



## Ohio Administrative Code

### Rule 5717-1-03 Filings.

Effective: September 17, 2023

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(A) The board's preferred method of filing is through its electronic filing system.

#### (B) Definitions

(1) "Electronic filing system" means the system made available by the board to receive, process, and store data associated with appeals.

(2) "Submit" means to send to the board through the electronic filing system for filing.

(3) "File" means to be accepted by the board, following submission and board review, for filing.

(4) "Board review" means a preliminary review by the board or its staff of submissions to ensure their accuracy and compliance with these rules. If submissions are found to be in compliance, the board will accept them for filing. If submissions are found not to be in compliance or to contain errors, the submission will not be accepted for filing and the board shall notify the filer of the deficiency or problem with the submission.

(5) "Registered user" means a person holding a user name and password granted through the board's electronic filing system.

(6) "Technical failure" means the electronic filing system is unable to accept submissions continuously or intermittently over the course of any period of time greater than one hour after ten a.m. that day.

#### (C) Electronic filing

(1) All attorneys seeking to file documents with the board shall register as users of the electronic filing system. All attorneys shall submit filings through the electronic filing system. Notices of



appeal to the board may be filed in accordance with the applicable statute.

(2) Documents may be submitted through the board's electronic filing system twenty-four hours a day, seven days a week. Documents may be deemed filed twenty-four hours a day on business days, excluding Saturdays, Sundays, and legal holidays, as specified in this paragraph:

(a) If the submission is accepted for filing after board review, it is deemed to be filed at the time and date of submission, as specified on the timestamp provided by the board's electronic filing system, unless the document was submitted after eleven fifty-nine p.m. on a Friday or after eleven fifty-nine p.m. on a business day before a legal holiday. In that case, the submission will be deemed filed on the following business day at one minute after twelve a.m.

(b) If the submission is rejected for filing after board review, the document shall not be accepted for filing at that time and the filer may re-submit the document to correct the deficiency or problem.

(3) In the rare event that there is a technical failure that originates with the electronic filing system, i.e., not a technical issue on the filer's end such as phone line problems, problems with the filer's internet service provider, or hardware or software problems, whether the failure is anticipated or unexpected, the following provisions shall apply whenever the electronic filing system is unavailable for longer than one hour after ten a.m. on a given day:

(a) If the system outage is known and/or anticipated ahead of time, the board shall post a message to its website and the electronic filing website, alerting filers of a possible system outage. Said message shall constitute an official acknowledgment of a system outage that may prevent some filers from submitting their filings within a certain time frame.

(b) If the system outage is unexpected, the board shall post a message on its website upon discovery of the system outage and once the outage has been resolved. Said message shall constitute an official acknowledgment of a system outage that may have prevented some filers from submitting their filings within a certain time frame, as identified in the message. All reasonable efforts shall be made to post such a message within twenty-four hours of a resolved system outage or no later than twelve p.m. on the next business day after an unexpected system outage.



(c) Filers who are unable to electronically submit their filings due to a system outage, and who then submit their filings no later than the next business day after an officially acknowledged system outage, shall be deemed to have timely submitted their filings.

(D) Non-electronic filing

(1) Documents submitted in person: If a filer presents a document in person at the board's offices for filing in hard copy/paper format, and that person is not a registered user of the electronic filing system, the filer shall be directed to a computer at the board's office for registration purposes. Once the filer is a registered user of the electronic filing system, his/her document(s) will be submitted through the electronic filing system. The filing date of any document submitted in person shall be the date received in the board's offices during its business hours.

(2) Documents received by mail: If the board receives via mail, e-mail, facsimile, delivery service, or courier, documents to be filed, the board's staff will first register the filer as a user in the electronic filing system, noting that the party will not receive electronic notification. However, in the event the filer has provided an e-mail address for himself/herself, the filer will receive electronic notification. The board's staff will then scan in and upload the submitted document(s) on the filer's behalf.

(a) Notices of appeal submitted by certified mail or authorized delivery service shall be deemed filed on the date of the United States postmark placed on the sender's receipt by the postal service or the date of receipt recorded by the authorized delivery service.

(b) Documents submitted by means other than in person, by certified mail, by authorized delivery service, or through the board's electronic filing system, shall be deemed filed on the date the document is received in the board's offices during its business hours.

(3) If an attorney submits a document for filing, other than through the electronic filing system, the document(s) will be returned to the filer with instructions on how to register as a user of the electronic filing system and how to submit documents electronically. However, the board will accept and process notices of appeal to the board.

(E) Formatting and Citations



(1) All filings shall include the name, address, telephone number, and email address of the person filing the document, along with the case caption, case number, and document title. If an attorney submits a filing, the attorney shall also include the same information and the attorney's Ohio registration number. The party or attorney shall sign all filings. The filing may be signed by hand or with an electronic signature. For example, a party or attorney may sign a document by signing "/s/" followed by the typed name of the party or attorney. The signature of an attorney or party constitutes a certificate by the party or attorney that the party or attorney has read the filing; that to the best of their knowledge, information, and belief there is good ground to support the filing; and that it is not interposed for delay. Excluding notices of appeal, if a filing lacks a signature or other information outlined above, then the board may strike the filing and instruct a party to refile. Notices of appeal shall be filed according to the applicable statute.

(2) The board strongly prefers all filings to be set in a plain, legible typeface of at least 12 points, such as Times New Roman, Arial, or Century Schoolbook. If a filing is not typewritten, it shall be legibly printed. The filing shall be identified by a title that states the nature of the filing. Excluding notices of appeal, if a filing is illegible or lacks a title stating the nature of the filing, the board may strike the filing and direct the party to refile.

(3) Letters and email filings are not permitted unless requested by the board in a specific matter. All other filings must be by way of formal motion or memorandum. Improperly submitted letters or emails may be disregarded, or the board may direct the filer to refile using the proper format.

(4) Citations to evidence in the record should be specific and include the document title and page number. When citing to legal authority, the board strongly prefers the use of the writing manual issued by the supreme court of Ohio.

(5) All filings shall comply with any applicable page limitations specifically stated in any other board rule. The board's rules contain enumerated page limitations and deadlines for certain filings, e.g., motions and briefs. If a filing contains pages in excess of the page limitations, the board may disregard the excess pages or direct the filer to refile. Parties may seek leave from the board to file a document in excess of any page limitations.



(6) Social security numbers, financial account numbers, and other personal identifying information shall be redacted from documents before the documents are submitted to the board. The responsibility for redacting personal identifying information rests solely with the individuals, officials, or tribunals who file the documents. If personal identifying information has been redacted from a document but is necessary for the board's determination of the appeal, the board may order, upon motion or sua sponte, that an un-redacted copy of the document be provided.

(F) Only documents filed with the board constitute public records.

(G) Documents shall be filed under seal only with prior board order.