

**VIA EMAIL**

September 11, 2025

Village of Brewster  
Attn: Gerard Yost, Village Solicitor/Law Director  
302 S. Wabash Ave.  
Brewster, Ohio 44613  
Email: yostjerry1965@gmail.com

Dear Mr. Yost,

It has come to our attention that the Village of Brewster is misinterpreting Ohio's Public Records Act, R.C. 149.43, by incorrectly calculating the cost for the public to access public records.

As you are aware, Ohio's public records laws were recently amended to allow a state or local law enforcement agency to charge a requester for the "actual cost" to "prepare a video record for inspection or production[.]" Am.Sub.H.B. 315, 135th G.A. (enacted Jan. 2, 2025). The "actual cost" with respect to video records means:

all costs incurred by the state or local law enforcement agency in reviewing, blurring or otherwise obscuring, redacting, uploading, or producing the video records, including but not limited to the storage medium on which the record is produced, staff time, and any other relevant overhead necessary to comply with the request.

R.C.149.43(B)(1). Although this definition is broad, the "actual cost" may not exceed \$75 per hour of video produced, nor \$750 total. *Id.* This recent amendment is also reflected in the Village of Brewster's recently updated Public Records Policy. Ordinance No. 41-2025 H(2)(c).

On August 12, 2025, Wavely News Media sought the production of all records, including all body-worn camera footage of the officers responding to a specific identified incident occurring on May 10, 2025. Email from Real Body Cams to Brewster Police Department (Aug. 12, 2025, 11:58AM). In a responsive email, you indicated that the video relating to the incident "is lengthy and will likely require a significant amount of work to merely view the entire thing (it is several hours long in its entirety) let alone the time necessary to blur/obscure where necessary and then download and produce" and therefore "require[d] a deposit of \$750 to cover this estimated cost." Email from Gerard Yost to Real Body Cams (Aug. 20, 2025, 5:30PM). You also indicated that "there is simply no way to know



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the actual cost of the task and the breakdown of the tasks performed until it is actually done” and therefore if the entire \$750 deposit “is not depleted, the remainder will be returned.” *Id.* This email also suggests that viewing the video itself will be “approximately 5 or 6 hours[.]” *Id.*

But this calculation misapplies the requirements of the Ohio Public Records Act and the Village of Brewster’s own Public Records Policy. Although the Village may charge \$75 per hour for “the actual cost associated with preparing a video record for inspection or production,” the total cost may not exceed \$75 “per hour of *video produced*, nor [\$750] total.” R.C.149.43(B)(1) (emphasis added). It is up to the Village to determine exactly how to calculate the costs associated with producing video footage, but the estimate should in no way reflect more hours than that of the video footage, with the actual cost amounting to potentially less depending on the number of hours of video produced. If the time of the video produced is estimated to be no more than 5 or 6 hours, the total cost estimate may therefore not exceed \$375 – \$450 (5 times \$75 to 6 times \$75).

Ohio’s Public Records Act is to be interpreted “liberally in favor of broad access[.]” *State ex rel. Morgan v. Strickland*, 2009-Ohio-1901, ¶ 9. This “reflects the state’s policy that ‘open government serves the public interest and our democratic system.’” *Id.* (citing *State ex rel. Dann v. Taft*, 2006-Ohio-1825, ¶ 20). The Village’s act of overcharging for video footage only serves to undermine public trust and hinder the prompt disclosure of public records. We hope that this has been an oversight on the Village’s behalf, and anticipate that going forward, the Village will correctly apply the law and its Public Records Policy to ensure it is charging requesters only what is statutorily permitted.

Thank you for your prompt attention to this matter and please do not hesitate to contact me should you have any questions.

Sincerely,



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