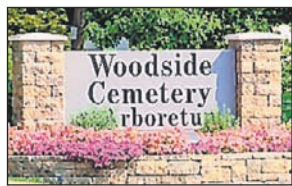


Classes resume after mercury spill. C1



Keep Middletown Beautiful winners announced. C1



Mohawk magic
Madison team working hard for its 3-1 record

ARTICLE, B1

Celebrating 150 Years

THE MIDDLETOWN JOURNAL

THURSDAY » SEPTEMBER 20, 2007 » FIFTY CENTS

NEIGHBORHOOD SHOOTING



Deanne Cobb, 24, points to a bullet hole in her apartment at Townhomes West from an early morning gunfight. It was reported that two men ran through the apartment. Cobb was not home at the time. Staff photo by Danielle Wilson

Examiner: Revoke Lifeway's certificate

By Diane Erwin
Staff Writer

A hearing examiner recommended that New Carlisle-based Lifeway for Youth's certificate to do business be revoked and that its application for renewal be denied.



Marcus Fiesel

The recommendation regarding the foster care agency now goes to Helen Jones-Kelley, director of the Ohio Department of Job and Family Services.

There is no time frame for her decision, department spokesman Dennis Evans said.

According to the recommendation written by hearing examiner Christopher McNeil:

"The evidence suggests systemic failures on the part of Lifeway's managers, failures that cast doubt on the integrity and efficacy of the internal operations of this foster care agency."

In a news release, Lifeway said McNeil recommended that two-thirds of 72 violations be dismissed because of insufficient evidence.

"Despite his recommendation to revoke our certification, we feel vindicated by Mr. McNeil's decision," said Michael Berner, Lifeway's executive director, in the release.

The agency will "vigorously pursue our appeal rights to vindicate Lifeway's name and reputation," he added.

If Jones-Kelley affirms the recommendation, Lifeway, which is still in operation, can appeal through the courts.

The report was filed Tuesday and released Wednesday.

The department accuses the foster care agency of violating state regulations.

Lifeway says the state is making the agency a scapegoat in the death of Marcus Fiesel.

Lifeway placed the 3-year-old Middletown boy with foster parents Liz and David Carroll Jr., who were later convicted of killing him.

Lifeway can file an objection to the recommendation within 10 days of receipt of its certified copy, which was sent Wednesday, Evans said.

From brawl to bullets

Man in critical condition after gunfight police said began as a bar brawl

By Dave Greber
Staff Writer

A fight with fists early Wednesday morning at a local bar escalated to a gun battle in a southside neighborhood, police say.

Just after 3:30 a.m., police were called to the 400 block of Weaver Avenue for reports of multiple shots fired.

One man remained in critical condition late Wednesday night at Middletown Regional Hospital after he was shot in the back as bullets flew through the Townhomes West apartment complex.

When police arrived on the scene, they found DeMarco Conley, no address or age given, on the ground,



Gabriel Tyrone Smith
Arrested



Teray Marshall
Warrent issued



Shadeed Barnett
Warrent issued

bleeding from his back and lower torso. He was one of five people wounded during the shootout officials said began as a bar fight at Grand Illusion, 4305 Grand Ave.

As of late Wednesday, two people had been arrested as a result of the

melee.

Gabriel Tyrone Smith, 28, was arrested on a felonious assault charge.

Lori Glover, of 926 Lafayette Avenue, no age given, was arrested on drug charges after she had been shot in

the leg.

Warrants have been issued for Teray Marshall, 18, and Shadeed Barnett, 30, both for felonious assault. Their addresses were not given.

Police and city officials said they are growing tired of problems at

Grand Illusion, calling the bar a "nuisance" and a "detriment" to the city of Middletown.

Still, employees of the Grand said they continue to cooperate with police, and that they can't control what goes on involving patrons outside the bar's walls.

Contact this reporter at (513) 820-2112 or dgreber@coxohio.com.

» **Neighbors react to shooting** Article on C4

» **Official says bar a nuisance** Article on C5

» **Hear the 911 calls online** middletownjournal.com

» **Watch news conference** middletownjournal.com

Fire chief suspended two days without pay; union wants him out

By Meagan Engle
Staff Writer

FRANKLIN — The city and firefighters' union are at odds over disciplinary action the fire chief received for allegedly grabbing a firefighter.

Chief Jonathan Westendorf will serve a two-day unpaid suspension; must apologize to part-time firefighter Kevin Jennings; and take remedial training in stress management and team-building.



Jonathan Westendorf

But that punishment is not equal to Westendorf's actions, said Capt. Tony Abston, president of IAFF 3742.

"The actions the fire chief took should have never happened," Abston said. "The firefighters want him gone, they can't work with him."

Westendorf was accused of grabbing

Jennings by the suspenders Aug. 29 at the scene of a minor house fire on Ohio 123 and pulling him toward the house.

In a pre-disciplinary conference, Westendorf said he "did not recall grabbing or shoving" Jennings, according to City Manager James Lukas' final report.

After an investigation, Lukas said in his disciplinary report that he believes Westendorf did grab Jennings.

Westendorf could not be reached for comment. He previously has declined

to publicly discuss the matter.

Westendorf, who has never been disciplined since hired in 2000, could have faced a three-day unpaid suspension for a first-time offense, according to the city's personnel manual.

Abston said the incident and investigation has been "very disruptive" to firefighters.

He said union members and other firefighters will meet next week to discuss action they might take. He said they do have an attorney and

will examine appropriate legal action.

"We are willing to work with the city," he said. "We want to take care of this community. The citizens are No. 1 to us and we will be asking for their support," Abston said.

Jennings could not be reached for comment.

Contact this reporter at (513) 705-2551 or mengle@coxohio.com.

» **City manager requests fire run details** Article on A11

INSIDE TODAY

» **Police catch a rape suspect escapee from Cincinnati in Hamilton. C7**

INDEX

Advice D3 | Classifieds C8 | Community C1 | Nation A4 | Opinion A12 | Television D4
Business C6 | Comics D5 | Lottery A2 | Obituaries C3 | Sports B1 | World A4

Volume 150, Number 263 | Copyright © 2007 Cox Ohio Publishing | www.middletownjournal.com

WEATHER

Mostly sunny and warm
High 87 | Low 58
Page A2



SELL YOUR STUFF
\$4.99/DAY

- 10 local papers
- 8 local web sites
- Reach over 1 million people weekly
- 10-days minimum

MIDDLETOWN JOURNAL
CALL 513-420-0097