

**POE v. TRUMBULL COUNTY ET AL.**

**[Cite as *Poe v. Trumbull Cty.*, 1998-Ohio-246.]**

*Actions—Standing to sue and obtain judgment for compensatory damages from county when prosecuting attorney’s office divulges expunged conviction.*

(No. 97-2127—Submitted April 20, 1998—Decided June 24, 1998.)

ON ORDER from the United States District Court for the Northern District of Ohio, Eastern Division, Certifying a Question of State Law, No. 4:97CV0180.

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*Nancy Grim; Goldman & Rosen and Frank E. Steel*, for respondent.

*Smith, Marshall, Weaver & Vergon and Frederick P. Vergon, Jr.*, for petitioners.

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{¶ 1} The United States District Court for the Northern District of Ohio, Eastern Division, has certified the following question to us:

“Where the plaintiff demonstrates that a prior conviction was expunged by the Common Pleas Court that had entered the conviction, and following notice of the expungement to the office of the county prosecuting attorney the fact of the prior conviction is revealed to the plaintiff’s employer by an employee of the county prosecuting attorney’s office in the same county in which the expungement had been ordered, does this plaintiff have standing to sue and obtain judgment for compensatory damages against the county under O.R.C. [Sections] 2953.32 and 2953.35?”

{¶ 2} The certified question is answered in the negative.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK and LUNDBERG STRATTON, JJ., concur.

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