

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 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 establish 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

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Replaces: 4901:2-7-20

Effective:

Five Year Review (FYR) Dates:

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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  
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