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SLIP OPINION NO. 2026-OHIO-3104

THE STATE EX REL. HARRIS v. RASEY ET AL.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. Harris v. Rasey*, Slip Opinion No. 2026-Ohio-3104.]

Mandamus—Public-records requests—R.C. 149.43—Prison policy prohibiting inmate from obtaining a copy of his master file does not override a public office’s legal duty under Public Records Act to produce certain portions of the master file that meet definition of “public record” and that are not exempt under the act—Inmate not entitled to a writ compelling production of nonexistent records—A public office complies with Public Records Act when an employee of the office who is not responsible for public records directs a requester to proper records custodian or to where the requested records may be located—Writ granted in part and denied in part, relator awarded \$1,000 in statutory damages, and relator’s request for court costs denied.

(No. 2025-0368—Submitted September 16, 2025—Decided August 18, 2026.)

IN MANDAMUS.

The per curiam opinion below was joined by DEWINE, BRUNNER, DETERS, HAWKINS, and SHANAHAN, JJ. FISCHER, J., concurred but would not award statutory damages. KENNEDY, C.J., concurred in part and dissented in part and would award \$2,000 in statutory damages in accordance with her separate opinions in *State ex rel. Berry v. Booth*, 2024-Ohio-5774, and *State ex rel. Teagarden v. Igwe*, 2024-Ohio-5772.

Per Curiam.

{¶ 1} Relator, Lionel Harris, an inmate at North Central Correctional Complex (NCCC), filed this original action for a writ of mandamus against respondents, Case Manager Mindy Rasey,¹ Warden’s Assistant Mary Van Buskirk, and the operator of NCCC, Management & Training Corporation (“MTC”). Harris seeks a writ of mandamus ordering respondents to provide him with three sets of public records that he requested. He also asks for awards of statutory damages and court costs. As explained below, we deny Harris’s request for a writ of mandamus as to his December 2024 and January 2025 public-records requests but grant his request for mandamus relief as to his July 2024 public-records request. Respondents may redact the records produced as permitted by law. We also award Harris \$1,000 in statutory damages, but we deny his request for court costs.

I. BACKGROUND

{¶ 2} This case involves three public-records requests that Harris sent by electronic kite² to various employees at NCCC. First, on July 6, 2024, Harris

1. In their answer, respondents deny that Rasey is a current case manager at NCCC, but they admit that she was a case manager there during the periods addressed in the complaint.

2. “A kite is a type of written correspondence between an inmate and prison staff.” *State ex rel. Griffin v. Szoke*, 2023-Ohio-3096, ¶ 3.

requested a “paper copy of [his] master file.” Next, on December 10, he requested a paper copy of “the document or documents entitled ‘Authorization to Screen Inmate’s Mail,’ no. SEC0070 pertaining to [him] and [the] screening [of his] mail.” And finally, on January 16, 2025, Harris requested a paper copy of the “Contraband Control Slip DRC 4986 or Individual Contraband Slip DRC 4219” that he alleges should have been filled out when a thumb drive was withheld from him by prison staff.

{¶ 3} On July 7, 2024, in response to Harris’s July 2024 request for his master file, Rasey told Harris: “I will send you a pass to get this done later this week.” Respondents did not otherwise respond to Harris’s July 2024 request.

{¶ 4} In response to Harris’s December 2024 request related to inmate mail, Van Buskirk replied: “I will forward to our legal team. We do not screen mail here any longer. If it doesn’t have a control number on the envelope it is considered regular mail.”

{¶ 5} Outside counsel for MTC replied to Harris on December 12, explaining that “there [was] no document that [was] able to be identified under that name or document number,” and suggesting that Harris’s “document reference need[ed] to be corrected.” Counsel also identified several Ohio Department of Rehabilitation and Correction (“ODRC”) policies related to inmate mail that may have been responsive to Harris’s request and offered to provide those policies to Harris once he paid the specified copying cost. However, counsel avers in an affidavit submitted as evidence in this matter that Harris did not respond to counsel’s letter or arrange to pay for copies of the ODRC policies.

{¶ 6} In response to Harris’s January 2025 request related to contraband slips, an NCCC staff member, A. Ruhl, told Harris that he “must kite the mailroom regarding [the] matter” because “[the] process would have been completed by them.” Harris alleges that he sent a follow-up kite on January 17, “explaining the circumstances and the fact that [Ruhl was] incorrect regarding who should have

[the requested] document or documents.” Ruhl replied to Harris’s follow-up kite on January 23, stating: “You and I have discussed this matter. I have forwarded it to the appropriate person.”

{¶ 7} On March 13, 2025, Harris filed this original action, seeking a writ of mandamus against respondents. He claims that respondents have failed to provide him with records responsive to his three public-records requests, and he seeks a writ compelling respondents to “make all responsive public records available to [him] promptly and without delay for copying, and to do so at all times in response to future requests.” Harris also seeks an award of statutory damages in the amount of \$3,000 and an award of court costs.

{¶ 8} Respondents filed a motion to dismiss the complaint. On May 28, we denied respondents’ motion, ordered respondents to file an answer, and granted an alternative writ, setting the schedule for the filing of evidence and briefs. 2025-Ohio-1876.

II. ANALYSIS

{¶ 9} “Mandamus is an appropriate remedy by which to compel compliance with the Public Records Act.” *State ex rel. Mobley v. LaRose*, 2024-Ohio-1909, ¶ 6. In a public-records mandamus action, the requester must plead and prove facts showing that he requested a public record in accordance with R.C. 149.43(B)(1) and that the public office or records custodian did not make the record available. *Welsh-Huggins v. Jefferson Cty. Prosecutor’s Office*, 2020-Ohio-5371, ¶ 26. “The burden of persuasion is on the requester to establish entitlement to the extraordinary writ by clear and convincing evidence.” *Id.*, citing *State ex rel. Kesterson v. Kent State Univ.*, 2018-Ohio-5108, ¶ 12, and *State ex rel. McCaffrey v. Mahoning Cty. Prosecutor’s Office*, 2012-Ohio-4246, ¶ 16.

A. Harris’s July 2024 Public-Records Request

{¶ 10} Harris argues that respondents’ denial in toto of his July 6, 2024 public-records request for a copy of his master file is prohibited by this court’s

ruling in *State ex rel. Mobley v. Dept. of Rehab. & Corr.*, 2022-Ohio-1765. In *Mobley*, we held that certain portions of an inmate’s master file—specifically, the charges and decisions in inmate disciplinary proceedings and kites pertaining to the inmate—meet the definition of a public record to which no exception applies and thus must be produced in response to a public-records request. *Id.* at ¶ 23-26.

{¶ 11} Respondents, in their merit brief, do not address the application of this court’s decision in *Mobley* to the public-records request at issue here; instead, they argue that “according to [ODRC Policy No.] 07-ORD-03, there is a specific list of personnel having access to the Master File information,” and that the list “does not include incarcerated individuals.” Respondents do not provide any other basis for nondisclosure related to Harris’s July 2024 public-records request.

{¶ 12} Respondents’ evidence includes a copy of ODRC Policy No. 07-ORD-03, effective July 10, 2023, which states that “[t]he purpose of [the] policy is to establish procedures for the maintenance and control of both unit management and record office documents in a combined electronic repository.” It further states that “[i]t is the policy of the ODRC to provide guidelines for the maintenance and management of the Master File documents concerning its use, preservation, security, confidentiality, and inaccessibility to IPs [i.e., incarcerated persons].” To that end, ODRC Policy No. 07-ORD-03 sets forth procedures for maintaining, among other things, “Security and Confidentiality.” Under that subheading, the policy states that “[a]ll reports and printouts generated from the LEADS system” and “[a]ll PSI and OBI investigations” are “classified as confidential documents” and that “[u]nder no circumstance is an IP permitted access to these documents.” (Emphasis added.) The policy continues:

IPs may obtain information, not otherwise restricted from the Master File by contacting their unit staff or writing to [the Bureau Of Record Management] at the Operation Support Center. *Copies from*

the Master File shall not be provided to the IP. Public records requests should be routed to the institution’s public records coordinator for response.

(Emphasis added.)

{¶ 13} Citing ODRC Policy No. 07-ORD-03, respondents argue that Harris is not entitled to a copy of any part of his master file and that he did not limit his public-records request for a copy of his master file in any way.

{¶ 14} Harris requested a copy of his master file in July 2024, and although Rasey initially responded that she would send him a pass to “get this done,” respondents have not presented any evidence showing that Rasey actually sent Harris a pass to view and/or make a copy of his master file. Indeed, respondents merely argue that ODRC policy prohibits Harris from obtaining a copy of his master file. But we have held that “policy alone does not create a legal right or duty,” *State ex rel. Aaron’s, Inc. v. Bur. of Workers’ Comp.*, 2016-Ohio-5011, ¶ 26, that would override a respondent’s legal duties under R.C. 149.43(B), which includes the duty to produce portions of an inmate’s master file, *Mobley*, 2022-Ohio-1765, at ¶ 23-26.

{¶ 15} Respondents also state that Harris never arranged to pay copying costs for his master file. The Public Records Act permits a public office to “require the requester to pay in advance the cost involved in providing the copy,” including costs of delivery, R.C. 149.43(B)(6) and (7). But here, Rasey never conditioned production of the master file on Harris paying copying costs; instead, she said that she would send him a pass to “get this done.” *Compare State ex rel. Mobley v. Banks* 2026-Ohio-2525, ¶ 17-18, 28 (holding that when a public office offered to make documents available upon payment of copying costs, a requester who failed to follow up to ascertain the amount and to pay the copying costs was not entitled

to a writ of mandamus). Yet despite telling Harris she would provide the requested documents, Rasey never did.

{¶ 16} Because Harris made a public-records request for his master file and respondents have not alleged that the master file in its entirety is exempt from disclosure under R.C. 149.43(B) or any other statutory provision, Harris is entitled to a copy of the file. *See Mobley*, 2022-Ohio-1765, at ¶ 23-26. We therefore grant Harris’s request for a writ of mandamus against respondents regarding his July 2024 public-records request. To the extent that a document in Harris’s master file “contain[s] information that is exempt from disclosure, those portions can be redacted,” *id.* at ¶ 26.

B. Harris’s December 2024 Public-Records Request

{¶ 17} Respondents argue that Harris abandoned his December 10, 2024 public-records request for a paper copy of a document or documents entitled “‘Authorization to Screen Inmate’s Mail,’ no. SEC0070,” because Harris did not respond to respondents’ offer to produce certain records in response to Harris’s request.

{¶ 18} On December 12, 2024, MTC’s outside counsel, Edward O. Patton, sent a letter to Harris stating that there was “no document that [could] be identified under that name or document number” and suggesting that Harris may need to correct his document reference. In addition, Patton informed Harris that

in an attempt to accommodate your public records request and in response to your public records request, MTC/NCCC will make available for copying at your cost (\$0.05 per page) [certain] ODRC policy and procedures relating to inmate mail, inmate legal mail, and the authority of ODRC to inspect inmate mail that is not marked as legal mail.

...

MTC/NCCC will endeavor to see if there are other records which are responsive to your records request once you have clarified your request.

{¶ 19} Harris argues in his merit brief that respondents “understood [that he] was requesting ANY documentation ‘authorizing the screening or withholding of [his] incoming mail.’” (Capitalization in original.) But Harris misunderstands Patton’s response: Patton did not state that he failed to understand what Harris was requesting, but rather Patton offered to provide Harris with several ODRC policies regarding inmate mail, once Harris paid the specified copying costs, and to identify other responsive records if Harris clarified his request. This constituted a reasonable response to Harris’s public-records request. And Patton’s affidavit demonstrates that Harris never responded to Patton’s December 2024 letter.

{¶ 20} “When a public office attests that it does not have responsive records, the relator . . . bears the burden of proving by clear and convincing evidence that the requested records exist and are maintained by the public office.” *State ex rel. Culgan v. Jefferson Cty. Prosecutor*, 2024-Ohio-4715, ¶ 13. Harris has not submitted evidence that other policies exist beyond those which Patton identified and provided copying costs for in his letter. Harris is not entitled to a writ of mandamus to compel respondents to produce a nonexistent record. *See State ex rel. Ware v. Akron Police Dept.*, 2025-Ohio-1198, ¶ 13. We therefore deny Harris’s request for mandamus relief as to his December 2024 public-records request.

C. Harris’s January 2025 Public-Records Request

{¶ 21} Respondents argue that Harris’s January 16, 2025 public-records request for a paper copy of “the Contraband Control Slip DRC4986 or Individual Contraband Slip DRC4219” was not sent to the correct records custodian.

{¶ 22} Although Harris identifies Van Buskirk in his complaint as NCCC’s public-records coordinator, he did not send his January 2025 public-records request to her. Instead, Harris sent his January 2025 request to his case manager, Rasey. Ruhl, apparently covering Rasey’s case-manager duties, responded to Harris by informing him of the department that would handle his request—the mailroom.

{¶ 23} “[A] public office complies with the Public Records Act when an employee . . . of the office who is not responsible for a public record directs the requester to the proper records custodian or to where the record may be located.” (Ellipsis in original.) *State ex rel. Ware v. Smith*, 2025-Ohio-1856, ¶ 19, quoting *State ex rel. Ware v. Dept. of Rehab. & Corr.*, 2024-Ohio-1015, ¶ 33 (lead opinion). Harris has not shown by clear and convincing evidence that he transmitted his January 2025 public-records request to the person responsible for public records at NCCC or followed up on Ruhl’s response directing him to contact the mailroom regarding his request. Therefore, we conclude that Harris has not satisfied his burden of showing that respondents have a clear legal duty to provide him with a copy of the records that he requested in his January 2025 public-records request. Accordingly, we deny the writ as to that request.

D. Statutory Damages

{¶ 24} Harris seeks an award of statutory damages, requesting the maximum amount allowed for each of his three public-records requests. Under R.C. 149.43(C)(2),³ a public-records requester “shall be entitled to recover” statutory damages if (1) the requester has submitted a written request to the public office or person responsible for the requested public records, (2) the request was made “by hand delivery, electronic submission, or certified mail,” (3) the request “fairly describes the public record or class of public records,” and (4) “a court

3. The General Assembly has recently amended R.C. 149.43, most notably in 2024 Sub.H.B. No. 265 (effective Apr. 9, 2025), and some provisions have been renumbered. This opinion applies the version of the statute enacted in 2024 Sub.S.B. No. 29 (effective Oct. 24, 2024).

determines that the public office or the person responsible for public records failed to comply with an obligation” imposed by R.C. 149.43(B).

{¶ 25} Harris transmitted his July 2024 public-records request by electronic kite, which is a permissible method of delivery for purposes of awarding statutory damages. *See State ex rel. Griffin v. Sehlmeier*, 2021-Ohio-1419, ¶ 21. And respondents failed to comply with their obligations under R.C. 149.43(B) by not providing Harris with a copy of his master file. Thus, Harris is entitled to \$100 for each business day that respondents failed to comply with the Public Records Act, beginning on the date of the commencement of this action, up to a maximum of \$1,000. *See id.* at ¶ 22.

{¶ 26} The Public Records Act allows us to reduce or deny an award of statutory damages if we determine that (1) based on the law as it existed at the time of Harris’s public-records request, a well-informed person responsible for the public records reasonably would have believed that R.C. 149.43(B) did not require disclosure of the requested records in response to Harris’s request and (2) a well-informed person responsible for the public records reasonably would have believed that withholding the requested records would serve the public policy that underlies the authority asserted as permitting nondisclosure. *See* R.C. 149.43(C)(2). However, respondents do not argue that any award of statutory damages should be reduced or denied, and accordingly, we decline to reduce or deny damages under R.C. 149.43(C)(2).

{¶ 27} Harris filed his complaint for a writ of mandamus on March 13, 2025, and he has not received a copy of any document contained in his master file in response to his July 2024 public-records request. Thus, we award Harris the maximum amount of \$1,000 in statutory damages regarding that request. *See* R.C. 149.43(C)(2).

E. Court Costs

{¶ 28} Typically, when a public-records requester is entitled to a writ of mandamus ordering a public office to produce requested records, an award of court costs is mandatory under R.C. 149.43(C)(3)(a)(i). *See Mobley*, 2022-Ohio-1765, at ¶ 27. However, when an inmate files an affidavit of indigency, he does not incur any court costs. In this case, Harris filed an affidavit of indigency with his complaint. Accordingly, we deny his request for an award of court costs.

III. CONCLUSION

{¶ 29} We grant a writ of mandamus ordering respondents to produce records responsive to Harris’s July 2024 public-records request for a copy of his master file, subject to any redactions as permitted by law. And we award Harris \$1,000 in statutory damages related to the July 2024 public-records request. But we deny Harris mandamus relief as to his December 2024 and January 2025 public-records requests. And we deny his request for court costs.

Writ granted in part
and denied in part.

Lionel Harris, pro se.

Mansour Gavin, L.P.A., Edward O. Patton, and Katie E. Epperson, for
respondents.
