



Ohio Administrative Code

Rule 4901:1-2-12 Guidelines for consistent application of fines and penalties.

Effective: December 4, 2015

In determining a fine or penalty recommendation or whether no enforcement action should be taken under section 4913.15, 4913.16, 4913.171, 4913.19, or 4913.25 of the Revised Code, the committee, the commission, and the staff, as applicable, shall consider the following factors, as they apply:

(A) The persons demonstrated history of one-call, design, and excavation practices, including the following:

(1) The number of locate requests received and responded to.

(2) The number of locates completed.

(3) The number of one calls placed.

(4) The number of excavations completed.

(5) The number of design or development projects.

(B) The nature, circumstances, and gravity of the compliance failure, including the amount of damage involved in relation to the compliance failure, and whether it resulted in death, serious injury, dismemberment, or a significant threat to public safety.

(C) The organizational size of the responsible person.

(D) The prospective effect of a fine on the persons ability to pay business obligations and otherwise conduct business.

(E) The history or number of compliance failures by the person based on information maintained by the coordinator.



(F) The good faith effort on the persons part in attempting to achieve compliance after the compliance failure was identified.
