

From: [Mike Schweller](#)
To: [Pamela Timmons](#)
Subject: Fw: Public records request
Date: Tuesday, March 23, 2021 3:38:16 PM
Attachments: [image001.png](#)

Please forward to all attendees or attendee organizations.

From: John Stafford <john@staffordsdiamonds.com>
Sent: Tuesday, March 23, 2021 10:06 AM
To: Mike Schweller <M.Schweller@cityofbellbrook.org>
Subject: Public records request

Dear Mayor Schweller,

Please accept this as my official public records (PRR) request for copies of all text messages/emails sent between any and all participants from Bellbrook City, including emails from/between Doug Cozad and Melissa Dodds and any Sugarcreek Township officials, between 5:15pm and 6:40pm on 3/22/2021, during the special Bellbrook-Sugarcreek Community Leaders zoom meeting. Since this was done during a public meeting all email/text exchanges done during this time period are public records.

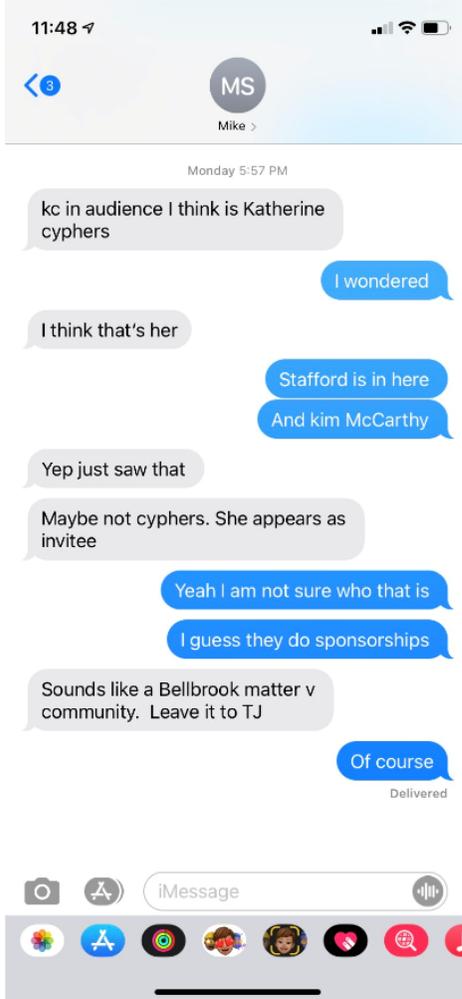
Warmest regards,

John Sr.

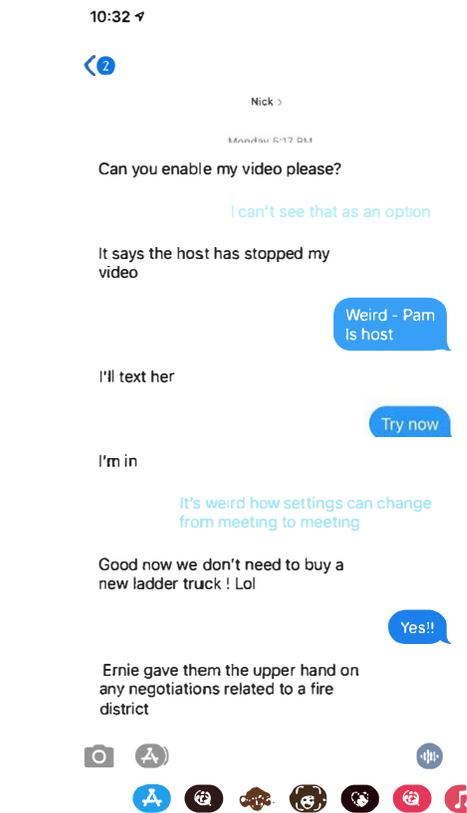


John Stafford, Sr.
PH: 937-436-2852

E-mail: john@staffordsdiamonds.com
Web: <http://www.staffordsdiamonds.com>
Facebook: <http://www.facebook.com/pages/Stafford-Jewelers/102656026445994>
Sell Your Diamonds for Cash: <http://www.cashinyourdiamonds.com>



Melissa Dodd texts with Mike Schweller



Melissa Dodd texts with Nick Edwards

From: [Nicholas Edwards](#)
To: [Pamela Timmons](#)
Subject: Re: Public records request
Date: Wednesday, March 24, 2021 2:52:57 PM

Melissa is handling it for me

Sent from my iPhone

On Mar 24, 2021, at 12:18 PM, Pamela Timmons
<P.Timmons@cityofbellbrook.org> wrote:

Good afternoon,

Attached is a public records request from John Stafford. Please send me any of the following records that you might have, or inform me if you have nothing that matches the requirements:

Mr. Stafford has asked for “copies of all text messages/emails sent between any and all participants from Bellbrook City, including emails from/between Doug Cozad and Melissa Dodds and any Sugarcreek Township officials, between 5:15pm and 6:40pm on 3/22/2021, during the special Bellbrook-Sugarcreek Community Leaders zoom meeting.”

To determine if you have any relevant records please see below:

Requirements of a record per Ohio Sunshine Law:

B. What Are “Records”?

1. Statutory definition – R.C. 149.011(G)

The term “records” includes “any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in [R.C. 1306.01], created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.”

2. Records and non-records

If a document or other item does not meet **all three parts of the definition of a “record,” then it is a non-record and is not subject to the Public Records Act** or Ohio’s records retention requirements. The next paragraphs explain how items in a public office might meet or fail to meet the three parts of the definition of a record in R.C. 149.011(G).³³

Part 1: “[A]ny document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code ...” This first element of the definition of a record focuses on the existence of a recording medium; in other words, something that contains information in fixed form. The physical form of

an item does not matter so long as it can record information. A paper or electronic document, email,³⁴ video,³⁵ map, blueprint, photograph, voicemail message, text message,³⁶ or any other reproducible storage medium could be a record. This element is fairly broad. With the exemption of one's thoughts and unrecorded conversation, most public office information is stored on a fixed medium of some sort. A request for unrecorded or not-currently-recorded information (a request for advice, interpretation, referral, or research)³⁷ made to a public office, rather than a request for a specific, existing document, device, or item containing such information, would fail this part of the definition of a "record."³⁸ A public office has discretion to determine the form in which it will keep its records.³⁹ Further, a public office has no duty to fulfill requests that do not specifically and particularly describe the records the requester is seeking. (See Chapter Two: A. 4, "A request must be specific enough for the public office to reasonably identify responsive records").

Part 2: "...created or received by or coming under the jurisdiction of any public office ..." It is usually clear when items are created or received by a public office. However, even if an item is not in the public office's physical possession, it may still be considered a "record" of that office.⁴⁰ If records are held or created by another entity that is performing a public function for a public office, those records may be "under the jurisdiction of any public office."⁴¹

Part 3: "...which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office." In addition to obvious non-records such as junk mail and electronic "spam," some items found in the possession of a public office do not meet the definition of a record because they do not "document the activities of a public office."⁴² It is the message or content, not the medium on which it exists, that makes a document a record of a public office.⁴³ The Ohio Supreme Court has noted that "disclosure [of non-records] would not help to monitor the conduct of state government."⁴⁴ Some items that have been found not to document the activities, etc., of public offices include public employee home addresses kept by the employer solely for administrative (i.e., management) convenience,⁴⁵ retired municipal government employee home addresses kept by the municipal retirement system,⁴⁶ mailing lists⁴⁷, personal calendars and appointment books,⁴⁸ juror contact information and other juror questionnaire responses,⁴⁹ personal information about children who use public recreational facilities,⁵⁰ personal identifying information in housing authority lead poisoning documents,⁵¹ and non-record items and information contained in employee personnel files.⁵² On the other hand, the names and contact information of some licensees,⁵³ contractors,⁵⁴ lessees,⁵⁵ customers,⁵⁶ and other non-employees of a public office⁵⁷ have been found to be "records" when they actually document the formal activities of a particular office. Proprietary software needed to access stored records on magnetic tapes or other similar format, which meets the first two parts of the definition, is a means to provide access, not a record

because it does not itself document the activities, etc., of a public office.⁵⁸ Personal correspondence or personal email addresses that do not document any activity of the office are non-records.⁵⁹ Finally, the Attorney General has opined that a piece of physical evidence in the hands of a prosecuting attorney (e.g., a cigarette butt) is not a record of that office.⁶⁰

3. The effect of “actual use”

An item received by a public office is not a record simply because the public office could use the item to carry out its duties and responsibilities.⁶¹ However, if the public office actually uses the item, it may thereby document the office’s activities and become a record.⁶² For example, where a school board invited job applicants to send applications to a post office box, any applications received in that post office box did not become records of the office until the board retrieved and reviewed, or otherwise used and relied on them.⁶³ Personal, otherwise non-record correspondence that is actually used to document a decision to discipline a public employee qualifies as a “record.”⁶⁴

From: Mike Schweller <M.Schweller@cityofbellbrook.org>
Sent: Tuesday, March 23, 2021 3:38 PM
To: Pamela Timmons <P.Timmons@cityofbellbrook.org>
Subject: Fw: Public records request

Please forward to all attendees or attendee organizations.

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To: Mike Schweller <M.Schweller@cityofbellbrook.org>
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Warmest regards,

John Sr.

<image001.png>

John Stafford, Sr.

From: [T.J. Hoke](#)
To: [Pamela Timmons](#)
Subject: Re: Public records request
Date: Wednesday, March 24, 2021 2:22:57 PM
Attachments: [image001.png](#)

Nothing on my end

From: Pamela Timmons <P.Timmons@cityofbellbrook.org>
Sent: Wednesday, March 24, 2021 12:18 PM
To: Melissa Dodd <M.Dodd@cityofbellbrook.org>; CityCouncil <CityCouncil@cityofbellbrook.org>
Subject: FW: Public records request

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From: [Elaine Middlestetter](#)
To: [Pamela Timmons](#)
Subject: Re: FW: Public records request
Date: Wednesday, March 24, 2021 4:17:55 PM
Attachments: [image001.png](#)

I have one email to you at 6:39 after the community meeting was adjourned asking you to resend the link for our council meeting. That's it. No texts.

Elaine

On Wed, Mar 24, 2021 at 12:18 PM Pamela Timmons <P.Timmons@cityofbellbrook.org> wrote:

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From: Mike Schweller <M.Schweller@cityofbellbrook.org>
Sent: Tuesday, March 23, 2021 3:38 PM
To: Pamela Timmons <P.Timmons@cityofbellbrook.org>
Subject: Fw: Public records request

Please forward to all attendees or attendee organizations.

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Warmest regards,

John Sr.

From: [David Van Veldhuizen](#)
To: [Pamela Timmons](#)
Subject: Re: Followup: Public records request
Date: Thursday, April 1, 2021 4:51:19 PM
Attachments: [image001.png](#)

Pam - I'm so sorry I did not send a reply earlier. I looked up in my city email records when I first saw this. I have no records to contribute, nor knowledge of any relating to Mr. Stafford's request. Again, my apologies!

Kind Regards,

"Dr. Dave"

David Van Veldhuizen
Member, Bellbrook City Council
d.vanveldhuizen@cityofbellbrook.org



From: Pamela Timmons <P.Timmons@cityofbellbrook.org>
Sent: Wednesday, March 31, 2021 9:25 AM
To: Forrest Greenwood <F.Greenwood@cityofbellbrook.org>; David Van Veldhuizen <D.VanVeldhuizen@cityofbellbrook.org>
Subject: Followup: Public records request

I am following up on this public records request.

Can you please send me any texts or emails from the Stafford request? If you have nothing, please email me that answer. Thank you.

Pamela Timmons

From: Mike Schweller <M.Schweller@cityofbellbrook.org>
Sent: Tuesday, March 23, 2021 3:38 PM
To: Pamela Timmons <P.Timmons@cityofbellbrook.org>
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