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State ex rel. Stevenson v. King

Supreme Court of Ohio - September 7, 2022 - N.E.3d - 2022 WL 4086758 - 2022-Ohio-3093

City council president filed a mandamus action seeking to compel city mayor and finance director to produce records related to certain public expenditures.

The Eighth District Court of Appeals granted the writ in part and denied the writ in part. Mayor and finance director appealed.

The Supreme Court held that:

- President of city council was entitled to mandamus relief on her claim seeking the production of public records from mayor and finance director, and
- Evidence was insufficient to establish an attorney-client relationship between city council or city council president and law firm.

President of city council was entitled to mandamus relief on her claim seeking the production of public records from city mayor and finance director related to funds received and spent by the city under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), where mayor and finance director failed to respond to the request, they failed to present sufficient evidence to support their claim that no written records existed pertaining to the application for and award of CARES Act grant money, and they failed to authenticate evidence submitted in support of their claim that records pertaining to the appropriation and expenditure of CARES Act money had already been shared with the city council through regular financial reports.

Evidence was insufficient to establish an attorney-client relationship between city council or city council president and law firm, and thus city council president was entitled to an award of attorney fees based on city mayor and finance director's failure to comply with public records request; city council passed resolution to hire law firm, mayor vetoed the resolution, council president did not allege that city council overrode the veto, and there was no evidence that president retained law firm in her personal capacity.