



## Ohio Administrative Code Rule 4715-15-07 Continuance of hearing.

Effective: November 10, 2000

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- (A) The board shall initially continue a hearing upon its own motion for a period of not less than thirty days, in order to more efficiently and effectively conduct its business unless the circumstances establish that a continuance would not serve the interest of justice.
- (B) The attorney hearing examiner may continue a hearing upon the motion of a representative of record.
- (C) Hearings shall not be continued upon motion by a representative unless a showing of reasonable cause and proper diligence is presented. Before granting any continuance, consideration shall be given to harm to the public which may result from delay in proceedings. In no event will a motion for a continuance by a representative, requested less than five days prior to the scheduled date of the hearing, be granted unless it is demonstrated that an extraordinary situation exists which could not have been anticipated and which would justify the granting of a continuance.
- (D) No continuance of an adjudicatory hearing under division (E) or (F) of section 4715.30 of the Revised Code shall be granted without the written agreement of the respondent or his representative and the board.
- (E) If a continuance is granted, the attorney hearing examiner shall immediately establish a new hearing date, unless circumstances prohibit.
- (F) Hearings may be continued due to the unavailability of a subpoenaed witness at the discretion of the attorney hearing examiner. The attorney hearing examiner may hold the record open to accept a deposition in lieu of live testimony of a subpoenaed witness. The procedures set forth in rule 4715-15-21 of the Administrative Code shall apply to any deposition taken pursuant to this rule.
- (G) No adjudication hearing shall be continued for more than ninety days for the purpose of exchanging witness or document lists to the extent provided in rule 4715-15-17 of the Administrative



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Code unless the board or attorney hearing examiner finds in writing that such exchange was diligently pursued but was not completed due to the unusual circumstances of the case.