

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

**3301-73-06 Filing.**

- (A) A certificate of service ~~is~~ shall not be required for a filing of a request for hearing under section 119.07 of the Revised Code. A hearing request is properly filed when it is made after the issuance of a notice of an opportunity for hearing, made in writing by the named individual or his or her duly authorized representative, and received ~~and time stamped~~ by the department within thirty days of the mailing of the notice of an opportunity for hearing.
- (B) Paragraphs (C) to (H) of this rule apply after a proper request for an administrative hearing is received by the department.
- (C) A document is "filed" when it is received ~~and time stamped~~ by the department ~~during normal business hours by midnight~~. The burden of ensuring that the document(s) is properly and timely filed is borne by the party filing the document(s).
- (D) ~~An original of any document required to be filed shall be filed with the department and service on the parties shall occur simultaneously. A party may file a document with the department in person, by mail, facsimile, or electronic mail. When filing by facsimile or electronic mail, the party shall provide the department an original document within seven calendar days of the facsimile or electronic mail filing.~~
- (E) All documents ~~will~~ shall contain the name, mailing address, email address, and telephone number of the party submitting it and ~~will~~ shall be appropriately captioned to indicate the name of the party on whose behalf the document is filed.
- (F) Any document ~~necessitating~~ ~~required to be serviced~~ by a party may be served in person, by mail, facsimile, or electronic mail. Service is complete on the date of mailing, date of personal service, date of facsimile of the document, or date of the electronic mail of the document.
- (G) Any signed statement is an acceptable certificate of service so long as it contains all of the following information:
- (1) Date of service;
  - (2) ~~Email and physical a~~Address where service was made;
  - (3) Name of the party or authority that was served; and
  - (4) Method of service.
- (H) If a document(s) is not filed in accordance with this rule, the state board or hearing officer may, at ~~its~~ his/her discretion, accept the document upon establishment of proof of good faith.
- (I) This rule does not apply when a respondent is perfecting an appeal under section 119.12 of the Revised Code.

**Commented [DM1]:** Changes made throughout the rule according to SB 9, 134th GA, to remove restrictive regulatory language.

**Commented [DM2]:** Removed time stamp requirement to accommodate easier service for all parties and provide efficiencies.

**Commented [DM3]:** Changed business hours to before midnight to accommodate electronic submissions by email which will provide easier filing options by all parties.

**Commented [DM4]:** Removed first and last sentences to align with current practices and provide further efficiencies in filing with the department.

**Commented [DM5]:** Email address added to make filing and service easier for all parties (comment applies to G(2)). Clarified mailing address after adding email address.

**Commented [DM6]:** Reworded for clarity.

**Commented [DM7]:** Added it's to include entities.