

STATE OF OHIO)
)ss:
COUNTY OF SUMMIT)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

PAMELA HODGES

C.A. No. 27246

Appellant

v.

CITY OF AKRON DEPT. OF
NEIGHBORHOOD ASSISTANCE

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF SUMMIT, OHIO
CASE No. CV 2013 01 0306

Appellee

DECISION AND JOURNAL ENTRY

Dated: February 18, 2015

MOORE, Judge.

{¶1} Appellant Pamela Hodges appeals, pro se, from the entry of the Summit County Court of Common Pleas dismissing her administrative appeal. We affirm.

I.

{¶2} In May 2007, the city of Akron received a complaint about the property at 970 Diana Avenue. A city sanitarian performed an inspection and, under the authority of the Housing Division of the Akron Health Department, issued orders requiring the owner(s) or other responsible party or parties to comply with certain provisions of the Akron Environmental Health Housing Code. The owners of record were listed as Bessie and Curtis Hodges. Subsequently, city sanitarians conducted multiple additional inspections and the orders were revised on at least one occasion.

{¶3} In January 2009, an administrative hearing was held. Ms. Hodges appeared at the hearing and agreed to keep the property secure and free of debris. Additionally, she agreed to

contact the sanitarian to schedule an inspection to review the necessary repairs. Ms. Hodges indicated that her parents were Bessie and Curtis Hodges and that both of them had passed away in the late 1990s. The inspection records indicate that the property taxes were current and the house was not in foreclosure.

{¶4} While some repairs were made, multiple violations remained as of 2012, and the matter was referred to the Housing Appeals Board (“the Board”) for a December 18, 2012 hearing. The city recommended that the house be razed. Ms. Hodges appeared at the hearing, asserting her willingness to repair the property and explaining her difficulties in being able to do so. Ultimately, at the end of the meeting, the Board voted to order the house razed. The City of Akron Department of Neighborhood Assistance sent a letter dated December 19, 2012, detailing the Board’s findings. The letter, addressed to the Estate of Curtis and Bessie Hodges, was sent to the address provided by Ms. Hodges.

{¶5} On January 15, 2013, Ms. Hodges, pro se, filed a notice of appeal in the Summit County Court of Common Pleas. By the end of February 2013, both the record and transcript of proceedings were filed in the court of common pleas. On January 17, 2014, the Department of Neighborhood Assistance filed a motion to dismiss Ms. Hodges’ appeal due to her failure to file a brief within 30 days after the filing of the record of proceedings. Shortly thereafter, the court of common pleas granted the motion to dismiss. Ms. Hodges has appealed, pro se.

II.

ASSIGNMENT OF ERROR

{¶6} Ms. Hodges’ assignment of error is somewhat difficult to follow. Ms. Hodges seems to assert that she believes she has filed what she thought she was required to file in the lower court.

{¶7} We note that with respect to pro se litigants, this Court has observed:

[P]ro se litigants should be granted reasonable leeway such that their motions and pleadings should be liberally construed so as to decide the issues on the merits, as opposed to technicalities. However, a pro se litigant is presumed to have knowledge of the law and correct legal procedures so that he remains subject to the same rules and procedures to which represented litigants are bound. He is not given greater rights than represented parties, and must bear the consequences of his mistakes. This Court, therefore, must hold [pro se appellants] to the same standard as any represented party.

State v. Taylor, 9th Dist. Lorain No. 14CA010549, 2014-Ohio-5738, ¶ 5, quoting *Sherlock v. Myers*, 9th Dist. Summit No. 22071, 2014-Ohio-5178, ¶ 3.

{¶8} The Department of Neighborhood Assistance has responded to Ms. Hodges' brief by asserting, inter alia, that the trial court did not abuse its discretion in dismissing Ms. Hodges' brief for failing to timely file it. We agree that the lower court did not err in dismissing her appeal.

{¶9} The trial court dismissed Ms. Hodges' appeal pursuant to one of its local rules. "We review the trial court's interpretation or application of its local rules for an abuse of discretion." *Meador v. Bath Twp.*, 9th Dist. Summit No. 25007, 2010-Ohio-2570, ¶ 8. An abuse of discretion implies that the trial court was unreasonable, arbitrary, or unconscionable in its ruling. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983). The rule instructs that, "[w]ithin thirty (30) days after the filing of the Record of Proceedings with the Clerk, the appellant shall file its assignments of error and brief[.]" Loc.R. 19.03(A) of the Court of Common Pleas of Summit County, General Division. "If the appellant fails to file its brief and assignments of error within the time provided, the Court may dismiss the appeal or otherwise dispose of the case as justice requires." Loc.R. 19.03(D) of the Court of Common Pleas of Summit County, General Division.

{¶10} Here, the record of proceedings was filed on February 19, 2013. Ms. Hodges' brief was thus due by March 21, 2013. On January 17, 2014, nearly 10 months after the brief was due, the Department of Neighborhood Assistance filed a motion to dismiss pursuant to the local rule due to Ms. Hodges' failure to file a brief. During that nearly 10 month period, Ms. Hodges did not file any motions in the trial court seeking to extend the time to file her brief. *See* Loc.R. 19.03(D) of the Court of Common Pleas of Summit County, General Division ("For good cause shown, the Court may, upon motion, extend or otherwise modify the foregoing schedule."). In fact, Ms. Hodges did not seek an extension until after the court of common pleas entered judgment dismissing the appeal.

{¶11} Ms. Hodges has not asserted on appeal that she did not have sufficient notice of the consequences of failing to file a brief, nor has she asserted that she was not served with the notice of the filing of the record of proceedings. *See* App.R. 16(A)(7). Overall, Ms. Hodges has failed to explain how the court of common pleas abused its discretion in dismissing her appeal for failure to timely file a brief. Accordingly, under the circumstances of this case, and given the limited argument presented on appeal, we conclude that the lower court did not abuse its discretion when it dismissed Ms. Hodges' appeal pursuant to the local rules. *See Vales v. Akron Metro. Hous. Auth.*, 9th Dist. Summit No. 24818, 2009-Ohio-6954, ¶ 8 ("Presenting the trial court with no other reason for his delay in filing, we conclude that the trial court did not abuse its discretion when it granted AMHA's motion to dismiss based upon the fact that Vales' brief was filed over two weeks late.").

{¶12} Ms. Hodges' sole assignment of error is overruled.

III.

{¶13} In light of the foregoing, we affirm the judgment of the Summit County Court of Common Pleas.

Judgment affirmed.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Summit, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

CARLA MOORE
FOR THE COURT

HENSAL, P. J.
WHITMORE, J.
CONCUR.

APPEARANCES:

PAMELA HODGES, pro se, Appellant.

CHERI B. CUNNINGHAM, Director of Law, and JOHN R. YORK and ELLEN M. LANDER,
Assistant Directors of Law, for Appellee.