

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**4781-8-11 Adjudication hearings.**

(A) General.

The ~~commission~~division shall determine the need for adjudication hearings in accordance with sections 119.06 to 119.13 of the Revised Code.

- (1) After a denial, revocation, or suspension of a license issued pursuant to Chapter 4781. of the Revised Code, the ~~manufactured homes commission~~division shall notify the licensee or applicant of ~~their~~his or her right to request a hearing. The notice shall be in writing and sent by certified mail, return receipt requested.
- (2) The notice shall include:
  - (a) The charges or reasons for the denial, suspension, or revocation;
  - (b) The applicable laws or rules directly involved; and
  - (c) A statement informing the licensee or applicant that:
    - (i) The licensee or applicant ~~is entitled to a hearing if the request is received by the manufactured homes commission within thirty days of the date the notice was mailed~~is entitled to a hearing if the request for a hearing is received by the division within thirty days from the date the notice of the action was mailed;
    - (ii) The licensee or applicant may appear in person or be represented by an attorney;
    - (iii) The licensee or applicant may choose to present their position, argument, or contentions in writing; and
    - (iv) The licensee or applicant may present evidence, ~~and~~ examine witnesses appearing on the licensee or applicant's behalf, and cross-examine the ~~commission's~~division's witnesses at the hearing.
- (3) ~~Upon receiving a request~~If the division receives a request for hearing within thirty days of the date of the mailing of the notice for hearing from the licensee or applicant, from the date the notice of action was mailed, the ~~commission~~division or its ~~executive director~~superintendent shall immediately set the date, time, and location of the hearing. The date set for hearing shall be within seven and fifteen days of receiving the request for hearing, unless continued by the ~~commission~~division on its own motion or continued by agreement of both parties.
- (4) The ~~executive director~~superintendent may issue subpoenas for any witnesses or to compel the production of any books, records, or papers in accordance with Chapter 119. of the Revised Code upon request of the licensee, applicant, or legal counsel to the ~~board~~division. Such request for subpoenas shall be made no later than fourteen days prior to the date of the adjudication hearing, if the party requesting the subpoena is notified of the hearing date more than fourteen days before the hearing is scheduled. If the party requesting the subpoena is notified of the hearing date less than fourteen days before the hearing is scheduled, he or she shall notify the superintendent or the superintendent's designee of his or her desire

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to request a subpoena. The superintendent or his or her designee shall then determine whether sufficient time remains before the hearing to issue the subpoenas being requested or whether the hearing should be continued. The service and enforcement of subpoenas shall be made in accordance with Chapter 119. of the Revised Code.

- (5) A licensee, applicant, or representative of the licensee or applicant may request a continuance of the scheduled hearing by submitting a written request no later than fourteen days prior to the scheduled hearing date, or within three days of receipt of notice of the hearing date, whichever is later. The ~~executive director~~superintendent or his or her designee may grant a continuance upon good cause.