

In the
Supreme Court Of Ohio

State of Ohio, ex rel.	:	Case No. 2025-0754
LIFEWISE, INC.,	:	
Relator,	:	Original Action
vs.	:	
OHIO CIVIL RIGHTS COMMISSION,	:	
Respondent.	:	

**SUGGESTION OF MOOTNESS SUBMITTED ON BEHALF
OF RESPONDENT, OHIO CIVIL RIGHTS COMMISSION**

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Counsel for Respondent,
Ohio Civil Rights Commission

MEMORANDUM IN SUPPORT

I. INTRODUCTION

On June 6, 2025, Lifewise, Inc. filed a Complaint for Writ of Mandamus or, in the Alternative, Prohibition (Complaint) alleging the Ohio Civil Rights Commission lacked jurisdiction to proceed with the investigation of an employment discrimination charge filed by Rachel Parks Snell. Lifewise alleges the Commission “owes [it] a clear legal duty to stay out of the decision-making process that goes into operating a Christian ministry.” (Petition, p.4)

While this “ministerial exception” is indeed a recognized and valuable constitutional right, the Commission retains the power and duty to evaluate its own jurisdiction.¹ And, a dissatisfied party has an adequate remedy at law should they wish to contest the Commission’s determination through the appeal process set forth in R.C. 4112.06.

However, the Commission closed its investigation and issued a Notice of Right to Sue to Ms. Snell on June 26, 2025 prior to making any determination. For this reason, Lifewise’s Complaint should be dismissed as moot.

II. BACKGROUND

The Ohio Civil Rights Commission is an instrumentality of the State of Ohio, created by R.C. 4112.03, having the capacity to sue and be sued. The Commission is responsible for the enforcement of certain laws relating to discrimination and, in particular, for the enforcement of R.C. 4112.02, which declares various practices relating to employment to be unlawful discriminatory practices.

¹ The “ministerial exception” is codified in Ohio in R.C. 4112.02(O).

Rachel Parks Snell was previously employed by Lifewise as a teacher. With parental consent, Lifewise offers religious instruction to public school students during “release times.” Snell filed a charge of discrimination against Lifewise on January 23, 2025. She alleged that Lifewise subjected her to different terms and conditions of employment, disciplined her, and constructively discharged her due to her age and familial status.² The Commission thereafter commenced an investigation as authorized by R.C. 4112.051. However, before the Commission could complete its investigation, Lifewise filed the instant complaint alleging constitutional jurisprudence forbids the Commission’s actions.

Snell requested to withdraw her charge on June 24, 2025. The Commission granted this request and closed the matter at its regularly scheduled public meeting on June 26, 2025. (See Attachment A).

III. LAW AND ARGUMENT

A. Writs & the Jurisdiction of Administrative Agencies - Generally

An administrative agency typically has the power to determine its own jurisdiction. *City Of Whitehall ex rel. Wolfe v. Ohio Civ. Rights Comm'n*, 74 Ohio St. 3d 120, 123-124. For the Commission, jurisdictional determinations often require an analysis of facts, i.e., does an employer have four or more employees in the State, is a charge timely filed, or is the alleged harm based upon a statutorily protected class?

Similarly, not every entity claiming the ministerial exception will meet the definition of “a religious corporation, association, educational institution, or society,”³ nor will every employee of

² Familial status is not a protected classification under Ohio’s Fair Employment Practices Laws.

³ R.C. 4112.02(O).

a religious organization perform work that is ministerial in nature. These are factual determinations which the Commission can and should make.

On the other hand, mandamus and prohibition are extraordinary writs, issued by a court of superior jurisdiction ordering a lower tribunal to act, or to refrain from acting. These writs are rare, and are infrequently granted. *State ex rel. Kerns v. Simmers*, 2018-Ohio-256, ¶15. The availability of an appeal process provides an adequate remedy at law. R.C. 4112.06 sets forth the process for seeking judicial review of any final order of the Commission. *Whitehall*, pp.123-124, *State ex rel. E. Mfg. Corp. v. Ohio Civil Rights Comm'n*, 63 Ohio St. 3d 179, 180 (1992).

Given these basic principles, the writ sought by Lifewise would improperly interfere with the statutory proceeding under R.C. Chapter 4112.

B. Mootness

In the current matter, Ms. Snell requested that she be permitted to withdraw her charge and request a notice of right to sue as provided by R.C. 4112.051(D)(2). Because of this, the Commission closed the case prior to making a determination regarding whether Lifewise could properly claim the ministerial exception.⁴

Dismissal of an original action is appropriate when a case is moot. *State ex rel. Morenz v. Kerr*, 104 Ohio St. 3d 148, 2004-Ohio-6208, 818 N.E. 2d 1162, ¶35. "Mandamus will not issue to compel a vain act." *State ex rel. Burkons v. Beachwood*, 2022-Ohio-748, ¶ 14. Courts must refrain from providing guidance when a true controversy ceases to exist. *Fortner v. Thomas*, 22 Ohio St. 2d 13, 257 N.E.2d 371 (1970). When an actual controversy is no longer present, the "court must dismiss the case as moot." *M.R. v. Niesen*, 2022-Ohio-1130, ¶7.

⁴ The Commission did find that Ms. Snell had met the jurisdictional requirements for filing a charge, i.e., a signed charge, filed within the requisite time period, alleging a violation of R.C. Chapter 4112. This is a distinct issue from the Commission's jurisdiction over the Respondent.

Here, the Commission has closed its investigation into Ms. Snell's charge, albeit at Ms. Snell's request. There is no controversy remaining for this Court to consider.

IV. CONCLUSION

The Commission has closed the matter about which Lifewise has sought relief. Accordingly, the Commission respectfully requests that this Court dismiss Lifewise's Complaint as moot.

Respectfully submitted,

DAVE YOST
Attorney General of Ohio

/s/ Sharon D. Tassie
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Counsel for the Ohio Civil Rights Commission

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Suggestion of Mootness has been served electronically pursuant to Rule 3.11 (C) upon the following: Counsel for Relator, Benjamin M. Flowers, Julie E. Byrnes, and Benjamin C. White, Ashbrook Byrne Kresge Flowers, P.O. Box 8248, Cincinnati, Ohio 45249, bflowers@abkf.com; jebyrne@abkf.com; and bcwhite@abkf.com on this 1st day of July, 2025.

/s/ Sharon D. Tassie
SHARON D. TASSIE (0029896)
Assistant Section Chief

ATTACHMENT A



**Civil Rights
Commission**

CIV.Ohio.gov

Mike DeWine, Governor Jim Tressel, Lt. Governor Angela Phelps-White, Executive Director

June 26, 2025

Rachel Parks Snell
1341 SURFACE RD
EATON, OH 45320

Mailed on Date: June 26, 2025

STAND FOR TRUTH AKA LIFEWISE
ACADEMY
5375 GRACE ST
HILLIARD, OH 43026

LETTER OF DETERMINATION

Rachel Parks Snell v. Stand for Truth Aka Lifewise Academy
COLA1(012151)01232025

FINDINGS OF FACT:

Charging Party filed a charge of discrimination with the Ohio Civil Rights Commission alleging Respondent engaged in an unlawful discriminatory practice. All jurisdictional requirements for filing a charge have been met. Prior to the conclusion of the investigation, Charging Party requested to withdraw the charge to request a Notice of Right to Sue from the Ohio Civil Rights Commission or Equal Employment Opportunity Commission.

DECISION:

The Ohio Civil Rights Commission has entered into its record a finding of **WITHDRAWAL OF CHARGE – REQUEST A NOTICE OF RIGHT TO SUE**. The matter is **CLOSED**.

Please refer to the enclosed **NOTICE OF RIGHT TO SUE** for additional information on Charging Party's suit rights. (Charging Party Only)

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW:

A determination of the Commission that constitutes a Final Order is subject to judicial review, wherein the court reviews the contents of this letter and determines if there are sufficient factual findings supporting why the Commission did not issue a complaint. A petition for judicial review must be filed in the proper common pleas court within **THIRTY (30) days** of the date the Commission mailed this Final Order. The right to obtain judicial review and the mode and procedure thereof is set forth in Ohio Revised Code § 4112.06.

The judicial review process is not a means to reexamine the investigation or further pursue your allegations through the Commission. You may consult with an attorney for information on available options.

A Probable Cause finding is not a Final Order and is not subject to judicial review by a court. All other determinations of the Commission constitute a Final Order and are subject to judicial review by a court.

Commissioners

Valerie A. Lemmie, *Chair*
Lori Barreras
William Patmon, III
Vernon Sykes
Charlie Winburn

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FOR THE COMMISSION,

George Shaw

George Shaw
Regional Director

George.Shaw@civ.ohio.gov

cc: Representative for Charging Party:

Duwel Law
David Duwel
130 W SECOND ST
DAYTON, OH 45402

Representative for Respondent:

Julie E. Byrne/Benjamin White
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Cincinnati, OH 45249

OHIO CIVIL RIGHTS COMMISSION

Board of Commissioners:

Valerie Lemmie – Chair

Lori Barreras

William W. Patmon, III

Vernon Sykes

Charlie Winburn



Angela Phelps-White,
Executive Director

Charging A. Party,

1

Rachel Parks Snell

1

1

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Charge No. COLA1(012151)01232025
22A-2025-01789

Respondent,

3

NOTICE OF RIGHT TO SUE

Pursuant to Ohio Revised Code 4112.051, you may file a civil action against the Respondent(s) alleging a violation of Ohio Revised Code 4112. The lawsuit may be filed in any State of Ohio court that has jurisdiction over the matter. Ohio Revised Code 4112.052 and 4112.14 provides that such a civil action must be filed within two years after the date of the alleged discriminatory practice. The time period to file a civil action is tolled during the pendency of the Commission investigation. You are advised to consult with an attorney to determine with accuracy the date by which a civil action must be filed. NOTE: If you request reconsideration of the Commission's determination, this NOTICE OF RIGHT TO SUE will be vacated. FOR FEDERAL COURT FILINGS: Notices of Right to Sue under federal law will be issued by the EEOC.

FOR THE COMMISSION

George Shaw

George Shaw

Regional Director

George.Shaw@civ.ohio.gov

Date mailed: 6/26/2025