

4901:2-7-07

**Notice of intent to assess forfeiture.**

(A) Within ninety days of the receipt of a report of violation, or the discovery of a violation, but no later than one year following the date the violation occurred, the staff may serve a "notice of intent to assess forfeiture" for that violation upon one or more respondents. The notice of intent to assess forfeiture ~~shall~~ contains:

- (1) An identification of the date of the violation and person, vehicle, or facility concerning which the violation occurred.
- (2) Reference to the statute, rule or regulation, or order of the commission that was violated.
- (3) A brief description of the manner in which the violation is alleged to have occurred.
- (4) The amount of the forfeiture intended to be assessed.
- (5) A statement that respondent's failure to serve a timely request for conference ~~shall~~ constitutes a waiver of respondent's right to further contest liability to the state for the forfeiture described in the notice.
- (6) A description of the manner in which the respondent may make payment of the forfeiture.
- (7) Instructions regarding the manner in which the respondent may serve a timely request for conference to contest the occurrence of the violation or the amount of the forfeiture.

(B) ~~In Staff's consideration in~~ determining the amount of any forfeiture to be assessed, ~~staff shall consider~~ includes:

- (1) The nature and circumstances of the violation.
- (2) The extent and gravity of the violation.
- (3) The degree of the respondent's culpability.
- (4) The respondent's history of violations, and any other available information concerning the respondent's operations.

Effective: 7/1/2023

Five Year Review (FYR) Dates: 3/27/2023 and 06/20/2028

CERTIFIED ELECTRONICALLY

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Certification

06/20/2023

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Date

Promulgated Under: 111.15  
Statutory Authority: 4905.81, 4923.04, 4923.99  
Rule Amplifies: 4905.81, 4923.04, 4923.99  
Prior Effective Dates: 09/28/1988 (Emer.), 12/23/1988, 10/28/1990,  
12/14/1995, 10/22/2007, 09/05/2011, 07/22/2016