

IN THE COURT OF CLAIMS OF OHIO

LACHANDA GALES	Case No. 2025-00893PQ
Requester	Special Master Robert Van Schoyck
v.	<u>REPORT AND RECOMMENDATION</u>
OHIO DEPARTMENT OF REHABILITATION AND CORRECTION	
Respondent	

{¶1} This case is before the special master for a report and recommendation under R.C. 2743.75(F)(1).

{¶2} On October 27, 2025, requester, Lachanda Gales, filed a complaint in this court pursuant to R.C. 2743.75. On December 3, 2025, the special master issued an order bypassing mediation and instructing respondent, Ohio Department of Rehabilitation and Correction (ODRC), to file a response, and if applicable, a motion to dismiss within ten business days. On December 17, 2025, ODRC filed a motion to dismiss.

{¶3} On December 3, 2025, Gales filed a motion to disqualify the Attorney General from representing ODRC in this matter. Upon review, the motion is without merit and is not accepted by the special master, nor does the special master accept the supporting exhibits Gales filed on December 3, 2025, the affidavit Gales filed on December 8, 2025, or the memorandum Gales filed on December 19, 2025. See R.C. 2743.75(E)(2) (Other than those motions or pleadings provided for in R.C. 2743.75, “[n]o further motions or pleadings shall be accepted by the clerk of the court of claims or by the special master assigned by the clerk under division (D)(2) of this section unless the special master directs in writing that a further motion or pleading be filed.”)

{¶4} As explained below, it is recommended that the court deny ODRC’s motion to dismiss and order ODRC to produce the records that Gales requested on August 10, 2025.

Motion to Dismiss

{¶5} ODRC argues that the complaint should be dismissed for two reasons; specifically, ODRC argues that Gales “failed to comply with the procedural requirements of R.C. 149.43, and the Complaint fails to state a claim upon which relief can be granted under Civ.R. 12(B)(6).” (Motion, p. 1.) The special master shall address these arguments separately.

1) Procedural Requirements of R.C. 149.43(C)(2)

{¶6} Regarding the procedural requirements of R.C. 149.43, ODRC specifically argues that Gales failed to comply with R.C. 149.43(C)(2), which requires that a person filing a complaint pursuant to R.C. 2743.75 must file, in conjunction with the complaint:

a written affirmation stating that the person properly transmitted a complaint to the public office or person responsible for public records, the failure alleged in the complaint has not been cured or otherwise resolved to the person’s satisfaction, and that the complaint was transmitted to the public office or person responsible for public records at least three business days before the filing of the suit. If the person fails to file an affirmation pursuant to this division, the suit shall be dismissed.

In her form complaint, however, Gales checked a box to indicate:

I affirm that a copy of this complaint was properly transmitted to the public office or person responsible for public records, that they were provided three business days to cure or otherwise address the failure alleged in the complaint, and that the failure alleged in the complaint has not been cured or otherwise resolved.

(Complaint, p. 1.)

{¶7} Without specifically addressing the foregoing section of Gales’ complaint, ODRC argues that Gales “did not submit a ‘written affirmation,’ let alone ‘affirmed’ that she completed the three steps allowing Respondent(s) the opportunity to cure the failure in responding to Requester’s public records request at the time of filing her Complaint.” (Motion, p. 8.) It has previously been found in this court, however, that the language from the form complaint upon which Gales relies satisfies the requirements of R.C.

149.43(C)(2). See *White v. Ross Corr. Inst.*, 2025-Ohio-2884, ¶ 8-13 (Ct. of Cl.). Accordingly, the special master finds that Gales met the requirements of R.C. 149.43(C)(2) and that ODRC's argument for dismissing the complaint pursuant to R.C. 149.43(C)(2) is without merit.

2) Failure to State a Claim Upon Which Relief can be Granted

{¶8} Next, ODRC argues that, even if Gales complied with R.C. 149.43(C)(2), “the Complaint must still be dismissed under Civ.R. 12(B)(6) because it fails to state a claim upon which relief can be granted under R.C. 2743.75.” (Motion, p. 9.)

{¶9} In considering a Civ.R. 12(B)(6) motion to dismiss for failure to state a claim, the Court “must presume that all factual allegations of the complaint are true and make all reasonable inferences in favor of the non-moving party.” *Mitchell v. Lawson Milk Co.*, 40 Ohio St.3d 190, 192 (1988). Before the court may dismiss the complaint, it must appear beyond doubt that the complainant can prove no set of facts entitling her to recovery. *O'Brien v. Univ. Community Tenants Union, Inc.*, 42 Ohio St.2d 242, 245 (1975).

{¶10} A complainant under R.C. 2743.75 must “plead . . . facts showing that the requester sought an identifiable public record pursuant to 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, ¶ 33.

{¶11} In this case, the complaint and attachments show there were several communications between Gales, ODRC, and/or CoreCivic, the third-party contractor that operates the Lake Erie Correctional Institution, concerning the imprisonment of JC Devar Sanders, whom Gales identifies as her husband. It is apparent that Gales believes Sanders' imprisonment is unlawful. There were numerous documents filed with the complaint, but only a portion of them concern any records request by Gales. Gales did submit one records request to ODRC, however.

{¶12} On August 10, 2025, Gales sent a message to email addresses associated with both ODRC and CoreCivic requesting (1) “Any reinstatement order or court judgment entry that authorizes J.C. Sanders current imprisonment under Summit County Case No. CR-2022-04-1359”; (2) “All documentation received from any court or prosecutor's office

justifying his custody or transport to this facility”; (3) “All intake forms, transfer forms, detainer paperwork, and movement history showing how and why J.C. Sanders was brought into ODRC custody”; and, (4) “Any correspondence, metadata, or logged activity related to the above.” (Complaint, PDF pp. 15-16.)

{¶13} An attorney for CoreCivic responded by email and denied Gales’ request, and stated that a portion of Gales’ request “should be directed to ODRC.” (Complaint, PDF p. 14.) While Gales had requested the records from both CoreCivic and ODRC, it does not appear that ODRC produced records in response to this request, nor denied the request. There is an undated email from ODRC’s Constituent Affairs office attached to the complaint stating that ODRC was “in receipt of your multiple emails and phone calls regarding your concerns with the sentencing, commitment documents and false imprisonment allegations regarding JC Devar Sanders”, and that ODRC’s Legal Services office reviewed the concerns and determined that ODRC was not permitted to release Sanders. (Complaint, PDF p. 32.) ODRC asserts in its motion to dismiss that this document constitutes a “response from ODRC”, but even if this document represents a response to Gales’ concerns, it does not address her request for records nor otherwise show that ODRC produced any records or denied the request. (Motion, p. 11.)

{¶14} In sum, Gales requested records from ODRC on August 10, 2025. When Gales filed her complaint in this matter, in the section of the complaint for identifying what records have not been provided, Gales identifies the records that she requested from ODRC on August 10, 2025. A public office such as ODRC has a duty to respond to public records requests by either producing the requested records or providing an explanation for the denial, but the complaint and attachments do not demonstrate that ODRC did either. Nor did ODRC file a response in this matter demonstrating that it did so.

{¶15} ODRC argues that some of the attachments to the complaint, including some that predate the August 10, 2025 request, show that Gales was already “in possession of documents she now disputes.” (Motion, p. 12.) But the attachments to the complaint do not establish that Gales had all the records she requested, nor that she had obtained whatever records she had from ODRC. Even if Gales already had some or all the records that she requested, “[n]othing in the text of the Public Records Act excuses a public office

from its duty to supply records upon a showing that the requester has obtained the record from a third party.” *State ex rel. Summers v. Fox*, 2020-Ohio-5585, ¶ 39.

{¶16} ODRC also argues that focus of the complaint is “disputing the legality of incarceration, rather than access to records.” (Motion, p. 12.) But the complaint sets forth a claim that Gales requested records from ODRC and that ODRC failed to produce the records or deny the request and provide an explanation for doing so. Gales’ reason for requesting the records is immaterial. See *State ex rel. Quolke v. Strongsville City School Dist. Bd. of Ed.*, 2015-Ohio-1083, ¶ 24.

{¶17} Finally, it is noted that ODRC’s motion summarizes the attachments to the complaint, including CoreCivic’s response to the August 10, 2025 request, which CoreCivic denied on several grounds, one of which was that “records of inmates . . . are not considered public records and are exempt from public inspection pursuant to R.C. 5120.21(F).” (Complaint, PDF p. 27.) ODRC does not assert before this court that there is any applicable exemption under R.C. 5120.21, which was amended subsequent to Gales’ request but before she filed her complaint, let alone prove “that the requested records fall squarely within the exception.” *Welsh-Huggins* at ¶ 27.

{¶18} To summarize, ODRC moves to dismiss on the basis that Gales “is not seeking access to records but rather challenging the legality of Sanders’ incarceration with ODRC.” (Motion, p. 2.) Gales, however, has stated a claim on which relief can be granted under R.C. 2743.75.

Conclusion

{¶19} Based on the foregoing, the special master concludes that the complaint states a claim on which relief can be granted under R.C. 2743.75. It is therefore recommended that the court issue an order denying ODRC’s motion to dismiss.

{¶20} Based on the foregoing, I recommend that the court:

- 1) Order ODRC to produce all records responsive to Gales’ August 10, 2025 request;

- 2) Order ODRC to take that action within 30 days from the entry of a judgment adopting this report and recommendation;
- 3) Order ODRC to file and serve an affirmation that it has taken that action within 40 days of the entry of a judgment adopting this report and recommendation;
- 4) Order ODRC to reimburse Gales for the filing fee and costs in this case.
- 5) Order ODRC to pay the balance of the costs in this case.
- 6) Deny all other relief.

{¶21} 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).

ROBERT VAN SCHOYCK
Special Master