

TO BE RESCINDED

5101:2-12-18 **Actions of the director with respect to licensing, refusal to license, renewal of license, or revocation of license.**

(A) All actions of the director with respect to licensing child day-care centers, renewing a license, refusal to license or renew a license, and revocation of license, shall be in conformity with Chapter 119. of the Revised Code.

(1) Those licensing actions of the director which shall afford the right to an administrative hearing include:

(a) The proposal of the director to deny initial or renewal licensure.

(b) The proposal of the director to revoke an existing child day-care center license, be it provisional or regular.

(c) The finding of jurisdiction pursuant to rule 5101:2-12-01 or 5101:2-12-02 of the Administrative Code.

(d) The issuance of a license by the director with authorization for license capacity which does not agree with the authorization sought by the center.

(e) The proposal of the director to deny regular licensure at the expiration of center's provisional license.

(2) Those licensing actions of the director which are of a ministerial nature shall not afford the right to an administrative hearing. These actions include:

(a) Refusal of the director to renew the license of a child day-care center due to lack of a timely filed renewal application as required by rule 5101:2-12-10 of the Administrative Code.

(b) Rejection by the director of any application for licensure for procedural reasons such as, but not limited to, improper fee payment, incomplete submission, use of invalid form, as specified by rules 5101:2-12-09, 5101:2-12-10, and 5101:2-12-11 of the Administrative Code.

(B) A request for any administrative hearing afforded pursuant to Chapter 119. of the Revised Code and this rule shall be made in writing to the director and shall be considered to have been made as of the date the said request is postmarked. Requests received by means other than the postal service, shall be considered

received when time-date stamped in the child-care regulatory unit, Ohio department of human services.

- (C) The director may deny or revoke a license, or refuse to renew a license of a center, if the applicant knowingly makes a false statement on the application, does not comply with the requirements of Chapter 5104. of the Revised Code or Chapter 5101:2-12 of the Administrative Code, or has pleaded guilty or been convicted of an offense described in section 5104.09 of the Revised Code.
- (D) If the director revokes a license or refuses to renew a license of a center, he shall not issue a license to the owner of the center within two years from the date of revocation of a license or refusal to renew a license.

Effective:

R.C. 119.032 review dates: 09/13/2002

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5104.011(A), 5104.03,
5104.04
Rule Amplifies: 5104.011(A), 5104.03,
5104.04
Prior Effective Dates: March 1, 1981, September 1,
1986