



## Ohio Administrative Code

### Rule 3745-47-07 Notice.

Effective: April 2, 2012

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(A) Any person may file a motion to intervene in an adjudication proceeding conducted under this chapter. A motion shall be accompanied by a memorandum setting forth the matter for which intervention is sought, the grounds for proposed intervention, the position and interest of the movant in the adjudication proceeding, and any other matter that the movant deems relevant in light of the factors to be considered by the hearing examiner listed in paragraph (D) of this rule. The movant shall serve a copy of the motion upon each party as provided in rule 3745-47-05 of the Administrative Code.

(B) Except as provided in paragraph (C) of this rule, a motion to intervene in an adjudication proceeding shall be filed prior to the commencement of the first conference or not later than fifteen days prior to commencement of the adjudication hearing if no conference is held.

(C) Motions to intervene in an adjudication proceeding filed after the time periods set forth in paragraph (B) of this rule shall contain, in addition to the information required by paragraph (A) of this rule, a statement of good cause for the failure to timely file the motion and shall be granted only upon a finding that extraordinary circumstances justify the granting of the motion.

(D) Motions to intervene may be granted by the hearing examiner upon consideration of the following factors, where relevant:

- (1) The nature and extent of the movant's interest in the subject matter of the adjudication proceeding and the degree to which the adjudication may impair or impede the movant's ability to protect that interest.
- (2) The adequacy of the representation of the movant's interest by existing parties.
- (3) The relationship of the movant's interest to the subject matter of the adjudication hearing.



(4) The avoidance of duplicative adjudication proceedings.

(5) Whether the intervention would unduly delay or prejudice the adjudication of the rights of the parties.

(6) The contribution the movant may make to the just determination of the issues.

(E) In any adjudication proceeding in which intervention is granted under this rule, the intervener shall be bound by previous rulings. The hearing examiner may impose reasonable conditions or restrictions on the extent of the intervener's participation in the adjudication proceeding.