

4112-3-06

Answer.

- (A) Time of filing answer. A respondent against whom a complaint has been issued and on whom a notice of hearing and copy of such complaint has been served shall file a written answer within twenty-eight days from the date of service of such complaint and notice of hearing.
- (B) Place and manner of filing. The answer shall be filed in duplicate at the central office compliance department of the ~~commission~~Commission in Columbus at 30 E. Broad Street, 5th Floor, Columbus, Ohio 43215 and ~~a copy served upon~~ the ~~commission~~Commission's attorney and all other parties to the proceeding. The answer may be filed by regular mail, delivery service, or personal delivery.
- (C) Extension of time. Upon application, the ~~commission~~Commission or ~~administrative law judge~~Administrative Law Judge, for good cause shown, may extend the time within which the answer may be filed. No application shall be granted within thirty days prior to the date set for the hearing, ~~on the complaint, or as such date may be extended.~~
- (D) Form of answer. The answer shall be in writing and shall contain the address, business e-mail address and telephone and facsimile numbers of the respondent, and if ~~herespondent~~ is represented by an attorney, the name, address, business e-mail address and telephone and facsimile numbers of said attorney. The answer shall contain an admission or denial of each and every allegation of the complaint, including a denial of any knowledge or information sufficient to form a belief concerning an allegation. Any allegation in the complaint which is not denied or admitted in the answer shall be deemed admitted. The answer shall also contain a statement of any matter constituting a defense. An affirmative defense not first set forth by answer may not be raised at hearing, ~~on a complaint.~~ Any allegation of a new matter contained in an answer shall be deemed denied without the necessity of a reply.
- (E) Amendment of answer. The respondent may apply to the ~~commission~~Commission or the ~~administrative law judge~~Administrative Law Judge to amend an answer. Upon application, the ~~commission~~Commission or the ~~administrative law judge~~Administrative Law Judge, for good cause shown, may permit a respondent to file an amended answer. No amended answer shall be accepted for filing within thirty days of the date set for the hearing on the complaint. Whenever a complaint is amended, the respondent shall be permitted to file an amended answer in the same manner as the original answer was filed.
- (F) Failure to file answer. A respondent who has not filed an answer as provided in paragraphs (A) to (E) of this rule shall be deemed in default and the allegations of the complaint shall be deemed admitted. Upon application duly made to the ~~commission~~Commission or the ~~administrative law judge~~Administrative Law Judge,

such default may be set aside for the following reasons:

- (1) Mistake,
- (2) Surprise, or
- (3) Excusable neglect.

Effective:

R.C. 119.032 review dates: 11/01/2012

WITHDRAWN ELECTRONICALLY

Certification

07/22/2013

Date

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