

Dave Yost continues five-year fight against records request at Ohio Supreme Court

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COLUMBUS, Ohio – Ohio Attorney General Dave Yost’s five-year refusal to comply with a public records request from a progressive watchdog went before the Ohio Supreme Court for the third time on Wednesday.

The Center for Media and Democracy in March 2020 issued records requests seeking documents pertaining to a winter meeting of the Republican Attorneys General Association (RAGA), and others related to RAGA’s independent expenditure arm, the Rule of Law Defense Fund.

RAGA and its affiliates campaign for the benefit of Republicans running in attorney general races around the country, and coordinate official action between them like steering the herd to sign supportive briefs before the U.S. Supreme Court or join multi-state lawsuits.

Yost’s office refused the request, insisting “all” such records were “exempt from disclosure as it is not a record of this office.” This began the drawn-out litigation that led two of three presiding judges in the 10th District Court of Appeals in February 2023 to order Yost to answer written questions sought by plaintiffs and sit for a deposition (an interview under oath) about the denial.

The plaintiffs suggest that Yost – whose office publishes the [annual Ohio Sunshine Manual](#), which deems public access to government records a “cornerstone of our democracy” required for citizens to keep watch over their government – has something to hide.

Ohio Solicitor General T. Elliot Gaiser said during oral arguments before the court on Wednesday that the written questions and deposition are overbroad and disproportional to the records sought, and the lower court allowed a precedent that could render government unworkable.

“If a precedent is set for a deposition of an attorney general in this case, it will be open season for lawfare, and the weaponization of the public records act for witch hunts by every gadfly,” he said.

Plus, a deposition could act as a “trojan horse,” they argued in court filings, enabling access to information unavailable as a standard records request.

But Jeffrey Vardaro, an attorney representing the Center for Media and Democracy, said that a ruling for Yost applied later “in the wrong hands” will allow public officials to evade scrutiny for their conduct.

“It would take the Sunshine Act and turn it into a black box,” he said.

They argued in court filings that given Yost claimed the records are nonpublic, the only way they can vet this claim is through factfinding tools like depositions and written questioning. A ruling for Yost would make any effort to “trust but verify” all but impossible.

“Reversing the rulings below would eviscerate [transparency] and establish in its place a regime in which officials decide for themselves what should and should not be made public, and no one — not even a court — can meaningfully review or challenge these decisions,” they wrote.

The Center for Media and Democracy acts as a watchdog group with an emphasis on corporate lobbying efforts. It [discloses its donors](#), unlike many of the fellow nonprofits it investigates, which include several like the Hopewell Fund and Tides Foundation that are often associated with liberal causes.

The plaintiffs have already deposed Yost’s chief of staff, his scheduler, an executive assistant and a member of the public records team. In a related case, they deposed his communications director and a senior adviser as well, court records state.