Request for Quotes
Hearing Examiner

The Ohio Department of Commerce is requesting proposals for attorneys to serve as hearing examiners for administrative hearings held pursuant to Chapter 119 of the Ohio Revise Code. The hearing examiner will be requested to work on an as needed basis throughout the entire term of the contract.

The Ohio Department of Commerce will provide compensation for such services in the amount of $75.00 per hour, plus up to $200.00 per year for reimbursement for miscellaneous hearing expenses such as postage and copying costs. No compensation either for time or expenses will be provided for travel to and from the hearing location. No compensation either for time or expenses will be provided for travel to and from the Ohio Department of Commerce. The total amount paid to any one hearing examiner under the term of the contract (January 1, 2011 – June 30, 2011), will not exceed $10,000.00. The Ohio Department of Commerce does not guarantee the number of hearings or hours a hearing examiner will work, if any.

In order to be considered, applicants must submit the following:

- Proof of being licensed to practice law in Ohio, (this proof can be either a letter of good standing issued by the Ohio Supreme Court or a copy of an unexpired bar admission card issued by the Ohio Supreme Court);
- A resume, including address, education and experience along with any administrative law experience either as an advocate or a hearing officer. Please state which government board or agency and the approximate number of administrative cases litigated or decided (please note: applicants must have at least five years prior litigation and/or hearing officer experience to apply). Preference will be given to those applicants with demonstrated knowledge and/or experience related to the divisions within the Department of Commerce (i.e. State Fire Marshal, Liquor Control, Industrial Compliance, Securities, Unclaimed Funds, Financial Institutions, and Cable);
- A short writing sample, please limit to five (5) typed written double spaced pages; an example of a hearing examiner's report setting forth finding of facts and conclusions of law is preferred.
- A signed certification of an applicant's willingness to follow the Governor's Executive Order #1 regarding ethics requirements as well as all other applicable Executive Orders;
- A completed and signed Declaration Regarding Material Assistance regarding the non-support of terrorists;
- The applicant's tax identification number;
- An affirmation that the applicant does not represent clients that are regulated by the Department and is not a member of a law firm that represents clients that are regulated by the Department; and
- A signed certification of the applicant's willingness to follow the Governor's Executive Order 2010-09S " Banning the Expenditure of Public Funds for Offshore Services".

A personal service contract will be awarded based on the aforementioned criteria.

The selected candidate(s) will be responsible for the tasks and duties as set forth below:

1. Act as an impartial hearing examiner at formal administrative proceedings that the Department is required by law to conduct. The hearing may be conducted in person or through written submissions (if agreed upon by the parties) and include analysis of testimony, written stipulations of the parties, motions, oral arguments, written briefs, or any other submission required by law or reasonably necessary for the hearing examiner to arrive at a decision and prepare written findings of facts and conclusions of

law. During the pendency of a proceeding, the hearing examiner shall have and shall exercise all authority appropriate to the role of hearing examiner as necessary to assure that all proceeding will be conducted in a timely and orderly manner. This shall include without limitation handling exhibits and other matters necessary for the efficient conduct of the proceeding at issue.

2. Conduct all formal administrative proceedings in accordance with Ohio Revised Code Chapter 119 and all other applicable Ohio statutes and rules, including the general and procedural guidance provided by the Department.

3. Prepare and provide the Department with written findings of facts and conclusions of law as soon as practicable and no later than 30 days after the record has been closed unless a shorter period is required by law.

4. Upon request, prepare and provide the Department with draft orders for the signature of the Director of Commerce and/or for any other person or board as designated by the Department for any proceeding in which the hearing examiner presided and submitted a report.

5. Coordinate all activities through the Department's designated hearing administrator(s) and/or the Department's Chief Legal Counsel.

6. Not discuss with or disclose to any third party any information or material obtained pursuant to the obligations as hearing examiner without the prior written consent of the Department.

7. Furnish and use materials, tools, equipment and supplies necessary for the satisfactory performance of work, except as provided by the Department.

8. Maintain a daily accounting worksheet of the time and activity spent on each administrative hearing. The worksheet will be submitted to the Department along with the hearing examiners findings of fact and conclusions of law and invoice for payment. .

The Department will provide the facilities and services needed by the hearing examiner to perform the obligations under the resulting contract as follows:

1. A hearing room appropriately equipped for conducting administrative hearings.

2. A court reporter or electronic audio recording device for the purpose of creating a record of the proceedings.

3. Hearing administrator(s) who will coordinate issuance of notices, scheduling of hearings, issuance of subpoenas, arrangements for court reporters and issuance of other required correspondence for the efficient conduct of the proceeding at issue.

4. Any other reasonable resource requested in advance by the hearing examiner for the purpose of convenient and efficient conduct at the proceeding at issue.

Ohio Revised Code Section 9.24 prohibits the award of any contract for services paid for in whole or in part with state funds to a person against whom a finding for recovery has been issued by the Auditor State if the finding for recovery is unresolved. Ohio Revised Code Section 9.24(E) requires that a state agency verify that the person to whom the state agency plans to award a contract does not appear in the database to be maintained by the Auditor of State.

Successful candidates will be required to sign a personal services contract upon notification of the selection.

The contract will be effective for the remainder of Fiscal Year 2011 (through June 30, 2011).

Applications will be accepted until 5:00 p.m., December 3, 2010, and should be submitted to:

Ohio Department of Commerce
ATTN: Mary Augsburger, Interim Chief Legal Counsel
77 South High Street , 21st Floor
Columbus, OH 43215

Applications received after this deadline will not be considered unless the deadline is otherwise extended by the Department of Commerce. Proposals send by fax or email will not be considered.

The evaluation process resulting in the final award of a contract rests with the Director, Director's designees and the Legal Section of the Ohio Department of Commerce. The Ohio Department of Commerce reserves the right to determined that the award of a contract would not be in the best interest of the Department or the State of Ohio.

The Ohio Department of Commerce is an Equal Opportunity Employer.