

4901:2-7-10

Request for conference.

- (A) A respondent upon whom a notice of apparent violation, a notice of intent to assess forfeiture, a notice of intent to make compliance order, or a combined notice has been served may, within thirty days, serve upon staff a "request for conference." The request for conference shall be in writing, and may be in any legible form which identifies the matter to be discussed and communicates respondent's desire to have a conference concerning the matter. The request for conference shall contain the name, address, and telephone number of the respondent or the respondent's authorized representative. ~~The request may be submitted via ordinary United States mail, facsimile transmission, or electronic mail.~~
- (B) The conference may occur in person, by telephone, or through written communications, and may be held with the respondent or the respondent's authorized representative. The respondent shall have the opportunity to present reasons why the violation did not occur as alleged, mitigating circumstances regarding the amount of the forfeiture, reasons why the compliance order may be unjustified, or any other information relevant to the action proposed to be taken.
- (C) The staff shall notify the respondent of the date and time of the settlement conference by service of a scheduling notice ~~by ordinary United States mail, facsimile transmission, or electronic mail~~, at least fourteen days prior to the date and time established for the conference, unless otherwise agreed by the staff and the respondent.
- (D) Unless contained in or otherwise provided in a settlement agreement, no statement or conduct occurring in a settlement conference is admissible in any ~~evidentiary~~ hearing regarding the violation.

Effective:

Five Year Review (FYR) Dates: 05/02/2016

Certification

Date

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