

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CIVIL DIVISION

AUDREY M LOGAN,

Plaintiff(s),

-vs-

OHIO DEPARTMENT OF EDUCATION,

Defendant(s).

CASE NO.: 2015 CV 04095

JUDGE RICHARD S. SKELTON

**JUDGMENT ENTRY DISMISSING
APPEAL**

This matter is before the Court on the motion of the defendant, Ohio Department of Education, to dismiss this appeal for failure to exhaust administrative remedies. Audrey Logan applied for a one-year educational aide permit. In May, 2015, the Department notified Logan that the State Board of Education intended to determine whether to deny the pending application and notified her of her right to request a hearing to contest the allegations against her. R.C. 119.07 and OAC 3301-73-05. Logan did not request a hearing within the thirty days set forth in the notice. Thereafter, the State Board of Education met on July 14, 2015 and passed a Resolution denying Logan's application and ruled her permanently ineligible to apply for future licensure by the Board. Logan then filed this appeal on August 6, 2015.

The Court finds that since Logan did not request an administrative hearing as provided by the State Board and the administrative code, this Court does not have jurisdiction to review the decision of the State Board of Education as requested by Logan. Her failure to exhaust administrative remedies which would have provided an administrative record related to the Board's

decision, precludes this Court from hearing this matter. *Reichart-Spaeth v. State of Ohio Counselor*,
2d Dist. Montgomery App. No. 18521, 2001 WL 256314 (2d Dist. March 16, 2001).

Accordingly, this matter is dismissed for lack of jurisdiction.

SO ORDERED:

JUDGE RICHARD S. SKELTON

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General Division
Montgomery County Common Pleas Court
41 N. Perry Street, Dayton, Ohio 45422

Type: Decision
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So Ordered

A handwritten signature in blue ink, appearing to read "M. S. Skelton".