

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**S. B. No. 135**

**Senators Hicks-Hudson, DeMora**

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**A BILL**

To enact sections 2747.01, 2747.02, 2747.03, 1  
2747.04, 2747.05, 2747.06, 2747.07, 2747.08, 2  
2747.09, and 2747.10 of the Revised Code 3  
regarding filing false or fraudulent claims with 4  
the state and defrauding the state of money or 5  
property. 6

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2747.01, 2747.02, 2747.03, 7  
2747.04, 2747.05, 2747.06, 2747.07, 2747.08, 2747.09, and 8  
2747.10 of the Revised Code be enacted to read as follows: 9

**Sec. 2747.01.** As used in this chapter: 10

(A) "Claim" includes any request or demand, whether under 11  
a contract or otherwise, for money or property that is made to a 12  
contractor, grantee, or other recipient if the state provides 13  
any portion of the money or property that is requested or 14  
demanded or if the state will reimburse the contractor, grantee, 15  
or other recipient for any portion of the money or property that 16  
is requested or demanded. 17

(B) "Documentary material" includes the original or any 18  
copy of any book, record, report, memorandum, paper, 19

communication, tabulation, chart, or other document, or data 20  
compilations stored in or accessible through computer or other 21  
information retrieval systems, together with instructions and 22  
all other materials necessary to use or interpret the data 23  
compilations, and any product of discovery. 24

(C) "Knowing" and "knowingly" mean that a person, with 25  
respect to information and with or without a specific intent to 26  
defraud, meets at least one of the following criteria: 27

(1) The person has actual knowledge of the information. 28

(2) The person acts in deliberate ignorance of the truth 29  
or falsity of the information. 30

(3) The person acts in reckless disregard of the truth or 31  
falsity of the information. 32

(D) "Product of discovery" includes all of the following: 33

(1) The original or duplicate of any deposition, 34  
interrogatory, document, thing, result of the inspection of land 35  
or other property, examination, or admission, that is obtained 36  
by any method of discovery in any judicial or administrative 37  
proceeding of an adversarial nature; 38

(2) Any digest, analysis, selection, compilation, or 39  
derivation of any item listed in division (D) (1) of this 40  
section; 41

(3) Any index or other manner of access to any item listed 42  
in division (D) (1) of this section. 43

**Sec. 2747.02.** (A) No person shall do any of the following: 44

(1) Knowingly present, or cause to be presented, to an 45  
officer or employee of the state or to the state a false or 46

<u>misleading claim for payment or approval;</u>	47
<u>(2) Knowingly make, use, or cause to be made or used a</u>	48
<u>false record or statement to get the state to pay or approve a</u>	49
<u>false or misleading claim;</u>	50
<u>(3) Conspire to defraud the state by getting a false or</u>	51
<u>fraudulent claim allowed or paid;</u>	52
<u>(4) Have possession, custody, or control of property or</u>	53
<u>money used or to be used by the state and, with intent to</u>	54
<u>conceal the property or money, deliver or cause to be delivered</u>	55
<u>less property or money than the amount for which the person</u>	56
<u>receives a certificate or receipt;</u>	57
<u>(5) With intent to defraud, make or deliver a document</u>	58
<u>that certifies receipt of property used by the state or to be</u>	59
<u>used by the state and that the person is authorized to make or</u>	60
<u>deliver if the person does not know that the information on the</u>	61
<u>document is true;</u>	62
<u>(6) Knowingly buy, or receive as a pledge of an obligation</u>	63
<u>or debt, public property from an officer or employee of the</u>	64
<u>state who lawfully may not sell or pledge the property;</u>	65
<u>(7) Knowingly make, use, or cause to be made or used a</u>	66
<u>false record or statement to conceal, avoid, or decrease an</u>	67
<u>obligation to pay or transmit money or property to the state;</u>	68
<u>(8) Knowingly solicit, receive, offer to pay, or pay a</u>	69
<u>kickback, bribe, rebate, or any other form of remuneration,</u>	70
<u>directly or indirectly, overtly or covertly, in cash or in kind,</u>	71
<u>for referring an individual to a health care provider or managed</u>	72
<u>care organization or to a third person for the purpose of</u>	73
<u>referral of the individual by the third person to a health care</u>	74
<u>provider or managed care organization for furnishing the</u>	75

individual with goods or services that may be paid for, in whole 76  
or in part, by the medicaid program or by the bureau of workers' 77  
compensation under Chapters 4121. or 4123. of the Revised Code 78  
and rules adopted pursuant to those chapters. 79

(B) (1) Except as provided in division (B) (2) of this 80  
section, whoever violates division (A) of this section is liable 81  
to the state for a civil penalty of not less than five thousand 82  
dollars and not more than ten thousand dollars for each false or 83  
misleading claim, plus three times the amount of damages that 84  
the state sustains because of the violation. 85

(2) Whoever violates division (A) of this section is 86  
liable to the state for a civil penalty of not less than two 87  
times the amount of damages that the state sustains because of 88  
the violation, plus the costs of a civil action brought to 89  
recover any such penalty or damages, if the court finds all of 90  
the following: 91

(a) The person committing the violation furnished the 92  
attorney general with all information known to the person about 93  
the violation within thirty days after the date on which the 94  
person first obtained the information. 95

(b) The person fully cooperated with any state 96  
investigation of the violation. 97

(c) At the time the person furnished the attorney general 98  
with the information about the violation, no criminal 99  
prosecution, civil action, or administrative action had been 100  
commenced with respect to the violation, and the person did not 101  
have actual knowledge of the existence of an investigation into 102  
the violation. 103

(C) Any information furnished as described in division (B) 104

(2) (a), (b), or (c) of this section is not a public record under 105  
and is exempt from disclosure under section 149.43 of the 106  
Revised Code. 107

(D) Commencement of an action or investigation under this 108  
chapter does not preclude either of the following: 109

(1) Commencement of an action under section 5164.35 of the 110  
Revised Code with regard to claims, payments, reports, or 111  
documents to which section 5164.35 of the Revised Code applies; 112

(2) Commencement of any other action otherwise authorized 113  
by law. 114

**Sec. 2747.03.** (A) The attorney general diligently shall 115  
investigate violations of section 2747.02 of the Revised Code. 116  
If the attorney general finds that a person has violated or is 117  
violating that section, the attorney general may bring a civil 118  
action under this section against the person. 119

(B) (1) A person may bring a civil action for a violation 120  
of section 2747.02 of the Revised Code on behalf of the person 121  
and on behalf of the state. A person may not bring an action 122  
under this division against the state or a political 123  
subdivision, any department, board, office, commission, agency, 124  
institution, or other instrumentality of the state or a 125  
political subdivision, or any officer or employee of the state 126  
or a political subdivision. A person shall bring the action in 127  
the name of the state. 128

(2) A copy of the complaint and written disclosure of 129  
substantially all material evidence and information the person 130  
possesses shall be served on the attorney general pursuant to 131  
Civil Rule 4.2(J). The complaint shall be filed in camera, shall 132  
remain under seal for at least sixty days, and shall not be 133

served on the defendant until the court so orders. The state may 134  
elect to intervene and proceed with the action within sixty days 135  
after it receives both the complaint and the material evidence 136  
and information. 137

(3) The state, for good cause shown, may file motions with 138  
the court requesting extensions of the time during which the 139  
complaint remains under seal, and the state may intervene under 140  
division (B) (2) of this section. The motion may be supported by 141  
affidavits or other submissions in camera. The defendant is not 142  
required to respond to any complaint filed under this section 143  
until twenty-eight days after the complaint is unsealed and 144  
served on the defendant pursuant to Civil Rule 4. 145

(4) Before the expiration of the sixty-day period under 146  
division (B) (2) of this section or any extensions obtained under 147  
division (B) (3) of this section, the state shall either proceed 148  
with the action or notify the court that it declines to proceed 149  
with the action. If the state proceeds with the action, the 150  
state shall conduct the action. If the state declines to proceed 151  
with the action, the person bringing the action has the right to 152  
conduct the action. 153

(5) When a person brings an action under division (B) (1) 154  
of this section, no person other than the state may intervene or 155  
bring a related action based on the facts underlying that 156  
pending action. 157

(C) (1) If the state proceeds with an action under division 158  
(B) of this section, it has the primary responsibility for 159  
prosecuting the action and is not bound by an action of the 160  
person bringing the action. The person bringing the action has 161  
the right to continue as a party to the action, subject to the 162  
limitations set forth in divisions (C) (2) to (4) of this 163

<u>section.</u>	164
<u>(2) The state may dismiss an action brought under division</u>	165
<u>(B) of this section notwithstanding the objections of the person</u>	166
<u>initiating the action if the state notifies the person of the</u>	167
<u>filing of the motion to dismiss and the court has provided the</u>	168
<u>person with an opportunity for a hearing on the motion.</u>	169
<u>(3) The state may settle an action brought under division</u>	170
<u>(B) of this section with the defendant notwithstanding the</u>	171
<u>objections of the person initiating the action if the court</u>	172
<u>determines, after a hearing, that the proposed settlement is</u>	173
<u>fair, adequate, and reasonable under all the circumstances. On a</u>	174
<u>showing of good cause, the court may hold the hearing in camera.</u>	175
<u>(4) On a showing by the state that unrestricted</u>	176
<u>participation during the course of the litigation by the person</u>	177
<u>initiating the action would interfere with or unduly delay the</u>	178
<u>state's prosecution of the case or would be repetitious,</u>	179
<u>irrelevant, or for purposes of harassment, the court, in its</u>	180
<u>discretion, may impose limitations on the person's</u>	181
<u>participation, including all of the following:</u>	182
<u>(a) Limiting the number of witnesses the person may call;</u>	183
<u>(b) Limiting the length of the testimony of witnesses;</u>	184
<u>(c) Limiting the person's cross-examination of witnesses;</u>	185
<u>(d) Otherwise limiting the participation by the person in</u>	186
<u>the litigation.</u>	187
<u>(5) On a showing by the defendant that unrestricted</u>	188
<u>participation during the course of the litigation by the person</u>	189
<u>initiating an action under division (B) of this section would be</u>	190
<u>for purposes of harassment or would cause the defendant undue</u>	191

burden or unnecessary expense, the court may limit participation 192  
by the person initiating the action in the litigation. 193

(D) If the state elects not to proceed with an action 194  
brought by a person under division (B) of this section, the 195  
person has the right to conduct the action. If the state so 196  
requests, it shall be served with copies of all pleadings filed 197  
in the action and shall be supplied with copies of all 198  
deposition transcripts at the state's expense. When the person 199  
proceeds with the action, the court, without limiting the status 200  
and rights of the person initiating the action, may nevertheless 201  
permit the state to intervene at a later date on a showing of 202  
good cause. 203

(E) Whether or not the state proceeds with the action, on 204  
a showing by the state that certain discovery by the person 205  
initiating the action would interfere with the state's 206  
investigation or prosecution of a criminal or civil matter 207  
arising out of the same facts, the court may stay that discovery 208  
for a period of not more than sixty days. The showing shall be 209  
conducted in camera. The court may extend the sixty-day period 210  
on a further showing in camera that the state has pursued the 211  
criminal or civil investigation or proceedings with reasonable 212  
diligence and any proposed discovery in the civil action will 213  
interfere with the ongoing criminal or civil investigation or 214  
proceedings. 215

(F) The state may elect to pursue its claim through any 216  
available means other than an action brought under division (B) 217  
of this section, including an administrative proceeding to 218  
determine a civil monetary penalty. If an alternate remedy is 219  
pursued in another proceeding, the person initiating the action 220  
has the same rights in that proceeding as the person would have 221



had if the action had continued under this section. Any finding 222  
of fact or conclusion of law made in the other proceeding that 223  
has become final is conclusive on all parties to an action under 224  
this section. A finding or conclusion is final if it has been 225  
finally determined on appeal to the appropriate court, if the 226  
time for filing an appeal with respect to the finding or 227  
conclusion has expired, or if the finding or conclusion is not 228  
subject to judicial review. 229

(G) (1) Except as provided in division (G) (1) of this 230  
section, if the state proceeds with an action brought by a 231  
person under division (B) of this section, the person shall 232  
receive at least fifteen per cent but not more than twenty-five 233  
per cent of the proceeds of the action or settlement of the 234  
claim, depending on the extent to which the person substantially 235  
contributed to the prosecution of the action. If the action is 236  
one that the court finds to be based primarily on disclosures of 237  
specific information, other than information provided by the 238  
person bringing the action, relating to allegations or 239  
transactions in a criminal or civil hearing, in a legislative or 240  
administrative report, hearing, audit, or investigation, or from 241  
the news media, the court may award the sums that it considers 242  
appropriate, but in no case more than ten per cent of the 243  
proceeds, taking into account the significance of the 244  
information and the role of the person bringing the action in 245  
advancing the case to litigation. Any payment to a person under 246  
division (G) (1) of this section shall be made from the proceeds. 247  
The person also shall receive an amount for reasonable expenses 248  
that the court finds to have been necessarily incurred, plus 249  
reasonable attorney's fees and costs. All expenses, fees, and 250  
costs shall be awarded against the defendant. 251

(2) If the state does not proceed with an action brought 252

by a person under division (B) of this section, the person 253  
bringing the action or settling the claim shall receive an 254  
amount that the court decides is reasonable for collecting the 255  
civil penalty and damages. The amount shall be not less than 256  
twenty-five per cent and not more than thirty per cent of the 257  
proceeds of the action or settlement and shall be paid out of 258  
the proceeds. The remainder of the proceeds shall be paid to the 259  
state. The person also shall receive an amount for reasonable 260  
expenses that the court finds to have been necessarily incurred, 261  
plus reasonable attorney's fees and costs. All expenses, fees, 262  
and costs shall be awarded against the defendant. 263

(3) Whether or not the state proceeds with the action, if 264  
the court finds that the action was brought by a person who 265  
planned and initiated the violation of section 2747.02 of the 266  
Revised Code on which the action was brought, then the court 267  
may, to the extent the court considers appropriate, eliminate or 268  
reduce the share of the proceeds of the action that the person 269  
would otherwise receive under division (G) (1) or (2) of this 270  
section, taking into account the role of that person in 271  
advancing the case to litigation and any relevant circumstances 272  
pertaining to the violation. If the person bringing the action 273  
is convicted of criminal conduct arising from the person's role 274  
in the violation of section 2747.02 the Revised Code, the civil 275  
action shall be dismissed. The dismissal does not prejudice the 276  
right of the state to continue the action. 277

(4) If the state does not proceed with the action and the 278  
person bringing the action conducts the action, the court may 279  
award to the defendant its reasonable attorney's fees and 280  
expenses if the defendant prevails in the action and the court 281  
finds that the claim of the person bringing the action was 282  
clearly frivolous, clearly vexatious, or brought primarily for 283

purposes of harassment. 284

(H) (1) In no event may a person bring an action under 285  
division (B) of this section that is based on allegations or 286  
transactions that are the subject of a civil suit or an 287  
administrative civil money penalty proceeding in which the state 288  
is already a party. 289

(2) In no event may a person bring an action under this 290  
section based on the public disclosure of allegations or 291  
transactions in a criminal, civil, legislative, or 292  
administrative hearing, report, audit, or investigation, or from 293  
the news media, unless the person bringing the action has direct 294  
and independent knowledge of the information on which the 295  
allegations are based and has voluntarily provided the 296  
information to the state before filing an action based on the 297  
information under this section. This division does not apply to 298  
the bringing of an action by the state. 299

(I) The state is not liable for expenses that a person 300  
incurs in bringing an action under this section. 301

(J) Any employee who is discharged, demoted, suspended, 302  
threatened, harassed, or in any other manner discriminated 303  
against in the terms and conditions of employment by the 304  
employee's employer because of lawful acts done by the employee 305  
on behalf of the employee or others in furtherance of an action 306  
under this section, including investigation for, initiation of, 307  
testimony for, or assistance in an action filed or to be filed 308  
under this section, is entitled to all relief necessary to make 309  
the employee whole. The relief includes reinstatement with the 310  
same seniority status the employee would have had but for the 311  
discrimination, two times the amount of back pay, interest on 312  
the back pay, and compensation for any special damages sustained 313

as a result of the discrimination, including litigation costs 314  
and reasonable attorney's fees. An employee may bring an action 315  
in the appropriate court of common pleas for the relief provided 316  
in this division. 317

**Sec. 2747.04.** (A) A subpoena requiring the attendance of a 318  
witness at a trial or hearing conducted under section 2747.03 of 319  
the Revised Code may be served pursuant to Civil Rule 45. 320

(B) A civil action under section 2747.03 of the Revised 321  
Code may not be brought after the later of the date that is six 322  
years after the date on which the violation of section 2747.02 323  
of the Revised Code is committed or three years after the date 324  
when facts material to the right of action are known or 325  
reasonably should have been known by the attorney general. 326

(C) In any action brought under section 2747.03 of the 327  
Revised Code, the state or, if the state elects to not proceed 328  
with the action, the person bringing the action, shall prove all 329  
essential elements of the cause of action, including damages, by 330  
a preponderance of the evidence. 331

(D) A final judgment rendered in favor of the state in any 332  
criminal proceeding charging fraud or false statements, whether 333  
on a verdict after trial or on a plea of guilty or nolo 334  
contendere, estops the defendant from denying the essential 335  
elements of the offense in any action that involves the same 336  
transaction as in the criminal proceeding and that is brought 337  
under division (A) or (B) of section 2747.03 of the Revised 338  
Code. 339

**Sec. 2747.05.** (A) Except as provided in division (B) of 340  
this section, an action under section 2747.03 of the Revised 341  
Code may be brought in the court of common pleas of Franklin 342

county or of any county in which the defendant or, in the case 343  
of multiple defendants, any one defendant can be found, resides, 344  
or transacts business, or in which any act prohibited by section 345  
2747.02 of the Revised Code occurred. 346

(B) A civil action under section 2747.03 of the Revised 347  
Code against an officer or employee of the state is subject to 348  
section 9.86 and division (F) of section 2743.02 of the Revised 349  
Code. 350

**Sec. 2747.06.** (A) Whenever the attorney general has reason 351  
to believe that a person may be in possession, custody, or 352  
control of any documentary material or information relevant to 353  
an investigation conducted under section 2747.03 of the Revised 354  
Code, the attorney general may, before commencing a civil 355  
proceeding under that section, issue in writing and cause to be 356  
served on the person a civil investigative demand requiring the 357  
person to do any of the following: 358

(1) Produce the documentary material for inspection and 359  
copying in accordance with section 2747.07 of the Revised Code; 360

(2) Answer in writing written interrogatories with respect 361  
to the documentary material or information in accordance with 362  
section 2747.08 of the Revised Code; 363

(3) Give oral testimony concerning the documentary 364  
material or information in accordance with section 2747.09 of 365  
the Revised Code; 366

(4) Furnish any combination of the material, answers, or 367  
testimony. 368

(B) Each civil investigative demand issued under this 369  
section shall state the nature of the conduct constituting the 370  
alleged violation of section 2747.02 of the Revised Code that is 371

under investigation. 372

(C) A civil investigative demand may not require the 373  
production of any documentary material, the submission of any 374  
answers to written interrogatories, or the giving of any oral 375  
testimony if the material, answers, or testimony would be 376  
protected from disclosure under either of the following: 377

(1) The standards applicable to subpoenas or subpoenas 378  
duces tecum issued by a court to aid in a grand jury 379  
investigation; 380

(2) The standards applicable to discovery requests under 381  
the Rules of Civil Procedure, to the extent that the application 382  
of the standards to the demand is appropriate and consistent 383  
with the provisions and purposes of this section. 384

(D) Whenever any person fails to comply with any civil 385  
investigative demand issued under this section, or whenever 386  
satisfactory copying or reproduction of any material requested 387  
in the demand cannot be done and the person refuses to surrender 388  
the material, the attorney general may file in the court of 389  
common pleas in Franklin county or in the county in which the 390  
person resides, is found, or transacts business, and serve upon 391  
the person, a petition for an order of the court for the 392  
enforcement of the civil investigative demand. 393

(E) Any civil investigative demand issued under division 394  
(A) of this section or petition filed under division (D) of this 395  
section may be served in the same manner as a summons under 396  
Civil Rules 4 to 4.3 and 4.5. A verified return by the 397  
individual serving a civil investigative demand or petition 398  
setting forth the manner of the service is proof of the service. 399  
In the case of service by registered or certified mail, the 400

return shall be accompanied by the return post office receipt of 401  
delivery of the demand. 402

**Sec. 2747.07.** (A) If the attorney general demands the 403  
production of documentary material under section 2747.06 of the 404  
Revised Code, the attorney general shall do both of the 405  
following: 406

(1) Describe each class of documentary material to be 407  
produced with such definiteness and certainty as to permit the 408  
material to be fairly identified; 409

(2) Prescribe a return date for each class of documentary 410  
material that will provide a reasonable period of time within 411  
which the material may be assembled and made available for 412  
inspection and copying. 413

(B) The production of documentary material in response to 414  
a civil investigative demand shall be made under a sworn 415  
certificate, in any form that the demand designates, by the 416  
following methods: 417

(1) In the case of a natural person, the person to whom 418  
the demand is directed; 419

(2) In the case of a person other than a natural person, a 420  
person having knowledge of the facts and circumstances relating 421  
to the production and authorized to act on behalf of the person. 422

(C) The certificate shall state that all of the 423  
documentary material required by the demand and in the 424  
possession, custody, or control of the person to whom the demand 425  
is directed has been produced and made available to the attorney 426  
general. 427

(D) Any person on whom any civil investigative demand for 428

the production of documentary material has been served shall 429  
make the material available for inspection and copying to the 430  
attorney general at the principal place of business of the 431  
person or at any other place that the attorney general and the 432  
person after service of the demand may agree and prescribe in 433  
writing. The person shall make the material available on the 434  
return date specified in the demand, or on any later date that 435  
the attorney general may prescribe in writing. The person may, 436  
on written agreement between the person and the attorney 437  
general, substitute copies for originals of all or any part of 438  
the material. 439

**Sec. 2747.08.** (A) If the attorney general demands answers 440  
to written interrogatories under section 2747.06 of the Revised 441  
Code, the attorney general shall do both of the following: 442

(1) Set forth with specificity the written interrogatories 443  
to be answered; 444

(2) Prescribe dates at which time answers to the written 445  
interrogatories must be submitted. 446

(B) Each interrogatory in a civil investigative demand 447  
shall be answered separately and fully in writing under oath and 448  
shall be submitted under a sworn certificate, in the form that 449  
the demand designates, by the following persons: 450

(1) In the case of a natural person, the person to whom 451  
the demand is directed; 452

(2) In the case of a person other than a natural person, 453  
the person or persons responsible for answering each 454  
interrogatory. 455

(C) If any interrogatory is objected to, the reasons for 456  
the objection shall be stated in the certificate instead of an 457



answer. The certificate shall state that all information 458  
required by the demand and in the possession, custody, control, 459  
or knowledge of the person to whom the demand is directed has 460  
been submitted. To the extent that any information is not 461  
furnished, the information shall be identified and reasons set 462  
forth with particularity regarding the reasons why the 463  
information was not furnished. 464

Sec. 2747.09. (A) If the attorney general demands the 465  
giving of oral testimony under section 2747.06 of the Revised 466  
Code, the attorney general shall do all of the following: 467

(1) Prescribe a date, time, and place at which oral 468  
testimony will commence; 469

(2) Specify that the attendance and testimony are 470  
necessary to the conduct of the investigation; 471

(3) Notify the person receiving the demand of the right to 472  
be accompanied by an attorney and any other representative; 473

(4) Describe the general purpose for which the demand is 474  
being issued and the general nature of the testimony, including 475  
the primary areas of inquiry, that will be taken pursuant to the 476  
demand. 477

(B) The date prescribed for the commencement of oral 478  
testimony shall be a date that is not less than seven days after 479  
the date on which the demand is received, unless the attorney 480  
general determines that exceptional circumstances are present 481  
that warrant the commencement of the testimony within a lesser 482  
period of time. 483

(C) The attorney general shall not issue more than one 484  
civil investigative demand for oral testimony by the same person 485  
unless the person requests otherwise or unless the attorney 486

general, after investigation, notifies the person in writing 487  
that an additional demand for oral testimony is necessary. 488

(D) The examination of any person pursuant to a civil 489  
investigative demand for oral testimony shall be taken before an 490  
officer authorized by law to administer oaths and affirmations. 491  
The officer before whom the testimony is to be taken shall put 492  
the witness on oath or affirmation and shall, personally or by 493  
someone acting under the direction of the officer and in the 494  
officer's presence, record the testimony of the witness. The 495  
testimony shall be taken stenographically or otherwise recorded 496  
in accordance with the Rules of Civil Procedure and shall be 497  
transcribed. When the testimony is fully transcribed, the 498  
officer before whom the testimony is taken shall promptly 499  
transmit a copy of the transcript of the testimony to the 500  
attorney general. This section does not preclude the taking of 501  
testimony by any means authorized by, and in a manner consistent 502  
with, the Rules of Civil Procedure. 503

(E) The attorney general shall exclude from the place 504  
where the examination is held all persons except the person 505  
giving the testimony, the attorney for and any other 506  
representative of the person giving the testimony, any person 507  
who may be agreed on by the attorney general and the person 508  
giving the testimony, the officer before whom the testimony is 509  
to be taken, and any stenographer or other person recording the 510  
testimony. 511

The oral testimony of any person shall be taken in 512  
Franklin county or in the county within which the person 513  
resides, is found, or transacts business, or in any other place 514  
that may be agreed on by the attorney general and the person. 515

(F) When the testimony is fully transcribed, the attorney 516

general or the officer before whom the testimony is taken shall 517  
afford the witness, who may be accompanied by counsel, a 518  
reasonable opportunity to examine and read the transcript, 519  
unless examination and reading are waived by the witness. Any 520  
changes in form or substance that the witness desires to make 521  
shall be entered and identified on the transcript by the officer 522  
or the attorney general, with a statement of the reasons given 523  
by the witness for making the changes. The transcript shall then 524  
be signed by the witness, unless the witness waives the signing 525  
in writing, is ill, cannot be found, or refuses to sign. If the 526  
transcript is not signed by the witness within thirty days after 527  
being afforded a reasonable opportunity to examine it, the 528  
officer or the attorney general shall sign it and state on the 529  
record the fact of the waiver, illness, absence of the witness, 530  
or the refusal to sign, together with the reasons, if any, given 531  
therefor. 532

The officer before whom the testimony is taken shall 533  
certify on the transcript that the witness was sworn by the 534  
officer and that the transcript is a true record of the 535  
testimony given by the witness, and the officer or attorney 536  
general shall take custody of the transcript. 537

(G) Any person compelled to appear for oral testimony 538  
under a civil investigative demand may be accompanied, 539  
represented, and advised by counsel. Counsel may advise the 540  
person, in confidence, with respect to any question asked of the 541  
person. The person or counsel may object on the record to any 542  
question, in whole or in part, and shall briefly state for the 543  
record the reason for the objection. An objection may be made, 544  
received, and entered on the record when it is claimed that the 545  
person is entitled to refuse to answer the question on the 546  
grounds of any constitutional or other legal right or privilege, 547

including the privilege against self-incrimination. The person 548  
may not otherwise object to or refuse to answer any question, 549  
and may not directly or through counsel otherwise interrupt the 550  
oral examination. If the person refuses to answer any question, 551  
a petition may be filed in the court of common pleas in Franklin 552  
county or in the county in which the examination takes place for 553  
an order compelling the person to answer the question. 554

If the person refuses to answer any question on the 555  
grounds of the privilege against self-incrimination, the 556  
testimony of the person may be compelled in the manner provided 557  
in section 2945.44 of the Revised Code. 558

(H) Any person appearing for oral testimony under a civil 559  
investigative demand is entitled to the same fees and allowances 560  
that are paid to witnesses in the court of common pleas. 561

**Sec. 2747.10.** (A) Except as provided in this division, 562  
documentary material, answers to interrogatories, or transcripts 563  
of oral testimony received under section 2747.06 of the Revised 564  
Code, or copies of documentary material, answers to 565  
interrogatories, or transcripts of oral testimony so received, 566  
while in the possession of the attorney general, are not 567  
available for examination by any individual other than an 568  
employee of the attorney general. This prohibition on the 569  
availability of material, answers, or transcripts does not apply 570  
if the person who produced the material, answers, or transcripts 571  
gives consent. Nothing in this division is intended to prevent 572  
disclosure to the general assembly, including any committee or 573  
subcommittee of the general assembly, to any other state agency 574  
for use by the agency in furtherance of its statutory 575  
responsibilities, or to any law enforcement officer for use in 576  
the furtherance of the law enforcement officer's duties. 577

Disclosure of information to any agency other than those 578  
specified in this division shall be allowed only on application, 579  
made by the attorney general to a court of common pleas showing 580  
substantial need for the use of the information by the agency in 581  
furtherance of its statutory responsibilities. 582

(B) While in the possession of the attorney general and 583  
under any reasonable terms and conditions that the attorney 584  
general prescribes, documentary material and answers to 585  
interrogatories received under section 2747.06 of the Revised 586  
Code shall be available for examination by the person who 587  
produced the material or answers, or by a representative of that 588  
person authorized by that person to examine the material and 589  
answers. 590

The attorney general may use any documentary material, 591  
answers to interrogatories, or transcripts of oral testimony 592  
received under section 2747.06 of the Revised Code in connection 593  
with any case or proceeding before a court, grand jury, or state 594  
agency. 595

(C) If any documentary material has been produced by any 596  
person in the course of any investigation pursuant to a civil 597  
investigative demand under section 2747.06 of the Revised Code, 598  
the attorney general shall, on written request of the person who 599  
produced the material, return to the person the documentary 600  
material, other than copies furnished to the attorney general 601  
under division (D) of section 2747.07 of the Revised Code or 602  
made for the attorney general under division (B) of this 603  
section, that has not passed into the control of any court, 604  
grand jury, or agency through introduction into the record of 605  
the case or proceeding, or into the control of any law 606  
enforcement officer, if either of the following applies: 607

(1) Any case or proceeding before the court or grand jury arising out of the investigation, or any proceeding before any state agency involving the material, has been completed. 608  
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(2) No case or proceeding in which the material may be used has been commenced within a reasonable time after completion of the examination and analysis of all documentary material and other information assembled in the course of the investigation. 611  
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(D) Documentary material, answers to written interrogatories, and oral testimony provided under a civil investigative demand issued under section 2747.06 of the Revised Code are not public records and are exempt from disclosure under section 149.43 of the Revised Code. 616  
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