

# HARM REDUCTION OHIO

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June 19, 2022

To: Kathryn Whittington, Provisional Board Chair, OneOhio; Commissioner, Ashtabula County

**Re: Records request – Records related to OneOhio foundation meetings**

Dear Provisional Board Chair Whittington,

This is a public records request. **If you assert that OneOhio Recovery Foundation documents are not covered by The Ohio Public Records Act, please inform me of that in writing, promptly and in advance of the June 23 board meeting.**

If you agree that Ohio law and the OneOhio MOU places foundation documents under the public records law, please fulfill this request promptly and in advance of the June 23 meeting.

**Request (1) – Board Materials:** Under the Ohio Public Records Act and the OneOhio Memorandum of Understanding, I request:

All documents prepared for the OneOhio Recovery Foundation Board for its June 23 meeting. Only the most recent version of a documents, even if in draft form, is requested.

While this request covers all documents to be provided to the foundation board for the meeting, I ask you to apply special urgency to promptly producing records that the Draft Agenda says may be acted on at the meeting:

- A proposal to hire a search firm.
- A proposal to search for a foundation financial advisor.
- A Code of Regulations. (At the last meeting, the idea of forming a committee to work on the Code of Regulations was discussed.)
- Establishing standing committees.
- Forming “Additional Working Groups.”

**Request (2) -- Records for unnoticed meetings:** I have previously requested to be notified of all OneOhio foundation meetings, including committee meetings. I have not received any notifications of meetings prior to the June 23 meeting. Thus, I presume no secret and unnoticed meetings have occurred. If unnoticed meetings have taken place, this would be a violation of the Open Meetings Act regardless of how the meetings are labeled -- committees, subcommittees, working groups, work sessions, etc.

If meetings were held without public notice, I assert that all actions and recommendations that spring from these meetings are invalid<sup>1</sup> under the Ohio Open Meetings Act. I will consider initiating the required legal action to invalidate the product of these secret meetings.

Record Request for Committees, Work Groups, etc.: If meetings unnoticed to the public did occur, please send me:

- All documents identifying the time, purpose and location of the meetings.
- Emails or other documents notifying attendees of the meetings, including any documents that you believe satisfy the notice requirement of the Open Meetings Act.
- A document, if available, showing everyone who attended the meetings, either in person or digitally.
- Agendas, minutes and other material provided to meeting attendees before or after the meetings.

**Request made to:** This public records request is made to multiple parties because it is unclear who is responsible for maintaining records, providing meeting notice and complying with Ohio law and the OneOhio MOU. Under Ohio public records law, a request made to any member of a board or committee is considered to sufficient for the request to be fulfilled.<sup>2</sup>

Sincerely,

Dennis Cauchon  
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*"Let's save some lives today!"*

Request also made to:

Larry Kidd, Provisional Board Secretary, OneOhio; President, :hire  
Aimee Shadwick, Interim Director, RecoveryOhio  
Rachel Massoud Reedy, Policy Analyst, County Commissioners Association of Ohio  
Holly Gross, Associate, Benesch Friedlander Coplan & Aronoff  
Rachel K. Herrmann, Assistant Legal Counsel, Office of Ohio Governor  
Shawn Buskin, Director, Outside Counsel, Ohio Attorney General

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<sup>1</sup> "When a public body takes formal action in a meeting for which it did not properly give notice, the action is invalid." [Ohio Sunshine Laws: An Open Government Resource Manual 2022](#), p. 127, Office of Attorney General David Yost

<sup>2</sup> "The courts will construe the Public Records Act liberally in favor of broad access when, for example, the request is served on any member of a committee from which the requester seeks records." p.3, Yost, Ohio Sunshine Laws, 2022