

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-160759
Plaintiff-Appellee,	:	TRIAL NO. B-1203330-B
vs.	:	<i>JUDGMENT ENTRY.</i>
QUATTRO, INC.,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Quattro, Inc., appeals the trial court’s judgment denying its application to seal the record of its conviction for attempting to engage in a pattern of corrupt activity, a third-degree felony, and for entering into a prohibited combination, contract, or agreement to fix the price of traffic control systems sold to the Ohio Department of Transportation (ODOT), a fifth-degree felony, in violation of Ohio’s antitrust law.

In a single assignment of error, Quattro, Inc., argues that the trial court committed errors of law and abused its discretion when it denied Quattro’s application to seal records pursuant to R.C. 2953.32(C)(1)(e).

When reviewing a trial court's decision to deny an expungement application based on its weighing of the competing interests in R.C. 2953.32(C)(1)(e), this court employs an abuse-of-discretion standard. *See State v. Pewett*, 2016-Ohio-7757, 73 N.E.3d 1108 (1st Dist.), ¶ 7; *State v. Murawski*, 1st Dist. Hamilton No. C-140298, 2014-Ohio-5438, ¶ 5-10; *State v. Clark*, 1st Dist. Hamilton No. C-130672, 2014-Ohio-3612, ¶ 7; *State v. Ushery*, 1st Dist. Hamilton No. C-120515, 2013-Ohio-2509, ¶ 5.

After reviewing the record, we cannot conclude the trial court abused its discretion by denying Quattro's request where the record reflects that the state of Ohio has a legitimate need to safeguard public funds by maintaining the records of Quattro's conviction. The state provided evidence that ODOT had debarred Quattro from consideration from public contracts to maintain the integrity of its contracting process and to safeguard public funds. An ODOT official averred that sealing the record of Quattro's conviction would provide the company with the opportunity to bid on government contracts and would effectively negate its debarment of Quattro as a vendor because ODOT lacks a statutory exemption to access the sealed records. *See* R.C. 2953.51(D) (defining "official records" to include "all records possessed by any public * * * agency that relate to a criminal case") and R.C. 2953.32(C)(2) ("The proceedings in the case * * * shall be considered not to have occurred."). Although Quattro asserted below that it has no interest in public contracts and would not oppose the debarment, the record lacks any evidence to support its assertions.

Here, the state's interest in protecting the public by maintaining the records of debarment, which serve to purge government programs of corrupt influences, to prevent the improper dissipation of public funds, and to maintain the integrity and appearance of government programs, outweighs Quattro's interest in having the

OHIO FIRST DISTRICT COURT OF APPEALS

records of its conviction sealed. *See Pepper Pike v. Doe*, 66 Ohio St.2d 374, 377, 421 N.E.2d 1303 (1981), paragraph two of the syllabus (“Typically the public interest in retaining records of criminal proceedings, and making them available for legitimate purposes, outweighs any privacy interest the defendant may assert.”). We hold that the trial court did not abuse its discretion in denying Quattro’s application to seal the record of its conviction. We, therefore, overrule the sole assignment of error and affirm the judgment of the trial court.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MOCK, P.J., MILLER and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on August 30, 2017

per order of the court _____.
Presiding Judge