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Representative Combs

Cosponsors: Representatives McGregor, J., Peterson, Setzer, Harwood, Szollosi, Raussen, Chandler, Uecker, Adams, Batchelder, Blessing, Boyd, Brown, Ciafardini, Coley, Domenick, Dyer, Evans, Flowers, Gardner, Gerberry, Hite, Huffman, Letson, Lundy, Mecklenborg, Nero, Patton, Schneider, Stebelton

Senators Cates, Seitz, Wagoner, Harris, Morano, Sawyer

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A B I L L

To amend sections 101.45, 117.18, 119.09, 124.09, 1
169.08, 317.36, 505.495, 709.032, 733.39, 1121.38, 2
1315.17, 1315.24, 1321.07, 1321.42, 1509.36, 3
1513.131, 1571.10, 1571.14, 1707.23, 1901.26, 4
1905.26, 2335.06, 2335.08, 2743.06, 2743.65, 5
3745.05, 3901.04, 3901.321, 4112.04, 4121.16, 6
4123.13, 4167.10, 4301.04, 4503.03, 4517.32, 7
4701.29, 4723.29, 4725.23, 4728.05, 4730.26, 8
4731.22, 4735.04, 4738.11, 4741.03, 4760.14, 9
4762.14, 4763.04, 4769.06, 4903.05, 5101.37, 10
5120.30, 5123.14, 5123.96, 5149.11, 5703.29, 11
5727.62, and 5924.47 and to enact sections 12
119.094, 317.114, 317.37, and 3333.30 of the 13
Revised Code to establish standard format 14
requirements for documents to be recorded by a 15
county recorder, to allow recording of a single 16
instrument for multiple transactions pertaining to 17
oil and gas, to permit the board of county 18

commissioners in each county to set the mileage 19
reimbursement rate for witnesses in civil cases in 20
county courts at a rate not to exceed fifty and 21
one-half cents per mile, to set the mileage 22
reimbursement rate for witnesses in other courts 23
of record and state adjudication hearings at fifty 24
and one-half cents per mile, and to authorize the 24
Chancellor of the Ohio Board of Regents to enter 25
into an agreement with private entities to provide 26
access to career information on the Board of 25
Regents' web site.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 101.45, 117.18, 119.09, 124.09, 26
169.08, 317.36, 505.495, 709.032, 733.39, 1121.38, 1315.17, 27
1315.24, 1321.07, 1321.42, 1509.36, 1513.131, 1571.10, 1571.14, 28
1707.23, 1901.26, 1905.26, 2335.06, 2335.08, 2743.06, 2743.65, 29
3745.05, 3901.04, 3901.321, 4112.04, 4121.16, 4123.13, 4167.10, 30
4301.04, 4503.03, 4517.32, 4701.29, 4723.29, 4725.23, 4728.05, 31
4730.26, 4731.22, 4735.04, 4738.11, 4741.03, 4760.14, 4762.14, 32
4763.04, 4769.06, 4903.05, 5101.37, 5120.30, 5123.14, 5123.96, 33
5149.11, 5703.29, 5727.62, and 5924.47 be amended and sections 34
119.094, 317.114, 317.37, and 3333.30 of the Revised Code be 35
enacted to read as follows: 36

Sec. 101.45. Sheriffs ~~and witnesses~~ shall be paid the same 38
fees ~~and mileage~~ for services ~~and attendance~~ as are allowed in the 39
court of common pleas for similar services ~~and attendance~~. 40
Witnesses shall be paid the same fees and mileage as witnesses are 41
provided under section 119.094 of the Revised Code. Such fees and 42
mileage shall be paid from the state treasury on the certificate 43

of the ~~chairman~~ chairperson of the committee or subcommittee which 44
issued the subpoena. 45

Sec. 117.18. (A) The auditor of state and any employee 46
designated by the auditor of state may, in the performance of any 47
audit, issue and serve subpoenas and compulsory process or direct 48
service thereof by a sheriff or constable, compel the attendance 49
of witnesses and the production of records, administer oaths, and 50
apply to a court of competent jurisdiction to punish for 51
disobedience of subpoena, refusal to be sworn, refusal to answer 52
as a witness, or refusal to produce records. Sheriffs and 53
constables shall receive the same fees as for like services in 54
similar cases, ~~and witnesses.~~ Witnesses shall receive the same 55
fees and mileage as witnesses are allowed in the court of common 56
pleas provided under section 119.094 of the Revised Code. 57

(B) The auditor of state and any employee designated by the 58
auditor of state may exercise any authority granted by this 59
section on behalf of any public accountant conducting an audit 60
pursuant to this chapter when so requested. 61

Sec. 119.09. As used in this section "stenographic record" 62
means a record provided by stenographic means or by the use of 63
audio electronic recording devices, as the agency determines. 64

For the purpose of conducting any adjudication hearing 65
required by sections 119.01 to 119.13 of the Revised Code, the 66
agency may require the attendance of such witnesses and the 67
production of such books, records, and papers as it desires, and 68
it may take the depositions of witnesses residing within or 69
without the state in the same manner as is prescribed by law for 70
the taking of depositions in civil actions in the court of common 71
pleas, and for that purpose the agency may, and upon the request 72
of any party receiving notice of the hearing as required by 73

section 119.07 of the Revised Code shall, issue a subpoena for any 74
witness or a subpoena duces tecum to compel the production of any 75
books, records, or papers, directed to the sheriff of the county 76
where such witness resides or is found, which shall be served and 77
returned in the same manner as a subpoena in a criminal case is 78
served and returned. The ~~fees and mileage of the sheriff and~~ 79
~~witnesses~~ shall be paid the same fees for services as ~~that are~~ 80
allowed in the court of common pleas in criminal cases. Witnesses 81
shall be paid the fees and mileage provided for under section 82
119.094 of the Revised Code. Fees and mileage shall be paid from 83
the fund in the state treasury for the use of the agency in the 84
same manner as other expenses of the agency are paid. 85

An agency may postpone or continue any adjudication hearing 86
upon the application of any party or upon its own motion. 87

In any case of disobedience or neglect of any subpoena served 88
on any person or the refusal of any witness to testify to any 89
matter regarding which ~~he~~ the witness may lawfully be 90
interrogated, the court of common pleas of any county where such 91
disobedience, neglect, or refusal occurs or any judge thereof, on 92
application by the agency shall compel obedience by attachment 93
proceedings for contempt, as in the case of disobedience of the 94
requirements of a subpoena issued from such court, or a refusal to 95
testify therein. 96

At any adjudication hearing required by sections 119.01 to 97
119.13 of the Revised Code, the record of which may be the basis 98
of an appeal to court, a stenographic record of the testimony and 99
other evidence submitted shall be taken at the expense of the 100
agency. Such record shall include all of the testimony and other 101
evidence, and rulings on the admissibility thereof presented at 102
the hearing. This paragraph does not require a stenographic record 103
at every adjudication hearing. In any situation where an 104
adjudication hearing is required by sections 119.01 to 119.13 of 105

the Revised Code, if an adjudication order is made without a 106
stenographic record of the hearing, the agency shall, on request 107
of the party, afford a hearing or rehearing for the purpose of 108
making such a record which may be the basis of an appeal to court. 109
The rules of an agency may specify the situations in which a 110
stenographic record will be made only on request of the party; 111
otherwise such a record shall be made at every adjudication 112
hearing from which an appeal to court might be taken. 113

The agency shall pass upon the admissibility of evidence, but 114
a party may at the time make objection to the rulings of the 115
agency thereon, and if the agency refuses to admit evidence, the 116
party offering the same shall make a proffer thereof, and such 117
proffer shall be made a part of the record of such hearing. 118

In any adjudication hearing required by sections 119.01 to 119
119.13 of the Revised Code, the agency may call any party to 120
testify under oath as upon cross-examination. 121

The agency, or any one delegated by it to conduct an 122
adjudication hearing, may administer oaths or affirmations. 123

In any adjudication hearing required by sections 119.01 to 124
119.13 of the Revised Code, the agency may appoint a referee or 125
examiner to conduct the hearing. The referee or examiner shall 126
have the same powers and authority in conducting the hearing as is 127
granted to the agency. Such referee or examiner shall have been 128
admitted to the practice of law in the state and be possessed of 129
such additional qualifications as the agency requires. The referee 130
or examiner shall submit to the agency a written report setting 131
forth ~~his~~ the referee's or examiner's findings of fact and 132
conclusions of law and a recommendation of the action to be taken 133
by the agency. A copy of such written report and recommendation of 134
the referee or examiner shall within five days of the date of 135
filing thereof, be served upon the party or ~~his~~ the party's 136
attorney or other representative of record, by certified mail. The 137

party may, within ten days of receipt of such copy of such written 138
report and recommendation, file with the agency written objections 139
to the report and recommendation, which objections shall be 140
considered by the agency before approving, modifying, or 141
disapproving the recommendation. The agency may grant extensions 142
of time to the party within which to file such objections. No 143
recommendation of the referee or examiner shall be approved, 144
modified, or disapproved by the agency until after ten days after 145
service of such report and recommendation as provided in this 146
section. The agency may order additional testimony to be taken or 147
permit the introduction of further documentary evidence. The 148
recommendation of the referee or examiner may be approved, 149
modified, or disapproved by the agency, and the order of the 150
agency based on such report, recommendation, transcript of 151
testimony and evidence, or objections of the parties, and 152
additional testimony and evidence shall have the same effect as if 153
such hearing had been conducted by the agency. No such 154
recommendation shall be final until confirmed and approved by the 155
agency as indicated by the order entered on its record of 156
proceedings, and if the agency modifies or disapproves the 157
recommendations of the referee or examiner it shall include in the 158
record of its proceedings the reasons for such modification or 159
disapproval. 160

After such order is entered on its journal, the agency shall 161
serve by certified mail, return receipt requested, upon the party 162
affected thereby, a certified copy of the order and a statement of 163
the time and method by which an appeal may be perfected. A copy of 164
such order shall be mailed to the attorneys or other 165
representatives of record representing the party. 166

Sec. 119.094. (A) Unless otherwise provided by the Revised 167
Code, each witness subpoenaed to an adjudication hearing shall 168
receive twelve dollars for each full day's attendance and six 169

dollars for each half day's attendance. Each witness also shall 170
receive fifty and one-half cents for each mile necessarily 171
traveled to and from the witness's place of residence to the 172
adjudication hearing. 173

(B) As used in this section: 174

(1) "Full day's attendance" means a day on which a witness is 175
required or requested to be present at an adjudication hearing 176
before and after twelve noon, regardless of whether the witness 177
actually testifies. 178

(2) "Half day's attendance" means a day on which a witness is 179
required or requested to be present at an adjudication hearing 180
either before or after twelve noon, but not both, regardless of 181
whether the witness actually testifies. 182

Sec. 124.09. The director of administrative services shall do 183
all of the following: 184

(A) Prescribe, amend, and enforce administrative rules for 185
the purpose of carrying out the functions, powers, and duties 186
vested in and imposed upon the director by this chapter. Except in 187
the case of rules adopted pursuant to section 124.14 of the 188
Revised Code, the prescription, amendment, and enforcement of 189
rules under this division are subject to approval, disapproval, or 190
modification by the state personnel board of review. 191

(B) Keep records of the director's proceedings and records of 192
all applications for examinations and all examinations conducted 193
by the director. All of those records, except examinations, 194
proficiency assessments, and recommendations of former employers, 195
shall be open to public inspection under reasonable regulations; 196
provided the governor, or any person designated by the governor, 197
may, for the purpose of investigation, have free access to all of 198
those records, whenever the governor has reason to believe that 199

this chapter, or the administrative rules of the director 200
prescribed under this chapter, are being violated. 201

(C) Prepare, continue, and keep in the office of the 202
department of administrative services a complete roster of all 203
persons in the classified civil service of the state who are paid 204
directly by warrant of the director of budget and management. This 205
roster shall be open to public inspection at all reasonable hours. 206
It shall show in reference to each of those persons, the person's 207
name, address, date of appointment to or employment in the 208
classified civil service of the state, and salary or compensation, 209
the title of the place or office that the person holds, the nature 210
of the duties of that place or office, and, in case of the 211
person's removal or resignation, the date of the termination of 212
that service. 213

(D) Approve the establishment of all new positions in the 214
civil service of the state and the reestablishment of abolished 215
positions; 216

(E) Require the abolishment of any position in the civil 217
service of the state that is not filled after a period of twelve 218
months unless it is determined that the position is seasonal in 219
nature or that the vacancy is otherwise justified; 220

(F) Make investigations concerning all matters touching the 221
enforcement and effect of this chapter and the administrative 222
rules of the director of administrative services prescribed under 223
this chapter. In the course of those investigations, the director 224
or the director's deputy may administer oaths and affirmations and 225
take testimony relative to any matter which the director has 226
authority to investigate. 227

(G) Have the power to subpoena and require the attendance and 228
testimony of witnesses and the production of books, papers, public 229
records, and other documentary evidence pertinent to the 230

investigations, inquiries, or hearings on any matter which the 231
director has authority to investigate, inquire into, or hear, and 232
to examine them in relation to any matter which the director has 233
authority to investigate, inquire into, or hear. Fees and mileage 234
shall be allowed to witnesses and, on their certificate, duly 235
audited, shall be paid by the treasurer of state or, in the case 236
of municipal or civil service township civil service commissions, 237
by the county treasurer, for attendance and traveling, as ~~is~~ 238
provided in section ~~2335.06~~ 119.094 of the Revised Code ~~for~~ 239
~~witnesses in courts of record~~. All officers in the civil service 240
of the state or any of the political subdivisions of the state and 241
their deputies, clerks, and employees shall attend and testify 242
when summoned to do so by the director or the state personnel 243
board of review. Depositions of witnesses may be taken by the 244
director or the board, or any member of the board, in the manner 245
prescribed by law for like depositions in civil actions in the 246
courts of common pleas. In case any person, in disobedience to any 247
subpoena issued by the director or the board, or any member of the 248
board, or the chief examiner, fails or refuses to attend and 249
testify to any matter regarding which the person may be lawfully 250
interrogated, or produce any documentary evidence pertinent to any 251
investigation, inquiry, or hearing, the court of common pleas of 252
any county, or any judge of the court of common pleas of any 253
county, where the disobedience, failure, or refusal occurs, upon 254
application of the director or the board, or any member of the 255
board, or a municipal or civil service township civil service 256
commission, or any commissioner of such a commission, or their 257
chief examiner, shall compel obedience by attachment proceedings 258
for contempt as in the case of disobedience of the requirements of 259
a subpoena issued from the court or a refusal to testify in the 260
court. 261

(H) Make a report to the governor, on or before the first day 262
of January of each year, showing the director's actions, the rules 263

and all exceptions to the rules in force, and any recommendations 264
for the more effectual accomplishment of the purposes of this 265
chapter. The director shall also furnish any special reports to 266
the governor whenever the governor requests them. The reports 267
shall be printed for public distribution under the same 268
regulations as are the reports of other state officers, boards, or 269
commissions. 270

Sec. 169.08. (A) Any person claiming a property interest in 271
unclaimed funds delivered or reported to the state under Chapter 272
169. of the Revised Code, including the office of child support in 273
the department of job and family services, pursuant to section 274
3123.88 of the Revised Code, may file a claim thereto on the form 275
prescribed by the director of commerce. 276

(B) The director shall consider matters relevant to any claim 277
filed under division (A) of this section and shall hold a formal 278
hearing if requested or considered necessary and receive evidence 279
concerning such claim. A finding and decision in writing on each 280
claim filed shall be prepared, stating the substance of any 281
evidence received or heard and the reasons for allowance or 282
disallowance of the claim. The evidence and decision shall be a 283
public record. No statute of limitations shall bar the allowance 284
of a claim. 285

(C) For the purpose of conducting any hearing, the director 286
may require the attendance of such witnesses and the production of 287
such books, records, and papers as the director desires, and the 288
director may take the depositions of witnesses residing within or 289
without this state in the same manner as is prescribed by law for 290
the taking of depositions in civil actions in the court of common 291
pleas, and for that purpose the director may issue a subpoena for 292
any witness or a subpoena duces tecum to compel the production of 293
any books, records, or papers, directed to the sheriff of the 294

county where such witness resides or is found, which shall be 295
served and returned. The fees ~~and mileage~~ of the sheriff ~~and~~ 296
~~witnesses~~ shall be the same as that allowed in the court of common 297
pleas in criminal cases. Witnesses shall be paid the fees and 298
mileage provided for under section 119.094 of the Revised Code. 299
Fees and mileage shall be paid from the unclaimed funds trust 300
fund. 301

(D) Interest is not payable to claimants of unclaimed funds 302
held by the state. Claims shall be paid from the trust fund. If 303
the amount available in the trust fund is not sufficient to pay 304
pending claims, or other amounts disburseable from the trust fund, 305
the treasurer of state shall certify such fact to the director, 306
who shall then withdraw such amount of funds from the mortgage 307
accounts as the director determines necessary to reestablish the 308
trust fund to a level required to pay anticipated claims but not 309
more than ten per cent of the net unclaimed funds reported to 310
date. 311

The director shall retain in the trust fund, as a fee for 312
administering the funds, five per cent of the total amount of 313
unclaimed funds payable to the claimant and may withdraw the funds 314
paid to the director by the holders and deposited by the director 315
with the treasurer of state or in a financial institution as agent 316
for such funds. Whenever these funds are inadequate to meet the 317
requirements for the trust fund, the director shall provide for a 318
withdrawal of funds, within a reasonable time, in such amount as 319
is necessary to meet the requirements, from financial institutions 320
in which such funds were retained or placed by a holder and from 321
other holders who have retained funds, in an equitable manner as 322
prescribed by the director. In the event that the amount to be 323
withdrawn from any one such holder is less than five hundred 324
dollars, the amount to be withdrawn shall be at the discretion of 325
the director. Such funds may be reimbursed in the amounts 326

withdrawn when the trust fund has a surplus over the amount 327
required to pay anticipated claims. Whenever the trust fund has a 328
surplus over the amount required to pay anticipated claims, the 329
director may transfer such surplus to the mortgage accounts. 330

(E) If a claim which is allowed under this section relates to 331
funds which have been retained by the reporting holder, and if the 332
funds, on deposit with the treasurer of state pursuant to this 333
chapter, are insufficient to pay claims, the director may notify 334
such holder in writing of the payment of the claim and such holder 335
shall immediately reimburse the state in the amount of such claim. 336
The reimbursement shall be credited to the unclaimed funds trust 337
fund. 338

(F) Any person, including the office of child support, 339
adversely affected by a decision of the director may appeal such 340
decision in the manner provided in Chapter 119. of the Revised 341
Code. 342

In the event the claimant prevails, the claimant shall be 343
reimbursed for reasonable attorney's fees and costs. 344

(G) Notwithstanding anything to the contrary in this chapter, 345
any holder who has paid moneys to or entered into an agreement 346
with the director pursuant to section 169.05 of the Revised Code 347
on certified checks, cashiers' checks, bills of exchange, letters 348
of credit, drafts, money orders, or travelers' checks, may make 349
payment to any person entitled thereto, including the office of 350
child support, and upon surrender of the document, except in the 351
case of travelers' checks, and proof of such payment, the director 352
shall reimburse the holder for such payment without interest. 353

Sec. 317.114. (A) Except as otherwise provided in division 354
(B) of this section, an instrument or document presented for 355
recording to the county recorder shall have been prepared in 356
accordance with all of the following requirements: 357

<u>(1) Print size not smaller than a computer font size of ten;</u>	358
<u>(2) Minimum paper size of eight and one-half inches by eleven inches;</u>	359 360
<u>(3) Maximum paper size of eight and one-half inches by fourteen inches;</u>	361 362
<u>(4) Black or blue ink only;</u>	363
<u>(5) No use of highlighting;</u>	364
<u>(6) Margins of one-inch width on each side of each page of the instrument or document;</u>	365 366
<u>(7) A margin of one-inch width across the bottom of each page of the instrument or document;</u>	367 368
<u>(8) A three-inch margin of blank space across the top of the first page of each instrument or document to accommodate any certification or indorsement of the county engineer, county auditor, or county recorder, as may be required by law, with the right half of that margin being reserved for the indorsement of the county recorder required by section 317.12 of the Revised Code; and</u>	369 370 371 372 373 374 375
<u>(9) A one and one-half-inch margin across the top of each of the remaining pages of the instrument or document.</u>	376 377
<u>The county recorder shall accept for recording an instrument or document that does not conform to the foregoing requirements but shall charge and collect the following additional fees for each such instrument or document: an additional base fee for the recorder's services of ten dollars and a housing trust fund fee of ten dollars, which shall be collected pursuant to section 317.36 of the Revised Code.</u>	378 379 380 381 382 383 384
<u>(B) This section does not apply to any of the following:</u>	385
<u>(1) Any document that originates with any court or taxing authority;</u>	386 387

(2) Any document authorized to be recorded under section 317.24 of the Revised Code; 388
389

(3) Any plat, as defined in section 711.001 of the Revised Code, that is required or authorized by the Revised Code to be recorded; 390
391
392

(4) Any document authorized to be recorded that originates from any state or federal agency; 393
394

(5) Any document executed before the effective date of this section. 395
396

Sec. 317.36. (A) The county recorder shall collect the low- 397
and moderate-income housing trust fund fee as specified in 398
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 399
4509.60, 5111.022, 5310.15, 5719.07, 5727.56, 5733.18, 5733.22, 400
6101.09, and 6115.09 of the Revised Code. The amount of any 401
housing trust fund fee the recorder is authorized to collect is 402
equal to the amount of any base fee the recorder is authorized to 403
collect for services. The housing trust fund fee shall be 404
collected in addition to the base fee. 405

(B) The recorder shall certify the amounts collected as 406
housing trust fund fees pursuant to division (A) of this section 407
into the county treasury as housing trust fund fees to be paid to 408
the treasurer of state pursuant to section 319.63 of the Revised 409
Code. 410

Sec. 317.37. As used in sections 5301.28 to 5301.35 of the 411
Revised Code, "separate instrument" means either the recording of 412
an entirely new instrument or a written and signed entry on the 413
margin of the original instrument bearing the proper endorsement 414
that is recorded distinct and apart from the original instrument 415
of record. For instruments that convey or affect an interest in 416
crude oil or natural gas, such as a lease, assignment, easement, 417

lien, or right-of-way, in a county in which the county recorder 418
requires an assignment, release, partial release, satisfaction, 419
cancellation, or waiver of priority to be made by separate 420
instrument, the county recorder does not have the power to limit 421
the number of assignments, releases, partial releases, 422
satisfactions, cancellations, or waivers of priority that may be 423
executed and recorded by means of a single instrument. 424

Sec. 505.495. In all cases in which the attendance of 425
witnesses may be compelled for an investigation, under section 426
505.494 of the Revised Code, any member of the board of township 427
trustees may administer the requisite oaths. The board has the 428
same power to compel the giving of testimony by attending 429
witnesses as is conferred upon courts. In all such cases, 430
witnesses shall be entitled to the same privileges, and 431
immunities, and compensation as are allowed witnesses in civil 432
cases. Witnesses shall be paid the fees and mileage provided for 433
under section 1901.26 of the Revised Code, and the costs of all 434
such proceedings shall be payable from the general fund of the 435
township. 436

Sec. 709.032. (A) As used in this section, "necessary party" 437
means the municipal corporation to which annexation is proposed, 438
each township any portion of which is included within the 439
territory proposed for annexation, and the agent for the 440
petitioners. 441

(B) The hearing provided for in section 709.03 of the Revised 442
Code shall be public. The board of county commissioners may, or at 443
the request of any necessary party shall, issue subpoenas for 444
witnesses or for books, papers, correspondence, memoranda, 445
agreements, or other documents or records relevant or material to 446
the petition, directed to the sheriff of each county where the 447

witnesses or documents or records are found, which subpoenas shall 448
be served and returned in the same manner as those allowed by the 449
court of common pleas in criminal cases. The fees ~~and mileage~~ of 450
sheriffs ~~and witnesses~~ shall be the same as those allowed by the 451
court of common pleas in criminal cases. Witnesses shall be paid 452
the fees and mileage provided for under section 1901.26 of the 453
Revised Code. The fee and mileage expenses incurred at the request 454
of a party shall be paid in advance by the party, and the 455
remainder of the expenses shall be paid out of fees charged by the 456
board for the annexation proceedings. In case of disobedience or 457
neglect of any subpoena served on any person, or the refusal of 458
any witness to testify to any matter regarding which the witness 459
may be lawfully interrogated, the court of common pleas of the 460
county in which the disobedience, neglect, or refusal occurs, or 461
any judge of that court, on application of the board, any member 462
of the board, or a necessary party, may compel obedience by 463
attachment proceedings for contempt as in the case of disobedience 464
of the requirements of a subpoena issued from the court or a 465
refusal to testify in the court. An owner of a company, firm, 466
partnership, association, or corporation that is subpoenaed may 467
have an agent or attorney appear before the board on that owner's 468
behalf in response to the subpoena. 469

The board of county commissioners shall make, by electronic 470
means or some other suitable method, a record of the hearing. If a 471
request, accompanied by a deposit to pay the costs, is filed with 472
the board not later than seven days before the hearing, the board 473
shall provide an official court reporter to record the hearing. 474
The record of the hearing need not be transcribed unless a 475
request, accompanied by an amount to cover the cost of 476
transcribing the record, is filed with the board. 477

(C) Any person may appear in person or by attorney and, after 478
being sworn, may support or contest the granting of the petition. 479

Affidavits presented in support of or against the petition shall 480
be considered by the board, but only if the affidavits are filed 481
with the board and served as provided in the Rules of Civil 482
Procedure upon the necessary parties to the annexation proceedings 483
at least fifteen days before the date of the hearing; provided 484
that the board shall accept an affidavit after the fifteen-day 485
period if the purpose of the affidavit is only to establish the 486
affiant's authority to sign the petition on behalf of the entity 487
for which the affiant signed. Necessary parties or their 488
representatives are entitled to present evidence, examine and 489
cross-examine witnesses, and comment on all evidence, including 490
any affidavits presented to the board under this division. 491

(D) At the hearing, any owner who signed the petition for 492
annexation may appear and, after being sworn as provided by 493
section 305.21 of the Revised Code, testify orally that the 494
owner's signature was obtained by fraud, duress, 495
misrepresentation, including any misrepresentation relating to the 496
provision of municipal services to the territory proposed to be 497
annexed, or undue influence. Any person may testify orally after 498
being so sworn in support of or rebuttal to the prior testimony by 499
the owner. Any witnesses and owners who testify shall be subject 500
to cross-examination by the necessary parties to the annexation 501
proceedings. If a majority of the county commissioners find that 502
the owner's signature was obtained under circumstances that did 503
constitute fraud, duress, misrepresentation, or undue influence, 504
they shall find the signature to be void and shall order it 505
removed from the petition as of the time the petition was filed. 506

Sec. 733.39. In all cases in which the attendance of 507
witnesses may be compelled for an investigation under section 508
733.38 of the Revised Code, any member of the legislative 509
authority of the municipal corporation may administer the 510
requisite oaths, and such legislative authority has the same power 511

to compel the giving of testimony by attending witnesses as is 512
conferred upon courts. In all such cases, witnesses shall be 513
entitled to the same privileges, and immunities, ~~and compensation~~ 514
as are allowed witnesses in civil cases. Witnesses shall be paid 515
the same fees and mileage provided for under section 1901.26 of 516
the Revised Code, and the costs of all such proceedings shall be 517
payable from the general fund of the municipal corporation. 518

Sec. 1121.38. (A)(1) An administrative hearing provided for 519
in section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised 520
Code shall be held in the county in which the principal place of 521
business of the bank or trust company or residence of the 522
regulated person is located, unless the bank, trust company, or 523
regulated person requesting the hearing consents to another place. 524
Within ninety days after the hearing, the superintendent of 525
financial institutions shall render a decision, which shall 526
include findings of fact upon which the decision is predicated, 527
and shall issue and serve on the bank, trust company, or regulated 528
person the decision and an order consistent with the decision. 529
Judicial review of the order is exclusively as provided in 530
division (B) of this section. Unless a notice of appeal is filed 531
in a court of common pleas within thirty days after service of the 532
superintendent's order as provided in division (B) of this 533
section, and until the record of the administrative hearing has 534
been filed, the superintendent may, at anytime, upon the notice 535
and in the manner the superintendent considers proper, modify, 536
terminate, or set aside the superintendent's order. After filing 537
the record, the superintendent may modify, terminate, or set aside 538
the superintendent's order with permission of the court. 539

(2) In the course of, or in connection with, an 540
administrative hearing governed by this section, the 541
superintendent, or a person designated by the superintendent to 542
conduct the hearing, may administer oaths and affirmations, take 543

or cause depositions to be taken, and issue, revoke, quash, or 544
modify subpoenas and subpoenas duces tecum. The superintendent may 545
adopt rules regarding these hearings. The attendance of witnesses 546
and the production of documents provided for in this section may 547
be required from any place within or outside the state. A party to 548
a hearing governed by this section may apply to the court of 549
common pleas of Franklin county, or the court of common pleas of 550
the county in which the hearing is being conducted or the witness 551
resides or carries on business, for enforcement of a subpoena or 552
subpoena duces tecum issued pursuant to this section, and the 553
courts have jurisdiction and power to order and require compliance 554
with the subpoena. Witnesses subpoenaed under this section shall 555
be paid the same fees and mileage ~~that are paid witnesses in the~~ 556
~~courts of common pleas in civil cases~~ provided for under section 557
119.094 of the Revised Code. 558

(B)(1) A bank, trust company, or regulated person against 559
whom the superintendent issues an order upon the record of a 560
hearing under the authority of section 1121.32, 1121.33, 1121.35, 561
or 1121.41 of the Revised Code may obtain a review of the order by 562
filing a notice of appeal in the court of common pleas in the 563
county in which the principal place of business of the bank, trust 564
company, or regulated person, or residence of the regulated 565
person, is located, or in the court of common pleas of Franklin 566
county, within thirty days after the date of service of the 567
superintendent's order. The clerk of the court shall promptly 568
transmit a copy of the notice of appeal to the superintendent, and 569
the superintendent shall file the record of the administrative 570
hearing. Upon the filing of the notice of appeal, the court has 571
jurisdiction, which upon the filing of the record of the 572
administrative hearing is exclusive, to affirm, modify, terminate, 573
or set aside, in whole or in part, the superintendent's order. 574

(2) The commencement of proceedings for judicial review 575

pursuant to division (B) of this section does not, unless 576
specifically ordered by the court, operate as a stay of any order 577
issued by the superintendent. If it appears to the court an 578
unusual hardship to the appellant bank, trust company, or 579
regulated person will result from the execution of the 580
superintendent's order pending determination of the appeal, and 581
the interests of depositors and the public will not be threatened 582
by a stay of the order, the court may grant a stay and fix its 583
terms. 584

(C) The superintendent may, in the sole discretion of the 585
superintendent, apply to the court of common pleas of the county 586
in which the principal place of business of the bank, trust 587
company, or regulated person, or residence of the regulated 588
person, is located, or the court of common pleas of Franklin 589
county, for the enforcement of an effective and outstanding 590
superintendent's order issued under section 1121.32, 1121.33, 591
1121.34, 1121.35, or 1121.41 of the Revised Code, and the court 592
has jurisdiction and power to order and require compliance with 593
the superintendent's order. In an action by the superintendent 594
pursuant to this division to enforce an order assessing a civil 595
penalty issued under section 1121.35 of the Revised Code, the 596
validity and appropriateness of the civil penalty is not subject 597
to review. 598

(D) No court has jurisdiction to affect, by injunction or 599
otherwise, the issuance or enforcement of an order issued under 600
section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the 601
Revised Code or to review, modify, suspend, terminate, or set 602
aside an order issued under section 1121.32, 1121.33, 1121.34, 603
1121.35, or 1121.41 of the Revised Code, except as provided in 604
this section, in division (G) of section 1121.32 of the Revised 605
Code for an order issued pursuant to division (C)(3) or (4) of 606
section 1121.32 of the Revised Code, or in division (A)(3) of 607

section 1121.34 of the Revised Code for an order issued pursuant 608
to division (A)(1) of section 1121.34 of the Revised Code. 609

(E) Nothing in this section or in any other section of the 610
Revised Code or rules implementing this or any other section of 611
the Revised Code shall prohibit or limit the superintendent from 612
doing any of the following: 613

(1) Issuing orders pursuant to section 1121.32, 1121.33, 614
1121.34, 1121.35, or 1121.41 of the Revised Code; 615

(2) Individually or contemporaneously taking any other action 616
provided by law or rule with respect to a bank, trust company, or 617
regulated person; 618

(3) Taking any action provided by law or rule with respect to 619
a bank, trust company, or regulated person, whether alone or in 620
conjunction with another regulatory agency or authority. 621

Sec. 1315.17. (A)(1) Upon a licensee's or other person's 622
request for an administrative hearing authorized in section 623
1315.15, 1315.151, or 1315.152 of the Revised Code, the division 624
of financial institutions shall set a reasonable time, date, and 625
place in this state for the hearing and notify the licensee or 626
other person requesting the hearing. Within ninety days after the 627
hearing, the superintendent of financial institutions shall render 628
a decision, which shall include findings of fact upon which the 629
decision is predicated, and shall issue and serve on the licensee 630
or other person the decision and an order consistent with the 631
decision. Judicial review of the order exclusively is as provided 632
in division (B) of this section. Unless a notice of appeal is 633
filed within thirty days after service of the superintendent's 634
order as provided in division (B) of this section, and until the 635
record of the administrative hearing has been filed, the 636
superintendent may, at anytime, upon the notice and in the manner 637
that the superintendent considers proper, modify, terminate, or 638

set aside the superintendent's order. After filing the record, the 639
superintendent may modify, terminate, or set aside the 640
superintendent's order with permission of the court. 641

(2) In the course of, or in connection with, an 642
administrative hearing governed by this section, the 643
superintendent, or a person designated by the superintendent to 644
conduct the hearing, may administer oaths and affirmations; take 645
or cause depositions to be taken; and issue, revoke, quash, or 646
modify subpoenas and subpoenas duces tecum. The superintendent may 647
adopt rules regarding these hearings. The attendance of witnesses 648
and the production of documents provided for in this section may 649
be required from any place within or outside the state. A party to 650
a hearing governed by this section may apply to the court of 651
common pleas of Franklin county, or the court of common pleas of 652
the county in which the hearing is being conducted or the witness 653
resides or carries on business, for enforcement of a subpoena or 654
subpoena duces tecum issued pursuant to this section, and the 655
courts have jurisdiction and power to order and require compliance 656
with the subpoena. Witnesses subpoenaed under this section shall 657
be paid the same fees and mileage ~~that are paid witnesses in the~~ 658
~~courts of common pleas in civil cases~~ provided for under section 659
119.094 of the Revised Code. 660

(B)(1) A licensee or other person against whom the 661
superintendent issues an order upon the record of a hearing under 662
the authority of section 1315.15, 1315.151, or 1315.152 of the 663
Revised Code may obtain a review of the order by filing a notice 664
of appeal in the court of common pleas in the county in which the 665
principal place of business of the licensee or other person, or 666
the residence of the other person, is located, or in the court of 667
common pleas of Franklin county, within thirty days after the date 668
of service of the superintendent's order. The clerk of the court 669
promptly shall transmit a copy of the notice of appeal to the 670

superintendent, and the superintendent shall file the record of 671
the administrative hearing. Upon the filing of the notice of 672
appeal, the court has jurisdiction, which upon the filing of the 673
record of the administrative hearing is exclusive, to affirm, 674
modify, terminate, or set aside, in whole or in part, the 675
superintendent's order. 676

(2) The commencement of proceedings for judicial review 677
pursuant to division (B) of this section does not, unless 678
specifically ordered by the court, operate as a stay of any order 679
issued by the superintendent. If it appears to the court an 680
unusual hardship to the appellant will result from the execution 681
of the superintendent's order pending determination of the appeal, 682
and the interests of the public will not be threatened by a stay 683
of the order, the court may grant a stay and fix its terms. 684

(C) The superintendent may, in the sole discretion of the 685
superintendent, apply to the court of common pleas of the county 686
in which the principal place of business of the licensee or other 687
person, or the residence of the other person, is located, or the 688
court of common pleas of Franklin county, for the enforcement of 689
an effective and outstanding superintendent's order issued under 690
section 1315.15, 1315.151, or 1315.152 of the Revised Code, and 691
the court has jurisdiction and power to order and require 692
compliance with the superintendent's order. In an action by the 693
superintendent pursuant to this division to enforce an order 694
assessing a civil penalty issued under section 1315.152 of the 695
Revised Code, the validity and appropriateness of the civil 696
penalty is not subject to review. 697

(D) No court has jurisdiction to affect, by injunction or 698
otherwise, the issuance or enforcement of an order issued under 699
section 1315.15, 1315.151, or 1315.152 of the Revised Code or to 700
review, modify, suspend, terminate, or set aside an order issued 701
under section 1315.15, 1315.151, or 1315.152 of the Revised Code, 702

except as provided in this section, in division (G) of section 703
1315.15 of the Revised Code for an order issued pursuant to 704
division (C)(3) or (4) of section 1315.15 of the Revised Code, or 705
in division (F) of section 1315.151 of the Revised Code for an 706
order issued pursuant to division (C)(3) or (4) of section 707
1315.151 of the Revised Code. 708

(E) Nothing in this section or in any other section of the 709
Revised Code or rules implementing this or any other section of 710
the Revised Code shall prohibit or limit the superintendent from 711
doing any of the following: 712

(1) Issuing orders pursuant to section 1315.15, 1315.151, or 713
1315.152 of the Revised Code; 714

(2) Individually or contemporaneously taking any other action 715
provided by law or rule with respect to a licensee or other 716
person; 717

(3) Taking any action provided by law or rule, whether alone 718
or in conjunction with another regulatory agency or authority, 719
with respect to a licensee or other person. 720

Sec. 1315.24. (A) The superintendent of financial 721
institutions may make any investigation and conduct any hearing 722
the superintendent considers necessary to determine whether any 723
person has violated sections 1315.21 to 1315.28 of the Revised 724
Code, or has engaged in conduct that would justify the suspension, 725
revocation, or refusal of an original or renewal check-cashing 726
license. 727

(B) In making any investigation or conducting any hearing 728
pursuant to this section, the superintendent, or any person 729
designated by the superintendent, at any time may compel by 730
subpoena witnesses, may take depositions of witnesses residing 731
without the state in the manner provided for in civil actions, pay 732

any witnesses the fees and mileage for their attendance provided 733
for ~~witnesses in civil actions~~ under section 119.094 of the 734
Revised Code, and administer oaths. The superintendent also may 735
compel by order or subpoena duces tecum the production of, and 736
examine, all relevant books, records, accounts, and other 737
documents. If a person does not comply with a subpoena or subpoena 738
duces tecum, the superintendent may apply to the court of common 739
pleas of Franklin county for an order compelling the person to 740
comply with the subpoena or subpoena duces tecum or, for failure 741
to do so, an order to be held in contempt of court. If the person 742
is licensed under section 1315.23 of the Revised Code, the 743
superintendent also may suspend, revoke, or refuse an original or 744
renewal license. 745

(C) In connection with any investigation under this section, 746
the superintendent may file an action in the court of common pleas 747
of Franklin county or the court of common pleas of the county in 748
which the person who is the subject of the investigation resides, 749
or is engaging in or proposing to engage in actions in violation 750
of sections 1315.21 to 1315.28 of the Revised Code, to obtain an 751
injunction, temporary restraining order, or other appropriate 752
relief. 753

Sec. 1321.07. At least once each year the division of 754
financial institutions shall make an examination of the business, 755
loans, books, papers, and records of each licensee so far as they 756
pertain to the licensed business, and it may make such an 757
examination more frequently if it is necessary for the proper 758
administration of sections 1321.01 to 1321.19 of the Revised Code. 759

For the purpose of discovering violations, the division may 760
at any time investigate the business and examine the books, 761
accounts, papers, and records used therein, of: 762

(A) Licensees; 763

(B) Other persons engaged in the business described in 764
section 1321.02 of the Revised Code or participating in such 765
business as principal, agent, broker, or otherwise; 766

(C) Any person whom the division has reasonable cause to 767
believe has violated, is violating, or is about to violate 768
sections 1321.01 to 1321.19 of the Revised Code, whether or not 769
the person claims to act under such sections. For the purpose of 770
this section, any person who advertises, solicits, or holds 771
~~himself, herself, or itself~~ self out as willing to make, find, or 772
arrange for another person to make loan transactions in the amount 773
or of the value of five thousand dollars or less, is presumed to 774
be engaged in the business described in the first paragraph of 775
section 1321.02 of the Revised Code. 776

For the purpose of this section, the division shall have and 777
be given free access to the offices and places of business, files, 778
safes, and vaults of all such persons, and may require the 779
attendance of, and examine under oath, any person relative to such 780
loans or such business or to the subject matter of any 781
examination, investigation, or hearing. The division may require 782
the attendance of such witnesses and the production of such books, 783
records, and papers, as may be required either by the division or 784
by any party to a hearing before the division, and for that 785
purpose may issue a subpoena for any witness or a subpoena duces 786
tecum, to compel the production of any books, records, or papers, 787
directed to the sheriff of the county where such witness resides 788
or is found, which shall be served and returned in the same manner 789
as a subpoena in criminal cases is served and returned. 790

The fees ~~and mileage~~ of the sheriff ~~and witnesses~~ shall be 791
the same as that allowed in the court of common pleas in criminal 792
cases. Witnesses shall be paid the fees and mileage provided for 793
under section 119.094 of the Revised Code. Fees and mileage shall 794
be paid from the funds of the division. No witness subpoenaed at 795

the instance of parties other than the division is entitled to 796
compensation from the state for attendance or travel unless the 797
division certifies that the witness' testimony was material to the 798
subject matter of the hearing. 799

If any person fails to file any statement or report, or fails 800
to obey any subpoena, or to give testimony, or to answer 801
questions, or to produce any books, records, documents, accounts, 802
or papers as required by the division under sections 1321.01 to 803
1321.19 of the Revised Code, any court of common pleas, upon 804
application made to it and upon proof being made of such failure, 805
may make an order awarding process of subpoena or subpoena duces 806
tecum out of the court for such witness to appear and testify 807
before the division, and may make an order that any person give 808
testimony and answer questions as required, and produce books, 809
records, documents, accounts, or papers as required. Upon filing 810
such order with the clerk of the court of common pleas, the clerk 811
shall, under the seal of the court, issue process of subpoena to 812
appear before the division at a time and place named therein, and 813
so from day to day until the examination of such person is 814
completed. The subpoena may contain a direction that such witness 815
bring to such examination any books, records, documents, accounts, 816
or papers therein mentioned, and the clerk shall issue, under the 817
seal of the court, such other or further orders in reference to 818
the examination, appearance, and production of books, records, 819
documents, accounts, or papers as the court directs. If any person 820
so summoned by subpoena issued by the clerk fails to obey the 821
subpoena or to answer any directions therein, or to give 822
testimony, or to answer questions as required, or to produce any 823
books, records, documents, accounts, or papers as required, or if 824
any such person fails to obey any order, the court, on motion 825
supported by proof, may order an attachment for contempt to be 826
issued against any person charged with disobeying any order or 827
injunction issued out of the court of common pleas under sections 828

1321.01 to 1321.19 of the Revised Code. If the person so offending 829
is brought before the court by virtue of such attachment, and if 830
upon a hearing such disobedience appears, the court may order the 831
offender to be committed and kept in close custody until the 832
further order of the court. 833

Sec. 1321.42. (A) The superintendent of financial 834
institutions shall, in accordance with Chapter 119. of the Revised 835
Code, suspend or revoke a license issued pursuant to sections 836
1321.35 to 1321.48 of the Revised Code, if the superintendent 837
determines that either of the following applies: 838

(1) The licensee has failed to comply with any order issued 839
by the superintendent pursuant to section 1321.43 of the Revised 840
Code. 841

(2) Any fact or condition exists that if it had existed or 842
had been known to exist at the time of original or renewal 843
licensure pursuant to sections 1321.35 to 1321.48 of the Revised 844
Code, the fact or condition clearly would have warranted the 845
superintendent to refuse to issue a license pursuant to those 846
sections. 847

(B) The superintendent may make any investigation and conduct 848
any hearing the superintendent considers necessary to determine 849
whether any person has violated sections 1321.35 to 1321.48 of the 850
Revised Code, or any rule or order adopted or issued under section 851
1321.43 of the Revised Code, or has otherwise engaged in conduct 852
that would justify the suspension, revocation, or refusal of an 853
original or renewal license or the imposition of a fine. 854

The superintendent may impose a monetary fine of not more 856
than one thousand dollars for each such violation. 857

(C) In making any investigation or conducting any hearing 858

pursuant to this section, the superintendent, or any person 859
designated by the superintendent, at any time may compel by 860
subpoena witnesses, may take depositions of witnesses residing 861
without the state in the manner provided for in civil actions, pay 862
any witnesses the fees and mileage for their attendance provided 863
~~for witnesses in civil actions~~ under section 119.094 of the 864
Revised Code, and administer oaths. The superintendent also may 865
compel by order or subpoena duces tecum the production of, and 866
examine, all relevant books, records, accounts, and other 867
documents. If a person does not comply with a subpoena or subpoena 868
duces tecum, the superintendent may apply to the court of common 869
pleas of Franklin county for an order compelling the person to 870
comply with the subpoena or subpoena duces tecum or, for failure 871
to do so, an order to be held in contempt of court. 872

(D) In connection with any investigation under this section, 873
the superintendent may file an action in the court of common pleas 874
of Franklin county or the court of common pleas of the county in 875
which the person who is the subject of the investigation resides, 876
or is engaging in or proposing to engage in actions in violation 877
of sections 1321.35 to 1321.48 of the Revised Code, to obtain an 878
injunction, temporary restraining order, or other appropriate 879
relief. 880

Sec. 1509.36. Any person claiming to be aggrieved or 881
adversely affected by an order by the chief of the division of 882
mineral resources management may appeal to the oil and gas 883
commission for an order vacating or modifying such order. 884

The person so appealing to the commission shall be known as 885
appellant and the chief shall be known as appellee. Appellant and 886
appellee shall be deemed to be parties to the appeal. 887

The appeal shall be in writing and shall set forth the order 888
complained of and the grounds upon which the appeal is based. The 889

appeal shall be filed with the commission within thirty days after 890
the date upon which appellant received notice by registered mail 891
of the making of the order complained of. Notice of the filing of 892
the appeal shall be filed with the chief within three days after 893
the appeal is filed with the commission. 894

Upon the filing of the appeal the commission promptly shall 895
fix the time and place at which the hearing on the appeal will be 896
held, and shall give the appellant and the chief at least ten 897
days' written notice thereof by mail. The commission may postpone 898
or continue any hearing upon its own motion or upon application of 899
appellant or of the chief. 900

The filing of an appeal provided for in this section does not 901
automatically suspend or stay execution of the order appealed 902
from, but upon application by the appellant the commission may 903
suspend or stay such execution pending determination of the appeal 904
upon such terms as the commission considers proper. 905

Either party to the appeal or any interested person who, 906
pursuant to commission rules has been granted permission to 907
appear, may submit such evidence as the commission considers 908
admissible. 909

For the purpose of conducting a hearing on an appeal, the 910
commission may require the attendance of witnesses and the 911
production of books, records, and papers, and it may, and at the 912
request of any party it shall, issue subpoenas for witnesses or 913
subpoenas duces tecum to compel the production of any books, 914
records, or papers, directed to the sheriffs of the counties where 915
such witnesses are found. The subpoenas shall be served and 916
returned in the same manner as subpoenas in criminal cases are 917
served and returned. The fees ~~and mileage~~ of sheriffs ~~and~~ 918
~~witnesses~~ shall be the same as those allowed by the court of 919
common pleas in criminal cases. Witnesses shall be paid the fees 920
and mileage provided for under section 119.094 of the Revised 921

Code. Such fees and mileage expenses incurred at the request of 922
appellant shall be paid in advance by the appellant, and the 923
remainder of such expenses shall be paid out of funds appropriated 924
for the expenses of the division of mineral resources management. 925

In case of disobedience or neglect of any subpoena served on 926
any person, or the refusal of any witness to testify to any matter 927
regarding which the witness may be lawfully interrogated, the 928
court of common pleas of the county in which such disobedience, 929
neglect, or refusal occurs, or any judge thereof, on application 930
of the commission or any member thereof, shall compel obedience by 931
attachment proceedings for contempt as in the case of disobedience 932
of the requirements of a subpoena issued from such court or a 933
refusal to testify therein. Witnesses at such hearings shall 934
testify under oath, and any member of the commission may 935
administer oaths or affirmations to persons who so testify. 936

At the request of any party to the appeal, a stenographic 937
record of the testimony and other evidence submitted shall be 938
taken by an official court shorthand reporter at the expense of 939
the party making the request therefor. Such record shall include 940
all of the testimony and other evidence and the rulings on the 941
admissibility thereof presented at the hearing. The commission 942
shall pass upon the admissibility of evidence, but any party may 943
at the time object to the admission of any evidence and except to 944
the rulings of the commission thereon, and if the commission 945
refuses to admit evidence the party offering same may make a 946
proffer thereof, and such proffer shall be made a part of the 947
record of such hearing. 948

If upon completion of the hearing the commission finds that 949
the order appealed from was lawful and reasonable, it shall make a 950
written order affirming the order appealed from; if the commission 951
finds that the order was unreasonable or unlawful, it shall make a 952
written order vacating the order appealed from and making the 953

order that it finds the chief should have made. Every order made 954
by the commission shall contain a written finding by the 955
commission of the facts upon which the order is based. 956

Notice of the making of the order shall be given forthwith to 957
each party to the appeal by mailing a certified copy thereof to 958
each such party by certified mail. 959

The order of the commission is final unless vacated by the 960
court of common pleas of Franklin county in an appeal as provided 961
for in section 1509.37 of the Revised Code. Sections 1509.01 to 962
1509.37 of the Revised Code, providing for appeals relating to 963
orders by the chief or by the commission, or relating to rules 964
adopted by the chief, do not constitute the exclusive procedure 965
that any person who believes the person's rights to be unlawfully 966
affected by those sections or any official action taken thereunder 967
must pursue in order to protect and preserve those rights, nor do 968
those sections constitute a procedure that that person must pursue 969
before that person may lawfully appeal to the courts to protect 970
and preserve those rights. 971

Sec. 1513.131. For the purpose of conducting any public 972
adjudicatory hearing under this chapter, the chief, or the 973
reclamation commission may require the attendance of witnesses and 974
the production of books, records, and papers, and may, and at the 975
request of any party, shall issue subpoenas for witnesses or 976
subpoenas duces tecum to compel the production of any books, 977
records, papers, or other material relevant to the inquiry, 978
directed to the sheriff of the counties where the witnesses or 979
materials are found, which subpoenas shall be served and returned 980
in the same manner as subpoenas issued by courts of common pleas 981
are served and returned. The fees ~~and mileage~~ of sheriffs ~~and~~ 982
~~witnesses~~ shall be the same as those allowed by the court of 983
common pleas in criminal cases. Witnesses shall be paid the fees 984

and mileage provided for under section 119.094 of the Revised 985
Code. 986

In cases of disobedience or neglect of any subpoena served on 987
any person or the refusal of any witness to testify to any matter 988
regarding which the witness may lawfully be interrogated, the 989
court of common pleas of the county in which such disobedience, 990
neglect, or refusal occurs, or any judge thereof, on application 991
of the chief or the commission or any member thereof, shall compel 992
obedience by attachment procedures for contempt as in the case of 993
disobedience of the requirements of a subpoena issued from the 994
court or a refusal to testify therein. 995

A witness at any hearing shall testify under oath or 996
affirmation, which the chief or any member of the commission may 997
administer. 998

Hearing officers designated by the commission shall have the 999
same powers and authority in conducting the hearings as granted to 1000
the commission. Whenever a hearing officer conducts a hearing, the 1001
officer shall prepare a report setting forth the hearing officer's 1002
findings of fact and conclusions of law and a recommendation of 1003
the action to be taken by the commission. The hearing officer 1004
shall file the report with the secretary of the commission and 1005
shall mail a copy by certified mail to the parties. A party may, 1006
within fourteen days after receipt of the report, serve and file 1007
written objections to the hearing officer's report with the 1008
secretary of the commission. Objections shall be specific and 1009
state with particularity the grounds therefor. Upon consideration 1010
of the objections, the commission may adopt, reject, or modify the 1011
report; hear additional evidence; return the report to the hearing 1012
officer with instructions; or hear the matter itself. 1013

Sec. 1571.10. (A) The gas storage well inspector or any 1014
person having a direct interest in the administration of this 1015

chapter may at any time file with the division of mineral 1016
resources management a written request that a conference be held 1017
for the purpose of discussing and endeavoring to resolve by mutual 1018
agreement any question or issue relating to the administration of 1019
this chapter, or to compliance with its provisions, or to any 1020
violation thereof. Such request shall describe the matter 1021
concerning which the conference is requested. Thereupon the gas 1022
storage well inspector shall promptly fix the time and place for 1023
the holding of such conference and shall send written notice 1024
thereof to each person having a direct interest therein. At such 1025
conference the gas storage well inspector or a representative of 1026
the division designated by the gas storage well inspector shall be 1027
in attendance, and shall preside at the conference, and the gas 1028
storage well inspector or designated representative may make such 1029
recommendations as the gas storage well inspector or designated 1030
representative deems proper. Any agreement reached at such 1031
conference shall be consistent with the requirements of this 1032
chapter and, if approved by the gas storage well inspector, it 1033
shall be reduced to writing and shall be effective. Any such 1034
agreement approved by the gas storage well inspector shall be kept 1035
on file in the division and a copy thereof shall be furnished to 1036
each of the persons having a direct interest therein. The 1037
conference shall be deemed terminated as of the date an approved 1038
agreement is reached or when any person having a direct interest 1039
therein refuses to confer thereafter. Such a conference shall be 1040
held in all cases prior to the holding of a hearing as provided in 1041
this section. 1042

(B) Within ten days after the termination of a conference at 1043
which no approved agreement is reached, any person who 1044
participated in such conference and who has a direct interest in 1045
the subject matter thereof, or the gas storage well inspector, may 1046
file with the chief of the division of mineral resources 1047
management a request that the chief hear and determine the matter 1048

or matters, or any part thereof considered at the conference. 1049
Thereupon the chief shall promptly fix the time and place for the 1050
holding of such hearing and shall send written notice thereof to 1051
each person having a direct interest therein. The form of the 1052
request for such hearing and the conduct of the hearing shall be 1053
in accordance with rules that the chief adopts under section 1054
1571.11 of the Revised Code. Consistent with the requirement for 1055
reasonable notice each such hearing shall be held promptly after 1056
the filing of the request therefor. Any person having a direct 1057
interest in the matter to be heard shall be entitled to appear and 1058
be heard in person or by attorney. The division may present at 1059
such hearing any evidence that is material to the matter being 1060
heard and that has come to the division's attention in any 1061
investigation or inspection made pursuant to this chapter. 1062

(C) For the purpose of conducting such a hearing the chief 1063
may require the attendance of witnesses and the production of 1064
books, records, and papers, and the chief may, and at the request 1065
of any person having a direct interest in the matter being heard, 1066
the chief shall, issue subpoenas for witnesses or subpoenas duces 1067
tecum to compel the production of any books, records, or papers, 1068
directed to the sheriffs of the counties where such witnesses are 1069
found, which subpoenas shall be served and returned in the same 1070
manner as subpoenas in criminal cases are served and returned. The 1071
fees ~~and mileage~~ of sheriffs ~~and witnesses~~ shall be the same as 1072
those allowed by the court of common pleas in criminal cases. 1073
Witnesses shall be paid the fees and mileage provided for under 1074
section 119.094 of the Revised Code. Such fee and mileage expenses 1075
shall be paid in advance by the persons at whose request they are 1076
incurred, and the remainder of such expenses shall be paid out of 1077
funds appropriated for the expenses of the division. 1078

In case of disobedience or neglect of any subpoena served on 1079
any person, or the refusal of any witness to testify to any matter 1080

regarding which the witness may be lawfully interrogated, the 1081
court of common pleas of the county in which such disobedience, 1082
neglect, or refusal occurs, or any judge thereof, on application 1083
of the chief, shall compel obedience by attachment proceedings for 1084
contempt as in the case of disobedience of the requirements of a 1085
subpoena issued from such court or a refusal to testify therein. 1086
Witnesses at such hearings shall testify under oath, and the chief 1087
may administer oaths or affirmations to persons who so testify. 1088

(D) With the consent of the chief, the testimony of any 1089
witness may be taken by deposition at the instance of a party to 1090
any hearing before the chief at any time after hearing has been 1091
formally commenced. The chief may, of the chief's own motion, 1092
order testimony to be taken by deposition at any stage in any 1093
hearing, proceeding, or investigation pending before the chief. 1094
Such deposition shall be taken in the manner prescribed by the 1095
laws of this state for taking depositions in civil cases in courts 1096
of record. 1097

(E) After the conclusion of a hearing the chief shall make a 1098
determination and finding of facts. Every adjudication, 1099
determination, or finding by the chief shall be made by written 1100
order and shall contain a written finding by the chief of the 1101
facts upon which the adjudication, determination, or finding is 1102
based. Notice of the making of such order shall be given to the 1103
persons whose rights, duties, or privileges are affected thereby, 1104
by sending a certified copy thereof by registered mail to each of 1105
such persons. 1106

Adjudications, determinations, findings, and orders made by 1107
the chief shall not be governed by, or be subject to, Chapter 119. 1108
of the Revised Code. 1109

Sec. 1571.14. Any person claiming to be aggrieved or 1110
adversely affected by an order of the chief of the division of 1111

mineral resources management made as provided in section 1571.10 1112
or 1571.16 of the Revised Code may appeal to the director of 1113
natural resources for an order vacating or modifying such order. 1114
Upon receipt of the appeal, the director shall appoint an 1115
individual who has knowledge of the laws and rules regarding the 1116
underground storage of gas and who shall act as a hearing officer 1117
in accordance with Chapter 119. of the Revised Code in hearing the 1118
appeal. 1119

The person appealing to the director shall be known as 1120
appellant and the chief shall be known as appellee. The appellant 1121
and the appellee shall be deemed parties to the appeal. 1122

The appeal shall be in writing and shall set forth the order 1123
complained of and the grounds upon which the appeal is based. The 1124
appeal shall be filed with the director within thirty days after 1125
the date upon which appellant received notice by registered mail 1126
of the making of the order complained of, as required by section 1127
1571.10 of the Revised Code. Notice of the filing of such appeal 1128
shall be delivered by appellant to the chief within three days 1129
after the appeal is filed with the director. 1130

Within seven days after receipt of the notice of appeal the 1131
chief shall prepare and certify to the director at the expense of 1132
appellant a complete transcript of the proceedings out of which 1133
the appeal arises, including a transcript of the testimony 1134
submitted to the chief. 1135

Upon the filing of the appeal the director shall fix the time 1136
and place at which the hearing on the appeal will be held, and 1137
shall give appellant and the chief at least ten days' written 1138
notice thereof by mail. The director may postpone or continue any 1139
hearing upon the director's own motion or upon application of 1140
appellant or of the chief. 1141

The filing of an appeal provided for in this section does not 1142

automatically suspend or stay execution of the order appealed 1143
from, but upon application by the appellant the director may 1144
suspend or stay such execution pending determination of the appeal 1145
upon such terms as the director deems proper. 1146

The hearing officer appointed by the director shall hear the 1147
appeal de novo, and either party to the appeal may submit such 1148
evidence as the hearing officer deems admissible. 1149

For the purpose of conducting a hearing on an appeal, the 1150
hearing officer may require the attendance of witnesses and the 1151
production of books, records, and papers, and may, and at the 1152
request of any party shall, issue subpoenas for witnesses or 1153
subpoenas duces tecum to compel the production of any books, 1154
records, or papers, directed to the sheriffs of the counties where 1155
such witnesses are found, which subpoenas shall be served and 1156
returned in the same manner as subpoenas in criminal cases are 1157
served and returned. The fees ~~and mileage~~ of sheriffs ~~and~~ 1158
~~witnesses~~ shall be the same as those allowed by the court of 1159
common pleas in criminal cases. Witnesses shall be paid the fees 1160
and mileage provided for under section 119.094 of the Revised 1161
Code. Such fee and mileage expenses incurred at the request of 1162
appellant shall be paid in advance by appellant, and the remainder 1163
of such expenses shall be paid out of funds appropriated for the 1164
expenses of the division of mineral resources management. 1165

In case of disobedience or neglect of any subpoena served on 1166
any person, or the refusal of any witness to testify to any matter 1167
regarding which the witness may be lawfully interrogated, the 1168
court of common pleas of the county in which such disobedience, 1169
neglect, or refusal occurs, or any judge thereof, on application 1170
of the director, shall compel obedience by attachment proceedings 1171
for contempt as in the case of disobedience of the requirements of 1172
a subpoena issued from such court or a refusal to testify therein. 1173
Witnesses at such hearings shall testify under oath, and the 1174

hearing officer may administer oaths or affirmations to persons 1175
who so testify. 1176

At the request of any party to the appeal, a stenographic 1177
record of the testimony and other evidence submitted shall be 1178
taken by an official court shorthand reporter at the expense of 1179
the party making the request therefor. The record shall include 1180
all of the testimony and other evidence and the rulings on the 1181
admissibility thereof presented at the hearing. The hearing 1182
officer shall pass upon the admissibility of evidence, but any 1183
party may at the time object to the admission of any evidence and 1184
except to the ruling of the hearing officer thereon, and if the 1185
hearing officer refuses to admit evidence, the party offering same 1186
may make a proffer thereof, and such proffer shall be made a part 1187
of the record of such hearing. 1188

If upon completion of the hearing the hearing officer finds 1189
that the order appealed from was lawful and reasonable, the 1190
hearing officer shall make a written order affirming the order 1191
appealed from. If the hearing officer finds that such order was 1192
unreasonable or unlawful, the hearing officer shall make a written 1193
order vacating the order appealed from and making the order that 1194
it finds the chief should have made. Every order made by the 1195
hearing officer shall contain a written finding by the hearing 1196
officer of the facts upon which the order is based. Notice of the 1197
making of such order shall be given forthwith to each party to the 1198
appeal by mailing a certified copy thereof to each such party by 1199
registered mail. 1200

Sec. 1707.23. Whenever it appears to the division of 1201
securities, from its files, upon complaint, or otherwise, that any 1202
person has engaged in, is engaged in, or is about to engage in any 1203
practice declared to be illegal or prohibited by this chapter or 1204
rules adopted under this chapter by the division, or defined as 1205

fraudulent in this chapter or rules adopted under this chapter by 1206
the division, or any other deceptive scheme or practice in 1207
connection with the sale of securities, or acting as a dealer, a 1208
salesperson, an investment adviser, investment adviser 1209
representative, bureau of workers' compensation chief investment 1210
officer, or state retirement system investment officer or when the 1211
division believes it to be in the best interests of the public and 1212
necessary for the protection of investors, the division may do any 1213
of the following: 1214

(A) Require any person to file with it, on such forms as it 1215
prescribes, an original or additional statement or report in 1216
writing, under oath or otherwise, as to any facts or circumstances 1217
concerning the issuance, sale, or offer for sale of securities 1218
within this state by the person, as to the person's acts or 1219
practices as a dealer, a salesperson, an investment adviser, 1220
investment adviser representative, bureau of workers' compensation 1221
chief investment officer, or state retirement system investment 1222
officer within this state, and as to other information as it deems 1223
material or relevant thereto; 1224

(B) Examine any investment adviser, investment adviser 1225
representative, state retirement system investment officer, bureau 1226
of workers' compensation chief investment officer, or any seller, 1227
dealer, salesperson, or issuer of any securities, and any of their 1228
agents, employees, partners, officers, directors, members, or 1229
shareholders, wherever located, under oath; and examine and 1230
produce records, books, documents, accounts, and papers as the 1231
division deems material or relevant to the inquiry; 1232

(C) Require the attendance of witnesses, and the production 1233
of books, records, and papers, as are required either by the 1234
division or by any party to a hearing before the division, and for 1235
that purpose issue a subpoena for any witness, or a subpoena duces 1236

tecum to compel the production of any books, records, or papers. 1237
The subpoena shall be served by personal service or by certified 1238
mail, return receipt requested. If the subpoena is returned 1239
because of inability to deliver, or if no return is received 1240
within thirty days of the date of mailing, the subpoena may be 1241
served by ordinary mail. If no return of ordinary mail is received 1242
within thirty days after the date of mailing, service shall be 1243
deemed to have been made. If the subpoena is returned because of 1244
inability to deliver, the division may designate a person or 1245
persons to effect either personal or residence service upon the 1246
witness. The person designated to effect personal or residence 1247
service under this division may be the sheriff of the county in 1248
which the witness resides or may be found or any other duly 1249
designated person. The fees and mileage of the person serving the 1250
subpoena shall be the same as those allowed by the courts of 1251
common pleas in criminal cases, and shall be paid from the funds 1252
of the division. Fees and mileage for the witness shall be ~~the~~ 1253
~~same as those allowed for witnesses by the courts of common pleas~~ 1254
~~in criminal cases~~ determined under section 119.094 of the Revised 1255
Code, and shall be paid from the funds of the division upon 1256
request of the witness following the hearing. 1257

(D) Initiate criminal proceedings under section 1707.042 or 1258
1707.44 of the Revised Code or rules adopted under those sections 1259
by the division by laying before the prosecuting attorney of the 1260
proper county any evidence of criminality which comes to its 1261
knowledge; and in the event of the neglect or refusal of the 1262
prosecuting attorney to prosecute such violations, or at the 1263
request of the prosecuting attorney, the division shall submit the 1264
evidence to the attorney general, who may proceed in the 1265
prosecution with all the rights, privileges, and powers conferred 1266
by law on prosecuting attorneys, including the power to appear 1267
before grand juries and to interrogate witnesses before such grand 1268
juries. 1269

(E) Require any dealers immediately to furnish to the 1270
division copies of prospectuses, circulars, or advertisements 1271
respecting securities that they publish or generally distribute, 1272
or require any investment advisers immediately to furnish to the 1273
division copies of brochures, advertisements, publications, 1274
analyses, reports, or other writings that they publish or 1275
distribute; 1276

(F) Require any dealers to mail to the division, prior to 1277
sale, notices of intention to sell, in respect to all securities 1278
which are not exempt under section 1707.02 of the Revised Code, or 1279
which are sold in transactions not exempt under section 1707.03 or 1280
1707.04 of the Revised Code; 1281

(G) Issue and cause to be served by certified mail upon all 1282
persons affected an order requiring the person or persons to cease 1283
and desist from the acts or practices appearing to the division to 1284
constitute violations of this chapter or rules adopted under this 1285
chapter by the division. The order shall state specifically the 1286
section or sections of this chapter or the rule or rules adopted 1287
under this chapter by the division that appear to the division to 1288
have been violated and the facts constituting the violation. If 1289
after the issuance of the order it appears to the division that 1290
any person or persons affected by the order have engaged in any 1291
act or practice from which the person or persons shall have been 1292
required, by the order, to cease and desist, the director of 1293
commerce may apply to the court of common pleas of any county for, 1294
and upon proof of the validity of the order of the division, the 1295
delivery of the order to the person or persons affected, and of 1296
the illegality and the continuation of the acts or practices that 1297
are the subject of the order, the court may grant an injunction 1298
implementing the order of the division. 1299

(H) Issue and initiate contempt proceedings in this state 1300
regarding subpoenas and subpoenas duces tecum at the request of 1301

the securities administrator of another state, if it appears to 1302
the division that the activities for which the information is 1303
sought would violate this chapter if the activities had occurred 1304
in this state. 1305

(I) The remedies provided by this section are cumulative and 1306
concurrent with any other remedy provided in this chapter, and the 1307
exercise of one remedy does not preclude or require the exercise 1308
of any other remedy. 1309

Sec. 1901.26. (A) Subject to division (E) of this section, 1310
costs in a municipal court shall be fixed and taxed as follows: 1311

(1)(a) The municipal court shall require an advance deposit 1312
for the filing of any new civil action or proceeding when required 1313
by division (C) of this section, and in all other cases, by rule, 1314
shall establish a schedule of fees and costs to be taxed in any 1315
civil or criminal action or proceeding. 1316

(b)(i) The legislative authority of a municipal corporation 1317
may by ordinance establish a schedule of fees to be taxed as costs 1318
in any civil, criminal, or traffic action or proceeding in a 1319
municipal court for the performance by officers or other employees 1320
of the municipal corporation's police department or marshal's 1321
office of any of the services specified in sections 311.17 and 1322
509.15 of the Revised Code. No fee in the schedule shall be higher 1323
than the fee specified in section 311.17 of the Revised Code for 1324
the performance of the same service by the sheriff. If a fee 1325
established in the schedule conflicts with a fee for the same 1326
service established in another section of the Revised Code or a 1327
rule of court, the fee established in the other section of the 1328
Revised Code or the rule of court shall apply. 1329

(ii) When an officer or employee of a municipal police 1330
department or marshal's office performs in a civil, criminal, or 1331
traffic action or proceeding in a municipal court a service 1332

specified in section 311.17 or 509.15 of the Revised Code for 1333
which a taxable fee has been established under this or any other 1334
section of the Revised Code, the applicable legal fees and any 1335
other extraordinary expenses, including overtime, provided for the 1336
service shall be taxed as costs in the case. The clerk of the 1337
court shall pay those legal fees and other expenses, when 1338
collected, into the general fund of the municipal corporation that 1339
employs the officer or employee. 1340

(iii) If a bailiff of a municipal court performs in a civil, 1341
criminal, or traffic action or proceeding in that court a service 1342
specified in section 311.17 or 509.15 of the Revised Code for 1343
which a taxable fee has been established under this section or any 1344
other section of the Revised Code, the fee for the service is the 1345
same and is taxable to the same extent as if the service had been 1346
performed by an officer or employee of the police department or 1347
marshal's office of the municipal corporation in which the court 1348
is located. The clerk of that court shall pay the fee, when 1349
collected, into the general fund of the entity or entities that 1350
fund the bailiff's salary, in the same ~~pre-rated~~ prorated amount 1351
as the salary is funded. 1352

(iv) Division (A)(1)(b) of this section does not authorize or 1353
require any officer or employee of a police department or 1354
marshal's office of a municipal corporation or any bailiff of a 1355
municipal court to perform any service not otherwise authorized by 1356
law. 1357

(2) The municipal court, by rule, may require an advance 1358
deposit for the filing of any civil action or proceeding and 1359
publication fees as provided in section 2701.09 of the Revised 1360
Code. The court may waive the requirement for advance deposit upon 1361
affidavit or other evidence that a party is unable to make the 1362
required deposit. 1363

(3) When a jury trial is demanded in any civil action or 1364

proceeding, the party making the demand may be required to make an
advance deposit as fixed by rule of court, unless, upon affidavit
or other evidence, the court concludes that the party is unable to
make the required deposit. If a jury is called, the fees of a jury
shall be taxed as costs.

(4) In any civil or criminal action or proceeding, ~~witnesses'~~
~~fees shall be fixed in accordance with sections 2335.06 and~~
~~2335.08 of the Revised Code~~ each witness shall receive twelve
dollars for each full day's attendance and six dollars for each
half day's attendance. Each witness in a municipal court that is
not a county-operated municipal court also shall receive fifty and
one-half cents for each mile necessarily traveled to and from the
witness's place of residence to the action or proceeding.

(5) A reasonable charge for driving, towing, carting,
storing, keeping, and preserving motor vehicles and other personal
property recovered or seized in any proceeding may be taxed as
part of the costs in a trial of the cause, in an amount that shall
be fixed by rule of court.

(6) Chattel property seized under any writ or process issued
by the court shall be preserved pending final disposition for the
benefit of all persons interested and may be placed in storage
when necessary or proper for that preservation. The custodian of
any chattel property so stored shall not be required to part with
the possession of the property until a reasonable charge, to be
fixed by the court, is paid.

(7) The municipal court, as it determines, may refund all
deposits and advance payments of fees and costs, including those
for jurors and summoning jurors, when they have been paid by the
losing party.

(8) Charges for the publication of legal notices required by
statute or order of court may be taxed as part of the costs, as

provided by section 7.13 of the Revised Code. 1396

(B)(1) The municipal court may determine that, for the 1397
efficient operation of the court, additional funds are necessary 1398
to acquire and pay for special projects of the court including, 1399
but not limited to, the acquisition of additional facilities or 1400
the rehabilitation of existing facilities, the acquisition of 1401
equipment, the hiring and training of staff, community service 1402
programs, mediation or dispute resolution services, the employment 1403
of magistrates, the training and education of judges, acting 1404
judges, and magistrates, and other related services. Upon that 1405
determination, the court by rule may charge a fee, in addition to 1406
all other court costs, on the filing of each criminal cause, civil 1407
action or proceeding, or judgment by confession. 1408

If the municipal court offers a special program or service in 1409
cases of a specific type, the municipal court by rule may assess 1410
an additional charge in a case of that type, over and above court 1411
costs, to cover the special program or service. The municipal 1412
court shall adjust the special assessment periodically, but not 1413
retroactively, so that the amount assessed in those cases does not 1414
exceed the actual cost of providing the service or program. 1415

All moneys collected under division (B) of this section shall 1416
be paid to the county treasurer if the court is a county-operated 1417
municipal court or to the city treasurer if the court is not a 1418
county-operated municipal court for deposit into either a general 1419
special projects fund or a fund established for a specific special 1420
project. Moneys from a fund of that nature shall be disbursed upon 1421
an order of the court in an amount no greater than the actual cost 1422
to the court of a project. If a specific fund is terminated 1423
because of the discontinuance of a program or service established 1424
under division (B) of this section, the municipal court may order 1425
that moneys remaining in the fund be transferred to an account 1426
established under this division for a similar purpose. 1427

(2) As used in division (B) of this section: 1428

(a) "Criminal cause" means a charge alleging the violation of 1429
a statute or ordinance, or subsection of a statute or ordinance, 1430
that requires a separate finding of fact or a separate plea before 1431
disposition and of which the defendant may be found guilty, 1432
whether filed as part of a multiple charge on a single summons, 1433
citation, or complaint or as a separate charge on a single 1434
summons, citation, or complaint. "Criminal cause" does not include 1435
separate violations of the same statute or ordinance, or 1436
subsection of the same statute or ordinance, unless each charge is 1437
filed on a separate summons, citation, or complaint. 1438

(b) "Civil action or proceeding" means any civil litigation 1439
that must be determined by judgment entry. 1440

(C) The municipal court shall collect in all its divisions 1441
except the small claims division the sum of twenty-six dollars as 1442
additional filing fees in each new civil action or proceeding for 1443
the charitable public purpose of providing financial assistance to 1444
legal aid societies that operate within the state and to support 1445
the office of the state public defender. The municipal court shall 1446
collect in its small claims division the sum of eleven dollars as 1447
additional filing fees in each new civil action or proceeding for 1448
the charitable public purpose of providing financial assistance to 1449
legal aid societies that operate within the state and to support 1450
the office of the state public defender. This division does not 1451
apply to any execution on a judgment, proceeding in aid of 1452
execution, or other post-judgment proceeding arising out of a 1453
civil action. The filing fees required to be collected under this 1454
division shall be in addition to any other court costs imposed in 1455
the action or proceeding and shall be collected at the time of the 1456
filing of the action or proceeding. The court shall not waive the 1457
payment of the additional filing fees in a new civil action or 1458
proceeding unless the court waives the advanced payment of all 1459

filing fees in the action or proceeding. All such moneys collected 1460
during a month shall be transmitted on or before the twentieth day 1461
of the following month by the clerk of the court to the treasurer 1462
of state in a manner prescribed by the treasurer of state or by 1463
the Ohio legal assistance foundation. The treasurer of state shall 1464
deposit four per cent of the funds collected under this division 1465
to the credit of the civil case filing fee fund established under 1466
section 120.07 of the Revised Code and ninety-six per cent of the 1467
funds collected under this division to the credit of the legal aid 1468
fund established under section 120.52 of the Revised Code. 1469

The court may retain up to one per cent of the moneys it 1470
collects under this division to cover administrative costs, 1471
including the hiring of any additional personnel necessary to 1472
implement this division. 1473

(D) In the Cleveland municipal court, reasonable charges for 1474
investigating titles of real estate to be sold or disposed of 1475
under any writ or process of the court may be taxed as part of the 1476
costs. 1477

(E) Under the circumstances described in sections 2969.21 to 1478
2969.27 of the Revised Code, the clerk of the municipal court 1479
shall charge the fees and perform the other duties specified in 1480
those sections. 1481

(F) As used in this section: 1482

(1) "Full day's attendance" means a day on which a witness is 1483
required or requested to be present at an action or proceeding 1484
before and after twelve noon, regardless of whether the witness 1485
actually testifies. 1486

(2) "Half day's attendance" means a day on which a witness is 1487
required or requested to be present at an action or proceeding 1488
either before or after twelve noon, but not both, regardless of 1489
whether the witness actually testifies. 1490

Sec. 1905.26. In cases for the violation of ordinances, the fees of witnesses shall be paid, on the certificate of the officer presiding at the trial, from the treasury of the municipal corporation. Witnesses shall be paid the fees and mileage provided for under section 1901.26 of the Revised Code.

Sec. 2335.06. Each witness in civil cases shall receive the following fees:

(A) Twelve dollars for each full day's attendance and six dollars for each half day's attendance at a court of record, mayor's court, or before a person authorized to take depositions, to be taxed in the bill of costs. Each witness shall also receive ~~ten cents~~ reimbursement for each mile necessarily traveled to and from ~~his~~ the witness's place of residence to the place of giving ~~his~~ testimony, to be taxed in the bill of costs. The board of county commissioners of each county shall set the reimbursement rate for each mile necessarily traveled by a witness in a civil case in the common pleas court, any division of the common pleas court, a county court, or a county-operated municipal court. The rate shall not exceed fifty and one-half cents for each mile.

(B) For attending a coroner's inquest, the same fees and mileage provided by division (A) of this section, payable from the county treasury on the certificate of the coroner.

(C) As used in this section, "full day's attendance" means a day on which a witness is required or requested to be present at proceedings before and after twelve noon regardless of whether ~~he~~ the witness actually testifies; "half day's attendance" means a day on which a witness is required or requested to be present at proceedings either before or after twelve noon, but not both, regardless of whether ~~he~~ the witness actually testifies.

Sec. 2335.08. Each witness attending, under recognizance or

subpoena issued by order of the prosecuting attorney or defendant, 1521
before the grand jury or ~~any court of record~~ the common pleas 1522
court, any division of the common pleas court, a county court, or 1523
a county-operated municipal court, in criminal causes, shall be 1524
allowed the same fees as provided by section 2335.06 of the 1525
Revised Code in civil causes, to be taxed in only one cause when 1526
such witness is attending in more causes than one on the same 1527
days, unless otherwise directed by special order of the court. 1528
When certified to the county auditor by the clerk of the court, 1529
such fees shall be paid from the county treasury, and except as to 1530
the grand jury, taxed in the bill of costs. ~~Each witness attending~~ 1531
~~before a judge of a county court, magistrate, or mayor, under~~ 1532
~~subpoena in criminal cases, shall be allowed the fees provided by~~ 1533
~~such section for witnesses in the court of common pleas.~~ In state 1534
cases such fees shall be paid out of the county treasury, and in 1535
ordinance cases they shall be paid out of the treasury of the 1536
municipal corporation, upon the certificates of the judge or 1537
magistrate, and they shall be taxed in the bill of costs. 1538

When the fees enumerated by this section have been collected 1539
from the judgment debtor, they shall be paid to the public 1540
treasury from which such fees were advanced. 1541

Sec. 2743.06. Any witness subpoenaed or whose deposition is 1542
taken shall receive the same fees and mileage ~~set forth in as~~ 1543
witnesses are provided under section ~~2335.06~~ 119.094 of the 1544
Revised Code. The party at whose instance the witness appears or 1545
the deposition is taken shall pay the fees and mileage, except 1546
that the state may not pay the fees to its own employees. 1547

Sec. 2743.65. (A) The attorney general shall determine, and 1548
the state shall pay, in accordance with this section attorney's 1549
fees, commensurate with services rendered, to the attorney 1550
representing a claimant under sections 2743.51 to 2743.72 of the 1551

Revised Code. The attorney shall submit on an application form an
itemized fee bill at the rate of sixty dollars per hour upon
receipt of the final decision on the claim. Attorney's fees paid
pursuant to this section are subject to the following maximum
amounts:

(1) A maximum of seven hundred twenty dollars for claims
resolved without the filing of an appeal to the panel of
commissioners;

(2) A maximum of one thousand twenty dollars for claims in
which an appeal to the panel of commissioners is filed plus, at
the request of an attorney whose main office is not in Franklin
county, Delaware county, Licking county, Fairfield county,
Pickaway county, Madison county, or Union county, an amount for
the attorney's travel time to attend the oral hearing before the
panel of commissioners at the rate of thirty dollars per hour;

(3) A maximum of one thousand three hundred twenty dollars
for claims in which an appeal to a judge of the court of claims is
filed plus, at the request of an attorney whose main office is not
in Franklin county, Delaware county, Licking county, Fairfield
county, Pickaway county, Madison county, or Union county, an
amount for the attorney's travel time to attend the oral hearing
before the judge at the rate of thirty dollars per hour;

(4) A maximum of seven hundred twenty dollars for a
supplemental reparations application;

(5) A maximum of two hundred dollars if the claim is denied
on the basis of a claimant's or victim's conviction of a felony
offense prior to the filing of the claim. If the claimant or
victim is convicted of a felony offense during the pendency of the
claim, the two hundred dollars maximum does not apply. If the
attorney had knowledge of the claimant's or victim's felony
conviction prior to the filing of the application for the claim,

the attorney general may determine that the filing of the claim 1583
was frivolous and may deny attorney's fees. 1584

(B) The attorney general may determine that an attorney be 1585
reimbursed for fees incurred in the creation of a guardianship if 1586
the guardianship is required in order for an individual to receive 1587
an award of reparations, and those fees shall be reimbursed at a 1588
rate of sixty dollars per hour. 1589

(C)(1) The attorney general shall forward an application form 1590
for attorney's fees to a claimant's attorney before or when the 1591
final decision on a claim is rendered. The application form for 1592
attorney's fees shall do all of the following: 1593

(a) Inform the attorney of the requirements of this section; 1594

(b) Require a verification statement comporting with the law 1595
prohibiting falsification; 1596

(c) Require an itemized fee statement; 1597

(d) Require a verification statement that the claimant was 1598
served a copy of the completed application form; 1599

(e) Include notice that the claimant may oppose the 1600
application by notifying the attorney general in writing within 1601
ten days. 1602

(2) The attorney general shall forward a copy of this section 1603
to the attorney with the application form for attorney's fees. The 1604
attorney shall file the application form with the attorney 1605
general. The attorney general's decision with respect to an award 1606
of attorney's fees is final ten days after the attorney general 1607
renders the decision and mails a copy of the decision to the 1608
attorney at the address provided by the attorney. The attorney may 1609
request reconsideration of the decision on grounds that it is 1610
insufficient or calculated incorrectly. The attorney general's 1611
decision on the request for reconsideration is final. 1612

(D) The attorney general shall review all application forms 1613
for attorney's fees that are submitted by a claimant's attorney 1614
and shall issue an order approving the amount of fees to be paid 1615
to the attorney within sixty days after receipt of the application 1616
form. 1617

(E) No attorney's fees shall be paid for the following: 1618

(1) Estate work or representation of a claimant against a 1619
collateral source; 1620

(2) Duplication of investigative work required to be 1621
performed by the attorney general; 1622

(3) Performance of unnecessary criminal investigation of the 1623
offense; 1624

(4) Presenting or appealing an issue that has been repeatedly 1625
ruled upon by the highest appellate authority, unless a unique set 1626
of facts or unique issue of law exists that distinguishes it; 1627

(5) A fee request that is unreasonable, is not commensurate 1628
with services rendered, violates the Ohio code of professional 1629
responsibility, or is based upon services that are determined to 1630
be frivolous. 1631

(F)(1) The attorney general may reduce or deny the payment of 1632
attorney's fees to an attorney who has filed a frivolous claim. 1633
Subject to division (A)(5) of this section, the denial of a claim 1634
on the basis of a felony conviction, felony conduct, or 1635
contributory misconduct does not constitute a frivolous claim. 1636

(2) As used in this section, "frivolous claim" means a claim 1637
in which there is clearly no legal grounds under the existing laws 1638
of this state to support the filing of a claim on behalf of the 1639
claimant or victim. 1640

(G) The attorney general may determine that a lesser number 1641
of hours should have been required in a given case. Additional 1642

reimbursement may be made where the attorney demonstrates to the attorney general that the nature of the particular claim required the expenditure of an amount in excess of that allowed.

(H) No attorney shall receive payment under this section for assisting a claimant with an application for an award of reparations under sections 2743.51 to 2743.72 of the Revised Code if that attorney's fees have been allowed as an expense in accordance with division (F)(4) of section 2743.51 of the Revised Code.

(I) A contract or other agreement between an attorney and any person that provides for the payment of attorney's fees or other payments in excess of the attorney's fees allowed under this section for representing a claimant under sections 2743.51 to 2743.72 of the Revised Code shall be void and unenforceable.

(J) Each witness who appears in a hearing on a claim for an award of reparations shall receive compensation in an amount equal to that received by witnesses ~~in civil cases as provided in~~ under section ~~2335.06~~ 119.094 of the Revised Code.

Sec. 3333.30. The chancellor of the Ohio board of regents may enter into an agreement with private entities to provide log-in access or an internet link to free career information for students via the web site maintained by the chancellor. A log-in access or internet link authorized under this section shall not be considered an advertisement, endorsement, or sponsorship for purposes of the regulation of state-controlled web sites under any section of the Revised Code, any rule of the Administrative Code, or any other policy or directive adopted or issued by the office of information technology or any other state agency.

Sec. 3745.05. In hearing the appeal, if an adjudication hearing was conducted by the director of environmental protection

in accordance with sections 119.09 and 119.10 of the Revised Code 1673
or conducted by a board of health, the environmental review 1674
appeals commission is confined to the record as certified to it by 1675
the director or the board of health, as applicable. The commission 1676
may grant a request for the admission of additional evidence when 1677
satisfied that such additional evidence is newly discovered and 1678
could not with reasonable diligence have been ascertained prior to 1679
the hearing before the director or the board, as applicable. If no 1680
adjudication hearing was conducted in accordance with sections 1681
119.09 and 119.10 of the Revised Code or conducted by a board of 1682
health, the commission shall conduct a hearing de novo on the 1683
appeal. 1684

For the purpose of conducting a de novo hearing, or where the 1685
commission has granted a request for the admission of additional 1686
evidence, the commission may require the attendance of witnesses 1687
and the production of written or printed materials. 1688

When conducting a de novo hearing, or when a request for the 1689
admission of additional evidence has been granted, the commission 1690
may, and at the request of any party it shall, issue subpoenas for 1691
witnesses or for books, papers, correspondence, memoranda, 1692
agreements, or other documents or records relevant or material to 1693
the inquiry directed to the sheriff of the counties where the 1694
witnesses or documents or records are found, which subpoenas shall 1695
be served and returned in the same manner as those allowed by the 1696
court of common pleas in criminal cases. 1697

The fees ~~and mileage~~ of sheriffs ~~and witnesses~~ shall be the 1698
same as those allowed by the court of common pleas in criminal 1699
cases. Witnesses shall be paid the fees and mileage provided for 1700
under section 119.094 of the Revised Code. The fee and mileage 1701
expenses incurred at the request of the appellant shall be paid in 1702
advance by the appellant, and the remainder of the expenses shall 1703
be paid out of funds appropriated for the expenses of the 1704

commission. 1705

In case of disobedience or neglect of any subpoena served on 1706
any person, or the refusal of any witness to testify to any matter 1707
regarding which the witness may be lawfully interrogated, the 1708
court of common pleas of the county in which the disobedience, 1709
neglect, or refusal occurs, or any judge thereof, on application 1710
of the commission or any member thereof, may compel obedience by 1711
attachment proceedings for contempt as in the case of disobedience 1712
of the requirements of a subpoena issued from the court or a 1713
refusal to testify therein. 1714

A witness at any hearing shall testify under oath or 1715
affirmation, which any member of the commission may administer. A 1716
witness, if the witness requests, shall be permitted to be 1717
accompanied, represented, and advised by an attorney, whose 1718
participation in the hearing shall be limited to the protection of 1719
the rights of the witness, and who may not examine or 1720
cross-examine witnesses. A witness shall be advised of the right 1721
to counsel before the witness is interrogated. 1722

A stenographic record of the testimony and other evidence 1723
submitted shall be taken by an official court shorthand reporter. 1724
The record shall include all of the testimony and other evidence 1725
and the rulings on the admissibility thereof presented at the 1726
hearing. The commission shall pass upon the admissibility of 1727
evidence, but any party may at the time object to the admission of 1728
any evidence and except to the rulings of the commission thereon, 1729
and if the commission refuses to admit evidence the party offering 1730
same may make a proffer thereof, and such proffer shall be made a 1731
part of the record of such hearing. 1732

Any party may request the stenographic record of the hearing. 1733
Promptly after receiving such a request, the commission shall 1734
prepare and provide the stenographic record of the hearing to the 1735
party who requested it. The commission may charge a fee to the 1736

party who requested the stenographic record that does not exceed 1737
the cost to the commission for preparing and transcribing it. 1738

If, upon completion of the hearing, the commission finds that 1739
the action appealed from was lawful and reasonable, it shall make 1740
a written order affirming the action, or if the commission finds 1741
that the action was unreasonable or unlawful, it shall make a 1742
written order vacating or modifying the action appealed from. 1743
Every order made by the commission shall contain a written finding 1744
by the commission of the facts upon which the order is based. 1745
Notice of the making of the order shall be given forthwith to each 1746
party to the appeal by mailing a certified copy thereof to each 1747
party by certified mail, with a statement of the time and method 1748
by which an appeal may be perfected. 1749

The order of the commission is final unless vacated or 1750
modified upon judicial review. 1751

Sec. 3901.04. (A) As used in this section: 1752

(1) "Laws of this state relating to insurance" include but 1753
are not limited to Chapter 1751. notwithstanding section 1751.08, 1754
Chapter 1753., Title XXXIX, sections 5725.18 to 5725.25, and 1755
Chapter 5729. of the Revised Code. 1756

(2) "Person" has the meaning defined in division (A) of 1757
section 3901.19 of the Revised Code. 1758

(B) Whenever it appears to the superintendent of insurance, 1759
from the superintendent's files, upon complaint or otherwise, that 1760
any person has engaged in, is engaged in, or is about to engage in 1761
any act or practice declared to be illegal or prohibited by the 1762
laws of this state relating to insurance, or defined as unfair or 1763
deceptive by such laws, or when the superintendent believes it to 1764
be in the best interest of the public and necessary for the 1765
protection of the people in this state, the superintendent or 1766

anyone designated by the superintendent under the superintendent's 1767
official seal may do any one or more of the following: 1768

(1) Require any person to file with the superintendent, on a 1769
form that is appropriate for review by the superintendent, an 1770
original or additional statement or report in writing, under oath 1771
or otherwise, as to any facts or circumstances concerning the 1772
person's conduct of the business of insurance within this state 1773
and as to any other information that the superintendent considers 1774
to be material or relevant to such business; 1775

(2) Administer oaths, summon and compel by order or subpoena 1776
the attendance of witnesses to testify in relation to any matter 1777
which, by the laws of this state relating to insurance, is the 1778
subject of inquiry and investigation, and require the production 1779
of any book, paper, or document pertaining to such matter. A 1780
subpoena, notice, or order under this section may be served by 1781
certified mail, return receipt requested. If the subpoena, notice, 1782
or order is returned because of inability to deliver, or if no 1783
return is received within thirty days of the date of mailing, the 1784
subpoena, notice, or order may be served by ordinary mail. If no 1785
return of ordinary mail is received within thirty days after the 1786
date of mailing, service shall be deemed to have been made. If the 1787
subpoena, notice, or order is returned because of inability to 1788
deliver, the superintendent may designate a person or persons to 1789
effect either personal or residence service upon the witness. 1790
Service of any subpoena, notice, or order and return may also be 1791
made in any manner authorized under the Rules of Civil Procedure. 1792
Such service shall be made by an employee of the department 1793
designated by the superintendent, a sheriff, a deputy sheriff, an 1794
attorney, or any person authorized by the Rules of Civil Procedure 1795
to serve process. 1796

In the case of disobedience of any notice, order, or subpoena 1797
served on a person or the refusal of a witness to testify to a 1798

matter regarding which the person may lawfully be interrogated, 1799
the court of common pleas of the county where venue is 1800
appropriate, on application by the superintendent, may compel 1801
obedience by attachment proceedings for contempt, as in the case 1802
of disobedience of the requirements of a subpoena issued from such 1803
court, or a refusal to testify therein. Witnesses shall receive 1804
the fees and mileage allowed by section ~~2335.06~~ 119.094 of the 1805
Revised Code. All such fees, upon the presentation of proper 1806
vouchers approved by the superintendent, shall be paid out of the 1807
appropriation for the contingent fund of the department of 1808
insurance. The fees and mileage of witnesses not summoned by the 1809
superintendent or the superintendent's designee shall not be paid 1810
by the state. 1811

(3) In a case in which there is no administrative procedure 1812
available to the superintendent to resolve a matter at issue, 1813
request the attorney general to commence an action for a 1814
declaratory judgment under Chapter 2721. of the Revised Code with 1815
respect to the matter. 1816

(4) Initiate criminal proceedings by presenting evidence of 1817
the commission of any criminal offense established under the laws 1818
of this state relating to insurance to the prosecuting attorney of 1819
any county in which the offense may be prosecuted. At the request 1820
of the prosecuting attorney, the attorney general may assist in 1821
the prosecution of the violation with all the rights, privileges, 1822
and powers conferred by law on prosecuting attorneys including, 1823
but not limited to, the power to appear before grand juries and to 1824
interrogate witnesses before grand juries. 1825

Sec. 3901.321. (A) For the purposes of this section: 1826

(1) "Acquiring party" means any person by whom or on whose 1827
behalf a merger or other acquisition of control is to be effected. 1828

(2) "Domestic insurer" includes any person controlling a 1829

domestic insurer unless the person, as determined by the 1830
superintendent of insurance, is either directly or through its 1831
affiliates primarily engaged in business other than the business 1832
of insurance. 1833

(3) "Person" does not include any securities broker holding, 1834
in the usual and customary broker's function, less than twenty per 1835
cent of the voting securities of an insurance company or of any 1836
person that controls an insurance company. 1837

(B)(1) Subject to compliance with division (B)(2) of this 1838
section, no person other than the issuer shall do any of the 1839
following if, as a result, the person would, directly or 1840
indirectly, including by means of conversion or the exercise of 1841
any right to acquire, be in control of a domestic insurer: 1842

(a) Make a tender offer for any voting security of a domestic 1843
insurer; 1844

(b) Make a request or invitation for tenders of any voting 1845
security of a domestic insurer; 1846

(c) Enter into any agreement to exchange securities of a 1847
domestic insurer; 1848

(d) Seek to acquire or acquire, in the open market or 1849
otherwise, any voting security of a domestic insurer; 1850

(e) Enter into an agreement to merge with, or otherwise to 1851
acquire control of, a domestic insurer. 1852

(2)(a) No person shall engage in any transaction described in 1853
division (B)(1) of this section, unless all of the following 1854
conditions are met: 1855

(i) The person has filed with the superintendent of insurance 1856
a statement containing the information required by division (C) of 1857
this section; 1858

(ii) The person has sent the statement to the domestic 1859

insurer; 1860

(iii) The offer, request, invitation, agreement, or 1861
acquisition has been approved by the superintendent in the manner 1862
provided in division (F) of this section. 1863

(b) The requirements of division (B)(2)(a) of this section 1864
shall be met at the time any offer, request, or invitation is 1865
made, or any agreement is entered into, or prior to the 1866
acquisition of the securities if no offer or agreement is 1867
involved. 1868

(C) The statement required by division (B)(2) of this section 1869
shall be made under oath or affirmation, and shall contain all of 1870
the following information: 1871

(1) The name and address of each acquiring party; 1872

(2) If the acquiring party is an individual, the individual's 1873
principal occupation and all offices and positions held during the 1874
past five years, and any conviction of crimes other than minor 1875
traffic violations during the past ten years; 1876

(3) If the acquiring party is not an individual, a report of 1877
the nature of its business operations during the past five years 1878
or for such lesser period as the acquiring party and any of its 1879
predecessors shall have been in existence; an informative 1880
description of the business intended to be done by the acquiring 1881
party and the acquiring party's subsidiaries; and a list of all 1882
individuals who are or who have been selected to become directors 1883
or executive officers of the acquiring party, who perform or will 1884
perform functions appropriate to such positions. The list shall 1885
include for each individual the information required by division 1886
(C)(2) of this section. 1887

(4) The source, nature, and amount of the consideration used 1888
or to be used in effecting the merger or other acquisition of 1889
control, a description of any transaction in which funds were or 1890

are to be obtained for any such purpose, including any pledge of
the domestic insurer's stock, or the stock of any of its
subsidiaries or controlling affiliates, and the identity of
persons furnishing such consideration;

(5) Fully audited financial information as to the earnings
and financial condition of each acquiring party for its preceding
five fiscal years, or for such lesser period as the acquiring
party and any of its predecessors shall have been in existence,
and similar unaudited information as of a date not earlier than
ninety days prior to the filing of the statement;

(6) Any plans or proposals which each acquiring party may
have to liquidate such domestic insurer, to sell its assets or
merge or consolidate it with any person, or to make any other
material change in its business or corporate structure or
management;

(7) The number of shares of any security of such issuer or
such controlling person that each acquiring party proposes to
acquire, and the terms of the offer, request, invitation,
agreement, or acquisition, and a statement as to the method by
which the fairness of the proposal was determined;

(8) The amount of each class of any security of such issuer
or such controlling person which is beneficially owned or
concerning which there is a right to acquire beneficial ownership
by each acquiring party;

(9) A full description of any contracts, arrangements, or
understandings with respect to any security of such issuer or such
controlling person in which any acquiring party is involved,
including but not limited to transfer of any of the securities,
joint ventures, loan or option arrangements, puts or calls,
guarantees of loans, guarantees against loss or guarantees of
profits, division of losses or profits, or the giving or

withholding of proxies. The description shall identify the persons 1922
with whom such contracts, arrangements, or understandings have 1923
been made. 1924

(10) A description of the purchase of any security of such 1925
issuer or such controlling person during the year preceding the 1926
filing of the statement, by any acquiring party, including the 1927
dates of purchase, names of the purchasers, and consideration paid 1928
or agreed to be paid therefor; 1929

(11) A description of any recommendations to purchase any 1930
security of such issuer or such controlling person made during the 1931
year preceding the filing of the statement, by any acquiring 1932
party, or by anyone based upon interviews or at the suggestion of 1933
the acquiring party; 1934

(12) Copies of all tender offers for, requests, or 1935
invitations for tenders of, exchange offers for, and agreements to 1936
acquire or exchange any securities of such issuer or such 1937
controlling person, and, if distributed, of additional 1938
solicitation material relating thereto; 1939

(13) The terms of any agreement, contract, or understanding 1940
made with or proposed to be made with any broker or dealer as to 1941
solicitation of securities of such issuer or such controlling 1942
person for tender, and the amount of any fees, commissions, or 1943
other compensation to be paid to brokers or dealers with regard 1944
thereto; 1945

(14) With respect to proposed affiliations between depository 1946
institutions or any affiliate thereof, within the meaning of Title 1947
I, section 104(c) of the "Gramm-Leach-Bliley Act," Pub. L. No. 1948
106-102, 113 Stat. 1338 (1999), and a domestic insurer, the 1949
proposed effective date of the acquisition or change of control; 1950

(15) Such additional information as the superintendent may by 1951
rule prescribe as necessary or appropriate for the protection of 1952

policyholders of the domestic insurer or in the public interest. 1953

(D)(1) If the person required to file the statement required 1954
by division (B)(2) of this section is a partnership, limited 1955
partnership, syndicate, or other group, the superintendent may 1956
require that the information required by division (C) of this 1957
section be furnished with respect to each partner of such 1958
partnership or limited partnership, each member of such syndicate 1959
or group, and each person that controls such partner or member. If 1960
any such partner, member, or person is a corporation, or the 1961
person required to file the statement is a corporation, the 1962
superintendent may require that the information required by 1963
division (C) of this section be furnished with respect to the 1964
corporation, each officer and director of the corporation, and 1965
each person that is directly or indirectly the beneficial owner of 1966
more than ten per cent of the outstanding voting securities of the 1967
corporation. 1968

(2) If any material change occurs in the facts set forth in 1969
the statement required by division (B)(2) of this section, an 1970
amendment setting forth such change, together with copies of all 1971
documents and other material relevant to the change, shall be 1972
filed with the superintendent by the person subject to division 1973
(B)(2) of this section and sent to the domestic insurer within two 1974
business days after such person learns of the occurrence of the 1975
material change. 1976

(E) If any offer, request, invitation, agreement, or 1977
acquisition described in division (B)(1) of this section is 1978
proposed to be made by means of a registration statement under the 1979
"Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. 78a, or in 1980
circumstances requiring the disclosure of similar information 1981
under the "Securities Exchange Act of 1934," 48 Stat. 881, 15 1982
U.S.C.A. 78a, or under a state law requiring similar registration 1983
or disclosure, the person required to file the statement required 1984

by division (B)(2) of this section may use such documents in 1985
furnishing the information required by that statement. 1986

(F)(1) The superintendent shall approve any merger or other 1987
acquisition of control described in division (B)(1) of this 1988
section unless, after a public hearing, the superintendent finds 1989
that any of the following apply: 1990

(a) After the change of control, the domestic insurer would 1991
not be able to satisfy the requirements for the issuance of a 1992
license to write the line or lines of insurance for which it is 1993
presently licensed; 1994

(b) The effect of the merger or other acquisition of control 1995
would be substantially to lessen competition in insurance in this 1996
state or tend to create a monopoly; 1997

(c) The financial condition of any acquiring party is such as 1998
might jeopardize the financial stability of the domestic insurer, 1999
or prejudice the interests of its policyholders; 2000

(d) The plans or proposals that the acquiring party has to 2001
liquidate the domestic insurer, sell its assets, or consolidate or 2002
merge it with any person, or to make any other material change in 2003
its business or corporate structure or management, are unfair and 2004
unreasonable to policyholders of the domestic insurer and not in 2005
the public interest; 2006

(e) The competence, experience, and integrity of those 2007
persons that would control the operation of the domestic insurer 2008
are such that it would not be in the interest of policyholders of 2009
the domestic insurer and of the public to permit the merger or 2010
other acquisition of control; 2011

(f) The acquisition is likely to be hazardous or prejudicial 2012
to the insurance-buying public. 2013

(2)(a) Chapter 119. of the Revised Code, except for section 2014

119.09 of the Revised Code, applies to any hearing held under 2015
division (F)(1) of this section, including the notice of the 2016
hearing, the conduct of the hearing, the orders issued pursuant to 2017
it, the review of the orders, and all other matters relating to 2018
the holding of the hearing, but only to the extent that Chapter 2019
119. of the Revised Code is not inconsistent or in conflict with 2020
this section. 2021

(b) The notice of a hearing required under this division 2022
shall be transmitted by personal service, certified mail, e-mail, 2023
or any other method designed to ensure and confirm receipt of the 2024
notice, to the persons and addresses designated to receive notices 2025
and correspondence in the information statement filed under 2026
division (B)(2) of this section. Confirmation of receipt of the 2027
notice, including electronic "Read Receipt" confirmation, shall 2028
constitute evidence of compliance with the requirement of this 2029
section. The notice of hearing shall include the reasons for the 2030
proposed action and a statement informing the acquiring party that 2031
the party is entitled to a hearing. The notice also shall inform 2032
the acquiring party that at the hearing the acquiring party may 2033
appear in person, by attorney, or by such other representative as 2034
is permitted to practice before the superintendent, or that the 2035
acquiring party may present its position, arguments, or 2036
contentions in writing, and that at the hearing the acquiring 2037
party may present evidence and examine witnesses appearing for and 2038
against the acquiring party. A copy of the notice also shall be 2039
transmitted to attorneys or other representatives of record 2040
representing the acquiring party. 2041

(c) The hearing shall be held at the offices of the 2042
superintendent within ten calendar days, but not earlier than 2043
seven calendar days, of the date of transmission of the notice of 2044
hearing by any means, unless it is postponed or continued; but in 2045
no event shall the hearing be held unless notice is received at 2046

least three days prior to the hearing. The superintendent may 2047
postpone or continue the hearing upon receipt of a written request 2048
by an acquiring party, or upon the superintendent's motion, 2049
provided, however, a hearing in connection with a proposed change 2050
of control involving a depository institution or any affiliate 2051
thereof, within the meaning of Title I, section 104(c) of the 2052
"Gramm-Leach-Bliley Act," Pub. L. No. 106-102, 113 Stat. 1338 2053
(1999), and a domestic insurer, may be postponed or continued only 2054
upon the request of an acquiring party, or upon the 2055
superintendent's motion when the acquiring party agrees in writing 2056
to extend the sixty-day period provided for in section 104(c) of 2057
the "Gramm-Leach-Bliley Act," by a number of days equal to the 2058
number of days of such postponement or continuance. 2059

(d) For the purpose of conducting any hearing held under this 2060
section, the superintendent may require the attendance of such 2061
witnesses and the production of such books, records, and papers as 2062
the superintendent desires, and may take the depositions of 2063
witnesses residing within or without the state in the same manner 2064
as is prescribed by law for the taking of depositions in civil 2065
actions in the court of common pleas, and for that purpose the 2066
superintendent may, and upon the request of an acquiring party 2067
shall, issue a subpoena for any witnesses or a subpoena duces 2068
tecum to compel the production of any books, records, or papers, 2069
directed to the sheriff of the county where such witness resides 2070
or is found, which shall be served and returned in the same manner 2071
as a subpoena in a criminal case is served and returned. The fees 2072
~~and mileage~~ of the sheriff ~~and witnesses~~ shall be the same as that 2073
allowed in the court of common pleas in criminal cases. Witnesses 2074
shall be paid the fees and mileage provided for under section 2075
119.094 of the Revised Code. Fees and mileage shall be paid from 2076
the fund in the state treasury for the use of the superintendent 2077
in the same manner as other expenses of the superintendent are 2078
paid. In any case of disobedience or neglect of any subpoena 2079

served on any person or the refusal of any witness to testify in 2080
any matter regarding which the witness may lawfully be 2081
interrogated, the court of common pleas of any county where such 2082
disobedience, neglect, or refusal occurs or any judge thereof, on 2083
application by the superintendent, shall compel obedience by 2084
attachment proceedings for contempt, as in the case of 2085
disobedience of the requirements of a subpoena issued from the 2086
court or a refusal to testify therein. 2087

In any hearing held under this section, a record of the 2088
testimony, as provided by stenographic means or by use of audio 2089
electronic recording devices, as determined by the superintendent, 2090
and other evidence submitted shall be taken at the expense of the 2091
superintendent. The record shall include all of the testimony and 2092
other evidence, and rulings on the admissibility thereof, 2093
presented at the hearing. 2094

The superintendent shall pass upon the admissibility of 2095
evidence, but a party to the proceedings may at that time object 2096
to the rulings of the superintendent, and if the superintendent 2097
refuses to admit evidence, the party offering the evidence shall 2098
proffer the evidence. The proffer shall be made a part of the 2099
record of the hearing. 2100

In any hearing held under this section, the superintendent 2101
may call any person to testify under oath as upon 2102
cross-examination. The superintendent, or any one delegated by the 2103
superintendent to conduct a hearing, may administer oaths or 2104
affirmations. 2105

In any hearing under this section, the superintendent may 2106
appoint a hearing officer to conduct the hearing; the hearing 2107
officer has the same powers and authority in conducting the 2108
hearing as is granted to the superintendent. The hearing officer 2109
shall have been admitted to the practice of law in the state and 2110
be possessed of any additional qualifications as the 2111

superintendent requires. The hearing officer shall submit to the 2112
superintendent a written report setting forth the hearing 2113
officer's finding of fact and conclusions of law and a 2114
recommendation of the action to be taken by the superintendent. A 2115
copy of the written report and recommendation shall, within seven 2116
days of the date of filing thereof, be served upon the acquiring 2117
party or the acquiring party's attorney or other representative of 2118
record, by personal service, certified mail, e-mail, or any other 2119
method designed to ensure and confirm receipt of the report. The 2120
acquiring party may, within three days of receipt of the copy of 2121
the written report and recommendation, file with the 2122
superintendent written objections to the report and 2123
recommendation, which objections the superintendent shall consider 2124
before approving, modifying, or disapproving the recommendation. 2125
The superintendent may grant extensions of time to the acquiring 2126
party within which to file such objections. No recommendation of 2127
the hearing officer shall be approved, modified, or disapproved by 2128
the superintendent until after three days following the service of 2129
the report and recommendation as provided in this section. The 2130
superintendent may order additional testimony to be taken or 2131
permit the introduction of further documentary evidence. The 2132
superintendent may approve, modify, or disapprove the 2133
recommendation of the hearing officer, and the order of the 2134
superintendent based on the report, recommendation, transcript of 2135
testimony, and evidence, or the objections of the acquiring party, 2136
and additional testimony and evidence shall have the same effect 2137
as if the hearing had been conducted by the superintendent. No 2138
such recommendation is final until confirmed and approved by the 2139
superintendent as indicated by the order entered in the record of 2140
proceedings, and if the superintendent modifies or disapproves the 2141
recommendations of the hearing officer, the reasons for the 2142
modification or disapproval shall be included in the record of 2143
proceedings. 2144

After the order is entered, the superintendent shall transmit 2145
in the manner and by any of the methods set forth in division 2146
(F)(2)(b) of this section a certified copy of the order and a 2147
statement of the time and method by which an appeal may be 2148
perfected. A copy of the order shall be mailed to the attorneys or 2149
other representatives of record representing the acquiring party. 2150

(e) An order of disapproval issued by the superintendent may 2151
be appealed to the court of common pleas of Franklin county by 2152
filing a notice of appeal with the superintendent and a copy of 2153
the notice of appeal with the court, within fifteen calendar days 2154
after the transmittal of the copy of the order of disapproval. The 2155
notice of appeal shall set forth the order appealed from and the 2156
grounds for appeal, in accordance with section 119.12 of the 2157
Revised Code. 2158

(3) The superintendent may retain at the acquiring party's 2159
expense any attorneys, actuaries, accountants, and other experts 2160
not otherwise a part of the superintendent's staff as may be 2161
reasonably necessary to assist the superintendent in reviewing the 2162
proposed acquisition of control. 2163

(G) This section does not apply to either of the following: 2164

(1) Any transaction that is subject to section 3907.09, 2165
3907.10, 3907.11, or 3921.14, or sections 3925.27 to 3925.31, 2166
3941.35 to 3941.46, or section 3953.19 of the Revised Code; 2167

(2) Any offer, request, invitation, agreement, or acquisition 2168
that the superintendent by order exempts from this section on 2169
either of the following bases: 2170

(a) It has not been made or entered into for the purpose and 2171
does not have the effect of changing or influencing the control of 2172
a domestic insurer; 2173

(b) It is not otherwise comprehended within the purposes of 2174
this section. 2175

(H) Nothing in this section or in any other section of Title 2176
XXXIX of the Revised Code shall be construed to impair the 2177
authority of the attorney general to investigate or prosecute 2178
actions under any state or federal antitrust law with respect to 2179
any merger or other acquisition involving domestic insurers. 2180

(I) In connection with a proposed change of control involving 2181
a depository institution or any affiliate thereof, within the 2182
meaning of Title I, section 104(c) of the "Gramm-Leach-Bliley 2183
Act," Pub. L. No. 106-102, 113 Stat. 1338 (1999), and a domestic 2184
insurer, not later than sixty days after the date of the 2185
notification of the proposed change in control submitted pursuant 2186
to division (B)(2) of this section, the superintendent shall make 2187
any determination that the person acquiring control of the insurer 2188
shall maintain or restore the capital of the insurer to the level 2189
required by the laws and regulations of this state. 2190

Sec. 4112.04. (A) The commission shall do all of the 2191
following: 2192

(1) Establish and maintain a principal office in the city of 2193
Columbus and any other offices within the state that it considers 2194
necessary; 2195

(2) Appoint an executive director who shall serve at the 2196
pleasure of the commission and be its principal administrative 2197
officer. The executive director shall be paid a salary fixed 2198
pursuant to Chapter 124. of the Revised Code. 2199

(3) Appoint hearing examiners and other employees and agents 2200
who it considers necessary and prescribe their duties subject to 2201
Chapter 124. of the Revised Code; 2202

(4) Adopt, promulgate, amend, and rescind rules to effectuate 2203
the provisions of this chapter and the policies and practice of 2204
the commission in connection with this chapter; 2205

(5) Formulate policies to effectuate the purposes of this	2206
chapter and make recommendations to agencies and officers of the	2207
state or political subdivisions to effectuate the policies;	2208
(6) Receive, investigate, and pass upon written charges made	2209
under oath of unlawful discriminatory practices;	2210
(7) Make periodic surveys of the existence and effect of	2211
discrimination because of race, color, religion, sex, military	2212
status, familial status, national origin, disability, age, or	2213
ancestry on the enjoyment of civil rights by persons within the	2214
state;	2215
(8) Report, from time to time, but not less than once a year,	2216
to the general assembly and the governor, describing in detail the	2217
investigations, proceedings, and hearings it has conducted and	2218
their outcome, the decisions it has rendered, and the other work	2219
performed by it, which report shall include a copy of any surveys	2220
prepared pursuant to division (A)(7) of this section and shall	2221
include the recommendations of the commission as to legislative or	2222
other remedial action;	2223
(9) Prepare a comprehensive educational program, in	2224
cooperation with the department of education, for the students of	2225
the public schools of this state and for all other residents of	2226
this state that is designed to eliminate prejudice on the basis of	2227
race, color, religion, sex, military status, familial status,	2228
national origin, disability, age, or ancestry in this state, to	2229
further good will among those groups, and to emphasize the origin	2230
of prejudice against those groups, its harmful effects, and its	2231
incompatibility with American principles of equality and fair	2232
play;	2233
(10) Receive progress reports from agencies,	2234
instrumentalities, institutions, boards, commissions, and other	2235
entities of this state or any of its political subdivisions and	2236

their agencies, instrumentalities, institutions, boards, 2237
commissions, and other entities regarding affirmative action 2238
programs for the employment of persons against whom discrimination 2239
is prohibited by this chapter, or regarding any affirmative 2240
housing accommodations programs developed to eliminate or reduce 2241
an imbalance of race, color, religion, sex, military status, 2242
familial status, national origin, disability, or ancestry. All 2243
agencies, instrumentalities, institutions, boards, commissions, 2244
and other entities of this state or its political subdivisions, 2245
and all political subdivisions, that have undertaken affirmative 2246
action programs pursuant to a conciliation agreement with the 2247
commission, an executive order of the governor, any federal 2248
statute or rule, or an executive order of the president of the 2249
United States shall file progress reports with the commission 2250
annually on or before the first day of November. The commission 2251
shall analyze and evaluate the progress reports and report its 2252
findings annually to the general assembly on or before the 2253
thirtieth day of January of the year immediately following the 2254
receipt of the reports. 2255

(B) The commission may do any of the following: 2256

(1) Meet and function at any place within the state; 2257

(2) Initiate and undertake on its own motion investigations 2258
of problems of employment or housing accommodations 2259
discrimination; 2260

(3) Hold hearings, subpoena witnesses, compel their 2261
attendance, administer oaths, take the testimony of any person 2262
under oath, require the production for examination of any books 2263
and papers relating to any matter under investigation or in 2264
question before the commission, and make rules as to the issuance 2265
of subpoenas by individual commissioners. 2266

(a) In conducting a hearing or investigation, the commission 2267

shall have access at all reasonable times to premises, records, 2268
documents, individuals, and other evidence or possible sources of 2269
evidence and may examine, record, and copy the premises, records, 2270
documents, and other evidence or possible sources of evidence and 2271
take and record the testimony or statements of the individuals as 2272
reasonably necessary for the furtherance of the hearing or 2273
investigation. In investigations, the commission shall comply with 2274
the fourth amendment to the United States Constitution relating to 2275
unreasonable searches and seizures. The commission or a member of 2276
the commission may issue subpoenas to compel access to or the 2277
production of premises, records, documents, and other evidence or 2278
possible sources of evidence or the appearance of individuals, and 2279
may issue interrogatories to a respondent, to the same extent and 2280
subject to the same limitations as would apply if the subpoenas or 2281
interrogatories were issued or served in aid of a civil action in 2282
a court of common pleas. 2283

(b) Upon written application by a respondent, the commission 2284
shall issue subpoenas in its name to the same extent and subject 2285
to the same limitations as subpoenas issued by the commission. 2286
Subpoenas issued at the request of a respondent shall show on 2287
their face the name and address of the respondent and shall state 2288
that they were issued at the respondent's request. 2289

(c) Witnesses summoned by subpoena of the commission are 2290
entitled to the ~~same~~ witness and mileage fees ~~as are witnesses in~~ 2291
~~proceedings in a court of common pleas~~ provided for under section 2292
119.094 of the Revised Code. 2293

(d) Within five days after service of a subpoena upon any 2294
person, the person may petition the commission to revoke or modify 2295
the subpoena. The commission shall grant the petition if it finds 2296
that the subpoena requires an appearance or attendance at an 2297
unreasonable time or place, that it requires production of 2298
evidence that does not relate to any matter before the commission, 2299

that it does not describe with sufficient particularity the 2300
evidence to be produced, that compliance would be unduly onerous, 2301
or for other good reason. 2302

(e) In case of contumacy or refusal to obey a subpoena, the 2303
commission or person at whose request it was issued may petition 2304
for its enforcement in the court of common pleas in the county in 2305
which the person to whom the subpoena was addressed resides, was 2306
served, or transacts business. 2307

(4) Create local or statewide advisory agencies and 2308
conciliation councils to aid in effectuating the purposes of this 2309
chapter. The commission may itself, or it may empower these 2310
agencies and councils to, do either or both of the following: 2311

(a) Study the problems of discrimination in all or specific 2312
fields of human relationships when based on race, color, religion, 2313
sex, military status, familial status, national origin, 2314
disability, age, or ancestry; 2315

(b) Foster through community effort, or otherwise, good will 2316
among the groups and elements of the population of the state. 2317

The agencies and councils may make recommendations to the 2318
commission for the development of policies and procedures in 2319
general. They shall be composed of representative citizens who 2320
shall serve without pay, except that reimbursement for actual and 2321
necessary traveling expenses shall be made to citizens who serve 2322
on a statewide agency or council. 2323

(5) Issue any publications and the results of investigations 2324
and research that in its judgment will tend to promote good will 2325
and minimize or eliminate discrimination because of race, color, 2326
religion, sex, military status, familial status, national origin, 2327
disability, age, or ancestry. 2328

Sec. 4121.16. Each witness who appears before the bureau of 2329

workers' compensation by its order shall receive for ~~his~~ the 2330
witness's attendance the fees and mileage provided for ~~witnesses~~ 2331
~~in civil cases in the court of common pleas under section 119.094~~ 2332
of the Revised Code, which shall be paid from the state insurance 2333
fund on the approval of the administrator of workers' 2334
compensation. No witnesses subpoenaed at the instance of the 2335
parties other than the bureau is entitled to compensation from the 2336
state for attendance or travel unless the bureau certifies that 2337
~~his~~ the witness's testimony was material to the matter 2338
investigated. 2339

Sec. 4123.13. Each officer who serves a subpoena issued under 2340
section 4123.08 of the Revised Code shall receive the same fees as 2341
a sheriff, and each witness who appears, in obedience to a 2342
subpoena, before the industrial commission or its secretary or 2343
district or staff hearing officers, the administrator of workers' 2344
compensation, or any inspector or examiner of the commission or 2345
administrator, shall receive ~~for his attendance~~ the fees and 2346
mileage provided for ~~witnesses in civil cases in courts of common~~ 2347
~~pleas~~ under section 119.094 of the Revised Code, which shall be 2348
paid from the state insurance fund on the approval of any two 2349
members of the commission, if the witness is subpoenaed by the 2350
commission or its secretary, district or staff hearing officer, 2351
inspector, or examiner, or on the approval of the administrator, 2352
if the witness is subpoenaed by the administrator or ~~his~~ the 2353
administrator's inspector or examiner. No witness subpoenaed at 2354
the instance of a party other than the persons listed in this 2355
section is entitled to compensation under this section unless the 2356
administrator or commission certifies that ~~his~~ the witness's 2357
testimony was material to the matter investigated. 2358

Sec. 4167.10. (A) In order to carry out the purposes of this 2359
chapter, the administrator of workers' compensation or the 2360

administrator's designee shall, as provided in this section, 2361
inspect and investigate any plant, facility, establishment, 2362
construction site, or any other area, workplace, or environment 2363
where work is being performed by a public employee of a public 2364
employer, and any place of employment and all pertinent 2365
conditions, structures, machines, apparatus, devices, equipment, 2366
and materials therein, and question privately any public employer, 2367
administrator, department head, operator, agent, or public 2368
employee. The authority to inspect and investigate includes the 2369
taking of environmental samples, the taking and obtaining of 2370
photographs related to the purposes of the inspection or 2371
investigation, the examination of records required to be kept 2372
under section 4167.11 of the Revised Code and other documents and 2373
records relevant to the inspection and investigation, the issuance 2374
of subpoenas, and the conducting of tests and other studies 2375
reasonably calculated to serve the purposes of implementing and 2376
enforcing this chapter. Except as provided in this section, the 2377
administrator or the administrator's designee shall conduct 2378
inspections and investigations only pursuant to a request to do so 2379
by a public employee or public employee representative, or the 2380
notification the administrator receives pursuant to division (B) 2381
of section 4167.06 of the Revised Code and only if the 2382
administrator or the administrator's designee complies with this 2383
section. The administrator or the administrator's designee shall 2384
conduct all requested or required inspections within a reasonable 2385
amount of time following receipt of the request or notification. 2386

(B)(1) Any public employee or public employee representative 2387
who believes that a violation of an Ohio employment risk reduction 2388
standard exists that threatens physical harm, or that an imminent 2389
danger exists, may request an inspection by giving written notice 2390
to the administrator or the administrator's designee of the 2391
violation or danger. The notice shall set forth with reasonable 2392
particularity the grounds for the notice, and shall be signed by 2393

the public employee or public employee representative. The names 2394
of individual public employees making the notice or referred to 2395
therein shall not appear in the copy provided to the public 2396
employer pursuant to division (B)(2) of this section and shall be 2397
kept confidential. 2398

(2) If, upon receipt of a notification pursuant to division 2399
(B)(1) of this section, the administrator determines that there 2400
are no reasonable grounds to believe that a violation or danger 2401
exists, the administrator shall inform the public employee or 2402
public employee representative in writing of the determination. 2403
If, upon receipt of a notification, the administrator determines 2404
that there are reasonable grounds to believe that a violation or 2405
danger exists, the administrator shall, within one week, excluding 2406
Saturdays, Sundays, and any legal holiday as defined in section 2407
1.14 of the Revised Code, after receipt of the notification, 2408
notify the public employer, by certified mail, return receipt 2409
requested, of the alleged violation or danger. The notice provided 2410
to the public employer or the public employer's agent shall 2411
contain a copy of the notice provided to the administrator by the 2412
public employee or the public employee representative under 2413
division (B)(1) of this section and shall inform the public 2414
employer of the alleged violation or danger and that the 2415
administrator or the administrator's designee will investigate and 2416
inspect the public employer's workplace as provided in this 2417
section. The public employer must respond to the administrator, in 2418
a method determined by the administrator, concerning the alleged 2419
violation or danger, within thirty days after receipt of the 2420
notice. If the public employer does not correct the violation or 2421
danger within the thirty-day period or if the public employer 2422
fails to respond within that time period, the administrator or the 2423
administrator's designee shall investigate and inspect the public 2424
employer's workplace as provided in this section. The 2425
administrator or the administrator's designee shall not conduct 2426

any inspection prior to the end of the thirty-day period unless 2427
requested or permitted by the public employer. The administrator 2428
may, at any time upon the request of the public employer, inspect 2429
and investigate any violation or danger alleged to exist at the 2430
public employer's place of employment. 2431

(3) The authority of the administrator or the administrator's 2432
designee to investigate and inspect a premises pursuant to a 2433
public employee or public employee representative notification is 2434
not limited to the alleged violation or danger contained in the 2435
notification. The administrator or the administrator's designee 2436
may investigate and inspect any other area of the premises where 2437
there is reason to believe that a violation or danger exists. In 2438
addition, if the administrator or the administrator's designee 2439
detects any obvious or apparent violation at any temporary place 2440
of employment while en route to the premises to be inspected or 2441
investigated, and that violation presents a substantial 2442
probability that the condition or practice could result in death 2443
or serious physical harm, the administrator or the administrator's 2444
designee may use any of the enforcement mechanisms provided in 2445
this section to correct or remove the condition or practice. 2446

(4) If, during an inspection or investigation, the 2447
administrator or the administrator's designee finds any condition 2448
or practice in any place of employment that presents a substantial 2449
probability that the condition or practice could result in death 2450
or serious physical harm, after notifying the employer of the 2451
administrator's intent to issue an order, the administrator shall 2452
issue an order, or the administrator's designee shall issue an 2453
order after consultation either by telephone or in person with the 2454
administrator and upon the recommendation of the administrator, 2455
which prohibits the employment of any public employee or any 2456
continuing operation or process under such condition or practice 2457
until necessary steps are taken to correct or remove the condition 2458

or practice. The order shall not be effective for more than 2459
fifteen days, unless a court of competent jurisdiction otherwise 2460
orders as provided in section 4167.14 of the Revised Code. 2461

(C) In making any inspections or investigations under this 2462
chapter, the administrator or the administrator's designee may 2463
administer oaths and require, by subpoena, the attendance and 2464
testimony of witnesses and the production of evidence under oath. 2465
Witnesses shall receive the ~~same~~ fees and mileage provided for 2466
~~witnesses in civil cases in the court of common pleas~~ under 2467
section 119.094 of the Revised Code. In the case of contumacy, 2468
failure, or refusal of any person to comply with an order or any 2469
subpoena lawfully issued, or upon the refusal of any witness to 2470
testify to any matter regarding which the witness may lawfully be 2471
interrogated, a judge of the court of common pleas of any county 2472
in this state, on the application of the administrator or the 2473
administrator's designee, shall issue an order requiring the 2474
person to appear and to produce evidence if, as, and when so 2475
ordered, and to give testimony relating to the matter under 2476
investigation or in question. The court may punish any failure to 2477
obey the order of the court as a contempt thereof. 2478

(D) If, upon inspection or investigation, the administrator 2479
or the administrator's designee believes that a public employer 2480
has violated any requirement of this chapter or any rule, Ohio 2481
employment risk reduction standard, or order adopted or issued 2482
pursuant thereto, the administrator or the administrator's 2483
designee shall, with reasonable promptness, issue a citation to 2484
the public employer. The citation shall be in writing and describe 2485
with particularity the nature of the alleged violation, including 2486
a reference to the provision of law, Ohio employment risk 2487
reduction standard, rule, or order alleged to have been violated. 2488
In addition, the citation shall fix a time for the abatement of 2489
the violation, as provided in division (H) of this section. The 2490

administrator may prescribe procedures for the issuance of a 2491
notice with respect to minor violations and for enforcement of 2492
minor violations that have no direct or immediate relationship to 2493
safety or health. 2494

(E) Upon receipt of any citation under this section, the 2495
public employer shall immediately post the citation, or a copy 2496
thereof, at or near each place an alleged violation referred to in 2497
the citation occurred. 2498

(F) The administrator may not issue a citation under this 2499
section after the expiration of six months following the final 2500
occurrence of any violation. 2501

(G) If the administrator issues a citation pursuant to this 2502
section, the administrator shall mail the citation to the public 2503
employer by certified mail, return receipt requested. The public 2504
employer has fourteen days after receipt of the citation within 2505
which to notify the administrator that the employer wishes to 2506
contest the citation. If the employer notifies the administrator 2507
within the fourteen days that the employer wishes to contest the 2508
citation, or if within fourteen days after the issuance of a 2509
citation a public employee or public employee representative files 2510
notice that the time period fixed in the citation for the 2511
abatement of the violation is unreasonable, the administrator 2512
shall hold an adjudication hearing in accordance with Chapter 119. 2513
of the Revised Code. 2514

(H) In establishing the time limits in which a public 2515
employer must abate a violation under this section, the 2516
administrator shall consider the costs to the public employer, the 2517
size and financial resources of the public employer, the severity 2518
of the violation, the technological feasibility of the public 2519
employer's ability to comply with requirements of the citation, 2520
the possible present and future detriment to the health and safety 2521
of any public employee for failure of the public employer to 2522

comply with requirements of the citation, and such other factors 2523
as the administrator determines appropriate. The administrator 2524
may, after considering the above factors, permit the public 2525
employer to comply with the citation over a period of up to two 2526
years and may extend that period an additional one year, as the 2527
administrator determines appropriate. 2528

(I) Any public employer may request the administrator to 2529
conduct an employment risk reduction inspection of the public 2530
employer's place of employment. The administrator or the 2531
administrator's designee shall conduct the inspection within a 2532
reasonable amount of time following the request. Neither the 2533
administrator nor any other person may use any information 2534
obtained from the inspection for a period not to exceed three 2535
years in any proceeding for a violation of this chapter or any 2536
rule or order issued thereunder nor in any other action in any 2537
court in this state. 2538

Sec. 4301.04. The liquor control commission has the following 2539
powers which it may exercise by the vote of a majority of the 2540
commissioners: 2541

(A) To suspend, revoke, and cancel permits. A majority of the 2542
commissioners constitutes a quorum for the transaction of any 2543
business, for the performance of any duty, or for the exercise of 2544
any power of the commission. No vacancy in the commission shall 2545
impair the right of the remaining commissioners to exercise all 2546
powers of the commission. The act of a majority of the commission, 2547
when in session, is the act of the commission. A finding, order, 2548
or decision of the commission to suspend a permit shall state and 2549
fix the effective date of the commencement and the period of 2550
duration of such suspension. Such finding, order, or decision of 2551
the commission to revoke or cancel a permit shall state and fix 2552
the effective date thereof. 2553

(B) To consider, hear, and determine all appeals authorized 2554
by Chapters 4301. and 4303. of the Revised Code, to be taken from 2555
any decision, determination, or order of the division of liquor 2556
control, and all complaints for the revocation of permits. The 2557
liquor control commission shall accord a hearing to any person 2558
appealing or complained against, at which such person has the 2559
right to be present, to be represented by counsel, to offer 2560
evidence, and to require the attendance of witnesses. 2561

(C) To adopt, repeal, and amend bylaws in relation to its 2562
meetings and the transaction of its business and regulating its 2563
procedure on appeal. 2564

(D) To consider and make recommendations upon any matter 2565
which the superintendent of liquor control submits to it for 2566
recommendation and determine any matter which the superintendent 2567
submits to it for determination. 2568

(E) To require of the superintendent and of any officer, 2569
department, board, or commission of the state of any county, 2570
township, or municipal officer in this state, information with 2571
respect to the social and economic effects of such chapters; and 2572
all such officers, departments, boards, and commissions shall 2573
furnish such information when requested in writing by the liquor 2574
control commission. 2575

(F) To submit to the governor amendments to any laws 2576
affecting the sale of intoxicating liquor in this state when it 2577
deems desirable. 2578

(G) For the purpose of any hearing or investigation which 2579
they are respectively authorized or required by such chapters to 2580
conduct, the liquor control commission or any member thereof, the 2581
superintendent, or any agent of the division designated in writing 2582
for that purpose, may administer oaths, take depositions, issue 2583
subpoenas, compel the attendance of witnesses and the production 2584

of books, accounts, papers, records, documents, and testimony. In 2585
case of disobedience of any person with respect to an order of the 2586
commission or a subpoena issued by the liquor control commission 2587
or any member thereof, the superintendent or such agent, or on the 2588
refusal of a witness to testify to any matter regarding which the 2589
witness may be lawfully interrogated, a judge of the court of 2590
common pleas of the county in which the person resides, on 2591
application of any member of the liquor control commission or the 2592
superintendent, shall compel obedience by attachment proceedings 2593
as for contempt, as in the case of disobedience with respect to 2594
the requirements of a subpoena issued from such court or a refusal 2595
to testify in such court. Each officer who serves such subpoena 2596
shall receive the same fees as a sheriff, and each witness who 2597
appears, in obedience to a subpoena, before the liquor control 2598
commission or any member thereof, or the superintendent, shall 2599
receive for attendance the fees and mileage provided for ~~witnesses~~ 2600
~~in civil cases in courts of common pleas~~ under section 119.094 of 2601
the Revised Code, which shall be audited and paid upon 2602
presentation of proper vouchers approved by any two members of the 2603
commission. No witness subpoenaed at the instance of a party other 2604
than the liquor control commission or any member thereof, the 2605
superintendent, or such agent, is entitled to compensation unless 2606
the commission certifies that the testimony of the witness was 2607
material to the matter investigated. 2608

Sec. 4503.03. (A)(1)(a) The registrar of motor vehicles may 2609
designate the county auditor in each county a deputy registrar. If 2610
the population of a county is forty thousand or less according to 2611
the last federal census and if the county auditor is designated by 2612
the registrar as a deputy registrar, no other person need be 2613
designated in the county to act as a deputy registrar. 2614

(b) The registrar may designate a clerk of a court of common 2615
pleas as a deputy registrar if the population of the county is 2616

forty thousand or less according to the last federal census. All 2617
fees collected and retained by a clerk for conducting deputy 2618
registrar services shall be paid into the county treasury to the 2619
credit of the certificate of title administration fund created 2620
under section 325.33 of the Revised Code. 2621

(c) In all other instances, the registrar shall contract with 2622
one or more other persons in each county to act as deputy 2623
registrars. 2624

(2) Deputy registrars shall accept applications for the 2625
annual license tax for any vehicle not taxed under section 4503.63 2626
of the Revised Code and shall assign distinctive numbers in the 2627
same manner as the registrar. Such deputies shall be located in 2628
such locations in the county as the registrar sees fit. There 2629
shall be at least one deputy registrar in each county. 2630

Deputy registrar contracts are subject to the provisions of 2631
division (B) of section 125.081 of the Revised Code. 2632

(B) The registrar shall not contract with any person to act 2633
as a deputy registrar if the person or, where applicable, the 2634
person's spouse or a member of the person's immediate family has 2635
made, within the current calendar year or any one of the previous 2636
three calendar years, one or more contributions totaling in excess 2637
of one hundred dollars to any person or entity included in 2638
division (A)(2) of section 4503.033 of the Revised Code. As used 2639
in this division, "immediate family" has the same meaning as in 2640
division (D) of section 102.01 of the Revised Code, and "entity" 2641
includes any political party and any "continuing association" as 2642
defined in division (B)(4) of section 3517.01 of the Revised Code 2643
or "political action committee" as defined in division (B)(8) of 2644
that section that is primarily associated with that political 2645
party. For purposes of this division, contributions to any 2646
continuing association or any political action committee that is 2647
primarily associated with a political party shall be aggregated 2648

with contributions to that political party. 2649

The contribution limitations contained in this division do 2650
not apply to any county auditor or clerk of a court of common 2651
pleas. 2652

The registrar shall not contract with either of the following 2653
to act as a deputy registrar: 2654

(1) Any elected public official other than a county auditor 2655
or, as authorized by division (A)(1)(b) of this section, a clerk 2656
of a court of common pleas, acting in an official capacity; 2657

(2) Any person holding a current, valid contract to conduct 2658
motor vehicle inspections under section 3704.14 of the Revised 2659
Code. 2660

(C)(1) Except as provided in division (C)(2) of this section, 2661
deputy registrars are independent contractors and neither they nor 2662
their employees are employees of this state, except that nothing 2663
in this section shall affect the status of county auditors or 2664
clerks of courts of common pleas as public officials, nor the 2665
status of their employees as employees of any of the counties of 2666
this state, which are political subdivisions of this state. Each 2667
deputy registrar shall be responsible for the payment of all 2668
unemployment compensation premiums, all workers' compensation 2669
premiums, social security contributions, and any and all taxes for 2670
which the deputy registrar is legally responsible. Each deputy 2671
registrar shall comply with all applicable federal, state, and 2672
local laws requiring the withholding of income taxes or other 2673
taxes from the compensation of the deputy registrar's employees. 2674
Each deputy registrar shall maintain during the entire term of the 2675
deputy registrar's contract a policy of business liability 2676
insurance satisfactory to the registrar and shall hold the 2677
department of public safety, the director of public safety, the 2678
bureau of motor vehicles, and the registrar harmless upon any and 2679

all claims for damages arising out of the operation of the deputy registrar agency. 2680
2681

(2) For purposes of Chapter 4141. of the Revised Code, 2682
determinations concerning the employment of deputy registrars and 2683
their employees shall be made under Chapter 4141. of the Revised 2684
Code. 2685

(D)(1) With the approval of the director, the registrar shall 2686
adopt rules governing the terms of the contract between the 2687
registrar and each deputy registrar and specifications for the 2688
services to be performed. The rules shall include specifications 2689
relating to the amount of bond to be given as provided in this 2690
section; the size and location of the deputy's office; and the 2691
leasing of equipment necessary to conduct the vision screenings 2692
required under section 4507.12 of the Revised Code and training in 2693
the use of the equipment. The specifications shall permit and 2694
encourage every deputy registrar to inform the public of the 2695
location of the deputy registrar's office and hours of operation 2696
by means of public service announcements and allow any deputy 2697
registrar to advertise in regard to the operation of the deputy 2698
registrar's office. The rules also shall include specifications 2699
for the hours the deputy's office is to be open to the public and 2700
shall require as a minimum that one deputy's office in each county 2701
be open to the public for at least four hours each weekend, 2702
provided that if only one deputy's office is located within the 2703
boundary of the county seat, that office is the office that shall 2704
be open for the four-hour period each weekend, and that every 2705
deputy's office in each county shall be open to the public until 2706
six-thirty p.m. on at least one weeknight each week. The rules 2707
also shall include specifications providing that every deputy in 2708
each county, upon request, provide any person with information 2709
about the location and office hours of all deputy registrars in 2710
the county and that every deputy prominently display within the 2711

deputy's office, the toll-free telephone number of the bureau. The 2712
rules shall not prohibit the award of a deputy registrar contract 2713
to a nonprofit corporation formed under the laws of this state. 2714
The rules shall prohibit any deputy registrar from operating more 2715
than one such office at any time, except that the rules may permit 2716
a nonprofit corporation formed for the purposes of providing 2717
automobile-related services to its members or the public and that 2718
provides such services from more than one location in this state 2719
to operate a deputy registrar office at any such location, 2720
provided that the nonprofit corporation operates no more than one 2721
deputy registrar office in any one county. The rules may include 2722
such other specifications as the registrar and director consider 2723
necessary to provide a high level of service. 2724

(2) With the prior approval of the registrar, each deputy 2725
registrar may conduct at the location of the deputy registrar's 2726
office any business that is consistent with the functions of a 2727
deputy registrar and that is not specifically mandated or 2728
authorized by this or another chapter of the Revised Code or by 2729
implementing rules of the registrar. 2730

(3) As used in this section and in section 4507.01 of the 2731
Revised Code, "nonprofit corporation" has the same meaning as in 2732
section 1702.01 of the Revised Code. 2733

(E) Unless otherwise terminated and except for interim 2734
contracts of less than one year, contracts with deputy registrars 2735
shall be for a term of at least two years, but no more than three 2736
years, and all contracts effective on or after July 1, 1996, shall 2737
be for a term of more than two years, but not more than three 2738
years. All contracts with deputy registrars shall expire on the 2739
last Saturday of June in the year of their expiration. The auditor 2740
of state may examine the accounts, reports, systems, and other 2741
data of each deputy registrar at least every two years. The 2742
registrar, with the approval of the director, shall immediately 2743

remove a deputy who violates any provision of the Revised Code 2744
related to the duties as a deputy, any rule adopted by the 2745
registrar, or a term of the deputy's contract with the registrar. 2746
The registrar also may remove a deputy who, in the opinion of the 2747
registrar, has engaged in any conduct that is either unbecoming to 2748
one representing this state or is inconsistent with the efficient 2749
operation of the deputy's office. 2750

If the registrar, with the approval of the director, 2751
determines that there is good cause to believe that a deputy 2752
registrar or a person proposing for a deputy registrar contract 2753
has engaged in any conduct that would require the denial or 2754
termination of the deputy registrar contract, the registrar may 2755
require the production of books, records, and papers as the 2756
registrar determines are necessary, and may take the depositions 2757
of witnesses residing within or outside the state in the same 2758
manner as is prescribed by law for the taking of depositions in 2759
civil actions in the court of common pleas, and for that purpose 2760
the registrar may issue a subpoena for any witness or a subpoena 2761
duces tecum to compel the production of any books, records, or 2762
papers, directed to the sheriff of the county where the witness 2763
resides or is found. Such a subpoena shall be served and returned 2764
in the same manner as a subpoena in a criminal case is served and 2765
returned. The fees ~~and mileage~~ of the sheriff ~~and witnesses~~ shall 2766
be the same as that allowed in the court of common pleas in 2767
criminal cases ~~and~~. Witnesses shall be paid the fees and mileage 2768
provided for under section 119.094 of the Revised Code. The fees 2769
and mileage shall be paid from the fund in the state treasury for 2770
the use of the agency in the same manner as other expenses of the 2771
agency are paid. 2772

In any case of disobedience or neglect of any subpoena served 2773
on any person or the refusal of any witness to testify to any 2774
matter regarding which the witness lawfully may be interrogated, 2775

the court of common pleas of any county where the disobedience, 2776
neglect, or refusal occurs or any judge of that court, on 2777
application by the registrar, shall compel obedience by attachment 2778
proceedings for contempt, as in the case of disobedience of the 2779
requirements of a subpoena issued from that court, or a refusal to 2780
testify in that court. 2781

Nothing in this division shall be construed to require a 2782
hearing of any nature prior to the termination of any deputy 2783
registrar contract by the registrar, with the approval of the 2784
director, for cause. 2785

(F) Except as provided in section 2743.03 of the Revised 2786
Code, no court, other than the court of common pleas of Franklin 2787
county, has jurisdiction of any action against the department of 2788
public safety, the director, the bureau, or the registrar to 2789
restrain the exercise of any power or authority, or to entertain 2790
any action for declaratory judgment, in the selection and 2791
appointment of, or contracting with, deputy registrars. Neither 2792
the department, the director, the bureau, nor the registrar is 2793
liable in any action at law for damages sustained by any person 2794
because of any acts of the department, the director, the bureau, 2795
or the registrar, or of any employee of the department or bureau, 2796
in the performance of official duties in the selection and 2797
appointment of, and contracting with, deputy registrars. 2798

(G) The registrar shall assign to each deputy registrar a 2799
series of numbers sufficient to supply the demand at all times in 2800
the area the deputy registrar serves, and the registrar shall keep 2801
a record in the registrar's office of the numbers within the 2802
series assigned. Each deputy shall be required to give bond in the 2803
amount of at least twenty-five thousand dollars, or in such higher 2804
amount as the registrar determines necessary, based on a uniform 2805
schedule of bond amounts established by the registrar and 2806
determined by the volume of registrations handled by the deputy. 2807

The form of the bond shall be prescribed by the registrar. The 2808
bonds required of deputy registrars, in the discretion of the 2809
registrar, may be individual or schedule bonds or may be included 2810
in any blanket bond coverage carried by the department. 2811

(H) Each deputy registrar shall keep a file of each 2812
application received by the deputy and shall register that motor 2813
vehicle with the name and address of its owner. 2814

(I) Upon request, a deputy registrar shall make the physical 2815
inspection of a motor vehicle and issue the physical inspection 2816
certificate required in section 4505.061 of the Revised Code. 2817

(J) Each deputy registrar shall file a report semi-annually 2818
with the registrar of motor vehicles listing the number of 2819
applicants for licenses the deputy has served, the number of voter 2820
registration applications the deputy has completed and transmitted 2821
to the board of elections, and the number of voter registration 2822
applications declined. 2823

Sec. 4517.32. Subject to sections 119.01 to 119.12 of the 2824
Revised Code, the motor vehicle dealers board may make such 2825
reasonable rules as are necessary to carry out and effect its 2826
duties under this chapter, including such rules as are necessary 2827
relating to the time, place, and manner of conducting hearings on 2828
the issuance, suspension, or revocation of licenses, and on 2829
protests filed under sections 4517.50, 4517.52, 4517.53, 4517.54, 2830
and 4517.56 of the Revised Code. The board may hear testimony in 2831
matters relating to the duties imposed upon it and the president 2832
and the secretary of the board may administer oaths. The board may 2833
require any proof it considers advisable and may require the 2834
attendance of such witnesses and the production of such books, 2835
records, and papers as it desires at any hearing before it or 2836
relating to any matter that it has authority to investigate. The 2837
board may, through its secretary, issue a subpoena for any 2838

witness, or a subpoena duces tecum for the production of any 2839
books, records, and papers, directed to the sheriff of the county 2840
where such witness resides or is found, which subpoena shall be 2841
served and returned in the same manner as a subpoena in a criminal 2842
case. 2843

The fees ~~and mileage~~ of the sheriff ~~and witnesses~~ shall be 2844
the same as that allowed in the court of common pleas in criminal 2845
cases ~~and~~. Witnesses shall be paid the fees and mileage provided 2846
for under section 119.094 of the Revised Code. The fees and 2847
mileage shall be paid in the same manner as other expenses of the 2848
board. 2849

Depositions of witnesses residing within or without the state 2850
may be taken by the board in the manner prescribed for like 2851
depositions in civil actions in the court of common pleas. In any 2852
case of disobedience to or neglect of any subpoena served on any 2853
person, or the refusal of any witness to testify to any matter 2854
regarding which the witness may lawfully be interrogated, the 2855
court of common pleas of any county where such disobedience, 2856
neglect, or refusal occurs, or any judge thereof on application of 2857
the secretary of the board, shall compel obedience by attachment 2858
proceedings for contempt as in the case of disobedience of a 2859
subpoena issued from such court or a refusal to testify therein. 2860

Sec. 4701.29. (A) The accountancy board may investigate 2861
whether a person has violated any provision of this chapter or 2862
rule adopted under it before commencing a disciplinary proceeding 2863
pursuant to section 4701.16 of the Revised Code or taking legal 2864
action pursuant to section 4701.18 of the Revised Code. An 2865
investigation under this section is not subject to Chapter 119. of 2866
the Revised Code. 2867

The board may appoint a committee of board members or staff 2868
employed by the board to conduct an investigation. notwithstanding 2869

any statute or rule to the contrary, a board member who 2870
participates in an investigation may participate actively in any 2871
hearing or proceeding to the same extent as a board member who did 2872
not participate in the investigation. 2873

(B) During an investigation, the board may administer oaths, 2874
order the taking of depositions, issue subpoenas, compel the 2875
attendance and testimony of a person at a deposition, and compel 2876
the production of any form of documentary evidence or record. 2877
Subpoenas and orders to compel under this section may be served by 2878
a designee of the board or by certified mail, return receipt 2879
requested, to the residence or place of business of the 2880
individual, professional association, firm, corporation, 2881
partnership, sole proprietorship, limited liability company, or 2882
other business organization named in the subpoena or order. 2883

(C)(1) Any witness who appears in response to a subpoena of 2884
the board may request, and shall receive within a reasonable time 2885
after making the request, the fees and mileage provided for 2886
~~witnesses in civil cases in the courts of common pleas in this~~ 2887
~~state~~ under section 119.094 of the Revised Code. 2888

(2) If a person fails to comply with a subpoena or order 2889
issued by the board under this section, the board may apply to the 2890
Franklin county court of common pleas for an order compelling 2891
compliance with the board's subpoena or order. Upon application by 2892
the board and upon evidence of the person's failure to comply, the 2893
court shall compel the appearance of the persons or the production 2894
of the documents named in the board's subpoena or order in 2895
accordance with the Rules of Civil Procedure. The court also may 2896
issue any contempt citation and sanction the court deems 2897
appropriate. 2898

(D) The investigative proceedings of the board under this 2899
section are not a public record under section 149.43 of the 2900
Revised Code, are confidential, and are not subject to discovery 2901

in any civil or administrative action or proceeding. 2902

Sec. 4723.29. In addition to the powers conferred upon the 2903
board of nursing by Chapter 119. of the Revised Code, the board 2904
may subpoena witnesses and require their attendance, require the 2905
testimony of witnesses and require the production by witnesses of 2906
books, papers, public records, and other documentary evidence, and 2907
examine them as it may require in relation to any matter which it 2908
has authority to investigate, inquire into, or hear. 2909

A subpoena for patient record information shall be issued 2910
only upon approval of the executive director of the board, and the 2911
president or another member of the board designated by the 2912
president, in consultation with the office of the attorney 2913
general. Before issuance of any such subpoena, the executive 2914
director and the office of the attorney general shall determine 2915
whether there is probable cause to believe that the complaint 2916
filed alleges a violation of this chapter or any rule of the 2917
board, that the records sought are relevant to the alleged 2918
violation and material to the investigation, and that the records 2919
cover a reasonable period of time surrounding the alleged 2920
violation. 2921

Upon failure to comply with any subpoena issued by the board 2922
and after reasonable notice to the person being subpoenaed, the 2923
board may move for an order compelling the production of persons 2924
or records pursuant to Ohio Rules of Civil Procedure. 2925

Each officer who serves such subpoena shall receive the same 2926
fees as a sheriff, and each witness who appears, in obedience to a 2927
subpoena, before the board, shall receive the fees and mileage 2928
provided for ~~witnesses in civil cases in courts of common pleas~~ 2929
under section 119.094 of the Revised Code. 2930

Sec. 4725.23. (A) The state board of optometry shall 2931

investigate evidence that appears to show that a person has 2932
violated any provision of sections 4725.01 to 4725.34 of the 2933
Revised Code or any rule adopted under those sections. 2934
Investigations of alleged violations shall be supervised by the 2935
member of the board appointed by the board to act as the 2936
supervising member of investigations. The supervising member shall 2937
not participate in the final vote that occurs in an adjudication 2938
of the case. 2939

(B) In investigating a possible violation, the board may 2940
administer oaths, order the taking of depositions, issue 2941
subpoenas, and compel the attendance of witnesses and production 2942
of books, accounts, papers, records, documents, and testimony. A 2943
subpoena for patient record information shall not be issued 2944
without consultation with the attorney general's office and 2945
approval of the secretary of the board and the board's supervising 2946
member of investigations. Before issuance of a subpoena for 2947
patient record information, the secretary and supervising member 2948
shall determine whether there is probable cause to believe that 2949
the complaint filed alleges a violation of sections 4725.01 to 2950
4725.34 of the Revised Code or any rule adopted under those 2951
sections and that the records sought are relevant to the alleged 2952
violation and material to the investigation. The subpoena may 2953
apply only to records that cover a reasonable period of time 2954
surrounding the alleged violation. 2955

On failure to comply with any subpoena issued by the board 2956
and after reasonable notice to the person being subpoenaed, the 2957
board may move for an order compelling the production of persons 2958
or records pursuant to the Rules of Civil Procedure. 2959

A subpoena issued by the board may be served by a sheriff, 2960
the sheriff's deputy, or a board employee designated by the board. 2961
Service of a subpoena issued by the board may be made by 2962
delivering a copy of the subpoena to the person named therein, 2963

reading it to the person, or leaving it at the person's usual 2964
place of residence. When the person being served is an optometrist 2965
licensed under this chapter, service of the subpoena may be made 2966
by certified mail, restricted delivery, return receipt requested, 2967
and the subpoena shall be deemed served on the date delivery is 2968
made or the date the optometrist refuses to accept delivery. 2969

Each witness who appears before the board in obedience to a 2970
subpoena shall receive the fees and mileage provided for ~~witnesses~~ 2971
~~in civil cases in the courts of common pleas~~ under section 119.094 2972
of the Revised Code. 2973

(C) Information received by the board pursuant to an 2974
investigation is confidential and not subject to discovery in any 2975
civil action. 2976

The board shall conduct all investigations and proceedings in 2977
a manner that protects the confidentiality of patients and persons 2978
who file complaints with the board. The board shall not make 2979
public the names or any other identifying information about 2980
patients or complainants unless proper consent is given. 2981

The board may share any information it receives pursuant to 2982
an investigation, including patient records and patient record 2983
information, with other licensing boards and governmental agencies 2984
that are investigating alleged professional misconduct and with 2985
law enforcement agencies and other governmental agencies that are 2986
investigating or prosecuting alleged criminal offenses. A board or 2987
agency that receives the information shall comply with the same 2988
requirements regarding confidentiality as those with which the 2989
state board of optometry must comply, notwithstanding any 2990
conflicting provision of the Revised Code or procedure of the 2991
board or agency that applies when the board or agency is dealing 2992
with other information in its possession. The information may be 2993
admitted into evidence in a criminal trial in accordance with the 2994
Rules of Evidence, but the court shall require that appropriate 2995

measures are taken to ensure that confidentiality is maintained 2996
with respect to any part of the information that contains names or 2997
other identifying information about persons whose confidentiality 2998
was protected by the state board of optometry when the information 2999
was in the board's possession. Measures to ensure confidentiality 3000
that may be taken by the court include sealing its records or 3001
deleting specific information from its records. 3002

Sec. 4728.05. (A) The superintendent of financial 3003
institutions may, either personally or by a person whom the 3004
superintendent appoints for the purpose, if the superintendent 3005
considers it advisable, investigate the business of every person 3006
licensed as a precious metals dealer under this chapter, and of 3007
every person, partnership, and corporation by whom or for which 3008
any purchase is made, whether the person, partnership, or 3009
corporation acts, or claims to act, as principal, agent, or 3010
broker, or under, or without the authority of this chapter, and 3011
for that purpose shall have free access to the books and papers 3012
thereof and other sources of information with regard to the 3013
business of the licensee or person and whether the business has 3014
been or is being transacted in accordance with this chapter. The 3015
superintendent and every examiner may examine, under oath or 3016
affirmation, any person whose testimony may relate to any business 3017
coming within this chapter. 3018

(B) In making any investigation or conducting any hearing 3019
pursuant to this section, the superintendent or a person 3020
designated by the superintendent, at any time, may do any of the 3021
following: 3022

(1) Compel by subpoena the attendance of witnesses; 3023

(2) Take depositions of witnesses residing without the state 3024
in the manner provided for in civil actions; 3025

(3) Pay witnesses the fees and mileage ~~for their attendance~~ 3026

provided for ~~witnesses in civil actions~~ under section 119.094 of 3027
the Revised Code; 3028

(4) Administer oaths; 3029

(5) Compel by order or subpoena duces tecum the production of 3030
all relevant books, records, accounts, and other documents and 3031
examine such books, records, accounts, and other documents. 3032

(C) If a person fails to comply with a subpoena or subpoena 3033
duces tecum, the superintendent may apply to the court of common 3034
pleas of Franklin county for an order compelling the person to 3035
comply with the subpoena or subpoena duces tecum or, for failure 3036
to do so, an order holding the person in contempt of court. The 3037
superintendent, in accordance with section 4728.03 of the Revised 3038
Code, may suspend or revoke the license of any precious metals 3039
dealer who fails to comply with this division. 3040

(D) In connection with any investigation under this section, 3041
the superintendent may file an action in the court of common pleas 3042
of Franklin county or the court of common pleas of the county in 3043
which the person who is the subject of the investigation resides 3044
to obtain an injunction, a temporary restraining order, or other 3045
appropriate relief, if it appears to the superintendent that the 3046
person is engaging in actions or threatening to engage in actions 3047
in violation of this chapter. 3048

(E) If in an investigation under this section the 3049
superintendent determines that a person not licensed under this 3050
chapter, or an employee of that person, has been or is engaged or 3051
is threatening to engage in activities for which a license is 3052
required under this chapter, the superintendent may issue an order 3053
to that person requiring the person to show cause why the person 3054
should not be subject to licensure under this chapter. If the 3055
superintendent determines, after notice and a hearing conducted in 3056
accordance with Chapter 119. of the Revised Code, that a person is 3057

engaged in, or is threatening to engage in activities that 3058
constitute a violation of this chapter, the superintendent may 3059
issue a cease and desist order that describes the person and 3060
activities that are subject to the order and may impose upon the 3061
person a penalty of not less than one hundred nor more than ten 3062
thousand dollars for a violation of this chapter. Any cease and 3063
desist order and any penalty issued under this section are 3064
enforceable in and may be appealed to a court of common pleas 3065
pursuant to Chapter 119. of the Revised Code. 3066

Sec. 4730.26. (A) The state medical board shall investigate 3067
evidence that appears to show that any person has violated this 3068
chapter or a rule adopted under it. In an investigation involving 3069
the practice or supervision of a physician assistant pursuant to 3070
the policies of a health care facility, the board may require that 3071
the health care facility provide any information the board 3072
considers necessary to identify either or both of the following: 3073

(1) The facility's policies for the practice of physician 3074
assistants within the facility; 3075

(2) The services that the facility has authorized a 3076
particular physician assistant to provide for the facility. 3077

(B) Any person may report to the board in a signed writing 3078
any information the person has that appears to show a violation of 3079
any provision of this chapter or rule adopted under it. In the 3080
absence of bad faith, a person who reports such information or 3081
testifies before the board in an adjudication conducted under 3082
Chapter 119. of the Revised Code shall not be liable for civil 3083
damages as a result of reporting the information or providing 3084
testimony. Each complaint or allegation of a violation received by 3085
the board shall be assigned a case number and be recorded by the 3086
board. 3087

(C) Investigations of alleged violations of this chapter or 3088

rules adopted under it shall be supervised by the supervising 3089
member elected by the board in accordance with section 4731.02 of 3090
the Revised Code and by the secretary as provided in section 3091
4730.33 of the Revised Code. The president may designate another 3092
member of the board to supervise the investigation in place of the 3093
supervising member. A member of the board who supervises the 3094
investigation of a case shall not participate in further 3095
adjudication of the case. 3096

(D) In investigating a possible violation of this chapter or 3097
a rule adopted under it, the board may administer oaths, order the 3098
taking of depositions, issue subpoenas, and compel the attendance 3099
of witnesses and production of books, accounts, papers, records, 3100
documents, and testimony, except that a subpoena for patient 3101
record information shall not be issued without consultation with 3102
the attorney general's office and approval of the secretary and 3103
supervising member of the board. Before issuance of a subpoena for 3104
patient record information, the secretary and supervising member 3105
shall determine whether there is probable cause to believe that 3106
the complaint filed alleges a violation of this chapter or a rule 3107
adopted under it and that the records sought are relevant to the 3108
alleged violation and material to the investigation. The subpoena 3109
may apply only to records that cover a reasonable period of time 3110
surrounding the alleged violation. 3111

On failure to comply with any subpoena issued by the board 3112
and after reasonable notice to the person being subpoenaed, the 3113
board may move for an order compelling the production of persons 3114
or records pursuant to the Rules of Civil Procedure. 3115

A subpoena issued by the board may be served by a sheriff, 3116
the sheriff's deputy, or a board employee designated by the board. 3117
Service of a subpoena issued by the board may be made by 3118
delivering a copy of the subpoena to the person named therein, 3119
reading it to the person, or leaving it at the person's usual 3120

place of residence. When the person being served is a physician 3121
assistant, service of the subpoena may be made by certified mail, 3122
restricted delivery, return receipt requested, and the subpoena 3123
shall be deemed served on the date delivery is made or the date 3124
the person refuses to accept delivery. 3125

A sheriff's deputy who serves a subpoena shall receive the 3126
same fees as a sheriff. Each witness who appears before the board 3127
in obedience to a subpoena shall receive the fees and mileage 3128
provided for ~~witnesses in civil cases in the courts of common~~ 3129
~~pleas~~ under section 119.094 of the Revised Code. 3130

(E) All hearings and investigations of the board shall be 3131
considered civil actions for the purposes of section 2305.252 of 3132
the Revised Code. 3133

(F) Information received by the board pursuant to an 3134
investigation is confidential and not subject to discovery in any 3135
civil action. 3136

The board shall conduct all investigations and proceedings in 3137
a manner that protects the confidentiality of patients and persons 3138
who file complaints with the board. The board shall not make 3139
public the names or any other identifying information about 3140
patients or complainants unless proper consent is given or, in the 3141
case of a patient, a waiver of the patient privilege exists under 3142
division (B) of section 2317.02 of the Revised Code, except that 3143
consent or a waiver is not required if the board possesses 3144
reliable and substantial evidence that no bona fide 3145
physician-patient relationship exists. 3146

The board may share any information it receives pursuant to 3147
an investigation, including patient records and patient record 3148
information, with law enforcement agencies, other licensing 3149
boards, and other governmental agencies that are prosecuting, 3150
adjudicating, or investigating alleged violations of statutes or 3151

administrative rules. An agency or board that receives the 3152
information shall comply with the same requirements regarding 3153
confidentiality as those with which the state medical board must 3154
comply, notwithstanding any conflicting provision of the Revised 3155
Code or procedure of the agency or board that applies when it is 3156
dealing with other information in its possession. In a judicial 3157
proceeding, the information may be admitted into evidence only in 3158
accordance with the Rules of Evidence, but the court shall require 3159
that appropriate measures are taken to ensure that confidentiality 3160
is maintained with respect to any part of the information that 3161
contains names or other identifying information about patients or 3162
complainants whose confidentiality was protected by the state 3163
medical board when the information was in the board's possession. 3164
Measures to ensure confidentiality that may be taken by the court 3165
include sealing its records or deleting specific information from 3166
its records. 3167

(G) The state medical board shall develop requirements for 3168
and provide appropriate initial and continuing training for 3169
investigators employed by the board to carry out its duties under 3170
this chapter. The training and continuing education may include 3171
enrollment in courses operated or approved by the Ohio peace 3172
officer training council that the board considers appropriate 3173
under conditions set forth in section 109.79 of the Revised Code. 3174

(H) On a quarterly basis, the board shall prepare a report 3175
that documents the disposition of all cases during the preceding 3176
three months. The report shall contain the following information 3177
for each case with which the board has completed its activities: 3178

(1) The case number assigned to the complaint or alleged 3179
violation; 3180

(2) The type of certificate, if any, held by the individual 3181
against whom the complaint is directed; 3182

(3) A description of the allegations contained in the 3183
complaint; 3184

(4) The disposition of the case. 3185

The report shall state how many cases are still pending, and 3186
shall be prepared in a manner that protects the identity of each 3187
person involved in each case. The report shall be submitted to the 3188
physician assistant policy committee of the board and is a public 3189
record for purposes of section 149.43 of the Revised Code. 3190

Sec. 4731.22. (A) The state medical board, by an affirmative 3191
vote of not fewer than six of its members, may revoke or may 3192
refuse to grant a certificate to a person found by the board to 3193
have committed fraud during the administration of the examination 3194
for a certificate to practice or to have committed fraud, 3195
misrepresentation, or deception in applying for or securing any 3196
certificate to practice or certificate of registration issued by 3197
the board. 3198

(B) The board, by an affirmative vote of not fewer than six 3199
members, shall, to the extent permitted by law, limit, revoke, or 3200
suspend an individual's certificate to practice, refuse to 3201
register an individual, refuse to reinstate a certificate, or 3202
reprimand or place on probation the holder of a certificate for 3203
one or more of the following reasons: 3204

(1) Permitting one's name or one's certificate to practice or 3205
certificate of registration to be used by a person, group, or 3206
corporation when the individual concerned is not actually 3207
directing the treatment given; 3208

(2) Failure to maintain minimal standards applicable to the 3209
selection or administration of drugs, or failure to employ 3210
acceptable scientific methods in the selection of drugs or other 3211
modalities for treatment of disease; 3212

(3) Selling, giving away, personally furnishing, prescribing, 3213
or administering drugs for other than legal and legitimate 3214
therapeutic purposes or a plea of guilty to, a judicial finding of 3215
guilt of, or a judicial finding of eligibility for intervention in 3216
lieu of conviction of, a violation of any federal or state law 3217
regulating the possession, distribution, or use of any drug; 3218

(4) Willfully betraying a professional confidence. 3219

For purposes of this division, "willfully betraying a 3220
professional confidence" does not include providing any 3221
information, documents, or reports to a child fatality review 3222
board under sections 307.621 to 307.629 of the Revised Code and 3223
does not include the making of a report of an employee's use of a 3224
drug of abuse, or a report of a condition of an employee other 3225
than one involving the use of a drug of abuse, to the employer of 3226
the employee as described in division (B) of section 2305.33 of 3227
the Revised Code. Nothing in this division affects the immunity 3228
from civil liability conferred by that section upon a physician 3229
who makes either type of report in accordance with division (B) of 3230
that section. As used in this division, "employee," "employer," 3231
and "physician" have the same meanings as in section 2305.33 of 3232
the Revised Code. 3233

(5) Making a false, fraudulent, deceptive, or misleading 3234
statement in the solicitation of or advertising for patients; in 3235
relation to the practice of medicine and surgery, osteopathic 3236
medicine and surgery, podiatric medicine and surgery, or a limited 3237
branch of medicine; or in securing or attempting to secure any 3238
certificate to practice or certificate of registration issued by 3239
the board. 3240

As used in this division, "false, fraudulent, deceptive, or 3241
misleading statement" means a statement that includes a 3242
misrepresentation of fact, is likely to mislead or deceive because 3243
of a failure to disclose material facts, is intended or is likely 3244

to create false or unjustified expectations of favorable results, 3245
or includes representations or implications that in reasonable 3246
probability will cause an ordinarily prudent person to 3247
misunderstand or be deceived. 3248

(6) A departure from, or the failure to conform to, minimal 3249
standards of care of similar practitioners under the same or 3250
similar circumstances, whether or not actual injury to a patient 3251
is established; 3252

(7) Representing, with the purpose of obtaining compensation 3253
or other advantage as personal gain or for any other person, that 3254
an incurable disease or injury, or other incurable condition, can 3255
be permanently cured; 3256

(8) The obtaining of, or attempting to obtain, money or 3257
anything of value by fraudulent misrepresentations in the course 3258
of practice; 3259

(9) A plea of guilty to, a judicial finding of guilt of, or a 3260
judicial finding of eligibility for intervention in lieu of 3261
conviction for, a felony; 3262

(10) Commission of an act that constitutes a felony in this 3263
state, regardless of the jurisdiction in which the act was 3264
committed; 3265

(11) A plea of guilty to, a judicial finding of guilt of, or 3266
a judicial finding of eligibility for intervention in lieu of 3267
conviction for, a misdemeanor committed in the course of practice; 3268

(12) Commission of an act in the course of practice that 3269
constitutes a misdemeanor in this state, regardless of the 3270
jurisdiction in which the act was committed; 3271

(13) A plea of guilty to, a judicial finding of guilt of, or 3272
a judicial finding of eligibility for intervention in lieu of 3273
conviction for, a misdemeanor involving moral turpitude; 3274

(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	3275 3276 3277
(15) Violation of the conditions of limitation placed by the board upon a certificate to practice;	3278 3279
(16) Failure to pay license renewal fees specified in this chapter;	3280 3281
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	3282 3283 3284 3285
(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.	3286 3287 3288 3289 3290 3291 3292 3293 3294 3295 3296
For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report	3297 3298 3299 3300 3301 3302 3303 3304 3305

in accordance with division (B) of that section. As used in this 3306
division, "employee," "employer," and "physician" have the same 3307
meanings as in section 2305.33 of the Revised Code. 3308

(19) Inability to practice according to acceptable and 3309
prevailing standards of care by reason of mental illness or 3310
physical illness, including, but not limited to, physical 3311
deterioration that adversely affects cognitive, motor, or 3312
perceptive skills. 3313

In enforcing this division, the board, upon a showing of a 3314
possible violation, may compel any individual authorized to 3315
practice by this chapter or who has submitted an application 3316
pursuant to this chapter to submit to a mental examination, 3317
physical examination, including an HIV test, or both a mental and 3318
a physical examination. The expense of the examination is the 3319
responsibility of the individual compelled to be examined. Failure 3320
to submit to a mental or physical examination or consent to an HIV 3321
test ordered by the board constitutes an admission of the 3322
allegations against the individual unless the failure is due to 3323
circumstances beyond the individual's control, and a default and 3324
final order may be entered without the taking of testimony or 3325
presentation of evidence. If the board finds an individual unable 3326
to practice because of the reasons set forth in this division, the 3327
board shall require the individual to submit to care, counseling, 3328
or treatment by physicians approved or designated by the board, as 3329
a condition for initial, continued, reinstated, or renewed 3330
authority to practice. An individual affected under this division 3331
shall be afforded an opportunity to demonstrate to the board the 3332
ability to resume practice in compliance with acceptable and 3333
prevailing standards under the provisions of the individual's 3334
certificate. For the purpose of this division, any individual who 3335
applies for or receives a certificate to practice under this 3336
chapter accepts the privilege of practicing in this state and, by 3337

so doing, shall be deemed to have given consent to submit to a 3338
mental or physical examination when directed to do so in writing 3339
by the board, and to have waived all objections to the 3340
admissibility of testimony or examination reports that constitute 3341
a privileged communication. 3342

(20) Except when civil penalties are imposed under section 3343
4731.225 or 4731.281 of the Revised Code, and subject to section 3344
4731.226 of the Revised Code, violating or attempting to violate, 3345
directly or indirectly, or assisting in or abetting the violation 3346
of, or conspiring to violate, any provisions of this chapter or 3347
any rule promulgated by the board. 3348

This division does not apply to a violation or attempted 3349
violation of, assisting in or abetting the violation of, or a 3350
conspiracy to violate, any provision of this chapter or any rule 3351
adopted by the board that would preclude the making of a report by 3352
a physician of an employee's use of a drug of abuse, or of a 3353
condition of an employee other than one involving the use of a 3354
drug of abuse, to the employer of the employee as described in 3355
division (B) of section 2305.33 of the Revised Code. Nothing in 3356
this division affects the immunity from civil liability conferred 3357
by that section upon a physician who makes either type of report 3358
in accordance with division (B) of that section. As used in this 3359
division, "employee," "employer," and "physician" have the same 3360
meanings as in section 2305.33 of the Revised Code. 3361

(21) The violation of section 3701.79 of the Revised Code or 3362
of any abortion rule adopted by the public health council pursuant 3363
to section 3701.341 of the Revised Code; 3364

(22) Any of the following actions taken by the agency 3365
responsible for regulating the practice of medicine and surgery, 3366
osteopathic medicine and surgery, podiatric medicine and surgery, 3367
or the limited branches of medicine in another jurisdiction, for 3368
any reason other than the nonpayment of fees: the limitation, 3369

revocation, or suspension of an individual's license to practice; 3370
acceptance of an individual's license surrender; denial of a 3371
license; refusal to renew or reinstate a license; imposition of 3372
probation; or issuance of an order of censure or other reprimand; 3373

(23) The violation of section 2919.12 of the Revised Code or 3374
the performance or inducement of an abortion upon a pregnant woman 3375
with actual knowledge that the conditions specified in division 3376
(B) of section 2317.56 of the Revised Code have not been satisfied 3377
or with a heedless indifference as to whether those conditions 3378
have been satisfied, unless an affirmative defense as specified in 3379
division (H)(2) of that section would apply in a civil action 3380
authorized by division (H)(1) of that section; 3381

(24) The revocation, suspension, restriction, reduction, or 3382
termination of clinical privileges by the United States department 3383
of defense or department of veterans affairs or the termination or 3384
suspension of a certificate of registration to prescribe drugs by 3385
the drug enforcement administration of the United States 3386
department of justice; 3387

(25) Termination or suspension from participation in the 3388
medicare or medicaid programs by the department of health and 3389
human services or other responsible agency for any act or acts 3390
that also would constitute a violation of division (B)(2), (3), 3391
(6), (8), or (19) of this section; 3392

(26) Impairment of ability to practice according to 3393
acceptable and prevailing standards of care because of habitual or 3394
excessive use or abuse of drugs, alcohol, or other substances that 3395
impair ability to practice. 3396

For the purposes of this division, any individual authorized 3397
to practice by this chapter accepts the privilege of practicing in 3398
this state subject to supervision by the board. By filing an 3399
application for or holding a certificate to practice under this 3400

chapter, an individual shall be deemed to have given consent to 3401
submit to a mental or physical examination when ordered to do so 3402
by the board in writing, and to have waived all objections to the 3403
admissibility of testimony or examination reports that constitute 3404
privileged communications. 3405

If it has reason to believe that any individual authorized to 3406
practice by this chapter or any applicant for certification to 3407
practice suffers such impairment, the board may compel the 3408
individual to submit to a mental or physical examination, or both. 3409
The expense of the examination is the responsibility of the 3410
individual compelled to be examined. Any mental or physical 3411
examination required under this division shall be undertaken by a 3412
treatment provider or physician who is qualified to conduct the 3413
examination and who is chosen by the board. 3414

Failure to submit to a mental or physical examination ordered 3415
by the board constitutes an admission of the allegations against 3416
the individual unless the failure is due to circumstances beyond 3417
the individual's control, and a default and final order may be 3418
entered without the taking of testimony or presentation of 3419
evidence. If the board determines that the individual's ability to 3420
practice is impaired, the board shall suspend the individual's 3421
certificate or deny the individual's application and shall require 3422
the individual, as a condition for initial, continued, reinstated, 3423
or renewed certification to practice, to submit to treatment. 3424

Before being eligible to apply for reinstatement of a 3425
certificate suspended under this division, the impaired 3426
practitioner shall demonstrate to the board the ability to resume 3427
practice in compliance with acceptable and prevailing standards of 3428
care under the provisions of the practitioner's certificate. The 3429
demonstration shall include, but shall not be limited to, the 3430
following: 3431

(a) Certification from a treatment provider approved under 3432

section 4731.25 of the Revised Code that the individual has 3433
successfully completed any required inpatient treatment; 3434

(b) Evidence of continuing full compliance with an aftercare 3435
contract or consent agreement; 3436

(c) Two written reports indicating that the individual's 3437
ability to practice has been assessed and that the individual has 3438
been found capable of practicing according to acceptable and 3439
prevailing standards of care. The reports shall be made by 3440
individuals or providers approved by the board for making the 3441
assessments and shall describe the basis for their determination. 3442

The board may reinstate a certificate suspended under this 3443
division after that demonstration and after the individual has 3444
entered into a written consent agreement. 3445

When the impaired practitioner resumes practice, the board 3446
shall require continued monitoring of the individual. The 3447
monitoring shall include, but not be limited to, compliance with 3448
the written consent agreement entered into before reinstatement or 3449
with conditions imposed by board order after a hearing, and, upon 3450
termination of the consent agreement, submission to the board for 3451
at least two years of annual written progress reports made under 3452
penalty of perjury stating whether the individual has maintained 3453
sobriety. 3454

(27) A second or subsequent violation of section 4731.66 or 3455
4731.69 of the Revised Code; 3456

(28) Except as provided in division (N) of this section: 3457

(a) Waiving the payment of all or any part of a deductible or 3458
copayment that a patient, pursuant to a health insurance or health 3459
care policy, contract, or plan that covers the individual's 3460
services, otherwise would be required to pay if the waiver is used 3461
as an enticement to a patient or group of patients to receive 3462
health care services from that individual; 3463

(b) Advertising that the individual will waive the payment of 3464
all or any part of a deductible or copayment that a patient, 3465
pursuant to a health insurance or health care policy, contract, or 3466
plan that covers the individual's services, otherwise would be 3467
required to pay. 3468

(29) Failure to use universal blood and body fluid 3469
precautions established by rules adopted under section 4731.051 of 3470
the Revised Code; 3471

(30) Failure to provide notice to, and receive acknowledgment 3472
of the notice from, a patient when required by section 4731.143 of 3473
the Revised Code prior to providing nonemergency professional 3474
services, or failure to maintain that notice in the patient's 3475
file; 3476

(31) Failure of a physician supervising a physician assistant 3477
to maintain supervision in accordance with the requirements of 3478
Chapter 4730. of the Revised Code and the rules adopted under that 3479
chapter; 3480

(32) Failure of a physician or podiatrist to enter into a 3481
standard care arrangement with a clinical nurse specialist, 3482
certified nurse-midwife, or certified nurse practitioner with whom 3483
the physician or podiatrist is in collaboration pursuant to 3484
section 4731.27 of the Revised Code or failure to fulfill the 3485
responsibilities of collaboration after entering into a standard 3486
care arrangement; 3487

(33) Failure to comply with the terms of a consult agreement 3488
entered into with a pharmacist pursuant to section 4729.39 of the 3489
Revised Code; 3490

(34) Failure to cooperate in an investigation conducted by 3491
the board under division (F) of this section, including failure to 3492
comply with a subpoena or order issued by the board or failure to 3493
answer truthfully a question presented by the board at a 3494

deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for supervision of an acupuncturist;

(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;

(37) Assisting suicide as defined in section 3795.01 of the Revised Code;

(38) Failure to comply with the requirements of section 2317.561 of the Revised Code.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

If the board takes disciplinary action against an individual under division (B) of this section for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code, the disciplinary action

shall consist of a suspension of the individual's certificate to
practice for a period of at least one year or, if determined
appropriate by the board, a more serious sanction involving the
individual's certificate to practice. Any consent agreement
entered into under this division with an individual that pertains
to a second or subsequent plea of guilty to, or judicial finding
of guilt of, a violation of that section shall provide for a
suspension of the individual's certificate to practice for a
period of at least one year or, if determined appropriate by the
board, a more serious sanction involving the individual's
certificate to practice.

(D) For purposes of divisions (B)(10), (12), and (14) of this
section, the commission of the act may be established by a finding
by the board, pursuant to an adjudication under Chapter 119. of
the Revised Code, that the individual committed the act. The board
does not have jurisdiction under those divisions if the trial
court renders a final judgment in the individual's favor and that
judgment is based upon an adjudication on the merits. The board
has jurisdiction under those divisions if the trial court issues
an order of dismissal upon technical or procedural grounds.

(E) The sealing of conviction records by any court shall have
no effect upon a prior board order entered under this section or
upon the board's jurisdiction to take action under this section
if, based upon a plea of guilty, a judicial finding of guilt, or a
judicial finding of eligibility for intervention in lieu of
conviction, the board issued a notice of opportunity for a hearing
prior to the court's order to seal the records. The board shall
not be required to seal, destroy, redact, or otherwise modify its
records to reflect the court's sealing of conviction records.

(F)(1) The board shall investigate evidence that appears to
show that a person has violated any provision of this chapter or
any rule adopted under it. Any person may report to the board in a

signed writing any information that the person may have that 3558
appears to show a violation of any provision of this chapter or 3559
any rule adopted under it. In the absence of bad faith, any person 3560
who reports information of that nature or who testifies before the 3561
board in any adjudication conducted under Chapter 119. of the 3562
Revised Code shall not be liable in damages in a civil action as a 3563
result of the report or testimony. Each complaint or allegation of 3564
a violation received by the board shall be assigned a case number 3565
and shall be recorded by the board. 3566

(2) Investigations of alleged violations of this chapter or 3567
any rule adopted under it shall be supervised by the supervising 3568
member elected by the board in accordance with section 4731.02 of 3569
the Revised Code and by the secretary as provided in section 3570
4731.39 of the Revised Code. The president may designate another 3571
member of the board to supervise the investigation in place of the 3572
supervising member. No member of the board who supervises the 3573
investigation of a case shall participate in further adjudication 3574
of the case. 3575

(3) In investigating a possible violation of this chapter or 3576
any rule adopted under this chapter, the board may administer 3577
oaths, order the taking of depositions, issue subpoenas, and 3578
compel the attendance of witnesses and production of books, 3579
accounts, papers, records, documents, and testimony, except that a 3580
subpoena for patient record information shall not be issued 3581
without consultation with the attorney general's office and 3582
approval of the secretary and supervising member of the board. 3583
Before issuance of a subpoena for patient record information, the 3584
secretary and supervising member shall determine whether there is 3585
probable cause to believe that the complaint filed alleges a 3586
violation of this chapter or any rule adopted under it and that 3587
the records sought are relevant to the alleged violation and 3588
material to the investigation. The subpoena may apply only to 3589

records that cover a reasonable period of time surrounding the 3590
alleged violation. 3591

On failure to comply with any subpoena issued by the board 3592
and after reasonable notice to the person being subpoenaed, the 3593
board may move for an order compelling the production of persons 3594
or records pursuant to the Rules of Civil Procedure. 3595

A subpoena issued by the board may be served by a sheriff, 3596
the sheriff's deputy, or a board employee designated by the board. 3597
Service of a subpoena issued by the board may be made by 3598
delivering a copy of the subpoena to the person named therein, 3599
reading it to the person, or leaving it at the person's usual 3600
place of residence. When the person being served is a person whose 3601
practice is authorized by this chapter, service of the subpoena 3602
may be made by certified mail, restricted delivery, return receipt 3603
requested, and the subpoena shall be deemed served on the date 3604
delivery is made or the date the person refuses to accept 3605
delivery. 3606

A sheriff's deputy who serves a subpoena shall receive the 3607
same fees as a sheriff. Each witness who appears before the board 3608
in obedience to a subpoena shall receive the fees and mileage 3609
provided for ~~witnesses in civil cases in the courts of common~~ 3610
~~pleas~~ under section 119.094 of the Revised Code. 3611

(4) All hearings and investigations of the board shall be 3612
considered civil actions for the purposes of section 2305.252 of 3613
the Revised Code. 3614

(5) Information received by the board pursuant to an 3615
investigation is confidential and not subject to discovery in any 3616
civil action. 3617

The board shall conduct all investigations and proceedings in 3618
a manner that protects the confidentiality of patients and persons 3619
who file complaints with the board. The board shall not make 3620

public the names or any other identifying information about 3621
patients or complainants unless proper consent is given or, in the 3622
case of a patient, a waiver of the patient privilege exists under 3623
division (B) of section 2317.02 of the Revised Code, except that 3624
consent or a waiver of that nature is not required if the board 3625
possesses reliable and substantial evidence that no bona fide 3626
physician-patient relationship exists. 3627

The board may share any information it receives pursuant to 3628
an investigation, including patient records and patient record 3629
information, with law enforcement agencies, other licensing 3630
boards, and other governmental agencies that are prosecuting, 3631
adjudicating, or investigating alleged violations of statutes or 3632
administrative rules. An agency or board that receives the 3633
information shall comply with the same requirements regarding 3634
confidentiality as those with which the state medical board must 3635
comply, notwithstanding any conflicting provision of the Revised 3636
Code or procedure of the agency or board that applies when it is 3637
dealing with other information in its possession. In a judicial 3638
proceeding, the information may be admitted into evidence only in 3639
accordance with the Rules of Evidence, but the court shall require 3640
that appropriate measures are taken to ensure that confidentiality 3641
is maintained with respect to any part of the information that 3642
contains names or other identifying information about patients or 3643
complainants whose confidentiality was protected by the state 3644
medical board when the information was in the board's possession. 3645
Measures to ensure confidentiality that may be taken by the court 3646
include sealing its records or deleting specific information from 3647
its records. 3648

(6) On a quarterly basis, the board shall prepare a report 3649
that documents the disposition of all cases during the preceding 3650
three months. The report shall contain the following information 3651
for each case with which the board has completed its activities: 3652

(a) The case number assigned to the complaint or alleged violation; 3653
3654

(b) The type of certificate to practice, if any, held by the individual against whom the complaint is directed; 3655
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(c) A description of the allegations contained in the complaint; 3657
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(d) The disposition of the case. 3659

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code. 3660
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(G) If the secretary and supervising member determine that there is clear and convincing evidence that an individual has violated division (B) of this section and that the individual's continued practice presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the individual's certificate to practice without a prior hearing. Written allegations shall be prepared for consideration by the board. 3664
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The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension. 3672
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The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date 3678
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set for the hearing shall be within fifteen days, but not earlier 3684
than seven days, after the individual requests the hearing, unless 3685
otherwise agreed to by both the board and the individual. 3686

Any summary suspension imposed under this division shall 3687
remain in effect, unless reversed on appeal, until a final 3688
adjudicative order issued by the board pursuant to this section 3689
and Chapter 119. of the Revised Code becomes effective. The board 3690
shall issue its final adjudicative order within seventy-five days 3691
after completion of its hearing. A failure to issue the order 3692
within seventy-five days shall result in dissolution of the 3693
summary suspension order but shall not invalidate any subsequent, 3694
final adjudicative order. 3695

(H) If the board takes action under division (B)(9), (11), or 3696
(13) of this section and the judicial finding of guilt, guilty 3697
plea, or judicial finding of eligibility for intervention in lieu 3698
of conviction is overturned on appeal, upon exhaustion of the 3699
criminal appeal, a petition for reconsideration of the order may 3700
be filed with the board along with appropriate court documents. 3701
Upon receipt of a petition of that nature and supporting court 3702
documents, the board shall reinstate the individual's certificate 3703
to practice. The board may then hold an adjudication under Chapter 3704
119. of the Revised Code to determine whether the individual 3705
committed the act in question. Notice of an opportunity for a 3706
hearing shall be given in accordance with Chapter 119. of the 3707
Revised Code. If the board finds, pursuant to an adjudication held 3708
under this division, that the individual committed the act or if 3709
no hearing is requested, the board may order any of the sanctions 3710
identified under division (B) of this section. 3711

(I) The certificate to practice issued to an individual under 3712
this chapter and the individual's practice in this state are 3713
automatically suspended as of the date of the individual's second 3714
or subsequent plea of guilty to, or judicial finding of guilt of, 3715

a violation of section 2919.123 of the Revised Code, or the date 3716
the individual pleads guilty to, is found by a judge or jury to be 3717
guilty of, or is subject to a judicial finding of eligibility for 3718
intervention in lieu of conviction in this state or treatment or 3719
intervention in lieu of conviction in another jurisdiction for any 3720
of the following criminal offenses in this state or a 3721
substantially equivalent criminal offense in another jurisdiction: 3722
aggravated murder, murder, voluntary manslaughter, felonious 3723
assault, kidnapping, rape, sexual battery, gross sexual 3724
imposition, aggravated arson, aggravated robbery, or aggravated 3725
burglary. Continued practice after suspension shall be considered 3726
practicing without a certificate. 3727

The board shall notify the individual subject to the 3728
suspension by certified mail or in person in accordance with 3729
section 119.07 of the Revised Code. If an individual whose 3730
certificate is automatically suspended under this division fails 3731
to make a timely request for an adjudication under Chapter 119. of 3732
the Revised Code, the board shall do whichever of the following is 3733
applicable: 3734

(1) If the automatic suspension under this division is for a 3735
second or subsequent plea of guilty to, or judicial finding of 3736
guilt of, a violation of section 2919.123 of the Revised Code, the 3737
board shall enter an order suspending the individual's certificate 3738
to practice for a period of at least one year or, if determined 3739
appropriate by the board, imposing a more serious sanction 3740
involving the individual's certificate to practice. 3741

(2) In all circumstances in which division (I)(1) of this 3742
section does not apply, enter a final order permanently revoking 3743
the individual's certificate to practice. 3744

(J) If the board is required by Chapter 119. of the Revised 3745
Code to give notice of an opportunity for a hearing and if the 3746
individual subject to the notice does not timely request a hearing 3747

in accordance with section 119.07 of the Revised Code, the board 3748
is not required to hold a hearing, but may adopt, by an 3749
affirmative vote of not fewer than six of its members, a final 3750
order that contains the board's findings. In that final order, the 3751
board may order any of the sanctions identified under division (A) 3752
or (B) of this section. 3753

(K) Any action taken by the board under division (B) of this 3754
section resulting in a suspension from practice shall be 3755
accompanied by a written statement of the conditions under which 3756
the individual's certificate to practice may be reinstated. The 3757
board shall adopt rules governing conditions to be imposed for 3758
reinstatement. Reinstatement of a certificate suspended pursuant 3759
to division (B) of this section requires an affirmative vote of 3760
not fewer than six members of the board. 3761

(L) When the board refuses to grant a certificate to an 3762
applicant, revokes an individual's certificate to practice, 3763
refuses to register an applicant, or refuses to reinstate an 3764
individual's certificate to practice, the board may specify that 3765
its action is permanent. An individual subject to a permanent 3766
action taken by the board is forever thereafter ineligible to hold 3767
a certificate to practice and the board shall not accept an 3768
application for reinstatement of the certificate or for issuance 3769
of a new certificate. 3770

(M) Notwithstanding any other provision of the Revised Code, 3771
all of the following apply: 3772

(1) The surrender of a certificate issued under this chapter 3773
shall not be effective unless or until accepted by the board. 3774
Reinstatement of a certificate surrendered to the board requires 3775
an affirmative vote of not fewer than six members of the board. 3776

(2) An application for a certificate made under the 3777
provisions of this chapter may not be withdrawn without approval 3778

of the board. 3779

(3) Failure by an individual to renew a certificate of 3780
registration in accordance with this chapter shall not remove or 3781
limit the board's jurisdiction to take any disciplinary action 3782
under this section against the individual. 3783

(N) Sanctions shall not be imposed under division (B)(28) of 3784
this section against any person who waives deductibles and 3785
copayments as follows: 3786

(1) In compliance with the health benefit plan that expressly 3787
allows such a practice. Waiver of the deductibles or copayments 3788
shall be made only with the full knowledge and consent of the plan 3789
purchaser, payer, and third-party administrator. Documentation of 3790
the consent shall be made available to the board upon request. 3791

(2) For professional services rendered to any other person 3792
authorized to practice pursuant to this chapter, to the extent 3793
allowed by this chapter and rules adopted by the board. 3794

(O) Under the board's investigative duties described in this 3795
section and subject to division (F) of this section, the board 3796
shall develop and implement a quality intervention program 3797
designed to improve through remedial education the clinical and 3798
communication skills of individuals authorized under this chapter 3799
to practice medicine and surgery, osteopathic medicine and 3800
surgery, and podiatric medicine and surgery. In developing and 3801
implementing the quality intervention program, the board may do 3802
all of the following: 3803

(1) Offer in appropriate cases as determined by the board an 3804
educational and assessment program pursuant to an investigation 3805
the board conducts under this section; 3806

(2) Select providers of educational and assessment services, 3807
including a quality intervention program panel of case reviewers; 3808

(3) Make referrals to educational and assessment service 3809
providers and approve individual educational programs recommended 3810
by those providers. The board shall monitor the progress of each 3811
individual undertaking a recommended individual educational 3812
program. 3813

(4) Determine what constitutes successful completion of an 3814
individual educational program and require further monitoring of 3815
the individual who completed the program or other action that the 3816
board determines to be appropriate; 3817

(5) Adopt rules in accordance with Chapter 119. of the 3818
Revised Code to further implement the quality intervention 3819
program. 3820

An individual who participates in an individual educational 3821
program pursuant to this division shall pay the financial 3822
obligations arising from that educational program. 3823

Sec. 4735.04. The Ohio real estate commission or the 3824
superintendent of real estate may compel, by order or subpoena, 3825
the attendance of witnesses to testify in relation to any matter 3826
over which the commission or superintendent has jurisdiction and 3827
which is the subject of inquiry and investigation by the 3828
commission or superintendent, and require the production of any 3829
book, paper, or document pertaining to such matter. For such 3830
purpose, the commission or superintendent shall have the same 3831
power as judges of county courts to administer oaths, compel the 3832
attendance of witnesses, and punish them for refusal to testify. 3833
Service of the subpoena may be made by sheriffs or constables, or 3834
by certified mail, return receipt requested, and the subpoena 3835
shall be deemed served on the date delivery is made or the date 3836
the person refused to accept delivery. Witnesses shall receive, 3837
after their appearance before the commission or superintendent, 3838
the fees and mileage allowed in civil actions in courts of common 3839

~~pleas~~ provided for under section 119.094 of the Revised Code. If 3840
two or more witnesses travel together in the same vehicle, the 3841
mileage fee shall be paid to only one of those witnesses, but the 3842
witnesses may agree to divide the fee among themselves in any 3843
manner. 3844

In addition to the powers granted to the commission and 3845
superintendent under this section, in case any person fails to 3846
file any statement or report, obey any subpoena, give testimony, 3847
answer questions, or produce any books, records, or papers as 3848
required by the commission or superintendent under this chapter, 3849
the court of common pleas of any county in the state, upon 3850
application made to it by the commission or superintendent setting 3851
forth such failure, may make an order awarding process of subpoena 3852
or subpoena duces tecum for the person to appear and testify 3853
before the commission or superintendent, and may order any person 3854
to give testimony and answer questions, and to produce books, 3855
records, or papers, as required by the commission or 3856
superintendent. Upon the filing of such order in the office of the 3857
clerk of the court of common pleas, the clerk, under the seal of 3858
the court, shall issue process of subpoena for the person to 3859
appear before the commission or superintendent at a time and place 3860
named in the subpoena, and each day thereafter until the 3861
examination of such person is completed. The subpoena may contain 3862
a direction that the witness bring with the witness to the 3863
examination any books, records, or papers mentioned in the 3864
subpoena. The clerk shall also issue, under the seal of the court, 3865
such other orders, in reference to the examination, appearance, 3866
and production of books, records, or papers, as the court directs. 3867
If any person so summoned by subpoena fails to obey the subpoena, 3868
to give testimony, to answer questions as required, or to obey an 3869
order of the court, the court, on motion supported by proof, may 3870
order an attachment for contempt to be issued against the person 3871
charged with disobedience of any order or injunction issued by the 3872

court under this chapter. If the person is brought before the 3873
court by virtue of the attachment, and if upon a hearing the 3874
disobedience appears, the court may order the offender to be 3875
committed and kept in close custody. 3876

Sec. 4738.11. (A) The motor vehicle salvage dealer's 3877
licensing board shall adopt rules prescribing the physical 3878
characteristics of facilities used by motor vehicle salvage 3879
dealers, salvage motor vehicle auctions, and salvage motor vehicle 3880
pools, which shall include requirements for fencing or otherwise 3881
screening the view of the facilities to at least the extent 3882
required for junkyards by sections 4737.07 and 4737.09 of the 3883
Revised Code. Such rules shall be consistent with the standards 3884
adopted by the director of transportation pursuant to the "Highway 3885
Beautification Act of 1965," 79 Stat. 1030, 23 U.S.C.A. 361, as 3886
amended. Enforcement of the screening regulations of this division 3887
shall be subject to approval, supervision, and action of the 3888
director of transportation. The director may enforce the screening 3889
regulations of this section if he considers that such regulations 3890
are not adequately enforced. 3891

(B) The board may make such other reasonable rules as are 3892
necessary to carry out and effect sections 4738.01 to 4738.12 of 3893
the Revised Code, and further rules as are necessary relating to 3894
the time, place, and manner of conducting hearings on the 3895
issuance, suspension, or revocation of licenses. The board may 3896
hear testimony in matters relating to the duties imposed upon it 3897
and the president and the secretary of the board may administer 3898
oaths. The board may require any proof it deems advisable and may 3899
require the attendance of witnesses and the production of books, 3900
records, and papers as it desires at any hearing before it or 3901
relating to any matter which it has authority to investigate. The 3902
board may, through its secretary, issue a subpoena for any 3903
witness, or a subpoena duces tecum for the production of any 3904

books, records, and papers, directed to the sheriff of the county 3905
where a witness resides or is found, which subpoena shall be 3906
served and returned in the same manner as a subpoena in a criminal 3907
case. 3908

The fees ~~and mileage~~ of the sheriff ~~and witnesses~~ shall be 3909
the same as that allowed in the court of common pleas in criminal 3910
cases ~~and~~. Witnesses shall be paid the fees and mileage provided 3911
for under section 119.094 of the Revised Code. The fees and 3912
mileage shall be paid in the same manner as other expenses of the 3913
board. 3914

Depositions of witnesses residing within or without the state 3915
may be taken by the board in the manner prescribed for like 3916
depositions in civil actions in the court of common pleas. In any 3917
case of disobedience to or neglect of any subpoena served on any 3918
person, or the refusal of any witness to testify to any matter 3919
regarding which he may lawfully be interrogated, the court of 3920
common pleas of any county where disobedience, neglect, or refusal 3921
occurs, or any judge thereof on application of the secretary of 3922
the board, shall compel obedience by attachment proceedings for 3923
contempt as in the case of disobedience of a subpoena issued from 3924
the court or a refusal to testify therein. 3925

Sec. 4741.03. (A) The state veterinary medical licensing 3926
board shall meet at least once in each calendar year and may hold 3927
additional meetings as often as it considers necessary to conduct 3928
the business of the board. The president of the board may call 3929
special meetings, and the executive director shall call special 3930
meetings upon the written request of three members of the board. 3931
The board shall organize by electing a president and 3932
vice-president from its veterinarian members and such other 3933
officers as the board prescribes by rule. Each officer shall serve 3934
for a term specified by board rule or until a successor is elected 3935

and qualified. A quorum of the board consists of four members of 3936
which at least three are members who are veterinarians. The 3937
concurrence of four members is necessary for the board to take any 3938
action. 3939

(B) The board may appoint a person, not one of its members, 3940
to serve as its executive director. The executive director is in 3941
the unclassified service and serves at the pleasure of the board. 3942
The executive director shall serve as the board's 3943
secretary-treasurer ex officio. The board may employ additional 3944
employees for professional, technical, clerical, and special work 3945
as it considers necessary. The executive director shall give a 3946
surety bond to the state in the sum the board requires, 3947
conditioned upon the faithful performance of the executive 3948
director's duties. The board shall pay the cost of the bond. The 3949
executive director shall keep a complete accounting of all funds 3950
received and of all vouchers presented by the board to the 3951
director of budget and management for the disbursement of funds. 3952
The president or executive director shall approve all vouchers of 3953
the board. All money received by the board shall be credited to 3954
the occupational licensing and regulatory fund. 3955

(C) In addition to any other duty required under this 3956
chapter, the board shall do all of the following: 3957

(1) Prescribe a seal; 3958

(2) Accept and review applications for admission to an 3959
examination in accordance with section 4741.09 of the Revised Code 3960
and review the results of examinations taken by applicants in 3961
accordance with rules adopted by the board. 3962

(3) Keep a record of all of its meetings and proceedings; 3963

(4) Maintain a register that records all applicants for a 3964
certificate of license or a temporary permit, all persons who have 3965
been denied a license or permit, all persons who have been granted 3966

or reissued a license or permit, and all persons whose license or 3967
permit has been revoked or suspended. The register shall also 3968
include a record of persons licensed prior to October 17, 1975. 3969

(5) Maintain a register, in such form as the board determines 3970
by rule, of all colleges and universities that teach veterinary 3971
medicine and veterinary technology that are approved by the board; 3972

(6) Enforce this chapter, and for that purpose, make 3973
investigations relative as provided in section 4741.26 of the 3974
Revised Code; 3975

(7) Issue licenses and permits to persons who meet the 3976
qualifications set forth in this chapter; 3977

(8) Approve colleges and universities which meet the board's 3978
requirements for veterinary medicine and associated fields of 3979
study and withdraw or deny, after an adjudication conducted in 3980
accordance with Chapter 119. of the Revised Code, approval from 3981
colleges and universities which fail to meet those requirements; 3982

(9) Adopt rules, in accordance with Chapter 119. of the 3983
Revised Code, which are necessary for its government and for the 3984
administration and enforcement of this chapter. 3985

(D) The board may do all of the following: 3986

(1) Subpoena witnesses and require their attendance and 3987
testimony, and require the production by witnesses of books, 3988
papers, public records, animal patient records, and other 3989
documentary evidence and examine them, in relation to any matter 3990
that the board has authority to investigate, inquire into, or 3991
hear. Except for any officer or employee of the state or any 3992
political subdivision of the state, the treasurer of state shall 3993
pay all witnesses in any proceeding before the board, upon 3994
certification from the board, witness fees and mileage in the ~~same~~ 3995
amount ~~as provided in section 2335.06~~ for under section 119.094 of 3996
the Revised Code. 3997

(2) Examine and inspect books, papers, public records, animal patient records, and other documentary evidence at the location where the books, papers, records, and other evidence are normally stored or maintained.

(E) All registers, books, and records kept by the board are the property of the board and are open for public examination and inspection at all reasonable times in accordance with section 149.43 of the Revised Code. The registers, books, and records are prima-facie evidence of the matters contained in them.

Sec. 4760.14. (A) The state medical board shall investigate evidence that appears to show that any person has violated this chapter or the rules adopted under it. Any person may report to the board in a signed writing any information the person has that appears to show a violation of any provision of this chapter or the rules adopted under it. In the absence of bad faith, a person who reports such information or testifies before the board in an adjudication conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of reporting the information or providing testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and be recorded by the board.

(B) Investigations of alleged violations of this chapter or rules adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4760.15 of the Revised Code. The board's president may designate another member of the board to supervise the investigation in place of the supervising member. A member of the board who supervises the investigation of a case shall not participate in further adjudication of the case.

(C) In investigating a possible violation of this chapter or

the rules adopted under it, the board may administer oaths, order 4029
the taking of depositions, issue subpoenas, and compel the 4030
attendance of witnesses and production of books, accounts, papers, 4031
records, documents, and testimony, except that a subpoena for 4032
patient record information shall not be issued without 4033
consultation with the attorney general's office and approval of 4034
the secretary and supervising member of the board. Before issuance 4035
of a subpoena for patient record information, the secretary and 4036
supervising member shall determine whether there is probable cause 4037
to believe that the complaint filed alleges a violation of this 4038
chapter or the rules adopted under it and that the records sought 4039
are relevant to the alleged violation and material to the 4040
investigation. The subpoena may apply only to records that cover a 4041
reasonable period of time surrounding the alleged violation. 4042

On failure to comply with any subpoena issued by the board 4043
and after reasonable notice to the person being subpoenaed, the 4044
board may move for an order compelling the production of persons 4045
or records pursuant to the Rules of Civil Procedure. 4046

A subpoena issued by the board may be served by a sheriff, 4047
the sheriff's deputy, or a board employee designated by the board. 4048
Service of a subpoena issued by the board may be made by 4049
delivering a copy of the subpoena to the person named therein, 4050
reading it to the person, or leaving it at the person's usual 4051
place of residence. When the person being served is an 4052
anesthesiologist assistant, service of the subpoena may be made by 4053
certified mail, restricted delivery, return receipt requested, and 4054
the subpoena shall be deemed served on the date delivery is made 4055
or the date the person refuses to accept delivery. 4056

A sheriff's deputy who serves a subpoena shall receive the 4057
same fees as a sheriff. Each witness who appears before the board 4058
in obedience to a subpoena shall receive the fees and mileage 4059
provided for ~~witnesses in civil cases in the courts of common~~ 4060

~~pleas~~ under section 119.094 of the Revised Code. 4061

(D) All hearings and investigations of the board shall be 4062
considered civil actions for the purposes of section 2305.252 of 4063
the Revised Code. 4064

(E) Information received by the board pursuant to an 4065
investigation is confidential and not subject to discovery in any 4066
civil action. 4067

The board shall conduct all investigations and proceedings in 4068
a manner that protects the confidentiality of patients and persons 4069
who file complaints with the board. The board shall not make 4070
public the names or any other identifying information about 4071
patients or complainants unless proper consent is given. 4072

The board may share any information it receives pursuant to 4073
an investigation, including patient records and patient record 4074
information, with law enforcement agencies, other licensing 4075
boards, and other governmental agencies that are prosecuting, 4076
adjudicating, or investigating alleged violations of statutes or 4077
administrative rules. An agency or board that receives the 4078
information shall comply with the same requirements regarding 4079
confidentiality as those with which the state medical board must 4080
comply, notwithstanding any conflicting provision of the Revised 4081
Code or procedure of the agency or board that applies when it is 4082
dealing with other information in its possession. In a judicial 4083
proceeding, the information may be admitted into evidence only in 4084
accordance with the Rules of Evidence, but the court shall require 4085
that appropriate measures are taken to ensure that confidentiality 4086
is maintained with respect to any part of the information that 4087
contains names or other identifying information about patients or 4088
complainants whose confidentiality was protected by the state 4089
medical board when the information was in the board's possession. 4090
Measures to ensure confidentiality that may be taken by the court 4091
include sealing its records or deleting specific information from 4092

its records. 4093

(F) The state medical board shall develop requirements for 4094
and provide appropriate initial training and continuing education 4095
for investigators employed by the board to carry out its duties 4096
under this chapter. The training and continuing education may 4097
include enrollment in courses operated or approved by the Ohio 4098
peace officer training council that the board considers 4099
appropriate under conditions set forth in section 109.79 of the 4100
Revised Code. 4101

(G) On a quarterly basis, the board shall prepare a report 4102
that documents the disposition of all cases during the preceding 4103
three months. The report shall contain the following information 4104
for each case with which the board has completed its activities: 4105

(1) The case number assigned to the complaint or alleged 4106
violation; 4107

(2) The type of certificate to practice, if any, held by the 4108
individual against whom the complaint is directed; 4109

(3) A description of the allegations contained in the 4110
complaint; 4111

(4) The disposition of the case. 4112

The report shall state how many cases are still pending, and 4113
shall be prepared in a manner that protects the identity of each 4114
person involved in each case. The report is a public record for 4115
purposes of section 149.43 of the Revised Code. 4116

Sec. 4762.14. (A) The state medical board shall investigate 4117
evidence that appears to show that any person has violated this 4118
chapter or the rules adopted under it. Any person may report to 4119
the board in a signed writing any information the person has that 4120
appears to show a violation of any provision of this chapter or 4121
the rules adopted under it. In the absence of bad faith, a person 4122

who reports such information or testifies before the board in an 4123
adjudication conducted under Chapter 119. of the Revised Code 4124
shall not be liable for civil damages as a result of reporting the 4125
information or providing testimony. Each complaint or allegation 4126
of a violation received by the board shall be assigned a case 4127
number and be recorded by the board. 4128

(B) Investigations of alleged violations of this chapter or 4129
rules adopted under it shall be supervised by the supervising 4130
member elected by the board in accordance with section 4731.02 of 4131
the Revised Code and by the secretary as provided in section 4132
4762.15 of the Revised Code. The board's president may designate 4133
another member of the board to supervise the investigation in 4134
place of the supervising member. A member of the board who 4135
supervises the investigation of a case shall not participate in 4136
further adjudication of the case. 4137

(C) In investigating a possible violation of this chapter or 4138
the rules adopted under it, the board may administer oaths, order 4139
the taking of depositions, issue subpoenas, and compel the 4140
attendance of witnesses and production of books, accounts, papers, 4141
records, documents, and testimony, except that a subpoena for 4142
patient record information shall not be issued without 4143
consultation with the attorney general's office and approval of 4144
the secretary and supervising member of the board. Before issuance 4145
of a subpoena for patient record information, the secretary and 4146
supervising member shall determine whether there is probable cause 4147
to believe that the complaint filed alleges a violation of this 4148
chapter or the rules adopted under it and that the records sought 4149
are relevant to the alleged violation and material to the 4150
investigation. The subpoena may apply only to records that cover a 4151
reasonable period of time surrounding the alleged violation. 4152

On failure to comply with any subpoena issued by the board 4153
and after reasonable notice to the person being subpoenaed, the 4154

board may move for an order compelling the production of persons 4155
or records pursuant to the Rules of Civil Procedure. 4156

A subpoena issued by the board may be served by a sheriff, 4157
the sheriff's deputy, or a board employee designated by the board. 4158
Service of a subpoena issued by the board may be made by 4159
delivering a copy of the subpoena to the person named therein, 4160
reading it to the person, or leaving it at the person's usual 4161
place of residence. When the person being served is an 4162
acupuncturist, service of the subpoena may be made by certified 4163
mail, restricted delivery, return receipt requested, and the 4164
subpoena shall be deemed served on the date delivery is made or 4165
the date the person refuses to accept delivery. 4166

A sheriff's deputy who serves a subpoena shall receive the 4167
same fees as a sheriff. Each witness who appears before the board 4168
in obedience to a subpoena shall receive the fees and mileage 4169
provided for ~~witnesses in civil cases in the courts of common~~ 4170
~~pleas~~ under section 119.094 of the Revised Code. 4171

(D) All hearings and investigations of the board shall be 4172
considered civil actions for the purposes of section 2305.252 of 4173
the Revised Code. 4174

(E) Information received by the board pursuant to an 4175
investigation is confidential and not subject to discovery in any 4176
civil action. 4177

The board shall conduct all investigations and proceedings in 4178
a manner that protects the confidentiality of patients and persons 4179
who file complaints with the board. The board shall not make 4180
public the names or any other identifying information about 4181
patients or complainants unless proper consent is given. 4182

The board may share any information it receives pursuant to 4183
an investigation, including patient records and patient record 4184
information, with law enforcement agencies, other licensing 4185

boards, and other governmental agencies that are prosecuting, 4186
adjudicating, or investigating alleged violations of statutes or 4187
administrative rules. An agency or board that receives the 4188
information shall comply with the same requirements regarding 4189
confidentiality as those with which the state medical board must 4190
comply, notwithstanding any conflicting provision of the Revised 4191
Code or procedure of the agency or board that applies when it is 4192
dealing with other information in its possession. In a judicial 4193
proceeding, the information may be admitted into evidence only in 4194
accordance with the Rules of Evidence, but the court shall require 4195
that appropriate measures are taken to ensure that confidentiality 4196
is maintained with respect to any part of the information that 4197
contains names or other identifying information about patients or 4198
complainants whose confidentiality was protected by the state 4199
medical board when the information was in the board's possession. 4200
Measures to ensure confidentiality that may be taken by the court 4201
include sealing its records or deleting specific information from 4202
its records. 4203

(F) The state medical board shall develop requirements for 4204
and provide appropriate initial training and continuing education 4205
for investigators employed by the board to carry out its duties 4206
under this chapter. The training and continuing education may 4207
include enrollment in courses operated or approved by the Ohio 4208
peace officer training council that the board considers 4209
appropriate under conditions set forth in section 109.79 of the 4210
Revised Code. 4211

(G) On a quarterly basis, the board shall prepare a report 4212
that documents the disposition of all cases during the preceding 4213
three months. The report shall contain the following information 4214
for each case with which the board has completed its activities: 4215

(1) The case number assigned to the complaint or alleged 4216
violation; 4217

(2) The type of certificate to practice, if any, held by the individual against whom the complaint is directed;

(3) A description of the allegations contained in the complaint;

(4) The disposition of the case.

The report shall state how many cases are still pending, and shall be prepared in a manner that protects the identity of each person involved in each case. The report is a public record for purposes of section 149.43 of the Revised Code.

Sec. 4763.04. The real estate appraiser board or the superintendent or real estate may compel, by order or subpoena, the attendance of witnesses to testify in relation to any matter over which the board or the superintendent has jurisdiction and which is the subject of the inquiry and investigation by the board or superintendent, and require the production of any book, paper, or document pertaining to such matter. For such purpose, the board or the superintendent has the same power as judges of county courts to administer oaths, compel the attendance of witnesses, and punish witnesses for refusal to testify. Sheriffs and constables shall serve and return such process and shall receive the same fees for doing so as are allowed for like service. Witnesses shall receive, after their appearance before the board or the superintendent, the fees and mileage ~~allowed in civil actions in courts of common pleas~~ provided for under section 119.094 of the Revised Code. If two or more witnesses travel together in the same vehicle, the mileage fee shall be paid to only one of those witnesses, but the witnesses may agree to divide the fee among themselves in any manner.

In addition to the powers and duties granted to the board and the superintendent under this section, in case any person fails to file any statement or report, obey any subpoena, give testimony,

answer questions, or produce books, records, or papers as required 4249
by the board or the superintendent under this chapter, the court 4250
of common pleas of any county in the state, upon application made 4251
to it by the board or the superintendent setting forth the 4252
failure, may make an order awarding process of subpoena or 4253
subpoena duces tecum for the person to appear and testify before 4254
the board or the superintendent, and may order any person to give 4255
testimony and answer questions, and to produce books, records, or 4256
papers, as required by the board or the superintendent. Upon the 4257
filing of such order in the office of the clerk of the court of 4258
common pleas, the clerk, under the seal of the court, shall issue 4259
process or subpoena, and each day thereafter until the examination 4260
of the person is completed. The subpoena may contain a direction 4261
that the witness bring with ~~him~~ the witness to the examination any 4262
books, records, or papers mentioned in the subpoena. The clerk 4263
also shall issue, under the seal of the court, such other orders, 4264
in reference to the examination, appearance, and production of 4265
books, records, or papers, as the court directs. If any person 4266
summoned by subpoena fails to obey the subpoena, to give 4267
testimony, to answer questions as required, or to obey an order of 4268
the court, the court, on motion supported by proof, may order an 4269
attachment for contempt to be issued against the person charged 4270
with disobedience of any order or injunction issued by the court 4271
under this chapter. If the person is brought before the court by 4272
virtue of the attachment, and if upon a hearing the disobedience 4273
appears, the court may order the offender to be committed and kept 4274
in close custody. 4275

Sec. 4769.06. In investigating possible violations of section 4276
4769.02 of the Revised Code or conducting hearings under section 4277
4769.03 of the Revised Code, the department of health may 4278
administer oaths, order the taking of depositions, and issue 4279
subpoenas compelling attendance of witnesses or production of 4280

documents. The subpoenas shall be served in the same manner as 4281
subpoenas and subpoenas duces tecum issued for a trial of a civil 4282
action in a court of common pleas. The department shall pay each 4283
witness who appears before the department in obedience to a 4284
subpoena the fees and mileage provided under ~~Chapter 2335.~~ section 4285
119.094 of the Revised Code ~~for witnesses in civil actions in a~~ 4286
~~court of common pleas.~~ 4287

If a person who is served a subpoena fails to attend a 4288
hearing or to produce documents, or refuses to be sworn or to 4289
answer any question put to ~~him~~ the person, the department may 4290
apply to the court of common pleas of the county in which the 4291
person resides, or the county in which the hearing under division 4292
(B) of section 4769.03 of the Revised Code is conducted, for a 4293
contempt order, as in the case of a failure of a person who is 4294
served a subpoena issued by the court to attend or to produce 4295
documents or a refusal of such person to testify. 4296

Sec. 4903.05. Each witness who appears before the public 4297
utilities commission by its order shall receive ~~for his attendance~~ 4298
the fees and mileage provided for ~~witnesses in civil cases in~~ 4299
~~courts of record~~ under section 119.094 of the Revised Code, which 4300
shall be audited and paid by the state as other expenses are 4301
audited and paid, upon the presentation of proper vouchers sworn 4302
to by such witnesses and approved by the ~~chairman~~ chairperson of 4303
the commission. No witness subpoenaed at the instance of parties 4304
other than the commission is entitled to compensation from the 4305
state for attendance or travel, unless the commission certifies 4306
that ~~his~~ the witness's testimony was material to the matter 4307
investigated. 4308

Sec. 5101.37. (A) The department of job and family services 4309
and each county department of job and family services and child 4310
support enforcement agency may make any investigations that are 4311

necessary in the performance of their duties, and to that end they 4312
shall have the same power as a judge of a county court to 4313
administer oaths and to enforce the attendance and testimony of 4314
witnesses and the production of books or papers. 4315

The department and each county department and agency shall 4316
keep a record of their investigations stating the time, place, 4317
charges or subject, witnesses summoned and examined, and their 4318
conclusions. 4319

~~The fees of witnesses for attendance and travel~~ Witnesses 4320
shall be ~~the same as in the court of common pleas~~ paid the fees 4321
and mileage provided for under section 119.094 of the Revised 4322
Code. 4323

(B) In conducting hearings pursuant to Chapters 3119., 3121., 4324
and 3123. or pursuant to division (B) of section 5101.35 of the 4325
Revised Code, the department and each child support enforcement 4326
agency have the same power as a judge of a county court to 4327
administer oaths and to enforce the attendance and testimony of 4328
witnesses and the production of books or papers. The department 4329
and each agency shall keep a record of those hearings stating the 4330
time, place, charges or subject, witnesses summoned and examined, 4331
and their conclusions. 4332

The issuance of a subpoena by the department or a child 4333
support enforcement agency to enforce attendance and testimony of 4334
witnesses and the production of books or papers at a hearing is 4335
discretionary and the department or agency is not required to pay 4336
the fees of witnesses for attendance and travel. 4337

(C) Any judge of any division of the court of common pleas, 4338
upon application of the department or a county department or child 4339
support enforcement agency, may compel the attendance of 4340
witnesses, the production of books or papers, and the giving of 4341
testimony before the department, county department, or agency, by 4342

a judgment for contempt or otherwise, in the same manner as in 4343
cases before those courts. 4344

Sec. 5120.30. The department of rehabilitation and correction 4345
may make any investigations that are necessary in the performance 4346
of its duties, and to that end the director of rehabilitation and 4347
correction shall have the same power as a judge of a county court 4348
to administer oaths and to enforce the attendance and testimony of 4349
witnesses and the production of books or papers. 4350

The department shall keep a record of the investigations 4351
pursuant to the record retention schedule approved by the 4352
department of administrative services. 4353
4354

~~The fees of witnesses for attendance and travel~~ Witnesses 4355
shall be ~~the same as in the court of common pleas~~ paid the fees 4356
and mileage provided for under section 119.094 of the Revised 4357
Code, but no officer or employee of the institution under 4358
investigation is entitled to such fees. 4359

Any judge of the probate court or of the court of common 4360
pleas, upon application of the department, may compel the 4361
attendance of witnesses, the production of books or papers, and 4362
the giving of testimony before the department, by a judgment for 4363
contempt or otherwise, in the same manner as in cases before 4364
courts of common pleas. 4365

Sec. 5123.14. The department of mental retardation and 4366
developmental disabilities may make such investigations as are 4367
necessary in the performance of its duties and to that end the 4368
director of mental retardation and developmental disabilities 4369
shall have the same power as a judge of a county court to 4370
administer oaths and to enforce the attendance and testimony of 4371
witnesses and the production of books or papers. 4372

The department shall keep a record of such investigations 4373
stating the time, place, charges or subject, witnesses summoned 4374
and examined, and its conclusions. 4375

In matters involving the conduct of an officer, a 4376
stenographic report of the evidence shall be taken and a copy of 4377
such report, with all documents introduced, kept on file at the 4378
office of the department. 4379

~~The fees of witnesses for attendance and travel~~ Witnesses 4380
shall be ~~the same as in the court of common pleas~~ paid the fees 4381
and mileage provided for under section 119.094 of the Revised 4382
Code, but no officer or employee of the institution under 4383
investigation is entitled to such fees. 4384

Any judge of the probate court or of the court of common 4385
pleas, upon application of the department, may compel the 4386
attendance of witnesses, the production of books or papers, and 4387
the giving of testimony before the department, by a judgment for 4388
contempt or otherwise, in the same manner as in cases before said 4389
courts. 4390

Sec. 5123.96. Costs, fees, and expenses of all proceedings 4391
held under this chapter shall be paid as follows: 4392

(A) To police and health officers, other than sheriffs or 4393
their deputies, the same fees allowed to constables, to be paid 4394
upon the approval of the probate judge; 4395

(B) To sheriffs or their deputies, the same fees allowed for 4396
similar services in the court of common pleas; 4397

(C) To physicians or licensed clinical psychologists acting 4398
as expert witnesses and to other expert witnesses designated by 4399
the court, an amount determined by the court; 4400

(D) To ~~other~~ witnesses in an administrative proceeding, the 4401
same fees and mileage as ~~for attendance at the court of common~~ 4402

~~pleas~~ are provided to witnesses by section 119.094 of the Revised Code, and to witnesses in a judicial proceeding, the same fees and mileage as are provided to witnesses by section 2335.06 of the Revised Code, to be paid upon the approval of the probate judge;

(E) To a person, other than the sheriff or ~~his~~ the sheriff's deputies, for taking a mentally retarded person to an institution or removing a mentally retarded person from an institution, the actual necessary expenses incurred, specifically itemized, and approved by the probate judge;

(F) To assistants who convey mentally retarded persons to institutions when authorized by the probate judge, a fee set by the probate court, provided the assistants are not drawing a salary from the state or any political subdivision of the state, and their actual necessary expenses incurred, provided that the expenses are specifically itemized and approved by the probate judge;

(G) To an attorney appointed by the probate division for an indigent who allegedly is a mentally retarded person pursuant to any section of this chapter, the fees that are determined by the probate division. When those indigent persons are before the court, all filing and recording fees shall be waived.

(H) To a referee who is appointed to conduct proceedings under this chapter that involve a respondent whose domicile is or, before ~~his~~ the respondent's institutionalization, was not the county in which the proceedings are held, compensation as fixed by the probate division, but not more than the compensation paid for similar proceedings for respondents whose domicile is in the county in which the proceedings are held;

(I) To a court reporter appointed to make a transcript of proceedings under this chapter, the compensation and fees allowed in other cases under section 2101.08 of the Revised Code.

All costs, fees, and expenses described in this section, 4434
after payment by the county from appropriations pursuant to 4435
section 2101.11 of the Revised Code, shall be certified by the 4436
county auditor to the department of mental retardation and 4437
developmental disabilities within two months of the date the 4438
costs, fees, and expenses are incurred by the county. Payment 4439
shall be provided for by the director of budget and management 4440
upon presentation of properly verified vouchers. The director of 4441
mental retardation and developmental disabilities may adopt rules 4442
in accordance with Chapter 119. of the Revised Code to implement 4443
the payment of costs, fees, and expenses under this section. 4444

Sec. 5149.11. In the exercise of any of the powers vested in 4445
the adult parole authority, the chief of the authority, any member 4446
of the board, or any hearing officer may administer oaths and in 4447
the name of the authority may issue subpoenas and subpoenas duces 4448
tecum. The authority may compel the attendance of witnesses and 4449
the production of records and papers of all kinds and description 4450
including any and all books, accounts, documents, memorandums, and 4451
transcripts of testimony, pertaining to any inquiry within the 4452
powers and duties of the authority. Upon the failure of any person 4453
to comply with any order of the authority or any subpoena or 4454
subpoena duces tecum lawfully issued, or upon the refusal of any 4455
witness to testify to any matter regarding which ~~he~~ the witness 4456
may be lawfully interrogated, a judge of the court of common pleas 4457
of any county in this state, on the application of the authority, 4458
shall compel obedience by attachment proceedings for contempt, as 4459
in the case of disobedience of the requirements of a subpoena 4460
issued from a court of common pleas or a refusal to testify 4461
therein. 4462

Each witness who appears before the authority or before a 4463
member of the parole board by ~~its~~ the authority's or ~~his~~ member's 4464
order shall receive for ~~his~~ attendance the fees and mileage 4465

provided for ~~witnesses in civil cases in the court of common pleas~~ 4466
under section ~~2335.06~~ 119.094 of the Revised Code, and the fees 4467
and mileage shall be audited and paid out of the state treasury in 4468
the same manner as other expenses are audited and paid, upon the 4469
presentation of properly verified vouchers approved by the chief 4470
of the authority. 4471

The chief of the authority or a member of the board, or any 4472
party who is the subject of the investigation, may in any 4473
investigation cause depositions of witnesses residing within or 4474
without the state to be taken in the manner prescribed by sections 4475
2319.08, 2319.09, 2319.11, and 2319.27 of the Revised Code and the 4476
Civil Rules. 4477

Copies of the proceedings, minutes, actions, findings, 4478
recommendations, orders, and other records of the authority or its 4479
predecessors shall be verified and certified to by the officer 4480
conducting or responsible for such and attested by the chief of 4481
the authority, and when certified and attested shall be received 4482
in evidence as proof of the facts therein stated. 4483

Minutes, actions, findings, recommendations, determinations, 4484
and orders made and kept by the adult parole authority are public 4485
records. 4486

Sec. 5703.29. Each officer who serves a summons or subpoena 4487
shall receive the same fees as a sheriff, and each witness who 4488
appears before the department of taxation by its order shall 4489
receive for ~~his~~ the witness's attendance the fees and mileage 4490
provided for ~~witnesses in civil cases in courts of common pleas~~ 4491
under section 119.094 of the Revised Code, which shall be audited 4492
and paid by the state in the same manner as other expenses, upon 4493
the presentation of proper vouchers approved by the department. A 4494
witness subpoenaed at the instance of parties other than the 4495
department shall not be entitled to compensation from the state 4496

for attendance or travel unless the department certifies that the 4497
testimony of the witness was material to the matter investigated. 4498

Sec. 5727.62. A person who appears before the department of 4499
taxation, on its order, as to the appraisal of property in any 4500
taxing district, shall be allowed and paid out of the treasury of 4501
the proper county, if an officer of any such taxing district, ~~his~~ 4502
the person's actual and necessary traveling expenses, which shall 4503
be itemized and sworn to by the person who incurred the expense, 4504
and if other than any such officer, ~~he~~ the person shall receive 4505
for ~~his~~ attendance the fees and mileage provided for ~~witnesses in~~ 4506
~~civil cases in the courts of common pleas~~ under section 119.094 of 4507
the Revised Code. Such traveling expenses and witness fees shall 4508
be audited and paid out of the county treasury of the proper 4509
county in the same manner as other expenses are audited and paid, 4510
upon the presentation of a certificate from the department 4511
certifying to the fact of such attendance. 4512

Sec. 5924.47. (A) Any person not subject to this code who: 4513

(1) Has been duly subpoenaed to appear as a witness or to 4514
produce books and records before a military court or before any 4515
military or civil officer designated to take a deposition to be 4516
read in evidence before such a court; 4517

(2) Has been duly paid or tendered the fees and mileage of a 4518
witness at the rates ~~allowed to witnesses attending the court of~~ 4519
~~common pleas of the state~~ provided for under section 119.094 of 4520
the Revised Code; and 4521

(3) Willfully neglects or refuses to appear, or refuses to 4522
qualify as a witness or to testify or to produce any evidence 4523
which that person may have been legally subpoenaed to produce; is 4524
guilty of an offense against the state and may be punished in the 4525
same manner as if committed before civil courts of the state. 4526

Section 2. That existing sections 101.45, 117.18, 119.09, 4527
124.09, 169.08, 317.36, 505.495, 709.032, 733.39, 1121.38, 4528
1315.17, 1315.24, 1321.07, 1321.42, 1509.36, 1513.131, 1571.10, 4529
1571.14, 1707.23, 1901.26, 1905.26, 2335.06, 2335.08, 2743.06, 4530
2743.65, 3745.05, 3901.04, 3901.321, 4112.04, 4121.16, 4123.13, 4531
4167.10, 4301.04, 4503.03, 4517.32, 4701.29, 4723.29, 4725.23, 4532
4728.05, 4730.26, 4731.22, 4735.04, 4738.11, 4741.03, 4760.14, 4533
4762.14, 4763.04, 4769.06, 4903.05, 5101.37, 5120.30, 5123.14, 4534
5123.96, 5149.11, 5703.29, 5727.62, and 5924.47 of the Revised 4535
Code are hereby repealed. 4536

Section 3. Sections 1 and 2 of this act, except for the 4537
enactment of section 3333.30 of the Revised Code, take effect July 4538
1, 2009. The enactment of section 3333.30 of the Revised Code 4539
takes effect at the earliest time permitted by law. 4540

Section 4. Section 1901.26 of the Revised Code is presented 4541
in this act as a composite of the section as amended by both Am. 4542
Sub. H.B. 66 and Am. H.B. 226 of the 126th General Assembly. The 4543
General Assembly, applying the principle stated in division (B) of 4544
section 1.52 of the Revised Code that amendments are to be 4545
harmonized if reasonably capable of simultaneous operation, finds 4546
that the composite is the resulting version of the section in 4547
effect prior to the effective date of the section as presented in 4548
this act. 4549