4901:2-7-14 **Default.**

(A) A respondent upon whom a notice of intent to assess forfeiture has been served who fails within thirty days to pay the amount of the forfeiture stated in the notice or to serve upon staff a request for conference shall be in default. A respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability to the state for the forfeiture described in the notice of intent to assess forfeiture.

(B) A respondent upon whom a notice of intent to make compliance order has been served who fails to serve upon staff within thirty days a request for conference shall be in default. A respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest the making of the compliance order described in the notice of intent to make compliance order.

(C) A respondent upon whom a notice of preliminary determination has been served who fails within thirty days to pay the amount of the forfeiture proposed in the notice of preliminary determination or to file with the commission's docketing division a request for administrative hearing shall be in default. A respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability for the forfeiture proposed in the notice of preliminary determination or to contest the making of the compliance order described in the notice of preliminary determination .

(D) A respondent who has failed to comply with the provisions of a settlement agreement for a period exceeding thirty days shall be in default. A respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability for the forfeiture proposed in the notice of intent to assess forfeiture or to contest the making of the compliance order described in the notice of intent to assess forfeiture.

(E) A respondent who has requested an administrative hearing and fails to appear for the evidentiary hearing shall be in default. A respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability for the forfeiture proposed in the notice of preliminary determination or to contest the making of the compliance order described in the notice of preliminary determination.

(F) If a respondent is in default, the commission may, on its own motion and without prior notification to respondent, make an order adopting the remedy set out in the notice with respect to which a default has occurred pursuant to this rule. A copy of the order shall be served upon any affected respondent. A respondent that is in default, and has been subjected to an order of the commission, may file an application for rehearing in accordance with rule 4901-1-35 of the Administrative Code.

Effective:	07/22/2016
Five Year Review (FYR) Dates:	05/02/2016 and 04/09/2021

CERTIFIED ELECTRONICALLY

Certification

07/12/2016

Date

Promulgated Under:	111.15
Statutory Authority:	4905.81, 4923.04, 4923.99
Rule Amplifies:	4905.81, 4923.04, 4923.99
Prior Effective Dates:	3/19/87, 9/28/88 (Emer.), 12/23/88, 10/28/90, 12/14/95, 4/12/02, 10/22/07, 9/5/11