



## Ohio Administrative Code Rule 102-11-02 Settlement negotiations.

Effective: June 29, 2017

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- (A) The settlement procedures may consist of any method decided by the commission and agreed to by the parties, including, but not limited to, mediation, arbitration, negotiation, criminal plea negotiations in conjunction with the appropriate prosecuting authority, and other forms of disposition.
- (B) All papers, records, affidavits, and documents filed with the commission or relating to settlement negotiations will be sealed and are private and confidential, except as otherwise provided in section 102.06 of the Revised Code, unless the parties agree otherwise.
- (C) The commission, in consultation with the parties, may establish guidelines that regulate the conduct of the settlement negotiations. The guidelines will be binding on all parties. The guidelines may contain requirements that all matters discussed in the settlement negotiations remain confidential after negotiations have ceased and that no party may compel the attendance of any commission member, employee, or agent as a witness regarding any matter discussed pursuant to the settlement negotiations.
- (D) When the source of an allegation is the auditor of state's office or similar office or agency that has completed an independent factual review, the commission may elect to resolve matters through its censure process.
- (1) In censure matters, the commission shall forward an initial notice to the respondent reciting the basic facts establishing a potential violation. The initial notice shall provide a timeframe within which the respondent can contact the commission with contradictory information.
- (2) After giving the respondent time to refute the allegations, the investigative committee or the commission may direct staff to issue a letter of censure advising the respondent that the reported activity potentially violates the ethics law and should cease immediately. Further, the censure notice shall provide notice that continued activity in violation of the ethics law may result in a formal



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investigation and potential prosecution.