



## Ohio Administrative Code

### Rule 3745-47-16 Report and recommendation of hearing examiner.

Effective: February 26, 2024

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(A) Except as otherwise provided in this paragraph, not later than forty-five days after receipt of the stenographic record of an adjudication hearing, and upon due consideration of the record, the hearing examiner shall file a report and recommendation and shall submit a copy of that report and recommendation to the director. In cases where the hearing examiner has established a post-hearing briefing schedule, the report and recommendation shall be filed and submitted not later than forty-five days after the completion of briefing. The report shall include findings of fact and conclusions of law, and the recommendation shall include the recommendations regarding the action to be taken by the director.

(B) A copy of the report and recommendation shall be sent to all parties or their attorneys, and to the persons entitled to receive documents pursuant to rule 3745-47-05 of the Administrative Code. Copies shall be sent in accordance with section 119.05 of the Revised Code not later than five days after the submission of the report and recommendation to the director.

(C) Any person to whom a copy of the report and recommendation shall be provided pursuant to paragraph (B) of this rule may file a written statement of objections to the report and recommendation with the hearing examiner in accordance with rule 3745-47-05 of the Administrative Code, not later than ten days after receipt of the copy. Upon the director's own motion, or upon motion of any person entitled to file an objection, the director may grant extensions of the ten-day period. A motion for an extension of time to file a written statement of objection may be filed with the hearing examiner in accordance with rule 3745-47-05 of the Administrative Code. All written statements of objections filed pursuant to this paragraph shall be considered by the director before issuance of a final action. All objections shall state each legal and each factual basis for the objection. Where matters of fact form a basis for the objection, a citation to the record shall be included. Persons filing objections shall serve their objections upon all other persons entitled to file objections. Answers to objections may not be filed.

(D) After the hearing examiner's report and recommendation has been filed, the director, upon the



director's own motion or upon motion of a party, may permit the parties to file further documentary evidence in accordance with the rule 3745-47-05 of the Administrative Code. The director may remand the matter to the hearing examiner for the taking of additional testimony. In deciding whether to permit the taking of additional testimony, the director shall give consideration to harm to the public welfare or the environment that may result from delay in the adjudication proceeding.

(E) Not earlier than expiration of the time for submission of objections under paragraph (C) of this rule, the director shall approve, modify, or disapprove the hearing examiner's report and recommendation as a final action.

(F) When the final action modifies or disapproves the hearing examiner's report and recommendation, the final action shall include findings of fact and conclusions of law with the reasons for such modification or disapproval.

(G) The decision of the director shall be entered in the director's journal and in the record of the adjudication proceeding.