

ACTION: FINAL
FILED

DATE: 10/07/2002
08:50 AM

4112-3-10

Orders.

(A) Content. The final order of the commission issued after a hearing shall be accompanied by findings of fact and conclusions of law.

(B) Issuance of a cease and desist order.

(1) If upon all the reliable, probative, and substantial evidence the commission determines that ~~the a~~ respondent has engaged in, or is engaging in, any unlawful discriminatory practices, whether against the complainant or others, the commission shall ~~issue and cause to be served~~ serve on ~~such the~~ respondent, an order containing findings of fact and conclusions of law, and requiring ~~such the~~ respondent to cease and desist from such unlawful discriminatory practices and to take ~~such any~~ further affirmative or other action as will effectuate the purposes of ~~sections 4112.01 to 4112.08~~ chapter 4112 of the Revised Code. ~~Further affirmative action may include, but is not limited to, hiring, reinstatement, or upgrading of employees with or without back pay; admission or restoration to union membership or to training programs with utilization of objective criteria for admission; admission to place of public accommodations; sale or lease of housing accommodations and lending money upon equal terms and conditions; cancellation, rescission or revocation of a contract, deed, lease or other document transferring any housing accommodation which is the subject of a charge or complaint of unlawful discrimination to a person who had notice, prior to the transfer or the execution of the agreement to make the transfer, that a charge or complaint under division (H) of section 4112.02 of the Revised Code, was filed or issued; institution of any affirmative action program with goals and timetables; and requiring periodic reports to the commission of the manner of compliance. If a respondent is operating by virtue of any license or permit issued by the state or a political subdivision or agency thereof, or is holding a contract or subcontract with the state or a political subdivision or agency thereof, and the commission determines after a hearing that the respondent has engaged in or is engaging in any unlawful discriminatory practice, the commission shall send a certified copy of its findings and order to the licensing or contracting authority.~~

(a) Affirmative or other action may include, but is not limited to, hiring, reinstatement, or upgrading of employees with or without back pay; admission or restoration to union membership or to training programs with utilization of objective criteria for admission; admission to places of public accommodation; the sale or lease of housing accommodations

and lending money upon equal terms and conditions; cancellation, rescission or revocation of a contract, deed, lease or other document transferring any housing accommodation which is the subject of a charge or complaint of unlawful discrimination to a person who had notice, prior to the transfer or execution of the agreement to make the transfer, that a charge or complaint under division (H) of section 4112.02 of the Revised Code, was filed or issued.

(b) If a respondent is operating by virtue of any license or permit issued by the state or a political subdivision or agency thereof, or is holding a contract or subcontract with the state or a political subdivision or agency thereof, and the commission determines after a hearing that the respondent has engaged in or is engaging in any unlawful discriminatory practices, the commission shall send a certified copy of its findings and order to the licensing or contracting authority.

(2) At any time during which its order is in effect the commission may investigate whether the terms of the order are being complied with. Upon a determination that the terms of the order are not being complied with, the commission may take appropriate action to assure compliance including, but not limited to, petitioning a common pleas court for its enforcement. Upon a determination that the order is being complied with and all unlawful discriminatory practices have been eliminated, the commission may issue a declaratory order stating that the respondent has ceased to engage in unlawful discriminatory practices. ~~Such~~ The issuance of a declaratory order shall not affect in any way the requirement of any respondent to submit such compliance reports as the commission may direct.

(3) The commission, ~~the complainant,~~ and the respondent may at any time enter into a written conciliation agreement which shall also constitute a cease and desist order of the commission. ~~Such consent~~ Consent orders shall include an express provision that the respondent intends to be legally bound thereby and agrees to waive public hearing. Consent and cease and desist orders shall have the same force and effect as a final order of the commission entered after hearing and may be filed by the commission for enforcement purposes in the appropriate common pleas court pursuant to section 4112.06 of the Revised Code. ~~Such consent order shall waive public hearing and may or may not contain findings of fact and conclusions of law.~~

(C) Issuance of dismissal order. If upon all the reliable, probative and substantial evidence the commission finds that ~~the a~~ a respondent has not engaged in any unlawful discriminatory practices against the complainant or others, it shall ~~issue and cause to be served~~ serve on the ~~complainant parties~~ complainant parties an order dismissing the ~~said~~ complaint as to ~~such that~~ that respondent.

- (D) Service. Copies of orders, accompanied by a notice of the statutory right to judicial review, shall be served on all parties, and their ~~attorneys of record, if any, and the attorney general~~ representatives.
- (E) Filing of orders. ~~The final order~~ Final orders of the commission issued after a hearing shall be filed in the principal office of the commission in the city of Columbus and shall be open to public inspection during regular office hours of the commission.

Replaces: 4112-3-10

Effective: 10/17/2002

R.C. 119.032 review dates: 8/1/2002 and 08/01/2007

CERTIFIED ELECTRONICALLY

Certification

10/07/2002 08:50 AM

Date

Promulgated Under: 119.03
Statutory Authority: 4112.04(A)(4)
Rule Amplifies: 4112.04, 4112.05
Prior Effective Dates: 11/4/1971, 11/15/1977,
12/23/1979, 7/12/1989,
9/1/1992 (Emer.), 10/2/1992,
8/10/1997