

Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center
65 South Front Street, Fourth Floor
Columbus, OH 43215
614.387.9860 or 1.800.824.8263
www.cco.state.oh.us

IN RE: LAURA J. KASHDAN

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Applicant

Case No. V2009-40846

Commissioners:
Lloyd Pierre-Louis, Presiding
Karl C. Kerschner
Randi M. Ostry

ORDER OF A THREE-COMMISSIONER PANEL

{¶ 1} On August 20, 2009, the applicant, Laura Kashdan, filed a compensation application as the result of a sexual assault which occurred on February 21, 2009. On August 28, 2009, the Attorney General issued a finding of fact and decision denying the applicant's claim based on her conviction of Driving Under the Influence, a felony of the fourth degree, on February 11, 2004. The felony conviction was within ten years of the occurrence of the criminally injurious conduct, which occurred on February 21, 2009. Thus the claim was denied pursuant to R.C. 2743.60(E)(1)(a). On September 4, and 21, 2009, the applicant submitted requests for reconsideration. On November 3, 2009, the Attorney General rendered a Final Decision finding no reason to modify its initial decision. On November 17, 2009, the applicant filed a notice of appeal from the November 3, 2009 Final Decision of the Attorney General. Hence, this claim was heard before this panel of commissioners on March 3, 2010 at 10:00 A.M.

{¶ 2} Assistant Attorneys General Matthew Karam and Amy O'Grady appeared on behalf of the state of Ohio, while the applicant Laura Kashdan appeared via telephone. The applicant made a brief statement for the panel's consideration. While

the applicant did not dispute she was convicted of a felony, she highlighted her achievements with her rehabilitation and noted she has remained sober. She asserted that compensation in this case would allow her to improve the quality of her life. Whereupon, the applicant's statement was concluded.

{¶ 3} The Attorney General stated that based upon the statute, the Attorney General's Final Decision should be affirmed.

{¶ 4} R.C. 2743.60(E)(1)(a) states:

"(E) (1) Except as otherwise provided in division (E)(2) of this section, the attorney general, a panel of commissioners, or a judge of the court of claims shall not make an award to a claimant if any of the following applies:

"(a) The victim was convicted of a felony within ten years prior to the criminally injurious conduct that gave rise to the claim or is convicted of a felony during the pendency of the claim."

{¶ 5} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the Attorney General's November 3, 2009 Final Decision should be affirmed. The applicant's felony conviction occurred within ten years of the occurrence of the criminally injurious conduct, and the statute clearly states an award of reparations cannot be made in this situation.

{¶ 6} IT IS THEREFORE ORDERED THAT

{¶ 7} 1) The November 3, 2009 decision of the Attorney General is AFFIRMED;

{¶ 8} 2) This claim is DENIED and judgment is rendered for the state of Ohio;

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

LLOYD PIERRE-LOUIS
Presiding Commissioner

KARL C. KERSCHNER
Commissioner

RANDI M. OSTRY
Commissioner

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

Filed 4-30-2010

Jr. Vol. 2275, Pgs. 70-72

To S.C. Reporter 6-9-2010