



Ohio Administrative Code Rule 3746-7-01 Requisites for de novo hearings.

Effective: January 1, 2018

(A) If no adjudication hearing was conducted in accordance with sections 119.07 to 119.10 of the Revised Code, the commission shall conduct a de novo hearing on the appeal.

(B) If, in the notice of appeal or answer thereto, an issue is raised as to the manner of hearing the commission should conduct due to a question of whether an adjudication hearing was held in accordance with sections 119.07 to 119.10 of the Revised Code, the commission shall decide the issue before conducting further proceedings. The commission may hold a separate hearing on this issue.

(C) The director, the local board of health, the state fire marshal, or state emergency response commission shall forward the certified record to the commission in accordance with rule 3746-5-13 of the Administrative Code. By agreement of the parties, the commission may order an indefinite extension for the filing of the certified record so long as such extension will not prejudice any party or unduly delay the proceedings.

(D) At the hearing, the commission shall have before it the certified record, shall hear such evidence as presented by the parties, and may hear closing statements. A record of the hearing shall be taken.

(E) Upon request of any party, the commission may allow oral argument under rule 3746-7-12 of the Administrative Code or permit the parties to file briefs on any issues raised in the hearing.
