



Ohio Administrative Code Rule 122:12-1-03 Conduct of hearing.

Effective: January 21, 1999

- (A) The hearing shall be within thirty days of the request, but not prior to fourteen days, of the date of the "Notification of Intent to Terminate" unless otherwise agreed upon in writing by both the division and the grantee.
- (B) The hearing will be held at such places and at such times determined by the hearing officer to best serve the interests of the parties and the hearing office.
- (C) Written or oral communications with the hearing officer by one party without the participation or notice to the other about the merits of the appeal are not permitted unless the communication concerns the hearing officer's administrative functions or procedures.
- (D) The hearing officer may require the parties to appear at a prehearing conference to consider any of the following:
- (1) Possibility of settlement;
 - (2) Simplifying and clarifying issues;
 - (3) Stipulations and admissions of facts;
 - (4) Limitations on evidence and witnesses that will be presented at the hearing;
 - (5) Any other matter that will aid in disposing of the appeal.
- (E) After the hearing officer has called the hearing to order, the parties may be given an opportunity to present opening statements; thereafter, the parties shall present their evidence in the sequence determined by the hearing officer.



(F) When a witness is introduced to provide testimony or evidence in a contested case hearing, the witness shall, prior to testifying, be identified by name and address and shall take an oath of affirmation administered by the hearing officer.

(G) The hearing officer shall be a state of Ohio employee not involved in the decision to terminate.

(H) The hearing procedures shall include, but are not limited to, the following;

(1) For good cause, a hearing may be rescheduled by the hearing officer;

(2) The grantee may be represented at the hearing by: (a) an attorney; or (b) such other representative who is not an attorney and has been designated to represent the grantee by a majority of the governing board;

(3) To introduce into the record documentary evidence and bring witnesses to the hearing;

(4) To have records or documents relevant to the issues produced by their custodian when the records or documents are kept by or for the state, contractor or a subcontractor in the ordinary course of business and where prior reasonable notice has been given to the presiding officer;

(5) To question any witnesses or parties;

(6) The hearing officer shall not be bound by the "Ohio Rules of Evidence" and shall prescribe the conduct of the hearing;

(7) A transcript of the hearing will be made;

(8) Additional procedures may be set forth by the hearing officer or at the request of the parties if approved by the hearing officer in whose sole discretion hearing procedures shall rest.