

Bond Case Briefs

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PUBLIC RECORDS - OHIO

State ex rel. Armatas v. Plain Township Board of Trustees

Supreme Court of Ohio - April 8, 2021 - N.E.3d - 2021 WL 1301186 - 2021-Ohio-1176

Requester, proceeding pro se, sought writ of mandamus to compel township to produce invoice for legal services performed on township's behalf. Requester moved for damages under the Public Records Act, attorney fees, and costs.

The Fifth District Court of Appeals denied the writ and related claims for damages, attorney fees, and costs. Requester appealed.

The Supreme Court held that:

- Invoice constituted a "public record" under the Public Records Act pursuant to the quasi-agency theory;
- Township had clear legal duty to make invoice available; and
- Requester was entitled to recover maximum amount of statutory damages.

Invoice for legal services performed on township's behalf which was in possession of claims administrator for a private entity, a government risk-management pool that had hired and supervised the attorneys, constituted a "public record" under the Public Records Act pursuant to the quasi-agency theory, since invoice related to a delegated public duty; township had public duty to obtain legal representation to protect the public interest, it delegated that duty by becoming a member of the risk-management pool, and its attorney-client relationship persisted even though attorneys were hired and controlled by risk-management pool.

Township had clear legal duty to make available to requestor an invoice for legal services performed on township's behalf, which was in possession of private entity, a government risk-management pool that hired and supervised the attorneys, as required for mandamus relief for his Records Act claim; invoice came under township's jurisdiction and documents procedures and operations that it had delegated to the risk-management pool.

Relator in mandamus action related to Public Records Act request was entitled to recover maximum amount of statutory damages after township denied his request for an invoice for legal services performed on township's behalf, where township lacked reasonable legal basis for failing to provide requester with a written explanation for denying access to the requested records before he filed his mandamus complaint.