

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

CORBON WOODFORD,	:	
	:	CASE NO. 16CVF-366
Appellant	:	
	:	JUDGE BEATTY
vs.	:	
	:	
OHIO STATE DEPARTMENT OF PUBLIC	:	
SAFETY, BUREAU OF MOTOR VEHICLES,	:	
	:	
Appellee	:	

DECISION AND JUDGMENT ENTRY
DISMISSING FOR LACK OF JURISDICTION AND
NOTICE OF FINAL APPEALABLE ORDER

BEATTY, JUDGE

On January 13, 2016, Appellant Corbon Woodford filed this administrative appeal from an Order of the Ohio Bureau of Motor Vehicles (“BMV”) imposing a one-year disqualification on his commercial driver’s license.

On February 12, 2016, Appellee filed a Motion to Dismiss on the grounds that Appellant failed to file the notice of appeal with the agency and failed to include required language in the notice of appeal. There was no response to the Motion to Dismiss.

Citing to the certified record, Appellee asserts that Mr. Woodford failed to file the notice of appeal with the BMV. The record contains only a notice of appeal filed with the Court (Certified Record 4).

Pursuant to R.C. 119.12(D), a copy of the notice of appeal must be filed with both the Court and the agency within fifteen days after mailing of the agency’s order. *Nibert v. Ohio Dept. of Rehab & Corr.*, 84 Ohio St.3d 100, 101-103 (1998). The obligation on Appellant to file the notice of appeal with the agency is not met by the Court’s

subsequent service of the notice of appeal on Appellee. *Mudgett v. Ohio State Bd. of Emergency Med. Servs.*, 165 Ohio App.3d 330, 333, 2005-Ohio-6171 (3rd Dist. 2005); *Cos, Inc. v. Liquor Control Comm.*, 11th Dist. No. 92-L-206, 1993 Ohio App. LEXIS 3940, p. 4.

Mr. Woodford's failure to file the notice of appeal with the agency as required by R.C. 119.12 divests this Court of jurisdiction.

Appellee further asserts that the notice of appeal filed by Mr. Woodford does not contain required language.

In *Foreman v. Lucas Cty. Court of Common Pleas*, 189 Ohio App.3d 678, 2010-Ohio-4731 (10th Dist.), the Court of Appeals held that a notice of appeal filed under R.C. 119.12 must state that "the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law." The Court stated that strict adherence to the requirements of R.C. 119.12 is necessary to invoke the trial court's jurisdiction over an administrative appeal. The Court held that when the quoted language is not included in the notice of appeal, the trial court lacks subject-matter jurisdiction to hear the appeal. *Id.*, ¶15.

Appellant's notice of appeal does not state that "the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law." Accordingly, this Court lacks subject-matter jurisdiction to hear this appeal.

For the foregoing reasons, this case is dismissed. This is a final, appealable Order. Costs to Appellant.

IT IS SO ORDERED.

Copies to:

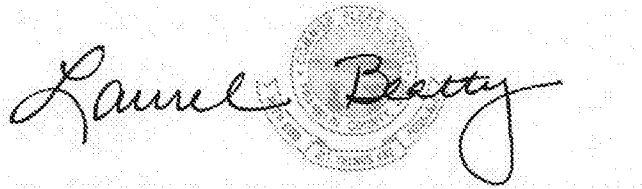
Corbon Woodford
1399 Fahlander Dr. S.
Columbus OH 43229

Sydney L. Brunecz, Counsel for Appellee (by efileing)

Franklin County Court of Common Pleas

Date: 03-16-2016
Case Title: CORBON WOODFORD -VS- OHIO STATE DEPARTMENT
PUBLIC SAFETY
Case Number: 16CV000366
Type: DECISION/ENTRY

It Is So Ordered.

A handwritten signature in cursive script, reading "Laurel Beatty", is written over a circular official seal. The seal is partially obscured by the signature and contains some illegible text around its perimeter.

/s/ Judge Laurel A. Beatty

Court Disposition

Case Number: 16CV000366

Case Style: CORBON WOODFORD -VS- OHIO STATE
DEPARTMENT PUBLIC SAFETY

Case Terminated: 10 - Magistrate

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 16CV0003662016-02-1299980000
Document Title: 02-12-2016-MOTION TO DISMISS -
DEFENDANT: OHIO STATE DEPARTMENT PUBLIC SAFETY
Disposition: MOTION GRANTED