

Public Records Plea
In the Supreme Court of Ohio

19-1009

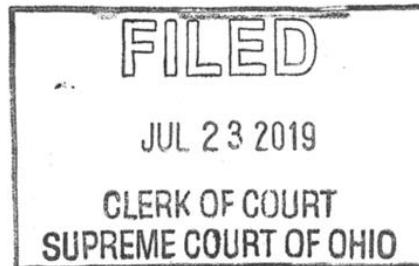
CASE NO.

Jeffrey S. Grim
P.O. Box 16
232 S East St.
New Holland, Ohio 43145

RELATOR,

Vs.

The Village of New Holland Ohio
10 E. Front St.
New Holland, Oh 43145



Respondents,

COMPLAINT FOR ORIGINAL WRIT OF MANDAMUS

COMPLAINT AND PETITION FOR WRIT OF MANDAMUS

Relator comes now before this court and respectfully requests lawful access to public records requested in attached email—exhibit A which Respondent does control and has improperly refused to Relator.

PARTIES

1. Relator, Jeffrey S. Grim is a resident of the Village of New Holland, Oh within the county of Pickaway.
2. The Village of New Holland is the public office charged with management of the public records sought for purposes of Ohio Revised Code 149.43 and this action.
3. Records requested in Exhibit A are public records for purposes of Ohio Rev. Code 149.011(G) and this action.

JURISDICTION AND VENUE

4. Because the Village of New Holland is a Government entity within the State of Ohio this Court has Jurisdiction.

FACTUAL ALLEGATIONS

5. Respondent is a public agency, and its records are subject to Ohio Revised Code 143.49, popularly known as part of The Sunshine Laws.
6. Relator seeks records which are not within the scope of the constitutional right to privacy under the 14th Amendment nor under a valid exemption to the people's right of inspection and or copying.
7. Relator previously submitted an email request for access to public records to Respondent seeking records related to the Village of New Hollands speeding Ordnance and changes to speed limits made in the village. A copy of these emails attached as Exhibit A
8. Respondent has improperly ignored Relators requests completely.

CLAIMS FOR RELIEF

Claim One: Writ of Mandamus directed to Respondent

9. The allegations set forth in paragraphs 1 thru 8 are incorporated herein by reference
10. Respondents denial of access to public records to members of the public violates the policy of the State of Ohio as interpreted by the Ohio Supreme Court in State ex. Rel. Warren Newspapers Inc. v. Hutson, 70 Ohio St. 3d 619 (1994), to wit: "public records are the people's records, and officials in whose custody they happen to be are merely trustees for the people." (Warren Newspapers, 70 Ohio St. 3d at 640).
11. As Relator has not seen the public records sought, Relator cannot ascertain the merit of Respondents ignoring of records request. Relator therefor objects to ignoring of request as improper, against public policy, and as abuse of discretion.
12. Pursuant to Ohio revised Code 143.49(C)(1), Relator is entitled to a conclusive presumption of injury arising from the loss of use of the public records sought.
13. Pursuant to Ohio Revised Code 143.49(C), Relator is entitled to a writ of mandamus from this court commanding Respondent to comply with Chapter 149.43 of the Ohio Revised Code and to otherwise restore Relator's right to inspect and or to copy the public records sought.

Claim Two: Monetary Damages

14. The allegations set forth in paragraphs 1 thru 13 are incorporated herein by reference.
15. Relator is entitled to statutory money damages in the amount of one hundred dollars (\$100) for each day per record requested that Respondent improperly caused relator to lose access to the records sought in this action, Ohio revised Code 143.49(C)(1), beginning on the day of filing of this action, up to a total of \$1,000 per record.

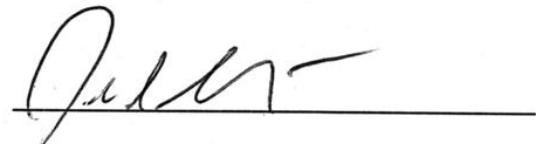
PRAYER FOR RELIEF

WHEREFORE, Realtor respectfully prays that this Court:

1. Issue a Writ of Mandamus commanding Respondent to Restore Relator's right to access public records sought for inspection or copying;
2. Enter judgment that Respondent's ignoring of records request of the people's records and right to access and or coping are unlawful and against the public interest;
3. Enter judgment in Relator's favor for statutory monetary damages, costs of this action, and other such relief as the Court deems just and proper.

Dated this 23 day of July, 2019.

Respectfully submitted,



Jeffrey S. Grim Attorney Pro Se
232 S East St.
New Holland, Ohio 43145
(740) 463-1379
jeffsgrim@iCloud.com

I Jeffrey S. Grim do hereby affirm the foregoing complaint is true and correct to the best of my knowledge.

IN WITNESS WHEREOF, Jeffrey Grim
Have hereunto set his hand and seal this 23 day of July, 2019.

WITNESS:

SIGNATURE OF RELATOR:

Name Jeffrey Grim Sign J. Grim
Address 232 S. East St. New Holland, OH 43145

Sworn to and subscribed before me this 23 day of July, 2019.



Marilyn Susan Weinberg
Notary Public
My Commission Expires 7-19-2023

Exhibit A

10:25 PM Sun Jul 21

villageofnewholland-oh.gov

53%

Home Information Directory Contact Us



May 31, 2018

| | | |
|-----------------------|--------------------|--|
| Mayor | Clair Betzko | mayor@villageofnewholland-oh.gov 740-495-5097 ext. 3 |
| Chief of Police | Christopher Mosley | 740-495-5097 ext. 6 |
| Village Administrator | Christopher Mosley | villageadministrator@villageofnewholland-oh.gov 740-495-5097 ext. 4 |
| Fiscal Officer | Mavis Yourchuck | fiscalofficer@villageofnewholland-oh.gov 740-495-5097 ext. 1 |
| Utility Billing Clerk | Stephanie Mason | utilitybilling@villageofnewholland-oh.gov 740-495-5097 ext. 5 |
| Clerk of Court | Stephanie Mason | clerkofcourt@villageofnewholland-oh.gov 740-495-5097 ext. 2 |

Licensed Water Waste Treatment Plant Operator

| | |
|-------------------|----------------|
| Licensed Operator | Randy Brisette |
|-------------------|----------------|

Popular Posts

- 1 NHPD 2019 Metrics

May 9, 2018

- 2



Welcome to Village of New Holland, Ohio

April 14, 2018

- 3 JUNE 2018

May 31, 2018

Most Viewed

May 9, 2018

NHPD 2019 Metrics

April 14, 2018

Welcome to Village of New Holland, Ohio

May 31, 2018

JUNE 2018

From: Jeff Grim <jsg762155@yahoo.com>
Sent: Sunday, July 21, 2019 10:24 PM
To: Grim, Tara
Subject: [EXTERNAL] Fw: Public records request

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from Yahoo Mail for iPad

Begin forwarded message:

On Tuesday, May 14, 2019, 12:05 PM, Jeff Grim <jsg762155@yahoo.com> wrote:

In reference to new holland village ordinance 2017-12 it is stated that the council of the village of New Holland, Oh has determined an emergency need to change the speed of traffic on west front st. for the safety of the residents, and protection of their property, and the traveling public.

The records I am requesting are any and all such as, but not limited too:

1. Evidence of crashes, evidence of injured pedestrians, loss of property incurred by residents or the village, incidents of high speed, speeding tickets, etc that the village council used to determine an emergency need, and a need, to change the speed of traffic for the safety of the residents, and protection of their property, and the traveling public.
2. ODOT acknowledgment of ordinance 2017-12
3. ODOT permission to change speed limit signs.
4. Total Number of speeding tickets per year issued by the new holland police department on west front street, incidents occurring in Fayette County only, since village ordinance 2017-12 started being enforced by the new holland police department.
5. Total Number of written warnings per year for speed issued by the new holland police department on west front street, incidents occurring in Fayette County only, since village ordinance 2017-12 started being enforced by the new holland police department.
6. Purchase receipt of new speed limit signs.

Thank you,

Jeffrey S. Grim
P. O. Box 16
232 S. East St.
New Holland, Oh 43145

From: Jeff Grim <jsg762155@yahoo.com>
Sent: Sunday, July 21, 2019 10:23 PM
To: Grim, Tara
Subject: [EXTERNAL] Fw: Public records request

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from Yahoo Mail for iPad

Begin forwarded message:

On Wednesday, May 29, 2019, 7:57 AM, Jeff Grim <jsg762155@yahoo.com> wrote:

It's been 2 weeks with no response, do you have any idea when I can expect responsive records? Thank you.

Sent from Yahoo Mail for iPad

On Tuesday, May 14, 2019, 12:05 PM, Jeff Grim <jsg762155@yahoo.com> wrote:

In reference to new holland village ordinance 2017-12 it is stated that the council of the village of New Holland, Oh has determined an emergency need to change the speed of traffic on west front st. for the safety of the residents, and protection of their property, and the traveling public.

The records I am requesting are any and all such as, but not limited too:

1. Evidence of crashes, evidence of injured pedestrians, loss of property incurred by residents or the village, incidents of high speed, speeding tickets, etc that the village council used to determine an emergency need, and a need, to change the speed of traffic for the safety of the residents, and protection of their property, and the traveling public.
2. ODOT acknowledgment of ordinance 2017-12
3. ODOT permission to change speed limit signs.
4. Total Number of speeding tickets per year issued by the new holland police department on west front street, incidents occurring in Fayette County only, since village ordinance 2017-12 started being enforced by the new holland police department.
5. Total Number of written warnings per year for speed issued by the new holland police department on west front street, incidents occurring in Fayette County only, since

Exh. A

village ordinance 2017-12 started being enforced by the new holland police department.

6. Purchase receipt of new speed limit signs.

Thank you,

Jeffrey S. Grim
P. O. Box 16
232 S. East St.
New Holland, Oh 43145
Email: jsg762155@yahoo.com
Cell: (740) 463-1379

Sent from Yahoo Mail for iPad