

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**S. B. No. 362**

**Senator Cates**

**Cosponsors: Senators Seitz, Schaffer, Padgett, Schuler, Amstutz**

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**A B I L L**

To amend sections 101.45, 117.18, 119.09, 124.09, 1  
169.08, 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 section 119.094 12  
of the Revised Code to permit the board of county 13  
commissioners in each county to set the mileage 14  
reimbursement rate for witnesses in civil cases in 15  
county courts at a rate not to exceed fifty and 16  
one-half cents per mile and to set the mileage 17  
reimbursement rate for witnesses in other courts 18  
of record and state adjudication hearings at fifty 19  
and one-half cents per mile. 20

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

**Section 1.** That sections 101.45, 117.18, 119.09, 124.09, 21  
169.08, 505.495, 709.032, 733.39, 1121.38, 1315.17, 1315.24, 22  
1321.07, 1321.42, 1509.36, 1513.131, 1571.10, 1571.14, 1707.23, 23  
1901.26, 1905.26, 2335.06, 2335.08, 2743.06, 2743.65, 3745.05, 24  
3901.04, 3901.321, 4112.04, 4121.16, 4123.13, 4167.10, 4301.04, 25  
4503.03, 4517.32, 4701.29, 4723.29, 4725.23, 4728.05, 4730.26, 26  
4731.22, 4735.04, 4738.11, 4741.03, 4760.14, 4762.14, 4763.04, 27  
4769.06, 4903.05, 5101.37, 5120.30, 5123.14, 5123.96, 5149.11, 28  
5703.29, 5727.62, and 5924.47 be amended and section 119.094 of 29  
the Revised Code be enacted to read as follows: 30

**Sec. 101.45.** Sheriffs ~~and witnesses~~ shall be paid the same 31  
fees ~~and mileage~~ for services ~~and attendance~~ as are allowed in the 32  
court of common pleas for similar services ~~and attendance~~. 33  
Witnesses shall be paid the same fees and mileage as witnesses are 34  
provided under section 119.094 of the Revised Code. Such fees and 35  
mileage shall be paid from the state treasury on the certificate 36  
of the ~~chairman~~ chairperson of the committee or subcommittee which 37  
issued the subpoena. 38

**Sec. 117.18.** (A) The auditor of state and any employee 39  
designated by the auditor of state may, in the performance of any 40  
audit, issue and serve subpoenas and compulsory process or direct 41  
service thereof by a sheriff or constable, compel the attendance 42  
of witnesses and the production of records, administer oaths, and 43  
apply to a court of competent jurisdiction to punish for 44  
disobedience of subpoena, refusal to be sworn, refusal to answer 45  
as a witness, or refusal to produce records. Sheriffs and 46  
constables shall receive the same fees as for like services in 47  
similar cases, ~~and witnesses~~. Witnesses shall receive the same 48  
fees and mileage as witnesses are allowed in the court of common 49  
~~pleas~~ provided under section 119.094 of the Revised Code. 50

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

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

For the purpose of conducting any adjudication hearing required by sections 119.01 to 119.13 of the Revised Code, the agency may require the attendance of such witnesses and the production of such books, records, and papers as it desires, and it may take the depositions of witnesses residing within or without the state in the same manner as is prescribed by law for the taking of depositions in civil actions in the court of common pleas, and for that purpose the agency may, and upon the request of any party receiving notice of the hearing as required by section 119.07 of the Revised Code shall, issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, or papers, directed to the sheriff of the county where such witness resides or is found, which shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. ~~The fees and mileage of the sheriff and witnesses shall be paid~~ the same fees for services as that are allowed in the court of common pleas in criminal cases. Witnesses shall be paid the fees and mileage provided for under section 119.094 of the Revised Code. Fees and mileage shall be paid from the fund in the state treasury for the use of the agency in the same manner as other expenses of the agency are paid.

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

In any case of disobedience or neglect of any subpoena served

on any person or the refusal of any witness to testify to any 82  
matter regarding which ~~he~~ the witness may lawfully be 83  
interrogated, the court of common pleas of any county where such 84  
disobedience, neglect, or refusal occurs or any judge thereof, on 85  
application by the agency shall compel obedience by attachment 86  
proceedings for contempt, as in the case of disobedience of the 87  
requirements of a subpoena issued from such court, or a refusal to 88  
testify therein. 89

At any adjudication hearing required by sections 119.01 to 90  
119.13 of the Revised Code, the record of which may be the basis 91  
of an appeal to court, a stenographic record of the testimony and 92  
other evidence submitted shall be taken at the expense of the 93  
agency. Such record shall include all of the testimony and other 94  
evidence, and rulings on the admissibility thereof presented at 95  
the hearing. This paragraph does not require a stenographic record 96  
at every adjudication hearing. In any situation where an 97  
adjudication hearing is required by sections 119.01 to 119.13 of 98  
the Revised Code, if an adjudication order is made without a 99  
stenographic record of the hearing, the agency shall, on request 100  
of the party, afford a hearing or rehearing for the purpose of 101  
making such a record which may be the basis of an appeal to court. 102  
The rules of an agency may specify the situations in which a 103  
stenographic record will be made only on request of the party; 104  
otherwise such a record shall be made at every adjudication 105  
hearing from which an appeal to court might be taken. 106

The agency shall pass upon the admissibility of evidence, but 107  
a party may at the time make objection to the rulings of the 108  
agency thereon, and if the agency refuses to admit evidence, the 109  
party offering the same shall make a proffer thereof, and such 110  
proffer shall be made a part of the record of such hearing. 111

In any adjudication hearing required by sections 119.01 to 112  
119.13 of the Revised Code, the agency may call any party to 113

testify under oath as upon cross-examination. 114

The agency, or any one delegated by it to conduct an 115  
adjudication hearing, may administer oaths or affirmations. 116

In any adjudication hearing required by sections 119.01 to 117  
119.13 of the Revised Code, the agency may appoint a referee or 118  
examiner to conduct the hearing. The referee or examiner shall 119  
have the same powers and authority in conducting the hearing as is 120  
granted to the agency. Such referee or examiner shall have been 121  
admitted to the practice of law in the state and be possessed of 122  
such additional qualifications as the agency requires. The referee 123  
or examiner shall submit to the agency a written report setting 124  
forth ~~his~~ the referee's or examiner's findings of fact and 125  
conclusions of law and a recommendation of the action to be taken 126  
by the agency. A copy of such written report and recommendation of 127  
the referee or examiner shall within five days of the date of 128  
filing thereof, be served upon the party or ~~his~~ the party's 129  
attorney or other representative of record, by certified mail. The 130  
party may, within ten days of receipt of such copy of such written 131  
report and recommendation, file with the agency written objections 132  
to the report and recommendation, which objections shall be 133  
considered by the agency before approving, modifying, or 134  
disapproving the recommendation. The agency may grant extensions 135  
of time to the party within which to file such objections. No 136  
recommendation of the referee or examiner shall be approved, 137  
modified, or disapproved by the agency until after ten days after 138  
service of such report and recommendation as provided in this 139  
section. The agency may order additional testimony to be taken or 140  
permit the introduction of further documentary evidence. The 141  
recommendation of the referee or examiner may be approved, 142  
modified, or disapproved by the agency, and the order of the 143  
agency based on such report, recommendation, transcript of 144  
testimony and evidence, or objections of the parties, and 145

additional testimony and evidence shall have the same effect as if 146  
such hearing had been conducted by the agency. No such 147  
recommendation shall be final until confirmed and approved by the 148  
agency as indicated by the order entered on its record of 149  
proceedings, and if the agency modifies or disapproves the 150  
recommendations of the referee or examiner it shall include in the 151  
record of its proceedings the reasons for such modification or 152  
disapproval. 153

After such order is entered on its journal, the agency shall 154  
serve by certified mail, return receipt requested, upon the party 155  
affected thereby, a certified copy of the order and a statement of 156  
the time and method by which an appeal may be perfected. A copy of 157  
such order shall be mailed to the attorneys or other 158  
representatives of record representing the party. 159

Sec. 119.094. (A) Unless otherwise provided by the Revised 160  
Code, each witness subpoenaed to an adjudication hearing shall 161  
receive twelve dollars for each full day's attendance and six 162  
dollars for each half day's attendance. Each witness also shall 163  
receive fifty and one-half cents for each mile necessarily 164  
traveled to and from the witness's place of residence to the 165  
adjudication hearing. 166

(B) As used in this section: 167

(1) "Full day's attendance" means a day on which a witness is 168  
required or requested to be present at an adjudication hearing 169  
before and after twelve noon, regardless of whether the witness 170  
actually testifies. 171

(2) "Half day's attendance" means a day on which a witness is 172  
required or requested to be present at an adjudication hearing 173  
either before or after twelve noon, but not both, regardless of 174  
whether the witness actually testifies. 175

Sec. 124.09. The director of administrative services shall do 176  
all of the following: 177

(A) Prescribe, amend, and enforce administrative rules for 178  
the purpose of carrying out the functions, powers, and duties 179  
vested in and imposed upon the director by this chapter. Except in 180  
the case of rules adopted pursuant to section 124.14 of the 181  
Revised Code, the prescription, amendment, and enforcement of 182  
rules under this division are subject to approval, disapproval, or 183  
modification by the state personnel board of review. 184

(B) Keep records of the director's proceedings and records of 185  
all applications for examinations and all examinations conducted 186  
by the director. All of those records, except examinations, 187  
proficiency assessments, and recommendations of former employers, 188  
shall be open to public inspection under reasonable regulations; 189  
provided the governor, or any person designated by the governor, 190  
may, for the purpose of investigation, have free access to all of 191  
those records, whenever the governor has reason to believe that 192  
this chapter, or the administrative rules of the director 193  
prescribed under this chapter, are being violated. 194

(C) Prepare, continue, and keep in the office of the 195  
department of administrative services a complete roster of all 196  
persons in the classified civil service of the state who are paid 197  
directly by warrant of the director of budget and management. This 198  
roster shall be open to public inspection at all reasonable hours. 199  
It shall show in reference to each of those persons, the person's 200  
name, address, date of appointment to or employment in the 201  
classified civil service of the state, and salary or compensation, 202  
the title of the place or office that the person holds, the nature 203  
of the duties of that place or office, and, in case of the 204  
person's removal or resignation, the date of the termination of 205  
that service. 206

(D) Approve the establishment of all new positions in the 207  
civil service of the state and the reestablishment of abolished 208  
positions; 209

(E) Require the abolishment of any position in the civil 210  
service of the state that is not filled after a period of twelve 211  
months unless it is determined that the position is seasonal in 212  
nature or that the vacancy is otherwise justified; 213

(F) Make investigations concerning all matters touching the 214  
enforcement and effect of this chapter and the administrative 215  
rules of the director of administrative services prescribed under 216  
this chapter. In the course of those investigations, the director 217  
or the director's deputy may administer oaths and affirmations and 218  
take testimony relative to any matter which the director has 219  
authority to investigate. 220

(G) Have the power to subpoena and require the attendance and 221  
testimony of witnesses and the production of books, papers, public 222  
records, and other documentary evidence pertinent to the 223  
investigations, inquiries, or hearings on any matter which the 224  
director has authority to investigate, inquire into, or hear, and 225  
to examine them in relation to any matter which the director has 226  
authority to investigate, inquire into, or hear. Fees and mileage 227  
shall be allowed to witnesses and, on their certificate, duly 228  
audited, shall be paid by the treasurer of state or, in the case 229  
of municipal or civil service township civil service commissions, 230  
by the county treasurer, for attendance and traveling, as ~~is~~ 231  
provided in section ~~2335.06~~ 119.094 of the Revised Code ~~for~~ 232  
~~witnesses in courts of record~~. All officers in the civil service 233  
of the state or any of the political subdivisions of the state and 234  
their deputies, clerks, and employees shall attend and testify 235  
when summoned to do so by the director or the state personnel 236  
board of review. Depositions of witnesses may be taken by the 237  
director or the board, or any member of the board, in the manner 238



prescribed by law for like depositions in civil actions in the 239  
courts of common pleas. In case any person, in disobedience to any 240  
subpoena issued by the director or the board, or any member of the 241  
board, or the chief examiner, fails or refuses to attend and 242  
testify to any matter regarding which the person may be lawfully 243  
interrogated, or produce any documentary evidence pertinent to any 244  
investigation, inquiry, or hearing, the court of common pleas of 245  
any county, or any judge of the court of common pleas of any 246  
county, where the disobedience, failure, or refusal occurs, upon 247  
application of the director or the board, or any member of the 248  
board, or a municipal or civil service township civil service 249  
commission, or any commissioner of such a commission, or their 250  
chief examiner, shall compel obedience by attachment proceedings 251  
for contempt as in the case of disobedience of the requirements of 252  
a subpoena issued from the court or a refusal to testify in the 253  
court. 254

(H) Make a report to the governor, on or before the first day 255  
of January of each year, showing the director's actions, the rules 256  
and all exceptions to the rules in force, and any recommendations 257  
for the more effectual accomplishment of the purposes of this 258  
chapter. The director shall also furnish any special reports to 259  
the governor whenever the governor requests them. The reports 260  
shall be printed for public distribution under the same 261  
regulations as are the reports of other state officers, boards, or 262  
commissions. 263

**Sec. 169.08.** (A) Any person claiming a property interest in 264  
unclaimed funds delivered or reported to the state under Chapter 265  
169. of the Revised Code, including the office of child support in 266  
the department of job and family services, pursuant to section 267  
3123.88 of the Revised Code, may file a claim thereto on the form 268  
prescribed by the director of commerce. 269

(B) The director shall consider matters relevant to any claim 270  
filed under division (A) of this section and shall hold a formal 271  
hearing if requested or considered necessary and receive evidence 272  
concerning such claim. A finding and decision in writing on each 273  
claim filed shall be prepared, stating the substance of any 274  
evidence received or heard and the reasons for allowance or 275  
disallowance of the claim. The evidence and decision shall be a 276  
public record. No statute of limitations shall bar the allowance 277  
of a claim. 278

(C) For the purpose of conducting any hearing, the director 279  
may require the attendance of such witnesses and the production of 280  
such books, records, and papers as the director desires, and the 281  
director may take the depositions of witnesses residing within or 282  
without this state in the same manner as is prescribed by law for 283  
the taking of depositions in civil actions in the court of common 284  
pleas, and for that purpose the director may issue a subpoena for 285  
any witness or a subpoena duces tecum to compel the production of 286  
any books, records, or papers, directed to the sheriff of the 287  
county where such witness resides or is found, which shall be 288  
served and returned. The fees ~~and mileage~~ of the sheriff ~~and~~ 289  
~~witnesses~~ shall be the same as that allowed in the court of common 290  
pleas in criminal cases. Witnesses shall be paid the fees and 291  
mileage provided for under section 119.094 of the Revised Code. 292  
Fees and mileage shall be paid from the unclaimed funds trust 293  
fund. 294

(D) Interest is not payable to claimants of unclaimed funds 295  
held by the state. Claims shall be paid from the trust fund. If 296  
the amount available in the trust fund is not sufficient to pay 297  
pending claims, or other amounts disburseable from the trust fund, 298  
the treasurer of state shall certify such fact to the director, 299  
who shall then withdraw such amount of funds from the mortgage 300  
accounts as the director determines necessary to reestablish the 301

trust fund to a level required to pay anticipated claims but not 302  
more than ten per cent of the net unclaimed funds reported to 303  
date. 304

The director shall retain in the trust fund, as a fee for 305  
administering the funds, five per cent of the total amount of 306  
unclaimed funds payable to the claimant and may withdraw the funds 307  
paid to the director by the holders and deposited by the director 308  
with the treasurer of state or in a financial institution as agent 309  
for such funds. Whenever these funds are inadequate to meet the 310  
requirements for the trust fund, the director shall provide for a 311  
withdrawal of funds, within a reasonable time, in such amount as 312  
is necessary to meet the requirements, from financial institutions 313  
in which such funds were retained or placed by a holder and from 314  
other holders who have retained funds, in an equitable manner as 315  
prescribed by the director. In the event that the amount to be 316  
withdrawn from any one such holder is less than five hundred 317  
dollars, the amount to be withdrawn shall be at the discretion of 318  
the director. Such funds may be reimbursed in the amounts 319  
withdrawn when the trust fund has a surplus over the amount 320  
required to pay anticipated claims. Whenever the trust fund has a 321  
surplus over the amount required to pay anticipated claims, the 322  
director may transfer such surplus to the mortgage accounts. 323

(E) If a claim which is allowed under this section relates to 324  
funds which have been retained by the reporting holder, and if the 325  
funds, on deposit with the treasurer of state pursuant to this 326  
chapter, are insufficient to pay claims, the director may notify 327  
such holder in writing of the payment of the claim and such holder 328  
shall immediately reimburse the state in the amount of such claim. 329  
The reimbursement shall be credited to the unclaimed funds trust 330  
fund. 331

(F) Any person, including the office of child support, 332  
adversely affected by a decision of the director may appeal such 333

decision in the manner provided in Chapter 119. of the Revised Code. 334  
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In the event the claimant prevails, the claimant shall be reimbursed for reasonable attorney's fees and costs. 336  
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(G) Notwithstanding anything to the contrary in this chapter, any holder who has paid moneys to or entered into an agreement with the director pursuant to section 169.05 of the Revised Code on certified checks, cashiers' checks, bills of exchange, letters of credit, drafts, money orders, or travelers' checks, may make payment to any person entitled thereto, including the office of child support, and upon surrender of the document, except in the case of travelers' checks, and proof of such payment, the director shall reimburse the holder for such payment without interest. 338  
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**Sec. 505.495.** In all cases in which the attendance of witnesses may be compelled for an investigation, under section 505.494 of the Revised Code, any member of the board of township trustees may administer the requisite oaths. The board has the same power to compel the giving of testimony by attending witnesses as is conferred upon courts. In all such cases, witnesses shall be entitled to the same privileges, and immunities, ~~and compensation~~ as are allowed witnesses in civil cases. Witnesses shall be paid the fees and mileage provided for under section 1901.26 of the Revised Code, and the costs of all such proceedings shall be payable from the general fund of the township. 347  
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**Sec. 709.032.** (A) As used in this section, "necessary party" means the municipal corporation to which annexation is proposed, each township any portion of which is included within the territory proposed for annexation, and the agent for the petitioners. 359  
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(B) The hearing provided for in section 709.03 of the Revised Code shall be public. The board of county commissioners may, or at the request of any necessary party shall, issue subpoenas for witnesses or for books, papers, correspondence, memoranda, agreements, or other documents or records relevant or material to the petition, directed to the sheriff of each county where the witnesses or documents or records are found, which subpoenas shall be served and returned in the same manner as those allowed by the court of common pleas in criminal cases. The fees ~~and mileage~~ of sheriffs ~~and witnesses~~ shall be the same as those allowed by the court of common pleas in criminal cases. Witnesses shall be paid the fees and mileage provided for under section 1901.26 of the Revised Code. The fee and mileage expenses incurred at the request of a party shall be paid in advance by the party, and the remainder of the expenses shall be paid out of fees charged by the board for the annexation proceedings. In case of disobedience or neglect of any subpoena served on any person, or the refusal of any witness to testify to any matter regarding which the witness may be lawfully interrogated, the court of common pleas of the county in which the disobedience, neglect, or refusal occurs, or any judge of that court, on application of the board, any member of the board, or a necessary party, may compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court. An owner of a company, firm, partnership, association, or corporation that is subpoenaed may have an agent or attorney appear before the board on that owner's behalf in response to the subpoena.

The board of county commissioners shall make, by electronic means or some other suitable method, a record of the hearing. If a request, accompanied by a deposit to pay the costs, is filed with the board not later than seven days before the hearing, the board shall provide an official court reporter to record the hearing.

The record of the hearing need not be transcribed unless a 397  
request, accompanied by an amount to cover the cost of 398  
transcribing the record, is filed with the board. 399

(C) Any person may appear in person or by attorney and, after 400  
being sworn, may support or contest the granting of the petition. 401  
Affidavits presented in support of or against the petition shall 402  
be considered by the board, but only if the affidavits are filed 403  
with the board and served as provided in the Rules of Civil 404  
Procedure upon the necessary parties to the annexation proceedings 405  
at least fifteen days before the date of the hearing; provided 406  
that the board shall accept an affidavit after the fifteen-day 407  
period if the purpose of the affidavit is only to establish the 408  
affiant's authority to sign the petition on behalf of the entity 409  
for which the affiant signed. Necessary parties or their 410  
representatives are entitled to present evidence, examine and 411  
cross-examine witnesses, and comment on all evidence, including 412  
any affidavits presented to the board under this division. 413

(D) At the hearing, any owner who signed the petition for 414  
annexation may appear and, after being sworn as provided by 415  
section 305.21 of the Revised Code, testify orally that the 416  
owner's signature was obtained by fraud, duress, 417  
misrepresentation, including any misrepresentation relating to the 418  
provision of municipal services to the territory proposed to be 419  
annexed, or undue influence. Any person may testify orally after 420  
being so sworn in support of or rebuttal to the prior testimony by 421  
the owner. Any witnesses and owners who testify shall be subject 422  
to cross-examination by the necessary parties to the annexation 423  
proceedings. If a majority of the county commissioners find that 424  
the owner's signature was obtained under circumstances that did 425  
constitute fraud, duress, misrepresentation, or undue influence, 426  
they shall find the signature to be void and shall order it 427  
removed from the petition as of the time the petition was filed. 428

**Sec. 733.39.** In all cases in which the attendance of 429  
witnesses may be compelled for an investigation under section 430  
733.38 of the Revised Code, any member of the legislative 431  
authority of the municipal corporation may administer the 432  
requisite oaths, and such legislative authority has the same power 433  
to compel the giving of testimony by attending witnesses as is 434  
conferred upon courts. In all such cases, witnesses shall be 435  
entitled to the same privileges, and immunities, ~~and compensation~~ 436  
as are allowed witnesses in civil cases. Witnesses shall be paid 437  
the same fees and mileage provided for under section 1901.26 of 438  
the Revised Code, and the costs of all such proceedings shall be 439  
payable from the general fund of the municipal corporation. 440

**Sec. 1121.38.** (A)(1) An administrative hearing provided for 441  
in section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised 442  
Code shall be held in the county in which the principal place of 443  
business of the bank or trust company or residence of the 444  
regulated person is located, unless the bank, trust company, or 445  
regulated person requesting the hearing consents to another place. 446  
Within ninety days after the hearing, the superintendent of 447  
financial institutions shall render a decision, which shall 448  
include findings of fact upon which the decision is predicated, 449  
and shall issue and serve on the bank, trust company, or regulated 450  
person the decision and an order consistent with the decision. 451  
Judicial review of the order is exclusively as provided in 452  
division (B) of this section. Unless a notice of appeal is filed 453  
in a court of common pleas within thirty days after service of the 454  
superintendent's order as provided in division (B) of this 455  
section, and until the record of the administrative hearing has 456  
been filed, the superintendent may, at anytime, upon the notice 457  
and in the manner the superintendent considers proper, modify, 458  
terminate, or set aside the superintendent's order. After filing 459

the record, the superintendent may modify, terminate, or set aside 460  
the superintendent's order with permission of the court. 461

(2) In the course of, or in connection with, an 462  
administrative hearing governed by this section, the 463  
superintendent, or a person designated by the superintendent to 464  
conduct the hearing, may administer oaths and affirmations, take 465  
or cause depositions to be taken, and issue, revoke, quash, or 466  
modify subpoenas and subpoenas duces tecum. The superintendent may 467  
adopt rules regarding these hearings. The attendance of witnesses 468  
and the production of documents provided for in this section may 469  
be required from any place within or outside the state. A party to 470  
a hearing governed by this section may apply to the court of 471  
common pleas of Franklin county, or the court of common pleas of 472  
the county in which the hearing is being conducted or the witness 473  
resides or carries on business, for enforcement of a subpoena or 474  
subpoena duces tecum issued pursuant to this section, and the 475  
courts have jurisdiction and power to order and require compliance 476  
with the subpoena. Witnesses subpoenaed under this section shall 477  
be paid the ~~same~~ fees and mileage ~~that are paid witnesses in the~~ 478  
~~courts of common pleas in civil cases~~ provided for under section 479  
119.094 of the Revised Code. 480

(B)(1) A bank, trust company, or regulated person against 481  
whom the superintendent issues an order upon the record of a 482  
hearing under the authority of section 1121.32, 1121.33, 1121.35, 483  
or 1121.41 of the Revised Code may obtain a review of the order by 484  
filing a notice of appeal in the court of common pleas in the 485  
county in which the principal place of business of the bank, trust 486  
company, or regulated person, or residence of the regulated 487  
person, is located, or in the court of common pleas of Franklin 488  
county, within thirty days after the date of service of the 489  
superintendent's order. The clerk of the court shall promptly 490  
transmit a copy of the notice of appeal to the superintendent, and 491



the superintendent shall file the record of the administrative 492  
hearing. Upon the filing of the notice of appeal, the court has 493  
jurisdiction, which upon the filing of the record of the 494  
administrative hearing is exclusive, to affirm, modify, terminate, 495  
or set aside, in whole or in part, the superintendent's order. 496

(2) The commencement of proceedings for judicial review 497  
pursuant to division (B) of this section does not, unless 498  
specifically ordered by the court, operate as a stay of any order 499  
issued by the superintendent. If it appears to the court an 500  
unusual hardship to the appellant bank, trust company, or 501  
regulated person will result from the execution of the 502  
superintendent's order pending determination of the appeal, and 503  
the interests of depositors and the public will not be threatened 504  
by a stay of the order, the court may grant a stay and fix its 505  
terms. 506

(C) The superintendent may, in the sole discretion of the 507  
superintendent, apply to the court of common pleas of the county 508  
in which the principal place of business of the bank, trust 509  
company, or regulated person, or residence of the regulated 510  
person, is located, or the court of common pleas of Franklin 511  
county, for the enforcement of an effective and outstanding 512  
superintendent's order issued under section 1121.32, 1121.33, 513  
1121.34, 1121.35, or 1121.41 of the Revised Code, and the court 514  
has jurisdiction and power to order and require compliance with 515  
the superintendent's order. In an action by the superintendent 516  
pursuant to this division to enforce an order assessing a civil 517  
penalty issued under section 1121.35 of the Revised Code, the 518  
validity and appropriateness of the civil penalty is not subject 519  
to review. 520

(D) No court has jurisdiction to affect, by injunction or 521  
otherwise, the issuance or enforcement of an order issued under 522  
section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the 523

Revised Code or to review, modify, suspend, terminate, or set 524  
aside an order issued under section 1121.32, 1121.33, 1121.34, 525  
1121.35, or 1121.41 of the Revised Code, except as provided in 526  
this section, in division (G) of section 1121.32 of the Revised 527  
Code for an order issued pursuant to division (C)(3) or (4) of 528  
section 1121.32 of the Revised Code, or in division (A)(3) of 529  
section 1121.34 of the Revised Code for an order issued pursuant 530  
to division (A)(1) of section 1121.34 of the Revised Code. 531

(E) Nothing in this section or in any other section of the 532  
Revised Code or rules implementing this or any other section of 533  
the Revised Code shall prohibit or limit the superintendent from 534  
doing any of the following: 535

(1) Issuing orders pursuant to section 1121.32, 1121.33, 536  
1121.34, 1121.35, or 1121.41 of the Revised Code; 537

(2) Individually or contemporaneously taking any other action 538  
provided by law or rule with respect to a bank, trust company, or 539  
regulated person; 540

(3) Taking any action provided by law or rule with respect to 541  
a bank, trust company, or regulated person, whether alone or in 542  
conjunction with another regulatory agency or authority. 543

**Sec. 1315.17.** (A)(1) Upon a licensee's or other person's 544  
request for an administrative hearing authorized in section 545  
1315.15, 1315.151, or 1315.152 of the Revised Code, the division 546  
of financial institutions shall set a reasonable time, date, and 547  
place in this state for the hearing and notify the licensee or 548  
other person requesting the hearing. Within ninety days after the 549  
hearing, the superintendent of financial institutions shall render 550  
a decision, which shall include findings of fact upon which the 551  
decision is predicated, and shall issue and serve on the licensee 552  
or other person the decision and an order consistent with the 553  
decision. Judicial review of the order exclusively is as provided 554

in division (B) of this section. Unless a notice of appeal is 555  
filed within thirty days after service of the superintendent's 556  
order as provided in division (B) of this section, and until the 557  
record of the administrative hearing has been filed, the 558  
superintendent may, at anytime, upon the notice and in the manner 559  
that the superintendent considers proper, modify, terminate, or 560  
set aside the superintendent's order. After filing the record, the 561  
superintendent may modify, terminate, or set aside the 562  
superintendent's order with permission of the court. 563

(2) In the course of, or in connection with, an 564  
administrative hearing governed by this section, the 565  
superintendent, or a person designated by the superintendent to 566  
conduct the hearing, may administer oaths and affirmations; take 567  
or cause depositions to be taken; and issue, revoke, quash, or 568  
modify subpoenas and subpoenas duces tecum. The superintendent may 569  
adopt rules regarding these hearings. The attendance of witnesses 570  
and the production of documents provided for in this section may 571  
be required from any place within or outside the state. A party to 572  
a hearing governed by this section may apply to the court of 573  
common pleas of Franklin county, or the court of common pleas of 574  
the county in which the hearing is being conducted or the witness 575  
resides or carries on business, for enforcement of a subpoena or 576  
subpoena duces tecum issued pursuant to this section, and the 577  
courts have jurisdiction and power to order and require compliance 578  
with the subpoena. Witnesses subpoenaed under this section shall 579  
be paid the ~~same~~ fees and mileage ~~that are paid witnesses in the~~ 580  
~~courts of common pleas in civil cases~~ provided for under section 581  
119.094 of the Revised Code. 582

(B)(1) A licensee or other person against whom the 583  
superintendent issues an order upon the record of a hearing under 584  
the authority of section 1315.15, 1315.151, or 1315.152 of the 585  
Revised Code may obtain a review of the order by filing a notice 586

of appeal in the court of common pleas in the county in which the 587  
principal place of business of the licensee or other person, or 588  
the residence of the other person, is located, or in the court of 589  
common pleas of Franklin county, within thirty days after the date 590  
of service of the superintendent's order. The clerk of the court 591  
promptly shall transmit a copy of the notice of appeal to the 592  
superintendent, and the superintendent shall file the record of 593  
the administrative hearing. Upon the filing of the notice of 594  
appeal, the court has jurisdiction, which upon the filing of the 595  
record of the administrative hearing is exclusive, to affirm, 596  
modify, terminate, or set aside, in whole or in part, the 597  
superintendent's order. 598

(2) The commencement of proceedings for judicial review 599  
pursuant to division (B) of this section does not, unless 600  
specifically ordered by the court, operate as a stay of any order 601  
issued by the superintendent. If it appears to the court an 602  
unusual hardship to the appellant will result from the execution 603  
of the superintendent's order pending determination of the appeal, 604  
and the interests of the public will not be threatened by a stay 605  
of the order, the court may grant a stay and fix its terms. 606

(C) The superintendent may, in the sole discretion of the 607  
superintendent, apply to the court of common pleas of the county 608  
in which the principal place of business of the licensee or other 609  
person, or the residence of the other person, is located, or the 610  
court of common pleas of Franklin county, for the enforcement of 611  
an effective and outstanding superintendent's order issued under 612  
section 1315.15, 1315.151, or 1315.152 of the Revised Code, and 613  
the court has jurisdiction and power to order and require 614  
compliance with the superintendent's order. In an action by the 615  
superintendent pursuant to this division to enforce an order 616  
assessing a civil penalty issued under section 1315.152 of the 617  
Revised Code, the validity and appropriateness of the civil 618

penalty is not subject to review. 619

(D) No court has jurisdiction to affect, by injunction or 620  
otherwise, the issuance or enforcement of an order issued under 621  
section 1315.15, 1315.151, or 1315.152 of the Revised Code or to 622  
review, modify, suspend, terminate, or set aside an order issued 623  
under section 1315.15, 1315.151, or 1315.152 of the Revised Code, 624  
except as provided in this section, in division (G) of section 625  
1315.15 of the Revised Code for an order issued pursuant to 626  
division (C)(3) or (4) of section 1315.15 of the Revised Code, or 627  
in division (F) of section 1315.151 of the Revised Code for an 628  
order issued pursuant to division (C)(3) or (4) of section 629  
1315.151 of the Revised Code. 630

(E) Nothing in this section or in any other section of the 631  
Revised Code or rules implementing this or any other section of 632  
the Revised Code shall prohibit or limit the superintendent from 633  
doing any of the following: 634

(1) Issuing orders pursuant to section 1315.15, 1315.151, or 635  
1315.152 of the Revised Code; 636

(2) Individually or contemporaneously taking any other action 637  
provided by law or rule with respect to a licensee or other 638  
person; 639

(3) Taking any action provided by law or rule, whether alone 640  
or in conjunction with another regulatory agency or authority, 641  
with respect to a licensee or other person. 642

**Sec. 1315.24.** (A) The superintendent of financial 643  
institutions may make any investigation and conduct any hearing 644  
the superintendent considers necessary to determine whether any 645  
person has violated sections 1315.21 to 1315.28 of the Revised 646  
Code, or has engaged in conduct that would justify the suspension, 647  
revocation, or refusal of an original or renewal check-cashing 648

license. 649

(B) In making any investigation or conducting any hearing 650  
pursuant to this section, the superintendent, or any person 651  
designated by the superintendent, at any time may compel by 652  
subpoena witnesses, may take depositions of witnesses residing 653  
without the state in the manner provided for in civil actions, pay 654  
any witnesses the fees and mileage for their attendance provided 655  
for ~~witnesses in civil actions~~ under section 119.094 of the 656  
Revised Code, and administer oaths. The superintendent also may 657  
compel by order or subpoena duces tecum the production of, and 658  
examine, all relevant books, records, accounts, and other 659  
documents. If a person does not comply with a subpoena or subpoena 660  
duces tecum, the superintendent may apply to the court of common 661  
pleas of Franklin county for an order compelling the person to 662  
comply with the subpoena or subpoena duces tecum or, for failure 663  
to do so, an order to be held in contempt of court. If the person 664  
is licensed under section 1315.23 of the Revised Code, the 665  
superintendent also may suspend, revoke, or refuse an original or 666  
renewal license. 667

(C) In connection with any investigation under this section, 668  
the superintendent may file an action in the court of common pleas 669  
of Franklin county or the court of common pleas of the county in 670  
which the person who is the subject of the investigation resides, 671  
or is engaging in or proposing to engage in actions in violation 672  
of sections 1315.21 to 1315.28 of the Revised Code, to obtain an 673  
injunction, temporary restraining order, or other appropriate 674  
relief. 675

**Sec. 1321.07.** At least once each year the division of 676  
financial institutions shall make an examination of the business, 677  
loans, books, papers, and records of each licensee so far as they 678  
pertain to the licensed business, and it may make such an 679

examination more frequently if it is necessary for the proper 680  
administration of sections 1321.01 to 1321.19 of the Revised Code. 681

For the purpose of discovering violations, the division may 682  
at any time investigate the business and examine the books, 683  
accounts, papers, and records used therein, of: 684

(A) Licensees; 685

(B) Other persons engaged in the business described in 686  
section 1321.02 of the Revised Code or participating in such 687  
business as principal, agent, broker, or otherwise; 688

(C) Any person whom the division has reasonable cause to 689  
believe has violated, is violating, or is about to violate 690  
sections 1321.01 to 1321.19 of the Revised Code, whether or not 691  
the person claims to act under such sections. For the purpose of 692  
this section, any person who advertises, solicits, or holds 693  
~~himself, herself, or itself~~ self out as willing to make, find, or 694  
arrange for another person to make loan transactions in the amount 695  
or of the value of five thousand dollars or less, is presumed to 696  
be engaged in the business described in the first paragraph of 697  
section 1321.02 of the Revised Code. 698

For the purpose of this section, the division shall have and 699  
be given free access to the offices and places of business, files, 700  
safes, and vaults of all such persons, and may require the 701  
attendance of, and examine under oath, any person relative to such 702  
loans or such business or to the subject matter of any 703  
examination, investigation, or hearing. The division may require 704  
the attendance of such witnesses and the production of such books, 705  
records, and papers, as may be required either by the division or 706  
by any party to a hearing before the division, and for that 707  
purpose may issue a subpoena for any witness or a subpoena duces 708  
tecum, to compel the production of any books, records, or papers, 709  
directed to the sheriff of the county where such witness resides 710

or is found, which shall be served and returned in the same manner 711  
as a subpoena in criminal cases is served and returned. 712

The fees ~~and mileage~~ of the sheriff ~~and witnesses~~ shall be 713  
the same as that allowed in the court of common pleas in criminal 714  
cases. Witnesses shall be paid the fees and mileage provided for 715  
under section 119.094 of the Revised Code. Fees and mileage shall 716  
be paid from the funds of the division. No witness subpoenaed at 717  
the instance of parties other than the division is entitled to 718  
compensation from the state for attendance or travel unless the 719  
division certifies that the witness' testimony was material to the 720  
subject matter of the hearing. 721

If any person fails to file any statement or report, or fails 722  
to obey any subpoena, or to give testimony, or to answer 723  
questions, or to produce any books, records, documents, accounts, 724  
or papers as required by the division under sections 1321.01 to 725  
1321.19 of the Revised Code, any court of common pleas, upon 726  
application made to it and upon proof being made of such failure, 727  
may make an order awarding process of subpoena or subpoena duces 728  
tecum out of the court for such witness to appear and testify 729  
before the division, and may make an order that any person give 730  
testimony and answer questions as required, and produce books, 731  
records, documents, accounts, or papers as required. Upon filing 732  
such order with the clerk of the court of common pleas, the clerk 733  
shall, under the seal of the court, issue process of subpoena to 734  
appear before the division at a time and place named therein, and 735  
so from day to day until the examination of such person is 736  
completed. The subpoena may contain a direction that such witness 737  
bring to such examination any books, records, documents, accounts, 738  
or papers therein mentioned, and the clerk shall issue, under the 739  
seal of the court, such other or further orders in reference to 740  
the examination, appearance, and production of books, records, 741  
documents, accounts, or papers as the court directs. If any person 742



so summoned by subpoena issued by the clerk fails to obey the 743  
subpoena or to answer any directions therein, or to give 744  
testimony, or to answer questions as required, or to produce any 745  
books, records, documents, accounts, or papers as required, or if 746  
any such person fails to obey any order, the court, on motion 747  
supported by proof, may order an attachment for contempt to be 748  
issued against any person charged with disobeying any order or 749  
injunction issued out of the court of common pleas under sections 750  
1321.01 to 1321.19 of the Revised Code. If the person so offending 751  
is brought before the court by virtue of such attachment, and if 752  
upon a hearing such disobedience appears, the court may order the 753  
offender to be committed and kept in close custody until the 754  
further order of the court. 755

**Sec. 1321.42.** (A) The superintendent of financial 756  
institutions shall, in accordance with Chapter 119. of the Revised 757  
Code, suspend or revoke a license issued pursuant to sections 758  
1321.35 to 1321.48 of the Revised Code, if the superintendent 759  
determines that either of the following applies: 760

(1) The licensee has failed to comply with any order issued 761  
by the superintendent pursuant to section 1321.43 of the Revised 762  
Code. 763

(2) Any fact or condition exists that if it had existed or 764  
had been known to exist at the time of original or renewal 765  
licensure pursuant to sections 1321.35 to 1321.48 of the Revised 766  
Code, the fact or condition clearly would have warranted the 767  
superintendent to refuse to issue a license pursuant to those 768  
sections. 769

(B) The superintendent may make any investigation and conduct 770  
any hearing the superintendent considers necessary to determine 771  
whether any person has violated sections 1321.35 to 1321.48 of the 772  
Revised Code, or any rule or order adopted or issued under section 773

1321.43 of the Revised Code, or has otherwise engaged in conduct 774  
that would justify the suspension, revocation, or refusal of an 775  
original or renewal license or the imposition of a fine. 776

777

The superintendent may impose a monetary fine of not more 778  
than one thousand dollars for each such violation. 779

(C) In making any investigation or conducting any hearing 780  
pursuant to this section, the superintendent, or any person 781  
designated by the superintendent, at any time may compel by 782  
subpoena witnesses, may take depositions of witnesses residing 783  
without the state in the manner provided for in civil actions, pay 784  
any witnesses the fees and mileage for their attendance provided 785  
~~for witnesses in civil actions~~ under section 119.094 of the 786  
Revised Code, and administer oaths. The superintendent also may 787  
compel by order or subpoena duces tecum the production of, and 788  
examine, all relevant books, records, accounts, and other 789  
documents. If a person does not comply with a subpoena or subpoena 790  
duces tecum, the superintendent may apply to the court of common 791  
pleas of Franklin county for an order compelling the person to 792  
comply with the subpoena or subpoena duces tecum or, for failure 793  
to do so, an order to be held in contempt of court. 794

(D) In connection with any investigation under this section, 795  
the superintendent may file an action in the court of common pleas 796  
of Franklin county or the court of common pleas of the county in 797  
which the person who is the subject of the investigation resides, 798  
or is engaging in or proposing to engage in actions in violation 799  
of sections 1321.35 to 1321.48 of the Revised Code, to obtain an 800  
injunction, temporary restraining order, or other appropriate 801  
relief. 802

**Sec. 1509.36.** Any person claiming to be aggrieved or 803  
adversely affected by an order by the chief of the division of 804

mineral resources management may appeal to the oil and gas 805  
commission for an order vacating or modifying such order. 806

The person so appealing to the commission shall be known as 807  
appellant and the chief shall be known as appellee. Appellant and 808  
appellee shall be deemed to be parties to the appeal. 809

The appeal shall be in writing and shall set forth the order 810  
complained of and the grounds upon which the appeal is based. The 811  
appeal shall be filed with the commission within thirty days after 812  
the date upon which appellant received notice by registered mail 813  
of the making of the order complained of. Notice of the filing of 814  
the appeal shall be filed with the chief within three days after 815  
the appeal is filed with the commission. 816

Upon the filing of the appeal the commission promptly shall 817  
fix the time and place at which the hearing on the appeal will be 818  
held, and shall give the appellant and the chief at least ten 819  
days' written notice thereof by mail. The commission may postpone 820  
or continue any hearing upon its own motion or upon application of 821  
appellant or of the chief. 822

The filing of an appeal provided for in this section does not 823  
automatically suspend or stay execution of the order appealed 824  
from, but upon application by the appellant the commission may 825  
suspend or stay such execution pending determination of the appeal 826  
upon such terms as the commission considers proper. 827

Either party to the appeal or any interested person who, 828  
pursuant to commission rules has been granted permission to 829  
appear, may submit such evidence as the commission considers 830  
admissible. 831

For the purpose of conducting a hearing on an appeal, the 832  
commission may require the attendance of witnesses and the 833  
production of books, records, and papers, and it may, and at the 834  
request of any party it shall, issue subpoenas for witnesses or 835

subpoenas duces tecum to compel the production of any books, 836  
records, or papers, directed to the sheriffs of the counties where 837  
such witnesses are found. The subpoenas shall be served and 838  
returned in the same manner as subpoenas in criminal cases are 839  
served and returned. The fees ~~and mileage~~ of sheriffs ~~and~~ 840  
~~witnesses~~ shall be the same as those allowed by the court of 841  
common pleas in criminal cases. Witnesses shall be paid the fees 842  
and mileage provided for under section 119.094 of the Revised 843  
Code. Such fees and mileage expenses incurred at the request of 844  
appellant shall be paid in advance by the appellant, and the 845  
remainder of such expenses shall be paid out of funds appropriated 846  
for the expenses of the division of mineral resources management. 847

In case of disobedience or neglect of any subpoena served on 848  
any person, or the refusal of any witness to testify to any matter 849  
regarding which the witness may be lawfully interrogated, the 850  
court of common pleas of the county in which such disobedience, 851  
neglect, or refusal occurs, or any judge thereof, on application 852  
of the commission or any member thereof, shall compel obedience by 853  
attachment proceedings for contempt as in the case of disobedience 854  
of the requirements of a subpoena issued from such court or a 855  
refusal to testify therein. Witnesses at such hearings shall 856  
testify under oath, and any member of the commission may 857  
administer oaths or affirmations to persons who so testify. 858

At the request of any party to the appeal, a stenographic 859  
record of the testimony and other evidence submitted shall be 860  
taken by an official court shorthand reporter at the expense of 861  
the party making the request therefor. Such record shall include 862  
all of the testimony and other evidence and the rulings on the 863  
admissibility thereof presented at the hearing. The commission 864  
shall pass upon the admissibility of evidence, but any party may 865  
at the time object to the admission of any evidence and except to 866  
the rulings of the commission thereon, and if the commission 867

refuses to admit evidence the party offering same may make a 868  
proffer thereof, and such proffer shall be made a part of the 869  
record of such hearing. 870

If upon completion of the hearing the commission finds that 871  
the order appealed from was lawful and reasonable, it shall make a 872  
written order affirming the order appealed from; if the commission 873  
finds that the order was unreasonable or unlawful, it shall make a 874  
written order vacating the order appealed from and making the 875  
order that it finds the chief should have made. Every order made 876  
by the commission shall contain a written finding by the 877  
commission of the facts upon which the order is based. 878

Notice of the making of the order shall be given forthwith to 879  
each party to the appeal by mailing a certified copy thereof to 880  
each such party by certified mail. 881

The order of the commission is final unless vacated by the 882  
court of common pleas of Franklin county in an appeal as provided 883  
for in section 1509.37 of the Revised Code. Sections 1509.01 to 884  
1509.37 of the Revised Code, providing for appeals relating to 885  
orders by the chief or by the commission, or relating to rules 886  
adopted by the chief, do not constitute the exclusive procedure 887  
that any person who believes the person's rights to be unlawfully 888  
affected by those sections or any official action taken thereunder 889  
must pursue in order to protect and preserve those rights, nor do 890  
those sections constitute a procedure that that person must pursue 891  
before that person may lawfully appeal to the courts to protect 892  
and preserve those rights. 893

**Sec. 1513.131.** For the purpose of conducting any public 894  
adjudicatory hearing under this chapter, the chief, or the 895  
reclamation commission may require the attendance of witnesses and 896  
the production of books, records, and papers, and may, and at the 897  
request of any party, shall issue subpoenas for witnesses or 898

subpoenas duces tecum to compel the production of any books, 899  
records, papers, or other material relevant to the inquiry, 900  
directed to the sheriff of the counties where the witnesses or 901  
materials are found, which subpoenas shall be served and returned 902  
in the same manner as subpoenas issued by courts of common pleas 903  
are served and returned. The fees ~~and mileage~~ of sheriffs ~~and~~ 904  
~~witnesses~~ shall be the same as those allowed by the court of 905  
common pleas in criminal cases. Witnesses shall be paid the fees 906  
and mileage provided for under section 119.094 of the Revised 907  
Code. 908

In cases of disobedience or neglect of any subpoena served on 909  
any person or the refusal of any witness to testify to any matter 910  
regarding which the witness may lawfully be interrogated, the 911  
court of common pleas of the county in which such disobedience, 912  
neglect, or refusal occurs, or any judge thereof, on application 913  
of the chief or the commission or any member thereof, shall compel 914  
obedience by attachment procedures for contempt as in the case of 915  
disobedience of the requirements of a subpoena issued from the 916  
court or a refusal to testify therein. 917

A witness at any hearing shall testify under oath or 918  
affirmation, which the chief or any member of the commission may 919  
administer. 920

Hearing officers designated by the commission shall have the 921  
same powers and authority in conducting the hearings as granted to 922  
the commission. Whenever a hearing officer conducts a hearing, the 923  
officer shall prepare a report setting forth the hearing officer's 924  
findings of fact and conclusions of law and a recommendation of 925  
the action to be taken by the commission. The hearing officer 926  
shall file the report with the secretary of the commission and 927  
shall mail a copy by certified mail to the parties. A party may, 928  
within fourteen days after receipt of the report, serve and file 929  
written objections to the hearing officer's report with the 930

secretary of the commission. Objections shall be specific and 931  
state with particularity the grounds therefor. Upon consideration 932  
of the objections, the commission may adopt, reject, or modify the 933  
report; hear additional evidence; return the report to the hearing 934  
officer with instructions; or hear the matter itself. 935

**Sec. 1571.10.** (A) The gas storage well inspector or any 936  
person having a direct interest in the administration of this 937  
chapter may at any time file with the division of mineral 938  
resources management a written request that a conference be held 939  
for the purpose of discussing and endeavoring to resolve by mutual 940  
agreement any question or issue relating to the administration of 941  
this chapter, or to compliance with its provisions, or to any 942  
violation thereof. Such request shall describe the matter 943  
concerning which the conference is requested. Thereupon the gas 944  
storage well inspector shall promptly fix the time and place for 945  
the holding of such conference and shall send written notice 946  
thereof to each person having a direct interest therein. At such 947  
conference the gas storage well inspector or a representative of 948  
the division designated by the gas storage well inspector shall be 949  
in attendance, and shall preside at the conference, and the gas 950  
storage well inspector or designated representative may make such 951  
recommendations as the gas storage well inspector or designated 952  
representative deems proper. Any agreement reached at such 953  
conference shall be consistent with the requirements of this 954  
chapter and, if approved by the gas storage well inspector, it 955  
shall be reduced to writing and shall be effective. Any such 956  
agreement approved by the gas storage well inspector shall be kept 957  
on file in the division and a copy thereof shall be furnished to 958  
each of the persons having a direct interest therein. The 959  
conference shall be deemed terminated as of the date an approved 960  
agreement is reached or when any person having a direct interest 961  
therein refuses to confer thereafter. Such a conference shall be 962

held in all cases prior to the holding of a hearing as provided in 963  
this section. 964

(B) Within ten days after the termination of a conference at 965  
which no approved agreement is reached, any person who 966  
participated in such conference and who has a direct interest in 967  
the subject matter thereof, or the gas storage well inspector, may 968  
file with the chief of the division of mineral resources 969  
management a request that the chief hear and determine the matter 970  
or matters, or any part thereof considered at the conference. 971  
Thereupon the chief shall promptly fix the time and place for the 972  
holding of such hearing and shall send written notice thereof to 973  
each person having a direct interest therein. The form of the 974  
request for such hearing and the conduct of the hearing shall be 975  
in accordance with rules that the chief adopts under section 976  
1571.11 of the Revised Code. Consistent with the requirement for 977  
reasonable notice each such hearing shall be held promptly after 978  
the filing of the request therefor. Any person having a direct 979  
interest in the matter to be heard shall be entitled to appear and 980  
be heard in person or by attorney. The division may present at 981  
such hearing any evidence that is material to the matter being 982  
heard and that has come to the division's attention in any 983  
investigation or inspection made pursuant to this chapter. 984

(C) For the purpose of conducting such a hearing the chief 985  
may require the attendance of witnesses and the production of 986  
books, records, and papers, and the chief may, and at the request 987  
of any person having a direct interest in the matter being heard, 988  
the chief shall, issue subpoenas for witnesses or subpoenas duces 989  
tecum to compel the production of any books, records, or papers, 990  
directed to the sheriffs of the counties where such witnesses are 991  
found, which subpoenas shall be served and returned in the same 992  
manner as subpoenas in criminal cases are served and returned. The 993  
fees ~~and mileage~~ of sheriffs ~~and witnesses~~ shall be the same as 994



those allowed by the court of common pleas in criminal cases. 995  
Witnesses shall be paid the fees and mileage provided for under 996  
section 119.094 of the Revised Code. Such fee and mileage expenses 997  
shall be paid in advance by the persons at whose request they are 998  
incurred, and the remainder of such expenses shall be paid out of 999  
funds appropriated for the expenses of the division. 1000

In case of disobedience or neglect of any subpoena served on 1001  
any person, or the refusal of any witness to testify to any matter 1002  
regarding which the witness may be lawfully interrogated, the 1003  
court of common pleas of the county in which such disobedience, 1004  
neglect, or refusal occurs, or any judge thereof, on application 1005  
of the chief, shall compel obedience by attachment proceedings for 1006  
contempt as in the case of disobedience of the requirements of a 1007  
subpoena issued from such court or a refusal to testify therein. 1008  
Witnesses at such hearings shall testify under oath, and the chief 1009  
may administer oaths or affirmations to persons who so testify. 1010

(D) With the consent of the chief, the testimony of any 1011  
witness may be taken by deposition at the instance of a party to 1012  
any hearing before the chief at any time after hearing has been 1013  
formally commenced. The chief may, of the chief's own motion, 1014  
order testimony to be taken by deposition at any stage in any 1015  
hearing, proceeding, or investigation pending before the chief. 1016  
Such deposition shall be taken in the manner prescribed by the 1017  
laws of this state for taking depositions in civil cases in courts 1018  
of record. 1019

(E) After the conclusion of a hearing the chief shall make a 1020  
determination and finding of facts. Every adjudication, 1021  
determination, or finding by the chief shall be made by written 1022  
order and shall contain a written finding by the chief of the 1023  
facts upon which the adjudication, determination, or finding is 1024  
based. Notice of the making of such order shall be given to the 1025  
persons whose rights, duties, or privileges are affected thereby, 1026

by sending a certified copy thereof by registered mail to each of 1027  
such persons. 1028

Adjudications, determinations, findings, and orders made by 1029  
the chief shall not be governed by, or be subject to, Chapter 119. 1030  
of the Revised Code. 1031

**Sec. 1571.14.** Any person claiming to be aggrieved or 1032  
adversely affected by an order of the chief of the division of 1033  
mineral resources management made as provided in section 1571.10 1034  
or 1571.16 of the Revised Code may appeal to the director of 1035  
natural resources for an order vacating or modifying such order. 1036  
Upon receipt of the appeal, the director shall appoint an 1037  
individual who has knowledge of the laws and rules regarding the 1038  
underground storage of gas and who shall act as a hearing officer 1039  
in accordance with Chapter 119. of the Revised Code in hearing the 1040  
appeal. 1041

The person appealing to the director shall be known as 1042  
appellant and the chief shall be known as appellee. The appellant 1043  
and the appellee shall be deemed parties to the appeal. 1044

The appeal shall be in writing and shall set forth the order 1045  
complained of and the grounds upon which the appeal is based. The 1046  
appeal shall be filed with the director within thirty days after 1047  
the date upon which appellant received notice by registered mail 1048  
of the making of the order complained of, as required by section 1049  
1571.10 of the Revised Code. Notice of the filing of such appeal 1050  
shall be delivered by appellant to the chief within three days 1051  
after the appeal is filed with the director. 1052

Within seven days after receipt of the notice of appeal the 1053  
chief shall prepare and certify to the director at the expense of 1054  
appellant a complete transcript of the proceedings out of which 1055  
the appeal arises, including a transcript of the testimony 1056  
submitted to the chief. 1057

Upon the filing of the appeal the director shall fix the time 1058  
and place at which the hearing on the appeal will be held, and 1059  
shall give appellant and the chief at least ten days' written 1060  
notice thereof by mail. The director may postpone or continue any 1061  
hearing upon the director's own motion or upon application of 1062  
appellant or of the chief. 1063

The filing of an appeal provided for in this section does not 1064  
automatically suspend or stay execution of the order appealed 1065  
from, but upon application by the appellant the director may 1066  
suspend or stay such execution pending determination of the appeal 1067  
upon such terms as the director deems proper. 1068

The hearing officer appointed by the director shall hear the 1069  
appeal de novo, and either party to the appeal may submit such 1070  
evidence as the hearing officer deems admissible. 1071

For the purpose of conducting a hearing on an appeal, the 1072  
hearing officer may require the attendance of witnesses and the 1073  
production of books, records, and papers, and may, and at the 1074  
request of any party shall, issue subpoenas for witnesses or 1075  
subpoenas duces tecum to compel the production of any books, 1076  
records, or papers, directed to the sheriffs of the counties where 1077  
such witnesses are found, which subpoenas shall be served and 1078  
returned in the same manner as subpoenas in criminal cases are 1079  
served and returned. The fees ~~and mileage~~ of sheriffs ~~and~~ 1080  
~~witnesses~~ shall be the same as those allowed by the court of 1081  
common pleas in criminal cases. Witnesses shall be paid the fees 1082  
and mileage provided for under section 119.094 of the Revised 1083  
Code. Such fee and mileage expenses incurred at the request of 1084  
appellant shall be paid in advance by appellant, and the remainder 1085  
of such expenses shall be paid out of funds appropriated for the 1086  
expenses of the division of mineral resources management. 1087

In case of disobedience or neglect of any subpoena served on 1088  
any person, or the refusal of any witness to testify to any matter 1089

regarding which the witness may be lawfully interrogated, the 1090  
court of common pleas of the county in which such disobedience, 1091  
neglect, or refusal occurs, or any judge thereof, on application 1092  
of the director, shall compel obedience by attachment proceedings 1093  
for contempt as in the case of disobedience of the requirements of 1094  
a subpoena issued from such court or a refusal to testify therein. 1095  
Witnesses at such hearings shall testify under oath, and the 1096  
hearing officer may administer oaths or affirmations to persons 1097  
who so testify. 1098

At the request of any party to the appeal, a stenographic 1099  
record of the testimony and other evidence submitted shall be 1100  
taken by an official court shorthand reporter at the expense of 1101  
the party making the request therefor. The record shall include 1102  
all of the testimony and other evidence and the rulings on the 1103  
admissibility thereof presented at the hearing. The hearing 1104  
officer shall pass upon the admissibility of evidence, but any 1105  
party may at the time object to the admission of any evidence and 1106  
except to the ruling of the hearing officer thereon, and if the 1107  
hearing officer refuses to admit evidence, the party offering same 1108  
may make a proffer thereof, and such proffer shall be made a part 1109  
of the record of such hearing. 1110

If upon completion of the hearing the hearing officer finds 1111  
that the order appealed from was lawful and reasonable, the 1112  
hearing officer shall make a written order affirming the order 1113  
appealed from. If the hearing officer finds that such order was 1114  
unreasonable or unlawful, the hearing officer shall make a written 1115  
order vacating the order appealed from and making the order that 1116  
it finds the chief should have made. Every order made by the 1117  
hearing officer shall contain a written finding by the hearing 1118  
officer of the facts upon which the order is based. Notice of the 1119  
making of such order shall be given forthwith to each party to the 1120  
appeal by mailing a certified copy thereof to each such party by 1121

registered mail. 1122

**Sec. 1707.23.** Whenever it appears to the division of 1123  
securities, from its files, upon complaint, or otherwise, that any 1124  
person has engaged in, is engaged in, or is about to engage in any 1125  
practice declared to be illegal or prohibited by this chapter or 1126  
rules adopted under this chapter by the division, or defined as 1127  
fraudulent in this chapter or rules adopted under this chapter by 1128  
the division, or any other deceptive scheme or practice in 1129  
connection with the sale of securities, or acting as a dealer, a 1130  
salesperson, an investment adviser, investment adviser 1131  
representative, bureau of workers' compensation chief investment 1132  
officer, or state retirement system investment officer or when the 1133  
division believes it to be in the best interests of the public and 1134  
necessary for the protection of investors, the division may do any 1135  
of the following: 1136

(A) Require any person to file with it, on such forms as it 1137  
prescribes, an original or additional statement or report in 1138  
writing, under oath or otherwise, as to any facts or circumstances 1139  
concerning the issuance, sale, or offer for sale of securities 1140  
within this state by the person, as to the person's acts or 1141  
practices as a dealer, a salesperson, an investment adviser, 1142  
investment adviser representative, bureau of workers' compensation 1143  
chief investment officer, or state retirement system investment 1144  
officer within this state, and as to other information as it deems 1145  
material or relevant thereto; 1146

(B) Examine any investment adviser, investment adviser 1147  
representative, state retirement system investment officer, bureau 1148  
of workers' compensation chief investment officer, or any seller, 1149  
dealer, salesperson, or issuer of any securities, and any of their 1150  
agents, employees, partners, officers, directors, members, or 1151  
shareholders, wherever located, under oath; and examine and 1152

produce records, books, documents, accounts, and papers as the 1153  
division deems material or relevant to the inquiry; 1154

(C) Require the attendance of witnesses, and the production 1155  
of books, records, and papers, as are required either by the 1156  
division or by any party to a hearing before the division, and for 1157  
that purpose issue a subpoena for any witness, or a subpoena duces 1158  
tecum to compel the production of any books, records, or papers. 1159  
The subpoena shall be served by personal service or by certified 1160  
mail, return receipt requested. If the subpoena is returned 1161  
because of inability to deliver, or if no return is received 1162  
within thirty days of the date of mailing, the subpoena may be 1163  
served by ordinary mail. If no return of ordinary mail is received 1164  
within thirty days after the date of mailing, service shall be 1165  
deemed to have been made. If the subpoena is returned because of 1166  
inability to deliver, the division may designate a person or 1167  
persons to effect either personal or residence service upon the 1168  
witness. The person designated to effect personal or residence 1169  
service under this division may be the sheriff of the county in 1170  
which the witness resides or may be found or any other duly 1171  
designated person. The fees and mileage of the person serving the 1172  
subpoena shall be the same as those allowed by the courts of 1173  
common pleas in criminal cases, and shall be paid from the funds 1174  
of the division. Fees and mileage for the witness shall be ~~the~~ 1175  
~~same as those allowed for witnesses by the courts of common pleas~~ 1176  
~~in criminal cases~~ determined under section 119.094 of the Revised 1177  
Code, and shall be paid from the funds of the division upon 1178  
request of the witness following the hearing. 1179

(D) Initiate criminal proceedings under section 1707.042 or 1180  
1707.44 of the Revised Code or rules adopted under those sections 1181  
by the division by laying before the prosecuting attorney of the 1182  
proper county any evidence of criminality which comes to its 1183  
knowledge; and in the event of the neglect or refusal of the 1184

prosecuting attorney to prosecute such violations, or at the 1185  
request of the prosecuting attorney, the division shall submit the 1186  
evidence to the attorney general, who may proceed in the 1187  
prosecution with all the rights, privileges, and powers conferred 1188  
by law on prosecuting attorneys, including the power to appear 1189  
before grand juries and to interrogate witnesses before such grand 1190  
juries. 1191

(E) Require any dealers immediately to furnish to the 1192  
division copies of prospectuses, circulars, or advertisements 1193  
respecting securities that they publish or generally distribute, 1194  
or require any investment advisers immediately to furnish to the 1195  
division copies of brochures, advertisements, publications, 1196  
analyses, reports, or other writings that they publish or 1197  
distribute; 1198

(F) Require any dealers to mail to the division, prior to 1199  
sale, notices of intention to sell, in respect to all securities 1200  
which are not exempt under section 1707.02 of the Revised Code, or 1201  
which are sold in transactions not exempt under section 1707.03 or 1202  
1707.04 of the Revised Code; 1203

(G) Issue and cause to be served by certified mail upon all 1204  
persons affected an order requiring the person or persons to cease 1205  
and desist from the acts or practices appearing to the division to 1206  
constitute violations of this chapter or rules adopted under this 1207  
chapter by the division. The order shall state specifically the 1208  
section or sections of this chapter or the rule or rules adopted 1209  
under this chapter by the division that appear to the division to 1210  
have been violated and the facts constituting the violation. If 1211  
after the issuance of the order it appears to the division that 1212  
any person or persons affected by the order have engaged in any 1213  
act or practice from which the person or persons shall have been 1214  
required, by the order, to cease and desist, the director of 1215  
commerce may apply to the court of common pleas of any county for, 1216

and upon proof of the validity of the order of the division, the 1217  
delivery of the order to the person or persons affected, and of 1218  
the illegality and the continuation of the acts or practices that 1219  
are the subject of the order, the court may grant an injunction 1220  
implementing the order of the division. 1221

(H) Issue and initiate contempt proceedings in this state 1222  
regarding subpoenas and subpoenas duces tecum at the request of 1223  
the securities administrator of another state, if it appears to 1224  
the division that the activities for which the information is 1225  
sought would violate this chapter if the activities had occurred 1226  
in this state. 1227

(I) The remedies provided by this section are cumulative and 1228  
concurrent with any other remedy provided in this chapter, and the 1229  
exercise of one remedy does not preclude or require the exercise 1230  
of any other remedy. 1231

**Sec. 1901.26.** (A) Subject to division (E) of this section, 1232  
costs in a municipal court shall be fixed and taxed as follows: 1233

(1)(a) The municipal court shall require an advance deposit 1234  
for the filing of any new civil action or proceeding when required 1235  
by division (C) of this section, and in all other cases, by rule, 1236  
shall establish a schedule of fees and costs to be taxed in any 1237  
civil or criminal action or proceeding. 1238

(b)(i) The legislative authority of a municipal corporation 1239  
may by ordinance establish a schedule of fees to be taxed as costs 1240  
in any civil, criminal, or traffic action or proceeding in a 1241  
municipal court for the performance by officers or other employees 1242  
of the municipal corporation's police department or marshal's 1243  
office of any of the services specified in sections 311.17 and 1244  
509.15 of the Revised Code. No fee in the schedule shall be higher 1245  
than the fee specified in section 311.17 of the Revised Code for 1246  
the performance of the same service by the sheriff. If a fee 1247



established in the schedule conflicts with a fee for the same 1248  
service established in another section of the Revised Code or a 1249  
rule of court, the fee established in the other section of the 1250  
Revised Code or the rule of court shall apply. 1251

(ii) When an officer or employee of a municipal police 1252  
department or marshal's office performs in a civil, criminal, or 1253  
traffic action or proceeding in a municipal court a service 1254  
specified in section 311.17 or 509.15 of the Revised Code for 1255  
which a taxable fee has been established under this or any other 1256  
section of the Revised Code, the applicable legal fees and any 1257  
other extraordinary expenses, including overtime, provided for the 1258  
service shall be taxed as costs in the case. The clerk of the 1259  
court shall pay those legal fees and other expenses, when 1260  
collected, into the general fund of the municipal corporation that 1261  
employs the officer or employee. 1262

(iii) If a bailiff of a municipal court performs in a civil, 1263  
criminal, or traffic action or proceeding in that court a service 1264  
specified in section 311.17 or 509.15 of the Revised Code for 1265  
which a taxable fee has been established under this section or any 1266  
other section of the Revised Code, the fee for the service is the 1267  
same and is taxable to the same extent as if the service had been 1268  
performed by an officer or employee of the police department or 1269  
marshal's office of the municipal corporation in which the court 1270  
is located. The clerk of that court shall pay the fee, when 1271  
collected, into the general fund of the entity or entities that 1272  
fund the bailiff's salary, in the same ~~pre-rated~~ prorated amount 1273  
as the salary is funded. 1274

(iv) Division (A)(1)(b) of this section does not authorize or 1275  
require any officer or employee of a police department or 1276  
marshal's office of a municipal corporation or any bailiff of a 1277  
municipal court to perform any service not otherwise authorized by 1278  
law. 1279

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

(3) When a jury trial is demanded in any civil action or 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 1312  
deposits and advance payments of fees and costs, including those 1313  
for jurors and summoning jurors, when they have been paid by the 1314  
losing party. 1315

(8) Charges for the publication of legal notices required by 1316  
statute or order of court may be taxed as part of the costs, as 1317  
provided by section 7.13 of the Revised Code. 1318

(B)(1) The municipal court may determine that, for the 1319  
efficient operation of the court, additional funds are necessary 1320  
to acquire and pay for special projects of the court including, 1321  
but not limited to, the acquisition of additional facilities or 1322  
the rehabilitation of existing facilities, the acquisition of 1323  
equipment, the hiring and training of staff, community service 1324  
programs, mediation or dispute resolution services, the employment 1325  
of magistrates, the training and education of judges, acting 1326  
judges, and magistrates, and other related services. Upon that 1327  
determination, the court by rule may charge a fee, in addition to 1328  
all other court costs, on the filing of each criminal cause, civil 1329  
action or proceeding, or judgment by confession. 1330

If the municipal court offers a special program or service in 1331  
cases of a specific type, the municipal court by rule may assess 1332  
an additional charge in a case of that type, over and above court 1333  
costs, to cover the special program or service. The municipal 1334  
court shall adjust the special assessment periodically, but not 1335  
retroactively, so that the amount assessed in those cases does not 1336  
exceed the actual cost of providing the service or program. 1337

All moneys collected under division (B) of this section shall 1338  
be paid to the county treasurer if the court is a county-operated 1339  
municipal court or to the city treasurer if the court is not a 1340  
county-operated municipal court for deposit into either a general 1341  
special projects fund or a fund established for a specific special 1342  
project. Moneys from a fund of that nature shall be disbursed upon 1343

an order of the court in an amount no greater than the actual cost 1344  
to the court of a project. If a specific fund is terminated 1345  
because of the discontinuance of a program or service established 1346  
under division (B) of this section, the municipal court may order 1347  
that moneys remaining in the fund be transferred to an account 1348  
established under this division for a similar purpose. 1349

(2) As used in division (B) of this section: 1350

(a) "Criminal cause" means a charge alleging the violation of 1351  
a statute or ordinance, or subsection of a statute or ordinance, 1352  
that requires a separate finding of fact or a separate plea before 1353  
disposition and of which the defendant may be found guilty, 1354  
whether filed as part of a multiple charge on a single summons, 1355  
citation, or complaint or as a separate charge on a single 1356  
summons, citation, or complaint. "Criminal cause" does not include 1357  
separate violations of the same statute or ordinance, or 1358  
subsection of the same statute or ordinance, unless each charge is 1359  
filed on a separate summons, citation, or complaint. 1360

(b) "Civil action or proceeding" means any civil litigation 1361  
that must be determined by judgment entry. 1362

(c) The municipal court shall collect in all its divisions 1363  
except the small claims division the sum of twenty-six dollars as 1364  
additional filing fees in each new civil action or proceeding for 1365  
the charitable public purpose of providing financial assistance to 1366  
legal aid societies that operate within the state and to support 1367  
the office of the state public defender. The municipal court shall 1368  
collect in its small claims division the sum of eleven dollars as 1369  
additional filing fees in each new civil action or proceeding for 1370  
the charitable public purpose of providing financial assistance to 1371  
legal aid societies that operate within the state and to support 1372  
the office of the state public defender. This division does not 1373  
apply to any execution on a judgment, proceeding in aid of 1374  
execution, or other post-judgment proceeding arising out of a 1375

civil action. The filing fees required to be collected under this 1376  
division shall be in addition to any other court costs imposed in 1377  
the action or proceeding and shall be collected at the time of the 1378  
filing of the action or proceeding. The court shall not waive the 1379  
payment of the additional filing fees in a new civil action or 1380  
proceeding unless the court waives the advanced payment of all 1381  
filing fees in the action or proceeding. All such moneys collected 1382  
during a month shall be transmitted on or before the twentieth day 1383  
of the following month by the clerk of the court to the treasurer 1384  
of state in a manner prescribed by the treasurer of state or by 1385  
the Ohio legal assistance foundation. The treasurer of state shall 1386  
deposit four per cent of the funds collected under this division 1387  
to the credit of the civil case filing fee fund established under 1388  
section 120.07 of the Revised Code and ninety-six per cent of the 1389  
funds collected under this division to the credit of the legal aid 1390  
fund established under section 120.52 of the Revised Code. 1391

The court may retain up to one per cent of the moneys it 1392  
collects under this division to cover administrative costs, 1393  
including the hiring of any additional personnel necessary to 1394  
implement this division. 1395

(D) In the Cleveland municipal court, reasonable charges for 1396  
investigating titles of real estate to be sold or disposed of 1397  
under any writ or process of the court may be taxed as part of the 1398  
costs. 1399

(E) Under the circumstances described in sections 2969.21 to 1400  
2969.27 of the Revised Code, the clerk of the municipal court 1401  
shall charge the fees and perform the other duties specified in 1402  
those sections. 1403

(F) As used in this section: 1404

(1) "Full day's attendance" means a day on which a witness is 1405  
required or requested to be present at an action or proceeding 1406

before and after twelve noon, regardless of whether the witness  
actually testifies. 1407  
1408

(2) "Half day's attendance" means a day on which a witness is  
required or requested to be present at an action or proceeding  
either before or after twelve noon, but not both, regardless of  
whether the witness actually testifies. 1409  
1410  
1411  
1412

**Sec. 1905.26.** In cases for the violation of ordinances, the 1413  
fees of witnesses shall be paid, on the certificate of the officer 1414  
presiding at the trial, from the treasury of the municipal 1415  
corporation. Witnesses shall be paid the fees and mileage provided 1416  
for under section 1901.26 of the Revised Code. 1417

**Sec. 2335.06.** Each witness in civil cases shall receive the 1418  
following fees: 1419

(A) Twelve dollars for each full day's attendance and six 1420  
dollars for each half day's attendance at a court of record, 1421  
mayor's court, or before a person authorized to take depositions, 1422  
to be taxed in the bill of costs. Each witness shall also receive 1423  
~~ten cents~~ reimbursement for each mile necessarily traveled to and 1424  
from ~~his~~ the witness's place of residence to the place of giving 1425  
~~his~~ testimony, to be taxed in the bill of costs. The board of 1426  
county commissioners of each county shall set the reimbursement 1427  
rate for each mile necessarily traveled by a witness in a civil 1428  
case in the common pleas court, any division of the common pleas 1429  
court, a county court, or a county-operated municipal court. The 1430  
rate shall not exceed fifty and one-half cents for each mile. 1431

(B) For attending a coroner's inquest, the same fees and 1432  
mileage provided by division (A) of this section, payable from the 1433  
county treasury on the certificate of the coroner. 1434

(C) As used in this section, "full day's attendance" means a 1435  
day on which a witness is required or requested to be present at 1436

proceedings before and after twelve noon regardless of whether ~~he~~ 1437  
the witness actually testifies; "half day's attendance" means a 1438  
day on which a witness is required or requested to be present at 1439  
proceedings either before or after twelve noon, but not both, 1440  
regardless of whether ~~he~~ the witness actually testifies. 1441

**Sec. 2335.08.** Each witness attending, under recognizance or 1442  
subpoena issued by order of the prosecuting attorney or defendant, 1443  
before the grand jury or ~~any court of record~~ the common pleas 1444  
court, any division of the common pleas court, a county court, or 1445  
a county-operated municipal court, in criminal causes, shall be 1446  
allowed the same fees as provided by section 2335.06 of the 1447  
Revised Code in civil causes, to be taxed in only one cause when 1448  
such witness is attending in more causes than one on the same 1449  
days, unless otherwise directed by special order of the court. 1450  
When certified to the county auditor by the clerk of the court, 1451  
such fees shall be paid from the county treasury, and except as to 1452  
the grand jury, taxed in the bill of costs. ~~Each witness attending~~ 1453  
~~before a judge of a county court, magistrate, or mayor, under~~ 1454  
~~subpoena in criminal cases, shall be allowed the fees provided by~~ 1455  
~~such section for witnesses in the court of common pleas.~~ In state 1456  
cases such fees shall be paid out of the county treasury, and in 1457  
ordinance cases they shall be paid out of the treasury of the 1458  
municipal corporation, upon the certificates of the judge or 1459  
magistrate, and they shall be taxed in the bill of costs. 1460

When the fees enumerated by this section have been collected 1461  
from the judgment debtor, they shall be paid to the public 1462  
treasury from which such fees were advanced. 1463

**Sec. 2743.06.** Any witness subpoenaed or whose deposition is 1464  
taken shall receive the same fees and mileage ~~set forth in as~~ 1465  
witnesses are provided under section ~~2335.06~~ 119.094 of the 1466  
Revised Code. The party at whose instance the witness appears or 1467

the deposition is taken shall pay the fees and mileage, except 1468  
that the state may not pay the fees to its own employees. 1469

**Sec. 2743.65.** (A) The attorney general shall determine, and 1470  
the state shall pay, in accordance with this section attorney's 1471  
fees, commensurate with services rendered, to the attorney 1472  
representing a claimant under sections 2743.51 to 2743.72 of the 1473  
Revised Code. The attorney shall submit on an application form an 1474  
itemized fee bill at the rate of sixty dollars per hour upon 1475  
receipt of the final decision on the claim. Attorney's fees paid 1476  
pursuant to this section are subject to the following maximum 1477  
amounts: 1478

(1) A maximum of seven hundred twenty dollars for claims 1479  
resolved without the filing of an appeal to the panel of 1480  
commissioners; 1481

(2) A maximum of one thousand twenty dollars for claims in 1482  
which an appeal to the panel of commissioners is filed plus, at 1483  
the request of an attorney whose main office is not in Franklin 1484  
county, Delaware county, Licking county, Fairfield county, 1485  
Pickaway county, Madison county, or Union county, an amount for 1486  
the attorney's travel time to attend the oral hearing before the 1487  
panel of commissioners at the rate of thirty dollars per hour; 1488

(3) A maximum of one thousand three hundred twenty dollars 1489  
for claims in which an appeal to a judge of the court of claims is 1490  
filed plus, at the request of an attorney whose main office is not 1491  
in Franklin county, Delaware county, Licking county, Fairfield 1492  
county, Pickaway county, Madison county, or Union county, an 1493  
amount for the attorney's travel time to attend the oral hearing 1494  
before the judge at the rate of thirty dollars per hour; 1495

(4) A maximum of seven hundred twenty dollars for a 1496  
supplemental reparations application; 1497



(5) A maximum of two hundred dollars if the claim is denied 1498  
on the basis of a claimant's or victim's conviction of a felony 1499  
offense prior to the filing of the claim. If the claimant or 1500  
victim is convicted of a felony offense during the pendency of the 1501  
claim, the two hundred dollars maximum does not apply. If the 1502  
attorney had knowledge of the claimant's or victim's felony 1503  
conviction prior to the filing of the application for the claim, 1504  
the attorney general may determine that the filing of the claim 1505  
was frivolous and may deny attorney's fees. 1506

(B) The attorney general may determine that an attorney be 1507  
reimbursed for fees incurred in the creation of a guardianship if 1508  
the guardianship is required in order for an individual to receive 1509  
an award of reparations, and those fees shall be reimbursed at a 1510  
rate of sixty dollars per hour. 1511

(C)(1) The attorney general shall forward an application form 1512  
for attorney's fees to a claimant's attorney before or when the 1513  
final decision on a claim is rendered. The application form for 1514  
attorney's fees shall do all of the following: 1515

(a) Inform the attorney of the requirements of this section; 1516

(b) Require a verification statement comporting with the law 1517  
prohibiting falsification; 1518

(c) Require an itemized fee statement; 1519

(d) Require a verification statement that the claimant was 1520  
served a copy of the completed application form; 1521

(e) Include notice that the claimant may oppose the 1522  
application by notifying the attorney general in writing within 1523  
ten days. 1524

(2) The attorney general shall forward a copy of this section 1525  
to the attorney with the application form for attorney's fees. The 1526  
attorney shall file the application form with the attorney 1527

general. The attorney general's decision with respect to an award 1528  
of attorney's fees is final ten days after the attorney general 1529  
renders the decision and mails a copy of the decision to the 1530  
attorney at the address provided by the attorney. The attorney may 1531  
request reconsideration of the decision on grounds that it is 1532  
insufficient or calculated incorrectly. The attorney general's 1533  
decision on the request for reconsideration is final. 1534

(D) The attorney general shall review all application forms 1535  
for attorney's fees that are submitted by a claimant's attorney 1536  
and shall issue an order approving the amount of fees to be paid 1537  
to the attorney within sixty days after receipt of the application 1538  
form. 1539

(E) No attorney's fees shall be paid for the following: 1540

(1) Estate work or representation of a claimant against a 1541  
collateral source; 1542

(2) Duplication of investigative work required to be 1543  
performed by the attorney general; 1544

(3) Performance of unnecessary criminal investigation of the 1545  
offense; 1546

(4) Presenting or appealing an issue that has been repeatedly 1547  
ruled upon by the highest appellate authority, unless a unique set 1548  
of facts or unique issue of law exists that distinguishes it; 1549

(5) A fee request that is unreasonable, is not commensurate 1550  
with services rendered, violates the Ohio code of professional 1551  
responsibility, or is based upon services that are determined to 1552  
be frivolous. 1553

(F)(1) The attorney general may reduce or deny the payment of 1554  
attorney's fees to an attorney who has filed a frivolous claim. 1555  
Subject to division (A)(5) of this section, the denial of a claim 1556  
on the basis of a felony conviction, felony conduct, or 1557

contributory misconduct does not constitute a frivolous claim. 1558

(2) As used in this section, "frivolous claim" means a claim 1559  
in which there is clearly no legal grounds under the existing laws 1560  
of this state to support the filing of a claim on behalf of the 1561  
claimant or victim. 1562

(G) The attorney general may determine that a lesser number 1563  
of hours should have been required in a given case. Additional 1564  
reimbursement may be made where the attorney demonstrates to the 1565  
attorney general that the nature of the particular claim required 1566  
the expenditure of an amount in excess of that allowed. 1567

(H) No attorney shall receive payment under this section for 1568  
assisting a claimant with an application for an award of 1569  
reparations under sections 2743.51 to 2743.72 of the Revised Code 1570  
if that attorney's fees have been allowed as an expense in 1571  
accordance with division (F)(4) of section 2743.51 of the Revised 1572  
Code. 1573

(I) A contract or other agreement between an attorney and any 1574  
person that provides for the payment of attorney's fees or other 1575  
payments in excess of the attorney's fees allowed under this 1576  
section for representing a claimant under sections 2743.51 to 1577  
2743.72 of the Revised Code shall be void and unenforceable. 1578

(J) Each witness who appears in a hearing on a claim for an 1579  
award of reparations shall receive compensation in an amount equal 1580  
to that received by witnesses ~~in civil cases as provided in~~ under 1581  
section ~~2335.06~~ 119.094 of the Revised Code. 1582

**Sec. 3745.05.** In hearing the appeal, if an adjudication 1583  
hearing was conducted by the director of environmental protection 1584  
in accordance with sections 119.09 and 119.10 of the Revised Code 1585  
or conducted by a board of health, the environmental review 1586  
appeals commission is confined to the record as certified to it by 1587

the director or the board of health, as applicable. The commission 1588  
may grant a request for the admission of additional evidence when 1589  
satisfied that such additional evidence is newly discovered and 1590  
could not with reasonable diligence have been ascertained prior to 1591  
the hearing before the director or the board, as applicable. If no 1592  
adjudication hearing was conducted in accordance with sections 1593  
119.09 and 119.10 of the Revised Code or conducted by a board of 1594  
health, the commission shall conduct a hearing de novo on the 1595  
appeal. 1596

For the purpose of conducting a de novo hearing, or where the 1597  
commission has granted a request for the admission of additional 1598  
evidence, the commission may require the attendance of witnesses 1599  
and the production of written or printed materials. 1600

When conducting a de novo hearing, or when a request for the 1601  
admission of additional evidence has been granted, the commission 1602  
may, and at the request of any party it shall, issue subpoenas for 1603  
witnesses or for books, papers, correspondence, memoranda, 1604  
agreements, or other documents or records relevant or material to 1605  
the inquiry directed to the sheriff of the counties where the 1606  
witnesses or documents or records are found, which subpoenas shall 1607  
be served and returned in the same manner as those allowed by the 1608  
court of common pleas in criminal cases. 1609

The fees ~~and mileage~~ of sheriffs ~~and witnesses~~ shall be the 1610  
same as those allowed by the court of common pleas in criminal 1611  
cases. Witnesses shall be paid the fees and mileage provided for 1612  
under section 119.094 of the Revised Code. The fee and mileage 1613  
expenses incurred at the request of the appellant shall be paid in 1614  
advance by the appellant, and the remainder of the expenses shall 1615  
be paid out of funds appropriated for the expenses of the 1616  
commission. 1617

In case of disobedience or neglect of any subpoena served on 1618  
any person, or the refusal of any witness to testify to any matter 1619

regarding which the witness may be lawfully interrogated, the 1620  
court of common pleas of the county in which the disobedience, 1621  
neglect, or refusal occurs, or any judge thereof, on application 1622  
of the commission or any member thereof, may compel obedience by 1623  
attachment proceedings for contempt as in the case of disobedience 1624  
of the requirements of a subpoena issued from the court or a 1625  
refusal to testify therein. 1626

A witness at any hearing shall testify under oath or 1627  
affirmation, which any member of the commission may administer. A 1628  
witness, if the witness requests, shall be permitted to be 1629  
accompanied, represented, and advised by an attorney, whose 1630  
participation in the hearing shall be limited to the protection of 1631  
the rights of the witness, and who may not examine or 1632  
cross-examine witnesses. A witness shall be advised of the right 1633  
to counsel before the witness is interrogated. 1634

A stenographic record of the testimony and other evidence 1635  
submitted shall be taken by an official court shorthand reporter. 1636  
The record shall include all of the testimony and other evidence 1637  
and the rulings on the admissibility thereof presented at the 1638  
hearing. The commission shall pass upon the admissibility of 1639  
evidence, but any party may at the time object to the admission of 1640  
any evidence and except to the rulings of the commission thereon, 1641  
and if the commission refuses to admit evidence the party offering 1642  
same may make a proffer thereof, and such proffer shall be made a 1643  
part of the record of such hearing. 1644

Any party may request the stenographic record of the hearing. 1645  
Promptly after receiving such a request, the commission shall 1646  
prepare and provide the stenographic record of the hearing to the 1647  
party who requested it. The commission may charge a fee to the 1648  
party who requested the stenographic record that does not exceed 1649  
the cost to the commission for preparing and transcribing it. 1650

If, upon completion of the hearing, the commission finds that 1651

the action appealed from was lawful and reasonable, it shall make 1652  
a written order affirming the action, or if the commission finds 1653  
that the action was unreasonable or unlawful, it shall make a 1654  
written order vacating or modifying the action appealed from. 1655  
Every order made by the commission shall contain a written finding 1656  
by the commission of the facts upon which the order is based. 1657  
Notice of the making of the order shall be given forthwith to each 1658  
party to the appeal by mailing a certified copy thereof to each 1659  
party by certified mail, with a statement of the time and method 1660  
by which an appeal may be perfected. 1661

The order of the commission is final unless vacated or 1662  
modified upon judicial review. 1663

**Sec. 3901.04.** (A) As used in this section: 1664

(1) "Laws of this state relating to insurance" include but 1665  
are not limited to Chapter 1751. notwithstanding section 1751.08, 1666  
Chapter 1753., Title XXXIX, sections 5725.18 to 5725.25, and 1667  
Chapter 5729. of the Revised Code. 1668

(2) "Person" has the meaning defined in division (A) of 1669  
section 3901.19 of the Revised Code. 1670

(B) Whenever it appears to the superintendent of insurance, 1671  
from the superintendent's files, upon complaint or otherwise, that 1672  
any person has engaged in, is engaged in, or is about to engage in 1673  
any act or practice declared to be illegal or prohibited by the 1674  
laws of this state relating to insurance, or defined as unfair or 1675  
deceptive by such laws, or when the superintendent believes it to 1676  
be in the best interest of the public and necessary for the 1677  
protection of the people in this state, the superintendent or 1678  
anyone designated by the superintendent under the superintendent's 1679  
official seal may do any one or more of the following: 1680

(1) Require any person to file with the superintendent, on a 1681

form that is appropriate for review by the superintendent, an 1682  
original or additional statement or report in writing, under oath 1683  
or otherwise, as to any facts or circumstances concerning the 1684  
person's conduct of the business of insurance within this state 1685  
and as to any other information that the superintendent considers 1686  
to be material or relevant to such business; 1687

(2) Administer oaths, summon and compel by order or subpoena 1688  
the attendance of witnesses to testify in relation to any matter 1689  
which, by the laws of this state relating to insurance, is the 1690  
subject of inquiry and investigation, and require the production 1691  
of any book, paper, or document pertaining to such matter. A 1692  
subpoena, notice, or order under this section may be served by 1693  
certified mail, return receipt requested. If the subpoena, notice, 1694  
or order is returned because of inability to deliver, or if no 1695  
return is received within thirty days of the date of mailing, the 1696  
subpoena, notice, or order may be served by ordinary mail. If no 1697  
return of ordinary mail is received within thirty days after the 1698  
date of mailing, service shall be deemed to have been made. If the 1699  
subpoena, notice, or order is returned because of inability to 1700  
deliver, the superintendent may designate a person or persons to 1701  
effect either personal or residence service upon the witness. 1702  
Service of any subpoena, notice, or order and return may also be 1703  
made in any manner authorized under the Rules of Civil Procedure. 1704  
Such service shall be made by an employee of the department 1705  
designated by the superintendent, a sheriff, a deputy sheriff, an 1706  
attorney, or any person authorized by the Rules of Civil Procedure 1707  
to serve process. 1708

In the case of disobedience of any notice, order, or subpoena 1709  
served on a person or the refusal of a witness to testify to a 1710  
matter regarding which the person may lawfully be interrogated, 1711  
the court of common pleas of the county where venue is 1712  
appropriate, on application by the superintendent, may compel 1713

obedience by attachment proceedings for contempt, as in the case 1714  
of disobedience of the requirements of a subpoena issued from such 1715  
court, or a refusal to testify therein. Witnesses shall receive 1716  
the fees and mileage allowed by section ~~2335.06~~ 119.094 of the 1717  
Revised Code. All such fees, upon the presentation of proper 1718  
vouchers approved by the superintendent, shall be paid out of the 1719  
appropriation for the contingent fund of the department of 1720  
insurance. The fees and mileage of witnesses not summoned by the 1721  
superintendent or the superintendent's designee shall not be paid 1722  
by the state. 1723

(3) In a case in which there is no administrative procedure 1724  
available to the superintendent to resolve a matter at issue, 1725  
request the attorney general to commence an action for a 1726  
declaratory judgment under Chapter 2721. of the Revised Code with 1727  
respect to the matter. 1728

(4) Initiate criminal proceedings by presenting evidence of 1729  
the commission of any criminal offense established under the laws 1730  
of this state relating to insurance to the prosecuting attorney of 1731  
any county in which the offense may be prosecuted. At the request 1732  
of the prosecuting attorney, the attorney general may assist in 1733  
the prosecution of the violation with all the rights, privileges, 1734  
and powers conferred by law on prosecuting attorneys including, 1735  
but not limited to, the power to appear before grand juries and to 1736  
interrogate witnesses before grand juries. 1737

**Sec. 3901.321.** (A) For the purposes of this section: 1738

(1) "Acquiring party" means any person by whom or on whose 1739  
behalf a merger or other acquisition of control is to be effected. 1740

(2) "Domestic insurer" includes any person controlling a 1741  
domestic insurer unless the person, as determined by the 1742  
superintendent of insurance, is either directly or through its 1743  
affiliates primarily engaged in business other than the business 1744



of insurance. 1745

(3) "Person" does not include any securities broker holding, 1746  
in the usual and customary broker's function, less than twenty per 1747  
cent of the voting securities of an insurance company or of any 1748  
person that controls an insurance company. 1749

(B)(1) Subject to compliance with division (B)(2) of this 1750  
section, no person other than the issuer shall do any of the 1751  
following if, as a result, the person would, directly or 1752  
indirectly, including by means of conversion or the exercise of 1753  
any right to acquire, be in control of a domestic insurer: 1754

(a) Make a tender offer for any voting security of a domestic 1755  
insurer; 1756

(b) Make a request or invitation for tenders of any voting 1757  
security of a domestic insurer; 1758

(c) Enter into any agreement to exchange securities of a 1759  
domestic insurer; 1760

(d) Seek to acquire or acquire, in the open market or 1761  
otherwise, any voting security of a domestic insurer; 1762

(e) Enter into an agreement to merge with, or otherwise to 1763  
acquire control of, a domestic insurer. 1764

(2)(a) No person shall engage in any transaction described in 1765  
division (B)(1) of this section, unless all of the following 1766  
conditions are met: 1767

(i) The person has filed with the superintendent of insurance 1768  
a statement containing the information required by division (C) of 1769  
this section; 1770

(ii) The person has sent the statement to the domestic 1771  
insurer; 1772

(iii) The offer, request, invitation, agreement, or 1773  
acquisition has been approved by the superintendent in the manner 1774

provided in division (F) of this section. 1775

(b) The requirements of division (B)(2)(a) of this section 1776  
shall be met at the time any offer, request, or invitation is 1777  
made, or any agreement is entered into, or prior to the 1778  
acquisition of the securities if no offer or agreement is 1779  
involved. 1780

(C) The statement required by division (B)(2) of this section 1781  
shall be made under oath or affirmation, and shall contain all of 1782  
the following information: 1783

(1) The name and address of each acquiring party; 1784

(2) If the acquiring party is an individual, the individual's 1785  
principal occupation and all offices and positions held during the 1786  
past five years, and any conviction of crimes other than minor 1787  
traffic violations during the past ten years; 1788

(3) If the acquiring party is not an individual, a report of 1789  
the nature of its business operations during the past five years 1790  
or for such lesser period as the acquiring party and any of its 1791  
predecessors shall have been in existence; an informative 1792  
description of the business intended to be done by the acquiring 1793  
party and the acquiring party's subsidiaries; and a list of all 1794  
individuals who are or who have been selected to become directors 1795  
or executive officers of the acquiring party, who perform or will 1796  
perform functions appropriate to such positions. The list shall 1797  
include for each individual the information required by division 1798  
(C)(2) of this section. 1799

(4) The source, nature, and amount of the consideration used 1800  
or to be used in effecting the merger or other acquisition of 1801  
control, a description of any transaction in which funds were or 1802  
are to be obtained for any such purpose, including any pledge of 1803  
the domestic insurer's stock, or the stock of any of its 1804  
subsidiaries or controlling affiliates, and the identity of 1805

persons furnishing such consideration; 1806

(5) Fully audited financial information as to the earnings 1807  
and financial condition of each acquiring party for its preceding 1808  
five fiscal years, or for such lesser period as the acquiring 1809  
party and any of its predecessors shall have been in existence, 1810  
and similar unaudited information as of a date not earlier than 1811  
ninety days prior to the filing of the statement; 1812

(6) Any plans or proposals which each acquiring party may 1813  
have to liquidate such domestic insurer, to sell its assets or 1814  
merge or consolidate it with any person, or to make any other 1815  
material change in its business or corporate structure or 1816  
management; 1817

(7) The number of shares of any security of such issuer or 1818  
such controlling person that each acquiring party proposes to 1819  
acquire, and the terms of the offer, request, invitation, 1820  
agreement, or acquisition, and a statement as to the method by 1821  
which the fairness of the proposal was determined; 1822

(8) The amount of each class of any security of such issuer 1823  
or such controlling person which is beneficially owned or 1824  
concerning which there is a right to acquire beneficial ownership 1825  
by each acquiring party; 1826

(9) A full description of any contracts, arrangements, or 1827  
understandings with respect to any security of such issuer or such 1828  
controlling person in which any acquiring party is involved, 1829  
including but not limited to transfer of any of the securities, 1830  
joint ventures, loan or option arrangements, puts or calls, 1831  
guarantees of loans, guarantees against loss or guarantees of 1832  
profits, division of losses or profits, or the giving or 1833  
withholding of proxies. The description shall identify the persons 1834  
with whom such contracts, arrangements, or understandings have 1835  
been made. 1836

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

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

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

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

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

(15) Such additional information as the superintendent may by rule prescribe as necessary or appropriate for the protection of policyholders of the domestic insurer or in the public interest.

(D)(1) If the person required to file the statement required by division (B)(2) of this section is a partnership, limited

partnership, syndicate, or other group, the superintendent may 1868  
require that the information required by division (C) of this 1869  
section be furnished with respect to each partner of such 1870  
partnership or limited partnership, each member of such syndicate 1871  
or group, and each person that controls such partner or member. If 1872  
any such partner, member, or person is a corporation, or the 1873  
person required to file the statement is a corporation, the 1874  
superintendent may require that the information required by 1875  
division (C) of this section be furnished with respect to the 1876  
corporation, each officer and director of the corporation, and 1877  
each person that is directly or indirectly the beneficial owner of 1878  
more than ten per cent of the outstanding voting securities of the 1879  
corporation. 1880

(2) If any material change occurs in the facts set forth in 1881  
the statement required by division (B)(2) of this section, an 1882  
amendment setting forth such change, together with copies of all 1883  
documents and other material relevant to the change, shall be 1884  
filed with the superintendent by the person subject to division 1885  
(B)(2) of this section and sent to the domestic insurer within two 1886  
business days after such person learns of the occurrence of the 1887  
material change. 1888

(E) If any offer, request, invitation, agreement, or 1889  
acquisition described in division (B)(1) of this section is 1890  
proposed to be made by means of a registration statement under the 1891  
"Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. 78a, or in 1892  
circumstances requiring the disclosure of similar information 1893  
under the "Securities Exchange Act of 1934," 48 Stat. 881, 15 1894  
U.S.C.A. 78a, or under a state law requiring similar registration 1895  
or disclosure, the person required to file the statement required 1896  
by division (B)(2) of this section may use such documents in 1897  
furnishing the information required by that statement. 1898

(F)(1) The superintendent shall approve any merger or other 1899

acquisition of control described in division (B)(1) of this 1900  
section unless, after a public hearing, the superintendent finds 1901  
that any of the following apply: 1902

(a) After the change of control, the domestic insurer would 1903  
not be able to satisfy the requirements for the issuance of a 1904  
license to write the line or lines of insurance for which it is 1905  
presently licensed; 1906

(b) The effect of the merger or other acquisition of control 1907  
would be substantially to lessen competition in insurance in this 1908  
state or tend to create a monopoly; 1909

(c) The financial condition of any acquiring party is such as 1910  
might jeopardize the financial stability of the domestic insurer, 1911  
or prejudice the interests of its policyholders; 1912

(d) The plans or proposals that the acquiring party has to 1913  
liquidate the domestic insurer, sell its assets, or consolidate or 1914  
merge it with any person, or to make any other material change in 1915  
its business or corporate structure or management, are unfair and 1916  
unreasonable to policyholders of the domestic insurer and not in 1917  
the public interest; 1918

(e) The competence, experience, and integrity of those 1919  
persons that would control the operation of the domestic insurer 1920  
are such that it would not be in the interest of policyholders of 1921  
the domestic insurer and of the public to permit the merger or 1922  
other acquisition of control; 1923

(f) The acquisition is likely to be hazardous or prejudicial 1924  
to the insurance-buying public. 1925

(2)(a) Chapter 119. of the Revised Code, except for section 1926  
119.09 of the Revised Code, applies to any hearing held under 1927  
division (F)(1) of this section, including the notice of the 1928  
hearing, the conduct of the hearing, the orders issued pursuant to 1929  
it, the review of the orders, and all other matters relating to 1930

the holding of the hearing, but only to the extent that Chapter 1931  
119. of the Revised Code is not inconsistent or in conflict with 1932  
this section. 1933

(b) The notice of a hearing required under this division 1934  
shall be transmitted by personal service, certified mail, e-mail, 1935  
or any other method designed to ensure and confirm receipt of the 1936  
notice, to the persons and addresses designated to receive notices 1937  
and correspondence in the information statement filed under 1938  
division (B)(2) of this section. Confirmation of receipt of the 1939  
notice, including electronic "Read Receipt" confirmation, shall 1940  
constitute evidence of compliance with the requirement of this 1941  
section. The notice of hearing shall include the reasons for the 1942  
proposed action and a statement informing the acquiring party that 1943  
the party is entitled to a hearing. The notice also shall inform 1944  
the acquiring party that at the hearing the acquiring party may 1945  
appear in person, by attorney, or by such other representative as 1946  
is permitted to practice before the superintendent, or that the 1947  
acquiring party may present its position, arguments, or 1948  
contentions in writing, and that at the hearing the acquiring 1949  
party may present evidence and examine witnesses appearing for and 1950  
against the acquiring party. A copy of the notice also shall be 1951  
transmitted to attorneys or other representatives of record 1952  
representing the acquiring party. 1953

(c) The hearing shall be held at the offices of the 1954  
superintendent within ten calendar days, but not earlier than 1955  
seven calendar days, of the date of transmission of the notice of 1956  
hearing by any means, unless it is postponed or continued; but in 1957  
no event shall the hearing be held unless notice is received at 1958  
least three days prior to the hearing. The superintendent may 1959  
postpone or continue the hearing upon receipt of a written request 1960  
by an acquiring party, or upon the superintendent's motion, 1961  
provided, however, a hearing in connection with a proposed change 1962

of control involving a depository institution or any affiliate 1963  
thereof, within the meaning of Title I, section 104(c) of the 1964  
"Gramm-Leach-Bliley Act," Pub. L. No. 106-102, 113 Stat. 1338 1965  
(1999), and a domestic insurer, may be postponed or continued only 1966  
upon the request of an acquiring party, or upon the 1967  
superintendent's motion when the acquiring party agrees in writing 1968  
to extend the sixty-day period provided for in section 104(c) of 1969  
the "Gramm-Leach-Bliley Act," by a number of days equal to the 1970  
number of days of such postponement or continuance. 1971

(d) For the purpose of conducting any hearing held under this 1972  
section, the superintendent may require the attendance of such 1973  
witnesses and the production of such books, records, and papers as 1974  
the superintendent desires, and may take the depositions of 1975  
witnesses residing within or without the state in the same manner 1976  
as is prescribed by law for the taking of depositions in civil 1977  
actions in the court of common pleas, and for that purpose the 1978  
superintendent may, and upon the request of an acquiring party 1979  
shall, issue a subpoena for any witnesses or a subpoena duces 1980  
tecum to compel the production of any books, records, or papers, 1981  
directed to the sheriff of the county where such witness resides 1982  
or is found, which shall be served and returned in the same manner 1983  
as a subpoena in a criminal case is served and returned. The fees 1984  
~~and mileage~~ of the sheriff ~~and witnesses~~ shall be the same as that 1985  
allowed in the court of common pleas in criminal cases. Witnesses 1986  
shall be paid the fees and mileage provided for under section 1987  
119.094 of the Revised Code. Fees and mileage shall be paid from 1988  
the fund in the state treasury for the use of the superintendent 1989  
in the same manner as other expenses of the superintendent are 1990  
paid. In any case of disobedience or neglect of any subpoena 1991  
served on any person or the refusal of any witness to testify in 1992  
any matter regarding which the witness may lawfully be 1993  
interrogated, the court of common pleas of any county where such 1994  
disobedience, neglect, or refusal occurs or any judge thereof, on 1995



application by the superintendent, shall compel obedience by 1996  
attachment proceedings for contempt, as in the case of 1997  
disobedience of the requirements of a subpoena issued from the 1998  
court or a refusal to testify therein. 1999

In any hearing held under this section, a record of the 2000  
testimony, as provided by stenographic means or by use of audio 2001  
electronic recording devices, as determined by the superintendent, 2002  
and other evidence submitted shall be taken at the expense of the 2003  
superintendent. The record shall include all of the testimony and 2004  
other evidence, and rulings on the admissibility thereof, 2005  
presented at the hearing. 2006

The superintendent shall pass upon the admissibility of 2007  
evidence, but a party to the proceedings may at that time object 2008  
to the rulings of the superintendent, and if the superintendent 2009  
refuses to admit evidence, the party offering the evidence shall 2010  
proffer the evidence. The proffer shall be made a part of the 2011  
record of the hearing. 2012

In any hearing held under this section, the superintendent 2013  
may call any person to testify under oath as upon 2014  
cross-examination. The superintendent, or any one delegated by the 2015  
superintendent to conduct a hearing, may administer oaths or 2016  
affirmations. 2017

In any hearing under this section, the superintendent may 2018  
appoint a hearing officer to conduct the hearing; the hearing 2019  
officer has the same powers and authority in conducting the 2020  
hearing as is granted to the superintendent. The hearing officer 2021  
shall have been admitted to the practice of law in the state and 2022  
be possessed of any additional qualifications as the 2023  
superintendent requires. The hearing officer shall submit to the 2024  
superintendent a written report setting forth the hearing 2025  
officer's finding of fact and conclusions of law and a 2026  
recommendation of the action to be taken by the superintendent. A 2027

copy of the written report and recommendation shall, within seven 2028  
days of the date of filing thereof, be served upon the acquiring 2029  
party or the acquiring party's attorney or other representative of 2030  
record, by personal service, certified mail, e-mail, or any other 2031  
method designed to ensure and confirm receipt of the report. The 2032  
acquiring party may, within three days of receipt of the copy of 2033  
the written report and recommendation, file with the 2034  
superintendent written objections to the report and 2035  
recommendation, which objections the superintendent shall consider 2036  
before approving, modifying, or disapproving the recommendation. 2037  
The superintendent may grant extensions of time to the acquiring 2038  
party within which to file such objections. No recommendation of 2039  
the hearing officer shall be approved, modified, or disapproved by 2040  
the superintendent until after three days following the service of 2041  
the report and recommendation as provided in this section. The 2042  
superintendent may order additional testimony to be taken or 2043  
permit the introduction of further documentary evidence. The 2044  
superintendent may approve, modify, or disapprove the 2045  
recommendation of the hearing officer, and the order of the 2046  
superintendent based on the report, recommendation, transcript of 2047  
testimony, and evidence, or the objections of the acquiring party, 2048  
and additional testimony and evidence shall have the same effect 2049  
as if the hearing had been conducted by the superintendent. No 2050  
such recommendation is final until confirmed and approved by the 2051  
superintendent as indicated by the order entered in the record of 2052  
proceedings, and if the superintendent modifies or disapproves the 2053  
recommendations of the hearing officer, the reasons for the 2054  
modification or disapproval shall be included in the record of 2055  
proceedings. 2056

After the order is entered, the superintendent shall transmit 2057  
in the manner and by any of the methods set forth in division 2058  
(F)(2)(b) of this section a certified copy of the order and a 2059  
statement of the time and method by which an appeal may be 2060

perfected. A copy of the order shall be mailed to the attorneys or 2061  
other representatives of record representing the acquiring party. 2062

(e) An order of disapproval issued by the superintendent may 2063  
be appealed to the court of common pleas of Franklin county by 2064  
filing a notice of appeal with the superintendent and a copy of 2065  
the notice of appeal with the court, within fifteen calendar days 2066  
after the transmittal of the copy of the order of disapproval. The 2067  
notice of appeal shall set forth the order appealed from and the 2068  
grounds for appeal, in accordance with section 119.12 of the 2069  
Revised Code. 2070

(3) The superintendent may retain at the acquiring party's 2071  
expense any attorneys, actuaries, accountants, and other experts 2072  
not otherwise a part of the superintendent's staff as may be 2073  
reasonably necessary to assist the superintendent in reviewing the 2074  
proposed acquisition of control. 2075

(G) This section does not apply to either of the following: 2076

(1) Any transaction that is subject to section 3907.09, 2077  
3907.10, 3907.11, or 3921.14, or sections 3925.27 to 3925.31, 2078  
3941.35 to 3941.46, or section 3953.19 of the Revised Code; 2079

(2) Any offer, request, invitation, agreement, or acquisition 2080  
that the superintendent by order exempts from this section on 2081  
either of the following bases: 2082

(a) It has not been made or entered into for the purpose and 2083  
does not have the effect of changing or influencing the control of 2084  
a domestic insurer; 2085

(b) It is not otherwise comprehended within the purposes of 2086  
this section. 2087

(H) Nothing in this section or in any other section of Title 2088  
XXXIX of the Revised Code shall be construed to impair the 2089  
authority of the attorney general to investigate or prosecute 2090

actions under any state or federal antitrust law with respect to 2091  
any merger or other acquisition involving domestic insurers. 2092

(I) In connection with a proposed change of control involving 2093  
a depository institution or any affiliate thereof, within the 2094  
meaning of Title I, section 104(c) of the "Gramm-Leach-Bliley 2095  
Act," Pub. L. No. 106-102, 113 Stat. 1338 (1999), and a domestic 2096  
insurer, not later than sixty days after the date of the 2097  
notification of the proposed change in control submitted pursuant 2098  
to division (B)(2) of this section, the superintendent shall make 2099  
any determination that the person acquiring control of the insurer 2100  
shall maintain or restore the capital of the insurer to the level 2101  
required by the laws and regulations of this state. 2102

**Sec. 4112.04.** (A) The commission shall do all of the 2103  
following: 2104

(1) Establish and maintain a principal office in the city of 2105  
Columbus and any other offices within the state that it considers 2106  
necessary; 2107

(2) Appoint an executive director who shall serve at the 2108  
pleasure of the commission and be its principal administrative 2109  
officer. The executive director shall be paid a salary fixed 2110  
pursuant to Chapter 124. of the Revised Code. 2111

(3) Appoint hearing examiners and other employees and agents 2112  
who it considers necessary and prescribe their duties subject to 2113  
Chapter 124. of the Revised Code; 2114

(4) Adopt, promulgate, amend, and rescind rules to effectuate 2115  
the provisions of this chapter and the policies and practice of 2116  
the commission in connection with this chapter; 2117

(5) Formulate policies to effectuate the purposes of this 2118  
chapter and make recommendations to agencies and officers of the 2119  
state or political subdivisions to effectuate the policies; 2120

(6) Receive, investigate, and pass upon written charges made 2121  
under oath of unlawful discriminatory practices; 2122

(7) Make periodic surveys of the existence and effect of 2123  
discrimination because of race, color, religion, sex, military 2124  
status, familial status, national origin, disability, age, or 2125  
ancestry on the enjoyment of civil rights by persons within the 2126  
state; 2127

(8) Report, from time to time, but not less than once a year, 2128  
to the general assembly and the governor, describing in detail the 2129  
investigations, proceedings, and hearings it has conducted and 2130  
their outcome, the decisions it has rendered, and the other work 2131  
performed by it, which report shall include a copy of any surveys 2132  
prepared pursuant to division (A)(7) of this section and shall 2133  
include the recommendations of the commission as to legislative or 2134  
other remedial action; 2135

(9) Prepare a comprehensive educational program, in 2136  
cooperation with the department of education, for the students of 2137  
the public schools of this state and for all other residents of 2138  
this state that is designed to eliminate prejudice on the basis of 2139  
race, color, religion, sex, military status, familial status, 2140  
national origin, disability, age, or ancestry in this state, to 2141  
further good will among those groups, and to emphasize the origin 2142  
of prejudice against those groups, its harmful effects, and its 2143  
incompatibility with American principles of equality and fair 2144  
play; 2145

(10) Receive progress reports from agencies, 2146  
instrumentalities, institutions, boards, commissions, and other 2147  
entities of this state or any of its political subdivisions and 2148  
their agencies, instrumentalities, institutions, boards, 2149  
commissions, and other entities regarding affirmative action 2150  
programs for the employment of persons against whom discrimination 2151  
is prohibited by this chapter, or regarding any affirmative 2152

housing accommodations programs developed to eliminate or reduce 2153  
an imbalance of race, color, religion, sex, military status, 2154  
familial status, national origin, disability, or ancestry. All 2155  
agencies, instrumentalities, institutions, boards, commissions, 2156  
and other entities of this state or its political subdivisions, 2157  
and all political subdivisions, that have undertaken affirmative 2158  
action programs pursuant to a conciliation agreement with the 2159  
commission, an executive order of the governor, any federal 2160  
statute or rule, or an executive order of the president of the 2161  
United States shall file progress reports with the commission 2162  
annually on or before the first day of November. The commission 2163  
shall analyze and evaluate the progress reports and report its 2164  
findings annually to the general assembly on or before the 2165  
thirtieth day of January of the year immediately following the 2166  
receipt of the reports. 2167

(B) The commission may do any of the following: 2168

(1) Meet and function at any place within the state; 2169

(2) Initiate and undertake on its own motion investigations 2170  
of problems of employment or housing accommodations 2171  
discrimination; 2172

(3) Hold hearings, subpoena witnesses, compel their 2173  
attendance, administer oaths, take the testimony of any person 2174  
under oath, require the production for examination of any books 2175  
and papers relating to any matter under investigation or in 2176  
question before the commission, and make rules as to the issuance 2177  
of subpoenas by individual commissioners. 2178

(a) In conducting a hearing or investigation, the commission 2179  
shall have access at all reasonable times to premises, records, 2180  
documents, individuals, and other evidence or possible sources of 2181  
evidence and may examine, record, and copy the premises, records, 2182  
documents, and other evidence or possible sources of evidence and 2183

take and record the testimony or statements of the individuals as 2184  
reasonably necessary for the furtherance of the hearing or 2185  
investigation. In investigations, the commission shall comply with 2186  
the fourth amendment to the United States Constitution relating to 2187  
unreasonable searches and seizures. The commission or a member of 2188  
the commission may issue subpoenas to compel access to or the 2189  
production of premises, records, documents, and other evidence or 2190  
possible sources of evidence or the appearance of individuals, and 2191  
may issue interrogatories to a respondent, to the same extent and 2192  
subject to the same limitations as would apply if the subpoenas or 2193  
interrogatories were issued or served in aid of a civil action in 2194  
a court of common pleas. 2195

(b) Upon written application by a respondent, the commission 2196  
shall issue subpoenas in its name to the same extent and subject 2197  
to the same limitations as subpoenas issued by the commission. 2198  
Subpoenas issued at the request of a respondent shall show on 2199  
their face the name and address of the respondent and shall state 2200  
that they were issued at the respondent's request. 2201

(c) Witnesses summoned by subpoena of the commission are 2202  
entitled to the ~~same~~ witness and mileage fees ~~as are witnesses in~~ 2203  
~~proceedings in a court of common pleas~~ provided for under section 2204  
119.094 of the Revised Code. 2205

(d) Within five days after service of a subpoena upon any 2206  
person, the person may petition the commission to revoke or modify 2207  
the subpoena. The commission shall grant the petition if it finds 2208  
that the subpoena requires an appearance or attendance at an 2209  
unreasonable time or place, that it requires production of 2210  
evidence that does not relate to any matter before the commission, 2211  
that it does not describe with sufficient particularity the 2212  
evidence to be produced, that compliance would be unduly onerous, 2213  
or for other good reason. 2214

(e) In case of contumacy or refusal to obey a subpoena, the 2215

commission or person at whose request it was issued may petition 2216  
for its enforcement in the court of common pleas in the county in 2217  
which the person to whom the subpoena was addressed resides, was 2218  
served, or transacts business. 2219

(4) Create local or statewide advisory agencies and 2220  
conciliation councils to aid in effectuating the purposes of this 2221  
chapter. The commission may itself, or it may empower these 2222  
agencies and councils to, do either or both of the following: 2223

(a) Study the problems of discrimination in all or specific 2224  
fields of human relationships when based on race, color, religion, 2225  
sex, military status, familial status, national origin, 2226  
disability, age, or ancestry; 2227

(b) Foster through community effort, or otherwise, good will 2228  
among the groups and elements of the population of the state. 2229

The agencies and councils may make recommendations to the 2230  
commission for the development of policies and procedures in 2231  
general. They shall be composed of representative citizens who 2232  
shall serve without pay, except that reimbursement for actual and 2233  
necessary traveling expenses shall be made to citizens who serve 2234  
on a statewide agency or council. 2235

(5) Issue any publications and the results of investigations 2236  
and research that in its judgment will tend to promote good will 2237  
and minimize or eliminate discrimination because of race, color, 2238  
religion, sex, military status, familial status, national origin, 2239  
disability, age, or ancestry. 2240

**Sec. 4121.16.** Each witness who appears before the bureau of 2241  
workers' compensation by its order shall receive for ~~his~~ the 2242  
witness's attendance the fees and mileage provided for ~~witnesses~~ 2243  
~~in civil cases in the court of common pleas under section 119.094~~ 2244  
of the Revised Code, which shall be paid from the state insurance 2245



fund on the approval of the administrator of workers' 2246  
compensation. No witnesses subpoenaed at the instance of the 2247  
parties other than the bureau is entitled to compensation from the 2248  
state for attendance or travel unless the bureau certifies that 2249  
~~his~~ the witness's testimony was material to the matter 2250  
investigated. 2251

**Sec. 4123.13.** Each officer who serves a subpoena issued under 2252  
section 4123.08 of the Revised Code shall receive the same fees as 2253  
a sheriff, and each witness who appears, in obedience to a 2254  
subpoena, before the industrial commission or its secretary or 2255  
district or staff hearing officers, the administrator of workers' 2256  
compensation, or any inspector or examiner of the commission or 2257  
administrator, shall receive ~~for his attendance~~ the fees and 2258  
mileage provided for ~~witnesses in civil cases in courts of common~~ 2259  
~~pleas~~ under section 119.094 of the Revised Code, which shall be 2260  
paid from the state insurance fund on the approval of any two 2261  
members of the commission, if the witness is subpoenaed by the 2262  
commission or its secretary, district or staff hearing officer, 2263  
inspector, or examiner, or on the approval of the administrator, 2264  
if the witness is subpoenaed by the administrator or ~~his~~ the 2265  
administrator's inspector or examiner. No witness subpoenaed at 2266  
the instance of a party other than the persons listed in this 2267  
section is entitled to compensation under this section unless the 2268  
administrator or commission certifies that ~~his~~ the witness's 2269  
testimony was material to the matter investigated. 2270

**Sec. 4167.10.** (A) In order to carry out the purposes of this 2271  
chapter, the administrator of workers' compensation or the 2272  
administrator's designee shall, as provided in this section, 2273  
inspect and investigate any plant, facility, establishment, 2274  
construction site, or any other area, workplace, or environment 2275  
where work is being performed by a public employee of a public 2276

employer, and any place of employment and all pertinent 2277  
conditions, structures, machines, apparatus, devices, equipment, 2278  
and materials therein, and question privately any public employer, 2279  
administrator, department head, operator, agent, or public 2280  
employee. The authority to inspect and investigate includes the 2281  
taking of environmental samples, the taking and obtaining of 2282  
photographs related to the purposes of the inspection or 2283  
investigation, the examination of records required to be kept 2284  
under section 4167.11 of the Revised Code and other documents and 2285  
records relevant to the inspection and investigation, the issuance 2286  
of subpoenas, and the conducting of tests and other studies 2287  
reasonably calculated to serve the purposes of implementing and 2288  
enforcing this chapter. Except as provided in this section, the 2289  
administrator or the administrator's designee shall conduct 2290  
inspections and investigations only pursuant to a request to do so 2291  
by a public employee or public employee representative, or the 2292  
notification the administrator receives pursuant to division (B) 2293  
of section 4167.06 of the Revised Code and only if the 2294  
administrator or the administrator's designee complies with this 2295  
section. The administrator or the administrator's designee shall 2296  
conduct all requested or required inspections within a reasonable 2297  
amount of time following receipt of the request or notification. 2298

(B)(1) Any public employee or public employee representative 2299  
who believes that a violation of an Ohio employment risk reduction 2300  
standard exists that threatens physical harm, or that an imminent 2301  
danger exists, may request an inspection by giving written notice 2302  
to the administrator or the administrator's designee of the 2303  
violation or danger. The notice shall set forth with reasonable 2304  
particularity the grounds for the notice, and shall be signed by 2305  
the public employee or public employee representative. The names 2306  
of individual public employees making the notice or referred to 2307  
therein shall not appear in the copy provided to the public 2308  
employer pursuant to division (B)(2) of this section and shall be 2309

kept confidential. 2310

(2) If, upon receipt of a notification pursuant to division 2311  
(B)(1) of this section, the administrator determines that there 2312  
are no reasonable grounds to believe that a violation or danger 2313  
exists, the administrator shall inform the public employee or 2314  
public employee representative in writing of the determination. 2315  
If, upon receipt of a notification, the administrator determines 2316  
that there are reasonable grounds to believe that a violation or 2317  
danger exists, the administrator shall, within one week, excluding 2318  
Saturdays, Sundays, and any legal holiday as defined in section 2319  
1.14 of the Revised Code, after receipt of the notification, 2320  
notify the public employer, by certified mail, return receipt 2321  
requested, of the alleged violation or danger. The notice provided 2322  
to the public employer or the public employer's agent shall 2323  
contain a copy of the notice provided to the administrator by the 2324  
public employee or the public employee representative under 2325  
division (B)(1) of this section and shall inform the public 2326  
employer of the alleged violation or danger and that the 2327  
administrator or the administrator's designee will investigate and 2328  
inspect the public employer's workplace as provided in this 2329  
section. The public employer must respond to the administrator, in 2330  
a method determined by the administrator, concerning the alleged 2331  
violation or danger, within thirty days after receipt of the 2332  
notice. If the public employer does not correct the violation or 2333  
danger within the thirty-day period or if the public employer 2334  
fails to respond within that time period, the administrator or the 2335  
administrator's designee shall investigate and inspect the public 2336  
employer's workplace as provided in this section. The 2337  
administrator or the administrator's designee shall not conduct 2338  
any inspection prior to the end of the thirty-day period unless 2339  
requested or permitted by the public employer. The administrator 2340  
may, at any time upon the request of the public employer, inspect 2341  
and investigate any violation or danger alleged to exist at the 2342

public employer's place of employment. 2343

(3) The authority of the administrator or the administrator's 2344  
designee to investigate and inspect a premises pursuant to a 2345  
public employee or public employee representative notification is 2346  
not limited to the alleged violation or danger contained in the 2347  
notification. The administrator or the administrator's designee 2348  
may investigate and inspect any other area of the premises where 2349  
there is reason to believe that a violation or danger exists. In 2350  
addition, if the administrator or the administrator's designee 2351  
detects any obvious or apparent violation at any temporary place 2352  
of employment while en route to the premises to be inspected or 2353  
investigated, and that violation presents a substantial 2354  
probability that the condition or practice could result in death 2355  
or serious physical harm, the administrator or the administrator's 2356  
designee may use any of the enforcement mechanisms provided in 2357  
this section to correct or remove the condition or practice. 2358

(4) If, during an inspection or investigation, the 2359  
administrator or the administrator's designee finds any condition 2360  
or practice in any place of employment that presents a substantial 2361  
probability that the condition or practice could result in death 2362  
or serious physical harm, after notifying the employer of the 2363  
administrator's intent to issue an order, the administrator shall 2364  
issue an order, or the administrator's designee shall issue an 2365  
order after consultation either by telephone or in person with the 2366  
administrator and upon the recommendation of the administrator, 2367  
which prohibits the employment of any public employee or any 2368  
continuing operation or process under such condition or practice 2369  
until necessary steps are taken to correct or remove the condition 2370  
or practice. The order shall not be effective for more than 2371  
fifteen days, unless a court of competent jurisdiction otherwise 2372  
orders as provided in section 4167.14 of the Revised Code. 2373

(C) In making any inspections or investigations under this 2374

chapter, the administrator or the administrator's designee may 2375  
administer oaths and require, by subpoena, the attendance and 2376  
testimony of witnesses and the production of evidence under oath. 2377  
Witnesses shall receive the ~~same~~ fees and mileage provided for 2378  
~~witnesses in civil cases in the court of common pleas under~~ 2379  
section 119.094 of the Revised Code. In the case of contumacy, 2380  
failure, or refusal of any person to comply with an order or any 2381  
subpoena lawfully issued, or upon the refusal of any witness to 2382  
testify to any matter regarding which the witness may lawfully be 2383  
interrogated, a judge of the court of common pleas of any county 2384  
in this state, on the application of the administrator or the 2385  
administrator's designee, shall issue an order requiring the 2386  
person to appear and to produce evidence if, as, and when so 2387  
ordered, and to give testimony relating to the matter under 2388  
investigation or in question. The court may punish any failure to 2389  
obey the order of the court as a contempt thereof. 2390

(D) If, upon inspection or investigation, the administrator 2391  
or the administrator's designee believes that a public employer 2392  
has violated any requirement of this chapter or any rule, Ohio 2393  
employment risk reduction standard, or order adopted or issued 2394  
pursuant thereto, the administrator or the administrator's 2395  
designee shall, with reasonable promptness, issue a citation to 2396  
the public employer. The citation shall be in writing and describe 2397  
with particularity the nature of the alleged violation, including 2398  
a reference to the provision of law, Ohio employment risk 2399  
reduction standard, rule, or order alleged to have been violated. 2400  
In addition, the citation shall fix a time for the abatement of 2401  
the violation, as provided in division (H) of this section. The 2402  
administrator may prescribe procedures for the issuance of a 2403  
notice with respect to minor violations and for enforcement of 2404  
minor violations that have no direct or immediate relationship to 2405  
safety or health. 2406

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

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

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

(H) In establishing the time limits in which a public employer must abate a violation under this section, the administrator shall consider the costs to the public employer, the size and financial resources of the public employer, the severity of the violation, the technological feasibility of the public employer's ability to comply with requirements of the citation, the possible present and future detriment to the health and safety of any public employee for failure of the public employer to comply with requirements of the citation, and such other factors as the administrator determines appropriate. The administrator may, after considering the above factors, permit the public employer to comply with the citation over a period of up to two

years and may extend that period an additional one year, as the administrator determines appropriate.

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

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

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

(B) To consider, hear, and determine all appeals authorized by Chapters 4301. and 4303. of the Revised Code, to be taken from any decision, determination, or order of the division of liquor control, and all complaints for the revocation of permits. The

liquor control commission shall accord a hearing to any person 2470  
appealing or complained against, at which such person has the 2471  
right to be present, to be represented by counsel, to offer 2472  
evidence, and to require the attendance of witnesses. 2473

(C) To adopt, repeal, and amend bylaws in relation to its 2474  
meetings and the transaction of its business and regulating its 2475  
procedure on appeal. 2476

(D) To consider and make recommendations upon any matter 2477  
which the superintendent of liquor control submits to it for 2478  
recommendation and determine any matter which the superintendent 2479  
submits to it for determination. 2480

(E) To require of the superintendent and of any officer, 2481  
department, board, or commission of the state of any county, 2482  
township, or municipal officer in this state, information with 2483  
respect to the social and economic effects of such chapters; and 2484  
all such officers, departments, boards, and commissions shall 2485  
furnish such information when requested in writing by the liquor 2486  
control commission. 2487

(F) To submit to the governor amendments to any laws 2488  
affecting the sale of intoxicating liquor in this state when it 2489  
deems desirable. 2490

(G) For the purpose of any hearing or investigation which 2491  
they are respectively authorized or required by such chapters to 2492  
conduct, the liquor control commission or any member thereof, the 2493  
superintendent, or any agent of the division designated in writing 2494  
for that purpose, may administer oaths, take depositions, issue 2495  
subpoenas, compel the attendance of witnesses and the production 2496  
of books, accounts, papers, records, documents, and testimony. In 2497  
case of disobedience of any person with respect to an order of the 2498  
commission or a subpoena issued by the liquor control commission 2499  
or any member thereof, the superintendent or such agent, or on the 2500



refusal of a witness to testify to any matter regarding which the 2501  
witness may be lawfully interrogated, a judge of the court of 2502  
common pleas of the county in which the person resides, on 2503  
application of any member of the liquor control commission or the 2504  
superintendent, shall compel obedience by attachment proceedings 2505  
as for contempt, as in the case of disobedience with respect to 2506  
the requirements of a subpoena issued from such court or a refusal 2507  
to testify in such court. Each officer who serves such subpoena 2508  
shall receive the same fees as a sheriff, and each witness who 2509  
appears, in obedience to a subpoena, before the liquor control 2510  
commission or any member thereof, or the superintendent, shall 2511  
receive for attendance the fees and mileage provided for ~~witnesses~~ 2512  
~~in civil cases in courts of common pleas~~ under section 119.094 of 2513  
the Revised Code, which shall be audited and paid upon 2514  
presentation of proper vouchers approved by any two members of the 2515  
commission. No witness subpoenaed at the instance of a party other 2516  
than the liquor control commission or any member thereof, the 2517  
superintendent, or such agent, is entitled to compensation unless 2518  
the commission certifies that the testimony of the witness was 2519  
material to the matter investigated. 2520

**Sec. 4503.03.** (A)(1)(a) The registrar of motor vehicles may 2521  
designate the county auditor in each county a deputy registrar. If 2522  
the population of a county is forty thousand or less according to 2523  
the last federal census and if the county auditor is designated by 2524  
the registrar as a deputy registrar, no other person need be 2525  
designated in the county to act as a deputy registrar. 2526

(b) The registrar may designate a clerk of a court of common 2527  
pleas as a deputy registrar if the population of the county is 2528  
forty thousand or less according to the last federal census. All 2529  
fees collected and retained by a clerk for conducting deputy 2530  
registrar services shall be paid into the county treasury to the 2531  
credit of the certificate of title administration fund created 2532

under section 325.33 of the Revised Code. 2533

(c) In all other instances, the registrar shall contract with 2534  
one or more other persons in each county to act as deputy 2535  
registrars. 2536

(2) Deputy registrars shall accept applications for the 2537  
annual license tax for any vehicle not taxed under section 4503.63 2538  
of the Revised Code and shall assign distinctive numbers in the 2539  
same manner as the registrar. Such deputies shall be located in 2540  
such locations in the county as the registrar sees fit. There 2541  
shall be at least one deputy registrar in each county. 2542

Deputy registrar contracts are subject to the provisions of 2543  
division (B) of section 125.081 of the Revised Code. 2544

(B) The registrar shall not contract with any person to act 2545  
as a deputy registrar if the person or, where applicable, the 2546  
person's spouse or a member of the person's immediate family has 2547  
made, within the current calendar year or any one of the previous 2548  
three calendar years, one or more contributions totaling in excess 2549  
of one hundred dollars to any person or entity included in 2550  
division (A)(2) of section 4503.033 of the Revised Code. As used 2551  
in this division, "immediate family" has the same meaning as in 2552  
division (D) of section 102.01 of the Revised Code, and "entity" 2553  
includes any political party and any "continuing association" as 2554  
defined in division (B)(4) of section 3517.01 of the Revised Code 2555  
or "political action committee" as defined in division (B)(8) of 2556  
that section that is primarily associated with that political 2557  
party. For purposes of this division, contributions to any 2558  
continuing association or any political action committee that is 2559  
primarily associated with a political party shall be aggregated 2560  
with contributions to that political party. 2561

The contribution limitations contained in this division do 2562  
not apply to any county auditor or clerk of a court of common 2563

pleas. 2564

The registrar shall not contract with either of the following 2565  
to act as a deputy registrar: 2566

(1) Any elected public official other than a county auditor 2567  
or, as authorized by division (A)(1)(b) of this section, a clerk 2568  
of a court of common pleas, acting in an official capacity; 2569

(2) Any person holding a current, valid contract to conduct 2570  
motor vehicle inspections under section 3704.14 of the Revised 2571  
Code. 2572

(C)(1) Except as provided in division (C)(2) of this section, 2573  
deputy registrars are independent contractors and neither they nor 2574  
their employees are employees of this state, except that nothing 2575  
in this section shall affect the status of county auditors or 2576  
clerks of courts of common pleas as public officials, nor the 2577  
status of their employees as employees of any of the counties of 2578  
this state, which are political subdivisions of this state. Each 2579  
deputy registrar shall be responsible for the payment of all 2580  
unemployment compensation premiums, all workers' compensation 2581  
premiums, social security contributions, and any and all taxes for 2582  
which the deputy registrar is legally responsible. Each deputy 2583  
registrar shall comply with all applicable federal, state, and 2584  
local laws requiring the withholding of income taxes or other 2585  
taxes from the compensation of the deputy registrar's employees. 2586  
Each deputy registrar shall maintain during the entire term of the 2587  
deputy registrar's contract a policy of business liability 2588  
insurance satisfactory to the registrar and shall hold the 2589  
department of public safety, the director of public safety, the 2590  
bureau of motor vehicles, and the registrar harmless upon any and 2591  
all claims for damages arising out of the operation of the deputy 2592  
registrar agency. 2593

(2) For purposes of Chapter 4141. of the Revised Code, 2594

determinations concerning the employment of deputy registrars and 2595  
their employees shall be made under Chapter 4141. of the Revised 2596  
Code. 2597

(D)(1) With the approval of the director, the registrar shall 2598  
adopt rules governing the terms of the contract between the 2599  
registrar and each deputy registrar and specifications for the 2600  
services to be performed. The rules shall include specifications 2601  
relating to the amount of bond to be given as provided in this 2602  
section; the size and location of the deputy's office; and the 2603  
leasing of equipment necessary to conduct the vision screenings 2604  
required under section 4507.12 of the Revised Code and training in 2605  
the use of the equipment. The specifications shall permit and 2606  
encourage every deputy registrar to inform the public of the 2607  
location of the deputy registrar's office and hours of operation 2608  
by means of public service announcements and allow any deputy 2609  
registrar to advertise in regard to the operation of the deputy 2610  
registrar's office. The rules also shall include specifications 2611  
for the hours the deputy's office is to be open to the public and 2612  
shall require as a minimum that one deputy's office in each county 2613  
be open to the public for at least four hours each weekend, 2614  
provided that if only one deputy's office is located within the 2615  
boundary of the county seat, that office is the office that shall 2616  
be open for the four-hour period each weekend, and that every 2617  
deputy's office in each county shall be open to the public until 2618  
six-thirty p.m. on at least one weeknight each week. The rules 2619  
also shall include specifications providing that every deputy in 2620  
each county, upon request, provide any person with information 2621  
about the location and office hours of all deputy registrars in 2622  
the county and that every deputy prominently display within the 2623  
deputy's office, the toll-free telephone number of the bureau. The 2624  
rules shall not prohibit the award of a deputy registrar contract 2625  
to a nonprofit corporation formed under the laws of this state. 2626  
The rules shall prohibit any deputy registrar from operating more 2627

than one such office at any time, except that the rules may permit 2628  
a nonprofit corporation formed for the purposes of providing 2629  
automobile-related services to its members or the public and that 2630  
provides such services from more than one location in this state 2631  
to operate a deputy registrar office at any such location, 2632  
provided that the nonprofit corporation operates no more than one 2633  
deputy registrar office in any one county. The rules may include 2634  
such other specifications as the registrar and director consider 2635  
necessary to provide a high level of service. 2636

(2) With the prior approval of the registrar, each deputy 2637  
registrar may conduct at the location of the deputy registrar's 2638  
office any business that is consistent with the functions of a 2639  
deputy registrar and that is not specifically mandated or 2640  
authorized by this or another chapter of the Revised Code or by 2641  
implementing rules of the registrar. 2642

(3) As used in this section and in section 4507.01 of the 2643  
Revised Code, "nonprofit corporation" has the same meaning as in 2644  
section 1702.01 of the Revised Code. 2645

(E) Unless otherwise terminated and except for interim 2646  
contracts of less than one year, contracts with deputy registrars 2647  
shall be for a term of at least two years, but no more than three 2648  
years, and all contracts effective on or after July 1, 1996, shall 2649  
be for a term of more than two years, but not more than three 2650  
years. All contracts with deputy registrars shall expire on the 2651  
last Saturday of June in the year of their expiration. The auditor 2652  
of state may examine the accounts, reports, systems, and other 2653  
data of each deputy registrar at least every two years. The 2654  
registrar, with the approval of the director, shall immediately 2655  
remove a deputy who violates any provision of the Revised Code 2656  
related to the duties as a deputy, any rule adopted by the 2657  
registrar, or a term of the deputy's contract with the registrar. 2658  
The registrar also may remove a deputy who, in the opinion of the 2659

registrar, has engaged in any conduct that is either unbecoming to 2660  
one representing this state or is inconsistent with the efficient 2661  
operation of the deputy's office. 2662

If the registrar, with the approval of the director, 2663  
determines that there is good cause to believe that a deputy 2664  
registrar or a person proposing for a deputy registrar contract 2665  
has engaged in any conduct that would require the denial or 2666  
termination of the deputy registrar contract, the registrar may 2667  
require the production of books, records, and papers as the 2668  
registrar determines are necessary, and may take the depositions 2669  
of witnesses residing within or outside the state in the same 2670  
manner as is prescribed by law for the taking of depositions in 2671  
civil actions in the court of common pleas, and for that purpose 2672  
the registrar may issue a subpoena for any witness or a subpoena 2673  
duces tecum to compel the production of any books, records, or 2674  
papers, directed to the sheriff of the county where the witness 2675  
resides or is found. Such a subpoena shall be served and returned 2676  
in the same manner as a subpoena in a criminal case is served and 2677  
returned. The fees ~~and mileage~~ of the sheriff ~~and witnesses~~ shall 2678  
be the same as that allowed in the court of common pleas in 2679  
criminal cases ~~and~~. Witnesses shall be paid the fees and mileage 2680  
provided for under section 119.094 of the Revised Code. The fees 2681  
and mileage shall be paid from the fund in the state treasury for 2682  
the use of the agency in the same manner as other expenses of the 2683  
agency are paid. 2684

In any case of disobedience or neglect of any subpoena served 2685  
on any person or the refusal of any witness to testify to any 2686  
matter regarding which the witness lawfully may be interrogated, 2687  
the court of common pleas of any county where the disobedience, 2688  
neglect, or refusal occurs or any judge of that court, on 2689  
application by the registrar, shall compel obedience by attachment 2690  
proceedings for contempt, as in the case of disobedience of the 2691

requirements of a subpoena issued from that court, or a refusal to  
testify in that court.

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

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

(G) The registrar shall assign to each deputy registrar a  
series of numbers sufficient to supply the demand at all times in  
the area the deputy registrar serves, and the registrar shall keep  
a record in the registrar's office of the numbers within the  
series assigned. Each deputy shall be required to give bond in the  
amount of at least twenty-five thousand dollars, or in such higher  
amount as the registrar determines necessary, based on a uniform  
schedule of bond amounts established by the registrar and  
determined by the volume of registrations handled by the deputy.  
The form of the bond shall be prescribed by the registrar. The  
bonds required of deputy registrars, in the discretion of the  
registrar, may be individual or schedule bonds or may be included  
in any blanket bond coverage carried by the department.

(H) Each deputy registrar shall keep a file of each 2724  
application received by the deputy and shall register that motor 2725  
vehicle with the name and address of its owner. 2726

(I) Upon request, a deputy registrar shall make the physical 2727  
inspection of a motor vehicle and issue the physical inspection 2728  
certificate required in section 4505.061 of the Revised Code. 2729

(J) Each deputy registrar shall file a report semi-annually 2730  
with the registrar of motor vehicles listing the number of 2731  
applicants for licenses the deputy has served, the number of voter 2732  
registration applications the deputy has completed and transmitted 2733  
to the board of elections, and the number of voter registration 2734  
applications declined. 2735

**Sec. 4517.32.** Subject to sections 119.01 to 119.12 of the 2736  
Revised Code, the motor vehicle dealers board may make such 2737  
reasonable rules as are necessary to carry out and effect its 2738  
duties under this chapter, including such rules as are necessary 2739  
relating to the time, place, and manner of conducting hearings on 2740  
the issuance, suspension, or revocation of licenses, and on 2741  
protests filed under sections 4517.50, 4517.52, 4517.53, 4517.54, 2742  
and 4517.56 of the Revised Code. The board may hear testimony in 2743  
matters relating to the duties imposed upon it and the president 2744  
and the secretary of the board may administer oaths. The board may 2745  
require any proof it considers advisable and may require the 2746  
attendance of such witnesses and the production of such books, 2747  
records, and papers as it desires at any hearing before it or 2748  
relating to any matter that it has authority to investigate. The 2749  
board may, through its secretary, issue a subpoena for any 2750  
witness, or a subpoena duces tecum for the production of any 2751  
books, records, and papers, directed to the sheriff of the county 2752  
where such witness resides or is found, which subpoena shall be 2753  
served and returned in the same manner as a subpoena in a criminal 2754



case. 2755

The fees ~~and mileage~~ of the sheriff ~~and witnesses~~ shall be 2756  
the same as that allowed in the court of common pleas in criminal 2757  
cases ~~and~~. Witnesses shall be paid the fees and mileage provided 2758  
for under section 119.094 of the Revised Code. The fees and 2759  
mileage shall be paid in the same manner as other expenses of the 2760  
board. 2761

Depositions of witnesses residing within or without the state 2762  
may be taken by the board in the manner prescribed for like 2763  
depositions in civil actions in the court of common pleas. In any 2764  
case of disobedience to or neglect of any subpoena served on any 2765  
person, or the refusal of any witness to testify to any matter 2766  
regarding which the witness may lawfully be interrogated, the 2767  
court of common pleas of any county where such disobedience, 2768  
neglect, or refusal occurs, or any judge thereof on application of 2769  
the secretary of the board, shall compel obedience by attachment 2770  
proceedings for contempt as in the case of disobedience of a 2771  
subpoena issued from such court or a refusal to testify therein. 2772

**Sec. 4701.29.** (A) The accountancy board may investigate 2773  
whether a person has violated any provision of this chapter or 2774  
rule adopted under it before commencing a disciplinary proceeding 2775  
pursuant to section 4701.16 of the Revised Code or taking legal 2776  
action pursuant to section 4701.18 of the Revised Code. An 2777  
investigation under this section is not subject to Chapter 119. of 2778  
the Revised Code. 2779

The board may appoint a committee of board members or staff 2780  
employed by the board to conduct an investigation. notwithstanding 2781  
any statute or rule to the contrary, a board member who 2782  
participates in an investigation may participate actively in any 2783  
hearing or proceeding to the same extent as a board member who did 2784  
not participate in the investigation. 2785

(B) During an investigation, the board may administer oaths, 2786  
order the taking of depositions, issue subpoenas, compel the 2787  
attendance and testimony of a person at a deposition, and compel 2788  
the production of any form of documentary evidence or record. 2789  
Subpoenas and orders to compel under this section may be served by 2790  
a designee of the board or by certified mail, return receipt 2791  
requested, to the residence or place of business of the 2792  
individual, professional association, firm, corporation, 2793  
partnership, sole proprietorship, limited liability company, or 2794  
other business organization named in the subpoena or order. 2795

(C)(1) Any witness who appears in response to a subpoena of 2796  
the board may request, and shall receive within a reasonable time 2797  
after making the request, the fees and mileage provided for 2798  
~~witnesses in civil cases in the courts of common pleas in this~~ 2799  
~~state under section 119.094 of the Revised Code.~~ 2800

(2) If a person fails to comply with a subpoena or order 2801  
issued by the board under this section, the board may apply to the 2802  
Franklin county court of common pleas for an order compelling 2803  
compliance with the board's subpoena or order. Upon application by 2804  
the board and upon evidence of the person's failure to comply, the 2805  
court shall compel the appearance of the persons or the production 2806  
of the documents named in the board's subpoena or order in 2807  
accordance with the Rules of Civil Procedure. The court also may 2808  
issue any contempt citation and sanction the court deems 2809  
appropriate. 2810

(D) The investigative proceedings of the board under this 2811  
section are not a public record under section 149.43 of the 2812  
Revised Code, are confidential, and are not subject to discovery 2813  
in any civil or administrative action or proceeding. 2814

**Sec. 4723.29.** In addition to the powers conferred upon the 2815  
board of nursing by Chapter 119. of the Revised Code, the board 2816

may subpoena witnesses and require their attendance, require the 2817  
testimony of witnesses and require the production by witnesses of 2818  
books, papers, public records, and other documentary evidence, and 2819  
examine them as it may require in relation to any matter which it 2820  
has authority to investigate, inquire into, or hear. 2821

A subpoena for patient record information shall be issued 2822  
only upon approval of the executive director of the board, and the 2823  
president or another member of the board designated by the 2824  
president, in consultation with the office of the attorney 2825  
general. Before issuance of any such subpoena, the executive 2826  
director and the office of the attorney general shall determine 2827  
whether there is probable cause to believe that the complaint 2828  
filed alleges a violation of this chapter or any rule of the 2829  
board, that the records sought are relevant to the alleged 2830  
violation and material to the investigation, and that the records 2831  
cover a reasonable period of time surrounding the alleged 2832  
violation. 2833

Upon failure to comply with any subpoena issued by the board 2834  
and after reasonable notice to the person being subpoenaed, the 2835  
board may move for an order compelling the production of persons 2836  
or records pursuant to Ohio Rules of Civil Procedure. 2837

Each officer who serves such subpoena shall receive the same 2838  
fees as a sheriff, and each witness who appears, in obedience to a 2839  
subpoena, before the board, shall receive the fees and mileage 2840  
provided for ~~witnesses in civil cases in courts of common pleas~~ 2841  
under section 119.094 of the Revised Code. 2842

**Sec. 4725.23.** (A) The state board of optometry shall 2843  
investigate evidence that appears to show that a person has 2844  
violated any provision of sections 4725.01 to 4725.34 of the 2845  
Revised Code or any rule adopted under those sections. 2846  
Investigations of alleged violations shall be supervised by the 2847

member of the board appointed by the board to act as the 2848  
supervising member of investigations. The supervising member shall 2849  
not participate in the final vote that occurs in an adjudication 2850  
of the case. 2851

(B) In investigating a possible violation, the board may 2852  
administer oaths, order the taking of depositions, issue 2853  
subpoenas, and compel the attendance of witnesses and production 2854  
of books, accounts, papers, records, documents, and testimony. A 2855  
subpoena for patient record information shall not be issued 2856  
without consultation with the attorney general's office and 2857  
approval of the secretary of the board and the board's supervising 2858  
member of investigations. Before issuance of a subpoena for 2859  
patient record information, the secretary and supervising member 2860  
shall determine whether there is probable cause to believe that 2861  
the complaint filed alleges a violation of sections 4725.01 to 2862  
4725.34 of the Revised Code or any rule adopted under those 2863  
sections and that the records sought are relevant to the alleged 2864  
violation and material to the investigation. The subpoena may 2865  
apply only to records that cover a reasonable period of time 2866  
surrounding the alleged violation. 2867

On failure to comply with any subpoena issued by the board 2868  
and after reasonable notice to the person being subpoenaed, the 2869  
board may move for an order compelling the production of persons 2870  
or records pursuant to the Rules of Civil Procedure. 2871

A subpoena issued by the board may be served by a sheriff, 2872  
the sheriff's deputy, or a board employee designated by the board. 2873  
Service of a subpoena issued by the board may be made by 2874  
delivering a copy of the subpoena to the person named therein, 2875  
reading it to the person, or leaving it at the person's usual 2876  
place of residence. When the person being served is an optometrist 2877  
licensed under this chapter, service of the subpoena may be made 2878  
by certified mail, restricted delivery, return receipt requested, 2879

and the subpoena shall be deemed served on the date delivery is 2880  
made or the date the optometrist refuses to accept delivery. 2881

Each witness who appears before the board in obedience to a 2882  
subpoena shall receive the fees and mileage provided for ~~witnesses~~ 2883  
~~in civil cases in the courts of common pleas under section 119.094~~ 2884  
of the Revised Code. 2885

(C) Information received by the board pursuant to an 2886  
investigation is confidential and not subject to discovery in any 2887  
civil action. 2888

The board shall conduct all investigations and proceedings in 2889  
a manner that protects the confidentiality of patients and persons 2890  
who file complaints with the board. The board shall not make 2891  
public the names or any other identifying information about 2892  
patients or complainants unless proper consent is given. 2893

The board may share any information it receives pursuant to 2894  
an investigation, including patient records and patient record 2895  
information, with other licensing boards and governmental agencies 2896  
that are investigating alleged professional misconduct and with 2897  
law enforcement agencies and other governmental agencies that are 2898  
investigating or prosecuting alleged criminal offenses. A board or 2899  
agency that receives the information shall comply with the same 2900  
requirements regarding confidentiality as those with which the 2901  
state board of optometry must comply, notwithstanding any 2902  
conflicting provision of the Revised Code or procedure of the 2903  
board or agency that applies when the board or agency is dealing 2904  
with other information in its possession. The information may be 2905  
admitted into evidence in a criminal trial in accordance with the 2906  
Rules of Evidence, but the court shall require that appropriate 2907  
measures are taken to ensure that confidentiality is maintained 2908  
with respect to any part of the information that contains names or 2909  
other identifying information about persons whose confidentiality 2910  
was protected by the state board of optometry when the information 2911

was in the board's possession. Measures to ensure confidentiality 2912  
that may be taken by the court include sealing its records or 2913  
deleting specific information from its records. 2914

**Sec. 4728.05.** (A) The superintendent of financial 2915  
institutions may, either personally or by a person whom the 2916  
superintendent appoints for the purpose, if the superintendent 2917  
considers it advisable, investigate the business of every person 2918  
licensed as a precious metals dealer under this chapter, and of 2919  
every person, partnership, and corporation by whom or for which 2920  
any purchase is made, whether the person, partnership, or 2921  
corporation acts, or claims to act, as principal, agent, or 2922  
broker, or under, or without the authority of this chapter, and 2923  
for that purpose shall have free access to the books and papers 2924  
thereof and other sources of information with regard to the 2925  
business of the licensee or person and whether the business has 2926  
been or is being transacted in accordance with this chapter. The 2927  
superintendent and every examiner may examine, under oath or 2928  
affirmation, any person whose testimony may relate to any business 2929  
coming within this chapter. 2930

(B) In making any investigation or conducting any hearing 2931  
pursuant to this section, the superintendent or a person 2932  
designated by the superintendent, at any time, may do any of the 2933  
following: 2934

(1) Compel by subpoena the attendance of witnesses; 2935

(2) Take depositions of witnesses residing without the state 2936  
in the manner provided for in civil actions; 2937

(3) Pay witnesses the fees and mileage ~~for their attendance~~ 2938  
provided for ~~witnesses in civil actions~~ under section 119.094 of 2939  
the Revised Code; 2940

(4) Administer oaths; 2941

(5) Compel by order or subpoena duces tecum the production of 2942  
all relevant books, records, accounts, and other documents and 2943  
examine such books, records, accounts, and other documents. 2944

(C) If a person fails to comply with a subpoena or subpoena 2945  
duces tecum, the superintendent may apply to the court of common 2946  
pleas of Franklin county for an order compelling the person to 2947  
comply with the subpoena or subpoena duces tecum or, for failure 2948  
to do so, an order holding the person in contempt of court. The 2949  
superintendent, in accordance with section 4728.03 of the Revised 2950  
Code, may suspend or revoke the license of any precious metals 2951  
dealer who fails to comply with this division. 2952

(D) In connection with any investigation under this section, 2953  
the superintendent may file an action in the court of common pleas 2954  
of Franklin county or the court of common pleas of the county in 2955  
which the person who is the subject of the investigation resides 2956  
to obtain an injunction, a temporary restraining order, or other 2957  
appropriate relief, if it appears to the superintendent that the 2958  
person is engaging in actions or threatening to engage in actions 2959  
in violation of this chapter. 2960

(E) If in an investigation under this section the 2961  
superintendent determines that a person not licensed under this 2962  
chapter, or an employee of that person, has been or is engaged or 2963  
is threatening to engage in activities for which a license is 2964  
required under this chapter, the superintendent may issue an order 2965  
to that person requiring the person to show cause why the person 2966  
should not be subject to licensure under this chapter. If the 2967  
superintendent determines, after notice and a hearing conducted in 2968  
accordance with Chapter 119. of the Revised Code, that a person is 2969  
engaged in, or is threatening to engage in activities that 2970  
constitute a violation of this chapter, the superintendent may 2971  
issue a cease and desist order that describes the person and 2972  
activities that are subject to the order and may impose upon the 2973

person a penalty of not less than one hundred nor more than ten 2974  
thousand dollars for a violation of this chapter. Any cease and 2975  
desist order and any penalty issued under this section are 2976  
enforceable in and may be appealed to a court of common pleas 2977  
pursuant to Chapter 119. of the Revised Code. 2978

**Sec. 4730.26.** (A) The state medical board shall investigate 2979  
evidence that appears to show that any person has violated this 2980  
chapter or a rule adopted under it. In an investigation involving 2981  
the practice or supervision of a physician assistant pursuant to 2982  
the policies of a health care facility, the board may require that 2983  
the health care facility provide any information the board 2984  
considers necessary to identify either or both of the following: 2985

(1) The facility's policies for the practice of physician 2986  
assistants within the facility; 2987

(2) The services that the facility has authorized a 2988  
particular physician assistant to provide for the facility. 2989

(B) Any person may report to the board in a signed writing 2990  
any information the person has that appears to show a violation of 2991  
any provision of this chapter or rule adopted under it. In the 2992  
absence of bad faith, a person who reports such information or 2993  
testifies before the board in an adjudication conducted under 2994  
Chapter 119. of the Revised Code shall not be liable for civil 2995  
damages as a result of reporting the information or providing 2996  
testimony. Each complaint or allegation of a violation received by 2997  
the board shall be assigned a case number and be recorded by the 2998  
board. 2999

(C) Investigations of alleged violations of this chapter or 3000  
rules adopted under it shall be supervised by the supervising 3001  
member elected by the board in accordance with section 4731.02 of 3002  
the Revised Code and by the secretary as provided in section 3003  
4730.33 of the Revised Code. The president may designate another 3004



member of the board to supervise the investigation in place of the 3005  
supervising member. A member of the board who supervises the 3006  
investigation of a case shall not participate in further 3007  
adjudication of the case. 3008

(D) In investigating a possible violation of this chapter or 3009  
a rule adopted under it, the board may administer oaths, order the 3010  
taking of depositions, issue subpoenas, and compel the attendance 3011  
of witnesses and production of books, accounts, papers, records, 3012  
documents, and testimony, except that a subpoena for patient 3013  
record information shall not be issued without consultation with 3014  
the attorney general's office and approval of the secretary and 3015  
supervising member of the board. Before issuance of a subpoena for 3016  
patient record information, the secretary and supervising member 3017  
shall determine whether there is probable cause to believe that 3018  
the complaint filed alleges a violation of this chapter or a rule 3019  
adopted under it and that the records sought are relevant to the 3020  
alleged violation and material to the investigation. The subpoena 3021  
may apply only to records that cover a reasonable period of time 3022  
surrounding the alleged violation. 3023

On failure to comply with any subpoena issued by the board 3024  
and after reasonable notice to the person being subpoenaed, the 3025  
board may move for an order compelling the production of persons 3026  
or records pursuant to the Rules of Civil Procedure. 3027

A subpoena issued by the board may be served by a sheriff, 3028  
the sheriff's deputy, or a board employee designated by the board. 3029  
Service of a subpoena issued by the board may be made by 3030  
delivering a copy of the subpoena to the person named therein, 3031  
reading it to the person, or leaving it at the person's usual 3032  
place of residence. When the person being served is a physician 3033  
assistant, service of the subpoena may be made by certified mail, 3034  
restricted delivery, return receipt requested, and the subpoena 3035  
shall be deemed served on the date delivery is made or the date 3036

the person refuses to accept delivery. 3037

A sheriff's deputy who serves a subpoena shall receive the 3038  
same fees as a sheriff. Each witness who appears before the board 3039  
in obedience to a subpoena shall receive the fees and mileage 3040  
provided for ~~witnesses in civil cases in the courts of common~~ 3041  
~~pleas~~ under section 119.094 of the Revised Code. 3042

(E) All hearings and investigations of the board shall be 3043  
considered civil actions for the purposes of section 2305.252 of 3044  
the Revised Code. 3045

(F) Information received by the board pursuant to an 3046  
investigation is confidential and not subject to discovery in any 3047  
civil action. 3048

The board shall conduct all investigations and proceedings in 3049  
a manner that protects the confidentiality of patients and persons 3050  
who file complaints with the board. The board shall not make 3051  
public the names or any other identifying information about 3052  
patients or complainants unless proper consent is given or, in the 3053  
case of a patient, a waiver of the patient privilege exists under 3054  
division (B) of section 2317.02 of the Revised Code, except that 3055  
consent or a waiver is not required if the board possesses 3056  
reliable and substantial evidence that no bona fide 3057  
physician-patient relationship exists. 3058

The board may share any information it receives pursuant to 3059  
an investigation, including patient records and patient record 3060  
information, with law enforcement agencies, other licensing 3061  
boards, and other governmental agencies that are prosecuting, 3062  
adjudicating, or investigating alleged violations of statutes or 3063  
administrative rules. An agency or board that receives the 3064  
information shall comply with the same requirements regarding 3065  
confidentiality as those with which the state medical board must 3066  
comply, notwithstanding any conflicting provision of the Revised 3067

Code or procedure of the agency or board that applies when it is 3068  
dealing with other information in its possession. In a judicial 3069  
proceeding, the information may be admitted into evidence only in 3070  
accordance with the Rules of Evidence, but the court shall require 3071  
that appropriate measures are taken to ensure that confidentiality 3072  
is maintained with respect to any part of the information that 3073  
contains names or other identifying information about patients or 3074  
complainants whose confidentiality was protected by the state 3075  
medical board when the information was in the board's possession. 3076  
Measures to ensure confidentiality that may be taken by the court 3077  
include sealing its records or deleting specific information from 3078  
its records. 3079

(G) The state medical board shall develop requirements for 3080  
and provide appropriate initial and continuing training for 3081  
investigators employed by the board to carry out its duties under 3082  
this chapter. The training and continuing education may include 3083  
enrollment in courses operated or approved by the Ohio peace 3084  
officer training council that the board considers appropriate 3085  
under conditions set forth in section 109.79 of the Revised Code. 3086

(H) On a quarterly basis, the board shall prepare a report 3087  
that documents the disposition of all cases during the preceding 3088  
three months. The report shall contain the following information 3089  
for each case with which the board has completed its activities: 3090

(1) The case number assigned to the complaint or alleged 3091  
violation; 3092

(2) The type of certificate, if any, held by the individual 3093  
against whom the complaint is directed; 3094

(3) A description of the allegations contained in the 3095  
complaint; 3096

(4) The disposition of the case. 3097

The report shall state how many cases are still pending, and 3098

shall be prepared in a manner that protects the identity of each 3099  
person involved in each case. The report shall be submitted to the 3100  
physician assistant policy committee of the board and is a public 3101  
record for purposes of section 149.43 of the Revised Code. 3102

**Sec. 4731.22.** (A) The state medical board, by an affirmative 3103  
vote of not fewer than six of its members, may revoke or may 3104  
refuse to grant a certificate to a person found by the board to 3105  
have committed fraud during the administration of the examination 3106  
for a certificate to practice or to have committed fraud, 3107  
misrepresentation, or deception in applying for or securing any 3108  
certificate to practice or certificate of registration issued by 3109  
the board. 3110

(B) The board, by an affirmative vote of not fewer than six 3111  
members, shall, to the extent permitted by law, limit, revoke, or 3112  
suspend an individual's certificate to practice, refuse to 3113  
register an individual, refuse to reinstate a certificate, or 3114  
reprimand or place on probation the holder of a certificate for 3115  
one or more of the following reasons: 3116

(1) Permitting one's name or one's certificate to practice or 3117  
certificate of registration to be used by a person, group, or 3118  
corporation when the individual concerned is not actually 3119  
directing the treatment given; 3120

(2) Failure to maintain minimal standards applicable to the 3121  
selection or administration of drugs, or failure to employ 3122  
acceptable scientific methods in the selection of drugs or other 3123  
modalities for treatment of disease; 3124

(3) Selling, giving away, personally furnishing, prescribing, 3125  
or administering drugs for other than legal and legitimate 3126  
therapeutic purposes or a plea of guilty to, a judicial finding of 3127  
guilt of, or a judicial finding of eligibility for intervention in 3128  
lieu of conviction of, a violation of any federal or state law 3129

regulating the possession, distribution, or use of any drug; 3130

(4) Willfully betraying a professional confidence. 3131

For purposes of this division, "willfully betraying a 3132  
professional confidence" does not include providing any 3133  
information, documents, or reports to a child fatality review 3134  
board under sections 307.621 to 307.629 of the Revised Code and 3135  
does not include the making of a report of an employee's use of a 3136  
drug of abuse, or a report of a condition of an employee other 3137  
than one involving the use of a drug of abuse, to the employer of 3138  
the employee as described in division (B) of section 2305.33 of 3139  
the Revised Code. Nothing in this division affects the immunity 3140  
from civil liability conferred by that section upon a physician 3141  
who makes either type of report in accordance with division (B) of 3142  
that section. As used in this division, "employee," "employer," 3143  
and "physician" have the same meanings as in section 2305.33 of 3144  
the Revised Code. 3145

(5) Making a false, fraudulent, deceptive, or misleading 3146  
statement in the solicitation of or advertising for patients; in 3147  
relation to the practice of medicine and surgery, osteopathic 3148  
medicine and surgery, podiatric medicine and surgery, or a limited 3149  
branch of medicine; or in securing or attempting to secure any 3150  
certificate to practice or certificate of registration issued by 3151  
the board. 3152

As used in this division, "false, fraudulent, deceptive, or 3153  
misleading statement" means a statement that includes a 3154  
misrepresentation of fact, is likely to mislead or deceive because 3155  
of a failure to disclose material facts, is intended or is likely 3156  
to create false or unjustified expectations of favorable results, 3157  
or includes representations or implications that in reasonable 3158  
probability will cause an ordinarily prudent person to 3159  
misunderstand or be deceived. 3160

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;	3161 3162 3163 3164
(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;	3165 3166 3167 3168
(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	3169 3170 3171
(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	3172 3173 3174
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	3175 3176 3177
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	3178 3179 3180
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	3181 3182 3183
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	3184 3185 3186
(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;	3187 3188 3189
(15) Violation of the conditions of limitation placed by the	3190

board upon a certificate to practice; 3191

(16) Failure to pay license renewal fees specified in this 3192  
chapter; 3193

(17) Except as authorized in section 4731.31 of the Revised 3194  
Code, engaging in the division of fees for referral of patients, 3195  
or the receiving of a thing of value in return for a specific 3196  
referral of a patient to utilize a particular service or business; 3197

(18) Subject to section 4731.226 of the Revised Code, 3198  
violation of any provision of a code of ethics of the American 3199  
medical association, the American osteopathic association, the 3200  
American podiatric medical association, or any other national 3201  
professional organizations that the board specifies by rule. The 3202  
state medical board shall obtain and keep on file current copies 3203  
of the codes of ethics of the various national professional 3204  
organizations. The individual whose certificate is being suspended 3205  
or revoked shall not be found to have violated any provision of a 3206  
code of ethics of an organization not appropriate to the 3207  
individual's profession. 3208

For purposes of this division, a "provision of a code of 3209  
ethics of a national professional organization" does not include 3210  
any provision that would preclude the making of a report by a 3211  
physician of an employee's use of a drug of abuse, or of a 3212  
condition of an employee other than one involving the use of a 3213  
drug of abuse, to the employer of the employee as described in 3214  
division (B) of section 2305.33 of the Revised Code. Nothing in 3215  
this division affects the immunity from civil liability conferred 3216  
by that section upon a physician who makes either type of report 3217  
in accordance with division (B) of that section. As used in this 3218  
division, "employee," "employer," and "physician" have the same 3219  
meanings as in section 2305.33 of the Revised Code. 3220

(19) Inability to practice according to acceptable and 3221

prevailing standards of care by reason of mental illness or 3222  
physical illness, including, but not limited to, physical 3223  
deterioration that adversely affects cognitive, motor, or 3224  
perceptive skills. 3225

In enforcing this division, the board, upon a showing of a 3226  
possible violation, may compel any individual authorized to 3227  
practice by this chapter or who has submitted an application 3228  
pursuant to this chapter to submit to a mental examination, 3229  
physical examination, including an HIV test, or both a mental and 3230  
a physical examination. The expense of the examination is the 3231  
responsibility of the individual compelled to be examined. Failure 3232  
to submit to a mental or physical examination or consent to an HIV 3233  
test ordered by the board constitutes an admission of the 3234  
allegations against the individual unless the failure is due to 3235  
circumstances beyond the individual's control, and a default and 3236  
final order may be entered without the taking of testimony or 3237  
presentation of evidence. If the board finds an individual unable 3238  
to practice because of the reasons set forth in this division, the 3239  
board shall require the individual to submit to care, counseling, 3240  
or treatment by physicians approved or designated by the board, as 3241  
a condition for initial, continued, reinstated, or renewed 3242  
authority to practice. An individual affected under this division 3243  
shall be afforded an opportunity to demonstrate to the board the 3244  
ability to resume practice in compliance with acceptable and 3245  
prevailing standards under the provisions of the individual's 3246  
certificate. For the purpose of this division, any individual who 3247  
applies for or receives a certificate to practice under this 3248  
chapter accepts the privilege of practicing in this state and, by 3249  
so doing, shall be deemed to have given consent to submit to a 3250  
mental or physical examination when directed to do so in writing 3251  
by the board, and to have waived all objections to the 3252  
admissibility of testimony or examination reports that constitute 3253  
a privileged communication. 3254



(20) Except when civil penalties are imposed under section 3255  
4731.225 or 4731.281 of the Revised Code, and subject to section 3256  
4731.226 of the Revised Code, violating or attempting to violate, 3257  
directly or indirectly, or assisting in or abetting the violation 3258  
of, or conspiring to violate, any provisions of this chapter or 3259  
any rule promulgated by the board. 3260

This division does not apply to a violation or attempted 3261  
violation of, assisting in or abetting the violation of, or a 3262  
conspiracy to violate, any provision of this chapter or any rule 3263  
adopted by the board that would preclude the making of a report by 3264  
a physician of an employee's use of a drug of abuse, or of a 3265  
condition of an employee other than one involving the use of a 3266  
drug of abuse, to the employer of the employee as described in 3267  
division (B) of section 2305.33 of the Revised Code. Nothing in 3268  
this division affects the immunity from civil liability conferred 3269  
by that section upon a physician who makes either type of report 3270  
in accordance with division (B) of that section. As used in this 3271  
division, "employee," "employer," and "physician" have the same 3272  
meanings as in section 2305.33 of the Revised Code. 3273

(21) The violation of section 3701.79 of the Revised Code or 3274  
of any abortion rule adopted by the public health council pursuant 3275  
to section 3701.341 of the Revised Code; 3276

(22) Any of the following actions taken by the agency 3277  
responsible for regulating the practice of medicine and surgery, 3278  
osteopathic medicine and surgery, podiatric medicine and surgery, 3279  
or the limited branches of medicine in another jurisdiction, for 3280  
any reason other than the nonpayment of fees: the limitation, 3281  
revocation, or suspension of an individual's license to practice; 3282  
acceptance of an individual's license surrender; denial of a 3283  
license; refusal to renew or reinstate a license; imposition of 3284  
probation; or issuance of an order of censure or other reprimand; 3285

(23) The violation of section 2919.12 of the Revised Code or 3286

the performance or inducement of an abortion upon a pregnant woman 3287  
with actual knowledge that the conditions specified in division 3288  
(B) of section 2317.56 of the Revised Code have not been satisfied 3289  
or with a heedless indifference as to whether those conditions 3290  
have been satisfied, unless an affirmative defense as specified in 3291  
division (H)(2) of that section would apply in a civil action 3292  
authorized by division (H)(1) of that section; 3293

(24) The revocation, suspension, restriction, reduction, or 3294  
termination of clinical privileges by the United States department 3295  
of defense or department of veterans affairs or the termination or 3296  
suspension of a certificate of registration to prescribe drugs by 3297  
the drug enforcement administration of the United States 3298  
department of justice; 3299

(25) Termination or suspension from participation in the 3300  
medicare or medicaid programs by the department of health and 3301  
human services or other responsible agency for any act or acts 3302  
that also would constitute a violation of division (B)(2), (3), 3303  
(6), (8), or (19) of this section; 3304

(26) Impairment of ability to practice according to 3305  
acceptable and prevailing standards of care because of habitual or 3306  
excessive use or abuse of drugs, alcohol, or other substances that 3307  
impair ability to practice. 3308

For the purposes of this division, any individual authorized 3309  
to practice by this chapter accepts the privilege of practicing in 3310  
this state subject to supervision by the board. By filing an 3311  
application for or holding a certificate to practice under this 3312  
chapter, an individual shall be deemed to have given consent to 3313  
submit to a mental or physical examination when ordered to do so 3314  
by the board in writing, and to have waived all objections to the 3315  
admissibility of testimony or examination reports that constitute 3316  
privileged communications. 3317

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

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

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

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

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

(c) Two written reports indicating that the individual's 3349  
ability to practice has been assessed and that the individual has 3350  
been found capable of practicing according to acceptable and 3351  
prevailing standards of care. The reports shall be made by 3352  
individuals or providers approved by the board for making the 3353  
assessments and shall describe the basis for their determination. 3354

The board may reinstate a certificate suspended under this 3355  
division after that demonstration and after the individual has 3356  
entered into a written consent agreement. 3357

When the impaired practitioner resumes practice, the board 3358  
shall require continued monitoring of the individual. The 3359  
monitoring shall include, but not be limited to, compliance with 3360  
the written consent agreement entered into before reinstatement or 3361  
with conditions imposed by board order after a hearing, and, upon 3362  
termination of the consent agreement, submission to the board for 3363  
at least two years of annual written progress reports made under 3364  
penalty of perjury stating whether the individual has maintained 3365  
sobriety. 3366

(27) A second or subsequent violation of section 4731.66 or 3367  
4731.69 of the Revised Code; 3368

(28) Except as provided in division (N) of this section: 3369

(a) Waiving the payment of all or any part of a deductible or 3370  
copayment that a patient, pursuant to a health insurance or health 3371  
care policy, contract, or plan that covers the individual's 3372  
services, otherwise would be required to pay if the waiver is used 3373  
as an enticement to a patient or group of patients to receive 3374  
health care services from that individual; 3375

(b) Advertising that the individual will waive the payment of 3376  
all or any part of a deductible or copayment that a patient, 3377  
pursuant to a health insurance or health care policy, contract, or 3378  
plan that covers the individual's services, otherwise would be 3379

required to pay.	3380
(29) Failure to use universal blood and body fluid	3381
precautions established by rules adopted under section 4731.051 of	3382
the Revised Code;	3383
(30) Failure to provide notice to, and receive acknowledgment	3384
of the notice from, a patient when required by section 4731.143 of	3385
the Revised Code prior to providing nonemergency professional	3386
services, or failure to maintain that notice in the patient's	3387
file;	3388
(31) Failure of a physician supervising a physician assistant	3389
to maintain supervision in accordance with the requirements of	3390
Chapter 4730. of the Revised Code and the rules adopted under that	3391
chapter;	3392
(32) Failure of a physician or podiatrist to enter into a	3393
standard care arrangement with a clinical nurse specialist,	3394
certified nurse-midwife, or certified nurse practitioner with whom	3395
the physician or podiatrist is in collaboration pursuant to	3396
section 4731.27 of the Revised Code or failure to fulfill the	3397
responsibilities of collaboration after entering into a standard	3398
care arrangement;	3399
(33) Failure to comply with the terms of a consult agreement	3400
entered into with a pharmacist pursuant to section 4729.39 of the	3401
Revised Code;	3402
(34) Failure to cooperate in an investigation conducted by	3403
the board under division (F) of this section, including failure to	3404
comply with a subpoena or order issued by the board or failure to	3405
answer truthfully a question presented by the board at a	3406
deposition or in written interrogatories, except that failure to	3407
cooperate with an investigation shall not constitute grounds for	3408
discipline under this section if a court of competent jurisdiction	3409
has issued an order that either quashes a subpoena or permits the	3410

individual to withhold the testimony or evidence in issue;	3411
(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;	3412 3413 3414
(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;	3415 3416 3417
(37) Assisting suicide as defined in section 3795.01 of the Revised Code;	3418 3419
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code.	3420 3421
(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.	3422 3423 3424 3425 3426 3427 3428 3429 3430 3431 3432 3433
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	3434 3435 3436 3437 3438 3439 3440 3441

entered into under this division with an individual that pertains 3442  
to a second or subsequent plea of guilty to, or judicial finding 3443  
of guilt of, a violation of that section shall provide for a 3444  
suspension of the individual's certificate to practice for a 3445  
period of at least one year or, if determined appropriate by the 3446  
board, a more serious sanction involving the individual's 3447  
certificate to practice. 3448

(D) For purposes of divisions (B)(10), (12), and (14) of this 3449  
section, the commission of the act may be established by a finding 3450  
by the board, pursuant to an adjudication under Chapter 119. of 3451  
the Revised Code, that the individual committed the act. The board 3452  
does not have jurisdiction under those divisions if the trial 3453  
court renders a final judgment in the individual's favor and that 3454  
judgment is based upon an adjudication on the merits. The board 3455  
has jurisdiction under those divisions if the trial court issues 3456  
an order of dismissal upon technical or procedural grounds. 3457

(E) The sealing of conviction records by any court shall have 3458  
no effect upon a prior board order entered under this section or 3459  
upon the board's jurisdiction to take action under this section 3460  
if, based upon a plea of guilty, a judicial finding of guilt, or a 3461  
judicial finding of eligibility for intervention in lieu of 3462  
conviction, the board issued a notice of opportunity for a hearing 3463  
prior to the court's order to seal the records. The board shall 3464  
not be required to seal, destroy, redact, or otherwise modify its 3465  
records to reflect the court's sealing of conviction records. 3466

(F)(1) The board shall investigate evidence that appears to 3467  
show that a person has violated any provision of this chapter or 3468  
any rule adopted under it. Any person may report to the board in a 3469  
signed writing any information that the person may have that 3470  
appears to show a violation of any provision of this chapter or 3471  
any rule adopted under it. In the absence of bad faith, any person 3472  
who reports information of that nature or who testifies before the 3473

board in any adjudication conducted under Chapter 119. of the 3474  
Revised Code shall not be liable in damages in a civil action as a 3475  
result of the report or testimony. Each complaint or allegation of 3476  
a violation received by the board shall be assigned a case number 3477  
and shall be recorded by the board. 3478

(2) Investigations of alleged violations of this chapter or 3479  
any rule adopted under it shall be supervised by the supervising 3480  
member elected by the board in accordance with section 4731.02 of 3481  
the Revised Code and by the secretary as provided in section 3482  
4731.39 of the Revised Code. The president may designate another 3483  
member of the board to supervise the investigation in place of the 3484  
supervising member. No member of the board who supervises the 3485  
investigation of a case shall participate in further adjudication 3486  
of the case. 3487

(3) In investigating a possible violation of this chapter or 3488  
any rule adopted under this chapter, the board may administer 3489  
oaths, order the taking of depositions, issue subpoenas, and 3490  
compel the attendance of witnesses and production of books, 3491  
accounts, papers, records, documents, and testimony, except that a 3492  
subpoena for patient record information shall not be issued 3493  
without consultation with the attorney general's office and 3494  
approval of the secretary and supervising member of the board. 3495  
Before issuance of a subpoena for patient record information, the 3496  
secretary and supervising member shall determine whether there is 3497  
probable cause to believe that the complaint filed alleges a 3498  
violation of this chapter or any rule adopted under it and that 3499  
the records sought are relevant to the alleged violation and 3500  
material to the investigation. The subpoena may apply only to 3501  
records that cover a reasonable period of time surrounding the 3502  
alleged violation. 3503

On failure to comply with any subpoena issued by the board 3504  
and after reasonable notice to the person being subpoenaed, the 3505



board may move for an order compelling the production of persons 3506  
or records pursuant to the Rules of Civil Procedure. 3507

A subpoena issued by the board may be served by a sheriff, 3508  
the sheriff's deputy, or a board employee designated by the board. 3509  
Service of a subpoena issued by the board may be made by 3510  
delivering a copy of the subpoena to the person named therein, 3511  
reading it to the person, or leaving it at the person's usual 3512  
place of residence. When the person being served is a person whose 3513  
practice is authorized by this chapter, service of the subpoena 3514  
may be made by certified mail, restricted delivery, return receipt 3515  
requested, and the subpoena shall be deemed served on the date 3516  
delivery is made or the date the person refuses to accept 3517  
delivery. 3518

A sheriff's deputy who serves a subpoena shall receive the 3519  
same fees as a sheriff. Each witness who appears before the board 3520  
in obedience to a subpoena shall receive the fees and mileage 3521  
provided for ~~witnesses in civil cases in the courts of common~~ 3522  
~~pleas~~ under section 119.094 of the Revised Code. 3523

(4) All hearings and investigations of the board shall be 3524  
considered civil actions for the purposes of section 2305.252 of 3525  
the Revised Code. 3526

(5) Information received by the board pursuant to an 3527  
investigation is confidential and not subject to discovery in any 3528  
civil action. 3529

The board shall conduct all investigations and proceedings in 3530  
a manner that protects the confidentiality of patients and persons 3531  
who file complaints with the board. The board shall not make 3532  
public the names or any other identifying information about 3533  
patients or complainants unless proper consent is given or, in the 3534  
case of a patient, a waiver of the patient privilege exists under 3535  
division (B) of section 2317.02 of the Revised Code, except that 3536

consent or a waiver of that nature is not required if the board 3537  
possesses reliable and substantial evidence that no bona fide 3538  
physician-patient relationship exists. 3539

The board may share any information it receives pursuant to 3540  
an investigation, including patient records and patient record 3541  
information, with law enforcement agencies, other licensing 3542  
boards, and other governmental agencies that are prosecuting, 3543  
adjudicating, or investigating alleged violations of statutes or 3544  
administrative rules. An agency or board that receives the 3545  
information shall comply with the same requirements regarding 3546  
confidentiality as those with which the state medical board must 3547  
comply, notwithstanding any conflicting provision of the Revised 3548  
Code or procedure of the agency or board that applies when it is 3549  
dealing with other information in its possession. In a judicial 3550  
proceeding, the information may be admitted into evidence only in 3551  
accordance with the Rules of Evidence, but the court shall require 3552  
that appropriate measures are taken to ensure that confidentiality 3553  
is maintained with respect to any part of the information that 3554  
contains names or other identifying information about patients or 3555  
complainants whose confidentiality was protected by the state 3556  
medical board when the information was in the board's possession. 3557  
Measures to ensure confidentiality that may be taken by the court 3558  
include sealing its records or deleting specific information from 3559  
its records. 3560

(6) On a quarterly basis, the board shall prepare a report 3561  
that documents the disposition of all cases during the preceding 3562  
three months. The report shall contain the following information 3563  
for each case with which the board has completed its activities: 3564

(a) The case number assigned to the complaint or alleged 3565  
violation; 3566

(b) The type of certificate to practice, if any, held by the 3567  
individual against whom the complaint is directed; 3568

(c) A description of the allegations contained in the 3569  
complaint; 3570

(d) The disposition of the case. 3571

The report shall state how many cases are still pending and 3572  
shall be prepared in a manner that protects the identity of each 3573  
person involved in each case. The report shall be a public record 3574  
under section 149.43 of the Revised Code. 3575

(G) If the secretary and supervising member determine that 3576  
there is clear and convincing evidence that an individual has 3577  
violated division (B) of this section and that the individual's 3578  
continued practice presents a danger of immediate and serious harm 3579  
to the public, they may recommend that the board suspend the 3580  
individual's certificate to practice without a prior hearing. 3581  
Written allegations shall be prepared for consideration by the 3582  
board. 3583

The board, upon review of those allegations and by an 3584  
affirmative vote of not fewer than six of its members, excluding 3585  
the secretary and supervising member, may suspend a certificate 3586  
without a prior hearing. A telephone conference call may be 3587  
utilized for reviewing the allegations and taking the vote on the 3588  
summary suspension. 3589

The board shall issue a written order of suspension by 3590  
certified mail or in person in accordance with section 119.07 of 3591  
the Revised Code. The order shall not be subject to suspension by 3592  
the court during pendency of any appeal filed under section 119.12 3593  
of the Revised Code. If the individual subject to the summary 3594  
suspension requests an adjudicatory hearing by the board, the date 3595  
set for the hearing shall be within fifteen days, but not earlier 3596  
than seven days, after the individual requests the hearing, unless 3597  
otherwise agreed to by both the board and the individual. 3598

Any summary suspension imposed under this division shall 3599

remain in effect, unless reversed on appeal, until a final 3600  
adjudicative order issued by the board pursuant to this section 3601  
and Chapter 119. of the Revised Code becomes effective. The board 3602  
shall issue its final adjudicative order within seventy-five days 3603  
after completion of its hearing. A failure to issue the order 3604  
within seventy-five days shall result in dissolution of the 3605  
summary suspension order but shall not invalidate any subsequent, 3606  
final adjudicative order. 3607

(H) If the board takes action under division (B)(9), (11), or 3608  
(13) of this section and the judicial finding of guilt, guilty 3609  
plea, or judicial finding of eligibility for intervention in lieu 3610  
of conviction is overturned on appeal, upon exhaustion of the 3611  
criminal appeal, a petition for reconsideration of the order may 3612  
be filed with the board along with appropriate court documents. 3613  
Upon receipt of a petition of that nature and supporting court 3614  
documents, the board shall reinstate the individual's certificate 3615  
to practice. The board may then hold an adjudication under Chapter 3616  
119. of the Revised Code to determine whether the individual 3617  
committed the act in question. Notice of an opportunity for a 3618  
hearing shall be given in accordance with Chapter 119. of the 3619  
Revised Code. If the board finds, pursuant to an adjudication held 3620  
under this division, that the individual committed the act or if 3621  
no hearing is requested, the board may order any of the sanctions 3622  
identified under division (B) of this section. 3623

(I) The certificate to practice issued to an individual under 3624  
this chapter and the individual's practice in this state are 3625  
automatically suspended as of the date of the individual's second 3626  
or subsequent plea of guilty to, or judicial finding of guilt of, 3627  
a violation of section 2919.123 of the Revised Code, or the date 3628  
the individual pleads guilty to, is found by a judge or jury to be 3629  
guilty of, or is subject to a judicial finding of eligibility for 3630  
intervention in lieu of conviction in this state or treatment or 3631

intervention in lieu of conviction in another jurisdiction for any 3632  
of the following criminal offenses in this state or a 3633  
substantially equivalent criminal offense in another jurisdiction: 3634  
aggravated murder, murder, voluntary manslaughter, felonious 3635  
assault, kidnapping, rape, sexual battery, gross sexual 3636  
imposition, aggravated arson, aggravated robbery, or aggravated 3637  
burglary. Continued practice after suspension shall be considered 3638  
practicing without a certificate. 3639

The board shall notify the individual subject to the 3640  
suspension by certified mail or in person in accordance with 3641  
section 119.07 of the Revised Code. If an individual whose 3642  
certificate is automatically suspended under this division fails 3643  
to make a timely request for an adjudication under Chapter 119. of 3644  
the Revised Code, the board shall do whichever of the following is 3645  
applicable: 3646

(1) If the automatic suspension under this division is for a 3647  
second or subsequent plea of guilty to, or judicial finding of 3648  
guilt of, a violation of section 2919.123 of the Revised Code, the 3649  
board shall enter an order suspending the individual's certificate 3650  
to practice for a period of at least one year or, if determined 3651  
appropriate by the board, imposing a more serious sanction 3652  
involving the individual's certificate to practice. 3653

(2) In all circumstances in which division (I)(1) of this 3654  
section does not apply, enter a final order permanently revoking 3655  
the individual's certificate to practice. 3656

(J) If the board is required by Chapter 119. of the Revised 3657  
Code to give notice of an opportunity for a hearing and if the 3658  
individual subject to the notice does not timely request a hearing 3659  
in accordance with section 119.07 of the Revised Code, the board 3660  
is not required to hold a hearing, but may adopt, by an 3661  
affirmative vote of not fewer than six of its members, a final 3662  
order that contains the board's findings. In that final order, the 3663

board may order any of the sanctions identified under division (A) 3664  
or (B) of this section. 3665

(K) Any action taken by the board under division (B) of this 3666  
section resulting in a suspension from practice shall be 3667  
accompanied by a written statement of the conditions under which 3668  
the individual's certificate to practice may be reinstated. The 3669  
board shall adopt rules governing conditions to be imposed for 3670  
reinstatement. Reinstatement of a certificate suspended pursuant 3671  
to division (B) of this section requires an affirmative vote of 3672  
not fewer than six members of the board. 3673

(L) When the board refuses to grant a certificate to an 3674  
applicant, revokes an individual's certificate to practice, 3675  
refuses to register an applicant, or refuses to reinstate an 3676  
individual's certificate to practice, the board may specify that 3677  
its action is permanent. An individual subject to a permanent 3678  
action taken by the board is forever thereafter ineligible to hold 3679  
a certificate to practice and the board shall not accept an 3680  
application for reinstatement of the certificate or for issuance 3681  
of a new certificate. 3682

(M) Notwithstanding any other provision of the Revised Code, 3683  
all of the following apply: 3684

(1) The surrender of a certificate issued under this chapter 3685  
shall not be effective unless or until accepted by the board. 3686  
Reinstatement of a certificate surrendered to the board requires 3687  
an affirmative vote of not fewer than six members of the board. 3688

(2) An application for a certificate made under the 3689  
provisions of this chapter may not be withdrawn without approval 3690  
of the board. 3691

(3) Failure by an individual to renew a certificate of 3692  
registration in accordance with this chapter shall not remove or 3693  
limit the board's jurisdiction to take any disciplinary action 3694

under this section against the individual. 3695

(N) Sanctions shall not be imposed under division (B)(28) of 3696  
this section against any person who waives deductibles and 3697  
copayments as follows: 3698

(1) In compliance with the health benefit plan that expressly 3699  
allows such a practice. Waiver of the deductibles or copayments 3700  
shall be made only with the full knowledge and consent of the plan 3701  
purchaser, payer, and third-party administrator. Documentation of 3702  
the consent shall be made available to the board upon request. 3703

(2) For professional services rendered to any other person 3704  
authorized to practice pursuant to this chapter, to the extent 3705  
allowed by this chapter and rules adopted by the board. 3706

(O) Under the board's investigative duties described in this 3707  
section and subject to division (F) of this section, the board 3708  
shall develop and implement a quality intervention program 3709  
designed to improve through remedial education the clinical and 3710  
communication skills of individuals authorized under this chapter 3711  
to practice medicine and surgery, osteopathic medicine and 3712  
surgery, and podiatric medicine and surgery. In developing and 3713  
implementing the quality intervention program, the board may do 3714  
all of the following: 3715

(1) Offer in appropriate cases as determined by the board an 3716  
educational and assessment program pursuant to an investigation 3717  
the board conducts under this section; 3718

(2) Select providers of educational and assessment services, 3719  
including a quality intervention program panel of case reviewers; 3720

(3) Make referrals to educational and assessment service 3721  
providers and approve individual educational programs recommended 3722  
by those providers. The board shall monitor the progress of each 3723  
individual undertaking a recommended individual educational 3724  
program. 3725

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

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

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

**Sec. 4735.04.** The Ohio real estate commission or the superintendent of real estate may compel, by order or subpoena, the attendance of witnesses to testify in relation to any matter over which the commission or superintendent has jurisdiction and which is the subject of inquiry and investigation by the commission or superintendent, and require the production of any book, paper, or document pertaining to such matter. For such purpose, the commission or superintendent shall have the same power as judges of county courts to administer oaths, compel the attendance of witnesses, and punish them for refusal to testify. Service of the subpoena may be made by sheriffs or constables, or by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refused to accept delivery. Witnesses shall receive, after their appearance before the commission or 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 granted to the commission and 3757  
superintendent under this section, in case any person fails to 3758  
file any statement or report, obey any subpoena, give testimony, 3759  
answer questions, or produce any books, records, or papers as 3760  
required by the commission or superintendent under this chapter, 3761  
the court of common pleas of any county in the state, upon 3762  
application made to it by the commission or superintendent setting 3763  
forth such failure, may make an order awarding process of subpoena 3764  
or subpoena duces tecum for the person to appear and testify 3765  
before the commission or superintendent, and may order any person 3766  
to give testimony and answer questions, and to produce books, 3767  
records, or papers, as required by the commission or 3768  
superintendent. Upon the filing of such order in the office of the 3769  
clerk of the court of common pleas, the clerk, under the seal of 3770  
the court, shall issue process of subpoena for the person to 3771  
appear before the commission or superintendent at a time and place 3772  
named in the subpoena, and each day thereafter until the 3773  
examination of such person is completed. The subpoena may contain 3774  
a direction that the witness bring with the witness to the 3775  
examination any books, records, or papers mentioned in the 3776  
subpoena. The clerk shall also issue, under the seal of the court, 3777  
such other orders, in reference to the examination, appearance, 3778  
and production of books, records, or papers, as the court directs. 3779  
If any person so summoned by subpoena fails to obey the subpoena, 3780  
to give testimony, to answer questions as required, or to obey an 3781  
order of the court, the court, on motion supported by proof, may 3782  
order an attachment for contempt to be issued against the person 3783  
charged with disobedience of any order or injunction issued by the 3784  
court under this chapter. If the person is brought before the 3785  
court by virtue of the attachment, and if upon a hearing the 3786  
disobedience appears, the court may order the offender to be 3787  
committed and kept in close custody. 3788

Sec. 4738.11. (A) The motor vehicle salvage dealer's 3789  
licensing board shall adopt rules prescribing the physical 3790  
characteristics of facilities used by motor vehicle salvage 3791  
dealers, salvage motor vehicle auctions, and salvage motor vehicle 3792  
pools, which shall include requirements for fencing or otherwise 3793  
screening the view of the facilities to at least the extent 3794  
required for junkyards by sections 4737.07 and 4737.09 of the 3795  
Revised Code. Such rules shall be consistent with the standards 3796  
adopted by the director of transportation pursuant to the "Highway 3797  
Beautification Act of 1965," 79 Stat. 1030, 23 U.S.C.A. 361, as 3798  
amended. Enforcement of the screening regulations of this division 3799  
shall be subject to approval, supervision, and action of the 3800  
director of transportation. The director may enforce the screening 3801  
regulations of this section if he considers that such regulations 3802  
are not adequately enforced. 3803

(B) The board may make such other reasonable rules as are 3804  
necessary to carry out and effect sections 4738.01 to 4738.12 of 3805  
the Revised Code, and further rules as are necessary relating to 3806  
the time, place, and manner of conducting hearings on the 3807  
issuance, suspension, or revocation of licenses. The board may 3808  
hear testimony in matters relating to the duties imposed upon it 3809  
and the president and the secretary of the board may administer 3810  
oaths. The board may require any proof it deems advisable and may 3811  
require the attendance of witnesses and the production of books, 3812  
records, and papers as it desires at any hearing before it or 3813  
relating to any matter which it has authority to investigate. The 3814  
board may, through its secretary, issue a subpoena for any 3815  
witness, or a subpoena duces tecum for the production of any 3816  
books, records, and papers, directed to the sheriff of the county 3817  
where a witness resides or is found, which subpoena shall be 3818  
served and returned in the same manner as a subpoena in a criminal 3819  
case. 3820

The fees ~~and mileage~~ of the sheriff ~~and witnesses~~ shall be 3821  
the same as that allowed in the court of common pleas in criminal 3822  
cases ~~and~~. Witnesses shall be paid the fees and mileage provided 3823  
for under section 119.094 of the Revised Code. The fees and 3824  
mileage shall be paid in the same manner as other expenses of the 3825  
board. 3826

Depositions of witnesses residing within or without the state 3827  
may be taken by the board in the manner prescribed for like 3828  
depositions in civil actions in the court of common pleas. In any 3829  
case of disobedience to or neglect of any subpoena served on any 3830  
person, or the refusal of any witness to testify to any matter 3831  
regarding which he may lawfully be interrogated, the court of 3832  
common pleas of any county where disobedience, neglect, or refusal 3833  
occurs, or any judge thereof on application of the secretary of 3834  
the board, shall compel obedience by attachment proceedings for 3835  
contempt as in the case of disobedience of a subpoena issued from 3836  
the court or a refusal to testify therein. 3837

**Sec. 4741.03.** (A) The state veterinary medical licensing 3838  
board shall meet at least once in each calendar year and may hold 3839  
additional meetings as often as it considers necessary to conduct 3840  
the business of the board. The president of the board may call 3841  
special meetings, and the executive director shall call special 3842  
meetings upon the written request of three members of the board. 3843  
The board shall organize by electing a president and 3844  
vice-president from its veterinarian members and such other 3845  
officers as the board prescribes by rule. Each officer shall serve 3846  
for a term specified by board rule or until a successor is elected 3847  
and qualified. A quorum of the board consists of four members of 3848  
which at least three are members who are veterinarians. The 3849  
concurrence of four members is necessary for the board to take any 3850  
action. 3851

(B) The board may appoint a person, not one of its members, 3852  
to serve as its executive director. The executive director is in 3853  
the unclassified service and serves at the pleasure of the board. 3854  
The executive director shall serve as the board's 3855  
secretary-treasurer ex officio. The board may employ additional 3856  
employees for professional, technical, clerical, and special work 3857  
as it considers necessary. The executive director shall give a 3858  
surety bond to the state in the sum the board requires, 3859  
conditioned upon the faithful performance of the executive 3860  
director's duties. The board shall pay the cost of the bond. The 3861  
executive director shall keep a complete accounting of all funds 3862  
received and of all vouchers presented by the board to the 3863  
director of budget and management for the disbursement of funds. 3864  
The president or executive director shall approve all vouchers of 3865  
the board. All money received by the board shall be credited to 3866  
the occupational licensing and regulatory fund. 3867

(C) In addition to any other duty required under this 3868  
chapter, the board shall do all of the following: 3869

(1) Prescribe a seal; 3870

(2) Accept and review applications for admission to an 3871  
examination in accordance with section 4741.09 of the Revised Code 3872  
and review the results of examinations taken by applicants in 3873  
accordance with rules adopted by the board. 3874

(3) Keep a record of all of its meetings and proceedings; 3875

(4) Maintain a register that records all applicants for a 3876  
certificate of license or a temporary permit, all persons who have 3877  
been denied a license or permit, all persons who have been granted 3878  
or reissued a license or permit, and all persons whose license or 3879  
permit has been revoked or suspended. The register shall also 3880  
include a record of persons licensed prior to October 17, 1975. 3881

(5) Maintain a register, in such form as the board determines 3882

by rule, of all colleges and universities that teach veterinary 3883  
medicine and veterinary technology that are approved by the board; 3884

(6) Enforce this chapter, and for that purpose, make 3885  
investigations relative as provided in section 4741.26 of the 3886  
Revised Code; 3887

(7) Issue licenses and permits to persons who meet the 3888  
qualifications set forth in this chapter; 3889

(8) Approve colleges and universities which meet the board's 3890  
requirements for veterinary medicine and associated fields of 3891  
study and withdraw or deny, after an adjudication conducted in 3892  
accordance with Chapter 119. of the Revised Code, approval from 3893  
colleges and universities which fail to meet those requirements; 3894

(9) Adopt rules, in accordance with Chapter 119. of the 3895  
Revised Code, which are necessary for its government and for the 3896  
administration and enforcement of this chapter. 3897

(D) The board may do all of the following: 3898

(1) Subpoena witnesses and require their attendance and 3899  
testimony, and require the production by witnesses of books, 3900  
papers, public records, animal patient records, and other 3901  
documentary evidence and examine them, in relation to any matter 3902  
that the board has authority to investigate, inquire into, or 3903  
hear. Except for any officer or employee of the state or any 3904  
political subdivision of the state, the treasurer of state shall 3905  
pay all witnesses in any proceeding before the board, upon 3906  
certification from the board, witness fees and mileage in the ~~same~~ 3907  
amount ~~as provided in section 2335.06~~ for under section 119.094 of 3908  
the Revised Code. 3909

(2) Examine and inspect books, papers, public records, animal 3910  
patient records, and other documentary evidence at the location 3911  
where the books, papers, records, and other evidence are normally 3912  
stored or maintained. 3913

(E) All registers, books, and records kept by the board are 3914  
the property of the board and are open for public examination and 3915  
inspection at all reasonable times in accordance with section 3916  
149.43 of the Revised Code. The registers, books, and records are 3917  
prima-facie evidence of the matters contained in them. 3918

**Sec. 4760.14.** (A) The state medical board shall investigate 3919  
evidence that appears to show that any person has violated this 3920  
chapter or the rules adopted under it. Any person may report to 3921  
the board in a signed writing any information the person has that 3922  
appears to show a violation of any provision of this chapter or 3923  
the rules adopted under it. In the absence of bad faith, a person 3924  
who reports such information or testifies before the board in an 3925  
adjudication conducted under Chapter 119. of the Revised Code 3926  
shall not be liable for civil damages as a result of reporting the 3927  
information or providing testimony. Each complaint or allegation 3928  
of a violation received by the board shall be assigned a case 3929  
number and be recorded by the board. 3930

(B) Investigations of alleged violations of this chapter or 3931  
rules adopted under it shall be supervised by the supervising 3932  
member elected by the board in accordance with section 4731.02 of 3933  
the Revised Code and by the secretary as provided in section 3934  
4760.15 of the Revised Code. The board's president may designate 3935  
another member of the board to supervise the investigation in 3936  
place of the supervising member. A member of the board who 3937  
supervises the investigation of a case shall not participate in 3938  
further adjudication of the case. 3939

(C) In investigating a possible violation of this chapter or 3940  
the rules adopted under it, the board may administer oaths, order 3941  
the taking of depositions, issue subpoenas, and compel the 3942  
attendance of witnesses and production of books, accounts, papers, 3943  
records, documents, and testimony, except that a subpoena for 3944

patient record information shall not be issued without 3945  
consultation with the attorney general's office and approval of 3946  
the secretary and supervising member of the board. Before issuance 3947  
of a subpoena for patient record information, the secretary and 3948  
supervising member shall determine whether there is probable cause 3949  
to believe that the complaint filed alleges a violation of this 3950  
chapter or the rules adopted under it and that the records sought 3951  
are relevant to the alleged violation and material to the 3952  
investigation. The subpoena may apply only to records that cover a 3953  
reasonable period of time surrounding the alleged violation. 3954

On failure to comply with any subpoena issued by the board 3955  
and after reasonable notice to the person being subpoenaed, the 3956  
board may move for an order compelling the production of persons 3957  
or records pursuant to the Rules of Civil Procedure. 3958

A subpoena issued by the board may be served by a sheriff, 3959  
the sheriff's deputy, or a board employee designated by the board. 3960  
Service of a subpoena issued by the board may be made by 3961  
delivering a copy of the subpoena to the person named therein, 3962  
reading it to the person, or leaving it at the person's usual 3963  
place of residence. When the person being served is an 3964  
anesthesiologist assistant, service of the subpoena may be made by 3965  
certified mail, restricted delivery, return receipt requested, and 3966  
the subpoena shall be deemed served on the date delivery is made 3967  
or the date the person refuses to accept delivery. 3968

A sheriff's deputy who serves a subpoena shall receive the 3969  
same fees as a sheriff. Each witness who appears before the board 3970  
in obedience to a subpoena shall receive the fees and mileage 3971  
provided for ~~witnesses in civil cases in the courts of common~~ 3972  
~~pleas~~ under section 119.094 of the Revised Code. 3973

(D) All hearings and investigations of the board shall be 3974  
considered civil actions for the purposes of section 2305.252 of 3975  
the Revised Code. 3976

(E) Information received by the board pursuant to an 3977  
investigation is confidential and not subject to discovery in any 3978  
civil action. 3979

The board shall conduct all investigations and proceedings in 3980  
a manner that protects the confidentiality of patients and persons 3981  
who file complaints with the board. The board shall not make 3982  
public the names or any other identifying information about 3983  
patients or complainants unless proper consent is given. 3984

The board may share any information it receives pursuant to 3985  
an investigation, including patient records and patient record 3986  
information, with law enforcement agencies, other licensing 3987  
boards, and other governmental agencies that are prosecuting, 3988  
adjudicating, or investigating alleged violations of statutes or 3989  
administrative rules. An agency or board that receives the 3990  
information shall comply with the same requirements regarding 3991  
confidentiality as those with which the state medical board must 3992  
comply, notwithstanding any conflicting provision of the Revised 3993  
Code or procedure of the agency or board that applies when it is 3994  
dealing with other information in its possession. In a judicial 3995  
proceeding, the information may be admitted into evidence only in 3996  
accordance with the Rules of Evidence, but the court shall require 3997  
that appropriate measures are taken to ensure that confidentiality 3998  
is maintained with respect to any part of the information that 3999  
contains names or other identifying information about patients or 4000  
complainants whose confidentiality was protected by the state 4001  
medical board when the information was in the board's possession. 4002  
Measures to ensure confidentiality that may be taken by the court 4003  
include sealing its records or deleting specific information from 4004  
its records. 4005

(F) The state medical board shall develop requirements for 4006  
and provide appropriate initial training and continuing education 4007  
for investigators employed by the board to carry out its duties 4008



under this chapter. The training and continuing education may 4009  
include enrollment in courses operated or approved by the Ohio 4010  
peace officer training council that the board considers 4011  
appropriate under conditions set forth in section 109.79 of the 4012  
Revised Code. 4013

(G) On a quarterly basis, the board shall prepare a report 4014  
that documents the disposition of all cases during the preceding 4015  
three months. The report shall contain the following information 4016  
for each case with which the board has completed its activities: 4017

(1) The case number assigned to the complaint or alleged 4018  
violation; 4019

(2) The type of certificate to practice, if any, held by the 4020  
individual against whom the complaint is directed; 4021

(3) A description of the allegations contained in the 4022  
complaint; 4023

(4) The disposition of the case. 4024

The report shall state how many cases are still pending, and 4025  
shall be prepared in a manner that protects the identity of each 4026  
person involved in each case. The report is a public record for 4027  
purposes of section 149.43 of the Revised Code. 4028

**Sec. 4762.14.** (A) The state medical board shall investigate 4029  
evidence that appears to show that any person has violated this 4030  
chapter or the rules adopted under it. Any person may report to 4031  
the board in a signed writing any information the person has that 4032  
appears to show a violation of any provision of this chapter or 4033  
the rules adopted under it. In the absence of bad faith, a person 4034  
who reports such information or testifies before the board in an 4035  
adjudication conducted under Chapter 119. of the Revised Code 4036  
shall not be liable for civil damages as a result of reporting the 4037  
information or providing testimony. Each complaint or allegation 4038

of a violation received by the board shall be assigned a case 4039  
number and be recorded by the board. 4040

(B) Investigations of alleged violations of this chapter or 4041  
rules adopted under it shall be supervised by the supervising 4042  
member elected by the board in accordance with section 4731.02 of 4043  
the Revised Code and by the secretary as provided in section 4044  
4762.15 of the Revised Code. The board's president may designate 4045  
another member of the board to supervise the investigation in 4046  
place of the supervising member. A member of the board who 4047  
supervises the investigation of a case shall not participate in 4048  
further adjudication of the case. 4049

(C) In investigating a possible violation of this chapter or 4050  
the rules adopted under it, the board may administer oaths, order 4051  
the taking of depositions, issue subpoenas, and compel the 4052  
attendance of witnesses and production of books, accounts, papers, 4053  
records, documents, and testimony, except that a subpoena for 4054  
patient record information shall not be issued without 4055  
consultation with the attorney general's office and approval of 4056  
the secretary and supervising member of the board. Before issuance 4057  
of a subpoena for patient record information, the secretary and 4058  
supervising member shall determine whether there is probable cause 4059  
to believe that the complaint filed alleges a violation of this 4060  
chapter or the rules adopted under it and that the records sought 4061  
are relevant to the alleged violation and material to the 4062  
investigation. The subpoena may apply only to records that cover a 4063  
reasonable period of time surrounding the alleged violation. 4064

On failure to comply with any subpoena issued by the board 4065  
and after reasonable notice to the person being subpoenaed, the 4066  
board may move for an order compelling the production of persons 4067  
or records pursuant to the Rules of Civil Procedure. 4068

A subpoena issued by the board may be served by a sheriff, 4069  
the sheriff's deputy, or a board employee designated by the board. 4070

Service of a subpoena issued by the board may be made by 4071  
delivering a copy of the subpoena to the person named therein, 4072  
reading it to the person, or leaving it at the person's usual 4073  
place of residence. When the person being served is an 4074  
acupuncturist, service of the subpoena may be made by certified 4075  
mail, restricted delivery, return receipt requested, and the 4076  
subpoena shall be deemed served on the date delivery is made or 4077  
the date the person refuses to accept delivery. 4078

A sheriff's deputy who serves a subpoena shall receive the 4079  
same fees as a sheriff. Each witness who appears before the board 4080  
in obedience to a subpoena shall receive the fees and mileage 4081  
provided for ~~witnesses in civil cases in the courts of common~~ 4082  
~~pleas~~ under section 119.094 of the Revised Code. 4083

(D) All hearings and investigations of the board shall be 4084  
considered civil actions for the purposes of section 2305.252 of 4085  
the Revised Code. 4086

(E) Information received by the board pursuant to an 4087  
investigation is confidential and not subject to discovery in any 4088  
civil action. 4089

The board shall conduct all investigations and proceedings in 4090  
a manner that protects the confidentiality of patients and persons 4091  
who file complaints with the board. The board shall not make 4092  
public the names or any other identifying information about 4093  
patients or complainants unless proper consent is given. 4094

The board may share any information it receives pursuant to 4095  
an investigation, including patient records and patient record 4096  
information, with law enforcement agencies, other licensing 4097  
boards, and other governmental agencies that are prosecuting, 4098  
adjudicating, or investigating alleged violations of statutes or 4099  
administrative rules. An agency or board that receives the 4100  
information shall comply with the same requirements regarding 4101

confidentiality as those with which the state medical board must 4102  
comply, notwithstanding any conflicting provision of the Revised 4103  
Code or procedure of the agency or board that applies when it is 4104  
dealing with other information in its possession. In a judicial 4105  
proceeding, the information may be admitted into evidence only in 4106  
accordance with the Rules of Evidence, but the court shall require 4107  
that appropriate measures are taken to ensure that confidentiality 4108  
is maintained with respect to any part of the information that 4109  
contains names or other identifying information about patients or 4110  
complainants whose confidentiality was protected by the state 4111  
medical board when the information was in the board's possession. 4112  
Measures to ensure confidentiality that may be taken by the court 4113  
include sealing its records or deleting specific information from 4114  
its records. 4115

(F) The state medical board shall develop requirements for 4116  
and provide appropriate initial training and continuing education 4117  
for investigators employed by the board to carry out its duties 4118  
under this chapter. The training and continuing education may 4119  
include enrollment in courses operated or approved by the Ohio 4120  
peace officer training council that the board considers 4121  
appropriate under conditions set forth in section 109.79 of the 4122  
Revised Code. 4123

(G) On a quarterly basis, the board shall prepare a report 4124  
that documents the disposition of all cases during the preceding 4125  
three months. The report shall contain the following information 4126  
for each case with which the board has completed its activities: 4127

(1) The case number assigned to the complaint or alleged 4128  
violation; 4129

(2) The type of certificate to practice, if any, held by the 4130  
individual against whom the complaint is directed; 4131

(3) A description of the allegations contained in the 4132

complaint; 4133

(4) The disposition of the case. 4134

The report shall state how many cases are still pending, and 4135

shall be prepared in a manner that protects the identity of each 4136

person involved in each case. The report is a public record for 4137

purposes of section 149.43 of the Revised Code. 4138

**Sec. 4763.04.** The real estate appraiser board or the 4139

superintendent or real estate may compel, by order or subpoena, 4140

the attendance of witnesses to testify in relation to any matter 4141

over which the board or the superintendent has jurisdiction and 4142

which is the subject of the inquiry and investigation by the board 4143

or superintendent, and require the production of any book, paper, 4144

or document pertaining to such matter. For such purpose, the board 4145

or the superintendent has the same power as judges of county 4146

courts to administer oaths, compel the attendance of witnesses, 4147

and punish witnesses for refusal to testify. Sheriffs and 4148

constables shall serve and return such process and shall receive 4149

the same fees for doing so as are allowed for like service. 4150

Witnesses shall receive, after their appearance before the board 4151

or the superintendent, the fees and mileage ~~allowed in civil~~ 4152

~~actions in courts of common pleas~~ provided for under section 4153

119.094 of the Revised Code. If two or more witnesses travel 4154

together in the same vehicle, the mileage fee shall be paid to 4155

only one of those witnesses, but the witnesses may agree to divide 4156

the fee among themselves in any manner. 4157

In addition to the powers and duties granted to the board and 4158

the superintendent under this section, in case any person fails to 4159

file any statement or report, obey any subpoena, give testimony, 4160

answer questions, or produce books, records, or papers as required 4161

by the board or the superintendent under this chapter, the court 4162

of common pleas of any county in the state, upon application made 4163

to it by the board or the superintendent setting forth the 4164  
failure, may make an order awarding process of subpoena or 4165  
subpoena duces tecum for the person to appear and testify before 4166  
the board or the superintendent, and may order any person to give 4167  
testimony and answer questions, and to produce books, records, or 4168  
papers, as required by the board or the superintendent. Upon the 4169  
filing of such order in the office of the clerk of the court of 4170  
common pleas, the clerk, under the seal of the court, shall issue 4171  
process or subpoena, and each day thereafter until the examination 4172  
of the person is completed. The subpoena may contain a direction 4173  
that the witness bring with ~~him~~ the witness to the examination any 4174  
books, records, or papers mentioned in the subpoena. The clerk 4175  
also shall issue, under the seal of the court, such other orders, 4176  
in reference to the examination, appearance, and production of 4177  
books, records, or papers, as the court directs. If any person 4178  
summoned by subpoena fails to obey the subpoena, to give 4179  
testimony, to answer questions as required, or to obey an order of 4180  
the court, the court, on motion supported by proof, may order an 4181  
attachment for contempt to be issued against the person charged 4182  
with disobedience of any order or injunction issued by the court 4183  
under this chapter. If the person is brought before the court by 4184  
virtue of the attachment, and if upon a hearing the disobedience 4185  
appears, the court may order the offender to be committed and kept 4186  
in close custody. 4187

**Sec. 4769.06.** In investigating possible violations of section 4188  
4769.02 of the Revised Code or conducting hearings under section 4189  
4769.03 of the Revised Code, the department of health may 4190  
administer oaths, order the taking of depositions, and issue 4191  
subpoenas compelling attendance of witnesses or production of 4192  
documents. The subpoenas shall be served in the same manner as 4193  
subpoenas and subpoenas duces tecum issued for a trial of a civil 4194  
action in a court of common pleas. The department shall pay each 4195

witness who appears before the department in obedience to a 4196  
subpoena the fees and mileage provided under ~~Chapter 2335.~~ section 4197  
119.094 of the Revised Code ~~for witnesses in civil actions in a~~ 4198  
~~court of common pleas.~~ 4199

If a person who is served a subpoena fails to attend a 4200  
hearing or to produce documents, or refuses to be sworn or to 4201  
answer any question put to ~~him~~ the person, the department may 4202  
apply to the court of common pleas of the county in which the 4203  
person resides, or the county in which the hearing under division 4204  
(B) of section 4769.03 of the Revised Code is conducted, for a 4205  
contempt order, as in the case of a failure of a person who is 4206  
served a subpoena issued by the court to attend or to produce 4207  
documents or a refusal of such person to testify. 4208

**Sec. 4903.05.** Each witness who appears before the public 4209  
utilities commission by its order shall receive ~~for his attendance~~ 4210  
the fees and mileage provided for ~~witnesses in civil cases in~~ 4211  
~~courts of record~~ under section 119.094 of the Revised Code, which 4212  
shall be audited and paid by the state as other expenses are 4213  
audited and paid, upon the presentation of proper vouchers sworn 4214  
to by such witnesses and approved by the ~~chairman~~ chairperson of 4215  
the commission. No witness subpoenaed at the instance of parties 4216  
other than the commission is entitled to compensation from the 4217  
state for attendance or travel, unless the commission certifies 4218  
that ~~his~~ the witness's testimony was material to the matter 4219  
investigated. 4220

**Sec. 5101.37.** (A) The department of job and family services 4221  
and each county department of job and family services and child 4222  
support enforcement agency may make any investigations that are 4223  
necessary in the performance of their duties, and to that end they 4224  
shall have the same power as a judge of a county court to 4225  
administer oaths and to enforce the attendance and testimony of 4226

witnesses and the production of books or papers. 4227

The department and each county department and agency shall 4228  
keep a record of their investigations stating the time, place, 4229  
charges or subject, witnesses summoned and examined, and their 4230  
conclusions. 4231

~~The fees of witnesses for attendance and travel~~ Witnesses 4232  
shall be ~~the same as in the court of common pleas~~ paid the fees 4233  
and mileage provided for under section 119.094 of the Revised 4234  
Code. 4235

(B) In conducting hearings pursuant to Chapters 3119., 3121., 4236  
and 3123. or pursuant to division (B) of section 5101.35 of the 4237  
Revised Code, the department and each child support enforcement 4238  
agency have the same power as a judge of a county court to 4239  
administer oaths and to enforce the attendance and testimony of 4240  
witnesses and the production of books or papers. The department 4241  
and each agency shall keep a record of those hearings stating the 4242  
time, place, charges or subject, witnesses summoned and examined, 4243  
and their conclusions. 4244

The issuance of a subpoena by the department or a child 4245  
support enforcement agency to enforce attendance and testimony of 4246  
witnesses and the production of books or papers at a hearing is 4247  
discretionary and the department or agency is not required to pay 4248  
the fees of witnesses for attendance and travel. 4249

(C) Any judge of any division of the court of common pleas, 4250  
upon application of the department or a county department or child 4251  
support enforcement agency, may compel the attendance of 4252  
witnesses, the production of books or papers, and the giving of 4253  
testimony before the department, county department, or agency, by 4254  
a judgment for contempt or otherwise, in the same manner as in 4255  
cases before those courts. 4256



**Sec. 5120.30.** The department of rehabilitation and correction 4257  
may make any investigations that are necessary in the performance 4258  
of its duties, and to that end the director of rehabilitation and 4259  
correction shall have the same power as a judge of a county court 4260  
to administer oaths and to enforce the attendance and testimony of 4261  
witnesses and the production of books or papers. 4262

4263

The department shall keep a record of the investigations 4264  
pursuant to the record retention schedule approved by the 4265  
department of administrative services. 4266

~~The fees of witnesses for attendance and travel~~ Witnesses 4267  
shall be ~~the same as in the court of common pleas~~ paid the fees 4268  
and mileage provided for under section 119.094 of the Revised 4269  
Code, but no officer or employee of the institution under 4270  
investigation is entitled to such fees. 4271

Any judge of the probate court or of the court of common 4272  
pleas, upon application of the department, may compel the 4273  
attendance of witnesses, the production of books or papers, and 4274  
the giving of testimony before the department, by a judgment for 4275  
contempt or otherwise, in the same manner as in cases before 4276  
courts of common pleas. 4277

**Sec. 5123.14.** The department of mental retardation and 4278  
developmental disabilities may make such investigations as are 4279  
necessary in the performance of its duties and to that end the 4280  
director of mental retardation and developmental disabilities 4281  
shall have the same power as a judge of a county court to 4282  
administer oaths and to enforce the attendance and testimony of 4283  
witnesses and the production of books or papers. 4284

The department shall keep a record of such investigations 4285  
stating the time, place, charges or subject, witnesses summoned 4286

and examined, and its conclusions. 4287

In matters involving the conduct of an officer, a 4288  
stenographic report of the evidence shall be taken and a copy of 4289  
such report, with all documents introduced, kept on file at the 4290  
office of the department. 4291

~~The fees of witnesses for attendance and travel~~ Witnesses 4292  
shall be ~~the same as in the court of common pleas~~ paid the fees 4293  
and mileage provided for under section 119.094 of the Revised 4294  
Code, but no officer or employee of the institution under 4295  
investigation is entitled to such fees. 4296

Any judge of the probate court or of the court of common 4297  
pleas, upon application of the department, may compel the 4298  
attendance of witnesses, the production of books or papers, and 4299  
the giving of testimony before the department, by a judgment for 4300  
contempt or otherwise, in the same manner as in cases before said 4301  
courts. 4302

**Sec. 5123.96.** Costs, fees, and expenses of all proceedings 4303  
held under this chapter shall be paid as follows: 4304

(A) To police and health officers, other than sheriffs or 4305  
their deputies, the same fees allowed to constables, to be paid 4306  
upon the approval of the probate judge; 4307

(B) To sheriffs or their deputies, the same fees allowed for 4308  
similar services in the court of common pleas; 4309

(C) To physicians or licensed clinical psychologists acting 4310  
as expert witnesses and to other expert witnesses designated by 4311  
the court, an amount determined by the court; 4312

(D) To ~~other~~ witnesses in an administrative proceeding, the 4313  
same fees and mileage as ~~for attendance at the court of common~~ 4314  
~~pleas~~ are provided to witnesses by section 119.094 of the Revised 4315  
Code, and to witnesses in a judicial proceeding, the same fees and 4316

mileage as are provided to witnesses by section 2335.06 of the 4317  
Revised Code, to be paid upon the approval of the probate judge; 4318

(E) To a person, other than the sheriff or ~~his~~ the sheriff's 4319  
deputies, for taking a mentally retarded person to an institution 4320  
or removing a mentally retarded person from an institution, the 4321  
actual necessary expenses incurred, specifically itemized, and 4322  
approved by the probate judge; 4323

(F) To assistants who convey mentally retarded persons to 4324  
institutions when authorized by the probate judge, a fee set by 4325  
the probate court, provided the assistants are not drawing a 4326  
salary from the state or any political subdivision of the state, 4327  
and their actual necessary expenses incurred, provided that the 4328  
expenses are specifically itemized and approved by the probate 4329  
judge; 4330

(G) To an attorney appointed by the probate division for an 4331  
indigent who allegedly is a mentally retarded person pursuant to 4332  
any section of this chapter, the fees that are determined by the 4333  
probate division. When those indigent persons are before the 4334  
court, all filing and recording fees shall be waived. 4335

(H) To a referee who is appointed to conduct proceedings 4336  
under this chapter that involve a respondent whose domicile is or, 4337  
before ~~his~~ the respondent's institutionalization, was not the 4338  
county in which the proceedings are held, compensation as fixed by 4339  
the probate division, but not more than the compensation paid for 4340  
similar proceedings for respondents whose domicile is in the 4341  
county in which the proceedings are held; 4342

(I) To a court reporter appointed to make a transcript of 4343  
proceedings under this chapter, the compensation and fees allowed 4344  
in other cases under section 2101.08 of the Revised Code. 4345

All costs, fees, and expenses described in this section, 4346  
after payment by the county from appropriations pursuant to 4347

section 2101.11 of the Revised Code, shall be certified by the 4348  
county auditor to the department of mental retardation and 4349  
developmental disabilities within two months of the date the 4350  
costs, fees, and expenses are incurred by the county. Payment 4351  
shall be provided for by the director of budget and management 4352  
upon presentation of properly verified vouchers. The director of 4353  
mental retardation and developmental disabilities may adopt rules 4354  
in accordance with Chapter 119. of the Revised Code to implement 4355  
the payment of costs, fees, and expenses under this section. 4356

**Sec. 5149.11.** In the exercise of any of the powers vested in 4357  
the adult parole authority, the chief of the authority, any member 4358  
of the board, or any hearing officer may administer oaths and in 4359  
the name of the authority may issue subpoenas and subpoenas duces 4360  
tecum. The authority may compel the attendance of witnesses and 4361  
the production of records and papers of all kinds and description 4362  
including any and all books, accounts, documents, memorandums, and 4363  
transcripts of testimony, pertaining to any inquiry within the 4364  
powers and duties of the authority. Upon the failure of any person 4365  
to comply with any order of the authority or any subpoena or 4366  
subpoena duces tecum lawfully issued, or upon the refusal of any 4367  
witness to testify to any matter regarding which ~~he~~ the witness 4368  
may be lawfully interrogated, a judge of the court of common pleas 4369  
of any county in this state, on the application of the authority, 4370  
shall compel obedience by attachment proceedings for contempt, as 4371  
in the case of disobedience of the requirements of a subpoena 4372  
issued from a court of common pleas or a refusal to testify 4373  
therein. 4374

Each witness who appears before the authority or before a 4375  
member of the parole board by ~~its~~ the authority's or ~~his~~ member's 4376  
order shall receive for ~~his~~ attendance the fees and mileage 4377  
provided for ~~witnesses in civil cases in the court of common pleas~~ 4378  
under section ~~2335.06~~ 119.094 of the Revised Code, and the fees 4379

and mileage shall be audited and paid out of the state treasury in 4380  
the same manner as other expenses are audited and paid, upon the 4381  
presentation of properly verified vouchers approved by the chief 4382  
of the authority. 4383

The chief of the authority or a member of the board, or any 4384  
party who is the subject of the investigation, may in any 4385  
investigation cause depositions of witnesses residing within or 4386  
without the state to be taken in the manner prescribed by sections 4387  
2319.08, 2319.09, 2319.11, and 2319.27 of the Revised Code and the 4388  
Civil Rules. 4389

Copies of the proceedings, minutes, actions, findings, 4390  
recommendations, orders, and other records of the authority or its 4391  
predecessors shall be verified and certified to by the officer 4392  
conducting or responsible for such and attested by the chief of 4393  
the authority, and when certified and attested shall be received 4394  
in evidence as proof of the facts therein stated. 4395

Minutes, actions, findings, recommendations, determinations, 4396  
and orders made and kept by the adult parole authority are public 4397  
records. 4398

**Sec. 5703.29.** Each officer who serves a summons or subpoena 4399  
shall receive the same fees as a sheriff, and each witness who 4400  
appears before the department of taxation by its order shall 4401  
receive for ~~his~~ the witness's attendance the fees and mileage 4402  
provided for ~~witnesses in civil cases in courts of common pleas~~ 4403  
under section 119.094 of the Revised Code, which shall be audited 4404  
and paid by the state in the same manner as other expenses, upon 4405  
the presentation of proper vouchers approved by the department. A 4406  
witness subpoenaed at the instance of parties other than the 4407  
department shall not be entitled to compensation from the state 4408  
for attendance or travel unless the department certifies that the 4409  
testimony of the witness was material to the matter investigated. 4410

**Sec. 5727.62.** A person who appears before the department of 4411  
taxation, on its order, as to the appraisal of property in any 4412  
taxing district, shall be allowed and paid out of the treasury of 4413  
the proper county, if an officer of any such taxing district, ~~his~~ 4414  
the person's actual and necessary traveling expenses, which shall 4415  
be itemized and sworn to by the person who incurred the expense, 4416  
and if other than any such officer, ~~he~~ the person shall receive 4417  
for ~~his~~ attendance the fees and mileage provided for ~~witnesses in~~ 4418  
~~civil cases in the courts of common pleas~~ under section 119.094 of 4419  
the Revised Code. Such traveling expenses and witness fees shall 4420  
be audited and paid out of the county treasury of the proper 4421  
county in the same manner as other expenses are audited and paid, 4422  
upon the presentation of a certificate from the department 4423  
certifying to the fact of such attendance. 4424

**Sec. 5924.47.** (A) Any person not subject to this code who: 4425

(1) Has been duly subpoenaed to appear as a witness or to 4426  
produce books and records before a military court or before any 4427  
military or civil officer designated to take a deposition to be 4428  
read in evidence before such a court; 4429

(2) Has been duly paid or tendered the fees and mileage of a 4430  
witness at the rates ~~allowed to witnesses attending the court of~~ 4431  
~~common pleas of the state~~ provided for under section 119.094 of 4432  
the Revised Code; and 4433

(3) Willfully neglects or refuses to appear, or refuses to 4434  
qualify as a witness or to testify or to produce any evidence 4435  
which that person may have been legally subpoenaed to produce; is 4436  
guilty of an offense against the state and may be punished in the 4437  
same manner as if committed before civil courts of the state. 4438

**Section 2.** That existing sections 101.45, 117.18, 119.09, 4439  
124.09, 169.08, 505.495, 709.032, 733.39, 1121.38, 1315.17, 4440

1315.24, 1321.07, 1321.42, 1509.36, 1513.131, 1571.10, 1571.14, 4441  
1707.23, 1901.26, 1905.26, 2335.06, 2335.08, 2743.06, 2743.65, 4442  
3745.05, 3901.04, 3901.321, 4112.04, 4121.16, 4123.13, 4167.10, 4443  
4301.04, 4503.03, 4517.32, 4701.29, 4723.29, 4725.23, 4728.05, 4444  
4730.26, 4731.22, 4735.04, 4738.11, 4741.03, 4760.14, 4762.14, 4445  
4763.04, 4769.06, 4903.05, 5101.37, 5120.30, 5123.14, 5123.96, 4446  
5149.11, 5703.29, 5727.62, and 5924.47 of the Revised Code are 4447  
hereby repealed. 4448

**Section 3.** Section 1901.26 of the Revised Code is presented 4449  
in this act as a composite of the section as amended by both Am. 4450  
Sub. H.B. 66 and Am. H.B. 226 of the 126th General Assembly. The 4451  
General Assembly, applying the principle stated in division (B) of 4452  
section 1.52 of the Revised Code that amendments are to be 4453  
harmonized if reasonably capable of simultaneous operation, finds 4454  
that the composite is the resulting version of the section in 4455  
effect prior to the effective date of the section as presented in 4456  
this act. 4457