

The State of Ohio,
Franklin County

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INDICTMENT FOR: Theft From an Elderly Person or Disabled Adult (ORC 2913.02) (F3) (1 Count); Theft From an Elderly Person or Disabled Adult (ORC 2913.02) (F4) (1 Count). Total: 2 Counts.

Grand Jury Term

Beginning September 12, 2014

Count One **Theft From an Elderly Person or Disabled Adult, §2913.02, F3**

Defendants Paul Kormanik

Date of Offense On or about March 17, 2012 to June 1, 2012

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn and charged to inquire of crimes and offenses committed within the body of Franklin County, in the State of Ohio, upon their oath do find and present that Paul Kormanik late of said County, on or about March 17, 2012 to June 1, 2012, within the County of Franklin aforesaid, in violation of section 2913.02 of the Ohio Revised Code, did with purpose to deprive the owner, Robert Hart, his heirs, and/or the authorized representatives of his estate, of property or services, to wit: \$33,641.84, knowingly obtain or exert control over either the property or services without the consent of the owner or person authorized to give consent. Furthermore, the victim of the offense is an elderly person or disabled adult and the property or services stolen is valued at seven thousand five hundred dollars or more and less than thirty-seven thousand five hundred dollars.

On May 8, 2008, Paul S. Kormanik was appointed by the Franklin County Probate Court to serve as guardian of the person of Robert Hart, a disabled adult as defined in ORC 2913.01(DD). Acting in his capacity as guardian for Robert Hart, Paul Kormanik opened joint PNC checking account 0506 with proceeds from Robert Hart's PNC savings account 2609 and PNC Checking account 1731 on May 14, 2008 and thereafter continued to fund account 0506 with benefits awarded to Robert Hart from the U.S. Veterans Affairs Administration. On July 31, 2011, Defendant Kormanik's authority to act as guardian of the person of Robert Hart ended upon the death of the ward. On March 7, 2012, without privilege or the authority of Robert Hart, his heirs, or representatives of his estate, Paul Kormanik withdrew \$4,500 from Robert Hart's PNC account 0506 and deposited the funds into Paul Kormanik's personal PNC checking account 4242. On April 5, 2012, Paul Kormanik again without privilege or authority withdrew \$5,000 from Robert Hart's PNC checking account 0506 and deposited the funds into Defendant Kormanik's PNC checking account 4242. On May 3, 2012, May 14, 2012, May 18, 2012, and May 31, 2012, Paul Kormanik made additional unauthorized withdrawals from the Robert Hart PNC account 0506 in the amount of \$5,000 on each occasion. Upon making each withdrawal, the proceeds were deposited into Paul S. Kormanik's personal checking PNC checking account 4242. Finally on July 19, 2012, Robert Hart's PNC checking account was closed when Defendant Kormanik withdrew the remaining \$4,141.84 without the authority of Robert Hart, his heirs, or the authorized representatives of his estate, and deposited the funds into the Defendant's personal PNC checking account 4242.

As funds were withdrawn from Robert Hart's PNC checking account and then deposited into the Defendant's PNC checking account, Paul Kormanik applied the funds to expenses personally benefiting the Defendant. On April 13, 2012, Defendant Kormanik issued a check from PNC account 4242 for \$5,000 payable to Chase Credit Services. On May 2, 2012, the Defendant paid \$4,956.35 on an American Express account with funds from account 4242. On May 17, 2012, Paul Kormanik issued a check for \$4,800 payable to Controlled Air Systems out of account 4242. And between May 17, 2012 and May 22, 2012, Paul Kormanik issued two checks each separately payable for \$5,100 to Fitness Together out of account 4242.

Count Two **Theft From an Elderly Person or Disabled Adult, §2913.02, F4**

Defendants Paul Kormanik

Date of Offense On or about January 24, 2014

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn and charged to inquire of crimes and offenses committed within the body of Franklin County, in the State of Ohio, upon their oath do find and present that Paul Kormanik late of said County, on or about January 24, 2014, within the County of Franklin aforesaid, in violation of section 2913.02 of the Ohio Revised Code, did with purpose to deprive the owner, Edith Linnabary, her heirs, and/or the authorized representatives of her estate, of property or services, to wit: \$7,239.12, knowingly obtain or exert control over either the property or services without the consent of the owner or person authorized to give consent. Furthermore, the victim of the offense is an elderly person or disabled adult and the property or services stolen is valued at one thousand dollars or more and less than seven thousand five hundred dollars.

On December 8, 2010, Paul S. Kormanik was appointed guardian of the person and estate of Edith Linnabary, a disabled adult as defined by Ohio Revised Code section 2913.01(DD) by the Franklin County Probate Court. In his capacity as guardian, Defendant Kormanik opened Huntington National Bank joint checking account numbered 0194 with Edith Linnabary on February 1, 2011. Edith Linnabary died on December 24, 2012, terminating Defendant Kormanik's authority as guardian by operation of law. After Linnabary's death, Nationwide Insurance continued to deposit pension payments on behalf of Linnabary into HNB account 0194 until May 2013. In May of 2013, HNB account 0194 had a balance of \$7,239.12; that balance was maintained in the account until January 2014. On January 24, 2014, Paul Kormanik removed the entire balance of HNB account 0194 and transferred \$7,239.12 into the Defendant's personal checking account, Huntington National Bank account 1435. Thereafter, \$7,000 was paid from HNB account 1435 to Nancy Kormanik.

All of the above conduct being contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Ohio.

Ron O'Brien
Prosecuting Attorney
Franklin County, Ohio

A TRUE BILL



Thomas W. Allen, 0068992
Assistant Prosecuting Attorney



Foreperson, Grand Jury