

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
GENERAL DIVISION

SINE GACSADY,		CASE NO. 12CVF03-02747
Appellant,		JUDGE MCINTOSH
vs.		
OHIO BOARD OF COSMETOLOGY,		
Appellee.		

**DECISION AND ENTRY DISMISSING REVISED CODE 119.12 ADMINISTRATIVE
APPEAL FOR LACK OF SUBJECT-MATTER JURISDICTION**

MCINTOSH, J.

This Revised Code 119.12 administrative appeal comes before the Court on the “Motion to Dismiss” filed by Appellee, the Ohio Board of Cosmetology, on March 19, 2012. Appellant, Sine Gacsady, has not opposed the motion. For the following reasons, the motion is well taken and must be granted.

Revised Code 119.12, which governs this administrative appeal, provides:

*Any party desiring to appeal shall file a notice of appeal with the agency setting forth the order appealed from and stating that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. *** The notice of appeal shall also be filed by the appellant with the court. In filing a notice of appeal with the agency or court, the notice that is filed may be either the original notice or a copy of the original notice. Unless otherwise provided by law relating to a particular agency, notices of appeal shall be filed within fifteen days after the mailing of the notice of the agency's order as provided in this section. ****

On February 22, 2012, the Board mailed an Order to Appellant, in which the Board affirmed a \$500 fine against Appellant for a violation of R.C. 4713.14. On March 2, 2012,

Appellant filed a timely notice of appeal with the Court, from the Board's Order. Appellant did not, however, file a notice of appeal with the Board, as required by R.C. 119.12.

A party adversely affected by an agency decision must strictly comply with R.C. 119.12 in order to perfect an appeal. *Hughes v. Ohio Dept. of Commerce*, 114 Ohio St. 3d 47, 2007-Ohio-2877, 868 N.E. 2d 246 (2007), at ¶17. Because Appellant failed to comply with R.C. 119.12, Appellant failed to perfect the appeal. The Court, consequently, does not have subject-matter jurisdiction over the appeal.

The "Motion to Dismiss" filed by Appellee, the Ohio Board of Cosmetology, on March 19, 2012 is therefore **GRANTED**. This case is hereby **DISMISSED** for lack of subject-matter jurisdiction.

It is so **ORDERED**.

This is a final, appealable Order. Costs to Appellant. Pursuant to Civ. R. 58, the Franklin County Clerk of Courts shall serve upon all parties notice of this judgment and its date of entry.

Electronically signed by:

JUDGE STEPHEN L. MCINTOSH

Copies to:

SINE GACSADY, Appellant *pro se*, 3623 Cecilia Ave., Cleveland, OH 44109

JANYCE C. KATZ, AAG (0042425), Counsel for Appellee, 30 E. Broad St., Fl. 26, Columbus, OH 43215-3400

Franklin County Court of Common Pleas

Date: 04-30-2012

Case Title: SINE GACSADY -VS- OHIO STATE BOARD COSMETOLOGY

Case Number: 12CV002747

Type: DECISION/ENTRY

It Is So Ordered.



/s/ Judge Stephen L. McIntosh

Court Disposition

Case Number: 12CV002747

Case Style: SINE GACSADY -VS- OHIO STATE BOARD COSMETOLOGY

Motion Tie Off Information:

1. Motion CMS Document Id: 12CV0027472012-03-1999970000

Document Title: 03-19-2012-MOTION TO DISMISS

Disposition: MOTION GRANTED