



## Ohio Revised Code

### Section 4707.31 Director's discretion to make payment without order.

Effective: July 1, 2003

Legislation: Senate Bill 262 - 124th General Assembly

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Notwithstanding any other provision of this chapter to the contrary, the director of agriculture may, within the director's discretion, make a payment out of the auction recovery fund to a person without first requiring the person to obtain a prior order issued by the director or by a court of competent jurisdiction if all of the following apply:

- (A) The person claims to have sustained total actual and direct losses in the amount of one thousand dollars or less.
  - (B) The losses are associated with an act or transaction that only a person licensed under this chapter lawfully may perform.
  - (C) The licensee allegedly has engaged in actions that are described in section 4707.15 of the Revised Code or that otherwise violate this chapter or rules adopted under it.
  - (D) The amount of the alleged loss is readily ascertainable rather than speculative in nature.
  - (E) The claimant filed a properly notarized complaint with supporting documentation to the department not later than one year following the date of the alleged wrongful actions of the licensee.
  - (F) The department, within its discretion, determines that, based upon the evidence presented, justice would be better served by allowing compensation to be paid without first requiring the aggrieved party to obtain a judgment from a court of competent jurisdiction or an order of the department.
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