

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

**1301:3-6-05      Complaints; denials, suspensions, and revocations of certificates of competency.**

- (A) Any person who wishes to make a complaint ~~against a person who holds a license~~ alleging that a violation of Chapter 4105. of the Revised Code or rules adopted thereunder has occurred shall submit the complaint in writing to the elevator section within twelve months after the date of the action or event upon which the complaint is based. The elevator section shall investigate any alleged violation of Chapter 4105. of the Revised Code or ~~the rules adopted pursuant to it~~ thereunder. If, after an investigation, the elevator section determines that any person has engaged or is engaging in any practice that violates Chapter 4105. of the Revised Code or ~~the rules adopted pursuant to it~~ rules adopted thereunder, that section may apply to the court of common pleas of the county in which the violation occurred or is occurring for an injunction or other appropriate relief to enjoin or terminate the violation.
- (B) The superintendent may direct the elevator section to deny, revoke, or suspend the issuance or renewal of a certificate of competency if the section finds that the applicant for or holder of a certificate of competency has done any of the following:
- (1) Been convicted of a felony;
  - (2) Violated any provision of Chapter 4105. of the Revised Code or rules adopted pursuant thereto;
  - (3) Obtained a license by fraud, misrepresentation, or deception; or
  - (4) Engaged in fraud, misrepresentation, deception, malfeasance, misfeasance, or nonfeasance in the conduct of business.
- (C) Upon a reasonable cause shown, the superintendent may direct the elevator section to impose one or both of the following:
- (1) Suspend or revoke an inspector's certificate of competency for a specified period of time that the elevator section establishes.
  - (2) Require a holder of a certificate of competency to complete additional continuing education course work within a specified time period.
- (D) Any person whose certificate of competency or certificate of competency application has been revoked, suspended, denied, or not renewed may request an adjudication hearing on the matter. The request for an adjudication hearing must be received by the division within thirty days from the date the notice of the action was mailed. The hearing shall be held in accordance with Chapter 119. of the Revised Code. A licensee or applicant adversely affected by an adjudication order issued pursuant to this rule shall have a right to appeal pursuant to section 119.12 of the Revised Code.

~~Upon written notification of the action of the elevator section, the aggrieved may appeal pursuant to Chapter 119. of the Revised Code and rule 1301:3-6-05 of the Administrative Code.~~