STATE OF OHIO COUNTY OF SUMMIT	))ss:)	IN THE COURT OF APPEALS NINTH JUDICIAL DISTRICT

STATE OF OHIO EX REL. NICHOLAS D. JANIGIAN Relator v. BOSTON TOWNSHIP HALL COMMITTEE, INC., et al. Respondents	C.A. No. 31939 ORIGINAL ACTION IN MANDAMUS

Dated: September 2, 2026

PER CURIAM.

{¶1} Relator, Nicholas D. Janigian, has filed a complaint for a writ of mandamus to order Respondents, Boston Township Hall Committee, Inc.; Patricia Spencer; and Randolph Bergorf to provide him access to public records. Respondent has moved to dismiss. Because Mr. Janigian failed to comply with the mandatory requirements of R.C. 149.43(C)(1) and (C)(2), this Court must dismiss this case.

{¶2} Before a person can file a complaint for a writ of mandamus to compel the release of public records, the person must send a "complaint" to the public office and allow that office three business days to cure or otherwise address the alleged failure. R.C. 149.43(C)(1). The complaint must be "on a form prescribed by the court of claims." *Id. See also State ex rel. Fraley v. Dept. of Rehab. & Corr.*, 2026-Ohio-1156, ¶ 5. It must be served "pursuant to Rule 4 of the Ohio Rules of Civil Procedure." R.C. 143.(C)(1). *See also State ex rel. Ames v. West Geauga*

Loc. School Dist. Bd. of Edu., 2026-Ohio-2248, ¶ 4-6 (11th Dist.). When the three-day period expires, the individual may file a complaint seeking a writ of mandamus but must "file with the court . . . a written affirmation stating that the person properly transmitted a complaint to the public office" as required by R.C. 149.43(C)(1). R.C. 149.43(C)(2). If the relator fails to comply with the requirements of R.C. 149.43(C)(1) and (C)(2), the complaint for a writ of mandamus must be dismissed. R.C. 143.49(C)(2) (failure to file the written affirmation requires dismissal); *State ex rel. Claypool v. County of Geauga*, 2025-Ohio-5863, ¶ 16 (11th Dist.) (dismissal is required when the affirmation fails to demonstrate that the relator complied with R.C. 149.43(C)(1)).

{¶3} Mr. Janigian filed an "affidavit of compliance with ORC 149.43(C)" with his complaint. In that document, he averred that on May 1, 2026, he "transmitted a copy of *this complaint* to [the respondents] informing them of the 3-day notice period under ORC 149.43(C)." (Emphasis added.) According to his affidavit, however, the complaint that Mr. Janigian provided to respondents was not on the form prescribed by the Court of Claims, and he did not serve it pursuant to Civ.R. 4. *See* R.C. 149.43(C)(1). Consequently, because Mr. Janigian did not comply with the requirements of R.C. 149.43(C), his complaint must be dismissed.

{¶4} This case is dismissed. Costs taxed to Mr. Janigian. The clerk of courts is hereby directed to serve upon all parties not in default notice of this judgment and its date of entry upon the journal. *See* Civ.R. 58(B).

JILL FLAGG LANZINGER
FOR THE COURT

SUTTON, J.
STEVENSON, J.
CONCUR.

APPEARANCES:

NICHOLAS D. JANIGIAN, Pro Se, Relator.

JILLIAN L. DINEHART, Attorney at Law, for Respondents.