

FILED

2021 OCT -4 AM 10:58

**CLERK OF COURTS
WILLIAMS COUNTY OHIO**

IN THE COURT OF COMMON PLEAS OF WILLIAMS COUNTY, OHIO

State of Ohio,

Case No. 20CR 080

Plaintiff,

vs.

Bonnie K. Kimpling,

ORDER

Defendant.

A hearing on the Defendant's obligation to pay restitution as a result of her conviction for Aggravated Theft, a Felony of the Third Degree, was held on September 27, 2021. Katherine Zartman, Esquire, was present as the Williams County Prosecuting Attorney representing the interest of the State of Ohio. The Defendant was present along with her retained attorney, Richard Kerger, Esquire.

Ohio Revised Code §2929.18 provides a trial court with the discretion to order restitution to the victim(s) of a defendant's crime. A court determines the "economic loss" as any economic detriment suffered by a victim as a direct and proximate result of the commission of an offense. *See ORC §2929.01(L)*. The State of Ohio must present sufficient evidence at a hearing on restitution to "discern the appropriate amount of restitution to a reasonable degree of certainty." *State v. Betley, 2018-Ohio-2516 (Ohio App. 8th Dist)*. The amount of restitution must be supported by the competent, credible evidence. *State v. Gears, 135 Ohio App. 3d 297, 300 (6th Dist. 1999)*. The Court must also consider the Defendant's ability to pay restitution.

Whereupon, sworn testimony was heard and various exhibits were marked and admitted as evidence. Arguments of counsel were also considered. Based upon the Court's Presentence

Investigation Report, the victim impact statement and the evidence presented, the Court makes the following findings:

1. As a result of the Defendant's criminal conduct, and her use of school funds "beyond the scope of the expressed or implied consent" of the person or agency authorized to give consent, the PATH School for Autism (aka the PATH Academy for Autism) was ultimately closed in late 2017 or early 2018.
2. At the time the School was closed, numerous liabilities were still owing, including teacher salaries, rent, utilities, and attorney fees related to the school's operation and subsequent closing. Those remaining liabilities were as follows:
 - a) Reva Gosha (a teacher or aide) was owed \$600.00.
 - b) N. Jeanne Miller (a teacher or aide) was owed \$2,681.94.
 - c) Denise Nowak (a teacher or aide) was owed \$1,351.20.
 - d) The Ohio Gas Company was owed \$451.62 for unpaid utilities used by the PATH School for Autism.
 - e) The law firm of Gallagher & Rohrs, Ltd. was owed \$4,299.75 for legal services rendered in connection to the criminal investigation and ultimate closing of the PATH School for Autism.
 - f) Bart Bacon, Landlord of PATH School for Autism, was owed \$22,885.00
3. At the time of the criminal investigation of the Defendant and the ultimate closing of the PATH School for Autism, the school had two (2) separate checking accounts with the First Federal Bank (nka Premier Bank) – account numbers 5230660938 and 5020026840.

4. As of November 30, 2017, the balance for account #5230660938 totaled \$1,718.54 and the balance for account #5020026840 totaled \$28,614.14. A freeze or holder was placed on those funds at the commencement of the criminal investigation against the Defendant. The Court finds that any and all funds titled in the name of PATH School for Autism or PATH Academy shall be used to pay the school's debts listed in paragraph 2 above.

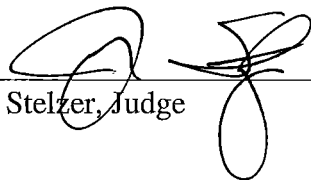
Based upon the Court's consideration of the evidence presented at the hearing on restitution, it is the ORDER of this Court as follows:

1. The Defendant's total restitution owing is \$32,269.51. Her payments toward restitution shall be paid to the Williams County Clerk of Courts consistent with the terms and conditions of her community control sanction. Once the final expenses of PATH Academy for Autism are paid in full as set forth above, either through funds received from First Federal Bank (nka Premier Bank) or through the restitution payments made by the Defendant, any excess funds shall be returned to the Ohio Department of Education. The Defendant's restitution obligation shall be credited with any amount received from the two Premier bank accounts and paid on the school's final expenses.
2. All funds remaining in the account numbers outlined in paragraph 3 above titled in the name of PATH Academy for Autism or PATH School for Autism held by First Federal Bank (nka Premier Bank) shall immediately be paid to the Williams County Clerk of Courts and the accounts shall be closed.
3. Upon receipt of the account balances, the Williams County Clerk of Courts shall pay the final expenses of the PATH Academy for Autism as listed above in the order provided.

The Court has issued this ORDER based upon the competent, credible evidence presented at the hearing on restitution. This ORDER does not preclude any other alleged victim of Defendant's criminal conduct from pursuing their potential civil collection remedies.

The Clerk of Courts shall serve a certified copy of this Order upon all counsel of record and upon First Federal Bank, nka Premier Bank, attn: Jack Fee, 204 E. High Street, Bryan OH 43506.

IT IS SO ORDERED.



J.T. Stelzer, Judge

cc: *via email*
Victims' Assistance
Adult Probation