

[Cite as *Bello v. Ohio Dept. of Rehab. & Corr.*, 2020-Ohio-4907.]

GERARD BELLO, II

Requester

v.

OHIO DEPARTMENT OF  
REHABILITATION AND CORRECTION

Respondent

Case No. 2020-00129PQ

Judge Patrick M. McGrath

JUDGMENT ENTRY

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{¶1} On August 3, 2020, a special master issued a report and recommendation (R&R) in this public-records case. The special master recommends that the court (1) issue an order denying requester’s claim for production of a duplicate set of requested records from the Ohio Department of Rehabilitation and Correction’s central office, (2) find that respondent violated its obligation under R.C. 149.43(B)(1) to provide Serious Misconduct Panel (SMP) forms within a reasonable period of time, (3) find that audio tapes of the SMP proceedings were properly withheld as exempt “records of inmates committed to the department of rehabilitation and correction” under R.C. 5120.21(F), and (4) assess court costs equally between the parties. (R&R, 9.)

{¶2} Neither party has filed timely written objections to the R&R, as permitted by R.C. 2743.75(F)(2). Pursuant to R.C. 2743.75(F)(2), if neither party timely objects to a special master’s report and recommendation, then this court is required to “promptly issue a final order adopting the report and recommendation, unless it determines that there is an error of law or other defect evident on the face of the report and recommendation.”

{¶3} Upon review, the court determines that there is no error of law or other defect evident on the face of the R&R of August 3, 2020. The court adopts the special master’s R&R, including the special master’s findings of fact, conclusions of law, and recommendations contained in the R&R. Because respondent violated its obligation

under R.C. 149.43(B)(1) to provide certain forms within a reasonable period of time, it follows that requester is an aggrieved person who has been denied access to public records in violation of R.C. 149.43(B). Under R.C. 2743.75(F)(3)(b), requester, as an aggrieved person, is entitled to recover from respondent the amount of the filing fee of twenty-five dollars and any other costs associated with the action that are incurred by requester, but requester is not entitled to recover attorney fees.

{¶4} Judgment is rendered in part in favor of requester and in part in favor of respondent. Court costs are assessed equally against the parties in accordance with the special master's recommendation. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

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PATRICK M. MCGRATH  
Judge