

2. This Court has original jurisdiction over this action pursuant to Ohio Revised Code § 149.43(C)(1)(b), which authorizes a person who is aggrieved by the failure of a public office or person responsible for public records to comply with the requirements of R.C. 149.43(B) to commence a mandamus action to obtain a judgment ordering the public office or the person responsible for the public record to comply with its obligations under the statute.

PARTIES AND JURISDICTION

3. Relator The Buckeye Institute's principal place of business is Franklin County.

4. Respondent Champaign County Agricultural Society is a body corporate and politic that operates in Champaign County, Ohio.

5. This Court has personal jurisdiction over the parties because at all times relevant, CCAS was located in Champaign County, Ohio, all the actions or failure to act relevant to this Complaint occurred in Champaign County, Ohio, and upon information and belief, the public records that Buckeye seeks to obtain through this action are being kept in Champaign County, Ohio.

6. This Court has subject matter jurisdiction over this action pursuant to R.C. 149.43(C)(1)(b), which allows an aggrieved party to "commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action" in "the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution."

7. CCAS is a public body, and thus a public office, subject to R.C. 149.43. 1992 Ohio Op. Att'y Gen. 2-325; *see also Greene Cty. Agricultural Soc. v. Liming*, 89 Ohio St.3d 551, 556 n.4 (2000) (favorably citing the Attorney General's opinion).

FACTS

8. On January 6, 2025, Buckeye, pursuant to R.C. 149.43, sought to obtain public records from CCAS relating to CCAS's weapons policies for the Champaign County fair and fairgrounds.

9. On January 6, 2025, Buckeye, through counsel, sent an e-mail to CCAS requesting copies of:

1. All documents of correspondence to and from Champaign County Agricultural Society Board of Directors members or officers, staff, or employees of the Champaign County Agricultural Society relating to the Champaign County Fairground's firearms or weapons policies.
2. All documents of correspondence to and from Champaign County Agricultural Society Board of Directors members or officers, staff, or employees of the Champaign County Agricultural Society relating to the Champaign County Fair's firearms or weapons policies.
3. All documents relating to currently in-place firearms or weapons policies, including, but not limited to, all documents made or coming into the possession, custody, or control of the Champaign County Agricultural Society Board of Directors or its members, which relate to the existence or creation of any firearms or weapons policies.
4. All documents relating to actions taken by or on behalf of the Champaign County Agricultural Society to expel anyone from the Fairgrounds or prohibit anyone from entering the Fairgrounds based on the possession of one or more firearms.
5. All documents authorizing or permitting the sale or auctioning of firearms in or on the Fairgrounds property. The e-mail requested Champaign County Agricultural Society to respond whether it expected any delays in fulfilling the request.

Ex. A. The e-mail also requested that CCAS contact Buckeye if it expected that the request would take longer than ten (10) days to fulfill. Ex. A.

10. On January 6, 2025, Buckeye also sent a copy of the request to CCAS via the United States Postal Service.

11. After the ten-day deadline, counsel for Buckeye called CCAS. CCAS did not answer Buckeye's call.

12. As of the date of filing of this Complaint, CCAS has not responded to Buckeye's request.

COUNT ONE: VIOLATION OF OHIO'S PUBLIC RECORDS ACT

13. Buckeye restates the allegations set forth in the preceding and incorporates them here as if fully rewritten.

14. Ohio's Public Records Act, codified in R.C. Ch. 149, requires, with certain exceptions, that public offices provide citizens with access to or copies of public records:

Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt.

R.C. 149.43(B)(1).

15. Upon information and belief, the documents that Buckeye requested are in CCAS's possession or control.

16. The documents that Buckeye requested are public records as defined by R.C. 149.43 (A)(1).

17. The records that Buckeye requested are not subject to any statutory exemption.

18. Buckeye's requests were made with sufficient specificity for CCAS to understand what records were requested.

19. CCAS intentionally violated R.C. 149.43 by failing to provide the requested records, either in whole or in part, and failed to indicate whether it had records that were being withheld pursuant to a claimed exemption.

20. Buckeye has a clear legal right under R.C. 149.43 to obtain the requested public records, and this Court should issue a writ of mandamus to enforce that right pursuant to R.C. 149.43(C)(1)(b).

21. Buckeye has incurred costs and attorneys' fees in attempting to obtain the requested public records.

22. In addition, R.C. 149.43(C)(2), provides for statutory damages of \$100 per day from the day of the request, up to \$1,000.

WHEREFORE; Buckeye prays for relief as follows:

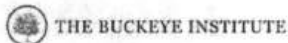
- (1) A writ of mandamus ordering CCAS to comply with R.C. 149.43 and provide the requested records;
- (2) An award of all costs incurred by Buckeye, its reasonable attorneys' fees, and statutory damages under R.C. 149.43(C)(2);
- (3) Any other relief that the Court deems just and equitable.

Respectfully submitted,

/s/ David C. Tryon
David C. Tryon (0028954)
Counsel of Record
Alex M. Certo (0102790)
Thomas J. Gillen (0104258)
THE BUCKEYE INSTITUTE
88 East Broad Street, Suite 1300
Columbus, Ohio 43215
(614) 224-4422
D.Tryon@BuckeyeInstitute.org
A.Certo@BuckeyeInstitute.org
T.Gillen@BuckeyeInstitute.org

Attorneys for The Buckeye Institute

March 14, 2025



Thomas J. Gillen <t.gillen@buckeyeinstitute.org>

Public Records Request

1 message

Thomas J. Gillen <t.gillen@buckeyeinstitute.org>
To: secretary@champaigncountyfair.com
Cc: "David C. Tryon" <d.tryon@buckeyeinstitute.org>

Mon, Jan 6, 2025 at 4:40 PM

Good Afternoon,

Attached you will find The Buckeye Institute's public records request to the Champaign County Agricultural Society. Should you have any questions or concerns please feel free to reply all to this email or call (614) 224-4422. Thank you in advance for your cooperation.

Sincerely,

Thomas J. Gillen, *Legal Fellow*

The Buckeye Institute

88 East Broad Street, Suite 1300 | Columbus, Ohio 43215

Office: (614) 224-4422 | [BuckeyeInstitute.org](https://www.buckeyeinstitute.org)

24-12-5 Champaign County Public Records Request.pdf
357K

Ex. A page 1 of 4



THE BUCKEYE INSTITUTE

January 6, 2025

VIA Electronic Mail and Postal Service

Champaign County Agricultural Society
secretary@champaigncountyfair.com
Attention: Custodian of Records
384 Park Avenue
PO Box 38157 Urbana, OH 43078

Re: Public Records Request

Dear Custodian of Records:

Pursuant to the Ohio Revised Code § 149.43, The Buckeye Institute respectfully requests that you provide the public records outlined below.

For the purposes of these requests, “document” means any and all information in tangible form, of any nature whatsoever, including the originals and all non-identical copies thereof, in your possession, custody, or control, **including, as relevant, all letters, emails, correspondence, text messages**, contracts, drafts, agreements, notes to files, reports, memoranda, mechanical and electronic recordings, tapes, or transcripts, information stored in computers or other data storage or processing equipment translated or translatable into a usable form.

The terms “relate,” “relating,” or “relative to,” as used herein, shall mean referring to, relating to, embodying, connected with, commenting on, responding to, supporting, showing, describing, analyzing, discussing, reflecting, or constituting.

The term “Fairgrounds” shall mean the property, including open land and buildings, located at 384 Park Avenue, Urbana, Ohio, or any other areas commonly known as the Champaign County Fairgrounds.

Unless otherwise provided, for each request, please provide responsive documents from January 1, 2024, to the present.

Please provide copies of the following:

1. All documents of correspondence to and from Champaign County Agricultural Society Board of Directors members or officers, staff, or employees of the Champaign County Agricultural Society relating to the Champaign County *Fairground's* firearms or weapons policies.

Ex. A page 2 of 4

2. All documents of correspondence to and from Champaign County Agricultural Society Board of Directors members or officers, staff, or employees of the Champaign County Agricultural Society relating to the Champaign County *Fair's* firearms or weapons policies.
3. All documents relating to currently in-place firearms or weapons policies, including, but not limited to, all documents made or coming into the possession, custody, or control of the Champaign County Agricultural Society Board of Directors or its members, which relate to the existence or creation of any firearms or weapons policies.
4. All documents relating to actions taken by or on behalf of the Champaign County Agricultural Society to expel anyone from the Fairgrounds or prohibit anyone from entering the Fairgrounds based on the possession of one or more firearms.
5. All documents authorizing or permitting the sale or auctioning of firearms in or on the Fairgrounds property.

Please produce the records in electronic format to **publicrecords@buckeyeinstitute.org**. If you would prefer, a confidential Dropbox folder may be set up for you to upload the documents. Please advise if you would prefer to upload the documents to a Dropbox folder. If it is not possible to provide the records in electronic format and **if you anticipate that you will incur more than \$50 in copying or scanning expenses, please contact me before incurring these costs**. If you need to send hard copies, please send them to:

The Buckeye Institute
 Attn: Alex Certo
 88 East Broad Street, Suite 1300
 Columbus OH, 43215-3525

If you anticipate a delay longer than ten (10) days, please notify me when you expect the materials to be ready. Failure to promptly produce the requested records may result in legal action, including a request for attorney's fees and damages. *State ex rel. School Choice Ohio, Inc. v. Cincinnati Pub. School Dist.*, 147 Ohio St.3d 256, 2016-Ohio-5026, 63 N.E.3d 1183, ¶ 46. If you claim that certain documents are exempt, this is not a basis for failing to provide non-exempt responsive documents.

If you have any questions or need additional information, please do not hesitate to contact me at (614) 224-4422. Thank you in advance for your cooperation.

Sincerely,

David C. Tryon

David C. Tryon
Director of Litigation
The Buckeye Institute
D.Tryon@buckeyeinstitute.org

Ex. A page 4 of 4

**CHAMPAIGN COUNTY COURT OF COMMON PLEAS
URBANA, OHIO 43078**

SUMMONS ON COMPLAINT

Rule 4 1970 Ohio Rules of Civil Procedure

THE BUCKEYE INSTITUTE
APPELLANT

vs.

CHAMPAIGN COUNTY AGRICULTURAL SOCIETY
APPELLEE

Case No. 2025 CA 00011

FILED
Champaign County, Ohio

MAR 17 2025

Penny S Underwood
Clerk of Court of Appeals

To: File Copy

You are hereby summoned that a complaint (a copy of which is hereto attached and made a part hereof) has been filed against you in this court by the plaintiff(s) named herein.

The name and address of the plaintiff ('s') attorney is as follows:

THE BUCKEYE INSTITUTE
88 E. BROAD ST., SUITE 1300
COLUMBUS, OHIO 43215

PENNY S. UNDERWOOD
Champaign County Clerk of Courts


CLERK

March 17, 2025

cc: CHAMPAIGN COUNTY AGRICULTURAL SOCIETY