

[Cite as *In re Parks*, 2005-Ohio-818.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: MADELINE R. PARKS	:	Case No. V2004-60865
MICHELLE M. PARKS	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to an October 23, 1997 sexual abuse incident involving her minor daughter, Madeline Parks. On March 18, 2004, the Attorney General denied the applicant's claim pursuant to R.C. 2743.60(D) contending that all the applicant's economic loss had been or may be recouped from collateral sources. The Attorney General also denied the applicant's request for attorney fee reimbursement pursuant to R.C. 2743.52(A). On April 22, 2004, the applicant filed a request for reconsideration. On August 17, 2004, the Attorney General granted the applicant an award in the amount of \$620.40 for unreimbursed attorney's fees. However, the Attorney General denied reimbursement of certain expenses pursuant to R.C. 2743.60(D). On September 7, 2004, the applicant filed a notice of appeal to the Attorney General's August 17, 2004 Final Decision. On October 21, 2004, the Attorney General recommended the applicant be granted an award in the amount of \$655.05 for allowable expense incurred between February 7, 2002 through January 8, 2004. Hence, this matter came to be heard before this panel of three commissioners on December 2, 2004 at 11:15 A.M.

{¶ 2} The applicant, applicant's counsel, and an Assistant Attorney General attended the hearing and presented oral argument for the panel's consideration. The Assistant Attorney

General and applicant's attorney reached an agreement with respect to the amount of the allowable expense incurred by the applicant. The parties agree the applicant incurred unreimbursed allowable expense, as defined in R.C. 2743.51(F)(1), in the amount of \$1,275.45 which represents \$620.40 for Fanny Effler, (guardian ad litem) and \$655.05 for services rendered by Mrs. Jean Cook of Morrow-Bradley and Associates.

{¶ 3} From review of the file and with full and careful consideration given to the information presented at the hearing, this panel makes the following determination. We find that the August 17, 2004 decision of the Attorney General shall be modified to grant the applicant a total award in the amount of \$1,275.45 (\$620.40 + \$655.05). The applicant may file a supplemental compensation application if other expenses have been or will be incurred which have not been addressed by this order.

IT IS THEREFORE ORDERED THAT

{¶ 4} 1) The August 17, 2004 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$1,275.45;

{¶ 5} 2) This claim is remanded to the Attorney General for payment of the award;

{¶ 6} 3) This order is entered without prejudice to the applicant's right to file a supplemental compensation application, within five years of this order, pursuant to R.C. 2743.68;

{¶ 7} 4) Costs are assumed by the court of claims victims of crime fund.

THOMAS H. BAINBRIDGE
Commissioner

CLARK B. WEAVER, SR.
Commissioner

KARL H. SCHNEIDER
Commissioner

ID #\2-DRB-tad-4128

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

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To S.C. Reporter 2-25-2005