

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

CITY OF CINCINNATI,	:	APPEAL NO. C-150565
Plaintiff-Appellee,	:	TRIAL NO. 15CV-02765
vs.	:	<i>JUDGMENT ENTRY.</i>
WILLIAM FINNELL,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

In a single assignment of error, defendant-appellant William Finnell argues that the trial court erred by entering judgment in favor of the city of Cincinnati on its complaint to recover an unpaid civil fine for violations of the Cincinnati Building Code on property owned by Finnell.

On July 3, 2012, the city issued a notice of civil offense and civil fine for Finnell's failure to comply with orders of the director of buildings and inspections. Finnell requested an administrative hearing to contest the violations and fine. He argued that the city could not pursue the civil sanction because it had previously charged him criminally for the same code violations. On July 12, 2012, the hearing examiner rejected Finnell's argument and upheld the determination of code violations as well as

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the fine. Finnell did not appeal the administrative decision to the court of common pleas, as provided by Cincinnati Municipal Code 1501-25 and R.C. Chapter 2506.

In January 2015, the city sued Finnell in small claims court for the unpaid civil fine. Following a trial, the magistrate awarded judgment in favor of the city for \$1,250. Thereafter, the trial court overruled Finnell's objections to the magistrate's decision and entered judgment in favor of the city.

On appeal, Finnell attempts to relitigate the merits of the underlying code violations. However, because he failed to file an administrative appeal, the hearing examiner's decision is res judicata. The only issue before this court is whether Finnell paid the fine, and he concedes that he did not. Therefore, the trial court properly entered judgment in favor of the city. We overrule the assignment of error and affirm the trial court's judgment.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HENDON, P.J., DEWINE and MOCK, JJ.

To the clerk:

Enter upon the journal of the court on June 8, 2016

per order of the court _____.
Presiding Judge