

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
FULTON COUNTY

State ex rel Daniel L. Rittner, Sr.

Court of Appeals No. F-10-020

Relator

v.

Director, Fulton County
Emergency Medical Services

DECISION AND JUDGMENT

Respondent

Decided: August 26, 2010

* * * * *

Daniel L. Rittner, Sr., pro se.

Scott A. Haselman, Fulton County Prosecuting Attorney, and
Jon H. Whitmore, Assistant County Prosecuting Attorney,
for respondent.

* * * * *

SINGER, J.

{¶ 1} Relator, Daniel L. Rittner, Sr., filed a complaint for writ of mandamus, requesting this court to direct respondent, the Director of the Fulton County Emergency Medical Services, to provide information regarding how to search for public records.

Respondent filed a motion to dismiss, arguing that relator cannot establish a claim under R.C. 149.43.

{¶ 2} R.C. 149.43(C) provides that a mandamus action is the appropriate remedy to enforce the public records statute. Thus, to obtain relief a relator must show that he has a clear, legal right to the relief and that the respondent has a clear, legal duty to perform the requested relief. Since mandamus is the specifically statutorily appointed remedy for public records requests, the element of lack of an adequate remedy is not required. *State ex rel. McGowan v. Cuyahoga Metro. Hous. Auth.* (1997), 78 Ohio St.3d 518, 520. Requests for information, not documents, "are improper requests under R.C. 149.43." *State ex rel. Morgan v. New Lexington*, 112 Ohio St.3d 33, 2006-Ohio-6365, ¶ 30. See, also, *Natl. Fed. of the Blind of Ohio v. Ohio Rehab. Servs.*, 10th Dist. No. 09AP-1177, 2010-Ohio-3384, ¶ 35.

{¶ 3} In this case, nothing in relator's complaint or exhibits indicates that he requested any public record documents. Rather, relator sought information on how documents might be searched in the EMS system. Since relator requested information, not documents, he cannot now premise a claim for a violation of R.C. 149.43(B) on that request. Thus, on its face, relator's complaint for mandamus does not establish that he has a clear, legal right to the requested remedy.

{¶ 4} Accordingly, respondent's motion to dismiss is well-taken and granted. Relator's complaint for writ of mandamus is dismissed. Court costs assessed to relator. All further pending motions rendered moot and denied.

WRIT DENIED.

{¶ 5} To the Clerk: Manner of Service.

{¶ 6} Serve upon all parties in a manner prescribed by Civ.R. 5(B) notice of the judgment and its date of entry upon the journal.

Peter M. Handwork, J.

JUDGE

Arlene Singer, J.

JUDGE

Thomas J. Osowik, P.J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.