



**COURT OF COMMON PLEAS  
HAMILTON COUNTY**

**COURT OF COMMON PLEAS  
ENTER**  
HON. J. PATRICK FOLEY III  
THE CLERK SHALL SERVE NOTICE  
TO PARTIES PURSUANT TO CIVIL  
RULE 58 WHICH SHALL BE TAXED  
AS COSTS HEREIN.

**VIOLA REAVES,**  
**Appellant,**  
**v.**

**ENTERED**  
**AUG 01 2017**

**: Case No: A1605948**  
**: Judge J. Patrick Foley**

**OHIO DEPARTMENT OF JOB  
FAMILY SERVICES**  
**Appellee.**

**: ENTRY OVERRULLING  
: APPELLANT'S OBJECTION  
: TO THE MAGISTRATE'S  
: DECISION AND ADOPTING  
: THE MAGISTRATE'S  
: DECISION**

This matter came before the Court on Appellant Viola Reeves' objection to the Magistrate's decision entered on April 17, 2017. No transcript was filed but submitted on the briefs previously submitted to the magistrate.

Appellant argues that the decision is erroneous in its conclusion in that the decision to revoke Ms. Reaves day care license was not supported by reliable, probative, and substantial evidence. Appellee, ODJFS, filed a memorandum in opposition to Appellant's objection. Appellant argues that the decision to revoke her license was based on misinformation; ODJFS argues that she her statements regarding the incident of April 20, 2015, were inconsistent throughout the investigative process, and the reasons for the revocation well founded.

The ODJFS' Adjudication Order revoked the type B home provider license for various violations of the Ohio Administrative Code. A record of the case, including a transcript of the Chapter 119 hearing, with extensive exhibits, was provided to the Court and filed under seal. The Magistrate reviewed the record as certified by the agency and found that the affidavit attached to Ms. Reaves brief constituted newly created evidence and was not a part of the record before the Court, and struck the affidavit.

**FOR COURT USE ONLY**  
D.C. 10  
Date: \_\_\_\_\_

The Court read the transcript of the hearing and reviewed all of the exhibits. The Magistrate's decision that the ODJFS' decision to revoke Ms. Reaves' license based on neglect, endangering children, and her failure to supervise children in her care as prohibited by the Ohio Administrative Code was supported by reliable, probative, and substantial evidence. Furthermore, the order striking the affidavit was proper.

The Court overrules Appellant's objection and adopts the Magistrate's April 17, 2017, decision.

IT IS SO ORDERED.

Foley, J.  
Judge Pat Foley  
7/31/17  
Date

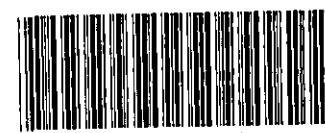
IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

|                            |   |                                     |
|----------------------------|---|-------------------------------------|
| VIOLA REAVES,              | : |                                     |
|                            | : | Case No. A1605948                   |
| Appellant,                 | : |                                     |
| v.                         | : | Judge J. Patrick Foley              |
|                            | : | Magistrate Michael L. Bachman       |
| OHIO DEPARTMENT OF JOB AND | : |                                     |
| FAMILY SERVICES,           | : |                                     |
|                            | : | <b><u>MAGISTRATE'S DECISION</u></b> |
| Appellee.                  | : |                                     |

RENDERED THIS 17th DAY OF April, 2017.

This matter is before the Court on an appeal filed by Viola Reaves from an Adjudication Order of the Ohio Department of Job and Family Services ("ODJFS"). ODJFS' Adjudication Order revoked the type B home provider license of Ms. Reaves for various violations of the Ohio Administrative Code. The Adjudication Order specifically found that Ms. Reaves had violated former Ohio Administrative Code 5101:2-14-04(A)(7), 5101:2-14-04(A)(9), and 5101:2-14-20(A)(1) and (2), and that those violations warranted revocation of her license. Ms. Reaves filed her brief on January 31, 2017. ODJFS filed its brief on March 10, 2017. ODJFS' brief also sought to strike the affidavit that Ms. Reaves had attached to her brief.


The Court reviewed the record as certified by the agency, as well as the briefs of both parties. The Court finds that the affidavit attached to Ms. Reaves brief constitutes "newly created evidence" and is not part of the record before this Court. It therefore finds that ODJFS' motion to strike the affidavit is well taken and it is GRANTED. The affidavit attached to Ms. Reaves' brief will be stricken.



D117913190

The Court additionally finds that the decision to revoke Ms. Reaves' license was supported by reliable, probative, and substantial evidence and is in accordance with law. Hamilton County Children's Services substantiated a finding of neglect against Ms. Reaves. Pursuant to former Ohio Adm.Code 5101:2-14-04(A)(9), that enables ODJFS to revoke her license. ODJFS' finding that Ms. Reaves' behavior endangered children in her care in violation of former Ohio Adm.Code 5101:2-14-04(A)(7) is also found to be supported by the evidence. Finally, ODJFS' finding that Ms. Reaves failed to supervise children in her care in violation of former Ohio Adm.Code 5101:2-14-20(A)(1) and (2) is supported by the evidence. A child in Ms. Reaves' care was injured after she left the child unsupervised. ODJFS's decision to revoke her type B license is hereby affirmed.

**IT IS SO ORDERED.**

  
**MICHAEL L. BACHMAN,  
MAGISTRATE  
COURT OF COMMON PLEAS**

Submitted by: Theresa R. Hanna  
Counsel for ODJFS

**NOTICE**

Objections to the Magistrate's Decision must be filed within fourteen days of the filing date of the Magistrate's Decision. A party shall not assign as error on appeal the court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ. R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Civ. R. 53(D)(3)(b).

Copies sent by Clerk of Courts to:

Theresa R. Hanna, Esq.  
Ohio Attorney General's Office  
30 East Broad Street, 26th floor  
Columbus, Ohio 43215

Leonard Gartner, Esq.  
Law Office of Arnold Levine  
324 Reading Road  
Cincinnati, Ohio 45202

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing decision have been sent out by ordinary mail to all parties or their attorneys as provided above.

Date:

4/18/17

Deputy Clerk:

