



Ohio Administrative Code

Rule 4901:2-7-12 Notice of preliminary determination.

Effective: July 1, 2023

Following service of a notice of apparent violation, a notice of intent to assess forfeiture, a notice of intent to make compliance order, or a combined notice, the staff may serve a "notice of preliminary determination" upon the respondent. The signed notice of preliminary determination contains:

- (A) An identification of the date of the violation and person, vehicle, or facility concerning which the violation occurred.
 - (B) Reference to the statute, rule or regulation, or order of the commission which was violated.
 - (C) A brief description of the violation, the amount of the forfeiture intended to be assessed, or the language of the compliance order intended to be made.
 - (D) Instructions regarding the manner in which the respondent may serve a timely request for administrative hearing to contest the alleged violation, the proposed forfeiture, or the making of the compliance order.
 - (E) A notice that failure to file a request for administrative hearing conclusively establishes the occurrence of the violation described in the notice of preliminary determination and constitutes a waiver of the right of the respondent to contest liability to the state for the forfeiture proposed in the notice of preliminary determination or the right of the respondent to contest the making of the compliance order proposed in the notice of preliminary determination.
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