

THE CHRONICLE

FOP OF OHIO PRESIDENT'S MESSAGE

The Fraternal Order of Police will be 110 years old this May. It was founded by two Pittsburgh patrol officers named Martin Toole and Delbert Nagle who knew that police officers, like other labor interests, must organize if they were to be successful in making life better for themselves and their fellow police officers. And so it began, a tradition of police officers representing police officers.

From that small beginning, the Fraternal Order of Police began growing steadily. In 1917, the idea of a national organization of police officers came about. Today, the tradition that was first envisioned 110 years ago lives on with more than 2,200 local lodges and more than 377,000 members in the United States. The Fraternal Order of Police has become the largest professional police organization in the country. The FOP continues to grow because we have been true to tradition and continued to build on it.

In Ohio, the Fraternal Order of Police has developed the Ohio Labor Council to provide labor services for bargaining units all across the state. The FOP, Ohio Labor Council is the largest police union in Ohio and the FOP is proud of our relationship with the Labor Council.

Membership in the FOP, Ohio Labor Council does not automatically grant you membership in the Fraternal Order of Police. You must join a local

lodge to get all the benefits of the Fraternal Order of Police, be they National or Ohio FOP benefits.

What are those benefits?

- **Advocacy** – The FOP is the voice of law enforcement at the state and national level, and our candidate endorsements matter. Our work as advocates in Columbus and in Washington D.C. protects and extends the rights of law enforcement professionals on issues like officer safety, PTSD coverage and pension reform. In fact, the FOP was instrumental in overturning a 40-year-old law that robbed public employees of the Social Security that they earned. This change, the elimination of the Government Pension Offset and the Windfall Elimination Provision, will put thousands of dollars into the pockets of our members over their lifetime. This is a great example of the FOP in action.



Jay McDonald

FOP of Ohio President

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INSIDE THIS ISSUE:

<i>FOP President's Message</i>	1-2
<i>Legal Update</i>	3-4
<i>Arbitration News</i>	5-6
<i>Legislative Update</i>	7
<i>Member Spotlight</i>	8
<i>Staff Spotlight</i>	9-10
<i>Retirements</i>	11
<i>Training</i>	12
<i>Negotiations</i>	13
<i>Passalong</i>	13

FOP OF OHIO PRESIDENT'S MESSAGE (CONT'D) —

- **Officer Wellness** – The FOP of Ohio was providing officer wellness services before it was adopted anywhere else. Our Critical Incident Response Service provides peer support for traumatic events 24/7 and provides training across Ohio.
- **Honoring the Fallen** – The National Fraternal Order of Police hosts the only national memorial service at the United States Capitol every May 15th. The FOP of Ohio supports the Ohio Peace Officer Memorial Ceremony by hosting the Memorial Motorcade and purchasing the flags that fly in honor of each fallen officer. This year, it will be on May 8th.
- **Communication** – The FOP of Ohio provides information that provides members with vital resources through our app, our website, our social media channels, email notifications and more.
- **Exclusive Benefits** – From license plates to post-retirement medical insurance to savings and discounts on a wide range of products and services, membership in the FOP has its benefits!

The FOP of Ohio is a law enforcement community, where together we advocate for better policies, we support each other during challenging times, and we honor those who've made the ultimate sacrifice.

When you join the FOP, you gain a network of active and retired officers committed to your success and well-being. If you are a law enforcement officer who has seen the benefits of membership in the FOP, Ohio Labor Council but has yet to join the Fraternal Order of Police we are asking you to contact Rob Hawley at rhawley@fopohio.org to learn which lodge is best for you.

If you are a non-sworn member of the FOP/OLC, please consider joining the Fraternal Order of Police Associates or FOPA. The FOPA is an organization of civilians that supports the FOP and law enforcement. You can contact Theresa Drennen at alodgeupdate@gmail.com about the benefits and activities of the FOPA.

Thank you for your service to your community and your fellow officers. Please stay safe and may God Bless you!

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LEGAL UPDATE

OHIO SUPREME COURT RULING ON WITHHOLDING NAMES OF OFFICERS INVOLVED IN SHOOTINGS LEAVES MORE QUESTIONS THAN ANSWERS

On December 6, 2024, the Ohio Supreme Court issued a decision on whether the names of officers involved in on-duty shootings can be redacted from documents provided pursuant to public records requests. This case came before the high court after the City of Akron refused to supply the Akron Beacon Journal with the names of the Akron Police Officers who were involved in three different shootings between 2021 and 2022.

The Beacon Journal requested the personnel files and discipline records of officers placed on administrative leave pending investigations involving the shootings of James Gross, Lawrence Rodgers, and Jaylan Walker. The City of Akron released redacted versions of documents to exclude the names of the officers. The Beacon Journal filed an action with the Supreme Court seeking to compel the City to produce unredacted versions of such documents to include the names of the officers.

The Court recognized that the Public Records Act does not require a public office to identify records containing selected information, meaning a request for information is an improper public records request. Thus, the Beacon Journal cannot ask for personnel files, discipline records and internal investigations of unidentified officers. This would be no different than requesting the names of the officers involved in the shootings, which the Court determined was tantamount to a request for information and thus an improper request.

However, the Court explained that records related to specific incidents, like incident reports, witness statements, and supplemental notes are proper requests. The Court then turned to the question of whether the City of Akron could redact the names of officers in those documents that were

properly requested. Under the exception for confidential law enforcement investigatory records (CLEIR), information regarding an uncharged suspect of a criminal investigation is not subject to a public records request. The officers involved in the Jayland Walker shooting were investigated, the case was presented to the Grand Jury which declined to indict the officers. The Court ruled that they are “uncharged suspects” as there is still the possibility of a federal investigation. The Court noted that the likelihood of charges against a person does not determine whether he or she is an uncharged suspect for the purpose of the public records exception.

The question remains how long is one considered an uncharged suspect? The Court did not opine on this. The Court reiterated that a person continues to be an uncharged suspect until he or she has either been arrested, cited, or otherwise charged with an offense. The Court stated that the names of the eight officers involved in the Jayland Walker shooting are to remain redacted from the documents requested.



AKRON POLICE DEPARTMENT

OHIO SUPREME COURT RULING ON WITHHOLDING NAMES OF OFFICERS INVOLVED IN SHOOTINGS LEAVES MORE QUESTIONS THAN ANSWERS (Cont'd) —

The Court then analyzed the public records exception which applies to records that are prohibited from release due to state or federal law. In a previous case, the Ohio Supreme Court held that records may be redacted if they create a “substantial risk of serious bodily harm, and possibly even death, from a perceived likely threat.”



In both the Rodgers and Gross shootings, family members of the deceased made threats to the Akron Police including threatening to kill officers. In fact, Gross’s brother repeatedly contacted investigators threatening them and the officers involved in his brother’s death. A member of the Rodgers’ family similarly threatened to kill or harm the officers involved in that shooting. However, the Court ruled these threats did not create a substantial risk of serious bodily harm or death to the officers. The Court concluded that, while there may have been a threat present initially after the shootings, it may recede over time and there was nothing in the record to suggest these threats were ongoing.

The Court granted the writ requiring the City of Akron to provide copies of the requested documents with the unredacted names of the officers involved in the Gross and Rodgers shootings. This rationale leaves the question of when a threat is no longer ripe and how departments are to respond to immediate records requests when officers are currently being threatened. Unfortunately, the Court has not provided this answer.

The Court declined to analyze whether the risk of harm exception applied to the officers in the Walker shooting because the Court had already determined that the names of the officers were exempt under the CLEIR exception of uncharged suspects.

Ultimately, the City of Akron prevailed in protecting the identities of the officers involved in the Walker shooting. Time will tell how these additional questions may be answered by future responses to public records requests.

State ex rel. Copley Ohio Newspapers, Inc. v. Akron, 2024-Ohio-5677

Note – There is another case currently pending in the Ohio Supreme Court as to whether the names of police officers who are victims of crime are protected under Marsy’s Law. Oral arguments were heard on February 11, 2025.



ARBITRATION NEWS

SENIORITY STRICTLY UPHELD



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This arbitration involved four (4) separate grievances, all involving seniority and break in service. The collective bargaining agreement (CBA), which covers Deputies and Sergeants, stated “A termination of employment lasting less than 31 days shall not constitute a break in continuous service. Once continuous service is broken, unless the employee is reinstated within twenty-four (24) months from the date of termination from employment, the employee loses all previously accumulated seniority.” Seniority is used for shift bids, vacation preferences, special details and special side jobs.

The first grievance was a class action of Deputies who protested the Employer’s decision to allow a Sergeant, who retired one day and rehired as a Deputy the next day, to keep his seniority. The Union argued that “termination” did not include retirement, resignation or other forms of separation, thus the Sergeant lost all his seniority when he retired. The Employer and Sergeant argued that the CBA’s use of “termination” included all forms of separation and there was only a matter of minutes between the time he retired and the time he was rehired, thus there was no break in service and he should be allowed to keep his seniority. The Arbitrator found that “termination” applies to situations where there is a discharge, which is an involuntary action carried out by the Employer, as opposed to a retirement which is a voluntary decision made by the employee. The Arbitrator also looked at the fact that the Sergeant cashed out his sick leave when he retired. Thus, the Arbitrator found that there was a break in service and the retired Sergeant/rehired Deputy lost all accumulated seniority when he retired.

The second grievance was filed by the retired Sergeant/rehired Deputy protesting the Employer’s decision to treat him as a new hire for

vacation purposes which precluded him from taking vacation during his first year and limited his vacation accrual rate as if he were a new hire (3.1 hours per pay period) when he had previously accrued at a higher rate prior to his retirement (7.7 hours per pay period). Again, looking at the CBA’s use of “termination” and the fact that he cashed in his sick leave, the Arbitrator found that his retirement was a break in service, thus the Employer did not violate the contract when it reduced the Grievant’s vacation accrual rate to that of a new employee.

The third grievance was filed by a Deputy who protested the Employer’s decision to allow Deputy B, who resigned but was rehired fourteen (14) months later, to keep his previously accumulated seniority. Again, the Union argued that Deputy B’s resignation resulted in a break in service, thus resulting in his loss of previously accumulated seniority. The Arbitrator agreed, citing the same reasons as espoused in the first grievance.

The fourth grievance involved the Employer’s promotion of Deputy B to Sergeant approximately 4-5 months after he was rehired. The CBA states that Deputies had to have “three (3) or more years of service” for promotional appointments. The Union argued that since Deputy B lost all prior service when he resigned, he did not have the requisite three (3) years of service to be promoted. The Employer argued that Deputy B had more than three (3) years of service prior to his resignation and thus had sufficient service to be promoted. Again, the Arbitrator found that there was a break in service when Deputy B resigned, thereby losing all previously accumulated seniority, thus he did not have the requisite three (3) years of service and was not qualified to be promoted to Sergeant.

OUTCOME

1st grievance: Grievance sustained, the seniority list is adjusted to reflect the retired/rehired Deputy as a new hire on the date he was rehired.

2nd grievance: Grievance denied.

3rd grievance: Grievance sustained, the seniority list is adjusted to reflect Deputy B’s seniority as a new hire on the date he was rehired.

4th grievance: Grievance sustained, Grievant is promoted to Sergeant as of the original date of promotion and made whole for any economic loss.

ARBITRATION NEWS

EMPLOYER FAILED TO ESTABLISH JUST CAUSE FOR SUSPENSION



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The Grievant is a Sergeant with a University's Public Safety Department. The Grievant was the instructor for a departmental training class. One of the subjects discussed in the class was the use of contact cards which the University required officers to complete to document all non-consensual police interactions. The purpose of the cards was to monitor the gender, age, and race of individuals who had involuntary interactions with police officers.

During the instruction, a class member inquired about the racial information on the card, including the proper way to designate an individual's race. When responding to the class member, the Grievant used the term "the N-word" as a euphemism for a racial slur. At the same time, other officers at the training were talking among themselves, so the noise level was elevated in the classroom. One class member believed she heard the Grievant say it was acceptable to use the actual racial slur that the term "the N-word" refers to. That class member left the classroom, offended by the Grievant's comments. In the hallway, the class member spoke with a Sergeant and Lieutenant about the Grievant's comments.

The University concluded that the Grievant made derogatory comments by using the term "the N-word" while instructing other officers. The Grievant was issued a five (5) day suspension, ordered to complete remedial bias training, and was instructed he would have no training duties for one year. The Grievant filed a grievance.

The University argued that the Grievant used a euphemism for a racial slur multiple times while he was conducting a training class; that there was no distinction between the term "the N-word" and "the full word of the actual racial slur"; that the use of the euphemism for a racial slur was unnecessary and not

relevant to the training of the contact cards; that the use of the euphemism "harmed the operation and positive direction of the department."

The FOP/OLC argued that the Grievant did not engage in any racial harassment, there was no evidence that the Grievant directed a racial slur towards anyone or expressed that it was acceptable to use a racial slur. The class members agreed that the euphemism was not directed at anyone and the evidence did not suggest that the Grievant's comments caused an uproar and chaos in the classroom. Rather, the Grievant continued to teach for one and a half hours after the conclusion of the incident.

The Arbitrator concluded the Grievant was disciplined without just cause. The Grievant never used the actual racial slur during class and there was no malicious intent behind the Grievant's use of the euphemistic term "the N-word." There was no evidence to establish the Grievant stated the use of the actual racial slur was acceptable or that the Grievant's comments caused chaos in the classroom. The Arbitrator found that the Grievant had no notice that his use of the term "the N-word" euphemistically while conducting training was prohibited.



OUTCOME

Grievance sustained. The University shall make the Grievant whole for any lost wages. He shall also be eligible to conduct training classes in the future.

LEGISLATIVE UPDATE:



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HB96 Recently testified on HB96/State Operating Budget before the House Public Safety Committee. In my allotted five minutes, I covered as many topics as possible, trying to cover our FOP priorities. First up was discussing the issue with the unarmed sworn police officers in the Departments of Mental Health and Addiction Services and Developmental Disabilities. While they are OPOTC certified and meet the requirements for continuing education, those department leaders will not allow their police officers to carry any lethal or nonlethal weapons. Unfortunately, the clients in these facilities are increasing those classified as forensic – many of which are violent offenders. While the FOP does not want officers armed within patient areas, those officers patrolling the grounds, operating the metal detectors, and providing patient escorts should be armed. Arming these officers is a change that is ripe for the budget.

HB296 The second item I discussed was the employer contribution rate increase in OP & F. The House of Representatives passed HB296, introduced by Representatives Abrams and Hall, which sought to eliminate the difference in employer contributions to the Ohio Police and Fire Pension Fund (OP&F) between police and firefighters. The bill proposed gradually increasing the employer contribution for police officers from 19.5% to 24% over six years. Employers contribute 24% to OP&F for firefighters, and this bill addressed this disparity. The change will bring equity to the uniformed services, as police and firefighters receive the same benefits from OP&F despite differences in employer contributions. HB 296 passed the House but not the Senate. The FOP would like to see last sessions HB296 incorporated into the budget.

HB73 Staying with pensions, the FOP advocates for incorporating Representatives Hall and Millers recently introduced HB73 into the State Budget. The bill establishes a deferred retirement option plan (DROP) for law enforcement officers in the PERS. Suppose you are eligible for a standard service retirement. In that case, you can enter the DROP

program by delaying retirement and continuing to work as a police officer. While you continue to work and draw your typical salary, the amount you would have received in retirement benefits accumulates tax-deferred on your behalf and a portion of your employee contribution and interest. This program already exists in OP&F and OHPRS and has been instrumental in recruitment and retention.

HB96 Finally in 2021 I testified to HB308 (Post Traumatic Stress) which Governor DeWine signed in to law. HB308 provided compensation and benefits to first responders with post-traumatic stress disorder and studied the financial and administrative requirements for that fund. While OP & F received funds and commissioned a completed study, the General Assembly never placed any monies in the PTSD fund or assigned a fund manager. HB96 can fix this oversight by designating the Ohio Bureau of Worker's Compensation (OBWC) as the fund administrator and providing the fund with the needed monies.

Training has been a priority of the FOP since our inception over one hundred years ago. Intense basic training and continuing education are the foundation of our drive to professionalize our career field. However, the FOP opposes a centralized training center in Columbus. And we oppose the duplication of services by state agencies. While our members are in training, they want to go home at night, attend their kid's functions, and eat a home-cooked meal. Regional training allows them to do these things, saving their employers money. The FOP would like to see dedicated funding for LE training, which would also save their employers money. The requirement to get 40 hours of continuing education is in the ORC, but the caveat to only require that training if funds are available has been removed. Unlike other professionals who require continuing education, our members don't charge our clients hundreds of dollars an hour.

QUICK ACTIONS OF PATASKALA OFFICER SAVES LIFE OF TEN-YEAR-OLD



On January 25, 2025, at the FOP Winter Board meeting in Dublin, Pataskala Police Officer Joshua Buchberger was honored by the FOP and the FOP/OLC.

On December 11, 2024, Officer Buchberger was directing traffic around downed power lines. While doing so, a frantic motorist drove up to him and explained that his ten-year-old grandson had severely cut his arm and he needed to get to the hospital. In assessing the situation, Officer Buchberger determined that based on the amount of blood and the rapid flow, an artery must have been cut in the child's arm.

Without missing a beat and fearing that the boy wouldn't survive the car ride, Officer Buchberger's instincts and training kicked in and he immediately applied the tourniquet on the boy's badly damaged arm, directly above the wound. Officers summoned a squad and the severely injured lad was taken to the hospital where he received immediate medical treatment.

Without Officer Buchberger's quick and effective actions, it is likely the boy would not have survived this injury due to blood loss. Officer Joshua Buchberger is truly a Hero!

FOP/OLC Executive Director Gwen Callander stated that this is a reminder that countless times every day, our members throughout Ohio take quick life-saving actions while never hesitating to encounter dangerous or precarious situations. She stated we are proud of Officer Buchberger and the valorous efforts of our entire membership.

If you are aware of any heroic acts by any of our other members, please contact FOP/OLC Membership Coordinator Dan Ozbolt with details. Dan can be reached at dozbolt@fopohio.org.

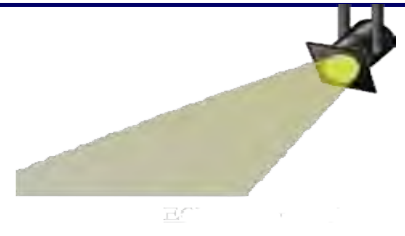


FOP President Jay McDonald and FOP Vice-President T.J. Assion honoring Officer Buchberger.



Ohio Labor Council Staff Representative Andrea Johan with Officer Buchberger.

STAFF SPOTLIGHT



Brian Brennaman, Staff Attorney



Brian Brennaman
Staff Attorney
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Brian is an attorney for the FOP/OLC representing members in southwest Ohio. Brian retired as a Fire Captain after 29 years. During his tenure as a firefighter, he graduated from Central State University with a Bachelor's degree, a Master of Science in Public Administration from Central Michigan University, and his J.D. from Capital University Law School.

Brian was in private practice from 2012 until he joined the Greene County Prosecutor's office in 2021. Brian joined the FOP/OLC after a short stint as a Hearing Officer for the Ohio Industrial Commission. Brian has experience on both sides of the table in criminal defense, as well as appeals, labor law, contracts, and litigation. Brian resides in the Xenia area with his wife.

Bianca Micu, Legal Assistant

We are pleased to introduce Bianca Micu as the newest member of the Ohio Labor Council, joining us as a legal assistant. Bianca brings a diverse background in both emergency medical services and administrative support, demonstrating adaptability, dedication, and strong organizational skills.

Bianca began her career as an EMT and field training officer, thriving in high-pressure situations and developing exceptional problem-solving and communication abilities. More recently, she transitioned into an administrative role, where she gained valuable experience in scheduling, document preparation, and office management. Her proficiency in Microsoft Word, Excel, and PowerPoint, along with her keen attention to detail, will be a great asset to our legal team.

Bianca resides in Marion with her husband Brendan, a Columbus Police Officer, and her dog Teddy.

Passionate about pursuing a career in the legal field, Bianca is eager to contribute and grow within the OLC.



Bianca Micu
Legal Assistant
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FORMER FOP/OLC STAFF ATTORNEY APPOINTED TO JUDGESHIP

On January 31, 2025, former FOP/OLC Staff Attorney Keith Washburn was sworn in as a Chillicothe Municipal Court Judge. Washburn was appointed to this position by Governor Mike DeWine, filling a recent vacancy on the court.



Keith Washburn being sworn in as Judge while accompanied by his wife and sons.

Just prior to receiving this appointment, Washburn served as an attorney and staff representative for the Fraternal Order of Police/Ohio Labor Council. Keith proudly served our members mostly in southeast Ohio, providing representation on numerous matters from contract negotiations, officer involved shootings, in-custody deaths and other critical incidents.

Washburn is a U.S. Army veteran who proudly served as an Intelligence analyst with the 4th Infantry Division. Following his honorable discharge from the military, he became a Police Officer with the Chillicothe Police Department. Washburn worked his way up through the ranks and eventually became the Police Chief for six years until his retirement in 2020. While serving in this capacity, Washburn earned a law degree while managing a mid-sized department in a community with a substantial drug problem and high-profile cases involving missing women. Washburn started a Street Diversion Program where people battling drug addiction were diverted from the streets to rehab. At the same time, he started a task force involving Federal, State and Local agencies which was successful in greatly reducing the drug problem in Chillicothe.

After retiring from the police department, Mr. Washburn became an Assistant Prosecutor with the Jackson County Prosecutor's Office.

Mr. Washburn has also handled numerous Veterans claims pro bono. He continues to be passionate about representing our Veterans.

Mr. Washburn has been a member of the FOP since 1995 and served as a local chapter union president from 2006 to 2009. He has received numerous awards throughout his military and law enforcement career, including the recipient of the Silver Cross.

The FOP/OLC is sad to see Keith leave but we are grateful for the service he provided to our members and are proud of his accomplishments. Our loss is the citizens of Ross County's gain.



Judge Washburn immediately after being sworn in, pictured with FOP/OLC Staff Attorney Jess Franken on his right, and FOP/OLC General Counsel Kay Cremeans on his left.



The Fraternal Order of Police/Ohio Labor Council congratulates the following recently retired members:

Deputy Elendora Clyde-Martinez, Lucas County Sheriff's Office

Deputy Gabriel Torres, Lucas County Sheriff's Office

Deputy Lisa Cruz, Lucas County Sheriff's Office

Officer Caleb Yeauger, Marysville Police Department

Officer Dennis Flanagan, Marysville Police Department

Officer Robert Butterworth, Marysville Police Department

Senior Fingerprint Examiner Mike Burkhart BCI&I

We are truly proud of your accomplishments, and we were honored to represent you!

Godspeed and Thank You for Your Service!!!

Please let us know when your co-workers are about to retire so that we can recognize them.

We need their name, agency, title, years of service, specialized units and any notable achievements.

Send this information to: Dan Ozbolt, at dozbolt@fopohio.org.

**RETIRED
POLICE
OFFICER
TIME TO GIVE IT
ARREST**

Training Opportunities



UNIQUE TRAINING OPPORTUNITY

Officer Involved Shootings/Critical Incident Training

Topics

Immediate steps to Protect Your Rights after scene is secure
What to expect in the BCI Investigative Process
FOP Critical Incident Response Service
Presentation and Q&A from an Involved Officer

Instructors

BCI Special Agent
FOP/OLC Staff Representatives
FOP Critical Incident Response Program Coordinator
Involved Officer

Date, Time & Location

Thursday, March 27th, 2025, from 9:00 a.m. to 2:00 p.m.
Maumee Police Department—Training Room
109 E. Dudley Street
Miami, OH 43537

Lunch and beverages will be provided by the FOP/OLC

*** THIS TRAINING IS FREE ***

Please RSVP asap to Dozbolt@FOPohio.org



Negotiations Update



<u>Employer</u>	<u>Wages</u>	<u>Other Details</u>
Knox County 911	\$2.30 equity adjustment, 5%, 5%	Increased comp time bank, Cash in for comp time can be cashed in more than once a year, less than 1 week of vacation can be used even if mandatory overtime is created.
Perry Township	5%, 4%, 4%	OIC 10% rate increase, added holiday, increased funeral leave, collapsed wage scale and changed personal day hours to equal the number of hours scheduled
City of Sandusky	Equity adjustments varying by unit from 9.5% to 19.1%, 3%, 3%	Collapsed the steps from 5 to 3, Uniform allowance increased by \$150, added 4 hours of Holiday pay for June 19th, increased FTO pay and increased Off-duty rate.

Pass Along...



Use the QR code to access the dues card!

Have you completed your dues card?

Do you need to update the information?

The FOP/Ohio Labor Council, Inc. tries to make sure that the information that we gather is correct. If you are unsure if you have filled out a dues card, or if the information on the dues card is incorrect you can now follow the QR code and complete it electronically.

Just open your phone's camera until you see the yellow box and then tap within the box.

If you have any questions, contact Aaron Crawford, Deputy Director.
ACrawford@fopohio.org

Stay Safe!

