

4715-15-16

Reports and recommendations.

- (A) Within sixty days following the close of an adjudication hearing conducted pursuant to Chapter 119. of the Revised Code, the attorney hearing examiner shall submit a written report setting forth proposed findings of fact and conclusions of law and a recommendation of the action to be taken by the board. Any requests by the attorney hearing examiner to extend the time to file the report must be submitted within forty-five days of the close of the hearing record. Such request shall be ruled upon by the secretary of the board or in the absence of the secretary, by the board executive director. The hearing shall not be considered closed until such time as the record is complete, as determined by the attorney hearing examiner.
- (B) A copy of such written report shall be issued to each representative of record~~the representatives of record as identified in rule 4715-15-02 of the Administrative Code~~. The copy issued to the respondent's representative of record shall be accompanied by notice of the date the report and recommendation is to be considered by the board.
- (C) Either ~~The respondent's~~ representative of record may, within ten days of his receipt of the attorney hearing examiner's report and recommendation, file written objections to the report and recommendation. Only those objections filed in a timely manner shall be considered by the board before approving, modifying, or disapproving the attorney hearing examiner's recommendation unless otherwise determined by the board.
- (D) Upon written request, the board may grant extensions of the time within which to file objections to the report and recommendations. In the event that the board is not in session, the secretary of the board may grant such extensions.
- (E) The board shall consider the attorney hearing examiner's report and recommendation and any objections thereto at its next regularly scheduled meeting after the time for filing objections has passed. At that time, the board may order additional testimony to be taken or permit the introduction of further documentary evidence, or act upon the report and recommendation. For purposes of taking such additional testimony or documentary evidence, the board may remand to the attorney hearing examiner.
- (F) Any motion to reopen the hearing record for purposes of introducing newly discovered material evidence that which, with reasonable diligence could not have been discovered and produced at the hearing shall be filed ~~made~~ in the manner provided in rules 4715-15-08 and 4715-15-09 of the Administrative Code. Such motion to reopen shall be filed not later than ten days prior to the scheduled consideration by the board of the attorney hearing examiner's report and recommendation and any objections thereto. If such motion is filed prior to the issuance of the attorney hearing examiner's report and recommendation, the attorney hearing examiner shall rule on the motion. If such motion is filed

subsequent to the issuance of the attorney hearing examiner's report and recommendation, the board shall rule upon the motion.

- (G) Without leave of the board, the respondent or any representative of record shall not be permitted to address the board at the time of consideration of the attorney hearing examiner's report and recommendation. Any request for such leave shall be filed by motion no less than five days prior to the date the report and recommendation is to be considered by the board and shall be served upon the representative of record.
- (H) If a request to address the board is granted, the opposing representative may also address the board.

Effective: 04/07/2005

R.C. 119.032 review dates: 01/14/2005 and 01/14/2010

CERTIFIED ELECTRONICALLY

Certification

03/25/2005

Date

Promulgated Under: 119.03
Statutory Authority: 4715.03
Rule Amplifies: 4715.03(D), 4715.30, Chapter 119.
Prior Effective Dates: 11-10-00