



## Ohio Administrative Code

### Rule 5902-1-08 Revocation of certification of county veterans service commissioners.

Effective: January 23, 2023

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- (A) The director of the department of veterans services, at their discretion, shall promptly investigate allegations of incompetence, misfeasance, malfeasance, nonfeasance, and unethical behavior on the part of a veterans service commissioner for purposes of determining whether such commissioner's certification shall be revoked.
- (B) Such investigation may be performed by the director personally or such other individual as the director may designate.
- (C) At the conclusion of the investigation, the director shall make a determination as to whether the certification of the commissioner should be revoked and shall issue a report of that determination. Copies of the report shall be sent to the commissioner who was the subject of the investigation and to the administrative judge of the common pleas court of the county where the commissioner serves.
- (D) If the director's report indicates that the grounds are insufficient to warrant the revocation of the commissioner's certification, the report may also include other findings and recommendations the director may deem appropriate.
- (E) If the director's report indicates that the grounds are sufficient to warrant the revocation of the commissioner's certification, the report shall notify the commissioner who was the subject of the investigation that they may appeal such determination to the veterans advisory committee within thirty days of the issuance of the report.
- (F) In the case of a timely appeal to the veterans advisory committee, the committee chairperson shall appoint a subcommittee of three committee members, all of whom shall be representatives of the state association of county veterans services commissioners, to hear the appeal, except that if any of the three representatives are from the same county as the individual filing the appeal, the chairperson shall appoint a substitute advisory committee member to the subcommittee who also serves as a county veterans service commissioner. If the chairperson cannot, for any reason, fill the



three positions on the subcommittee with advisory committee members who are also county veteran service commissioners, they shall contact the state association of county veterans service commissioners for the purpose of the temporary appointment of one or more association members to the advisory committee for the limited purpose of serving on the appeal subcommittee. The subcommittee shall conduct a hearing and shall make a report and recommendation to the full committee at the next scheduled meeting. The veterans advisory committee shall then vote, by a simple majority of those in attendance at the meeting, either to affirm the director's decision to revoke the commissioner's certification or to overrule the director's determination. If the advisory committee votes to overrule the director's determination, the certification shall not be revoked.

(G) If the director's determination that a county veterans service commissioner's certification shall be revoked is not appealed to the advisory committee, or if appealed, the director's determination is affirmed by the advisory committee, such determination shall be reported to the administrative judge of the common pleas court of the county where the veterans service commissioner serves and to the United States department of veterans affairs as soon as practical.