

4901:2-7-20

Evidence and burden of proof.

- (A) During the evidentiary hearing, the staff must prove the occurrence of a violation by a preponderance of the evidence. A summary identifying violations upon which staff relies to establish a respondent's history of violations shall constitute prima facie evidence of the occurrence of those violations.
- (B) Any final ~~non-appealable~~ order rendered as the result of a hearing ~~proceeding~~ or in accordance with paragraph (E) of rule 4901:2-7-11 of the Administrative Code, which finds the occurrence of a violation, or any final ~~non-appealable~~ order concerning a violation rendered in accordance with paragraph (D) of rule 4901:2-7-14 of the Administrative Code, shall conclusively establish the occurrence of that violation in any future commission hearing ~~proceeding~~ involving the same respondent.
- (C) If a notice of apparent violation has been served by staff concerning a violation, and no request for conference has been served by respondent within the time provided in this chapter, or, if a notice of preliminary determination has been served by the staff and no request for administrative hearing has been filed by respondent within the time provided in this chapter, and the violation has not otherwise been disposed of, the occurrence of the violation shall be conclusively established in any future commission hearing ~~proceeding~~ involving the same respondent.

Effective:

R.C. 119.032 review dates: 07/19/2007

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 4905.83, 4919.99, 4921.99, 4923.99
Rule Amplifies: 4905.83, 4919.99, 4921.99, 4923.99
Prior Effective Dates: 3/19/87, 9/28/88, 12/23/88, 12/14/95