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Ohio Revised Code

Section 4151.04 Investigation and enforcement.

Effective: March 20, 2026
Legislation: House Bill 246 - 136th General Assembly

(A)(1) The attorney general shall prescribe a complaint form for an individual to allege a violation of section 4151.02 or 4151.03 of the Revised Code. The attorney general shall not require the complainant to list the complainant's social security number on the complaint form or to have the form notarized. A complainant shall submit the complaint to the attorney general. Except as provided in division (B) of this section, the attorney general shall investigate any violation alleged in a prescribed complaint form when the attorney general determines the complaint contains sufficient facts to reasonably conclude that a violation may have occurred.

(2) This section does not prohibit an individual from filing an anonymous complaint on a form other than the prescribed complaint form. Except as provided in division (B) of this section, the attorney general may, but is not required to, investigate a violation alleged in a form other than a prescribed form, provided the complaint contains sufficient facts to reasonably conclude that a violation may have occurred.

(B) The attorney general shall not investigate a complaint that is based solely on race, color, or national origin.

(C) Any local law enforcement officer may assist in investigating a complaint filed under this section.

(D) Except as provided in division (I) of this section, if the attorney general conducts an investigation under this section and determines that reasonable evidence exists that a violation of section 4151.02 or 4151.03 of the Revised Code has occurred, the attorney general shallissue a notice of violation that does all of the following:

(1) Directs the contractor, subcontractor, or labor broker to provide satisfactory proof to the attorney general not later than ten days after the notice is issued that individuals employed by the contractor, subcontractor, or labor broker are authorized to be employed under the federal "Immigration Reform

and Control Act of 1986," 8 U.S.C. 1324a;

(2) Specifies any penalty assessed under division (E) of this section based on the attorney general's determination;

(3) If the attorney general determined it is likely the contractor, subcontractor, or labor broker committed two or more willful violations of section 4151.02 or 4151.03 of the Revised Code, informs the contractor, subcontractor, or labor broker that the contractor, subcontractor, or labor broker is disqualified from bidding on or participating in any future state contract for a period not to exceed two years;

(4) Notifies the contractor, subcontractor, or labor broker of the contractor's, subcontractor's, or labor broker's right to request a hearing described in division (F) of this section.

(E)(1) Except as otherwise provided in this division, if the attorney general's investigation reveals one or more violations of section 4151.02 of the Revised Code, the attorney general shall assess a fine of two hundred fifty dollars for each violation against the contractor, subcontractor, or labor broker. Except as otherwise provided in this division, if the attorney general's investigation reveals one or more violations of section 4151.03 of the Revised Code, the attorney general shall assess a fine of five thousand dollars for each violation against the contractor, subcontractor, or labor broker.

(2) Except as otherwise provided in this division, if the attorney general's investigation reveals one or more violations of 4151.02 of the Revised Code and the contractor, subcontractor, or labor broker has been ordered by the attorney general or a court to pay a fine under division (E)(1) of this section during the preceding three years, the attorney general shall assess a fine of one thousand dollars for each violation against the contractor, subcontractor, or labor broker. Except as provided in this division, if the attorney general's investigation reveals one or more violations of section 4151.03 of the Revised Code and the contractor, subcontractor, or labor broker has been ordered by the attorney general or a court to pay a fine under division (E)(1) of this section during the preceding three years, the attorney general shall assess a fine of ten thousand dollars per violation against the contractor, subcontractor, or labor broker.

(3) If the attorney general's investigation reveals one or more violations of section 4151.02 of the

Revised Code and the contractor, subcontractor, or labor broker has been ordered by the attorney general or a court to pay a fine under division (E)(2) of this section during the preceding three years, the attorney general shall assess a fine of one thousand five hundred dollars per violation against the contractor, subcontractor, or labor broker. If the attorney general's investigation reveals one or more violations of section 4151.03 of the Revised Code and the contractor, subcontractor, or labor broker has been ordered by the attorney general or a court to pay a fine under division (E)(2) of this section during the preceding three years, the attorney general shall assess a fine of twenty-five thousand dollars for each violation against the contractor, subcontractor, or labor broker.

(F) Notwithstanding the thirty-day period to request a hearing described in section 119.07 of the Revised Code, a contractor, subcontractor, or labor broker may request an adjudicatory hearing not more than ten business days after being served a notice of violation under division (D) of this section. A contractor, subcontractor, or labor broker shall send the request to the attorney general, who shall forward the request to the director of commerce. The director, or the director's designee, shall conduct a hearing under this division. Except as provided in this division, the director or designee shall comply with Chapter 119. of the Revised Code. A determination made by the director or the director's designee is a final order that may be appealed under section 119.12 of the Revised Code.

If a contractor, subcontractor, or labor broker fails to request a hearing within the time specified in this division, a notice of violation issued under division (D) of this section becomes an enforceable order against the contractor, subcontractor, or labor broker.

(G)(1) If a notice of violation that includes a disqualification described in division (D)(3) of this section becomes an enforceable order under division (F) of this section, the attorney general shall provide a copy of the order to the director of administrative services. The director shall add the contractor, subcontractor, or labor broker to the list maintained by the director under division (C)(1) of section 4151.05 of the Revised Code.

Except as provided in division (G)(2) of this section, after the period of disqualification in the order ends, the contractor, subcontractor, or labor broker may be eligible to bid for and participate in state contracts if the contractor, subcontractor, or labor broker files a sworn affidavit with the director of administrative services stating that the period of disqualification has ended and that the contractor,

subcontractor, or labor broker has not violated section 4151.02 or 4151.03 of the Revised Code during the period of disqualification.

(2) The director shall not remove a contractor, subcontractor, or labor broker from the list maintained under division (C)(1) of section 4151.05 of the Revised Code if the contractor, subcontractor, or labor broker has not paid a fine assessed under this section.

(H) If a contractor, subcontractor, or labor broker fails to comply with an order that has become enforceable under division (F) of this section within thirty days after the order is enforceable, the attorney general shall bring a civil action against the contractor, subcontractor, or labor broker in accordance with section 4151.05 of the Revised Code. In the action, the attorney general also may present evidence that the contractor, subcontractor, or labor broker violated section 4151.06 of the Revised Code.

(I) The attorney general shall not issue a notice of violation under this section or bring a civil action under section 4151.06 of the Revised Code if a violation of section 4151.02 or 4151.03 of the Revised Code was the result of an isolated technical error or a malfunction in the e-verify program.