

FILED

Final Appealable Order

2015 DEC 10 PM 2:16

MARY L. SWAIN
BUTLER COUNTY
CLERK OF COURTS

COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

DAVID W. ADAMS,

Appellant,

vs.

OHIO BUREAU OF MOTOR

VEHICLES,

Appellee.

* Case Number: CV 2015 08 1806
*
* Judge Jennifer Muench-McElfresh
*
*
* DECISION AND ENTRY
* GRANTING MOTION TO
* DISMISS
*
* FINAL APPEALABLE ORDER
*

This matter is before the Court on a motion to dismiss for lack of subject matter jurisdiction filed by Appellee Ohio Bureau of Motor Vehicles ("the Bureau"). For the following reasons the motion is granted.

In April 2004, Appellant David Adams ("Adams") was involved in an automobile accident. A judgment was rendered against him in July 2005. In April 2006, the Bureau suspended Adams' driver's license, pursuant to R.C. 4509.37, for failure to satisfy the judgment. The Bureau mailed notice of the suspension to Adams in April 2006. The suspension was to remain in effect until Adams did the following: (1) served a mandatory three-month suspension, (2) paid a license reinstatement fee, (3) paid the judgment or obtained an agreement to pay, and (4) showed proof of insurance. The notice informed Adams that he could appeal the suspension to the common pleas court in his home county within fifteen days.

On August 11, 2015, Adams appealed the administrative decision of the Bureau to suspend his driver's license in 2006. The Bureau now moves to dismiss and

Judge
Jennifer Muench-McElfresh
Common Pleas Court
Butler County, Ohio

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contends that this Court has no jurisdiction to entertain this untimely appeal. The Court agrees.

Adams' appeal is governed by R.C. 119.12. Section D of that statute provides that notices of appeal "shall be filed within fifteen days after the mailing of the notice of the agency's order." "[A] party adversely affected by an agency decision must . . . strictly comply with R.C. 119.12 in order to perfect an appeal." *Hughes v. Ohio Dept. of Commerce*, 114 Ohio St.3d 47, 2007-Ohio-2877, ¶ 17. The "[f]ailure to meet [a] filing deadline will result in dismissal of the untimely appeal, as it precludes jurisdiction in the trial court." *Austin v. Ohio FAIR Plain Underwriting Assn.*, 10th Dist. No. 10AP-895, 2011-Ohio-2050, ¶ 6, citing *Thompson & Ward Leasing Co. v. Ohio State Bur. of Motor Vehicles*, 10th Dist. No. 08AP-41, 2008-Ohio-3101, ¶ 10.

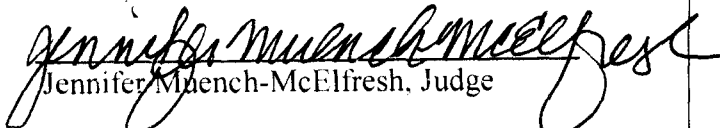
The Court finds that Adams' appeal in this matter is untimely, as it was filed more than nine years after the Bureau mailed its notice of suspension. On account of the untimeliness, the Court is without jurisdiction to entertain the appeal. The Bureau's motion to dismiss is well taken and is **GRANTED**.

This is a final appealable order. There is no just cause for delay. Civ.R. 54(B).

SO ORDERED.

ENTER,

Judge
Jennifer Muench-McElfresh
Common Pleas Court
Butler County, Ohio


Jennifer Muench-McElfresh, Judge

cc:

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Judge
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Butler County, Ohio