

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 213

Representative Dever

A BILL

To amend sections 109.572, 121.08, 4763.01, 1
4763.02, 4763.03, 4763.05, 4763.08, 4763.11, 2
4763.12, 4763.13, 4763.14, 4763.15, 4763.17, and 3
4763.19 and to enact sections 4768.01, 4768.02, 4
4768.03, 4768.04, 4768.05, 4768.06, 4768.07, 5
4768.08, 4768.09, 4768.10, 4768.11, 4768.12, 6
4768.13, 4768.14, 4768.15, and 4768.99 of the 7
Revised Code to change the definition of 8
"appraisal" for purposes of the Real Estate 9
Appraiser Licensing Law, to make changes to 10
certain procedures and the exceptions to 11
licensure under that law, to regulate appraisal 12
management companies, and to declare an 13
emergency. 14

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

Section 1. That sections 109.572, 121.08, 4763.01, 16
4763.02, 4763.03, 4763.05, 4763.08, 4763.11, 4763.12, 4763.13, 17
4763.14, 4763.15, 4763.17, and 4763.19 be amended and sections 18
4768.01, 4768.02, 4768.03, 4768.04, 4768.05, 4768.06, 4768.07, 19
4768.08, 4768.09, 4768.10, 4768.11, 4768.12, 4768.13, 4768.14, 20

4768.15, and 4768.99 of the Revised Code be enacted to read as follows: 21
22

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 23
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 24
Code, a completed form prescribed pursuant to division (C) (1) of 25
this section, and a set of fingerprint impressions obtained in 26
the manner described in division (C) (2) of this section, the 27
superintendent of the bureau of criminal identification and 28
investigation shall conduct a criminal records check in the 29
manner described in division (B) of this section to determine 30
whether any information exists that indicates that the person 31
who is the subject of the request previously has been convicted 32
of or pleaded guilty to any of the following: 33

(a) A violation of section 2903.01, 2903.02, 2903.03, 34
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 35
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 36
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 37
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 38
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 39
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 40
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 41
sexual penetration in violation of former section 2907.12 of the 42
Revised Code, a violation of section 2905.04 of the Revised Code 43
as it existed prior to July 1, 1996, a violation of section 44
2919.23 of the Revised Code that would have been a violation of 45
section 2905.04 of the Revised Code as it existed prior to July 46
1, 1996, had the violation been committed prior to that date, or 47
a violation of section 2925.11 of the Revised Code that is not a 48
minor drug possession offense; 49

(b) A violation of an existing or former law of this 50

state, any other state, or the United States that is 51
substantially equivalent to any of the offenses listed in 52
division (A) (1) (a) of this section; 53

(c) If the request is made pursuant to section 3319.39 of 54
the Revised Code for an applicant who is a teacher, any offense 55
specified in section 3319.31 of the Revised Code. 56

(2) On receipt of a request pursuant to section 3712.09 or 57
3721.121 of the Revised Code, a completed form prescribed 58
pursuant to division (C) (1) of this section, and a set of 59
fingerprint impressions obtained in the manner described in 60
division (C) (2) of this section, the superintendent of the 61
bureau of criminal identification and investigation shall 62
conduct a criminal records check with respect to any person who 63
has applied for employment in a position for which a criminal 64
records check is required by those sections. The superintendent 65
shall conduct the criminal records check in the manner described 66
in division (B) of this section to determine whether any 67
information exists that indicates that the person who is the 68
subject of the request previously has been convicted of or 69
pleaded guilty to any of the following: 70

(a) A violation of section 2903.01, 2903.02, 2903.03, 71
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 72
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 73
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 74
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 75
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 76
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 77
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 78
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 79

(b) An existing or former law of this state, any other 80

state, or the United States that is substantially equivalent to 81
any of the offenses listed in division (A) (2) (a) of this 82
section. 83

(3) On receipt of a request pursuant to section 173.27, 84
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 85
5123.081, or 5123.169 of the Revised Code, a completed form 86
prescribed pursuant to division (C) (1) of this section, and a 87
set of fingerprint impressions obtained in the manner described 88
in division (C) (2) of this section, the superintendent of the 89
bureau of criminal identification and investigation shall 90
conduct a criminal records check of the person for whom the 91
request is made. The superintendent shall conduct the criminal 92
records check in the manner described in division (B) of this 93
section to determine whether any information exists that 94
indicates that the person who is the subject of the request 95
previously has been convicted of, has pleaded guilty to, or 96
(except in the case of a request pursuant to section 5164.34, 97
5164.341, or 5164.342 of the Revised Code) has been found 98
eligible for intervention in lieu of conviction for any of the 99
following, regardless of the date of the conviction, the date of 100
entry of the guilty plea, or (except in the case of a request 101
pursuant to section 5164.34, 5164.341, or 5164.342 of the 102
Revised Code) the date the person was found eligible for 103
intervention in lieu of conviction: 104

(a) A violation of section 959.13, 959.131, 2903.01, 105
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 106
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 107
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 108
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 109
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 110
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 111

2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	112
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	113
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	114
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	115
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	116
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	117
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	118
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	119
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	120
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	121
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	122
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	123
(b) Felonious sexual penetration in violation of former	124
section 2907.12 of the Revised Code;	125
(c) A violation of section 2905.04 of the Revised Code as	126
it existed prior to July 1, 1996;	127
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	128
the Revised Code when the underlying offense that is the object	129
of the conspiracy, attempt, or complicity is one of the offenses	130
listed in divisions (A) (3) (a) to (c) of this section;	131
(e) A violation of an existing or former municipal	132
ordinance or law of this state, any other state, or the United	133
States that is substantially equivalent to any of the offenses	134
listed in divisions (A) (3) (a) to (d) of this section.	135
(4) On receipt of a request pursuant to section 2151.86 of	136
the Revised Code, a completed form prescribed pursuant to	137
division (C) (1) of this section, and a set of fingerprint	138
impressions obtained in the manner described in division (C) (2)	139
of this section, the superintendent of the bureau of criminal	140

identification and investigation shall conduct a criminal 141
records check in the manner described in division (B) of this 142
section to determine whether any information exists that 143
indicates that the person who is the subject of the request 144
previously has been convicted of or pleaded guilty to any of the 145
following: 146

(a) A violation of section 959.13, 2903.01, 2903.02, 147
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 148
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 149
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 150
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 151
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 152
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 153
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 154
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 155
2927.12, or 3716.11 of the Revised Code, a violation of section 156
2905.04 of the Revised Code as it existed prior to July 1, 1996, 157
a violation of section 2919.23 of the Revised Code that would 158
have been a violation of section 2905.04 of the Revised Code as 159
it existed prior to July 1, 1996, had the violation been 160
committed prior to that date, a violation of section 2925.11 of 161
the Revised Code that is not a minor drug possession offense, 162
two or more OVI or OVUAC violations committed within the three 163
years immediately preceding the submission of the application or 164
petition that is the basis of the request, or felonious sexual 165
penetration in violation of former section 2907.12 of the 166
Revised Code; 167

(b) A violation of an existing or former law of this 168
state, any other state, or the United States that is 169
substantially equivalent to any of the offenses listed in 170
division (A) (4) (a) of this section. 171

(5) Upon receipt of a request pursuant to section 5104.013 172
of the Revised Code, a completed form prescribed pursuant to 173
division (C)(1) of this section, and a set of fingerprint 174
impressions obtained in the manner described in division (C)(2) 175
of this section, the superintendent of the bureau of criminal 176
identification and investigation shall conduct a criminal 177
records check in the manner described in division (B) of this 178
section to determine whether any information exists that 179
indicates that the person who is the subject of the request has 180
been convicted of or pleaded guilty to any of the following: 181

(a) A violation of section 2151.421, 2903.01, 2903.02, 182
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 183
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 184
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 185
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 186
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 187
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 188
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 189
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 190
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 191
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 192
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 193
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 194
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 195
3716.11 of the Revised Code, felonious sexual penetration in 196
violation of former section 2907.12 of the Revised Code, a 197
violation of section 2905.04 of the Revised Code as it existed 198
prior to July 1, 1996, a violation of section 2919.23 of the 199
Revised Code that would have been a violation of section 2905.04 200
of the Revised Code as it existed prior to July 1, 1996, had the 201
violation been committed prior to that date, a violation of 202

section 2925.11 of the Revised Code that is not a minor drug 203
possession offense, a violation of section 2923.02 or 2923.03 of 204
the Revised Code that relates to a crime specified in this 205
division, or a second violation of section 4511.19 of the 206
Revised Code within five years of the date of application for 207
licensure or certification. 208

(b) A violation of an existing or former law of this 209
state, any other state, or the United States that is 210
substantially equivalent to any of the offenses or violations 211
described in division (A) (5) (a) of this section. 212

(6) Upon receipt of a request pursuant to section 5153.111 213
of the Revised Code, a completed form prescribed pursuant to 214
division (C) (1) of this section, and a set of fingerprint 215
impressions obtained in the manner described in division (C) (2) 216
of this section, the superintendent of the bureau of criminal 217
identification and investigation shall conduct a criminal 218
records check in the manner described in division (B) of this 219
section to determine whether any information exists that 220
indicates that the person who is the subject of the request 221
previously has been convicted of or pleaded guilty to any of the 222
following: 223

(a) A violation of section 2903.01, 2903.02, 2903.03, 224
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 225
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 226
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 227
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 228
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 229
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 230
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 231
Code, felonious sexual penetration in violation of former 232

section 2907.12 of the Revised Code, a violation of section 233
2905.04 of the Revised Code as it existed prior to July 1, 1996, 234
a violation of section 2919.23 of the Revised Code that would 235
have been a violation of section 2905.04 of the Revised Code as 236
it existed prior to July 1, 1996, had the violation been 237
committed prior to that date, or a violation of section 2925.11 238
of the Revised Code that is not a minor drug possession offense; 239

(b) A violation of an existing or former law of this 240
state, any other state, or the United States that is 241
substantially equivalent to any of the offenses listed in 242
division (A) (6) (a) of this section. 243

(7) On receipt of a request for a criminal records check 244
from an individual pursuant to section 4749.03 or 4749.06 of the 245
Revised Code, accompanied by a completed copy of the form 246
prescribed in division (C) (1) of this section and a set of 247
fingerprint impressions obtained in a manner described in 248
division (C) (2) of this section, the superintendent of the 249
bureau of criminal identification and investigation shall 250
conduct a criminal records check in the manner described in 251
division (B) of this section to determine whether any 252
information exists indicating that the person who is the subject 253
of the request has been convicted of or pleaded guilty to a 254
felony in this state or in any other state. If the individual 255
indicates that a firearm will be carried in the course of 256
business, the superintendent shall require information from the 257
federal bureau of investigation as described in division (B) (2) 258
of this section. Subject to division (F) of this section, the 259
superintendent shall report the findings of the criminal records 260
check and any information the federal bureau of investigation 261
provides to the director of public safety. 262

(8) On receipt of a request pursuant to section 1321.37, 263
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 264
Code, a completed form prescribed pursuant to division (C) (1) of 265
this section, and a set of fingerprint impressions obtained in 266
the manner described in division (C) (2) of this section, the 267
superintendent of the bureau of criminal identification and 268
investigation shall conduct a criminal records check with 269
respect to any person who has applied for a license, permit, or 270
certification from the department of commerce or a division in 271
the department. The superintendent shall conduct the criminal 272
records check in the manner described in division (B) of this 273
section to determine whether any information exists that 274
indicates that the person who is the subject of the request 275
previously has been convicted of or pleaded guilty to any of the 276
following: a violation of section 2913.02, 2913.11, 2913.31, 277
2913.51, or 2925.03 of the Revised Code; any other criminal 278
offense involving theft, receiving stolen property, 279
embezzlement, forgery, fraud, passing bad checks, money 280
laundering, or drug trafficking, or any criminal offense 281
involving money or securities, as set forth in Chapters 2909., 282
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 283
Code; or any existing or former law of this state, any other 284
state, or the United States that is substantially equivalent to 285
those offenses. 286

(9) On receipt of a request for a criminal records check 287
from the treasurer of state under section 113.041 of the Revised 288
Code or from an individual under section 4701.08, 4715.101, 289
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 290
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 291
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 292
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 293

4762.031, 4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, accompanied by a completed form prescribed under division (C) (1) of this section and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

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

(11) On receipt of a request for a criminal records check from an appointing or licensing authority under section 3772.07

of the Revised Code, a completed form prescribed under division 325
(C) (1) of this section, and a set of fingerprint impressions 326
obtained in the manner prescribed in division (C) (2) of this 327
section, the superintendent of the bureau of criminal 328
identification and investigation shall conduct a criminal 329
records check in the manner described in division (B) of this 330
section to determine whether any information exists that 331
indicates that the person who is the subject of the request 332
previously has been convicted of or pleaded guilty or no contest 333
to any offense under any existing or former law of this state, 334
any other state, or the United States that is a disqualifying 335
offense as defined in section 3772.07 of the Revised Code or 336
substantially equivalent to such an offense. 337

(12) On receipt of a request pursuant to section 2151.33 338
or 2151.412 of the Revised Code, a completed form prescribed 339
pursuant to division (C) (1) of this section, and a set of 340
fingerprint impressions obtained in the manner described in 341
division (C) (2) of this section, the superintendent of the 342
bureau of criminal identification and investigation shall 343
conduct a criminal records check with respect to any person for 344
whom a criminal records check is required under that section. 345
The superintendent shall conduct the criminal records check in 346
the manner described in division (B) of this section to 347
determine whether any information exists that indicates that the 348
person who is the subject of the request previously has been 349
convicted of or pleaded guilty to any of the following: 350

(a) A violation of section 2903.01, 2903.02, 2903.03, 351
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 352
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 353
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 354
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 355

2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 356
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 357
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 358
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 359

(b) An existing or former law of this state, any other 360
state, or the United States that is substantially equivalent to 361
any of the offenses listed in division (A)(12)(a) of this 362
section. 363

(13) On receipt of a request pursuant to section 3796.12 364
of the Revised Code, a completed form prescribed pursuant to 365
division (C)(1) of this section, and a set of fingerprint 366
impressions obtained in a manner described in division (C)(2) of 367
this section, the superintendent of the bureau of criminal 368
identification and investigation shall conduct a criminal 369
records check in the manner described in division (B) of this 370
section to determine whether any information exists that 371
indicates that the person who is the subject of the request 372
previously has been convicted of or pleaded guilty to the 373
following: 374

(a) A disqualifying offense as specified in rules adopted 375
under division (B)(2)(b) of section 3796.03 of the Revised Code 376
if the person who is the subject of the request is an 377
administrator or other person responsible for the daily 378
operation of, or an owner or prospective owner, officer or 379
prospective officer, or board member or prospective board member 380
of, an entity seeking a license from the department of commerce 381
under Chapter 3796. of the Revised Code; 382

(b) A disqualifying offense as specified in rules adopted 383
under division (B)(2)(b) of section 3796.04 of the Revised Code 384
if the person who is the subject of the request is an 385

administrator or other person responsible for the daily 386
operation of, or an owner or prospective owner, officer or 387
prospective officer, or board member or prospective board member 388
of, an entity seeking a license from the state board of pharmacy 389
under Chapter 3796. of the Revised Code. 390

(14) On receipt of a request required by section 3796.13 391
of the Revised Code, a completed form prescribed pursuant to 392
division (C) (1) of this section, and a set of fingerprint 393
impressions obtained in a manner described in division (C) (2) of 394
this section, the superintendent of the bureau of criminal 395
identification and investigation shall conduct a criminal 396
records check in the manner described in division (B) of this 397
section to determine whether any information exists that 398
indicates that the person who is the subject of the request 399
previously has been convicted of or pleaded guilty to the 400
following: 401

(a) A disqualifying offense as specified in rules adopted 402
under division (B) (8) (a) of section 3796.03 of the Revised Code 403
if the person who is the subject of the request is seeking 404
employment with an entity licensed by the department of commerce 405
under Chapter 3796. of the Revised Code; 406

(b) A disqualifying offense as specified in rules adopted 407
under division (B) (14) (a) of section 3796.04 of the Revised Code 408
if the person who is the subject of the request is seeking 409
employment with an entity licensed by the state board of 410
pharmacy under Chapter 3796. of the Revised Code. 411

(15) On receipt of a request pursuant to section 4768.06 412
of the Revised Code, a completed form prescribed under division 413
(C) (1) of this section, and a set of fingerprint impressions 414
obtained in the manner described in division (C) (2) of this 415

section, the superintendent of the bureau of criminal 416
identification and investigation shall conduct a criminal 417
records check in the manner described in division (B) of this 418
section to determine whether any information exists indicating 419
that the person who is the subject of the request has been 420
convicted of or pleaded guilty to a felony in this state or in 421
any other state. 422

(B) Subject to division (F) of this section, the 423
superintendent shall conduct any criminal records check to be 424
conducted under this section as follows: 425

(1) The superintendent shall review or cause to be 426
reviewed any relevant information gathered and compiled by the 427
bureau under division (A) of section 109.57 of the Revised Code 428
that relates to the person who is the subject of the criminal 429
records check, including, if the criminal records check was 430
requested under section 113.041, 121.08, 173.27, 173.38, 431
173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 432
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 433
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 434
3796.12, 4749.03, 4749.06, 4763.05, 4768.06, 5104.013, 5164.34, 435
5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the 436
Revised Code, any relevant information contained in records that 437
have been sealed under section 2953.32 of the Revised Code; 438

(2) If the request received by the superintendent asks for 439
information from the federal bureau of investigation, the 440
superintendent shall request from the federal bureau of 441
investigation any information it has with respect to the person 442
who is the subject of the criminal records check, including 443
fingerprint-based checks of national crime information databases 444
as described in 42 U.S.C. 671 if the request is made pursuant to 445

section 2151.86 or 5104.013 of the Revised Code or if any other 446
Revised Code section requires fingerprint-based checks of that 447
nature, and shall review or cause to be reviewed any information 448
the superintendent receives from that bureau. If a request under 449
section 3319.39 of the Revised Code asks only for information 450
from the federal bureau of investigation, the superintendent 451
shall not conduct the review prescribed by division (B) (1) of 452
this section. 453

(3) The superintendent or the superintendent's designee 454
may request criminal history records from other states or the 455
federal government pursuant to the national crime prevention and 456
privacy compact set forth in section 109.571 of the Revised 457
Code. 458

(4) The superintendent shall include in the results of the 459
criminal records check a list or description of the offenses 460
listed or described in division (A) (1), (2), (3), (4), (5), (6), 461
(7), (8), (9), (10), (11), (12), (13), ~~or (14)~~, or (15) of this 462
section, whichever division requires the superintendent to 463
conduct the criminal records check. The superintendent shall 464
exclude from the results any information the dissemination of 465
which is prohibited by federal law. 466

(5) The superintendent shall send the results of the 467
criminal records check to the person to whom it is to be sent 468
not later than the following number of days after the date the 469
superintendent receives the request for the criminal records 470
check, the completed form prescribed under division (C) (1) of 471
this section, and the set of fingerprint impressions obtained in 472
the manner described in division (C) (2) of this section: 473

(a) If the superintendent is required by division (A) of 474
this section (other than division (A) (3) of this section) to 475

conduct the criminal records check, thirty; 476

(b) If the superintendent is required by division (A) (3) 477
of this section to conduct the criminal records check, sixty. 478

(C) (1) The superintendent shall prescribe a form to obtain 479
the information necessary to conduct a criminal records check 480
from any person for whom a criminal records check is to be 481
conducted under this section. The form that the superintendent 482
prescribes pursuant to this division may be in a tangible 483
format, in an electronic format, or in both tangible and 484
electronic formats. 485

(2) The superintendent shall prescribe standard impression 486
sheets to obtain the fingerprint impressions of any person for 487
whom a criminal records check is to be conducted under this 488
section. Any person for whom a records check is to be conducted 489
under this section shall obtain the fingerprint impressions at a 490
county sheriff's office, municipal police department, or any 491
other entity with the ability to make fingerprint impressions on 492
the standard impression sheets prescribed by the superintendent. 493
The office, department, or entity may charge the person a 494
reasonable fee for making the impressions. The standard 495
impression sheets the superintendent prescribes pursuant to this 496
division may be in a tangible format, in an electronic format, 497
or in both tangible and electronic formats. 498

(3) Subject to division (D) of this section, the 499
superintendent shall prescribe and charge a reasonable fee for 500
providing a criminal records check under this section. The 501
person requesting the criminal records check shall pay the fee 502
prescribed pursuant to this division. In the case of a request 503
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 504
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 505

fee shall be paid in the manner specified in that section. 506

(4) The superintendent of the bureau of criminal 507
identification and investigation may prescribe methods of 508
forwarding fingerprint impressions and information necessary to 509
conduct a criminal records check, which methods shall include, 510
but not be limited to, an electronic method. 511

(D) The results of a criminal records check conducted 512
under this section, other than a criminal records check 513
specified in division (A) (7) of this section, are valid for the 514
person who is the subject of the criminal records check for a 515
period of one year from the date upon which the superintendent 516
completes the criminal records check. If during that period the 517
superintendent receives another request for a criminal records 518
check to be conducted under this section for that person, the 519
superintendent shall provide the results from the previous 520
criminal records check of the person at a lower fee than the fee 521
prescribed for the initial criminal records check. 522

(E) When the superintendent receives a request for 523
information from a registered private provider, the 524
superintendent shall proceed as if the request was received from 525
a school district board of education under section 3319.39 of 526
the Revised Code. The superintendent shall apply division (A) (1) 527
(c) of this section to any such request for an applicant who is 528
a teacher. 529

(F) (1) Subject to division (F) (2) of this section, all 530
information regarding the results of a criminal records check 531
conducted under this section that the superintendent reports or 532
sends under division (A) (7) or (9) of this section to the 533
director of public safety, the treasurer of state, or the 534
person, board, or entity that made the request for the criminal 535

records check shall relate to the conviction of the subject 536
person, or the subject person's plea of guilty to, a criminal 537
offense. 538

(2) Division (F)(1) of this section does not limit, 539
restrict, or preclude the superintendent's release of 540
information that relates to the arrest of a person who is 541
eighteen years of age or older, to an adjudication of a child as 542
a delinquent child, or to a criminal conviction of a person 543
under eighteen years of age in circumstances in which a release 544
of that nature is authorized under division (E)(2), (3), or (4) 545
of section 109.57 of the Revised Code pursuant to a rule adopted 546
under division (E)(1) of that section. 547

(G) As used in this section: 548

(1) "Criminal records check" means any criminal records 549
check conducted by the superintendent of the bureau of criminal 550
identification and investigation in accordance with division (B) 551
of this section. 552

(2) "Minor drug possession offense" has the same meaning 553
as in section 2925.01 of the Revised Code. 554

(3) "OVI or OVUAC violation" means a violation of section 555
4511.19 of the Revised Code or a violation of an existing or 556
former law of this state, any other state, or the United States 557
that is substantially equivalent to section 4511.19 of the 558
Revised Code. 559

(4) "Registered private provider" means a nonpublic school 560
or entity registered with the superintendent of public 561
instruction under section 3310.41 of the Revised Code to 562
participate in the autism scholarship program or section 3310.58 563
of the Revised Code to participate in the Jon Peterson special 564

needs scholarship program. 565

Sec. 121.08. (A) There is hereby created in the department 566
of commerce the position of deputy director of administration. 567
This officer shall be appointed by the director of commerce, 568
serve under the director's direction, supervision, and control, 569
perform the duties the director prescribes, and hold office 570
during the director's pleasure. The director of commerce may 571
designate an assistant director of commerce to serve as the 572
deputy director of administration. The deputy director of 573
administration shall perform the duties prescribed by the 574
director of commerce in supervising the activities of the 575
division of administration of the department of commerce. 576

(B) Except as provided in section 121.07 of the Revised 577
Code, the department of commerce shall have all powers and 578
perform all duties vested in the deputy director of 579
administration, the state fire marshal, the superintendent of 580
financial institutions, the superintendent of real estate and 581
professional licensing, the superintendent of liquor control, 582
the superintendent of industrial compliance, the superintendent 583
of unclaimed funds, and the commissioner of securities, and 584
shall have all powers and perform all duties vested by law in 585
all officers, deputies, and employees of those offices. Except 586
as provided in section 121.07 of the Revised Code, wherever 587
powers are conferred or duties imposed upon any of those 588
officers, the powers and duties shall be construed as vested in 589
the department of commerce. 590

(C) (1) There is hereby created in the department of 591
commerce a division of financial institutions, which shall have 592
all powers and perform all duties vested by law in the 593
superintendent of financial institutions. Wherever powers are 594

conferred or duties imposed upon the superintendent of financial 595
institutions, those powers and duties shall be construed as 596
vested in the division of financial institutions. The division 597
of financial institutions shall be administered by the 598
superintendent of financial institutions. 599

(2) All provisions of law governing the superintendent of 600
financial institutions shall apply to and govern the 601
superintendent of financial institutions provided for in this 602
section; all authority vested by law in the superintendent of 603
financial institutions with respect to the management of the 604
division of financial institutions shall be construed as vested 605
in the superintendent of financial institutions created by this 606
section with respect to the division of financial institutions 607
provided for in this section; and all rights, privileges, and 608
emoluments conferred by law upon the superintendent of financial 609
institutions shall be construed as conferred upon the 610
superintendent of financial institutions as head of the division 611
of financial institutions. The director of commerce shall not 612
transfer from the division of financial institutions any of the 613
functions specified in division (C) (2) of this section. 614

(D) There is hereby created in the department of commerce 615
a division of liquor control, which shall have all powers and 616
perform all duties vested by law in the superintendent of liquor 617
control. Wherever powers are conferred or duties are imposed 618
upon the superintendent of liquor control, those powers and 619
duties shall be construed as vested in the division of liquor 620
control. The division of liquor control shall be administered by 621
the superintendent of liquor control. 622

(E) The director of commerce shall not be interested, 623
directly or indirectly, in any firm or corporation which is a 624

dealer in securities as defined in sections 1707.01 and 1707.14 625
of the Revised Code, or in any firm or corporation licensed 626
under sections 1321.01 to 1321.19 of the Revised Code. 627

(F) The director of commerce shall not have any official 628
connection with a savings and loan association, a savings bank, 629
a bank, a bank holding company, a savings and loan association 630
holding company, a consumer finance company, or a credit union 631
that is under the supervision of the division of financial 632
institutions, or a subsidiary of any of the preceding entities, 633
or be interested in the business thereof. 634

(G) There is hereby created in the state treasury the 635
division of administration fund. The fund shall receive 636
assessments on the operating funds of the department of commerce 637
in accordance with procedures prescribed by the director of 638
commerce and approved by the director of budget and management. 639
All operating expenses of the division of administration shall 640
be paid from the division of administration fund. 641

(H) There is hereby created in the department of commerce 642
a division of real estate and professional licensing, which 643
shall be under the control and supervision of the director of 644
commerce. The division of real estate and professional licensing 645
shall be administered by the superintendent of real estate and 646
professional licensing. The superintendent of real estate and 647
professional licensing shall exercise the powers and perform the 648
functions and duties delegated to the superintendent under 649
Chapters 4735., 4763., ~~and 4767.~~, and 4768. of the Revised Code. 650

(I) There is hereby created in the department of commerce 651
a division of industrial compliance, which shall have all powers 652
and perform all duties vested by law in the superintendent of 653
industrial compliance. Wherever powers are conferred or duties 654

imposed upon the superintendent of industrial compliance, those 655
powers and duties shall be construed as vested in the division 656
of industrial compliance. The division of industrial compliance 657
shall be under the control and supervision of the director of 658
commerce and be administered by the superintendent of industrial 659
compliance. 660

(J) There is hereby created in the department of commerce 661
a division of unclaimed funds, which shall have all powers and 662
perform all duties delegated to or vested by law in the 663
superintendent of unclaimed funds. Wherever powers are conferred 664
or duties imposed upon the superintendent of unclaimed funds, 665
those powers and duties shall be construed as vested in the 666
division of unclaimed funds. The division of unclaimed funds 667
shall be under the control and supervision of the director of 668
commerce and shall be administered by the superintendent of 669
unclaimed funds. The superintendent of unclaimed funds shall 670
exercise the powers and perform the functions and duties 671
delegated to the superintendent by the director of commerce 672
under section 121.07 and Chapter 169. of the Revised Code, and 673
as may otherwise be provided by law. 674

(K) The department of commerce or a division of the 675
department created by the Revised Code that is acting with 676
authorization on the department's behalf may request from the 677
bureau of criminal identification and investigation pursuant to 678
section 109.572 of the Revised Code, or coordinate with 679
appropriate federal, state, and local government agencies to 680
accomplish, criminal records checks for the persons whose 681
identities are required to be disclosed by an applicant for the 682
issuance or transfer of a permit, license, certificate of 683
registration, or certification issued or transferred by the 684
department or division. At or before the time of making a 685

request for a criminal records check, the department or division 686
may require any person whose identity is required to be 687
disclosed by an applicant for the issuance or transfer of such a 688
license, permit, certificate of registration, or certification 689
to submit to the department or division valid fingerprint 690
impressions in a format and by any media or means acceptable to 691
the bureau of criminal identification and investigation and, 692
when applicable, the federal bureau of investigation. The 693
department or division may cause the bureau of criminal 694
identification and investigation to conduct a criminal records 695
check through the federal bureau of investigation only if the 696
person for whom the criminal records check would be conducted 697
resides or works outside of this state or has resided or worked 698
outside of this state during the preceding five years, or if a 699
criminal records check conducted by the bureau of criminal 700
identification and investigation within this state indicates 701
that the person may have a criminal record outside of this 702
state. 703

In the case of a criminal records check under section 704
109.572 of the Revised Code, the department or division shall 705
forward to the bureau of criminal identification and 706
investigation the requisite form, fingerprint impressions, and 707
fee described in division (C) of that section. When requested by 708
the department or division in accordance with this section, the 709
bureau of criminal identification and investigation shall 710
request from the federal bureau of investigation any information 711
it has with respect to the person who is the subject of the 712
requested criminal records check and shall forward the requisite 713
fingerprint impressions and information to the federal bureau of 714
investigation for that criminal records check. After conducting 715
a criminal records check or receiving the results of a criminal 716

records check from the federal bureau of investigation, the 717
bureau of criminal identification and investigation shall 718
provide the results to the department or division. 719

The department or division may require any person about 720
whom a criminal records check is requested to pay to the 721
department or division the amount necessary to cover the fee 722
charged to the department or division by the bureau of criminal 723
identification and investigation under division (C) (3) of 724
section 109.572 of the Revised Code, including, when applicable, 725
any fee for a criminal records check conducted by the federal 726
bureau of investigation. 727

(L) The director of commerce, or the director's designee, 728
may adopt rules to enhance compliance with statutes pertaining 729
to, and rules adopted by, divisions under the direction, 730
supervision, and control of the department or director by 731
offering incentive-based programs that ensure safety and 732
soundness while promoting growth and prosperity in the state. 733

Sec. 4763.01. As used in this chapter: 734

(A) "Real estate appraisal" or "appraisal" means ~~an~~ 735
~~analysis, the act or process of developing an opinion, or~~ 736
~~conclusion relating to the nature, quality, value, or utility of~~ 737
~~specified interests in, or aspects of identified real estate~~ 738
~~that is classified as either a valuation or an analysis of value~~ 739
of real property in conformity with the uniform standards of 740
professional appraisal practice. 741

(B) "Valuation" means an estimate of the value of real 742
estate. 743

(C) "Analysis" means a study of real estate for purposes 744
other than valuation. 745

(D) "Appraisal report" means a written communication of a 746
real estate appraisal or appraisal review, or an oral 747
communication of a real estate appraisal or appraisal review, 748
that is documented by a writing that supports the oral 749
communication. 750

(E) "Appraisal assignment" means an engagement for which a 751
person licensed or certified under this chapter is employed, 752
retained, or engaged to act, or would be perceived by third 753
parties or the public as acting, as a disinterested third party 754
in rendering an unbiased real estate appraisal. 755

(F) "Specialized services" means all appraisal services, 756
other than appraisal assignments, including, but not limited to, 757
valuation and analysis given in connection with activities such 758
as real estate brokerage, mortgage banking, real estate 759
counseling, and real estate tax counseling, and specialized 760
marketing, financing, and feasibility studies. 761

(G) "Real estate" has the same meaning as in section 762
4735.01 of the Revised Code. 763

(H) "Appraisal foundation" means a nonprofit corporation 764
incorporated under the laws of the state of Illinois on November 765
30, 1987, for the purposes of establishing and improving uniform 766
appraisal standards by defining, issuing, and promoting those 767
standards; establishing appropriate criteria for the 768
certification and recertification of qualified appraisers by 769
defining, issuing, and promoting the qualification criteria and 770
disseminating the qualification criteria to others; and 771
developing or assisting in development of appropriate 772
examinations for qualified appraisers. 773

(I) "Prepare" means to develop and communicate, whether 774

through a personal physical inspection or through the act or 775
process of critically studying a report prepared by another who 776
made the physical inspection, an appraisal, ~~analysis, or~~ 777
~~opinion, report~~ or specialized service ~~and to report the~~ 778
~~results~~. If the person who develops and communicates the 779
appraisal or specialized service report does not make the 780
personal inspection, the name of the person who does make the 781
personal inspection shall be identified on the appraisal or 782
specialized service ~~reported~~ report. 783

(J) "Report" means any communication, written, oral, or by 784
any other means of transmission of information, of a real estate 785
appraisal, appraisal review, or specialized service that is 786
transmitted to a client or employer upon completion of the 787
appraisal or service. 788

(K) "State-certified general real estate appraiser" means 789
any person who satisfies the certification requirements of this 790
chapter relating to the appraisal of all types of real property 791
and who holds a current and valid certificate or renewal 792
certificate issued to the person pursuant to this chapter. 793

(L) "State-certified residential real estate appraiser" 794
means any person who satisfies the certification requirements 795
only relating to the appraisal of one to four units of single- 796
family residential real estate without regard to transaction 797
value or complexity and who holds a current and valid 798
certificate or renewal certificate issued to the person pursuant 799
to this chapter. 800

(M) "State-licensed residential real estate appraiser" 801
means any person who satisfies the licensure requirements of 802
this chapter relating to the appraisal of noncomplex one-to-four 803
unit single-family residential real estate having a transaction 804

value of less than one million dollars and complex one-to-four 805
unit single-family residential real estate having a transaction 806
value of less than two hundred fifty thousand dollars and who 807
holds a current and valid license or renewal license issued to 808
the person pursuant to this chapter. 809

(N) "Certified or licensed real estate appraisal report" 810
means an appraisal report prepared and reported by a certificate 811
holder or licensee under this chapter acting within the scope of 812
certification or licensure and as a disinterested third party. 813

(O) "State-registered real estate appraiser assistant" 814
means any person, other than a state-certified general real 815
estate appraiser, state-certified residential real estate 816
appraiser, or a state-licensed residential real estate 817
appraiser, who satisfies the registration requirements of this 818
chapter for participating in ~~the development and preparation of~~ 819
real estate appraisals and who holds a current and valid 820
registration or renewal registration issued to the person 821
pursuant to this chapter. 822

(P) "Institution of higher education" ~~means a state~~ 823
~~university or college, a private college or university located~~ 824
~~in this state that possesses a certificate of authorization~~ 825
~~issued by the chancellor of higher education pursuant to Chapter~~ 826
~~1713. of the Revised Code, or an accredited college or~~ 827
~~university located outside this state that is accredited by an~~ 828
~~accrediting organization or professional accrediting association~~ 829
~~recognized by the chancellor of higher education~~ has the same 830
meaning as in section 4735.01 of the Revised Code. 831

(Q) "Division of real estate" may be used interchangeably 832
with, and for all purposes has the same meaning as, "division of 833
real estate and professional licensing." 834

(R) "Superintendent" or "superintendent of real estate" 835
means the superintendent of the division of real estate and 836
professional licensing of this state. Whenever the division or 837
superintendent of real estate is referred to or designated in 838
any statute, rule, contract, or other document, the reference or 839
designation shall be deemed to refer to the division or 840
superintendent of real estate and professional licensing, as the 841
case may be. 842

(S) "Appraisal review" means the act or process of 843
developing and communicating an opinion about the quality of 844
another appraiser's work that was performed as part of an 845
appraisal or appraisal review. "Appraisal review" does not 846
include an examination of an appraisal for grammatical errors, 847
typographical errors, or completeness, provided the review for 848
completeness does not require an opinion about the quality of 849
the work of an appraiser. The real estate appraiser board may 850
define, by rule, "review for completeness." 851

(T) "Work file" means documentation used during the 852
preparation of an appraisal report or necessary to support an 853
appraiser's analyses, opinions, or conclusions. 854

(U) "Automated valuation model" means a computer software 855
program that analyzes data using an automated process, such as 856
regression, adaptive estimation, neural network, expert 857
reasoning, or artificial intelligence programs, that produces an 858
output that may become a basis for appraisal or appraisal review 859
if the appraiser believes the output to be credible for use in a 860
specific assignment. 861

Sec. 4763.02. (A) There is hereby created the real estate 862
appraiser board, consisting of five members appointed by the 863
governor, with the advice and consent of the senate. Four 864

members shall be persons certified or licensed under this 865
chapter, at least two of whom shall hold a state-certified 866
general real estate appraiser certificate, and one of whom shall 867
be an owner, controlling person, or management-level employee of 868
an appraisal management company licensed and in good standing 869
under Chapter 4768. of the Revised Code. One member shall 870
represent the public and shall not be engaged in the practice of 871
~~issuing performing~~ real estate appraisals, or have any financial 872
interest in such practices, or be actively engaged in real 873
estate brokerage or sales, ~~or have any financial interest in~~ 874
~~such practices~~. At least one of the certificate holders or 875
licensees members shall be a real estate broker licensed 876
pursuant to Chapter 4735. of the Revised Code whose license is 877
in good standing. For the purpose of appointment to an 878
eligibility for appointment to the board, the license of a real 879
estate broker may be on deposit with the division of real estate 880
of the department of commerce. No more than three members shall 881
be members of the same political party and no member of the 882
board concurrently may be a member of the board and the Ohio 883
real estate commission created pursuant to section 4735.03 of 884
the Revised Code. Of the initial appointments to the board, one 885
is for a term ending June 30, 1990, two are for terms ending 886
June 30, 1991, and two are for terms ending June 30, 1992. 887
Thereafter, terms of office are for three years, commencing on 888
the first day of July and ending on the thirtieth day of June. 889
Each member shall hold office from the date of ~~his~~ appointment 890
until the end of the term for which ~~he is~~ appointed. Prior to 891
entering upon ~~the official~~ duties ~~of his office~~, each member 892
shall subscribe to, and file with the secretary of state, the 893
constitutional oath of office. Vacancies that occur on the board 894
shall be filled in the manner prescribed for regular 895
appointments to the board. A member appointed to fill a vacancy 896

occurring prior to the expiration of the term for which ~~his~~ the 897
member's predecessor was appointed shall hold office for the 898
remainder of that term. A member shall continue in office 899
subsequent to the expiration date of ~~his~~ the member's term until 900
~~his~~ the member's successor takes office or until ~~sixty~~ ninety 901
days have elapsed, whichever occurs first. No person shall serve 902
as a member of the board for more than two consecutive terms. 903
The governor may remove a member pursuant to section 3.04 of the 904
Revised Code. 905

(B) Annually, upon the qualification of the members 906
appointed in that year, the board shall organize by selecting 907
from its members a ~~chairman~~ chairperson and a vice-chairperson. 908
The board shall meet at least once each calendar quarter to 909
conduct its business with the place of future meetings to be 910
decided by a vote of its members. Each member shall be provided 911
with written notice of the time and place of each board meeting 912
at least ten days prior to the scheduled date of the meeting. A 913
majority of the members of the board constitutes a quorum to 914
transact and vote on all business coming before the board. 915

(C) Each member of the board shall receive an amount fixed 916
pursuant to division (J) of section 124.15 of the Revised Code 917
for each day employed in the discharge of ~~his~~ official duties, 918
and ~~his~~ the member's actual and necessary expenses incurred in 919
the discharge of those duties. 920

(D) The board is part of the department of commerce for 921
administrative purposes. The director of commerce is ex officio 922
the executive officer of the board, or the director may 923
designate the superintendent of real estate and professional 924
licensing to act as executive officer of the board. 925

Sec. 4763.03. (A) In addition to any other duties imposed 926

on the real estate appraiser board under this chapter, the board shall:	927 928
(1) Adopt rules, in accordance with Chapter 119. of the Revised Code, in furtherance of this chapter, including, but not limited to, all of the following:	929 930 931
(a) Defining, with respect to state-certified general real estate appraisers, state-certified residential real estate appraisers, and state-licensed residential real estate appraisers, the type of educational experience, appraisal experience, and other equivalent experience that satisfy the requirements of this chapter. The rules shall require that all appraisal experience performed after January 1, 1996 <u>30, 1989</u> , meet the uniform standards of professional practice established by the appraisal foundation.	932 933 934 935 936 937 938 939 940
(b) Establishing the examination specifications for state-certified general real estate appraisers, state-certified residential real estate appraisers, and state-licensed residential real estate appraisers;	941 942 943 944
(c) Relating to disciplinary proceedings conducted in accordance with section 4763.11 of the Revised Code, including rules governing the reinstatement of certificates, registrations, and licenses that have been suspended pursuant to those proceedings;	945 946 947 948 949
(d) Identifying any additional information to be included on the forms specified in division (C) of section 4763.12 of the Revised Code, provided that the rules shall not require any less information than is required in that division;	950 951 952 953
(e) Establishing the fees set forth in section 4763.09 of the Revised Code;	954 955

(f) Establishing the amount of the assessment required by	956
division (A) (2) of section 4763.05 of the Revised Code. The	957
board annually shall determine the amount due from each	958
applicant for an initial certificate, registration, and license	959
in an amount that will maintain the real estate appraiser	960
recovery fund at the level specified in division (A) of section	961
4763.16 of the Revised Code. The board may, if the fund falls	962
below that amount, require current certificate holders,	963
registrants, and licensees to pay an additional assessment.	964
(g) Defining the educational requirements pursuant to	965
division (C) of section 4763.05 of the Revised Code;	966
(h) Establishing a real estate appraiser assistant program	967
for the registration of real estate appraiser assistants.	968
(2) Prescribe by rule the requirements for the	969
examinations required by division (D) of section 4763.05 of the	970
Revised Code;	971
(3) Periodically review the standards for the development	972
and reporting of appraisal reports provided in this chapter and	973
adopt rules explaining and interpreting those standards;	974
(4) Hear appeals, pursuant to Chapter 119. of the Revised	975
Code, from decisions and orders the superintendent of real	976
estate issues pursuant to this chapter;	977
(5) Request the initiation by the superintendent of	978
investigations of violations of this chapter or the rules	979
adopted pursuant thereto, as the board determines appropriate;	980
(6) Determine the appropriate disciplinary actions to be	981
taken against certificate holders, registrants, and licensees	982
under this chapter as provided in section 4763.11 of the Revised	983
Code.	984

(B) In addition to any other duties imposed on the superintendent of real estate under this chapter, the superintendent shall:	985
	986
	987
(1) Prescribe the form and content of all applications required by this chapter;	988
	989
(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;	990
	991
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	993
(3) Retain records and all application materials submitted to the superintendent;	994
	995
(4) Establish the time and place for conducting the examinations required by division (D) of section 4763.05 of the Revised Code;	996
	997
	998
(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;	999
	1000
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(6) Perform any other functions and duties, including the employment of staff, necessary to administer this chapter;	1003
	1004
(7) Administer this chapter;	1005
(8) Issue all orders necessary to implement this chapter;	1006
(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;	1007
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(10) Establish and maintain an investigation and audit 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, 1042
audits, and other inquiries pursuant to division (B) (10) of this 1043
section, from certificate holders, registrants, licensees, 1044
complainants, or other persons, and all reports, documents, and 1045
other work products that arise from that information and that 1046
are prepared by the investigators, auditors, or other personnel 1047
of the department of commerce, shall be held in confidence by 1048
the superintendent, the investigators and auditors, and other 1049
personnel of the department. 1050

(E) This section does not prevent the division of real 1051
estate and professional licensing from releasing information 1052
relating to certificate holders, registrants, and licensees to 1053
the superintendent of financial institutions for purposes 1054
relating to the administration of sections 1322.01 to 1322.12 of 1055
the Revised Code, to the commissioner of securities for purposes 1056
relating to Chapter 1707. of the Revised Code, to the 1057
superintendent of insurance for purposes relating to the 1058
administration of Chapter 3953. of the Revised Code, to the 1059
attorney general, or to ~~local~~-law enforcement agencies and ~~local~~- 1060
prosecutors. Information released by the division pursuant to 1061
this section remains confidential. 1062

(F) Any rule the boardadopts shall ~~not meet or~~ exceed the 1063
requirements specified in federal law or regulations. 1064

Sec. 4763.05. (A) (1) (a) A person shall make application 1065
for an initial state-certified general real estate appraiser 1066
certificate, an initial state-certified residential real estate 1067
appraiser certificate, an initial state-licensed residential 1068
real estate appraiser license, or an initial state-registered 1069
real estate appraiser assistant registration in writing to the 1070
superintendent of real estate on a form the superintendent 1071

prescribes. The application shall include the address of the 1072
applicant's principal place of business and all other addresses 1073
at which the applicant currently engages in the business of 1074
~~preparing~~ performing real estate appraisals and the address of 1075
the applicant's current residence. The superintendent shall 1076
retain the applicant's current residence address in a separate 1077
record which does not constitute a public record for purposes of 1078
section 149.43 of the Revised Code. The application shall 1079
indicate whether the applicant seeks certification as a general 1080
real estate appraiser or as a residential real estate appraiser, 1081
licensure as a residential real estate appraiser, or 1082
registration as a real estate appraiser assistant and be 1083
accompanied by the prescribed examination and certification, 1084
registration, or licensure fees set forth in section 4763.09 of 1085
the Revised Code. The application also shall include a pledge, 1086
signed by the applicant, that the applicant will comply with the 1087
standards set forth in this chapter; and a statement that the 1088
applicant understands the types of misconduct for which 1089
disciplinary proceedings may be initiated against the applicant 1090
pursuant to this chapter. 1091

(b) Upon the filing of an application and payment of any 1092
examination and certification, registration, or licensure fees, 1093
the superintendent of real estate shall request the 1094
superintendent of the bureau of criminal identification and 1095
investigation, or a vendor approved by the bureau, to conduct a 1096
criminal records check based on the applicant's fingerprints in 1097
accordance with section 109.572 of the Revised Code. 1098
Notwithstanding division (K) of section 121.08 of the Revised 1099
Code, the superintendent of real estate shall request that 1100
criminal record information from the federal bureau of 1101
investigation be obtained as part of the criminal records check. 1102

Any fee required under division (C) (3) of section 109.572 of the Revised Code shall be paid by the applicant.

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

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

(C) An applicant for an initial certificate, registration,

or license shall be at least eighteen years of age, honest, 1133
truthful, and of good reputation and shall present satisfactory 1134
evidence to the superintendent that the applicant has 1135
successfully completed any education requirements the board 1136
prescribes by rule. 1137

(D) An applicant for an initial general real estate 1138
appraiser or residential real estate appraiser certificate or 1139
residential real estate appraiser license shall take and 1140
successfully complete a written examination in order to qualify 1141
for the certificate or license. 1142

The board shall prescribe the examination requirements by 1143
rule. 1144

(E) (1) A ~~nonresident, natural person of this state who has~~ 1145
~~complied with this section may obtain~~ obtained a residential 1146
real estate appraiser license, a residential real estate 1147
appraiser certificate, registration, or a general real estate 1148
appraiser certificate from another state may apply to obtain a 1149
license or certificate issued under this chapter provided the 1150
state that issued the license or certificate has requirements 1151
that meet or exceed the requirements found in this chapter. The 1152
board shall adopt rules relating to ~~the certification,~~ 1153
~~registration, and licensure of a nonresident applicant whose~~ 1154
~~state of residence the board determines to have certification,~~ 1155
~~registration, or licensure requirements that are substantially~~ 1156
~~similar to those set forth in this division. The application for~~ 1157
obtaining a license or certificate under this division may 1158
include any of the following: 1159

(a) A pledge, signed by the applicant, that the applicant 1160
will comply with the standards set forth in this chapter; 1161

(b) A statement that the applicant understands the types 1162
of misconduct for which disciplinary proceedings may be 1163
initiated against the applicant pursuant to this chapter and the 1164
rules adopted thereunder; 1165

(c) A consent to service of process. 1166

(2) (a) The board shall recognize on a temporary basis a 1167
certification or license issued in another state and shall 1168
register on a temporary basis an appraiser who is certified or 1169
licensed in another state if all of the following apply: 1170

~~(a)~~ (i) The temporary registration is to perform an 1171
appraisal assignment that is part of a federally related 1172
transaction. 1173

~~(b)~~ (ii) The appraiser's business in this state is of a 1174
temporary nature. 1175

~~(c)~~ (iii) The appraiser registers with the board pursuant 1176
to this division. 1177

(b) An appraiser who is certified or licensed in another 1178
state shall register with the board for temporary practice 1179
before performing an appraisal assignment in this state in 1180
connection with a federally related transaction. 1181

(c) The board shall adopt rules relating to registration 1182
for the temporary recognition of certification and licensure of 1183
appraisers from another state. The registration for temporary 1184
recognition of certified or licensed appraisers from another 1185
state shall not authorize completion of more than one appraisal 1186
assignment in this state. The board shall not issue more than 1187
two registrations for temporary practice to any one applicant in 1188
any calendar year. The application for obtaining a registration 1189
under this division may include any of the following: 1190

(i) A pledge, signed by the applicant, that the applicant 1191
will comply with the standards set forth in this chapter; 1192

(ii) A statement that the applicant understands the types 1193
of misconduct for which disciplinary proceedings may be 1194
initiated against the applicant pursuant to this chapter; 1195

(iii) A consent to service of process. 1196

~~(3) In addition to any other information required to be~~ 1197
~~submitted with the nonresident applicant's or appraiser's~~ 1198
~~application for a certificate, registration, license, or~~ 1199
~~temporary recognition of a certificate or license, each~~ 1200
~~nonresident applicant or appraiser shall submit a statement~~ 1201
~~consenting to the service of process upon the nonresident~~ 1202
~~applicant or appraiser by means of delivering that process to~~ 1203
~~the secretary of state if, in an action against the applicant,~~ 1204
~~certificate holder, registrant, or licensee arising from the~~ 1205
~~applicant's, certificate holder's, registrant's, or licensee's~~ 1206
~~activities as a certificate holder, registrant, or licensee, the~~ 1207
~~plaintiff, in the exercise of due diligence, cannot effect~~ 1208
~~personal service upon the applicant, certificate holder,~~ 1209
~~registrant, or licensee. The board may enter into reciprocal~~ 1210
~~agreements with other states. The board shall prescribe~~ 1211
~~reciprocal agreement requirements by rule.~~ 1212

(F) The superintendent shall not issue a certificate, 1213
registration, or license to, or recognize on a temporary basis 1214
an appraiser from another state that is a corporation, 1215
partnership, or association. This prohibition shall not be 1216
construed to prevent a certificate holder or licensee from 1217
signing an appraisal report on behalf of a corporation, 1218
partnership, or association. 1219

(G) Every person licensed, registered, or certified under 1220
this chapter shall notify the superintendent, on a form provided 1221
by the superintendent, of a change in the address of the 1222
licensee's, registrant's, or certificate holder's principal 1223
place of business or residence within thirty days of the change. 1224
If a licensee's, registrant's, or certificate holder's license, 1225
registration, or certificate is revoked or not renewed, the 1226
licensee, registrant, or certificate holder immediately shall 1227
return the annual and any renewal certificate, registration, or 1228
license to the superintendent. 1229

(H) (1) The superintendent shall not issue a certificate, 1230
registration, or license to any person, or recognize on a 1231
temporary basis an appraiser from another state, who does not 1232
meet applicable minimum criteria for state certification, 1233
registration, or licensure prescribed by federal law or rule. 1234

(2) The superintendent shall not issue a general real 1235
estate appraiser certificate, residential real estate appraiser 1236
certificate, residential real estate appraiser license, or real 1237
estate appraiser assistant registration to any person who has 1238
been convicted of or pleaded guilty to any criminal offense 1239
involving theft, receiving stolen property, embezzlement, 1240
forgery, fraud, passing bad checks, money laundering, or drug 1241
trafficking, or any criminal offense involving money or 1242
securities, including a violation of an existing or former law 1243
of this state, any other state, or the United States that 1244
substantially is equivalent to such an offense. However, if the 1245
applicant has pleaded guilty to or been convicted of such an 1246
offense, the superintendent shall not consider the offense if 1247
the applicant has proven to the superintendent, by a 1248
preponderance of the evidence, that the applicant's activities 1249
and employment record since the conviction show that the 1250

applicant is honest, truthful, and of good reputation, and there 1251
is no basis in fact for believing that the applicant will commit 1252
such an offense again. 1253

Sec. 4763.08. On and after December 22, 1992, each 1254
certificate, registration, and license issued under this 1255
chapter, other than a temporary certificate or license issued 1256
under division (E) (2) of section 4763.05 of the Revised Code, is 1257
valid for a period of one year from its date of issuance. The 1258
superintendent of real estate shall provide renewal notices to 1259
certificate holders, registrants, and licensees no later than 1260
thirty days prior to the expiration of the certificate, 1261
registration, or license. The superintendent shall issue to each 1262
person initially certified, registered, or licensed under this 1263
chapter a certificate, registration, or license in the form and 1264
size the superintendent prescribes. The initial certificate, 1265
registration, and license shall indicate the name of the 1266
certificate holder, registrant, or licensee, bear the signatures 1267
of the members of the real estate appraiser board, be issued 1268
under the seal prescribed in section 121.20 of the Revised Code, 1269
and contain a certificate, registration, or license number 1270
assigned by the superintendent. The superintendent shall issue 1271
to each person who renews a certificate, registration, or 1272
license a renewal certificate, registration, or license in the 1273
size and form the superintendent prescribes. The renewal 1274
certificate, registration, or license shall contain the name ~~and~~ 1275
~~principal address~~ of the certificate holder, registrant, or 1276
licensee and the expiration and number of the certificate, 1277
registration, or license. Each certificate holder and licensee 1278
shall place the certificate holder's or licensee's certificate 1279
or license number adjacent to the title "state-licensed 1280
residential real estate appraiser," "state-certified residential 1281

real estate appraiser," or "state-certified general real estate
appraiser," when issuing an appraisal report or in a contract or
other instrument used in conducting real estate appraisal
activities as required by section 4763.12 of the Revised Code.
If a state-registered real estate appraiser assistant
participated in the ~~development of an~~ appraisal or specialized
service report, the certificate holder or licensee shall also
place the registrant's name, registration number, and the title
"state-registered real estate appraiser assistant" on the
~~appraisal or report.~~

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

(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 1313
shall report the accommodation to the superintendent, the 1314
complainant, and the certificate holder, registrant, or licensee 1315
and the complaint file shall be closed upon the superintendent 1316
receiving satisfactory notice that the accommodation has been 1317
fulfilled. 1318

(C) If the complainant and certificate holder, registrant, 1319
or licensee fail to agree to an informal mediation meeting or 1320
fail to reach an accommodation agreement, or fail to fulfill an 1321
accommodation agreement, the superintendent shall assign the 1322
complaint to an investigator for an investigation into the 1323
conduct of the certificate holder, registrant, or licensee 1324
against whom the complaint is filed. 1325

(D) Upon the conclusion of the investigation, the 1326
investigator shall file a written report of the results of the 1327
investigation with the superintendent. The superintendent shall 1328
review the report and determine whether there exists reasonable 1329
and substantial evidence of a violation of division (G) of this 1330
section by the certificate holder, registrant, or licensee. 1331

(1) If the superintendent finds ~~such~~ evidence exists 1332
showing a violation of division (G) of this section by a 1333
certificate holder, registrant, or licensee, the superintendent 1334
shall notify the complainant and certificate holder, registrant, 1335
or licensee of the determination. The certificate holder, 1336
registrant, or licensee may enter into a settlement agreement 1337
with the superintendent. The settlement agreement is subject to 1338
board approval, and the board shall prescribe requirements by 1339
rule for such settlement agreements. The certificate holder, 1340
registrant, or licensee may request a hearing pursuant to 1341
Chapter 119. of the Revised Code. If a formal hearing is 1342

conducted, the hearing examiner shall file a report ~~of that~~ 1343
contains findings of fact and conclusions of law with the 1344
division hearing administrator. The division hearing 1345
administrator shall serve the hearing examiner report on the 1346
superintendent, the assistant attorney general representing the 1347
superintendent in the matter, the board, the complainant and the 1348
certificate holder, licensee, or registrant ~~after the conclusion~~ 1349
~~of the formal hearing, and if applicable, counsel representing~~ 1350
the complainant, certificate holder, licensee, or registrant. 1351
Service of the hearing examiner report on the complainant and on 1352
the certificate holder, licensee, or registrant shall comply 1353
with division (K) of this section. Service of the hearing 1354
examiner's report on the superintendent, the assistant attorney 1355
general representing the superintendent in the matter, and the 1356
board shall be by either regular mail or electronic means. 1357
Service of the hearing examiner report on counsel representing 1358
the complainant, certificate holder, licensee, or registrant 1359
shall be by regular mail. 1360

Within ten calendar days of receipt by the assistant 1361
attorney general representing the superintendent of the copy of 1362
the hearing examiner's report served by the division hearing 1363
administrator, the assistant attorney general may file with the 1364
board written objections to the hearing examiner's report, which 1365
shall be considered by the board before approving, modifying, or 1366
rejecting the hearing examiner's report. Within ten calendar 1367
days of receipt by the certificate holder, licensee, or 1368
registrant of the copy of the hearing examiner's ~~finding of fact~~ 1369
~~and conclusions of law~~ report served by the division hearing 1370
administrator, the certificate holder, licensee, or registrant 1371
~~or the division~~ may file with the board written objections to 1372
the hearing examiner's report, which shall be considered by the 1373

board before approving, modifying, or rejecting the hearing 1374
examiner's report. ~~If~~ Within ten calendar days of receipt by the 1375
superintendent of the copy of the hearing examiner's report 1376
served by the division hearing administrator, the superintendent 1377
may grant an extension of time to file written objections to the 1378
hearing examiner's report for good cause shown. 1379

(2) If the superintendent finds, following the conclusion 1380
of the investigation, that ~~such~~ evidence does not exist showing 1381
a violation of division (G) of this section by the certificate 1382
holder, registrant, or licensee, the superintendent shall notify 1383
the complainant and certificate holder, registrant, or licensee 1384
of that determination and the basis for the determination. 1385
Within fifteen business days after the superintendent notifies 1386
the complainant and certificate holder, registrant, or licensee 1387
that such evidence does not exist, the complainant may file with 1388
the division a request that the real estate appraiser board 1389
review the determination. If the complainant files such request, 1390
the board shall review the determination at the next regularly 1391
scheduled meeting held at least fifteen business days after the 1392
request is filed but no longer than six months after the request 1393
is filed. The board may hear the testimony of the complainant, 1394
certificate holder, registrant, or licensee at the meeting upon 1395
the request of that party. If the board affirms the 1396
determination of the superintendent, the superintendent shall 1397
notify the complainant and the certificate holder, registrant, 1398
or licensee within five business days thereafter. If the board 1399
reverses the determination of the superintendent, ~~a hearing~~ 1400
~~before a hearing examiner shall be held and the complainant and~~ 1401
~~certificate holder, registrant, or licensee notified as provided~~ 1402
~~in this division~~ the matter shall be returned to the 1403
superintendent for additional investigation or review. 1404

(E) The board shall review the ~~referee's or hearing~~ 1405
examiner's report and the evidence at the next regularly 1406
scheduled board meeting held at least fifteen business days 1407
after receipt of the ~~referee's or~~ examiner's report. The board 1408
may hear the testimony of the complainant, certificate holder, 1409
registrant, or licensee upon request. If the complainant is the 1410
Ohio civil rights commission, the board shall review the 1411
complaint. 1412

(F) If the board determines that a licensee, registrant, 1413
or certificate holder has violated this chapter for which 1414
disciplinary action may be taken under division (G) of this 1415
section, after review of the ~~referee's or hearing~~ examiner's 1416
report and the evidence as provided in division (E) of this 1417
section, or after review of a settlement agreement entered into 1418
pursuant to division (D)(1) of this section, the board shall 1419
order the disciplinary action the board considers appropriate, 1420
which may include, but is not limited to, any of the following: 1421

(1) Reprimand of the certificate holder, registrant, or 1422
licensee; 1423

(2) Imposition of a fine, not exceeding, two thousand five 1424
hundred dollars per violation; 1425

(3) Requirement of the completion of additional education 1426
courses. Any course work imposed pursuant to this section shall 1427
not count toward continuing education requirements or prelicense 1428
or precertification requirements set forth in section 4763.05 of 1429
the Revised Code. 1430

(4) Suspension of the certificate, registration, or 1431
license for a specific period of time; 1432

(5) Revocation or surrender of the certificate, 1433

registration, or license. 1434

The decision and order of the board is final, except that 1435
following the review of the hearing examiner report and the 1436
evidence as provided in division (E) of this section, the 1437
decision and order of the board is subject to review in the 1438
manner provided for in Chapter 119. of the Revised Code and 1439
appeal to any court of common pleas. If the board orders a 1440
disciplinary action as provided in division (F) (2) or (3) of 1441
this section, the superintendent may grant an extension of time 1442
to satisfy the board-ordered disciplinary action for good cause 1443
shown. 1444

(G) The board shall take any disciplinary action 1445
authorized by this section against a certificate holder, 1446
registrant, or licensee or an applicant who obtains a 1447
certificate, registration, or license pursuant to this chapter 1448
who is found to have committed any of the following acts, 1449
omissions, or violations ~~during the appraiser's certification,~~ 1450
~~registration, or licensure:~~ 1451

(1) ~~Procuring~~ As an applicant, procuring or attempting to 1452
procure a certificate, registration, or license pursuant to ~~this~~ 1453
~~chapter~~ section 4763.05, 4763.06, or 4763.07 of the Revised Code 1454
by knowingly making a false statement, submitting false 1455
information, refusing to provide complete information in 1456
response to a question in an application for certification, 1457
registration, or licensure, or by any means of fraud or 1458
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 1464
~~or;~~ a crime involving moral turpitude; or a crime involving 1465
theft, receiving stolen property, embezzlement, forgery, fraud, 1466
passing bad checks, money laundering, drug trafficking, or any 1467
criminal offense involving money or securities, including a 1468
violation of an existing or former law of this state, any other 1469
state, or the United States that is substantially equivalent to 1470
such an offense; 1471
- (4) Dishonesty, fraud, or misrepresentation, with the 1472
intent to either benefit the certificate holder, registrant, or 1473
licensee or another person or injure another person; 1474
- (5) Violation of any of the standards for the development, 1475
preparation, communication, or reporting of an appraisal report 1476
set forth in this chapter and rules of the board; 1477
- (6) Failure or refusal to exercise reasonable diligence in 1478
developing, preparing, or communicating an appraisal report; 1479
- (7) Negligence or incompetence in developing, preparing, 1480
communicating, or reporting an appraisal report; 1481
- (8) Violating ~~or willfully disregarding~~ this chapter or 1482
the rules adopted thereunder; 1483
- (9) Accepting an appraisal assignment where the employment 1484
is contingent upon the appraiser preparing or reporting a 1485
predetermined estimate, analysis, or opinion, or where the fee 1486
to be paid for the appraisal is contingent upon the opinion, 1487
conclusion, or valuation attained or upon the consequences 1488
resulting from the appraisal assignment; 1489
- (10) Violating the confidential nature of governmental 1490
records to which the certificate holder, registrant, or licensee 1491
gained access through employment or engagement as an appraiser 1492

by a governmental agency;	1493
(11) Entry of final judgment against the certificate holder, registrant, or licensee on the grounds of fraud, deceit, misrepresentation, or gross negligence in the making of <u>performing</u> any appraisal of real estate;	1494 1495 1496 1497
(12) Violating any federal or state civil rights law;	1498
(13) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any appraisal or specialized service;	1499 1500 1501 1502
(14) Failing to provide copies of records to the superintendent or failing to maintain records as required by section 4763.14 of the Revised Code. Failure of a certificate holder, licensee, or registrant to comply with a subpoena issued under division (C) (1) of section 4763.03 of the Revised Code is prima-facie evidence of a violation of division (G) (14) of section 4763.11 of the Revised Code.	1503 1504 1505 1506 1507 1508 1509
(15) Failing to provide notice to the board as required in division (I) of this section;	1510 1511
<u>(16) In the case of a certificate holder acting as a supervisory appraiser, refusing to sign an appraiser experience log required by rule for a person making application for an initial state-certified general real estate appraiser certificate, state-certified residential real estate appraiser certificate, or state-licensed residential real estate appraiser license, unless there is reasonable and substantial evidence that there is false information contained within the log;</u>	1512 1513 1514 1515 1516 1517 1518 1519
<u>(17) Being sanctioned or disciplined in another jurisdiction as a real estate appraiser;</u>	1520 1521

(18) Failing to provide assistance, whenever possible, to 1522
the members and staff of the board or to the division of real 1523
estate in the enforcement of this chapter and the rules adopted 1524
under it. 1525

(H) The board immediately shall notify the superintendent 1526
of real estate of any disciplinary action taken under this 1527
section against a certificate holder, registrant, or licensee 1528
who also is licensed under Chapter 4735. of the Revised Code, 1529
and also shall notify any other federal, state, or local agency 1530
and any other public or private association that the board 1531
determines is responsible for licensing or otherwise regulating 1532
the professional or business activity of the appraiser. 1533
~~Additionally, the board shall notify the complainant and any~~ 1534
~~other party who may have suffered financial loss because of the~~ 1535
~~certificate holder's, registrant's, or licensee's violations,~~ 1536
that the complainant ~~or other party~~ may sue for recovery under 1537
section 4763.16 of the Revised Code. The notice provided under 1538
this division shall specify the conduct for which the 1539
certificate holder, registrant, or licensee was disciplined and 1540
the disciplinary action taken by the board and the result of 1541
that conduct. 1542

(I) A certificate holder, registrant, or licensee shall 1543
notify the board within fifteen days of the agency's issuance of 1544
an order revoking or permanently surrendering any professional 1545
license, certificate, or registration by any public entity other 1546
than the division of real estate. A certificate holder, 1547
registrant, or licensee who is convicted of a ~~felony or crime of~~ 1548
~~moral turpitude~~ as described in division (G) (3) of this section 1549
shall notify the board of the conviction within fifteen days of 1550
the conviction. 1551

(J) If the board determines that a certificate holder, 1552
registrant, or licensee has violated this chapter for which 1553
disciplinary action may be taken under division (G) of this 1554
section as a result of an investigation conducted by the 1555
superintendent upon the superintendent's own motion or upon the 1556
request of the board, the superintendent shall notify the 1557
certificate holder, registrant, or licensee of the certificate 1558
holder's, registrant's, or licensee's right to a hearing 1559
pursuant to Chapter 119. of the Revised Code and, if applicable, 1560
to an appeal of a final determination of such administrative 1561
proceedings to any court of common pleas. 1562

(K) Notwithstanding section 119.07 of the Revised Code, 1563
acknowledgment of complaint notices issued under division (A) of 1564
this section and continuance notices associated with hearings 1565
conducted under this section may be sent by regular mail and a 1566
certificate of mailing shall be obtained for the notices. All 1567
other notices, written reports, and determinations issued to a 1568
complainant and to a certificate holder, registrant, or licensee 1569
pursuant to this section shall be mailed via certified mail, 1570
return receipt requested. ~~If the certified~~ When any notice is 1571
sent by certified mail, return receipt requested, and is 1572
returned because of failure of delivery or because the notice 1573
was unclaimed, ~~the then that~~ notice, written reports, or 1574
~~determinations are~~ is deemed served if the superintendent 1575
subsequently sends the notice, ~~written reports, or determination~~ 1576
via by regular mail and ~~obtains~~ a certificate of mailing ~~of is~~ 1577
obtained for the notice, ~~written reports, or determination.~~ If a 1578
notice, whether sent by certified mail, return receipt 1579
requested, or by regular mail with a certificate of mailing, is 1580
returned for failure of delivery, then the superintendent shall 1581
make personal delivery of the notice by an employee or agent of 1582

the department of commerce or shall cause a summary of the 1583
substantive provisions of the notice to be published once a week 1584
for three consecutive weeks in a newspaper of general 1585
circulation in the county where the last known address of the 1586
party is located. When notice is given by publication, a proof 1587
of publication affidavit, with the first publication of the 1588
notice set forth in the affidavit, shall be mailed by regular 1589
mail to the party at the party's last known address. The notice 1590
shall be deemed received as of the date of the last publication 1591
of the summary. An employee or agent of the department of 1592
commerce may make personal delivery of the notice upon the party 1593
at any time. Refusal of delivery by personal service or by mail 1594
is not failure of delivery and service is deemed to be complete. 1595
Failure of delivery occurs only when a mailed notice is returned 1596
by the postal authorities marked undeliverable, address or 1597
addressee unknown, or forwarding address unknown or expired. 1598

Sec. 4763.12. (A) A person licensed or certified under 1599
this chapter may be retained or employed to act as a 1600
disinterested third party in rendering an unbiased valuation or 1601
analysis of real estate or to provide specialized services to 1602
facilitate the client or employer's objectives. An appraisal or 1603
appraisal report rendered by a certificate holder or licensee 1604
shall comply with this chapter. A certified appraisal or 1605
certified appraisal report represents to the public that it 1606
satisfies the standards set forth in this chapter. 1607

(B) No certificate holder or licensee shall accept a fee 1608
for an appraisal assignment that is contingent, in whole or in 1609
part, upon the reporting of a predetermined estimate, analysis, 1610
or opinion or upon the opinion, conclusion, or valuation 1611
reached, or upon consequences resulting from the appraisal 1612
assignment. A certificate holder or licensee who enters into an 1613

agreement to provide specialized services may charge a fixed fee 1614
or a fee that is contingent upon the results achieved by the 1615
specialized services, provided that this fact is clearly stated 1616
in each oral report rendered pursuant to the agreement, and the 1617
existence of the contingent fee arrangement is clearly stated in 1618
a prominent place on each written report and in each letter of 1619
transmittal and certification statement made by the certificate 1620
holder or licensee within that report. 1621

(C) Every written report rendered by a certificate holder 1622
or licensee in conjunction with an appraisal assignment or 1623
specialized service performed shall include the following 1624
information: 1625

(1) The name of the certificate holder or licensee; 1626

(2) The class of certification or licensure held by and 1627
the certification or licensure number of the certificate holder 1628
or licensee; 1629

(3) Whether the appraisal or specialized service is 1630
performed within the scope of the certificate holder's or 1631
licensee's certification or licensure; 1632

(4) Whether the appraisal or specialized service is 1633
provided by a certificate holder or licensee as a disinterested 1634
and unbiased third party or as a person on an interested and 1635
biased basis or as an interested third party on a contingent fee 1636
basis; 1637

(5) The signature of the person ~~preparing~~ performing and 1638
reporting the appraisal or specialized service; 1639

(6) The license, certificate, or registration number of 1640
the appraisal management company that has engaged the appraiser 1641
for the assignment within the body of the appraisal report; 1642

(7) If an appraisal report is completed for an appraisal management company, one of the following: 1643
1644

(a) The actual fees paid to the appraiser within the body of the appraisal report; 1645
1646

(b) If the appraiser is employed by the appraisal management company on an employee and employer basis for the performance of appraisals, a statement of that fact and a statement that the appraiser was not paid a fee. 1647
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If the certificate holder or licensee provides an oral real estate appraisal report or specialized service, the certificate holder or licensee shall send, within seven days of providing the oral report, a form to the client containing the appropriate information specified in this division and the rules adopted pursuant to this division. 1651
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(D) Nothing in this chapter shall be construed as requiring a certificate holder or licensee to provide a client with a copy of any writing prepared in support of an oral appraisal report except as provided in division (C) of this section or as agreed to between the certificate holder or licensee and the certificate holder's or licensee's client. 1657
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(E) No person, directly or indirectly, shall knowingly compensate, instruct, induce, coerce, or intimidate, or attempt to compensate, instruct, induce, coerce, or intimidate, a certificate holder or licensee for the purpose of corrupting or improperly influencing the independent judgment of the certificate holder or licensee with respect to the value of the dwelling offered as security for repayment of a mortgage loan. 1663
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Sec. 4763.13. (A) In engaging in appraisal activities, a person certified, registered, or licensed under this chapter 1670
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shall comply with the applicable standards prescribed by the 1672
board of governors of the federal reserve system, the federal 1673
deposit insurance corporation, the comptroller of the currency, 1674
the office of thrift supervision, the national credit union 1675
administration, and the resolution trust corporation in 1676
connection with federally related transactions under the 1677
jurisdiction of the applicable agency or instrumentality. A 1678
certificate holder, registrant, and licensee also shall comply 1679
with the uniform standards of professional appraisal practice, 1680
as adopted by the appraisal standards board of the appraisal 1681
foundation and such other standards adopted by the real estate 1682
appraiser board, to the extent that those standards do not 1683
conflict with applicable federal standards in connection with a 1684
particular federally related transaction. 1685

(B) The terms "state-licensed residential real estate 1686
appraiser," "state-certified residential real estate appraiser," 1687
"state-certified general real estate appraiser," and "state- 1688
registered real estate appraiser assistant" shall be used to 1689
refer only to those persons who have been issued the applicable 1690
certificate, registration, or license or renewal certificate, 1691
registration, or license pursuant to this chapter. None of these 1692
terms shall be used following or in connection with the name or 1693
signature of a partnership, corporation, or association or in a 1694
manner that could be interpreted as referring to a person other 1695
than the person to whom the certificate, registration, or 1696
license has been issued. No person shall fail to comply with 1697
this division. 1698

(C) No person, other than a certificate holder, a 1699
registrant, or a licensee, shall assume or use a title, 1700
designation, or abbreviation that is likely to create the 1701
impression that the person possesses certification, 1702

registration, or licensure under this chapter, provided that 1703
professional designations containing the term "certified 1704
appraiser" and being used on or before July 26, 1989, shall not 1705
be construed as being misleading under this division. No person 1706
other than a person certified or licensed under this chapter 1707
shall describe or refer to an appraisal or other evaluation of 1708
real estate located in this state as being certified. 1709

(D) The terms "state-certified or state-licensed real 1710
estate appraisal report," "state-certified or state-licensed 1711
appraisal report," or "state-certified or state-licensed 1712
appraisal" shall be used to refer only to those real estate 1713
appraisals conducted by a certificate holder or licensee as a 1714
disinterested and unbiased third party provided that the 1715
certificate holder or licensee provides certification with the 1716
appraisal report and provided further that if a licensee is 1717
providing the appraisal, such terms shall only be used if the 1718
licensee is acting within the scope of the licensee's license. 1719
No person shall fail to comply with this division. 1720

(E) Nothing in this chapter shall preclude a partnership, 1721
corporation, or association which employs, retains, or engages 1722
the services of a certificate holder or licensee to advertise 1723
that the partnership, corporation, or association offers state- 1724
certified or state-licensed appraisals through a certificate 1725
holder or licensee if the advertisement clearly states such fact 1726
in accordance with guidelines for such advertisements 1727
established by rule of the real estate appraiser board. 1728

(F) Except as otherwise provided in section 4763.19 of the 1729
Revised Code, nothing in this chapter shall preclude a person 1730
who is not licensed or certified under this chapter from 1731
appraising real estate for compensation. 1732

Sec. 4763.14. A person licensed, registered, or certified 1733
under this chapter shall retain for a period of five years the 1734
original or a true copy of each written contract for the 1735
person's services relating to real estate appraisal work, all 1736
appraisal reports, and all work file documentation and data 1737
assembled in preparing those reports. The retention period 1738
begins on the date the appraisal report is submitted to the 1739
client unless, prior to expiration of the retention period, the 1740
certificate holder, registrant, or licensee is notified that the 1741
appraisal or report is the subject of or is otherwise involved 1742
in pending litigation, in which case the retention period ~~begins~~ 1743
~~on~~ shall commence two years from the date of final disposition 1744
of the litigation. 1745

A certificate holder, registrant, and a licensee shall 1746
make available all records required to be maintained under this 1747
section for inspection and copying by the superintendent of real 1748
estate or the real estate appraiser board, or both, upon 1749
reasonable notice to the certificate holder, registrant, or 1750
licensee. 1751

Sec. 4763.15. Except for moneys required to be transferred 1752
into the real estate appraiser recovery fund pursuant to section 1753
4763.16 of the Revised Code or as required pursuant to this 1754
section, the superintendent of real estate may deposit all fees 1755
collected under this chapter into the state treasury to the 1756
credit of the real estate appraiser operating fund, which is 1757
hereby created. All operating expenses of the real estate 1758
appraiser board and the superintendent of real estate relating 1759
to the administration and enforcement of this chapter and 1760
Chapter 4768. of the Revised Code shall be paid from this fund. 1761
The fund shall be assessed a proportionate share of the 1762
administrative cost of the department of commerce in accordance 1763

with procedures prescribed by the director of commerce and 1764
approved by the director of budget and management and the 1765
assessment shall be paid from the operating fund to the division 1766
of administration fund. 1767

If, in any biennium, the director of commerce determines 1768
that moneys in the operating fund exceed those necessary to fund 1769
the activities of the board and of the superintendent of real 1770
estate that relate to this chapter and Chapter 4768. of the 1771
Revised Code, ~~the~~ the director may pay the excess funds to the 1772
real estate appraiser recovery fund. 1773

Sec. 4763.17. Every partnership, corporation, or 1774
association which employs, retains, or engages the services of a 1775
person licensed, registered, or certified under this chapter, 1776
whether the certificate holder, registrant, or licensee is an 1777
independent contractor or under the supervision or control of 1778
the partnership, corporation, or association, is jointly and 1779
severally liable for any damages incurred by any person as a 1780
result of an act or omission concerning a state-certified or 1781
state-licensed real estate appraisal report prepared or 1782
facilitated in the preparation by a certificate holder, 1783
registrant, or licensee while employed, retained, or engaged by 1784
the partnership, corporation, or association. 1785

Sec. 4763.19. (A) Subject to division (B) of this section, 1786
no person shall perform or prepare a real estate appraisal, 1787
appraisal report, or real estate appraisal review for a mortgage 1788
loan ~~if,~~ unless the person is ~~not~~ licensed or certified under 1789
this chapter to do the appraisal. 1790

(B) Division (A) of this section does not apply to a 1791
lender using a market analysis or price opinion, an internal 1792
valuation analysis, or an automated valuation model or report 1793

based on an automated valuation model, and any person providing 1794
that report to the lender, ~~in performing a valuation for~~ 1795
~~purposes of a loan application, as long as the lender does both~~ 1796
~~of the following:~~ 1797

~~(1) Gives the consumer loan applicant a copy of any~~ 1798
~~written market analysis or price opinion or valuation report~~ 1799
~~based on an automated valuation model;~~ 1800

~~(2) Includes a disclaimer on the consumer's copy~~ 1801
~~specifying that the valuation used for purposes of the~~ 1802
~~application was obtained from a market analysis or price opinion~~ 1803
~~or automated valuation model report and not from a~~ to validate 1804
or support the value conclusion provided by the person licensed 1805
or certified under this chapter to do the appraisal. 1806

Sec. 4768.01. As used in this chapter: 1807

(A) "Real estate appraisal" or "appraisal" means the act 1808
or process of developing an opinion of value of real property in 1809
conformity with the uniform standards of professional appraisal 1810
practice. 1811

(B) "Appraisal management company" means any person 1812
authorized either by a creditor of a consumer credit transaction 1813
secured by a consumer's principal dwelling, or by an underwriter 1814
of or other principal in the secondary mortgage markets, that 1815
performs appraisal management services in connection with 1816
valuing properties collateralizing mortgage loans or valuing 1817
properties collateralizing mortgages incorporated in a 1818
securitization. 1819

(C) "Appraisal management services" means to perform any 1820
of the following functions on behalf of a lender, financial 1821
institution, client, or any other person in conjunction with a 1822

<u>consumer credit transaction that is secured by a consumer's</u>	1823
<u>primary dwelling:</u>	1824
<u>(1) Administer an appraiser panel;</u>	1825
<u>(2) Recruit, retain, or select appraisers;</u>	1826
<u>(3) Qualify, verify licensure or certification, and</u>	1827
<u>negotiate fees and service level expectations with persons who</u>	1828
<u>are part of an appraiser panel;</u>	1829
<u>(4) Contract with appraisers to perform appraisal</u>	1830
<u>assignments;</u>	1831
<u>(5) Receive an order for an appraisal from one person and</u>	1832
<u>deliver the order for the appraisal to an appraiser who is part</u>	1833
<u>of an appraiser panel for completion;</u>	1834
<u>(6) Manage the process of having an appraisal performed,</u>	1835
<u>including providing administrative duties, such as receiving</u>	1836
<u>appraisal orders and reports, submitting completed appraisal</u>	1837
<u>reports to creditors and underwriters, collecting fees from</u>	1838
<u>creditors and underwriters for services provided, and</u>	1839
<u>reimbursing appraisers for services performed;</u>	1840
<u>(7) Track and determine the status of orders for</u>	1841
<u>appraisals;</u>	1842
<u>(8) Conduct quality control of a completed appraisal prior</u>	1843
<u>to the delivery of the appraisal to the person that ordered the</u>	1844
<u>appraisal;</u>	1845
<u>(9) Provide a completed appraisal performed by an</u>	1846
<u>appraiser to one or more clients.</u>	1847
<u>(D) "Appraisal report" means a written communication of a</u>	1848
<u>real estate appraisal or appraisal review or an oral</u>	1849

communication of a real estate appraisal or appraisal review 1850
that is documented by a writing that supports the oral 1851
communication. 1852

(E) "Appraisal review" means the act or process of 1853
developing and communicating an opinion about the quality of 1854
another appraiser's work that was performed as part of an 1855
appraisal or appraisal review. "Appraisal review" does not 1856
include an examination of an appraisal for grammatical errors, 1857
typographical errors, or completeness, provided the review for 1858
completeness does not require an opinion about the quality of 1859
the work of an appraiser. The real estate appraiser board may 1860
define, by rule, "review for completeness." 1861

(F) "Appraisal services" or "real estate appraisal 1862
services" means a real estate appraisal or appraisal review. 1863

(G) "Appraiser" means a person licensed or certified under 1864
Chapter 4763. of the Revised Code. 1865

(H) "Appraiser panel" means a network of appraisers who 1866
are independent contractors to the appraisal management company 1867
and who have been approved by the appraisal management company, 1868
after responding to an invitation or request from the appraisal 1869
management company, to perform appraisals for any client of the 1870
appraisal management company or for the appraisal management 1871
company directly, on a periodic basis, as assigned by the 1872
appraisal management company. 1873

(I) "Automated valuation model" means a computer software 1874
program that analyzes data using an automated process, such as 1875
regression, adaptive estimation, neural network, expert 1876
reasoning, or artificial intelligence programs, that produces an 1877
output that may become a basis for appraisal or appraisal review 1878

if the appraiser believes the output to be credible for use in a 1879
specific assignment. 1880

(J) "Client" means any person that contracts with, or 1881
otherwise enters into an agreement with, an appraisal management 1882
company for residential or commercial real estate appraisal 1883
services. 1884

(K) "Controlling person" means any of the following: 1885

(1) An owner, officer, or director of a business entity 1886
seeking to offer appraisal management services in this state; 1887

(2) An individual employed, appointed, or authorized by an 1888
appraisal management company, who has the authority to enter 1889
into contractual relationships with clients for the performance 1890
of appraisal management services and the authority to enter into 1891
agreements with appraisers for the performance of residential or 1892
commercial real estate appraisal services; 1893

(3) An individual who possesses, directly or indirectly, 1894
the power to direct or cause the direction of the management or 1895
policies of an appraisal management company. 1896

(L) "Federally regulated appraisal management company" 1897
means an appraisal management company that is owned and 1898
controlled by an insured depository institution as defined in 12 1899
U.S.C. 1813 or an insured credit union as defined in 12 U.S.C. 1900
1752 and that is regulated by the office of the comptroller of 1901
the currency, the board of governors of the federal reserve 1902
system, the national credit union administration, or the federal 1903
deposit insurance corporation. 1904

(M) "Owner" means a person who owns or controls ten per 1905
cent or more of an appraisal management company. 1906

(N) "Person" means an individual, corporation, 1907
partnership, sole proprietorship, subsidiary, unit, or other 1908
business entity. 1909

(O) "Real estate" has the same meaning as in section 1910
4735.01 of the Revised Code. 1911

Sec. 4768.02. (A) (1) No person shall do any of the 1912
following without first obtaining a license under this chapter: 1913

(a) Directly or indirectly engage or attempt to engage in 1914
business as an appraisal management company; 1915

(b) Directly or indirectly engage in or attempt to perform 1916
appraisal management services; 1917

(c) Advertise or hold itself out as engaging in or 1918
conducting business as an appraisal management company. 1919

(2) A person that violates division (A) (1) of this section 1920
may be subject to sanctions under section 4768.14 of the Revised 1921
Code. 1922

(B) This chapter shall not apply to any of the following: 1923

(1) An appraisal management company that is a federally 1924
regulated appraisal management company; 1925

(2) Any person that exclusively employs appraisers on an 1926
employer and employee basis for the performance of appraisals; 1927

(3) Any person engaged in appraisal services who, in the 1928
normal course of business, enters into an agreement, whether 1929
written or otherwise, with an independent appraiser for the 1930
performance of appraisal services that the hiring or contracting 1931
person is not completing for any reason, including competency, 1932
work load, schedule, or geographic location. Division (B) (3) of 1933

this section applies only to an appraiser and to that 1934
appraiser's business entity provided that entity is engaging in 1935
real estate appraisal services, not appraisal management 1936
services; 1937

(4) Any person engaged in appraisal services who, in the 1938
normal course of business, enters into an agreement, whether 1939
written or otherwise, with an independent contractor appraiser 1940
for the performance of appraisal services and, upon the 1941
completion of the appraisal, the report of the independent 1942
contractor appraiser performing the appraisal services is 1943
cosigned by the person who subcontracted with the independent 1944
contractor appraiser for the performance of the appraisal 1945
services. An appraisal management company shall not avoid the 1946
requirements of this division by requiring an employee of the 1947
appraisal management company, who is an appraiser, to sign the 1948
appraisal that has been completed by an appraiser that is part 1949
of the appraisal panel for the appraisal management company. 1950

Sec. 4768.03. The real estate appraiser board shall do all 1951
of the following: 1952

(A) Adopt rules, in accordance with Chapter 119. of the 1953
Revised Code in furtherance of this chapter, including, but not 1954
limited to, all of the following: 1955

(1) Procedures for criminal records checks that are 1956
required under section 4768.06 of the Revised Code, in 1957
accordance with division (K) of section 121.08 and division (C) 1958
of section 4768.06 of the Revised Code; 1959

(2) The following nonrefundable fees: 1960

(a) The initial appraisal management company license fee, 1961
which shall not exceed two thousand dollars; 1962

<u>(b) The annual renewal fee, which shall not exceed two</u>	1963
<u>thousand dollars;</u>	1964
<u>(c) The late filing fee, which shall not exceed one</u>	1965
<u>thousand dollars, for the renewal of a license under division</u>	1966
<u>(C) of section 4768.07 of the Revised Code.</u>	1967
<u>(3) Requirements for settlement agreements that the</u>	1968
<u>superintendent of real estate and professional licensing and an</u>	1969
<u>appraisal management company or other person may enter into</u>	1970
<u>under division (H) of section 4768.13 or division (C) of section</u>	1971
<u>4768.14 of the Revised Code;</u>	1972
<u>(4) Presumptions of compliance with regard to the</u>	1973
<u>customary and reasonable fees required under division (B) of</u>	1974
<u>section 4768.12 of the Revised Code. In adopting rules under</u>	1975
<u>division (A) (4) of this section, the board shall consider</u>	1976
<u>presumptions of compliance promulgated for the same purpose</u>	1977
<u>under the federal "Truth in Lending Act," 82 Stat. 146, 15</u>	1978
<u>U.S.C. 1631 et seq.;</u>	1979
<u>(5) Rules regarding consent to service of process for</u>	1980
<u>appraisal management companies in accordance with division (A)</u>	1981
<u>(6) of section 4768.06 of the Revised Code.</u>	1982
<u>(B) Determine the appropriate disciplinary actions to be</u>	1983
<u>taken against a person, including a licensee, under section</u>	1984
<u>4768.13 of the Revised Code;</u>	1985
<u>(C) Hear appeals, pursuant to Chapter 119. of the Revised</u>	1986
<u>Code, from decisions and orders that the superintendent issues</u>	1987
<u>pursuant to this chapter;</u>	1988
<u>(D) Request that the superintendent initiate an</u>	1989
<u>investigation of a violation of this chapter or the rules</u>	1990
<u>adopted under it, as the board determines appropriate.</u>	1991

<u>Sec. 4768.04. (A) The superintendent of real estate and</u>	1992
<u>professional licensing shall do all of the following:</u>	1993
<u>(1) Prescribe the form and content of all applications</u>	1994
<u>required by this chapter;</u>	1995
<u>(2) Receive applications for licenses and renewal thereof</u>	1996
<u>under this chapter and establish the procedures for processing,</u>	1997
<u>approving, and disapproving those applications;</u>	1998
<u>(3) Retain records and all application materials submitted</u>	1999
<u>to the superintendent;</u>	2000
<u>(4) Issue licenses and maintain a register of the names</u>	2001
<u>and addresses of all appraisal management companies issued a</u>	2002
<u>license under this chapter;</u>	2003
<u>(5) Perform any other functions and duties, including the</u>	2004
<u>employment of staff, necessary to administer this chapter;</u>	2005
<u>(6) Administer this chapter;</u>	2006
<u>(7) Issue all orders necessary to implement this chapter;</u>	2007
<u>(8) Investigate complaints, upon the motion of the</u>	2008
<u>superintendent of real estate and professional licensing or upon</u>	2009
<u>receipt of a complaint, or at the request of the real estate</u>	2010
<u>appraiser board, concerning any violation of this chapter or the</u>	2011
<u>rules adopted pursuant thereto or the conduct of any person</u>	2012
<u>holding a license issued pursuant to this chapter;</u>	2013
<u>(9) Establish and maintain an investigation and audit</u>	2014
<u>section to investigate complaints and conduct inspections,</u>	2015
<u>audits, and other inquiries as, in the judgment of the</u>	2016
<u>superintendent of real estate and professional licensing, are</u>	2017
<u>appropriate to enforce this chapter. The investigators and</u>	2018
<u>auditors may review and audit the business records of licensees</u>	2019

during normal business hours. The superintendent of real estate 2020
and professional licensing may utilize the investigators and 2021
auditors who are employed by the division of real estate and 2022
professional licensing for other related purposes. 2023

(10) Appoint a hearing examiner for any proceeding under 2024
section 4768.13 or 4768.14 of the Revised Code; 2025

(11) Make and transmit any reports, and collect and 2026
transmit any fees, that are required under section 1109(a) of 2027
the "Financial Institutions, Reform, Recovery, and Enforcement 2028
Act," as amended, 12 U.S.C. 3338(a). 2029

(B) The superintendent of real estate and professional 2030
licensing may do any of the following: 2031

(1) In connection with investigations and audits under 2032
division (A) (8) of this section, subpoena witnesses as provided 2033
in section 4768.05 of the Revised Code; 2034

(2) Apply to the appropriate court to enjoin any violation 2035
of this chapter. Upon a showing by the superintendent of real 2036
estate and professional licensing that any person has violated 2037
or is about to violate this chapter, the court shall grant an 2038
injunction, restraining order, or other appropriate relief, or 2039
any combination thereof; 2040

(3) In conjunction with the enforcement of this chapter, 2041
when the superintendent of real estate and professional 2042
licensing has reasonable cause to believe that any owner or 2043
controlling person of a licensee has committed a criminal 2044
offense, the superintendent of real estate and professional 2045
licensing may request the superintendent of the bureau of 2046
criminal identification and investigation to conduct a criminal 2047
records check of the owner or controlling person. The 2048

superintendent of the bureau of criminal identification and 2049
investigation shall obtain information from the federal bureau 2050
of investigation as part of the criminal records check of the 2051
owner or controlling person. The superintendent of real estate 2052
and professional licensing may assess the licensee a fee equal 2053
to the fee assessed for the criminal records check. 2054

(C) (1) The following information and documents are 2055
confidential and not public records under section 149.43 of the 2056
Revised Code: 2057

(a) All information that is obtained by investigators and 2058
auditors performing investigations or conducting inspections, 2059
audits, and other inquiries pursuant to divisions (A) (8) and (9) 2060
of this section; 2061

(b) All reports, documents, and other work products that 2062
arise from the information described in division (C) (1) (a) of 2063
this section and that are prepared by the investigators, 2064
auditors, or other personnel of the department of commerce. 2065

(2) The superintendent of real estate and professional 2066
licensing, the investigators and auditors, and other personnel 2067
of the department shall hold in confidence the information, 2068
reports, documents, and other work products described in 2069
division (C) (1) of this section. 2070

(3) Divisions (C) (1) and (2) of this section do not 2071
prevent the division from releasing information relating to 2072
licensees to the superintendent of financial institutions for 2073
purposes relating to the administration of sections 1322.01 to 2074
1322.12 of the Revised Code, to the commissioner of securities 2075
for purposes relating to Chapter 1707. of the Revised Code, to 2076
the superintendent of insurance for purposes relating to the 2077

administration of Chapter 3953. of the Revised Code, to the 2078
attorney general, or to law enforcement agencies and 2079
prosecutors. Information released by the division pursuant to 2080
division (C)(3) of this section remains confidential. 2081

Sec. 4768.05. The real estate appraiser board or the 2082
superintendent of real estate and professional licensing may 2083
compel, by order or subpoena, the attendance of witnesses to 2084
testify in relation to any matter over which the board or the 2085
superintendent has jurisdiction and that is the subject of the 2086
inquiry and investigation by the board or superintendent and may 2087
require the production of any book, paper, or document 2088
pertaining to such matter. For such purpose, the board or the 2089
superintendent has the same power as judges of county courts to 2090
administer oaths, compel the attendance of witnesses, and punish 2091
witnesses for refusal to testify. Service of the subpoena may be 2092
made by sheriffs or by certified mail, return receipt requested, 2093
and the subpoena shall be deemed served on the date delivery is 2094
made or the date the person refuses to accept delivery. Sheriffs 2095
or constables shall return such process and shall receive the 2096
same fees for doing so as are allowed for like service if 2097
service of the subpoena is made by sheriffs or constables. 2098
Witnesses shall receive, after their appearance before the board 2099
or the superintendent, the fees and mileage provided for under 2100
section 119.094 of the Revised Code. If two or more witnesses 2101
travel together in the same vehicle, the mileage fee shall be 2102
paid to only one of those witnesses, but the witnesses may agree 2103
to divide the fee amongst themselves in any manner. 2104

If any person fails to file any statement or report, obey 2105
any subpoena, give testimony, answer questions, or produce 2106
books, records, or papers as required by the board or the 2107
superintendent under this chapter, the board or the 2108

superintendent may apply to the court of common pleas of any 2109
county in the state setting forth the failure. Upon receiving 2110
such an application, the court may make an order awarding 2111
process of subpoena or subpoena duces tecum for the person to 2112
appear and testify before the board or the superintendent; order 2113
any person to give testimony and answer questions; and order any 2114
person to produce books, records, or papers, as required by the 2115
board or the superintendent. Upon the filing of such an order in 2116
the office of the clerk of the court of common pleas, the clerk, 2117
under the seal of the court, shall issue process or subpoena 2118
each day until the examination of the person is completed. The 2119
subpoena may contain a direction that the witness bring to the 2120
examination any books, records, or papers described in the 2121
subpoena. The clerk also shall issue, under the seal of the 2122
court, such other orders, in reference to the examination, 2123
appearance, and production of books, records, or papers, as the 2124
court directs. If any person summoned by subpoena fails to obey 2125
the subpoena, to give testimony, to answer questions as 2126
required, or to obey an order of the court, the court, on motion 2127
supported by proof, may order an attachment for contempt to be 2128
issued against the person charged with disobedience of the 2129
order. If the person is brought before the court by virtue of 2130
the attachment, and if upon a hearing the disobedience appears, 2131
the court may order the offender to be committed and kept in 2132
close custody. 2133

Sec. 4768.06. (A) To obtain an appraisal management 2134
company license, each applicant shall submit all of the 2135
following to the superintendent of real estate and professional 2136
licensing: 2137

(1) A completed application on a form the superintendent 2138
provides; 2139

- (2) The name of a controlling person who will be the main contact between the appraisal management company and the division of real estate and professional licensing and the real estate appraiser board; 2140
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- (3) Payment of the fee established for initial licensure under division (A) (2) of section 4768.03 of the Revised Code; 2144
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- (4) A list of all owners and controlling persons of the appraisal management company; 2146
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- (5) A statement that each owner and controlling person of the appraisal management company satisfies the requirements set forth in divisions (B) (1) to (4) of this section; 2148
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- (6) A completed consent to service of process in this state as prescribed by rule of the real estate appraiser board; 2151
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- (7) A statement that the applicant understands the grounds for any disciplinary action that may be initiated under this chapter; 2153
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- (8) The name of each state in which the appraisal management company holds an appraisal management company license, certificate, or registration and affirmation that the applicant is in good standing in each state where the applicant holds a license, certificate, or registration; 2156
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- (9) A statement that the applicant acknowledges that a system or process must be in place to verify that any appraiser added to the appraisal management company's appraiser panel for the purpose of performing real estate appraisal services in this state holds a license or certificate under Chapter 4763. of the Revised Code and is in good standing with this state; 2161
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- (10) A statement that the applicant acknowledges that a 2167

system or process must be in place to review the work of 2168
appraisers who are performing real estate appraisal services for 2169
compliance with the uniform standards of professional appraisal 2170
practice; 2171

(11) A statement that the applicant acknowledges that a 2172
system or process must be in place to verify that any employee 2173
of, or independent contractor to, the appraisal management 2174
company that performs an appraisal review shall be an appraiser 2175
licensed or certified pursuant to Chapter 4763. of the Revised 2176
Code, provided the property that is the subject of the appraisal 2177
is located in this state; 2178

(12) A statement that the applicant acknowledges that the 2179
controlling person who will be the main contact between the 2180
appraisal management company and the division of real estate and 2181
professional licensing and the real estate appraiser board 2182
described in division (A) (2) of this section has successfully 2183
completed fifteen hours of uniform standards of professional 2184
appraisal practice and thereafter must complete seven hours of 2185
instruction in uniform standards of professional appraisal 2186
practice at least once every two years; 2187

(13) A statement that the applicant acknowledges that a 2188
system or process must be in place to disclose to its client the 2189
actual fees paid to an appraiser for appraisal services 2190
separately from any other fees or charges for appraisal 2191
management services; 2192

(14) A statement that the applicant acknowledges that a 2193
system or process must be in place to disclose the license, 2194
certificate, or registration number of the appraisal management 2195
company on each engagement letter used in assigning an appraisal 2196
request for real estate appraisal assignments within the state; 2197

(15) A statement that the applicant acknowledges that it is required to report suspected violations of Chapter 4763. of the Revised Code by a person licensed, registered, or certified under that chapter; 2198
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(16) A statement that the applicant acknowledges that the real estate appraiser board or the superintendent may require the applicant to submit to an audit, conducted by staff of the division of real estate and professional licensing, of the applicant's operations or books; 2202
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(17) A statement that the applicant acknowledges that it is required to comply with section 129e of the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1639e. 2207
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(B) Each owner and controlling person of an appraisal management company shall satisfy all of the following criteria: 2210
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(1) Be an individual who is at least eighteen years of age; 2212
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(2) Have graduated the twelfth grade or received a certificate of high school equivalence as defined in section 4109.06 of the Revised Code; 2214
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(3) Be honest, truthful, and of good moral character; 2217

(4) Have not had a license, certificate, or registration to act as an appraiser that has been refused, denied, canceled, surrendered, or revoked in this state or in any other state for a substantive reason. A designated controlling person may have had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of revocation in a state for a nonsubstantive reason if the license or certificate was subsequently granted or reinstated; 2218
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(5) Submit to a criminal records check in accordance with 2226
this section and any rule that the superintendent adopts under 2227
division (A)(1) of section 4768.03 of the Revised Code. 2228

(C) Upon receiving an application under this section, the 2229
superintendent shall request the superintendent of the bureau of 2230
criminal identification and investigation, or a vendor approved 2231
by the bureau, to conduct a criminal records check based on the 2232
fingerprint impressions of each owner and controlling person of 2233
the applicant in accordance with division (A)(15) of section 2234
109.572 of the Revised Code. Notwithstanding division (K) of 2235
section 121.08 of the Revised Code, the superintendent of real 2236
estate and professional licensing shall request that the 2237
superintendent of the bureau of criminal identification and 2238
investigation obtain criminal record information from the 2239
federal bureau of investigation be obtained as part of the 2240
criminal records check. Any fee required under division (C)(3) 2241
of section 109.572 of the Revised Code shall be paid by the 2242
applicant. 2243

(D)(1) Subject to section 4768.08 of the Revised Code and 2244
except as provided in division (D)(2) of this section, the 2245
superintendent shall issue a license to the applicant if the 2246
applicant and each owner and controlling person of the applicant 2247
satisfies the requirements of this section. 2248

(2) The superintendent shall not issue a license to an 2249
applicant if any owner or controlling person of the applicant 2250
has been convicted of or pleaded guilty to a felony. However, if 2251
an owner or controlling person of the applicant has pleaded 2252
guilty to or been convicted of a felony, the superintendent 2253
shall not consider the conviction or plea if the person has 2254
proven to the superintendent, by a preponderance of the 2255

evidence, that the person's activities and employment record 2256
since the conviction or plea show that the person is honest, 2257
truthful, and of good moral character, and there is no basis in 2258
fact for believing that the person will commit a felony again. 2259

(E) A license issued under this section shall be valid for 2260
one year after the date of issue. 2261

Sec. 4768.07. (A) An appraisal management company licensed 2262
under this chapter may obtain a renewal license by filing an 2263
annual renewal application with the superintendent of real 2264
estate and professional licensing and paying the renewal fee 2265
established under division (A) (2) of section 4768.03 of the 2266
Revised Code. The renewal application shall include a statement, 2267
signed by the licensee's controlling person, that states all of 2268
the following: 2269

(1) The licensee has a system or process in place to 2270
verify that any appraiser added to the appraisal management 2271
company's appraiser panel for the purpose of performing real 2272
estate appraiser services in this state holds a license or 2273
certificate under Chapter 4763. of the Revised Code and is in 2274
good standing with this state. 2275

(2) The licensee has a system or process in place to 2276
review the work of appraisers who are performing real estate 2277
appraisal services for compliance with the uniform standards of 2278
professional appraisal practice. 2279

(3) The controlling person of the licensee who is the main 2280
contact between the appraisal management company and the 2281
division of real estate and professional licensing and the real 2282
estate appraiser board described in division (A) (2) of section 2283
4768.06 of the Revised Code has successfully completed an 2284

initial fifteen hours of uniform standards of professional appraisal practice and thereafter completes seven hours of instruction in uniform standards of professional appraisal practice at least once every two years. 2285
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(4) The licensee has a system or process in place to disclose to its client the actual fees paid to an appraiser for appraisal services separately from any other fees or charges for appraisal management services. 2289
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(5) The licensee has a system or process in place to disclose the license, certificate, or registration number of the appraisal management company on each engagement letter used in assigning an appraisal request for real estate appraisal assignments within the state. 2293
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(6) Each owner and controlling person of the licensee continues to satisfy the requirements provided for under divisions (B) (1) to (4) of section 4768.06 of the Revised Code; 2298
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(7) The licensee acknowledges that it is required to report suspected violations of Chapter 4763. of the Revised Code by a person licensed, registered, or certified under that chapter; 2301
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(8) The licensee acknowledges that the real estate appraiser board or the superintendent may require the licensee to submit to an audit, conducted by the staff of the division of real estate and professional licensing, of the applicant's operations or books; 2305
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(9) The licensee acknowledges that it is required to comply with section 129e of the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1639e. 2310
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(B) The licensee shall file the renewal application at 2313

least thirty days, but not earlier than one hundred twenty days, 2314
prior to expiration of the license. Subject to section 4768.08 2315
of the Revised Code, the superintendent shall renew the license 2316
if the applicant has complied with division (A) of this section. 2317
Each license renewed under this section shall expire one year 2318
after the date of renewal. 2319

(C) A licensee who fails to renew a license prior to its 2320
expiration is ineligible to obtain a renewal license and shall 2321
comply with section 4768.06 of the Revised Code to regain 2322
licensure, except that a licensee may, within three months after 2323
the expiration of the license, renew the license without having 2324
to comply with section 4768.06 of the Revised Code by paying all 2325
the renewal fees and the late filing fee established under 2326
division (A) (2) of section 4768.03 of the Revised Code. A 2327
licensee who applies for late renewal of the licensee's license 2328
shall not engage in any activities permitted by the license 2329
being renewed during the three-month period following the 2330
license's normal expiration date until all renewal fees and the 2331
late filing fee have been paid. 2332

Sec. 4768.08. The superintendent of real estate and 2333
professional licensing may refuse to issue a license to an 2334
applicant under this chapter based upon any act or omission for 2335
which a person, including a licensee, may be disciplined under 2336
division (K) of section 4768.13 of the Revised Code or may 2337
refuse to renew a license if the licensee has failed to comply 2338
with this chapter. If the superintendent refuses to issue or 2339
renew a license under this section, the superintendent shall 2340
notify the applicant or the licensee of the basis for the 2341
refusal. The notice shall comply with division (N) of section 2342
4768.13 of the Revised Code, and the hearing shall be conducted 2343
in accordance with Chapter 119. of the Revised Code. An 2344

applicant or licensee may appeal the superintendent's decision 2345
to the real estate appraiser board, which shall provide the 2346
applicant or licensee with the opportunity to be heard in person 2347
or by counsel, or both. The decision and order of the board is 2348
final, subject to review in the manner provided in Chapter 119. 2349
of the Revised Code and appeal to the court of common pleas of 2350
Franklin county. 2351

Sec. 4768.09. (A) Except within the first thirty days 2352
after an appraiser is first added to the appraiser panel of an 2353
appraisal management company, an appraisal management company 2354
shall not remove the appraiser from its appraiser panel or 2355
otherwise refuse to assign requests for real estate appraisal 2356
services to the appraiser without first doing both of the 2357
following: 2358

(1) Notifying the appraiser in writing of the reasons the 2359
appraiser is being removed from the appraiser panel or is 2360
refused assignment requests for appraisal services; 2361

(2) Providing the appraiser with an opportunity to respond 2362
to that notification, in writing, within ten business days after 2363
the appraisal management company sends the removal notification. 2364

(B) The notice described in division (A) (1) of this 2365
section shall be sent by a delivery system that delivers 2366
letters, packages, and other materials in its ordinary course of 2367
business with traceable delivery and signature receipt. An 2368
appraisal management company that sends such notice shall keep a 2369
copy of the notice for at least five years from the date the 2370
notice is sent to the appraiser. 2371

(C) Nothing in this section prohibits an appraisal 2372
management company from suspending an appraiser from receiving 2373

assignment requests during the period described in division (A) 2374
(2) of this section. 2375

Sec. 4768.10. (A) Each appraisal management company 2376
licensed under this chapter shall maintain all of the following 2377
items for a period of at least five years from the date the 2378
appraisal report is submitted to the client: 2379

(1) The original or true copy of every request relating to 2380
the report that the appraisal management company receives from 2381
the client; 2382

(2) The original or true copy of each request sent to an 2383
appraiser who is considered for the assignment; 2384

(3) Copies of the appraisal report and all versions of 2385
that report. 2386

(B) An appraisal management company shall include all of 2387
the following information in each appraisal assignment file: 2388

(1) The name and contact information of both the appraisal 2389
management company and the individual from the appraisal 2390
management company involved in ordering the appraisal or, if the 2391
assignment is generated by an automated system, the name of that 2392
system; 2393

(2) The amount of any fee paid to the appraiser for each 2394
assignment included in the appraisal assignment file and the 2395
time and method of payment; 2396

(3) Details of all communications between the appraisal 2397
management company, the appraiser, and the client for each 2398
appraisal assignment included in the appraisal assignment file. 2399

Sec. 4768.11. (A) No employee, director, officer, or agent 2400
of an appraisal management company licensed under this chapter 2401

shall recklessly influence or attempt to influence the 2402
development, reporting, or review of an appraisal through 2403
coercion, extortion, collusion, compensation, instruction, 2404
inducement, intimidation, bribery, or in any other manner, 2405
including the following: 2406

(1) Withholding or threatening to withhold timely payment 2407
for appraisal services rendered when the appraisal report or 2408
services rendered are provided in accordance with a contract 2409
between the parties; 2410

(2) Withholding or threatening to withhold future business 2411
for an appraiser, or demoting or threatening to demote an 2412
appraiser, or terminating the relationship with or threatening 2413
to terminate the relationship with an appraiser; 2414

(3) Expressly or impliedly promising future business, 2415
promotions, or increased compensation for an appraiser; 2416

(4) Conditioning the assignment of an appraisal or the 2417
payment of an appraisal fee, salary, or bonus, on the opinion, 2418
conclusion, or valuation to be reached by, or on a preliminary 2419
estimate or opinion requested from, an appraiser; 2420

(5) Requesting that an appraiser provide an estimated, 2421
predetermined, or desired valuation in an appraisal report, or 2422
provide estimated values or comparable sales at any time prior 2423
to the appraiser's completion of an appraisal; 2424

(6) Providing to an appraiser an anticipated, estimated, 2425
encouraged, or desired value for a subject property or a 2426
proposed or target amount to be loaned to the borrower, except 2427
that the employee, director, officer, or agent of an appraisal 2428
management company may provide the appraiser with a copy of the 2429
sales contract for purchase transactions; 2430

<u>(7) Providing stock or other financial or nonfinancial</u>	2431
<u>benefits to an appraiser or any person related to the appraiser;</u>	2432
<u>(8) Any other act or practice that impairs, or attempts to</u>	2433
<u>impair, an appraiser's independence, objectivity, or</u>	2434
<u>impartiality;</u>	2435
<u>(9) Obtaining, using, or paying for a second or subsequent</u>	2436
<u>appraisal or ordering an automated valuation model in connection</u>	2437
<u>with a mortgage financing transaction, unless any of the</u>	2438
<u>following are true:</u>	2439
<u>(a) There is a reasonable basis to believe that the</u>	2440
<u>initial appraisal was flawed or tainted and such basis is</u>	2441
<u>clearly and appropriately noted in the loan file.</u>	2442
<u>(b) The appraisal or automated valuation model is done</u>	2443
<u>pursuant to a bona fide pre- or post-funding appraisal review or</u>	2444
<u>quality control process.</u>	2445
<u>(c) A second appraisal is required under state or federal</u>	2446
<u>law.</u>	2447
<u>(10) Allowing the removal of an appraiser from the</u>	2448
<u>appraisal management company's appraiser panel without prior</u>	2449
<u>written notice as required under section 4768.09 of the Revised</u>	2450
<u>Code;</u>	2451
<u>(11) Requiring an appraiser to indemnify the appraisal</u>	2452
<u>management company against liability, damages, losses, or claims</u>	2453
<u>other than those liabilities, damages, losses, or claims arising</u>	2454
<u>out of the services performed by the appraiser, including</u>	2455
<u>performance or nonperformance of the appraiser's duties and</u>	2456
<u>obligation, whether as a result of negligence or willful</u>	2457
<u>misconduct;</u>	2458

(12) Requiring an appraiser to perform an appraisal assignment if the appraiser declines the assignment and informs the appraisal management company that the appraiser is not competent to perform the appraisal assignment and the appraiser declines to acquire the necessary competency to perform the assignment; 2459
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(13) Requiring an appraiser who has notified the appraisal management company and declined the assignment to prepare an appraisal under a time frame that the appraiser, in the appraiser's own professional judgment, believes does not afford the appraiser the ability to meet all the relevant legal and professional obligations. 2465
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(B) Nothing in division (A) of this section shall be construed as prohibiting an appraisal management company from requesting that an appraiser do any of the following: 2471
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(1) Consider additional, appropriate property information, including the consideration of additional comparable properties, to make or support an appraisal; 2474
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(2) Provide further detail, substantiation, or explanation for the appraiser's value conclusion; 2477
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(3) Correct objective factual errors in an appraisal report. 2479
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(C) No appraisal management company shall recklessly alter, modify, or otherwise change a completed appraisal report submitted by an appraiser, except that the format of the appraisal report may be modified solely for the purpose of transmission. 2481
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(D) Each appraisal management company shall require that appraisals be conducted independently and free from 2486
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inappropriate influence and coercion pursuant to the appraisal 2488
independence standards established under section 129e of the 2489
"Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1639e. 2490

Sec. 4768.12. (A) An appraisal management company licensed 2491
under this chapter shall compensate an appraiser for the 2492
completion of an appraisal within sixty days of the date on 2493
which the appraiser transmits or otherwise provides the 2494
completed appraisal to the appraisal management company or its 2495
assignees, except in cases of breach of contract or substandard 2496
performance of services. 2497

(B) (1) An appraisal management company licensed under this 2498
chapter shall compensate each appraiser who performs appraisal 2499
services for the appraisal management company in accordance with 2500
the appraisal independence standards established under section 2501
129e of the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 2502
1639e. 2503

(2) In the case of an appraisal involving a complex 2504
assignment, the customary and reasonable fee may reflect the 2505
increased time, difficulty, and scope of the work required for 2506
the appraisal, and may include an amount over and above the 2507
customary and reasonable fee for noncomplex assignments. 2508

Sec. 4768.13. (A) Within ten business days after a person 2509
files with the division of real estate and professional 2510
licensing a written complaint against a person licensed under 2511
this chapter or any other person, the superintendent of real 2512
estate and professional licensing shall acknowledge receipt of 2513
the complaint by sending notice to the person against whom the 2514
complaint is filed that includes a copy of the complaint. That 2515
notice and the acknowledgment to the complainant may state that 2516
an informal mediation meeting will be held with the complainant, 2517

the person against whom the complaint is filed, and an 2518
investigator from the investigation and audit section of the 2519
division, if the complainant and person both file a request for 2520
such a meeting within twenty calendar days after the 2521
acknowledgment and notice are mailed. 2522

(B) If the complainant and the person against whom the 2523
complaint is filed both file with the division requests for an 2524
informal mediation meeting, the superintendent shall notify the 2525
complainant and the person of the date, time, and place of the 2526
meeting by regular mail. If the complainant and the person reach 2527
an accommodation at an informal mediation meeting, the 2528
investigator shall report the accommodation to the 2529
superintendent, the complainant, and the person against whom the 2530
complaint is filed and the file shall be closed upon the 2531
superintendent receiving satisfactory notice that the 2532
accommodation agreement has been fulfilled. 2533

(C) If the complainant and the person against whom the 2534
complaint is filed fail to agree to an informal mediation 2535
meeting, fail to reach an accommodation agreement, or fail to 2536
fulfill an accommodation agreement, the superintendent shall 2537
assign the complaint to an investigator for an investigation 2538
into the conduct of the person against whom the complaint is 2539
filed. 2540

(D) Upon the conclusion of the investigation, the 2541
investigator shall file a written report of the results of the 2542
investigation with the superintendent. The superintendent shall 2543
review the report and determine whether there exists reasonable 2544
and substantial evidence to justify disciplinary action against 2545
the person on a ground described in division (K) of this 2546
section. 2547

(E) If the superintendent finds that reasonable and 2548
substantial evidence to justify disciplinary action against the 2549
person on a ground described in division (K) of this section 2550
does not exist, the superintendent shall notify that person and 2551
the complainant of that determination and the basis for the 2552
determination. Within fifteen business days after the 2553
superintendent notifies the complainant and the person against 2554
whom the complaint is filed of that determination, the 2555
complainant may file with the division a request that the real 2556
estate appraiser board review the determination. If the 2557
complainant files such request, the board shall review the 2558
superintendent's determination at the next regularly scheduled 2559
meeting held at least fifteen business days after the request is 2560
filed but not longer than six months after the request is filed. 2561
The board may hear the testimony of the complainant or the 2562
person against whom the complaint is filed at the meeting upon 2563
the request of that party. If the board affirms the 2564
determination of the superintendent, the superintendent shall 2565
notify the complainant and the person against whom the complaint 2566
is filed within ten business days thereafter. If the board 2567
reverses the determination of the superintendent, a hearing 2568
before a hearing examiner shall be held, and the complainant and 2569
the person against whom the complaint is filed shall be notified 2570
as provided in division (N) of this section. 2571

(F) If the superintendent finds that reasonable and 2572
substantial evidence to justify disciplinary action against the 2573
person on a ground described in division (K) of this section 2574
does exist, the superintendent shall notify that person and the 2575
complainant of the determination. The person against whom the 2576
complaint is filed may request a hearing pursuant to Chapter 2577
119. of the Revised Code. If a formal hearing is to be 2578

conducted, the superintendent shall appoint a hearing examiner 2579
to conduct the hearing in accordance with that chapter. 2580

(G) In accordance with section 119.09 of the Revised Code, 2581
after conducting a hearing, the hearing examiner shall submit a 2582
report of findings of fact and conclusions of law with the 2583
superintendent, the board, the complainant, and the person 2584
against whom the complaint is filed. Within ten calendar days of 2585
receipt of the copy of the hearing examiner's report, the person 2586
against whom the complaint is filed and the division may file 2587
with the board objections to the hearing examiner's report, 2588
which shall be considered by the board before approving, 2589
modifying, or rejecting the hearing examiner's report. The board 2590
may hear the testimony of the complainant and the person against 2591
whom the complaint is filed upon request of those parties. 2592

(H) At any time after the superintendent notifies a person 2593
against whom the complaint is filed of the superintendent's 2594
determination in accordance with division (F) of this section 2595
but before a hearing is held on the matter, the person may apply 2596
to the superintendent to enter into a settlement agreement 2597
regarding the alleged violation. The superintendent and the 2598
person shall comply with the requirements for settlement 2599
agreements established by rules adopted by the board under 2600
division (A) (3) of section 4768.03 of the Revised Code. If the 2601
parties enter into the settlement agreement, the hearing before 2602
the hearing examiner shall be postponed, and the board shall 2603
review the settlement agreement at its next regularly scheduled 2604
meeting. If the board disapproves the settlement agreement, the 2605
hearing before the hearing examiner shall be rescheduled. 2606

(I) If, after review of the hearing examiner's report or 2607
the settlement agreement, the board determines that a ground for 2608

disciplinary action that is described in division (K) of this 2609
section exists against a person, the board shall order the 2610
disciplinary action the board considers appropriate, which may 2611
include any of the following: 2612

(1) Reprimand of the person, if licensed under this 2613
chapter; 2614

(2) Imposition of a fine, not exceeding twenty-five 2615
thousand dollars per violation; 2616

(3) Suspension of a license issued under this chapter for 2617
a specific period of time; 2618

(4) Revocation of a license issued under this chapter. 2619

If the board approved a settlement agreement entered into 2620
pursuant to division (H) of this section in relation to the 2621
ground for disciplinary action, the disciplinary action shall 2622
not be inconsistent with that settlement agreement. 2623

(J) The decision and order of the board is final, subject 2624
to review in the manner provided for in Chapter 119. of the 2625
Revised Code and appeal to the court of common pleas of Franklin 2626
county. 2627

(K) The board may take any disciplinary action authorized 2628
by division (I) of this section against any person, including an 2629
appraisal management company licensed under this chapter, to 2630
which any of the following grounds apply: 2631

(1) The person procured or attempted to procure a license 2632
under this chapter by knowingly making a false statement, 2633
submitting false information, refusing to provide complete 2634
information in response to a question in an application for 2635
licensure, or by any means of fraud or misrepresentation. 2636

- (2) The person paid, or attempted to pay, anything of value, other than the fees or assessments required by this chapter, to any member or employee of the board for the purpose of procuring a license under this chapter. 2637
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- (3) The person offered, performed, or otherwise provided appraisal management services, without a license issued under this chapter, under a business structure that was designed to circumvent the requirements and prohibitions of this chapter. 2641
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- (4) The person violated section 4768.09 of the Revised Code. 2645
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- (5) The person violated section 4768.11 of the Revised Code. 2647
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- (6) The person violated section 4768.12 of the Revised Code. 2649
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- (7) The person failed to provide copies of records to the superintendent as required under this chapter or failed to maintain records, or include certain information in the appraisal assignment file, as required under section 4768.10 of the Revised Code. 2651
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- (8) Entry of final judgment exists against a person licensed under this chapter on the grounds of fraud, deceit, misrepresentation, or coercion in the making of any appraisal of real estate. 2656
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- (9) The person failed to provide notice to the board as required in division (M) of this section. 2660
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- (10) The person failed to assist the superintendent in the investigation of complaints under division (A)(8) of section 4768.04 of the Revised Code. 2662
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(11) The license, certificate, or registration of the appraisal management company that was issued by another state was revoked or surrendered for a substantive reason. An appraisal management company may have had a license, certificate, or registration refused, denied, canceled, revoked, or surrendered in lieu of revocation in a state for a nonsubstantive reason if the license, certificate, or registration was subsequently granted or reinstated. 2665
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(12) If the person is an appraisal management company licensed under this chapter, the person failed to provide written notice to the division within fifteen days of changing the controlling person who is designated as the appraisal management company's main contact under division (A) (2) of section 4768.06 of the Revised Code. 2673
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(13) If the person is an appraisal management company licensed under this chapter, the person entered into a contract or an agreement with an appraiser who is not licensed or certified under Chapter 4763. of the Revised Code for the performance of real estate appraisal services. 2679
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(14) If the person is an appraisal management company licensed under this chapter, the person failed to verify that an appraiser added to the appraisal management company's appraiser panel is a licensed or certified appraiser under Chapter 4763. of the Revised Code who is in good standing with this state. 2684
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(15) If the person is an appraisal management company licensed under this chapter, the person failed to require that appraisals coordinated by the appraisal management company comply with the uniform standards of professional appraisal practice. 2689
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(16) An owner or controlling person of an appraisal management company was convicted of or pleaded guilty to a felony. 2694
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(L) Failure of a person, including a licensee under this chapter, to comply with a subpoena issued under division (B)(1) of section 4768.04 of the Revised Code is prima facie evidence of a violation of division (K)(7) of this section. 2697
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(M) A licensee shall notify the board within thirty days of any state agency's issuance of an order revoking or permanently surrendering any professional appraisal management company license, certificate, or registration issued by any public entity other than the division. 2701
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(N) Except as otherwise provided, all notices, written reports, and determinations issued pursuant to this section shall be mailed via certified mail, return receipt requested. If the notice, written report, or determination is returned because of failure of delivery or was unclaimed, the notice, written report, or determination shall be deemed served if the superintendent sends the notice, written report, or determination via regular mail and obtains a certificate of mailing of the notice, written report, or determination. Refusal of delivery by personal service or by mail is not failure of delivery and service is deemed to be complete. 2706
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Sec. 4768.14. (A) Upon receipt of a written complaint or upon the superintendent of real estate and professional licensing's own motion, the superintendent may investigate any person that allegedly violated division (A)(1) of section 4768.02 of the Revised Code. 2717
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(B) If, after investigation, the superintendent determines 2722

there exists reasonable evidence of a violation of division (A) 2723
(1) of section 4768.02 of the Revised Code, within fourteen 2724
business days after that determination, the superintendent shall 2725
send the party who is the subject of the investigation a written 2726
notice, by regular mail, that includes all of the following 2727
information: 2728

(1) A description of the activity in which the party 2729
allegedly is engaging or has engaged that is a violation of 2730
division (A)(1) of section 4768.02 of the Revised Code; 2731

(2) The applicable law allegedly violated; 2732

(3) A statement informing the party that a hearing 2733
concerning the alleged violation will be held before a hearing 2734
examiner, and a statement giving the date and place of that 2735
hearing; 2736

(4) A statement informing the party that the party or the 2737
party's attorney may appear in person at the hearing and present 2738
evidence and examine witnesses appearing for and against the 2739
party, or the party may submit written testimony stating any 2740
positions, arguments, or contentions. 2741

(C) At any time after the superintendent notifies a person 2742
of the superintendent's determination in accordance with 2743
division (B) of this section but before a hearing is held on the 2744
matter, the person may apply to the superintendent to enter into 2745
a settlement agreement regarding the alleged violation. The 2746
superintendent and the person shall comply with the requirements 2747
for settlement agreements established by rules adopted by the 2748
board under division (A)(3) of section 4768.03 of the Revised 2749
Code. If the parties enter into the settlement agreement, the 2750
hearing before the hearing examiner shall be postponed and the 2751

board shall review the settlement agreement at its next 2752
regularly scheduled meeting. If the board disapproves the 2753
settlement agreement, the hearing before the hearing examiner 2754
shall be rescheduled. 2755

(D) The hearing examiner shall hear the testimony of all 2756
parties present at the hearing and consider any written 2757
testimony submitted pursuant to division (B)(4) of this section. 2758
At the conclusion of the hearing, the hearing examiner shall 2759
determine if there has been a violation of division (A)(1) of 2760
section 4768.02 of the Revised Code. 2761

(E) After the conclusion of formal hearings, the hearing 2762
examiner shall file with the superintendent, the real estate 2763
appraiser board, the complainant, and the parties a written 2764
report setting forth the examiner's findings of fact and 2765
conclusions of law and a recommendation of the action to be 2766
taken by the superintendent. Within ten days of receiving a copy 2767
of that report, the parties and the division of real estate and 2768
professional licensing may file with the board written 2769
objections to the report. The board shall consider the 2770
objections before approving, modifying, or disapproving the 2771
report. 2772

The board shall review the hearing examiner's report at 2773
the next regularly scheduled board meeting held at least fifteen 2774
business days after receipt of the hearing examiner's report. 2775
The board shall hear the testimony of the complainant or the 2776
parties. 2777

(F) After reviewing the hearing examiner's report pursuant 2778
to division (E) of this section, or after reviewing the 2779
settlement agreement pursuant to division (C) of this section, 2780
the board shall decide whether to impose sanctions upon a party 2781

for a violation of division (A) (1) of section 4768.02 of the 2782
Revised Code. The board may assess a civil penalty in an amount 2783
it determines, not to exceed one thousand dollars per violation, 2784
not to exceed ten thousand dollars in aggregate. Each day a 2785
violation occurs or continues is a separate violation. The board 2786
shall determine the terms of payment. The board shall maintain a 2787
transcript of the proceedings of the hearing and issue a written 2788
opinion to all parties, citing its findings and grounds for any 2789
action taken. If the board approved a settlement agreement 2790
entered into pursuant to division (C) of this section in 2791
relation to the violation, the civil penalty shall not be 2792
inconsistent with that settlement agreement. 2793

(G) Civil penalties collected under this section shall be 2794
deposited in the real estate appraiser operating fund created 2795
under section 4763.15 of the Revised Code. 2796

(H) If a party fails to pay a civil penalty assessed 2797
pursuant to this section within the time prescribed by the 2798
board, the superintendent shall forward to the attorney general 2799
the name of the party and the amount of the civil penalty, for 2800
the purpose of collecting that civil penalty. The party shall 2801
pay the fee assessed by the attorney general for collection of 2802
the civil penalty in addition to the civil penalty assessed 2803
pursuant to this section in an amount not to exceed ten thousand 2804
dollars. 2805

Sec. 4768.15. The superintendent of real estate and 2806
professional licensing shall deposit all moneys collected under 2807
this chapter into the state treasury to the credit of the real 2808
estate appraiser operating fund created under section 4763.15 of 2809
the Revised Code. 2810

Sec. 4768.99. (A) Whoever violates division (A) (1), (2), 2811

(3), (4), (5), (6), (7), (8), or (9) or division (C) of section 4768.11 of the Revised Code is guilty of a felony of the fifth degree. 2812
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(B) Whoever violates division (A) (10), (11), (12), or (13) of section 4768.11 of the Revised Code is guilty of a misdemeanor of the first degree. 2815
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Section 2. That existing sections 109.572, 121.08, 4763.01, 4763.02, 4763.03, 4763.05, 4763.08, 4763.11, 4763.12, 4763.13, 4763.14, 4763.15, 4763.17, and 4763.19 of the Revised Code are hereby repealed. 2818
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Section 3. Nothing in this act shall affect the term of any member of the Real Estate Appraiser Board serving on the effective date of this act. 2822
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Section 4. Division (A) (11) of section 4768.11 of the Revised Code as enacted by this act, applies to contracts entered into on or after the effective date of this act. 2825
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Section 5. Sections 109.572, 121.08, 4763.01, 4763.02, 4763.03, 4763.05, 4763.08, 4763.11, 4763.12, 4763.13, 4763.14, 4763.15, 4763.17, 4763.19, 4768.01, 4768.02, 4768.04, 4768.05, 4768.06, 4768.07, 4768.08, 4768.09, 4768.10, 4768.11, 4768.12, 4768.13, 4768.14, 4768.15, and 4768.99 of the Revised Code, as amended or enacted by this act, shall take effect six months after the effective date of this act. 2828
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Section 6. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that the act's requirements for appraisal management companies and appraisers will economically protect citizens of this state, as well as ensure confidence in the property appraisal procedure. 2835
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Therefore, this act shall go into immediate effect. 2841

Section 7. Section 109.572 of the Revised Code is 2842
presented in this act as a composite of the section as amended 2843
by both Sub. H.B. 523 and Am. Sub. S.B. 227 of the 132nd General 2844
Assembly. The General Assembly, applying the principle stated in 2845
division (B) of section 1.52 of the Revised Code that amendments 2846
are to be harmonized if reasonably capable of simultaneous 2847
operation, finds that the composite is the resulting version of 2848
the section in effect prior to the effective date of the section 2849
as presented in this act. 2850