
PUBLIC RECORDS - OHIO

Sheil v. Horton

Court of Appeals of Ohio, Eighth District, Cuyahoga County - December 20, 2018 - N.E.3d - 2018 WL 6818547 - 2018 -Ohio- 5240

Television journalist made request under Public Records Act for actress's contract with community college foundation for speaking at fundraising luncheon.

The Court of Claims refused to accept special master's recommendation that foundation was functional equivalent of a public office, but agreed that the contract was not a trade secret. Appeal and cross-appeal were taken.

The Court of Appeals held that:

- Foundation was functional equivalent of public office and was subject to Public Records Act, and
- Contract was not a trade secret and could be disclosed to television journalist under Public Records Act.

Community college foundation, which raised money for college scholarships, was responsible for college's public records, and, thus, foundation's speaking contract with actress could be obtained from foundation under Public Records Act, although college did not control foundation's day-to-day activities or property and foundation's fundraising database was on a separate server; foundation prepared records in order to carry out public office's responsibilities, college was able to monitor foundation's performance through ex officio board members and accounting requirements linking college and foundation, college's executive director kept foundation financial records, and college had access to foundation's financial records.

Actress's speaking contract with community college foundation for raising money to fund scholarships was not a "trade secret" and could be disclosed to television journalist under Public Records Act; key information about similar contracts was publicly available, including information revealing actress's speaking fee, a guaranteed fee, terms for reimbursement of travel and expenses, and other requirements, and others were able to easily duplicate and acquire the information.

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