

4112-3-05

Complaint and notice of hearing.

- (A) Issuance of complaint. If the ~~commission~~commission determines that it is probable that any unlawful discriminatory practices have been or are being engaged in against the complainant or others, the ~~commission~~commission shall serve upon ~~all parties~~ the complainant, any aggrieved person other than the complainant on whose behalf the complaint is issued and the respondent or their attorneys of record, if any, a complaint containing a notice of hearing. The ~~commission~~commission may delegate authority to the director or the director's designee to issue a complaint on behalf of the ~~commission~~commission.
- (B) Contents of complaint. ~~In any~~Any complaint ~~which it may issue~~issued by, the ~~commission~~commission shall ~~state the alleged unlawful discriminatory practices in a manner sufficient to comply with rule 8(A)(1) of the "Ohio Rules of Civil Procedure."~~contain the following:
- (1) An identification of the specific unlawful discriminatory practice or practices alleged;
 - (2) A short and plain statement of the factual allegations showing the basis for the alleged unlawful discriminatory practice or practices;
 - (3) A request for relief, setting out the terms or substance of the order which would be appropriate to enter if the matters alleged in the complaint are proven to be true by reliable, probative and substantial evidence.
- (C) Contents of notice of hearing and right of election. ~~The notice of hearing shall state the date, time and place of hearing. The notice shall inform the respondent that he shall file a written answer to the complaint within twenty-eight days after service of such notice.~~
- (1) The notice of hearing shall state the date of hearing which shall be within the county in which the alleged unlawful discriminatory practice has occurred or is occurring or in which the respondent resides or transacts business. The notice may omit the date and time of hearing with an explanation that the date and time will be set by later notice.
 - (2) Where the complaint alleges an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code, the aggrieved person and the respondent shall be provided with a notice of the right to elect to proceed with the administrative hearing process under this section or to proceed under division (A)(2) of section 4112.051 of the Revised Code.
- (D) Amendment of complaint. ~~Any complaint may be amended at any time prior to issuance of a final order on such complaint.~~ Rule 15(C) of the "Ohio Rules of Civil Procedure" shall govern whether an amendment relates back to the date of the

filing of the earlier complaint. Such amended complaint shall be served on all original parties and new parties added or substituted through the amended complaint.

- (E) Joinder of parties. Any person ~~may~~may be joined as a party to a proceeding before the ~~commission~~commission in accordance with the standards set forth in ~~rules~~ Rules 19 through 21 of the "Ohio Rules of Civil Procedure."
- (F) Consolidation of complaints. The ~~commission~~commission or ~~administrative law judge~~administrative law judge may, in their discretion, consolidate two or more complaints into a single proceeding at any time prior to public hearing.

Effective:

R.C. 119.032 review dates: 06/12/2013

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4112.04
Rule Amplifies: 4112.04, 4112.05
Prior Effective Dates: Eff 11-4-71; 11-15-77; 12-23-79; 7-12-89; 10-17-02