SUPREME COURT OF OHIO

State ex rel. Grendell v. Walder

2022-Ohio-204 (Ohio 2022) · No. 2020-1070 · Decided February 1, 2022

SUMMARY

The Supreme Court of Ohio granted a writ of mandamus ordering the Geauga County auditor to issue warrants for court-ordered expenditures by the juvenile and probate divisions of the common pleas court. The court held that the current version of Ohio Revised Code 319.16 applied because its relevant amendments were procedural, and that the judge's expenditure orders were proper under statutes governing court special-projects funds and computerization funds.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per curiam; Maureen O'Connor, Chief Justice; Maureen O'Connor
JURISDICTION	Ohio
DECIDED	February 1, 2022
DOCKET	2020-1070
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original action in mandamus by a common pleas court judge seeking to compel the county auditor to issue warrants for court-ordered expenditures.
STANDARD OF REVIEW	Mandamus ordinarily requires proof of a clear legal right to the requested relief, a clear legal duty on the respondent's part, and the absence of an adequate remedy in the ordinary course of law. Because R.C. 319.16(D) expressly authorizes mandamus in these circumstances, the court did not require proof of the lack of an adequate ordinary remedy.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Ohio
PARTIES	Timothy J. Grendell, Judge v. Charles E. Walder, Auditor

TOPICS

remedies · statutory interpretation · civil procedure · probate · constitutional law

PRACTICE AREAS

Civil procedure · State and local government · Judicial administration · Probate and juvenile court administration · Extraordinary writs

QUESTIONS PRESENTED

1. Whether the statutory warrant process in R.C. 319.16 displaced or constitutionally impaired the courts' inherent authority under the separation-of-powers doctrine.
2. Whether the current version of R.C. 319.16 applied to the warrant requests despite the fact that the expenditures arose while the former version was in effect.
3. Whether Grendell established a clear legal right and Walder a clear legal duty regarding warrants for robocalls and newspaper advertisements.
4. Whether the website-upgrade expenditures were proper court expenditures and whether R.C. 5705.41(D)(1) applied to invalidate them.
5. Whether the mileage reimbursements were proper court orders under the Geauga courts' travel-expense policy.
6. Whether the publication fee for service by publication was a valid claim despite alleged noncompliance with R.C. 5705.41(D)(1).

HOLDINGS

1. When a statutory process exists for resolving a court-funding dispute, the court must follow that process unless the process itself is constitutionally defective. Grendell failed to identify a constitutional defect in R.C. 319.16, so the separation-of-powers argument did not defeat application of the statute.
2. The current version of R.C. 319.16 applies to the warrant proceedings because its relevant amendments are remedial and procedural, even though the expenditures arose while the former version was in effect and the amendment did not expressly authorize retrospective application.
3. Under current R.C. 319.16, an auditor must issue a warrant when presented with a proper court order, and if the auditor questions the expenditure's validity, the auditor must issue the warrant under protest. Grendell established valid claims and a clear legal duty to issue warrants for all five categories of expenditures.
4. The robocalls and newspaper advertisements were community-service programs within R.C. 2303.201(E)(1), and Grendell's orders directing payment from special-projects funds were proper. Walder therefore had a clear legal duty to issue the warrants.
5. The website upgrades, mileage reimbursements, and publication fee were valid claims. The website services were authorized computerization expenditures under R.C. 2101.162 and 2151.541; the mileage reimbursements were proper under the courts' travel-expense policy; and the publication fee was a proper court expense under Juv.R. 16. Walder failed to establish that R.C. 5705.41(D)(1) applied to the Geauga courts.

KEY QUOTATIONS

> *“Under R.C. 319.16(A)(2), the county auditor “shall issue warrants” when presented with a “proper court order.””* (¶ 44)

> *“And despite his having exercised that authority, Walder nevertheless bore a mandatory obligation to “issue the warrant under protest.””* (¶ 47)

> *“For the foregoing reasons, we grant a writ of mandamus ordering Walder to issue warrants for payment of the contested expenditures, and we grant Judge Grendell’s motion for leave to file a supplemental affidavit.”* (¶ 70)

FACTUAL BACKGROUND

Judge Timothy J. Grendell, who presided over the juvenile and probate divisions of the Geauga County Common Pleas Court, ordered payment for robocalls, newspaper advertisements, website upgrades, mileage reimbursements, and publication fees. County Auditor Charles Walder refused to issue warrants, questioning the expenditures' validity, documentation, tax status, certification, travel purpose, or timing. After R.C. 319.16 was amended in April 2021, Grendell reissued the orders, but Walder continued to refuse payment.

PROCEDURAL HISTORY

Judge Grendell filed a mandamus complaint on September 2, 2020, after Auditor Walder refused to issue warrants for several categories of court expenditures. The Supreme Court of Ohio previously granted an alternative writ and then considered the parties' arguments concerning the applicable version of R.C. 319.16 and the validity of the expenditures. The court granted the writ and also granted Grendell leave to file a supplemental affidavit.

DISPOSITION

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writ_granted
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CASES CITED

- State ex rel. Maloney v. Sherlock, 100 Ohio St.3d 77, 2003-Ohio-5058, 796 N.E.2d 897
- State ex rel. O’Diam v. Greene Cty. Bd. of Commrs., 161 Ohio St.3d 242, 2020-Ohio-3503, 162 N.E.3d 740
- Wellington v. Mahoning Cty. Bd. of Elections, 117 Ohio St.3d 143, 2008-Ohio-554, 882 N.E.2d 420
- State v. LaSalle, 96 Ohio St.3d 178, 2002-Ohio-4009, 772 N.E.2d 1172
- EPI of Cleveland, Inc. v. Limbach, 42 Ohio St.3d 103, 537 N.E.2d 651 (1989)
- State ex rel. Holdridge v. Indus. Comm., 11 Ohio St.2d 175, 228 N.E.2d 621 (1967)
- United Eng. & Foundry Co. v. Bowers, 171 Ohio St. 279, 169 N.E.2d 697 (1960)
- State ex rel. Williams-Byers v. S. Euclid, 163 Ohio St.3d 478, 2020-Ohio-5534, 171 N.E.3d 264
- State ex rel. Wilke v. Hamilton Cty. Bd. of Commrs., 90 Ohio St.3d 55, 64, 734 N.E.2d 811 (2000)
- State ex rel. Waters v. Spaeth, 131 Ohio St.3d 55, 2012-Ohio-69, 960 N.E.2d 452
- State ex rel. Xenia v. Greene Cty. Bd. of Commrs., 160 Ohio St.3d 495, 2020-Ohio-3423, 159 N.E.3d 262
- State ex rel. Howard v. Turner, 156 Ohio St.3d 285, 2019-Ohio-759, 125 N.E.3d 875

- Estate of Graves v. Circleville, 124 Ohio St.3d 339, 2010-Ohio-168, 922 N.E.2d 201
- State ex rel. The V Cos. v. Marshall, 81 Ohio St.3d 467, 692 N.E.2d 198 (1998)
- State ex rel. Petroleum Underground Storage Tank Release Comp. Bd. v. Withrow, 62 Ohio St.3d 111, 579 N.E.2d 705 (1991)
- State ex rel. Krabach v. Ferguson, 46 Ohio St.2d 168, 346 N.E.2d 681 (1976)
- State ex rel. Duffy v. Ferguson, 132 Ohio St. 524, 9 N.E.2d 290 (1937)
- St. Marys v. Auglaize Cty. Bd. of Commrs., 115 Ohio St.3d 387, 2007-Ohio-5026, 875 N.E.2d 561
- State v. Kuhner, 107 Ohio St. 406, 140 N.E. 344 (1923)
- Mason City School Dist. Bd. of Edn. v. Warren Cty. Bd. of Revision, 138 Ohio St.3d 153, 2014-Ohio-104, 4 N.E.3d 1027
- Saunders v. Comm'r of Internal Revenue, T.C. Memo 2012-200, 2012 WL 2912756
- State ex rel. Youngstown v. Mahoning Cty. Bd. of Elections, 144 Ohio St.3d 239, 2015-Ohio-3761, 41 N.E.3d 1229

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