

THE PLAIN DEALER

O'Malley quits as county recorder

Friday, May 16, 2008

Damian G. Guevara and Joe Guillen

Plain Dealer Reporters

Cuyahoga County Recorder Patrick O'Malley made his reputation as a scrapper, politically and on the street.

But O'Malley showed little fight Thursday, when he resigned from his job, then drove to Akron, where he accepted a deal with federal prosecutors and pleaded guilty to one count of obscenity. O'Malley then dodged reporters by slipping out the courthouse's basement back door.

The guilty plea sets off a scramble to replace O'Malley in a job that comes with a built-in political base and the ability to dole out jobs.

It capped nearly four years of speculation after FBI agents raided O'Malley's Chagrin Falls home and seized two personal computers. A search warrant revealed they were looking for two things: records related to a billboard deal involving the city of Cleveland that O'Malley brokered and images of child pornography.

O'Malley's lawyer, Ian Friedman, declined to detail the computer images that led to O'Malley's guilty plea. He stressed they did not include child pornography.

Friedman said O'Malley's computer contained images of adult pornography that jurors may have considered legally obscene.

"There is certain material that crosses the line," Friedman said. "I can't comment on the exact nature. I think it will be debated at sentencing."

Prosecutors told U.S. District Judge David Dowd during the hearing that O'Malley accessed the images through an America Online account between February 1998 and November 2004. They offered few other details during the 45-minute hearing.

Charges against O'Malley were filed Thursday morning as rumors swirled about his political and legal future. He was charged under a criminal information provision, used almost exclusively when defendants negotiate with investigators and then plead guilty.

The charge said "O'Malley did knowingly use an interactive computer service for the carriage in interstate and foreign commerce of numerous obscene, lewd, lascivious and filthy pictures, writings and other matters of indecent character."

O'Malley has been a colorful and controversial politician for nearly two decades. He served as a Cleveland city councilman for eight years, during which he was dogged by accusations of fights in bars and on the street.

He was later appointed county recorder and later tried unsuccessfully to fill a vacant county commissioner seat.

O'Malley reveled in the persona of a fighting Irishman, but later accusations of spousal abuse and domestic violence harmed his reputation.

He also fell on hard times financially. A property he bought on West 25th Street with hopes of renovating was in foreclosure, and a criminal trial in federal court would have cost hundreds of thousands of dollars in legal fees.

O'Malley -- dressed in a dark suit, blue shirt and matching tie -- smiled Thursday as he walked into the courtroom and greeted reporters. He declined to talk after the hearing.

He is scheduled to be sentenced in August. According to the plea agreement, he probably faces at least six months in prison under federal sentencing guidelines but could get probation or be put under house arrest.

He is free on \$100,000 bond.

O'Malley sent his resignation letter to county commissioners and the county's Democratic Party on Thursday afternoon. The party immediately accepted it. County Administrator Dennis Madden said commissioners would accept the resignation Tuesday.

Commissioner Tim Hagan said commissioners would name an interim recorder as early as Thursday. Ultimately, the Democratic Party will select a person to fill the remaining seven months of O'Malley's term and eventually oppose Republican Cathy Luks in the November general election.

Hagan said the commissioners' interim choice would hopefully match the party's candidate.

Thomas Roche, O'Malley's chief of staff, will lead the recorder's office in the meantime. The office tracks property ownership.

Nearly a dozen potential replacement names were floated Thursday. They include:

Warrensville Heights Mayor Marcia Fudge; Cleveland Clerk of Council Patricia Britt; Cleveland City Council President Martin J. Sweeney; Cleveland councilmen Matt Zone and Joe Cimperman; State Reps. Barbara Boyd, Timothy DeGeeter and Sandra Williams; State Sen. Shirley Smith; and lawyer Michael Nelson.

Britt, Sweeney and Boyd expressed no interest in the job when reached for comment.

Commissioner Peter Lawson Jones said he expected a cavalcade of contenders for the position, as it is viewed as a stepping stone to a more powerful elected office.

"I think it's going to be right out of central casting of a Cecil B. DeMille movie," Jones said.

O'Malley was paid \$72,372 last year.

The Plain Dealer last month exposed widespread patronage in O'Malley's office. A review of his 2007 payroll showed he gave out nearly three dozen jobs, with a combined payroll of \$1.4 million, to politically connected people and their family.

Jones said he expects the next recorder to perform a review of the office's "fiscal, programmatic and personnel practices" to restore public trust in the office.

Friedman, O'Malley's lawyer, said the guilty plea was for personal conduct and not related to public corruption. The federal obscenity charge, while uncommon, was the one that held the most weight, said Acting U.S. Attorney Bill Edwards.

"This is what we felt was the most provable charge," Edwards said. He would not give details about the scope of the investigation other than to say it related to images found on the computers seized in 2004.

Edwards could not say if O'Malley would be subject to state sexual offender registration laws. It remains to be seen how the conviction affect O'Malley's law license, Friedman said.

© 2008 The Plain Dealer

© 2008 cleveland.com All Rights Reserved.

Paid for by the Republican Party of Cuyahoga County, Rob Frost, Chairman, 1500 W. 3rd St Ste 120, Cleveland, OH 44113