



Ohio Administrative Code

Rule 3746-7-04 Attendance of witnesses and production of documents at hearing.

Effective: July 26, 2010

(A) For the purpose of conducting a de novo hearing, or where the commission has granted a request for the admission of additional evidence, the commission may on its own motion require the attendance of witnesses and the production of written or printed materials.

(B) A party may move the commission for the issuance of a subpoena to require the attendance of witnesses and the production of documents at the de novo hearing. Except in extraordinary circumstances and upon leave of the commission, such a motion shall be made at least seven business days prior to the scheduled hearing date. Subpoenas requested for the attendance of witnesses or production of records at the de novo hearing shall be issued by the commission pursuant to section 3745.05 of the Revised Code.

(C) A witness at any hearing shall testify under oath or affirmation, which any member of the commission may administer. Upon request, a witness shall be permitted to be accompanied, represented, and advised by an attorney, whose participation in the hearing shall be limited to the protection of the rights of the witness.

(D) The refusal of a witness at a hearing before the commission to answer any question which has been ruled proper shall, in the discretion of the commission, be grounds for:

(1) Striking all testimony given by the witness on related matters; or

(2) Instituting contempt proceedings in the court of common pleas.

(E) The commission may, on its own motion or on the motion of any party, provide for the separation of witnesses during the hearing.

(F) At the discretion of the commission, sworn testimony may be submitted in support of any relevant fact or in lieu of live testimony.



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