



Ohio Administrative Code

Rule 102-11-01 Settlement referral pursuant to division (G)(1) of section 102.06 of the Revised Code.

Effective: February 26, 2012

(A) The commission may refer for settlement or compromise any complaint or charge pending before the commission or appropriate prosecuting authority. The commission will consult with the respondent, complainant and any other person the commission or the prosecuting authority considers necessary regarding the settlement referral.

(B) The commission may require the complainant to file a sworn affidavit with the commission setting forth the facts or allegations that the complainant requests the commission to consider during settlement negotiations. The complainant must serve a copy of the sworn affidavit on all parties. The commission may also require the respondent to file a sworn affidavit in response to the complainant's allegations within sixty days of the filing of complainant's affidavit with the commission.

(C) In determining whether a matter will be referred for settlement, the commission will assess the appropriateness of the referral. The commission may consider factors it deems relevant in making its assessment, including, but not limited to, the following factors:

- (1) Severity of the alleged conduct including the dollar value involved in the alleged offense;
- (2) Whether the alleged conduct is an isolated event or part of a repeated pattern of conduct;
- (3) Whether the alleged conduct appears to indicate violations of other state or federal criminal laws;
- (4) Complexity of issues or evidence alleged in the complaint or charge;
- (5) Involvement of other appropriate agencies in the investigation of the respondent's conduct;
- (6) Existence of commission precedent concerning the alleged or similar conduct;
- (7) Prior contact of the respondent with the commission;



- (8) Scope of investigation necessary to gather information;
- (9) Age of the facts alleged in the complaint;
- (10) Resources of the commission;
- (11) Whether the respondent self-reported the potential violation; and
- (12) Any other mitigating circumstances.