

ORIGINAL

IN THE SUPREME COURT OF OHIO

Original action in mandamus; case no. 2010-2029

STATE ex rel. DATA TRACE INFORMATION SERVICES, LLC, et al.,

Relators,

-v-

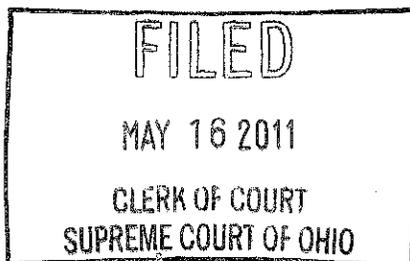
RECORDER OF CUYAHOGA COUNTY, OHIO,

Respondent.

**Volume 4 of relators' evidence: affidavit Karl Idsvoog (Exhibit J) & color
map (Exhibit H)**

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I can send a pre-addressed envelope and payment in advance if required. To whom should I send that, and what will be the cost?

6. 61 counties complied with my requests by each of 60 counties providing me with a CD containing digital copies of records, typically in exchange for a fee. The 61st county provided the digital copies on a digital file known as a "zip" file. The zip file and each CD appears to contain digital copies of the instruments that the county supplying the CD recorded on August 25, 2010.

7. I obtained a CD containing digital copies of the recorded instruments from every county that expressed willingness to provide one (treating the zip file as functionally the same as a CD for purposes of this affidavit), except Licking County (*Newark*).

8. Licking County (*Newark*) offered to provide a CD with copies of instruments recorded on August 25, 2010, for \$2.50, but said that it was in the course of making technical changes and asked me to wait until that work was finished. Because of the time constraints to prepare this affidavit, I chose not to obtain the CD that Licking County offered for \$2.50.

9. I have delivered all CDs that I received to Baker & Hostetler where they are available for inspection or copying by counsel for the Cuyahoga County recorder.

10. No county demanded a fee based on the number of pages comprising the instruments that would be (or were) copied onto a CD. The most

common fee was \$1. The next most common fee was \$2. A few counties charged less than \$1. The highest fee that I paid to any county was \$20 to Franklin County.

11. The table of counties marked as **Exhibit 7** summarizes the fee that I paid to each county for a CD of digital copies of recorded instruments.

12. I did not obtain a CD of digital copies of recorded instruments from 20 counties, and did not pursue them after each county's recorder's office told me that the office did not have the technical capacity to provide digital copies on CD. I did not verify whether those statements are true, but those statements caused me to abandon my efforts to obtain a CD from those counties. Those counties were:

County	County seat	County	County seat
Champaign	<i>Urbana</i>	Guernsey	<i>Cambridge</i>
Fairfield	<i>Lancaster</i>	Henry	<i>Napoleon</i>
Paulding	<i>Paulding</i>	Meigs	<i>Pomeroy</i>
Monroe	<i>Woodsfield</i>	Morgan	<i>McConnellsville</i>
Noble	<i>Caldwell</i>	Pike	<i>Waverly</i>
Ross	<i>Chillicothe</i>	Scioto	<i>Portsmouth</i>
Summit	<i>Akron</i>	Trumbull	<i>Warren</i>
Vinton	<i>MacArthur</i>	Washington	<i>Marietta</i>
Hardin	<i>Kenton</i>	Coschocton	<i>Coschocton</i>
County	County seat	County	County seat
Wayne	<i>Wooster</i>	Morrow	<i>Mount Gilead</i>
Sandusky	<i>Fremont</i>		

13. I did not obtain a CD from Geauga County (*Chardon*) after the recorder's personnel said that they'd never tried to make copies of electronically-stored instruments onto a CD and could not guarantee doing it would be successful.

14. I did not obtain a CD from Medina County (*Medina*) after the Medina County recorder wrote this message to me:

Our version of IDOC (our software) does not currently support the ability for us to download your request on a CD.

Our software is very old and we would love to have updated software but our budget has really been reduced in recent years.

We have been talking to our software vendor for the last two days trying to download your request, but have not been successful in our attempts.

We have never been able to download requests electronically and therefore we state in our Public Records Policy that we do not offer information electronically.

Again, we would love to honor your request with hard-copies if you would like.

We will continue to work with our software vendor in an attempt to create this file.

Please let me know if you would like hard-copies.

I did not verify whether those statements are true, but I did not further pursue Medina County for a CD of digital copies because of that message.

15. I did not obtain CDs from Fayette County (*Washington Court House*) after it declined to provide a CD, saying that its recorded instruments can be viewed online.

16. Tuscarawas County (*New Philadelphia*) declined to provide a CD. That office mailed me a copy of a computer print out listing the records that had been recorded on August 25, 2010, with a note saying that I could obtain paper copies for \$2 per page.

17. The map marked as **Exhibit H** summarizes the results of my requests to the 87 counties.

18. On a Sunday evening in April 2011, I visited the Cuyahoga County Recorder's website, <http://www.recorder.cuyahogacounty.us>, on a desktop computer. Using the "Search Database" link on the recorder's website, I searched for all instruments recorded in Cuyahoga County on August 25, 2010. My search yielded a list of 458 recorded deeds and other instruments.

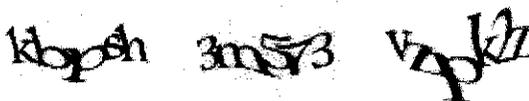
19. Following the steps that the website required for viewing and downloading a recorded instrument on the site, which included typing in security codes that changed as I proceeded from stage to stage in the process, I viewed and downloaded the first three instruments identified in the search result. They had the following Automated File Numbers, or AFNs: 201008250001, 201008250002, and 201008250003. Using a digital timer, I timed how long it took me to view and download digital copies of those three recorded instruments.

20. It took more than two minutes per record to download just those three records – a total of about 7.5 minutes. At a two minute-per-record rate, it would have taken me about 15 hours to download all 458 records that were recorded on August 25, 2010. Even applying a more generous 1 minute-per-record rate would have taken me about 7.5 hours to download those records.

21. The computer I used to download the three records has a fast processor and I had a solid, fast internet connection. I downloaded the three records on a Sunday evening, when you would expect very little traffic on the county website to slow the download process.

22. The DVD marked as **Exhibit 29** is a video recording that accurately shows me as I used the Cuyahoga County Recorder's website to access and download digital copies of the three instruments and accurately shows how long it took to access and download those records.

23. As the DVD shows, the Cuyahoga County Recorder's website requires the person searching for a deed, mortgage, or other instrument to enter changing "captcha" codes at various stages of locating and viewing a single instrument.

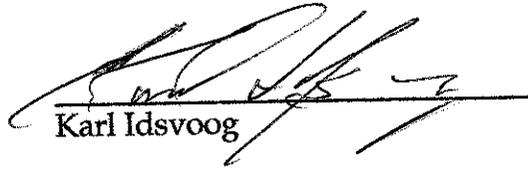


Examples are:

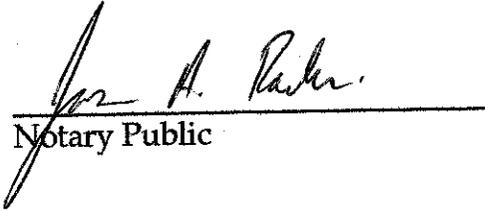
24. In May, 2011, I visited the website of every county recorder in Ohio except Cuyahoga's (which I'd visited the month before). To the extent that each website

allowed an online search for a recorded instrument, I did not find any that required entering a "captcha" code or any similar changing security code to see what the search produced. Some required a password to begin a search, but I did not find any that required a series of changing codes to see the results of the search, except the Cuyahoga County Recorder's website when I visited it in April, 2011.

I declare under penalty of perjury that the foregoing is true and correct.


Karl Idsvoog

SWORN TO AND SUBSCRIBED to before me on this 16th day of May, 2011.


Notary Public



JASON A. RADACHI
Notary Public, State of Ohio
My Comm. Expires Aug. 30, 2014

RECORDS BY DISC

Response by County to Public Records Request Asking for All Recorded Instruments for August 25, 2010 to be Downloaded to Disc (CD or DVD).



LEGEND:

- | | | | |
|---|-------------------------------|---|-----------------------|
|  | FEE= \$0.00-\$3.00 PER DISC |  | FEE= \$20.00 PER DISC |
|  | FEE= \$3.01-\$7.00 PER DISC |  | NO REQUEST SENT |
|  | FEE= \$11.00-\$15.00 PER DISC |  | COULD NOT OBTAIN DISC |

*Licking County offered CD at \$2.50, but we chose not to obtain it.