

Continuance of hearing.

- (A) Except in matters of summary suspension under division ~~(D)~~ (G) or automatic suspension under division ~~(F)~~ (I) of section 4731.22 of the Revised Code, the board; or the board through its ~~attorney~~ hearing examiner, shall initially continue a hearing upon its own motion in order to more efficiently and effectively conduct its business unless the circumstances establish that a continuance would not serve the interest of justice.
- (B) ~~The attorney hearing examiner may continue a hearing upon the motion of a representative of record.~~ A hearing shall be continued only with the approval of the board or its hearing examiner based upon a written motion of a party or upon the initiative of the hearing examiner.
- (C) Hearings shall not be continued upon motion by a ~~representative party~~ unless a showing of reasonable cause and proper diligence is presented. Before granting any continuance, consideration shall be given to harm to the public which may result from delay in proceedings. In no event will a motion for a continuance ~~by a representative~~ requested less than five days prior to the scheduled date of the hearing be granted unless it is demonstrated that an extraordinary situation exists which could not have been anticipated and which would justify the granting of a continuance.
- (D) No continuance of an adjudicatory hearing under division ~~(D)~~ (G) or ~~(F)~~ (I) of section 4731.22 of the Revised Code shall be granted without the written agreement of the respondent or ~~his representative~~ the respondent's attorney or attorneys and of the board through its secretary and supervising member.
- (E) If a continuance is granted, the ~~attorney~~ hearing examiner shall immediately establish a new hearing date, unless circumstances prohibit.
- (F) Hearings shall not be continued due to the unavailability of a subpoenaed witness without approval of the ~~attorney~~ hearing examiner. The ~~attorney~~ hearing examiner may hold the record open to accept a deposition in lieu of ~~oral live~~ testimony of a subpoenaed witness. The procedures set forth in rule 4731-13-20 of the Administrative Code shall apply to any deposition in lieu of live testimony taken pursuant to this rule.
- (G) No adjudication hearing shall be continued for more than ninety days for the purpose of exchanging witness or document lists to the extent provided in rule 4731-13-18 of the Administrative Code unless the board or its attorney hearing examiner finds in writing that such exchange was diligently pursued but was not completed due to the unusual circumstances of the case.

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Certification

Date

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