

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

James D. Lane,		Case No. 17CV-03394
Appellant,		Judge Jeffrey M. Brown
vs.		
Ohio Bureau of Motor Vehicles,		
Appellee.		

**Decision and Judgment Entry Dismissing Revised Code 119.12 Administrative Appeal for Lack of Subject-Matter Jurisdiction**

**Brown, J.**

This case is a Revised Code 119.12 administrative appeal, by James D. Lane (Appellant), from a “Final Order of Disqualification” issued by the Ohio Department of Public Safety, Bureau of Motor Vehicles (BMV) on March 22, 2017, suspending Appellant’s commercial driver’s license (CDL).

On May 16, 2017, the BMV moved the Court to dismiss this appeal for lack of subject-matter jurisdiction. Pursuant to Local R. 21.01, Appellant’s deadline to oppose the motion was May 30, 2017. Appellant has not opposed the motion. For the following reasons, the motion must be granted.

On March 22, 2017, the BMV issued a “Final Order of Disqualification” to Appellant, notifying Appellant that his CDL was being suspended from March 6, 2017 to March 6, 2018.

The BMV further notified Appellant:

Pursuant to Ohio Revised Code section 119.12, this final order may be appealed. You may appeal this final order to the court of common pleas of the county in which you reside. If you are not a resident of Ohio, you may appeal this final order to the court of common pleas of Franklin County. **If you file a notice of**

**appeal, it shall be filed with both the appropriate court of common pleas and the Ohio Department of Public Safety, Office of Legal Services, 1970 West Broad Street, Suite 531, Columbus, Ohio. The notice of appeal shall set forth the order appealed from, and state 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 may, but need not, set forth the specific grounds of the appeal. The notice of appeal must be filed with both of the above entities within fifteen (15) days of the date of this final order. (Emphasis added.)**

Revised Code 119.12(D) 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. \*\*\* 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. \*\*\* (Emphasis added.)**

The BMV mailed its “Final Order of Disqualification” to Appellant on March 22, 2017.

Pursuant to R.C. 119.12(D), *supra*, Appellant’s deadline to file his notice of appeal, with the Ohio Department of Public Safety and with this Court, was April 6, 2017. Appellant did not file a notice of appeal with the Ohio Department of Public Safety. Appellant filed a notice of appeal with this Court on April 10, 2017, four days late.

“In administrative appeals from orders of agencies, the Supreme Court of Ohio has consistently held that failure to comply with the time requirements for filing a notice of appeal deprives the common pleas court of jurisdiction and is fatal to the appeal.” *Jones v. Ohio Motor Vehicle Dealers Bd.*, 10th Dist. No. 12AP-785, 2013-Ohio-1212, ¶ 8. “If the notice of appeal is not timely filed with the board within the specified period, then the court lacks jurisdiction to hear the appeal.” *Id.*

Appellant’s notice of appeal was untimely filed with this Court and was never filed with the Ohio Department of Public Safety. This Court therefore lacks jurisdiction to hear this appeal.

Accordingly, the “Ohio Bureau of Motor Vehicles’ Motion to Dismiss for Lack of Subject-Matter Jurisdiction,” which was filed on May 16, 2017 and which is unopposed, is hereby **GRANTED**. This appeal is hereby **DISMISSED** for lack of subject-matter jurisdiction.

So **ORDERED**.

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

Copies electronically transmitted to all counsel of record.

Franklin County Court of Common Pleas

**Date:** 06-05-2017  
**Case Title:** JAMES D LANE -VS- OHIO BUREAU MOTOR VEHICLES  
**Case Number:** 17CV003394  
**Type:** DECISION/ENTRY

It Is So Ordered.

A handwritten signature in black ink, appearing to read "Jeffrey M. Brown", is written over a circular, textured stamp. The signature is cursive and somewhat stylized.

/s/ Judge Jeffrey M. Brown

Court Disposition

Case Number: 17CV003394

Case Style: JAMES D LANE -VS- OHIO BUREAU MOTOR  
VEHICLES

Case Terminated: 18 - Other Terminations

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 17CV0033942017-05-1699960000  
Document Title: 05-16-2017-MOTION TO STAY - DEFENDANT:  
OHIO BUREAU MOTOR VEHICLES  
Disposition: MOTION RELEASED TO CLEAR DOCKET
2. Motion CMS Document Id: 17CV0033942017-05-1699970000  
Document Title: 05-16-2017-MOTION TO DISMISS -  
DEFENDANT: OHIO BUREAU MOTOR VEHICLES  
Disposition: MOTION GRANTED
3. Motion CMS Document Id: 17CV0033942017-04-1099930000  
Document Title: 04-10-2017-MOTION TO STAY - PLAINTIFF:  
JAMES D. LANE  
Disposition: MOTION IS MOOT