



## Ohio Revised Code

### Section 119.05 Serving adjudication documents.

Effective: October 3, 2023

Legislation: House Bill 33 - 135th General Assembly

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(A) As used in this section:

(1) "Last known address" means the mailing address or the electronic mail address appearing in an agency's official records.

(2) "Traceable delivery service" means a delivery service provided by the United States postal service or a domestic commercial delivery service allowing the sender to track a sent item's progress and providing notice of a completed delivery to the sender.

(B) Unless otherwise provided by law, in an adjudication conducted in accordance with sections 119.01 to 119.13 of the Revised Code, an agency may serve a document on a party to the adjudication through any of the following methods:

(1) Electronic mail at the party's last known address;

(2) Facsimile transmission at the party's facsimile number appearing in the agency's official records;

(3) Traceable delivery service at the party's last known address;

(4) Personal service at the party's last known address.

(C) Service of a document using a method listed in division (B) of this section is complete on the following dates:

(1) For electronic mail, the date receipt of the document is relayed electronically to the agency either by a direct reply from the recipient or through electronic tracking software demonstrating that the recipient accessed the document.



(2) For facsimile transmission, the date indicated on the facsimile transmission confirmation page.

(3) For traceable delivery service, the date of delivery indicated on the notice of completed delivery provided to the agency by the United States postal service or domestic commercial delivery service.

(4) For personal service, the date indicated on a document confirming physical delivery signed by either the intended recipient, an adult located at the intended recipient's address, or delivery personnel.

(D) If an agency fails to complete service under division (C) of this section using a party's last known address or facsimile number, the agency may complete service by any method described in division (B) of this section at an alternative address or facsimile number. The agency shall verify the alternative address or number as current before service. If an agency completes service at an alternative address, the agency is not required to complete service under division (E) of this section.

(E) If an agency is unable to complete service using a method described in division (B) of this section, the agency shall publish a summary of the notice's substantive provisions in a newspaper of general circulation in the county where the last known address of the party is located. Notice by publication under this division is complete on the date of publication. An agency that completes service by publication under this division shall send a proof of publication affidavit, with the publication of the notice set forth in the affidavit, to the party by ordinary mail at the party's last known address.