

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 189**

**Representatives Carney, Lundy**

**Cosponsors: Representatives Driehaus, Pillich**

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**A B I L L**

To amend sections 102.01, 117.01, 121.22, 121.41, 1  
125.20, 149.43, 187.03, and 4113.51 and to enact 2  
sections 187.14, 187.15, 187.16, and 187.17 of the 3  
Revised Code to create the JobsOhio Accountability 4  
Act. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 102.01, 117.01, 121.22, 121.41, 6  
125.20, 149.43, 187.03, and 4113.51 be amended and sections 7  
187.14, 187.15, 187.16, and 187.17 of the Revised Code be enacted 8  
to read as follows: 9

**Sec. 102.01.** As used in this chapter: 10

(A) "Compensation" means money, thing of value, or financial 11  
benefit. "Compensation" does not include reimbursement for actual 12  
and necessary expenses incurred in the performance of official 13  
duties. 14

(B)(1) "Public official or employee" means any person who is 15  
elected or appointed to an office or is an employee of any public 16  
agency. "Public official or employee" includes the directors and 17  
employees of the nonprofit corporation formed under section 187.01 18  
of the Revised Code and its subsidiaries. 19

(2) "Public official or employee" does not include a person 20  
elected or appointed to the office of precinct, ward, or district 21  
committee member under section 3517.03 of the Revised Code, any 22  
presidential elector, or any delegate to a national convention. 23  
"Public official or employee" does not include a person who is a 24  
teacher, instructor, professor, or other kind of educator whose 25  
position does not involve the performance of, or authority to 26  
perform, administrative or supervisory functions. 27

(C)(1) "Public agency" means the general assembly, all 28  
courts, any department, division, institution, board, commission, 29  
authority, bureau or other instrumentality of the state, a county, 30  
city, village, or township, the five state retirement systems, or 31  
any other governmental entity. "Public agency" includes the 32  
nonprofit corporation formed under section 187.01 of the Revised 33  
Code and its subsidiaries. 34

(2) "Public agency" does not include a department, division, 35  
institution, board, commission, authority, or other 36  
instrumentality of the state or a county, municipal corporation, 37  
township, or other governmental entity that functions exclusively 38  
for cultural, educational, historical, humanitarian, advisory, or 39  
research purposes; that does not expend more than ten thousand 40  
dollars per calendar year, excluding salaries and wages of 41  
employees; and whose members are uncompensated. ~~"Public agency"~~ 42  
~~does not include the nonprofit corporation formed under section~~ 43  
~~187.01 of the Revised Code.~~ 44

(D) "Immediate family" means a spouse residing in the 45  
person's household and any dependent child. 46

(E) "Income" includes gross income as defined and used in the 47  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 48  
amended, interest and dividends on obligations or securities of 49  
any state or of any political subdivision or authority of any 50  
state or political subdivision, and interest or dividends on 51

obligations of any authority, commission, or instrumentality of 52  
the United States. 53

(F) Except as otherwise provided in division (A) of section 54  
102.08 of the Revised Code, "appropriate ethics commission" means: 55

(1) For matters relating to members of the general assembly, 56  
employees of the general assembly, employees of the legislative 57  
service commission, candidates for the office of member of the 58  
general assembly, and public members appointed to the Ohio 59  
constitutional modernization commission under section 103.63 of 60  
the Revised Code, the joint legislative ethics committee; 61

(2) For matters relating to judicial officers and employees, 62  
and candidates for judicial office, the board of commissioners on 63  
grievances and discipline of the supreme court; 64

(3) For matters relating to all other persons, the Ohio 65  
ethics commission. 66

(G) "Anything of value" has the same meaning as provided in 67  
section 1.03 of the Revised Code and includes, but is not limited 68  
to, a contribution as defined in section 3517.01 of the Revised 69  
Code. 70

(H) "Honorarium" means any payment made in consideration for 71  
any speech given, article published, or attendance at any public 72  
or private conference, convention, meeting, social event, meal, or 73  
similar gathering. "Honorarium" does not include ceremonial gifts 74  
or awards that have insignificant monetary value; unsolicited 75  
gifts of nominal value or trivial items of informational value; or 76  
earned income from any person, other than a legislative agent, for 77  
personal services that are customarily provided in connection with 78  
the practice of a bona fide business, if that business initially 79  
began before the public official or employee conducting that 80  
business was elected or appointed to the public official's or 81  
employee's office or position of employment. 82

(I) "Employer" means any person who, directly or indirectly,  
engages an executive agency lobbyist or legislative agent.

(J) "Executive agency decision," "executive agency lobbyist,"  
and "executive agency lobbying activity" have the same meanings as  
in section 121.60 of the Revised Code.

(K) "Legislation," "legislative agent," "financial  
transaction," and "actively advocate" have the same meanings as in  
section 101.70 of the Revised Code.

(L) "Expenditure" has the same meaning as in section 101.70  
of the Revised Code when used in relation to activities of a  
legislative agent, and the same meaning as in section 121.60 of  
the Revised Code when used in relation to activities of an  
executive agency lobbyist.

**Sec. 117.01.** As used in this chapter:

(A) "Color of office" means actually, purportedly, or  
allegedly done under any law, ordinance, resolution, order, or  
other pretension to official right, power, or authority.

(B) "Public accountant" means any person who is authorized by  
Chapter 4701. of the Revised Code to use the designation of  
certified public accountant or who was registered prior to January  
1, 1971, as a public accountant.

(C)(1) "Public money" means any money received, collected by,  
or due a public official under color of office, as well as any  
money collected by any individual on behalf of a public office or  
as a purported representative or agent of the public office.

(2) With respect to the transfer and operation of the  
enterprise acquisition project, "public money" includes all  
revenue and receipts of or from the enterprise acquisition project  
in the possession of JobsOhio or any subsidiary of JobsOhio. For  
purposes of division (C)(2) of this section, "enterprise

acquisition project" and "JobsOhio" have the same meanings as in 113  
section 4313.01 of the Revised Code. 114

(D) "Public office" means any state agency, public 115  
institution, political subdivision, other organized body, office, 116  
agency, institution, or entity established by the laws of this 117  
state for the exercise of any function of government. "Public 118  
office" ~~does not include~~ includes the nonprofit corporation formed 119  
under section 187.01 of the Revised Code and its subsidiaries. 120

(E) "Public official" means any officer, employee, or duly 121  
authorized representative or agent of a public office. 122

(F) "State agency" means every organized body, office, 123  
agency, institution, or other entity established by the laws of 124  
the state for the exercise of any function of state government. 125

(G) "Audit" means any of the following: 126

(1) Any examination, analysis, or inspection of the state's 127  
or a public office's financial statements or reports; 128

(2) Any examination, analysis, or inspection of records, 129  
documents, books, or any other evidence relating to either of the 130  
following: 131

(a) The collection, receipt, accounting, use, or expenditure 132  
of public money by a public office or by a private institution, 133  
association, board, or corporation; 134

(b) The determination by the auditor of state, as required by 135  
section 117.11 of the Revised Code, of whether a public office has 136  
complied with all the laws, rules, ordinances, or orders 137  
pertaining to the public office. 138

(3) Any other type of examination, analysis, or inspection of 139  
a public office or of a private institution, association, board, 140  
or corporation receiving public money that is conducted according 141  
to generally accepted or governmental auditing standards 142

established by rule pursuant to section 117.19 of the Revised Code. 143  
144

**Sec. 121.22.** (A) This section shall be liberally construed to 145  
require public officials to take official action and to conduct 146  
all deliberations upon official business only in open meetings 147  
unless the subject matter is specifically excepted by law. 148

(B) As used in this section: 149

(1) "Public body" means any of the following: 150

(a) Any board, commission, committee, council, or similar 151  
decision-making body of a state agency, institution, or authority, 152  
and any legislative authority or board, commission, committee, 153  
council, agency, authority, or similar decision-making body of any 154  
county, township, municipal corporation, school district, or other 155  
political subdivision or local public institution; 156

(b) Any committee or subcommittee of a body described in 157  
division (B)(1)(a) of this section; 158

(c) A court of jurisdiction of a sanitary district organized 159  
wholly for the purpose of providing a water supply for domestic, 160  
municipal, and public use when meeting for the purpose of the 161  
appointment, removal, or reappointment of a member of the board of 162  
directors of such a district pursuant to section 6115.10 of the 163  
Revised Code, if applicable, or for any other matter related to 164  
such a district other than litigation involving the district. As 165  
used in division (B)(1)(c) of this section, "court of 166  
jurisdiction" has the same meaning as "court" in section 6115.01 167  
of the Revised Code. 168

(2) "Meeting" means any prearranged discussion of the public 169  
business of the public body by a majority of its members. 170

(3) "Regulated individual" means either of the following: 171

(a) A student in a state or local public educational 172

institution;	173
(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness or retardation, disease, disability, age, or other condition requiring custodial care.	174 175 176 177
(4) "Public office" has the same meaning as in section 149.011 of the Revised Code.	178 179
(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.	180 181 182 183 184
The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section.	185 186 187 188 189
(D) This section does not apply to any of the following:	190
(1) A grand jury;	191
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	192 193 194
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;	195 196 197
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	198 199
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	200 201 202

(6) The state medical board when determining whether to	203
suspend a certificate without a prior hearing pursuant to division	204
(G) of either section 4730.25 or 4731.22 of the Revised Code;	205
(7) The board of nursing when determining whether to suspend	206
a license or certificate without a prior hearing pursuant to	207
division (B) of section 4723.281 of the Revised Code;	208
(8) The state board of pharmacy when determining whether to	209
suspend a license without a prior hearing pursuant to division (D)	210
of section 4729.16 of the Revised Code;	211
(9) The state chiropractic board when determining whether to	212
suspend a license without a hearing pursuant to section 4734.37 of	213
the Revised Code;	214
(10) The executive committee of the emergency response	215
commission when determining whether to issue an enforcement order	216
or request that a civil action, civil penalty action, or criminal	217
action be brought to enforce Chapter 3750. of the Revised Code;	218
(11) The board of directors of the nonprofit corporation	219
formed under section 187.01 of the Revised Code or any committee	220
thereof, and the board of directors of any subsidiary of that	221
corporation or a committee thereof;	222
(12) An audit conference conducted by the audit staff of the	223
department of job and family services with officials of the public	224
office that is the subject of that audit under section 5101.37 of	225
the Revised Code.	226
(E) The controlling board, the industrial technology and	227
enterprise advisory council, the tax credit authority, or the	228
minority development financing advisory board, when meeting to	229
consider granting assistance pursuant to Chapter 122. or 166. of	230
the Revised Code, in order to protect the interest of the	231
applicant or the possible investment of public funds, by unanimous	232
vote of all board, council, or authority members present, may	233



close the meeting during consideration of the following 234  
information confidentially received by the authority, council, or 235  
board from the applicant: 236

(1) Marketing plans; 237

(2) Specific business strategy; 238

(3) Production techniques and trade secrets; 239

(4) Financial projections; 240

(5) Personal financial statements of the applicant or members 241  
of the applicant's immediate family, including, but not limited 242  
to, tax records or other similar information not open to public 243  
inspection. 244

The vote by the authority, council, or board to accept or 245  
reject the application, as well as all proceedings of the 246  
authority, council, or board not subject to this division, shall 247  
be open to the public and governed by this section. 248

(F) Every public body, by rule, shall establish a reasonable 249  
method whereby any person may determine the time and place of all 250  
regularly scheduled meetings and the time, place, and purpose of 251  
all special meetings. A public body shall not hold a special 252  
meeting unless it gives at least twenty-four hours' advance notice 253  
to the news media that have requested notification, except in the 254  
event of an emergency requiring immediate official action. In the 255  
event of an emergency, the member or members calling the meeting 256  
shall notify the news media that have requested notification 257  
immediately of the time, place, and purpose of the meeting. 258

The rule shall provide that any person, upon request and 259  
payment of a reasonable fee, may obtain reasonable advance 260  
notification of all meetings at which any specific type of public 261  
business is to be discussed. Provisions for advance notification 262  
may include, but are not limited to, mailing the agenda of 263

meetings to all subscribers on a mailing list or mailing notices 264  
in self-addressed, stamped envelopes provided by the person. 265

(G) Except as provided in division (J) of this section, the 266  
members of a public body may hold an executive session only after 267  
a majority of a quorum of the public body determines, by a roll 268  
call vote, to hold an executive session and only at a regular or 269  
special meeting for the sole purpose of the consideration of any 270  
of the following matters: 271

(1) To consider the appointment, employment, dismissal, 272  
discipline, promotion, demotion, or compensation of a public 273  
employee or official, or the investigation of charges or 274  
complaints against a public employee, official, licensee, or 275  
regulated individual, unless the public employee, official, 276  
licensee, or regulated individual requests a public hearing. 277  
Except as otherwise provided by law, no public body shall hold an 278  
executive session for the discipline of an elected official for 279  
conduct related to the performance of the elected official's 280  
official duties or for the elected official's removal from office. 281  
If a public body holds an executive session pursuant to division 282  
(G)(1) of this section, the motion and vote to hold that executive 283  
session shall state which one or more of the approved purposes 284  
listed in division (G)(1) of this section are the purposes for 285  
which the executive session is to be held, but need not include 286  
the name of any person to be considered at the meeting. 287

(2) To consider the purchase of property for public purposes, 288  
or for the sale of property at competitive bidding, if premature 289  
disclosure of information would give an unfair competitive or 290  
bargaining advantage to a person whose personal, private interest 291  
is adverse to the general public interest. No member of a public 292  
body shall use division (G)(2) of this section as a subterfuge for 293  
providing covert information to prospective buyers or sellers. A 294  
purchase or sale of public property is void if the seller or buyer 295

of the public property has received covert information from a 296  
member of a public body that has not been disclosed to the general 297  
public in sufficient time for other prospective buyers and sellers 298  
to prepare and submit offers. 299

If the minutes of the public body show that all meetings and 300  
deliberations of the public body have been conducted in compliance 301  
with this section, any instrument executed by the public body 302  
purporting to convey, lease, or otherwise dispose of any right, 303  
title, or interest in any public property shall be conclusively 304  
presumed to have been executed in compliance with this section 305  
insofar as title or other interest of any bona fide purchasers, 306  
lessees, or transferees of the property is concerned. 307

(3) Conferences with an attorney for the public body 308  
concerning disputes involving the public body that are the subject 309  
of pending or imminent court action; 310

(4) Preparing for, conducting, or reviewing negotiations or 311  
bargaining sessions with public employees concerning their 312  
compensation or other terms and conditions of their employment; 313

(5) Matters required to be kept confidential by federal law 314  
or regulations or state statutes; 315

(6) Details relative to the security arrangements and 316  
emergency response protocols for a public body or a public office, 317  
if disclosure of the matters discussed could reasonably be 318  
expected to jeopardize the security of the public body or public 319  
office; 320

(7) In the case of a county hospital operated pursuant to 321  
Chapter 339. of the Revised Code, a joint township hospital 322  
operated pursuant to Chapter 513. of the Revised Code, or a 323  
municipal hospital operated pursuant to Chapter 749. of the 324  
Revised Code, to consider trade secrets, as defined in section 325  
1333.61 of the Revised Code. 326

If a public body holds an executive session to consider any 327  
of the matters listed in divisions (G)(2) to (7) of this section, 328  
the motion and vote to hold that executive session shall state 329  
which one or more of the approved matters listed in those 330  
divisions are to be considered at the executive session. 331

A public body specified in division (B)(1)(c) of this section 332  
shall not hold an executive session when meeting for the purposes 333  
specified in that division. 334

(H) A resolution, rule, or formal action of any kind is 335  
invalid unless adopted in an open meeting of the public body. A 336  
resolution, rule, or formal action adopted in an open meeting that 337  
results from deliberations in a meeting not open to the public is 338  
invalid unless the deliberations were for a purpose specifically 339  
authorized in division (G) or (J) of this section and conducted at 340  
an executive session held in compliance with this section. A 341  
resolution, rule, or formal action adopted in an open meeting is 342  
invalid if the public body that adopted the resolution, rule, or 343  
formal action violated division (F) of this section. 344

(I)(1) Any person may bring an action to enforce this 345  
section. An action under division (I)(1) of this section shall be 346  
brought within two years after the date of the alleged violation 347  
or threatened violation. Upon proof of a violation or threatened 348  
violation of this section in an action brought by any person, the 349  
court of common pleas shall issue an injunction to compel the 350  
members of the public body to comply with its provisions. 351

(2)(a) If the court of common pleas issues an injunction 352  
pursuant to division (I)(1) of this section, the court shall order 353  
the public body that it enjoins to pay a civil forfeiture of five 354  
hundred dollars to the party that sought the injunction and shall 355  
award to that party all court costs and, subject to reduction as 356  
described in division (I)(2) of this section, reasonable 357  
attorney's fees. The court, in its discretion, may reduce an award 358

of attorney's fees to the party that sought the injunction or not 359  
award attorney's fees to that party if the court determines both 360  
of the following: 361

(i) That, based on the ordinary application of statutory law 362  
and case law as it existed at the time of violation or threatened 363  
violation that was the basis of the injunction, a well-informed 364  
public body reasonably would believe that the public body was not 365  
violating or threatening to violate this section; 366

(ii) That a well-informed public body reasonably would 367  
believe that the conduct or threatened conduct that was the basis 368  
of the injunction would serve the public policy that underlies the 369  
authority that is asserted as permitting that conduct or 370  
threatened conduct. 371

(b) If the court of common pleas does not issue an injunction 372  
pursuant to division (I)(1) of this section and the court 373  
determines at that time that the bringing of the action was 374  
frivolous conduct, as defined in division (A) of section 2323.51 375  
of the Revised Code, the court shall award to the public body all 376  
court costs and reasonable attorney's fees, as determined by the 377  
court. 378

(3) Irreparable harm and prejudice to the party that sought 379  
the injunction shall be conclusively and irrebuttably presumed 380  
upon proof of a violation or threatened violation of this section. 381

(4) A member of a public body who knowingly violates an 382  
injunction issued pursuant to division (I)(1) of this section may 383  
be removed from office by an action brought in the court of common 384  
pleas for that purpose by the prosecuting attorney or the attorney 385  
general. 386

(J)(1) Pursuant to division (C) of section 5901.09 of the 387  
Revised Code, a veterans service commission shall hold an 388  
executive session for one or more of the following purposes unless 389

an applicant requests a public hearing:	390
(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;	391 392
(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;	393 394
(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.	395 396 397
(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.	398 399 400 401 402 403 404 405
(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.	406 407 408 409 410 411 412
<u>(K) The meetings of the governing board of a corporation or other person that enters into a public-private partnership, as defined in division (G) of section 149.43 of the Revised Code, are public meetings subject to the requirements of this section, notwithstanding any other law to the contrary that may specifically apply to such a governing board.</u>	413 414 415 416 417 418
<b>Sec. 121.41.</b> As used in sections 121.41 to 121.50 of the	419

Revised Code:	420
(A) "Appropriate ethics commission" has the same meaning as in section 102.01 of the Revised Code.	421 422
(B) "Appropriate licensing agency" means a public or private entity that is responsible for licensing, certifying, or registering persons who are engaged in a particular vocation.	423 424 425
(C) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes any officer or employee of the state or any political subdivision of the state.	426 427 428
(D) "State agency" <del>has the same meaning as in section 1.60 of the Revised Code</del> <u>means each organized body, office, or agency established by the laws of the state for the exercise of any function of state government</u> and includes the Ohio casino control commission <u>and the nonprofit corporation formed under section 187.01 of the Revised Code, a subsidiary of the corporation, or an entity that contracts to perform duties of the corporation,</u> but does not include any of the following:	429 430 431 432 433 434 435 436
(1) The general assembly;	437
(2) Any court;	438
(3) The secretary of state, auditor of state, treasurer of state, or attorney general and their respective offices.	439 440
(E) "State employee" means any person who is an employee of a state agency, <del>or any person who does business with the state including, only for the purposes of sections 121.41 to 121.50 of the Revised Code, the nonprofit corporation formed under section 187.01 of the Revised Code.</del>	441 442 443 444 445
(F) "State officer" means any person who is elected or appointed to a public office in a state agency.	446 447
(G) "Wrongful act or omission" means an act or omission, committed in the course of office holding or employment, that is	448 449

not in accordance with the requirements of law or such standards 450  
of proper governmental conduct as are commonly accepted in the 451  
community and thereby subverts, or tends to subvert, the process 452  
of government. 453

**Sec. 125.20.** (A) Within one hundred eighty days after ~~the~~ 454  
~~effective date of this section~~ October 16, 2009, the director of 455  
administrative services shall establish an electronic site 456  
accessible through the internet to publish the following: 457

(1) A database containing each state employee's gross pay 458  
from the most recent pay period. The database shall contain the 459  
name of the agency, position title, and employee name. For 460  
purposes of division (A)(1) of this section, "state employee" 461  
includes the officers and employees of the nonprofit corporation 462  
formed under section 187.01 of the Revised Code. 463

(2) A database containing tax credits issued by the director 464  
of development services to business entities that shall contain 465  
the name under which the tax credit is known, the name of the 466  
entity receiving the credit, and the county in which the credit 467  
recipient's principal place of business in this state is located. 468

(B) The director of administrative services may adopt rules 469  
governing the means by which information is submitted and 470  
databases are updated. 471

**Sec. 149.43.** (A) As used in this section: 472

(1) "Public record" means records kept by any public office, 473  
including, but not limited to, state, county, city, village, 474  
township, and school district units, and records pertaining to the 475  
delivery of educational services by an alternative school in this 476  
state kept by the nonprofit or for-profit entity operating the 477  
alternative school pursuant to section 3313.533 of the Revised 478  
Code. "Public record" does not mean any of the following: 479



(a) Medical records;	480
(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;	481 482 483
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	484 485 486
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;	487 488 489
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	490 491 492 493 494 495
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	496 497 498
(g) Trial preparation records;	499
(h) Confidential law enforcement investigatory records;	500
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	501 502
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	503 504
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	505 506 507 508
(l) Records maintained by the department of youth services	509

pertaining to children in its custody released by the department	510
of youth services to the department of rehabilitation and	511
correction pursuant to section 5139.05 of the Revised Code;	512
(m) Intellectual property records;	513
(n) Donor profile records;	514
(o) Records maintained by the department of job and family	515
services pursuant to section 3121.894 of the Revised Code;	516
(p) Peace officer, parole officer, probation officer,	517
bailiff, prosecuting attorney, assistant prosecuting attorney,	518
correctional employee, community-based correctional facility	519
employee, youth services employee, firefighter, EMT, or	520
investigator of the bureau of criminal identification and	521
investigation residential and familial information;	522
(q) In the case of a county hospital operated pursuant to	523
Chapter 339. of the Revised Code or a municipal hospital operated	524
pursuant to Chapter 749. of the Revised Code, information that	525
constitutes a trade secret, as defined in section 1333.61 of the	526
Revised Code;	527
(r) Information pertaining to the recreational activities of	528
a person under the age of eighteen;	529
(s) Records provided to, statements made by review board	530
members during meetings of, and all work products of a child	531
fatality review board acting under sections 307.621 to 307.629 of	532
the Revised Code, and child fatality review data submitted by the	533
child fatality review board to the department of health or a	534
national child death review database, other than the report	535
prepared pursuant to division (A) of section 307.626 of the	536
Revised Code;	537
(t) Records provided to and statements made by the executive	538
director of a public children services agency or a prosecuting	539

attorney acting pursuant to section 5153.171 of the Revised Code	540
other than the information released under that section;	541
(u) Test materials, examinations, or evaluation tools used in	542
an examination for licensure as a nursing home administrator that	543
the board of examiners of nursing home administrators administers	544
under section 4751.04 of the Revised Code or contracts under that	545
section with a private or government entity to administer;	546
(v) Records the release of which is prohibited by state or	547
federal law;	548
(w) Proprietary information of or relating to any person that	549
is submitted to or compiled by the Ohio venture capital authority	550
created under section 150.01 of the Revised Code;	551
(x) Information reported and evaluations conducted pursuant	552
to section 3701.072 of the Revised Code;	553
(y) Financial statements and data any person submits for any	554
purpose to the Ohio housing finance agency or the controlling	555
board in connection with applying for, receiving, or accounting	556
for financial assistance from the agency, and information that	557
identifies any individual who benefits directly or indirectly from	558
financial assistance from the agency;	559
(z) Records listed in section 5101.29 of the Revised Code;	560
(aa) Discharges recorded with a county recorder under section	561
317.24 of the Revised Code, as specified in division (B)(2) of	562
that section;	563
(bb) Usage information including names and addresses of	564
specific residential and commercial customers of a municipally	565
owned or operated public utility;	566
(cc) Records described in division (C) of section 187.04 of	567
the Revised Code that are not designated to be made available to	568
the public as provided in that division.	569

(2) "Confidential law enforcement investigatory record" means 570  
any record that pertains to a law enforcement matter of a 571  
criminal, quasi-criminal, civil, or administrative nature, but 572  
only to the extent that the release of the record would create a 573  
high probability of disclosure of any of the following: 574

(a) The identity of a suspect who has not been charged with 575  
the offense to which the record pertains, or of an information 576  
source or witness to whom confidentiality has been reasonably 577  
promised; 578

(b) Information provided by an information source or witness 579  
to whom confidentiality has been reasonably promised, which 580  
information would reasonably tend to disclose the source's or 581  
witness's identity; 582

(c) Specific confidential investigatory techniques or 583  
procedures or specific investigatory work product; 584

(d) Information that would endanger the life or physical 585  
safety of law enforcement personnel, a crime victim, a witness, or 586  
a confidential information source. 587

(3) "Medical record" means any document or combination of 588  
documents, except births, deaths, and the fact of admission to or 589  
discharge from a hospital, that pertains to the medical history, 590  
diagnosis, prognosis, or medical condition of a patient and that 591  
is generated and maintained in the process of medical treatment. 592

(4) "Trial preparation record" means any record that contains 593  
information that is specifically compiled in reasonable 594  
anticipation of, or in defense of, a civil or criminal action or 595  
proceeding, including the independent thought processes and 596  
personal trial preparation of an attorney. 597

(5) "Intellectual property record" means a record, other than 598  
a financial or administrative record, that is produced or 599  
collected by or for faculty or staff of a state institution of 600

higher learning in the conduct of or as a result of study or 601  
research on an educational, commercial, scientific, artistic, 602  
technical, or scholarly issue, regardless of whether the study or 603  
research was sponsored by the institution alone or in conjunction 604  
with a governmental body or private concern, and that has not been 605  
publicly released, published, or patented. 606

(6) "Donor profile record" means all records about donors or 607  
potential donors to a public institution of higher education 608  
except the names and reported addresses of the actual donors and 609  
the date, amount, and conditions of the actual donation. 610

(7) "Peace officer, parole officer, probation officer, 611  
bailiff, prosecuting attorney, assistant prosecuting attorney, 612  
correctional employee, community-based correctional facility 613  
employee, youth services employee, firefighter, EMT, or 614  
investigator of the bureau of criminal identification and 615  
investigation residential and familial information" means any 616  
information that discloses any of the following about a peace 617  
officer, parole officer, probation officer, bailiff, prosecuting 618  
attorney, assistant prosecuting attorney, correctional employee, 619  
community-based correctional facility employee, youth services 620  
employee, firefighter, EMT, or investigator of the bureau of 621  
criminal identification and investigation: 622

(a) The address of the actual personal residence of a peace 623  
officer, parole officer, probation officer, bailiff, assistant 624  
prosecuting attorney, correctional employee, community-based 625  
correctional facility employee, youth services employee, 626  
firefighter, EMT, or an investigator of the bureau of criminal 627  
identification and investigation, except for the state or 628  
political subdivision in which the peace officer, parole officer, 629  
probation officer, bailiff, assistant prosecuting attorney, 630  
correctional employee, community-based correctional facility 631  
employee, youth services employee, firefighter, EMT, or 632

investigator of the bureau of criminal identification and 633  
investigation resides; 634

(b) Information compiled from referral to or participation in 635  
an employee assistance program; 636

(c) The social security number, the residential telephone 637  
number, any bank account, debit card, charge card, or credit card 638  
number, or the emergency telephone number of, or any medical 639  
information pertaining to, a peace officer, parole officer, 640  
probation officer, bailiff, prosecuting attorney, assistant 641  
prosecuting attorney, correctional employee, community-based 642  
correctional facility employee, youth services employee, 643  
firefighter, EMT, or investigator of the bureau of criminal 644  
identification and investigation; 645

(d) The name of any beneficiary of employment benefits, 646  
including, but not limited to, life insurance benefits, provided 647  
to a peace officer, parole officer, probation officer, bailiff, 648  
prosecuting attorney, assistant prosecuting attorney, correctional 649  
employee, community-based correctional facility employee, youth 650  
services employee, firefighter, EMT, or investigator of the bureau 651  
of criminal identification and investigation by the peace 652  
officer's, parole officer's, probation officer's, bailiff's, 653  
prosecuting attorney's, assistant prosecuting attorney's, 654  
correctional employee's, community-based correctional facility 655  
employee's, youth services employee's, firefighter's, EMT's, or 656  
investigator of the bureau of criminal identification and 657  
investigation's employer; 658

(e) The identity and amount of any charitable or employment 659  
benefit deduction made by the peace officer's, parole officer's, 660  
probation officer's, bailiff's, prosecuting attorney's, assistant 661  
prosecuting attorney's, correctional employee's, community-based 662  
correctional facility employee's, youth services employee's, 663  
firefighter's, EMT's, or investigator of the bureau of criminal 664

identification and investigation's employer from the peace 665  
officer's, parole officer's, probation officer's, bailiff's, 666  
prosecuting attorney's, assistant prosecuting attorney's, 667  
correctional employee's, community-based correctional facility 668  
employee's, youth services employee's, firefighter's, EMT's, or 669  
investigator of the bureau of criminal identification and 670  
investigation's compensation unless the amount of the deduction is 671  
required by state or federal law; 672

(f) The name, the residential address, the name of the 673  
employer, the address of the employer, the social security number, 674  
the residential telephone number, any bank account, debit card, 675  
charge card, or credit card number, or the emergency telephone 676  
number of the spouse, a former spouse, or any child of a peace 677  
officer, parole officer, probation officer, bailiff, prosecuting 678  
attorney, assistant prosecuting attorney, correctional employee, 679  
community-based correctional facility employee, youth services 680  
employee, firefighter, EMT, or investigator of the bureau of 681  
criminal identification and investigation; 682

(g) A photograph of a peace officer who holds a position or 683  
has an assignment that may include undercover or plain clothes 684  
positions or assignments as determined by the peace officer's 685  
appointing authority. 686

As used in divisions (A)(7) and (B)(9) of this section, 687  
"peace officer" has the same meaning as in section 109.71 of the 688  
Revised Code and also includes the superintendent and troopers of 689  
the state highway patrol; it does not include the sheriff of a 690  
county or a supervisory employee who, in the absence of the 691  
sheriff, is authorized to stand in for, exercise the authority of, 692  
and perform the duties of the sheriff. 693

As used in divisions (A)(7) and (B)(5) of this section, 694  
"correctional employee" means any employee of the department of 695  
rehabilitation and correction who in the course of performing the 696

employee's job duties has or has had contact with inmates and 697  
persons under supervision. 698

As used in divisions (A)(7) and (B)(5) of this section, 699  
"youth services employee" means any employee of the department of 700  
youth services who in the course of performing the employee's job 701  
duties has or has had contact with children committed to the 702  
custody of the department of youth services. 703

As used in divisions (A)(7) and (B)(9) of this section, 704  
"firefighter" means any regular, paid or volunteer, member of a 705  
lawfully constituted fire department of a municipal corporation, 706  
township, fire district, or village. 707

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 708  
means EMTs-basic, EMTs-I, and paramedics that provide emergency 709  
medical services for a public emergency medical service 710  
organization. "Emergency medical service organization," 711  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 712  
section 4765.01 of the Revised Code. 713

As used in divisions (A)(7) and (B)(9) of this section, 714  
"investigator of the bureau of criminal identification and 715  
investigation" has the meaning defined in section 2903.11 of the 716  
Revised Code. 717

(8) "Information pertaining to the recreational activities of 718  
a person under the age of eighteen" means information that is kept 719  
in the ordinary course of business by a public office, that 720  
pertains to the recreational activities of a person under the age 721  
of eighteen years, and that discloses any of the following: 722

(a) The address or telephone number of a person under the age 723  
of eighteen or the address or telephone number of that person's 724  
parent, guardian, custodian, or emergency contact person; 725

(b) The social security number, birth date, or photographic 726  
image of a person under the age of eighteen; 727



(c) Any medical record, history, or information pertaining to 728  
a person under the age of eighteen; 729

(d) Any additional information sought or required about a 730  
person under the age of eighteen for the purpose of allowing that 731  
person to participate in any recreational activity conducted or 732  
sponsored by a public office or to use or obtain admission 733  
privileges to any recreational facility owned or operated by a 734  
public office. 735

(9) "Community control sanction" has the same meaning as in 736  
section 2929.01 of the Revised Code. 737

(10) "Post-release control sanction" has the same meaning as 738  
in section 2967.01 of the Revised Code. 739

(11) "Redaction" means obscuring or deleting any information 740  
that is exempt from the duty to permit public inspection or 741  
copying from an item that otherwise meets the definition of a 742  
"record" in section 149.011 of the Revised Code. 743

(12) "Designee" and "elected official" have the same meanings 744  
as in section 109.43 of the Revised Code. 745

(B)(1) Upon request and subject to division (B)(8) of this 746  
section, all public records responsive to the request shall be 747  
promptly prepared and made available for inspection to any person 748  
at all reasonable times during regular business hours. Subject to 749  
division (B)(8) of this section, upon request, a public office or 750  
person responsible for public records shall make copies of the 751  
requested public record available at cost and within a reasonable 752  
period of time. If a public record contains information that is 753  
exempt from the duty to permit public inspection or to copy the 754  
public record, the public office or the person responsible for the 755  
public record shall make available all of the information within 756  
the public record that is not exempt. When making that public 757  
record available for public inspection or copying that public 758

record, the public office or the person responsible for the public 759  
record shall notify the requester of any redaction or make the 760  
redaction plainly visible. A redaction shall be deemed a denial of 761  
a request to inspect or copy the redacted information, except if 762  
federal or state law authorizes or requires a public office to 763  
make the redaction. 764

(2) To facilitate broader access to public records, a public 765  
office or the person responsible for public records shall organize 766  
and maintain public records in a manner that they can be made 767  
available for inspection or copying in accordance with division 768  
(B) of this section. A public office also shall have available a 769  
copy of its current records retention schedule at a location 770  
readily available to the public. If a requester makes an ambiguous 771  
or overly broad request or has difficulty in making a request for 772  
copies or inspection of public records under this section such 773  
that the public office or the person responsible for the requested 774  
public record cannot reasonably identify what public records are 775  
being requested, the public office or the person responsible for 776  
the requested public record may deny the request but shall provide 777  
the requester with an opportunity to revise the request by 778  
informing the requester of the manner in which records are 779  
maintained by the public office and accessed in the ordinary 780  
course of the public office's or person's duties. 781

(3) If a request is ultimately denied, in part or in whole, 782  
the public office or the person responsible for the requested 783  
public record shall provide the requester with an explanation, 784  
including legal authority, setting forth why the request was 785  
denied. If the initial request was provided in writing, the 786  
explanation also shall be provided to the requester in writing. 787  
The explanation shall not preclude the public office or the person 788  
responsible for the requested public record from relying upon 789  
additional reasons or legal authority in defending an action 790

commenced under division (C) of this section. 791

(4) Unless specifically required or authorized by state or 792  
federal law or in accordance with division (B) of this section, no 793  
public office or person responsible for public records may limit 794  
or condition the availability of public records by requiring 795  
disclosure of the requester's identity or the intended use of the 796  
requested public record. Any requirement that the requester 797  
disclose the requestor's identity or the intended use of the 798  
requested public record constitutes a denial of the request. 799

(5) A public office or person responsible for public records 800  
may ask a requester to make the request in writing, may ask for 801  
the requester's identity, and may inquire about the intended use 802  
of the information requested, but may do so only after disclosing 803  
to the requester that a written request is not mandatory and that 804  
the requester may decline to reveal the requester's identity or 805  
the intended use and when a written request or disclosure of the 806  
identity or intended use would benefit the requester by enhancing 807  
the ability of the public office or person responsible for public 808  
records to identify, locate, or deliver the public records sought 809  
by the requester. 810

(6) If any person chooses to obtain a copy of a public record 811  
in accordance with division (B) of this section, the public office 812  
or person responsible for the public record may require that 813  
person to pay in advance the cost involved in providing the copy 814  
of the public record in accordance with the choice made by the 815  
person seeking the copy under this division. The public office or 816  
the person responsible for the public record shall permit that 817  
person to choose to have the public record duplicated upon paper, 818  
upon the same medium upon which the public office or person 819  
responsible for the public record keeps it, or upon any other 820  
medium upon which the public office or person responsible for the 821  
public record determines that it reasonably can be duplicated as 822

an integral part of the normal operations of the public office or 823  
person responsible for the public record. When the person seeking 824  
the copy makes a choice under this division, the public office or 825  
person responsible for the public record shall provide a copy of 826  
it in accordance with the choice made by the person seeking the 827  
copy. Nothing in this section requires a public office or person 828  
responsible for the public record to allow the person seeking a 829  
copy of the public record to make the copies of the public record. 830

(7) Upon a request made in accordance with division (B) of 831  
this section and subject to division (B)(6) of this section, a 832  
public office or person responsible for public records shall 833  
transmit a copy of a public record to any person by United States 834  
mail or by any other means of delivery or transmission within a 835  
reasonable period of time after receiving the request for the 836  
copy. The public office or person responsible for the public 837  
record may require the person making the request to pay in advance 838  
the cost of postage if the copy is transmitted by United States 839  
mail or the cost of delivery if the copy is transmitted other than 840  
by United States mail, and to pay in advance the costs incurred 841  
for other supplies used in the mailing, delivery, or transmission. 842

Any public office may adopt a policy and procedures that it 843  
will follow in transmitting, within a reasonable period of time 844  
after receiving a request, copies of public records by United 845  
States mail or by any other means of delivery or transmission 846  
pursuant to this division. A public office that adopts a policy 847  
and procedures under this division shall comply with them in 848  
performing its duties under this division. 849

In any policy and procedures adopted under this division, a 850  
public office may limit the number of records requested by a 851  
person that the office will transmit by United States mail to ten 852  
per month, unless the person certifies to the office in writing 853  
that the person does not intend to use or forward the requested 854

records, or the information contained in them, for commercial 855  
purposes. For purposes of this division, "commercial" shall be 856  
narrowly construed and does not include reporting or gathering 857  
news, reporting or gathering information to assist citizen 858  
oversight or understanding of the operation or activities of 859  
government, or nonprofit educational research. 860

(8) A public office or person responsible for public records 861  
is not required to permit a person who is incarcerated pursuant to 862  
a criminal conviction or a juvenile adjudication to inspect or to 863  
obtain a copy of any public record concerning a criminal 864  
investigation or prosecution or concerning what would be a 865  
criminal investigation or prosecution if the subject of the 866  
investigation or prosecution were an adult, unless the request to 867  
inspect or to obtain a copy of the record is for the purpose of 868  
acquiring information that is subject to release as a public 869  
record under this section and the judge who imposed the sentence 870  
or made the adjudication with respect to the person, or the 871  
judge's successor in office, finds that the information sought in 872  
the public record is necessary to support what appears to be a 873  
justiciable claim of the person. 874

(9)(a) Upon written request made and signed by a journalist 875  
on or after December 16, 1999, a public office, or person 876  
responsible for public records, having custody of the records of 877  
the agency employing a specified peace officer, parole officer, 878  
probation officer, bailiff, prosecuting attorney, assistant 879  
prosecuting attorney, correctional employee, community-based 880  
correctional facility employee, youth services employee, 881  
firefighter, EMT, or investigator of the bureau of criminal 882  
identification and investigation shall disclose to the journalist 883  
the address of the actual personal residence of the peace officer, 884  
parole officer, probation officer, bailiff, prosecuting attorney, 885  
assistant prosecuting attorney, correctional employee, 886

community-based correctional facility employee, youth services 887  
employee, firefighter, EMT, or investigator of the bureau of 888  
criminal identification and investigation and, if the peace 889  
officer's, parole officer's, probation officer's, bailiff's, 890  
prosecuting attorney's, assistant prosecuting attorney's, 891  
correctional employee's, community-based correctional facility 892  
employee's, youth services employee's, firefighter's, EMT's, or 893  
investigator of the bureau of criminal identification and 894  
investigation's spouse, former spouse, or child is employed by a 895  
public office, the name and address of the employer of the peace 896  
officer's, parole officer's, probation officer's, bailiff's, 897  
prosecuting attorney's, assistant prosecuting attorney's, 898  
correctional employee's, community-based correctional facility 899  
employee's, youth services employee's, firefighter's, EMT's, or 900  
investigator of the bureau of criminal identification and 901  
investigation's spouse, former spouse, or child. The request shall 902  
include the journalist's name and title and the name and address 903  
of the journalist's employer and shall state that disclosure of 904  
the information sought would be in the public interest. 905

(b) Division (B)(9)(a) of this section also applies to 906  
journalist requests for customer information maintained by a 907  
municipally owned or operated public utility, other than social 908  
security numbers and any private financial information such as 909  
credit reports, payment methods, credit card numbers, and bank 910  
account information. 911

(c) As used in division (B)(9) of this section, "journalist" 912  
means a person engaged in, connected with, or employed by any news 913  
medium, including a newspaper, magazine, press association, news 914  
agency, or wire service, a radio or television station, or a 915  
similar medium, for the purpose of gathering, processing, 916  
transmitting, compiling, editing, or disseminating information for 917  
the general public. 918

(C)(1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action, and, if applicable, that includes an order fixing statutory damages under division (C)(1) of this section. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

If a requestor transmits a written request by hand delivery or certified mail to inspect or receive copies of any public record in a manner that fairly describes the public record or class of public records to the public office or person responsible for the requested public records, except as otherwise provided in this section, the requestor shall be entitled to recover the amount of statutory damages set forth in this division if a court determines that the public office or the person responsible for public records failed to comply with an obligation in accordance with division (B) of this section.

The amount of statutory damages shall be fixed at one hundred

dollars for each business day during which the public office or 951  
person responsible for the requested public records failed to 952  
comply with an obligation in accordance with division (B) of this 953  
section, beginning with the day on which the requester files a 954  
mandamus action to recover statutory damages, up to a maximum of 955  
one thousand dollars. The award of statutory damages shall not be 956  
construed as a penalty, but as compensation for injury arising 957  
from lost use of the requested information. The existence of this 958  
injury shall be conclusively presumed. The award of statutory 959  
damages shall be in addition to all other remedies authorized by 960  
this section. 961

The court may reduce an award of statutory damages or not 962  
award statutory damages if the court determines both of the 963  
following: 964

(a) That, based on the ordinary application of statutory law 965  
and case law as it existed at the time of the conduct or 966  
threatened conduct of the public office or person responsible for 967  
the requested public records that allegedly constitutes a failure 968  
to comply with an obligation in accordance with division (B) of 969  
this section and that was the basis of the mandamus action, a 970  
well-informed public office or person responsible for the 971  
requested public records reasonably would believe that the conduct 972  
or threatened conduct of the public office or person responsible 973  
for the requested public records did not constitute a failure to 974  
comply with an obligation in accordance with division (B) of this 975  
section; 976

(b) That a well-informed public office or person responsible 977  
for the requested public records reasonably would believe that the 978  
conduct or threatened conduct of the public office or person 979  
responsible for the requested public records would serve the 980  
public policy that underlies the authority that is asserted as 981  
permitting that conduct or threatened conduct. 982



(2)(a) If the court issues a writ of mandamus that orders the public office or the person responsible for the public record to comply with division (B) of this section and determines that the circumstances described in division (C)(1) of this section exist, the court shall determine and award to the relator all court costs.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, the court may award reasonable attorney's fees subject to reduction as described in division (C)(2)(c) of this section. The court shall award reasonable attorney's fees, subject to reduction as described in division (C)(2)(c) of this section when either of the following applies:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(c) Court costs and reasonable attorney's fees awarded under this section shall be construed as remedial and not punitive. Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. The court may reduce an award of attorney's fees to the relator or not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law

and case law as it existed at the time of the conduct or 1014  
threatened conduct of the public office or person responsible for 1015  
the requested public records that allegedly constitutes a failure 1016  
to comply with an obligation in accordance with division (B) of 1017  
this section and that was the basis of the mandamus action, a 1018  
well-informed public office or person responsible for the 1019  
requested public records reasonably would believe that the conduct 1020  
or threatened conduct of the public office or person responsible 1021  
for the requested public records did not constitute a failure to 1022  
comply with an obligation in accordance with division (B) of this 1023  
section; 1024

(ii) That a well-informed public office or person responsible 1025  
for the requested public records reasonably would believe that the 1026  
conduct or threatened conduct of the public office or person 1027  
responsible for the requested public records as described in 1028  
division (C)(2)(c)(i) of this section would serve the public 1029  
policy that underlies the authority that is asserted as permitting 1030  
that conduct or threatened conduct. 1031

(D) Chapter 1347. of the Revised Code does not limit the 1032  
provisions of this section. 1033

(E)(1) To ensure that all employees of public offices are 1034  
appropriately educated about a public office's obligations under 1035  
division (B) of this section, all elected officials or their 1036  
appropriate designees shall attend training approved by the 1037  
attorney general as provided in section 109.43 of the Revised 1038  
Code. In addition, all public offices shall adopt a public records 1039  
policy in compliance with this section for responding to public 1040  
records requests. In adopting a public records policy under this 1041  
division, a public office may obtain guidance from the model 1042  
public records policy developed and provided to the public office 1043  
by the attorney general under section 109.43 of the Revised Code. 1044  
Except as otherwise provided in this section, the policy may not 1045

limit the number of public records that the public office will 1046  
make available to a single person, may not limit the number of 1047  
public records that it will make available during a fixed period 1048  
of time, and may not establish a fixed period of time before it 1049  
will respond to a request for inspection or copying of public 1050  
records, unless that period is less than eight hours. 1051

(2) The public office shall distribute the public records 1052  
policy adopted by the public office under division (E)(1) of this 1053  
section to the employee of the public office who is the records 1054  
custodian or records manager or otherwise has custody of the 1055  
records of that office. The public office shall require that 1056  
employee to acknowledge receipt of the copy of the public records 1057  
policy. The public office shall create a poster that describes its 1058  
public records policy and shall post the poster in a conspicuous 1059  
place in the public office and in all locations where the public 1060  
office has branch offices. The public office may post its public 1061  
records policy on the internet web site of the public office if 1062  
the public office maintains an internet web site. A public office 1063  
that has established a manual or handbook of its general policies 1064  
and procedures for all employees of the public office shall 1065  
include the public records policy of the public office in the 1066  
manual or handbook. 1067

(F)(1) The bureau of motor vehicles may adopt rules pursuant 1068  
to Chapter 119. of the Revised Code to reasonably limit the number 1069  
of bulk commercial special extraction requests made by a person 1070  
for the same records or for updated records during a calendar 1071  
year. The rules may include provisions for charges to be made for 1072  
bulk commercial special extraction requests for the actual cost of 1073  
the bureau, plus special extraction costs, plus ten per cent. The 1074  
bureau may charge for expenses for redacting information, the 1075  
release of which is prohibited by law. 1076

(2) As used in division (F)(1) of this section: 1077

(a) "Actual cost" means the cost of depleted supplies, 1078  
records storage media costs, actual mailing and alternative 1079  
delivery costs, or other transmitting costs, and any direct 1080  
equipment operating and maintenance costs, including actual costs 1081  
paid to private contractors for copying services. 1082

(b) "Bulk commercial special extraction request" means a 1083  
request for copies of a record for information in a format other 1084  
than the format already available, or information that cannot be 1085  
extracted without examination of all items in a records series, 1086  
class of records, or ~~data base~~ database by a person who intends to 1087  
use or forward the copies for surveys, marketing, solicitation, or 1088  
resale for commercial purposes. "Bulk commercial special 1089  
extraction request" does not include a request by a person who 1090  
gives assurance to the bureau that the person making the request 1091  
does not intend to use or forward the requested copies for 1092  
surveys, marketing, solicitation, or resale for commercial 1093  
purposes. 1094

(c) "Commercial" means profit-seeking production, buying, or 1095  
selling of any good, service, or other product. 1096

(d) "Special extraction costs" means the cost of the time 1097  
spent by the lowest paid employee competent to perform the task, 1098  
the actual amount paid to outside private contractors employed by 1099  
the bureau, or the actual cost incurred to create computer 1100  
programs to make the special extraction. "Special extraction 1101  
costs" include any charges paid to a public agency for computer or 1102  
records services. 1103

(3) For purposes of divisions (F)(1) and (2) of this section, 1104  
"surveys, marketing, solicitation, or resale for commercial 1105  
purposes" shall be narrowly construed and does not include 1106  
reporting or gathering news, reporting or gathering information to 1107  
assist citizen oversight or understanding of the operation or 1108  
activities of government, or nonprofit educational research. 1109

(G) Records of a corporation or other person that enters into a public-private partnership shall be public records for the purposes of this section, notwithstanding any other law to the contrary that may specifically apply to such a corporation or person. For the purpose of this division, "public-private partnership" means a contractual relationship between a state agency and a corporation or other person for the purpose of the corporation or person assisting the agency in the exercise of any or all of the powers, functions, or duties of the agency, including the operation and management of the agency's programs, offices, divisions, or boards.

**Sec. 187.03.** (A) JobsOhio may perform such functions as permitted and shall perform such duties as prescribed by law and as set forth in any contract entered into under section 187.04 of the Revised Code, but shall not be considered a state or public department, agency, office, body, institution, or instrumentality for purposes of section 1.60 ~~or~~, Chapter ~~102., 121., 125., or 149., or Chapter 121., with the exception of sections 121.41 to 121.50,~~ of the Revised Code. JobsOhio and its board of directors are not subject to the following sections of Chapter 1702. of the Revised Code: sections 1702.03, 1702.08, 1702.09, 1702.21, 1702.24, 1702.26, 1702.27, 1702.28, 1702.29, 1702.301, 1702.33, 1702.34, 1702.37, 1702.38, 1702.40 to 1702.52, 1702.521, 1702.54, 1702.57, 1702.58, 1702.59, 1702.60, 1702.80, and 1702.99. Nothing in this division shall be construed to impair the powers and duties of the Ohio ethics commission described in section 102.06 of the Revised Code to investigate and enforce section 102.02 of the Revised Code with regard to individuals required to file statements under division (B)(2) of this section.

(B)(1) ~~Directors~~ Except as otherwise provided in section 102.01 of the Revised Code, directors and employees of JobsOhio are not employees or officials of the state, ~~and, except as~~

~~provided in division (B)(2) of this section,~~ are not subject to 1142  
Chapter ~~102.~~, 124., 145., or 4117. of the Revised Code. 1143

(2) The chief investment officer, any other officer or 1144  
employee with significant administrative, supervisory, 1145  
contracting, or investment authority, and any director of JobsOhio 1146  
shall file, with the Ohio ethics commission, a financial 1147  
disclosure statement pursuant to section 102.02 of the Revised 1148  
Code that includes, in place of the information required by 1149  
divisions (A)(2), (7), (8), and (9) of that section, the 1150  
information required by divisions (A) and (B) of section 102.022 1151  
of the Revised Code. The governor shall comply with all applicable 1152  
requirements of section 102.02 of the Revised Code. 1153

(3) Actual or in-kind expenditures for the travel, meals, or 1154  
lodging of the governor or of any public official or employee 1155  
designated by the governor for the purpose of this division shall 1156  
not be considered a violation of section 102.03 of the Revised 1157  
Code if the expenditures are made by the corporation, or on behalf 1158  
of the corporation by any person, in connection with the 1159  
governor's performance of official duties related to JobsOhio. The 1160  
governor may designate any person, including a person who is a 1161  
public official or employee as defined in section 102.01 of the 1162  
Revised Code, for the purpose of this division if such 1163  
expenditures are made on behalf of the person in connection with 1164  
the governor's performance of official duties related to JobsOhio. 1165  
A public official or employee so designated by the governor shall 1166  
comply with all applicable requirements of section 102.02 of the 1167  
Revised Code. 1168

At the times and frequency agreed to under division (B)(2)(b) 1169  
of section 187.04 of the Revised Code, beginning in 2012, the 1170  
corporation shall file with the development services agency a 1171  
written report of all such expenditures paid or incurred during 1172  
the preceding calendar year. The report shall state the dollar 1173

value and purpose of each expenditure, the date of each 1174  
expenditure, the name of the person that paid or incurred each 1175  
expenditure, and the location, if any, where services or benefits 1176  
of an expenditure were received, provided that any such 1177  
information that may disclose proprietary information as defined 1178  
in division (C) of this section shall not be included in the 1179  
report. 1180

(4) The prohibition applicable to former public officials or 1181  
employees in division (A)(1) of section 102.03 of the Revised Code 1182  
does not apply to any person appointed to be a director or hired 1183  
as an employee of JobsOhio. 1184

(5) Notwithstanding division (A)(2) of section 145.01 of the 1185  
Revised Code, any person who is a former state employee shall no 1186  
longer be considered a public employee for purposes of Chapter 1187  
145. of the Revised Code upon commencement of employment with 1188  
JobsOhio. 1189

(6) Any director, officer, or employee of JobsOhio may 1190  
request an advisory opinion from the Ohio ethics commission with 1191  
regard to questions concerning the provisions of sections 102.02 1192  
and 102.022 of the Revised Code to which the person is subject. 1193

(C) Meetings of the board of directors at which a quorum of 1194  
the board is required to be physically present pursuant to 1195  
division (F) of section 187.01 of the Revised Code shall be open 1196  
to the public except, by a majority vote of the directors present 1197  
at the meeting, such a meeting may be closed to the public only 1198  
for one or more of the following purposes: 1199

(1) To consider business strategy of the corporation; 1200

(2) To consider proprietary information belonging to 1201  
potential applicants or potential recipients of business 1202  
recruitment, retention, or creation incentives. For the purposes 1203  
of this division, "proprietary information" means marketing plans, 1204

specific business strategy, production techniques and trade secrets, financial projections, or personal financial statements of applicants or members of the applicants' immediate family, including, but not limited to, tax records or other similar information not open to the public inspection.

(3) To consider legal matters, including litigation, in which the corporation is or may be involved;

(4) To consider personnel matters related to an individual employee of the corporation.

(D) The board of directors shall establish a reasonable method whereby any person may obtain the time and place of all public meetings described in division (C) of this section. The method shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all such meetings.

(E) The board of directors shall promptly prepare, file, and maintain minutes of all public meetings described in division (C) of this section.

(F) Not later than March 1, 2012, and the first day of March of each year thereafter, the chief investment officer of JobsOhio shall prepare and submit a report of the corporation's activities for the preceding year to the governor, the speaker and minority leader of the house of representatives, and the president and minority leader of the senate. The annual report shall include the following:

(1) An analysis of the state's economy;

(2) A description of the structure, operation, and financial status of the corporation;

(3) A description of the corporation's strategy to improve the state economy and the standards of measure used to evaluate



its progress; 1235

(4) An evaluation of the performance of current strategies 1236  
and major initiatives; 1237

(5) An analysis of any statutory or administrative barriers 1238  
to successful economic development, business recruitment, and job 1239  
growth in the state identified by JobsOhio during the preceding 1240  
year. 1241

Sec. 187.14. Any person that contracts with JobsOhio or any 1242  
of its subsidiaries to provide goods or services shall not be 1243  
eligible to receive any financial or other economic assistance 1244  
from JobsOhio. 1245

Sec. 187.15. (A) JobsOhio and its subsidiaries are public 1246  
offices for purposes of Chapter 117. of the Revised Code and shall 1247  
submit to audits by the auditor of state in accordance with that 1248  
chapter. 1249

(B) JobsOhio and its subsidiaries, and any nonprofit economic 1250  
development corporation that receives or distributes public funds 1251  
during the corporation's fiscal year pursuant to a contract 1252  
entered into with JobsOhio or any of its subsidiaries, each shall 1253  
prepare an annual financial report that provides a full accounting 1254  
of all public and private funds the corporation received or 1255  
distributed during that fiscal year. The corporation shall submit 1256  
the report to the speaker and minority leader of the house of 1257  
representatives, the president and minority leader of the senate, 1258  
and the legislative service commission within sixty days after the 1259  
last day of the corporation's fiscal year, and shall make the 1260  
report available to the public upon request. The report shall be 1261  
prepared according to generally accepted accounting principles and 1262  
be certified by the board of directors or chief fiscal officer of 1263  
the corporation. 1264

Sec. 187.16. (A) The director of development services shall 1265  
establish and maintain an official internet web site regarding the 1266  
operation of JobsOhio as provided in this section. The web site 1267  
shall be searchable and easily accessible by the public. 1268

(B) All of the following information shall be posted on the 1269  
web site with respect to each project for which financial 1270  
assistance is awarded by JobsOhio: 1271

(1) A brief description of the project; 1272

(2) The name of the entity that is the recipient of the 1273  
assistance; 1274

(3) The total amount of assistance awarded; 1275

(4) The intended and actual use of the assistance; 1276

(5) The intended and actual benefits of the assistance, 1277  
including the number of new jobs and retained jobs anticipated. 1278

(C) The web site shall allow for the reporting of suspected 1279  
fraud related to the operation of JobsOhio or suspected waste or 1280  
abuse of financial assistance provided by JobsOhio. 1281

(D) Officers and employees of JobsOhio shall comply with all 1282  
requests from the development services agency to provide any 1283  
information the agency requires for purposes of the web site. 1284

Sec. 187.17. The director of development services shall, in 1285  
accordance with Chapter 119. of the Revised Code, adopt rules 1286  
establishing performance measures to assess the functions and 1287  
efficiency of JobsOhio. The rules shall specify the relevant data 1288  
needed to measure the performance of the activities of JobsOhio in 1289  
meeting its goals and objectives. These performance measures shall 1290  
be applied consistently over each reporting period. An officer of 1291  
JobsOhio shall publicly present to the controlling board, on a 1292  
quarterly and annual basis, the latest findings as to the outcomes 1293

and efficiency of JobsOhio. 1294

**Sec. 4113.51.** As used in sections 4113.51 to 4113.53 of the 1295  
Revised Code: 1296

(A) "Employee" means any person who performs a service for 1297  
wages or other remuneration for an employer. 1298

(B) "Employer" means any person who has one or more 1299  
employees. "Employer" includes an agent of an employer, the state 1300  
or any agency or instrumentality of the state, and any municipal 1301  
corporation, county, township, school district, or other political 1302  
subdivision or any agency or instrumentality thereof. "Employer" 1303  
also includes the nonprofit corporation formed under section 1304  
187.01 of the Revised Code, a subsidiary of the corporation, or an 1305  
entity that contracts to perform the duties of the corporation. 1306

(C) "Person" has the same meaning as in section 1.59 of the 1307  
Revised Code and also includes a public agency or any other legal 1308  
entity. 1309

(D) "Peace officer" has the same meaning as in section 1310  
2935.01 of the Revised Code. 1311

(E) "Political subdivision" has the same meaning as in 1312  
division (F) of section 2744.01 of the Revised Code. 1313

(F) "Prosecuting authority" means the prosecuting attorney of 1314  
a county or the director of law, village solicitor, or similar 1315  
chief legal officer of a municipal corporation. 1316

(G) "Inspector general" means the inspector general appointed 1317  
under section 121.48 of the Revised Code. 1318

**Section 2.** That existing sections 102.01, 117.01, 121.22, 1319  
121.41, 125.20, 149.43, 187.03, and 4113.51 of the Revised Code 1320  
are hereby repealed. 1321

**Section 3.** Section 149.43 of the Revised Code is presented in 1322

this act as a composite of the section as amended by both Am. Sub. 1323  
H.B. 487 and Am. Sub. S.B. 314 of the 129th General Assembly. The 1324  
General Assembly, applying the principle stated in division (B) of 1325  
section 1.52 of the Revised Code that amendments are to be 1326  
harmonized if reasonably capable of simultaneous operation, finds 1327  
that the composite is the resulting version of the section in 1328  
effect prior to the effective date of the section as presented in 1329  
this act. 1330