



Ohio Administrative Code

Rule 3770-1-02 Director's authority under Administrative Procedure Act.

Effective: December 27, 1996

(A) The regulations of the director pertaining to the licensing function, which will have a general and uniform operation, shall be adopted, promulgated and enforced in accordance with the Administrative Procedure Act. In adopting, amending or rescinding a regulation under the Administrative Procedure Act, the procedures of the commission set out in Chapter 3770:1-2 of the Administrative Code shall be followed by the director.

(B) Paragraph (A) of this rule shall not apply to regulations or directives concerning internal management of the state lottery by the director which do not affect private rights.

(C) Decisions and orders of the director in conducting the licensing function shall be made or adopted in compliance with the Administrative Procedure Act. When required by that act, the director shall afford a hearing to a person affected by an order or decision to refuse, suspend or revoke a license. Such hearings shall be conducted by the director or a hearing officer designated by the director and shall comply with the requirements for adjudication hearings set out in the Administrative Procedure Act. The requirement of the Administrative Procedure Act that adjudication hearings be afforded prior to a final decision by the director shall be waived if circumstances such as non-payment of funds owed by a sales agent, or other circumstances related to the public safety, convenience, or trust require immediate action. The director, however, must continue to comply with the requirements of the Administrative Procedure Act in affording the subsequent opportunity for an adjudication hearing.

(D) Unless expressly provided to the contrary, any action permitted to, or required of the director may be taken by a representative authorized by the director to take such action.
