



Ohio Administrative Code

Rule 4734-4-13 Post hearing procedures; reports and recommendations; newly discovered evidence; addressing the board.

Effective: August 12, 2002

(A) Deadline for report: Within forty-five days following the close of an adjudication hearing conducted pursuant to Chapter 119. of the Revised Code, the hearing officer shall file with the board a written report setting forth the hearing examiner's findings of fact, conclusions of law and a recommendation of the action to be taken by the board, in the form of a proposed order. Any requests by the hearing officer to extend the time to file the report must be submitted to the board office and approved by the board president. The hearing shall not be considered closed until such time as the record is complete, as determined by the hearing officer.

(B) Issuing the report to parties: A copy of such written report shall be transmitted to the representatives of record by the executive director of the board. The copy issued to the respondent's representative of record shall be accompanied by notice of the date the report and recommendation is to be considered by the board.

(C) Objections to report: The respondent's representative of record may, within ten days of his or her receipt of the hearing officer's report and recommendation, file written objections to the report and recommendation. Only those objections filed in a timely manner shall be considered by the board before approving, modifying, or disapproving the hearing officer's recommendation.

(D) Extensions of time for objections: Upon written request, the board may grant extensions of the time within which to file objections. In the event that the board is not in session, the board president may grant such extensions.

(E) Board consideration of report: The board shall consider the hearing officer's report and recommendation and any objections thereto at its next regularly scheduled meeting, after the time for filing objections has passed. At that time, the board may order additional testimony to be taken or permit the introduction of further documentary evidence, or it may act upon the report and recommendation. For purposes of taking such additional testimony or documentary evidence, the board may remand the case back to the hearing officer.



(F) Newly discovered evidence: Any motion to reopen the hearing record for purposes of introducing newly discovered material evidence which, with reasonable diligence could not have been discovered and produced at the hearing shall be made in the manner provided in this chapter. Such motion to reopen shall be filed not later than ten days prior to the scheduled consideration by the board of the hearing officer's report and recommendation and any objections thereto. If such motion is filed prior to the issuance of the hearing officer's report and recommendation, the hearing officer shall rule on the motion. If such motion is filed subsequent to the issuance of the hearing officer's report and recommendation, the board shall rule upon the motion.

(G) Addressing the board: Without leave of the board, the respondent or any representative of record shall not be permitted to address the board at the time of consideration of the hearing officer's report and recommendation. Any request for such leave shall be filed by motion no less than five days prior to the date the report and recommendation is to be considered by the board and shall be served upon the other representative of record. If a request to address the board is granted, the opposing representative may also address the board.