



## Ohio Administrative Code Rule 122:5-1-04 Conduct of hearing.

Effective: February 3, 2004

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- (A) The hearing shall be within fifteen days of the request, but not prior to seven days, of the date of the "Notification of Intent to Terminate" unless otherwise agreed upon in writing by both the division and the eligible entity.
- (B) After the hearing officer has called the hearing to order, the parties may be given an opportunity to present opening statements; thereafter, the parties shall present their evidence in the sequence determined by the hearing officer.
- (C) When a witness is introduced to provide testimony or evidence in a contested case hearing, the witness shall, prior to testifying, be identified by name and address and shall take an oath of affirmation administered by the hearing officer.
- (D) The hearing officer shall be a state of Ohio employee not involved in the decision to terminate.
- (E) The hearing procedures shall include, but are not limited to, the following:
- (1) For good cause, a hearing may be rescheduled by the hearing officer;
  - (2) The eligible entity may be represented at the hearing by (a) an attorney; (b) such other representative, who is not an attorney and has been designated to represent the eligible entity by a majority of the governing board.
  - (3) To introduce into the record documentary evidence and bring witnesses to the hearing;
  - (4) To have records or documents relevant to the issues produced by their custodian when the records or documents are kept by or for the state, contractor or a subcontractor in the ordinary course of business and where prior reasonable notice has been given to the presiding officer;



- (5) To question any witnesses or parties;
  
- (6) The hearing officer shall not be bound by the "Ohio Rules of Evidence" and shall prescribe the conduct of the hearing;
  
- (7) Additional procedures may be set forth by the hearing officer, or at the request of the parties if approved by the hearing officer in whose sole discretion hearing procedures shall rest.