

[Cite as *Paule v. Woodmore Local Schools*, 2019-Ohio-2625.]

DENISE PAULE

Requester

v.

WOODMORE LOCAL SCHOOLS

Respondent

Case No. 2018-01385PQ

Judge Patrick M. McGrath

ENTRY ADOPTING REPORT
AND RECOMMENDATION

{¶1} Requester Denise Paule filed a complaint under R.C. 2743.75 alleging denial of access to public records by respondent Woodmore Local Schools in violation of R.C. 149.43(B). In mediation, the parties resolved Paule’s requests except for two that sought the cell phone call/text detail logs of several district employees. Respondent filed a response asserting that the requested documents are not “records” of Woodmore.

{¶2} Requester alleges that the officials conducted district business by calls and texts using personal cell phones, and that the district pays monthly for their cell phone use for school business. The special master found that this stipend is not contingent on any particular cell phone use, and that respondent does not require recipients to provide copies of their cell phone records in order to receive the stipend. Requester further argued that respondent was responsible under a theory of quasi-agency to produce these records from the third-party providers. The special master found no evidence that the public officials’ cellular service providers prepared cell/text logs in order to carry out respondent’s responsibilities, or that respondent was able to monitor the provider’s performance in this respect. The special master concluded that requester had failed to show that the requested documents were “records” of respondent, or that any quasi-agency relationship existed between respondent and the officials’ cellular service providers. The special master recommended that the court issue an order denying requester’s claims for production.

{¶3} 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. Court costs are assessed against the requester. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

PATRICK M. MCGRATH
Judge

Filed May 15, 2019
Sent to S.C. Reporter 6/28/19