



## Ohio Administrative Code Rule 3745-47-15 Burden of proof - evidence.

Effective: February 26, 2024

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(A) The burden at all adjudication hearings with respect to applications for permits, licenses, variances, certificates, or other authorizing actions shall be upon the applicant to prove entitlement to the permit, license, variance, certificate, or authorizing action.

(B) Except as provided in paragraph (A) of this rule, the agency bears the burden of proof at all adjudication hearings relating to the following:

(1) Proposed modifications initiated by the agency.

(2) Proposed revocations.

(3) Proposed orders.

(4) Findings under division (B) of section 3714.12, division (B) of section 3734.13, division (C) of section 3745.08, division (B) of section 6109.05, section 6109.14, or division (C) of section 6111.06 of the Revised Code.

(5) Notice of the hearing under division (B) of section 3714.12, division (B) of section 3734.13, division (C) of section 3745.08, division (B) of section 6109.05, section 6109.14, or division (C) of section 6111.06 of the Revised Code.

(C) A party raising an issue of fact shall have the burden of presenting a prima facie case establishing that fact; thereafter, the burden of proof on such issue is allocated according to paragraphs (A) and (B) of this rule.

(D) Notwithstanding paragraph (A) of this rule, there shall be a legal presumption in favor of facts asserted by a party that can be disproved by evidence available to and under the control of an opposing party. In order to rebut this presumption, the party having control of such evidence shall



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show that the nonexistence of the presumed fact is more likely than the existence of such fact.