

IN THE MUNICIPAL COURT OF FAIRBORN OHIO

EMERGENCY ADMINISTRATIVE ENTRY AND ORDER

This Temporary Administrative Entry and Order is made upon this Court's own motion, and for good cause shown, in the interest of the health, welfare, and safety of the general public, and of this Court's employees. Administrative Judge Beth W. Cappelli, makes the following findings of fact:

WHEREAS, on April 30, 2020, the Ohio Department of Health issued the Stay Safe Ohio Order that reopened businesses, with exceptions, and continued a stay healthy and safe at home order.

WHEREAS, On May 29, 2020, Dr. Amy Acton, Ohio Director of Health issued an Updated and Revised Order for Business Guidance and Social Distancing. In this Order, Dr. Acton included Information and Checklist for Businesses/Employers. This checklist stated that Business and employers are to strongly encourage as many employees as possible to work from home by implementing policies in areas such as teleworking and video conferencing, subject to the discretion of the employer

Based upon these Findings of Fact, the Fairborn Municipal Court's Local Rules may continue to be temporarily modified to allow the Court flexibility, within Constitutional limits, in response to the public health emergency and to maintain the essential operations and functions of the Court. The Court will continue to permit pretrials to be handled via telephone and the use or audiovisual devices and technologies via the Zoom platform in cases identified as appropriate by the Court. When a Hearing Notice indicates a matter may be conducted via Zoom and the hearing proceeds through said platform:

- A. The videoconferencing technology shall be recorded by the Court in all matters, except for those hearings that are exempt pursuant to statute or rule;
- B. The recording must be sufficient to produce a verbatim written transcript as if the hearing were held in person in the courtroom;
- C. Efforts shall be made for the Zoom platform to feed directly into the court's recording system. For hearings which may be held remotely and cannot feed directly into the Court's recording system, the hearing shall be recorded utilizing the Zoom platform to create the official record of the proceedings and the audio and/or video file will then be saved and preserved on the Court's server. The audio or video recording that is saved shall become the official recording from which a transcript can later be produced if requested; and
- D. The Judge or Magistrate hearing a matter via the Zoom platform may exercise his/her discretion to impose any additional parameters in the interest of justice.

IT IS SO ORDERED.


Beth W. Cappelli, Judge

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