

**HEYDON, APPELLEE, v. OHIO DEPARTMENT OF COMMERCE, DIVISION OF  
FINANCIAL INSTITUTIONS, APPELLANT.**

**[Cite as *Heydon v. Ohio Dept. of Commerce*,  
116 Ohio St.3d 103, 2007-Ohio-5553.]**

*Court of appeals' judgment reversed on the authority of Hughes v. Ohio Dept. of  
Commerce, and cause remanded to the trial court to dismiss the appeal.*

(No. 2007-1011 — Submitted September 18, 2007 — Decided October 24, 2007.)

APPEAL from the Court of Appeals for Summit County,

No. 23391, 2007-Ohio-1818.

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{¶ 1} The discretionary appeal is accepted.

{¶ 2} The judgment of the court of appeals is reversed on the authority of *Hughes v. Ohio Dept. of Commerce*, 114 Ohio St.3d 47, 2007-Ohio-2877, 868 N.E.2d 246, and the cause is remanded to the trial court with instructions to dismiss the appeal consistently with *Hughes v. Ohio Dept. of Commerce*.

MOYER, C.J., and LUNDBERG STRATTON, O'CONNOR, LANZINGER, and CUPP, JJ., concur.

O'DONNELL, J., concurs separately.

PFEIFER, J., dissents for the reasons stated in his separate opinion in *Hughes v. Ohio Dept. of Commerce*, 114 Ohio St.3d 47, 2007-Ohio-2877, 868 N.E.2d 246.

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**O'DONNELL, J., concurring.**

{¶ 3} I concur with the court's decision and write to clarify that the law, post-*Hughes*, still requires that a party desiring to appeal from an adverse decision of an administrative agency must file the original notice of appeal with the agency

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and a copy of that notice with the clerk of the court in order to vest the court with jurisdiction to hear the appeal. Here, that procedure was not followed, and the court never obtained jurisdiction over the case. Accordingly, for the reasons stated in my dissent in *Hughes*, I concur with the decision to remand with instructions to dismiss this appeal and add that this ought to have been the result in *Hughes* as well.

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Stark & Knoll Co., L.P.A., Harry A. Tipping, Christopher A. Tipping, and Donald R. Scherer, for appellee.

Marc Dann, Attorney General, Elise Porter, Acting Solicitor General, Stephen P. Carney and Robert J. Krummen, Deputy Solicitors, and Theodore L. Klecker, Assistant Attorney General, for appellant.

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