

**COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION**

Justice Grown Ohio LLC, : **CASE NO. 17 CV 10934**
Appellant, : **JUDGE COLLEEN O'DONNELL**
-vs- :
Ohio Department of Commerce, :
Appellee. :

DECISION AND ENTRY

O'DONNELL, J.

Appellant, Justice Grown Ohio LLC, filed this R.C. 119.12 appeal on December 11, 2017. On January 12, 2018, Appellee, Ohio Department of Commerce, filed a “Motion To Dismiss For Lack of Subject-Matter Jurisdiction; and Motion To Stay Briefing.” Appellant did not file a response to Appellee’s motion to dismiss.

Appellee asserts in its motion that there is no final adjudication, and thus, this Court does not have subject matter jurisdiction to decide this case on its merits. A review of the record demonstrates that on December 14, 2017, Appellee sent Appellant a Notice of Intent to Deny/Notice of Opportunity. R.C. 119.107. In that notice, Appellee set forth Appellant’s appeal rights pursuant to R.C. 119.07, which included a right to request an administrative hearing. The December 14, 2017 letter sent to Appellant states, in pertinent part:

If you wish to request a hearing, your written request must be received by the Division within thirty (30) days from the date of mailing of this Notice. If no hearing is requested, a final Order denying your application for a Medicaid Marijuana Cultivator Level I provisional license may be issued after thirty days.

The record demonstrates that Appellant filed the appeal herein on December 11, 2017, and there is nothing in the record that Appellant requested an administrative hearing, and that a final adjudication was issued.

This Court concludes as a matter of law that Appellant has failed to exhaust its administrative remedies. It is a long settled rule of judicial administration that a party must exhaust the available avenues of administrative relief before seeking separate judicial intervention. Exhaustion is generally required as a matter of preventing premature interference with agency processes, so that the agency may function efficiently and so that it may have an opportunity to correct its own errors, to afford the parties and the courts the benefit of its experience and expertise and to compile a record which is adequate for judicial review. *State ex rel. Teamsters Local Union No. 436 v. Bd. of Cty. Commissioners*, 2012-Ohio-1861.

Accordingly, Appellee's January 12, 2018 motion is hereby **GRANTED**, and the appeal is hereby **DISMISSED** for lack of jurisdiction.

THE COURT FINDS THAT THERE IS NO JUST REASON FOR DELAY. THIS IS A FINAL APPEALABLE ORDER. Pursuant to Civil Rule 58, the Clerk of Court shall serve notice of this judgment and its date of entry upon all parties.

It is so **ORDERED**.

Copies to all parties registered for e-filing

Franklin County Court of Common Pleas

Date: 01-30-2018
Case Title: JUSTICE GROWN OHIO LLC -VS- OHIO STATE DEPARTMENT
COMMERCE
Case Number: 17CV010934
Type: ENTRY

It Is So Ordered.

A handwritten signature in cursive script, "Colleen O'Donnell", is written over a circular, textured seal. The seal appears to be the official seal of the Franklin County Court of Common Pleas.

/s/ Judge Colleen O'Donnell

Court Disposition

Case Number: 17CV010934

Case Style: JUSTICE GROWN OHIO LLC -VS- OHIO STATE
DEPARTMENT COMMERCE

Case Terminated: 18 - Other Terminations

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 17CV0109342018-01-1299970000
Document Title: 01-12-2018-MOTION TO DISMISS -
DEFENDANT: OHIO STATE DEPARTMENT COMMERCE
Disposition: MOTION GRANTED