



Ohio Administrative Code Rule 1513-3-19 Decisions of the commission.

Effective: October 11, 2013

(A) All final decisions of the commission shall set forth:

(1) Findings of fact;

(2) Conclusions of law; and

(3) An order affirming, modifying, or vacating and remanding, the matter under appeal.

(B) All decisions of the commission shall be signed by the chairperson of the commission or by any commission member designated by the chairperson.

(C) When a decision is issued, the commission shall give notice thereof by certified mail to all parties to the proceeding.

(D) Decisions of the commission shall be issued within a reasonable time after appeal and in accordance with division (B) of section 1513.13 of the Revised Code.

(E) Clerical mistakes in decisions, orders or other parts of the record and errors therein from oversight or omission may be corrected by the commission at any time on its own initiative or on motion of any party. During the time period after a final decision has been issued by the commission, clerical mistakes in the final decision and errors therein from oversight or omission may be corrected before an appeal of the commission's final decision is filed. Thereafter, while an appeal is pending before an appellate court, a final decision may be so corrected with leave of the court. The correction of a clerical mistake or error in a final decision does not extend the time for filing a notice of appeal in the appellate court.

(F) Remission of prepaid civil penalty assessments.



- (1) If a review of a civil penalty assessment results in an order reducing or eliminating a civil penalty, the commission shall, thirty days after issuing a final decision, remit the funds to the appellant in accordance with division (E) of section 1513.02 of the Revised Code.
- (2) If a review of a civil penalty assessment results in an order affirming the penalty, the commission shall, thirty days after issuing a final decision, transfer the funds to the chief of the division of mineral resources management.
- (3) If a review of a civil penalty assessment results in an order increasing the penalty, the person to whom the order was issued shall pay the difference to the reclamation commission within thirty days after the order is received, and the commission shall transfer the funds plus the additional penalty amount to the chief of the division of mineral resources management.
- (4) If any party requests judicial review of a final order of the commission which order relates to a civil penalty assessment, that party must so notify the commission office within thirty days after the order is issued, and the commission shall continue custody of the funds until the judicial review is completed. If the commission is not so notified, the funds shall be transferred to the proper party as set forth in this rule.