

IN THE COURT OF APPEALS OF OHIO  
SIXTH APPELLATE DISTRICT  
LUCAS COUNTY

State of Ohio, ex rel. Michael J. Hofbauer

Court of Appeals No. {48}L-26-00107

Relator

v.

Christopher R. Uhle, et al.

**DECISION AND JUDGMENT**

Respondents

Decided: October 14, 2026

\* \* \* \* \*

Michael J. Hofbauer, pro se, relator.

Julia R. Bates, Lucas County Prosecuting Attorney, and  
Peter N. Kanios and Kevin A. Pituch, Assistant Prosecuting  
Attorneys, for respondents,

\* \* \* \* \*

**MAYLE, J.**

{¶ 1} This matter is before the court on respondents, Lucas County Child Support Enforcement Agency (“LCCSEA”) and the Legal and Administrative Program Manager for LCCSEA, Christopher Uhle’s, motion for summary judgment on relator, Michael Hofbauer’s petition for a writ of mandamus. Relator has filed an opposition to the motion for summary judgment in which he also includes a cross-motion for summary

judgment. Respondents have filed a reply brief in which they include an opposition to relator’s cross-motion for summary judgment. Relator additionally filed a “motion for leave to file supplemental affidavit in support of memorandum in opposition to respondent’s motion for summary judgment and cross-motion for summary judgment.” The matters are now decisional.

{¶ 2} This matter concerns Hofbauer’s access, as an obligor, to LCCSEA records in the relevant child support cases, JC20279622 and JC17264291. Hofbauer explains that he has been actively requesting these records from LCCSEA since December 2024 and to date, has only been provided a “rudimentary payment history.” He now argues that respondents have failed to provide him with the requested case records and audits, pursuant to R.C. 149.43 and R.C. 3125.16, and requests this court to compel respondents to produce the “complete, unredacted (except for statutory identifiers) SETS Case Activity Logs, System Audit Trails, and all JFS ukuk07022 worksheets” for cases JC20279622 and JC17264291; and award him statutory damages, court costs, and any other relief that we deem just and equitable.

{¶ 3} In respondents’ motion, they make two arguments—first, that the records sought require LCCSEA to divulge information that is protected by statute and case law, and second, that some of the requested information either does not exist or is not in the custody of LCCSEA. Accordingly, respondents argue that based on the undisputed facts before this court, Hofbauer is not entitled to the requested documents and therefore cannot establish a right to mandamus relief.

## I. Summary Judgment Standard

{¶ 4} We can grant a motion for summary judgment only when the moving party demonstrates:

(1) that there is no genuine issue as to any material fact; (2) that the moving party is entitled to judgment as a matter of law; and (3) that reasonable minds can come to but one conclusion, and that conclusion is adverse to the party against whom the motion for summary judgment is made, who is entitled to have the evidence construed most strongly in his favor.

*Harless v. Willis Day Warehousing Co.*, 54 Ohio St.2d 64, 66 (1978); Civ.R. 56(C).

{¶ 5} The party seeking summary judgment must specifically delineate the basis upon which the motion is brought and identify those portions of the record that demonstrate the absence of a genuine issue of material fact. *Dresher v. Burt*, 75 Ohio St.3d 280, 293 (1996); *Mitseff v. Wheeler*, 38 Ohio St.3d 112 (1988), syllabus. When a properly supported motion for summary judgment is made, an adverse party may not rest on mere allegations or denials in the pleadings but must respond with specific facts showing that there is a genuine issue of material fact. Civ.R. 56(E); *Riley v. Montgomery*, 11 Ohio St.3d 75, 79 (1984). The opposing party must do so using “pleadings, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence, and written stipulations of fact....” Civ.R. 56(C). A “material” fact is one that would affect the outcome of the suit under the applicable substantive law. *Russell v. Interim Personnel, Inc.*, 135 Ohio App.3d 301, 304 (6th Dist. 1999); *Needham v. Provident Bank*, 110 Ohio App.3d 817, 827 (8th Dist. 1996), citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986).

## II. Analysis

{¶ 6} Mandamus is an extraordinary remedy “to be issued with great caution and discretion and only when the way is clear.” *State ex rel. Taylor v. Glasser*, 50 Ohio St.2d 165, 166 (1977), citing *State ex rel. Kriss v. Richards*, 102 Ohio St. 455 (1921), and *State ex rel. Skinner Engine Co. v. Kouri*, 136 Ohio St. 343 (1940). A relator seeking a writ of mandamus must establish (1) a clear legal right to the requested relief, (2) a clear legal duty on the part of the respondent to provide it, and (3) the lack of an adequate remedy in the ordinary course of the law. *State ex rel. Waters v. Spaeth*, 2012-Ohio-69, ¶ 6. The relator must prove entitlement to the writ by clear and convincing evidence. *State ex rel. Cleveland Right to Life v. State Controlling Bd.*, 2013-Ohio-5632, ¶ 2.

{¶ 7} Here, Hofbauer is seeking a writ of mandamus to compel LCCSEA to produce “the complete, unredacted (except for statutory identifiers) SETS Case Activity Logs, System Audit Trails, and all JFS ukuk07022 worksheets” for his two child support cases. Hofbauer claims that LCCSEA has a mandatory duty to produce the complete and unredacted records pursuant to R.C. 3125.16, and Ohio Adm.Code 5101:12-10-05<sup>1</sup>.

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<sup>1</sup> Hofbauer contends that respondents have a duty under Ohio Admin.Code 5101:12-10-05, however, this provision governs how a CSEA must maintain case records. As examined more thoroughly above, Ohio Adm.Code 5101:12-1-20.1 provides the circumstances under which a child support enforcement agency may release information.

{¶ 8} R.C. 3125.15 governs maintenance of records of support orders and provides that “[a] child support enforcement agency shall maintain records of support orders being administered or otherwise handled by the agency pursuant to sections 3121.81 to 3121.86 of the Revised Code.” R.C. 3125.16 provides:

Each obligor and each obligee under a support order may review all records maintained under section 3125.15 of the Revised Code that pertain to the support order and any other information maintained by the child support enforcement agency, *except to the extent prohibited by state or federal law*.

(Emphasis added.)

{¶ 9} Ohio Adm.Code 5101:12-1-20.1 provides the circumstances under which a child support enforcement agency may release information contained in a person’s case record pursuant to a request and states, in relevant part:

(A) A child support enforcement agency (CSEA), the office of child support (OCS), or contractor shall only disclose information contained in a person’s case record upon the request of an individual or entity when:

- (1) The disclosure is in accordance with the provisions of this rule, or
- (2) The disclosure is in accordance with written permission from the person. “Written permission” means a document signed by a person or a person’s legal guardian that permits an individual or entity to disclose information contained in that person’s case record. Written permission shall include:
  - (a) The person’s full name;
  - (b) The name and title, if any, of the individual or entity to whom the person or the person’s legal guardian is permitting disclosure of information;
  - (c) A description of the type of information that the individual or entity is permitted to disclose;

- (d) The duration of time that the person or person's legal guardian is permitting the disclosure of information; and
- (e) The person's or legal guardian's signature and the date on which the written permission is signed.

\* \* \*

(C)(2)(c) Restrictions on information disclosure:

- (i) Information obtained from the state or federal PLS shall not be disclosed.
- (ii) Information about any person in the child support case other than the representative of a child or the child shall not be disclosed and must be redacted from any document that will be disclosed, unless the representative of a child obtains written permission from the other person, in accordance with rule 5101:12-1-20 of the Administrative Code.

{¶ 10} With regard to Hofbauer's request for complete, unredacted records regarding his two child support cases, respondents primarily argue that under Ohio law, LCCSEA is barred from disclosing child support records without written permission of all the persons involved within those records. Most notably, Ohio Adm.Code 5101:12-1-20.1 clearly requires that all disclosures made by a child support enforcement agency must be in accordance with written permission from the person in the case record.

{¶ 11} It is undisputed that Hofbauer has not provided LCCSEA with the written permission from all relevant persons. While Hofbauer is correct that R.C. 3125.16 permits obligors such as himself to review all records maintained pursuant to R.C. 3125.15 pertaining to their child support orders, he ignores the statute's express limitation that they may do so "except to the extent prohibited by state or federal law." Ohio Adm.Code 5101:12-1-20.1 is clear that all disclosures made by a child support

enforcement agency must be in accordance with written permission from the person in the case record. Seeing that Hofbauer does not dispute that written permission from all relevant individuals in the two cases does not exist, there is no genuine issue of material fact that Hofbauer has no clear legal right to obtain and respondents have no clear legal duty to provide complete *unredacted* records in Case Nos. JC20279622 and JC17264291.<sup>2</sup>

{¶ 12} Respondents additionally argue that many of the requested records such as the “System Audit Trails” are non-existent. Furthermore, they note that some of the “records” requested are really “information” that Hofbauer is asking LCCSEA to compile into a new record. For example, in emails attached to Hofbauer’s complaint (labeled as Exhibit B), respondent Uhle told Hofbauer that LCCSEA did not hold the records he was seeking in Case no. JC20279622:

Regarding JC20279622 the child support order was established by the court. CSEA does not receive, retain, or have access to the filings, documents, or information that the court considered in issuing its decision. The agency’s role is limited to receiving the final order and implementing it. For this reason, the records you are seeking are not held by CSEA. These

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<sup>2</sup> Contrary to the dissent, we do not “skip[] a step of the analysis” by looking to Ohio Adm. Code 5101:12-1-20.1 as a “state or federal law” that prohibits certain disclosures of child-support records that are otherwise obtainable under R.C. 3125.16. Importantly, R.C. 3125.16 does not cross-reference R.C. 3125.50 but, rather, provides that obligors and obligees may review all records and information “except to the extent prohibited by state or federal law.” While R.C. 3125.50 is “*one such law* prohibiting the release of support order records,” Dissenting Op. at ¶ 27 (emphasis added), R.C. 3125.50 is not the *only law* that restricts the disclosure of these records. Here, the relator requests “complete, unredacted” support order records, and such disclosure is flatly prohibited by Ohio Adm. Code 5101:12-1-20.1 without certain written permissions. It is therefore unnecessary for us to determine whether disclosure is *also* prohibited by R.C. 3125.50.

documents are the same materials you have requested from the juvenile court, which is the proper source for any information related to judicial proceedings or determinations....

{¶ 13} In a separate email provided in that exhibit, respondent Uhle further explained that with regard to the SETS Case Activity Logs, LCCSEA:

does not maintain a single, continuous narrative. Our records are stored in the Support Enforcement Tracking System, known as SETS. This system was developed in the 1990s and organizes information as a series of log entries. Many of these entries are automated system messages that can be difficult to read or interpret. I can provide a few sample screenshots so that you can see the type of entries the system produces.

{¶ 14} Hofbauer’s principal argument regarding the SETS records is that respondent Uhle “acknowledged receipt of the requests [for the SETS records] but explicitly refused to produce the SETS chronological narrative, claiming the ‘automated system messages... can be difficult to read or interpret.’” He does not acknowledge respondents’ argument that he is asking LCCSEA to compile information into a currently non-existent record. Additionally, he does not provide any clarification on what the System Audit Trails are or dispute respondents’ argument that such records do not exist. In his memorandum in opposition to summary judgment, however, Hofbauer does admit that he is not seeking the creation of new records and requests only what exists.

{¶ 15} After construing the evidence most strongly in Hofbauer’s favor, there is no genuine issue of material fact on the matter of the requests for System Audit Trails, for LCCSEA to compile a SETS narrative, or for case records not maintained by LCCSEA—Hofbauer has no clear legal right to obtain and respondents have no clear legal duty to provide non-existent records.

{¶ 16} Accordingly, we hold that respondents are entitled to summary judgment.

{¶ 17} We turn now to Hofbauer's cross-motion for summary judgment. In this motion, Hofbauer asks this court to award him statutory damages under R.C. 149.43(C) due to respondents withholding of requested information. Because we grant respondents' motion for summary judgment, we find that they did not improperly withhold information and therefore, Hofbauer is not entitled to statutory damages as a matter of law. Accordingly, we deny Hofbauer's cross-motion for summary judgment.

{¶ 18} As a final matter, we address Hofbauer's remaining motion for leave to file a supplemental affidavit in support of his memorandum in opposition to respondents' motion and cross-motion for summary judgment. Because we are granting respondents' motion for summary judgment and dismissing this case, we find this motion not well-taken and deny it.

### **III. Conclusion**

{¶ 19} Upon due consideration, and for the reasons set forth above, we grant respondents' motion for summary judgment, deny Hofbauer's cross-motion for summary judgment, and dismiss Hofbauer's complaint in its entirety. Hofbauer's complaint is hereby dismissed. Hofbauer's additional motion is denied.

{¶ 20} Hofbauer is ordered to pay the costs of this matter.

**To the clerk: Manner of service.**

{¶ 21} The clerk is directed to immediately serve upon all parties a copy of this judgment entry in a manner prescribed by Civ.R. 5(B).

{¶ 22} It is so ordered.

Writ dismissed.

Christine E. Mayle, J.

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JUDGE

Myron C. Duhart, J.  
CONCUR.

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JUDGE

Charles E. Sulek, J.  
CONCURS, IN PART, DISSENTS  
IN PART, AND WRITES  
SEPARATELY.

\_\_\_\_\_  
JUDGE

**SULEK, J., concurring, in part, dissenting, in part.**

{¶ 23} Because I believe the parties have not demonstrated that there are no genuine issues of material fact pertaining to the SETS Case Activity Logs and JFS ukuk07022 worksheets, I dissent from the majority's award of summary judgment to respondents, in part. I concur in the majority's denial of Hofbauer's cross-motion for summary judgment.

{¶ 24} "Mandamus is the appropriate remedy to compel compliance with R.C. 149.43, Ohio's Public Records Act." *State ex rel. Physicians Comm. for Responsible*

*Medicine v. Ohio State Univ. Bd. of Trustees*, 2006-Ohio-903, ¶ 6. “In resolving public-records mandamus claims, ‘we construe R.C. 149.43 liberally in favor of broad access and resolve any doubt in favor of disclosure of public records.’” *State ex rel. Toledo Blade Co. v. Toledo-Lucas Cty. Port Auth.*, 2009-Ohio-1767, ¶ 10, quoting *State ex rel. Glasgow v. Jones*, 2008-Ohio-4788, ¶ 13.

{¶ 25} R.C. 149.43(A)(1) broadly defines “public record” as “records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units . . .” R.C. 149.43(A)(1) then excludes certain categories of records from the definition of “public record.” The exclusion at issue here is “Records the release of which is prohibited by state or federal law.” R.C. 149.43(A)(1)(v).

{¶ 26} R.C. Chapter 3125 expounds upon the release of records pertaining to the administration of child support orders. R.C. 3125.15 requires the child support enforcement agency to “maintain records of support orders being administered or otherwise handled by the agency pursuant to sections 3121.81 to 3121.86 of the Revised Code,” also known as the “case registry.” Those records include, among other things, “[p]ayment information including the periodic support amount due, arrearages, penalties for late payment, fees, amounts collected, and amounts distributed under a support order.” R.C. 3121.82(B). R.C. 3125.16 expansively provides that “Each obligor and each obligee under a support order may review *all records* maintained under section 3125.15 of the Revised Code that pertain to the support order and *any other information*

maintained by the child support enforcement agency, except to the extent prohibited by state or federal law.” (Emphasis added.)

{¶ 27} One such law prohibiting the release of support order records is R.C. 3125.50, which states,

Except as provided by the rules adopted pursuant to section 3125.51 of the Revised Code, no person shall do either of the following:

(A) Disclose information concerning applicants for and recipients of Title IV-D [of the Social Security Act, 42 U.S.C. 651 et seq.] support enforcement program services provided by a child support enforcement agency;

(B) Disclose any information collected pursuant to section 3125.41, 3125.42, or 3125.43 of the Revised Code.

Relevant here, R.C. 3125.41 authorizes the office of child support to have access to “(B)(2) Any information concerning the employment, compensation, and benefits of any obligor or obligee subject to a support order in the possession of any person,” and “(3) The name and address of any obligor or obligee subject to a support order and the obligor’s or obligee’s employer in the customer records of a public utility.” R.C. 3125.42 does not provide the office of child support access to any information. Instead, it provides that the information in R.C. 3125.41 may be given directly to the child support enforcement agency, and that the office of child support must request the information if it is directed to do so by the child support enforcement agency. R.C. 3125.43 authorizes the office to obtain from the department of taxation, “information concerning the

residential address and income of taxpayers if that information is contained in the state tax records maintained by the department [of taxation].”

{¶ 28} Distilled down, a child support obligor is entitled to review the support order records maintained by the child support enforcement agency—including “[p]ayment information including the periodic support amount due, arrearages, penalties for late payment, fees, amounts collected, and amounts distributed under a support order”—unless they disclose (1) “information concerning applicants for and recipients of Title IV-D support enforcement program services,” (2) “[a]ny information concerning the employment, compensation, and benefits of any obligor or obligee subject to a support order,” (3) “[t]he name and address of any obligor or obligee subject to a support order and the obligor’s or obligee’s employer in the customer records of a public utility,” or (4) “information concerning the residential address and income of taxpayers if that information is contained in the state tax records maintained by the department [of taxation].” Furthermore, even if the records fall within one of those four categories, the records still must be disclosed if the disclosure is provided for in the rules adopted by the director of job and family services pursuant to R.C. 3125.51.

{¶ 29} The threshold question, then, is whether “the complete, unredacted (except for statutory identifiers) SETS Case Activity Logs, System Audit Trails, and all JFS ukuk07022 worksheets for Case Nos. 20279622 and 17264291,” are records kept by LCCSEA, and if so, whether those records, or portions thereof, fall within one of the four enumerated categories of information that should not be disclosed except as provided by

the agency's rules. On this question, respondents have failed to demonstrate that there are no genuine issues of material fact.

{¶ 30} The factual basis before the court for resolving this question consists of the information admitted in the pleadings and the affidavit of respondent Uhle. Notably, Hofbauer has submitted documents in support of his motion for summary judgment and separately moved for leave to supplement his motion with an affidavit authenticating those documents. The majority denied his motion. I would grant his motion to supplement and consider the documents he has attached. Those documents, however, do not answer the factual question at issue as they consist of (1) emails and communications requesting records, (2) audit reports with payment histories, (3) arrearage statements, and (4) a JFS “Administrative Review Hearing Findings and Recommendation.”

{¶ 31} In their answer to Hofbauer's mandamus complaint, respondents admitted that they “provided certain records in the possession of the LCCSEA regarding [Hofbauer's] ‘payment history,’ as to child support,” and that they “withheld or redacted those records that the law bars them from releasing.” In support of their motion for summary judgment, respondents submitted Uhle's affidavit in which he attests, in relevant part:

6. Under *Adm. Code* §5101:12-1-15, SETS (Support Enforcement Tracking System), is a “single statewide automated data processing and information retrieval system” containing all documented social services, contacts, and actions taken during the life of a child support case.

7. SETS Case Activity Log is not a term of art used in the everyday parlance of the LCCSEA but is being interpreted to mean the SETS system case notes documenting the history of the child support case.

8. System Audit Trail is not a term of art and its meaning is unknown to the LCCSEA.

9. As defined in *R.C. §3119.01(C)(23)*, a JFS (Job & Family Service) worksheet is a worksheet created by the Ohio Department of Job & Family Services, under *R.C. 3119.022* “that is used to calculate a parent’s child support obligation.”

10. Under Ohio law, specifically *R.C. §3125.50-512* (sic) and *Adm. Code §5101:12-1-20.1*, the LCCSEA cannot provide complete unredacted copies of any of the documents comprising a child support obligor’s Juvenile Court case file absent written permission allowing the disclosure by all persons whose information is contained in the case file.

11. Relator Hofbauer has not provided the LCCSEA with the requisite permission from any of the persons involved in Case No. 20279622 and No. 17264291 regarding the disclosure of information from those cases and, as a result, the LCCSEA was not able to satisfy his public records request.

{¶ 32} From this, I find that there is undisputed evidence that the “System Audit Trail” is not a record that is kept by respondents. “A public office ‘has no obligation to produce public records that do not exist.’” *State ex rel. Adkins v. Cole*, 2025-Ohio-1026, ¶ 31, quoting *State ex rel. Scott v. Toledo Corr. Inst.*, 2024-Ohio-2694, ¶ 12. “Absent contrary evidence, an averment from the person responsible for public records that the requested records do not exist is sufficient to defeat a claim for a writ of mandamus to compel production of the records.” *Id.*

{¶ 33} Accordingly, I agree with the majority that summary judgment in favor of respondents is appropriate on Hofbauer’s mandamus claim for release of the “System Audit Trail.”

{¶ 34} In contrast, according to the Uhle’s affidavit, the “SETS Case Activity Logs” and the “JFS ukuk07022 worksheets” are records that do exist and are kept by LCCSEA. Specifically, he interprets the SETS Case Activity Logs to mean “the SETS system case notes documenting the history of the child support case” and the JFS ukuk07022 worksheets to mean the “worksheet[s] created by the Ohio Department of Job & Family Services, under *R.C. 3119.022* ‘that is used to calculate a parent’s child support obligation.’”

{¶ 35} Respondents argue that the activity logs and worksheets cannot be disclosed, however, because Hofbauer has not submitted written permission from the people whose information is contained in those records as required by Adm. Code 5101:12-1-20.1. Although it is undisputed that Hofbauer indeed has not submitted written permission, respondents’ argument skips a step of the analysis. Respondents must first show that, as a matter of fact, the activity logs and worksheets disclose (1) “information concerning applicants for and recipients of Title IV-D support enforcement program services,” (2) “[a]ny information concerning the employment, compensation, and benefits of any obligor or obligee subject to a support order,” (3) “[t]he name and address of any obligor or obligee subject to a support order and the obligor’s or obligee’s employer in the customer records of a public utility,” or (4) “information concerning the

residential address and income of taxpayers if that information is contained in the state tax records maintained by the department [of taxation].” Nothing in the pleadings or Uhle’s affidavit makes that factual showing.

{¶ 36} Accordingly, I would hold that respondents have not satisfied their burden to demonstrate that there are no genuine issues of material fact, and therefore summary judgment on Hofbauer’s mandamus claim as to the “complete, unredacted (except for statutory identifiers) SETS Case Activity Logs . . . and all JFS ukuk07022 worksheets for Case Nos. 20279622 and 17264291” is inappropriate.

{¶ 37} I respectfully dissent, in part.

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