

IN THE STATE OF OHIO  
BOARD OF TAX APPEALS  
COLUMBUS, OHIO

ANDREW & TAMI POMPEII	)	CASE NO.: 2025-750
	)	
Appellant,	)	
	)	
vs.	)	
	)	
ASHTABULA COUNTY BOARD OF	)	<u>MOTION TO DISMISS</u>
REVISION	)	
Appellee.	)	
_____	)	

Now comes the Appellee, Ashtabula County Board of Revision, by and through its attorney and respectfully moves this Honorable Court to dismiss the Appeal filed by the Plaintiff pursuant to Ohio Civil Rules of Procedure 12(b)(1)(6) for lack of jurisdiction and for failure to state a claim upon which relief can be granted.

For cause, Appellant failed to file a notice of appeal of any kind with the Ashtabula County Board of Revision within thirty (30) days after the decision of the county board of revision was mailed to the Appellant. This appeal is based upon R. C. Section 5717.01. R.C. 5717.01 states that "appeal shall be taken by the filing of a notice of appeal with the board of tax appeals and with the county board of revision within thirty days after the notice of the decision of the board is mailed as provided by section 5715.20 of the Revised Code". In this case,

the decision of the Ashtabula County Board of Revision was mailed to the Appellant on May 21, 2025. See attached copies of the Decision and Proof of Mailing attached here to as Exhibit "A". The Board of Revision did not receive a notice of appeal by any manner prescribed by statute from the Appellant. See Affidavit attached hereto as Exhibit "B".

For the foregoing reasons, the Appellee respectfully requests that this case be dismissed for failure to state a claim upon which relief can granted and that this Court does not have jurisdiction to entertain this appeal.

Respectfully Submitted,  
APRIL R. GRABMAN  
PROSECUTING ATTORNEY

By, Cory C. Funk  
CORY C. FUNK(0091021)  
Assistant Prosecutor  
Attorney for the Ashtabula  
County Board of Revision  
25 West Jefferson St.  
Jefferson, OH 44047  
(440) 576-3009

CERTIFICATE OF SERVICE

I, Cory C. Funk, do certify that a true and correct copy of the foregoing Motion to Dismiss was sent by Regular U.S. Mail, Postage prepaid, to all parties, defendants, or their counsel of record on this date to the following:

Andrew & Tami Pompeii  
270 State St.  
Struthers, OH 44471

DATED: August 26, 2025

By: Cory C. Funk  
CORY C. FUNK (0091021)  
Assistant Prosecutor  
Attorney for the Ashtabula  
County Board of Revision  
25 West Jefferson St.  
Jefferson, OH 44047  
(440) 576-3009



Ashtabula County Auditor  
Scott Yamamoto

25 W. Jefferson St.  
Jefferson, OH 44047  
Phone: (440) 576-3793

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Andrew Pompeii  
270 State St.  
Struthers, OH 44471

May 21, 2025

Re: Remission of Real Property Tax Penalties  
Case# 2023-PEN-00201

Dear Mr. Pompeii,

This letter is to notify you of the outcome of your Application for Remission of Real Property Tax Penalties. The Board of Revision concluded as follows:

Request for penalty remission has been **granted**.

Request for penalty remission has been **\*denied**.

Your request was denied for the following reasons:

Taxpayer was granted remission for 1<sup>st</sup> half 2023, therefore is not eligible for remission for 2<sup>nd</sup> half 2023.

\*If Denied: The taxpayer has 30 days from the mailing of the Board of Revision's decision to appeal to the Board of Tax Appeals. The requirements for a proper appeal to the Board of Tax Appeals are contained in R.C. 5717.01, which include filing through an online process. If the taxpayer does not follow all the mandatory requirements to appeal, the taxpayer may lose his right to appeal. DTE Form 4 has been prescribed for this purpose and an electronic copy may be found on the Board of Tax Appeal's website. You must also send the Board of Revision a copy of the notice of appeal. The mailing address of the Board of Tax Appeals is 30 East Broad Street, 24<sup>th</sup> Floor Columbus, Ohio 43215-3414. Its website is: [bta.ohio.gov](http://bta.ohio.gov). Please contact the Board of Revision to determine the acceptable methods of notification of appeal.

Sincerely,

Scott Yamamoto  
Ashtabula County Auditor

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  - Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage \$ .69

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Sent To

Andrew Pompeii

Street and Apt. No., or

270 State St.

City, State, ZIP+4®

Struthers Ohio, 44471



2023

#201

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IN THE STATE OF OHIO  
BOARD OF TAX APPEALS  
ASHTABULA, OHIO

ANDREW & TAMI POMPEII

CASE NO.: 2025-750

Appellants,

vs.

ASHTABULA COUNTY BOARD OF  
REVISION, et al.

AFFIDAVIT

Appellees.

STATE OF OHIO

SS

COUNTY OF ASHTABULA

I, TARA FRABLE, being first dully sworn according to law, do depose and state the following under oath:

1. I am the Deputy Auditor and Real Estate Manager of Ashtabula County.
2. The scope of my duties enables me to have direct knowledge of the matters attested herein.
3. On May 21, 2025, the Auditor’s office mailed by certified mail a notice of the decision of the Ashtabula County Board of Revision to Appellants, Andrew & Tami Pompeii.

4. As of the date of this Affidavit, the Ashtabula County Board of Revision has not received a Notice of Appeal from a Decision of the County Board of Revision to the Board of Tax Appeals from the Appellants.

FURTHER AFFIANT SAYETH NAUGHT.

Tara Frable  
TARA FRABLE



Sworn to and subscribed in my presence this 25<sup>th</sup> day of August 2025.

Deanne Nicole Darenitty  
Notary Public  
My commission expires:

7/16/2030