

*** DRAFT - NOT YET FILED ***

TO BE RESCINDED

1301:8-7-27

Expedited hearing upon automatic suspension.

- (A) Upon the issuance of any order of suspension pursuant to division (F) of section 1322.10 of the Revised Code, notice of the suspension shall be mailed by the division to the subject registrant or licensee by certified mail, return receipt requested, not later than the business day next succeeding such order. Such notice shall specify the particular basis in law for the suspension and shall set a date, not more than thirty days later than the date of the order of suspension, for a hearing on the continuation or termination of such suspension. A copy of the notice shall be mailed to the attorney or other representative of record if the party has legal representation. For good cause the superintendent may continue such hearing on application of any interested party. In conducting such hearing the superintendent shall have all the authority and powers set forth in section 1322.10 of the Revised Code. Following such hearing the superintendent shall by order either confirm or terminate such suspension. The superintendent shall issue its final adjudicatory order within thirty days after receiving the hearing examiner's report and recommendation. A failure to issue the order within that time results in the dissolution of the suspension order but does not invalidate any subsequent final adjudicatory order.
- (B) If the suspension under division (F)(1) of section 1322.10 of the Revised Code is confirmed, and prior to or within three business days of such order of confirmation, the superintendent has issued a notice seeking a suspension penalty of a set duration, a denial of registration or licensure, or revocation of registration or licensure, together with any fine as penalty permitted by section 1322.10 of the Revised Code, then said suspension shall remain in place until a ruling on the merits of that subsequent administrative action or settlement is entered by the superintendent of financial institutions. If no notice is so issued, then the confirmed suspension shall end thirty days from the entry of the suspension confirmation order.
- (C) Nothing herein shall prevent or impair the authority of the superintendent from seeking injunctive relief in a court of common pleas as provided in division (B) of section 1322.10 of the Revised Code.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 1322.12, 1322.10(F)(3)
Rule Amplifies: 1322.10
Prior Effective Dates: 6/1/2007