

IN THE COURT OF CLAIMS OF OHIO

GREG PITZER

Requester

v.

MONTGOMERY COUNTY CORONER'S
OFFICE

Respondent

Case No. 2025-00591PQ

Special Master Todd Marti

REPORT AND RECOMMENDATION

{¶1} This case is before me for a R.C. 2743.75(F) report and recommendation. I recommend that the court: (1) enter judgment for respondent on requester's claims under R.C. 149.43; (2) dismiss requester's constitutional claim for lack of jurisdiction; and (3) order requester to bear the costs of this case.

I. Background.

{¶2} Requester Greg Pitzer's daughter Ashley died in what he views as suspicious circumstances in Clermont County. The Clermont County Coroner ("CCC") enlisted the help of the respondent Montgomery County Coroner ("MCC") to perform the autopsy. The MCC performed the autopsy and returned Ms. Pitzer's body, and all records related to the autopsy, to the CCC. *Complaint*, filed June 18, 2025.

{¶3} Mr. Pitzer sought copies of the records from the CCC, who told him to seek them from the MCC. He then made several public records requests to the MCC for those records. The MCC denied those requests, asserting that Mr. Pitzer should seek them from the CCC. *Id.*

{¶4} Mr. Pitzer filed this case to compel MCC to produce the records. Mediation did not resolve the case, so a schedule was set for the parties to file evidence and memoranda supporting their positions. That schedule has run its course, making this case

ripe for decision. *Order Terminating Mediation*, entered July 11, 2025; *Order*, entered August 13, 2025.

II. Analysis.

A. R.C. 313.10(A)(1) relieved respondent of the duty to provide the records at issue.

{¶5} The coroner of the county where a person dies or where her body is found has jurisdiction to investigate the death and, if appropriate, conduct an autopsy. R.C. 313.01(B)(1); R.C. 313.08; R.C. 313.12; R.C. 313.121; R.C. 313.13; R.C. 313.15. Coroners whose offices lack adequate resources to take those actions may make arrangements with better resourced coroners in other counties to do that work. In late 2007 the Ohio Attorney General opined that the records generated by the coroners of those other counties are public records of those other coroners and that those other coroners were obligated by R.C. 149.43 to produce those records when requested. 2007 Ohio Atty.Gen. Ops. 42.

{¶6} In early 2008 legislation was introduced that had the apparent purpose of overruling that opinion. It amended R.C. 313.10(A) to provide that “[t]he coroner of the county where the death was pronounced shall be responsible for the release of all public records relating to that death.” That legislation was signed into law and became effective in April of 2009. H.B. 471 (127th G.A.).

{¶7} Mr. Pitzer’s daughter’s body was found in Clermont County in 2013. The CCC had jurisdiction over her case and pronounced her death. The amendment to R.C. 313.10(A) discussed above therefore relieved the MCC of any duty to provide the records Mr. Pitzer sought from it.

{¶8} I therefore recommend that the court GRANT respondent’s motion to dismiss and enter judgment for respondent on requester’s claims under R.C. 149.43.¹

¹ While I sympathize with Mr. Pitzer’s frustration with both CCC’s and MCC’s insensitivity and inefficiency, the law is clear and this court has no authority to disregard the General Assembly’s policy decision as to which coroner should respond to records requests. That said, Mr. Pitzer remains free to seek those records from the CCC and to enforce any request to the CCC through R.C. 149.43(C)(1).

B. This court lacks jurisdiction over requester's constitutional claim.

{¶9} Mr. Pitzer also seeks relief under Art. I, § 10(a) of Ohio's Constitution. This court lacks subject matter jurisdiction over that claim. *Trader v. Ontario Local School Dist.*, 2025-Ohio-2374, ¶ 5, adopted, 2025-Ohio-2879 (Ct. of Cl.) ("R.C. 2743.75(A) grants this court jurisdiction to resolve disputes alleging a denial of access to public records in violation of division (B) of section 149.43 of the Revised Code, but does not otherwise give it jurisdiction over political subdivisions").

{¶10} I therefore recommend that the court dismiss this claim without prejudice.

C. Requester should bear the costs of this case.

{¶11} Costs should be assessed against Mr. Pitzer pursuant to R.C. 2743.09(F) and R.C. 2303.20 because he implicitly agreed to pay those costs by filing this case. *Helfrich v. Hall*, 2022-Ohio-1852, ¶ 25 (5th Dist.).

III. Conclusion.

{¶12} In light of the foregoing, I recommend that the court:

- A. Enter judgment for respondent on requester's claims under R.C. 149.43;
- B. Dismiss requester's constitutional claim for lack of jurisdiction; and
- C. Order requester to bear the costs of this case.

{¶13} Pursuant to R.C. 2743.75(F)(2), either party may file a written objection with the clerk of the Court of Claims of Ohio within seven (7) business days after receiving this report and recommendation. Any objection shall be specific and state with particularity all grounds for the objection. A party shall not assign as error on appeal the court's adoption of any factual findings or legal conclusions in this report and recommendation unless a timely objection was filed thereto. R.C. 2743.75(G)(1).

TODD MARTI
Special Master