



Ohio Administrative Code Rule 3775-1-04 Waivers and variances.

Effective: June 15, 2022

(A) The commission may waive or grant a variance from the provisions of agency 3775 of the Administrative Code, either on its own or upon a written request, if the commission determines that the waiver or variance is in the best interests of the public.

(B) A person required to obtain a license under Chapter 3775. of the Revised Code may not seek a waiver from the requirements to apply for, obtain, or maintain a license or to pay a different fee amount than is required to apply for or obtain the license.

(C) A waiver or variance request submitted under this rule must be submitted in the manner prescribed by the executive director and contain the following:

- (1) The requestors name, mailing address, telephone number, and electronic mail address;
- (2) A contact person and that persons mailing address, telephone number, and electronic mail address;
- (3) A detailed description of the specific provisions that the requestor is seeking to have waived or to vary from and the reason or reasons justifying the request;
- (4) The requestors signature or the signature of a duly authorized representative of the requestor; and
- (5) Any other information required by the executive director.

(D) In granting any waiver or variance, the commission may impose conditions or restrictions with which the requestor must comply. Failure to comply with the conditions or restrictions contained in an approved waiver or variance will immediately render the approval void and may result in discipline or other formal action as if the waiver or variance had never been granted.



(E) The commission may consider any waiver or variance request submitted under this rule at a meeting held under section 3772.02 of the Revised Code or delegate such responsibility to the executive director. If such a delegation occurs, the executive director will provide a written response to the requestor indicating whether the variance has been granted or denied.

(F) The commission, or the executive director if delegated, retains the sole authority to grant, deny, or modify a waiver or variance request submitted under this rule. The request may be denied or modified for any reason.

(G) Denial or modification of any waiver or variance request submitted under this rule does not require notice and an opportunity for hearing nor will it be considered an adjudication or final appealable order for purposes of Chapter 119. or section 2505.03 of the Revised Code. Such denial or modification will not be considered during any determination of the rights, duties, privileges, or benefits of legal relationships of the requestor.