



ADMINISTRATIVE HEARING MANUAL

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OHIO DEPARTMENT OF AGRICULTURE

ADMINISTRATIVE HEARING MANUAL

PREAMBLE AND APPLICABILITY

The following case management procedures are internal management rules designed to govern the administrative hearing procedures of the Ohio Department of Agriculture ("Agency"), in accordance and consistent with Ohio Revised Code ("ORC") Sections 119.06 through 119.10, Chapter 1327, Chapter 1711, and Title 9 of the ORC.

I. AGENCY HEARING ADMINISTRATOR - ROLE AND RESPONSIBILITIES

The Agency Hearing Administrator ("Administrator") will serve as the primary point of contact for Hearing Officers, assistant attorneys general ("AAG"), and any party to the hearing. The Administrator is responsible for the following:

- Responding to inquiries from Hearing Officers pertaining to administrative matters;
- Scheduling new hearing dates for the Agency;
- Reserving court reporters and interpreters or translators, as needed;
- Ensuring a hearing room is reserved at the Agency or other appropriate location;
- Receiving, copying, and forwarding hearing evidence, orders, and transcripts;
- Updating and maintaining a Hearing Officer database for the Agency;
- Providing hearing schedules for the Agency, as needed;
- Providing copies of hearing files and other documents to Hearing Officers; and
- Serving as liaison to the Agency for hearing status updates and reports.

II. SCHEDULING AND CONFIRMING HEARINGS AND HEARING OFFICERS

A. Assignment of Hearing Officer and Initial Hearing Notice

2.1 Except as otherwise provided in ORC § 917.22, upon a request for an administrative hearing, the Administrator shall set the date, time and place for all administrative hearings in an Initial Hearing Notice sent to the parties. Administrative hearings shall be set within 15 days of receipt of the request, but not sooner than 7 days after receipt of the request. In cases where it is impracticable for the hearing to be scheduled within 15 days of the date of the request for a hearing, the Agency may set the initial hearing date and continue the initial hearing date by its own motion. Please note that all requests for a hearing must be in writing pursuant to Ohio Administrative Code § 901-4-01. If the Agency decides to use more than one Hearing Officer, hearings will be assigned on a rotating basis to the next available Hearing Officer in the Agency's Hearing Officer pool, subject to the Chief Legal Counsel's approval. The Administrator will email or call the Hearing Officer, and ask whether the Hearing Officer is available to hear a matter. In the event a Hearing Officer is unavailable, the matter will be assigned to the next available Hearing Officer in rotation. This rotation may be altered at any time to accommodate for scheduling conflicts, call-offs and no shows. Frequent call-offs, no shows, or failure to provide adequate notice to changes in availability can be a factor considered when assigning future hearings to a Hearing Officer.

B. Scheduling of Hearing and Hearing Notice

- 2.2 Prior to mailing the notice setting the hearing date, the Administrator will contact the AG's Office to verify that an AAG will be available on the selected hearing date. The Administrator will also confirm the availability of a hearing room, the licensee or applicant who is the subject of the hearing, or their legal counsel of the licensee or applicant as applicable. The Administrator will also ensure that the court reporter, if required, is available on the selected hearing date prior to mailing the notice as provided in Section 3.3 of this Manual.
- 2.3 Upon the scheduling of a hearing, including a rescheduled or continued hearing, the Administrator shall ensure that a written Hearing Notice, including the date, time and place of the hearing, is delivered to all parties and the assigned AAG, with a copy sent to the Hearing Officer and court reporter. The Hearing Notice shall reference that the Agency requires adherence to the policies in this Manual, and where a copy of the Manual may be obtained.
- 2.4 Hearings shall take place at the main campus of the Ohio Department of Agriculture unless otherwise authorized by the Chief Legal Counsel.

C. Non-Oral Hearings

- 2.5 Upon request of a party, and with the approval of the Hearing Officer, a hearing may be conducted in writing by submission of necessary motions, briefs, and evidence by the parties. Upon such a request by a party, the Hearing Officer shall provide an order specifying whether such request is approved. A template for such Order is provided in Exhibit A. If such request is approved, the Hearing Administrator shall coordinate with all parties to set up the non-oral hearing dates and submission deadlines. All required briefs, responses, documents, or exhibits necessary to resolve the issue must be filed with the Administrator no later than on or before the day specified in the Non-Oral Hearing notice, and a copy must be provided to all the parties. The Hearing Officer may hold a preliminary hearing to prescribe a schedule for submission of documents, which shall be binding on the parties.

D. Preliminary Hearing Conference

- 2.6 At any time prior to a scheduled hearing, the Hearing Officer may on his/her own order, or on the motion of any party, direct the parties to participate in a preliminary telephone conference. At the conference, the Hearing Officer will discuss and take appropriate action to simplify or clarify the issues to be addressed at the hearing, obtain stipulations and admissions, order an exchange of witness and exhibit lists, and address other matters intended to expedite the proceedings. Procedural orders may be issued based upon information obtained at the preliminary conference.

E. Computation of Time

- 2.7 ORC Section 1.14 controls the computing of time deadlines imposed by ORC Chapter 119 and the procedures outlined in this manual. The time within which an act is required by

law to be completed is computed by excluding the first day and including the last day.

When the last day to perform an act falls on a Sunday or legal holiday, as defined in ORC 1.14, the act may be completed on the next succeeding day that is not a Sunday or legal holiday.

When a public office in which an act required by law is to be performed is closed to the public for the entire day that constitutes the last day for doing the act or before its usual closing time on that day, the act may be performed on the next succeeding day that is not a Sunday or legal holiday, as defined in ORC 1.14.

III. STENOGRAPHIC RECORDING OF ALL HEARINGS

A. General

- 3.1 A stenographic record of all hearings conducted pursuant to ORC Chapter 119 shall be conducted by means of an audio electronic recording prepared by a court reporter, consistent with the definition of "stenographic record" set forth in ORC Section 119.09, and a written stenographic record may be requested by the agency.
- 3.2 Hearing Officers shall ensure that an accurate record is kept of the full proceeding. Hearing Officers must announce when recording of the proceedings is interrupted for a recess or due to malfunction of the recording system, and shall announce when proceedings resume. In all cases, Hearing Officers shall strive to ensure that the final record of the proceedings is clear.

B. Scheduling and Confirming Court Reporters

- 3.3 For hearings in which a court reporter is used, the Administrator will schedule a court reporter each time a hearing date and time is set. The Administrator will also confirm the hearing assignment with the court reporting firm at least 24 hours prior to the hearing.

IV. THE HEARING RECORD

A. Documents Comprising the Record

- 4.1 The following documents constitute the official record of the adjudication hearing of the Agency for purposes of ORC Section 119.09:
 - All jurisdictional documents (i.e., the notice of opportunity for a hearing and proof of service by certified mail, the party's hearing request, and all notices of hearing date);
 - Transcript of the hearing;
 - Exhibits admitted;
 - Any evidence proffered;
 - All motions submitted;
 - All briefs submitted;
 - All orders by the Hearing Officer;
 - The report and recommendation;
 - Objections filed and any responses thereto, if any;
 - All applicable Agency minutes and orders; and
 - The final order of the Agency.

4.2 The Administrator is the official custodian of the adjudication hearing records of the Agency. Only those documents constituting the official record of the adjudication hearing and any other writings, papers or orders filed with the Administrator will be a part of the official record.

B. Filing/Submission of Documents

4.3 All motions, briefs and other writings, other than those presented at the hearing, are required to be submitted to the Hearing Officer and Administrator by email, except where the Hearing Officer has determined that extraordinary circumstances permit the submission of such motions, briefs or other writings in paper form. Documents initially submitted by email to the Agency shall be maintained by the Administrator as the original record document. Please note that this applies to any documents submitted to the Hearing Officer for non-oral hearings as well.

4.4 All motions, briefs and other writings shall include a certificate of service attesting to the service, whether by electronic or other means, of a copy of the filing on the Hearing Officer, the AAG assigned to represent the Agency and/or the parties to the hearing, as applicable.

4.5 The Agency Attorney shall ensure that a copy of the exhibits presented during the hearing is provided to the Administrator for inclusion in the official record.

C. Hearing File Preparation and Distribution

4.6 Under no circumstances shall original files leave the Agency premises. In the event of an appeal from the Agency's final order to a court of competent jurisdiction, a certified copy of the entire original record shall be prepared by the Administrator. The Administrator shall ensure either 1) the certified copy of the entire original records is filed with the appropriate clerk of court with competent jurisdiction; or 2) is provided to the AAG representing the Agency in the matter, who will file the certified copy of the record with the appropriate clerk of courts.

D. Transcript Distribution

4.7 Hearing transcripts will be received by the Administrator from the assigned court reporter in hard copy and electronic form. Once received, the original hard-copy transcript shall be immediately date stamped and placed in the original hearing file.

V. CONDUCT OF HEARINGS

A. Motion Practice

5.1 Since the Rules of Civil Procedure are not binding in adjudicatory proceedings before agencies, administrative hearings under ORC Chapter 119 should be faster and less expensive than traditional civil litigation. Protracted motion practice and briefing schedules should be avoided in all but the most novel and complex of cases.

B. Impartiality of Hearing Officers

5.2 The Hearing Officer's conduct should be impartial with respect to the Agency and any parties to the adjudication hearing. The Hearing Officer's knowledge of the facts and circumstances of the cases assigned to him/her must be limited to the record

made at the hearing. Moreover, the Agency and each party must bear their own burden of proof (e.g., the initial burden of production is typically on the state), if any, and thus Hearing Officers should avoid engaging in comments or lines of questioning which might give the appearance of favoring either party.

Except as otherwise provided by law, the burden of proof in administrative cases is proof by a preponderance of the evidence.

In application cases, an applicant seeking licensure under Title 9, Chapter 1711, Chapter 4707, Chapter 1327, and the rules adopted thereunder must establish the applicant's suitability by clear and convincing evidence and in compliance with the requirements under the Ohio Revised Code and Ohio Administrative Code. Because the applicant has the burden to produce evidence of qualification for licensure, if contested, the applicant must present such evidence first.

- 5.3 Evidentiary matters should be ruled on in a fair and consistent manner. It is improper to relax evidentiary rules for the Agency or a party while demanding strict adherence for the other.
- 5.4 The parties, including their counsel or any other representatives, the Agency, including its investigators and legal staff, and the AAGs assigned to represent the Agency are prohibited from engaging or participating in any *ex parte* communications regarding the case with the Hearing Officers involved in the cases before them, except upon notice and opportunity for both the party and the Agency to participate. Communications with Hearing Officers involving scheduling or uncontested procedural matters do not require notice or the opportunity for either the party or the Agency to participate.
- 5.5 The Hearing Officer's powers derive solely from the delegation by the Agency and are limited to the factual questions and issues of law pertaining to the matter referred for hearing. Hearing Officers will not permit any of the parties or the Agency to use the hearing to delve into issues that are outside the scope of the hearing. Nothing in these procedures is to be construed as granting a Hearing Officer the authority to dismiss any hearing. Hearing Officers may:
 - Rule on objections made by the parties;
 - Determine the admissibility of evidence presented;
 - Rule on motions made by the parties;
 - Permit opening statements and closing arguments;
 - Examine witnesses or ask questions of the parties; and
 - Make any other necessary determinations or rulings.

C. Continuances of Hearings

- 5.6 Administrative hearings under ORC Chapter 119 should be faster and less expensive than traditional civil litigation. Hearings should be scheduled and completed as promptly as possible. Unjustified requests for continuances will be denied.
- 5.7 Except as provided in Section 2.4 of this Manual, all requests for continuance of the hearing

shall be submitted to the Hearing Officer, opposing party, and Administrator in writing at least 5 days prior to the date set for the hearing. Continuances should not be granted before the AAG assigned to represent the Agency, opposing counsel and/or the party, as applicable, is given an opportunity to respond to the request. The Hearing Officer may grant or deny the motion in his/her sole discretion. However, please note that in Dairy cases, a continuance may only be granted in the event of extreme hardship in compliance with ORC Section 917.22. The parties and the Agency are strongly encouraged to discuss the issue of a continuance prior to submitting a request for a continuance from the Hearing Officer.

- 5.8 Continuances will only be granted upon a written order authorized by the assigned Hearing Officer and served on the parties by the Administrator. Upon granting a continuance, the Hearing Officer shall prepare and execute the Order for Continuance, and will send the executed Order for Continuance to the Administrator. It is recommended that Hearing Officers follow the template provided for an Order for Continuance in Exhibit B.
- 5.9 The Hearing Officer should coordinate a new hearing date and time with the Administrator before scheduling a new hearing date to ensure that an equipped room and court reporter is available for the proposed new hearing date.
- 5.10 Upon a request for a continuance, the Administrator shall provide the Hearing Officer's Order issued in response to that request to the parties within 5 business days or as reasonably possible. If approved, the Administrator shall notify the parties of the new hearing date, time and location. The Administrator shall also notify the court reporter, if any, and update the hearing officer database and room assignment accordingly.

D. Subpoenas

- 5.11 Requests for subpoenas pursuant to ORC Section 119.09 shall be filed with the Administrator at least 20 days prior to the hearing, and the Administrator shall notify the applicant or licensee of this requirement in the Hearing Notice. The Agency will issue subpoena after a party timely requests such issuance by providing a list via email or mail to the Administrator with the names and addresses of the witnesses the party desires to attend. The Administrator shall provide a copy of the list of witnesses requested to be subpoenaed to the AAG assigned to represent the Agency.
- 5.12 The subpoena shall be served and returned, and witness and mileage fees shall be paid, in accordance with applicable law.
- 5.13 Every subpoena shall command each person to whom it is directed to attend and give testimony at a time and place therein specified, or to produce books, papers, documents or other objects designated therein.
- 5.14 In the event of the refusal of a person to comply with the terms of a subpoena issued by the Agency, the Agency may petition the prosecuting attorney of the county where the person resides to bring a contempt proceeding against the person in the court of common pleas of that county.

E. Commencement of Hearing

- 5.15 All hearings should start promptly at the specified time. The parties and the Agency are strongly encouraged to discuss settlement or stipulations prior to the hearing.
- 5.16 All witnesses shall be required to testify under oath or affirmation, which shall be administered by the Hearing Officer or the court reporter. At the hearing, each party and the Agency may present evidence and examine witnesses appearing for and against the party or the Agency.
- 5.17 Parties may appear in person, be represented by their attorneys or by such other representatives as are permitted to practice before the Agency or they may present their positions, arguments, or contentions in writing. If the Agency needs the testimony of the party to present its case, the AAG representing the Agency should anticipate that the party will not voluntarily appear and instead request that the Agency issue a subpoena to compel the party's attendance.
- 5.18 All attorneys who appear on behalf of a party must file with the Agency a written notice of appearance setting forth 1) the attorney's name, address, telephone number and bar number; and 2) the name and address of the party represented. An attorney who has not filed an appearance may not address the Hearing Officer or sign any briefs, motions or other writings filed with the Agency in the matter. A template for this Notice of Appearance is set forth at Exhibit C.

F. Exhibits

- 5.19 Exhibits shall be pre-marked by the parties and the Agency for introduction into the record. The Agency's exhibits shall be lettered, and the parties' exhibits shall be numbered.
- 5.20 The parties should provide at least four copies (which comprise courtesy copies for the Hearing Officer, for the opposing side, the court reporter, and the official record copy to be used by the witness) of all exhibits they introduce at the hearing.
- 5.21 The Hearing Officer shall maintain a log of all exhibits introduced and admitted or not admitted/proffered into evidence. The Hearing Officer shall incorporate the exhibits, and the record of their disposition, within his/her report and recommendation.

G. Conclusion of Hearing

- 5.22 The Agency Attorneys will email the Administrator to confirm when a hearing has concluded. In the event a hearing requires multiple days that were not anticipated when originally scheduled, the Hearing Officer will include the date(s) when, and location where, the hearing is scheduled to resume and submit to the Administrator for preparation of a Notice of Continuance. The Administrator shall ensure delivery to the party, Hearing Officer, court reporter, and the AAG assigned to represent the Agency.

H. Post Hearing Submissions or Briefs

- 5.23 Generally, the record will be closed at the conclusion of the oral hearing. If, however,

the Hearing Officer orders the record to remain open for a specific designated period of time after the hearing has concluded, then the Hearing Officer shall memorialize this order in an entry filed with the Administrator, with a copy delivered to the Agency and all parties. All post-hearing submissions should be filed with the Administrator, with a copy to the Hearing Officer, the AAG assigned to represent the Agency and/or the parties to the hearing, as applicable.

I. Settlement

5.24 The party and the Agency or their counsel shall notify the assigned Hearing Officer and the Administrator immediately, and in writing, upon reaching a settlement. Parties are strongly encouraged to discuss settlement or stipulations prior to the morning of the hearing, and should not be permitted to delay the commencement of the hearing to discuss settlement.

J. Requests for Media Access

5.25 The administrative hearings governed by these procedures are quasi-judicial proceedings open to the public which require adherence to courtroom procedures for a proper hearing. *See Bucyrus v. State Dept. of Health*, 120 Ohio St. 426, 430 (1929). However, Ohio's Open Meetings Act does not apply. Hearing Officers may permit the broadcasting, televising, recording and taking of photographs in the hearing room only upon the specific request of a media organization for permission to do so, and only after notice to and consultation with the party and the AAG assigned to represent the Agency. Such requests may be made on the form attached as Exhibit D. If a request for media access is granted, the Hearing Officer shall set forth in a written order the scope of and limitations to such media access. Such order may be in the form as provided in Exhibit E. The written order is made part of the record. The Hearing Officer's discretion in this regard should be guided by the provisions of Rule 12 of the Rules of Superintendence for the Courts of Ohio. Upon the failure of any media representative to comply with the conditions prescribed by the Hearing Officer for media access, the Hearing Officer may revoke the permission to broadcast or photograph the hearing.

VI. REPORT AND RECOMMENDATION

A. Independence of Hearing Officers; Limits of Authority

6.1 Hearing Officers will be given complete independence in presiding over hearings and in issuing their report and recommendations ("R&R"). There will be no review of draft R&Rs by Agency legal staff or any other Agency employee prior to being issued in final form by the Hearing Officer. Once issued in final form by the hearing Officer, R&Rs become public records, which may be reviewed by Agency legal staff or others for evaluation, record keeping, and such other purposes of the Agency as the Director may determine reasonable.

6.2 The Hearing Officer does not have the authority to declare a statute or rule unconstitutional, nor does he or she have the authority to declare in an adjudicatory

proceeding that a rule or regulation of the agency exceeds statutory authority. When an appeal raises both constitutional and non-constitutional issues, the Hearing Officer will issue findings of fact and conclusions of law only on the non-constitutional issues. However, the Hearing Officer should permit the parties to establish any factual context for their constitutional challenges, to enable later judicial review of the constitutional issue(s).

B. Timing of Submission of the R&R

- 6.3 The Hearing Officer should issue a R&R within 30 business days of the closing date of the hearing, or as reasonably practicable based on the facts and circumstances of the hearing. For Dairy cases, the Hearing Officer must issue and serve via certified mail return receipt a R&R within 3 days of the closing date of the hearing under ORC Section 917.22(B). Failure to produce timely R&Rs can be a factor considered when making future Hearing Officer assignments.
- 6.4 The Hearing Officer should keep his/her deliberations and conclusions confidential until the date of the release of the R&R. Personal notes, drafts and other documents created by a Hearing Officer solely for his/her own convenience in deliberation, and not provided to others are not part of the administrative record and are not public records for purposes of ORC Section 149.43.

C. Form of the R&R Submission

- 6.5 The Hearing Officer shall submit an original signed copy of the Officer's R&R to the Administrator. All copies of the case file and transcript shall either be destroyed by the Hearing Officer or returned to the Administrator with the Hearing Officer's R&R.
- 6.6 In all cases, the R&R should follow an organized format and include: (1) an opening description of the parties and the nature of the case, with reference to applicable statutes and regulations; (2) a statement of all material findings of fact; (3) a statement of all conclusions of law, including recitation of the applicable standard of proof; and (4) where applicable, the recommendation of action to be taken by the Agency. All major issues and arguments presented in the case must be addressed by the R&R.
- 6.7 The R&R should reflect the impartiality of the Hearing Officer in both tone and substance. The recommendations set forth in the R&R must flow logically from the findings of fact and conclusions of law. The R&R should be written in a clear and concise manner free of typographical and grammatical error. The R&R should include transcript/record cites when applicable and, citations to controlling law (statutes, rules and case law) in accordance with the Writing Manual adopted by the Supreme Court of Ohio, Office of the Reporter. The Writing Manual is available online at www.sconet.state.oh.us/ROD.

D. Service of the R&R on the Party and the Agency

- 6.8 Except as otherwise provided herein, the Administrator shall serve the R&R within 5 days of its receipt upon the party, the party's counsel, and the AAG assigned to represent the Agency. The R&R shall be served upon the party by certified mail, return receipt requested.

E. Hearing Officer Invoices

- 6.9 The Hearing Officer may submit an invoice for payment to the Administrator with the final, signed R&R, but shall submit an invoice for payment no later than 30 days after the submission of the R&R. The invoice will be submitted according to, and shall comply with, the terms and conditions set forth in the Hearing Officer's contract with the Agency.

VII. OBJECTIONS TO THE R&R

- 7.1 A party may, within 10 days of receipt of the R&R, file written objections to the R&R with the Administrator. For Dairy matters, a party who desires to file written objections must do so within 3 days of receipt of the R&R in accordance with ORC Section 917.22(B). Such objections shall be considered by the Agency before approving, modifying, or disapproving the R&R.
- 7.2 The Agency may grant to a party extensions of time within which to file such objections except as otherwise provided by law.
- 7.3 The Agency may, through its assigned AAG, file with the Administrator a motion for leave to file a response to the R&R or to a party's objections to the R & R. The granting of the motion is committed to the sound discretion of the Hearing Officer. A copy of the motion shall be served on the party and the Hearing Officer.

VIII. FINAL AGENCY ORDERS

- 8.1 In its final order, the Agency may approve, disapprove, or modify the recommendation contained in the R&R. If the recommendation of the Hearing Officer is disapproved or modified, the Agency shall include in its final order the reasons for such modification or disapproval.
- 8.2 No recommendation of the Hearing Officer shall be approved, modified, or disapproved by the Agency until at least 10 days after service of the R&R on the applicant or licensee. For Dairy matters, the recommendation of the Hearing Officer shall be approved, modified, or disapproved by the agency within 6 days of receipt of the R&R under ORC Section 917.22(B).
- 8.3 The Agency may order additional testimony to be taken or permit the introduction of further documentary evidence prior to issuing its final order. The Agency may adopt or incorporate all, or a portion of, the findings of fact and conclusions of law contained in the R&R. The Agency may reject findings and conclusions if it states in writing the reason, and the Agency may also make additional findings and conclusions if supported by the record of the hearing.
- 8.4 If the Respondent filed objections, the Agency must state in its final order that it received and considered them.
- 8.5 Once entered on its journal, a certified copy of the Agency's final order shall be served by the Agency upon the party by certified mail, return receipt requested. Copies of the final order shall be served on the party's counsel of record, as applicable, and the AAG assigned to the Agency by email or regular mail. The final order

must contain a statement of the time and method by which an appeal may be perfected.

IX. MOTIONS FOR ATTORNEY'S FEES

- 9.1 All motions for recovery of attorney's fees by a prevailing eligible party shall comply with ORC Section 119.092 and shall be filed with the Administrator within 30 days after the date the Agency enters its final order in its journal.
- 9.2 A motion for recovery of attorney's fees shall be assigned to and reviewed by the Hearing Officer who conducted the underlying hearing on the matter.
- 9.3 The Hearing Officer shall issue a determination, in writing, on the motion of the prevailing eligible party, which shall include a statement indicating whether an award has been granted, the findings and conclusions underlying it, the reasons or bases for the findings and conclusions and, if an award has been granted, its amount. The determination shall be governed by the provisions of ORC Sections 119.092(B)(2) and (3).
- 9.4 The determination shall be entered in the record of the prevailing eligible party's case, and a copy of it mailed by certified mail, return receipt requested, to the prevailing eligible party.
- 9.5 The determination of the Hearing Officer concerning attorney's fees constitutes a final determination of the Agency for purposes of appeal pursuant to ORC Section 119.12, and is not subject to review and approval by the Agency.
- 9.6 Upon the filing of an appeal pursuant to ORC Section 119.12 by either the party or the Agency from the determination of the Hearing Officer concerning attorney's fees, the Administrator shall prepare and certify to the court involved a complete record of the case, in accordance with ORC Section 119.12.

Exhibit A
Order for Non-Oral Hearing

OHIO DEPARTMENT OF AGRICULTURE

In re _____ (*licensee or permittee's name*)

Order for on Request for Non-Oral Hearing

1. The _____ (*Ohio Department of Agriculture / licensee name / applicant name*) (*pick one*), has requested a non-oral hearing in lieu of an oral hearing on _____ (*date*), 20__ (*year*) for the above-captioned matter.
2. The request to convert the oral hearing to a non-oral hearing is hereby: **GRANTED** / **DISMISSED** (*circle one*).
3. (*If continuance is granted – otherwise delete*) The hearing shall be rescheduled by the Hearing Administrator for the Ohio Department of Agriculture. Each party shall communicate with the Hearing Administrator dates and times which they may attend the hearing, and shall use all efforts to find an date which will be appropriate for all parties to attend the hearing.
4. A copy of this Order shall be provided by the Hearing Administrator to the Attorneys for both parties, as applicable, the Parties.

Signed this _____ day of _____ 20__

HEARING OFFICER

Exhibit B
Order for Continuance

OHIO DEPARTMENT OF AGRICULTURE

In re _____ (licensee or permittee's name)

Order for on Request for Continuance

1. The _____ (Ohio Department of Agriculture / licensee name / applicant name) (pick one), has requested a continuance from the previously scheduled hearing dates of _____ (date), 20__ (year) for the above-captioned matter.
2. The request for continuance was requested due to _____
_____.
3. The request for a continuance is hereby: **GRANTED** / **DISMISSED** (circle one).
4. (If continuance is granted – otherwise delete) The hearing shall be rescheduled by the Hearing Administrator for the Ohio Department of Agriculture. Each party shall communicate with the Hearing Administrator dates and times which they may attend the hearing, and shall use all efforts to find an date which will be appropriate for all parties to attend the hearing.
5. A copy of this Order shall be provided by the Hearing Administrator to the Attorneys for both parties, as applicable, the Parties.

Signed this _____ day of _____ 20__

HEARING OFFICER

Exhibit C
Notice of Appearance

OHIO DEPARTMENT OF AGRICULTURE

In re _____ (licensee or permittee's name)

Notice of Appearance

Now comes _____ <name of attorney(ies)>,
and hereby respectfully gives notice that he/she will be entering his/her appearance as counsel for Respondent
_____ (licensee or permittee's name)

Printed Name of Attorney

Name of Firm

Street Address

City, State, Zip Code

Telephone number

Email Address

Exhibit D
Request for Media Access

OHIO DEPARTMENT OF AGRICULTURE

In re _____ (licensee or permittee's name)

Request(s) for Extended Media Coverage of Trial or Proceeding

1. The undersigned media-credentialed person, states a request for: *(circle desired equipment)*

- photographic equipment
- television cameras
- live blogging
- electronic sound recording equipment

2. The trial or proceeding to be covered by extended media techniques is scheduled on _____

_____ *(date)*, 20__ *(year)*, at

_____ *(location)* at _____ *(time)* (a.m.)

(p.m.). The request for extended media coverage includes every part of such proceeding and any later proceedings caused by a delay or continuance.

3. The request for extended media coverage is described as follows: _____

4. A copy of this notice shall be provided by the Hearing Administrator to the Attorneys for both parties, as applicable, the Parties, and the Hearing Officer for consideration.

Submitted this _____ day of _____ 20__

Petitioning media-credentialed person

Exhibit E
Order on Request for Media Access

OHIO DEPARTMENT OF AGRICULTURE

In re _____ (licensee or permittee's name)

Order on Request(s) for Extended Media Coverage of Trial or Proceeding

1. The _____, a media-credentialed person, has requested use of media coverage equipment on a hearing for the above-captioned matter.
2. The trial or proceeding to be covered by extended media techniques is scheduled on _____
_____(date), 20__(year), at
_____(location) at _____ (time) (a.m.)
(p.m.). The request for extended media coverage includes every part of such proceeding and any later proceedings caused by a delay or continuance.
3. The request for extended media coverage is hereby: **GRANTED** / **DISMISSED** (*circle one*) with the following restrictions or conditions, if any:

4. A copy of this notice shall be provided by the Hearing Administrator to the Attorneys for both parties, as applicable, the Parties, and the Hearing Officer.

Signed this _____ day of _____ 20__

HEARING OFFICER