

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:

Five Year Review (FYR) Dates: 3/27/2023

Certification

Date

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