



Ohio Administrative Code Rule 4901:1-2-11 Inquiry procedures.

Effective: December 4, 2015

(A) An aggrieved person may request an inquiry with the staff. The request for inquiry must be made no later than ninety days after discovering the alleged compliance failure. A request for inquiry shall not, by itself, cause the creation of a formal proceeding at the commission. A request for inquiry shall state, at a minimum and with particularity:

(1) Name of the respondent.

(2) Date of the compliance failure.

(3) Nature of the compliance failure.

(4) Location of the compliance failure.

(5) Any other information that the requestor considers relevant.

(B) Not later than ten business days after receiving a request for inquiry, the staff shall notify the respondent that the request for inquiry was made.

(C) The respondent may respond to the request for inquiry by providing any information that the person considers relevant to the inquiry, including an admission of the compliance failure, not later than thirty days after being notified by the staff.

(D) The staff shall conduct an inquiry. The staff's investigation shall be limited to whether there was a compliance failure.

(E) A report of each inquiry will be made by the staff to the committee and to the participants. The report of inquiry should include all relevant material collected in the course of the proceeding including any documentary and photographic evidence which has been collected regarding the



alleged violation. The report of inquiry should also include any information concerning past violations under sections 4913.151 and 4913.17 of the Revised Code and the various factors for consideration under section 4913.20 of the Revised Code. This report shall not contain a recommendation as to the imposition of a fine or penalty or as to whether any enforcement action should be taken except as provided in section 4913.16 of the Revised Code.

(F) The committee shall review every report of inquiry submitted to it by the staff and consider making a recommendation that a fine, a penalty, or a combination of fine and penalty be imposed or that no enforcement action be taken pursuant to section 4913.15, 4913.16, 4913.17, or 4913.19 of the Revised Code.

(G) The commission, the legal director, the deputy legal director, or an attorney examiner may issue subpoenas, upon the request of the staff or upon the request of the committee, to support the investigation of an inquiry. A subpoena shall command the person to whom it is directed to attend and give testimony at the time and place specified therein. A subpoena may also command such person to produce the papers, documents, or other tangible things described therein. A subpoena issued under this rule shall be served by personal service or by certified United States mail and is effective upon receipt.

(H) The commission, the legal director, the deputy legal director, or an attorney examiner may, upon their own motion or upon motion of the person to whom the subpoena is directed, quash a subpoena if it is unlawful, unreasonable, or oppressive.