



## Ohio Administrative Code

### Rule 3746-5-13 Certification of record to the commission.

Effective: January 1, 2018

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(A) Within seven days after receipt of the notice of appeal, the director or statutory agency shall prepare and certify to the commission the record of proceedings out of which the appeal arises. The record certified to the commission shall be available for inspection and reproduction by any person. Costs of reproduction shall be borne by the requester.

#### (B) Content of record

(1) The record on appeal shall include, but not be limited to, all papers, exhibits, documents, correspondence, and the transcript of proceedings, if any, including exhibits relating to the action from which the appeal arises.

(2) Where a party alleges that the whole record has not been certified, the party shall specify, insofar as he is able, the material allegedly omitted and shall request its inclusion in the record through the filing of a request with the director or statutory agency for the supplementation of the certified record. If the request is denied, the party shall file a motion with the commission requesting production of the omitted materials. If the commission concludes such material should be included, the commission shall order it included in the record. The commission may conclude material has been omitted from the certified record and shall order its inclusion in the record through supplementation.

(3) All transcripts filed as part of the record below shall be certified as correct and state whether they are complete or partial.

(4) If a question arises as to whether the certified record accurately reflects what transpired in a proceeding below, the commission shall request an explanation that shall be certified as part of the record. If anything material is omitted from the record, or is misstated therein, a party may move that the omission or misstatement be corrected.



- (C) If more than one appeal is taken by different parties to the same action, the director or statutory agency may move the commission to allow a single certification of record in those appeals.
- (D) The director or statutory agency may file the record of proceedings with the commission on paper or as a digital document.
- (1) If filed on paper, the record shall be bound and accurately indexed.
- (a) Each item in the record shall be numbered.
- (b) The binding shall be of the type and size commonly used to hold papers of the dimensions eight and one-half by eleven inches.
- (i) The director or statutory agency shall notify the commission if the record contains documents of unusual bulk or weight and physical exhibits other than documents. Such documents shall not be transmitted unless, after notification, the commission directs the director or statutory agency to do so. The director or statutory agency must make advance arrangements with the commission for the transportation and receipt of exhibits of unusual bulk or weight.
- (ii) Each container holding such items shall have an index of its contents. The index shall list the number of each item and a brief description of its contents. To the extent possible, the index shall be organized chronologically.
- (c) If possession of the documents comprising the record, or any part thereof, is required by the director or statutory agency for the day-to-day operations of the agency, the director or statutory agency may move the commission to issue an order allowing the director or statutory agency to retain the record or parts thereof.
- (2) If filed digitally, the record shall be submitted as a PDF document on one or more compact discs.
- (a) To the extent possible, the record shall be contained within a single PDF document. Each item in the record shall be numbered and bookmarked accordingly within the PDF document.



(b) Each PDF document shall have an index of its contents. The index shall list the number of each item and a brief description of its contents. To the extent possible, the index shall be organized chronologically.

(3) Transmission of the certified record is effected when it is mailed or otherwise forwarded to the commission. The transmittal date shall be endorsed on the face of the certified record.

(E) The commission shall mail notice of the receipt of the certified record to counsel for the parties on the date the record is received at the offices of the commission.