

### **4731-13-03. Authority and duties of hearing examiners**

- (A) Hearings shall be conducted before hearing examiner pursuant to section 4731.23 of the Revised Code.
- (B) All hearings shall be open to the public, but the hearing examiner conducting a hearing may close the hearing to the extent necessary to protect compelling interests and rights or to comply with statutory requirements. In the event the hearing examiner determines to close the hearing, the hearing examiner shall state the reasons in the public record.
- (C) The hearing examiner shall conduct hearings in such a manner as to prevent unnecessary delay, maintain order and ensure the development of a clear and adequate record.
- (D) The authority of the hearing examiner shall include, but not be limited to, authority to:
  - (1) Administer oaths and affirmations;
  - (2) Order issuance of subpoenas and subpoenas duces tecum to require the attendance of witnesses at hearings and depositions in lieu of live testimony and to require the production of evidence for hearings and depositions in lieu of live testimony;
  - (3) Examine witnesses and direct witnesses to testify;
  - (4) Make rulings on the admissibility of evidence;
  - (5) Make rulings on procedural motions, whether such motions are oral or written;
  - (6) Hold prehearing conferences;
  - (7) Request briefs before, during or following the hearing;
  - (8) Prepare entries, proposed findings, proposed orders or reports and recommendations pursuant to rule 4731-13-15 of the Administrative Code;
  - (9) Make rulings on requests to broadcast, record, televise or photograph the hearing;
  - (10) Take such other actions as may be necessary to accomplish the purposes of paragraph (C) of this rule; and
  - (11) Determine the order in which any hearing shall proceed.
- (E) The authority of the hearing examiner shall not include authority to grant motions for dismissal of charges, or modify, compromise or settle charges or allegations.
- (F) The hearing examiner shall have such other powers, duties, and authority as are granted by statutes or rules.
- (G) All rulings on evidence and motions and on any other procedural matters shall be subject to review by the board upon presentation of the proposed findings of facts and conclusions of

law of the hearing examiner. When such rulings warrant, the board may remand the matter to the attorney hearing examiner.

- (H) The hearing examiner may assist the board by reviewing the evidence in matters that have been subject to a notice of opportunity for hearing but for which no timely hearing request has been filed. In such matters the hearing examiner may prepare proposed findings and a proposed order for the board's consideration.
- (I) Briefs provided under paragraph (D)(7) of this rule shall comply with the requirements set forth in rule 4731-13-07.1 of the Administrative Code.
- (J) Upon the motion of a party, or upon the hearing examiner's own motion, the hearing examiner shall have the authority to conduct hearings by use of a live, real-time video-conferencing system. Such a system must provide a means, through the use of software that is widely accessible to the general public without charge, for the hearing examiner, attorneys, the respondent, witnesses, and a court reporter, along with any other necessary participants, to see and converse with each other and to display documentary and physical evidence. Further, the video-conferencing system must also provide a means by which members of the public may view and listen to the hearing.