



Ohio Administrative Code

Rule 3746-5-23 Bonds.

Effective: January 1, 2018

(A) If the commission determines a stay is necessary, it may order the posting of a bond. Prior to setting bond, the commission shall take evidence upon affidavit or at hearing as to the pecuniary losses, or required expenditures to prevent losses, during the time interval of the appeal before the commission. The total value of any project involved in an appeal is not determinative of the amount of the bond to be set by the commission, nor shall potential revenue loss to a governmental unit be considered the same as pecuniary damage to a private party, nor shall the ordinary on-going expenses of the project being appealed be considered as pertinent to the determination of bond. The amount of the bond shall be determined exclusively by extraordinary expenditures or losses incident to the suspension of the project resulting from the commission's order to stay.

(B) The commission will not require bond where it would have the effect of denying appellants their right to review of administrative actions appealable to the commission under Chapter 3745. of the Revised Code. The considerations of administrative difficulty, delay in the effectuation of permits or other actions of the director or statutory agency, or economic cost incident to such general delay as is part of the review process shall not serve as a basis for the setting of bond by the commission.

(C) A bond may be in the form of a pledge of property or security owned by the person required to post bond by the commission or the providing a promise of surety by some person other than the one required to post bond who shall provide the commission with evidence of his fiscal responsibility. In either situation, the commission must be offered assurance that the face sum of the bond shall be paid in the event of forfeiture.

(D) All bonds required by the commission shall be filed with the executive secretary of the commission and kept in his custody. The secretary shall list in the registry, under the registry number of the case in which the bond has been required, the fact that a bond has been called for by the commission, its amount, and the type of security offered, including the name and address of any person acting as surety.



(E) A bond shall be released when it expires by its own terms as set by the commission or when the commission orders its release. In the event it becomes necessary to collect upon the bond, the commission shall take evidence as to whether all or only a part of the bond is to be paid, to whom payment shall be made, and to whom unexpended portions shall be returned.

(F) The executive secretary of the commission shall note in the registry the date of the bond's release, payment, or expiration.