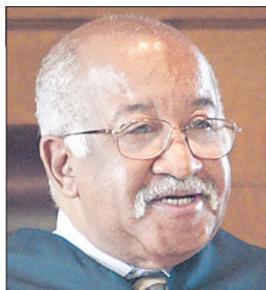




**JAMES JENSEN:**  
Republican and close, personal friend  
Mr. Noe says he recruited Mr. Jensen to become a judge.



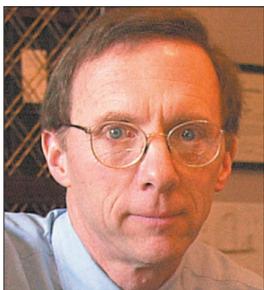
**CHARLES DONEGHY:**  
Democratic political enemy  
Mr. Noe says Judge Doneghy is presiding over the case of his former business associate Timothy LaPointe, charged with seven felony counts in connection with Mr. Noe's operation of rare-coin funds on behalf of the Ohio Bureau of Workers' Compensation.



**THOMAS OSOWIK:**  
Democratic political enemy  
Mr. Noe said in the late 1990s, he and his wife, Bernadette, suggested and then helped Sam Thurber file a complaint with the Ohio Supreme Court, accusing Judge Osowik — who has been assigned the Noe case — of improperly using the Law Enforcement Agency/Area Data System to help Democratic campaigns.



**JACK ZOUHARY:**  
Republican  
Mr. Noe says he and his wife took part in telephone conference calls and meetings with staff members for U.S. Sens. Mike DeWine and George Voinovich, both Republicans, to urge them to propose that Judge Zouhary fill a vacancy on the U.S. District Court for the Northern District of Ohio. President Bush nominated Judge Zouhary for that vacancy.



**FREDERICK McDONALD:**  
Democrat  
Mr. Noe says Judge McDonald's wife, Holly Taft-Sydlow, is an assistant U.S. attorney for the Northern District of Ohio, which is prosecuting him for alleged criminal violations of federal campaign finance law.



**JAMES BATES:**  
Democratic political enemy and husband of Lucas County Prosecutor Julia Bates  
Mr. Noe said he worked on a complaint filed against Judge Bates' campaign in 1994 with the Ohio Elections Commission.

# Judges

Continued from Page 1

Thomas Moyer will rule on Mr. Noe's motion. He could rule solely on Judge Osowik or the entire Lucas County bench. If Judge Osowik is disqualified, the administrative judge of the Common Pleas Court, Judge James Bates, would select a judge to hear the case.

If Chief Justice Moyer, a Republican, disqualifies the entire Lucas County bench, then he would appoint a visiting judge.

After word about the affidavit surfaced yesterday, courthouse employees were eager to find copies. The details elicited laughter from some, but mostly no comment from the judges mentioned by Mr. Noe.

Judge Bates said, "It makes for good reading."

Judge Bates said he felt that there are judges in the county who could impartially hear the case.

"There's more than several judges who could be available to handle the case if, for whatever reason, the Supreme Court decides that Judge Osowik cannot handle the case," he said.

For much of his affidavit, Mr. Noe recounts the roles that he and his wife, Bernadette, played in transforming the county Republican party. He claims to have helped current Ohio Auditor Betty Montgomery get elected as Ohio attorney general in 1994, helped the GOP take over the statehouse by getting the late John Garcia elected to

the Ohio House, and helped get three Republicans elected to Toledo City Council.

## 'Scourge' of Democrats

He repeatedly touts how he and his wife worked to get Republican judges elected in the county and how those efforts made them the "scourge" of Democrats but the friends of Republicans.

"Indeed, the ferocity and determination with which my wife, Bernadette Restivo Noe, and I set out to achieve our goal of displacing the entrenched majority Democratic political establishment of Lucas County — especially as it has historically existed on the Lucas County Common Pleas Court bench — has resulted in what can only be described as a singular and acute animus against us on the part of Democrats in Lucas County, including the majority of judges on the bench," Mr. Noe wrote in his sworn affidavit.

Mr. Noe also takes credit for exacerbating the ongoing rift between the two factions of Lucas County Democrats. He says his support for former Democratic Lucas County Commissioner Harry Barlos was calculated to agitate the Democrats. The ploy, he said, to have the local Republican Party endorse Mr. Barlos worked and inflamed the battle among Democrats.

"Rarely have we come across

someone as politically active as Mr. Noe. It's a very rare situation," said William Wilkinson, Mr. Noe's Columbus attorney.

Mr. Wilkinson said the issue of whether Mr. Noe can receive a fair trial in Lucas County is a separate one from the motion filed late on Monday. "The current motion deals only with who the judge should be," he said.

Several of Mr. Noe's claims, however, don't match up with the facts.

For instance, he states that the Barlos-Pete Gerken rift "had the desired effect of aiding the Lucas County Republican Party..." In fact, Democrats retained both commission seats in 2004.

Mr. Noe also claims to have helped Judge Charles Doneghy's opponent in 1994, but Judge Doneghy ran unopposed that year. For other judges, Mr. Noe talks about helping to fund their Republican opponents in "hotly contested races" when Democrats won by overwhelming percentages.

## 'He's deceiving himself'

The Ohio GOP, which has tried for more than 10 months to distance itself from one of its most loyal supporters and prolific fund-raisers, said Mr. Noe was overstating his party role.

"Tom Noe spent the last few years deceiving Republicans,

and now it seems that he's deceiving himself in regards to his influence," said John McClelland, the Ohio Republican Party spokesman.

State Rep. Chris Redfern, an Ottawa County Democrat who is also chairman of the Ohio Democratic Party, said there's always some exaggeration when a criminal defendant files a motion, but he said Mr. Noe is "correct" in assessing his political track record.

"He is largely responsible for electing most of the Republican Lucas County bench. He is largely responsible for the success of Betty Montgomery in 1994. I was helping Lee Fisher's campaign. I was a county commissioner. I understood Tom Noe possessed a tremendous amount of skills and acumen," Mr. Redfern said.

Mr. Noe is facing felony charges in Lucas County of stealing from the state coin funds that he managed, and federal felony charges that he illegally funneled more than \$45,000 into President Bush's re-election campaign.

A special state audit released last week stated that Mr. Noe and one of his partners owes the state more than \$13.5 million that they either took from the coin funds or failed to pay back

## OTHERS RULED OUT

Mr. Noe also ruled out the following Democrats he labeled "political enemy" or because he campaigned for their opponents: Gary Cook, Denise Ann Dartt, and Charles Wittenberg. He said Democrat Ruth Ann Franks is a close,

personal friend. Mr. Noe said Judge Franks, when she was an assistant Lucas County prosecutor, was assigned to the courtroom of his father-in-law, retired Judge Francis "Buddy" Restivo, and she is close to Bernadette Noe.

in profits to the state.

Mr. Noe said his involvement in judicial races in Lucas County went beyond "mere donations of money or statements of public support."

For example, Mr. Noe said in the late 1990s he and his wife helped Sam Thurber, the husband of Lucas County commissioner Maggie Thurber, file a complaint with the Ohio Supreme Court against Judge Osowik, "arising out of what we believed to be his improper use of the Law Enforcement Agency/Area Data System, or LEADS, to help Democrats get confidential information about their GOP opponents."

The Supreme Court's office of disciplinary counsel did not file a formal complaint related to the allegations against Judge Osowik.

## No probable cause

"There was no determination of probable cause, which is substantial, credible evidence of misconduct," Lori Brown, first assistant disciplinary counsel,

said yesterday.

The Noes also take credit for helping to get Judge Jack Zouhary appointed to the federal bench by President Bush. Judge Zouhary recently had a hearing before the Senate Judiciary Committee and is awaiting the next step in his nomination process.

Mr. Noe said the "voluntary recusal" of five of the Supreme Court justices in the public records lawsuit that The Blade filed last year seeking the coin funds' inventories "stands as a precedent and requires that the judges on the bench be held to no lower standard."

Judge Bates, referring to the decision by the justices, suggested they had more conflicts than his peers in Lucas County.

"There's probably more Supreme Court justices who would be questionable than the 10 of us," he said.

Staff writer Steve Eder contributed to this report.

Contact Mike Wilkinson at: mwilkinson@theblade.com or 419-724-6104.

# McCloskey

Continued from Page 1

key was the district representative for East Toledo, where the property is located.

Prosecutors said Mr. McCloskey demanded that Pilkington, his former employer, and EJS Properties LLC of Okemos, Mich., contribute the money to a prescription-drug fund before he would support their request.

The two businesses were seeking a rezoning because Pilkington had an agreement to sell part of its former technical center at 1701 East Broadway to EJS for conversion to a charter school.

After the two companies failed to make the payment Mr. McCloskey allegedly demanded, the rezoning was defeated by City Council in August, 2002, with Mr. McCloskey voting against the measure. He had earlier voted for the rezoning in committee. The same property was later rezoned, with Mr. McCloskey's support, so that Toledo Public Schools could build a middle school on the site.

EJS filed a federal lawsuit in 2004 demanding \$10 million from the city and Mr. McCloskey. The allegations, laid out in depositions given in the federal case, prompted Lucas County Prosecutor Julia Bates to undertake a criminal investigation late last year.

Mr. McCloskey, a councilman since 1994, faces a sentence of one to five years in prison if convicted on each count. A conviction would bar him from holding public office.

Judge Bates ordered the councilman released on a recognizance bond but sternly warned him that he could face additional charges if he failed to appear in court for any scheduled hearings. Robert Miller, an assistant county prosecutor, did not oppose the bond.

Mr. McCloskey was handcuffed in the courtroom and taken by sheriff's deputies to the clerk of courts for processing. In the clerk's office, he was given the conditions of his unsecured release. The restrictions include that he must notify the court of any changes in employment, residence, or phone number, and that he cannot travel outside the county.

Deputies then took Mr. McCloskey to the county jail to continue the booking processing. He was fingerprinted and photographed before being released.

The cost of Mr. McCloskey's legal defense is not yet known, but the veteran city councilman has already begun contacting friends and associates about help in paying the bill.

Oregon businessman John Shousher, a friend of Mr. McCloskey, said the councilman had asked for help in raising \$5,000 to pay for his defense. Mr. Shousher said he advised Mr. McCloskey to take out a bank loan. The Blade has also learned that Mr. McCloskey requested a \$25,000 payment for his defense fund from another Toledo busi-

nessman.

Yesterday, Mr. McCloskey refused to comment on whether he is asking area businessmen for money to pay his lawyer. He did say he was considering a fund-raiser.

"I probably will do something. We haven't discussed it yet. My attorney's putting it together," Mr. McCloskey said. Asked the amount of money he wants to raise, Mr. McCloskey said, "whatever it takes."

He will likely have a more difficult time raising money for his legal defense than for his past political campaigns.

State ethics law prohibits public officials from accepting or soliciting gifts from people who do business with or are regulated by the governmental body they represent.

David E. Freel, executive di-

rector of the Ohio Ethics Commission, said last night that the commission has ruled that a public official can have a legal defense fund as long as he doesn't solicit or accept unethical contributions.

"We've said that a public official in other incidents involving a legal defense fund cannot solicit donations or contributions from those who do or are seeking to do business with [the city] or are directly regulated by [the city]," Mr. Freel said.

A review of Councilman McCloskey's lists of campaign contributors shows that many of his past donors fall into the category of doing business, being regulated by, or having some other relationship with the city.

Mr. Freel said Mr. McCloskey or his lawyer have the right to ask for an advisory opinion as to

who would be prohibited from donating to a legal defense fund, but as far as he knew the question had not been asked.

Mr. Freel differentiated between an election campaign fund and a legal defense fund in that state law allows politicians to accept campaign contributions, including from people who do business with the city, and those funds must be kept separate from their personal accounts. He said a legal defense fund is seen as offsetting a public official's personal funds.

Prosecutor Bates said last night that she couldn't provide an opinion on whether the fund for Mr. McCloskey's defense was appropriate.

Donald Monroe, executive director of the River East Economic Revitalization Corp., said he knows Mr. McCloskey is plan-

ning a legal defense fund-raiser and said he would give money if it's legal to do so. River East has a long-term financial relationship with the city.

The city is paying for Mr. McCloskey's legal defense against the \$10 million lawsuit, but not the criminal charges.

City Councilman Frank Szollosi yesterday filed an official request with Mayor Carty Finkbeiner, asking how the city law department plans to ensure that city taxpayers are not footing the bill for Mr. Feldstein's work on Mr. McCloskey's criminal case.

Mr. Feldstein and the city law department have independently filed motions asking that the civil case be set aside until the criminal case is resolved.

Contact Mark Reiter at: mreiter@theblade.com or 419-213-2134.



THE BLADE/DAVE ZAPOTOSKY

A deputy unshackles Councilman Robert McCloskey so he can sign his recognizance bond at the Lucas County Clerk of Courts office after pleading not guilty to bribery charges.

# 75% OFF

ENTIRE STOCK\*

## Ladies' Fall & Winter Shoes & Boots

Orig. 29.00-199.00, NOW \$7.25-\$49.75

Naturalizer • Born • Timberland • Antonio Melani • Nina Gianni Bini • Skechers • Kenzie • Life Stride • Bare Traps Merrell • Ecco • Steve Madden • Nurture • Clarks Kenneth Cole Reaction • Enzo Angiolini • Michelle D • & More!

\*Excludes year-round basics and shearing. Selection varies by store. Limited to quantities on-hand.

# Dillard's

75% OFF

Kids' Fall & Winter Shoes & Boots  
Stride Rite • Timberland • Nina • & More!  
Orig. 29.00-59.00, NOW \$7.25-\$14.75

For Your Convenience We Accept Your Dillard's Charge, Visa, MasterCard, American Express, Discover, Carte Blanche, Or Diner's Club Card.

**SHOP MONDAY THROUGH SATURDAY 10 A.M. - 9 P.M. SHOP SUNDAY 12 NOON - 6 P.M.**