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**Majority Floor Leader Bill Seitz
The Ohio House of Representatives**

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Sponsor Testimony for House Bill 286: To change the venue in which appeal from an agency order is proper to the local court of common pleas.

Chairman Manning, Vice Chair McColley, Ranking Member Thomas, and members of the committee, it is my pleasure to present House Bill 286 to you today. This legislation would allow Ohio citizens and businesses the right to contest state agency orders in the courts of their county of residence, as opposed to the current requirement that mandates that all such appeals be heard only in Franklin County.

As the legislative gravitation to specifying venue in Franklin County occurred over many years. LSC prepared a comprehensive memorandum on this history, and it attached to my submission of testimony. Because previous General

Assemblies used Franklin County as the default setting for virtually all appeals from adverse agency action, we have ended up with only one of Ohio's 88 counties having a disproportionately large jurisdiction compared to the other 87. That is one of the problems we are trying to rectify in this bill.

The current state of affairs inconveniences citizens and businesses aggrieved by agency actions by making them travel to Columbus to have their appeals heard in those courts. The current law also gives far too much authority to the courts in just one of Ohio's 88 counties. While it is true that the current law represents a great convenience for the State's bureaucrats and lawyers who need only to defend their decisions on their "home turf", these considerations are counterbalanced by the inconvenience to the Ohio citizens and businesses who must always play "an away game."

Anticipating the arguments made by those who would oppose this bill, I note that the pandemic has had the one fortunate side effect of encouraging courts and litigants to hold their hearings virtually. I expect this to be a permanent change, so the concept that Columbus attorneys for the state would have to travel all over the state for these appeals I find unlikely – not to mention the fact that the Attorney General staffs multiple offices outside Columbus in other cities. These folks could be utilized for hearings in places close to those cities. Additionally, it is important to note that this bill is permissive. It does not require the Ohio resident or business to take their appeal to their county of residence; it merely offers them that option. I rather suspect that in a number of these cases, the citizen-litigant would have already hired Franklin County area counsel to represent them during the administrative agency hearing process, and therefore, might very well decide to

keep that counsel in the event of an adverse agency decision necessitating review in the courts.

The bill does not affect the jurisdiction of the Court of Claims to hear suits for damages against the State or its agencies. And, jurisdiction will continue to be vested in Franklin County or cases involving persons who do not reside in Ohio or businesses with no Ohio place of business. Rather, it only addresses the place where appeals of adverse agency actions may be heard when the Ohio citizen or business is “playing defense” against the regulatory leviathan.

Finally, in the near future, an amendment drafted in collaboration with the Ohio Attorney General’s Office should be adopted by the committee. The amendment makes clear that an individual may appeal certain agency actions in either their county of residence *or* Franklin County, while also making clear that

the ability to appeal agency actions in an individual's home county is not limited solely to actions against a license. The amendment also makes technical changes to the bill.

I urge your favorable consideration, and would welcome any questions.

