



Ohio Administrative Code Rule 3745-47-05 Draft or proposed action.

Effective: April 2, 2012

(A) An original and one copy of all documents shall be filed with the hearing clerk for each case, even when cases have been consolidated. The hearing clerk shall do the following:

(1) Immediately upon initiation of an adjudication proceeding, open an adjudication file and assign a docket number to the proceeding.

(2) Be the custodian of all adjudication files for the agency.

(3) Upon initiation of an adjudication proceeding, include in the adjudication file the request for adjudication, any objection, and copies of any proposed action.

(4) During the pendency of the adjudication proceeding carefully preserve in the adjudication file all documents delivered to the hearing clerk for filing, recording on all such documents the date of receipt thereof.

(B) The acceptance of documents for filing shall not be construed as an admission by the agency of the validity or proper filing of such document or of compliance with any procedural requirements imposed by statute or rule.

(C) All items except copies of documents filed in the proceedings shall be on eight-and-one-half-inch by eleven-inch paper and shall be titled "Before the Ohio Environmental Protection Agency" and shall be styled with the name of the person to whom a final order in the case will be directed, indicating whether such person is an applicant in the case, and, if not, designating such person as respondent (i.e., "In the Matter of _____, Applicant" or "In the Matter of _____, Respondent"), and shall set forth the docket number of the case except where no docket number has been assigned.

(D) All documents filed shall be printed and shall include the name, address, and telephone number



of the person or, if represented by an attorney, that person's attorney. If a person is represented by a firm of attorneys, a particular attorney with the firm having primary responsibility for the case shall be indicated on such document. All documents filed shall be signed by the person or by the person's attorney.

(E) All documents shall be deemed filed with the agency upon being date and time-stamped by the Ohio EPA "Legal Records Section."

(F) In computing any period of time prescribed for filing a document, the day on which the designated period of time begins to run is not included. The last day of the period is included unless it is a day that the agency is not open for business, in which event the period runs until the end of the next day that the agency is open for business. When the time prescribed or allowed is less than seven days, days that the agency is not open for business shall be excluded from the computation.

(G) Any request for an extension of time to file a document shall be filed within the time allowed for the filing of the document with the agency.

(H) Documents filed with the hearing clerk shall not be considered by the hearing examiner unless proof of service in accordance with paragraphs (I) and (J) of this rule is endorsed thereon. The proof of service shall state the date and manner of service and shall be signed by the person filing such document or by the person's attorney.

(I) The hearing examiner and the parties shall send a copy of each document they have filed with the hearing clerk to each party or, if a party is represented by an attorney, to the party's attorney. Service by mail is complete upon mailing. Service may also be made by any other means permitted by the "Ohio Rules of Civil Procedure" (2011).

(J) Copies of all documents filed shall also be sent to any person who has been denied permission to intervene and any party who has been dismissed from a case for any reason, other than that party's voluntary withdrawal, in the same manner as this chapter requires those documents to be sent to the remaining parties. If a person being served is represented by an attorney, service shall be made upon the attorney instead of upon the person.