

4501-45-06

Appeals.

A manufacturer, whose original or renewal application for licensing is denied by the department, may appeal the decision to the director. The manufacturer shall serve the director with its notice of appeal, by certified mail, return receipt, not later than fourteen days after the date stated on the department's written notice of denial. If the manufacturer fails to timely file its notice of appeal within the fourteen day time period, the department's denial of a license shall become final.

The director shall appoint a hearing officer to preside over the hearing. The hearing officer shall schedule a hearing on the matter not later than thirty days after the date the director was served with the manufacturer's notice of appeal. The hearing officer may postpone or continue the hearing at the written request of the manufacturer, the director, or upon his/her own motion.

Following the hearing, the hearing officer shall prepare a written report setting forth findings of fact and a recommendation whether the director should uphold or reverse the department's denial of a license. The manufacturer shall be served with a copy of the hearing officer's written report by certified mail, return receipt.

If the director reverses the department's denial of a manufacturer's application for licensing, the director shall issue a written order directing the department to issue a license to the manufacturer.

If the director upholds the department's denial of a license, the manufacturer may file an appeal with the Franklin county common pleas court, stating with specificity, the grounds for such appeal. The manufacturer shall file its appeal with the court not later than thirty days after the date the manufacturer was served with the hearing officer's written report. A copy of the manufacturer's appeal shall be served upon the director by certified mail, return receipt, postmarked on the date the manufacturer files its appeal with the court. The decision of the Franklin county common pleas court shall be the final determination of the matter.

Replaces: 4501-45-01 in part
Effective: 12/31/2010
R.C. 119.032 review dates: 05/21/2015

CERTIFIED ELECTRONICALLY

Certification

05/21/2010

Date

Promulgated Under: 119.03
Statutory Authority: R.C. 4510.45
Rule Amplifies: R.C. 4510.45
Prior Effective Dates: 9-6-88 (Emer.), 7-22-90, 8-24-03