

IN THE SUPREME COURT OF OHIO

THE STATE OF OHIO, *ex rel.*  
THE TOLEDO BLADE CO.  
541 North Superior Street  
Toledo, OH 43660,

Relator,

- vs -

14-0160

Case Number:

RANDALL J. MEYER,  
in his official capacity as the Inspector  
General of the State of Ohio,  
and  
THE OFFICE OF THE INSPECTOR  
GENERAL OF THE STATE OF OHIO,  
and  
THE OFFICE OF THE DEPUTY  
INSPECTOR GENERAL FOR THE  
BUREAU OF WORKERS'  
COMPENSATION AND THE  
INDUSTRIAL COMMISSION,

ORIGINAL ACTION IN MANDAMUS

30 East Broad Street, Suite 2940  
Columbus, OH 43537,

Respondents.

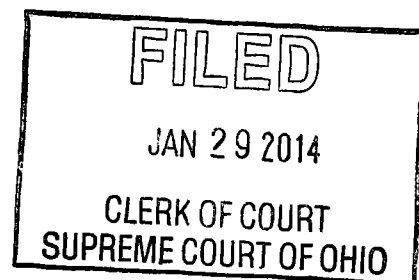
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AFFIDAVIT IN SUPPORT OF COMPLAINT  
FOR AN ORIGINAL WRIT OF MANDAMUS

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Before me, a Notary Public in and for the State of Ohio, appeared James Provance who first  
being sworn, deposes and says as follows:

(1) I, James Provance, am a reporter for The Toledo Blade Co., the Relator in the above-captioned action. I am of full legal age and am under no mental or other disabilities affecting my competence to testify.

(2) In the course of my duties I have been personally involved in identifying public records related to the investigation of the coin investments of the Bureau of Workers' Compensation as described in the Complaint in the above-captioned action, and I have been personally involved in making requests for an opportunity to inspect and copy the records that are the subject of the above-captioned action. I have reviewed the business records of The Toledo Blade Co. regarding these matters and my statements in this Affidavit are based on my personal knowledge, on public records, on the contents of regularly kept records of business activity, or on statements made by one or more of the Respondents or their agents in the above-captioned action.

(3) Commencing in 2005, and following an investigation and reporting by The Toledo Blade Co., the State of Ohio Office of Inspector General conducted an investigation into investments made by the Bureau of Workers' Compensation with certain funds controlled by Thomas Noe, as well as into related matters. That investigation disclosed significant criminal wrongdoing and ultimately resulted in the conviction and incarceration of Noe and others.

(4) Representatives of the Inspector General have publicly stated for at least two years that the Noe-related investigation has been completed. Based on the Annual Reports of the Inspector General I conclude that the investigation was completed at least two years ago and even as long ago as 2008.

(5) For at least the past two years, the Office of the Inspector General has repeatedly and publicly stated that the Office has not prepared a detailed final report concerning the Noe-related investigation. At various times, the Office has stated that no report would be prepared and that a report would be prepared but that the Office had no timeline for its completion. Based on these statements, I believe it likely that no report has been prepared, even though the preparation of such a detailed final report is required by law.

(6) The practice of the Office of Inspector General regarding the detailed final reports required by law has been described by the Office as follows:

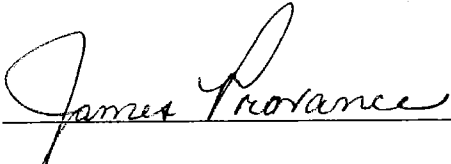
Upon completion of an investigation, we prepare a report discussing our findings and provide specific recommendations, where appropriate, for improving the operations of the agency being investigated. Copies of our reports go to the governor and the director of the agency in question. At the Inspector General's discretion, copies of the report may also be forwarded to law enforcement agencies or other state agencies responsible for investigating, auditing, reviewing, or evaluating the management and operation of state government. The Report of Investigation we complete for each case is a public record pursuant to Ohio law. (State of Ohio Office of the Inspector General, *2008 Annual Report*, p. 6.)

(7) The Office of the Inspector General has publicly stated in its 2006 Annual Report that during the course of the Noe-related investigation the Inspector General commissioned a "fiduciary review" of the investments of the Bureau of Workers' Compensation as required by law, that the fiduciary review was completed, and that the Office had received a report "comprising fifty-six pages of text and numerous exhibits."

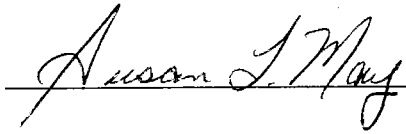
(8) On January 23, 2014, I made a written e-mail request to the Office of the Inspector General that I be permitted to inspect two public records: (1) a copy of the detailed report prepared by the Office regarding the Noe-related investigation; and (2) a copy of the “fiduciary review” conducted as a part of the investigation. I also requested that the Office inform me if either of these records did not exist.

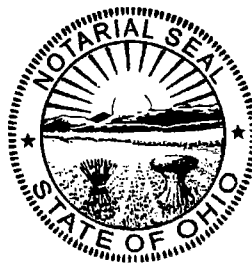
(9) On January 24, 2014, the Office of the Inspector General acknowledged by e-mail that it had received the above request. The acknowledgment further stated that the Office would respond to the requests “in the very near future.” To date the Office has made no further response to my requests.

Affiant says nothing further.

  
\_\_\_\_\_  
Affiant

Sworn to and subscribed before me, a Notary Public in and for the State of Ohio, at Columbus, Franklin County, Ohio this 29 day of January, 2014.

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



**SUSAN L. MAY**  
Notary Public, State of Ohio  
My Commission Expires  
February 5, 2017