



## Ohio Administrative Code Rule 1513-3-01 Definitions.

Effective: November 1, 2018

---

- (A) "Adjudication hearing" means a trial-type proceeding at which the parties may introduce evidence relevant to the resolution of a disputed issue of fact.
- (B) "Amicus curiae" means a "friend of the court." The participation of a non-party amicus curiae is addressed under paragraph (F) of rule 1513-3-07 of the Administrative Code.
- (C) "Appellant" means any person filing an appeal with the reclamation commission for the review of an action of the division chief.
- (D) "Appellee" means the division of mineral resources management.
- (E) "Burden of persuasion" means proof by a preponderance of the evidence.
- (F) "Chief" means the chief of the division of mineral resources management.
- (G) "Commission" means the reclamation commission, as established by section 1513.05 of the Revised Code.
- (H) "Division" means the division of mineral resources management.
- (I) "Discovery" means the ascertainment of information pursuant to rule 1513-3-10 of the Administrative Code.
- (J) "Ex parte communication" means a communication between the commission and one party to an appeal, without the inclusion of other parties to the appeal. Ex parte contacts and communications are addressed, and prohibited, under paragraph (G) of rule 1513-3-03 of the Administrative Code.
- (K) "Final order" means a written decision of the commission, which resolves the matters presented



in an appeal, which is issued in accordance with rule 1513-3-19 of the Administrative Code, and which is appealable to the courts pursuant to section 1513.14 or section 1514.09 of the Revised Code.

(L) "Full party" means the appellant, the appellee and any intervenor participating in an appeal pursuant to paragraph (C) of rule 1513-3-07 of the Administrative Code.

(M) "Hearing officer" means a person designated by the reclamation commission pursuant to section 1513.05 of the Revised Code to conduct hearings or perform other duties as directed by the commission.

(N) "In camera" means in private rather than in open hearing. In camera procedures are addressed under paragraph (C) of rule 1513-3-16 of the Administrative Code.

(O) "Interested persons in an appeal pending before the commission" are the appellant, the appellee, any intervenors and any other persons who have notified the commission of an interest in a pending appeal and have requested to be notified of hearings in said pending appeal.

(P) "Intervenor" means any person granted the right to intervene pursuant to rule 1513-3-07 of the Administrative Code.

(Q) "Person" means any individual, partnership, limited liability company, corporation, association, or other legal entity, or any political subdivision, instrumentality, or agency of this state or the United States.

(R) "Proffer" means to offer or tender testimony or documents or other tangible objects into evidence.

(S) "Pro hac vice" means "for one particular case," and addresses the ability of an out-of-state attorney to appear in an appeal before the commission pursuant to paragraphs (A) and (C) of rule 1513-3-03 of the Administrative Code.

(T) "Regular business hours" for the reclamation commission means ten a.m. to six p.m., Monday



through Friday, except for state holidays as defined in section 124.19 of the Revised Code or other days in which offices of the government of the state of Ohio are permitted to close due to weather, safety or other unforeseeable events which present a risk to the public or to the commission employees. In the event of the absence of the office staff, contact information for the chairperson and vice-chairperson of the commission will be prominently posted at the commission offices.

(U) "Rules of the reclamation commission" means rules 1513-3-01 to 1513-3-22 of the Administrative Code and shall apply to appeals filed under both Chapters 1513. and 1514. of the Revised Code, unless specifically provided otherwise.

(V) "Subpoena ad testificandum" means a subpoena for the appearance and testimony of a witness, and is addressed under paragraph (I) of rule 1513-3-02 of the Administrative Code.

(W) "Subpoena duces tecum" means a subpoena requiring a witness to produce documents or other items at hearing and is addressed under paragraph (I) of rule 1513-3-02 of the Administrative Code.