



## Ohio Administrative Code

### Rule 3301-73-27 Time limits and the computation of time.

Effective: January 21, 2019

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(A) If a hearing should be requested under Chapter 119. of the Revised Code, the parties shall comply with the following time limits:

(1) All motions except for motions for continuance and those motions filed subsequent to the close of the administrative hearing record shall be made no later than fourteen days before the date of hearing unless express exception is granted by the hearing officer or by this chapter.

(2) The hearing officer may grant a continuance if requested less than seven calendar days prior to the scheduled date of the hearing if the parties agree or if a party demonstrates that an extraordinary situation exists that could not have been anticipated and that would justify the granting of a continuance.

(3) Subpoena requests are to be filed with the department at least fourteen days in advance of the requested date of compliance and in accordance with rule 3301-73-06 of the Administrative Code. In the event that the number of subpoenas requested appears to be unreasonable, the hearing officer may therefore require a showing of necessity, and, in the absence of such showing, may limit the number of subpoenas. Absent such a limitation, subpoenas shall be issued within seven days of request except for subpoena requests that fail to comply with rule 3301-73-06 or paragraphs (B) to (I) of rule 3301-73-13 of the Administrative Code.

(4) The hearing officer shall make a ruling on a written motion within fourteen days after the response to a motion is due.

(5) Within thirty days following both the close of the record of an administrative hearing conducted pursuant to Chapter 119. and section 3319.311 of the Revised Code and of receiving the transcript from the hearing, the hearing officer shall submit a written report setting forth a summary of proceedings, proposed findings of fact and conclusions of law, and a recommendation of the action to be taken by the state board. The hearing record shall not be considered closed until such time as



the record is complete, as determined by the hearing officer.

Any requests by the hearing officer to extend the time to file the report must be submitted in writing to the superintendent prior to the thirtieth day and shall include an explanation why such extension is necessary. Such request shall be decided by the superintendent.

(6) Pursuant to section 119.09 of the Revised Code, either party may file written objections to the report and recommendation within ten days of receipt of the hearing officer's report and recommendation. Filing of objections shall be in compliance with rule 3301-73-06 of the Administrative Code. Only those objections filed in a timely manner shall be considered by the state board. Either party may file a motion to strike in response to the submission of objections. A motion to strike must be filed within ten days from the date of service of the objections. If a motion to strike is filed, the hearing officer shall make a recommendation to the state board on the motion to strike.

(7) Prior to the tenth day after receipt of the report and recommendation pursuant to section 119.09 of the Revised Code or objections filed by either party and upon written request, the superintendent may grant extensions of time within which to file objections or a motion to strike. The extension shall not be for more than fourteen days.

(B) The board or its hearing officer may extend the time for filing or responding to motions and briefs.

Requests for extension of time shall be made in writing and filed as provided in rule 3301-73-06 of the Administrative Code prior to the expiration of any applicable time limit.

(C) In the computation of any time limit under Chapter 3301-73 of the Administrative Code, the date of occurrence of the event causing time to run is not counted. The last day of the period is included in the computation of the time limit. If the last day of a period is not a regular business day, the time period runs through the end of the next regularly scheduled business day.