



defendant's premises at the time of the property damage occurrence.

Defendant explained the beach at West Branch State Park is open to the public free of charge and plaintiff did not pay a fee to use the facilities.

{¶ 3} Since this incident occurred at West Branch State Park, defendant qualifies as the owner of the "premises" under R.C. 1533.18, et seq.

{¶ 4} "Premises" and "recreational user" are defined in R.C. 1533.18, as follows:

{¶ 5} "(A) 'Premises' means all privately-owned lands, ways, and waters and any buildings and structures thereon, and all state-owned lands, ways and waters leased to a private person, firm, or organization, including any buildings and structures thereon.

{¶ 6} "(B) 'Recreational user' means a person to whom permission has been granted, without the payment of a fee or consideration to the owner, lessee, or occupant of premises, other than a fee or consideration paid to the state or any agency of the state, to enter upon the premises to hunt, fish, trap, camp, hike, swim, operate a snowmobile or all-purpose vehicle or engage in other recreational pursuits."

{¶ 7} R.C. 1533.181 states:

{¶ 8} "(A) *No owner, lessee, or occupant of premises:*

{¶ 9} "(1) Owes any duty to a recreational user to keep the premises safe for entry or use;

{¶ 10} "(2) Extends any assurance to a recreational user, through the act of giving permission, that the premises are safe for entry or use." (Emphasis added.)

{¶ 11} Pursuant to the enactment of R.C. 2743.02(A), the definition of premises in R.C. 1533.18(A) effectively encompassed state-owned lands. *Moss v. Department of Natural Resources* (1980), 62 Ohio St. 2d 138. R.C. 1533.18(A)(1), which provides, inter



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RDK/laa  
1/11  
Filed 1/19/05  
Sent to S.C. reporter 2/16/05