

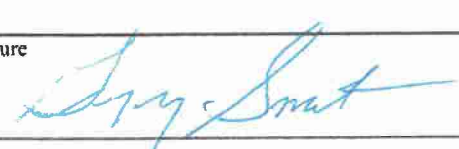
**OHIO COURT OF CLAIMS
PUBLIC RECORDS ACCESS
FORMAL COMPLAINT**

OCC Form Rev. (4/2025a)

Ohio Court of Claims
65 South Front Street, 3rd Floor
Columbus, Ohio 43215
(614) 387-9800
www.ohiocourtclaims.gov

All information provided may be disclosed pursuant to the Ohio Public Records Act, O.R.C. 149.43.

PLEASE TYPE OR PRINT

CLAIMANT CONTACT INFORMATION			
Name of person or organization that made public records request (last, first, middle initial or organization name) Gregory Smith			
c/o (contact person if claimant is an organization)			
Address 238 Adams Street	City Nelsonville	State OHio	Zip Code 45764
Telephone number 740-591-7124	E-mail address gas238@gmail.com		
PUBLIC OFFICE CONTACT INFORMATION			
Name of public office City of Nelsonville, Ohio City Manager			
Address (number and street) 211 Lake Hope Drive	City Nelsonville	State OH	Zip Code 45764
County Athens	Telephone number 740-753-1314	E-mail address citymanager@cityofnelsonville.com	
Name of public official who responded to records request (if no response made, state "None") Erica Padgett, Council Clerk and Matthew Sommers Special Council			
COMPLAINT			
Please describe how access to public records was denied in violation of R.C. 149.43(B) (see codes.ohio.gov/orc/149.43). Attach additional sheets if necessary. Give the date of each request and be specific as to what records have not been provided.			
Doc file attached			
REQUIRED ATTACHMENTS OR INFORMATION			
Attach ☒ copy of original public records request, and ☒ copy of any and all written responses or other communications relating to the request from the public office. If the request and/or denial was verbal, provide a detailed description below of the verbal communication with the public office. Attach additional sheets if necessary.			
☐ I affirm that a copy of this complaint was properly transmitted to the public office or person responsible for public records, that they were provided three business days to cure or otherwise address the failure alleged in this complaint, and that the failure alleged in the complaint has not been cured or otherwise resolved.			
Signature 		Date (mm/dd/year) 3/25/2026	

**ATTACHED COMPLAINT AND STATEMENT OF FACTS TO OHIO
COURT OF CLAIMS COMPLAINT FORM**

**I made a Public Record Request on March 17, 2026, by email to the
Nelsonville City Manager and Council Clerk:**

Pursuant to Ohio Revised Code Section 149.43 I am making a request for the following public records which requested:

1. All ordinances passed by the Nelsonville Holdover Charter Council from January 1, 2026, to the present date. Signed or unsigned. Return the records to this email address. If for any reason you need clarification you can contact me at 740-591-7124

Erica Padgett Nelsonville Council Clerk responded to my request on March 17, 2026,

I have received your records request. Once I identify any applicable records, I'll follow up with you. Should I have any additional questions, I'll follow up on this e-mail thread. Thank you for your patience.

On Friday March 20, 2026, I made inquiry about my request

Checking on my records request. Do you have an estimate when I will receive them?

On Friday March 20, 2026, I received the following reply from Mathew Sommer. Nelsonville Special Counsel.

The city will have a response to your request shortly. Feel free to reach out with any additional questions.

On Tuesday March 24, 2026, I again checked on my request with an email to Matt Sommers Nelsonville Special Council.

I still have not received the ordinances which I requested. I do not understand the delay, the ordinances should either be on email or someone's computer, which should be a simple matter of forwarding them. Can you assist?

On Tues March 24, 2026 I received this response from Matt Summers.

I am not sure how the City used to respond to public records requests. However, as the City's Special Counsel Law Director, I have requested the City forward to me any public records request for review so that responses are complete, accurate, and do not disclose any attorney-client or other privileged information.

Your request was made less than a week ago. As I indicated on Friday, the city will have a response shortly. I appreciate your patience.

I replied to Matt Sommers email on March 24, 2026

The City's ordinance states they will normally be provided within 3 days. How the City responds to public record requests is defined by Ohio Revised Code 149.43. Copies of ordinances are in no way protected by attorney-client privilege. ORC 149.43 states that I can inspect any public record during regular business hours and requested copies will be promptly provided in a reasonable amount of time. No time is needed for redactions or legal reviews because the request is for ordinances which must be read publicly by law. I am trying to avoid a public inspection of those records. You can help by promptly providing those records.

The City of Nelsonville has a policy on records requests.

The City of Nelsonville Ohio passed Ordinance 60-23 which is a public records request policy. That Policy states the record requests will normally be provided within three days. The record request is for City Ordinances which were read publicly and are not subject to redaction or legal review. It is a small request that entails sending a small number of documents that are on public display in the Nelsonville Council Ordinance Book.

City Must Comply with its Policy

ORC 149.43 (B) 7 (b) states:

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

Production of these records would only take a short amount of time, eight days have passed before the sending of this Ohio Court of Claim Complaint form which will grant the city another 3 days to cure the violation.

Email Chain Attached



Greg Smith <gas238@gmail.com>

PUBLIC RECORDS REQUEST

Greg Smith <gas238@gmail.com>

Tue, Mar 17, 2026 at 12:16 PM

To: Tom Cangemi <citymanager@cityofnelsonville.com>, Council Clerk <councilclerk@cityofnelsonville.com>

Pursuant to Ohio Revised Code Section 149.43 I am making a request for the following public records:

1. All ordinances passed by the Nelsonville Holdover Charter Council from January 1, 2026 to the present date.
Signed or unsigned

Return the records to this email address

If for any reason you need clarification you can contact me at 740-591-7124

Greg Smith



Greg Smith <gas238@gmail.com>

PUBLIC RECORDS REQUEST**Council Clerk** <councilclerk@cityofnelsonville.com>

Tue, Mar 17, 2026 at 2:43 PM

To: Greg Smith <gas238@gmail.com>, Danette Miller <citymanager@cityofnelsonville.com>

I have received your records request. Once I identify any applicable records, I'll follow up with you. Should I have any additional questions, I'll follow up on this e-mail thread. Thank you for your patience.

Best Regards,

*Erica Padgett***Council Clerk**

City of Nelsonville

211 Lake Hope Drive

Nelsonville, OH 45764

(740) 753-2133

councilclerk@cityofnelsonville.com**From:** Greg Smith <gas238@gmail.com>**Sent:** Tuesday, March 17, 2026 12:16**To:** Danette Miller <citymanager@cityofnelsonville.com>; Council Clerk <councilclerk@cityofnelsonville.com>**Subject:** PUBLIC RECORDS REQUEST

[Quoted text hidden]



Greg Smith <gas238@gmail.com>

PUBLIC RECORDS REQUEST

Greg Smith <gas238@gmail.com>

Fri, Mar 20, 2026 at 10:50 AM

To: Council Clerk <councilclerk@cityofnelsonville.com>

Cc: Danette Miller <citymanager@cityofnelsonville.com>

Checking on my records request. Do you have an estimate when I will receive them?

[Quoted text hidden]



Greg Smith <gas238@gmail.com>

March 17, 2026 Nelsonville Public Records Request**Sommer, Matthew** <Matthew.Sommer@dinsmore.com>

Fri, Mar 20, 2026 at 11:11 AM

To: "gas238@gmail.com" <gas238@gmail.com>

Cc: Danette Miller <citymanager@cityofnelsonville.com>, Council Clerk <councilclerk@cityofnelsonville.com>

Good morning Greg,

The City will have a response to your request shortly. Feel free to reach out with any additional questions.

Thanks,

Matt

Matthew H. Sommer
Associate

T (614) 227-4285
F (614) 628-6890
E Matthew.Sommer@dinsmore.com



*For information or help, please call
1-800-441-1111*



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Greg Smith <gas238@gmail.com>

March 17, 2026 Nelsonville Public Records Request

Greg Smith <gas238@gmail.com>

Tue, Mar 24, 2026 at 10:22 AM

To: "Sommer, Matthew" <Matthew.Sommer@dinsmore.com>

I still have not received the ordinances which I requested. I do not understand the delay, the ordinances should either be on email or someone's computer, which should be a simple matter of forwarding them. Can you assist?

[Quoted text hidden]



Greg Smith <gas238@gmail.com>

PUBLIC RECORDS REQUEST

Greg Smith <gas238@gmail.com>

Tue, Mar 24, 2026 at 11:00 AM

To: Council Clerk <councilclerk@cityofnelsonville.com>

Cc: Danette Miller <citymanager@cityofnelsonville.com>

I still have not received my records. Can you advise when I will receive the records.

[Quoted text hidden]



Greg Smith <gas238@gmail.com>

March 17, 2026 Nelsonville Public Records Request

Sommer, Matthew <Matthew.Sommer@dinsmore.com>
To: Greg Smith <gas238@gmail.com>

Tue, Mar 24, 2026 at 11:16 AM

Greg,

I am not sure how the City used to respond to public records requests. However, as the City's Special Counsel Law Director, I have requested the City forward me any public records request for review so that responses are complete, accurate, and do not disclose any attorney-client or other privileged information.

Your request was made less than a week ago. As I indicated on Friday, the City will have a response shortly. I appreciate your patience.

Thanks,

Matt

[Quoted text hidden]



Greg Smith <gas238@gmail.com>

March 17, 2026 Nelsonville Public Records Request

Greg Smith <gas238@gmail.com>

Tue, Mar 24, 2026 at 12:36 PM

To: "Sommer, Matthew" <Matthew.Sommer@dinsmore.com>

The City's ordinance states they will normally be provided within 3 days.

How the City responds to Public record requests is defined by Ohio Revised Code 149.43.
Copies of ordinances are in no way protected by attorney-client privilege.

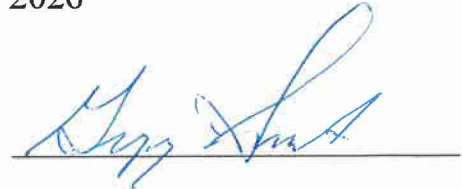
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I am trying to avoid a public inspection of those records. You can help by promptly providing those records.

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CERTIFICATE OF SERVICE

I certify that this Ohio Court of Claims Complaint form and email attachments was served by email to the Nelsonville City Manager and Nelsonville Council Clerk on March 25, 2026, and by certified mail # 70220410000242215488 to Mathew Sommers, Nelsonville Special Council on March 28, 2026



Gregory Smith