

**IN THE COURT OF COMMON PLEAS
MORGAN COUNTY, OHIO**

**OHIO DEPARTMENT OF JOB AND
FAMILY SERVICES,**

Michael B. Colbert, Director,
30 East Broad Street, 31st Floor,
Columbus, Ohio 43215,

Plaintiff,

vs.

**HOUSE OF HOPE CENTRAL OHIO -
EXTREME HOPE MINISTRIES**

9373 Stoneburner Road, NW
Crooksville, Ohio 43731,
and

RONALD KOVACS

Co-Owner and Co-Director of
House of Hope
9373 Stoneburner Road, NW
Crooksville, Ohio 43731,
and

KATHY KOVACS

Co-Owner and Co-Director of
House of Hope
9373 Stoneburner Road, NW
Crooksville, Ohio 43731,

Defendants.

CASE NO.

JUDGE FAVREAU

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

COMPLAINT

INTRODUCTION

Plaintiff, Michael B. Colbert, Director of the Ohio Department of Job and Family Services, brings this action for injunctive relief pursuant to R.C. 5103.03(H) to have Defendants, House of Hope Central Ohio, Extreme Hope Ministries, Ronald Kovacs, and Kathy Kovacs,

enjoined from operating a residential facility without a certificate. Plaintiff sets forth the following allegations:

JURISDICTION AND VENUE

1. This action arises under Chapter 5103 of the Ohio Revised Code.
2. Injunctive relief is sought pursuant to R.C. 5103.03(H).
3. Jurisdiction is conferred upon this Court by R.C. 5103.03(H).
4. Venue lies in this forum pursuant to R.C. 5103.03(H) and Civ. R. 3(B)(2) and (B)(3) because House of Hope Central Ohio’s (HHCO) principal place of business is in Morgan County and the claims arose in Morgan County where at all-times material to this Complaint the underlying incidents, actions and /or omissions occurred.

PARTIES

5. Plaintiff is the Director of the Ohio Department of Job and Family Services (ODJFS) and is responsible pursuant to R.C. 5103.03 for the certification of group homes for children and for enforcement of R.C. Chapter 5103.
6. Defendants are House of Hope Central Ohio – Extreme Hope Ministries, Ronald Kovacs and Kathy Kovacs.

FACTS

7. HHCO is a registered trade name of the incorporation “Extreme Hope Ministries.”
8. Ronald Kovacs is the authorized representative for “Extreme Hope Ministries.”
9. Ronald Kovacs and Kathy Kovacs are the co-founders and directors of HHCO.
10. HHCO is located at 9373 Stoneburner Road, NW, Crooksville, Morgan County, Ohio 43731.

11. At all times relevant to this Complaint, Defendants were or are operating an “institution or association,” as that term is defined in R.C. 5103.02(A), at 9373 Stoneburner Road, NW, Crooksville, Morgan County, Ohio 43731.
12. At all times relevant to this Complaint Defendants are not and were not certified to operate a residential facility at any location in the State of Ohio.
13. During August 2011 or September 2011, an HHCO resident, who no longer lives at HHCO, alleged that he was sexually abused by another HHCO resident. The alleged abuser confessed to the abuse and was charged with gross sexual battery and gross sexual imposition.
14. After this incident, ODJFS became aware of HHCO because Morgan County Department of Job and Family Services (Morgan County JFS) contacted ODJFS about HHCO to see if HHCO is licensed by ODJFS. See Affidavit of Kathy Yuzwa, attached as Exhibit 1.
15. On or about November 14, 2011, ODJFS sent a letter, via email and certified mail, to Defendants informing them that its operating procedures may require HHCO to be certified by ODJFS. See November 14, 2011, Initial Inquiry letter, attached as Exhibit 2.
16. In mid-November 2011, during a telephone conversation, ODJFS licensing specialist verified with Defendant Kathy Kovacs that House of Hope is not licensed or certified to provide care or services by any other state agency.
17. On or about November 21, 2011, ODJFS sent another letter to Defendants, which contained ODJFS group home certification requirements. See November 21, 2011, Initial Inquiry letter, attached as Exhibit 3.

18. On or about December 8, 2011, ODJFS licensing specialist, Kathy Yuzwa, conducted an unannounced, on-site inspection at HHCO, 9373 Stoneburner Road, NW, Crooksville, Morgan County, Ohio 43731. See Exhibit 1.
19. On or about December 8, 2011, HHCO was caring for a child for two or more consecutive weeks. That child had been placed at HHCO for approximately three months. See Exhibit 1.
20. On or about December 12, 2011, ODJFS sent HHCO a cease and desist letter advising HHCO that it is required to be certified by ODJFS or other approved state licensing entity to operate a residential facility. The December 12th letter informed HHCO of the applicable laws and advised HHCO to immediately stop operating until it is properly certified. See December 12, 2011, Cease and Desist letter, attached as Exhibit 4.
21. On or about February 28, 2012, the Attorney General's Office, counsel for ODJFS, issued another cease and desist letter to Defendants. The February 28th letter advised Defendants of the applicable laws and to immediately stop operating until it is properly certified. See February 28, 2012, Cease and Desist letter, attached as Exhibit 5.
22. On or about March 12, 2012, counsel for Defendants issued a letter to counsel for Plaintiffs stating that, because of its practice of residents "always [being] sent home within any two (2) week period and then, at the option of the parent, may be returned for another period of less than two (2) consecutive weeks. As such, with this policy in place, my client is not subject to Ohio Revised Code Section 5103.02(A) and

- 5103.03, and therefore is not required to obtain a valid certificate from the Department.” See March 12, 2012, Response Letter, attached as Exhibit 6.
23. Defendant’s residential treatment program lasts longer than two weeks.
 24. Defendants program is expected to last between 9 and 18 months, depending on how quickly the resident progresses through each step. See Exhibit 7 and Exhibit 8, p.8.
 25. The program consists of a 30 day orientation, where the residents are not allowed to leave HHCO or have visitation from their parents. See Exhibit 8, p. 3.
 26. Defendants are presently operating an “institution or association” as defined in R.C. 5103.02(A) at 9373 Stoneburner Road, NW, Crooksville, Morgan County, Ohio 43731, without a certificate to operate an institution or association.

COUNT ONE

(VIOLATION OF R.C. 5103.03)

27. Plaintiff restates and incorporates by reference paragraphs 1 through 26 as if fully rewritten herein.
28. Defendants are operating an “institution or association” as defined in R.C. 5103.02(A) at 9373 Stoneburner Road, NW, Crooksville, Morgan County, Ohio 43731, without a certificate to operate an institution or association, in violation of R.C. 5103.03.
29. R.C. 5103.02(A) defines “institution or association” as “any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks; an individual,...who, for hire, gain, or reward, receives or cares for children for two or

more consecutive weeks, unless the individual is related to them by blood or marriage.”

30. R.C. 5103.03(B)(1) provides that ODJFS “every two years shall pass upon the fitness of every institution and association that receives, or desires to receive and care for children, or places children in private homes.”
31. R.C. 5103.03(B)(2) further provides that when ODJFS “is satisfied as to the care given such children, and that the requirements of the statutes and rules covering the management of such institutions and associations are being complied with, it shall issue to the institution or association a certification to that effect.”
32. R.C. 5103.03(H) provides that “[i]f the director of job and family services determines that an institution or association that cares for children is operating without a certificate, the director may petition the court of common pleas in the county in which the institution or association is located for an order enjoining its operation. The court shall grant injunction relief upon a showing that the institution or association is operating without a certificate.”
33. By operating an institution or association without a certificate Defendants are in violation of R.C. 5103.03, thereby entitling Plaintiff to injunctive relief.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment pursuant to R.C. 5103.03(H) and prays this Court to:

1. Declare that Defendants are an “institution or association,” as those terms are defined in R.C. 5103.02(A), in violation of R.C. 5103.03.

2. Grant Plaintiff permanent injunctive relief enjoining the Defendants and/or their agents, servants, representatives, employees, successors, and/or assigns, through any corporate or other device, and all persons in active concert and participating with them directly or indirectly from operating a “institution or association” that cares for children at 9373 Stoneburner Rd., NW, Crooksville, Morgan County, Ohio 43731, or any other location in the State of Ohio, until they obtain a certificate to do so.
3. Order that Defendants be fined pursuant to R.C. 5103.99(A);
4. Order that Plaintiff recover its costs in this matter; and
5. Order such other and further relief as this Court deems appropriate.

Respectfully submitted,

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