

IN THE OHIO SUPREME COURT

STATE, ex rel. THE CINCINNATI  
ENQUIRER, a Division of GANNETT  
SATELLITE NETWORK, INC.  
312 Elm Street  
Cincinnati, Ohio 45202

Petitioner,

vs.

BARBARA RILEY, Director  
OHIO DEPARTMENT OF  
JOB AND FAMILY SERVICES  
30 East Broad Street  
Columbus, Ohio 43215-3414

Respondent.

Case No.

06-2239

AFFIDAVIT OF GREGORY KORTE  
IN SUPPORT OF COMPLAINT FOR  
WRIT OF MANDAMUS

AFFIANT, after being duly cautioned and sworn, states as follows:

1. My name is Gregory Korte. At all times relevant to this proceeding, I have been employed as a reporter with The Cincinnati Enquirer ("The Enquirer").
2. On or about September 15, 2006, I delivered to Barbara Riley, the Director of the Ohio Department of Job and Family Services ("ODJFS"), a written request for "an electronic copy of the ODJFS database containing the names and addresses of all foster associations, institutions or homes certified by the State under O.R.C. §5103." (A copy of the request is attached as Exhibit A.)
3. On September 28, 2006, I received a telephone call from Ramesh Thambuswamy, in-house counsel for ODJFS, who informed me that OJDFS would not release the information requested. Mr. Thambuswamy cited 42 U.S.C. §671(a)(8) and *State, ex rel. McCleary v. Roberts* (2000), 88 Ohio St.3d 365 in support of the denial. Mr. Thambuswamy told me The Enquirer

was welcome to sue if it disagreed, noting "I believe the Department will fight it and we will win, and you can have that precedent on the books."

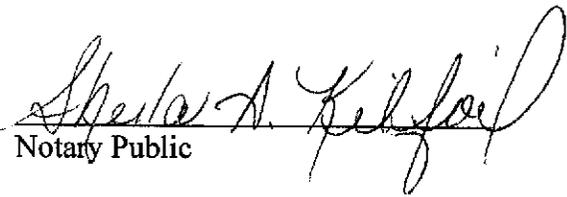
4. To date The Enquirer has not received the requested records.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Gregory Korte

STATE OF OHIO            )  
                                  ) ss.  
COUNTY OF HAMILTON )

Sworn to and subscribed by me, a Notary Public, this 4 day of December, 2006.

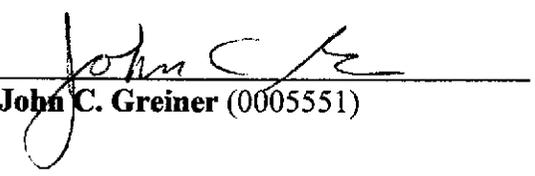
  
\_\_\_\_\_  
Notary Public

11-25-07  
My Commission Expires

**PRAECIPE FOR SERVICE**

TO THE CLERK:

Please issue a copy of this Affidavit to the Respondent identified in the caption on page one via U.S. Certified Mail, return receipt requested.

  
\_\_\_\_\_  
John C. Greiner (0005551)

# THE CINCINNATI ENQUIRER

312 ELM STREET, 19<sup>TH</sup> FLOOR  
CINCINNATI, OHIO 45202  
(513) 768-8600

GREGORY KORTE  
STAFF WRITER  
DIRECT LINE: (513) 768-8391  
FACSIMILE: (513) 768-8340  
GKORTE@ENQUIRER.COM

September 15, 2006

Barbara Riley, Director  
Ohio Department of Job and Family Services  
30 East Broad Street  
Columbus, Ohio 43215-3414

VIA FAX: (614) 466-2815 AND U.S. MAIL

Dear Ms. Riley:

I write to formalize the Cincinnati Enquirer's request for certain public records held by your office. I previously made this request via telephone with Carmen Stewart in your Office of Communications, but she has indicated to me that the department will not release the records. Given the tremendous importance of these records to public understanding of the state's care of abused and neglected children, I wanted to bring this matter to your attention.

The Enquirer would like to request, under the Ohio Public Records Act, an electronic copy of the ODJFS database containing the names and addresses of all foster associations, institutions or homes certified by the state under O.R.C. Chapter 5103.

My understanding of Ms. Stewart's position is that these records contain confidential information. If there is confidential information, it can be easily redacted from the database by omitting those fields. So that the Enquirer can better understand what information is kept in the database and what information might be confidential, I am asking that you promptly provide a data definition document identifying the appropriate tables and fields kept in the Statewide Automated Child Welfare Information System database.

Thank you for your attention to this matter.

Regards,



**EXHIBIT A**