

2018 APR 17 AM 11:57

IN THE COURT OF CLAIMS OF OHIO

SHELLEY K. CHERNIN

Requester

v.

GEAUGA PARK DISTRICT

Respondent

Case No. 2017-00922PQ

Judge Patrick M. McGrath

ENTRY ADOPTING
RECOMMENDATION OF
SPECIAL MASTER

On August 14, 2017, requester Shelley Chernin made a public records request to respondent Geauga Park District for a copy of a constituent letter used by Park District board member Andrej Lah during a board meeting. (Complaint at 3.) On August 28, 2017, Park District Executive Director John Oros responded that "the letter is not considered to be a public record." (*Id.* at 5.) On November 17, 2017, Chernin filed a complaint under R.C. 2743.75 alleging denial of timely access to public records in violation of R.C. 149.43(B). Following unsuccessful mediation, the Park District filed a motion to dismiss, and filed an unredacted copy of the requested letters under seal. On March 26, 2018, Special Master Clark issued a report finding that the constituent letters constituted records of the Geauga Park District, and recommending that the court issue an order GRANTING Chernin's claim for production of the requested records.

R.C. 2743.75(F)(2) states, in part: "Either party may object to the report and recommendation within seven business days after receiving the report and recommendation by filing a written objection with the clerk * * *." No objections were filed by either party. The court determines that there is no error of law or other defect evident on the face of the Special Master's decision. Therefore, the court adopts the Special Master's report and recommendation as its own, including findings of fact and conclusions of law contained therein.

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ENTRY

Court costs are assessed against the respondent, and respondent is further ordered to make payment of twenty-five dollars to requester as recovery of her filing fee in this case. On provision of invoices or other sufficient evidence, Chernin is further entitled to recover from the Geauga Park District any other costs associated with the action that were incurred by her. R.C. 2743.75(F)(3)(b). The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.



PATRICK M. McGRATH
Judge

cc:

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