

4112-3-10

Orders.

(A) Content. The final order of the ~~commission~~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~~Commission determines that a respondent has engaged in, or is engaging in, any unlawful discriminatory practices, whether against the complainant or others, the ~~commission~~Commission shall serve on the respondent an order containing findings of fact and conclusions of law, and requiring the respondent to cease and desist from such unlawful discriminatory practices and to take any further affirmative or other action as will effectuate the purposes of Chapter 4112. of the Revised Code.

(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~~Commission determines after a hearing that the respondent has engaged in or is engaging in any unlawful discriminatory practices, the ~~commission~~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~~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~~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. The issuance of a declaratory order shall not affect the requirement of any respondent to submit such compliance reports as the ~~commission~~Commission may direct.

- (3) The ~~commission~~Commission 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~~Commission. 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~~Commission entered after hearing and may be filed by the ~~commission~~Commission for enforcement purposes in the appropriate common pleas court pursuant to section 4112.06 of the Revised Code.
- (C) Issuance of dismissal order. If upon all the reliable, probative and substantial evidence the ~~commission~~Commission finds that a respondent has not engaged in any unlawful discriminatory practices against the complainant or others, it shall serve on the parties an order dismissing the complaint as to 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 representatives.
- (E) Filing of orders. Final orders of the ~~commission~~Commission issued after a hearing shall be filed in the principal office of the ~~commission~~Commission in the city of Columbus and shall be open to public inspection during regular office hours of the ~~commission~~Commission.

Effective:

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

Certification

Date

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