

IN THE COURT OF CLAIMS OF OHIO

FAITH STRAHM, et al.	Case No. 2025-00993PQ
Requesters	Special Master Sarah Pierce
v.	<u>REPORT AND RECOMMENDATION</u>
OHIO DEPARTMENT OF NATURAL RESOURCES, et al.	
Respondents	

{¶1} This matter is before me for a report and recommendation. R.C. 2743.75(F). I recommend that the Court (1) grant Respondent the Ohio Department of Natural Resources’ motion to dismiss, and (2) order Requester to bear the costs of her action against this respondent.

I. Background

{¶2} On December 9, 2025, Requester Faith Strahm filed a R.C. 2743.45 complaint form indicating that she, through counsel, made a public records request to Respondent the Ohio Department of Natural Resources (ODNR). The attachments to the complaint, however, only documented a request made to the Ohio Department of Administrative Services (ODAS). I therefore ordered Requester to file an amended complaint to clarify the issue. *Order, entered December 12, 2025.*

{¶3} Requester’s counsel filed a new complaint form on January 7, 2026. That form added Respondent Ohio Department of Administrative Services to the case. The form referenced attached email correspondence but did not include any new attachments. See *Am. Complaint, filed January 7, 2026.*

{¶4} On January 13, 2026, Respondent ODNR filed a motion to dismiss the complaint. I am required to issue a report and recommendation on that motion within seven business days. R.C. 2743.45(F); L.C.C.R. (4)(F).

II. Analysis

{¶5} Dismissal is appropriate if the complaint fails to state a claim upon which relief can be granted. *Thompson v. Cuyahoga Cty. Sheriff's Dept.*, 2018-Ohio-1577, ¶ 11 (Ct. of Cl.); *Paramount Advantage v. Ohio Dept. of Medicaid*, 2021-Ohio-4180, ¶ 27 (Ct. of Cl.); see also *State ex rel. Fogle v. Steiner*, 74 Ohio St.3d 158, 161 (1995) (noting “sua sponte dismissal without notice is appropriate where . . . the claimant obviously cannot prevail on the facts alleged in the complaint”). A party invoking 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.

{¶6} Both R.C. 149.43(C)(1) and R.C. 2743.75(D)(1) require that the party invoking R.C. 2743.75 be “allegedly” “aggrieved” by a violation of R.C. 149.43(B). A requester cannot be aggrieved unless it has made a public records request to the respondent being sued. The requester is not aggrieved, and therefore has no claim, if it has not made a request to that respondent. *State ex rel. Cincinnati Enquirer v. Deters*, 2016-Ohio-8195, ¶ 20. This court has held the same: “It is axiomatic that in order to be a person aggrieved by the failure of a public office to promptly respond to a public records request, one must first request records from the public office.” *Jackson v. Cuyahoga Cty. Job & Family Services*, 2024-Ohio-4785, ¶ 15; see also *Jones v. Allen Cty. Common Pleas Court*, 2023-Ohio-1863, ¶ 5-7, adopted 2023-Ohio-2324 (Ct. of Cl.).

{¶7} Here, absent a request to ODNR for records, ODNR is not a proper respondent in this case. Requester’s original complaint form and attachments document only a public records request made to ODAS. The amended complaint makes no additional allegations against ODNR. Requester has therefore failed to plead a public records request made to ODNR.

III. Conclusion

{¶8} Based on the above considerations, I recommend that the court:

1) Grant Respondent the Ohio Department of Natural Resource's motion to dismiss;

2) Order Requester to bear the costs of her action against this respondent.

{¶9} 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).*

SARAH PIERCE
Special Master

Filed January 21, 2026
Sent to S.C. Reporter 2/13/26