



Ohio Administrative Code Rule 3772-21-01 Adjudication proceedings.

Effective: [October 9, 2021](#)

All commission adjudication proceedings will be held in accordance with Chapters 119. and 3772. of the Revised Code. Each proceeding will be initiated by the executive director through issuance of a notice of opportunity for hearing and adjudicated by the commission through adoption of an order at a meeting held under section 3772.02 of the Revised Code. With respect to any such proceeding:

(A) A party may be represented by an attorney who is licensed or otherwise authorized to practice law in Ohio and who has filed a written notice of appearance, in a manner prescribed by the commission, setting forth:

(1) The attorney's name, address, telephone number, email address, and bar number; and

(2) The name and address of the party represented.

An attorney may withdraw from the representation upon written notice to the commission or the assigned hearing examiner.

(B) The assigned hearing examiner may:

(1) Rule on objections;

(2) Determine the admissibility of evidence;

(3) Rule on motions;

(4) Permit opening statements and closing arguments;

(5) Examine witnesses or ask questions; and



(6) Make any other necessary determinations or rulings.

(C) Once a hearing examiner is assigned, no ex parte communication may occur with the hearing examiner, unless all involved have been given notice and opportunity to participate or the communication relates to scheduling or uncontested procedural matters.

(D) Continuances may be ordered by the executive director without motion or may be granted, upon a motion, by either the executive director or the assigned hearing examiner. Motions for a continuance may be granted once all involved are given the opportunity to respond.

(E) After a party receives a notice of an opportunity for hearing, the party may request that the commission issue subpoenas for the attendance of witnesses and the production of books, records, and papers, as set forth in sections 119.09 and 3772.04 of the Revised Code. The party may do so by completing the commission's subpoena form as well as paying any fees and mileage expenses associated with each requested subpoena at least ten days before the scheduled hearing, unless the executive director approves a shorter period.

(F) Parties and the commission have the right to examine and cross-examine witnesses. All witness testimony, including that of the parties themselves and the commission itself, is to be given under oath.

Nothing in this rule limits or otherwise modifies the executive director's authority to issue an emergency order as prescribed by section 3772.04 of the Revised Code.