

[Cite as *In re Fairbanks*, 2006-Ohio-6847.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: MICHAEL L. FAIRBANKS, II	:	Case No. V2006-20747
MICHAEL L. FAIRBANKS, II	:	Commissioners:
Applicant	:	Tim McCormack, Presiding
	:	Thomas H. Bainbridge
	:	Randi Ostry LeHoty
_____	:	
_____	:	<u>ORDER OF A THREE-</u>
	:	<u>COMMISSIONER PANEL</u>
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{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a June 14, 2006 assault incident. On June 26, 2006, the Attorney General denied the claim under R.C. 2743.60(E)(1) contending that the applicant was convicted of a felony on March 2, 2000. On July 11, 2006, the applicant filed a request for reconsideration. On July 20, 2006, the Attorney General denied the claim once again. On July 28, 2006, the applicant filed a notice of appeal to the Attorney General’s July 20, 2006 Final Decision. Hence, this matter came to be heard before this panel of three commissioners on October 5, 2006 at 10:33 A.M.

{¶2} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented a brief statement for the panel’s consideration. The Assistant Attorney General indicated that the applicant was convicted of a felony on March 2, 2000, within ten years of the occurrence of the

criminally injurious conduct. The Assistant Attorney General stated that under R.C. 2743.60(E)(1), the applicant is precluded from participating in the program.

{¶3} This panel notes that the evidence in the claim file indicates the applicant has changed his behavior since his felony conviction, inasmuch as he is now a contributing member of society who is working hard to support his family. Ohio's statute relative to felony convictions is clear. It does not bestow discretion on this panel to waive it. From review of the file and with full and careful consideration given to all the information presented at the hearing and the clear mandate of R.C. 2743.60(E)(1), we find that the July 20, 2006 decision of the Attorney General shall be affirmed.

IT IS THEREFORE ORDERED THAT

- 1) The July 20, 2006 decision of the Attorney General is AFFIRMED;
- 2) This claim is DENIED and judgment is rendered for the state of Ohio;

3) Costs are assumed by the court of claims victims of crime fund.

TIM MC CORMACK
Commissioner

RANDI OSTRY LE HOTY
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

ID #A1-DRB-tad-101206

A copy of the foregoing was personally served upon the Attorney General and sent by regular mail to Hamilton County Prosecuting Attorney and to:

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