



Ohio Administrative Code

Rule 4734-4-05 Authority and duties of hearing officers.

Effective: August 12, 2002

(A) Adjudication hearings may be conducted before a hearing officer pursuant to Chapters 4734. and 119. of the Revised Code. The board shall set the qualifications for hearing officers and shall appoint its hearing officers to serve during each fiscal year. The board or the executive director shall determine which hearing officer is assigned a particular case.

(B) All hearings shall be open to the public, but the hearing officer or presiding board member conducting a hearing may close the hearing to the extent necessary to protect compelling interests and rights or to comply with statutory requirements. In the event the hearing officer or presiding board member determines to close the hearing, the hearing officer or presiding board member shall state these reasons on the record prior to closing the hearing.

(C) The hearing officer or presiding board member shall conduct hearings in such a manner as to prevent unnecessary delay, maintain order, and ensure the development of a clear and adequate record.

(D) The authority of the hearing officer or presiding board member shall include, but not be limited to:

(1) Administer oaths and affirmations;

(2) Order issuance of subpoenas and subpoenas duces tecum to require the attendance of witnesses at hearings and depositions in lieu of live testimony at hearing and to require the production of evidence for hearings and depositions;

(3) Examine witnesses and direct witnesses to testify;

(4) Ruling on the admissibility of evidence;



- (5) Ruling on procedural motions, whether such motions are oral or written;
 - (6) Hold prehearing and status conferences and mediate settlement discussions;
 - (7) Requesting briefs before, during or following the hearing, as well as suggested findings, orders, and conclusions of law within such time limits as the hearing officer may determine;
 - (8) Preparing entries, findings, orders, or reports and recommendations;
 - (9) Requesting preparation of entries, findings, or orders;
 - (10) Ruling on requests to broadcast, record, televise or photograph the hearing;
 - (11) Determining the order in which any hearing shall proceed.
 - (12) Taking such other actions as may be necessary to accomplish the purposes of paragraph (C) of this rule and to carry out Chapters 119. and 4734. of the Revised Code.
- (E) The authority of the hearing officer or presiding board member shall not include:
- (1) Granting motions for dismissal of charges;
 - (2) Modifying, compromising, or settling charges or allegations.
- (F) The hearing officer or presiding board member shall have such other powers, duties, and authority as are granted by statutes or rules.
- (G) All rulings on evidence and motions and on any other procedural matters shall be subject to review by the board upon presentation of the proposed findings of facts and conclusions of law of the hearing officer or presiding board member. When such rulings warrant, the matter may be remanded to the hearing officer or presiding board member.