

As Introduced

134th General Assembly

Regular Session

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H. B. No. 654

Representative Ingram

**Cosponsors: Representatives Kelly, Crossman, Brinkman, Davis, Smith, K.,
Denson, Brown, Miller, A.**

A BILL

To amend sections 9.28, 121.22, 149.011, 149.43, 1
149.436, 187.01, 187.03, and 187.04 of the 2
Revised Code to establish that records kept by 3
JobsOhio are public records subject to 4
inspection and copying under Ohio Public Records 5
Law and to require all meetings of the JobsOhio 6
Board of Directors to be open to the public, 7
except when in an executive session. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 9.28, 121.22, 149.011, 149.43, 9
149.436, 187.01, 187.03, and 187.04 of the Revised Code be 10
amended to read as follows: 11

Sec. 9.28. (A) As used in this section: 12

(1) "Competitive solicitation" means a request for 13
proposal or any other solicitation or announcement by a public 14
office requiring bids or proposals for the provision of goods or 15
services to that office. 16

(2) "Public office" includes any state agency, public 17

institution, political subdivision, or other organized body, 18
office, agency, institution, or entity established by the laws 19
of this state for the exercise of any function of government. 20
"Public office" ~~does not include~~ includes the nonprofit 21
corporation formed under section 187.01 of the Revised Code. 22

(3) "State agency" includes every department, bureau, 23
board, commission, office, or other organized body established 24
by the constitution and laws of this state for the exercise of 25
any function of state government, including any state-supported 26
institution of higher education, the general assembly, any 27
legislative agency, any court or judicial agency, or any 28
political subdivision or agency of a political subdivision. 29
"State agency" does not include the nonprofit corporation formed 30
under section 187.01 of the Revised Code. 31

(B) Except as provided in division (C) of this section, 32
materials submitted to a public office in response to a 33
competitive solicitation shall not be considered public records 34
for purposes of section 149.43 of the Revised Code until the 35
date the public office announces the award of a contract based 36
on the competitive solicitation or the cancellation of the 37
competitive solicitation. 38

(C) If a public office rejects all bids or proposals 39
received in response to a competitive solicitation and, 40
concurrently with the announcement of the rejection gives notice 41
of its intent to reissue the solicitation, the materials 42
submitted in response to the original competitive solicitation 43
and the materials submitted in response to the reissued 44
competitive solicitation shall not be considered public records 45
for purposes of section 149.43 of the Revised Code until the 46
date the public office announces the award of a contract based 47

on the reissued competitive solicitation or the cancellation of 48
the reissued competitive solicitation. 49

Sec. 121.22. (A) This section shall be liberally construed 50
to require public officials to take official action and to 51
conduct all deliberations upon official business only in open 52
meetings unless the subject matter is specifically excepted by 53
law. 54

(B) As used in this section: 55

(1) "Public body" means any of the following: 56

(a) Any board, commission, committee, council, or similar 57
decision-making body of a state agency, institution, or 58
authority, and any legislative authority or board, commission, 59
committee, council, agency, authority, or similar decision- 60
making body of any county, township, municipal corporation, 61
school district, or other political subdivision or local public 62
institution; 63

(b) Any committee or subcommittee of a body described in 64
division (B) (1) (a) of this section; 65

(c) A court of jurisdiction of a sanitary district 66
organized wholly for the purpose of providing a water supply for 67
domestic, municipal, and public use when meeting for the purpose 68
of the appointment, removal, or reappointment of a member of the 69
board of directors of such a district pursuant to section 70
6115.10 of the Revised Code, if applicable, or for any other 71
matter related to such a district other than litigation 72
involving the district. As used in division (B) (1) (c) of this 73
section, "court of jurisdiction" has the same meaning as "court" 74
in section 6115.01 of the Revised Code. 75

(2) "Meeting" means any prearranged discussion of the 76

public business of the public body by a majority of its members. 77

(3) "Regulated individual" means either of the following: 78

(a) A student in a state or local public educational 79
institution; 80

(b) A person who is, voluntarily or involuntarily, an 81
inmate, patient, or resident of a state or local institution 82
because of criminal behavior, mental illness, an intellectual 83
disability, disease, disability, age, or other condition 84
requiring custodial care. 85

(4) "Public office" ~~has the same meaning as in section~~ 86
~~149.011 of the Revised Code~~includes any state agency, public 87
institution, political subdivision, or other organized body, 88
office, agency, institution, or entity established by the laws 89
of this state for the exercise of any function of government. 90
"Public office" does not include the nonprofit corporation 91
formed under section 187.01 of the Revised Code. 92

(C) All meetings of any public body are declared to be 93
public meetings open to the public at all times. A member of a 94
public body shall be present in person at a meeting open to the 95
public to be considered present or to vote at the meeting and 96
for purposes of determining whether a quorum is present at the 97
meeting. 98

The minutes of a regular or special meeting of any public 99
body shall be promptly prepared, filed, and maintained and shall 100
be open to public inspection. The minutes need only reflect the 101
general subject matter of discussions in executive sessions 102
authorized under division (G) or (J) of this section. 103

(D) This section does not apply to any of the following: 104

(1) A grand jury;	105
(2) An audit conference conducted by the auditor of state	106
or independent certified public accountants with officials of	107
the public office that is the subject of the audit;	108
(3) The adult parole authority when its hearings are	109
conducted at a correctional institution for the sole purpose of	110
interviewing inmates to determine parole or pardon and the	111
department of rehabilitation and correction when its hearings	112
are conducted at a correctional institution for the sole purpose	113
of making determinations under section 2967.271 of the Revised	114
Code regarding the release or maintained incarceration of an	115
offender to whom that section applies;	116
(4) The organized crime investigations commission	117
established under section 177.01 of the Revised Code;	118
(5) Meetings of a child fatality review board established	119
under section 307.621 of the Revised Code, meetings related to a	120
review conducted pursuant to guidelines established by the	121
director of health under section 3701.70 of the Revised Code,	122
and meetings conducted pursuant to sections 5153.171 to 5153.173	123
of the Revised Code;	124
(6) The state medical board when determining whether to	125
suspend a license or certificate without a prior hearing	126
pursuant to division (G) of either section 4730.25 or 4731.22 of	127
the Revised Code;	128
(7) The board of nursing when determining whether to	129
suspend a license or certificate without a prior hearing	130
pursuant to division (B) of section 4723.281 of the Revised	131
Code;	132
(8) The state board of pharmacy when determining whether	133

to do either of the following: 134

(a) Suspend a license, certification, or registration 135
without a prior hearing, including during meetings conducted by 136
telephone conference, pursuant to Chapters 3719., 3796., 4729., 137
and 4752. of the Revised Code and rules adopted thereunder; or 138

(b) Restrict a person from obtaining further information 139
from the drug database established in section 4729.75 of the 140
Revised Code without a prior hearing pursuant to division (C) of 141
section 4729.86 of the Revised Code. 142

(9) The state chiropractic board when determining whether 143
to suspend a license without a hearing pursuant to section 144
4734.37 of the Revised Code; 145

(10) The executive committee of the emergency response 146
commission when determining whether to issue an enforcement 147
order or request that a civil action, civil penalty action, or 148
criminal action be brought to enforce Chapter 3750. of the 149
Revised Code; 150

(11) The board of directors of the nonprofit corporation 151
formed under section 187.01 of the Revised Code or any committee 152
thereof, and the board of directors of any subsidiary of that 153
corporation or a committee thereof; 154

(12) An audit conference conducted by the audit staff of 155
the department of job and family services with officials of the 156
public office that is the subject of that audit under section 157
5101.37 of the Revised Code; 158

(13) The occupational therapy section of the occupational 159
therapy, physical therapy, and athletic trainers board when 160
determining whether to suspend a license without a hearing 161
pursuant to division (E) of section 4755.11 of the Revised Code; 162

(14) The physical therapy section of the occupational	163
therapy, physical therapy, and athletic trainers board when	164
determining whether to suspend a license without a hearing	165
pursuant to division (F) of section 4755.47 of the Revised Code;	166
(15) The athletic trainers section of the occupational	167
therapy, physical therapy, and athletic trainers board when	168
determining whether to suspend a license without a hearing	169
pursuant to division (E) of section 4755.64 of the Revised Code;	170
(16) Meetings of the pregnancy-associated mortality review	171
board established under section 3738.01 of the Revised Code;	172
(17) Meetings of a fetal-infant mortality review board	173
established under section 3707.71 of the Revised Code;	174
(18) Meetings of a drug overdose fatality review committee	175
described in section 307.631 of the Revised Code;	176
(19) Meetings of a suicide fatality review committee	177
described in section 307.641 of the Revised Code.	178
(E) The controlling board, the tax credit authority, or	179
the minority development financing advisory board, when meeting	180
to consider granting assistance pursuant to Chapter 122. or 166.	181
of the Revised Code, in order to protect the interest of the	182
applicant or the possible investment of public funds, by	183
unanimous vote of all board or authority members present, may	184
close the meeting during consideration of the following	185
information confidentially received by the authority or board	186
from the applicant:	187
(1) Marketing plans;	188
(2) Specific business strategy;	189
(3) Production techniques and trade secrets;	190

(4) Financial projections;	191
(5) Personal financial statements of the applicant or	192
members of the applicant's immediate family, including, but not	193
limited to, tax records or other similar information not open to	194
public inspection.	195
The vote by the authority or board to accept or reject the	196
application, as well as all proceedings of the authority or	197
board not subject to this division, shall be open to the public	198
and governed by this section.	199
(F) Every public body, by rule, shall establish a	200
reasonable method whereby any person may determine the time and	201
place of all regularly scheduled meetings and the time, place,	202
and purpose of all special meetings. A public body shall not	203
hold a special meeting unless it gives at least twenty-four	204
hours' advance notice to the news media that have requested	205
notification, except in the event of an emergency requiring	206
immediate official action. In the event of an emergency, the	207
member or members calling the meeting shall notify the news	208
media that have requested notification immediately of the time,	209
place, and purpose of the meeting.	210
The rule shall provide that any person, upon request and	211
payment of a reasonable fee, may obtain reasonable advance	212
notification of all meetings at which any specific type of	213
public business is to be discussed. Provisions for advance	214
notification may include, but are not limited to, mailing the	215
agenda of meetings to all subscribers on a mailing list or	216
mailing notices in self-addressed, stamped envelopes provided by	217
the person.	218
(G) Except as provided in divisions (G) (8) and (J) of this	219

section, the members of a public body may hold an executive 220
session only after a majority of a quorum of the public body 221
determines, by a roll call vote, to hold an executive session 222
and only at a regular or special meeting for the sole purpose of 223
the consideration of any of the following matters: 224

(1) To consider the appointment, employment, dismissal, 225
discipline, promotion, demotion, or compensation of a public 226
employee or official, or the investigation of charges or 227
complaints against a public employee, official, licensee, or 228
regulated individual, unless the public employee, official, 229
licensee, or regulated individual requests a public hearing. 230
Except as otherwise provided by law, no public body shall hold 231
an executive session for the discipline of an elected official 232
for conduct related to the performance of the elected official's 233
official duties or for the elected official's removal from 234
office. If a public body holds an executive session pursuant to 235
division (G)(1) of this section, the motion and vote to hold 236
that executive session shall state which one or more of the 237
approved purposes listed in division (G)(1) of this section are 238
the purposes for which the executive session is to be held, but 239
need not include the name of any person to be considered at the 240
meeting. 241

(2) To consider the purchase of property for public 242
purposes, the sale of property at competitive bidding, or the 243
sale or other disposition of unneeded, obsolete, or unfit-for- 244
use property in accordance with section 505.10 of the Revised 245
Code, if premature disclosure of information would give an 246
unfair competitive or bargaining advantage to a person whose 247
personal, private interest is adverse to the general public 248
interest. No member of a public body shall use division (G)(2) 249
of this section as a subterfuge for providing covert information 250

to prospective buyers or sellers. A purchase or sale of public 251
property is void if the seller or buyer of the public property 252
has received covert information from a member of a public body 253
that has not been disclosed to the general public in sufficient 254
time for other prospective buyers and sellers to prepare and 255
submit offers. 256

If the minutes of the public body show that all meetings 257
and deliberations of the public body have been conducted in 258
compliance with this section, any instrument executed by the 259
public body purporting to convey, lease, or otherwise dispose of 260
any right, title, or interest in any public property shall be 261
conclusively presumed to have been executed in compliance with 262
this section insofar as title or other interest of any bona fide 263
purchasers, lessees, or transferees of the property is 264
concerned. 265

(3) Conferences with an attorney for the public body 266
concerning disputes involving the public body that are the 267
subject of pending or imminent court action; 268

(4) Preparing for, conducting, or reviewing negotiations 269
or bargaining sessions with public employees concerning their 270
compensation or other terms and conditions of their employment; 271

(5) Matters required to be kept confidential by federal 272
law or regulations or state statutes; 273

(6) Details relative to the security arrangements and 274
emergency response protocols for a public body or a public 275
office, if disclosure of the matters discussed could reasonably 276
be expected to jeopardize the security of the public body or 277
public office; 278

(7) In the case of a county hospital operated pursuant to 279

Chapter 339. of the Revised Code, a joint township hospital 280
operated pursuant to Chapter 513. of the Revised Code, or a 281
municipal hospital operated pursuant to Chapter 749. of the 282
Revised Code, to consider trade secrets, as defined in section 283
1333.61 of the Revised Code; 284

(8) To consider confidential information related to the 285
marketing plans, specific business strategy, production 286
techniques, trade secrets, or personal financial statements of 287
an applicant for economic development assistance, or to 288
negotiations with other political subdivisions respecting 289
requests for economic development assistance, provided that both 290
of the following conditions apply: 291

(a) The information is directly related to a request for 292
economic development assistance that is to be provided or 293
administered under any provision of Chapter 715., 725., 1724., 294
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 295
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 296
5709.81 of the Revised Code, or that involves public 297
infrastructure improvements or the extension of utility services 298
that are directly related to an economic development project. 299

(b) A unanimous quorum of the public body determines, by a 300
roll call vote, that the executive session is necessary to 301
protect the interests of the applicant or the possible 302
investment or expenditure of public funds to be made in 303
connection with the economic development project. 304

If a public body holds an executive session to consider 305
any of the matters listed in divisions (G)(2) to (8) of this 306
section, the motion and vote to hold that executive session 307
shall state which one or more of the approved matters listed in 308
those divisions are to be considered at the executive session. 309

A public body specified in division (B)(1)(c) of this 310
section shall not hold an executive session when meeting for the 311
purposes specified in that division. 312

(H) A resolution, rule, or formal action of any kind is 313
invalid unless adopted in an open meeting of the public body. A 314
resolution, rule, or formal action adopted in an open meeting 315
that results from deliberations in a meeting not open to the 316
public is invalid unless the deliberations were for a purpose 317
specifically authorized in division (G) or (J) of this section 318
and conducted at an executive session held in compliance with 319
this section. A resolution, rule, or formal action adopted in an 320
open meeting is invalid if the public body that adopted the 321
resolution, rule, or formal action violated division (F) of this 322
section. 323

(I)(1) Any person may bring an action to enforce this 324
section. An action under division (I)(1) of this section shall 325
be brought within two years after the date of the alleged 326
violation or threatened violation. Upon proof of a violation or 327
threatened violation of this section in an action brought by any 328
person, the court of common pleas shall issue an injunction to 329
compel the members of the public body to comply with its 330
provisions. 331

(2)(a) If the court of common pleas issues an injunction 332
pursuant to division (I)(1) of this section, the court shall 333
order the public body that it enjoins to pay a civil forfeiture 334
of five hundred dollars to the party that sought the injunction 335
and shall award to that party all court costs and, subject to 336
reduction as described in division (I)(2) of this section, 337
reasonable attorney's fees. The court, in its discretion, may 338
reduce an award of attorney's fees to the party that sought the 339

injunction or not award attorney's fees to that party if the 340
court determines both of the following: 341

(i) That, based on the ordinary application of statutory 342
law and case law as it existed at the time of violation or 343
threatened violation that was the basis of the injunction, a 344
well-informed public body reasonably would believe that the 345
public body was not violating or threatening to violate this 346
section; 347

(ii) That a well-informed public body reasonably would 348
believe that the conduct or threatened conduct that was the 349
basis of the injunction would serve the public policy that 350
underlies the authority that is asserted as permitting that 351
conduct or threatened conduct. 352

(b) If the court of common pleas does not issue an 353
injunction pursuant to division (I)(1) of this section and the 354
court determines at that time that the bringing of the action 355
was frivolous conduct, as defined in division (A) of section 356
2323.51 of the Revised Code, the court shall award to the public 357
body all court costs and reasonable attorney's fees, as 358
determined by the court. 359

(3) Irreparable harm and prejudice to the party that 360
sought the injunction shall be conclusively and irrebuttably 361
presumed upon proof of a violation or threatened violation of 362
this section. 363

(4) A member of a public body who knowingly violates an 364
injunction issued pursuant to division (I)(1) of this section 365
may be removed from office by an action brought in the court of 366
common pleas for that purpose by the prosecuting attorney or the 367
attorney general. 368

(J) (1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing:

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;

(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.

(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.

Sec. 149.011. As used in this chapter, except as otherwise

provided: 398

(A) "Public office" includes any state agency, public 399
institution, political subdivision, or other organized body, 400
office, agency, institution, or entity established by the laws 401
of this state for the exercise of any function of government. 402
"Public office" ~~does not include~~ includes the nonprofit 403
corporation formed under section 187.01 of the Revised Code. 404

(B) "State agency" includes every department, bureau, 405
board, commission, office, or other organized body established 406
by the constitution and laws of this state for the exercise of 407
any function of state government, including any state-supported 408
institution of higher education, the general assembly, any 409
legislative agency, any court or judicial agency, or any 410
political subdivision or agency of a political subdivision. 411
"State agency" does not include the nonprofit corporation formed 412
under section 187.01 of the Revised Code. 413

(C) ~~"Public money" includes all money received or~~ 414
~~collected by or due a public official, whether in accordance~~ 415
~~with or under authority of any law, ordinance, resolution, or~~ 416
~~order, under color of office, or otherwise. It also includes any~~ 417
~~money collected by any individual on behalf of a public office~~ 418
~~or as a purported representative or agent of the public office.~~ 419

~~(D)~~ "Public official" includes all officers, employees, or 420
duly authorized representatives or agents of a public office. 421

~~(E)~~ (D) "Color of office" includes any act purported or 422
alleged to be done under any law, ordinance, resolution, order, 423
or other pretension to official right, power, or authority. 424

~~(F)~~ (E) "Archive" includes any public record that is 425
transferred to the state archives or other designated archival 426

institutions because of the historical information contained on 427
it. 428

~~(G)~~ (F) "Records" includes any document, device, or item, 429
regardless of physical form or characteristic, including an 430
electronic record as defined in section 1306.01 of the Revised 431
Code, created or received by or coming under the jurisdiction of 432
any public office of the state or its political subdivisions, 433
which serves to document the organization, functions, policies, 434
decisions, procedures, operations, or other activities of the 435
office. 436

Sec. 149.43. (A) As used in this section: 437

(1) "Public record" means records kept by any public 438
office, including, but not limited to, state, county, city, 439
village, township, and school district units, and records 440
pertaining to the delivery of educational services by an 441
alternative school in this state kept by the nonprofit or for- 442
profit entity operating the alternative school pursuant to 443
section 3313.533 of the Revised Code. "Public record" does not 444
mean any of the following: 445

(a) Medical records; 446

(b) Records pertaining to probation and parole 447
proceedings, to proceedings related to the imposition of 448
community control sanctions and post-release control sanctions, 449
or to proceedings related to determinations under section 450
2967.271 of the Revised Code regarding the release or maintained 451
incarceration of an offender to whom that section applies; 452

(c) Records pertaining to actions under section 2151.85 453
and division (C) of section 2919.121 of the Revised Code and to 454
appeals of actions arising under those sections; 455

(d) Records pertaining to adoption proceedings, including 456
the contents of an adoption file maintained by the department of 457
health under sections 3705.12 to 3705.124 of the Revised Code; 458

(e) Information in a record contained in the putative 459
father registry established by section 3107.062 of the Revised 460
Code, regardless of whether the information is held by the 461
department of job and family services or, pursuant to section 462
3111.69 of the Revised Code, the office of child support in the 463
department or a child support enforcement agency; 464

(f) Records specified in division (A) of section 3107.52 465
of the Revised Code; 466

(g) Trial preparation records; 467

(h) Confidential law enforcement investigatory records; 468

(i) Records containing information that is confidential 469
under section 2710.03 or 4112.05 of the Revised Code; 470

(j) DNA records stored in the DNA database pursuant to 471
section 109.573 of the Revised Code; 472

(k) Inmate records released by the department of 473
rehabilitation and correction to the department of youth 474
services or a court of record pursuant to division (E) of 475
section 5120.21 of the Revised Code; 476

(l) Records maintained by the department of youth services 477
pertaining to children in its custody released by the department 478
of youth services to the department of rehabilitation and 479
correction pursuant to section 5139.05 of the Revised Code; 480

(m) Intellectual property records; 481

(n) Donor profile records; 482

(o) Records maintained by the department of job and family 483
services pursuant to section 3121.894 of the Revised Code; 484

(p) Designated public service worker residential and 485
familial information; 486

(q) In the case of a county hospital operated pursuant to 487
Chapter 339. of the Revised Code or a municipal hospital 488
operated pursuant to Chapter 749. of the Revised Code, 489
information that constitutes a trade secret, as defined in 490
section 1333.61 of the Revised Code; 491

(r) Information pertaining to the recreational activities 492
of a person under the age of eighteen; 493

(s) In the case of a child fatality review board acting 494
under sections 307.621 to 307.629 of the Revised Code or a 495
review conducted pursuant to guidelines established by the 496
director of health under section 3701.70 of the Revised Code, 497
records provided to the board or director, statements made by 498
board members during meetings of the board or by persons 499
participating in the director's review, and all work products of 500
the board or director, and in the case of a child fatality 501
review board, child fatality review data submitted by the board 502
to the department of health or a national child death review 503
database, other than the report prepared pursuant to division 504
(A) of section 307.626 of the Revised Code; 505

(t) Records provided to and statements made by the 506
executive director of a public children services agency or a 507
prosecuting attorney acting pursuant to section 5153.171 of the 508
Revised Code other than the information released under that 509
section; 510

(u) Test materials, examinations, or evaluation tools used 511

in an examination for licensure as a nursing home administrator 512
that the board of executives of long-term services and supports 513
administers under section 4751.15 of the Revised Code or 514
contracts under that section with a private or government entity 515
to administer; 516

(v) Records the release of which is prohibited by state or 517
federal law; 518

(w) Proprietary information of or relating to any person 519
that is submitted to or compiled by the Ohio venture capital 520
authority created under section 150.01 of the Revised Code; 521

(x) Financial statements and data any person submits for 522
any purpose to the Ohio housing finance agency or the 523
controlling board in connection with applying for, receiving, or 524
accounting for financial assistance from the agency, and 525
information that identifies any individual who benefits directly 526
or indirectly from financial assistance from the agency; 527

(y) Records listed in section 5101.29 of the Revised Code; 528

(z) Discharges recorded with a county recorder under 529
section 317.24 of the Revised Code, as specified in division (B) 530
(2) of that section; 531

(aa) Usage information including names and addresses of 532
specific residential and commercial customers of a municipally 533
owned or operated public utility; 534

~~(bb) Records described in division (C) of section 187.04~~ 535
~~of the Revised Code that are not designated to be made available~~ 536
~~to the public as provided in that division;~~ 537

~~(cc)~~ Information and records that are made confidential, 538
privileged, and not subject to disclosure under divisions (B) 539

and (C) of section 2949.221 of the Revised Code; 540

~~(dd)~~ (cc) Personal information, as defined in section 541
149.45 of the Revised Code; 542

~~(ee)~~ (dd) The confidential name, address, and other 543
personally identifiable information of a program participant in 544
the address confidentiality program established under sections 545
111.41 to 111.47 of the Revised Code, including the contents of 546
any application for absent voter's ballots, absent voter's 547
ballot identification envelope statement of voter, or 548
provisional ballot affirmation completed by a program 549
participant who has a confidential voter registration record, 550
and records or portions of records pertaining to that program 551
that identify the number of program participants that reside 552
within a precinct, ward, township, municipal corporation, 553
county, or any other geographic area smaller than the state. As 554
used in this division, "confidential address" and "program 555
participant" have the meaning defined in section 111.41 of the 556
Revised Code. 557

~~(ff)~~ (ee) Orders for active military service of an 558
individual serving or with previous service in the armed forces 559
of the United States, including a reserve component, or the Ohio 560
organized militia, except that, such order becomes a public 561
record on the day that is fifteen years after the published date 562
or effective date of the call to order; 563

~~(gg)~~ (ff) The name, address, contact information, or other 564
personal information of an individual who is less than eighteen 565
years of age that is included in any record related to a traffic 566
accident involving a school vehicle in which the individual was 567
an occupant at the time of the accident; 568

~~(hh)~~ (gg) Protected health information, as defined in 45 569
C.F.R. 160.103, that is in a claim for payment for a health care 570
product, service, or procedure, as well as any other health 571
claims data in another document that reveals the identity of an 572
individual who is the subject of the data or could be used to 573
reveal that individual's identity; 574

~~(ii)~~ (hh) Any depiction by photograph, film, videotape, or 575
printed or digital image under either of the following 576
circumstances: 577

(i) The depiction is that of a victim of an offense the 578
release of which would be, to a reasonable person of ordinary 579
sensibilities, an offensive and objectionable intrusion into the 580
victim's expectation of bodily privacy and integrity. 581

(ii) The depiction captures or depicts the victim of a 582
sexually oriented offense, as defined in section 2950.01 of the 583
Revised Code, at the actual occurrence of that offense. 584

~~(jj)~~ (ii) Restricted portions of a body-worn camera or 585
dashboard camera recording; 586

~~(kk)~~ (jj) In the case of a fetal-infant mortality review 587
board acting under sections 3707.70 to 3707.77 of the Revised 588
Code, records, documents, reports, or other information 589
presented to the board or a person abstracting such materials on 590
the board's behalf, statements made by review board members 591
during board meetings, all work products of the board, and data 592
submitted by the board to the department of health or a national 593
infant death review database, other than the report prepared 594
pursuant to section 3707.77 of the Revised Code. 595

~~(ll)~~ (kk) Records, documents, reports, or other 596
information presented to the pregnancy-associated mortality 597

review board established under section 3738.01 of the Revised 598
Code, statements made by board members during board meetings, 599
all work products of the board, and data submitted by the board 600
to the department of health, other than the biennial reports 601
prepared under section 3738.08 of the Revised Code; 602

~~(mm)~~ (ll) Except as otherwise provided in division ~~(A)(1)~~ 603
~~(ee)~~ (A)(1)(nn) of this section, telephone numbers for a victim, 604
as defined in section 2930.01 of the Revised Code or a witness 605
to a crime that are listed on any law enforcement record or 606
report. 607

~~(nn)~~ (mm) A preneed funeral contract, as defined in 608
section 4717.01 of the Revised Code, and contract terms and 609
personally identifying information of a preneed funeral 610
contract, that is contained in a report submitted by or for a 611
funeral home to the board of embalmers and funeral directors 612
under division (C) of section 4717.13, division (J) of section 613
4717.31, or section 4717.41 of the Revised Code. 614

~~(ee)~~ (nn) Telephone numbers for a party to a motor vehicle 615
accident subject to the requirements of section 5502.11 of the 616
Revised Code that are listed on any law enforcement record or 617
report, except that the telephone numbers described in this 618
division are not excluded from the definition of "public record" 619
under this division on and after the thirtieth day after the 620
occurrence of the motor vehicle accident. 621

A record that is not a public record under division (A)(1) 622
of this section and that, under law, is permanently retained 623
becomes a public record on the day that is seventy-five years 624
after the day on which the record was created, except for any 625
record protected by the attorney-client privilege, a trial 626
preparation record as defined in this section, a statement 627

prohibiting the release of identifying information signed under 628
section 3107.083 of the Revised Code, a denial of release form 629
filed pursuant to section 3107.46 of the Revised Code, or any 630
record that is exempt from release or disclosure under section 631
149.433 of the Revised Code. If the record is a birth 632
certificate and a biological parent's name redaction request 633
form has been accepted under section 3107.391 of the Revised 634
Code, the name of that parent shall be redacted from the birth 635
certificate before it is released under this paragraph. If any 636
other section of the Revised Code establishes a time period for 637
disclosure of a record that conflicts with the time period 638
specified in this section, the time period in the other section 639
prevails. 640

(2) "Confidential law enforcement investigatory record" 641
means any record that pertains to a law enforcement matter of a 642
criminal, quasi-criminal, civil, or administrative nature, but 643
only to the extent that the release of the record would create a 644
high probability of disclosure of any of the following: 645

(a) The identity of a suspect who has not been charged 646
with the offense to which the record pertains, or of an 647
information source or witness to whom confidentiality has been 648
reasonably promised; 649

(b) Information provided by an information source or 650
witness to whom confidentiality has been reasonably promised, 651
which information would reasonably tend to disclose the source's 652
or witness's identity; 653

(c) Specific confidential investigatory techniques or 654
procedures or specific investigatory work product; 655

(d) Information that would endanger the life or physical 656

safety of law enforcement personnel, a crime victim, a witness, 657
or a confidential information source. 658

(3) "Medical record" means any document or combination of 659
documents, except births, deaths, and the fact of admission to 660
or discharge from a hospital, that pertains to the medical 661
history, diagnosis, prognosis, or medical condition of a patient 662
and that is generated and maintained in the process of medical 663
treatment. 664

(4) "Trial preparation record" means any record that 665
contains information that is specifically compiled in reasonable 666
anticipation of, or in defense of, a civil or criminal action or 667
proceeding, including the independent thought processes and 668
personal trial preparation of an attorney. 669

(5) "Intellectual property record" means a record, other 670
than a financial or administrative record, that is produced or 671
collected by or for faculty or staff of a state institution of 672
higher learning in the conduct of or as a result of study or 673
research on an educational, commercial, scientific, artistic, 674
technical, or scholarly issue, regardless of whether the study 675
or research was sponsored by the institution alone or in 676
conjunction with a governmental body or private concern, and 677
that has not been publicly released, published, or patented. 678

(6) "Donor profile record" means all records about donors 679
or potential donors to a public institution of higher education 680
except the names and reported addresses of the actual donors and 681
the date, amount, and conditions of the actual donation. 682

(7) "Designated public service worker" means a peace 683
officer, parole officer, probation officer, bailiff, prosecuting 684
attorney, assistant prosecuting attorney, correctional employee, 685

county or multicounty corrections officer, community-based 686
correctional facility employee, designated Ohio national guard 687
member, protective services worker, youth services employee, 688
firefighter, EMT, medical director or member of a cooperating 689
physician advisory board of an emergency medical service 690
organization, state board of pharmacy employee, investigator of 691
the bureau of criminal identification and investigation, 692
emergency service telecommunicator, forensic mental health 693
provider, mental health evaluation provider, regional 694
psychiatric hospital employee, judge, magistrate, or federal law 695
enforcement officer. 696

(8) "Designated public service worker residential and 697
familial information" means any information that discloses any 698
of the following about a designated public service worker: 699

(a) The address of the actual personal residence of a 700
designated public service worker, except for the following 701
information: 702

(i) The address of the actual personal residence of a 703
prosecuting attorney or judge; and 704

(ii) The state or political subdivision in which a 705
designated public service worker resides. 706

(b) Information compiled from referral to or participation 707
in an employee assistance program; 708

(c) The social security number, the residential telephone 709
number, any bank account, debit card, charge card, or credit 710
card number, or the emergency telephone number of, or any 711
medical information pertaining to, a designated public service 712
worker; 713

(d) The name of any beneficiary of employment benefits, 714

including, but not limited to, life insurance benefits, provided 715
to a designated public service worker by the designated public 716
service worker's employer; 717

(e) The identity and amount of any charitable or 718
employment benefit deduction made by the designated public 719
service worker's employer from the designated public service 720
worker's compensation, unless the amount of the deduction is 721
required by state or federal law; 722

(f) The name, the residential address, the name of the 723
employer, the address of the employer, the social security 724
number, the residential telephone number, any bank account, 725
debit card, charge card, or credit card number, or the emergency 726
telephone number of the spouse, a former spouse, or any child of 727
a designated public service worker; 728

(g) A photograph of a peace officer who holds a position 729
or has an assignment that may include undercover or plain 730
clothes positions or assignments as determined by the peace 731
officer's appointing authority. 732

(9) As used in divisions (A) (7) and (15) to (17) of this 733
section: 734

"Peace officer" has the meaning defined in section 109.71 735
of the Revised Code and also includes the superintendent and 736
troopers of the state highway patrol; it does not include the 737
sheriff of a county or a supervisory employee who, in the 738
absence of the sheriff, is authorized to stand in for, exercise 739
the authority of, and perform the duties of the sheriff. 740

"Correctional employee" means any employee of the 741
department of rehabilitation and correction who in the course of 742
performing the employee's job duties has or has had contact with 743

inmates and persons under supervision. 744

"County or multicounty corrections officer" means any 745
corrections officer employed by any county or multicounty 746
correctional facility. 747

"Designated Ohio national guard member" means a member of 748
the Ohio national guard who is participating in duties related 749
to remotely piloted aircraft, including, but not limited to, 750
pilots, sensor operators, and mission intelligence personnel, 751
duties related to special forces operations, or duties related 752
to cybersecurity, and is designated by the adjutant general as a 753
designated public service worker for those purposes. 754

"Protective services worker" means any employee of a 755
county agency who is responsible for child protective services, 756
child support services, or adult protective services. 757

"Youth services employee" means any employee of the 758
department of youth services who in the course of performing the 759
employee's job duties has or has had contact with children 760
committed to the custody of the department of youth services. 761

"Firefighter" means any regular, paid or volunteer, member 762
of a lawfully constituted fire department of a municipal 763
corporation, township, fire district, or village. 764

"EMT" means EMTs-basic, EMTs-I, and paramedics that 765
provide emergency medical services for a public emergency 766
medical service organization. "Emergency medical service 767
organization," "EMT-basic," "EMT-I," and "paramedic" have the 768
meanings defined in section 4765.01 of the Revised Code. 769

"Investigator of the bureau of criminal identification and 770
investigation" has the meaning defined in section 2903.11 of the 771
Revised Code. 772

"Emergency service telecommunicator" has the meaning 773
defined in section 4742.01 of the Revised Code. 774

"Forensic mental health provider" means any employee of a 775
community mental health service provider or local alcohol, drug 776
addiction, and mental health services board who, in the course 777
of the employee's duties, has contact with persons committed to 778
a local alcohol, drug addiction, and mental health services 779
board by a court order pursuant to section 2945.38, 2945.39, 780
2945.40, or 2945.402 of the Revised Code. 781

"Mental health evaluation provider" means an individual 782
who, under Chapter 5122. of the Revised Code, examines a 783
respondent who is alleged to be a mentally ill person subject to 784
court order, as defined in section 5122.01 of the Revised Code, 785
and reports to the probate court the respondent's mental 786
condition. 787

"Regional psychiatric hospital employee" means any 788
employee of the department of mental health and addiction 789
services who, in the course of performing the employee's duties, 790
has contact with patients committed to the department of mental 791
health and addiction services by a court order pursuant to 792
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 793
Code. 794

"Federal law enforcement officer" has the meaning defined 795
in section 9.88 of the Revised Code. 796

(10) "Information pertaining to the recreational 797
activities of a person under the age of eighteen" means 798
information that is kept in the ordinary course of business by a 799
public office, that pertains to the recreational activities of a 800
person under the age of eighteen years, and that discloses any 801

of the following: 802

(a) The address or telephone number of a person under the 803
age of eighteen or the address or telephone number of that 804
person's parent, guardian, custodian, or emergency contact 805
person; 806

(b) The social security number, birth date, or 807
photographic image of a person under the age of eighteen; 808

(c) Any medical record, history, or information pertaining 809
to a person under the age of eighteen; 810

(d) Any additional information sought or required about a 811
person under the age of eighteen for the purpose of allowing 812
that person to participate in any recreational activity 813
conducted or sponsored by a public office or to use or obtain 814
admission privileges to any recreational facility owned or 815
operated by a public office. 816

(11) "Community control sanction" has the meaning defined 817
in section 2929.01 of the Revised Code. 818

(12) "Post-release control sanction" has the meaning 819
defined in section 2967.01 of the Revised Code. 820

(13) "Redaction" means obscuring or deleting any 821
information that is exempt from the duty to permit public 822
inspection or copying from an item that otherwise meets the 823
definition of a "record" in section 149.011 of the Revised Code. 824

(14) "Designee," "elected official," and "future official" 825
have the meanings defined in section 109.43 of the Revised Code. 826

(15) "Body-worn camera" means a visual and audio recording 827
device worn on the person of a peace officer while the peace 828
officer is engaged in the performance of the peace officer's 829

duties. 830

(16) "Dashboard camera" means a visual and audio recording 831
device mounted on a peace officer's vehicle or vessel that is 832
used while the peace officer is engaged in the performance of 833
the peace officer's duties. 834

(17) "Restricted portions of a body-worn camera or 835
dashboard camera recording" means any visual or audio portion of 836
a body-worn camera or dashboard camera recording that shows, 837
communicates, or discloses any of the following: 838

(a) The image or identity of a child or information that 839
could lead to the identification of a child who is a primary 840
subject of the recording when the law enforcement agency knows 841
or has reason to know the person is a child based on the law 842
enforcement agency's records or the content of the recording; 843

(b) The death of a person or a deceased person's body, 844
unless the death was caused by a peace officer or, subject to 845
division (H)(1) of this section, the consent of the decedent's 846
executor or administrator has been obtained; 847

(c) The death of a peace officer, firefighter, paramedic, 848
or other first responder, occurring while the decedent was 849
engaged in the performance of official duties, unless, subject 850
to division (H)(1) of this section, the consent of the 851
decedent's executor or administrator has been obtained; 852

(d) Grievous bodily harm, unless the injury was effected 853
by a peace officer or, subject to division (H)(1) of this 854
section, the consent of the injured person or the injured 855
person's guardian has been obtained; 856

(e) An act of severe violence against a person that 857
results in serious physical harm to the person, unless the act 858

and injury was effected by a peace officer or, subject to 859
division (H) (1) of this section, the consent of the injured 860
person or the injured person's guardian has been obtained; 861

(f) Grievous bodily harm to a peace officer, firefighter, 862
paramedic, or other first responder, occurring while the injured 863
person was engaged in the performance of official duties, 864
unless, subject to division (H) (1) of this section, the consent 865
of the injured person or the injured person's guardian has been 866
obtained; 867

(g) An act of severe violence resulting in serious 868
physical harm against a peace officer, firefighter, paramedic, 869
or other first responder, occurring while the injured person was 870
engaged in the performance of official duties, unless, subject 871
to division (H) (1) of this section, the consent of the injured 872
person or the injured person's guardian has been obtained; 873

(h) A person's nude body, unless, subject to division (H) 874
(1) of this section, the person's consent has been obtained; 875

(i) Protected health information, the identity of a person 876
in a health care facility who is not the subject of a law 877
enforcement encounter, or any other information in a health care 878
facility that could identify a person who is not the subject of 879
a law enforcement encounter; 880

(j) Information that could identify the alleged victim of 881
a sex offense, menacing by stalking, or domestic violence; 882

(k) Information, that does not constitute a confidential 883
law enforcement investigatory record, that could identify a 884
person who provides sensitive or confidential information to a 885
law enforcement agency when the disclosure of the person's 886
identity or the information provided could reasonably be 887

expected to threaten or endanger the safety or property of the 888
person or another person; 889

(l) Personal information of a person who is not arrested, 890
cited, charged, or issued a written warning by a peace officer; 891

(m) Proprietary police contingency plans or tactics that 892
are intended to prevent crime and maintain public order and 893
safety; 894

(n) A personal conversation unrelated to work between 895
peace officers or between a peace officer and an employee of a 896
law enforcement agency; 897

(o) A conversation between a peace officer and a member of 898
the public that does not concern law enforcement activities; 899

(p) The interior of a residence, unless the interior of a 900
residence is the location of an adversarial encounter with, or a 901
use of force by, a peace officer; 902

(q) Any portion of the interior of a private business that 903
is not open to the public, unless an adversarial encounter with, 904
or a use of force by, a peace officer occurs in that location. 905

As used in division (A) (17) of this section: 906

"Grievous bodily harm" has the same meaning as in section 907
5924.120 of the Revised Code. 908

"Health care facility" has the same meaning as in section 909
1337.11 of the Revised Code. 910

"Protected health information" has the same meaning as in 911
45 C.F.R. 160.103. 912

"Law enforcement agency" has the same meaning as in 913
section 2925.61 of the Revised Code. 914

"Personal information" means any government-issued 915
identification number, date of birth, address, financial 916
information, or criminal justice information from the law 917
enforcement automated data system or similar databases. 918

"Sex offense" has the same meaning as in section 2907.10 919
of the Revised Code. 920

"Firefighter," "paramedic," and "first responder" have the 921
same meanings as in section 4765.01 of the Revised Code. 922

(B) (1) Upon request by any person and subject to division 923
(B) (8) of this section, all public records responsive to the 924
request shall be promptly prepared and made available for 925
inspection to the requester at all reasonable times during 926
regular business hours. Subject to division (B) (8) of this 927
section, upon request by any person, a public office or person 928
responsible for public records shall make copies of the 929
requested public record available to the requester at cost and 930
within a reasonable period of time. If a public record contains 931
information that is exempt from the duty to permit public 932
inspection or to copy the public record, the public office or 933
the person responsible for the public record shall make 934
available all of the information within the public record that 935
is not exempt. When making that public record available for 936
public inspection or copying that public record, the public 937
office or the person responsible for the public record shall 938
notify the requester of any redaction or make the redaction 939
plainly visible. A redaction shall be deemed a denial of a 940
request to inspect or copy the redacted information, except if 941
federal or state law authorizes or requires a public office to 942
make the redaction. 943

(2) To facilitate broader access to public records, a 944

public office or the person responsible for public records shall 945
organize and maintain public records in a manner that they can 946
be made available for inspection or copying in accordance with 947
division (B) of this section. A public office also shall have 948
available a copy of its current records retention schedule at a 949
location readily available to the public. If a requester makes 950
an ambiguous or overly broad request or has difficulty in making 951
a request for copies or inspection of public records under this 952
section such that the public office or the person responsible 953
for the requested public record cannot reasonably identify what 954
public records are being requested, the public office or the 955
person responsible for the requested public record may deny the 956
request but shall provide the requester with an opportunity to 957
revise the request by informing the requester of the manner in 958
which records are maintained by the public office and accessed 959
in the ordinary course of the public office's or person's 960
duties. 961

(3) If a request is ultimately denied, in part or in 962
whole, the public office or the person responsible for the 963
requested public record shall provide the requester with an 964
explanation, including legal authority, setting forth why the 965
request was denied. If the initial request was provided in 966
writing, the explanation also shall be provided to the requester 967
in writing. The explanation shall not preclude the public office 968
or the person responsible for the requested public record from 969
relying upon additional reasons or legal authority in defending 970
an action commenced under division (C) of this section. 971

(4) Unless specifically required or authorized by state or 972
federal law or in accordance with division (B) of this section, 973
no public office or person responsible for public records may 974
limit or condition the availability of public records by 975

requiring disclosure of the requester's identity or the intended 976
use of the requested public record. Any requirement that the 977
requester disclose the requester's identity or the intended use 978
of the requested public record constitutes a denial of the 979
request. 980

(5) A public office or person responsible for public 981
records may ask a requester to make the request in writing, may 982
ask for the requester's identity, and may inquire about the 983
intended use of the information requested, but may do so only 984
after disclosing to the requester that a written request is not 985
mandatory, that the requester may decline to reveal the 986
requester's identity or the intended use, and when a written 987
request or disclosure of the identity or intended use would 988
benefit the requester by enhancing the ability of the public 989
office or person responsible for public records to identify, 990
locate, or deliver the public records sought by the requester. 991

(6) If any person requests a copy of a public record in 992
accordance with division (B) of this section, the public office 993
or person responsible for the public record may require the 994
requester to pay in advance the cost involved in providing the 995
copy of the public record in accordance with the choice made by 996
the requester under this division. The public office or the 997
person responsible for the public record shall permit the 998
requester to choose to have the public record duplicated upon 999
paper, upon the same medium upon which the public office or 1000
person responsible for the public record keeps it, or upon any 1001
other medium upon which the public office or person responsible 1002
for the public record determines that it reasonably can be 1003
duplicated as an integral part of the normal operations of the 1004
public office or person responsible for the public record. When 1005
the requester makes a choice under this division, the public 1006

office or person responsible for the public record shall provide 1007
a copy of it in accordance with the choice made by the 1008
requester. Nothing in this section requires a public office or 1009
person responsible for the public record to allow the requester 1010
of a copy of the public record to make the copies of the public 1011
record. 1012

(7) (a) Upon a request made in accordance with division (B) 1013
of this section and subject to division (B) (6) of this section, 1014
a public office or person responsible for public records shall 1015
transmit a copy of a public record to any person by United 1016
States mail or by any other means of delivery or transmission 1017
within a reasonable period of time after receiving the request 1018
for the copy. The public office or person responsible for the 1019
public record may require the person making the request to pay 1020
in advance the cost of postage if the copy is transmitted by 1021
United States mail or the cost of delivery if the copy is 1022
transmitted other than by United States mail, and to pay in 1023
advance the costs incurred for other supplies used in the 1024
mailing, delivery, or transmission. 1025

(b) Any public office may adopt a policy and procedures 1026
that it will follow in transmitting, within a reasonable period 1027
of time after receiving a request, copies of public records by 1028
United States mail or by any other means of delivery or 1029
transmission pursuant to division (B) (7) of this section. A 1030
public office that adopts a policy and procedures under division 1031
(B) (7) of this section shall comply with them in performing its 1032
duties under that division. 1033

(c) In any policy and procedures adopted under division 1034
(B) (7) of this section: 1035

(i) A public office may limit the number of records 1036

requested by a person that the office will physically deliver by 1037
United States mail or by another delivery service to ten per 1038
month, unless the person certifies to the office in writing that 1039
the person does not intend to use or forward the requested 1040
records, or the information contained in them, for commercial 1041
purposes; 1042

(ii) A public office that chooses to provide some or all 1043
of its public records on a web site that is fully accessible to 1044
and searchable by members of the public at all times, other than 1045
during acts of God outside the public office's control or 1046
maintenance, and that charges no fee to search, access, 1047
download, or otherwise receive records provided on the web site, 1048
may limit to ten per month the number of records requested by a 1049
person that the office will deliver in a digital format, unless 1050
the requested records are not provided on the web site and 1051
unless the person certifies to the office in writing that the 1052
person does not intend to use or forward the requested records, 1053
or the information contained in them, for commercial purposes. 1054

(iii) For purposes of division (B)(7) of this section, 1055
"commercial" shall be narrowly construed and does not include 1056
reporting or gathering news, reporting or gathering information 1057
to assist citizen oversight or understanding of the operation or 1058
activities of government, or nonprofit educational research. 1059

(8) A public office or person responsible for public 1060
records is not required to permit a person who is incarcerated 1061
pursuant to a criminal conviction or a juvenile adjudication to 1062
inspect or to obtain a copy of any public record concerning a 1063
criminal investigation or prosecution or concerning what would 1064
be a criminal investigation or prosecution if the subject of the 1065
investigation or prosecution were an adult, unless the request 1066

to inspect or to obtain a copy of the record is for the purpose 1067
of acquiring information that is subject to release as a public 1068
record under this section and the judge who imposed the sentence 1069
or made the adjudication with respect to the person, or the 1070
judge's successor in office, finds that the information sought 1071
in the public record is necessary to support what appears to be 1072
a justiciable claim of the person. 1073

(9) (a) Upon written request made and signed by a 1074
journalist, a public office, or person responsible for public 1075
records, having custody of the records of the agency employing a 1076
specified designated public service worker shall disclose to the 1077
journalist the address of the actual personal residence of the 1078
designated public service worker and, if the designated public 1079
service worker's spouse, former spouse, or child is employed by 1080
a public office, the name and address of the employer of the 1081
designated public service worker's spouse, former spouse, or 1082
child. The request shall include the journalist's name and title 1083
and the name and address of the journalist's employer and shall 1084
state that disclosure of the information sought would be in the 1085
public interest. 1086

(b) Division (B) (9) (a) of this section also applies to 1087
journalist requests for: 1088

(i) Customer information maintained by a municipally owned 1089
or operated public utility, other than social security numbers 1090
and any private financial information such as credit reports, 1091
payment methods, credit card numbers, and bank account 1092
information; 1093

(ii) Information about minors involved in a school vehicle 1094
accident as provided in division ~~(A) (1) (gg)~~ (A) (1) (ff) of this 1095
section, other than personal information as defined in section 1096

149.45 of the Revised Code. 1097

(c) As used in division (B) (9) of this section, 1098
"journalist" means a person engaged in, connected with, or 1099
employed by any news medium, including a newspaper, magazine, 1100
press association, news agency, or wire service, a radio or 1101
television station, or a similar medium, for the purpose of 1102
gathering, processing, transmitting, compiling, editing, or 1103
disseminating information for the general public. 1104

(10) Upon a request made by a victim, victim's attorney, 1105
or victim's representative, as that term is used in section 1106
2930.02 of the Revised Code, a public office or person 1107
responsible for public records shall transmit a copy of a 1108
depiction of the victim as described in division ~~(A) (1) (ii)~~ (A) 1109
(1) (hh) of this section to the victim, victim's attorney, or 1110
victim's representative. 1111

(C) (1) If a person allegedly is aggrieved by the failure 1112
of a public office or the person responsible for public records 1113
to promptly prepare a public record and to make it available to 1114
the person for inspection in accordance with division (B) of 1115
this section or by any other failure of a public office or the 1116
person responsible for public records to comply with an 1117
obligation in accordance with division (B) of this section, the 1118
person allegedly aggrieved may do only one of the following, and 1119
not both: 1120

(a) File a complaint with the clerk of the court of claims 1121
or the clerk of the court of common pleas under section 2743.75 1122
of the Revised Code; 1123

(b) Commence a mandamus action to obtain a judgment that 1124
orders the public office or the person responsible for the 1125

public record to comply with division (B) of this section, that 1126
awards court costs and reasonable attorney's fees to the person 1127
that instituted the mandamus action, and, if applicable, that 1128
includes an order fixing statutory damages under division (C) (2) 1129
of this section. The mandamus action may be commenced in the 1130
court of common pleas of the county in which division (B) of 1131
this section allegedly was not complied with, in the supreme 1132
court pursuant to its original jurisdiction under Section 2 of 1133
Article IV, Ohio Constitution, or in the court of appeals for 1134
the appellate district in which division (B) of this section 1135
allegedly was not complied with pursuant to its original 1136
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1137

(2) If a requester transmits a written request by hand 1138
delivery, electronic submission, or certified mail to inspect or 1139
receive copies of any public record in a manner that fairly 1140
describes the public record or class of public records to the 1141
public office or person responsible for the requested public 1142
records, except as otherwise provided in this section, the 1143
requester shall be entitled to recover the amount of statutory 1144
damages set forth in this division if a court determines that 1145
the public office or the person responsible for public records 1146
failed to comply with an obligation in accordance with division 1147
(B) of this section. 1148

The amount of statutory damages shall be fixed at one 1149
hundred dollars for each business day during which the public 1150
office or person responsible for the requested public records 1151
failed to comply with an obligation in accordance with division 1152
(B) of this section, beginning with the day on which the 1153
requester files a mandamus action to recover statutory damages, 1154
up to a maximum of one thousand dollars. The award of statutory 1155
damages shall not be construed as a penalty, but as compensation 1156

for injury arising from lost use of the requested information. 1157
The existence of this injury shall be conclusively presumed. The 1158
award of statutory damages shall be in addition to all other 1159
remedies authorized by this section. 1160

The court may reduce an award of statutory damages or not 1161
award statutory damages if the court determines both of the 1162
following: 1163

(a) That, based on the ordinary application of statutory 1164
law and case law as it existed at the time of the conduct or 1165
threatened conduct of the public office or person responsible 1166
for the requested public records that allegedly constitutes a 1167
failure to comply with an obligation in accordance with division 1168
(B) of this section and that was the basis of the mandamus 1169
action, a well-informed public office or person responsible for 1170
the requested public records reasonably would believe that the 1171
conduct or threatened conduct of the public office or person 1172
responsible for the requested public records did not constitute 1173
a failure to comply with an obligation in accordance with 1174
division (B) of this section; 1175

(b) That a well-informed public office or person 1176
responsible for the requested public records reasonably would 1177
believe that the conduct or threatened conduct of the public 1178
office or person responsible for the requested public records 1179
would serve the public policy that underlies the authority that 1180
is asserted as permitting that conduct or threatened conduct. 1181

(3) In a mandamus action filed under division (C) (1) of 1182
this section, the following apply: 1183

(a) (i) If the court orders the public office or the person 1184
responsible for the public record to comply with division (B) of 1185

this section, the court shall determine and award to the relator 1186
all court costs, which shall be construed as remedial and not 1187
punitive. 1188

(ii) If the court makes a determination described in 1189
division (C) (3) (b) (iii) of this section, the court shall 1190
determine and award to the relator all court costs, which shall 1191
be construed as remedial and not punitive. 1192

(b) If the court renders a judgment that orders the public 1193
office or the person responsible for the public record to comply 1194
with division (B) of this section or if the court determines any 1195
of the following, the court may award reasonable attorney's fees 1196
to the relator, subject to division (C) (4) of this section: 1197

(i) The public office or the person responsible for the 1198
public records failed to respond affirmatively or negatively to 1199
the public records request in accordance with the time allowed 1200
under division (B) of this section. 1201

(ii) The public office or the person responsible for the 1202
public records promised to permit the relator to inspect or 1203
receive copies of the public records requested within a 1204
specified period of time but failed to fulfill that promise 1205
within that specified period of time. 1206

(iii) The public office or the person responsible for the 1207
public records acted in bad faith when the office or person 1208
voluntarily made the public records available to the relator for 1209
the first time after the relator commenced the mandamus action, 1210
but before the court issued any order concluding whether or not 1211
the public office or person was required to comply with division 1212
(B) of this section. No discovery may be conducted on the issue 1213
of the alleged bad faith of the public office or person 1214

responsible for the public records. This division shall not be 1215
construed as creating a presumption that the public office or 1216
the person responsible for the public records acted in bad faith 1217
when the office or person voluntarily made the public records 1218
available to the relator for the first time after the relator 1219
commenced the mandamus action, but before the court issued any 1220
order described in this division. 1221

(c) The court shall not award attorney's fees to the 1222
relator if the court determines both of the following: 1223

(i) That, based on the ordinary application of statutory 1224
law and case law as it existed at the time of the conduct or 1225
threatened conduct of the public office or person responsible 1226
for the requested public records that allegedly constitutes a 1227
failure to comply with an obligation in accordance with division 1228
(B) of this section and that was the basis of the mandamus 1229
action, a well-informed public office or person responsible for 1230
the requested public records reasonably would believe that the 1231
conduct or threatened conduct of the public office or person 1232
responsible for the requested public records did not constitute 1233
a failure to comply with an obligation in accordance with 1234
division (B) of this section; 1235

(ii) That a well-informed public office or person 1236
responsible for the requested public records reasonably would 1237
believe that the conduct or threatened conduct of the public 1238
office or person responsible for the requested public records 1239
would serve the public policy that underlies the authority that 1240
is asserted as permitting that conduct or threatened conduct. 1241

(4) All of the following apply to any award of reasonable 1242
attorney's fees awarded under division (C) (3) (b) of this 1243
section: 1244

(a) The fees shall be construed as remedial and not 1245
punitive. 1246

(b) The fees awarded shall not exceed the total of the 1247
reasonable attorney's fees incurred before the public record was 1248
made available to the relator and the fees described in division 1249
(C) (4) (c) of this section. 1250

(c) Reasonable attorney's fees shall include reasonable 1251
fees incurred to produce proof of the reasonableness and amount 1252
of the fees and to otherwise litigate entitlement to the fees. 1253

(d) The court may reduce the amount of fees awarded if the 1254
court determines that, given the factual circumstances involved 1255
with the specific public records request, an alternative means 1256
should have been pursued to more effectively and efficiently 1257
resolve the dispute that was subject to the mandamus action 1258
filed under division (C) (1) of this section. 1259

(5) If the court does not issue a writ of mandamus under 1260
division (C) of this section and the court determines at that 1261
time that the bringing of the mandamus action was frivolous 1262
conduct as defined in division (A) of section 2323.51 of the 1263
Revised Code, the court may award to the public office all court 1264
costs, expenses, and reasonable attorney's fees, as determined 1265
by the court. 1266

(D) Chapter 1347. of the Revised Code does not limit the 1267
provisions of this section. 1268

(E) (1) To ensure that all employees of public offices are 1269
appropriately educated about a public office's obligations under 1270
division (B) of this section, all elected officials or their 1271
appropriate designees shall attend training approved by the 1272
attorney general as provided in section 109.43 of the Revised 1273

Code. A future official may satisfy the requirements of this 1274
division by attending the training before taking office, 1275
provided that the future official may not send a designee in the 1276
future official's place. 1277

(2) All public offices shall adopt a public records policy 1278
in compliance with this section for responding to public records 1279
requests. In adopting a public records policy under this 1280
division, a public office may obtain guidance from the model 1281
public records policy developed and provided to the public 1282
office by the attorney general under section 109.43 of the 1283
Revised Code. Except as otherwise provided in this section, the 1284
policy may not limit the number of public records that the 1285
public office will make available to a single person, may not 1286
limit the number of public records that it will make available 1287
during a fixed period of time, and may not establish a fixed 1288
period of time before it will respond to a request for 1289
inspection or copying of public records, unless that period is 1290
less than eight hours. 1291

The public office shall distribute the public records 1292
policy adopted by the public office under this division to the 1293
employee of the public office who is the records custodian or 1294
records manager or otherwise has custody of the records of that 1295
office. The public office shall require that employee to 1296
acknowledge receipt of the copy of the public records policy. 1297
The public office shall create a poster that describes its 1298
public records policy and shall post the poster in a conspicuous 1299
place in the public office and in all locations where the public 1300
office has branch offices. The public office may post its public 1301
records policy on the internet web site of the public office if 1302
the public office maintains an internet web site. A public 1303
office that has established a manual or handbook of its general 1304

policies and procedures for all employees of the public office 1305
shall include the public records policy of the public office in 1306
the manual or handbook. 1307

(F) (1) The bureau of motor vehicles may adopt rules 1308
pursuant to Chapter 119. of the Revised Code to reasonably limit 1309
the number of bulk commercial special extraction requests made 1310
by a person for the same records or for updated records during a 1311
calendar year. The rules may include provisions for charges to 1312
be made for bulk commercial special extraction requests for the 1313
actual cost of the bureau, plus special extraction costs, plus 1314
ten per cent. The bureau may charge for expenses for redacting 1315
information, the release of which is prohibited by law. 1316

(2) As used in division (F) (1) of this section: 1317

(a) "Actual cost" means the cost of depleted supplies, 1318
records storage media costs, actual mailing and alternative 1319
delivery costs, or other transmitting costs, and any direct 1320
equipment operating and maintenance costs, including actual 1321
costs paid to private contractors for copying services. 1322

(b) "Bulk commercial special extraction request" means a 1323
request for copies of a record for information in a format other 1324
than the format already available, or information that cannot be 1325
extracted without examination of all items in a records series, 1326
class of records, or database by a person who intends to use or 1327
forward the copies for surveys, marketing, solicitation, or 1328
resale for commercial purposes. "Bulk commercial special 1329
extraction request" does not include a request by a person who 1330
gives assurance to the bureau that the person making the request 1331
does not intend to use or forward the requested copies for 1332
surveys, marketing, solicitation, or resale for commercial 1333
purposes. 1334

(c) "Commercial" means profit-seeking production, buying, 1335
or selling of any good, service, or other product. 1336

(d) "Special extraction costs" means the cost of the time 1337
spent by the lowest paid employee competent to perform the task, 1338
the actual amount paid to outside private contractors employed 1339
by the bureau, or the actual cost incurred to create computer 1340
programs to make the special extraction. "Special extraction 1341
costs" include any charges paid to a public agency for computer 1342
or records services. 1343

(3) For purposes of divisions (F) (1) and (2) of this 1344
section, "surveys, marketing, solicitation, or resale for 1345
commercial purposes" shall be narrowly construed and does not 1346
include reporting or gathering news, reporting or gathering 1347
information to assist citizen oversight or understanding of the 1348
operation or activities of government, or nonprofit educational 1349
research. 1350

(G) A request by a defendant, counsel of a defendant, or 1351
any agent of a defendant in a criminal action that public 1352
records related to that action be made available under this 1353
section shall be considered a demand for discovery pursuant to 1354
the Criminal Rules, except to the extent that the Criminal Rules 1355
plainly indicate a contrary intent. The defendant, counsel of 1356
the defendant, or agent of the defendant making a request under 1357
this division shall serve a copy of the request on the 1358
prosecuting attorney, director of law, or other chief legal 1359
officer responsible for prosecuting the action. 1360

(H) (1) Any portion of a body-worn camera or dashboard 1361
camera recording described in divisions (A) (17) (b) to (h) of 1362
this section may be released by consent of the subject of the 1363
recording or a representative of that person, as specified in 1364

those divisions, only if either of the following applies: 1365

(a) The recording will not be used in connection with any 1366
probable or pending criminal proceedings; 1367

(b) The recording has been used in connection with a 1368
criminal proceeding that was dismissed or for which a judgment 1369
has been entered pursuant to Rule 32 of the Rules of Criminal 1370
Procedure, and will not be used again in connection with any 1371
probable or pending criminal proceedings. 1372

(2) If a public office denies a request to release a 1373
restricted portion of a body-worn camera or dashboard camera 1374
recording, as defined in division (A)(17) of this section, any 1375
person may file a mandamus action pursuant to this section or a 1376
complaint with the clerk of the court of claims pursuant to 1377
section 2743.75 of the Revised Code, requesting the court to 1378
order the release of all or portions of the recording. If the 1379
court considering the request determines that the filing 1380
articulates by clear and convincing evidence that the public 1381
interest in the recording substantially outweighs privacy 1382
interests and other interests asserted to deny release, the 1383
court shall order the public office to release the recording. 1384

Sec. 149.436. Notwithstanding division ~~(A)(1)(gg)~~ (A)(1) 1385
(ff) of section 149.43 of the Revised Code, upon written request 1386
made and signed by the parent or guardian of an individual who 1387
is less than eighteen years of age and was an occupant of a 1388
school vehicle involved in a traffic accident, a public office 1389
or person responsible for public records, having custody of any 1390
record related to the traffic accident containing the personal 1391
information of the individual, shall transmit a copy of that 1392
record to the recipient identified in the request. 1393

The written request shall identify the individual on whose behalf the record is requested and the person to whom the record shall be transmitted. The record shall be transmitted only to the person identified in the written request as the recipient of the record.

A public office or person responsible for records responding to a request under this section shall redact any personal information contained in the record of any individual less than eighteen years of age who is not the subject of the request, before providing the record to the recipient.

Sec. 187.01. As used in this chapter, "JobsOhio" means the nonprofit corporation formed under this section, and includes any subsidiary of that corporation. In any section of law that refers to the nonprofit corporation formed under this section, reference to the corporation includes reference to any such subsidiary unless otherwise specified or clearly appearing from the context.

The governor is hereby authorized to form a nonprofit corporation, to be named "JobsOhio," with the purposes of promoting economic development, job creation, job retention, job training, and the recruitment of business to this state. Except as otherwise provided in this chapter, the corporation shall be organized and operated in accordance with Chapter 1702. of the Revised Code. The governor shall sign and file articles of incorporation for the corporation with the secretary of state. The legal existence of the corporation shall begin upon the filing of the articles.

In addition to meeting the requirements for articles of incorporation in Chapter 1702. of the Revised Code, the articles of incorporation for the nonprofit corporation shall set forth

the following: 1424

(A) The designation of the name of the corporation as 1425
JobsOhio; 1426

(B) The creation of a board of directors consisting of 1427
nine directors, to be appointed by the governor, who satisfy the 1428
qualifications prescribed by section 187.02 of the Revised Code; 1429

(C) A requirement that the governor make initial 1430
appointments to the board within sixty days after the filing of 1431
the articles of incorporation. Of the initial appointments made 1432
to the board, two shall be for a term ending one year after the 1433
date the articles were filed, two shall be for a term ending two 1434
years after the date the articles were filed, and five shall be 1435
for a term ending four years after the date the articles were 1436
filed. The articles shall state that, following the initial 1437
appointments, the governor shall appoint directors to terms of 1438
office of four years, with each term of office ending on the 1439
same day of the same month as did the term that it succeeds. If 1440
any director dies, resigns, or the director's status changes 1441
such that any of the requirements of division (C) of section 1442
187.02 of the Revised Code are no longer met, that director's 1443
seat on the board shall become immediately vacant. The governor 1444
shall forthwith fill the vacancy by appointment for the 1445
remainder of the term of office of the vacated seat. 1446

(D) A requirement that the governor appoint one director 1447
to be chairperson of the board and procedures for electing 1448
directors to serve as officers of the corporation and members of 1449
an executive committee; 1450

(E) A provision for the appointment of a chief investment 1451
officer of the corporation by the recommendation of the board 1452

and approval of the governor. The chief investment officer shall 1453
serve at the pleasure of the board and shall have the power to 1454
execute contracts, spend corporation funds, and hire employees 1455
on behalf of the corporation. If the position of chief 1456
investment officer becomes vacant for any reason, the vacancy 1457
shall be filled in the same manner as provided in this division. 1458

(F) Provisions requiring the board to do all of the 1459
following: 1460

(1) Adopt one or more resolutions providing for 1461
compensation of the chief investment officer; 1462

(2) Approve an employee compensation plan recommended by 1463
the chief investment officer; 1464

(3) Approve a contract with the director of development 1465
services for the corporation to assist the director and the 1466
development services agency with providing services or otherwise 1467
carrying out the functions or duties of the agency, including 1468
the operation and management of programs, offices, divisions, or 1469
boards, as may be determined by the director of development 1470
services in consultation with the governor; 1471

(4) Approve all major contracts for services recommended 1472
by the chief investment officer; 1473

(5) Establish an annual strategic plan and standards of 1474
measure to be used in evaluating the corporation's success in 1475
executing the plan; 1476

(6) Establish a conflicts of interest policy that, at a 1477
minimum, complies with section 187.06 of the Revised Code; 1478

(7) Hold a minimum of four board of directors meetings per 1479
year at which a quorum of the board is physically present, and 1480

such other meetings, at which directors' physical presence is 1481
not required, as may be necessary. ~~Meetings at which a quorum of~~ 1482
~~the board is required to be physically present~~ All board of 1483
directors meetings are subject to divisions (C), (D), and (E) of 1484
section 187.03 of the Revised Code. 1485

(8) Establish a records retention policy and present the 1486
policy, and any subsequent changes to the policy, at a meeting 1487
of the board of directors at which a quorum of the board is 1488
required to be physically present pursuant to division (F) (7) of 1489
this section; 1490

(9) Adopt standards of conduct for the directors. 1491

(G) A statement that directors shall not receive any 1492
compensation from the corporation, except that directors may be 1493
reimbursed for actual and necessary expenses incurred in 1494
connection with services performed for the corporation; 1495

(H) A provision authorizing the board to amend provisions 1496
of the corporation's articles of incorporation or regulations, 1497
except provisions required by this chapter; 1498

(I) Procedures by which the corporation would be dissolved 1499
and by which all corporation rights and assets would be 1500
distributed to the state or to another corporation organized 1501
under this chapter. These procedures shall incorporate any 1502
separate procedures subsequently set forth in this chapter for 1503
the dissolution of the corporation. The articles shall state 1504
that no dissolution shall take effect until the corporation has 1505
made adequate provision for the payment of any outstanding 1506
bonds, notes, or other obligations. 1507

(J) A provision establishing an audit committee to be 1508
comprised of directors. The articles shall require that the 1509

audit committee hire a firm of independent certified public 1510
accountants, selected in consultation with the auditor of state, 1511
to perform, once each year, a financial audit of the corporation 1512
and of any nonprofit entity the sole member of which is 1513
JobsOhio. The articles also shall require all of the following: 1514

(1) Commencing with JobsOhio's fiscal year beginning July 1515
1, 2012, the financial statements to be audited are to be 1516
prepared in accordance with accounting principles and standards 1517
set forth in all applicable pronouncements of the governmental 1518
accounting standards board; 1519

(2) The firm of independent certified public accountants 1520
hired is to conduct a supplemental compliance and control review 1521
pursuant to a written agreement by and among the firm, the 1522
auditor of state, JobsOhio, and any nonprofit entity the sole 1523
member of which is JobsOhio; and 1524

(3) A copy of each financial audit report and each report 1525
of the results of the compliance and control review are to be 1526
provided to the governor, the auditor of state, the speaker of 1527
the house of representatives, and the president of the senate. 1528

(K) A provision authorizing a majority of the 1529
disinterested directors to remove a director for misconduct, as 1530
that term may be defined in the articles or regulations of the 1531
corporation. The removal of a director under this division 1532
creates a vacancy on the board that the governor shall fill by 1533
appointment for the remainder of the term of office of the 1534
vacated seat. 1535

Sec. 187.03. (A) JobsOhio may perform such functions as 1536
permitted and shall perform such duties as prescribed by law and 1537
as set forth in any contract entered into under section 187.04 1538

of the Revised Code, but shall not be considered a state or 1539
public department, agency, office, body, institution, or 1540
instrumentality for purposes of section 1.60 or Chapter 102., 1541
121., 125., or 149. of the Revised Code. JobsOhio and its board 1542
of directors are not subject to the following sections of 1543
Chapter 1702. of the Revised Code: sections 1702.03, 1702.08, 1544
1702.09, 1702.21, 1702.24, 1702.26, 1702.27, 1702.28, 1702.29, 1545
1702.301, 1702.33, 1702.34, 1702.37, 1702.38, 1702.40 to 1546
1702.52, 1702.521, 1702.54, 1702.57, 1702.58, 1702.59, 1702.60, 1547
1702.80, and 1702.99. Nothing in this division shall be 1548
construed to impair the powers and duties of the Ohio ethics 1549
commission described in section 102.06 of the Revised Code to 1550
investigate and enforce section 102.02 of the Revised Code with 1551
regard to individuals required to file statements under division 1552
(B) (2) of this section. 1553

(B) (1) Directors and employees of JobsOhio are not 1554
employees or officials of the state and, except as provided in 1555
division (B) (2) of this section, are not subject to Chapter 1556
102., 124., 145., or 4117. of the Revised Code. 1557

(2) The chief investment officer, any other officer or 1558
employee with significant administrative, supervisory, 1559
contracting, or investment authority, and any director of 1560
JobsOhio shall file, with the Ohio ethics commission, a 1561
financial disclosure statement pursuant to section 102.02 of the 1562
Revised Code that includes, in place of the information required 1563
by divisions (A) (2) (b), (g), (h), and (i) of that section, the 1564
information required by divisions (A) and (B) of section 102.022 1565
of the Revised Code. The governor shall comply with all 1566
applicable requirements of section 102.02 of the Revised Code. 1567

(3) Actual or in-kind expenditures for the travel, meals, 1568

or lodging of the governor or of any public official or employee 1569
designated by the governor for the purpose of this division 1570
shall not be considered a violation of section 102.03 of the 1571
Revised Code if the expenditures are made by the corporation, or 1572
on behalf of the corporation by any person, in connection with 1573
the governor's performance of official duties related to 1574
JobsOhio. The governor may designate any person, including a 1575
person who is a public official or employee as defined in 1576
section 102.01 of the Revised Code, for the purpose of this 1577
division if such expenditures are made on behalf of the person 1578
in connection with the governor's performance of official duties 1579
related to JobsOhio. A public official or employee so designated 1580
by the governor shall comply with all applicable requirements of 1581
section 102.02 of the Revised Code. 1582

At the times and frequency agreed to under division (B) (2) 1583
(b) of section 187.04 of the Revised Code, beginning in 2012, 1584
the corporation shall file with the department of development a 1585
written report of all such expenditures paid or incurred during 1586
the preceding calendar year. The report shall state the dollar 1587
value and purpose of each expenditure, the date of each 1588
expenditure, the name of the person that paid or incurred each 1589
expenditure, and the location, if any, where services or 1590
benefits of an expenditure were received, provided that any such 1591
information that may disclose proprietary information as defined 1592
in division (C) of this section shall not be included in the 1593
report. 1594

(4) The prohibition applicable to former public officials 1595
or employees in division (A) (1) of section 102.03 of the Revised 1596
Code does not apply to any person appointed to be a director or 1597
hired as an employee of JobsOhio. 1598

(5) Notwithstanding division (A) (2) of section 145.01 of the Revised Code, any person who is a former state employee shall no longer be considered a public employee for purposes of Chapter 145. of the Revised Code upon commencement of employment with JobsOhio.

(6) Any director, officer, or employee of JobsOhio may request an advisory opinion from the Ohio ethics commission with regard to questions concerning the provisions of sections 102.02 and 102.022 of the Revised Code to which the person is subject.

(C) Meetings of the board of directors ~~at which a quorum of the board is required to be physically present pursuant to division (F) of section 187.01 of the Revised Code~~ shall be open to the public except, by a majority vote of the directors present at the meeting, such a meeting may be closed to the public only for one or more of the following purposes:

(1) To consider business strategy of the corporation;

(2) To consider proprietary information belonging to potential applicants or potential recipients of business recruitment, retention, or creation incentives. For the purposes of this division, "proprietary information" means marketing plans, specific business strategy, production techniques and trade secrets, financial projections, or personal financial statements of applicants or members of the applicants' immediate family, including, but not limited to, tax records or other similar information not open to the public inspection.

(3) To consider legal matters, including litigation, in which the corporation is or may be involved;

(4) To consider personnel matters related to an individual employee of the corporation.

(D) The board of directors shall establish a reasonable 1628
method whereby any person may obtain the time and place of all 1629
public meetings described in division (C) of this section. The 1630
method shall provide that any person, upon request and payment 1631
of a reasonable fee, may obtain reasonable advance notification 1632
of all such meetings. 1633

(E) The board of directors shall promptly prepare, file, 1634
and maintain minutes of all public meetings described in 1635
division (C) of this section. 1636

(F) Not later than the first day of July of each year, the 1637
chief investment officer of JobsOhio shall prepare and submit a 1638
report of the corporation's activities for the preceding year to 1639
the governor, the speaker and minority leader of the house of 1640
representatives, and the president and minority leader of the 1641
senate. The annual report shall include the following: 1642

(1) An analysis of the state's economy; 1643

(2) A description of the structure, operation, and 1644
financial status of the corporation; 1645

(3) A description of the corporation's strategy to improve 1646
the state economy and the standards of measure used to evaluate 1647
its progress; 1648

(4) An evaluation of the performance of current strategies 1649
and major initiatives; 1650

(5) An analysis of any statutory or administrative 1651
barriers to successful economic development, business 1652
recruitment, and job growth in the state identified by JobsOhio 1653
during the preceding year. 1654

Sec. 187.04. (A) The director of development services, as 1655

soon as practical after February 18, 2011, shall execute a 1656
contract with JobsOhio for the corporation to assist the 1657
director and the development services agency with providing 1658
services or otherwise carrying out the functions or duties of 1659
the agency, including the operation and management of programs, 1660
offices, divisions, or boards, as may be determined by the 1661
director in consultation with the governor. The approval or 1662
disapproval of awards involving public money shall remain 1663
functions of the agency. All contracts for grants, loans, and 1664
tax incentives involving public money shall be between the 1665
agency and the recipient and shall be enforced by the agency. 1666
JobsOhio may not execute contracts obligating the agency for 1667
loans, grants, tax credits, or incentive awards recommended by 1668
JobsOhio to the agency. Prior to execution, all contracts 1669
between the director and JobsOhio entered into under this 1670
section that obligate the agency to pay JobsOhio for services 1671
rendered are subject to controlling board approval. 1672

The term of an initial contract entered into under this 1673
section shall not extend beyond June 30, 2013. Thereafter, the 1674
director and JobsOhio may renew the contract for subsequent 1675
fiscal biennia, but at no time shall a particular contract be 1676
effective for longer than a fiscal biennium of the general 1677
assembly. 1678

JobsOhio's provision of services to the agency as 1679
described in this section shall be pursuant to a contract 1680
entered into under this section. If at any time the director 1681
determines that the contract with JobsOhio may not be renewed 1682
for the subsequent fiscal biennium, the director shall notify 1683
JobsOhio of the director's decision not later than one hundred 1684
twenty days prior to the end of the current fiscal biennium. If 1685
the director does not provide such written notice to JobsOhio 1686

prior to one hundred days before the end of the current fiscal 1687
biennium, the contract shall be renewed upon such terms as the 1688
parties may agree, subject to the requirements of this section. 1689

(B) A contract entered into under this section shall 1690
include all of the following: 1691

(1) Terms assigning to the corporation the duties of 1692
advising and assisting the director in the director's evaluation 1693
of the agency and the formulation of recommendations under 1694
section 187.05 of the Revised Code; 1695

(2) Terms designating that records created or received by 1696
JobsOhio ~~that are public records, as defined in section 149.43~~ 1697
of the Revised Code, and shall be made available to the public 1698
under the same conditions as are public records under section 1699
149.43 of the Revised Code. ~~Documents~~ Additionally, the 1700
following documents shall be designated to be made available to 1701
the public pursuant to the contract, and shall be kept on file 1702
with the agency. 1703

~~Among records to be designated under this division shall~~ 1704
~~be the following:~~ 1705

(a) The corporation's federal income tax returns; 1706

(b) The report of expenditures described in division (B) 1707
(3) of section 187.03 of the Revised Code. The records shall be 1708
filed with the agency at such times and frequency as agreed to 1709
by the corporation and the agency, which shall not be less 1710
frequently than quarterly. 1711

(c) The annual total compensation paid to each officer and 1712
employee of the corporation; 1713

(d) A copy of the report for each financial audit of the 1714

corporation and of each supplemental compliance and control 1715
review of the corporation performed by a firm of independent 1716
certified public accountants pursuant to division (J) of section 1717
187.01 of the Revised Code. 1718

(e) Records of any fully executed incentive proposals, to 1719
be filed annually; 1720

(f) Records pertaining to the monitoring of commitments 1721
made by incentive recipients, to be filed annually; 1722

(g) A copy of the minutes of all public meetings described 1723
in division (C) of section 187.03 of the Revised Code not 1724
otherwise closed to the public. 1725

(3) The following statement acknowledging that JobsOhio is 1726
not acting as an agent of the state: 1727

"JobsOhio shall have no power or authority to bind the 1728
state or to assume or create an obligation or responsibility, 1729
expressed or implied, on behalf of the state or in its name, nor 1730
shall JobsOhio represent to any person that it has any such 1731
power or authority, except as expressly provided in this 1732
contract." 1733

(C) ~~(1) Records created-kept by JobsOhio are not public~~ 1734
~~records for the purposes of Chapter 149. of the Revised Code,~~ 1735
~~regardless of who may have custody of the records, unless the~~ 1736
~~record is designated to be available to the public by the~~ 1737
~~contract under division (B) (2) of this section.~~ 1738

~~(2) Records received by JobsOhio from any person or entity~~ 1739
~~that is not subject to section 149.43 of the Revised Code are~~ 1740
~~not public records for purposes of Chapter 149. of the Revised~~ 1741
~~Code, regardless of who may have custody of the records, unless~~ 1742
~~the record is designated to be available to the public by the~~ 1743

~~contract under division (B) (2) of this section.~~ 1744

~~(3) Records received by JobsOhio from a public office as 1745
defined in section 149.011 of the Revised Code that are not 1746
public records under section 149.43 of the Revised Code when in 1747
the custody of the public office are not public records for the 1748
purposes of section 149.43 of the Revised Code regardless of who 1749
has custody of the records. 1750~~

~~(4) Division (B) of section 4701.19 of the Revised Code 1751
applies to any work papers of the firm of independent certified 1752
public accountants engaged to perform the annual financial audit 1753
and the supplemental compliance and control review described in 1754
division (J) of section 187.01 of the Revised Code, and to the 1755
financial audit report and any report of the supplemental 1756
compliance and control review, unless the record is designated 1757
to be available to the public by the contract under division (B) 1758
(2) of this section. 1759~~

(D) Any contract executed under authority of this section 1760
shall not negate, impair, or otherwise adversely affect the 1761
obligation of this state to pay debt charges on securities 1762
executed by the director or issued by the treasurer of state, 1763
Ohio public facilities commission, or any other issuing 1764
authority under Chapter 122., 151., 165., or 166. of the Revised 1765
Code to fund economic development programs of the state, or to 1766
abide by any pledge or covenant relating to the payment of those 1767
debt charges made in any related proceedings. As used in this 1768
division, "debt charges," "proceedings," and "securities" have 1769
the same meanings as in section 133.01 of the Revised Code. 1770

(E) Nothing in this section, other than the requirement of 1771
controlling board approval, shall prohibit the agency from 1772
contracting with JobsOhio to perform any of the following 1773

functions: 1774

(1) Promoting and advocating for the state; 1775

(2) Making recommendations to the agency; 1776

(3) Performing research for the agency; 1777

(4) Establishing and managing programs or offices on 1778
behalf of the agency, by contract; 1779

(5) Negotiating on behalf of the state. 1780

(F) Nothing in this section, other than the requirement of 1781
controlling board approval, shall prohibit the agency from 1782
compensating JobsOhio from funds currently appropriated to the 1783
agency to perform the functions described in division (E) of 1784
this section. 1785

Section 2. That existing sections 9.28, 121.22, 149.011, 1786
149.43, 149.436, 187.01, 187.03, and 187.04 of the Revised Code 1787
are hereby repealed. 1788