



## Ohio Administrative Code

### Rule 901-5-07 Reporting society finances and hearing procedures for withholding funds by the department.

Effective: May 2, 2022

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(A) Each agricultural society shall file a financial report, in accordance with section 117.38 of the Revised Code, and forward the report to the department include in the report to the director of agriculture, as required by section 1711.06 of the Revised Code, on forms provided by the director of agriculture, and following accounting rules entitled "Financial Reporting and Accounting; County Agricultural Societies and Independent Agricultural Societies" promulgated by the auditor of state pursuant to section 117.20 of the Revised Code and adopted by the director of agriculture:

(1) A summary of the receipts and expenditures of the society during the period covered by the report;

(2) Demonstration of compliance with the publishing requirements found in section 1711.05 of the Revised Code;

(3) A report of junior fair exhibits;

(4) A report of the horse racing program, if any, at the fair; and

(5) A report of the colt stake races, if any, at the fair.

(B) Each agricultural society shall submit a copy of the annual premium list for the fair held by the society during the period covered by the report required by section 1711.06 of the Revised Code, with or prior to submission of the report.

(C) A majority of the board of directors of each agricultural society shall approve, and the secretary or secretary-treasurer of each agricultural society shall sign and swear to the accuracy of the report of the society, before the report is submitted to the director of agriculture.

(D) Each agricultural society shall make the society's books, accounts, reports, etc., available for



inspection by the director of agriculture or authorized designee.

(E) If the director of agriculture determines that an agricultural society has violated any law or rule administered by the department, the director of agriculture may refuse to issue a certificate to the board of county commissioners or the county auditor, or an order to the auditor of state, authorizing the payment of county or state funds to the agricultural society.

(1) If the director of agriculture finds that the certificate or order for county or state funds should be withheld, the director may, prior to a hearing conducted in accordance with Chapter 119. of the Revised Code, order that the violating agricultural society rectify the society's violation in a manner and time specified in the order. If the society rectifies the society's violation to the satisfaction of the director of agriculture within the time set, the director of agriculture may then issue a certificate or order for the payment of county or state funds.

(2) If the director of agriculture believes the certificate or order for one or more years should not be issued, the director of agriculture shall hold a hearing for such agricultural society in accordance with Chapter 119. of the Revised Code. The director of agriculture's letter notifying the agricultural society of such a hearing shall state in which year the violation occurred and for which or how many years refusal to issue is contemplated.

(3) Following a hearing conducted in accordance with Chapter 119. of the Revised Code, the director of agriculture may:

(a) Order the agricultural society to rectify the society's violation in a manner and time specified in the order. If the society rectifies the society's violation to the satisfaction of the director of agriculture, the director of agriculture may then issue a certificate or order for the payment of county or state funds; or

(b) Refuse to issue certificates or orders for payment of county or state funds for as many years as the director of agriculture deems appropriate. The director of agriculture shall specify in the director of agriculture's order the year for which the director of agriculture will refuse to issue such certificates or orders. If more than one year is specified, the director of agriculture may at any time modify the director of agriculture's order so that the order does not include later years.



(F) Any citizen may file a sworn complaint with the director of agriculture concerning any agricultural society which operates in the county or district in which the citizen resides. Such complaint shall state:

(1) Facts which constitute a violation on the part of the agricultural society of a law or rule administered by the department; and

(2) The law or rule which the society allegedly violated.

(G) If the director of agriculture receives a citizen's complaint, and if the complaint appears to be well-founded, the director of agriculture may conduct an investigation to establish the validity of the complaint. The director of agriculture may hold an informal hearing, and specify the rules under which each such informal hearing is conducted, to allow the complainant to present evidence that the violation the complainant alleges did occur. If the facts found in the complaint do not constitute a violation on the part of the agricultural society of a law or rule administered by the department, the director of agriculture may forward the complaint to an authority with jurisdiction over the matter.