

4501-45-06

Appeals.

A manufacturer may appeal the department's proposed denial, suspension, revocation, or fine of any license or certification to the director. The manufacturer shall serve the director with its notice of appeal, ~~by certified mail, return receipt,~~ by electronic mail, with acknowledged receipt, not later than fourteen days after the date stated on the department's written proposal to deny, revoke, suspend, or fine. If the manufacturer fails to timely file its notice of appeal within the ~~fourteen day~~ fourteen-day time period, the department's proposed action 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, conclusions of law, and a recommendation whether the director should uphold or reverse the department's proposed action. The manufacturer shall be served with a copy of the hearing officer's written report by certified mail, return receipt.

If the director upholds the department's proposed action, the manufacturer may file an appeal ~~with the Franklin county common pleas court.~~ in the common pleas court of the county in which the place of business of the manufacturer is located. If the manufacturer does not have a place of business in this state, the party shall appeal to the court of common pleas of Franklin county. The manufacturer shall file its notice of appeal with the court and the director not later than fifteen days after the issuance of the director's order.

If a manufacturer's license and/or a manufacturer's certification(s) is suspended or revoked, the director shall remove the manufacturer's name, business address, contact information, and certified device(s) from the department's list of licensed manufacturers of ignition interlock devices and certified devices published on the department's website as listed in paragraph (F) of rule 4501-45-11 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 1/10/2024

Certification

Date

Promulgated Under: 119.03
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