

3745-7-12      **Suspension or revocation of certification.**

- (A) The director may suspend or revoke the certificate of an operator, issued under this chapter, upon finding that the operator has:
- (1) Fraudulently obtained or attempted to obtain any certificate or renewal thereof, or
  - (2) Performed the duties of an operator in a negligent or incompetent manner, or
  - (3) Knowingly or negligently submitted misleading, inaccurate, or false reports, documents, or applications to any governmental organization or their employer, or
  - (4) Operated in a manner endangering the public health or welfare, or
  - (5) Operated in such a manner to have violated or caused to be violated any provisions of Chapter 6109. or 6111. of the Revised Code, or
  - (6) Represented themselves as a certified operator without a valid certificate, or
  - (7) Performed the duties of an operator of record without a valid certificate of the appropriate field and classification, unless in accordance with the exemptions and exceptions contained in this chapter, or
  - (8) Had a certificate suspended or revoked in any other jurisdiction.
- (B) The council may review information and allegations regarding the performance of a certified operator, and may interview the operator, informant, or others. The council may request appearances before the council. The requests shall be sent by certified mail. Upon completion of such review the council may recommend that the director suspend or revoke one or more of an operator's certificates.
- (C) The director shall notify the certified operator, and may notify the employer thereof, of a proposed action under this rule. The notice shall be by certified mail and shall set forth the action proposed by the director, the reason therefor, the length of time the proposed action shall be applied, and the procedure for appealing the action. An action taken by the director under this rule does not preclude the director from pursuing additional civil or criminal enforcement. Suspension or revocation may include any or all operator certificates issued by the director under this chapter of the Administrative Code. In cases dealing with fraudulent or falsified information, the director shall take action on all certificates held by the certified operator.
- (D) Suspension of an operator's certificate shall be effective for an initial period of not more than five years, during which time the certificate is not valid. The suspension shall continue until the conditions of paragraphs (D)(1) and (D)(2) of this rule are met.
- (1) No earlier than thirty days before the end of a certificate suspension, a person may submit a request for reinstatement of his or her suspended certificate.

A certificate shall remain suspended until such time as a request is submitted and reinstatement approved by the director.

- (2) No earlier than thirty days before the end of a certificate suspension, a person seeking reinstatement of their certificate shall submit information to the agency regarding work activities during the period of suspension. During the period of suspension, the operator shall acquire the contact hours and pay all renewal fees required by this chapter. Upon review of the submittal, the council may recommend to the director that the operator's certification be reinstated or that the suspension be extended.
  - (3) The operator whose certificate has been suspended shall not be the operator of record of a public water system, treatment works, water distribution system, or sewerage system. Operating experience obtained during a period of suspension shall not be considered for meeting certification requirements.
- (E) Revocation of an operator's certificate shall be permanent.
- (F) Indictment in a criminal case for a crime related to the field of certification shall result in suspension of all certificates held by the certified operator until such time as the criminal case is resolved.
- (G) Conviction of a crime related to the field of certification shall result in suspension of all certificates held by the convicted certified operator until such time as all opportunities for appeal of such conviction have been exhausted, at which point, all certificates held by the certified operator shall be revoked.
- (H) An operator shall return any suspended or revoked certificates to the director by certified mail within seven days of the effective date of the suspension or revocation.
- (I) Actions affecting the status of an operator's certificate shall be taken in accordance with Chapter 3745-47 of the Administrative Code.

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