

COURT OF APPEALS OF OHIO, TENTH APPELLATE DISTRICT

Newman v. Greater Columbus Arts Council

2026-Ohio-1569 · No. 25AP-238 · Decided April 30, 2026

SUMMARY

The Tenth District Court of Appeals of Ohio considers whether the Greater Columbus Arts Council is the functional equivalent of a public office subject to Ohio's Public Records Act. The court holds that the Court of Claims improperly treated the functional-equivalency factors as a binary count and failed to evaluate the totality of the circumstances, particularly governmental involvement and regulation. The court reverses and remands for further findings and analysis.

CASE DETAILS

COURT	Court of Appeals of Ohio, Tenth Appellate District
WRITING FOR THE COURT	Dingus, J.; Jamison, J.; Edelstein, J.
JURISDICTION	Ohio Court of Appeals, Tenth Appellate District
DECIDED	April 30, 2026
DOCKET	25AP-238
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Requester-appellant appealed the Ohio Court of Claims' partial grant and partial denial of his public-records request.
STANDARD OF REVIEW	De novo review applies to statutory interpretation concerning whether records are subject to disclosure; abuse-of-discretion review applies to the trial court's factual findings.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals decision
PARTIES	Michael Newman v. Greater Columbus Arts Council, Columbus Film Commission, a.k.a. Film Columbus

TOPICS

- judicial review of agency action
- administrative law
- statutory interpretation
- appellate procedure
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Court of Claims properly applied the Oriana House functional-equivalency test to determine whether the Greater Columbus Arts Council was the functional equivalent of a public office subject to the general provisions of Ohio's Public Records Act.
2. Whether the Court of Claims adequately weighed the totality of the circumstances and articulated its assessment of governmental involvement or regulation under the functional-equivalency test.
3. Whether R.C. 149.431 required production of Film Columbus's annual reports from 2020 through 2024 as financial records related to services performed under a government contract.

HOLDINGS

1. The four Oriana House factors are nonexclusive and must be evaluated collectively under the totality of the circumstances; they are not binary questions requiring a particular number of satisfied factors.
2. A summary conclusion regarding the governmental-involvement factor is inadequate when the record contains evidence of government involvement or regulation; the lower court must provide sufficient contextual findings to permit meaningful appellate review.
3. R.C. 149.431 did not require disclosure of the requested Film Columbus annual reports because the reports did not constitute financial records of money expended in relation to services performed under a qualifying government contract, and the record did not establish that Film Columbus had separate annual reports after 2020.

KEY QUOTATIONS

“The functional-equivalency analysis in Oriana House is not merely a series of four binary yes-or-no questions with a requirement of three or more “yes” answers to reach the conclusion that an entity is the functional equivalent of a public office.” (¶ 29)

“They do not necessarily carry equal, fixed weight—as if each factor constituted 25 percent of a functional-equivalency analysis—but must instead be weighed collectively, with due regard to the relative strength or weakness of each.” (¶ 31)

FACTUAL BACKGROUND

The Greater Columbus Arts Council is a nonprofit organization that promotes the arts and receives substantial governmental funding. Film Columbus was a separate nonprofit until 2020, when it was dissolved and became a division of the Arts Council. Newman sought financial, operational, and organizational records created between 2015 and 2024, asserting that the records were subject to Ohio's Public Records Act and the financial-record disclosure provisions of R.C. 149.431. The Arts Council's contracts with the City of Columbus required it to administer tax-funded arts and cultural programs and provided for municipal appointments to its board.

PROCEDURAL HISTORY

Newman submitted a 13-part public-records request to the Greater Columbus Arts Council and Film Columbus. After the respondents declined to produce the requested records, Newman filed a claim in the Ohio Court of Claims under R.C. 2743.75. A special master recommended partial relief, and the Court of Claims adopted that recommendation, granting requests for records in parts 1, 6, and 13 and denying the remainder. The Tenth District reversed and remanded for additional findings and analysis concerning the functional-equivalency test, while affirming the denial of the request for Film Columbus annual reports.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Claims must reevaluate all Oriana House factors, consider the totality of the evidence and the context of the City's involvement or regulation, make additional findings and analysis based on the evidence presented to the special master, and decide Newman's request accordingly.

CASES CITED

- State ex rel. Oriana House, Inc. v. Montgomery, 2006-Ohio-4854
- Welsh-Huggins v. Jefferson Cty. Prosecutor's Office, 2020-Ohio-5371
- Hurt v. Liberty Twp., 2017-Ohio-7820
- Sheil v. Horton, 2018-Ohio-5240
- State ex rel. Cincinnati Enquirer v. Hamilton Cty., 1996-Ohio-214
- Ry. Labor Executives Assn. v. Consol. Rail Corp., 580 F. Supp. 777 (D.C. Cir. 1984)
- Bd. of Trustees of Woodstock Academy v. Freedom of Information Comm., 181 Conn. 544 (1980)
- Memphis Publishing Co. v. Cherokee Children & Family Servs., Inc., 87 S.W.3d 67 (Tenn. 2002)
- Trustees of the Walters Art Gallery, Inc. v. Walters Workers United, Council 67, 492 Md. 92 (2025)
- State ex rel. Harm Reduction Ohio v. OneOhio Recovery Found., 2023-Ohio-1547
- State ex rel. Repository v. Nova Behavioral Health, Inc., 2006-Ohio-6713
- State ex rel. Strothers v. Wertheim, 1997-Ohio-349
- United States v. Arvizu, 534 U.S. 266 (2002)
- State ex rel. Bell v. Brooks, 2011-Ohio-4897
- State ex rel. Gannett GP Media, Inc. v. Ohio Dept. of Pub. Safety, 2017-Ohio-4248
- State v. Ishmail, 54 Ohio St.2d 402 (1978)

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