

STATE OF OHIO
FRANKLIN COUNTY, ss:

Case No. 10CR _____

BILL OF INFORMATION FOR: Disclosure of
Inspector General Confidential Information (121.47,
M-2)(Three counts)(Total: Three Counts)

In the Court of Common Pleas, Franklin County, Ohio, of the term of September
10, 2010 in the year of our Lord two thousand and ten.

Ron O'Brien, the duly elected and qualified Prosecuting Attorney of Franklin
County, Ohio, in the name of and by the authority of the State of Ohio, says that prior to
this information, JOSHUA A. ENGEL was duly advised by the Court of the nature of the
charges against him and of his rights under the Constitution, and he stated that he
understood the nature of said charge against him and his constitutional, statutory, and
procedural rights, and that he had fully discussed all aspects of his case with his attorney,
Larry H. James, and he was completely satisfied with the legal representation and advice
and waived in writing and in open Court prosecution of these offenses by indictment,

By way of information, JOSHUA A. ENGEL late of said County, on or about and
between October 2, 2009 and September 15, 2010, within the County of Frank
aforesaid:

Count 1: Disclosure of Inspector General Confidential Information

On or about and in between the dates of October 2, 2009 and September 15, 2010 within
Franklin County, Ohio Joshua A. Engel did recklessly disclose to persons, to wit:
himself, Pamela A. Bolton and Chris Ramsey, none of whom were legally entitled to
disclosure of that information, confidential information that had been acquired by the
Ohio Inspector General under section 121.45 ORC in the course of investigations being
conducted by that office , to wit: Joshua A. Engel requested and caused to be placed on

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FRANKLIN CO., OHIO
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the State of Ohio Department of Public Safety (DPS) computer system server by DPS Information Technology personnel an administrative rule or filter that intercepted emails at the server that had originated at the Ohio Inspector General's office and that included any addressee with a DPS email address, and simultaneously delivered that OIG email to himself or Pamela A. Bolton and Chris Ramsey, where those intercepted OIG emails and/or their attachments contained information, interview, work product or reports of the Ohio Inspector General that was confidential under section 121.45 ORC in violation of sections 121.47 and 121.991 ORC, a misdemeanor of the second degree,

Count 2: Disclosure of Inspector General Confidential Information

On or about and in between the dates of October 2, 2009 and September 15, 2010, within Franklin County, Ohio Joshua A. Engel did recklessly disclose to persons, to wit: himself, Pamela A. Bolton and Chris Ramsey, none of whom were legally entitled to disclosure of that information, confidential information that had been acquired by the Ohio Inspector General under section 121.45 ORC in the course of investigations being conducted by that office individually and/or jointly with the Ohio Ethics Commission , to wit: Joshua A. Engel requested and caused to be placed on the State of Ohio Department of Public Safety (DPS) computer system server by DPS Information Technology personnel an administrative rule or filter that intercepted emails at the server that had originated at the Ohio Inspector General's office and that included any addressee with a DPS email address, and simultaneously delivered that OIG email to himself or Pamela A. Bolton and Chris Ramsey, where those intercepted OIG emails and/or their attachments


contained information from the Ohio Ethics Commission relating to interviews, work product and records in an ongoing investigation that was confidential under section 102.03(B) and 102.06(F) ORC in violation of sections 121.47 and 121.991 ORC, a misdemeanor of the second degree,


Count 3: Disclosure of Inspector General Confidential Information

On or about and in between the dates of October 2, 2009 and September 15, 2010, within Franklin County, Ohio Joshua A. Engel did recklessly disclose to persons, to wit: himself, Pamela A. Bolton and Chris Ramsey, none of whom were legally entitled to disclosure of that information, confidential information that had been acquired by the Ohio Inspector General under section 121.45 ORC in the course of task force investigations being conducted by that office jointly with federal law enforcement and/or federal prosecutorial agencies , to wit: Joshua A. Engel requested and caused to be placed on the State of Ohio Department of Public Safety (DPS) computer system server by DPS Information Technology personnel an administrative rule or filter that intercepted emails at the server that had originated at the Ohio Inspector General's office and that included any addressee with a DPS email address, and simultaneously delivered that OIG email to himself or Pamela A. Bolton and Chris Ramsey, where those intercepted OIG emails and/or their attachments contained confidential information relating to ongoing criminal investigations by the Inspector General with the Office of the United States Attorney for the Northern District of Ohio and/or the United States Department of Justice, Antitrust Division, Cleveland Field Office, including information protected under Rule 6 (E)

Federal Rules of Criminal Procedure , in violation of sections 121.47 and 121.991 ORC,
a misdemeanor of the second degree, all of the foregoing contrary to the statutes made
and provided in such cases and against the peace and dignity of the State of Ohio.

Ron O'Brien
Prosecuting Attorney
Franklin County, Ohio


Steven W. Schierholt 0076228
Assistant Prosecuting Attorney


Lara N. Baker 0063721
Chief City Prosecutor
Special Assistant Prosecuting
Attorney

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CRIMINAL DIVISION

STATE OF OHIO,

Plaintiff,

vs.

JOSHUA A. ENGEL,

Defendant.

10CR 10 6185

Case No. _____

Judge Charles Schneider

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FRANKLIN COUNTY, OHIO

PLEA AGREEMENT

On this 20th day of October 2010, Joshua A. Engel (hereinafter Engel), the subject of a inquiry regarding the interception of emails originating from the Ohio Inspector General's (OIG) office that were directed to Ohio Department of Public Safety (DPS) email addressees, hereby enters into this agreement with the State of Ohio (hereinafter "State"). Engel, having been fully informed of Constitutional and statutory rights and having a full understanding of those rights, while represented by counsel, Larry H. James, agrees to waive those rights and cooperate with the Franklin County Prosecutor's Office, the Columbus City Prosecutor's Office, the Ohio Ethics Commission, the Ohio Inspector General's office, and any other state or federal law enforcement agency which may become necessary. The terms and conditions of the agreement are fully set forth as follows:

- 1) Engel and the State hereby enter into this agreement on October 20th, 2010. All of the terms and conditions are set forth herein;
- 2) Engel and the State agree that the interview conducted on September 29, 2010 and any subsequent interviews required by this agreement during the period of cooperation, will be admissible in any criminal trial in the State's case in chief against Engel in the event that Engel does not abide by the terms and conditions of this agreement set forth below;

- 3) Engel agrees to provide truthful, complete, and accurate information during the investigation and prosecution of any criminal offenses of which has relevant information;
- 4) Engel agrees to testify truthfully, completely, and accurately in any legal proceeding that he is called to testify as a witness, including, but not limited to grand jury, or trial, whether civil or criminal in nature;
- 5) Specifically, Engel agrees to be interviewed and testify regarding all information, and to produce all documents or other information that he may have regarding the aborted contraband delivery at the Governor's Mansion in January, 2010, as well as the interception of OIG, Columbus Dispatch, Randy Ludlow or other emails. Furthermore, Engel agrees to testify concerning any criminal violations against any and all individuals involved or targeted in these investigations resulting from his cooperation. Engel agrees to have no contact regarding this matter with any individual potentially or actually targeted in this investigation, or anyone who may become a target of this investigation from time to time, without the express consent of the investigating law enforcement officials;
- 6) In exchange for and in consideration of the aforementioned cooperation, the Franklin County and City Prosecutor's Office agrees to resolve Engel's pending investigation in the following manner: Engel will enter a guilty plea to Three Counts of Disclosure of Inspector General Confidential Information (121.47 ORC) dealing with Inspector General Investigations as to the first count, Ohio Ethics Commission investigations as to the second count, and Federal investigations as to the third count. A copy of the allegations contemplated to be filed are attached to this agreement. The parties agree that the three offenses do not merge under 2941.25 ORC. In exchange for a guilty plea to those three counts, all of which are second degree misdemeanors, the State agrees that it will not file or prosecute other offenses relating to this conduct, which could include but are not limited to first degree misdemeanor violations under 102.03 ORC regarding disclosure of confidential information, a fifth degree felony Unauthorized use of Property under 2913.04 ORC, and a fourth degree felony Interception of an Electronic Communication under 2933.52 ORC. Finally, the State has communicated

with the offices of the United States Attorneys for both the Northern and Southern District of Ohio and is authorized to represent that consistent with the Petite Policy that the entry of the pleas herein would conclude federal interest in the interception or accessing OIG or other email communications, reserving the right to proceed if there was dissemination of the intercepted OIG emails to other persons with the intent or result to impair, obstruct or impede a federal investigation. Engel further states that has been promised nothing in addition to that which is stated herein, and that this document fully incorporates the complete understanding of the parties;

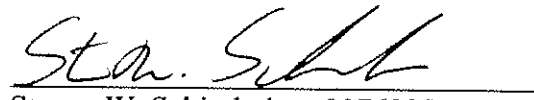
- 7) At the time of the entry of the pleas herein the State will not object to a pre-sentence investigation. At the time of sentencing the State will fully set forth the facts and the sentencing recommendation will be to defer to the judgment and discretion of the court.
- 8) The State is not seeking reimbursement for the costs of investigation associated with these charges.
- 9) No agreement exists regarding the State's position on a timely petition for expungement, but the three offenses herein result from the same official proceeding for related criminal acts committed over the same period of time.
- 10) Engel understands that at the conclusion of this case investigatory records may be subject to release under 149.43 ORC.
- 11) Engel was discharged from his position at the Ohio Dept. of Public Safety and agrees not to contest that discharge.
- 12) Engel agrees and understands that completion of the terms of this agreement is to be determined jointly by the Franklin County Prosecutor's Office and Columbus City Prosecutor's office. If it is jointly determined by those Prosecutors that at any time Engel fails to cooperate fully, refuses to testify, or testifies falsely in any proceeding, intentionally gives false, misleading, or incomplete information or testimony, compromises his value as a witness, or otherwise violates any terms of this agreement, then the Prosecutors Offices' will pursue the state felony charges identified above against Engel, as well as any additional charges which may be appropriate. The parties will be returned to their respective positions prior to the execution of this agreement with the expressed exception of the terms set forth in Paragraph Two above.

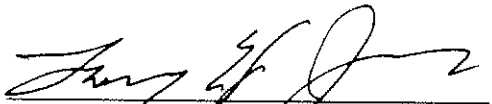
Additionally, Engel specifically waives any argument of double jeopardy or speedy trial rights with regard to any charges against him;

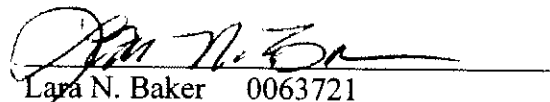
- 13) Engel waives any Constitutional or statutory right to a speedy trial during the life of this agreement;
- 14) Engel waives any Constitutional right against twice being placed in jeopardy with respect to any offenses that the State may prosecute if this agreement is terminated.


Now, therefore, with a complete understanding of the contents of this document and being in agreement with all terms and conditions, the parties affix their signatures.


Joshua A. Engel


Steven W. Schierholt 0076228
Assistant Prosecuting Attorney


Larry H. James 0021773
Counsel to Joshua A. Engel


Lara N. Baker 0063721
Chief City Prosecutor, Special Assistant
Prosecuting Attorney


Phillip A. Fempleton 0059741
Counsel to Joshua A. Engel