



## Antitrust Referral Analysis Submittal by Board or Commission

<b>Board or Commission:</b> _____
<b>Contact Name:</b> _____
<b>Date:</b> _____
<b>Referral Topic:</b> _____

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. The CSI office was codified by ORC 107.52 for agency rule review. Additional scope was added in 2017 under ORC 107.56 which describes actions to be reviewed by the CSI Office for determination of approval or disapproval.

### Referral Information

1. What is the action/proposed action being taken?
2. In a brief statement explain the factual background, nature, purpose and rationale of the action/proposed action pertaining to this referral.
3. Please check all of the following that apply as reasons the action/proposed action is subject to review? (ORC 107.56(B)(1))?
  - Fixes prices or limits price competition;
  - Divides, allocates or assigns customers or potential customers or geographic markets in this state among members of the occupation regulated by the boards;

- Excludes present or potential competitors from the occupation regulated by the board;
  - Limits output or supply in this state of any good or service provided by the members of the regulated occupation;
  - Prohibits offering a particular quality-level of a product or service;
  - Restricts advertising or makes it more expensive or less effective;
  - Substantially reduces the number of firms or providers that can serve a particular set of customers; or
  - Any other activity that could be subject to state or federal antitrust law if undertaken by private persons.
4. Is the action/proposed action explicitly compelled or specifically authorized by statute? If so, please list the statute(s).
  5. Is the action/proposed action within the scope of the board or commission's statutorily-delegated general authority to regulate in a given occupation or industry? If so, please describe how it is within scope and reference the statute.
  6. Please identify the clearly articulated state policy (e.g., health and safety, or consumer protection) in state statute or rule, or any supporting evidence of the harm the action/proposed action is intended to protect against?
    - 6a. How does the action/proposed action address the harm or advance the articulated state policy?
  8. If appropriate, explain the action/proposed action's alleged consistency with state or federal antitrust law, which may include a description of how the action or proposed action may affect the number of competitors and those competitors incentive to compete in amount, quality, variety or other aspects of the good or service offered.
  9. What process did the board or commission follow to arrive at its decision to take action/proposed action including public hearings held, public comments invited, studies conducted, data collected interviews conducted, etc.?
  10. Does the action/ proposed action relate to or depend upon a question that is the subject of a formal opinion request pending before the Ohio Attorney General?
  11. Provide any other information the board or commission deems appropriate for the Office's review of the action/proposed action.

\*Send this completed form, a complete copy of action or proposed action, and any other documentation deemed appropriate for evaluation to [CSISReferrals@governor.ohio.gov](mailto:CSISReferrals@governor.ohio.gov).



## Antitrust Referral Analysis Submittal by Person Affected by Board or Commission Action

<b>Contact Name:</b> _____
<b>Company (if applicable):</b> _____
<b>Date:</b> _____
<b>Referral Topic:</b> _____

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**Please note:** When submitting this analysis form to the CSI Office, evidence must be provided that a copy of this completed form was also transmitted to the subject board or commission, as required by ORC 107.56 (C)(2).

### Referral Information

1. Name of board or commission taking or proposing to take action:
2. Does this action/proposed action deny an application for licensure?

3. Does this referral pertain to a disciplinary action by the licensing board or commission taken against you or your company?
4. What is the action/proposed action being taken?
5. Please describe the relevant factual background you wish to include in this referral (e.g., history, context).
6. Please check all of the following that apply as reasons the action/proposed action is subject to review? (ORC 107.56(B)(1))?
  - Fixes prices or limits price competition;
  - Divides, allocates or assigns customers or potential customers or geographic markets in this state among members of the occupation regulated by the boards;
  - Excludes present or potential competitors from the occupation regulated by the board;
  - Limits output or supply in this state of any good or service provided by the members of the regulated occupation;
  - Prohibits offering a particular quality-level of a product or service;
  - Restricts advertising or makes it more expensive or less effective;
  - Substantially reduces the number of firms or providers that can serve a particular set of customers; or
  - Any other activity that could be subject to state or federal antitrust law if undertaken by private persons.
7. In a brief statement, explain why you believe the board or commission does not have the statutory or other legal authority to take the action/proposed action?
8. How is the action/proposed action consistent or inconsistent with state or federal antitrust law and how does it impact competitiveness?

\*Send this form, a complete copy of the action or proposed action, and evidence that this form was transmitted to the board or commission taking or proposing the action, and any other documentation deemed appropriate for evaluation to the CSI Office at [CSISReferrals@governor.ohio.gov](mailto:CSISReferrals@governor.ohio.gov).