



Ohio Administrative Code Rule 102-7-05 Complaints.

Effective: June 29, 2015

(A) The commission will receive and may initiate complaints concerning conduct alleged to be in violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code against a person for whom the commission is the "appropriate ethics commission" under division (F)(3) of section 102.01 of the Revised Code.

(B) The commission will take no formal action against any person unless a complaint or charge has been filed against that person. A complaint, unless filed by the commission, must be by affidavit made on personal knowledge of all elements of an offense under section 102.02, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, subject to the penalties of perjury. A complaint filed by the commission must be by affidavit, based upon reasonable cause to believe that a violation has occurred.

(C) A complaint must be in writing, sworn before a notary public or other person authorized to take oaths, and include the following:

- (1) The name, address, and position of the person against whom the complaint is filed;
- (2) A citation of the specific provision of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code alleged to have been violated;
- (3) A statement of the essential facts constituting the offense charged and include each element of the offense of which the complainant must have personal knowledge;
- (4) The name, address, and signature of the person filing the complaint.

(D) A complaint will be considered filed when it is received at the office of the commission. The date and time the complaint is received will be recorded. The executive director or designee will acknowledge receipt of the complaint with signature.



(E) The commission will return complaints not within its jurisdiction, complaints not supported by affidavit made on personal knowledge, and complaints otherwise determined to be incomplete or technically defective, with an explanation of each defect and, if appropriate, a description of the steps necessary to correct any technical defect.

(F) The commission will consider each complaint to determine whether the complaint is frivolous, and whether there is reasonable cause to believe that the facts alleged in the complaint constitute a violation of section 102.02, 102.03, 102.04, 102.07, 2921.42 or 2921.43 of the Revised Code.

(1) If the commission determines the complaint is not frivolous and that there is reasonable cause to believe that the facts alleged in the complaint constitute a violation of section 102.02, 102.03, 102.04, 102.07, 2921.42 or 2921.43 of the Revised Code, it will hold a hearing. The executive director will promptly notify the respondent, in accordance with paragraph (H) of this rule, that a complaint has been filed, and enclose a copy of the complaint.

(2) If the commission does not find that there is reasonable cause to believe that the facts alleged in the complaint constitute a violation of section 102.02, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it will dismiss the complaint.

(G) The commission must schedule a hearing within ninety days of the filing of the complaint under paragraph (D) of this rule. If the commission has not scheduled a hearing within ninety days after the complaint is filed, it will dismiss the complaint. Upon the request of the accused, the commission shall make a public report of the dismissal, but all evidence and the record will remain confidential unless the accused person also requests that such evidence and the record be made public. If the commission refers a complaint or a charge factually related to a complaint for settlement under this rule, the time provisions for scheduling a hearing in this section are tolled from the date the commission makes the referral.

(H) The respondent must be given reasonable notice of the date, time, and place of the hearing, a statement of the charges and the law directly involved and notice that the respondent shall be given the opportunity to be represented by counsel and to have counsel appointed if the respondent cannot afford counsel. The notice must include the name of any hearing examiner appointed under rule



102-9-09 of the Administrative Code. Notice must be made under confidential cover by certified mail to the respondent's home address, place of employment, or public entity for which the respondent is required to file; or by delivering a copy to the respondent personally; or by leaving it at the respondent's usual place of residence with some person of suitable age and discretion then residing therein. Notice must be mailed or delivered not later than twenty days prior to the date of the hearing.

(I) Each complaint, except a complaint returned under paragraph (E) of this rule, will be assigned a number. The commission will record the complaint number, the name of the complainant and the respondent, a brief description of the complaint, and any subsequent action on the complaint.