



Ohio Administrative Code Rule 4734-4-03 Continuances.

Effective: August 12, 2002

(A) The board may initially continue a hearing upon its own motion for a period of not less than thirty days, in order to more efficiently and effectively conduct its business, unless the circumstances establish that a continuance would not serve the interest of justice. The hearing officer or presiding board member may continue a hearing upon the motion of a representative of record. Hearings shall not be continued upon motion unless a showing of reasonable cause and proper diligence is presented. Before granting any continuance, consideration shall be given to harm to the public which may result from delay in proceedings.

(B) No continuance of an adjudicatory hearing under section 4734.37 of the Revised Code shall be granted without the written agreement of the respondent or his representative and the board.

(C) If a continuance is granted, the hearing officer or presiding board member shall immediately establish a new hearing date, unless circumstances prohibit.

(D) Hearings may be continued due to the unavailability of a subpoenaed witness, at the discretion of the hearing officer or presiding board member. The hearing officer or presiding board member may hold the record open to accept a deposition in lieu of live testimony of a subpoenaed witness. The procedures set forth in this chapter shall apply to any deposition taken pursuant to this rule.

(E) No adjudication hearing shall be continued for more than ninety days for the purpose of exchanging witness or document lists to the extent provided by this chapter unless the presiding board member or hearing officer finds in writing that such exchange was diligently pursued but was not completed due to the unusual circumstances of the case.
