

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

3770:1-2-05 Licensing decisions.

- (A) Director to comply with Administrative Procedure Act. The director ~~shall~~will comply with sections 3770.02 and 3770.03, as well as sections 119.06 to 119.10 of the Revised Code, and other applicable provisions of the Administrative Procedure Act, in decisions and orders made or adopted in conducting the licensing function.
- (B) Licensing hearings. When ~~required~~obligated to do so by the Administrative Procedure Act, the director ~~shall~~will afford a hearing to a person affected by an order or decision of the director to ~~refuse~~deny, suspend or revoke a license, except to the extent that the director is authorized by sections 3770.02 and 3770.03 of the Revised Code to suspend or revoke a license without prior hearing. Such hearings ~~shall~~will be conducted by the director or a hearing officer designated by the director and ~~shall~~will comply with the ~~requirements-~~mandates for adjudication hearings set out in the Administrative Procedure Act. The ~~requirement-~~mandates of the Administrative Procedure Act that adjudication hearings be afforded prior to a final decision by the director to suspend a license may be waived under circumstances such as non-payment of funds owed by a sales agent to the lottery fund, for reasons related to the public safety, convenience or trust, or ~~which require-~~when immediate action is justified. The ~~director, however, must~~director will also ~~continue to~~ comply with ~~the requirements of~~ the Administrative Procedure Act in affording the sales agent subsequent opportunity for an adjudication hearing.