

[Cite as *Krouse v. Ohio State Univ.*, 2018-Ohio-5013.]

PETER K. KROUSE	Case No. 2018-00988PQ
Requester	Judge Patrick M. McGrath
v.	<u>ENTRY ADOPTING</u>
THE OHIO STATE UNIVERSITY	<u>RECOMMENDATION OF</u>
Respondent	<u>SPECIAL MASTER</u>

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{¶1} On May 11, 2018, requester Peter Krouse, a reporter with cleveland.com, made a public records request to The Ohio State University (OSU), for a copy of “a Cuyahoga County grand jury subpoena [that] was recently served on Ohio State for records related to Sharon Sobol Jordan \* \* \* and any documents submitted in response to the subpoena.” (Complaint at 5.) On May 18, 2018, Davey responded that OSU was unable to confirm or deny whether it had received a subpoena or responded thereto, citing Crim.R. 6. On May 21, 2018, Davey added the Family Education Rights and Privacy Act (FERPA) as a ground for denial. (Complaint at 3.) On June 21, 2018, Krouse filed a complaint under R.C. 2743.75 alleging denial of access to public records in violation of R.C. 149.43(B). On September 13, 2018, OSU filed its response to the complaint. OSU filed a copy of the withheld records under seal.

{¶2} On November 5, 2018, special master Jeffery Clark issued a report finding that OSU was not an entity prohibited by Crim.R. 6(E) from disclosing the requested records. The special master further found that the requested records were exempt in their entirety pursuant to FERPA. Specifically, the records were found subject to the requester-knowledge-based exception set forth in 34 CFR 99.3 (2009), *Personally Identifiable Information*, subsection (g). The special master accordingly recommended that the court issue an order denying requester’s claim for production of records.

{¶3} R.C. 2743.75(F)(2) states, in part: “Either party may object to the report and recommendation within seven business days after receiving the report and recommendation by filing a written objection with the clerk \* \* \* .” No objections were filed by either party. The court determines that there is no error of law or other defect evident on the face of the special master’s decision. Therefore, the court adopts the special master’s report and recommendation as its own, including findings of fact and conclusions of law contained therein.

{¶4} Court costs are assessed against the requester. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

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PATRICK M. MCGRATH  
Judge