Noblesville attorney's complaint accuses me of providing a "fake" document to Brett Todd to mislead him. On October 7, 2021, Brett Todd published a story on RadioMom-fm, "Clinton County Commissioners Look to Cut Payout to Commissary Manager." The story quoted Commissioner Josh Uitts saying that the current pay for commissary manager was \$1,500 a week and "[t]hats more money than any county employee makes." Mr. Todd concluded his story with a "fact check" that "...public records revealed that six Clinton County employees made in excess of \$1,500 a week during the year 2020..." This "fact check" lacked the context that the commissary manager pay referenced in the story was in addition to pay as a matron for the Sheriff's Office, and otherwise the argument lacked accuracy and precision on all sides. I called RadioMom-fm with my concern and Mr. Todd met with me in my office on October 8, 2021, during business hours, with the door open and my staff listening, to discuss it. Mr. Todd had a digital recorder. During our conversation I emphasized that I was not making any

statement on the pending criminal investigation or audit, and that I had no findings from either one. I did offer him a commissary transaction summary for the first half of 2021 that had been prepared by the Clinton County Council as an example of the nature of the documents that he could use to do an accurate “fact check” of Commissioner Uitts’ statement. The document showed the dollar amounts that the Sheriff’s Office had reported in its Commissary Report, including the amounts that had been paid to Ashley Kelly from late April through June of 2021. I encouraged Mr. Todd to verify the information with the Council and the Sheriff’s Office. The document was not “fake.” It was a Council document authored by Council President Alan Dunn. The document had not been generated by the criminal investigation or the audit. It was a document concerning county finances that could have assisted Mr. Todd with accuracy in his reporting about the Commissioners.

Mr. Todd did not print any correction to his story. Mr. Todd did not publish a story about the commissary transaction summary document. I never sought the publication of that document anyway, but had only offered it as an example of the kind of documents that were available on the subject. I never became aware that Mr. Todd was going to publish a story about the “fake” document as alleged in the Noblesville attorney’s complaint. In January of 2022, I became aware that Ashley Kelly was offering a conspiracy theory that included an account of a “fake” document that I had given to a “certain” reporter in a “secret” meeting. I followed up with RadioMom-fm. I provided them with another copy of the commissary transaction summary that I had given to Mr. Todd and explained how my conversation with Mr. Todd was now being misconstrued. They offered to publish the document. I declined this offer and told them that publishing that document was not something that I had ever requested.

The complaint prepared by a Noblesville attorney contains additional accusations. I decline to comment on matters that concern an ongoing criminal prosecution.

The Disciplinary Commission has authority over complaints of attorney misconduct. I have not been notified or contacted by the Disciplinary Commission. If I am, I will respond directly to them.

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