



Ohio Administrative Code

Rule 3517-1-03 Service of documents commencing proceedings.

Effective: May 2, 1996

(A) Who may be served.

Complaints shall be served upon respondents as detailed in this rule and otherwise in conformity with Ohio Rules of Civil Procedure 4.2(1)-(14).

(B) Preparation of process.

Commission staff shall place a copy of the complaint, a copy of these rules of procedure, a copy of the Ohio Revised Code section(s) encompassing the jurisdiction of the commission, a notice of the determination or recommendation made by commission counsel, as appropriate, including any date set by the commission to take action on the complaint, and any other necessary documents, in a sealed envelope addressed to the parties in the complaint to be served at the address set forth in the complaint.

(C) Methods of service.

Complaints shall be served upon the parties named in the complaint in the following manner with address correction requested:

(1) Certified mail service.

The sealed envelope shall be placed in the regular United States mail with the United States postal service (USPS), postage pre-paid, certified mail return receipt requested, with instructions to forward and with instructions to the delivering postal employee to show to whom delivered, date of delivery and address where delivered. Staff shall note the date of mailing and the certified number in the records of the commission. Upon return of the receipt, or of the mailing undelivered, staff shall enter the fact of same in the records of the commission and place the receipt or envelope in the case file. Service shall be complete upon receipt, as evidenced by the return receipt.



(2) Personal service.

Upon written request of a party, or counsel to a party, for designation of a suitable person to make personal service, approved by counsel to the commission, service of

The sealed envelope shall be made by the designated person, at the sole expense of the requesting party, in conformance with Ohio Rules of Civil Procedure, Rules 4.1(2) and 4.3(B)(2).

(3) Refused or unclaimed service.

If the certified mail envelope containing service of process is returned marked "refused" or "unclaimed" by the USPS, or if the return of service by the designated process server states that service was refused but the stated address appeared to be that of the person to be served, staff shall retain in the commission records the failed service unopened and send, by ordinary U.S. mail postage pre-paid, the documents outlined in paragraph (B) of rule 3517-1-03 of the Administrative Code. The fact of mailing shall be noted in the records of the commission. If not returned within fourteen days, service shall be complete on the date of mailing.

(4) Undeliverable or forwarding order expired.

If the certified mail envelope is returned marked "undeliverable as addressed" or "moved, forwarding order expired" by the USPS, or if return of service by the designated process server states that it appears that the party to be served cannot be found at the address given, staff shall notify the designated contact person of the facts and request an updated address for service, if available. If an updated address is given, said notice shall be given by regular U.S. mail, postage pre-paid. If no updated address is available, staff shall remove the matter from the commission's docket and notify the party of said action and removal.

(5) FAX and/or telephone service.

In cases which will receive the expedited hearing process before a probable cause panel as outlined in rule 3517-1-10 of the Administrative Code, commission staff may also make service by FAX or



telephone, in conjunction with other available service methods. Such service is intended to inform the complainant and respondent, as applicable, of the time and date of the probable cause panel meeting.

If the probable cause panel finds that probable cause is present, or assigns an investigative attorney, this type of service will be used to notify the respondent of the date and time of the meeting of the full commission. This service is intended to confer on all parties an opportunity to appear at commission meetings, whether by panel or by the full commission. This type of service is intended to supplement mail service and will be sufficient to notify a party of commission hearings and actions when that party makes an appearance before a panel of the commission or the full commission.

(D) Subsequent notice.

Notice by the commission, subsequent to initial filing and service of the complaint, shall be by regular U.S. mail, postage pre-paid, address correction requested. Notice of the determination or recommendation made by commission counsel including the date set for hearing shall be sent to all parties as necessary for the proper adjudication of the complaint.

(E) Notice of disposition.

Notice of disposition or adjudication of a matter, or any part thereof, by the commission shall be served upon the party adversely affected by regular mail. The act of mailing shall be considered sufficient to have made service and any appeals or requests for reconsideration shall be made based on the date of mailing by the commission to the affected party.