

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 who has requested an administrative hearing and fails to participate in the hearing proceeding 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.
- (B) A respondent upon whom a notice of intent to make a 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 order described in the notice.
- (C) A respondent upon whom a notice of preliminary determination has been served who fails within thirty days to pay the amount of the ~~civil~~ forfeiture proposed in the notice of preliminary determination or to file with the commission's commission 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 or to contest the making of the compliance order described in the notice.
- (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 or to contest the making of the compliance order described in the notice.
- (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.
- ~~(D)~~(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.

Effective:

R.C. 119.032 review dates: 06/15/2011

Certification

Date

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