

Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC RECORDS - OHIO

State ex rel. WTOL Television, L.L.C. v. Cedar Fair, L.P.

Supreme Court of Ohio - December 20, 2023 - N.E.3d - 2023 WL 8790609 - 2023-Ohio-4593

Broadcast news companies sought writ of mandamus to compel amusement park operator and police department that provided security for amusement park to produce records responsive to companies' public-records requests related to incident in which guest of amusement park was injured and to alleged sexual assaults at amusement park's employee housing.

The Supreme Court held that:

- Amusement park's police department was functional equivalent of public institution, and, thus, was required to respond to companies' requests under Public Records Act;
- Companies were entitled to writ of mandamus compelling amusement park operator and amusement park's police chief to produce copies of reports of alleged sexual misconduct and reports regarding alleged incident with ride that injured guest;
- Companies were not entitled to writ of mandamus compelling production of reports from emergency medical services (EMS) personnel or related to EMS services regarding alleged incident of injured guest;
- Companies were entitled to an award of their court costs;
- Award of statutory damages to companies was not warranted; and
- Award of attorney fees to companies was not warranted.

Amusement park's police department was functional equivalent of public institution, and, thus, was required to respond to broadcast news companies' requests under Public Records Act; at time of requests, police department was serving as police department for employees and guests of amusement park, it did more than just provide security for amusement park, it enforced criminal laws, and it was made up of sworn, state-certified police officers who exercised plenary police power.