



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

August 8, 2014

Mr. Scott Peterson
Executive Director
The Checks and Balances Project
1901 North Fort Myer Drive, Suite 856
Arlington, VA 22209
via email: scott@checksandbalancesproject.org

Dear Mr. Peterson:

On behalf of the Office of the Governor I am writing in response to your public records request. Specifically, your request was for the following:

"...copies of public records of conversations and/or emails pertaining to Senate Bill 310 between Governor Kasich, his staff and representatives of organizations that are known to receive financial support from Charles and David Koch, as well as their respective family foundations. This includes, but is not limited to the American Legislative Exchange Council and Americans for Prosperity.

I also seek public records of conversations and/or emails pertaining to Senate Bill 310 between Governor Kasich, his staff and Ohio utilities: AES, American Electric Power, Duke Energy and First Energy.

"...public records of any and all meetings between the Governor, his staff and any representatives of the above parties in the past calendar year."

Please be advised that the Governor's Office has no public records responsive to your request for any emails or meetings between the Governor, his staff and Charles and David Koch or representatives of their foundations.

Regarding your request for conversations and or emails and meetings regarding Senate Bill 310 between the Governor, his staff and AES, American Electric Power, Duke Energy and First Energy please consider this response a request for clarification.

Ohio public records law requires a requester to ask for "specific existing records." *Ohio Sunshine Laws: An Open Government Resource Manual* 2014, pg. 11. As the Ohio Supreme Court has held, a "person who wishes to inspect...records [must]...identify [those records] with reasonable clarity." *State ex rel. Glasgow v. Jones* (2008), 119 Ohio St.3d 391 (quoting *State ex rel Morgan v. New Lexington* (2006), 112 Ohio St.3d 33 (additional citations omitted)).

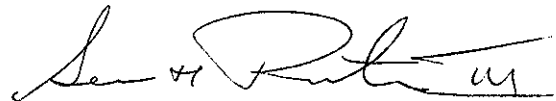
Without greater specificity and particularity regarding the “conversations and/or emails” you seek, the Governor's Office is unable to identify the exact records you are requesting. Your request for, “pertaining to Senate Bill 310 between Governor Kasich, his staff and Ohio utilities: AES, American Electric Power, Duke Energy and First Energy” does not provide enough guidance as to the specific records you are seeking. Ohio law provides that a requestor should “identify the records . . . with sufficient clarity.” *State ex rel. Dillery v. Icsman* (2001), 92 Ohio St.3d 312, 314.

Specifically, without further clarity as to the sender and recipient of any “emails” or meetings or the designation of a specific period in time for the records you are requesting, the Governor's Office cannot identify the requested records. Accordingly, you impermissibly seek “what approximat[es] a complete duplication of files.” *State ex rel. Glasgow v. Jones*, 119 Ohio St. 3d 391, 395, 2008-Ohio-4788 (internal citations omitted).

While the Governor's Office is committed to ensuring all individuals requesting public records are provided with the documents they seek, we cannot properly respond to your request without additional information. You should know that “conversations” are not records the Governor's Office keeps. Please assist us by providing greater clarity regarding the records you seek so we can identify them. To further assist you in identifying types of records, you may wish to view the current records retention schedules for the Governor's office and the General Schedule for the State. These schedules are maintained on the Department of Administrative Services (DAS) RIMS website: <http://apps.das.ohio.gov/rims/SelectMenu/Selection.asp> To search for the schedules in which you are interested, click on the “Search” link, click on the radio button next to “Schedule,” and choose “GOV” from the “Agency” drop down menu. You can search for schedules by section and/or key words. Please feel free to contact me should you have any questions.

The Governor's Office will gladly work with you to produce a request that contains the requisite clarity necessary for the office to identify the actual, existing records you seek. If you have any questions or concerns about this additional request for clarification, please feel free to contact me.

Sincerely,
OFFICE OF GOVERNOR JOHN R. KASICH



Samuel H. Porter, III
Assistant Chief Counsel