

As Introduced

130th General Assembly
Regular Session
2013-2014

H. B. No. 581

Representatives Slesnick, Grossman

—

A BILL

To amend sections 109.572, 121.08, 4763.01, 4763.02, 1
4763.03, 4763.05, 4763.07, 4763.08, 4763.11 to 2
4763.15, 4763.17, and 4763.19 and to enact 3
sections 4768.01 to 4768.15 and 4768.99 of the 4
Revised Code to change the definition of 5
"appraisal" for purposes of the Real Estate 6
Appraiser Licensing Law, to make changes to 7
certain procedures and the exceptions to licensure 8
under that law, to regulate appraisal management 9
companies, and to declare an emergency. 10

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

Section 1. That sections 109.572, 121.08, 4763.01, 4763.02, 11
4763.03, 4763.05, 4763.07, 4763.08, 4763.11, 4763.12, 4763.13, 12
4763.14, 4763.15, 4763.17, and 4763.19 be amended and sections 13
4768.01, 4768.02, 4768.03, 4768.04, 4768.05, 4768.06, 4768.07, 14
4768.08, 4768.09, 4768.10, 4768.11, 4768.12, 4768.13, 4768.14, 15
4768.15, and 4768.99 of the Revised Code be enacted to read as 16
follows: 17

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 18
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 19
a completed form prescribed pursuant to division (C)(1) of this 20
section, and a set of fingerprint impressions obtained in the 21

manner described in division (C)(2) of this section, the 22
superintendent of the bureau of criminal identification and 23
investigation shall conduct a criminal records check in the manner 24
described in division (B) of this section to determine whether any 25
information exists that indicates that the person who is the 26
subject of the request previously has been convicted of or pleaded 27
guilty to any of the following: 28

(a) A violation of section 2903.01, 2903.02, 2903.03, 29
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 30
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 31
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 32
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 33
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 34
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 35
2925.06, or 3716.11 of the Revised Code, felonious sexual 36
penetration in violation of former section 2907.12 of the Revised 37
Code, a violation of section 2905.04 of the Revised Code as it 38
existed prior to July 1, 1996, a violation of section 2919.23 of 39
the Revised Code that would have been a violation of section 40
2905.04 of the Revised Code as it existed prior to July 1, 1996, 41
had the violation been committed prior to that date, or a 42
violation of section 2925.11 of the Revised Code that is not a 43
minor drug possession offense; 44

(b) A violation of an existing or former law of this state, 45
any other state, or the United States that is substantially 46
equivalent to any of the offenses listed in division (A)(1)(a) of 47
this section; 48

(c) If the request is made pursuant to section 3319.39 of the 49
Revised Code for an applicant who is a teacher, any offense 50
specified in section 3319.31 of the Revised Code. 51

(2) On receipt of a request pursuant to section 3712.09 or 52
3721.121 of the Revised Code, a completed form prescribed pursuant 53

to division (C)(1) of this section, and a set of fingerprint 54
impressions obtained in the manner described in division (C)(2) of 55
this section, the superintendent of the bureau of criminal 56
identification and investigation shall conduct a criminal records 57
check with respect to any person who has applied for employment in 58
a position for which a criminal records check is required by those 59
sections. The superintendent shall conduct the criminal records 60
check in the manner described in division (B) of this section to 61
determine whether any information exists that indicates that the 62
person who is the subject of the request previously has been 63
convicted of or pleaded guilty to any of the following: 64

(a) A violation of section 2903.01, 2903.02, 2903.03, 65
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 66
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 67
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 68
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 69
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 70
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 71
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 72
2925.22, 2925.23, or 3716.11 of the Revised Code; 73

(b) An existing or former law of this state, any other state, 74
or the United States that is substantially equivalent to any of 75
the offenses listed in division (A)(2)(a) of this section. 76

(3) On receipt of a request pursuant to section 173.27, 77
173.38, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, or 78
5123.169 of the Revised Code, a completed form prescribed pursuant 79
to division (C)(1) of this section, and a set of fingerprint 80
impressions obtained in the manner described in division (C)(2) of 81
this section, the superintendent of the bureau of criminal 82
identification and investigation shall conduct a criminal records 83
check of the person for whom the request is made. The 84
superintendent shall conduct the criminal records check in the 85

manner described in division (B) of this section to determine 86
whether any information exists that indicates that the person who 87
is the subject of the request previously has been convicted of, 88
has pleaded guilty to, or (except in the case of a request 89
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 90
Code) has been found eligible for intervention in lieu of 91
conviction for any of the following, regardless of the date of the 92
conviction, the date of entry of the guilty plea, or (except in 93
the case of a request pursuant to section 5164.34, 5164.341, or 94
5164.342 of the Revised Code) the date the person was found 95
eligible for intervention in lieu of conviction: 96

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 97
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 98
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 99
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 100
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 101
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 102
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 103
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 104
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 105
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 106
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 107
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 108
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 109
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 110
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 111
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 112
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 113
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 114
2927.12, or 3716.11 of the Revised Code; 115

(b) Felonious sexual penetration in violation of former 116
section 2907.12 of the Revised Code; 117

(c) A violation of section 2905.04 of the Revised Code as it 118
existed prior to July 1, 1996; 119

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 120
the Revised Code when the underlying offense that is the object of 121
the conspiracy, attempt, or complicity is one of the offenses 122
listed in divisions (A)(3)(a) to (c) of this section; 123

(e) A violation of an existing or former municipal ordinance 124
or law of this state, any other state, or the United States that 125
is substantially equivalent to any of the offenses listed in 126
divisions (A)(3)(a) to (d) of this section. 127

(4) On receipt of a request pursuant to section 2151.86 of 128
the Revised Code, a completed form prescribed pursuant to division 129
(C)(1) of this section, and a set of fingerprint impressions 130
obtained in the manner described in division (C)(2) of this 131
section, the superintendent of the bureau of criminal 132
identification and investigation shall conduct a criminal records 133
check in the manner described in division (B) of this section to 134
determine whether any information exists that indicates that the 135
person who is the subject of the request previously has been 136
convicted of or pleaded guilty to any of the following: 137

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 138
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 139
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 140
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 141
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 142
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 143
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 144
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 145
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 146
of the Revised Code, a violation of section 2905.04 of the Revised 147
Code as it existed prior to July 1, 1996, a violation of section 148
2919.23 of the Revised Code that would have been a violation of 149

section 2905.04 of the Revised Code as it existed prior to July 1, 150
1996, had the violation been committed prior to that date, a 151
violation of section 2925.11 of the Revised Code that is not a 152
minor drug possession offense, two or more OVI or OVUAC violations 153
committed within the three years immediately preceding the 154
submission of the application or petition that is the basis of the 155
request, or felonious sexual penetration in violation of former 156
section 2907.12 of the Revised Code; 157

(b) A violation of an existing or former law of this state, 158
any other state, or the United States that is substantially 159
equivalent to any of the offenses listed in division (A)(4)(a) of 160
this section. 161

(5) Upon receipt of a request pursuant to section 5104.012 or 162
5104.013 of the Revised Code, a completed form prescribed pursuant 163
to division (C)(1) of this section, and a set of fingerprint 164
impressions obtained in the manner described in division (C)(2) of 165
this section, the superintendent of the bureau of criminal 166
identification and investigation shall conduct a criminal records 167
check in the manner described in division (B) of this section to 168
determine whether any information exists that indicates that the 169
person who is the subject of the request has been convicted of or 170
pleaded guilty to any of the following: 171

(a) A violation of section 2903.01, 2903.02, 2903.03, 172
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 173
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 174
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 175
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 176
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 177
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 178
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 179
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 180
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 181

2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 182
3716.11 of the Revised Code, felonious sexual penetration in 183
violation of former section 2907.12 of the Revised Code, a 184
violation of section 2905.04 of the Revised Code as it existed 185
prior to July 1, 1996, a violation of section 2919.23 of the 186
Revised Code that would have been a violation of section 2905.04 187
of the Revised Code as it existed prior to July 1, 1996, had the 188
violation been committed prior to that date, a violation of 189
section 2925.11 of the Revised Code that is not a minor drug 190
possession offense, a violation of section 2923.02 or 2923.03 of 191
the Revised Code that relates to a crime specified in this 192
division, or a second violation of section 4511.19 of the Revised 193
Code within five years of the date of application for licensure or 194
certification. 195

(b) A violation of an existing or former law of this state, 196
any other state, or the United States that is substantially 197
equivalent to any of the offenses or violations described in 198
division (A)(5)(a) of this section. 199

(6) Upon receipt of a request pursuant to section 5153.111 of 200
the Revised Code, a completed form prescribed pursuant to division 201
(C)(1) of this section, and a set of fingerprint impressions 202
obtained in the manner described in division (C)(2) of this 203
section, the superintendent of the bureau of criminal 204
identification and investigation shall conduct a criminal records 205
check in the manner described in division (B) of this section to 206
determine whether any information exists that indicates that the 207
person who is the subject of the request previously has been 208
convicted of or pleaded guilty to any of the following: 209

(a) A violation of section 2903.01, 2903.02, 2903.03, 210
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 211
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 212
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 213

2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 214
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 215
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 216
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 217
felonious sexual penetration in violation of former section 218
2907.12 of the Revised Code, a violation of section 2905.04 of the 219
Revised Code as it existed prior to July 1, 1996, a violation of 220
section 2919.23 of the Revised Code that would have been a 221
violation of section 2905.04 of the Revised Code as it existed 222
prior to July 1, 1996, had the violation been committed prior to 223
that date, or a violation of section 2925.11 of the Revised Code 224
that is not a minor drug possession offense; 225

(b) A violation of an existing or former law of this state, 226
any other state, or the United States that is substantially 227
equivalent to any of the offenses listed in division (A)(6)(a) of 228
this section. 229

(7) On receipt of a request for a criminal records check from 230
an individual pursuant to section 4749.03 or 4749.06 of the 231
Revised Code, accompanied by a completed copy of the form 232
prescribed in division (C)(1) of this section and a set of 233
fingerprint impressions obtained in a manner described in division 234
(C)(2) of this section, the superintendent of the bureau of 235
criminal identification and investigation shall conduct a criminal 236
records check in the manner described in division (B) of this 237
section to determine whether any information exists indicating 238
that the person who is the subject of the request has been 239
convicted of or pleaded guilty to a felony in this state or in any 240
other state. If the individual indicates that a firearm will be 241
carried in the course of business, the superintendent shall 242
require information from the federal bureau of investigation as 243
described in division (B)(2) of this section. Subject to division 244
(F) of this section, the superintendent shall report the findings 245

of the criminal records check and any information the federal 246
bureau of investigation provides to the director of public safety. 247

(8) On receipt of a request pursuant to section 1321.37, 248
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 249
Code, a completed form prescribed pursuant to division (C)(1) of 250
this section, and a set of fingerprint impressions obtained in the 251
manner described in division (C)(2) of this section, the 252
superintendent of the bureau of criminal identification and 253
investigation shall conduct a criminal records check with respect 254
to any person who has applied for a license, permit, or 255
certification from the department of commerce or a division in the 256
department. The superintendent shall conduct the criminal records 257
check in the manner described in division (B) of this section to 258
determine whether any information exists that indicates that the 259
person who is the subject of the request previously has been 260
convicted of or pleaded guilty to any of the following: a 261
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 262
2925.03 of the Revised Code; any other criminal offense involving 263
theft, receiving stolen property, embezzlement, forgery, fraud, 264
passing bad checks, money laundering, or drug trafficking, or any 265
criminal offense involving money or securities, as set forth in 266
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 267
the Revised Code; or any existing or former law of this state, any 268
other state, or the United States that is substantially equivalent 269
to those offenses. 270

(9) On receipt of a request for a criminal records check from 271
the treasurer of state under section 113.041 of the Revised Code 272
or from an individual under section 4701.08, 4715.101, 4717.061, 273
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 274
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 275
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 276
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 277

4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 278
accompanied by a completed form prescribed under division (C)(1) 279
of this section and a set of fingerprint impressions obtained in 280
the manner described in division (C)(2) of this section, the 281
superintendent of the bureau of criminal identification and 282
investigation shall conduct a criminal records check in the manner 283
described in division (B) of this section to determine whether any 284
information exists that indicates that the person who is the 285
subject of the request has been convicted of or pleaded guilty to 286
any criminal offense in this state or any other state. Subject to 287
division (F) of this section, the superintendent shall send the 288
results of a check requested under section 113.041 of the Revised 289
Code to the treasurer of state and shall send the results of a 290
check requested under any of the other listed sections to the 291
licensing board specified by the individual in the request. 292

(10) On receipt of a request pursuant to section 1121.23, 293
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 294
Code, a completed form prescribed pursuant to division (C)(1) of 295
this section, and a set of fingerprint impressions obtained in the 296
manner described in division (C)(2) of this section, the 297
superintendent of the bureau of criminal identification and 298
investigation shall conduct a criminal records check in the manner 299
described in division (B) of this section to determine whether any 300
information exists that indicates that the person who is the 301
subject of the request previously has been convicted of or pleaded 302
guilty to any criminal offense under any existing or former law of 303
this state, any other state, or the United States. 304

(11) On receipt of a request for a criminal records check 305
from an appointing or licensing authority under section 3772.07 of 306
the Revised Code, a completed form prescribed under division 307
(C)(1) of this section, and a set of fingerprint impressions 308
obtained in the manner prescribed in division (C)(2) of this 309

section, the superintendent of the bureau of criminal 310
identification and investigation shall conduct a criminal records 311
check in the manner described in division (B) of this section to 312
determine whether any information exists that indicates that the 313
person who is the subject of the request previously has been 314
convicted of or pleaded guilty or no contest to any offense under 315
any existing or former law of this state, any other state, or the 316
United States that is a disqualifying offense as defined in 317
section 3772.07 of the Revised Code or substantially equivalent to 318
such an offense. 319

(12) On receipt of a request pursuant to section 2151.33 or 320
2151.412 of the Revised Code, a completed form prescribed pursuant 321
to division (C)(1) of this section, and a set of fingerprint 322
impressions obtained in the manner described in division (C)(2) of 323
this section, the superintendent of the bureau of criminal 324
identification and investigation shall conduct a criminal records 325
check with respect to any person for whom a criminal records check 326
is required by that section. The superintendent shall conduct the 327
criminal records check in the manner described in division (B) of 328
this section to determine whether any information exists that 329
indicates that the person who is the subject of the request 330
previously has been convicted of or pleaded guilty to any of the 331
following: 332

(a) A violation of section 2903.01, 2903.02, 2903.03, 333
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 334
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 335
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 336
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 337
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 338
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 339
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 340
2925.22, 2925.23, or 3716.11 of the Revised Code; 341

(b) An existing or former law of this state, any other state, 342
or the United States that is substantially equivalent to any of 343
the offenses listed in division (A)(12)(a) of this section. 344

(13) On receipt of a request pursuant to section 4768.06 of 345
the Revised Code, a completed form prescribed under division 346
(C)(1) of this section, and a set of fingerprint impressions 347
obtained in the manner described in division (C)(2) of this 348
section, the superintendent of the bureau of criminal 349
identification and investigation shall conduct a criminal records 350
check in the manner described in division (B) of this section to 351
determine whether any information exists indicating that the 352
person who is the subject of the request has been convicted of or 353
pleaded guilty to a felony in this state or in any other state. 354

(B) Subject to division (F) of this section, the 355
superintendent shall conduct any criminal records check to be 356
conducted under this section as follows: 357

(1) The superintendent shall review or cause to be reviewed 358
any relevant information gathered and compiled by the bureau under 359
division (A) of section 109.57 of the Revised Code that relates to 360
the person who is the subject of the criminal records check, 361
including, if the criminal records check was requested under 362
section 113.041, 121.08, 173.27, 173.38, 1121.23, 1155.03, 363
1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 364
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 365
3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 4768.06, 366
5104.012, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 367
5123.169, or 5153.111 of the Revised Code, any relevant 368
information contained in records that have been sealed under 369
section 2953.32 of the Revised Code; 370

(2) If the request received by the superintendent asks for 371
information from the federal bureau of investigation, the 372
superintendent shall request from the federal bureau of 373

investigation any information it has with respect to the person 374
who is the subject of the criminal records check, including 375
fingerprint-based checks of national crime information databases 376
as described in 42 U.S.C. 671 if the request is made pursuant to 377
section 2151.86, 5104.012, or 5104.013 of the Revised Code or if 378
any other Revised Code section requires fingerprint-based checks 379
of that nature, and shall review or cause to be reviewed any 380
information the superintendent receives from that bureau. If a 381
request under section 3319.39 of the Revised Code asks only for 382
information from the federal bureau of investigation, the 383
superintendent shall not conduct the review prescribed by division 384
(B)(1) of this section. 385

(3) The superintendent or the superintendent's designee may 386
request criminal history records from other states or the federal 387
government pursuant to the national crime prevention and privacy 388
compact set forth in section 109.571 of the Revised Code. 389

(4) The superintendent shall include in the results of the 390
criminal records check a list or description of the offenses 391
listed or described in division (A)(1), (2), (3), (4), (5), (6), 392
(7), (8), (9), (10), (11), ~~or (12)~~, or (13) of this section, 393
whichever division requires the superintendent to conduct the 394
criminal records check. The superintendent shall exclude from the 395
results any information the dissemination of which is prohibited 396
by federal law. 397

(5) The superintendent shall send the results of the criminal 398
records check to the person to whom it is to be sent not later 399
than the following number of days after the date the 400
superintendent receives the request for the criminal records 401
check, the completed form prescribed under division (C)(1) of this 402
section, and the set of fingerprint impressions obtained in the 403
manner described in division (C)(2) of this section: 404

(a) If the superintendent is required by division (A) of this 405

section (other than division (A)(3) of this section) to conduct 406
the criminal records check, thirty; 407

(b) If the superintendent is required by division (A)(3) of 408
this section to conduct the criminal records check, sixty. 409

(C)(1) The superintendent shall prescribe a form to obtain 410
the information necessary to conduct a criminal records check from 411
any person for whom a criminal records check is to be conducted 412
under this section. The form that the superintendent prescribes 413
pursuant to this division may be in a tangible format, in an 414
electronic format, or in both tangible and electronic formats. 415

(2) The superintendent shall prescribe standard impression 416
sheets to obtain the fingerprint impressions of any person for 417
whom a criminal records check is to be conducted under this 418
section. Any person for whom a records check is to be conducted 419
under this section shall obtain the fingerprint impressions at a 420
county sheriff's office, municipal police department, or any other 421
entity with the ability to make fingerprint impressions on the 422
standard impression sheets prescribed by the superintendent. The 423
office, department, or entity may charge the person a reasonable 424
fee for making the impressions. The standard impression sheets the 425
superintendent prescribes pursuant to this division may be in a 426
tangible format, in an electronic format, or in both tangible and 427
electronic formats. 428

(3) Subject to division (D) of this section, the 429
superintendent shall prescribe and charge a reasonable fee for 430
providing a criminal records check under this section. The person 431
requesting the criminal records check shall pay the fee prescribed 432
pursuant to this division. In the case of a request under section 433
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 434
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 435
the manner specified in that section. 436

(4) The superintendent of the bureau of criminal 437
identification and investigation may prescribe methods of 438
forwarding fingerprint impressions and information necessary to 439
conduct a criminal records check, which methods shall include, but 440
not be limited to, an electronic method. 441

(D) The results of a criminal records check conducted under 442
this section, other than a criminal records check specified in 443
division (A)(7) of this section, are valid for the person who is 444
the subject of the criminal records check for a period of one year 445
from the date upon which the superintendent completes the criminal 446
records check. If during that period the superintendent receives 447
another request for a criminal records check to be conducted under 448
this section for that person, the superintendent shall provide the 449
results from the previous criminal records check of the person at 450
a lower fee than the fee prescribed for the initial criminal 451
records check. 452

(E) When the superintendent receives a request for 453
information from a registered private provider, the superintendent 454
shall proceed as if the request was received from a school 455
district board of education under section 3319.39 of the Revised 456
Code. The superintendent shall apply division (A)(1)(c) of this 457
section to any such request for an applicant who is a teacher. 458

(F)(1) All information regarding the results of a criminal 459
records check conducted under this section that the superintendent 460
reports or sends under division (A)(7) or (9) of this section to 461
the director of public safety, the treasurer of state, or the 462
person, board, or entity that made the request for the criminal 463
records check shall relate to the conviction of the subject 464
person, or the subject person's plea of guilty to, a criminal 465
offense. 466

(2) Division (F)(1) of this section does not limit, restrict, 467
or preclude the superintendent's release of information that 468

relates to an adjudication of a child as a delinquent child, or 469
that relates to a criminal conviction of a person under eighteen 470
years of age if the person's case was transferred back to a 471
juvenile court under division (B)(2) or (3) of section 2152.121 of 472
the Revised Code and the juvenile court imposed a disposition or 473
serious youthful offender disposition upon the person under either 474
division, if either of the following applies with respect to the 475
adjudication or conviction: 476

(a) The adjudication or conviction was for a violation of 477
section 2903.01 or 2903.02 of the Revised Code. 478

(b) The adjudication or conviction was for a sexually 479
oriented offense, as defined in section 2950.01 of the Revised 480
Code, the juvenile court was required to classify the child a 481
juvenile offender registrant for that offense under section 482
2152.82, 2152.83, or 2152.86 of the Revised Code, and that 483
classification has not been removed. 484

(G) As used in this section: 485

(1) "Criminal records check" means any criminal records check 486
conducted by the superintendent of the bureau of criminal 487
identification and investigation in accordance with division (B) 488
of this section. 489

(2) "Minor drug possession offense" has the same meaning as 490
in section 2925.01 of the Revised Code. 491

(3) "OVI or OVUAC violation" means a violation of section 492
4511.19 of the Revised Code or a violation of an existing or 493
former law of this state, any other state, or the United States 494
that is substantially equivalent to section 4511.19 of the Revised 495
Code. 496

(4) "Registered private provider" means a nonpublic school or 497
entity registered with the superintendent of public instruction 498
under section 3310.41 of the Revised Code to participate in the 499

autism scholarship program or section 3310.58 of the Revised Code 500
to participate in the Jon Peterson special needs scholarship 501
program. 502

Sec. 121.08. (A) There is hereby created in the department of 503
commerce the position of deputy director of administration. This 504
officer shall be appointed by the director of commerce, serve 505
under the director's direction, supervision, and control, perform 506
the duties the director prescribes, and hold office during the 507
director's pleasure. The director of commerce may designate an 508
assistant director of commerce to serve as the deputy director of 509
administration. The deputy director of administration shall 510
perform the duties prescribed by the director of commerce in 511
supervising the activities of the division of administration of 512
the department of commerce. 513

(B) Except as provided in section 121.07 of the Revised Code, 514
the department of commerce shall have all powers and perform all 515
duties vested in the deputy director of administration, the state 516
fire marshal, the superintendent of financial institutions, the 517
superintendent of real estate and professional licensing, the 518
superintendent of liquor control, the superintendent of industrial 519
compliance, the superintendent of unclaimed funds, and the 520
commissioner of securities, and shall have all powers and perform 521
all duties vested by law in all officers, deputies, and employees 522
of those offices. Except as provided in section 121.07 of the 523
Revised Code, wherever powers are conferred or duties imposed upon 524
any of those officers, the powers and duties shall be construed as 525
vested in the department of commerce. 526

(C)(1) There is hereby created in the department of commerce 527
a division of financial institutions, which shall have all powers 528
and perform all duties vested by law in the superintendent of 529
financial institutions. Wherever powers are conferred or duties 530

imposed upon the superintendent of financial institutions, those 531
powers and duties shall be construed as vested in the division of 532
financial institutions. The division of financial institutions 533
shall be administered by the superintendent of financial 534
institutions. 535

(2) All provisions of law governing the superintendent of 536
financial institutions shall apply to and govern the 537
superintendent of financial institutions provided for in this 538
section; all authority vested by law in the superintendent of 539
financial institutions with respect to the management of the 540
division of financial institutions shall be construed as vested in 541
the superintendent of financial institutions created by this 542
section with respect to the division of financial institutions 543
provided for in this section; and all rights, privileges, and 544
emoluments conferred by law upon the superintendent of financial 545
institutions shall be construed as conferred upon the 546
superintendent of financial institutions as head of the division 547
of financial institutions. The director of commerce shall not 548
transfer from the division of financial institutions any of the 549
functions specified in division (C)(2) of this section. 550

(D) There is hereby created in the department of commerce a 551
division of liquor control, which shall have all powers and 552
perform all duties vested by law in the superintendent of liquor 553
control. Wherever powers are conferred or duties are imposed upon 554
the superintendent of liquor control, those powers and duties 555
shall be construed as vested in the division of liquor control. 556
The division of liquor control shall be administered by the 557
superintendent of liquor control. 558

(E) The director of commerce shall not be interested, 559
directly or indirectly, in any firm or corporation which is a 560
dealer in securities as defined in sections 1707.01 and 1707.14 of 561
the Revised Code, or in any firm or corporation licensed under 562

sections 1321.01 to 1321.19 of the Revised Code. 563

(F) The director of commerce shall not have any official 564
connection with a savings and loan association, a savings bank, a 565
bank, a bank holding company, a savings and loan association 566
holding company, a consumer finance company, or a credit union 567
that is under the supervision of the division of financial 568
institutions, or a subsidiary of any of the preceding entities, or 569
be interested in the business thereof. 570

(G) There is hereby created in the state treasury the 571
division of administration fund. The fund shall receive 572
assessments on the operating funds of the department of commerce 573
in accordance with procedures prescribed by the director of 574
commerce and approved by the director of budget and management. 575
All operating expenses of the division of administration shall be 576
paid from the division of administration fund. 577

(H) There is hereby created in the department of commerce a 578
division of real estate and professional licensing, which shall be 579
under the control and supervision of the director of commerce. The 580
division of real estate and professional licensing shall be 581
administered by the superintendent of real estate and professional 582
licensing. The superintendent of real estate and professional 583
licensing shall exercise the powers and perform the functions and 584
duties delegated to the superintendent under Chapters 4735., 585
4763., ~~and~~ 4767., and 4768. of the Revised Code. 586

(I) There is hereby created in the department of commerce a 587
division of industrial compliance, which shall have all powers and 588
perform all duties vested by law in the superintendent of 589
industrial compliance. Wherever powers are conferred or duties 590
imposed upon the superintendent of industrial compliance, those 591
powers and duties shall be construed as vested in the division of 592
industrial compliance. The division of industrial compliance shall 593
be under the control and supervision of the director of commerce 594

and be administered by the superintendent of industrial 595
compliance. 596

(J) There is hereby created in the department of commerce a 597
division of unclaimed funds, which shall have all powers and 598
perform all duties delegated to or vested by law in the 599
superintendent of unclaimed funds. Wherever powers are conferred 600
or duties imposed upon the superintendent of unclaimed funds, 601
those powers and duties shall be construed as vested in the 602
division of unclaimed funds. The division of unclaimed funds shall 603
be under the control and supervision of the director of commerce 604
and shall be administered by the superintendent of unclaimed 605
funds. The superintendent of unclaimed funds shall exercise the 606
powers and perform the functions and duties delegated to the 607
superintendent by the director of commerce under section 121.07 608
and Chapter 169. of the Revised Code, and as may otherwise be 609
provided by law. 610

(K) The department of commerce or a division of the 611
department created by the Revised Code that is acting with 612
authorization on the department's behalf may request from the 613
bureau of criminal identification and investigation pursuant to 614
section 109.572 of the Revised Code, or coordinate with 615
appropriate federal, state, and local government agencies to 616
accomplish, criminal records checks for the persons whose 617
identities are required to be disclosed by an applicant for the 618
issuance or transfer of a permit, license, certificate of 619
registration, or certification issued or transferred by the 620
department or division. At or before the time of making a request 621
for a criminal records check, the department or division may 622
require any person whose identity is required to be disclosed by 623
an applicant for the issuance or transfer of such a license, 624
permit, certificate of registration, or certification to submit to 625
the department or division valid fingerprint impressions in a 626

format and by any media or means acceptable to the bureau of 627
criminal identification and investigation and, when applicable, 628
the federal bureau of investigation. The department or division 629
may cause the bureau of criminal identification and investigation 630
to conduct a criminal records check through the federal bureau of 631
investigation only if the person for whom the criminal records 632
check would be conducted resides or works outside of this state or 633
has resided or worked outside of this state during the preceding 634
five years, or if a criminal records check conducted by the bureau 635
of criminal identification and investigation within this state 636
indicates that the person may have a criminal record outside of 637
this state. 638

In the case of a criminal records check under section 109.572 639
of the Revised Code, the department or division shall forward to 640
the bureau of criminal identification and investigation the 641
requisite form, fingerprint impressions, and fee described in 642
division (C) of that section. When requested by the department or 643
division in accordance with this section, the bureau of criminal 644
identification and investigation shall request from the federal 645
bureau of investigation any information it has with respect to the 646
person who is the subject of the requested criminal records check 647
and shall forward the requisite fingerprint impressions and 648
information to the federal bureau of investigation for that 649
criminal records check. After conducting a criminal records check 650
or receiving the results of a criminal records check from the 651
federal bureau of investigation, the bureau of criminal 652
identification and investigation shall provide the results to the 653
department or division. 654

The department or division may require any person about whom 655
a criminal records check is requested to pay to the department or 656
division the amount necessary to cover the fee charged to the 657
department or division by the bureau of criminal identification 658

and investigation under division (C)(3) of section 109.572 of the
Revised Code, including, when applicable, any fee for a criminal
records check conducted by the federal bureau of investigation.

Sec. 4763.01. As used in this chapter:

(A) "Real estate appraisal" or "appraisal" means ~~an analysis,~~
the act or process of developing an opinion, ~~or conclusion~~
~~relating to the nature, quality, value, or utility of specified~~
~~interests in, or aspects of identified real estate that is~~
~~classified as either a valuation or an analysis of value of real~~
property in conformity with the uniform standards of professional
appraisal practice.

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

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

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

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

(F) "Specialized services" means all appraisal services,
other than appraisal assignments, including, but not limited to,
valuation and analysis given in connection with activities such as
real estate brokerage, mortgage banking, real estate counseling,

and real estate tax counseling, and specialized marketing, 689
financing, and feasibility studies. 690

(G) "Real estate" has the same meaning as in section 4735.01 691
of the Revised Code. 692

(H) "Appraisal foundation" means a nonprofit corporation 693
incorporated under the laws of the state of Illinois on November 694
30, 1987, for the purposes of establishing and improving uniform 695
appraisal standards by defining, issuing, and promoting those 696
standards; establishing appropriate criteria for the certification 697
and recertification of qualified appraisers by defining, issuing, 698
and promoting the qualification criteria and disseminating the 699
qualification criteria to others; and developing or assisting in 700
development of appropriate examinations for qualified appraisers. 701

(I) "Prepare" means to develop and communicate, whether 702
through a personal physical inspection or through the act or 703
process of critically studying a report prepared by another who 704
made the physical inspection, an appraisal, ~~analysis, or opinion,~~ 705
report or specialized service ~~and to report the results.~~ If the 706
person who develops and communicates the appraisal or specialized 707
service report does not make the personal inspection, the name of 708
the person who does make the personal inspection shall be 709
identified on the appraisal or specialized service ~~reported~~ 710
report. 711

(J) "Report" means any communication, written, oral, or by 712
any other means of transmission of information, of a real estate 713
appraisal, appraisal review, ~~appraisal consulting service,~~ or 714
specialized service that is transmitted to a client or employer 715
upon completion of the appraisal or service. 716

(K) "State-certified general real estate appraiser" means any 717
person who satisfies the certification requirements of this 718
chapter relating to the appraisal of all types of real property 719

and who holds a current and valid certificate or renewal 720
certificate issued to the person pursuant to this chapter. 721

(L) "State-certified residential real estate appraiser" means 722
any person who satisfies the certification requirements only 723
relating to the appraisal of one to four units of single-family 724
residential real estate without regard to transaction value or 725
complexity and who holds a current and valid certificate or 726
renewal certificate issued to the person pursuant to this chapter. 727

(M) "State-licensed residential real estate appraiser" means 728
any person who satisfies the licensure requirements of this 729
chapter relating to the appraisal of noncomplex one-to-four unit 730
single-family residential real estate having a transaction value 731
of less than one million dollars and complex one-to-four unit 732
single-family residential real estate having a transaction value 733
of less than two hundred fifty thousand dollars and who holds a 734
current and valid license or renewal license issued to the person 735
pursuant to this chapter. 736

(N) "Certified or licensed real estate appraisal report" 737
means an appraisal report prepared ~~and reported~~ by a certificate 738
holder or licensee under this chapter acting within the scope of 739
certification or licensure and as a disinterested third party. 740

(O) "State-registered real estate appraiser assistant" means 741
any person, other than a state-certified general real estate 742
appraiser, state-certified residential real estate appraiser, or a 743
state-licensed residential real estate appraiser, who satisfies 744
the registration requirements of this chapter for participating in 745
~~the development and preparation of~~ real estate appraisals and who 746
holds a current and valid registration or renewal registration 747
issued to the person pursuant to this chapter. 748

(P) "Institution of higher education" means a state 749
university or college, a private college or university located in 750

this state that possesses a certificate of authorization issued by 751
the Ohio board of regents pursuant to Chapter 1713. of the Revised 752
Code, or an accredited college or university located outside this 753
state that is accredited by an accrediting organization or 754
professional accrediting association recognized by the Ohio board 755
of regents. 756

(Q) "Division of real estate" may be used interchangeably 757
with, and for all purposes has the same meaning as, "division of 758
real estate and professional licensing." 759

(R) "Superintendent" or "superintendent of real estate" means 760
the superintendent of the division of real estate and professional 761
licensing of this state. Whenever the division or superintendent 762
of real estate is referred to or designated in any statute, rule, 763
contract, or other document, the reference or designation shall be 764
deemed to refer to the division or superintendent of real estate 765
and professional licensing, as the case may be. 766

(S) "Appraisal review" means the act or process of developing 767
and communicating an opinion about the quality of another 768
appraiser's work that was performed as part of an appraisal, or 769
~~appraisal review, or appraisal consulting assignment.~~ "Appraisal 770
review" does not include an examination of an appraisal for 771
grammatical errors, typographical errors, or completeness, 772
provided the review for completeness does not require an opinion 773
about the quality of the work of an appraiser. The real estate 774
appraiser board may define, by rule, "review for completeness." 775

(T) ~~"Appraisal consulting" means the act or process of~~ 776
~~developing an analysis, recommendation, or opinion to solve a~~ 777
~~problem related to real estate.~~ 778

~~(U)~~ "Work file" means documentation used during the 779
preparation of an appraisal report or necessary to support an 780
appraiser's analyses, opinions, or conclusions. 781

(U) "Automated valuation model" means a computer software 782
program that analyzes data using an automated process, such as 783
regression, adaptive estimation, neural network, expert reasoning, 784
or artificial intelligence programs, that produces an output that 785
may become a basis for appraisal or appraisal review if the 786
appraiser believes the output to be credible for use in a specific 787
assignment. 788

Sec. 4763.02. (A) There is hereby created the real estate 789
appraiser board, consisting of five members appointed by the 790
governor, with the advice and consent of the senate. Four members 791
shall be persons certified or licensed under this chapter, at 792
least two of whom shall hold a state-certified general real estate 793
appraiser certificate, and one of whom shall be an owner, 794
controlling person, or management-level employee of an appraisal 795
management company licensed and in good standing under Chapter 796
4768. of the Revised Code. One member shall represent the public 797
and shall not be engaged in the practice of ~~issuing~~ performing 798
real estate appraisals, real estate brokerage or sales, or have 799
any financial interest in such practices. At least one of the 800
certificate holders or licensees members shall be a real estate 801
broker licensed pursuant to Chapter 4735. of the Revised Code 802
whose license is in good standing. For the purpose of appointment 803
to an eligibility for appointment to the board, the license of a 804
real estate broker may be on deposit with the division of real 805
estate of the department of commerce. No more than three members 806
shall be members of the same political party and no member of the 807
board concurrently may be a member of the board and the Ohio real 808
estate commission created pursuant to section 4735.03 of the 809
Revised Code. Of the initial appointments to the board, one is for 810
a term ending June 30, 1990, two are for terms ending June 30, 811
1991, and two are for terms ending June 30, 1992. Thereafter, 812
terms of office are for three years, commencing on the first day 813

of July and ending on the thirtieth day of June. Each member shall 814
hold office from the date of ~~his~~ appointment until the end of the 815
term for which ~~he is~~ appointed. Prior to entering upon ~~the~~ 816
official duties of his office, each member shall subscribe to, and 817
file with the secretary of state, the constitutional oath of 818
office. Vacancies that occur on the board shall be filled in the 819
manner prescribed for regular appointments to the board. A member 820
appointed to fill a vacancy occurring prior to the expiration of 821
the term for which ~~his~~ the member's predecessor was appointed 822
shall hold office for the remainder of that term. A member shall 823
continue in office subsequent to the expiration date of ~~his~~ the 824
member's term until ~~his~~ the member's successor takes office or 825
until ~~sixty~~ ninety days have elapsed, whichever occurs first. No 826
person shall serve as a member of the board for more than two 827
consecutive terms. The governor may remove a member pursuant to 828
section 3.04 of the Revised Code. 829

(B) Annually, upon the qualification of the members appointed 830
in that year, the board shall organize by selecting from its 831
members a ~~chairman~~ chairperson and a vice-chairperson. The board 832
shall meet at least once each calendar quarter to conduct its 833
business with the place of future meetings to be decided by a vote 834
of its members. Each member shall be provided with written notice 835
of the time and place of each board meeting at least ten days 836
prior to the scheduled date of the meeting. A majority of the 837
members of the board constitutes a quorum to transact and vote on 838
all business coming before the board. 839

(C) Each member of the board shall receive an amount fixed 840
pursuant to division (J) of section 124.15 of the Revised Code for 841
each day employed in the discharge of ~~his~~ official duties, and ~~his~~ 842
the member's actual and necessary expenses incurred in the 843
discharge of those duties. 844

(D) The board is part of the department of commerce for 845

administrative purposes. The director of commerce is ex officio 846
the executive officer of the board, or the director may designate 847
the superintendent of real estate and professional licensing to 848
act as executive officer of the board. 849

Sec. 4763.03. (A) In addition to any other duties imposed on 850
the real estate appraiser board under this chapter, the board 851
shall: 852

(1) Adopt rules, in accordance with Chapter 119. of the 853
Revised Code, in furtherance of this chapter, including, but not 854
limited to, all of the following: 855

(a) Defining, with respect to state-certified general real 856
estate appraisers, state-certified residential real estate 857
appraisers, and state-licensed residential real estate appraisers, 858
the type of educational experience, appraisal experience, and 859
other equivalent experience that satisfy the requirements of this 860
chapter. The rules shall require that all appraisal experience 861
performed after January 1, ~~1996~~ 30, 1989, meet the uniform 862
standards of professional practice established by the appraisal 863
foundation. 864

(b) Establishing the examination specifications for 865
state-certified general real estate appraisers, state-certified 866
residential real estate appraisers, and state-licensed residential 867
real estate appraisers; 868

(c) Relating to disciplinary proceedings conducted in 869
accordance with section 4763.11 of the Revised Code, including 870
rules governing the reinstatement of certificates, registrations, 871
and licenses that have been suspended pursuant to those 872
proceedings; 873

(d) Identifying any additional information to be included on 874
the forms specified in division (C) of section 4763.12 of the 875

Revised Code, provided that the rules shall not require any less 876
information than is required in that division; 877

(e) Establishing the fees set forth in section 4763.09 of the 878
Revised Code; 879

(f) Establishing the amount of the assessment required by 880
division (A)(2) of section 4763.05 of the Revised Code. The board 881
annually shall determine the amount due from each applicant for an 882
initial certificate, registration, and license in an amount that 883
will maintain the real estate appraiser recovery fund at the level 884
specified in division (A) of section 4763.16 of the Revised Code. 885
The board may, if the fund falls below that amount, require 886
current certificate holders, registrants, and licensees to pay an 887
additional assessment. 888

(g) Defining the educational requirements pursuant to 889
division (C) of section 4763.05 of the Revised Code; 890

(h) Establishing a real estate appraiser assistant program 891
for the registration of real estate appraiser assistants. 892

(2) Prescribe by rule the requirements for the examinations 893
required by division (D) of section 4763.05 of the Revised Code; 894

(3) Periodically review the standards for the development and 895
reporting of appraisal reports provided in this chapter and adopt 896
rules explaining and interpreting those standards; 897

(4) Hear appeals, pursuant to Chapter 119. of the Revised 898
Code, from decisions and orders the superintendent of real estate 899
issues pursuant to this chapter; 900

(5) Request the initiation by the superintendent of 901
investigations of violations of this chapter or the rules adopted 902
pursuant thereto, as the board determines appropriate; 903

(6) Determine the appropriate disciplinary actions to be 904
taken against certificate holders, registrants, and licensees 905

under this chapter as provided in section 4763.11 of the Revised Code. 906
907

(B) In addition to any other duties imposed on the superintendent of real estate under this chapter, the superintendent shall: 908
909
910

(1) Prescribe the form and content of all applications required by this chapter; 911
912

(2) Receive applications for certifications, registrations, and licenses and renewal thereof under this chapter and establish the procedures for processing, approving, and disapproving those applications; 913
914
915
916

(3) Retain records and all application materials submitted to the superintendent; 917
918

(4) Establish the time and place for conducting the examinations required by division (D) of section 4763.05 of the Revised Code; 919
920
921

(5) Issue certificates, registrations, and licenses and maintain a register of the names and addresses of all persons issued a certificate, registration, or license under this chapter; 922
923
924

(6) Perform any other functions and duties, including the employment of staff, necessary to administer this chapter; 925
926

(7) Administer this chapter; 927

(8) Issue all orders necessary to implement this chapter; 928

(9) Investigate complaints, upon the superintendent's own motion or upon receipt of a complaint or upon a request of the board, concerning any violation of this chapter or the rules adopted pursuant thereto or the conduct of any person holding a certificate, registration, or license issued pursuant to this chapter; 929
930
931
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933
934

(10) Establish and maintain an investigation and audit 935

section to investigate complaints and conduct inspections, audits, and other inquiries as in the judgment of the superintendent are appropriate to enforce this chapter. The investigators and auditors have the right to review and audit the business records of certificate holders, registrants, and licensees during normal business hours. The superintendent may utilize the investigators and auditors employed pursuant to division (B)(4) of section 4735.05 of the Revised Code or currently licensed certificate holders or licensees to assist in performing the duties of this division.

(11) Appoint a ~~referee or~~ hearing examiner for any proceeding involving the disciplinary action of a certificate holder, licensee, or registrant under section 4763.11 of the Revised Code;

(12) Administer the real estate appraiser recovery fund;

(13) Conduct the examinations required by division (D) of section 4763.05 of the Revised Code at least four times per year.

(C) The superintendent may do all of the following:

(1) In connection with hearings, investigations ~~and, or~~ audits under division (B) of this section, subpoena witnesses as provided in section 4763.04 of the Revised Code;

(2) Apply to the appropriate court to enjoin any violation of this chapter. Upon a showing by the superintendent that any person has violated or is about to violate this chapter, the court shall grant an injunction, restraining order, or other appropriate relief, or any combination thereof.

(D) All information that is obtained by investigators and auditors performing investigations or conducting inspections, audits, and other inquiries pursuant to division (B)(10) of this section, from certificate holders, registrants, licensees, complainants, or other persons, and all reports, documents, and other work products that arise from that information and that are

prepared by the investigators, auditors, or other personnel of the 967
department of commerce, shall be held in confidence by the 968
superintendent, the investigators and auditors, and other 969
personnel of the department. 970

(E) This section does not prevent the division of real estate 971
and professional licensing from releasing information relating to 972
certificate holders, registrants, and licensees to the 973
superintendent of financial institutions for purposes relating to 974
the administration of sections 1322.01 to 1322.12 of the Revised 975
Code, to the commissioner of securities for purposes relating to 976
Chapter 1707. of the Revised Code, to the superintendent of 977
insurance for purposes relating to the administration of Chapter 978
3953. of the Revised Code, to the attorney general, or to ~~local~~ 979
law enforcement agencies and ~~local~~ prosecutors. Information 980
released by the division pursuant to this section remains 981
confidential. 982

(F) Any rule the board adopts shall ~~not~~ meet or exceed the 983
requirements specified in federal law or regulations. 984

Sec. 4763.05. (A)(1)(a) A person shall make application for 985
an initial state-certified general real estate appraiser 986
certificate, an initial state-certified residential real estate 987
appraiser certificate, an initial state-licensed residential real 988
estate appraiser license, or an initial state-registered real 989
estate appraiser assistant registration in writing to the 990
superintendent of real estate on a form the superintendent 991
prescribes. The application shall include the address of the 992
applicant's principal place of business and all other addresses at 993
which the applicant currently engages in the business of ~~preparing~~ 994
performing real estate appraisals and the address of the 995
applicant's current residence. The superintendent shall retain the 996
applicant's current residence address in a separate record which 997

does not constitute a public record for purposes of section 149.43 998
of the Revised Code. The application shall indicate whether the 999
applicant seeks certification as a general real estate appraiser 1000
or as a residential real estate appraiser, licensure as a 1001
residential real estate appraiser, or registration as a real 1002
estate appraiser assistant and be accompanied by the prescribed 1003
examination and certification, registration, or licensure fees set 1004
forth in section 4763.09 of the Revised Code. The application also 1005
shall include a pledge, signed by the applicant, that the 1006
applicant will comply with the standards set forth in this 1007
chapter; and a statement that the applicant understands the types 1008
of misconduct for which disciplinary proceedings may be initiated 1009
against the applicant pursuant to this chapter. 1010

(b) Upon the filing of an application and payment of any 1011
examination and certification, registration, or licensure fees, 1012
the superintendent of real estate shall request the superintendent 1013
of the bureau of criminal identification and investigation, or a 1014
vendor approved by the bureau, to conduct a criminal records check 1015
based on the applicant's fingerprints in accordance with section 1016
109.572 of the Revised Code. Notwithstanding division (K) of 1017
section 121.08 of the Revised Code, the superintendent of real 1018
estate shall request that criminal record information from the 1019
federal bureau of investigation be obtained as part of the 1020
criminal records check. Any fee required under division (C)(3) of 1021
section 109.572 of the Revised Code shall be paid by the 1022
applicant. 1023

(2) For purposes of providing funding for the real estate 1024
appraiser recovery fund established by section 4763.16 of the 1025
Revised Code, the real estate appraiser board shall levy an 1026
assessment against each person issued an initial certificate, 1027
registration, or license and against current licensees, 1028
registrants, and certificate holders, as required by board rule. 1029

The assessment is in addition to the application and examination 1030
fees for initial applicants required by division (A)(1) of this 1031
section and the renewal fees required for current certificate 1032
holders, registrants, and licensees. The superintendent of real 1033
estate shall deposit the assessment into the state treasury to the 1034
credit of the real estate appraiser recovery fund. The assessment 1035
for initial certificate holders, registrants, and licensees shall 1036
be paid prior to the issuance of a certificate, registration, or 1037
license, and for current certificate holders, registrants, and 1038
licensees, at the time of renewal. 1039

(B) An applicant for an initial general real estate appraiser 1040
certificate, residential real estate appraiser certificate, or 1041
residential real estate appraiser license shall possess experience 1042
in real estate appraisal as the board prescribes by rule. In 1043
addition to any other information required by the board, the 1044
applicant shall furnish, under oath, a detailed listing of the 1045
appraisal reports or file memoranda for each year for which 1046
experience is claimed and, upon request of the superintendent or 1047
the board, shall make available for examination a sample of the 1048
appraisal reports prepared by the applicant in the course of the 1049
applicant's practice. 1050

(C) An applicant for an initial certificate, registration, or 1051
license shall be at least eighteen years of age, honest, truthful, 1052
and of good reputation and shall present satisfactory evidence to 1053
the superintendent that the applicant has successfully completed 1054
any education requirements the board prescribes by rule. 1055

(D) An applicant for an initial general real estate appraiser 1056
or residential real estate appraiser certificate or residential 1057
real estate appraiser license shall take and successfully complete 1058
a written examination in order to qualify for the certificate or 1059
license. 1060

The board shall prescribe the examination requirements by 1061

rule. 1062

(E)(1) A ~~nonresident, natural person of this state who has~~ 1063
~~complied with this section may obtain~~ obtained a residential real 1064
estate appraiser license, a residential real estate appraiser 1065
certificate, registration, or a general real estate appraiser 1066
certificate from another state may apply to obtain a license or 1067
certificate issued under this chapter provided the state that 1068
issued the license or certificate has requirements that meet or 1069
exceed the requirements found in this chapter. The board shall 1070
adopt rules relating to ~~the certification, registration, and~~ 1071
~~licensure of a nonresident applicant whose state of residence the~~ 1072
~~board determines to have certification, registration, or licensure~~ 1073
~~requirements that are substantially similar to those set forth in~~ 1074
this division. The application for obtaining a license or 1075
certificate under this division may include any of the following: 1076

(a) A pledge, signed by the applicant, that the applicant 1077
will comply with the standards set forth in this chapter; 1078

(b) A statement that the applicant understands the types of 1079
misconduct for which disciplinary proceedings may be initiated 1080
against the applicant pursuant to this chapter and the rules 1081
adopted thereunder; 1082

(c) A consent to service of process. 1083

(2)(a) The board shall recognize on a temporary basis a 1084
certification or license issued in another state and shall 1085
register on a temporary basis an appraiser who is certified or 1086
licensed in another state if all of the following apply: 1087

~~(a)~~(i) The temporary registration is to perform an appraisal 1088
assignment that is part of a federally related transaction. 1089

~~(b)~~(ii) The appraiser's business in this state is of a 1090
temporary nature. 1091

~~(e)(iii)~~ The appraiser registers with the board pursuant to 1092
this division. 1093

(b) An appraiser who is certified or licensed in another 1094
state shall register with the board for temporary practice before 1095
performing an appraisal assignment in this state in connection 1096
with a federally related transaction. 1097

(c) The board shall adopt rules relating to registration for 1098
the temporary recognition of certification and licensure of 1099
appraisers from another state. The registration for temporary 1100
recognition of certified or licensed appraisers from another state 1101
shall not authorize completion of more than one appraisal 1102
assignment in this state. The board shall not issue more than two 1103
registrations for temporary practice to any one applicant in any 1104
calendar year. The application for obtaining a registration under 1105
this division may include any of the following: 1106

(i) A pledge, signed by the applicant, that the applicant 1107
will comply with the standards set forth in this chapter; 1108

(ii) A statement that the applicant understands the types of 1109
misconduct for which disciplinary proceedings may be initiated 1110
against the applicant pursuant to this chapter; 1111

(iii) A consent to service of process. 1112

~~(3) In addition to any other information required to be~~ 1113
~~submitted with the nonresident applicant's or appraiser's~~ 1114
~~application for a certificate, registration, license, or temporary~~ 1115
~~recognition of a certificate or license, each nonresident~~ 1116
~~applicant or appraiser shall submit a statement consenting to the~~ 1117
~~service of process upon the nonresident applicant or appraiser by~~ 1118
~~means of delivering that process to the secretary of state if, in~~ 1119
~~an action against the applicant, certificate holder, registrant,~~ 1120
~~or licensee arising from the applicant's, certificate holder's,~~ 1121
~~registrant's, or licensee's activities as a certificate holder,~~ 1122

~~registrant, or licensee, the plaintiff, in the exercise of due~~ 1123
~~diligence, cannot effect personal service upon the applicant,~~ 1124
~~certificate holder, registrant, or licensee~~ The board may enter 1125
into reciprocal agreements with other states. The board shall 1126
prescribe reciprocal agreement requirements by rule. 1127

(F) The superintendent shall not issue a certificate, 1128
registration, or license to, or recognize on a temporary basis an 1129
appraiser from another state that is a corporation, partnership, 1130
or association. This prohibition shall not be construed to prevent 1131
a certificate holder or licensee from signing an appraisal report 1132
on behalf of a corporation, partnership, or association. 1133

(G) Every person licensed, registered, or certified under 1134
this chapter shall notify the superintendent, on a form provided 1135
by the superintendent, of a change in the address of the 1136
licensee's, registrant's, or certificate holder's principal place 1137
of business or residence within thirty days of the change. If a 1138
licensee's, registrant's, or certificate holder's license, 1139
registration, or certificate is revoked or not renewed, the 1140
licensee, registrant, or certificate holder immediately shall 1141
return the annual and any renewal certificate, registration, or 1142
license to the superintendent. 1143

(H)(1) The superintendent shall not issue a certificate, 1144
registration, or license to any person, or recognize on a 1145
temporary basis an appraiser from another state, who does not meet 1146
applicable minimum criteria for state certification, registration, 1147
or licensure prescribed by federal law or rule. 1148

(2) The superintendent shall not issue a general real estate 1149
appraiser certificate, residential real estate appraiser 1150
certificate, residential real estate appraiser license, or real 1151
estate appraiser assistant registration to any person who has been 1152
convicted of or pleaded guilty to any criminal offense involving 1153
theft, receiving stolen property, embezzlement, forgery, fraud, 1154

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. 4763.07. (A) Every state-certified general real estate
appraiser, state-certified residential real estate appraiser and
state-licensed residential real estate appraiser shall submit
proof of successfully completing a minimum of fourteen classroom
hours of continuing education instruction in courses or seminars
approved by the real estate appraiser board. The certificate
holder and licensee shall have satisfied the fourteen-hour
continuing education requirements within the one-year period
immediately following the issuance of the initial certificate or
license and shall satisfy those requirements annually thereafter.
A In accordance with federal law, each state-registered real
estate appraiser assistant ~~who remains in this classification for~~
~~more than two years~~ shall ~~satisfy in the third and successive~~
~~years this section's requirements~~ submit proof of successfully
completing a minimum of fourteen classroom hours of continuing
education instruction in courses or seminars approved by the real
estate appraiser board. Each registrant shall satisfy the
fourteen-hour continuing education requirements annually. This
division does not apply to an appraiser with a certification or

license from another state that is temporarily recognized in this 1187
state pursuant to division (E)(2) of section 4763.05 of the 1188
Revised Code. A certificate holder, licensee, or registrant who 1189
fails to submit proof to the superintendent of meeting these 1190
requirements is ineligible to obtain a renewal certificate, 1191
license, or registration and shall comply with section 4763.05 of 1192
the Revised Code in order to regain a certificate, license, or 1193
registration, except that the certificate holder, licensee, or 1194
registrant may submit proof to the superintendent of meeting these 1195
requirements within three months after the date of expiration of 1196
the certificate, license, or registration, or by obtaining a 1197
medical exception under division (E) of this section, without 1198
having to comply with section 4763.05 of the Revised Code. A 1199
certificate holder, licensee, or registrant may not engage in any 1200
activities permitted by the certificate, license, or registration 1201
during the three-month period following the certificate's, 1202
license's, or registration's normal expiration date or during the 1203
time period for which a medical exception applies. 1204

A certificate holder, licensee, or registrant may satisfy all 1205
or a portion of the required hours of classroom instruction in the 1206
following manner: 1207

(1) Completion of an educational program of study determined 1208
by the board to be equivalent, for continuing education purposes, 1209
to courses or seminars approved by the board; 1210

(2) Participation, other than as a student, in educational 1211
processes or programs approved by the board that relate to real 1212
estate appraisal theory, practices, or techniques. 1213

A certificate holder, licensee, or registrant shall present 1214
to the superintendent of real estate evidence of the manner in 1215
which the certificate holder, licensee, or registrant satisfied 1216
the requirements of division (A) of this section. 1217

(B) The board shall adopt rules for implementing a continuing education program for state-certified general real estate appraisers, state-certified residential real estate appraisers, state-licensed residential real estate appraisers, and state-registered real estate appraiser assistants for the purpose of assuring that certificate holders, licensees, and registrants have current knowledge of real estate appraisal theories, practices, and techniques that will provide a high degree of service and protection to members of the public. In addition to any other provisions the board considers appropriate, the rules adopted by the board shall prescribe the following:

(1) Policies and procedures for obtaining board approval of courses of instruction and seminars;

(2) Standards, policies, and procedures to be applied in evaluating the alternative methods of complying with continuing education requirements set forth in divisions (A)(1) and (2) of this section;

(3) Standards, monitoring methods, and systems for recording attendance to be employed by course sponsors as a prerequisite to approval of courses for continuing education credit.

(C) No amendment or rescission of a rule the board adopts pursuant to division (B) of this section shall operate to deprive a certificate holder or licensee of credit toward renewal of certification or licensure for any course of instruction completed by the certificate holder or licensee prior to the effective date of the amendment or rescission that would have qualified for credit under the rule as it existed prior to amendment or rescission.

(D) The superintendent of real estate shall not issue a renewal certificate, registration, or license to any person who does not meet applicable minimum criteria for state certification,

registration, or licensure prescribed by federal law or rule. 1249

(E) The superintendent may grant a medical exception upon 1250
application by a person certified, registered, or licensed under 1251
this chapter. To receive an exception, the certificate holder, 1252
registrant, or licensee shall submit a request to the 1253
superintendent with proof satisfactory that a medical exception is 1254
warranted. If the superintendent makes a determination that 1255
satisfactory proof has not been presented, within fifteen days of 1256
the date of the denial of the medical exception, the certificate 1257
holder, registrant, or licensee may file with the division of real 1258
estate a request that the real estate appraiser board review the 1259
determination. The board may adopt reasonable rules in accordance 1260
with Chapter 119. of the Revised Code to implement this division. 1261

Sec. 4763.08. On and after December 22, 1992, each 1262
certificate, registration, and license issued under this chapter, 1263
other than a temporary certificate or license issued under 1264
division (E)(2) of section 4763.05 of the Revised Code, is valid 1265
for a period of one year from its date of issuance. The 1266
superintendent of real estate shall provide renewal notices to 1267
certificate holders, registrants, and licensees no later than 1268
thirty days prior to the expiration of the certificate, 1269
registration, or license. The superintendent shall issue to each 1270
person initially certified, registered, or licensed under this 1271
chapter a certificate, registration, or license in the form and 1272
size the superintendent prescribes. The initial certificate, 1273
registration, and license shall indicate the name of the 1274
certificate holder, registrant, or licensee, bear the signatures 1275
of the members of the real estate appraiser board, be issued under 1276
the seal prescribed in section 121.20 of the Revised Code, and 1277
contain a certificate, registration, or license number assigned by 1278
the superintendent. The superintendent shall issue to each person 1279
who renews a certificate, registration, or license a renewal 1280

certificate, registration, or license in the size and form the 1281
superintendent prescribes. The renewal certificate, registration, 1282
or license shall contain the name ~~and principal address~~ of the 1283
certificate holder, registrant, or licensee and the expiration and 1284
number of the certificate, registration, or license. Each 1285
certificate holder and licensee shall place the certificate 1286
holder's or licensee's certificate or license number adjacent to 1287
the title "state-licensed residential real estate appraiser," 1288
"state-certified residential real estate appraiser," or 1289
"state-certified general real estate appraiser," when issuing an 1290
appraisal report or in a contract or other instrument used in 1291
conducting real estate appraisal activities as required by section 1292
4763.12 of the Revised Code. If a state-registered real estate 1293
appraiser assistant participated in the ~~development of an~~ 1294
appraisal or specialized service report, the certificate holder or 1295
licensee shall also place the registrant's name, registration 1296
number, and the title "state-registered real estate appraiser 1297
assistant" on the ~~appraisal or~~ report. 1298

Sec. 4763.11. (A) Within ten business days after a person 1299
files a written complaint against a person certified, registered, 1300
or licensed under this chapter with the division of real estate, 1301
the superintendent of real estate shall acknowledge receipt of the 1302
complaint by sending notice to the certificate holder, registrant, 1303
or licensee that includes a copy of the complaint. The 1304
acknowledgement to the complainant and the notice to the 1305
certificate holder, registrant, or licensee may state that an 1306
informal mediation meeting will be held with the complainant, the 1307
certificate holder, registrant, or licensee, and an investigator 1308
from the investigation and audit section of the division, if the 1309
complainant and certificate holder, registrant, or licensee both 1310
file a request for such a meeting within twenty calendar days 1311
after the acknowledgment and notice are mailed. 1312

(B) If the complainant and certificate holder, registrant, or licensee both file with the division requests for an informal mediation meeting, the superintendent shall notify the complainant and certificate holder, registrant, or licensee of the date of the meeting, by regular mail. If the complainant and certificate holder, registrant, or licensee reach an accommodation at an informal mediation meeting, the investigator shall report the accommodation to the superintendent, the complainant, and the certificate holder, registrant, or licensee and the complaint file shall be closed upon the superintendent receiving satisfactory notice that the accommodation has been fulfilled.

(C) If the complainant and certificate holder, registrant, or licensee fail to agree to an informal mediation meeting or fail to reach an accommodation agreement, or fail to fulfill an accommodation agreement, the superintendent shall assign the complaint to an investigator for an investigation into the conduct of the certificate holder, registrant, or licensee against whom the complaint is filed.

(D) Upon the conclusion of the investigation, the investigator shall file a written report of the results of the investigation with the superintendent. The superintendent shall review the report and determine whether there exists reasonable and substantial evidence of a violation of division (G) of this section by the certificate holder, registrant, or licensee.

(1) If the superintendent finds ~~such~~ evidence exists ~~showing~~ a violation of division (G) of this section by a certificate holder, registrant, or licensee, the superintendent shall notify the complainant and certificate holder, registrant, or licensee of the determination. The certificate holder, registrant, or licensee may enter into a settlement agreement with the superintendent. The settlement agreement is subject to board approval, and the board shall prescribe requirements by rule for such settlement

agreements. The certificate holder, registrant, or licensee may 1345
request a hearing pursuant to Chapter 119. of the Revised Code. If 1346
a formal hearing is conducted, the hearing examiner shall file a 1347
report ~~of~~ that contains findings of fact and conclusions of law 1348
with the division hearing administrator. The division hearing 1349
administrator shall serve the hearing examiner report on the 1350
superintendent, the assistant attorney general representing the 1351
superintendent in the matter, the board, the complainant and the 1352
certificate holder, licensee, or registrant ~~after the conclusion~~ 1353
~~of the formal hearing and, if applicable, counsel representing the~~ 1354
complainant, certificate holder, licensee, or registrant. Service 1355
of the hearing examiner report on the complainant and on the 1356
certificate holder, licensee, or registrant shall comply with 1357
division (K) of this section. Service of the hearing examiner's 1358
report on the superintendent, the assistant attorney general 1359
representing the superintendent in the matter, and the board shall 1360
be by either regular mail or electronic means. Service of the 1361
hearing examiner report on counsel representing the complainant, 1362
certificate holder, licensee, or registrant shall be by regular 1363
mail. 1364

Within ten calendar days of receipt by the assistant attorney 1365
general representing the superintendent of the copy of the hearing 1366
examiner's report served by the division hearing administrator, 1367
the assistant attorney general may file with the board written 1368
objections to the hearing examiner's report, which shall be 1369
considered by the board before approving, modifying, or rejecting 1370
the hearing examiner's report. Within ten calendar days of receipt 1371
by the certificate holder, licensee, or registrant of the copy of 1372
the hearing examiner's ~~finding of fact and conclusions of law~~ 1373
report served by the division hearing administrator, the 1374
certificate holder, licensee, or registrant ~~or the division~~ may 1375
file with the board written objections to the hearing examiner's 1376
report, which shall be considered by the board before approving, 1377

modifying, or rejecting the hearing examiner's report. ~~If~~ Within
ten calendar days of receipt by the superintendent of the copy of
the hearing examiner's report served by the division hearing
examiner, the superintendent may grant an extension of time to
file written objections to the hearing examiner's report for good
cause shown.

(2) If the superintendent finds, following the conclusion of
the investigation, that such evidence does not exist showing a
violation of division (G) of this section by the certificate
holder, registrant, or licensee, the superintendent shall notify
the complainant and certificate holder, registrant, or licensee of
that determination and the basis for the determination. Within
fifteen business days after the superintendent notifies the
complainant and certificate holder, registrant, or licensee that
such evidence does not exist, the complainant may file with the
division a request that the real estate appraiser board review the
determination. If the complainant files such request, the board
shall review the determination at the next regularly scheduled
meeting held at least fifteen business days after the request is
filed but no longer than six months after the request is filed.
The board may hear the testimony of the complainant, certificate
holder, registrant, or licensee at the meeting upon the request of
that party. If the board affirms the determination of the
superintendent, the superintendent shall notify the complainant
and the certificate holder, registrant, or licensee within five
business days thereafter. If the board reverses the determination
of the superintendent, ~~a hearing before a hearing examiner shall~~
~~be held and the complainant and certificate holder, registrant, or~~
~~licensee notified as provided in this division~~ the matter shall be
returned to the superintendent for additional investigation or
review.

(E) The board shall review the ~~referee's or~~ hearing

examiner's report and the evidence at the next regularly scheduled 1410
board meeting held at least fifteen business days after receipt of 1411
the ~~referee's or~~ examiner's report. The board may hear the 1412
testimony of the complainant, certificate holder, registrant, or 1413
licensee upon request. If the complainant is the Ohio civil rights 1414
commission, the board shall review the complaint. 1415

(F) If the board determines that a licensee, registrant, or 1416
certificate holder has violated this chapter for which 1417
disciplinary action may be taken under division (G) of this 1418
section, after review of the ~~referee's or~~ hearing examiner's 1419
report and the evidence as provided in division (E) of this 1420
section, or after review of a settlement agreement entered into 1421
pursuant to division (D)(1) of this section, the board shall order 1422
the disciplinary action the board considers appropriate, which may 1423
include, but is not limited to, any of the following: 1424

(1) Reprimand of the certificate holder, registrant, or 1425
licensee; 1426

(2) Imposition of a fine, not exceeding, two thousand five 1427
hundred dollars per violation; 1428

(3) Requirement of the completion of additional education 1429
courses. Any course work imposed pursuant to this section shall 1430
not count toward continuing education requirements or prelicense 1431
or precertification requirements set forth in section 4763.05 of 1432
the Revised Code. 1433

(4) Suspension of the certificate, registration, or license 1434
for a specific period of time; 1435

(5) Revocation or surrender of the certificate, registration, 1436
or license. 1437

The decision and order of the board is final, except that 1438
following the review of the hearing examiner report and the 1439
evidence as provided in division (E) of this section, the decision 1440

and order of the board is subject to review in the manner provided 1441
for in Chapter 119. of the Revised Code and appeal to any court of 1442
common pleas. If the board orders a disciplinary action as 1443
provided in division (F)(2) or (3) of this section, the 1444
superintendent may grant an extension of time to satisfy the 1445
board-ordered disciplinary action for good cause shown. 1446

(G) The board shall take any disciplinary action authorized 1447
by this section against a certificate holder, registrant, or 1448
licensee or an applicant who obtains a certificate, registration, 1449
or license pursuant to this chapter who is found to have committed 1450
any of the following acts, omissions, or violations ~~during the~~ 1451
~~appraiser's certification, registration, or licensure:~~ 1452

(1) ~~Procuring~~ As an applicant, procuring or attempting to 1453
procure a certificate, registration, or license pursuant to ~~this~~ 1454
~~chapter~~ section 4763.05, 4763.06, or 4763.07 of the Revised Code 1455
by knowingly making a false statement, submitting false 1456
information, refusing to provide complete information in response 1457
to a question in an application for certification, registration, 1458
or licensure, or by any means of fraud or misrepresentation; 1459

(2) Paying, or attempting to pay, anything of value, other 1460
than the fees or assessments required by this chapter, to any 1461
member or employee of the board for the purpose of procuring a 1462
certificate, registration, or license; 1463

(3) Being convicted in a criminal proceeding for a felony ~~or~~; 1464
a crime involving moral turpitude; or a crime involving theft, 1465
receiving stolen property, embezzlement, forgery, fraud, passing 1466
bad checks, money laundering, drug trafficking, or any criminal 1467
offense involving money or securities, including a violation of an 1468
existing or former law of this state, any other state, or the 1469
United States that is substantially equivalent to such an offense; 1470

(4) Dishonesty, fraud, or misrepresentation, with the intent 1471

to either benefit the certificate holder, registrant, or licensee 1472
or another person or injure another person; 1473

(5) Violation of any of the standards for the development, 1474
preparation, communication, or reporting of an appraisal report 1475
set forth in this chapter and rules of the board; 1476

(6) Failure or refusal to exercise reasonable diligence in 1477
developing, preparing, or communicating an appraisal report; 1478

(7) Negligence or incompetence in developing, preparing, 1479
communicating, or reporting an appraisal report; 1480

(8) Violating ~~or willfully disregarding~~ this chapter or the 1481
rules adopted thereunder; 1482

(9) Accepting an appraisal assignment where the employment is 1483
contingent upon the appraiser preparing or reporting a 1484
predetermined estimate, analysis, or opinion, or where the fee to 1485
be paid for the appraisal is contingent upon the opinion, 1486
conclusion, or valuation attained or upon the consequences 1487
resulting from the appraisal assignment; 1488

(10) Violating the confidential nature of governmental 1489
records to which the certificate holder, registrant, or licensee 1490
gained access through employment or engagement as an appraiser by 1491
a governmental agency; 1492

(11) Entry of final judgment against the certificate holder, 1493
registrant, or licensee on the grounds of fraud, deceit, 1494
misrepresentation, or gross negligence in ~~the making of~~ performing 1495
any appraisal of real estate; 1496

(12) Violating any federal or state civil rights law; 1497

(13) Having published advertising, whether printed, radio, 1498
display, or of any other nature, which was misleading or 1499
inaccurate in any material particular, or in any way having 1500
misrepresented any appraisal or specialized service; 1501

(14) Failing to provide copies of records to the 1502
superintendent or failing to maintain records as required by 1503
section 4763.14 of the Revised Code. Failure of a certificate 1504
holder, licensee, or registrant to comply with a subpoena issued 1505
under division (C)(1) of section 4763.03 of the Revised Code is 1506
prima-facie evidence of a violation of division (G)(14) of section 1507
4763.11 of the Revised Code. 1508

(15) Failing to provide notice to the board as required in 1509
division (I) of this section; 1510

(16) In the case of a certificate holder acting as a 1511
supervisory appraiser, refusing to sign an appraiser experience 1512
log required by rule for a person making application for an 1513
initial state-certified general real estate appraiser certificate, 1514
state-certified residential real estate appraiser certificate, or 1515
state-licensed residential real estate appraiser license, unless 1516
there is reasonable and substantial evidence that there is false 1517
information contained within the log; 1518

(17) Being sanctioned or disciplined in another jurisdiction 1519
as a real estate appraiser; 1520

(18) Failing to provide assistance, whenever possible, to the 1521
members and staff of the board or to the division of real estate 1522
in the enforcement of this chapter and the rules adopted under it. 1523

(H) The board immediately shall notify the superintendent of 1524
real estate of any disciplinary action taken under this section 1525
against a certificate holder, registrant, or licensee who also is 1526
licensed under Chapter 4735. of the Revised Code, and also shall 1527
notify any other federal, state, or local agency and any other 1528
public or private association that the board determines is 1529
responsible for licensing or otherwise regulating the professional 1530
or business activity of the appraiser. Additionally, the board 1531
shall notify the complainant ~~and any other party who may have~~ 1532

~~suffered financial loss because of the certificate holder's,~~ 1533
~~registrant's, or licensee's violations,~~ that the complainant ~~or~~ 1534
~~either party~~ may sue for recovery under section 4763.16 of the 1535
Revised Code. The notice provided under this division shall 1536
specify the conduct for which the certificate holder, registrant, 1537
or licensee was disciplined and the disciplinary action taken by 1538
the board and the result of that conduct. 1539

(I) A certificate holder, registrant, or licensee shall 1540
notify the board within fifteen days of the agency's issuance of 1541
an order revoking or permanently surrendering any professional 1542
license, certificate, or registration by any public entity other 1543
than the division of real estate. A certificate holder, 1544
registrant, or licensee who is convicted of a ~~felony or~~ crime of 1545
~~moral turpitude~~ as described in division (G)(3) of this section 1546
shall notify the board of the conviction within fifteen days of 1547
the conviction. 1548

(J) If the board determines that a certificate holder, 1549
registrant, or licensee has violated this chapter for which 1550
disciplinary action may be taken under division (G) of this 1551
section as a result of an investigation conducted by the 1552
superintendent upon the superintendent's own motion or upon the 1553
request of the board, the superintendent shall notify the 1554
certificate holder, registrant, or licensee of the certificate 1555
holder's, registrant's, or licensee's right to a hearing pursuant 1556
to Chapter 119. of the Revised Code and, if applicable, to an 1557
appeal of a final determination of such administrative proceedings 1558
to any court of common pleas. 1559

(K) Notwithstanding section 119.07 of the Revised Code, 1560
acknowledgment of complaint notices issued under division (A) of 1561
this section and continuance notices associated with hearings 1562
conducted under this section may be sent by regular mail and a 1563
certificate of mailing shall be obtained for the notices. All 1564

~~other~~ notices, ~~written reports, and determinations~~ issued to a 1565
complainant and to a certificate holder, registrant, or licensee 1566
pursuant to this section shall be mailed via certified mail, 1567
return receipt requested. ~~If the certified~~ When any notice is sent 1568
by certified mail, return receipt requested, and is returned 1569
~~because of failure of delivery or because the notice~~ was 1570
unclaimed, ~~the then that~~ notice, ~~written reports, or~~ 1571
~~determinations are~~ is deemed served if the superintendent 1572
subsequently sends the notice, ~~written reports, or determination~~ 1573
~~via~~ by regular mail and ~~obtains~~ a certificate of mailing ~~of is~~ 1574
obtained for the notice, ~~written reports, or determination. If a~~ 1575
notice, whether sent by certified mail, return receipt requested, 1576
or by regular mail with a certificate of mailing, is returned for 1577
failure of delivery, then the superintendent shall make personal 1578
delivery of the notice by an employee or agent of the department 1579
of commerce or shall cause a summary of the substantive provisions 1580
of the notice to be published once a week for three consecutive 1581
weeks in a newspaper of general circulation in the county where 1582
the last known address of the party is located. When notice is 1583
given by publication, a proof of publication affidavit, with the 1584
first publication of the notice set forth in the affidavit, shall 1585
be mailed by regular mail to the party at the party's last known 1586
address. The notice shall be deemed received as of the date of the 1587
last publication of the summary. An employee or agent of the 1588
department of commerce may make personal delivery of the notice 1589
upon the party at any time. Refusal of delivery by personal 1590
service or by mail is not failure of delivery and service is 1591
deemed to be complete. Failure of delivery occurs only when a 1592
mailed notice is returned by the postal authorities marked 1593
undeliverable, address or addressee unknown, or forwarding address 1594
unknown or expired. 1595

Sec. 4763.12. (A) A person licensed or certified under this 1596

chapter may be retained or employed to act as a disinterested 1597
third party in rendering an unbiased valuation or analysis of real 1598
estate or to provide specialized services to facilitate the client 1599
or employer's objectives. An appraisal or appraisal report 1600
rendered by a certificate holder or licensee shall comply with 1601
this chapter. A certified appraisal or certified appraisal report 1602
represents to the public that it satisfies the standards set forth 1603
in this chapter. 1604

(B) No certificate holder or licensee shall accept a fee for 1605
an appraisal assignment that is contingent, in whole or in part, 1606
upon the reporting of a predetermined estimate, analysis, or 1607
opinion or upon the opinion, conclusion, or valuation reached, or 1608
upon consequences resulting from the appraisal assignment. A 1609
certificate holder or licensee who enters into an agreement to 1610
provide specialized services may charge a fixed fee or a fee that 1611
is contingent upon the results achieved by the specialized 1612
services, provided that this fact is clearly stated in each oral 1613
report rendered pursuant to the agreement, and the existence of 1614
the contingent fee arrangement is clearly stated in a prominent 1615
place on each written report and in each letter of transmittal and 1616
certification statement made by the certificate holder or licensee 1617
within that report. 1618

(C) Every written report rendered by a certificate holder or 1619
licensee in conjunction with an appraisal assignment or 1620
specialized service performed shall include the following 1621
information: 1622

(1) The name of the certificate holder or licensee; 1623

(2) The class of certification or licensure held by and the 1624
certification or licensure number of the certificate holder or 1625
licensee; 1626

(3) Whether the appraisal or specialized service is performed 1627

within the scope of the certificate holder's or licensee's 1628
certification or licensure; 1629

(4) Whether the appraisal or specialized service is provided 1630
by a certificate holder or licensee as a disinterested and 1631
unbiased third party or as a person on an interested and biased 1632
basis or as an interested third party on a contingent fee basis; 1633

(5) The signature of the person ~~preparing~~ performing and 1634
reporting the appraisal or specialized service; 1635

(6) The license, certificate, or registration number of the 1636
appraisal management company that has engaged the appraiser for 1637
the assignment within the body of the appraisal report; 1638

(7) If an appraisal report is completed for an appraisal 1639
management company, one of the following: 1640

(a) The actual fees paid to the appraiser within the body of 1641
the appraisal report; 1642

(b) If the appraiser is employed by the appraisal management 1643
company on an employee and employer basis for the performance of 1644
appraisals, a statement of that fact and a statement that the 1645
appraiser was not paid a fee. 1646

If the certificate holder or licensee provides an oral real 1647
estate appraisal report or specialized service, the certificate 1648
holder or licensee shall send, within seven days of providing the 1649
oral report, a form to the client containing the appropriate 1650
information specified in this division and the rules adopted 1651
pursuant to this division. 1652

(D) Nothing in this chapter shall be construed as requiring a 1653
certificate holder or licensee to provide a client with a copy of 1654
any writing prepared in support of an oral appraisal report except 1655
as provided in division (C) of this section or as agreed to 1656
between the certificate holder or licensee and the certificate 1657

holder's or licensee's client. 1658

(E) No person, directly or indirectly, shall knowingly 1659
compensate, instruct, induce, coerce, or intimidate, or attempt to 1660
compensate, instruct, induce, coerce, or intimidate, a certificate 1661
holder or licensee for the purpose of corrupting or improperly 1662
influencing the independent judgment of the certificate holder or 1663
licensee with respect to the value of the dwelling offered as 1664
security for repayment of a mortgage loan. 1665

Sec. 4763.13. (A) In engaging in appraisal activities, a 1666
person certified, registered, or licensed under this chapter shall 1667
comply with the applicable standards prescribed by the board of 1668
governors of the federal reserve system, the federal deposit 1669
insurance corporation, the comptroller of the currency, the office 1670
of thrift supervision, the national credit union administration, 1671
and the resolution trust corporation in connection with federally 1672
related transactions under the jurisdiction of the applicable 1673
agency or instrumentality. A certificate holder, registrant, and 1674
licensee also shall comply with the uniform standards of 1675
professional appraisal practice, as adopted by the appraisal 1676
standards board of the appraisal foundation and such other 1677
standards adopted by the real estate appraiser board, to the 1678
extent that those standards do not conflict with applicable 1679
federal standards in connection with a particular federally 1680
related transaction. 1681

(B) The terms "state-licensed residential real estate 1682
appraiser," "state-certified residential real estate appraiser," 1683
"state-certified general real estate appraiser," and 1684
"state-registered real estate appraiser assistant" shall be used 1685
to refer only to those persons who have been issued the applicable 1686
certificate, registration, or license or renewal certificate, 1687
registration, or license pursuant to this chapter. None of these 1688

terms shall be used following or in connection with the name or
signature of a partnership, corporation, or association or in a
manner that could be interpreted as referring to a person other
than the person to whom the certificate, registration, or license
has been issued. No person shall fail to comply with this
division.

(C) No person, other than a certificate holder, a registrant,
or a licensee, shall assume or use a title, designation, or
abbreviation that is likely to create the impression that the
person possesses certification, registration, or licensure under
this chapter, provided that professional designations containing
the term "certified appraiser" and being used on or before July
26, 1989, shall not be construed as being misleading under this
division. No person other than a person certified or licensed
under this chapter shall describe or refer to an appraisal or
other evaluation of real estate located in this state as being
certified.

(D) The terms "state-certified or state-licensed real estate
appraisal report," "state-certified or state-licensed appraisal
report," or "state-certified or state-licensed appraisal" shall be
used to refer only to those real estate appraisals conducted by a
certificate holder or licensee as a disinterested and unbiased
third party provided that the certificate holder or licensee
provides certification with the appraisal report and provided
further that if a licensee is providing the appraisal, such terms
shall only be used if the licensee is acting within the scope of
the licensee's license. No person shall fail to comply with this
division.

(E) Nothing in this chapter shall preclude a partnership,
corporation, or association which employs, retains, or engages the
services of a certificate holder or licensee to advertise that the
partnership, corporation, or association offers state-certified or

state-licensed appraisals through a certificate holder or licensee 1721
if the advertisement clearly states such fact in accordance with 1722
guidelines for such advertisements established by rule of the real 1723
estate appraiser board. 1724

(F) Except as otherwise provided in section 4763.19 of the 1725
Revised Code, nothing in this chapter shall preclude a person who 1726
is not licensed or certified under this chapter from appraising 1727
real estate for compensation. 1728

Sec. 4763.14. A person licensed, registered, or certified 1729
under this chapter shall retain for a period of five years the 1730
original or a true copy of each written contract for the person's 1731
services relating to real estate appraisal work, all appraisal 1732
reports, and all work file documentation and data assembled in 1733
preparing those reports. The retention period begins on the date 1734
the appraisal report is submitted to the client unless, prior to 1735
expiration of the retention period, the certificate holder, 1736
registrant, or licensee is notified that the appraisal or report 1737
is the subject of or is otherwise involved in pending litigation, 1738
in which case the retention period ~~begins on~~ shall commence two 1739
years from the date of final disposition of the litigation. 1740

A certificate holder, registrant, and a licensee shall make 1741
available all records required to be maintained under this section 1742
for inspection and copying by the superintendent of real estate or 1743
the real estate appraiser board, or both, upon reasonable notice 1744
to the certificate holder, registrant, or licensee. 1745

Sec. 4763.15. Except for moneys required to be transferred 1746
into the real estate appraiser recovery fund pursuant to section 1747
4763.16 of the Revised Code or as required pursuant to this 1748
section, the superintendent of real estate may deposit all fees 1749
collected under this chapter into the state treasury to the credit 1750

of the real estate appraiser operating fund, which is hereby 1751
created. All operating expenses of the real estate appraiser board 1752
and the superintendent of real estate relating to the 1753
administration and enforcement of this chapter and Chapter 4768. 1754
of the Revised Code shall be paid from this fund. The fund shall 1755
be assessed a proportionate share of the administrative cost of 1756
the department of commerce in accordance with procedures 1757
prescribed by the director of commerce and approved by the 1758
director of budget and management and the assessment shall be paid 1759
from the operating fund to the division of administration fund. 1760

If, in any biennium, the director of commerce determines that 1761
moneys in the operating fund exceed those necessary to fund the 1762
activities of the board and of the superintendent of real estate 1763
that relate to this chapter and Chapter 4768. of the Revised Code, 1764
~~he~~ the director may pay the excess funds to the real estate 1765
appraiser recovery fund. 1766

Sec. 4763.17. Every partnership, corporation, or association 1767
which employs, retains, or engages the services of a person 1768
licensed, registered, or certified under this chapter, whether the 1769
certificate holder, registrant, or licensee is an independent 1770
contractor or under the supervision or control of the partnership, 1771
corporation, or association, is jointly and severally liable for 1772
any damages incurred by any person as a result of an act or 1773
omission concerning a state-certified or state-licensed real 1774
estate appraisal report prepared or facilitated in the preparation 1775
by a certificate holder, registrant, or licensee while employed, 1776
retained, or engaged by the partnership, corporation, or 1777
association. 1778

Sec. 4763.19. (A) Subject to division (B) of this section, no 1779
person shall perform or prepare a real estate appraisal, appraisal 1780
report, or real estate appraisal review for a mortgage loan ~~if,~~ 1781

unless the person is ~~not~~ licensed or certified under this chapter 1782
to do the appraisal. 1783

(B) Division (A) of this section does not apply to a lender 1784
using a market analysis or price opinion, an internal valuation 1785
analysis, or an automated valuation model or report based on an 1786
automated valuation model, and any person providing that report to 1787
the lender, ~~in performing a valuation for purposes of a loan~~ 1788
~~application, as long as the lender does both of the following:~~ 1789

~~(1) Gives the consumer loan applicant a copy of any written 1790
market analysis or price opinion or valuation report based on an 1791
automated valuation model;~~ 1792

~~(2) Includes a disclaimer on the consumer's copy specifying 1793
that the valuation used for purposes of the application was 1794
obtained from a market analysis or price opinion or automated 1795
valuation model report and not from a to validate or support the 1796
value conclusion provided by the person licensed or certified 1797
under this chapter to do the appraisal. 1798~~

Sec. 4768.01. As used in this chapter: 1799

(A) "Real estate appraisal" or "appraisal" means the act or 1800
process of developing an opinion of value of real property in 1801
conformity with the uniform standards of professional appraisal 1802
practice. 1803

(B) "Appraisal management company" means any person 1804
authorized either by a creditor of a consumer credit transaction 1805
secured by a consumer's principal dwelling, or by an underwriter 1806
of or other principal in the secondary mortgage markets, that 1807
performs appraisal management services in connection with valuing 1808
properties collateralizing mortgage loans or valuing properties 1809
collateralizing mortgages incorporated in a securitization. 1810

(C) "Appraisal management services" means to perform any of 1811

the following functions on behalf of a lender, financial 1812
institution, client, or any other person in conjunction with a 1813
consumer credit transaction that is secured by a consumer's 1814
primary dwelling: 1815

(1) Administer an appraiser panel; 1816

(2) Recruit, retain, or select appraisers; 1817

(3) Qualify, verify licensure or certification, and negotiate 1818
fees and service level expectations with persons who are part of 1819
an appraiser panel; 1820

(4) Contract with appraisers to perform appraisal 1821
assignments; 1822

(5) Receive an order for an appraisal from one person and 1823
deliver the order for the appraisal to an appraiser who is part of 1824
an appraiser panel for completion; 1825

(6) Manage the process of having an appraisal performed, 1826
including providing administrative duties, such as receiving 1827
appraisal orders and reports, submitting completed appraisal 1828
reports to creditors and underwriters, collecting fees from 1829
creditors and underwriters for services provided, and reimbursing 1830
appraisers for services performed; 1831

(7) Track and determine the status of orders for appraisals; 1832

(8) Conduct quality control of a completed appraisal prior to 1833
the delivery of the appraisal to the person that ordered the 1834
appraisal; 1835

(9) Provide a completed appraisal performed by an appraiser 1836
to one or more clients. 1837

(D) "Appraisal report" means a written communication of a 1838
real estate appraisal or appraisal review or an oral communication 1839
of a real estate appraisal or appraisal review that is documented 1840
by a writing that supports the oral communication. 1841

(E) "Appraisal review" means the act or process of developing 1842
and communicating an opinion about the quality of another 1843
appraiser's work that was performed as part of an appraisal or 1844
appraisal review. "Appraisal review" does not include an 1845
examination of an appraisal for grammatical errors, typographical 1846
errors, or completeness, provided the review for completeness does 1847
not require an opinion about the quality of the work of an 1848
appraiser. The real estate appraiser board may define, by rule, 1849
"review for completeness." 1850

(F) "Appraisal services" or "real estate appraisal services" 1851
means a real estate appraisal or appraisal review. 1852

(G) "Appraiser" means a person licensed or certified under 1853
Chapter 4763. of the Revised Code. 1854

(H) "Appraiser panel" means a network of appraisers who are 1855
independent contractors to the appraisal management company and 1856
who have been approved by the appraisal management company, after 1857
responding to an invitation or request from the appraisal 1858
management company, to perform appraisals for any client of the 1859
appraisal management company or for the appraisal management 1860
company directly, on a periodic basis, as assigned by the 1861
appraisal management company. 1862

(I) "Automated valuation model" means a computer software 1863
program that analyzes data using an automated process, such as 1864
regression, adaptive estimation, neural network, expert reasoning, 1865
or artificial intelligence programs, that produces an output that 1866
may become a basis for appraisal or appraisal review if the 1867
appraiser believes the output to be credible for use in a specific 1868
assignment. 1869

(J) "Client" means any person that contracts with, or 1870
otherwise enters into an agreement with, an appraisal management 1871
company for residential or commercial real estate appraisal 1872

<u>services.</u>	1873
<u>(K) "Controlling person" means any of the following:</u>	1874
<u>(1) An owner, officer, or director of a business entity</u>	1875
<u>seeking to offer appraisal management services in this state;</u>	1876
<u>(2) An individual employed, appointed, or authorized by an</u>	1877
<u>appraisal management company, who has the authority to enter into</u>	1878
<u>contractual relationships with clients for the performance of</u>	1879
<u>appraisal management services and the authority to enter into</u>	1880
<u>agreements with appraisers for the performance of residential or</u>	1881
<u>commercial real estate appraisal services;</u>	1882
<u>(3) An individual who possesses, directly or indirectly, the</u>	1883
<u>power to direct or cause the direction of the management or</u>	1884
<u>policies of an appraisal management company.</u>	1885
<u>(L) "Federally regulated appraisal management company" means</u>	1886
<u>an appraisal management company that is owned and controlled by an</u>	1887
<u>insured depository institution as defined in 12 U.S.C. 1813 or an</u>	1888
<u>insured credit union as defined in 12 U.S.C. 1752 and that is</u>	1889
<u>regulated by the office of the comptroller of the currency, the</u>	1890
<u>board of governors of the federal reserve system, the national</u>	1891
<u>credit union administration, or the federal deposit insurance</u>	1892
<u>corporation.</u>	1893
<u>(M) "Owner" means a person who owns or controls ten per cent</u>	1894
<u>or more of an appraisal management company.</u>	1895
<u>(N) "Person" means an individual, corporation, partnership,</u>	1896
<u>sole proprietorship, subsidiary, unit, or other business entity.</u>	1897
<u>(O) "Real estate" has the same meaning as in section 4735.01</u>	1898
<u>of the Revised Code.</u>	1899
<u>Sec. 4768.02. (A)(1) No person shall do any of the following</u>	1900
<u>without first obtaining a license under this chapter:</u>	1901

<u>(a) Directly or indirectly engage or attempt to engage in</u>	1902
<u>business as an appraisal management company;</u>	1903
<u>(b) Directly or indirectly engage in or attempt to perform</u>	1904
<u>appraisal management services;</u>	1905
<u>(c) Advertise or hold itself out as engaging in or conducting</u>	1906
<u>business as an appraisal management company.</u>	1907
<u>(2) A person that violates division (A)(1) of this section</u>	1908
<u>may be subject to sanctions under section 4768.14 of the Revised</u>	1909
<u>Code.</u>	1910
<u>(B) This chapter shall not apply to any of the following:</u>	1911
<u>(1) An appraisal management company that is a federally</u>	1912
<u>regulated appraisal management company;</u>	1913
<u>(2) Any person that exclusively employs appraisers on an</u>	1914
<u>employer and employee basis for the performance of appraisals;</u>	1915
<u>(3) Any person engaged in appraisal services who, in the</u>	1916
<u>normal course of business, enters into an agreement, whether</u>	1917
<u>written or otherwise, with an independent appraiser for the</u>	1918
<u>performance of appraisal services that the hiring or contracting</u>	1919
<u>person is not completing for any reason, including competency,</u>	1920
<u>work load, schedule, or geographic location. Division (B)(3) of</u>	1921
<u>this section applies only to an appraiser and to that appraiser's</u>	1922
<u>business entity provided that entity is engaging in real estate</u>	1923
<u>appraisal services, not appraisal management services;</u>	1924
<u>(4) Any person engaged in appraisal services who, in the</u>	1925
<u>normal course of business, enters into an agreement, whether</u>	1926
<u>written or otherwise, with an independent contractor appraiser for</u>	1927
<u>the performance of appraisal services and, upon the completion of</u>	1928
<u>the appraisal, the report of the independent contractor appraiser</u>	1929
<u>performing the appraisal services is cosigned by the person who</u>	1930
<u>subcontracted with the independent contractor appraiser for the</u>	1931

performance of the appraisal services. An appraisal management 1932
company shall not avoid the requirements of this division by 1933
requiring an employee of the appraisal management company, who is 1934
an appraiser, to sign the appraisal that has been completed by an 1935
appraiser that is part of the appraisal panel for the appraisal 1936
management company. 1937

Sec. 4768.03. The real estate appraiser board shall do all of 1938
the following: 1939

(A) Adopt rules, in accordance with Chapter 119. of the 1940
Revised Code in furtherance of this chapter, including, but not 1941
limited to, all of the following: 1942

(1) Procedures for criminal records checks that are required 1943
under section 4768.06 of the Revised Code, in accordance with 1944
division (K) of section 121.08 and division (C) of section 4768.06 1945
of the Revised Code; 1946

(2) The following nonrefundable fees: 1947

(a) The initial appraisal management company license fee, 1948
which shall not exceed two thousand dollars; 1949

(b) The annual renewal fee, which shall not exceed two 1950
thousand dollars; 1951

(c) The late filing fee, which shall not exceed one thousand 1952
dollars, for the renewal of a license under division (C) of 1953
section 4768.07 of the Revised Code. 1954

(3) Requirements for settlement agreements that the 1955
superintendent of real estate and professional licensing and an 1956
appraisal management company or other person may enter into under 1957
division (H) of section 4768.13 or division (C) of section 4768.14 1958
of the Revised Code; 1959

(4) Presumptions of compliance with regard to the customary 1960
and reasonable fees required under division (B) of section 4768.12 1961

of the Revised Code. In adopting rules under division (A)(4) of 1962
this section, the board shall consider presumptions of compliance 1963
promulgated for the same purpose under the federal "Truth in 1964
Lending Act," 82 Stat. 146, 15 U.S.C. 1631 et seq.; 1965

(5) Rules regarding consent to service of process for 1966
appraisal management companies in accordance with division (A)(6) 1967
of section 4768.06 of the Revised Code. 1968

(B) Determine the appropriate disciplinary actions to be 1969
taken against a person, including a licensee, under section 1970
4768.13 of the Revised Code; 1971

(C) Hear appeals, pursuant to Chapter 119. of the Revised 1972
Code, from decisions and orders that the superintendent issues 1973
pursuant to this chapter; 1974

(D) Request that the superintendent initiate an investigation 1975
of a violation of this chapter or the rules adopted under it, as 1976
the board determines appropriate. 1977

Sec. 4768.04. (A) The superintendent of real estate and 1978
professional licensing shall do all of the following: 1979

(1) Prescribe the form and content of all applications 1980
required by this chapter; 1981

(2) Receive applications for licenses and renewal thereof 1982
under this chapter and establish the procedures for processing, 1983
approving, and disapproving those applications; 1984

(3) Retain records and all application materials submitted to 1985
the superintendent; 1986

(4) Issue licenses and maintain a register of the names and 1987
addresses of all appraisal management companies issued a license 1988
under this chapter; 1989

(5) Perform any other functions and duties, including the 1990

<u>employment of staff, necessary to administer this chapter;</u>	1991
<u>(6) Administer this chapter;</u>	1992
<u>(7) Issue all orders necessary to implement this chapter;</u>	1993
<u>(8) Investigate complaints, upon the motion of the</u>	1994
<u>superintendent of real estate and professional licensing or upon</u>	1995
<u>receipt of a complaint, or at the request of the real estate</u>	1996
<u>appraiser board, concerning any violation of this chapter or the</u>	1997
<u>rules adopted pursuant thereto or the conduct of any person</u>	1998
<u>holding a license issued pursuant to this chapter;</u>	1999
<u>(9) Establish and maintain an investigation and audit section</u>	2000
<u>to investigate complaints and conduct inspections, audits, and</u>	2001
<u>other inquiries as, in the judgment of the superintendent of real</u>	2002
<u>estate and professional licensing, are appropriate to enforce this</u>	2003
<u>chapter. The investigators and auditors may review and audit the</u>	2004
<u>business records of licensees during normal business hours. The</u>	2005
<u>superintendent of real estate and professional licensing may</u>	2006
<u>utilize the investigators and auditors who are employed by the</u>	2007
<u>division of real estate and professional licensing for other</u>	2008
<u>related purposes.</u>	2009
<u>(10) Appoint a hearing examiner for any proceeding under</u>	2010
<u>section 4768.13 or 4768.14 of the Revised Code;</u>	2011
<u>(11) Make and transmit any reports, and collect and transmit</u>	2012
<u>any fees, that are required under section 1109(a) of the</u>	2013
<u>"Financial Institutions, Reform, Recovery, and Enforcement Act,"</u>	2014
<u>as amended, 12 U.S.C. 3338(a).</u>	2015
<u>(B) The superintendent of real estate and professional</u>	2016
<u>licensing may do any of the following:</u>	2017
<u>(1) In connection with investigations and audits under</u>	2018
<u>division (A)(8) of this section, subpoena witnesses as provided in</u>	2019
<u>section 4768.05 of the Revised Code;</u>	2020

(2) Apply to the appropriate court to enjoin any violation of 2021
this chapter. Upon a showing by the superintendent of real estate 2022
and professional licensing that any person has violated or is 2023
about to violate this chapter, the court shall grant an 2024
injunction, restraining order, or other appropriate relief, or any 2025
combination thereof; 2026

(3) In conjunction with the enforcement of this chapter, when 2027
the superintendent of real estate and professional licensing has 2028
reasonable cause to believe that any owner or controlling person 2029
of a licensee has committed a criminal offense, the superintendent 2030
of real estate and professional licensing may request the 2031
superintendent of the bureau of criminal identification and 2032
investigation to conduct a criminal records check of the owner or 2033
controlling person. The superintendent of the bureau of criminal 2034
identification and investigation shall obtain information from the 2035
federal bureau of investigation as part of the criminal records 2036
check of the owner or controlling person. The superintendent of 2037
real estate and professional licensing may assess the licensee a 2038
fee equal to the fee assessed for the criminal records check. 2039

(C)(1) The following information and documents are 2040
confidential and not public records under section 149.43 of the 2041
Revised Code: 2042

(a) All information that is obtained by investigators and 2043
auditors performing investigations or conducting inspections, 2044
audits, and other inquiries pursuant to divisions (A)(8) and (9) 2045
of this section; 2046

(b) All reports, documents, and other work products that 2047
arise from the information described in division (C)(1)(a) of this 2048
section and that are prepared by the investigators, auditors, or 2049
other personnel of the department of commerce. 2050

(2) The superintendent of real estate and professional 2051

licensing, the investigators and auditors, and other personnel of 2052
the department shall hold in confidence the information, reports, 2053
documents, and other work products described in division (C)(1) of 2054
this section. 2055

(3) Divisions (C)(1) and (2) of this section do not prevent 2056
the division from releasing information relating to licensees to 2057
the superintendent of financial institutions for purposes relating 2058
to the administration of sections 1322.01 to 1322.12 of the 2059
Revised Code, to the commissioner of securities for purposes 2060
relating to Chapter 1707. of the Revised Code, to the 2061
superintendent of insurance for purposes relating to the 2062
administration of Chapter 3953. of the Revised Code, to the 2063
attorney general, or to law enforcement agencies and prosecutors. 2064
Information released by the division pursuant to division (C)(3) 2065
of this section remains confidential. 2066

Sec. 4768.05. The real estate appraiser board or the 2067
superintendent of real estate and professional licensing may 2068
compel, by order or subpoena, the attendance of witnesses to 2069
testify in relation to any matter over which the board or the 2070
superintendent has jurisdiction and that is the subject of the 2071
inquiry and investigation by the board or superintendent and may 2072
require the production of any book, paper, or document pertaining 2073
to such matter. For such purpose, the board or the superintendent 2074
has the same power as judges of county courts to administer oaths, 2075
compel the attendance of witnesses, and punish witnesses for 2076
refusal to testify. Service of the subpoena may be made by 2077
sheriffs or by certified mail, return receipt requested, and the 2078
subpoena shall be deemed served on the date delivery is made or 2079
the date the person refuses to accept delivery. Sheriffs or 2080
constables shall return such process and shall receive the same 2081
fees for doing so as are allowed for like service if service of 2082
the subpoena is made by sheriffs or constables. Witnesses shall 2083

receive, after their appearance before the board or the 2084
superintendent, the fees and mileage provided for under section 2085
119.094 of the Revised Code. If two or more witnesses travel 2086
together in the same vehicle, the mileage fee shall be paid to 2087
only one of those witnesses, but the witnesses may agree to divide 2088
the fee amongst themselves in any manner. 2089

If any person fails to file any statement or report, obey any 2090
subpoena, give testimony, answer questions, or produce books, 2091
records, or papers as required by the board or the superintendent 2092
under this chapter, the board or the superintendent may apply to 2093
the court of common pleas of any county in the state setting forth 2094
the failure. Upon receiving such an application, the court may 2095
make an order awarding process of subpoena or subpoena duces tecum 2096
for the person to appear and testify before the board or the 2097
superintendent; order any person to give testimony and answer 2098
questions; and order any person to produce books, records, or 2099
papers, as required by the board or the superintendent. Upon the 2100
filing of such an order in the office of the clerk of the court of 2101
common pleas, the clerk, under the seal of the court, shall issue 2102
process or subpoena each day until the examination of the person 2103
is completed. The subpoena may contain a direction that the 2104
witness bring to the examination any books, records, or papers 2105
described in the subpoena. The clerk also shall issue, under the 2106
seal of the court, such other orders, in reference to the 2107
examination, appearance, and production of books, records, or 2108
papers, as the court directs. If any person summoned by subpoena 2109
fails to obey the subpoena, to give testimony, to answer questions 2110
as required, or to obey an order of the court, the court, on 2111
motion supported by proof, may order an attachment for contempt to 2112
be issued against the person charged with disobedience of the 2113
order. If the person is brought before the court by virtue of the 2114
attachment, and if upon a hearing the disobedience appears, the 2115

court may order the offender to be committed and kept in close 2116
custody. 2117

Sec. 4768.06. (A) To obtain an appraisal management company 2118
license, each applicant shall submit all of the following to the 2119
superintendent of real estate and professional licensing: 2120

(1) A completed application on a form the superintendent 2121
provides; 2122

(2) The name of a controlling person who will be the main 2123
contact between the appraisal management company and the division 2124
of real estate and professional licensing and the real estate 2125
appraiser board; 2126

(3) Payment of the fee established for initial licensure 2127
under division (A)(2) of section 4768.03 of the Revised Code; 2128

(4) A list of all owners and controlling persons of the 2129
appraisal management company; 2130

(5) A statement that each owner and controlling person of the 2131
appraisal management company satisfies the requirements set forth 2132
in divisions (B)(1) to (4) of this section; 2133

(6) A completed consent to service of process in this state 2134
as prescribed by rule of the real estate appraiser board; 2135

(7) A statement that the applicant understands the grounds 2136
for any disciplinary action that may be initiated under this 2137
chapter; 2138

(8) The name of each state in which the appraisal management 2139
company holds an appraisal management company license, 2140
certificate, or registration and affirmation that the applicant is 2141
in good standing in each state where the applicant hold a license, 2142
certificate, or registration; 2143

(9) A statement that the applicant acknowledges that a system 2144

or process must be in place to verify that any appraiser added to 2145
the appraisal management company's appraiser panel for the purpose 2146
of performing real estate appraisal services in this state holds a 2147
license or certificate under Chapter 4763. of the Revised Code and 2148
is in good standing with this state; 2149

(10) A statement that the applicant acknowledges that a 2150
system or process must be in place to review the work of 2151
appraisers who are performing real estate appraisal services for 2152
compliance with the uniform standards of professional appraisal 2153
practice; 2154

(11) A statement that the applicant acknowledges that a 2155
system or process must be in place to verify that any employee of, 2156
or independent contractor to, the appraisal management company 2157
that performs an appraisal review shall be an appraiser licensed 2158
or certified pursuant to Chapter 4763. of the Revised Code, 2159
provided the property that is the subject of the appraisal is 2160
located in this state; 2161

(12) A statement that the applicant acknowledges that the 2162
controlling person who will be the main contact between the 2163
appraisal management company and the division of real estate and 2164
professional licensing and the real estate appraiser board 2165
described in division (A)(2) of this section has successfully 2166
completed fifteen hours of uniform standards of professional 2167
appraisal practice and thereafter must complete seven hours of 2168
instruction in uniform standards of professional appraisal 2169
practice at least once every two years; 2170

(13) A statement that the applicant acknowledges that a 2171
system or process must be in place to disclose to its client the 2172
actual fees paid to an appraiser for appraisal services separately 2173
from any other fees or charges for appraisal management services; 2174

(14) A statement that the applicant acknowledges that a 2175

system or process must be in place to disclose the license, 2176
certificate, or registration number of the appraisal management 2177
company on each engagement letter used in assigning an appraisal 2178
request for real estate appraisal assignments within the state; 2179

(15) A statement that the applicant acknowledges that it is 2180
required to report suspected violations of Chapter 4763. of the 2181
Revised Code by a person licensed, registered, or certified under 2182
that chapter; 2183

(16) A statement that the applicant acknowledges that the 2184
real estate appraiser board or the superintendent may require the 2185
applicant to submit to an audit, conducted by staff of the 2186
division of real estate and professional licensing, of the 2187
applicant's operations or books; 2188

(17) A statement that the applicant acknowledges that it is 2189
required to comply with section 129e of the "Truth in Lending 2190
Act," 82 Stat. 146, 15 U.S.C. 1639e. 2191

(B) Each owner and controlling person of an appraisal 2192
management company shall satisfy all of the following criteria: 2193

(1) Be an individual who is at least eighteen years of age; 2194

(2) Have graduated the twelfth grade or received a 2195
certificate of high school equivalence as defined in section 2196
4109.06 of the Revised Code; 2197

(3) Be honest, truthful, and of good moral character; 2198

(4) Have not had a license, certificate, or registration to 2199
act as an appraiser that has been refused, denied, canceled, 2200
surrendered, or revoked in this state or in any other state; 2201

(5) Submit to a criminal records check in accordance with 2202
this section and any rule that the superintendent adopts under 2203
division (A)(1) of section 4768.03 of the Revised Code. 2204

(C) Upon receiving an application under this section, the 2205

superintendent shall request the superintendent of the bureau of 2206
criminal identification and investigation, or a vendor approved by 2207
the bureau, to conduct a criminal records check based on the 2208
fingerprint impressions of each owner and controlling person of 2209
the applicant in accordance with division (A)(15) of section 2210
109.572 of the Revised Code. Notwithstanding division (K) of 2211
section 121.08 of the Revised Code, the superintendent of real 2212
estate and professional licensing shall request that the 2213
superintendent of the bureau of criminal identification and 2214
investigation obtain criminal record information from the federal 2215
bureau of investigation be obtained as part of the criminal 2216
records check. Any fee required under division (C)(3) of section 2217
109.572 of the Revised Code shall be paid by the applicant. 2218

(D)(1) Subject to section 4768.08 of the Revised Code and 2219
except as provided in division (D)(2) of this section, the 2220
superintendent shall issue a license to the applicant if the 2221
applicant and each owner and controlling person of the applicant 2222
satisfies the requirements of this section. 2223

(2) The superintendent shall not issue a license to an 2224
applicant if any owner or controlling person of the applicant has 2225
been convicted of or pleaded guilty to a felony. However, if an 2226
owner or controlling person of the applicant has pleaded guilty to 2227
or been convicted of a felony, the superintendent shall not 2228
consider the conviction or plea if the person has proven to the 2229
superintendent, by a preponderance of the evidence, that the 2230
person's activities and employment record since the conviction or 2231
plea show that the person is honest, truthful, and of good moral 2232
character, and there is no basis in fact for believing that the 2233
person will commit a felony again. 2234

(E) A license issued under this section shall be valid for 2235
one year after the date of issue. 2236

Sec. 4768.07. (A) An appraisal management company licensed 2237
under this chapter may obtain a renewal license by filing an 2238
annual renewal application with the superintendent of real estate 2239
and professional licensing and paying the renewal fee established 2240
under division (A)(2) of section 4768.03 of the Revised Code. The 2241
renewal application shall include a statement, signed by the 2242
licensee's controlling person, that states all of the following: 2243

(1) The licensee has a system or process in place to verify 2244
that any appraiser added to the appraisal management company's 2245
appraiser panel for the purpose of performing real estate 2246
appraiser services in this state holds a license or certificate 2247
under Chapter 4763. of the Revised Code and is in good standing 2248
with this state. 2249

(2) The licensee has a system or process in place to review 2250
the work of appraisers who are performing real estate appraisal 2251
services for compliance with the uniform standards of professional 2252
appraisal practice. 2253

(3) The controlling person of the licensee who is the main 2254
contact between the appraisal management company and the division 2255
of real estate and professional licensing and the real estate 2256
appraiser board described in division (A)(2) of section 4768.06 of 2257
the Revised Code has successfully completed an initial fifteen 2258
hours of uniform standards of professional appraisal practice and 2259
thereafter completes seven hours of instruction in uniform 2260
standards of professional appraisal practice at least once every 2261
two years. 2262

(4) The licensee has a system or process in place to disclose 2263
to its client the actual fees paid to an appraiser for appraisal 2264
services separately from any other fees or charges for appraisal 2265
management services. 2266

(5) The licensee has a system or process in place to disclose 2267

the license, certificate, or registration number of the appraisal 2268
management company on each engagement letter used in assigning an 2269
appraisal request for real estate appraisal assignments within the 2270
state. 2271

(6) Each owner and controlling person of the licensee 2272
continues to satisfy the requirements provided for under divisions 2273
(B)(1) to (4) of section 4768.06 of the Revised Code; 2274

(7) The licensee acknowledges that it is required to report 2275
suspected violations of Chapter 4763. of the Revised Code by a 2276
person licensed, registered, or certified under that chapter; 2277

(8) The licensee acknowledges that the real estate appraiser 2278
board or the superintendent may require the licensee to submit to 2279
an audit, conducted by the staff of the division of real estate 2280
and professional licensing, of the applicant's operations or 2281
books; 2282

(9) The licensee acknowledges that it is required to comply 2283
with section 129e of the "Truth in Lending Act," 82 Stat. 146, 15 2284
U.S.C. 1639e. 2285

(B) The licensee shall file the renewal application at least 2286
thirty days, but not earlier than one hundred twenty days, prior 2287
to expiration of the license. Subject to section 4768.08 of the 2288
Revised Code, the superintendent shall renew the license if the 2289
applicant has complied with division (A) of this section. Each 2290
license renewed under this section shall expire one year after the 2291
date of renewal. 2292

(C) A licensee who fails to renew a license prior to its 2293
expiration is ineligible to obtain a renewal license and shall 2294
comply with section 4768.06 of the Revised Code to regain 2295
licensure, except that a licensee may, within three months after 2296
the expiration of the license, renew the license without having to 2297
comply with section 4768.06 of the Revised Code by paying all the 2298

renewal fees and the late filing fee established under division 2299
(A)(2) of section 4768.03 of the Revised Code. A licensee who 2300
applies for late renewal of the licensee's license shall not 2301
engage in any activities permitted by the license being renewed 2302
during the three-month period following the license's normal 2303
expiration date until all renewal fees and the late filing fee 2304
have been paid. 2305

Sec. 4768.08. The superintendent of real estate and 2306
professional licensing may refuse to issue a license to an 2307
applicant under this chapter based upon any act or omission for 2308
which a person, including a licensee, may be disciplined under 2309
division (K) of section 4768.13 of the Revised Code or may refuse 2310
to renew a license if the licensee has failed to comply with this 2311
chapter. If the superintendent refuses to issue or renew a license 2312
under this section, the superintendent shall notify the applicant 2313
or the licensee of the basis for the refusal. The notice shall 2314
comply with division (N) of section 4768.13 of the Revised Code, 2315
and the hearing shall be conducted in accordance with Chapter 119. 2316
of the Revised Code. An applicant or licensee may appeal the 2317
superintendent's decision to the real estate appraiser board, 2318
which shall provide the applicant or licensee with the opportunity 2319
to be heard in person or by counsel, or both. The decision and 2320
order of the board is final, subject to review in the manner 2321
provided in Chapter 119. of the Revised Code and appeal to the 2322
court of common pleas of Franklin county. 2323

Sec. 4768.09. (A) Except within the first thirty days after 2324
an appraiser is first added to the appraiser panel of an appraisal 2325
management company, an appraisal management company shall not 2326
remove the appraiser from its appraiser panel or otherwise refuse 2327
to assign requests for real estate appraisal services to the 2328
appraiser without first doing both of the following: 2329

(1) Notifying the appraiser in writing of the reasons the appraiser is being removed from the appraiser panel or is refused assignment requests for appraisal services;

(2) Providing the appraiser with an opportunity to respond to that notification, in writing, within ten business days after the appraisal management company sends the removal notification.

(B) The notice described in division (A)(1) of this section shall be sent by a delivery system that delivers letters, packages, and other materials in its ordinary course of business with traceable delivery and signature receipt. An appraisal management company that sends such notice shall keep a copy of the notice for at least five years from the date the notice is sent to the appraiser.

(C) Nothing in this section prohibits an appraisal management company from suspending an appraiser from receiving assignment requests during the period described in division (A)(2) of this section.

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

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

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

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

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

(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 or, if the assignment is generated by an automated system, the name of that system; 2360
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(2) The amount of any fee paid to the appraiser for each assignment included in the appraisal assignment file and the time and method of payment; 2365
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(3) Details of all communications between the appraisal management company, the appraiser, and the client for each appraisal assignment included in the appraisal assignment file. 2368
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Sec. 4768.11. (A) 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: 2371
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(1) Withholding or threatening to withhold timely payment for appraisal services rendered when the appraisal report or services rendered are provided in accordance with a contract between the parties; 2377
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(2) Withholding or threatening to withhold future business for an appraiser, or demoting or threatening to demote an appraiser, or terminating the relationship with or threatening to terminate the relationship with an appraiser; 2381
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(3) Expressly or impliedly promising future business, promotions, or increased compensation for an appraiser; 2385
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(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 2387
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estimate or opinion requested from, an appraiser; 2390

(5) Requesting that an appraiser provide an estimated, 2391
predetermined, or desired valuation in an appraisal report, or 2392
provide estimated values or comparable sales at any time prior to 2393
the appraiser's completion of an appraisal; 2394

(6) Providing to an appraiser an anticipated, estimated, 2395
encouraged, or desired value for a subject property or a proposed 2396
or target amount to be loaned to the borrower, except that the 2397
employee, director, officer, or agent of an appraisal management 2398
company may provide the appraiser with a copy of the sales 2399
contract for purchase transactions; 2400

(7) Providing stock or other financial or nonfinancial 2401
benefits to an appraiser or any person related to the appraiser; 2402

(8) Any other act or practice that impairs, or attempts to 2403
impair, an appraiser's independence, objectivity, or impartiality; 2404

(9) Obtaining, using, or paying for a second or subsequent 2405
appraisal or ordering an automated valuation model in connection 2406
with a mortgage financing transaction, unless any of the following 2407
are true: 2408

(a) There is a reasonable basis to believe that the initial 2409
appraisal was flawed or tainted and such basis is clearly and 2410
appropriately noted in the loan file. 2411

(b) The appraisal or automated valuation model is done 2412
pursuant to a bona fide pre- or post-funding appraisal review or 2413
quality control process. 2414

(c) A second appraisal is required under state or federal 2415
law. 2416

(10) Allowing the removal of an appraiser from the appraisal 2417
management company's appraiser panel without prior written notice 2418
as required under section 4768.09 of the Revised Code; 2419

(11) Requiring an appraiser to indemnify the appraisal 2420
management company against liability, damages, losses, or claims 2421
other than those liabilities, damages, losses, or claims arising 2422
out of the services performed by the appraiser, including 2423
performance or nonperformance of the appraiser's duties and 2424
obligation, whether as a result of negligence or willful 2425
misconduct; 2426

(12) Requiring an appraiser to perform an appraisal 2427
assignment if the appraiser declines the assignment and informs 2428
the appraisal management company that the appraiser is not 2429
competent to perform the appraisal assignment and the appraiser 2430
declines to acquire the necessary competency to perform the 2431
assignment; 2432

(13) Requiring an appraiser who has notified the appraisal 2433
management company and declined the assignment to prepare an 2434
appraisal under a time frame that the appraiser, in the 2435
appraiser's own professional judgment, believes does not afford 2436
the appraiser the ability to meet all the relevant legal and 2437
professional obligations. 2438

(B) Nothing in division (A) of this section shall be 2439
construed as prohibiting an appraisal management company from 2440
requesting that an appraiser do any of the following: 2441

(1) Consider additional, appropriate property information, 2442
including the consideration of additional comparable properties, 2443
to make or support an appraisal; 2444

(2) Provide further detail, substantiation, or explanation 2445
for the appraiser's value conclusion; 2446

(3) Correct objective factual errors in an appraisal report. 2447

(C) No appraisal management company shall alter, modify, or 2448
otherwise change a completed appraisal report submitted by an 2449
appraiser, except that the format of the appraisal report may be 2450

modified solely for the purpose of transmission. 2451

(D) Each appraisal management company shall require that 2452
appraisals be conducted independently and free from inappropriate 2453
influence and coercion pursuant to the appraisal independence 2454
standards established under section 129e of the "Truth in Lending 2455
Act," 82 Stat. 146, 15 U.S.C. 1639e. 2456

Sec. 4768.12. (A) An appraisal management company licensed 2457
under this chapter shall compensate an appraiser for the 2458
completion of an appraisal within sixty days of the date on which 2459
the appraiser transmits or otherwise provides the completed 2460
appraisal to the appraisal management company or its assignees, 2461
except in cases of breach of contract or substandard performance 2462
of services. 2463

(B)(1) An appraisal management company licensed under this 2464
chapter shall compensate each appraiser who performs appraisal 2465
services for the appraisal management company in accordance with 2466
the appraisal independence standards established under section 2467
129e of the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1639e. 2468

(2) In the case of an appraisal involving a complex 2469
assignment, the customary and reasonable fee may reflect the 2470
increased time, difficulty, and scope of the work required for the 2471
appraisal, and may include an amount over and above the customary 2472
and reasonable fee for noncomplex assignments. 2473

Sec. 4768.13. (A) Within ten business days after a person 2474
files with the division of real estate and professional licensing 2475
a written complaint against a person licensed under this chapter 2476
or any other person, the superintendent of real estate and 2477
professional licensing shall acknowledge receipt of the complaint 2478
by sending notice to the person against whom the complaint is 2479
filed that includes a copy of the complaint. That notice and the 2480

acknowledgment to the complainant may state that an informal 2481
mediation meeting will be held with the complainant, the person 2482
against whom the complaint is filed, and an investigator from the 2483
investigation and audit section of the division, if the 2484
complainant and person both file a request for such a meeting 2485
within twenty calendar days after the acknowledgment and notice 2486
are mailed. 2487

(B) If the complainant and the person against whom the 2488
complaint is filed both file with the division requests for an 2489
informal mediation meeting, the superintendent shall notify the 2490
complainant and the person of the date, time, and place of the 2491
meeting by regular mail. If the complainant and the person reach 2492
an accommodation at an informal mediation meeting, the 2493
investigator shall report the accommodation to the superintendent, 2494
the complainant, and the person against whom the complaint is 2495
filed and the file shall be closed upon the superintendent 2496
receiving satisfactory notice that the accommodation agreement has 2497
been fulfilled. 2498

(C) If the complainant and the person against whom the 2499
complaint is filed fail to agree to an informal mediation meeting, 2500
fail to reach an accommodation agreement, or fail to fulfill an 2501
accommodation agreement, the superintendent shall assign the 2502
complaint to an investigator for an investigation into the conduct 2503
of the person against whom the complaint is filed. 2504

(D) Upon the conclusion of the investigation, the 2505
investigator shall file a written report of the results of the 2506
investigation with the superintendent. The superintendent shall 2507
review the report and determine whether there exists reasonable 2508
and substantial evidence to justify disciplinary action against 2509
the person on a ground described in division (K) of this section. 2510

(E) If the superintendent finds that reasonable and 2511

substantial evidence to justify disciplinary action against the 2512
person on a ground described in division (K) of this section does 2513
not exist, the superintendent shall notify that person and the 2514
complainant of that determination and the basis for the 2515
determination. Within fifteen business days after the 2516
superintendent notifies the complainant and the person against 2517
whom the complaint is filed of that determination, the complainant 2518
may file with the division a request that the real estate 2519
appraiser board review the determination. If the complainant files 2520
such request, the board shall review the superintendent's 2521
determination at the next regularly scheduled meeting held at 2522
least fifteen business days after the request is filed but not 2523
longer than six months after the request is filed. The board may 2524
hear the testimony of the complainant or the person against whom 2525
the complaint is filed at the meeting upon the request of that 2526
party. If the board affirms the determination of the 2527
superintendent, the superintendent shall notify the complainant 2528
and the person against whom the complaint is filed within ten 2529
business days thereafter. If the board reverses the determination 2530
of the superintendent, a hearing before a hearing examiner shall 2531
be held, and the complainant and the person against whom the 2532
complaint is filed shall be notified as provided in division (N) 2533
of this section. 2534

(F) If the superintendent finds that reasonable and 2535
substantial evidence to justify disciplinary action against the 2536
person on a ground described in division (K) of this section does 2537
exist, the superintendent shall notify that person and the 2538
complainant of the determination. The person against whom the 2539
complaint is filed may request a hearing pursuant to Chapter 119. 2540
of the Revised Code. If a formal hearing is to be conducted, the 2541
superintendent shall appoint a hearing examiner to conduct the 2542
hearing in accordance with that chapter. 2543

(G) In accordance with section 119.09 of the Revised Code, 2544
after conducting a hearing, the hearing examiner shall submit a 2545
report of findings of fact and conclusions of law with the 2546
superintendent, the board, the complainant, and the person against 2547
whom the complaint is filed. Within ten calendar days of receipt 2548
of the copy of the hearing examiner's report, the person against 2549
whom the complaint is filed and the division may file with the 2550
board objections to the hearing examiner's report, which shall be 2551
considered by the board before approving, modifying, or rejecting 2552
the hearing examiner's report. The board may hear the testimony of 2553
the complainant and the person against whom the complaint is filed 2554
upon request of those parties. 2555

(H) At any time after the superintendent notifies a person 2556
against whom the complaint is filed of the superintendent's 2557
determination in accordance with division (F) of this section but 2558
before a hearing is held on the matter, the person may apply to 2559
the superintendent to enter into a settlement agreement regarding 2560
the alleged violation. The superintendent and the person shall 2561
comply with the requirements for settlement agreements established 2562
by rules adopted by the board under division (A)(3) of section 2563
4768.03 of the Revised Code. If the parties enter into the 2564
settlement agreement, the hearing before the hearing examiner 2565
shall be postponed, and the board shall review the settlement 2566
agreement at its next regularly scheduled meeting. If the board 2567
disapproves the settlement agreement, the hearing before the 2568
hearing examiner shall be rescheduled. 2569

(I) If, after review of the hearing examiner's report or the 2570
settlement agreement, the board determines that a ground for 2571
disciplinary action that is described in division (K) of this 2572
section exists against a person, the board shall order the 2573
disciplinary action the board considers appropriate, which may 2574
include any of the following: 2575

<u>(1) Reprimand of the person, if licensed under this chapter;</u>	2576
<u>(2) Imposition of a fine, not exceeding twenty-five thousand</u>	2577
<u>dollars per violation;</u>	2578
<u>(3) Suspension of a license issued under this chapter for a</u>	2579
<u>specific period of time;</u>	2580
<u>(4) Revocation of a license issued under this chapter.</u>	2581
<u>If the board approved a settlement agreement entered into</u>	2582
<u>pursuant to division (H) of this section in relation to the ground</u>	2583
<u>for disciplinary action, the disciplinary action shall not be</u>	2584
<u>inconsistent with that settlement agreement.</u>	2585
<u>(J) The decision and order of the board is final, subject to</u>	2586
<u>review in the manner provided for in Chapter 119. of the Revised</u>	2587
<u>Code and appeal to the court of common pleas of Franklin county.</u>	2588
<u>(K) The board shall take any disciplinary action authorized</u>	2589
<u>by division (I) of this section against any person, including an</u>	2590
<u>appraisal management company licensed under this chapter, to which</u>	2591
<u>any of the following grounds apply:</u>	2592
<u>(1) The person procured or attempted to procure a license</u>	2593
<u>under this chapter by knowingly making a false statement,</u>	2594
<u>submitting false information, refusing to provide complete</u>	2595
<u>information in response to a question in an application for</u>	2596
<u>licensure, or by any means of fraud or misrepresentation.</u>	2597
<u>(2) The person paid, or attempted to pay, anything of value,</u>	2598
<u>other than the fees or assessments required by this chapter, to</u>	2599
<u>any member or employee of the board for the purpose of procuring a</u>	2600
<u>license under this chapter.</u>	2601
<u>(3) The person offered, performed, or otherwise provided</u>	2602
<u>appraisal management services, without a license issued under this</u>	2603
<u>chapter, under a business structure that was designed to</u>	2604
<u>circumvent the requirements and prohibitions of this chapter.</u>	2605

<u>(4) The person violated section 4768.09 of the Revised Code.</u>	2606
<u>(5) The person violated section 4768.11 of the Revised Code.</u>	2607
<u>(6) The person violated section 4768.12 of the Revised Code.</u>	2608
<u>(7) The person failed to provide copies of records to the</u>	2609
<u>superintendent as required under this chapter or failed to</u>	2610
<u>maintain records, or include certain information in the appraisal</u>	2611
<u>assignment file, as required under section 4768.10 of the Revised</u>	2612
<u>Code.</u>	2613
<u>(8) Entry of final judgment exists against a person licensed</u>	2614
<u>under this chapter on the grounds of fraud, deceit,</u>	2615
<u>misrepresentation, or coercion in the making of any appraisal of</u>	2616
<u>real estate.</u>	2617
<u>(9) The person failed to provide notice to the board as</u>	2618
<u>required in division (M) of this section.</u>	2619
<u>(10) The person failed to assist the superintendent in the</u>	2620
<u>investigation of complaints under division (A)(8) of section</u>	2621
<u>4768.04 of the Revised Code.</u>	2622
<u>(11) The license, certificate, or registration of the</u>	2623
<u>appraisal management company that was issued by another state was</u>	2624
<u>revoked or surrendered.</u>	2625
<u>(12) If the person is an appraisal management company</u>	2626
<u>licensed under this chapter, the person failed to provide written</u>	2627
<u>notice to the division within fifteen days of changing the</u>	2628
<u>controlling person who is designated as the appraisal management</u>	2629
<u>company's main contact under division (A)(2) of section 4768.06 of</u>	2630
<u>the Revised Code.</u>	2631
<u>(13) If the person is an appraisal management company</u>	2632
<u>licensed under this chapter, the person entered into a contract or</u>	2633
<u>an agreement with an appraiser who is not licensed or certified</u>	2634
<u>under Chapter 4763. of the Revised Code for the performance of</u>	2635

real estate appraisal services. 2636

(14) If the person is an appraisal management company 2637
licensed under this chapter, the person failed to verify that an 2638
appraiser added to the appraisal management company's appraiser 2639
panel is a licensed or certified appraiser under Chapter 4763. of 2640
the Revised Code who is in good standing with this state. 2641

(15) If the person is an appraisal management company 2642
licensed under this chapter, the person failed to require that 2643
appraisals coordinated by the appraisal management company comply 2644
with the uniform standards of professional appraisal practice. 2645

(16) An owner or controlling person of an appraisal 2646
management company was convicted of or pleaded guilty to a felony. 2647

(L) Failure of a person, including a licensee under this 2648
chapter, to comply with a subpoena issued under division (B)(1) of 2649
section 4768.04 of the Revised Code is prima facie evidence of a 2650
violation of division (K)(7) of this section. 2651

(M) A licensee shall notify the board within fifteen days of 2652
any state agency's issuance of an order revoking or permanently 2653
surrendering any professional appraisal management company 2654
license, certificate, or registration issued by any public entity 2655
other than the division. 2656

(N) Except as otherwise provided, all notices, written 2657
reports, and determinations issued pursuant to this section shall 2658
be mailed via certified mail, return receipt requested. If the 2659
notice, written report, or determination is returned because of 2660
failure of delivery or was unclaimed, the notice, written report, 2661
or determination shall be deemed served if the superintendent 2662
sends the notice, written report, or determination via regular 2663
mail and obtains a certificate of mailing of the notice, written 2664
report, or determination. Refusal of delivery by personal service 2665
or by mail is not failure of delivery and service is deemed to be 2666

complete. 2667

Sec. 4768.14. (A) Upon receipt of a written complaint or upon 2668
the superintendent of real estate and professional licensing's own 2669
motion, the superintendent may investigate any person that 2670
allegedly violated division (A)(1) of section 4768.02 of the 2671
Revised Code. 2672

(B) If, after investigation, the superintendent determines 2673
there exists reasonable evidence of a violation of division (A)(1) 2674
of section 4768.02 of the Revised Code, within fourteen business 2675
days after that determination, the superintendent shall send the 2676
party who is the subject of the investigation a written notice, by 2677
regular mail, that includes all of the following information: 2678

(1) A description of the activity in which the party 2679
allegedly is engaging or has engaged that is a violation of 2680
division (A)(1) of section 4768.02 of the Revised Code; 2681

(2) The applicable law allegedly violated; 2682

(3) A statement informing the party that a hearing concerning 2683
the alleged violation will be held before a hearing examiner, and 2684
a statement giving the date and place of that hearing; 2685

(4) A statement informing the party that the party or the 2686
party's attorney may appear in person at the hearing and present 2687
evidence and examine witnesses appearing for and against the 2688
party, or the party may submit written testimony stating any 2689
positions, arguments, or contentions. 2690

(C) At any time after the superintendent notifies a person of 2691
the superintendent's determination in accordance with division (B) 2692
of this section but before a hearing is held on the matter, the 2693
person may apply to the superintendent to enter into a settlement 2694
agreement regarding the alleged violation. The superintendent and 2695
the person shall comply with the requirements for settlement 2696

agreements established by rules adopted by the board under 2697
division (A)(3) of section 4768.03 of the Revised Code. If the 2698
parties enter into the settlement agreement, the hearing before 2699
the hearing examiner shall be postponed and the board shall review 2700
the settlement agreement at its next regularly scheduled meeting. 2701
If the board disapproves the settlement agreement, the hearing 2702
before the hearing examiner shall be rescheduled. 2703

(D) The hearing examiner shall hear the testimony of all 2704
parties present at the hearing and consider any written testimony 2705
submitted pursuant to division (B)(4) of this section. At the 2706
conclusion of the hearing, the hearing examiner shall determine if 2707
there has been a violation of division (A)(1) of section 4768.02 2708
of the Revised Code. 2709

(E) After the conclusion of formal hearings, the hearing 2710
examiner shall file with the superintendent, the real estate 2711
appraiser board, the complainant, and the parties a written report 2712
setting forth the examiner's findings of fact and conclusions of 2713
law and a recommendation of the action to be taken by the 2714
superintendent. Within ten days of receiving a copy of that 2715
report, the parties and the division of real estate and 2716
professional licensing may file with the board written objections 2717
to the report. The board shall consider the objections before 2718
approving, modifying, or disapproving the report. 2719

The board shall review the hearing examiner's report at the 2720
next regularly scheduled board meeting held at least fifteen 2721
business days after receipt of the hearing examiner's report. The 2722
board shall hear the testimony of the complainant or the parties. 2723

(F) After reviewing the hearing examiner's report pursuant to 2724
division (E) of this section, or after reviewing the settlement 2725
agreement pursuant to division (C) of this section, the board 2726
shall decide whether to impose sanctions upon a party for a 2727
violation of division (A)(1) of section 4768.02 of the Revised 2728

Code. The board may assess a civil penalty in an amount it 2729
determines, not to exceed one thousand dollars per violation. Each 2730
day a violation occurs or continues is a separate violation. The 2731
board shall determine the terms of payment. The board shall 2732
maintain a transcript of the proceedings of the hearing and issue 2733
a written opinion to all parties, citing its findings and grounds 2734
for any action taken. If the board approved a settlement agreement 2735
entered into pursuant to division (C) of this section in relation 2736
to the violation, the civil penalty shall not be inconsistent with 2737
that settlement agreement. 2738

(G) Civil penalties collected under this section shall be 2739
deposited in the real estate appraiser operating fund created 2740
under section 4763.15 of the Revised Code. 2741

(H) If a party fails to pay a civil penalty assessed pursuant 2742
to this section within the time prescribed by the board, the 2743
superintendent shall forward to the attorney general the name of 2744
the party and the amount of the civil penalty, for the purpose of 2745
collecting that civil penalty. The party shall pay any fee 2746
assessed by the attorney general for collection of the civil 2747
penalty in addition to the civil penalty assessed pursuant to this 2748
section. 2749

Sec. 4768.15. The superintendent of real estate and 2750
professional licensing shall deposit all moneys collected under 2751
this chapter into the state treasury to the credit of the real 2752
estate appraiser operating fund created under section 4763.15 of 2753
the Revised Code. 2754

Sec. 4768.99. (A) Whoever violates division (A)(1), (2), (3), 2755
(4), (5), (6), (7), (8), or (9) or division (C) of section 4768.11 2756
of the Revised Code is guilty of a felony of the fifth degree. 2757

2758

(B) Whoever violates division (A)(10), (11), (12), or (13) of 2759
section 4768.11 of the Revised Code is guilty of a misdemeanor of 2760
the first degree. 2761

Section 2. That existing sections 109.572, 121.08, 4763.01, 2762
4763.02, 4763.03, 4763.05, 4763.07, 4763.08, 4763.11, 4763.12, 2763
4763.13, 4763.14, 4763.15, 4763.17, and 4763.19 of the Revised 2764
Code are hereby repealed. 2765

Section 3. Nothing in this act shall affect the term of any 2766
member of the Real Estate Appraiser Board serving on the effective 2767
date of this act. 2768

Section 4. Division (A)(11) of section 4768.11 of the Revised 2769
Code as enacted by this act, applies to contracts entered into on 2770
or after the effective date of this act. 2771

Section 5. Sections 109.572, 121.08, 4763.01, 4763.02, 2772
4763.03, 4763.05, 4763.08, 4763.11, 4763.12, 4763.13, 4763.14, 2773
4763.15, 4763.17, 4763.19, 4768.01, 4768.02, 4768.04, 4768.05, 2774
4768.06, 4768.07, 4768.08, 4768.09, 4768.10, 4768.11, 4768.12, 2775
4768.13, 4768.14, 4768.15, and 4768.99 of the Revised Code, as 2776
amended or enacted by this act, shall take effect six months after 2777
the effective date of this act. 2778

Section 6. This act is hereby declared to be an emergency 2779
measure necessary for the immediate preservation of the public 2780
peace, health, and safety. The reason for such necessity is that 2781
the act's requirements for appraisal management companies and 2782
appraisers will economically protect citizens of this state, as 2783
well as ensure confidence in the property appraisal procedure. 2784
Therefore, this act shall go into immediate effect. 2785