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Senators Niehaus, Schuring, Spada, Mumper, Jacobson, Clancy, Armbruster, Coughlin, Hagan, Harris, Kearney, Miller, D., Roberts, Fedor, Zurz, Miller, R. Representatives Combs, Collier, Widener, McGregor, J., Cassell, Book, Calvert, Chandler, Domenick, Evans, C., Flowers, Gibbs, Gilb, Hoops, Hughes, Luckie, Patton, T., Perry, Reidelbach, Smith, G., Stewart, D., Yuko

—

A BILL

To amend sections 121.04, 121.08, 169.01, 169.13, 169.99, 1322.03, 1322.031, and 4763.05 and to enact sections 169.14, 169.16, and 169.17 of the Revised Code to statutorily recognize the Division of Unclaimed Funds and the Office of Superintendent of Unclaimed Funds in the Department of Commerce and to require the registration of persons who, for compensation, agree to locate or recover the unclaimed funds of another.

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

Section 1. That sections 121.04, 121.08, 169.01, 169.13, 169.99, 1322.03, 1322.031, and 4763.05 be amended and sections 169.14, 169.16, and 169.17 of the Revised Code be enacted to read as follows:

Sec. 121.04. Offices are created within the several departments as follows:

In the department of commerce:	17
Commissioner of securities;	18
Superintendent of real estate and professional licensing;	19
Superintendent of financial institutions;	20
Fire marshal;	21
Superintendent of labor and worker safety;	22
Beginning on July 1, 1997,	23
Superintendent of liquor control;	24
Superintendent of industrial compliance;	25
<u>Superintendent of unclaimed funds.</u>	26
In the department of administrative services:	27
State architect and engineer;	28
Equal employment opportunity coordinator.	29
In the department of agriculture:	30
Chiefs of divisions as follows:	31
Administration;	32
Animal industry;	33
Dairy;	34
Food safety;	35
Plant industry;	36
Markets;	37
Meat inspection;	38
Consumer analytical laboratory;	39
Amusement ride safety;	40
Enforcement;	41
Weights and measures.	42
In the department of natural resources:	43
Chiefs of divisions as follows:	44
Water;	45
Mineral resources management;	46

Forestry;	47
Natural areas and preserves;	48
Wildlife;	49
Geological survey;	50
Parks and recreation;	51
Watercraft;	52
Recycling and litter prevention;	53
Soil and water conservation;	54
Real estate and land management;	55
Engineering.	56

In the department of insurance:	57
Deputy superintendent of insurance;	58
Assistant superintendent of insurance, technical;	59
Assistant superintendent of insurance, administrative;	60
Assistant superintendent of insurance, research.	61

Sec. 121.08. (A) There is hereby created in the department of 62
commerce the position of deputy director of administration. This 63
officer shall be appointed by the director of commerce, serve 64
under the director's direction, supervision, and control, perform 65
the duties the director prescribes, and hold office during the 66
director's pleasure. The director of commerce may designate an 67
assistant director of commerce to serve as the deputy director of 68
administration. The deputy director of administration shall 69
perform the duties prescribed by the director of commerce in 70
supervising the activities of the division of administration of 71
the department of commerce. 72

(B) Except as provided in section 121.07 of the Revised Code, 73
the department of commerce shall have all powers and perform all 74
duties vested in the deputy director of administration, the state 75
fire marshal, the superintendent of financial institutions, the 76
superintendent of real estate and professional licensing, the 77

superintendent of liquor control, the superintendent of ~~the~~ 78
~~division of~~ industrial compliance, the superintendent of labor and 79
worker safety, the superintendent of unclaimed funds, and the 80
commissioner of securities, and shall have all powers and perform 81
all duties vested by law in all officers, deputies, and employees 82
of those offices. Except as provided in section 121.07 of the 83
Revised Code, wherever powers are conferred or duties imposed upon 84
any of those officers, the powers and duties shall be construed as 85
vested in the department of commerce. 86

(C)(1) There is hereby created in the department of commerce 87
a division of financial institutions, which shall have all powers 88
and perform all duties vested by law in the superintendent of 89
financial institutions. Wherever powers are conferred or duties 90
imposed upon the superintendent of financial institutions, those 91
powers and duties shall be construed as vested in the division of 92
financial institutions. The division of financial institutions 93
shall be administered by a the superintendent of financial 94
institutions. 95

(2) All provisions of law governing the superintendent of 96
financial institutions shall apply to and govern the 97
superintendent of financial institutions provided for in this 98
section; all authority vested by law in the superintendent of 99
financial institutions with respect to the management of the 100
division of financial institutions shall be construed as vested in 101
the superintendent of financial institutions created by this 102
section with respect to the division of financial institutions 103
provided for in this section; and all rights, privileges, and 104
emoluments conferred by law upon the superintendent of financial 105
institutions shall be construed as conferred upon the 106
superintendent of financial institutions as head of the division 107
of financial institutions. The director of commerce shall not 108
transfer from the division of financial institutions any of the 109

functions specified in division (C)(2) of this section. 110

(D) There is hereby created in the department of commerce a 111
division of liquor control, which shall have all powers and 112
perform all duties vested by law in the superintendent of liquor 113
control. Wherever powers are conferred or duties are imposed upon 114
the superintendent of liquor control, those powers and duties 115
shall be construed as vested in the division of liquor control. 116
The division of liquor control shall be administered by a the 117
superintendent of liquor control. 118

(E) The director of commerce shall not be interested, 119
directly or indirectly, in any firm or corporation which is a 120
dealer in securities as defined in sections 1707.01 and 1707.14 of 121
the Revised Code, or in any firm or corporation licensed under 122
sections 1321.01 to 1321.19 of the Revised Code. 123

(F) The director of commerce shall not have any official 124
connection with a savings and loan association, a savings bank, a 125
bank, a bank holding company, a savings and loan association 126
holding company, a consumer finance company, or a credit union 127
that is under the supervision of the division of financial 128
institutions, or a subsidiary of any of the preceding entities, or 129
be interested in the business thereof. 130

(G) There is hereby created in the state treasury the 131
division of administration fund. The fund shall receive 132
assessments on the operating funds of the department of commerce 133
in accordance with procedures prescribed by the director of 134
commerce and approved by the director of budget and management. 135
All operating expenses of the division of administration shall be 136
paid from the division of administration fund. 137

(H) There is hereby created in the department of commerce a 138
division of real estate and professional licensing, which shall be 139
under the control and supervision of the director of commerce. The 140

division of real estate and professional licensing shall be 141
administered by a the superintendent of real estate and 142
professional licensing. The superintendent of real estate and 143
professional licensing shall exercise the powers and perform the 144
functions and duties delegated to the superintendent under 145
Chapters 4735., 4763., and 4767. of the Revised Code. 146

(I) There is hereby created in the department of commerce a 147
division of labor and worker safety, which shall have all powers 148
and perform all duties vested by law in the superintendent of 149
labor and worker safety. Wherever powers are conferred or duties 150
imposed upon the superintendent of labor and worker safety, those 151
powers and duties shall be construed as vested in the division of 152
labor and worker safety. The division of labor and worker safety 153
shall be under the control and supervision of the director of 154
commerce and be administered by a the superintendent of labor and 155
worker safety. The superintendent of labor and worker safety shall 156
exercise the powers and perform the duties delegated to the 157
superintendent by the director under Chapters 4109., 4111., and 158
4115. of the Revised Code. 159

(J) There is hereby created in the department of commerce a 160
division of unclaimed funds, which shall have all powers and 161
perform all duties delegated to or vested by law in the 162
superintendent of unclaimed funds. Wherever powers are conferred 163
or duties imposed upon the superintendent of unclaimed funds, 164
those powers and duties shall be construed as vested in the 165
division of unclaimed funds. The division of unclaimed funds shall 166
be under the control and supervision of the director of commerce 167
and shall be administered by the superintendent of unclaimed 168
funds. The superintendent of unclaimed funds shall exercise the 169
powers and perform the functions and duties delegated to the 170
superintendent by the director of commerce under section 121.07 171
and Chapter 169. of the Revised Code, and as may otherwise be 172

provided by law. 173

(K) The department of commerce or a division of the 174
department created by the Revised Code that is acting with 175
authorization on the department's behalf may request from the 176
bureau of criminal identification and investigation pursuant to 177
section 109.572 of the Revised Code, or coordinate with 178
appropriate federal, state, and local government agencies to 179
accomplish, criminal records checks for the persons whose 180
identities are required to be disclosed by an applicant for the 181
issuance or transfer of a permit, license, certificate of 182
registration, or certification issued or transferred by the 183
department or division. At or before the time of making a request 184
for a criminal records check, the department or division may 185
require any person whose identity is required to be disclosed by 186
an applicant for the issuance or transfer of such a license, 187
permit, certificate of registration, or certification to submit to 188
the department or division valid fingerprint impressions in a 189
format and by any media or means acceptable to the bureau of 190
criminal identification and investigation and, when applicable, 191
the federal bureau of investigation. The department or division 192
may cause the bureau of criminal identification and investigation 193
to conduct a criminal records check through the federal bureau of 194
investigation only if the person for whom the criminal records 195
check would be conducted resides or works outside of this state or 196
has resided or worked outside of this state during the preceding 197
five years, or if a criminal records check conducted by the bureau 198
of criminal identification and investigation within this state 199
indicates that the person may have a criminal record outside of 200
this state. 201

In the case of a criminal records check under section 109.572 202
of the Revised Code, the department or division shall forward to 203
the bureau of criminal identification and investigation the 204

requisite form, fingerprint impressions, and fee described in 205
division (C) of that section. When requested by the department or 206
division in accordance with this section, the bureau of criminal 207
identification and investigation shall request from the federal 208
bureau of investigation any information it has with respect to the 209
person who is the subject of the requested criminal records check 210
and shall forward the requisite fingerprint impressions and 211
information to the federal bureau of investigation for that 212
criminal records check. After conducting a criminal records check 213
or receiving the results of a criminal records check from the 214
federal bureau of investigation, the bureau of criminal 215
identification and investigation shall provide the results to the 216
department or division. 217

The department or division may require any person about whom 218
a criminal records check is requested to pay to the department or 219
division the amount necessary to cover the fee charged to the 220
department or division by the bureau of criminal identification 221
and investigation under division (C)(3) of section 109.572 of the 222
Revised Code, including, when applicable, any fee for a criminal 223
records check conducted by the federal bureau of investigation. 224

Sec. 169.01. As used in this chapter, unless the context 225
otherwise requires: 226

(A) "Financial organization" means any bank, trust company, 227
savings bank, safe deposit company, mutual savings bank without 228
mutual stock, savings and loan association, credit union, or 229
investment company. 230

(B)(1) "Unclaimed funds" means any moneys, rights to moneys, 231
or intangible property, described in section 169.02 of the Revised 232
Code, when, as shown by the records of the holder, the owner has 233
not, within the times provided in section 169.02 of the Revised 234
Code, done any of the following: 235

(a) Increased, decreased, or adjusted the amount of such funds;	236 237
(b) Assigned, paid premiums, or encumbered such funds;	238
(c) Presented an appropriate record for the crediting of such funds or received payment of such funds by check, draft, or otherwise;	239 240 241
(d) Corresponded with the holder concerning such funds;	242
(e) Otherwise indicated an interest in or knowledge of such funds;	243 244
(f) Transacted business with the holder.	245
(2) "Unclaimed funds" does not include any of the following:	246
(a) Money received or collected under section 9.39 of the Revised Code;	247 248
(b) Any payment or credit due to a business association from a business association representing sums payable to suppliers, or payment for services rendered, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;	249 250 251 252 253 254
(c) Any payment or credit received by a business association from a business association for tangible goods sold, or services performed, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;	255 256 257 258 259
(d) Any credit due a retail customer that is represented by a gift certificate, gift card, merchandise credit, or merchandise credit card, redeemable only for merchandise.	260 261 262
For purposes of divisions (B)(2)(b) and (c) of this section, "business association" means any corporation, joint venture,	263 264

business trust, limited liability company, partnership, 265
association, or other business entity composed of one or more 266
individuals, whether or not the entity is for profit. 267

(C) "Owner" means any person, or the person's legal 268
representative, entitled to receive or having a legal or equitable 269
interest in or claim against moneys, rights to moneys, or other 270
intangible property, subject to this chapter. 271

(D)(1) "Holder" means any person that has possession, 272
custody, or control of moneys, rights to moneys, or other 273
intangible property, or that is indebted to another, if any of the 274
following applies: 275

(a) Such person resides in this state; 276

(b) Such person is formed under the laws of this state; 277

(c) Such person is formed under the laws of the United States 278
and has an office or principal place of business in this state; 279

(d) The records of such person indicate that the last known 280
address of the owner of such moneys, rights to moneys, or other 281
intangible property is in this state; 282

(e) The records of such person do not indicate the last known 283
address of the owner of the moneys, rights to moneys, or other 284
intangible property and the entity originating or issuing the 285
moneys, rights to moneys, or other intangible property is this 286
state or any political subdivision of this state, or is 287
incorporated, organized, created, or otherwise located in this 288
state. Division (D)(1)(e) of this section applies to all moneys, 289
rights to moneys, or other intangible property that is in the 290
possession, custody, or control of such person on or after July 291
22, 1994, whether the moneys, rights to moneys, or other 292
intangible property becomes unclaimed funds prior to or on or 293
after that date. 294

(2) "Holder" does not mean any hospital granted tax-exempt status under section 501(c)(3) of the Internal Revenue Code or any hospital owned or operated by the state or by any political subdivision. Any entity in order to be exempt from the definition of "holder" pursuant to this division shall make a reasonable, good-faith effort to contact the owner of the unclaimed funds.

(E) "Person" includes a natural person; corporation, whether for profit or not for profit; copartnership; unincorporated association or organization; public authority; estate; trust; two or more persons having a joint or common interest; eleemosynary organization; fraternal or cooperative association; other legal or community entity; the United States government, including any district, territory, possession, officer, agency, department, authority, instrumentality, board, bureau, or court; or any state or political subdivision thereof, including any officer, agency, board, bureau, commission, division, department, authority, court, or instrumentality.

(F) "Mortgage funds" means the mortgage insurance fund created by section 122.561 of the Revised Code, and the housing guarantee fund created by division (D) of section 128.11 of the Revised Code.

(G) "Lawful claims" means any vested right a holder of unclaimed funds has against the owner of such unclaimed funds.

(H) "Public utility" means any entity defined as such by division (A) of section 745.01 or by section 4905.02 of the Revised Code.

(I) "Deposit" means to place money in the custody of a financial organization for the purpose of establishing an income-bearing account by purchase or otherwise.

(J) "Income-bearing account" means a time or savings account, whether or not evidenced by a certificate of deposit, or an

investment account through which investments are made solely in 326
obligations of the United States or its agencies or 327
instrumentalities or guaranteed as to principal and interest by 328
the United States or its agencies or instrumentalities, debt 329
securities rated as investment grade by at least two nationally 330
recognized rating services, debt securities which the director of 331
commerce has determined to have been issued for the safety and 332
welfare of the residents of this state, and equity interests in 333
mutual funds that invest solely in some or all of the above-listed 334
securities and involve no general liability, without regard to 335
whether income earned on such accounts, securities, or interests 336
is paid periodically or at the end of a term. 337

(K) "Director of commerce" may be read as the "division of 338
unclaimed funds" or the "superintendent of unclaimed funds." 339

Sec. 169.13. (A)(1) All agreements to pay a fee, 340
compensation, commission, or other remuneration to locate, 341
deliver, recover, or assist in the recovery of unclaimed funds 342
reported under section 169.03 of the Revised Code, entered into 343
within two years immediately after the date a report is filed 344
under division (C) of section 169.03 of the Revised Code, are 345
invalid. 346

(2) A person interested in entering into an agreement to 347
locate, deliver, recover, or assist in the recovery of unclaimed 348
funds for remuneration shall not initiate any contact with an 349
owner during the two-year period immediately after the date a 350
report is filed under division (C) of section 169.03 of the 351
Revised Code. Failure to comply with this requirement is grounds 352
for the invalidation of any such agreement between the person and 353
the owner. 354

(B) An agreement entered into any time after such two-year 355
period is valid only if ~~both~~ all of the following conditions are 356

met: 357

(1) The aggregate fee, compensation, commission, or other remuneration agreed upon, ~~paid directly or indirectly,~~ is not in excess of ten per cent of the amount recovered and paid to the owner by the auditor of state; 358
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(2) The agreement is in writing, signed by the owner, and notarized and discloses all of the following items: 362
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(a) The name, address, and telephone number of the owner, as shown by the records of the person or entity in possession of the unclaimed funds or contents of a safe deposit box; 364
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(b) The name, address, and telephone number of the owner if the owner's name, address, or telephone number are different from the name, address, or telephone number of the owner as shown by the records of the person or entity in possession of the unclaimed funds or contents of a safe deposit box; 367
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(c) The nature and value of the ~~property~~ unclaimed funds or contents of a safe deposit box; 372
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~~(b)~~(d) The amount the owner will receive after the fee or compensation has been subtracted; 374
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~~(e)~~(e) The name and address of the person or entity in possession of the ~~property~~ unclaimed funds or contents of a safe deposit box; 376
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(f) That the auditor of state will pay the unclaimed funds directly to the owner or the director shall deliver the contents of a safe deposit box directly to the owner; 379
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(g) That the person agreeing to locate, deliver, recover, or assist in the recovery of the unclaimed funds or contents of a safe deposit box is not an employee or agent of the director of commerce; 382
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(h) That the director is not a party to the agreement; 386

(i) That the person agreeing to locate, deliver, recover, or assist in the recovery of the unclaimed funds or contents of a safe deposit box holds a valid certificate of registration issued by the director under section 169.16 of the Revised Code; 387
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(j) The number designated on that certificate of registration and the date the certificate of registration expires. 391
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(3) No agreement described in division (B)(2) of this section shall include a power of attorney for the payment of the unclaimed funds or delivery of the contents of a safe deposit box to any person other than the owner of the unclaimed funds or contents of a safe deposit box. 393
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(4) If the agreement involves recovery of the contents of a safe deposit box, the agreement stipulates that the person receiving any fee, compensation, commission, or other remuneration for engaging in any activity for the purpose of locating, delivering, recovering, or assisting in the recovery of unclaimed funds or other items stored in a safe deposit box on behalf of any other person shall do all of the following: 398
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(a) Make arrangements to have an appraiser and the director of commerce view the contents of the safe deposit box together, at a time mutually agreeable to the appraiser and director; 405
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(b) State that the value of the property in the safe deposit box is the amount established by the appraiser who viewed the safe deposit box contents; 408
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(c) Base the fee, compensation, commission, or other remuneration for locating, delivering, recovering, or assisting in the recovery of unclaimed funds or other items stored in a safe deposit box on the appraised value established by the appraiser who viewed the safe deposit box contents. 411
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(C) No person shall receive a fee, compensation, commission, 416

or other remuneration, or engage in any activity for the purpose
of locating, delivering, recovering, or assisting in the recovery
of unclaimed funds or contents of a safe deposit box, under an
agreement that is invalid under this section.

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~~(D) Whoever violates division (C) of this section is guilty~~
~~of a misdemeanor of the first degree for a first offense and of a~~
~~felony of the fifth degree for each subsequent offense~~ A person
who receives any fee, compensation, commission, or other
remuneration for engaging in any activity for the purpose of
locating, delivering, recovering, or assisting in the recovery of
unclaimed funds or other items stored in a safe deposit box on
behalf of any other person cannot function as an appraiser of the
contents of the safe deposit box for purposes of division (B)(4)
of this section.

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(E) The director shall not recognize or make any delivery and
the auditor of state shall not make any payment pursuant to any
power of attorney between an owner of the unclaimed funds or
contents of a safe deposit box and the person with whom the owner
entered into an agreement pursuant to division (B)(2) of this
section to locate, deliver, recover, or assist in the recovery of
the unclaimed funds or contents of a safe deposit box if that
power of attorney is entered into on or after the effective date
of this amendment and that power of attorney specifically provides
for the payment of unclaimed funds or delivery of the contents of
a safe deposit box to any person other than the owner of the
unclaimed funds or contents of a safe deposit box. Nothing in this
section shall be construed as prohibiting the payment of unclaimed
funds or delivery of the contents of a safe deposit box to the
legal representative of the owner of the unclaimed funds or
contents of the safe deposit box. Notwithstanding the definition
of "owner" specified in division (C) of section 169.01 of the
Revised Code, for purposes of the payment of unclaimed funds or

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delivery of the contents of the safe deposit box, a person with 449
whom an owner entered into an agreement under division (B)(2) of 450
this section is not a legal representative. 451

Sec. 169.14. (A) Each person that files a claim with the 452
director of commerce, pursuant to an agreement entered into under 453
section 169.13 of the Revised Code, shall include with that claim 454
the number designated on the certificate of registration that is 455
issued to the person under section 169.16 of the Revised Code. 456

(B) The division of unclaimed funds shall not process any 457
claim described in division (A) of this section that does not 458
include the required certificate of registration number. 459

Sec. 169.16. (A) No person, on behalf of any other person, 460
shall engage in any activity for the purpose of locating, 461
delivering, recovering, or assisting in the recovery of unclaimed 462
funds or contents of a safe deposit box, and receive a fee, 463
compensation, commission, or other remuneration for such activity, 464
without first having obtained a certificate of registration from 465
the director of commerce in accordance with this section. 466

(B) An application for a certificate of registration shall be 467
in writing and in the form prescribed by the director. The 468
application shall be accompanied by a recent full-face color 469
photograph of the applicant and notarized character reference 470
letters from two reputable character witnesses. The application 471
shall, at a minimum, provide all of the following: 472

(1) The applicant's full name, home address, and work 473
address; 474

(2) The name, address, and telephone number of the two 475
character witnesses who have provided the character reference 476
letters; 477

(3) A statement that the applicant has not, during the 478
ten-year period immediately preceding the submission of the 479
application, violated division (A) of this section on or after the 480
effective date of this section, or division (C) of section 169.13 481
of the Revised Code, or been convicted of, or pleaded guilty to, 482
any felony or any offense involving moral turpitude, including 483
theft, attempted theft, falsification, tampering with records, 484
securing writings by deception, fraud, forgery, and perjury; 485

(4) The notarized signature of the applicant immediately 486
following an acknowledgment that any false or perjured statement 487
subjects the applicant to criminal liability under section 2921.13 488
of the Revised Code. 489

(C) Upon the filing of the application with the division of 490
unclaimed funds, the division may investigate the applicant to 491
verify the information provided in the application and to 492
determine the applicant's eligibility for a certificate of 493
registration under this section. False information on an 494
application is grounds for the denial or revocation of the 495
applicant's certificate of registration. 496

(D) The director shall issue a certificate of registration to 497
an applicant if the director finds that the following conditions 498
are met: 499

(1) The applicant has not, during the ten-year period 500
immediately preceding the submission of the application, violated 501
division (A) of this section on or after the effective date of 502
this section, or division (C) of section 169.13 of the Revised 503
Code, or been convicted of, or pleaded guilty to, any felony or 504
any offense involving moral turpitude, including theft, attempted 505
theft, falsification, tampering with records, securing writings by 506
deception, fraud, forgery, and perjury. 507

(2) The applicant's character and general fitness command the 508

confidence of the public and warrant the belief that the 509
applicant's business will be conducted honestly and fairly. 510

(E) The certificate of registration issued pursuant to 511
division (D) of this section may be renewed annually if the 512
director finds that the following conditions are met: 513

(1) The applicant submits a renewal application form 514
prescribed by the director. 515

(2) The applicant meets the conditions set forth in division 516
(D) of this section. 517

(3) The applicant's certificate of registration is not 518
subject to an order of revocation by the director. 519

Sec. 169.17. (A) After notice and an opportunity for a 520
hearing conducted in accordance with Chapter 119. of the Revised 521
Code, the director of commerce shall revoke or refuse to issue or 522
renew a certificate of registration if the director finds either 523
of the following: 524

(1) During the immediately preceding ten-year period, the 525
person violated division (A) of section 169.16 on or after the 526
effective date of this section, or division (C) of section 169.13 527
of the Revised Code, or has been convicted of, or pleaded guilty 528
to, any felony or any offense involving moral turpitude, including 529
theft, attempted theft, falsification, tampering with records, 530
securing writings by deception, fraud, forgery, and perjury. 531

(2) The person's character and general fitness do not command 532
the confidence of the public or warrant the belief that the 533
person's business will be conducted honestly and fairly. 534

(B) The director may investigate alleged violations of 535
division (C) of section 169.13 or division (A) of section 169.16 536
of the Revised Code or complaints concerning any such violation. 537
The director may make application to the court of common pleas for 538

an order enjoining any such violation and, upon a showing by the 539
director that a person has committed or is about to commit such a 540
violation, the court shall grant an injunction, restraining order, 541
or other appropriate relief. 542

(C) In conducting any investigation pursuant to this section, 543
the director may compel, by subpoena, witnesses to testify in 544
relation to any matter over which the director has jurisdiction 545
and may require the production of any book, record, or other 546
document pertaining to that matter. If a person fails to file any 547
statement or report, obey any subpoena, give testimony, produce 548
any book, record, or other document as required by a subpoena, or 549
permit photocopying of any book, record, or other document 550
subpoenaed, the court of common pleas of any county in this state, 551
upon application made to it by the director, shall compel 552
obedience by attachment proceedings for contempt, as in the case 553
of disobedience of the requirements of a subpoena issued from the 554
court or a refusal to testify therein. 555

(D) If the director determines that a person is engaged in or 556
is believed to be engaged in activities that may constitute a 557
violation of division (C) of section 169.13 or division (A) of 558
section 169.16 of the Revised Code, the director, after notice and 559
a hearing conducted in accordance with Chapter 119. of the Revised 560
Code, may issue a cease and desist order. Such an order shall be 561
enforceable in the court of common pleas. 562

Sec. 169.99. (A) Whoever violates section 169.10 of the 563
Revised Code shall be fined not more than five hundred dollars. 564
Each day of continuance of such violation is a separate offense. 565

(B) Whoever violates division (C) of section 169.13 or 566
division (A) of section 169.16 of the Revised Code is guilty of a 567
misdemeanor of the first degree for a first offense and of a 568
felony of the fifth degree for any subsequent offense. 569

Sec. 1322.03. (A) An application for a certificate of registration as a mortgage broker shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The application shall be accompanied by a nonrefundable application fee of three hundred fifty dollars for each location of an office to be maintained by the applicant in accordance with division (A) of section 1322.02 of the Revised Code; however, an applicant that is registered under sections 1321.51 to 1321.60 of the Revised Code shall not be required to pay an application fee. The application shall provide all of the following:

(1) The location or locations where the business is to be transacted and whether any location is a residence. If any location where the business is to be transacted is a residence, the application shall be accompanied by a certified copy of a zoning permit authorizing the use of the residence for commercial purposes, or shall be accompanied by a written opinion or other document issued by the county or political subdivision where the residence is located certifying that the use of the residence to transact business as a mortgage broker is not prohibited by the county or political subdivision. The application also shall be accompanied by a photograph of each location at which the business will be transacted.

(2)(a) In the case of a sole proprietor, the name and address of the sole proprietor;

(b) In the case of a partnership, the name and address of each partner;

(c) In the case of a corporation, the name and address of each shareholder owning five per cent or more of the corporation;

(d) In the case of any other entity, the name and address of

any person that owns five per cent or more of the entity that will
transact business as a mortgage broker.

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(3) If the applicant is a partnership, corporation, limited
liability company, or any other business entity or association,
the applicant shall designate an employee or owner of the
applicant as the applicant's operations manager. While acting as
the operations manager, the employee or owner shall not be
employed by any other mortgage broker.

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(4) Evidence that the sole proprietor or the person
designated on the application pursuant to division (A)(3) of this
section, as applicable, possesses at least three years of
experience in the mortgage and lending field, which experience may
include employment with or as a mortgage broker or with a
financial institution, mortgage lending institution, or other
lending institution, or possesses at least three years of other
experience related specifically to the business of mortgage loans
that the superintendent determines meets the requirements of
division (A)(4) of this section;

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(5) On or after January 1, 2007, evidence that the sole
proprietor or the person designated on the application pursuant to
division (A)(3) of this section has successfully completed either
of the following:

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(a) At least twenty-four hours of live classroom instruction
in a course or program of study approved by the superintendent
that consists of at least all of the following:

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(i) Four hours of instruction concerning state and federal
mortgage lending laws, which shall include no less than two hours
on this chapter;

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(ii) Four hours of instruction concerning the Ohio consumer
sales practices act, Chapter 1345. of the Revised Code, as it
applies to registrants and licensees;

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(iii) Four hours of instruction concerning the loan application process;	631 632
(iv) Two hours of instruction concerning the underwriting process;	633 634
(v) Two hours of instruction concerning the secondary market for mortgage loans;	635 636
(vi) Four hours of instruction concerning the loan closing process;	637 638
(vii) Two hours of instruction covering basic mortgage financing concepts and terms;	639 640
(viii) Two hours of instruction concerning the ethical responsibilities of a registrant, including with respect to confidentiality, consumer counseling, and the duties and standards of care created in section 1322.081 of the Revised Code.	641 642 643 644
(b) Other post-secondary education related specifically to the business of mortgage loans that the superintendent determines meets the requirements of division (A)(5)(a) of this section.	645 646 647
Division (A)(5) of this section does not apply to any applicant who has an application on file with the division of financial institutions prior to January 1, 2007.	648 649 650
The evidence submitted by the applicant pursuant to division (A)(5) of this section may be in the form of transcripts or a statement indicating that the applicant has, and will maintain, transcripts at the applicant's place of business for a period of five years for inspection by the superintendent at the superintendent's request.	651 652 653 654 655 656
(6) Evidence of compliance with the surety bond requirements of section 1322.05 of the Revised Code and with sections 1322.01 to 1322.12 of the Revised Code;	657 658 659
(7) In the case of a foreign business entity, evidence that	660

it maintains a license or registration pursuant to Chapter 1703., 661
1705., 1775., 1777., 1782., or 1783. of the Revised Code to 662
transact business in this state; 663

(8) A statement as to whether the applicant or, to the best 664
of the applicant's knowledge, any shareholder, member, partner, 665
operations manager, or employee of the applicant has been 666
convicted of or pleaded guilty to any criminal offense involving 667
theft, receiving stolen property, embezzlement, forgery, fraud, 668
passing bad checks, money laundering, or drug trafficking, or any 669
criminal offense involving money or securities; 670

(9) A statement as to whether the applicant or, to the best 671
of the applicant's knowledge, any shareholder, member, partner, 672
operations manager, or employee of the applicant has been subject 673
to any adverse judgment for conversion, embezzlement, 674
misappropriation of funds, fraud, misfeasance or malfeasance, or 675
breach of fiduciary duty; 676

(10) Evidence that the applicant's operations manager has 677
successfully completed the examination required under division (A) 678
of section 1322.051 of the Revised Code; 679

(11) Any further information that the superintendent 680
requires. 681

(B) Upon the filing of the application and payment of the 682
application fee, the superintendent of financial institutions 683
shall investigate the applicant as set forth in division (B) of 684
this section. 685

(1) The superintendent shall request the superintendent of 686
the bureau of criminal identification and investigation, or a 687
vendor approved by the bureau, to conduct a criminal records check 688
based on the applicant's fingerprints in accordance with division 689
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 690
division ~~(J)~~(K) of section 121.08 of the Revised Code, the 691

superintendent of financial institutions shall request that 692
criminal record information from the federal bureau of 693
investigation be obtained as part of the criminal records check. 694
Any fee required under division (C)(3) of section 109.572 of the 695
Revised Code shall be paid by the applicant. 696

(2) The superintendent shall conduct a civil records check. 697

(3) If, in order to issue a certificate of registration to an 698
applicant, additional investigation by the superintendent outside 699
this state is necessary, the superintendent may require the 700
applicant to advance sufficient funds to pay the actual expenses 701
of the investigation, if it appears that these expenses will 702
exceed three hundred fifty dollars. The superintendent shall 703
provide the applicant with an itemized statement of the actual 704
expenses that the applicant is required to pay. 705

(C) The superintendent shall pay all funds advanced and 706
application and renewal fees and penalties the superintendent 707
receives pursuant to this section and section 1322.04 of the 708
Revised Code to the treasurer of state to the credit of the 709
consumer finance fund created in section 1321.21 of the Revised 710
Code. 711

(D) If an application for a certificate of registration does 712
not contain all of the information required under division (A) of 713
this section, and if that information is not submitted to the 714
superintendent within ninety days after the superintendent 715
requests the information in writing, the superintendent may 716
consider the application withdrawn. 717

(E) A certificate of registration and the authority granted 718
under that certificate is not transferable or assignable and 719
cannot be franchised by contract or any other means. 720

(F) The registration requirements of this chapter apply to 721
any person acting as a mortgage broker, and no person is exempt 722

from the requirements of this chapter on the basis of prior work 723
or employment as a mortgage broker. 724

Sec. 1322.031. (A) An application for a license as a loan 725
officer shall be in writing, under oath, and in the form 726
prescribed by the superintendent of financial institutions. The 727
application shall be accompanied by a nonrefundable application 728
fee of one hundred dollars and shall provide all of the following: 729

(1) The name and address of the applicant; 730

(2) A statement as to whether the applicant has been 731
convicted of or pleaded guilty to any criminal offense involving 732
theft, receiving stolen property, embezzlement, forgery, fraud, 733
passing bad checks, money laundering, or drug trafficking, or any 734
criminal offense involving money or securities; 735

(3) A statement as to whether the applicant has been subject 736
to an adverse judgment for conversion, embezzlement, 737
misappropriation of funds, fraud, misfeasance or malfeasance, or 738
breach of fiduciary duty; 739

(4) For loan officer applications submitted on or after 740
January 1, 2007, proof, as determined by the superintendent, that 741
the applicant has successfully completed at least twenty-four 742
hours of live classroom instruction in a course or program of 743
study approved by the superintendent that consists of at least all 744
of the following: 745

(a) Four hours of instruction concerning state and federal 746
mortgage lending laws, which shall include no less than two hours 747
on this chapter; 748

(b) Four hours of instruction concerning the Ohio consumer 749
sales practices act, Chapter 1345. of the Revised Code, as it 750
applies to registrants and licensees; 751

(c) Four hours of instruction concerning the loan application 752

process;	753
(d) Two hours of instruction concerning the underwriting	754
process;	755
(e) Two hours of instruction concerning the secondary market	756
for mortgage loans;	757
(f) Four hours of instruction concerning the loan closing	758
process;	759
(g) Two hours of instruction covering basic mortgage	760
financing concepts and terms;	761
(h) Two hours of instruction concerning the ethical	762
responsibilities of a licensee, including with respect to	763
confidentiality, consumer counseling, and the duties and standards	764
of care created in section 1322.081 of the Revised Code.	765
Division (A)(4) of this section does not apply to any	766
applicant who has an application on file with the division of	767
financial institutions prior to January 1, 2007.	768
The proof submitted by the applicant pursuant to division	769
(A)(4) of this section may be in the form of transcripts or a	770
statement indicating that the applicant has, and will maintain,	771
transcripts at the applicant's place of business for a period of	772
five years for inspection by the superintendent at the	773
superintendent's request.	774
(5) Any further information that the superintendent requires.	775
(B) Upon the filing of the application and payment of the	776
application fee, the superintendent of financial institutions	777
shall investigate the applicant as set forth in division (B) of	778
this section.	779
(1) The superintendent shall request the superintendent of	780
the bureau of criminal identification and investigation, or a	781
vendor approved by the bureau, to conduct a criminal records check	782

based on the applicant's fingerprints in accordance with division 783
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 784
division ~~(J)~~(K) of section 121.08 of the Revised Code, the 785
superintendent of financial institutions shall request that 786
criminal record information from the federal bureau of 787
investigation be obtained as part of the criminal records check. 788
Any fee required under division (C)(3) of section 109.572 of the 789
Revised Code shall be paid by the applicant. 790

(2) The superintendent shall conduct a civil records check. 791

(3) If, in order to issue a license to an applicant, 792
additional investigation by the superintendent outside this state 793
is necessary, the superintendent may require the applicant to 794
advance sufficient funds to pay the actual expenses of the 795
investigation, if it appears that these expenses will exceed one 796
hundred dollars. The superintendent shall provide the applicant 797
with an itemized statement of the actual expenses that the 798
applicant is required to pay. 799

(C) The superintendent shall pay all funds advanced and 800
application and renewal fees and penalties the superintendent 801
receives pursuant to this section and section 1322.041 of the 802
Revised Code to the treasurer of state to the credit of the 803
consumer finance fund created in section 1321.21 of the Revised 804
Code. 805

(D) If an application for a license does not contain all of 806
the information required under division (A) of this section, and 807
if that information is not submitted to the superintendent within 808
ninety days after the superintendent requests the information in 809
writing, the superintendent may consider the application 810
withdrawn. 811

(E)(1) The business of a loan officer shall principally be 812
transacted at an office of the employing mortgage broker, which 813

office is registered in accordance with division (A) of section 814
1322.02 of the Revised Code. Each original license shall be 815
deposited with and maintained by the employing mortgage broker at 816
the mortgage broker's main office. A copy of the license shall be 817
maintained and displayed at the office where the loan officer 818
principally transacts business. 819

(2) If a loan officer's employment is terminated, the 820
mortgage broker shall return the original license to the 821
superintendent within five business days after the termination. 822
The licensee may request the transfer of the license to another 823
mortgage broker by submitting a relocation application, along with 824
a fifteen dollar fee, to the superintendent or may request the 825
superintendent in writing to hold the license in escrow for a 826
period not to exceed one year. Any licensee whose license is held 827
in escrow shall cease activity as a loan officer. 828

A mortgage broker may employ a loan officer on a temporary 829
basis pending the transfer of the loan officer's license to the 830
mortgage broker, if the mortgage broker receives written 831
confirmation from the superintendent that the loan officer is 832
licensed under sections 1322.01 to 1322.12 of the Revised Code. 833

(F) A license, or the authority granted under that license, 834
is not assignable and cannot be franchised by contract or any 835
other means. 836

Sec. 4763.05. (A)(1)(a) A person shall make application for 837
an initial state-certified general real estate appraiser 838
certificate, an initial state-certified residential real estate 839
appraiser certificate, an initial state-licensed residential real 840
estate appraiser license, or an initial state-registered real 841
estate appraiser assistant registration in writing to the 842
superintendent of real estate on a form the superintendent 843
prescribes. The application shall include the address of the 844

applicant's principal place of business and all other addresses at 845
which the applicant currently engages in the business of preparing 846
real estate appraisals and the address of the applicant's current 847
residence. The superintendent shall retain the applicant's current 848
residence address in a separate record which shall not constitute 849
a public record for purposes of section 149.03 of the Revised 850
Code. The application shall indicate whether the applicant seeks 851
certification as a general real estate appraiser or as a 852
residential real estate appraiser, licensure as a residential real 853
estate appraiser, or registration as a real estate appraiser 854
assistant and be accompanied by the prescribed examination and 855
certification, registration, or licensure fees set forth in 856
section 4763.09 of the Revised Code. The application also shall 857
include a fingerprint of the applicant; a pledge, signed by the 858
applicant, that the applicant will comply with the standards set 859
forth in this chapter; and a statement that the applicant 860
understands the types of misconduct for which disciplinary 861
proceedings may be initiated against the applicant pursuant to 862
this chapter. 863

(b) Upon the filing of an application and payment of any 864
examination and certification, registration, or licensure fees, 865
the superintendent of real estate shall request the superintendent 866
of the bureau of criminal identification and investigation, or a 867
vendor approved by the bureau, to conduct a criminal records check 868
based on the applicant's fingerprints in accordance with division 869
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 870
division ~~(J)~~(K) of section 121.08 of the Revised Code, the 871
superintendent of real estate shall request that criminal record 872
information from the federal bureau of investigation be obtained 873
as part of the criminal records check. Any fee required under 874
division (C)(3) of section 109.572 of the Revised Code shall be 875
paid by the applicant. 876

(2) For purposes of providing funding for the real estate appraiser recovery fund established by section 4763.16 of the Revised Code, the real estate appraiser board shall levy an assessment against each person issued an initial certificate, registration, or license and against current licensees, registrants, and certificate holders, as required by board rule. The assessment is in addition to the application and examination fees for initial applicants required by division (A)(1) of this section and the renewal fees required for current certificate holders, registrants, and licensees. The superintendent of real estate shall deposit the assessment into the state treasury to the credit of the real estate appraiser recovery fund. The assessment for initial certificate holders, registrants, and licensees shall be paid prior to the issuance of a certificate, registration, or license, and for current certificate holders, registrants, and licensees, at the time of renewal.

(B) An applicant for an initial general real estate appraiser certificate shall possess at least thirty months of experience in real estate appraisal, or any equivalent experience the board prescribes. An applicant for a residential real estate appraiser certificate or residential real estate appraiser license shall possess at least two years of experience in real estate appraisal, or any equivalent experience the board prescribes. In addition to any other information required by the board, the applicant shall furnish, under oath, a detailed listing of the appraisal reports or file memoranda for each year for which experience is claimed and, upon request of the superintendent or the board, shall make available for examination a sample of the appraisal reports prepared by the applicant in the course of the applicant's practice.

(C)(1) Except as provided in division (C)(2) of this section, an applicant for an initial certificate, registration, or license

shall be at least eighteen years of age, honest, truthful, and of 909
good reputation and shall present satisfactory evidence to the 910
superintendent of the following, as appropriate: 911

(a) If the applicant is seeking a state-certified general 912
real estate appraiser certificate, that the applicant has 913
successfully completed at least one hundred sixty-five classroom 914
hours of courses in subjects related to real estate appraisal, 915
including at least one course devoted exclusively to federal, 916
state, and municipal fair housing law, presented by a nationally 917
recognized appraisal organization, an institution of higher 918
education, a career school registered by the state board of career 919
colleges and schools, a state or federal commission or agency, or 920
any other organization that represents the interests of financial 921
institutions or real estate brokers, appraisers, or agents and 922
that provides appraisal education, plus fifteen classroom hours 923
related to standards of professional practice and the provisions 924
of this chapter; 925

(b) If the applicant is seeking a state-certified residential 926
real estate appraiser certificate, that the applicant has 927
successfully completed at least one hundred five classroom hours 928
of courses in subjects related to real estate appraisal, including 929
at least one course devoted exclusively to federal, state, and 930
municipal fair housing law, presented by a nationally recognized 931
appraisal organization, an institution of higher education, a 932
career school registered by the state board of career colleges and 933
schools, or any other organization that represents the interests 934
of financial institutions or real estate brokers, appraisers, or 935
agents and that provides appraisal education, plus fifteen 936
classroom hours related to standards of professional practice and 937
the provisions of this chapter; 938

(c) If the applicant is seeking a state-licensed residential 939
real estate appraiser license, that the applicant has successfully 940

completed at least seventy-five classroom hours of courses in 941
subjects related to real estate appraisal, including at least one 942
course devoted exclusively to federal, state, and municipal fair 943
housing law, presented by a nationally recognized appraisal 944
organization, an institution of higher education, a career school 945
registered by the state board of career colleges and schools, a 946
state or federal commission or agency, or any other organization 947
that represents the interests of financial institutions or real 948
estate brokers, appraisers, or agents and that provides appraisal 949
education, plus fifteen classroom hours related to standards of 950
professional practice and the provisions of this chapter; 951

(d) If the applicant is seeking a state-registered real 952
estate appraiser assistant registration, that the applicant has 953
successfully completed at least seventy-five classroom hours of 954
courses in subjects related to real estate appraisal, including at 955
least one course devoted exclusively to federal, state, and 956
municipal fair housing law, presented by a nationally recognized 957
appraisal organization, an institution of higher education, a 958
career school registered by the state board of career colleges and 959
schools, or any other organization that represents the interests 960
of financial institutions or real estate brokers, appraisers, or 961
agents, and that provides appraisal education that included at 962
least fifteen classroom hours of instruction related to standards 963
of professional practice and the requirements of this chapter and 964
the rules adopted under this chapter. 965

(2) Each person who files an application for an initial 966
certificate or license within one year of the date established by 967
the board as the first date on which applications will be accepted 968
under this section, which date shall be no later than September 1, 969
1990, and who, at the time of filing that application, does not 970
satisfy the educational requirements for the certification or 971
licensure sought of either division (C)(1)(a) or (b) of this 972

section is exempt from those educational requirements for the term 973
of the initial certification or licensure. In applying for a 974
renewal certificate or license pursuant to section 4763.06 of the 975
Revised Code, a certificate holder or licensee who was exempted 976
from the educational requirements of division (C)(1)(a) or (b) of 977
this section when applying for the initial certificate or license 978
shall present satisfactory evidence to the superintendent that the 979
certificate holder or licensee has completed the educational 980
requirements for the certification or licensure to be renewed of 981
one of those divisions before the renewal certificate or license 982
may be issued. 983

(D) An applicant for an initial general real estate appraiser 984
or residential real estate appraiser certificate or residential 985
real estate appraiser license shall take and successfully complete 986
a written examination in order to qualify for the certificate or 987
license. The examination shall require the applicant to 988
demonstrate all of the following: 989

(1) Appropriate knowledge of technical terms commonly used in 990
or related to real estate appraising, appraisal report writing, 991
and the economic concepts applicable to real estate; 992

(2) Understanding of the principles of land economics, real 993
estate appraisal processes, and problems likely to be encountered 994
in gathering, interpreting, and processing of data in carrying out 995
appraisal disciplines; 996

(3) Understanding of the standards for the development and 997
communication of real estate appraisals as provided in this 998
chapter and the rules adopted thereunder; 999

(4) Knowledge of theories of depreciation, cost estimating, 1000
methods of capitalization, direct sales comparison, and the 1001
mathematics of real estate appraisal that are appropriate for the 1002
certification or licensure for which the applicant has applied; 1003

(5) Knowledge of other principles and procedures as appropriate for the certification or license;	1004 1005
(6) Basic understanding of real estate law;	1006
(7) Understanding of the types of misconduct for which disciplinary proceedings may be initiated against a certificate holder and licensee.	1007 1008 1009
(E)(1) A nonresident, natural person of this state who has complied with this section may obtain a certificate, registration, or license. The board shall adopt rules relating to the certification, registration, and licensure of a nonresident applicant whose state of residence the board determines to have certification, registration, or licensure requirements that are substantially similar to those set forth in this chapter and the rules adopted thereunder.	1010 1011 1012 1013 1014 1015 1016 1017
(2) The board shall recognize on a temporary basis a certification or license issued in another state and shall register on a temporary basis an appraiser who is certified or licensed in another state if all of the following apply:	1018 1019 1020 1021
(a) The temporary registration is to perform an appraisal assignment that is part of a federally related transaction.	1022 1023
(b) The appraiser's business in this state is of a temporary nature.	1024 1025
(c) The appraiser registers with the board pursuant to this division.	1026 1027
An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction.	1028 1029 1030 1031
The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of appraisers	1032 1033

from another state. The registration for temporary recognition of
certified or licensed appraisers from another state shall not
authorize completion of more than one appraisal assignment in this
state. The board shall not issue more than two registrations for
temporary practice to any one applicant in any calendar year.

(3) In addition to any other information required to be
submitted with the nonresident applicant's or appraiser's
application for a certificate, registration, license, or temporary
recognition of a certificate or license, each nonresident
applicant or appraiser shall submit a statement consenting to the
service of process upon the nonresident applicant or appraiser by
means of delivering that process to the secretary of state if, in
an action against the applicant, certificate holder, registrant,
or licensee arising from the applicant's, certificate holder's,
registrant's, or licensee's activities as a certificate holder,
registrant, or licensee, the plaintiff, in the exercise of due
diligence, cannot effect personal service upon the applicant,
certificate holder, registrant, or licensee.

(F) The superintendent shall not issue a certificate,
registration, or license to, or recognize on a temporary basis an
appraiser from another state that is a corporation, partnership,
or association. This prohibition shall not be construed to prevent
a certificate holder or licensee from signing an appraisal report
on behalf of a corporation, partnership, or association.

(G) Every person licensed, registered, or certified under
this chapter shall notify the superintendent, on a form provided
by the superintendent, of a change in the address of the
licensee's, registrant's, or certificate holder's principal place
of business or residence within thirty days of the change. If a
licensee's, registrant's, or certificate holder's license,
registration, or certificate is revoked or not renewed, the
licensee, registrant, or certificate holder immediately shall

return the annual and any renewal certificate, registration, or 1066
license to the superintendent. 1067

(H)(1) The superintendent shall not issue a certificate, 1068
registration, or license to any person, or recognize on a 1069
temporary basis an appraiser from another state, who does not meet 1070
applicable minimum criteria for state certification, registration, 1071
or licensure prescribed by federal law or rule. 1072

(2) The superintendent shall not issue a general real estate 1073
appraiser certificate, residential real estate appraiser 1074
certificate, residential real estate appraiser license, or real 1075
estate appraiser assistant registration to any person who has been 1076
convicted of or pleaded guilty to any criminal offense involving 1077
theft, receiving stolen property, embezzlement, forgery, fraud, 1078
passing bad checks, money laundering, or drug trafficking, or any 1079
criminal offense involving money or securities, including a 1080
violation of an existing or former law of this state, any other 1081
state, or the United States that substantially is equivalent to 1082
such an offense. However, if the applicant has pleaded guilty to 1083
or been convicted of such an offense, the superintendent shall not 1084
consider the offense if the applicant has proven to the 1085
superintendent, by a preponderance of the evidence, that the 1086
applicant's activities and employment record since the conviction 1087
show that the applicant is honest, truthful, and of good 1088
reputation, and there is no basis in fact for believing that the 1089
applicant will commit such an offense again. 1090

Section 2. That existing sections 121.04, 121.08, 169.01, 1091
169.13, 169.99, 1322.03, 1322.031, and 4763.05 of the Revised Code 1092
are hereby repealed. 1093

Section 3. Sections 169.13 and 169.14 of the Revised Code, as 1094
amended or enacted by this act, shall apply only to agreements 1095

that are entered into on or after the effective date of this act. 1096

Section 4. All of the following provisions of this act shall 1097
take effect sixty days after the effective date of this act: 1098

(A) Division (B)(2)(i) and (j) of section 169.13 of the 1099
Revised Code; 1100

(B) Section 169.14 of the Revised Code; 1101

(C) Division (A) of section 169.16 of the Revised Code; 1102

(D) Division (B) of section 169.99 of the Revised Code. 1103