

5101:6-20-15 ADMINISTRATIVE DISQUALIFICATION HEARING PROCEDURES.

(A) THE FOLLOWING PROVISIONS APPLY TO THE ADMINISTRATIVE DISQUALIFICATION HEARING PROCESS:

- (1) THE ACCUSED INDIVIDUAL AND AUTHORIZED REPRESENTATIVE SHALL BE PROVIDED ACCESS TO DOCUMENTS AND REGULATIONS IN ACCORDANCE WITH PARAGRAPH (E) OF RULE 5101:6-5-01 OF THE ADMINISTRATIVE CODE.
- (2) THE ACCUSED INDIVIDUAL AND AUTHORIZED REPRESENTATIVE AND THE LOCAL AGENCY HAVE THE RIGHT TO REQUEST THE ISSUANCE OF SUBPOENAS IN ACCORDANCE WITH PARAGRAPH (F) OF RULE 5101:6-5-01 OF THE ADMINISTRATIVE CODE.
- (3) THE LOCAL AGENCY MAY PROVIDE TRANSPORTATION TO THE ACCUSED INDIVIDUAL IN ACCORDANCE WITH PARAGRAPH (G) OF RULE 5101:6-5-01 OF THE ADMINISTRATIVE CODE.
- (4) THE TIME AND PLACE OF THE ADMINISTRATIVE DISQUALIFICATION HEARING SHALL BE IN ACCORDANCE WITH PARAGRAPH (A) OF RULE 5101:6-6-01 OF THE ADMINISTRATIVE CODE.
- (5) THE ACCUSED INDIVIDUAL IS ENTITLED TO ONE POSTPONEMENT OF THE SCHEDULED HEARING.

(A) THE REQUEST FOR POSTPONEMENT MUST BE RECEIVED BY THE DISTRICT HEARINGS SECTION AT LEAST TEN CALENDAR DAYS PRIOR TO THE DATE OF THE SCHEDULED HEARING.

(B) THE HEARING SHALL NOT BE POSTPONED FOR MORE THAN THIRTY DAYS.

(B) THE FOLLOWING PROVISIONS APPLY TO THE CONDUCT OF THE ADMINISTRATIVE DISQUALIFICATION HEARING:

- (1) THE ACCUSED INDIVIDUAL AND THE LOCAL AGENCY HAVE THE RIGHT TO BE REPRESENTED BY LEGAL COUNSEL IN ACCORDANCE WITH PARAGRAPH (D) OF RULE 5101:6-5-01 OF THE ADMINISTRATIVE CODE.
- (2) THE ADMINISTRATIVE DISQUALIFICATION HEARING SHALL BE CONDUCTED INFORMALLY, IN ACCORDANCE WITH PARAGRAPH (B) OF RULE 5101:6-6-02 OF THE ADMINISTRATIVE CODE.
- (3) ATTENDANCE AT THE ADMINISTRATIVE DISQUALIFICATION HEARING SHALL BE LIMITED IN ACCORDANCE WITH PARAGRAPH (C) OF RULE 5101:6-6-01 OF THE ADMINISTRATIVE CODE.
- (4) ADMINISTRATIVE DISQUALIFICATION HEARINGS SHALL BE TAPE RECORDED IN ACCORDANCE WITH RULE 5101:6-6-03 OF THE ADMINISTRATIVE CODE.

- (5) THE ROLE OF THE AGENCY REPRESENTATIVE AT THE ADMINISTRATIVE DISQUALIFICATION HEARING SHALL BE AS DESCRIBED IN PARAGRAPH (A) OF RULE 5101:6-6-02 OF THE ADMINISTRATIVE CODE.
- (6) THE ACCUSED INDIVIDUAL AND/OR AUTHORIZED REPRESENTATIVE SHALL HAVE THE RIGHTS DESCRIBED IN PARAGRAPH (B) OF RULE 5101:6-6-02 OF THE ADMINISTRATIVE CODE.
- (7) THE ROLE OF THE HEARING OFFICER AT THE ADMINISTRATIVE DISQUALIFICATION HEARING SHALL BE AS DESCRIBED IN PARAGRAPH (C) OF RULE 5101:6-6-02 OF THE ADMINISTRATIVE CODE, EXCEPT THAT PARAGRAPHS (C)(14) AND (C)(15) OF RULE 5101:6-6-02 OF THE ADMINISTRATIVE CODE DO NOT APPLY.
- (8) AT THE HEARING, THE HEARING OFFICER SHALL ADVISE THE ACCUSED INDIVIDUAL AND REPRESENTATIVE THAT THEY MAY REFUSE TO ANSWER QUESTIONS DURING THE HEARING.
- (9) ONCE THE ADMINISTRATIVE DISQUALIFICATION HEARING HAS BEGUN, THE ACCUSED INDIVIDUAL MAY NO LONGER WAIVE THE RIGHT TO A HEARING. IF THE LOCAL AGENCY OR DISTRICT HEARINGS SECTION HAS NOT RECEIVED A SIGNED "WAIVER OF ADMINISTRATIVE DISQUALIFICATION HEARING," ODHS 4026, PRIOR TO THE TIME OF THE SCHEDULED HEARING, THE HEARING OFFICER SHALL PROCEED WITH THE HEARING AND RENDER A WRITTEN DECISION.

Effective Date: September 1, 1994

Certification: Arnold R. Tompkins

August 22, 1994
Date

Promulgated Under: Revised Code Chapter 119.

Statutory Authority: Revised Code Section 5101.35

Rule Amplifies: Revised Code Section 5101.35

Prior Effective Dates: 6-2-80, 10-1-81, 5-1-82, 8-1-83

Review Date: December 30, 2002