

ATTORNEY GENERAL'S OFFICE

AUG 21 2013

EXECUTIVE AGENCIES

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2013 AUG 19 PM 2:43

ROBERTA A. MAZUR, CLERK  
COMMON PLEAS COURT  
GREENE COUNTY, OHIO

IN THE COMMON PLEAS COURT OF GREENE COUNTY, OHIO  
GENERAL DIVISION (CIVIL)

MICHAEL L. WOLFE,

CASE NO. 2013 CV 0327

Appellant,

JUDGE MICHAEL A. BUCKWALTER  
MAGISTRATE RAYMOND J. DUNDES

v.

OHIO BUREAU OF MOTOR  
VEHICLES, et al.,

JUDGMENT ENTRY

Appellees.

**FINAL APPEALABLE  
ORDER**

This matter is before the Court on the Magistrate's Decision filed on July 29, 2013. More than fourteen days have elapsed since the filing of the July 29, 2013 Magistrate's Decision and no objections have been filed.

The Court has reviewed the facts independent of the findings by the Magistrate, has reviewed the Court's file, and the evidence as reported by the Magistrate. The Court is of the opinion that the Magistrate properly determined the factual issues and correctly applied the law.

The Court finds that there is no error of law or other defect on the face of the Magistrate's Decision. Therefore, the Magistrate's Decision, attached hereto, is hereby adopted and approved and is the Order of the Court.

IT IS SO ORDERED.

  
\_\_\_\_\_  
JUDGE MICHAEL A. BUCKWALTER

CERTIFICATE OF SERVICE: A copy hereof was served upon:

MATTHEW D. WARNER, ESQ., via facsimile (614) 228-2818  
ELIZABETH A. ELLIS, ESQ., via facsimile (937)562-5258  
BRANDON C. DUCK, ESQ., 30 E. Broad Street, 26<sup>th</sup> Floor, Columbus, OH 43215

by fax and/or mail the date of filing.

  
\_\_\_\_\_  
Assignment Commissioner

FILED

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TEFFI A. MAZUR, CLERK  
GREENE COUNTY, OHIO  
IN THE COMMON PLEAS COURT OF GREENE COUNTY, OHIO  
GENERAL DIVISION (CIVIL)

MICHAEL L. WOLFE,

CASE NO. 13CV0327

Appellant,

Judge Michael A. Buckwalter  
Magistrate Raymond J. Dundes

-vs-

OHIO BUREAU OF MOTOR VEHICLES, et al.,

Magistrate's Decision

Appellees.

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This matter came before the Court on Appellant's appeal of a driver's license suspension. Appellees have all filed Motions to Dismiss.

Appellant was notified on March 6, 2013, by the Bureau of Motor Vehicles (BMV) that his driving privileges had been suspended because of an unpaid judgment resulting from a motor vehicle accident. Subsequently, Appellant filed an appeal with the BMV and then filed the instant appeal with this Court on April 19, 2013. Appellees maintain that the appeals were untimely filed and should be dismissed. This Court agrees.

R.C. 112.12 provides in relevant part: *Any party adversely affected by any order of an agency..., or..., or revoking or suspending a license, ...may appeal from the order of the agency to the court of common pleas... Further, Any party desiring to appeal shall file a notice of appeal with the agency setting forth the order appealed from and the grounds of the party's appeal. A copy of the notice of appeal shall also be filed by the appellant with the court. 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.*

In this case, Appellant filed his appeal with the BMV sometime after March 23, 2013. *See* Appellees Ex. C. He filed his complaint with this Court on April 19, 2013. Both filings were outside the fifteen day period required by statute to perfect an appeal. Therefore, this Court has no jurisdiction to decide the appeal.

Accordingly, Appellees' Motions to Dismiss are GRANTED.

SO ORDERED:



Magistrate Raymond J. Dundes

**Parties and Counsel are referred to Civ.R. 53 regarding the filing of objections to the Magistrate's Decision. A party may not assign as error on appeal the Court's adoption of any factual finding or legal conclusion of a Magistrate, whether or not specifically designated as a finding of fact or conclusion of law under Civ.R.53(D) (a)(ii), unless that party has objected to that finding or conclusion as required by Civ.R. 53(D)(3)(b).**

CERTIFICATE OF SERVICE: A copy of the foregoing was served upon:  
Matthew D. Warner, Esq. via facsimile (614) 228-2818  
Brandon C. Duck, Assistant Attorney General, 30 E. Broad St., 26<sup>th</sup> Fl., Columbus, OH 43215  
Elizabeth A. Ellis, Assistant Prosecuting Attorney, via facsimile (937) 562-5258  
Michael Wolfe, 153 Hess Rd., Bellbrook, OH 45305

By mailing and/or faxing same to them on the date of the file stamp.



Assignment Commissioner