



## Ohio Administrative Code

### Rule 4715-15-04 Authority and duties of attorney hearing examiners.

Effective: November 10, 2000

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(A) Adjudication hearings may be conducted before an attorney hearing examiner pursuant to Chapters 4715. and 119. of the Revised Code.

(B) All hearings shall be open to the public, but the hearing examiner conducting a hearing may close the hearing to the extent necessary to protect compelling interests and rights or to comply with statutory requirements. In the event the hearing examiner determines to close the hearing, the hearing examiner shall state the reasons therefor in the public record.

(C) The hearing examiner shall conduct hearings in such a manner as to prevent unnecessary delay, maintain order, and ensure the development of a clear and adequate record.

(D) The authority of the attorney hearing examiner shall include, but not be limited to, authority to:

(1) Administer oaths and affirmations;

(2) Order issuance of subpoenas and subpoenas duces tecum to require the attendance of witnesses at hearings and depositions in lieu of live testimony at hearing and to require the production of evidence for hearings and depositions;

(3) Examine witnesses and direct witnesses to testify;

(4) Make rulings on the admissibility of evidence;

(5) Make rulings on procedural motions, whether such motions are oral or written;

(6) Hold prehearing and status conferences pursuant to rules 4715-15-19 and 4715-15-20 of the Administrative Code;



- (7) Request briefs before, during or following the hearing, as well as suggested findings, orders, and conclusions of law within such time limits as the attorney hearing examiner may determine;
  - (8) Prepare entries, findings, orders, or reports and recommendations pursuant to rule 4715-15-16 of the Administrative Code;
  - (9) Request preparation of entries, findings, or orders;
  - (10) Make rulings on requests to broadcast, record, televise or photograph the hearing;
  - (11) Take such other actions as may be necessary to accomplish the purposes of paragraph (C) of this rule;
  - (12) Determine the order in which any hearing shall proceed.
- (E) The authority of the attorney hearing examiner shall not include authority to:
- (1) Grant motions for dismissal of charges;
  - (2) Modify, compromise, or settle charges or allegations.
- (F) The attorney hearing examiner shall have such other powers, duties, and authority as are granted by statutes or rules.
- (G) All rulings on evidence and motions and on any other procedural matters shall be subject to review by the board upon presentation of the proposed findings of facts and conclusions of law of the attorney hearing examiner. When such rulings warrant, the matter may be remanded to the attorney hearing examiner.