



Ohio Administrative Code Rule 4906-7-02 Ex parte discussion of cases.

Effective: December 11, 2015

- (A) Upon finding reasonable grounds, the board shall initiate a proceeding to investigate an alleged violation of section 4906.98 of the Revised Code.
- (B) The board shall conduct a violation proceeding under sections 4906.97 and 4906.98 of the Revised Code, and in accordance with Chapter 4906-2 of the Administrative Code to the extent not inconsistent with section 4906.97 of the Revised Code.
- (C) While an alleged violation of section 4906.98 of the Revised Code is under board investigation, the board or its chairperson or designee may order the suspension of the involved activity. A suspension order may be terminated by the board or its chairperson or designee at any time during the board's investigation of the alleged violation.
- (D) Unless otherwise ordered by the board or an administrative law judge, the staff of the board shall file with the board, and serve upon the person alleged to have violated section 4906.98 of the Revised Code and all other parties, a written report of investigation within twenty-one days after initiation of the involved proceeding. The report shall include the staff's findings on the alleged violation and staff's recommendations for board action.
- (E) The board may require an evidentiary hearing on the alleged violation. The hearing may include evidence on corrective action, forfeitures, and other remedies.
- (F) The complaining party (which may include staff) shall have the burden to prove the occurrence of the violation, by a preponderance of the evidence.
- (G) If, after a hearing, the board finds that a violation of section 4906.98 of the Revised Code occurred, the board may order appropriate remedies, which may include one or more of the following:



- (1) Direct the person to cease the violation.
- (2) Direct the person to comply with the certificate and/or a board order or suspension.
- (3) Direct the person to take corrective action and include a date by which such corrective action must be taken or completed.
- (4) Assess forfeitures in accordance with sections 4906.97 and 4906.99 of the Revised Code.
- (5) Direct the attorney general to seek enforcement of board orders, including orders assessing forfeitures and appropriate remedies, in state or federal court.
- (6) Approve other appropriate remedies.
- (H) The board may request that the attorney general seek enforcement and other appropriate relief in common pleas court, if necessary to enforce its order.