



## Ohio Administrative Code Rule 101-7-05 Complaints.

Effective: May 18, 1995

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(A) The committee shall receive and may initiate complaints concerning conduct alleged to be in violation of Chapter 102. of the Revised Code against persons for whom the committee is the "appropriate ethics committee" under division (F)(1) of section 102.01 of the Revised Code.

(B) The committee shall take no formal action against any person unless a complaint has been filed against that person. All complaints, except those by the committee, shall be by affidavit made on personal knowledge, subject to the penalties of perjury. Complaints by the committee shall be by affidavit, based upon reasonable cause to believe that a violation has occurred.

(C) A complaint shall be in writing, and shall include the following:

(1) The name, address, and public position of the person against whom the complaint is filed.

(2) A citation of the specific provision of Chapter 102. of the Revised Code alleged to have been violated.

(3) A statement of the essential facts constituting the offense charged.

(4) The name, address, and signature of the person filing the complaint.

(5) The complaint shall be sworn before a notary public or other person authorized to take oaths.

(D) A complaint shall be considered filed when it is received by the chairman. The chairman shall mark the date and time the complaint is received and acknowledge receipt of the complaint with his signature.

(E) The chairman shall identify complaints that are not within the jurisdiction of the committee, complaints not supported by affidavit made on personal knowledge, and complaints otherwise



determined to be incomplete or technically defective, and shall return such complaints to the complainant with an explanation of each defect and, if appropriate, a description of the steps necessary to correct any technical defect. The chairman shall present to the committee all complaints to be returned under this paragraph, prior to its return.

(F) The committee shall consider each complaint to determine whether the complaint is frivolous, and whether there is reasonable cause to believe that the facts alleged in the complaint constitute a violation of section 102.02, 102.03, 102.031 or 102.04 of the Revised Code. If the committee determines that the complaint is not frivolous and that there is reasonable cause to believe that the facts alleged in the complaint constitute a violation of section 102.02, 102.03, 102.031 or 102.04 of the Revised Code, it shall hold a hearing. The chairman of the committee shall promptly notify the respondent, in accordance with paragraph (H) of this rule, that a complaint has been filed, and enclose a copy of the complaint. If the committee does not so find, it shall dismiss the complaint.

(G) The committee shall schedule a hearing within forty-five days of the filing of the complaint under paragraph (D) of this rule. If the committee has not scheduled a hearing within ninety days after the complaint is filed, it shall dismiss the complaint, and upon the request of the accused, make a public report of that finding, but all evidence and the record shall remain confidential unless the accused person also requests that such evidence and the record be made public.

(H) The respondent shall be given reasonable notice of the date, time, and place of the hearing, and a statement of the charges and the law directly involved. Notice shall be made by certified mail, or by delivering a copy to the respondent personally or by leaving it at his usual place of residence with some person of suitable age and discretion then residing therein. Notice shall be mailed or delivered not later than twenty days prior to the date of the hearing.

(I) The respondent shall be given the opportunity to be represented by counsel, to have counsel appointed for him if he is unable to afford counsel without undue hardship, to examine the evidence against him, to produce evidence, and to call and subpoena witnesses.

(J) Each complaint, except a complaint returned under paragraph (E) of this rule, shall be assigned a number, and such number, the name of the complainant and the respondent, a brief description of the complaint, and any subsequent action on the complaint shall be recorded in a permanent ledger.