

4901:2-7-20

**Burden of proof.**

- (A) During the evidentiary hearing, the staff must prove the occurrence of a violation by a preponderance of the evidence.
- (B) If staff is required to establish a respondent's history of violations, prior reports of violation relied upon by staff to meet its burden ~~shall~~ constitute prima facie evidence of the occurrence of those violations. Additionally, the staff's reliance on any of the following ~~shall~~ conclusively establishes the occurrence of a prior violation:
- (1) Any final order concerning a prior violation rendered by the commission as the result of a hearing.
  - (2) Any final order concerning a prior violation rendered by the commission in accordance with paragraph (F) of rule 4901:2-7-14 of the Administrative Code.
- (C) Any instance for which staff has served a notice of apparent violation concerning a prior violation, and no request for conference has been served by respondent within the time provided in this chapter, or, for which staff has served a notice of preliminary determination concerning a prior violation, and no request for administrative hearing has been filed by respondent within the time provided in this rule.

Effective:

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

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 4905.81, 4923.04, 4923.99  
Rule Amplifies: 4905.81, 4923.04, 4923.99  
Prior Effective Dates: 09/28/1988 (Emer.), 12/23/1988, 12/14/1995,  
10/22/2007, 09/05/2011, 07/22/2016