



81841470

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

REVEREND JEFFERY E. SANDERS
Plaintiff

Case No: CV-13-806898

Judge: MICHAEL J RUSSO

OHIO DEPARTMENT OF EDUCATION
Defendant

JOURNAL ENTRY

96 DISP.OTHER - FINAL

FOR THE FOLLOWING REASONS, THE MOTION TO DISMISS FILED BY APPELLEE OHIO STATE BOARD OF EDUCATION IS GRANTED. ON APRIL 23, 2013 THE OHIO DEPARTMENT OF EDUCATION SENT A LETTER TO APPELLANT REVEREND JEFFREY SANDERS NOTIFYING HIM THAT ON MARCH 14, 2013 THE STATE BOARD OF EDUCATION ADOPTED A RESOLUTION REVOKING HIS PERMANENT NON-TAX TEACHING CERTIFICATE. THE LETTER DELINEATED SANDERS' APPELLATE RIGHTS PURSUANT TO O.R.C. 119.12. THE STATUTE REQUIRES APPELLANT TO FILE HIS NOTICES OF APPEAL WITH THE OHIO DEPARTMENT OF EDUCATION AND THE APPROPRIATE COURT OF COMMON PLEAS WITHIN FIFTEEN DAYS AFTER THE MAILING OF THE NOTICE OF THE AGENCY'S ORDER. THE NOTICE OF APPEAL MUST SET FORTH THE ORDER APPEALED FROM, AND STATE THAT THE ORDER IS NOT SUPPORTED BY RELIABLE, PROBATIVE, AND SUBSTANTIAL EVIDENCE AND IS NOT IN ACCORDANCE WITH LAW. IN THIS MATTER, APPELLANT'S NOTICE OF APPEAL WAS FILED WITH THE CUYAHOGA COUNTY COURT OF COMMON PLEAS ON MAY 9, 2013 WHICH WAS ONE DAY BEYOND THE FIFTEEN DAY DEADLINE MANDATED BY THE STATUTE. APPELLANT FILED HIS NOTICE OF APPEAL WITH THE OHIO DEPARTMENT OF EDUCATION ON MAY 14, 2013 WHICH WAS SIX DAYS BEYOND THE FIFTEEN DAY DEADLINE. O.R.C. 119.12 CONTAINS A STRICT TIME LIMITATIONS FOR APPEALING AN AGENCY DECISION. FAILURE TO TIMELY FILE THE NOTICES OF APPEAL WITHIN THE FIFTEEN-DAY LIMIT DEPRIVES THE COURT OF JURISDICTION OVER THE APPEAL AND MANDATES DISMISSAL. NIBERT V. OHIO DEPT. OF REHAB. & CORR. , 84 OHIO ST.3D 100, 103 (1998). ACCORDINGLY, THIS COURT LACKS SUBJECT MATTER JURISDICTION TO HEAR THIS UNTIMELY FILED APPEAL, AND THEREFORE THE APPEAL MUST BE DISMISSED.
COURT COST ASSESSED TO THE PLAINTIFF(S).

Judge Signature

11/18/2013