

IN THE COURT OF CLAIMS OF OHIO

ORVILLE MCEACHRON

Requester

v.

CITY OF GARFIELD HEIGHTS

Respondent

Case No. 2025-00922PQ

Special Master Sarah Pierce

REPORT AND RECOMMENDATION

{¶1} This matter is before me for a report and recommendation. R.C.2743.75(F). I recommend that the Court (1) grant respondent’s motion to dismiss the complaint, and (2) order requester to bear the costs of this case.

I. Background

{¶2} On January 8, 2025, Requester Orville McEachron was charged for a minor traffic violation in the Brecksville Mayor’s Court. The case was later transferred to the Garfield Heights Municipal Court. See *Req. Evidence, filed Jan. 13, 2026*, p. 27-29; *Resp. Response to Complaint, filed Jan. 21, 2026*, p. 1.

A. The public records request

{¶3} On October 13, 2025, Mr. McEachron submitted seventeen public records requests to Respondent the City of Garfield Heights. *Complaint, filed Nov. 5, 2025*, p. 2. For all requests, Mr. McEachron specified that he sought records from all City departments “including (but not limited to) the Office of the Mayor, Finance Department, City Council, or any other City office that maintains or receives such records in the ordinary course of business[.]” *Id.*, p. 3.

{¶4} On November 3, 2025, the City responded to Mr. McEachron’s public records requests. A table listing each public records request and the corresponding response is attached to this report and recommendation at Appendix A.

B. Procedural history

{¶5} This matter was referred to mediation. Mediation did not resolve the case, and a schedule was set for both 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 Dec. 30, 2025.*

II. Analysis

A. Requester's public records requests are not enforceable.

{¶6} A person seeking to compel production of public records through Revised Code 2743.75 must “plead and prove 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, ¶ 26. Those facts must be proven by clear and convincing evidence. *State ex rel. McCaffrey v. Mahoning Cty. Prosecutor's Office*, 2012-Ohio-4246, ¶ 16; *Hicks v. Union Twp.*, 2023-Ohio-874, ¶ 20 (12th Dist.).

{¶7} A public records request is unenforceable if it is too vague or indefinite to be properly acted on by the records holder. *State ex rel. Dehler v. Spatny*, 2010-Ohio-3052, ¶ 18 (11th Dist.). A requester is required to identify the records they seek with reasonable clarity. *State ex rel. Dillery v. Icsman*, 92 Ohio St.3d 312, 314 (2001); *State ex rel. Chasteen v. Ohio Dept. of Rehab. & Corr.*, 2014-Ohio-1848, ¶ 24 (10th Dist.). Without a reasonably clear public records request, a court cannot issue an order for production of specific responsive records. *Warchol v. Superintendent of Washington Local School Dist.*, 2022-Ohio-3140, ¶ 20, adopted Ct. of Cl. No. 2021-00698PQ (Oct. 4, 2022).

{¶8} In this case, Mr. McEachron's public records requests are unenforceable. Requester asks for a multitude of records across all City departments and unbounded by time limitations. To take one example, Mr. McEachron's first request asks for:

Any records, emails, documentation, City Council resolutions, ordinances, charter provisions, or written directives that grant, delegate, or recognize authority for the Mayor of Garfield Heights—or any City official under the Mayor's supervision—to expend, commit, retain, or manage public funds or resources arising from any matter not accompanied by a valid written

transfer certification or change-of-venue order from a mayor's court of origin.

Compl., p. 3. This request asks for a document of any type, held by any City employee or official, from any date, that deals with an ill-defined topic. In short, Mr. McEachron has failed to demonstrate that he sought an identifiable public record and his public records requests are unenforceable.

{¶9} Mr. McEachron argues that the City has not clearly denied the existence of responsive records in violation of R.C. 149.43(B). *Req. Reply, filed Feb. 3, 2026*, p. 3. I disagree. Mr. McEachron made his public records requests on October 13, 2025. Seventeen days later, he sent a preliminary complaint to the City. *Compl.*, p. 2. On November 3, 2025, it appears the City made a good faith effort to respond to Mr. McEachron's complaint and records requests. *Compl.*, p. 3. This does not change the nature of the original requests, nor demonstrate that Mr. McEachron made sufficiently clear requests for identifiable public records. Before a public office can clearly deny the existence of a public record, there must first exist a specific request for the record. See *State ex rel. Morgan v. New Lexington*, 2006-Ohio-6365, ¶ 56-57 (deciding enforcement of a specific request for a personnel file and related policies); *Hunt Eng., LLC v. Ohio EPA*, 2022-Ohio-3141, ¶ 17, adopted 2022-Ohio-3557 (Ct. of Cl.) ("The public office must clearly deny the existence of the specifically requested records.").

{¶10} I therefore recommend that the Court grant the City's motion to dismiss.

B. Costs.

{¶11} Revised Code 2743.75(F)(3)(b) provides that the Court shall award a requester their filing fee and "any other costs associated with the action" if it finds a violation of the Ohio Public Records Act. Because I do not find a violation, I recommend that Mr. McEachron bear the costs of this case.

III. Conclusion

Based on the above considerations, I recommend that the court:

- 1) Grant respondent's motion to dismiss complaint; and
- 2) Order requester to bear the costs of this case.

{¶12} 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 February 12, 2026
Sent to S.C. Reporter 3/19/26

APPENDIX A

<p style="text-align: center;">Public Records Request (quoted from Compl., p. 3-5)</p>	<p style="text-align: center;">Response (Compl., p. 6-8)</p>
<p>1. Any records, emails, documentation, City Council resolutions, ordinances, charter provisions, or written directives that grant, delegate, or recognize authority for the Mayor of Garfield Heights—or any City official under the Mayor's supervision—to expend, commit, retain, or manage public funds or resources arising from any matter not accompanied by a valid written transfer certification or change-of-venue order from a mayor's court of origin.</p>	<p>1. [quotes request] Without prejudice to the determination of the sufficiency or validity of any transfer documents or papers as such is a matter reserved to the court, none known.</p>
<p>2. Any records, emails, documentation, City Council resolutions, ordinances, or written directives that authorize or permit the Finance Director (Barbara Biro) to recognize, record, or report as lawful City revenue any funds received into City-managed or City-pooled bank accounts that originated from a court case lacking a valid transfer order or certification from a mayor's court.</p>	<p>2. [quotes request] Same as 1 above.</p>
<p>3. Any records, emails, documentation, policies, memoranda, directives, or interdepartmental agreements that establish or limit coordination between the City Finance Department, the Law Department, and the Garfield Heights Municipal Court Clerk's Office regarding reconciliation, verification, or audit of financial records or deposits involving public funds.</p>	<p>3. [quotes request] None known other than the general law in the Ohio Revised Code and the Garfield heights Charter which are hereby incorporated herein by reference.</p>
<p>4. Any records, emails, documentation, City Council resolutions, ordinances, charter provisions, policies, or directives that prohibit, restrict, or limit the Mayor of Garfield Heights from initiating, directing, or participating in any review, investigation, or corrective action concerning financial irregularities, discrepancies, or anomalies in bank accounts or financial records utilized by the Garfield Heights Municipal Court or its Clerk's Office.</p>	<p>4. [quotes request] Same as 3 above.</p>

<p>5. Any records, emails, documentation, City Council resolutions, ordinances, charter provisions, internal policies, or directives that prohibit or restrict the Finance Director (Barbara Biro) from examining, reviewing, or investigating financial irregularities or discrepancies involving bank accounts, banking relationships, or accounting records utilized by the Garfield Heights Municipal Court or its Clerk's Office, including those connected to City-managed or City-pooled financial statements.</p>	<p>5. [quotes request] Same as 3 above.</p>
<p>6. Any records, emails, documentation, memoranda, or directives that prohibit, restrict, or limit coordination between the City Finance Department and the Garfield Heights Municipal Court Clerk's Office regarding reconciliation, auditing, or correction of financial discrepancies involving funds derived from Municipal Court operations.</p>	<p>6. [quotes request] Same as 3 above.</p>
<p>7. Any statutes, charter provisions, ordinances, policies, legal opinions, or directives that prohibit the Mayor of Garfield Heights from initiating, ordering, or directing an investigation into potential financial irregularities or unauthorized docketing activities involving City-controlled bank accounts or the Garfield Heights Municipal Court Clerk's Office.</p>	<p>7. [quotes request] Same as 3 above with the caveat that such actions are not mandated to the mayor under statute.</p>
<p>8. Any records, emails, documentation stating or showing that the Finance Director (Barbara Biro) has no signatory, custodial, or oversight authority with respect to any bank accounts used by the Garfield Heights Municipal Court.</p>	<p>8. [quotes request] Same as 3 above.</p>
<p>9. Any records, emails, documentation stating or showing that the Finance Director has no duty or responsibility to review, reconcile, or address reported financial discrepancies or irregularities involving City-maintained or City-reported accounts, including any accounts used by the Municipal Court/Clerk's Office.</p>	<p>9. [quotes request] Same as 3 above.</p>
<p>10. Any records, emails, documentation stating or showing that the Mayor of Garfield Heights has no oversight, duty, or responsibility to address or investigate reported financial discrepancies or irregularities that may impact City financial reporting or fiduciary/custodial accounts.</p>	<p>10. [quotes request] Same as 7 above.</p>

<p>11. Any records, emails, documentation stating or showing that Finance Director Barbara Biro is not an authorized signer/signatory for bank accounts used by the Garfield Heights Municipal Court (e.g., bank resolutions, signature cards, or equivalent—account numbers/balances may be redacted; names, titles, bank, and account title should be visible).</p>	<p>11. [quotes request] Same as 3 above.</p>
<p>12. Any records, emails, documentation stating or showing that the Mayor of Garfield Heights is restricted, limited, or prohibited from instructing or providing a directive to the Finance Director Barbara Biro to investigate reported financial discrepancies or irregularities that may impact City financial reporting or fiduciary/custodial accounts.</p>	<p>12. [quotes request] Same as 7 above.</p>
<p>13. Any records, emails, documentation stating or showing that the Finance Director Barbara Biro is restricted, limited, or prohibited from investigating and/or communicating about financial discrepancies or irregularities with Clerk of Court Alexander F. Grgat and/or Judge Deborah J. Nicastro (in her administrative judge capacity only, per Ohio Sup.R. 4) that may impact City financial reporting or fiduciary/custodial accounts.</p>	<p>13. [quotes request] Same as 3 above.</p>
<p>14. Any records, emails, documentation stating or showing that the Finance Director Barbara Biro is restricted, limited, or prohibited from communicating about corrections of financial discrepancies or irregularities with Clerk of Court Alexander F. Grgat and/or Judge Deborah J. Nicastro (in her administrative judge capacity only, per Ohio Sup.R. 4) that may impact City financial reporting or fiduciary/custodial accounts.</p>	<p>14. [quotes request] None known.</p>
<p>15. Any records, emails, documentation stating or showing that the Mayor of Garfield Heights is restricted, limited, or prohibited from communicating about corrections of financial discrepancies or irregularities with Clerk of Court Alexander F. Grgat and/or Judge Deborah J. Nicastro (in her administrative judge capacity only, per Ohio Sup.R. 4) that may impact City financial reporting or fiduciary/custodial accounts.</p>	<p>15. [quotes request] Same as 7 above.</p>
<p>16. Any records, emails, documentation, City Council resolutions, ordinances, charter provisions, or written</p>	<p>16. [quotes request] Same as 7 above</p>

<p>directives that grant, delegate, or recognize authority for the Mayor of Garfield Heights—or any City official under the Mayor's supervision—to expend, commit, retain, or manage public funds or resources (including bonds, fines, fees, or court costs) arising from any court case not accompanied by a valid written transfer certification as required by Ohio Revised Code § 1905.032, or to authorize Garfield Heights Municipal Court to process, docket, or collect revenue from cases lacking documented change-of-venue orders or transfer certifications from the originating mayor's court.</p>	<p>with the caveat that the determination of the validity of a transfer to municipal court is, in the first instance a matter for the court to determine and not within the ambit of the mayor's duties.</p>
<p>17. Any records, emails, documentation, City Council resolutions, ordinances, or written directives that authorize or permit the Finance Director (Barbara Biro) to recognize, record, or report as lawful City revenue any bonds, fines, fees, or court costs received from Garfield Heights Municipal Court that originated from a court case lacking a valid written transfer certification pursuant to Ohio Revised Code § 1905.032, or to accept as proper City income any deposits made by the Municipal Court Clerk's Office into City-managed bank accounts when such deposits originated from cases without documented transfer authority from another mayor's court, or to include in City financial statements or reports any revenue collected by Municipal Court from cases not properly transferred according to statutory requirements.</p>	<p>17. [quotes request] Same as 3 above. with the caveat that the determination of the validity of a transfer to municipal court is, in the first instance a matter for the court to determine and not within the ambit of the finance director's duties.</p>