

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

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| DR. TRUDY BOND, <i>et al.</i> , | : | |
| | : | |
| Relators | : | CASE NO. 11CV-4711 |
| | : | |
| vs. | : | JUDGE CRAWFORD |
| | : | |
| STATE BOARD OF PSYCHOLOGY, | : | |
| | : | |
| Respondent | : | |

**DECISION AND ENTRY ADOPTING
MAGISTRATE’S DECISION ON RESPONDENT’S MOTION TO DISMISS AND
NOTICE OF FINAL APPEALABLE ORDER**

CRAWFORD, JUDGE

On April 13, 2011, Relators filed the Complaint seeking a writ of mandamus against Respondent Ohio State Board of Psychology. The writ sought by Relators would require Respondent to take action on Relators’ complaint against Dr. Larry C. James, a psychologist licensed by Respondent.

On December 16, 2011, the Magistrate filed a Decision granting Respondent’s Motion to Dismiss this action. On December 30, 2011, Relators filed objections to the Magistrate’s Decision.

Pursuant to Civ. R. 53, the Court has undertaken an independent and *de novo* review of the record and Relators’ objections to the Magistrate’s Decision.

The Magistrate concluded that this case must be dismissed because Relators do not have standing to pursue this action. “It is well established that before an Ohio court can consider the merits of a legal claim, the person seeking relief must establish standing to sue.” *State ex rel. Ohio Academy of Trial Lawyers v. Sheward*, 86 Ohio St.3d 451, 469 (1999). The Court finds that Relators have not alleged direct and concrete personal

injury as required for private litigant standing and have not established “public right” standing.

The Magistrate further concluded that this action must be dismissed for failure to state a claim under Civ. R. 12(B)(6). In order to obtain a writ of mandamus, a Relator must demonstrate that: (1) Relator has a clear legal right to the relief sought; (2) Respondent has a clear legal duty to provide the requested relief; and (3) Relator has no plain and adequate remedy in the ordinary course of the law. *State ex. rel. Gill v. School Emp. Retirement Sys. of Ohio*, 121 Ohio St.3d 567, 2009-Ohio-1358, ¶18.

R.C. 4732.17(A) provides that Respondent “may” issue a reprimand or suspend or revoke the license of a psychologist on the specified grounds. Relators have cited no legal authority requiring Respondent to initiate disciplinary action against a licensee or to provide an explanation of a decision not to pursue formal action. The Court concludes that Relators cannot establish a clear legal right to the relief sought or that Respondent has a clear legal duty to provide the requested relief.

For the foregoing reasons, the Court hereby overrules Relators’ objections to the Magistrate’s December 16, 2011 Decision and adopts said Decision in its entirety. This case is hereby dismissed. Respondent’s Motion to Stay Discovery filed May 18, 2011 is moot and Relators’ Motion for an Oral Hearing filed August 24, 2011 is denied. This is a final appealable Order.

Copies to:

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Franklin County Court of Common Pleas

Date: 06-26-2013
Case Title: DR TRUDY BOND -VS- OHIO STATE BOARD PSYCHOLOGY
Case Number: 11CV004711
Type: DECISION/ENTRY

It Is So Ordered.

A handwritten signature in black ink, appearing to read "Dale Crawford". The signature is written in a cursive style and is positioned over a circular, textured seal or stamp.

/s/ Judge Dale Crawford

Court Disposition

Case Number: 11CV004711

Case Style: DR TRUDY BOND -VS- OHIO STATE BOARD
PSYCHOLOGY

Case Terminated: 18 - Other Terminations

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 11CV0047112011-12-3099980000
Document Title: 12-30-2011-OBJECTION TO
Disposition: OBJECTION DENIED
2. Motion CMS Document Id: 11CV0047112011-05-1899980000
Document Title: 05-18-2011-MOTION TO STAY
Disposition: MOTION IS MOOT
3. Motion CMS Document Id: 11CV0047112011-06-1499980000
Document Title: 06-14-2011-MOTION
Disposition: MOTION IS MOOT