

*****DRAFT - NOT FOR FILING*****

TO BE RESCINDED

901-4-01 Request for hearing.

- (A) An administrative hearing shall be held pursuant to sections 119.07 to 119.13 of the Ohio Revised Code, upon the request of a party to whom a proposed notice of action has been issued. The hearing may be requested by the party to whom the action is addressed or their legal counsel
- (B) All requests for administrative hearings shall be in writing and must be received by the agency within the time specified in Chapter 119. and Chapter 917. of the Revised Code, from the date the notice of proposed action was mailed. The request shall state the action of the agency for which the hearing is being requested.
- (C) .If the request for an administrative hearing is not received by the agency within the time period established in paragraph (B) of this rule, all parties entitled shall have waived all rights to an adjudication hearing and they shall be deemed to have consented to the proposed action.
- (D) All non-oral hearing matters shall be submitted to the hearing officer in accordance with the schedule prescribed by the hearing officer.

901-4-02 Hearing officer appointment.

Upon the receipt of a request for hearing the agency shall appoint an independent hearing officer to the action. The hearing officer shall be selected by the agency from a list established each biennium by competitive bid. After the hearing officer has been established, the agency shall forward a notice of hearing letter to the respondent as well as the hearing officer.

901-4-03 Report of hearing officer.

- (A) Except for matters pertaining to Chapter 917. of the Revised Code, the hearing officer shall submit to the director a written report setting forth findings of fact and conclusion of law, and recommendations of the action to be taken by the director . All matters pertaining to Chapter 917. of the Revised Code shall be subject to the time limitations specified in that chapter. Either party may file objections to the hearing officers report and recommendation.

901-4-04 Dismissal of action.

The agency may upon its own motion, dismiss any action that it has filed without prejudice prior to the commencement of a hearing.

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PROPOSED RULE

901-4-01 Administrative hearings.

- (A) Unless otherwise provided by the Ohio Revised Code, all administrative hearings before the Ohio department of agriculture shall be held pursuant to Chapter 119 of the Ohio Revised Code.

- (B) All administrative hearing shall be conducted in accordance with Chapter 119 of the Ohio Revised Code in conjunction with the department's administrative hearing manual. The administrative hearing manual can be found by visiting the department's website at www.agri.ohio.gov.