



## Ohio Administrative Code

### Rule 3745-47-03 Request for an adjudication hearing and objections.

Effective: April 2, 2012

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(A) An adjudication proceeding shall be initiated if any one or combination of the following occur:

(1) The person to whom the proposed action was issued timely requests an adjudication hearing pursuant to sections 119.06 and 119.07 of the Revised Code.

(2) An officer of an agency of the state or of a political subdivision acting in a representative capacity or any person who would be aggrieved or adversely affected by the issuance or renewal of a permit, license, or variance timely objects to the proposed action pursuant to section 3745.07 of the Revised Code.

(3) A person who disputes the agency's determination that the person's activities are subject to permitting or licensing requirements under statutes or rules administered by the agency timely requests an adjudication hearing pursuant to section 119.06 of the Revised Code.

(4) A person timely requests an adjudication hearing or objects pursuant to other applicable provisions of the Revised Code.

Paragraphs (A)(1) to (A)(4) of this rule do not authorize the filing of objections to amended proposed actions unless the agency gave public notice of the amended proposed action in accordance with rule 3745-49-08 of the Administrative Code.

(B) All requests for an adjudication hearing, including requests pursuant to section 119.06 or 119.07 of the Revised Code, and all objections to proposed actions pursuant to section 3745.07 of the Revised Code shall be made in writing. All requests and objections shall state the matter objected to, the questions to be considered at the requested adjudication hearing, and the basis for the request or objection.

(1) Not later than sixty days after issuance of the proposed action or such other time as the hearing



examiner may order, the person who timely requests or objects in accordance with paragraph (A) of this rule shall file the specific provisions of the matter objected to that the person believes should be deleted, amended, or added if those specified provisions were not included in the adjudication hearing request or objection as initially filed.

(2) The requesting or objecting person shall include a clear and concise summary of the factual or legal basis for each request, deletion, amendment, or addition, including a reference setting forth the citation to any statute, regulation, or other legal principle that supports the person's position. Filings required by this paragraph may be included in filings required under rule 3745-47-10 of the Administrative Code, as long as the filing complies with the deadline set forth in paragraph (B)(1) of this rule, and if such is acceptable to the hearing examiner.

(C) Amendment of adjudication hearing requests and objections may be made in the same manner as the "Ohio Rules of Civil Procedure" (2011) allow amendment of complaints.

(D) If the agency issues an amended proposed action after initiation of an adjudication proceeding, the hearing examiner shall grant all parties a reasonable time, which, notwithstanding any other provision of this chapter, may be less than thirty days, to amend their adjudication hearing requests, objections, or petitions to intervene so as to raise issues relating to the amendments.