

SUPREME COURT OF OHIO

State ex rel. Griffin v. Sehlmeyer

2021-Ohio-1419 (Ohio 2021) · No. 2020-0748 · Decided April 27, 2021

SUMMARY

The Supreme Court of Ohio granted a writ of mandamus requiring a public-records custodian at the Toledo Correctional Institution to identify records responsive to Mark Griffin’s request concerning COVID-19 cases among staff and inmates, state the copying cost, and provide the records upon payment. The court held that Griffin’s electronic prison-kite submission qualified for statutory damages under Ohio’s Public Records Act and awarded him \$1,000. Three justices dissented, reasoning that the custodian had already identified the responsive daily status sheet and its cost.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per curiam; Kennedy; Donnelly; Stewart; Brunner; O'Connor; Fischer; DeWine
JURISDICTION	Ohio
DECIDED	April 27, 2021
DOCKET	2020-0748
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original mandamus action seeking to compel an Ohio public-records custodian to produce records responsive to a prisoner's request concerning COVID-19 infections among staff and inmates and seeking statutory damages.
STANDARD OF REVIEW	To obtain a public-records mandamus writ, the requester must establish by clear and convincing evidence a clear legal right to the records and a corresponding clear legal duty to provide them.
PRECEDENTIAL VALUE	published
PARTIES	Mark Griffin Sr., relator v. Sonrisa Sehlmeyer, respondent

TOPICS

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PRACTICE AREAS

public records

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QUESTIONS PRESENTED

1. Whether Griffin's April 28 communication constituted a request for public records under Ohio's Public Records Act.
2. Whether the public-records custodian had a clear legal duty to identify records responsive to Griffin's request and offer copies at cost.
3. Whether Griffin's transmission of the request through the prison's JPay kite system constituted electronic submission sufficient to support statutory damages under R.C. 149.43(C)(2).
4. Whether Griffin was entitled to statutory damages and, if so, in what amount.
5. Whether Griffin was entitled to an order requiring production of a separate 56-page document.

HOLDINGS

1. Read in context, Griffin's April 28 communication was a request for public records concerning the number of TCI staff and inmates who had tested positive for COVID-19, rather than merely a rejection of the custodian's prior offer or a request for nonpublic medical records.
2. A public-records custodian has a clear legal duty to identify records responsive to a public-records request, inform the requester of the cost of obtaining copies, and offer to provide the records at cost.
3. Transmission of a public-records request through the JPay prison-kite system constitutes electronic submission under R.C. 149.43(C)(2) and satisfies the statutory transmission requirement for an award of statutory damages.
4. Griffin was entitled to the statutory maximum of \$1,000 in damages because the custodian continued failing to comply with R.C. 149.43(B) after the mandamus complaint was filed.

KEY QUOTATIONS

"We hold that Sehlmeier has a clear legal duty to identify the records that are responsive to Griffin's request and offer to provide them to Griffin at cost." (§ 19)

"We hold that Griffin made his request by electronic submission and satisfied the transmission requirement under R.C. 149.43(C)(2)." (§ 21)

FACTUAL BACKGROUND

Mark Griffin, an inmate at the Toledo Correctional Institution, first requested information about the number of staff and inmates exposed to or infected with COVID-19. The public-records custodian told him that the request sought information rather than records but offered a two-page daily status sheet for ten cents. Griffin later expressly requested documented records concerning staff and inmates who had contracted COVID-19, and the custodian responded that no responsive public record existed. The Supreme Court concluded that, in context, the later request sought records reporting the requested COVID-19 information and that the custodian had not properly identified and offered the responsive records.

PROCEDURAL HISTORY

Griffin filed an original action in the Supreme Court of Ohio after Sehlmeier responded that the Toledo Correctional Institution had no public record responsive to his April 28, 2020 request. The court issued an alternative writ and ordered evidence and briefing. The court granted the writ, awarded \$1,000 in statutory damages, and denied Griffin's separate motion seeking production of a 56-page document outside the scope of the case.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Sehlmeier must identify all public records responsive to Griffin's April 28 request, inform Griffin of the cost of obtaining copies, and provide copies upon payment of the copying cost. The court also awarded Griffin \$1,000 in statutory damages.

CASES CITED

- State ex rel. Am. Civ. Liberties Union of Ohio, Inc. v. Cuyahoga Cty. Bd. of Commrs., 128 Ohio St. 3d 256, 2011-Ohio-625, 943 N.E.2d 553, ¶ 22-24
- State ex rel. Cincinnati Enquirer v. Deters, 148 Ohio St. 3d 595, 2016-Ohio-8195, 71 N.E.3d 1076, ¶ 19
- State ex rel. Morgan v. New Lexington, 112 Ohio St.3d 33, 2006-Ohio-6365, 857 N.E.2d 1208, ¶ 30, 33
- State ex rel. Striker v. Smith, 129 Ohio St. 3d 168, 2011-Ohio-2878, 950 N.E.2d 952, ¶ 22
- State ex rel. Taxpayers Coalition v. Lakewood, 86 Ohio St. 3d 385, 392, 715 N.E.2d 179 (1999)
- State ex rel. McDougald v. Greene, 161 Ohio St.3d 130, 2020-Ohio-3686, 161 N.E.3d 575, ¶ 15-18

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