

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**H. B. No. 515**

**Representative Slesnick**

—

**A B I L L**

To amend sections 109.572, 4763.01, 4763.05, 4763.15, 1  
and 4763.19 and to enact sections 4768.01 to 2  
4768.14 and 4768.99 of the Revised Code to 3  
regulate appraisal management companies. 4

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

**Section 1.** That sections 109.572, 4763.01, 4763.05, 4763.15, 5  
and 4763.19 be amended and sections 4768.01, 4768.02, 4768.03, 6  
4768.04, 4768.05, 4768.06, 4768.07, 4768.08, 4768.09, 4768.10, 7  
4768.11, 4768.12, 4768.13, 4768.14, and 4768.99 of the Revised 8  
Code be enacted to read as follows: 9

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 10  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 11  
a completed form prescribed pursuant to division (C)(1) of this 12  
section, and a set of fingerprint impressions obtained in the 13  
manner described in division (C)(2) of this section, the 14  
superintendent of the bureau of criminal identification and 15  
investigation shall conduct a criminal records check in the manner 16  
described in division (B) of this section to determine whether any 17  
information exists that indicates that the person who is the 18  
subject of the request previously has been convicted of or pleaded 19  
guilty to any of the following: 20

(a) A violation of section 2903.01, 2903.02, 2903.03, 21  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 22  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 23  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 24  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 25  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 26  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 27  
2925.06, or 3716.11 of the Revised Code, felonious sexual 28  
penetration in violation of former section 2907.12 of the Revised 29  
Code, a violation of section 2905.04 of the Revised Code as it 30  
existed prior to July 1, 1996, a violation of section 2919.23 of 31  
the Revised Code that would have been a violation of section 32  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 33  
had the violation been committed prior to that date, or a 34  
violation of section 2925.11 of the Revised Code that is not a 35  
minor drug possession offense; 36

(b) A violation of an existing or former law of this state, 37  
any other state, or the United States that is substantially 38  
equivalent to any of the offenses listed in division (A)(1)(a) of 39  
this section. 40

(2) On receipt of a request pursuant to section 5123.081 of 41  
the Revised Code with respect to an applicant for employment in 42  
any position with the department of developmental disabilities, 43  
pursuant to section 5126.28 of the Revised Code with respect to an 44  
applicant for employment in any position with a county board of 45  
developmental disabilities, or pursuant to section 5126.281 of the 46  
Revised Code with respect to an applicant for employment in a 47  
direct services position with an entity contracting with a county 48  
board for employment, a completed form prescribed pursuant to 49  
division (C)(1) of this section, and a set of fingerprint 50  
impressions obtained in the manner described in division (C)(2) of 51  
this section, the superintendent of the bureau of criminal 52

identification and investigation shall conduct a criminal records 53  
check. The superintendent shall conduct the criminal records check 54  
in the manner described in division (B) of this section to 55  
determine whether any information exists that indicates that the 56  
person who is the subject of the request has been convicted of or 57  
pleaded guilty to any of the following: 58

(a) A violation of section 2903.01, 2903.02, 2903.03, 59  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 60  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 61  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 62  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 63  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 64  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 65  
2925.03, or 3716.11 of the Revised Code; 66

(b) An existing or former municipal ordinance or law of this 67  
state, any other state, or the United States that is substantially 68  
equivalent to any of the offenses listed in division (A)(2)(a) of 69  
this section. 70

(3) On receipt of a request pursuant to section 173.27, 71  
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 72  
completed form prescribed pursuant to division (C)(1) of this 73  
section, and a set of fingerprint impressions obtained in the 74  
manner described in division (C)(2) of this section, the 75  
superintendent of the bureau of criminal identification and 76  
investigation shall conduct a criminal records check with respect 77  
to any person who has applied for employment in a position for 78  
which a criminal records check is required by those sections. The 79  
superintendent shall conduct the criminal records check in the 80  
manner described in division (B) of this section to determine 81  
whether any information exists that indicates that the person who 82  
is the subject of the request previously has been convicted of or 83  
pleaded guilty to any of the following: 84

(a) A violation of section 2903.01, 2903.02, 2903.03, 85  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 86  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 87  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 88  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 89  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 90  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 91  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 92  
2925.22, 2925.23, or 3716.11 of the Revised Code; 93

(b) An existing or former law of this state, any other state, 94  
or the United States that is substantially equivalent to any of 95  
the offenses listed in division (A)(3)(a) of this section. 96

(4) On receipt of a request pursuant to section 3701.881 of 97  
the Revised Code with respect to an applicant for employment with 98  
a home health agency as a person responsible for the care, 99  
custody, or control of a child, a completed form prescribed 100  
pursuant to division (C)(1) of this section, and a set of 101  
fingerprint impressions obtained in the manner described in 102  
division (C)(2) of this section, the superintendent of the bureau 103  
of criminal identification and investigation shall conduct a 104  
criminal records check. The superintendent shall conduct the 105  
criminal records check in the manner described in division (B) of 106  
this section to determine whether any information exists that 107  
indicates that the person who is the subject of the request 108  
previously has been convicted of or pleaded guilty to any of the 109  
following: 110

(a) A violation of section 2903.01, 2903.02, 2903.03, 111  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 112  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 113  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 114  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 115  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 116

2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 117  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 118  
violation of section 2925.11 of the Revised Code that is not a 119  
minor drug possession offense; 120

(b) An existing or former law of this state, any other state, 121  
or the United States that is substantially equivalent to any of 122  
the offenses listed in division (A)(4)(a) of this section. 123

(5) On receipt of a request pursuant to section 5111.032, 124  
5111.033, or 5111.034 of the Revised Code, a completed form 125  
prescribed pursuant to division (C)(1) of this section, and a set 126  
of fingerprint impressions obtained in the manner described in 127  
division (C)(2) of this section, the superintendent of the bureau 128  
of criminal identification and investigation shall conduct a 129  
criminal records check. The superintendent shall conduct the 130  
criminal records check in the manner described in division (B) of 131  
this section to determine whether any information exists that 132  
indicates that the person who is the subject of the request 133  
previously has been convicted of, has pleaded guilty to, or has 134  
been found eligible for intervention in lieu of conviction for any 135  
of the following, regardless of the date of the conviction, the 136  
date of entry of the guilty plea, or the date the person was found 137  
eligible for intervention in lieu of conviction: 138

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 139  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 140  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 141  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 142  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 143  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 144  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 145  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 146  
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 147  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 148

2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 149  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 150  
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 151  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 152  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 153  
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 154  
penetration in violation of former section 2907.12 of the Revised 155  
Code, a violation of section 2905.04 of the Revised Code as it 156  
existed prior to July 1, 1996, a violation of section 2919.23 of 157  
the Revised Code that would have been a violation of section 158  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 159  
had the violation been committed prior to that date; 160

(b) A violation of an existing or former municipal ordinance 161  
or law of this state, any other state, or the United States that 162  
is substantially equivalent to any of the offenses listed in 163  
division (A)(5)(a) of this section. 164

(6) On receipt of a request pursuant to section 3701.881 of 165  
the Revised Code with respect to an applicant for employment with 166  
a home health agency in a position that involves providing direct 167  
care to an older adult, a completed form prescribed pursuant to 168  
division (C)(1) of this section, and a set of fingerprint 169  
impressions obtained in the manner described in division (C)(2) of 170  
this section, the superintendent of the bureau of criminal 171  
identification and investigation shall conduct a criminal records 172  
check. The superintendent shall conduct the criminal records check 173  
in the manner described in division (B) of this section to 174  
determine whether any information exists that indicates that the 175  
person who is the subject of the request previously has been 176  
convicted of or pleaded guilty to any of the following: 177

(a) A violation of section 2903.01, 2903.02, 2903.03, 178  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 179  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 180

2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 181  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 182  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 183  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 184  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 185  
2925.22, 2925.23, or 3716.11 of the Revised Code; 186

(b) An existing or former law of this state, any other state, 187  
or the United States that is substantially equivalent to any of 188  
the offenses listed in division (A)(6)(a) of this section. 189

(7) When conducting a criminal records check upon a request 190  
pursuant to section 3319.39 of the Revised Code for an applicant 191  
who is a teacher, in addition to the determination made under 192  
division (A)(1) of this section, the superintendent shall 193  
determine whether any information exists that indicates that the 194  
person who is the subject of the request previously has been 195  
convicted of or pleaded guilty to any offense specified in section 196  
3319.31 of the Revised Code. 197

(8) On receipt of a request pursuant to section 2151.86 of 198  
the Revised Code, a completed form prescribed pursuant to division 199  
(C)(1) of this section, and a set of fingerprint impressions 200  
obtained in the manner described in division (C)(2) of this 201  
section, the superintendent of the bureau of criminal 202  
identification and investigation shall conduct a criminal records 203  
check in the manner described in division (B) of this section to 204  
determine whether any information exists that indicates that the 205  
person who is the subject of the request previously has been 206  
convicted of or pleaded guilty to any of the following: 207

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 208  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 209  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 210  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 211  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 212

2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 213  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 214  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 215  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 216  
of the Revised Code, a violation of section 2905.04 of the Revised 217  
Code as it existed prior to July 1, 1996, a violation of section 218  
2919.23 of the Revised Code that would have been a violation of 219  
section 2905.04 of the Revised Code as it existed prior to July 1, 220  
1996, had the violation been committed prior to that date, a 221  
violation of section 2925.11 of the Revised Code that is not a 222  
minor drug possession offense, two or more OVI or OVUAC violations 223  
committed within the three years immediately preceding the 224  
submission of the application or petition that is the basis of the 225  
request, or felonious sexual penetration in violation of former 226  
section 2907.12 of the Revised Code; 227

(b) A violation of an existing or former law of this state, 228  
any other state, or the United States that is substantially 229  
equivalent to any of the offenses listed in division (A)(8)(a) of 230  
this section. 231

(9) Upon receipt of a request pursuant to section 5104.012 or 232  
5104.013 of the Revised Code, a completed form prescribed pursuant 233  
to division (C)(1) of this section, and a set of fingerprint 234  
impressions obtained in the manner described in division (C)(2) of 235  
this section, the superintendent of the bureau of criminal 236  
identification and investigation shall conduct a criminal records 237  
check in the manner described in division (B) of this section to 238  
determine whether any information exists that indicates that the 239  
person who is the subject of the request has been convicted of or 240  
pleaded guilty to any of the following: 241

(a) A violation of section 2903.01, 2903.02, 2903.03, 242  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 243  
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 244



2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 245  
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 246  
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 247  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 248  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 249  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 250  
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 251  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 252  
3716.11 of the Revised Code, felonious sexual penetration in 253  
violation of former section 2907.12 of the Revised Code, a 254  
violation of section 2905.04 of the Revised Code as it existed 255  
prior to July 1, 1996, a violation of section 2919.23 of the 256  
Revised Code that would have been a violation of section 2905.04 257  
of the Revised Code as it existed prior to July 1, 1996, had the 258  
violation been committed prior to that date, a violation of 259  
section 2925.11 of the Revised Code that is not a minor drug 260  
possession offense, a violation of section 2923.02 or 2923.03 of 261  
the Revised Code that relates to a crime specified in this 262  
division, or a second violation of section 4511.19 of the Revised 263  
Code within five years of the date of application for licensure or 264  
certification. 265

(b) A violation of an existing or former law of this state, 266  
any other state, or the United States that is substantially 267  
equivalent to any of the offenses or violations described in 268  
division (A)(9)(a) of this section. 269

(10) Upon receipt of a request pursuant to section 5153.111 270  
of the Revised Code, a completed form prescribed pursuant to 271  
division (C)(1) of this section, and a set of fingerprint 272  
impressions obtained in the manner described in division (C)(2) of 273  
this section, the superintendent of the bureau of criminal 274  
identification and investigation shall conduct a criminal records 275  
check in the manner described in division (B) of this section to 276

determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(10)(a) of this section.

(11) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating

that the person who is the subject of the request has been 309  
convicted of or pleaded guilty to a felony in this state or in any 310  
other state. If the individual indicates that a firearm will be 311  
carried in the course of business, the superintendent shall 312  
require information from the federal bureau of investigation as 313  
described in division (B)(2) of this section. The superintendent 314  
shall report the findings of the criminal records check and any 315  
information the federal bureau of investigation provides to the 316  
director of public safety. 317

(12) On receipt of a request pursuant to section 1321.37, 318  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 319  
Code, a completed form prescribed pursuant to division (C)(1) of 320  
this section, and a set of fingerprint impressions obtained in the 321  
manner described in division (C)(2) of this section, the 322  
superintendent of the bureau of criminal identification and 323  
investigation shall conduct a criminal records check with respect 324  
to any person who has applied for a license, permit, or 325  
certification from the department of commerce or a division in the 326  
department. The superintendent shall conduct the criminal records 327  
check in the manner described in division (B) of this section to 328  
determine whether any information exists that indicates that the 329  
person who is the subject of the request previously has been 330  
convicted of or pleaded guilty to any of the following: a 331  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 332  
2925.03 of the Revised Code; any other criminal offense involving 333  
theft, receiving stolen property, embezzlement, forgery, fraud, 334  
passing bad checks, money laundering, or drug trafficking, or any 335  
criminal offense involving money or securities, as set forth in 336  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 337  
the Revised Code; or any existing or former law of this state, any 338  
other state, or the United States that is substantially equivalent 339  
to those offenses. 340

(13) On receipt of a request for a criminal records check 341  
from the treasurer of state under section 113.041 of the Revised 342  
Code or from an individual under section 4701.08, 4715.101, 343  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 344  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 345  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 346  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 347  
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 348  
a completed form prescribed under division (C)(1) of this section 349  
and a set of fingerprint impressions obtained in the manner 350  
described in division (C)(2) of this section, the superintendent 351  
of the bureau of criminal identification and investigation shall 352  
conduct a criminal records check in the manner described in 353  
division (B) of this section to determine whether any information 354  
exists that indicates that the person who is the subject of the 355  
request has been convicted of or pleaded guilty to any criminal 356  
offense in this state or any other state. The superintendent shall 357  
send the results of a check requested under section 113.041 of the 358  
Revised Code to the treasurer of state and shall send the results 359  
of a check requested under any of the other listed sections to the 360  
licensing board specified by the individual in the request. 361

(14) On receipt of a request pursuant to section 1121.23, 362  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 363  
Code, a completed form prescribed pursuant to division (C)(1) of 364  
this section, and a set of fingerprint impressions obtained in the 365  
manner described in division (C)(2) of this section, the 366  
superintendent of the bureau of criminal identification and 367  
investigation shall conduct a criminal records check in the manner 368  
described in division (B) of this section to determine whether any 369  
information exists that indicates that the person who is the 370  
subject of the request previously has been convicted of or pleaded 371  
guilty to any criminal offense under any existing or former law of 372  
this state, any other state, or the United States. 373

(15) On receipt of a request pursuant to section 4768.06 of 374  
the Revised Code, a completed form prescribed under division 375  
(C)(1) of this section, and a set of fingerprint impressions 376  
obtained in the manner described in division (C)(2) of this 377  
section, the superintendent of the bureau of criminal 378  
identification and investigation shall conduct a criminal records 379  
check in the manner described in division (B) of this section to 380  
determine whether any information exists indicating that the 381  
person who is the subject of the request has been convicted of or 382  
pleaded guilty to a felony in this state or in any other state. 383

(16) Not later than thirty days after the date the 384  
superintendent receives a request of a type described in division 385  
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 386  
~~or~~ (14), or (15) of this section, the completed form, and the 387  
fingerprint impressions, the superintendent shall send the person, 388  
board, or entity that made the request any information, other than 389  
information the dissemination of which is prohibited by federal 390  
law, the superintendent determines exists with respect to the 391  
person who is the subject of the request that indicates that the 392  
person previously has been convicted of or pleaded guilty to any 393  
offense listed or described in division (A)(1), (2), (3), (4), 394  
(5), (6), (7), (8), (9), (10), (11), (12), ~~or~~ (14), or (15) of 395  
this section, as appropriate. The superintendent shall send the 396  
person, board, or entity that made the request a copy of the list 397  
of offenses specified in division (A)(1), (2), (3), (4), (5), (6), 398  
(7), (8), (9), (10), (11), (12), ~~or~~ (14), or (15) of this section, 399  
as appropriate. If the request was made under section 3701.881 of 400  
the Revised Code with regard to an applicant who may be both 401  
responsible for the care, custody, or control of a child and 402  
involved in providing direct care to an older adult, the 403  
superintendent shall provide a list of the offenses specified in 404  
divisions (A)(4) and (6) of this section. 405

Not later than thirty days after the superintendent receives 406  
a request for a criminal records check pursuant to section 113.041 407  
of the Revised Code, the completed form, and the fingerprint 408  
impressions, the superintendent shall send the treasurer of state 409  
any information, other than information the dissemination of which 410  
is prohibited by federal law, the superintendent determines exist 411  
with respect to the person who is the subject of the request that 412  
indicates that the person previously has been convicted of or 413  
pleaded guilty to any criminal offense in this state or any other 414  
state. 415

(B) The superintendent shall conduct any criminal records 416  
check requested under section 113.041, 121.08, 173.27, 173.394, 417  
1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 418  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 419  
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 420  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 421  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 422  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 423  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 424  
4761.051, 4762.031, 4762.06, 4763.05, 4768.06, 4779.091, 5104.012, 425  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 426  
5126.281, or 5153.111 of the Revised Code as follows: 427

(1) The superintendent shall review or cause to be reviewed 428  
any relevant information gathered and compiled by the bureau under 429  
division (A) of section 109.57 of the Revised Code that relates to 430  
the person who is the subject of the request, including, if the 431  
criminal records check was requested under section 113.041, 432  
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 433  
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 434  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 435  
3722.151, 4749.03, 4749.06, 4763.05, 4768.06, 5104.012, 5104.013, 436  
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 437

5153.111 of the Revised Code, any relevant information contained 438  
in records that have been sealed under section 2953.32 of the 439  
Revised Code; 440

(2) If the request received by the superintendent asks for 441  
information from the federal bureau of investigation, the 442  
superintendent shall request from the federal bureau of 443  
investigation any information it has with respect to the person 444  
who is the subject of the request, including fingerprint-based 445  
checks of national crime information databases as described in 42 446  
U.S.C. 671 if the request is made pursuant to section 2151.86, 447  
5104.012, or 5104.013 of the Revised Code or if any other Revised 448  
Code section requires fingerprint-based checks of that nature, and 449  
shall review or cause to be reviewed any information the 450  
superintendent receives from that bureau. If a request under 451  
section 3319.39 of the Revised Code asks only for information from 452  
the federal bureau of investigation, the superintendent shall not 453  
conduct the review prescribed by division (B)(1) of this section. 454

(3) The superintendent or the superintendent's designee may 455  
request criminal history records from other states or the federal 456  
government pursuant to the national crime prevention and privacy 457  
compact set forth in section 109.571 of the Revised Code. 458

(C)(1) The superintendent shall prescribe a form to obtain 459  
the information necessary to conduct a criminal records check from 460  
any person for whom a criminal records check is requested under 461  
section 113.041 of the Revised Code or required by section 121.08, 462  
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 463  
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 464  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 465  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 466  
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 467  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 468  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 469

4761.051, 4762.031, 4762.06, 4763.05, 4768.06, 4779.091, 5104.012, 470  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 471  
5126.281, or 5153.111 of the Revised Code. The form that the 472  
superintendent prescribes pursuant to this division may be in a 473  
tangible format, in an electronic format, or in both tangible and 474  
electronic formats. 475

(2) The superintendent shall prescribe standard impression 476  
sheets to obtain the fingerprint impressions of any person for 477  
whom a criminal records check is requested under section 113.041 478  
of the Revised Code or required by section 121.08, 173.27, 479  
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 480  
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 481  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 482  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 483  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 484  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 485  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 486  
4761.051, 4762.031, 4762.06, 4763.05, 4768.06, 4779.091, 5104.012, 487  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 488  
5126.281, or 5153.111 of the Revised Code. Any person for whom a 489  
records check is requested under or required by any of those 490  
sections shall obtain the fingerprint impressions at a county 491  
sheriff's office, municipal police department, or any other entity 492  
with the ability to make fingerprint impressions on the standard 493  
impression sheets prescribed by the superintendent. The office, 494  
department, or entity may charge the person a reasonable fee for 495  
making the impressions. The standard impression sheets the 496  
superintendent prescribes pursuant to this division may be in a 497  
tangible format, in an electronic format, or in both tangible and 498  
electronic formats. 499

(3) Subject to division (D) of this section, the 500  
superintendent shall prescribe and charge a reasonable fee for 501



providing a criminal records check requested under section 502  
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 503  
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 504  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 505  
3722.151, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 506  
4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 507  
4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 508  
4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 509  
4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4768.06, 510  
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 511  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 512  
person making a criminal records request under any of those 513  
sections shall pay the fee prescribed pursuant to this division. A 514  
person making a request under section 3701.881 of the Revised Code 515  
for a criminal records check for an applicant who may be both 516  
responsible for the care, custody, or control of a child and 517  
involved in providing direct care to an older adult shall pay one 518  
fee for the request. In the case of a request under section 519  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 520  
of the Revised Code, the fee shall be paid in the manner specified 521  
in that section. 522

(4) The superintendent of the bureau of criminal 523  
identification and investigation may prescribe methods of 524  
forwarding fingerprint impressions and information necessary to 525  
conduct a criminal records check, which methods shall include, but 526  
not be limited to, an electronic method. 527

(D) A determination whether any information exists that 528  
indicates that a person previously has been convicted of or 529  
pleaded guilty to any offense listed or described in division 530  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 531  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 532  
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), ~~or~~ (A)(14), or 533

(A)(15) of this section, or that indicates that a person 534  
previously has been convicted of or pleaded guilty to any criminal 535  
offense in this state or any other state regarding a criminal 536  
records check of a type described in division (A)(13) of this 537  
section, and that is made by the superintendent with respect to 538  
information considered in a criminal records check in accordance 539  
with this section is valid for the person who is the subject of 540  
the criminal records check for a period of one year from the date 541  
upon which the superintendent makes the determination. During the 542  
period in which the determination in regard to a person is valid, 543  
if another request under this section is made for a criminal 544  
records check for that person, the superintendent shall provide 545  
the information that is the basis for the superintendent's initial 546  
determination at a lower fee than the fee prescribed for the 547  
initial criminal records check. 548

(E) As used in this section: 549

(1) "Criminal records check" means any criminal records check 550  
conducted by the superintendent of the bureau of criminal 551  
identification and investigation in accordance with division (B) 552  
of this section. 553

(2) "Minor drug possession offense" has the same meaning as 554  
in section 2925.01 of the Revised Code. 555

(3) "Older adult" means a person age sixty or older. 556

(4) "OVI or OVUAC violation" means a violation of section 557  
4511.19 of the Revised Code or a violation of an existing or 558  
former law of this state, any other state, or the United States 559  
that is substantially equivalent to section 4511.19 of the Revised 560  
Code. 561

**Sec. 4763.01.** As used in this chapter: 562

(A) "Real estate appraisal" or "appraisal" means ~~an analysis,~~ 563

the act or process of developing an opinion, or conclusion 564  
relating to the nature, quality, value, or utility of specified 565  
interests in, or aspects of identified real estate that is 566  
classified as either a valuation or an analysis of value of real 567  
property in conformity with the uniform standards of professional 568  
appraisal practice or, when the context requires it, the opinion 569  
formed from that act or process. 570

(B) "Valuation" means an estimate of the value of real 571  
estate. 572

(C) "Analysis" means a study of real estate for purposes 573  
other than valuation. 574

(D) "Appraisal report" means a written communication of a 575  
real estate appraisal, appraisal review, or appraisal consulting 576  
service or an oral communication of a real estate appraisal, 577  
appraisal review, or appraisal consulting service that is 578  
documented by a writing that supports the oral communication. 579

(E) "Appraisal assignment" means an engagement for which a 580  
person licensed or certified under this chapter is employed, 581  
retained, or engaged to act, or would be perceived by third 582  
parties or the public as acting, as a disinterested third party in 583  
rendering an unbiased real estate appraisal. 584

(F) "Specialized services" means all appraisal services, 585  
other than appraisal assignments, including, but not limited to, 586  
valuation and analysis given in connection with activities such as 587  
real estate brokerage, mortgage banking, real estate counseling, 588  
and real estate tax counseling, and specialized marketing, 589  
financing, and feasibility studies. 590

(G) "Real estate" has the same meaning as in section 4735.01 591  
of the Revised Code. 592

(H) "Appraisal foundation" means a nonprofit corporation 593  
incorporated under the laws of the state of Illinois on November 594

30, 1987, for the purposes of establishing and improving uniform 595  
appraisal standards by defining, issuing, and promoting those 596  
standards; establishing appropriate criteria for the certification 597  
and recertification of qualified appraisers by defining, issuing, 598  
and promoting the qualification criteria and disseminating the 599  
qualification criteria to others; and developing or assisting in 600  
development of appropriate examinations for qualified appraisers. 601

(I) "Prepare" means to develop and communicate, whether 602  
through a personal physical inspection or through the act or 603  
process of critically studying a report prepared by another who 604  
made the physical inspection, an appraisal, analysis, or opinion, 605  
or specialized service and to report the results. If the person 606  
who develops and communicates the appraisal or specialized service 607  
does not make the personal inspection, the name of the person who 608  
does make the personal inspection shall be identified on the 609  
appraisal or specialized service reported. 610

(J) "Report" means any communication, written, oral, or by 611  
any other means of transmission of information, of a real estate 612  
appraisal, appraisal review, appraisal consulting service, or 613  
specialized service that is transmitted to a client or employer 614  
upon completion of the appraisal or service. 615

(K) "State-certified general real estate appraiser" means any 616  
person who satisfies the certification requirements of this 617  
chapter relating to the appraisal of all types of real property 618  
and who holds a current and valid certificate or renewal 619  
certificate issued to the person pursuant to this chapter. 620

(L) "State-certified residential real estate appraiser" means 621  
any person who satisfies the certification requirements only 622  
relating to the appraisal of one to four units of single-family 623  
residential real estate without regard to transaction value or 624  
complexity and who holds a current and valid certificate or 625  
renewal certificate issued to the person pursuant to this chapter. 626

(M) "State-licensed residential real estate appraiser" means 627  
any person who satisfies the licensure requirements of this 628  
chapter relating to the appraisal of noncomplex one-to-four unit 629  
single-family residential real estate having a transaction value 630  
of less than one million dollars and complex one-to-four unit 631  
single-family residential real estate having a transaction value 632  
of less than two hundred fifty thousand dollars and who holds a 633  
current and valid license or renewal license issued to the person 634  
pursuant to this chapter. 635

(N) "Certified or licensed real estate appraisal" means an 636  
appraisal prepared and reported by a certificate holder or 637  
licensee under this chapter acting within the scope of 638  
certification or licensure and as a disinterested third party. 639

(O) "State-registered real estate appraiser assistant" means 640  
any person, other than a state-certified general real estate 641  
appraiser, state-certified residential real estate appraiser, or a 642  
state-licensed residential real estate appraiser, who satisfies 643  
the registration requirements of this chapter for participating in 644  
the development and preparation of real estate appraisals and who 645  
holds a current and valid registration or renewal registration 646  
issued to the person pursuant to this chapter. 647

(P) "Institution of higher education" means a state 648  
university or college, a private college or university located in 649  
this state that possesses a certificate of authorization issued by 650  
the Ohio board of regents pursuant to Chapter 1713. of the Revised 651  
Code, or an accredited college or university located outside this 652  
state that is accredited by an accrediting organization or 653  
professional accrediting association recognized by the Ohio board 654  
of regents. 655

(Q) "Division of real estate" may be used interchangeably 656  
with, and for all purposes has the same meaning as, "division of 657  
real estate and professional licensing." 658

(R) "Superintendent" or "superintendent of real estate" means 659  
the superintendent of the division of real estate and professional 660  
licensing of this state. Whenever the division or superintendent 661  
of real estate is referred to or designated in any statute, rule, 662  
contract, or other document, the reference or designation shall be 663  
deemed to refer to the division or superintendent of real estate 664  
and professional licensing, as the case may be. 665

(S) "Appraisal review" means the act or process of developing 666  
and communicating an opinion about the quality of another 667  
appraiser's work that was performed as part of an appraisal, 668  
appraisal review, or appraisal consulting assignment. 669

(T) "Appraisal consulting" means the act or process of 670  
developing an analysis, recommendation, or opinion to solve a 671  
problem related to real estate. 672

(U) "Work file" means documentation used during the 673  
preparation of an appraisal report or necessary to support an 674  
appraiser's analyses, opinions, or conclusions. 675

**Sec. 4763.05.** (A)(1)(a) A person shall make application for 676  
an initial state-certified general real estate appraiser 677  
certificate, an initial state-certified residential real estate 678  
appraiser certificate, an initial state-licensed residential real 679  
estate appraiser license, or an initial state-registered real 680  
estate appraiser assistant registration in writing to the 681  
superintendent of real estate on a form the superintendent 682  
prescribes. The application shall include the address of the 683  
applicant's principal place of business and all other addresses at 684  
which the applicant currently engages in the business of preparing 685  
real estate appraisals and the address of the applicant's current 686  
residence. The superintendent shall retain the applicant's current 687  
residence address in a separate record which shall not constitute 688  
a public record for purposes of section 149.03 of the Revised 689

Code. The application shall indicate whether the applicant seeks 690  
certification as a general real estate appraiser or as a 691  
residential real estate appraiser, licensure as a residential real 692  
estate appraiser, or registration as a real estate appraiser 693  
assistant and be accompanied by the prescribed examination and 694  
certification, registration, or licensure fees set forth in 695  
section 4763.09 of the Revised Code. The application also shall 696  
include a pledge, signed by the applicant, that the applicant will 697  
comply with the standards set forth in this chapter; and a 698  
statement that the applicant understands the types of misconduct 699  
for which disciplinary proceedings may be initiated against the 700  
applicant pursuant to this chapter. 701

(b) Upon the filing of an application and payment of any 702  
examination and certification, registration, or licensure fees, 703  
the superintendent of real estate shall request the superintendent 704  
of the bureau of criminal identification and investigation, or a 705  
vendor approved by the bureau, to conduct a criminal records check 706  
based on the applicant's fingerprints in accordance with division 707  
(A)~~(11)~~(12) of section 109.572 of the Revised Code. 708  
Notwithstanding division (K) of section 121.08 of the Revised 709  
Code, the superintendent of real estate shall request that 710  
criminal record information from the federal bureau of 711  
investigation be obtained as part of the criminal records check. 712  
Any fee required under division (C)(3) of section 109.572 of the 713  
Revised Code shall be paid by the applicant. 714

(2) For purposes of providing funding for the real estate 715  
appraiser recovery fund established by section 4763.16 of the 716  
Revised Code, the real estate appraiser board shall levy an 717  
assessment against each person issued an initial certificate, 718  
registration, or license and against current licensees, 719  
registrants, and certificate holders, as required by board rule. 720  
The assessment is in addition to the application and examination 721

fees for initial applicants required by division (A)(1) of this 722  
section and the renewal fees required for current certificate 723  
holders, registrants, and licensees. The superintendent of real 724  
estate shall deposit the assessment into the state treasury to the 725  
credit of the real estate appraiser recovery fund. The assessment 726  
for initial certificate holders, registrants, and licensees shall 727  
be paid prior to the issuance of a certificate, registration, or 728  
license, and for current certificate holders, registrants, and 729  
licensees, at the time of renewal. 730

(B) An applicant for an initial general real estate appraiser 731  
certificate, residential real estate appraiser certificate, or 732  
residential real estate appraiser license shall possess experience 733  
in real estate appraisal as the board prescribes by rule. In 734  
addition to any other information required by the board, the 735  
applicant shall furnish, under oath, a detailed listing of the 736  
appraisal reports or file memoranda for each year for which 737  
experience is claimed and, upon request of the superintendent or 738  
the board, shall make available for examination a sample of the 739  
appraisal reports prepared by the applicant in the course of the 740  
applicant's practice. 741

(C) An applicant for an initial certificate, registration, or 742  
license shall be at least eighteen years of age, honest, truthful, 743  
and of good reputation and shall present satisfactory evidence to 744  
the superintendent that the applicant has successfully completed 745  
any education requirements the board prescribes by rule. 746

(D) An applicant for an initial general real estate appraiser 747  
or residential real estate appraiser certificate or residential 748  
real estate appraiser license shall take and successfully complete 749  
a written examination in order to qualify for the certificate or 750  
license. 751

The board shall prescribe the examination requirements by 752  
rule. 753



(E)(1) A nonresident, natural person of this state who has 754  
complied with this section may obtain a certificate, registration, 755  
or license. The board shall adopt rules relating to the 756  
certification, registration, and licensure of a nonresident 757  
applicant whose state of residence the board determines to have 758  
certification, registration, or licensure requirements that are 759  
substantially similar to those set forth in this chapter and the 760  
rules adopted thereunder. 761

(2) The board shall recognize on a temporary basis a 762  
certification or license issued in another state and shall 763  
register on a temporary basis an appraiser who is certified or 764  
licensed in another state if all of the following apply: 765

(a) The temporary registration is to perform an appraisal 766  
assignment that is part of a federally related transaction. 767

(b) The appraiser's business in this state is of a temporary 768  
nature. 769

(c) The appraiser registers with the board pursuant to this 770  
division. 771

An appraiser who is certified or licensed in another state 772  
shall register with the board for temporary practice before 773  
performing an appraisal assignment in this state in connection 774  
with a federally related transaction. 775

The board shall adopt rules relating to registration for the 776  
temporary recognition of certification and licensure of appraisers 777  
from another state. The registration for temporary recognition of 778  
certified or licensed appraisers from another state shall not 779  
authorize completion of more than one appraisal assignment in this 780  
state. The board shall not issue more than two registrations for 781  
temporary practice to any one applicant in any calendar year. 782

(3) In addition to any other information required to be 783  
submitted with the nonresident applicant's or appraiser's 784

application for a certificate, registration, license, or temporary 785  
recognition of a certificate or license, each nonresident 786  
applicant or appraiser shall submit a statement consenting to the 787  
service of process upon the nonresident applicant or appraiser by 788  
means of delivering that process to the secretary of state if, in 789  
an action against the applicant, certificate holder, registrant, 790  
or licensee arising from the applicant's, certificate holder's, 791  
registrant's, or licensee's activities as a certificate holder, 792  
registrant, or licensee, the plaintiff, in the exercise of due 793  
diligence, cannot effect personal service upon the applicant, 794  
certificate holder, registrant, or licensee. 795

(F) The superintendent shall not issue a certificate, 796  
registration, or license to, or recognize on a temporary basis an 797  
appraiser from another state that is a corporation, partnership, 798  
or association. This prohibition shall not be construed to prevent 799  
a certificate holder or licensee from signing an appraisal report 800  
on behalf of a corporation, partnership, or association. 801

(G) Every person licensed, registered, or certified under 802  
this chapter shall notify the superintendent, on a form provided 803  
by the superintendent, of a change in the address of the 804  
licensee's, registrant's, or certificate holder's principal place 805  
of business or residence within thirty days of the change. If a 806  
licensee's, registrant's, or certificate holder's license, 807  
registration, or certificate is revoked or not renewed, the 808  
licensee, registrant, or certificate holder immediately shall 809  
return the annual and any renewal certificate, registration, or 810  
license to the superintendent. 811

(H)(1) The superintendent shall not issue a certificate, 812  
registration, or license to any person, or recognize on a 813  
temporary basis an appraiser from another state, who does not meet 814  
applicable minimum criteria for state certification, registration, 815  
or licensure prescribed by federal law or rule. 816

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

**Sec. 4763.15.** Except for moneys required to be transferred into the real estate appraiser recovery fund pursuant to section 4763.16 of the Revised Code or as required pursuant to this section, the superintendent of real estate may deposit all fees collected under this chapter into the state treasury to the credit of the real estate appraiser operating fund, which is hereby created. All operating expenses of the real estate appraiser board and the superintendent of real estate relating to the administration and enforcement of this chapter and Chapter 4768. of the Revised Code shall be paid from this fund. The fund shall be assessed a proportionate share of the administrative cost of the department of commerce in accordance with procedures prescribed by the director of commerce and approved by the director of budget and management and the assessment shall be paid

from the operating fund to the division of administration fund. 849

If, in any biennium, the director of commerce determines that 850  
moneys in the operating fund exceed those necessary to fund the 851  
activities of the board and of the superintendent of real estate 852  
that relate to this chapter and Chapter 4768. of the Revised Code, 853  
~~he~~ the director may pay the excess funds to the real estate 854  
appraiser recovery fund. 855

**Sec. 4763.19.** (A) Subject to division (B) of this section, no 856  
person shall perform a real estate appraisal for a mortgage loan 857  
if the person is not licensed or certified under this chapter to 858  
do the appraisal. 859

(B) Division (A) of this section does not apply to ~~a~~ either 860  
of the following persons: 861

(1) A lender using a any of the following items in performing 862  
a valuation for purposes of validating or supporting an appraisal 863  
report that is provided by a person licensed or certified under 864  
this chapter: 865

(a) A market analysis or price opinion,~~an~~ 866

(b) An internal valuation analysis,~~or an~~ 867

(c) An automated valuation model, or report based on an 868  
automated valuation model, ~~and any~~ that is validated by an 869  
appraiser who is licensed or certified under this chapter. 870

(2) Any person providing that the report described in 871  
division (B)(1)(c) of this section to the lender,~~in performing a~~ 872  
~~valuation for purposes of a loan application, as long as the~~ 873  
~~lender does both of the following:~~ 874

~~(1) Gives the consumer loan applicant a copy of any written~~ 875  
~~market analysis or price opinion or valuation report based on an~~ 876  
~~automated valuation model;~~ 877

~~(2) Includes a disclaimer on the consumer's copy specifying 878  
that the valuation used for purposes of the application was 879  
obtained from a market analysis or price opinion or automated 880  
valuation model report and not from a person licensed or certified 881  
under this chapter. 882~~

**Sec. 4768.01.** As used in this chapter: 883

(A) "Appraisal" or "real estate appraisal" means the act or 884  
process of developing an opinion of value of real property in 885  
conformity with the uniform standards of professional appraisal 886  
practice. 887

(B) "Appraisal consulting" means the act or process of 888  
developing an analysis, recommendation, or opinion to solve a 889  
problem related to real estate. 890

(C) "Appraisal management company" means any person who, 891  
directly or indirectly, performs appraisal management services, 892  
regardless of the use of the term "appraisal management company," 893  
"lender processing services," "lender services," "loan processor," 894  
"mortgage services," "mortgage technology provider," "real estate 895  
closing services provider," "settlement services provider," 896  
"vendor management company," or any other term. 897

(D) "Appraisal management services" means any of the 898  
following when done on behalf of a lender, financial institution, 899  
client, or any other person: 900

(1) Administering an appraiser panel; 901

(2) Recruiting, qualifying, verifying licensure or 902  
certification, and negotiating fees and service level expectations 903  
with persons who are part of an appraiser panel; 904

(3) Receiving an order for an appraisal from one person and 905  
delivering that order to an appraiser who is part of an appraiser 906  
panel for completion; 907

(4) Tracking and determining the status of orders for appraisals; 908  
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(5) Conducting quality control of a completed appraisal prior to the delivery of the appraisal to the person that ordered the appraisal; 910  
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(6) Providing a completed appraisal performed by an appraiser to one or more persons that have ordered an appraisal. 913  
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(E) "Appraisal review" means the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal, appraisal review, or appraisal consulting assignment. 915  
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(F) "Appraiser" means a person licensed or certified under Chapter 4763. of the Revised Code. 919  
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(G) "Appraiser fee schedule" means a list of the various real estate appraisal services requested by an appraisal management company in this state from independent appraisers and the amount that the appraisal management company is willing to pay to an independent appraiser for the performance of each of the listed services. 921  
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(H) "Appraiser panel" means a network of appraisers who are independent contractors to the appraisal management company who have been approved by the appraisal management company, after responding to an invitation or request from the appraisal management company, to perform appraisals for any client of the appraisal management company or for the company directly, on a periodic basis, as assigned by the company. 927  
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(I) "Client" means any person that contracts with, or otherwise enters into an agreement with, an appraisal management company for residential or commercial real estate appraisal services. 934  
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<u>(J) "Controlling person" means any of the following:</u>	938
<u>(1) An owner, officer, or director of a business entity</u>	939
<u>seeking to offer appraisal management services in this state;</u>	940
<u>(2) An individual employed, appointed, or authorized by an</u>	941
<u>appraisal management company, who has the authority to enter into</u>	942
<u>contractual relationships with clients for the performance of</u>	943
<u>appraisal management services and the authority to enter into</u>	944
<u>agreements with independent appraisers for the performance of</u>	945
<u>residential or commercial real estate appraisal services;</u>	946
<u>(3) An individual who possesses, directly or indirectly, the</u>	947
<u>power to direct or cause the direction of the management or</u>	948
<u>policies of an appraisal management company.</u>	949
<u>(K) "Person" means an individual, corporation, partnership,</u>	950
<u>sole proprietorship, subsidiary, unit, or other business entity.</u>	951
<u>(L) "Real estate" has the same meaning as in section 4735.01</u>	952
<u>of the Revised Code.</u>	953
<u>(M) "Real estate appraisal services" means a written</u>	954
<u>communication, or oral communication if documented by a writing</u>	955
<u>that supports the communication, of a real estate appraisal,</u>	956
<u>appraisal review, or appraisal consulting service.</u>	957
<b><u>Sec. 4768.02. (A)(1) No person shall do any of the following</u></b>	958
<b><u>without first obtaining a license under this chapter:</u></b>	959
<u>(a) Directly or indirectly engage or attempt to engage in</u>	960
<u>business as an appraisal management company;</u>	961
<u>(b) Directly or indirectly engage in or attempt to perform</u>	962
<u>appraisal management services;</u>	963
<u>(c) Advertise or hold itself out as engaging in or conducting</u>	964
<u>business as an appraisal management company.</u>	965
<u>(2) A person that violates division (A)(1) of this section</u>	966

may be subject to sanctions under section 4768.13 of the Revised Code. 967  
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(B) This chapter shall not apply to any of the following: 969

(1) Lending institutions that have "in-house" appraisal offices, business units, or departments; 970  
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(2) Appraisers who contract with other appraisers for the performance of individual appraisals on a limited basis; 972  
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(3) Appraisers who contract with other appraisers for the performance of individual appraisals and who co-sign the appraisal report at the completion of the appraisal; 974  
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(4) An appraisal management company that orders not more than ten appraisals in this state within one calendar year; 977  
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(5) Any federal, state, county, or municipal agency. 979

**Sec. 4768.03.** In addition to any other duties imposed on the real estate appraiser board under this chapter and Chapter 4763. of the Revised Code, the board shall do all of the following: 980  
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(A) Adopt rules, in accordance with Chapter 119. of the Revised Code, in furtherance of this chapter, including rules that establish all of the following: 983  
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(1) Procedures for criminal records checks that are required under section 4768.06 of the Revised Code, in accordance with division (K) of section 121.08 and division (C) of section 4768.06 of the Revised Code; 986  
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(2) The following nonrefundable fees: 990

(a) The initial appraisal management company license fee, which shall not exceed five hundred dollars; 991  
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(b) The annual renewal fee, which shall not exceed five hundred dollars; 993  
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(c) The late filing fee, which shall not exceed two hundred fifty dollars, for the renewal of a license under division (C) of section 4768.07 of the Revised Code. 995  
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(3) Requirements for settlement agreements that the superintendent of real estate and professional licensing and an appraisal management company or other person may enter into under division (H) of section 4768.12 or division (C) of section 4768.13 of the Revised Code. 998  
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(B) Determine the appropriate disciplinary actions to be taken against a person, including a licensee, under section 4768.12 of the Revised Code; 1003  
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(C) Hear appeals, pursuant to Chapter 119. of the Revised Code, from decisions and orders that the superintendent issues pursuant to this chapter; 1006  
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(D) Request that the superintendent initiate an investigation of a violation of this chapter or the rules adopted under it, as the board determines appropriate. 1009  
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**Sec. 4768.04.** (A) In addition to any other duties imposed on the superintendent of real estate and professional licensing under this chapter and Chapter 4763. of the Revised Code, the superintendent shall do all of the following: 1012  
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(1) Prescribe the form and content of all applications required by this chapter; 1016  
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(2) Receive applications for licenses and renewal thereof under this chapter and establish the procedures for processing, approving, and disapproving those applications; 1018  
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(3) Retain records and all application materials submitted to the superintendent; 1021  
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(4) Issue licenses and maintain a register of the names and addresses of all appraisal management companies issued a license 1023  
1024

<u>under this chapter;</u>	1025
<u>(5) Perform any other functions and duties, including the</u>	1026
<u>employment of staff, necessary to administer this chapter;</u>	1027
<u>(6) Administer this chapter;</u>	1028
<u>(7) Issue all orders necessary to implement this chapter;</u>	1029
<u>(8) Investigate complaints, upon the superintendent's own</u>	1030
<u>motion or upon receipt of a complaint, or at the request of the</u>	1031
<u>real estate appraiser board, concerning any violation of this</u>	1032
<u>chapter or the rules adopted pursuant thereto or the conduct of</u>	1033
<u>any person holding a license issued pursuant to this chapter;</u>	1034
<u>(9) Establish and maintain an investigation and audit section</u>	1035
<u>to investigate complaints and conduct inspections, audits, and</u>	1036
<u>other inquiries as, in the judgment of the superintendent, are</u>	1037
<u>appropriate to enforce this chapter. The investigators and</u>	1038
<u>auditors may review and audit the business records of licensees</u>	1039
<u>during normal business hours. The superintendent may utilize the</u>	1040
<u>investigators and auditors who are employed by the division of</u>	1041
<u>real estate and professional licensing for other related purposes.</u>	1042
<u>(10) Appoint a hearing examiner for any proceeding under</u>	1043
<u>section 4768.12 or 4768.13 of the Revised Code.</u>	1044
<u>(B) The superintendent may do both of the following:</u>	1045
<u>(1) In connection with investigations and audits under</u>	1046
<u>division (A)(8) of this section, subpoena witnesses as provided in</u>	1047
<u>section 4768.05 of the Revised Code;</u>	1048
<u>(2) Apply to the appropriate court to enjoin any violation of</u>	1049
<u>this chapter. Upon a showing by the superintendent that any person</u>	1050
<u>has violated or is about to violate this chapter, the court shall</u>	1051
<u>grant an injunction, restraining order, or other appropriate</u>	1052
<u>relief, or any combination thereof.</u>	1053
<u>(C)(1) The following information and documents are</u>	1054

confidential and not public records under section 149.43 of the 1055  
Revised Code: 1056

(a) All information that is obtained by investigators and 1057  
auditors performing investigations or conducting inspections, 1058  
audits, and other inquiries pursuant to divisions (A)(8) and (9) 1059  
of this section; 1060

(b) All reports, documents, and other work products that 1061  
arise from the information described in division (C)(1)(a) of this 1062  
section and that are prepared by the investigators, auditors, or 1063  
other personnel of the department of commerce. 1064

(2) The superintendent, the investigators and auditors, and 1065  
other personnel of the department shall hold in confidence the 1066  
information, reports, documents, and other work products described 1067  
in division (C)(1) of this section. 1068

(3) Divisions (C)(1) and (2) of this section do not prevent 1069  
the division from releasing information relating to licensees to 1070  
the superintendent of financial institutions for purposes relating 1071  
to the administration of sections 1322.01 to 1322.12 of the 1072  
Revised Code, to the superintendent of insurance for purposes 1073  
relating to the administration of Chapter 3953. of the Revised 1074  
Code, to the attorney general, or to local law enforcement 1075  
agencies and local prosecutors. Information released by the 1076  
division pursuant to division (C)(3) of this section remains 1077  
confidential. 1078

**Sec. 4768.05.** The real estate appraiser board or the 1079  
superintendent of real estate and professional licensing may 1080  
compel, by order or subpoena, the attendance of witnesses to 1081  
testify in relation to any matter over which the board or the 1082  
superintendent has jurisdiction and that is the subject of the 1083  
inquiry and investigation by the board or superintendent and may 1084  
require the production of any book, paper, or document pertaining 1085

to such matter. For such purpose, the board or the superintendent 1086  
has the same power as judges of county courts to administer oaths, 1087  
compel the attendance of witnesses, and punish witnesses for 1088  
refusal to testify. Service of the subpoena may be made by 1089  
sheriffs or by certified mail, return receipt requested, and the 1090  
subpoena shall be deemed served on the date delivery is made or 1091  
the date the person refuses to accept delivery. Sheriffs or 1092  
constables shall return such process and shall receive the same 1093  
fees for doing so as are allowed for like service if service of 1094  
the subpoena is made by sheriffs or constables. Witnesses shall 1095  
receive, after their appearance before the board or the 1096  
superintendent, the fees and mileage provided for under section 1097  
119.094 of the Revised Code. If two or more witnesses travel 1098  
together in the same vehicle, the mileage fee shall be paid to 1099  
only one of those witnesses, but the witnesses may agree to divide 1100  
the fee amongst themselves in any manner. 1101

If any person fails to file any statement or report, obey any 1102  
subpoena, give testimony, answer questions, or produce books, 1103  
records, or papers as required by the board or the superintendent 1104  
under this chapter, the board or the superintendent may apply to 1105  
the court of common pleas of any county in the state setting forth 1106  
the failure. Upon receiving such an application, the court may 1107  
make an order awarding process of subpoena or subpoena duces tecum 1108  
for the person to appear and testify before the board or the 1109  
superintendent; order any person to give testimony and answer 1110  
questions; and order any person to produce books, records, or 1111  
papers, as required by the board or the superintendent. Upon the 1112  
filing of such an order in the office of the clerk of the court of 1113  
common pleas, the clerk, under the seal of the court, shall issue 1114  
process or subpoena each day until the examination of the person 1115  
is completed. The subpoena may contain a direction that the 1116  
witness bring to the examination any books, records, or papers 1117

described in the subpoena. The clerk also shall issue, under the 1118  
seal of the court, such other orders, in reference to the 1119  
examination, appearance, and production of books, records, or 1120  
papers, as the court directs. If any person summoned by subpoena 1121  
fails to obey the subpoena, to give testimony, to answer questions 1122  
as required, or to obey an order of the court, the court, on 1123  
motion supported by proof, may order an attachment for contempt to 1124  
be issued against the person charged with disobedience of the 1125  
order. If the person is brought before the court by virtue of the 1126  
attachment, and if upon a hearing the disobedience appears, the 1127  
court may order the offender to be committed and kept in close 1128  
custody. 1129

**Sec. 4768.06.** (A) To obtain an appraisal management company 1130  
license, each applicant shall submit all of the following to the 1131  
superintendent of real estate and professional licensing: 1132

(1) A completed application on a form the superintendent 1133  
provides; 1134

(2) The name of a controlling person who will be the main 1135  
contact between the appraisal management company and the division 1136  
of real estate and professional licensing and the real estate 1137  
appraiser board; 1138

(3) Payment of the fee established for initial licensure 1139  
under division (A)(2) of section 4768.03 of the Revised Code; 1140

(4) A list of all owners and controlling persons of the 1141  
appraisal management company; 1142

(5) Proof that each owner and controlling person of the 1143  
appraisal management company satisfies the requirements set forth 1144  
in divisions (B)(1) and (2) of this section; 1145

(6) A completed consent to service of process in this state; 1146

(7) A statement that the applicant understands the grounds 1147

for any disciplinary action that may be initiated under this 1148  
chapter; 1149

(8) A letter of good standing from each state in which the 1150  
appraisal management company holds an appraisal management company 1151  
license, certificate, or registration; 1152

(9) A statement that the applicant acknowledges that a system 1153  
or process must be in place to verify that any appraiser added to 1154  
the appraisal management company's appraiser panel holds a license 1155  
or certificate under Chapter 4763. of the Revised Code and is in 1156  
good standing with this state; 1157

(10) A statement that the applicant acknowledges that a 1158  
system or process must be in place to periodically review the work 1159  
of appraisers that are performing real estate appraisal services 1160  
for compliance with the uniform standards of professional 1161  
appraisal practice; 1162

(11) A statement that the applicant acknowledges that each 1163  
controlling person of the appraisal management company has 1164  
successfully completed fourteen hours of uniform standards of 1165  
professional appraisal practice and thereafter must complete seven 1166  
hours of instruction in uniform standards of professional 1167  
appraisal practice at least once every two years. 1168

(B) Each owner and controlling person of an appraisal 1169  
management company shall satisfy all of the following criteria: 1170

(1) Be an individual who is at least eighteen years of age; 1171

(2) Have graduated the twelfth grade or received a 1172  
certificate of high school equivalence as defined in section 1173  
4109.06 of the Revised Code; 1174

(3) Be honest, truthful, and of good reputation; 1175

(4) Submit to a criminal records check in accordance with 1176  
this section and any rule that the superintendent adopts under 1177

division (A)(1) of section 4768.03 of the Revised Code; 1178

(5) Have not had a license, certificate, or registration to 1179  
act as an appraiser that has been refused, denied, canceled, 1180  
surrendered, or revoked in this state or in any other state. 1181

(C) Upon receiving an application under this section, the 1182  
superintendent shall request the superintendent of the bureau of 1183  
criminal identification and investigation, or a vendor approved by 1184  
the bureau, to conduct a criminal records check based on the 1185  
fingerprint impressions of each owner and controlling person of 1186  
the applicant in accordance with division (A)(15) of section 1187  
109.572 of the Revised Code. Notwithstanding division (K) of 1188  
section 121.08 of the Revised Code, the superintendent of real 1189  
estate and professional licensing shall request that criminal 1190  
record information from the federal bureau of investigation be 1191  
obtained as part of the criminal records check. Any fee required 1192  
under division (C)(3) of section 109.572 of the Revised Code shall 1193  
be paid by the applicant. 1194

(D)(1) Subject to section 4768.08 of the Revised Code and 1195  
except as provided in division (D)(2) of this section, the 1196  
superintendent shall issue a license to the applicant if the 1197  
applicant and each owner and controlling person of the applicant 1198  
satisfies the requirements of this section. 1199

(2) The superintendent shall not issue a license to an 1200  
applicant if any owner or controlling person of the applicant has 1201  
been convicted of or pleaded guilty to a felony. However, if an 1202  
owner or controlling person of the applicant has pleaded guilty to 1203  
or been convicted of a felony, the superintendent shall not 1204  
consider the conviction or plea if the person has proven to the 1205  
superintendent, by a preponderance of the evidence, that the 1206  
person's activities and employment record since the conviction or 1207  
plea show that the person is honest, truthful, and of good 1208  
reputation, and there is no basis in fact for believing that the 1209

person will commit a felony again. 1210

(E) A license issued under this section shall be valid for 1211

one year after the date of issue. 1212

Sec. 4768.07. (A) An appraisal management company licensed 1213

under this chapter may obtain a renewal license by filing an 1214

annual renewal application with the superintendent of real estate 1215

and professional licensing and paying the renewal fee established 1216

under division (A)(2) of section 4768.03 of the Revised Code. The 1217

renewal application shall include a statement, signed by the 1218

licensee's controlling person, that states all of the following: 1219

(1) The licensee has a system or process in place to verify 1220

that any appraiser added to the appraisal management company's 1221

appraiser panel holds a license or certificate under Chapter 4763. 1222

of the Revised Code and is in good standing with this state. 1223

(2) The licensee has a system or process in place to 1224

periodically review the work of appraisers who are performing real 1225

estate appraisal services for compliance with the uniform 1226

standards of professional appraisal practice. 1227

(3) Each controlling person of the licensee has successfully 1228

completed an initial fourteen hours of uniform standards of 1229

professional appraisal practice and thereafter completes seven 1230

hours of instruction in uniform standards of professional 1231

appraisal practice at least once every two years. 1232

(4) Each owner and controlling person of the licensee 1233

continues to satisfy the requirements provided for under division 1234

(B) of section 4768.06 of the Revised Code. 1235

(B) The licensee shall file the renewal application at least 1236

thirty days, but not earlier than one hundred twenty days, prior 1237

to expiration of the license. Subject to section 4768.08 of the 1238

Revised Code, the superintendent shall renew the license if the 1239



applicant has complied with division (A) of this section. Each 1240  
license renewed under this section shall expire one year after the 1241  
date of renewal. 1242

(C) A licensee who fails to renew a license prior to its 1243  
expiration is ineligible to obtain a renewal license and shall 1244  
comply with section 4768.06 of the Revised Code to regain 1245  
licensure, except that a licensee may, within three months after 1246  
the expiration of the license, renew the license without having to 1247  
comply with section 4768.06 of the Revised Code by paying all the 1248  
renewal fees and the late filing fee established under division 1249  
(A)(2) of section 4768.03 of the Revised Code. A licensee who 1250  
applies for late renewal of the licensee's license shall not 1251  
engage in any activities permitted by the license being renewed 1252  
during the three-month period following the license's normal 1253  
expiration date until all renewal fees and the late filing fee 1254  
have been paid. 1255

**Sec. 4768.08.** The superintendent of real estate and 1256  
professional licensing may refuse to issue a license to an 1257  
applicant under this chapter based upon any act or omission for 1258  
which a person, including a licensee, may be disciplined under 1259  
division (K) of section 4768.12 of the Revised Code or may refuse 1260  
to renew a license if the licensee has failed to comply with this 1261  
chapter. If the superintendent refuses to issue or renew a license 1262  
under this section, the superintendent shall notify the applicant 1263  
or the licensee of the basis for the refusal. The notice shall 1264  
comply with division (N) of section 4768.12 of the Revised Code, 1265  
and the hearing shall be conducted in accordance with Chapter 119. 1266  
of the Revised Code. An applicant or licensee may appeal the 1267  
superintendent's decision to the real estate appraiser board, 1268  
which shall provide the applicant or licensee with the opportunity 1269  
to be heard in person or by counsel, or both. The decision and 1270  
order of the board is final, subject to review in the manner 1271

provided in Chapter 119. of the Revised Code and appeal to the 1272  
court of common pleas of Franklin county. 1273

**Sec. 4768.09.** Except within the first thirty days after an 1274  
independent appraiser is first added to the appraiser panel of an 1275  
appraisal management company, an appraisal management company 1276  
shall not remove the appraiser from its appraiser panel or 1277  
otherwise refuse to assign requests for real estate appraisal 1278  
services to the independent appraiser without first doing both of 1279  
the following: 1280

(A) Notifying the appraiser in writing, by certified mail, 1281  
return receipt requested, of the reasons the appraiser is being 1282  
removed from the appraiser panel; 1283

(B) Providing the appraiser with an opportunity to respond to 1284  
that notification, in writing, within thirty days after the 1285  
appraisal management company mails the removal notification. 1286

**Sec. 4768.10.** (A) Each appraisal management company licensed 1287  
under this chapter shall maintain all of the following items for a 1288  
period of at least five years from the date the appraisal report 1289  
is submitted to the client: 1290

(1) The original or true copy of every request relating to 1291  
the report that the appraisal management company receives from the 1292  
client; 1293

(2) The original or true copy of each request sent to an 1294  
appraiser who is considered for the assignment; 1295

(3) Copies of the appraisal report and all versions of that 1296  
report. 1297

(B) An appraisal management company shall include all of the 1298  
following information in each appraisal work file: 1299

<u>(1) The name and contact information of both the appraisal management company and the individual from the appraisal management company involved in ordering the appraisal;</u>	1300
	1301
	1302
<u>(2) The amount of any fee paid to the appraiser for each assignment included in the work file and the time and method of payment;</u>	1303
	1304
	1305
<u>(3) Details of all communications between the appraisal management company, the appraiser, and the client for each appraisal assignment included in the work file.</u>	1306
	1307
	1308
<b><u>Sec. 4768.11.</u></b> (A) <u>No employee, director, officer, or agent of an appraisal management company licensed under this chapter shall influence or attempt to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, bribery, or in any other manner, including the following:</u>	1309
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<u>(1) Withholding or threatening to withhold timely payment for an appraisal;</u>	1315
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<u>(2) Withholding or threatening to withhold future business for an independent appraiser, or demoting or terminating, or threatening to demote or terminate, an independent appraiser;</u>	1317
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<u>(3) Expressly or impliedly promising future business, promotions, or increased compensation for an independent appraiser;</u>	1320
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<u>(4) Conditioning the assignment of an appraisal or the payment of an appraisal fee, salary, or bonus, on the opinion, conclusion, or valuation to be reached by, or on a preliminary estimate or opinion requested from, an independent appraiser;</u>	1323
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<u>(5) Requesting that an independent appraiser provide an estimated, predetermined, or desired valuation in an appraisal report, or provide estimated values or comparable sales at any</u>	1327
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time prior to the independent appraiser's completion of an appraisal; 1330  
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(6) Providing to an independent appraiser an anticipated, estimated, encouraged, or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that the employee, director, officer, or agent of an appraisal management company may provide the independent appraiser with a copy of the sales contract for purchase transactions; 1332  
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(7) Providing stock or other financial or nonfinancial benefits to an independent appraiser or any person related to the appraiser; 1338  
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(8) Any other act or practice that impairs, or attempts to impair, an appraiser's independence, objectivity, or impartiality; 1341  
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(9) Obtaining, using, or paying for a second or subsequent appraisal or ordering an automated valuation model in connection with a mortgage financing transaction, unless either of the following are true: 1343  
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(a) There is a reasonable basis to believe that the initial appraisal was flawed or tainted and such basis is clearly and appropriately noted in the loan file. 1347  
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(b) The appraisal or automated valuation model is done pursuant to a bona fide pre- or post-funding appraisal review or quality control process. 1350  
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(10) Allowing the removal of an independent appraiser from the appraisal management company's appraiser panel without prior written notice as required under section 4768.09 of the Revised Code. 1353  
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(B) Nothing in division (A) of this section shall be construed as prohibiting an appraisal management company from requesting that an independent appraiser provide additional 1357  
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information about the basis for a valuation or that the appraiser 1360  
correct objective factual errors in an appraisal report. 1361

(C) No appraisal management company shall alter, modify, or 1362  
otherwise change a completed appraisal report submitted by an 1363  
independent appraiser. 1364

**Sec. 4768.12.** (A) Within ten business days after a person 1365  
files with the division of real estate and professional licensing 1366  
a written complaint against a person licensed under this chapter 1367  
or any other person, the superintendent of real estate and 1368  
professional licensing shall acknowledge receipt of the complaint 1369  
by sending notice to the person against whom the complaint is 1370  
filed that includes a copy of the complaint. That notice and the 1371  
acknowledgment to the complainant may state that an informal 1372  
mediation meeting will be held with the complainant, the person 1373  
against whom the complaint is filed, and an investigator from the 1374  
investigation and audit section of the division, if the 1375  
complainant and person both file a request for such a meeting 1376  
within twenty calendar days after the acknowledgment and notice 1377  
are mailed. 1378

(B) If the complainant and the person against whom the 1379  
complaint is filed both file with the division requests for an 1380  
informal mediation meeting, the superintendent shall notify the 1381  
complainant and the person of the date, time, and place of the 1382  
meeting by regular mail. If the complainant and the person reach 1383  
an accommodation at an informal mediation meeting, the 1384  
investigator shall report the accommodation to the superintendent, 1385  
the complainant, and the person against whom the complaint is 1386  
filed and the file shall be closed upon the superintendent 1387  
receiving satisfactory notice that the accommodation agreement has 1388  
been fulfilled. 1389

(C) If the complainant and the person against whom the 1390

complaint is filed fail to agree to an informal mediation meeting, 1391  
fail to reach an accommodation agreement, or fail to fulfill an 1392  
accommodation agreement, the superintendent shall assign the 1393  
complaint to an investigator for an investigation into the conduct 1394  
of the person against whom the complaint is filed. 1395

(D) Upon the conclusion of the investigation, the 1396  
investigator shall file a written report of the results of the 1397  
investigation with the superintendent. The superintendent shall 1398  
review the report and determine whether there exists reasonable 1399  
and substantial evidence to justify disciplinary action against 1400  
the person on a ground described in division (K) of this section. 1401

(E) If the superintendent finds that reasonable and 1402  
substantial evidence to justify disciplinary action against the 1403  
person on a ground described in division (K) of this section does 1404  
not exist, the superintendent shall notify that person and the 1405  
complainant of that determination and the basis for the 1406  
determination. Within fifteen business days after the 1407  
superintendent notifies the complainant and the person against 1408  
whom the complaint is filed of that determination, the complainant 1409  
may file with the division a request that the real estate 1410  
appraiser board review the determination. If the complainant files 1411  
such request, the board shall review the superintendent's 1412  
determination at the next regularly scheduled meeting held at 1413  
least fifteen business days after the request is filed but not 1414  
longer than six months after the request is filed. The board may 1415  
hear the testimony of the complainant or the person against whom 1416  
the complaint is filed at the meeting upon the request of that 1417  
party. If the board affirms the determination of the 1418  
superintendent, the superintendent shall notify the complainant 1419  
and the person against whom the complaint is filed within ten 1420  
business days thereafter. If the board reverses the determination 1421  
of the superintendent, a hearing before a hearing examiner shall 1422

be held, and the complainant and the person against whom the 1423  
complaint is filed shall be notified as provided in division (N) 1424  
of this section. 1425

(F) If the superintendent finds that reasonable and 1426  
substantial evidence to justify disciplinary action against the 1427  
person on a ground described in division (K) of this section does 1428  
exist, the superintendent shall notify that person and the 1429  
complainant of the determination. The person against whom the 1430  
complaint is filed may request a hearing pursuant to Chapter 119. 1431  
of the Revised Code. If a formal hearing is to be conducted, the 1432  
superintendent shall appoint a hearing examiner to conduct the 1433  
hearing in accordance with that chapter. 1434

(G) In accordance with section 119.09 of the Revised Code, 1435  
after conducting a hearing, the hearing examiner shall submit a 1436  
report of findings of fact and conclusions of law with the 1437  
superintendent, the board, the complainant, and the person against 1438  
whom the complaint is filed. Within ten calendar days of receipt 1439  
of the copy of the hearing examiner's report, the person against 1440  
whom the complaint is filed and the division may file with the 1441  
board objections to the hearing examiner's report, which shall be 1442  
considered by the board before approving, modifying, or rejecting 1443  
the hearing examiner's report. The board may hear the testimony of 1444  
the complainant and the person against whom the complaint is filed 1445  
upon request of those parties. 1446

(H) At any time after the superintendent notifies a person 1447  
against whom the complaint is filed of the superintendent's 1448  
determination in accordance with division (F) of this section but 1449  
before a hearing is held on the matter, the person may apply to 1450  
the superintendent to enter into a settlement agreement regarding 1451  
the alleged violation. The superintendent and the person shall 1452  
comply with the requirements for settlement agreements established 1453  
by rules adopted by the board under division (A)(3) of section 1454

4768.03 of the Revised Code. If the parties enter into the settlement agreement, the hearing before the hearing examiner shall be postponed and the board shall review the settlement agreement at its next regularly scheduled meeting. If the board disapproves the settlement agreement, the hearing before the hearing examiner shall be rescheduled.

(I) If, after review of the hearing examiner's report or the settlement agreement, the board determines that a ground for disciplinary action that is described in division (K) of this section exists against a person, the board shall order the disciplinary action the board considers appropriate, which may include any of the following:

(1) Reprimand of the person, if licensed under this chapter;

(2) Imposition of a fine, not exceeding twenty-five thousand dollars per violation;

(3) Suspension of a license issued under this chapter for a specific period of time;

(4) Revocation of a license issued under this chapter.

If the board approved a settlement agreement entered into pursuant to division (H) of this section in relation to the ground for disciplinary action, the disciplinary action shall not be inconsistent with that settlement agreement.

(J) The decision and order of the board is final, subject to review in the manner provided for in Chapter 119. of the Revised Code and appeal to the court of common pleas of Franklin county.

(K) The board shall take any disciplinary action authorized by division (I) of this section against any person, including an appraisal management company licensed under this chapter, to which any of the following grounds apply:

(1) The person procured or attempted to procure a license



under this chapter by knowingly making a false statement, 1485  
submitting false information, refusing to provide complete 1486  
information in response to a question in an application for 1487  
licensure, or by any means of fraud or misrepresentation. 1488

(2) The person paid, or attempted to pay, anything of value, 1489  
other than the fees or assessments required by this chapter, to 1490  
any member or employee of the board for the purpose of procuring a 1491  
license under this chapter. 1492

(3) The person violated section 4768.09 of the Revised Code. 1493

(4) The person violated section 4768.11 of the Revised Code. 1494

(5) The person failed to provide copies of records to the 1495  
superintendent as required under this chapter or failed to 1496  
maintain records, or include certain information in the appraisal 1497  
work file, as required under section 4768.10 of the Revised Code. 1498

(6) Entry of final judgment exists against a person licensed 1499  
under this chapter on the grounds of fraud, deceit, 1500  
misrepresentation, or coercion in the making of any appraisal of 1501  
real estate. 1502

(7) The person failed to provide notice to the board as 1503  
required in division (M) of this section. 1504

(8) The person failed to assist the superintendent in the 1505  
investigation of complaints under division (A)(8) of section 1506  
4768.04 of the Revised Code. 1507

(9) The license, certificate, or registration of the 1508  
appraisal management company that was issued by another state was 1509  
revoked or surrendered. 1510

(10) If the person is an appraisal management company 1511  
licensed under this chapter, the person failed to provide written 1512  
notice to the division within fifteen days of changing the 1513  
controlling person who is designated as the appraisal management 1514

company's main contact under division (A)(2) of section 4768.06 of 1515  
the Revised Code. 1516

(11) If the person is an appraisal management company 1517  
licensed under this chapter, the person entered into contracts or 1518  
agreements with an independent appraiser who is not licensed or 1519  
certified under Chapter 4763. of the Revised Code for the 1520  
performance of real estate appraisal services. 1521

(12) If the person is an appraisal management company 1522  
licensed under this chapter, the person failed to utilize surveys, 1523  
methodologies, techniques, or reliable data sources, including 1524  
representative samples of independent fee appraisers, in 1525  
establishing appraiser fee schedules. 1526

(13) If the person is an appraisal management company 1527  
licensed under this chapter, the person failed to pay an 1528  
independent appraiser for the completion of an appraisal within 1529  
sixty days of the date on which the independent appraiser 1530  
transmits or otherwise provides the completed appraisal to the 1531  
appraisal management company or its assignees, except in cases of 1532  
breach of contract or substandard performance of services. 1533

(14) An owner or controlling person of an appraisal 1534  
management company was convicted of or pleaded guilty to a felony. 1535

(L) Failure of a person, including a licensee under this 1536  
chapter, to comply with a subpoena issued under division (B)(1) of 1537  
section 4768.04 of the Revised Code is prima-facie evidence of a 1538  
violation of division (K)(5) of this section. 1539

(M) A licensee shall notify the board within fifteen days of 1540  
any state agency's issuance of an order revoking or permanently 1541  
surrendering any professional appraisal management company 1542  
license, certificate, or registration issued by any public entity 1543  
other than the division. 1544

(N) Except as otherwise provided, all notices, written 1545

reports, and determinations issued pursuant to this section shall 1546  
be mailed via certified mail, return receipt requested. If the 1547  
notice, written report, or determination is returned because of 1548  
failure of delivery or was unclaimed, the notice, written report, 1549  
or determination shall be deemed served if the superintendent 1550  
sends the notice, written report, or determination via regular 1551  
mail and obtains a certificate of mailing of the notice, written 1552  
report, or determination. Refusal of delivery by personal service 1553  
or by mail is not failure of delivery and service is deemed to be 1554  
complete. 1555

Sec. 4768.13. (A) Upon receipt of a written complaint or upon 1556  
the superintendent of real estate and professional licensing's own 1557  
motion, the superintendent may investigate any person that 1558  
allegedly violated division (A)(1) of section 4768.02 of the 1559  
Revised Code. 1560

(B) If, after investigation, the superintendent determines 1561  
there exists reasonable evidence of a violation of division (A)(1) 1562  
of section 4768.02 of the Revised Code, within fourteen business 1563  
days after that determination, the superintendent shall send the 1564  
party who is the subject of the investigation a written notice, by 1565  
regular mail, that includes all of the following information: 1566

(1) A description of the activity in which the party 1567  
allegedly is engaging or has engaged that is a violation of 1568  
division (A)(1) of section 4768.02 of the Revised Code; 1569

(2) The applicable law allegedly violated; 1570

(3) A statement informing the party that a hearing concerning 1571  
the alleged violation will be held before a hearing examiner, and 1572  
a statement giving the date and place of that hearing; 1573

(4) A statement informing the party that the party or the 1574  
party's attorney may appear in person at the hearing and present 1575

evidence and examine witnesses appearing for and against the 1576  
party, or the party may submit written testimony stating any 1577  
positions, arguments, or contentions. 1578

(C) At any time after the superintendent notifies a person of 1579  
the superintendent's determination in accordance with division (B) 1580  
of this section but before a hearing is held on the matter, the 1581  
person may apply to the superintendent to enter into a settlement 1582  
agreement regarding the alleged violation. The superintendent and 1583  
the person shall comply with the requirements for settlement 1584  
agreements established by rules adopted by the board under 1585  
division (A)(3) of section 4768.03 of the Revised Code. If the 1586  
parties enter into the settlement agreement, the hearing before 1587  
the hearing examiner shall be postponed and the board shall review 1588  
the settlement agreement at its next regularly scheduled meeting. 1589  
If the board disapproves the settlement agreement, the hearing 1590  
before the hearing examiner shall be rescheduled. 1591

(D) The hearing examiner shall hear the testimony of all 1592  
parties present at the hearing and consider any written testimony 1593  
submitted pursuant to division (B)(4) of this section. At the 1594  
conclusion of the hearing, the hearing examiner shall determine if 1595  
there has been a violation of division (A)(1) of section 4768.02 1596  
of the Revised Code. 1597

(E) After the conclusion of formal hearings, the hearing 1598  
examiner shall file with the superintendent, the real estate 1599  
appraiser board, the complainant, and the parties a written report 1600  
setting forth the examiner's findings of fact and conclusions of 1601  
law and a recommendation of the action to be taken by the 1602  
superintendent. Within ten days of receiving a copy of that 1603  
report, the parties and the division of real estate and 1604  
professional licensing may file with the board written objections 1605  
to the report. The board shall consider the objections before 1606  
approving, modifying, or disapproving the report. 1607

The board shall review the hearing examiner's report at the 1608  
next regularly scheduled board meeting held at least fifteen 1609  
business days after receipt of the hearing examiner's report. The 1610  
board shall hear the testimony of the complainant or the parties. 1611

(F) After reviewing the hearing examiner's report pursuant to 1612  
division (E) of this section, or after reviewing the settlement 1613  
agreement pursuant to division (C) of this section, the board 1614  
shall decide whether to impose sanctions upon a party for a 1615  
violation of division (A)(1) of section 4768.02 of the Revised 1616  
Code. The board may assess a civil penalty in an amount it 1617  
determines, not to exceed one thousand dollars per violation. Each 1618  
day a violation occurs or continues is a separate violation. The 1619  
board shall determine the terms of payment. The board shall 1620  
maintain a transcript of the proceedings of the hearing and issue 1621  
a written opinion to all parties, citing its findings and grounds 1622  
for any action taken. If the board approved a settlement agreement 1623  
entered into pursuant to division (C) of this section in relation 1624  
to the violation, the civil penalty shall not be inconsistent with 1625  
that settlement agreement. 1626

(G) Civil penalties collected under this section shall be 1627  
deposited in the real estate appraiser operating fund created 1628  
under section 4763.15 of the Revised Code. 1629

(H) If a party fails to pay a civil penalty assessed pursuant 1630  
to this section within the time prescribed by the board, the 1631  
superintendent shall forward to the attorney general the name of 1632  
the party and the amount of the civil penalty, for the purpose of 1633  
collecting that civil penalty. The party shall pay any fee 1634  
assessed by the attorney general for collection of the civil 1635  
penalty in addition to the civil penalty assessed pursuant to this 1636  
section. 1637

**Sec. 4768.14.** The superintendent of real estate and 1638

professional licensing shall deposit all moneys collected under 1639  
this chapter into the state treasury to the credit of the real 1640  
estate appraiser operating fund created under section 4763.15 of 1641  
the Revised Code. 1642

Sec. 4768.99. (A) Whoever violates division (A)(1), (2), (3), 1643  
(4), (5), (6), (7), (8), or (9) or division (C) of section 4768.11 1644  
of the Revised Code is guilty of a felony of the fifth degree. 1645

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(B) Whoever violates division (A)(10) of section 4768.11 of 1647  
the Revised Code is guilty of a misdemeanor of the first degree. 1648

**Section 2.** That existing sections 109.572, 4763.01, 4763.05, 1649  
4763.15, and 4763.19 of the Revised Code are hereby repealed. 1650

**Section 3.** Section 109.572 of the Revised Code is presented 1651  
in this act as a composite of the section as amended by both Am. 1652  
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. The 1653  
General Assembly, applying the principle stated in division (B) of 1654  
section 1.52 of the Revised Code that amendments are to be 1655  
harmonized if reasonably capable of simultaneous operation, finds 1656  
that the composite is the resulting version of the section in 1657  
effect prior to the effective date of the section as presented in 1658  
this act. 1659