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Committee**

132nd General Assembly

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Sub. H. B. No. 213

Representative Dever

**Cosponsors: Representatives Celebrezze, Antonio, Arndt, Ashford, Blessing,
Boggs, Galonski, Hambley, Holmes, Ingram, Rogers, Seitz, Strahorn, Sweeney**

Senator Coley

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, 15
4763.02, 4763.03, 4763.05, 4763.08, 4763.11, 4763.12, 4763.13, 16

4763.14, 4763.15, 4763.17, and 4763.19 be amended and sections 17
4768.01, 4768.02, 4768.03, 4768.04, 4768.05, 4768.06, 4768.07, 18
4768.08, 4768.09, 4768.10, 4768.11, 4768.12, 4768.13, 4768.14, 19
4768.15, and 4768.99 of the Revised Code be enacted to read as 20
follows: 21

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 22
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 23
Code, a completed form prescribed pursuant to division (C) (1) of 24
this section, and a set of fingerprint impressions obtained in 25
the manner described in division (C) (2) of this section, the 26
superintendent of the bureau of criminal identification and 27
investigation shall conduct a criminal records check in the 28
manner described in division (B) of this section to determine 29
whether any information exists that indicates that the person 30
who is the subject of the request previously has been convicted 31
of or pleaded guilty to any of the following: 32

(a) A violation of section 2903.01, 2903.02, 2903.03, 33
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 34
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 35
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 36
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 37
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 38
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 39
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 40
sexual penetration in violation of former section 2907.12 of the 41
Revised Code, a violation of section 2905.04 of the Revised Code 42
as it existed prior to July 1, 1996, a violation of section 43
2919.23 of the Revised Code that would have been a violation of 44
section 2905.04 of the Revised Code as it existed prior to July 45
1, 1996, had the violation been committed prior to that date, or 46
a violation of section 2925.11 of the Revised Code that is not a 47

minor drug possession offense; 48

(b) A violation of an existing or former law of this 49
state, any other state, or the United States that is 50
substantially equivalent to any of the offenses listed in 51
division (A) (1) (a) of this section; 52

(c) If the request is made pursuant to section 3319.39 of 53
the Revised Code for an applicant who is a teacher, any offense 54
specified in section 3319.31 of the Revised Code. 55

(2) On receipt of a request pursuant to section 3712.09 or 56
3721.121 of the Revised Code, a completed form prescribed 57
pursuant to division (C) (1) of this section, and a set of 58
fingerprint impressions obtained in the manner described in 59
division (C) (2) of this section, the superintendent of the 60
bureau of criminal identification and investigation shall 61
conduct a criminal records check with respect to any person who 62
has applied for employment in a position for which a criminal 63
records check is required by those sections. The superintendent 64
shall conduct the criminal records check in the manner described 65
in division (B) of this section to determine whether any 66
information exists that indicates that the person who is the 67
subject of the request previously has been convicted of or 68
pleaded guilty to any of the following: 69

(a) A violation of section 2903.01, 2903.02, 2903.03, 70
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 71
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 72
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 73
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 74
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 75
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 76
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 77

2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 78

(b) An existing or former law of this state, any other 79
state, or the United States that is substantially equivalent to 80
any of the offenses listed in division (A)(2)(a) of this 81
section. 82

(3) On receipt of a request pursuant to section 173.27, 83
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 84
5123.081, or 5123.169 of the Revised Code, a completed form 85
prescribed pursuant to division (C)(1) of this section, and a 86
set of fingerprint impressions obtained in the manner described 87
in division (C)(2) of this section, the superintendent of the 88
bureau of criminal identification and investigation shall 89
conduct a criminal records check of the person for whom the 90
request is made. The superintendent shall conduct the criminal 91
records check in the manner described in division (B) of this 92
section to determine whether any information exists that 93
indicates that the person who is the subject of the request 94
previously has been convicted of, has pleaded guilty to, or 95
(except in the case of a request pursuant to section 5164.34, 96
5164.341, or 5164.342 of the Revised Code) has been found 97
eligible for intervention in lieu of conviction for any of the 98
following, regardless of the date of the conviction, the date of 99
entry of the guilty plea, or (except in the case of a request 100
pursuant to section 5164.34, 5164.341, or 5164.342 of the 101
Revised Code) the date the person was found eligible for 102
intervention in lieu of conviction: 103

(a) A violation of section 959.13, 959.131, 2903.01, 104
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 105
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 106
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 107

2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	108
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,	109
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	110
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	111
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	112
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	113
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	114
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	115
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	116
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	117
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	118
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	119
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	120
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	121
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	122
(b) Felonious sexual penetration in violation of former	123
section 2907.12 of the Revised Code;	124
(c) A violation of section 2905.04 of the Revised Code as	125
it existed prior to July 1, 1996;	126
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	127
the Revised Code when the underlying offense that is the object	128
of the conspiracy, attempt, or complicity is one of the offenses	129
listed in divisions (A) (3) (a) to (c) of this section;	130
(e) A violation of an existing or former municipal	131
ordinance or law of this state, any other state, or the United	132
States that is substantially equivalent to any of the offenses	133
listed in divisions (A) (3) (a) to (d) of this section.	134
(4) On receipt of a request pursuant to section 2151.86 of	135
the Revised Code, a completed form prescribed pursuant to	136

division (C) (1) of this section, and a set of fingerprint 137
impressions obtained in the manner described in division (C) (2) 138
of this section, the superintendent of the bureau of criminal 139
identification and investigation shall conduct a criminal 140
records check in the manner described in division (B) of this 141
section to determine whether any information exists that 142
indicates that the person who is the subject of the request 143
previously has been convicted of or pleaded guilty to any of the 144
following: 145

(a) A violation of section 959.13, 2903.01, 2903.02, 146
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 147
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 148
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 149
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 150
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 151
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 152
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 153
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 154
2927.12, or 3716.11 of the Revised Code, a violation of section 155
2905.04 of the Revised Code as it existed prior to July 1, 1996, 156
a violation of section 2919.23 of the Revised Code that would 157
have been a violation of section 2905.04 of the Revised Code as 158
it existed prior to July 1, 1996, had the violation been 159
committed prior to that date, a violation of section 2925.11 of 160
the Revised Code that is not a minor drug possession offense, 161
two or more OVI or OVUAC violations committed within the three 162
years immediately preceding the submission of the application or 163
petition that is the basis of the request, or felonious sexual 164
penetration in violation of former section 2907.12 of the 165
Revised Code; 166

(b) A violation of an existing or former law of this 167

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

(5) Upon receipt of a request pursuant to section 5104.013 171
of the Revised Code, a completed form prescribed pursuant to 172
division (C) (1) of this section, and a set of fingerprint 173
impressions obtained in the manner described in division (C) (2) 174
of this section, the superintendent of the bureau of criminal 175
identification and investigation shall conduct a criminal 176
records check in the manner described in division (B) of this 177
section to determine whether any information exists that 178
indicates that the person who is the subject of the request has 179
been convicted of or pleaded guilty to any of the following: 180

(a) A violation of section 2151.421, 2903.01, 2903.02, 181
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 182
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 183
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 184
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 185
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 186
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 187
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 188
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 189
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 190
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 191
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 192
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 193
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 194
3716.11 of the Revised Code, felonious sexual penetration in 195
violation of former section 2907.12 of the Revised Code, a 196
violation of section 2905.04 of the Revised Code as it existed 197
prior to July 1, 1996, a violation of section 2919.23 of the 198

Revised Code that would have been a violation of section 2905.04 199
of the Revised Code as it existed prior to July 1, 1996, had the 200
violation been committed prior to that date, a violation of 201
section 2925.11 of the Revised Code that is not a minor drug 202
possession offense, a violation of section 2923.02 or 2923.03 of 203
the Revised Code that relates to a crime specified in this 204
division, or a second violation of section 4511.19 of the 205
Revised Code within five years of the date of application for 206
licensure or certification. 207

(b) A violation of an existing or former law of this 208
state, any other state, or the United States that is 209
substantially equivalent to any of the offenses or violations 210
described in division (A) (5) (a) of this section. 211

(6) Upon receipt of a request pursuant to section 5153.111 212
of the Revised Code, a completed form prescribed pursuant to 213
division (C) (1) of this section, and a set of fingerprint 214
impressions obtained in the manner described in division (C) (2) 215
of this section, the superintendent of the bureau of criminal 216
identification and investigation shall conduct a criminal 217
records check in the manner described in division (B) of this 218
section to determine whether any information exists that 219
indicates that the person who is the subject of the request 220
previously has been convicted of or pleaded guilty to any of the 221
following: 222

(a) A violation of section 2903.01, 2903.02, 2903.03, 223
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 224
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 225
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 226
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 227
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 228

2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 229
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 230
Code, felonious sexual penetration in violation of former 231
section 2907.12 of the Revised Code, a violation of section 232
2905.04 of the Revised Code as it existed prior to July 1, 1996, 233
a violation of section 2919.23 of the Revised Code that would 234
have been a violation of section 2905.04 of the Revised Code as 235
it existed prior to July 1, 1996, had the violation been 236
committed prior to that date, or a violation of section 2925.11 237
of the Revised Code that is not a minor drug possession offense; 238

(b) A violation of an existing or former law of this 239
state, any other state, or the United States that is 240
substantially equivalent to any of the offenses listed in 241
division (A) (6) (a) of this section. 242

(7) On receipt of a request for a criminal records check 243
from an individual pursuant to section 4749.03 or 4749.06 of the 244
Revised Code, accompanied by a completed copy of the form 245
prescribed in division (C) (1) of this section and a set of 246
fingerprint impressions obtained in a manner described in 247
division (C) (2) of this section, the superintendent of the 248
bureau of criminal identification and investigation shall 249
conduct a criminal records check in the manner described in 250
division (B) of this section to determine whether any 251
information exists indicating that the person who is the subject 252
of the request has been convicted of or pleaded guilty to a 253
felony in this state or in any other state. If the individual 254
indicates that a firearm will be carried in the course of 255
business, the superintendent shall require information from the 256
federal bureau of investigation as described in division (B) (2) 257
of this section. Subject to division (F) of this section, the 258
superintendent shall report the findings of the criminal records 259

check and any information the federal bureau of investigation 260
provides to the director of public safety. 261

(8) On receipt of a request pursuant to section 1321.37, 262
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 263
Code, a completed form prescribed pursuant to division (C)(1) of 264
this section, and a set of fingerprint impressions obtained in 265
the manner described in division (C)(2) of this section, the 266
superintendent of the bureau of criminal identification and 267
investigation shall conduct a criminal records check with 268
respect to any person who has applied for a license, permit, or 269
certification from the department of commerce or a division in 270
the department. The superintendent shall conduct the criminal 271
records check in the manner described in division (B) of this 272
section to determine whether any information exists that 273
indicates that the person who is the subject of the request 274
previously has been convicted of or pleaded guilty to any of the 275
following: a violation of section 2913.02, 2913.11, 2913.31, 276
2913.51, or 2925.03 of the Revised Code; any other criminal 277
offense involving theft, receiving stolen property, 278
embezzlement, forgery, fraud, passing bad checks, money 279
laundering, or drug trafficking, or any criminal offense 280
involving money or securities, as set forth in Chapters 2909., 281
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 282
Code; or any existing or former law of this state, any other 283
state, or the United States that is substantially equivalent to 284
those offenses. 285

(9) On receipt of a request for a criminal records check 286
from the treasurer of state under section 113.041 of the Revised 287
Code or from an individual under section 4701.08, 4715.101, 288
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 289
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 290

4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 291
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 292
4762.031, 4762.06, 4776.021, 4779.091, or 4783.04 of the Revised 293
Code, accompanied by a completed form prescribed under division 294
(C)(1) of this section and a set of fingerprint impressions 295
obtained in the manner described in division (C)(2) of this 296
section, the superintendent of the bureau of criminal 297
identification and investigation shall conduct a criminal 298
records check in the manner described in division (B) of this 299
section to determine whether any information exists that 300
indicates that the person who is the subject of the request has 301
been convicted of or pleaded guilty to any criminal offense in 302
this state or any other state. Subject to division (F) of this 303
section, the superintendent shall send the results of a check 304
requested under section 113.041 of the Revised Code to the 305
treasurer of state and shall send the results of a check 306
requested under any of the other listed sections to the 307
licensing board specified by the individual in the request. 308

(10) On receipt of a request pursuant to section 1121.23, 309
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 310
Code, a completed form prescribed pursuant to division (C)(1) of 311
this section, and a set of fingerprint impressions obtained in 312
the manner described in division (C)(2) of this section, the 313
superintendent of the bureau of criminal identification and 314
investigation shall conduct a criminal records check in the 315
manner described in division (B) of this section to determine 316
whether any information exists that indicates that the person 317
who is the subject of the request previously has been convicted 318
of or pleaded guilty to any criminal offense under any existing 319
or former law of this state, any other state, or the United 320
States. 321

(11) On receipt of a request for a criminal records check 322
from an appointing or licensing authority under section 3772.07 323
of the Revised Code, a completed form prescribed under division 324
(C)(1) of this section, and a set of fingerprint impressions 325
obtained in the manner prescribed in division (C)(2) of this 326
section, the superintendent of the bureau of criminal 327
identification and investigation shall conduct a criminal 328
records check in the manner described in division (B) of this 329
section to determine whether any information exists that 330
indicates that the person who is the subject of the request 331
previously has been convicted of or pleaded guilty or no contest 332
to any offense under any existing or former law of this state, 333
any other state, or the United States that is a disqualifying 334
offense as defined in section 3772.07 of the Revised Code or 335
substantially equivalent to such an offense. 336

(12) On receipt of a request pursuant to section 2151.33 337
or 2151.412 of the Revised Code, a completed form prescribed 338
pursuant to division (C)(1) of this section, and a set of 339
fingerprint impressions obtained in the manner described in 340
division (C)(2) of this section, the superintendent of the 341
bureau of criminal identification and investigation shall 342
conduct a criminal records check with respect to any person for 343
whom a criminal records check is required under that section. 344
The superintendent shall conduct the criminal records check in 345
the manner described in division (B) of this section to 346
determine whether any information exists that indicates that the 347
person who is the subject of the request previously has been 348
convicted of or pleaded guilty to any of the following: 349

(a) A violation of section 2903.01, 2903.02, 2903.03, 350
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 351
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 352

2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 353
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 354
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 355
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 356
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 357
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 358

(b) An existing or former law of this state, any other 359
state, or the United States that is substantially equivalent to 360
any of the offenses listed in division (A)(12)(a) of this 361
section. 362

(13) On receipt of a request pursuant to section 3796.12 363
of the Revised Code, a completed form prescribed pursuant to 364
division (C)(1) of this section, and a set of fingerprint 365
impressions obtained in a manner described in division (C)(2) of 366
this section, the superintendent of the bureau of criminal 367
identification and investigation shall conduct a criminal 368
records check in the manner described in division (B) of this 369
section to determine whether any information exists that 370
indicates that the person who is the subject of the request 371
previously has been convicted of or pleaded guilty to the 372
following: 373

(a) A disqualifying offense as specified in rules adopted 374
under division (B)(2)(b) of section 3796.03 of the Revised Code 375
if the person who is the subject of the request is an 376
administrator or other person responsible for the daily 377
operation of, or an owner or prospective owner, officer or 378
prospective officer, or board member or prospective board member 379
of, an entity seeking a license from the department of commerce 380
under Chapter 3796. of the Revised Code; 381

(b) A disqualifying offense as specified in rules adopted 382

under division (B) (2) (b) of section 3796.04 of the Revised Code 383
if the person who is the subject of the request is an 384
administrator or other person responsible for the daily 385
operation of, or an owner or prospective owner, officer or 386
prospective officer, or board member or prospective board member 387
of, an entity seeking a license from the state board of pharmacy 388
under Chapter 3796. of the Revised Code. 389

(14) On receipt of a request required by section 3796.13 390
of the Revised Code, a completed form prescribed pursuant to 391
division (C) (1) of this section, and a set of fingerprint 392
impressions obtained in a manner described in division (C) (2) of 393
this section, the superintendent of the bureau of criminal 394
identification and investigation shall conduct a criminal 395
records check in the manner described in division (B) of this 396
section to determine whether any information exists that 397
indicates that the person who is the subject of the request 398
previously has been convicted of or pleaded guilty to the 399
following: 400

(a) A disqualifying offense as specified in rules adopted 401
under division (B) (8) (a) of section 3796.03 of the Revised Code 402
if the person who is the subject of the request is seeking 403
employment with an entity licensed by the department of commerce 404
under Chapter 3796. of the Revised Code; 405

(b) A disqualifying offense as specified in rules adopted 406
under division (B) (14) (a) of section 3796.04 of the Revised Code 407
if the person who is the subject of the request is seeking 408
employment with an entity licensed by the state board of 409
pharmacy under Chapter 3796. of the Revised Code. 410

(15) On receipt of a request pursuant to section 4768.06 411
of the Revised Code, a completed form prescribed under division 412

(C) (1) of this section, and a set of fingerprint impressions 413
obtained in the manner described in division (C) (2) of this 414
section, the superintendent of the bureau of criminal 415
identification and investigation shall conduct a criminal 416
records check in the manner described in division (B) of this 417
section to determine whether any information exists indicating 418
that the person who is the subject of the request has been 419
convicted of or pleaded guilty to a felony in this state or in 420
any other state. 421

(B) Subject to division (F) of this section, the 422
superintendent shall conduct any criminal records check to be 423
conducted under this section as follows: 424

(1) The superintendent shall review or cause to be 425
reviewed any relevant information gathered and compiled by the 426
bureau under division (A) of section 109.57 of the Revised Code 427
that relates to the person who is the subject of the criminal 428
records check, including, if the criminal records check was 429
requested under section 113.041, 121.08, 173.27, 173.38, 430
173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 431
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 432
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 433
3796.12, 4749.03, 4749.06, 4763.05, 4768.06, 5104.013, 5164.34, 434
5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the 435
Revised Code, any relevant information contained in records that 436
have been sealed under section 2953.32 of the Revised Code; 437

(2) If the request received by the superintendent asks for 438
information from the federal bureau of investigation, the 439
superintendent shall request from the federal bureau of 440
investigation any information it has with respect to the person 441
who is the subject of the criminal records check, including 442

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

(3) The superintendent or the superintendent's designee 453
may request criminal history records from other states or the 454
federal government pursuant to the national crime prevention and 455
privacy compact set forth in section 109.571 of the Revised 456
Code. 457

(4) The superintendent shall include in the results of the 458
criminal records check a list or description of the offenses 459
listed or described in division (A)(1), (2), (3), (4), (5), (6), 460
(7), (8), (9), (10), (11), (12), (13), ~~or~~ (14), or (15) of this 461
section, whichever division requires the superintendent to 462
conduct the criminal records check. The superintendent shall 463
exclude from the results any information the dissemination of 464
which is prohibited by federal law. 465

(5) The superintendent shall send the results of the 466
criminal records check to the person to whom it is to be sent 467
not later than the following number of days after the date the 468
superintendent receives the request for the criminal records 469
check, the completed form prescribed under division (C)(1) of 470
this section, and the set of fingerprint impressions obtained in 471
the manner described in division (C)(2) of this section: 472

(a) If the superintendent is required by division (A) of 473
this section (other than division (A)(3) of this section) to 474
conduct the criminal records check, thirty; 475

(b) If the superintendent is required by division (A)(3) 476
of this section to conduct the criminal records check, sixty. 477

(C)(1) The superintendent shall prescribe a form to obtain 478
the information necessary to conduct a criminal records check 479
from any person for whom a criminal records check is to be 480
conducted under this section. The form that the superintendent 481
prescribes pursuant to this division may be in a tangible 482
format, in an electronic format, or in both tangible and 483
electronic formats. 484

(2) The superintendent shall prescribe standard impression 485
sheets to obtain the fingerprint impressions of any person for 486
whom a criminal records check is to be conducted under this 487
section. Any person for whom a records check is to be conducted 488
under this section shall obtain the fingerprint impressions at a 489
county sheriff's office, municipal police department, or any 490
other entity with the ability to make fingerprint impressions on 491
the standard impression sheets prescribed by the superintendent. 492
The office, department, or entity may charge the person a 493
reasonable fee for making the impressions. The standard 494
impression sheets the superintendent prescribes pursuant to this 495
division may be in a tangible format, in an electronic format, 496
or in both tangible and electronic formats. 497

(3) Subject to division (D) of this section, the 498
superintendent shall prescribe and charge a reasonable fee for 499
providing a criminal records check under this section. The 500
person requesting the criminal records check shall pay the fee 501
prescribed pursuant to this division. In the case of a request 502

under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 503
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 504
fee shall be paid in the manner specified in that section. 505

(4) The superintendent of the bureau of criminal 506
identification and investigation may prescribe methods of 507
forwarding fingerprint impressions and information necessary to 508
conduct a criminal records check, which methods shall include, 509
but not be limited to, an electronic method. 510

(D) The results of a criminal records check conducted 511
under this section, other than a criminal records check 512
specified in division (A) (7) of this section, are valid for the 513
person who is the subject of the criminal records check for a 514
period of one year from the date upon which the superintendent 515
completes the criminal records check. If during that period the 516
superintendent receives another request for a criminal records 517
check to be conducted under this section for that person, the 518
superintendent shall provide the results from the previous 519
criminal records check of the person at a lower fee than the fee 520
prescribed for the initial criminal records check. 521

(E) When the superintendent receives a request for 522
information from a registered private provider, the 523
superintendent shall proceed as if the request was received from 524
a school district board of education under section 3319.39 of 525
the Revised Code. The superintendent shall apply division (A) (1) 526
(c) of this section to any such request for an applicant who is 527
a teacher. 528

(F) (1) Subject to division (F) (2) of this section, all 529
information regarding the results of a criminal records check 530
conducted under this section that the superintendent reports or 531
sends under division (A) (7) or (9) of this section to the 532

director of public safety, the treasurer of state, or the 533
person, board, or entity that made the request for the criminal 534
records check shall relate to the conviction of the subject 535
person, or the subject person's plea of guilty to, a criminal 536
offense. 537

(2) Division (F) (1) of this section does not limit, 538
restrict, or preclude the superintendent's release of 539
information that relates to the arrest of a person who is 540
eighteen years of age or older, to an adjudication of a child as 541
a delinquent child, or to a criminal conviction of a person 542
under eighteen years of age in circumstances in which a release 543
of that nature is authorized under division (E) (2), (3), or (4) 544
of section 109.57 of the Revised Code pursuant to a rule adopted 545
under division (E) (1) of that section. 546

(G) As used in this section: 547

(1) "Criminal records check" means any criminal records 548
check conducted by the superintendent of the bureau of criminal 549
identification and investigation in accordance with division (B) 550
of this section. 551

(2) "Minor drug possession offense" has the same meaning 552
as in section 2925.01 of the Revised Code. 553

(3) "OVI or OVUAC violation" means a violation of section 554
4511.19 of the Revised Code or a violation of an existing or 555
former law of this state, any other state, or the United States 556
that is substantially equivalent to section 4511.19 of the 557
Revised Code. 558

(4) "Registered private provider" means a nonpublic school 559
or entity registered with the superintendent of public 560
instruction under section 3310.41 of the Revised Code to 561

participate in the autism scholarship program or section 3310.58 562
of the Revised Code to participate in the Jon Peterson special 563
needs scholarship program. 564

Sec. 121.08. (A) There is hereby created in the department 565
of commerce the position of deputy director of administration. 566
This officer shall be appointed by the director of commerce, 567
serve under the director's direction, supervision, and control, 568
perform the duties the director prescribes, and hold office 569
during the director's pleasure. The director of commerce may 570
designate an assistant director of commerce to serve as the 571
deputy director of administration. The deputy director of 572
administration shall perform the duties prescribed by the 573
director of commerce in supervising the activities of the 574
division of administration of the department of commerce. 575

(B) Except as provided in section 121.07 of the Revised 576
Code, the department of commerce shall have all powers and 577
perform all duties vested in the deputy director of 578
administration, the state fire marshal, the superintendent of 579
financial institutions, the superintendent of real estate and 580
professional licensing, the superintendent of liquor control, 581
the superintendent of industrial compliance, the superintendent 582
of unclaimed funds, and the commissioner of securities, and 583
shall have all powers and perform all duties vested by law in 584
all officers, deputies, and employees of those offices. Except 585
as provided in section 121.07 of the Revised Code, wherever 586
powers are conferred or duties imposed upon any of those 587
officers, the powers and duties shall be construed as vested in 588
the department of commerce. 589

(C) (1) There is hereby created in the department of 590
commerce a division of financial institutions, which shall have 591

all powers and perform all duties vested by law in the 592
superintendent of financial institutions. Wherever powers are 593
conferred or duties imposed upon the superintendent of financial 594
institutions, those powers and duties shall be construed as 595
vested in the division of financial institutions. The division 596
of financial institutions shall be administered by the 597
superintendent of financial institutions. 598

(2) All provisions of law governing the superintendent of 599
financial institutions shall apply to and govern the 600
superintendent of financial institutions provided for in this 601
section; all authority vested by law in the superintendent of 602
financial institutions with respect to the management of the 603
division of financial institutions shall be construed as vested 604
in the superintendent of financial institutions created by this 605
section with respect to the division of financial institutions 606
provided for in this section; and all rights, privileges, and 607
emoluments conferred by law upon the superintendent of financial 608
institutions shall be construed as conferred upon the 609
superintendent of financial institutions as head of the division 610
of financial institutions. The director of commerce shall not 611
transfer from the division of financial institutions any of the 612
functions specified in division (C) (2) of this section. 613

(D) There is hereby created in the department of commerce 614
a division of liquor control, which shall have all powers and 615
perform all duties vested by law in the superintendent of liquor 616
control. Wherever powers are conferred or duties are imposed 617
upon the superintendent of liquor control, those powers and 618
duties shall be construed as vested in the division of liquor 619
control. The division of liquor control shall be administered by 620
the superintendent of liquor control. 621

(E) The director of commerce shall not be interested, 622
directly or indirectly, in any firm or corporation which is a 623
dealer in securities as defined in sections 1707.01 and 1707.14 624
of the Revised Code, or in any firm or corporation licensed 625
under sections 1321.01 to 1321.19 of the Revised Code. 626

(F) The director of commerce shall not have any official 627
connection with a savings and loan association, a savings bank, 628
a bank, a bank holding company, a savings and loan association 629
holding company, a consumer finance company, or a credit union 630
that is under the supervision of the division of financial 631
institutions, or a subsidiary of any of the preceding entities, 632
or be interested in the business thereof. 633

(G) There is hereby created in the state treasury the 634
division of administration fund. The fund shall receive 635
assessments on the operating funds of the department of commerce 636
in accordance with procedures prescribed by the director of 637
commerce and approved by the director of budget and management. 638
All operating expenses of the division of administration shall 639
be paid from the division of administration fund. 640

(H) There is hereby created in the department of commerce 641
a division of real estate and professional licensing, which 642
shall be under the control and supervision of the director of 643
commerce. The division of real estate and professional licensing 644
shall be administered by the superintendent of real estate and 645
professional licensing. The superintendent of real estate and 646
professional licensing shall exercise the powers and perform the 647
functions and duties delegated to the superintendent under 648
Chapters 4735., 4763., ~~and 4767.~~, and 4768. of the Revised Code. 649

(I) There is hereby created in the department of commerce 650
a division of industrial compliance, which shall have all powers 651

and perform all duties vested by law in the superintendent of 652
industrial compliance. Wherever powers are conferred or duties 653
imposed upon the superintendent of industrial compliance, those 654
powers and duties shall be construed as vested in the division 655
of industrial compliance. The division of industrial compliance 656
shall be under the control and supervision of the director of 657
commerce and be administered by the superintendent of industrial 658
compliance. 659

(J) There is hereby created in the department of commerce 660
a division of unclaimed funds, which shall have all powers and 661
perform all duties delegated to or vested by law in the 662
superintendent of unclaimed funds. Wherever powers are conferred 663
or duties imposed upon the superintendent of unclaimed funds, 664
those powers and duties shall be construed as vested in the 665
division of unclaimed funds. The division of unclaimed funds 666
shall be under the control and supervision of the director of 667
commerce and shall be administered by the superintendent of 668
unclaimed funds. The superintendent of unclaimed funds shall 669
exercise the powers and perform the functions and duties 670
delegated to the superintendent by the director of commerce 671
under section 121.07 and Chapter 169. of the Revised Code, and 672
as may otherwise be provided by law. 673

(K) The department of commerce or a division of the 674
department created by the Revised Code that is acting with 675
authorization on the department's behalf may request from the 676
bureau of criminal identification and investigation pursuant to 677
section 109.572 of the Revised Code, or coordinate with 678
appropriate federal, state, and local government agencies to 679
accomplish, criminal records checks for the persons whose 680
identities are required to be disclosed by an applicant for the 681
issuance or transfer of a permit, license, certificate of 682

registration, or certification issued or transferred by the 683
department or division. At or before the time of making a 684
request for a criminal records check, the department or division 685
may require any person whose identity is required to be 686
disclosed by an applicant for the issuance or transfer of such a 687
license, permit, certificate of registration, or certification 688
to submit to the department or division valid fingerprint 689
impressions in a format and by any media or means acceptable to 690
the bureau of criminal identification and investigation and, 691
when applicable, the federal bureau of investigation. The 692
department or division may cause the bureau of criminal 693
identification and investigation to conduct a criminal records 694
check through the federal bureau of investigation only if the 695
person for whom the criminal records check would be conducted 696
resides or works outside of this state or has resided or worked 697
outside of this state during the preceding five years, or if a 698
criminal records check conducted by the bureau of criminal 699
identification and investigation within this state indicates 700
that the person may have a criminal record outside of this 701
state. 702

In the case of a criminal records check under section 703
109.572 of the Revised Code, the department or division shall 704
forward to the bureau of criminal identification and 705
investigation the requisite form, fingerprint impressions, and 706
fee described in division (C) of that section. When requested by 707
the department or division in accordance with this section, the 708
bureau of criminal identification and investigation shall 709
request from the federal bureau of investigation any information 710
it has with respect to the person who is the subject of the 711
requested criminal records check and shall forward the requisite 712
fingerprint impressions and information to the federal bureau of 713

investigation for that criminal records check. After conducting 714
a criminal records check or receiving the results of a criminal 715
records check from the federal bureau of investigation, the 716
bureau of criminal identification and investigation shall 717
provide the results to the department or division. 718

The department or division may require any person about 719
whom a criminal records check is requested to pay to the 720
department or division the amount necessary to cover the fee 721
charged to the department or division by the bureau of criminal 722
identification and investigation under division (C) (3) of 723
section 109.572 of the Revised Code, including, when applicable, 724
any fee for a criminal records check conducted by the federal 725
bureau of investigation. 726

(L) The director of commerce, or the director's designee, 727
may adopt rules to enhance compliance with statutes pertaining 728
to, and rules adopted by, divisions under the direction, 729
supervision, and control of the department or director by 730
offering incentive-based programs that ensure safety and 731
soundness while promoting growth and prosperity in the state. 732

Sec. 4763.01. As used in this chapter: 733

(A) "Real estate appraisal" or "appraisal" means ~~an~~ 734
~~analysis, the act or process of developing an opinion, or~~ 735
~~conclusion relating to the nature, quality, value, or utility of~~ 736
~~specified interests in, or aspects of identified real estate~~ 737
~~that is classified as either a valuation or an analysis of value~~ 738
of real property in conformity with the uniform standards of 739
professional appraisal practice. 740

(B) "Valuation" means an estimate of the value of real 741
estate. 742

(C) "Analysis" means a study of real estate for purposes	743
other than valuation.	744
(D) "Appraisal report" means a written communication of a	745
real estate appraisal or appraisal review, or an oral	746
communication of a real estate appraisal or appraisal review,	747
that is documented by a writing that supports the oral	748
communication.	749
(E) "Appraisal assignment" means an engagement for which a	750
person licensed or certified under this chapter is employed,	751
retained, or engaged to act, or would be perceived by third	752
parties or the public as acting, as a disinterested third party	753
in rendering an unbiased real estate appraisal.	754
(F) "Specialized services" means all appraisal services,	755
other than appraisal assignments, including, but not limited to,	756
valuation and analysis given in connection with activities such	757
as real estate brokerage, mortgage banking, real estate	758
counseling, and real estate tax counseling, and specialized	759
marketing, financing, and feasibility studies.	760
(G) "Real estate" has the same meaning as in section	761
4735.01 of the Revised Code.	762
(H) "Appraisal foundation" means a nonprofit corporation	763
incorporated under the laws of the state of Illinois on November	764
30, 1987, for the purposes of establishing and improving uniform	765
appraisal standards by defining, issuing, and promoting those	766
standards; establishing appropriate criteria for the	767
certification and recertification of qualified appraisers by	768
defining, issuing, and promoting the qualification criteria and	769
disseminating the qualification criteria to others; and	770
developing or assisting in development of appropriate	771

examinations for qualified appraisers. 772

(I) "Prepare" means to develop and communicate, whether 773
through a personal physical inspection or through the act or 774
process of critically studying a report prepared by another who 775
made the physical inspection, an appraisal, ~~analysis, or~~ 776
~~opinion, report~~ or specialized service ~~and to report the~~ 777
~~results~~. If the person who develops and communicates the 778
appraisal or specialized service report does not make the 779
personal inspection, the name of the person who does make the 780
personal inspection shall be identified on the appraisal or 781
specialized service ~~reported~~ report. 782

(J) "Report" means any communication, written, oral, or by 783
any other means of transmission of information, of a real estate 784
appraisal, appraisal review, or specialized service that is 785
transmitted to a client or employer upon completion of the 786
appraisal or service. 787

(K) "State-certified general real estate appraiser" means 788
any person who satisfies the certification requirements of this 789
chapter relating to the appraisal of all types of real property 790
and who holds a current and valid certificate or renewal 791
certificate issued to the person pursuant to this chapter. 792

(L) "State-certified residential real estate appraiser" 793
means any person who satisfies the certification requirements 794
only relating to the appraisal of one to four units of single- 795
family residential real estate without regard to transaction 796
value or complexity and who holds a current and valid 797
certificate or renewal certificate issued to the person pursuant 798
to this chapter. 799

(M) "State-licensed residential real estate appraiser" 800

means any person who satisfies the licensure requirements of 801
this chapter relating to the appraisal of noncomplex one-to-four 802
unit single-family residential real estate having a transaction 803
value of less than one million dollars and complex one-to-four 804
unit single-family residential real estate having a transaction 805
value of less than two hundred fifty thousand dollars and who 806
holds a current and valid license or renewal license issued to 807
the person pursuant to this chapter. 808

(N) "Certified or licensed real estate appraisal report" 809
means an appraisal report prepared and reported by a certificate 810
holder or licensee under this chapter acting within the scope of 811
certification or licensure and as a disinterested third party. 812

(O) "State-registered real estate appraiser assistant" 813
means any person, other than a state-certified general real 814
estate appraiser, state-certified residential real estate 815
appraiser, or a state-licensed residential real estate 816
appraiser, who satisfies the registration requirements of this 817
chapter for participating in ~~the development and preparation of~~ 818
real estate appraisals and who holds a current and valid 819
registration or renewal registration issued to the person 820
pursuant to this chapter. 821

(P) "Institution of higher education" ~~means a state~~ 822
~~university or college, a private college or university located~~ 823
~~in this state that possesses a certificate of authorization~~ 824
~~issued by the chancellor of higher education pursuant to Chapter~~ 825
~~1713. of the Revised Code, or an accredited college or~~ 826
~~university located outside this state that is accredited by an~~ 827
~~accrediting organization or professional accrediting association~~ 828
~~recognized by the chancellor of higher education, has the same~~ 829
meaning as in section 4735.01 of the Revised Code. 830

(Q) "Division of real estate" may be used interchangeably 831
with, and for all purposes has the same meaning as, "division of 832
real estate and professional licensing." 833

(R) "Superintendent" or "superintendent of real estate" 834
means the superintendent of the division of real estate and 835
professional licensing of this state. Whenever the division or 836
superintendent of real estate is referred to or designated in 837
any statute, rule, contract, or other document, the reference or 838
designation shall be deemed to refer to the division or 839
superintendent of real estate and professional licensing, as the 840
case may be. 841

(S) "Appraisal review" means the act or process of 842
developing and communicating an opinion about the quality of 843
another appraiser's work that was performed as part of an 844
appraisal or appraisal review. "Appraisal review" does not 845
include an examination of an appraisal for grammatical errors, 846
typographical errors, or completeness, provided the review for 847
completeness does not require an opinion about the quality of 848
the work of an appraiser. The real estate appraiser board may 849
define, by rule, "review for completeness." 850

(T) "Work file" means documentation used during the 851
preparation of an appraisal report or necessary to support an 852
appraiser's analyses, opinions, or conclusions. 853

(U) "Automated valuation model" means a computer software 854
program that analyzes data using an automated process, such as 855
regression, adaptive estimation, neural network, expert 856
reasoning, or artificial intelligence programs, that produces an 857
output that may become a basis for appraisal or appraisal review 858
if the appraiser believes the output to be credible for use in a 859
specific assignment. 860

Sec. 4763.02. (A) There is hereby created the real estate 861
appraiser board, consisting of five members appointed by the 862
governor, with the advice and consent of the senate. Four 863
members shall be persons certified or licensed under this 864
chapter, at least two of whom shall hold a state-certified 865
general real estate appraiser certificate, and one of whom shall 866
be an owner, controlling person, or management-level employee of 867
an appraisal management company licensed and in good standing 868
under Chapter 4768. of the Revised Code. One member shall 869
represent the public and shall not be engaged in the practice of 870
~~issuing performing~~ real estate appraisals, or have any financial 871
interest in such practices, or be actively engaged in real 872
~~estate brokerage or sales, or have any financial interest in~~ 873
~~such practices.~~ At least one of the certificate holders or 874
licensees members shall be a real estate broker licensed 875
pursuant to Chapter 4735. of the Revised Code whose license is 876
in good standing. For the purpose of appointment to an 877
eligibility for appointment to the board, the license of a real 878
estate broker may be on deposit with the division of real estate 879
of the department of commerce. No more than three members shall 880
be members of the same political party and no member of the 881
board concurrently may be a member of the board and the Ohio 882
real estate commission created pursuant to section 4735.03 of 883
the Revised Code. Of the initial appointments to the board, one 884
is for a term ending June 30, 1990, two are for terms ending 885
June 30, 1991, and two are for terms ending June 30, 1992. 886
Thereafter, terms of office are for three years, commencing on 887
the first day of July and ending on the thirtieth day of June. 888
Each member shall hold office from the date of ~~his~~ appointment 889
until the end of the term for which ~~he is~~ appointed. Prior to 890
entering upon ~~the official~~ duties ~~of his office,~~ each member 891
shall subscribe to, and file with the secretary of state, the 892

constitutional oath of office. Vacancies that occur on the board 893
shall be filled in the manner prescribed for regular 894
appointments to the board. A member appointed to fill a vacancy 895
occurring prior to the expiration of the term for which ~~his~~ the 896
member's predecessor was appointed shall hold office for the 897
remainder of that term. A member shall continue in office 898
subsequent to the expiration date of ~~his~~ the member's term until 899
~~his~~ the member's successor takes office or until ~~sixty-ninety~~ 900
days have elapsed, whichever occurs first. No person shall serve 901
as a member of the board for more than two consecutive terms. 902
The governor may remove a member pursuant to section 3.04 of the 903
Revised Code. 904

(B) Annually, upon the qualification of the members 905
appointed in that year, the board shall organize by selecting 906
from its members a ~~chairman~~ chairperson and a vice-chairperson. 907
The board shall meet at least once each calendar quarter to 908
conduct its business with the place of future meetings to be 909
decided by a vote of its members. Each member shall be provided 910
with written notice of the time and place of each board meeting 911
at least ten days prior to the scheduled date of the meeting. A 912
majority of the members of the board constitutes a quorum to 913
transact and vote on all business coming before the board. 914

(C) Each member of the board shall receive an amount fixed 915
pursuant to division (J) of section 124.15 of the Revised Code 916
for each day employed in the discharge of ~~his~~ official duties, 917
and ~~his~~ the member's actual and necessary expenses incurred in 918
the discharge of those duties. 919

(D) The board is part of the department of commerce for 920
administrative purposes. The director of commerce is ex officio 921
the executive officer of the board, or the director may 922

designate the superintendent of real estate and professional 923
licensing to act as executive officer of the board. 924

Sec. 4763.03. (A) In addition to any other duties imposed 925
on the real estate appraiser board under this chapter, the board 926
shall: 927

(1) Adopt rules, in accordance with Chapter 119. of the 928
Revised Code, in furtherance of this chapter, including, but not 929
limited to, all of the following: 930

(a) Defining, with respect to state-certified general real 931
estate appraisers, state-certified residential real estate 932
appraisers, and state-licensed residential real estate 933
appraisers, the type of educational experience, appraisal 934
experience, and other equivalent experience that satisfy the 935
requirements of this chapter. The rules shall require that all 936
appraisal experience performed after January ~~1, 1996~~^{30, 1989}, 937
meet the uniform standards of professional practice established 938
by the appraisal foundation. 939

(b) Establishing the examination specifications for state- 940
certified general real estate appraisers, state-certified 941
residential real estate appraisers, and state-licensed 942
residential real estate appraisers; 943

(c) Relating to disciplinary proceedings conducted in 944
accordance with section 4763.11 of the Revised Code, including 945
rules governing the reinstatement of certificates, 946
registrations, and licenses that have been suspended pursuant to 947
those proceedings; 948

(d) Identifying any additional information to be included 949
on the forms specified in division (C) of section 4763.12 of the 950
Revised Code, provided that the rules shall not require any less 951

information than is required in that division;	952
(e) Establishing the fees set forth in section 4763.09 of the Revised Code;	953 954
(f) Establishing the amount of the assessment required by division (A) (2) of section 4763.05 of the Revised Code. The board annually shall determine the amount due from each applicant for an initial certificate, registration, and license in an amount that will maintain the real estate appraiser recovery fund at the level specified in division (A) of section 4763.16 of the Revised Code. The board may, if the fund falls below that amount, require current certificate holders, registrants, and licensees to pay an additional assessment.	955 956 957 958 959 960 961 962 963
(g) Defining the educational requirements pursuant to division (C) of section 4763.05 of the Revised Code;	964 965
(h) Establishing a real estate appraiser assistant program for the registration of real estate appraiser assistants.	966 967
(2) Prescribe by rule the requirements for the examinations required by division (D) of section 4763.05 of the Revised Code;	968 969 970
(3) Periodically review the standards for the development and reporting of appraisal reports provided in this chapter and adopt rules explaining and interpreting those standards;	971 972 973
(4) Hear appeals, pursuant to Chapter 119. of the Revised Code, from decisions and orders the superintendent of real estate issues pursuant to this chapter;	974 975 976
(5) Request the initiation by the superintendent of investigations of violations of this chapter or the rules adopted pursuant thereto, as the board determines appropriate;	977 978 979

(6) Determine the appropriate disciplinary actions to be taken against certificate holders, registrants, and licensees under this chapter as provided in section 4763.11 of the Revised Code.	980 981 982 983
(B) In addition to any other duties imposed on the superintendent of real estate under this chapter, the superintendent shall:	984 985 986
(1) Prescribe the form and content of all applications required by this chapter;	987 988
(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;	989 990 991 992
(3) Retain records and all application materials submitted to the superintendent;	993 994
(4) Establish the time and place for conducting the examinations required by division (D) of section 4763.05 of the Revised Code;	995 996 997
(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;	998 999 1000 1001
(6) Perform any other functions and duties, including the employment of staff, necessary to administer this chapter;	1002 1003
(7) Administer this chapter;	1004
(8) Issue all orders necessary to implement this chapter;	1005
(9) Investigate complaints, upon the superintendent's own	1006

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;

(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, audits, and other inquiries pursuant to division (B)(10) of this section, from certificate holders, registrants, licensees, complainants, or other persons, and all reports, documents, and other work products that arise from that information and that are prepared by the investigators, auditors, or other personnel of the department of commerce, shall be held in confidence by the superintendent, the investigators and auditors, and other personnel of the department.

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

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

Sec. 4763.05. (A) (1) (a) A person shall make application for an initial state-certified general real estate appraiser

certificate, an initial state-certified residential real estate 1066
appraiser certificate, an initial state-licensed residential 1067
real estate appraiser license, or an initial state-registered 1068
real estate appraiser assistant registration in writing to the 1069
superintendent of real estate on a form the superintendent 1070
prescribes. The application shall include the address of the 1071
applicant's principal place of business and all other addresses 1072
at which the applicant currently engages in the business of 1073
~~preparing~~performing real estate appraisals and the address of 1074
the applicant's current residence. The superintendent shall 1075
retain the applicant's current residence address in a separate 1076
record which does not constitute a public record for purposes of 1077
section 149.43 of the Revised Code. The application shall 1078
indicate whether the applicant seeks certification as a general 1079
real estate appraiser or as a residential real estate appraiser, 1080
licensure as a residential real estate appraiser, or 1081
registration as a real estate appraiser assistant and be 1082
accompanied by the prescribed examination and certification, 1083
registration, or licensure fees set forth in section 4763.09 of 1084
the Revised Code. The application also shall include a pledge, 1085
signed by the applicant, that the applicant will comply with the 1086
standards set forth in this chapter; and a statement that the 1087
applicant understands the types of misconduct for which 1088
disciplinary proceedings may be initiated against the applicant 1089
pursuant to this chapter. 1090

(b) Upon the filing of an application and payment of any 1091
examination and certification, registration, or licensure fees, 1092
the superintendent of real estate shall request the 1093
superintendent of the bureau of criminal identification and 1094
investigation, or a vendor approved by the bureau, to conduct a 1095
criminal records check based on the applicant's fingerprints in 1096

accordance with section 109.572 of the Revised Code. 1097
Notwithstanding division (K) of section 121.08 of the Revised 1098
Code, the superintendent of real estate shall request that 1099
criminal record information from the federal bureau of 1100
investigation be obtained as part of the criminal records check. 1101
Any fee required under division (C) (3) of section 109.572 of the 1102
Revised Code shall be paid by the applicant. 1103

(2) For purposes of providing funding for the real estate 1104
appraiser recovery fund established by section 4763.16 of the 1105
Revised Code, the real estate appraiser board shall levy an 1106
assessment against each person issued an initial certificate, 1107
registration, or license and against current licensees, 1108
registrants, and certificate holders, as required by board rule. 1109
The assessment is in addition to the application and examination 1110
fees for initial applicants required by division (A) (1) of this 1111
section and the renewal fees required for current certificate 1112
holders, registrants, and licensees. The superintendent of real 1113
estate shall deposit the assessment into the state treasury to 1114
the credit of the real estate appraiser recovery fund. The 1115
assessment for initial certificate holders, registrants, and 1116
licensees shall be paid prior to the issuance of a certificate, 1117
registration, or license, and for current certificate holders, 1118
registrants, and licensees, at the time of renewal. 1119

(B) An applicant for an initial general real estate 1120
appraiser certificate, residential real estate appraiser 1121
certificate, or residential real estate appraiser license shall 1122
possess experience in real estate appraisal as the board 1123
prescribes by rule. In addition to any other information 1124
required by the board, the applicant shall furnish, under oath, 1125
a detailed listing of the appraisal reports or file memoranda 1126
for each year for which experience is claimed and, upon request 1127

of the superintendent or the board, shall make available for 1128
examination a sample of the appraisal reports prepared by the 1129
applicant in the course of the applicant's practice. 1130

(C) An applicant for an initial certificate, registration, 1131
or license shall be at least eighteen years of age, honest, 1132
truthful, and of good reputation and shall present satisfactory 1133
evidence to the superintendent that the applicant has 1134
successfully completed any education requirements the board 1135
prescribes by rule. 1136

(D) An applicant for an initial general real estate 1137
appraiser or residential real estate appraiser certificate or 1138
residential real estate appraiser license shall take and 1139
successfully complete a written examination in order to qualify 1140
for the certificate or license. 1141

The board shall prescribe the examination requirements by 1142
rule. 1143

(E) (1) ~~A nonresident, natural person of this state who has~~ 1144
~~complied with this section may obtain~~ obtained a residential 1145
real estate appraiser license, a residential real estate 1146
appraiser certificate, registration, or a general real estate 1147
appraiser certificate from another state may apply to obtain a 1148
license or certificate issued under this chapter provided the 1149
state that issued the license or certificate has requirements 1150
that meet or exceed the requirements found in this chapter. The 1151
board shall adopt rules relating to ~~the certification,~~ 1152
~~registration, and licensure of a nonresident applicant whose~~ 1153
~~state of residence the board determines to have certification,~~ 1154
~~registration, or licensure requirements that are substantially~~ 1155
~~similar to those set forth in this division.~~ The application for 1156
obtaining a license or certificate under this division may 1157

include any of the following: 1158

(a) A pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter; 1159
1160

(b) A statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter and the rules adopted thereunder; 1161
1162
1163
1164

(c) A consent to service of process. 1165

(2) (a) The board shall recognize on a temporary basis a certification or license issued in another state and shall register on a temporary basis an appraiser who is certified or licensed in another state if all of the following apply: 1166
1167
1168
1169

~~(a)~~ (i) The temporary registration is to perform an appraisal assignment that is part of a federally related transaction. 1170
1171
1172

~~(b)~~ (ii) The appraiser's business in this state is of a temporary nature. 1173
1174

~~(c)~~ (iii) The appraiser registers with the board pursuant to this division. 1175
1176

(b) An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction. 1177
1178
1179
1180

(c) The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of appraisers from another state. The registration for temporary recognition of certified or licensed appraisers from another state shall not authorize completion of more than one appraisal 1181
1182
1183
1184
1185

assignment in this state. The board shall not issue more than 1186
two registrations for temporary practice to any one applicant in 1187
any calendar year. The application for obtaining a registration 1188
under this division may include any of the following: 1189

(i) A pledge, signed by the applicant, that the applicant 1190
will comply with the standards set forth in this chapter; 1191

(ii) A statement that the applicant understands the types 1192
of misconduct for which disciplinary proceedings may be 1193
initiated against the applicant pursuant to this chapter; 1194

(iii) A consent to service of process. 1195

~~(3) In addition to any other information required to be~~ 1196
~~submitted with the nonresident applicant's or appraiser's~~ 1197
~~application for a certificate, registration, license, or~~ 1198
~~temporary recognition of a certificate or license, each~~ 1199
~~nonresident applicant or appraiser shall submit a statement~~ 1200
~~consenting to the service of process upon the nonresident~~ 1201
~~applicant or appraiser by means of delivering that process to~~ 1202
~~the secretary of state if, in an action against the applicant,~~ 1203
~~certificate holder, registrant, or licensee arising from the~~ 1204
~~applicant's, certificate holder's, registrant's, or licensee's~~ 1205
~~activities as a certificate holder, registrant, or licensee, the~~ 1206
~~plaintiff, in the exercise of due diligence, cannot effect~~ 1207
~~personal service upon the applicant, certificate holder,~~ 1208
~~registrant, or licensee. The board may enter into reciprocal~~ 1209
~~agreements with other states. The board shall prescribe~~ 1210
~~reciprocal agreement requirements by rule.~~ 1211

(F) The superintendent shall not issue a certificate, 1212
registration, or license to, or recognize on a temporary basis 1213
an appraiser from another state that is a corporation, 1214

partnership, or association. This prohibition shall not be 1215
construed to prevent a certificate holder or licensee from 1216
signing an appraisal report on behalf of a corporation, 1217
partnership, or association. 1218

(G) Every person licensed, registered, or certified under 1219
this chapter shall notify the superintendent, on a form provided 1220
by the superintendent, of a change in the address of the 1221
licensee's, registrant's, or certificate holder's principal 1222
place of business or residence within thirty days of the change. 1223
If a licensee's, registrant's, or certificate holder's license, 1224
registration, or certificate is revoked or not renewed, the 1225
licensee, registrant, or certificate holder immediately shall 1226
return the annual and any renewal certificate, registration, or 1227
license to the superintendent. 1228

(H) (1) The superintendent shall not issue a certificate, 1229
registration, or license to any person, or recognize on a 1230
temporary basis an appraiser from another state, who does not 1231
meet applicable minimum criteria for state certification, 1232
registration, or licensure prescribed by federal law or rule. 1233

(2) The superintendent shall not issue a general real 1234
estate appraiser certificate, residential real estate appraiser 1235
certificate, residential real estate appraiser license, or real 1236
estate appraiser assistant registration to any person who has 1237
been convicted of or pleaded guilty to any criminal offense 1238
involving theft, receiving stolen property, embezzlement, 1239
forgery, fraud, passing bad checks, money laundering, or drug 1240
trafficking, or any criminal offense involving money or 1241
securities, including a violation of an existing or former law 1242
of this state, any other state, or the United States that 1243
substantially is equivalent to such an offense. However, if the 1244

applicant has pleaded guilty to or been convicted of such an 1245
offense, the superintendent shall not consider the offense if 1246
the applicant has proven to the superintendent, by a 1247
preponderance of the evidence, that the applicant's activities 1248
and employment record since the conviction show that the 1249
applicant is honest, truthful, and of good reputation, and there 1250
is no basis in fact for believing that the applicant will commit 1251
such an offense again. 1252

Sec. 4763.08. On and after December 22, 1992, each 1253
certificate, registration, and license issued under this 1254
chapter, other than a temporary certificate or license issued 1255
under division (E) (2) of section 4763.05 of the Revised Code, is 1256
valid for a period of one year from its date of issuance. The 1257
superintendent of real estate shall provide renewal notices to 1258
certificate holders, registrants, and licensees no later than 1259
thirty days prior to the expiration of the certificate, 1260
registration, or license. The superintendent shall issue to each 1261
person initially certified, registered, or licensed under this 1262
chapter a certificate, registration, or license in the form and 1263
size the superintendent prescribes. The initial certificate, 1264
registration, and license shall indicate the name of the 1265
certificate holder, registrant, or licensee, bear the signatures 1266
of the members of the real estate appraiser board, be issued 1267
under the seal prescribed in section 121.20 of the Revised Code, 1268
and contain a certificate, registration, or license number 1269
assigned by the superintendent. The superintendent shall issue 1270
to each person who renews a certificate, registration, or 1271
license a renewal certificate, registration, or license in the 1272
size and form the superintendent prescribes. The renewal 1273
certificate, registration, or license shall contain the name ~~and~~ 1274
~~principal address~~ of the certificate holder, registrant, or 1275

licensee and the expiration and number of the certificate, 1276
registration, or license. Each certificate holder and licensee 1277
shall place the certificate holder's or licensee's certificate 1278
or license number adjacent to the title "state-licensed 1279
residential real estate appraiser," "state-certified residential 1280
real estate appraiser," or "state-certified general real estate 1281
appraiser," when issuing an appraisal report or in a contract or 1282
other instrument used in conducting real estate appraisal 1283
activities as required by section 4763.12 of the Revised Code. 1284
If a state-registered real estate appraiser assistant 1285
participated in the ~~development of an appraisal~~ or specialized 1286
service report, the certificate holder or licensee shall also 1287
place the registrant's name, registration number, and the title 1288
"state-registered real estate appraiser assistant" on the 1289
~~appraisal or report.~~ 1290

Sec. 4763.11. (A) Within ten business days after a person 1291
files a written complaint against a person certified, 1292
registered, or licensed under this chapter with the division of 1293
real estate, the superintendent of real estate shall acknowledge 1294
receipt of the complaint by sending notice to the certificate 1295
holder, registrant, or licensee that includes a copy of the 1296
complaint. The acknowledgement to the complainant and the notice 1297
to the certificate holder, registrant, or licensee may state 1298
that an informal mediation meeting will be held with the 1299
complainant, the certificate holder, registrant, or licensee, 1300
and an investigator from the investigation and audit section of 1301
the division, if the complainant and certificate holder, 1302
registrant, or licensee both file a request for such a meeting 1303
within twenty calendar days after the acknowledgment and notice 1304
are mailed. 1305

(B) If the complainant and certificate holder, registrant, 1306

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

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

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

(1) If the superintendent finds ~~such~~ evidence exists showing a violation of division (G) of this section by a certificate holder, registrant, or licensee, the superintendent shall notify the complainant and certificate holder, registrant, or licensee of the determination. The certificate holder, registrant, or licensee may enter into a settlement agreement

with the superintendent. The settlement agreement is subject to 1337
board approval, and the board shall prescribe requirements by 1338
rule for such settlement agreements. The certificate holder, 1339
registrant, or licensee may request a hearing pursuant to 1340
Chapter 119. of the Revised Code. If a formal hearing is 1341
conducted, the hearing examiner shall file a report ~~of that~~ 1342
contains findings of fact and conclusions of law with the 1343
division hearing administrator. The division hearing 1344
administrator shall serve the hearing examiner report on the 1345
superintendent, the assistant attorney general representing the 1346
superintendent in the matter, the board, the complainant and the 1347
certificate holder, licensee, or registrant ~~after the conclusion~~ 1348
~~of the formal hearing,~~ and if applicable, counsel representing 1349
the complainant, certificate holder, licensee, or registrant. 1350
Service of the hearing examiner report on the complainant and on 1351
the certificate holder, licensee, or registrant shall comply 1352
with division (K) of this section. Service of the hearing 1353
examiner's report on the superintendent, the assistant attorney 1354
general representing the superintendent in the matter, and the 1355
board shall be by either regular mail or electronic means. 1356
Service of the hearing examiner report on counsel representing 1357
the complainant, certificate holder, licensee, or registrant 1358
shall be by regular mail. 1359

Within ten calendar days of receipt by the assistant 1360
attorney general representing the superintendent of the copy of 1361
the hearing examiner's report served by the division hearing 1362
administrator, the assistant attorney general may file with the 1363
board written objections to the hearing examiner's report, which 1364
shall be considered by the board before approving, modifying, or 1365
rejecting the hearing examiner's report. Within ten calendar 1366
days of receipt by the certificate holder, licensee, or 1367

registrant of the copy of the hearing examiner's ~~finding of fact~~ 1368
and conclusions of law report served by the division hearing 1369
administrator, the certificate holder, licensee, or registrant 1370
~~or the division~~ may file with the board written objections to 1371
the hearing examiner's report, which shall be considered by the 1372
board before approving, modifying, or rejecting the hearing 1373
examiner's report. ~~If~~ Within ten calendar days of receipt by the 1374
superintendent of the copy of the hearing examiner's report 1375
served by the division hearing administrator, the superintendent 1376
may grant an extension of time to file written objections to the 1377
hearing examiner's report for good cause shown. 1378

(2) If the superintendent finds, following the conclusion 1379
of the investigation, that such evidence does not exist showing 1380
a violation of division (G) of this section by the certificate 1381
holder, registrant, or licensee, the superintendent shall notify 1382
the complainant and certificate holder, registrant, or licensee 1383
of that determination and the basis for the determination. 1384
Within fifteen business days after the superintendent notifies 1385
the complainant and certificate holder, registrant, or licensee 1386
that such evidence does not exist, the complainant may file with 1387
the division a request that the real estate appraiser board 1388
review the determination. If the complainant files such request, 1389
the board shall review the determination at the next regularly 1390
scheduled meeting held at least fifteen business days after the 1391
request is filed but no longer than six months after the request 1392
is filed. The board may hear the testimony of the complainant, 1393
certificate holder, registrant, or licensee at the meeting upon 1394
the request of that party. If the board affirms the 1395
determination of the superintendent, the superintendent shall 1396
notify the complainant and the certificate holder, registrant, 1397
or licensee within five business days thereafter. If the board 1398

reverses the determination of the superintendent, ~~a hearing~~ 1399
~~before a hearing examiner shall be held and the complainant and~~ 1400
~~certificate holder, registrant, or licensee notified as provided~~ 1401
~~in this division~~ the matter shall be returned to the 1402
superintendent for additional investigation or review. 1403

(E) The board shall review the ~~referee's or hearing~~ 1404
examiner's report and the evidence at the next regularly 1405
scheduled board meeting held at least fifteen business days 1406
after receipt of the ~~referee's or examiner's~~ report. The board 1407
may hear the testimony of the complainant, certificate holder, 1408
registrant, or licensee upon request. If the complainant is the 1409
Ohio civil rights commission, the board shall review the 1410
complaint. 1411

(F) If the board determines that a licensee, registrant, 1412
or certificate holder has violated this chapter for which 1413
disciplinary action may be taken under division (G) of this 1414
section, after review of the ~~referee's or hearing~~ examiner's 1415
report and the evidence as provided in division (E) of this 1416
section, or after review of a settlement agreement entered into 1417
pursuant to division (D)(1) of this section, the board shall 1418
order the disciplinary action the board considers appropriate, 1419
which may include, but is not limited to, any of the following: 1420

(1) Reprimand of the certificate holder, registrant, or 1421
licensee; 1422

(2) Imposition of a fine, not exceeding, two thousand five 1423
hundred dollars per violation; 1424

(3) Requirement of the completion of additional education 1425
courses. Any course work imposed pursuant to this section shall 1426
not count toward continuing education requirements or prelicense 1427

or precertification requirements set forth in section 4763.05 of 1428
the Revised Code. 1429

(4) Suspension of the certificate, registration, or 1430
license for a specific period of time; 1431

(5) Revocation or surrender of the certificate, 1432
registration, or license. 1433

The decision and order of the board is final, except that 1434
following the review of the hearing examiner report and the 1435
evidence as provided in division (E) of this section, the 1436
decision and order of the board is subject to review in the 1437
manner provided for in Chapter 119. of the Revised Code and 1438
appeal to any court of common pleas. If the board orders a 1439
disciplinary action as provided in division (F)(2) or (3) of 1440
this section, the superintendent may grant an extension of time 1441
to satisfy the board-ordered disciplinary action for good cause 1442
shown. 1443

(G) The board shall take any disciplinary action 1444
authorized by this section against a certificate holder, 1445
registrant, or licensee or an applicant who obtains a 1446
certificate, registration, or license pursuant to this chapter 1447
who is found to have committed any of the following acts, 1448
omissions, or violations ~~during the appraiser's certification,~~ 1449
~~registration, or licensure:~~ 1450

(1) ~~Procuring~~ As an applicant, procuring or attempting to 1451
procure a certificate, registration, or license pursuant to ~~this~~ 1452
~~chapter~~ section 4763.05, 4763.06, or 4763.07 of the Revised Code 1453
by knowingly making a false statement, submitting false 1454
information, refusing to provide complete information in 1455
response to a question in an application for certification, 1456

registration, or licensure, or by any means of fraud or	1457
misrepresentation;	1458
(2) Paying, or attempting to pay, anything of value, other	1459
than the fees or assessments required by this chapter, to any	1460
member or employee of the board for the purpose of procuring a	1461
certificate, registration, or license;	1462
(3) Being <u>In a criminal proceeding, being convicted in a</u>	1463
criminal proceeding for <u>of or pleading guilty or no contest to</u>	1464
<u>a felony or; a crime involving moral turpitude; or a crime</u>	1465
<u>involving theft, receiving stolen property, embezzlement,</u>	1466
<u>forgery, fraud, passing bad checks, money laundering, drug</u>	1467
<u>trafficking, or any criminal offense involving money or</u>	1468
<u>securities, including a violation of an existing or former law</u>	1469
<u>of this state, any other state, or the United States that is</u>	1470
<u>substantially equivalent to such an offense;</u>	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 <u>this</u> 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 1494
holder, registrant, or licensee on the grounds of fraud, deceit, 1495
misrepresentation, or gross negligence in ~~the making of~~ 1496
performing any appraisal of real estate; 1497

(12) Violating any federal or state civil rights law; 1498

(13) Having published advertising, whether printed, radio, 1499
display, or of any other nature, which was misleading or 1500
inaccurate in any material particular, or in any way having 1501
misrepresented any appraisal or specialized service; 1502

(14) Failing to provide copies of records to the 1503
superintendent or failing to maintain records as required by 1504
section 4763.14 of the Revised Code. Failure of a certificate 1505
holder, licensee, or registrant to comply with a subpoena issued 1506
under division (C) (1) of section 4763.03 of the Revised Code is 1507
prima-facie evidence of a violation of division (G) (14) of 1508
section 4763.11 of the Revised Code. 1509

(15) Failing to provide notice to the board as required in 1510
division (I) of this section; 1511

(16) In the case of a certificate holder acting as a 1512
supervisory appraiser, refusing to sign an appraiser experience 1513

log required by rule for a person making application for an 1514
initial state-certified general real estate appraiser 1515
certificate, state-certified residential real estate appraiser 1516
certificate, or state-licensed residential real estate appraiser 1517
license, unless there is reasonable and substantial evidence 1518
that there is false information contained within the log; 1519

(17) Being sanctioned or disciplined in another 1520
jurisdiction as a real estate appraiser; 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 or pleads guilty or 1548
no contest to a felony or crime of moral turpitude as described 1549
in division (G) (3) of this section shall notify the board of the 1550
conviction or plea within fifteen days of the conviction or 1551
plea. 1552

(J) If the board determines that a certificate holder, 1553
registrant, or licensee has violated this chapter for which 1554
disciplinary action may be taken under division (G) of this 1555
section as a result of an investigation conducted by the 1556
superintendent upon the superintendent's own motion or upon the 1557
request of the board, the superintendent shall notify the 1558
certificate holder, registrant, or licensee of the certificate 1559
holder's, registrant's, or licensee's right to a hearing 1560
pursuant to Chapter 119. of the Revised Code and, if applicable, 1561
to an appeal of a final determination of such administrative 1562
proceedings to any court of common pleas. 1563

(K) Notwithstanding section 119.07 of the Revised Code, 1564
acknowledgment of complaint notices issued under division (A) of 1565
this section and continuance notices associated with hearings 1566
conducted under this section may be sent by regular mail and a 1567
certificate of mailing shall be obtained for the notices. All 1568
other notices, written reports, and determinations issued to a 1569
complainant and to a certificate holder, registrant, licensee, 1570
or other party pursuant to this section shall be mailed via 1571
certified mail, return receipt requested. ~~If the certified~~ When 1572
any notice is sent by certified mail, return receipt requested, 1573
and is returned because of failure of delivery or because the 1574

notice was unclaimed, ~~the then that notice, written reports, or~~ 1575
~~determinations are~~ is deemed served if the superintendent 1576
subsequently sends the notice, ~~written reports, or determination~~ 1577
via by regular mail and ~~obtains~~ a certificate of mailing ~~of~~ is 1578
obtained for the notice, ~~written reports, or determination~~. If a 1579
notice, whether sent by certified mail, return receipt 1580
requested, or by regular mail with a certificate of mailing, is 1581
returned for failure of delivery, then the superintendent shall 1582
make personal delivery of the notice by an employee or agent of 1583
the department of commerce or shall cause a summary of the 1584
substantive provisions of the notice to be published once a week 1585
for three consecutive weeks in a newspaper of general 1586
circulation in the county where the last known address of the 1587
party is located. When notice is given by publication, a proof 1588
of publication affidavit, with the first publication of the 1589
notice set forth in the affidavit, shall be mailed by regular 1590
mail to the party at the party's last known address. The notice 1591
shall be deemed received as of the date of the last publication 1592
of the summary. An employee or agent of the department of 1593
commerce may make personal delivery of the notice upon the party 1594
at any time. Refusal of delivery by personal service or by mail 1595
is not failure of delivery and service is deemed to be complete. 1596
Failure of delivery occurs only when a mailed notice is returned 1597
by the postal authorities marked undeliverable, address or 1598
addressee unknown, or forwarding address unknown or expired. 1599

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

shall comply with this chapter. A certified appraisal or 1606
certified appraisal report represents to the public that it 1607
satisfies the standards set forth in this chapter. 1608

(B) No certificate holder or licensee shall accept a fee 1609
for an appraisal assignment that is contingent, in whole or in 1610
part, upon the reporting of a predetermined estimate, analysis, 1611
or opinion or upon the opinion, conclusion, or valuation 1612
reached, or upon consequences resulting from the appraisal 1613
assignment. A certificate holder or licensee who enters into an 1614
agreement to provide specialized services may charge a fixed fee 1615
or a fee that is contingent upon the results achieved by the 1616
specialized services, provided that this fact is clearly stated 1617
in each oral report rendered pursuant to the agreement, and the 1618
existence of the contingent fee arrangement is clearly stated in 1619
a prominent place on each written report and in each letter of 1620
transmittal and certification statement made by the certificate 1621
holder or licensee within that report. 1622

(C) Every written report rendered by a certificate holder 1623
or licensee in conjunction with an appraisal assignment or 1624
specialized service performed shall include the following 1625
information: 1626

(1) The name of the certificate holder or licensee; 1627

(2) The class of certification or licensure held by and 1628
the certification or licensure number of the certificate holder 1629
or licensee; 1630

(3) Whether the appraisal or specialized service is 1631
performed within the scope of the certificate holder's or 1632
licensee's certification or licensure; 1633

(4) Whether the appraisal or specialized service is 1634

provided by a certificate holder or licensee as a disinterested 1635
and unbiased third party or as a person on an interested and 1636
biased basis or as an interested third party on a contingent fee 1637
basis; 1638

(5) The signature of the person ~~preparing~~ performing and 1639
reporting the appraisal or specialized service; 1640

(6) The license, certificate, or registration number of 1641
the appraisal management company that has engaged the appraiser 1642
for the assignment within the body of the appraisal report; 1643

(7) If an appraisal report is completed for an appraisal 1644
management company, one of the following: 1645

(a) The actual fees paid to the appraiser within the body 1646
of the appraisal report; 1647

(b) If the appraiser is employed by the appraisal 1648
management company on an employee and employer basis for the 1649
performance of appraisals, a statement of that fact and a 1650
statement that the appraiser was not paid a fee. 1651

If the certificate holder or licensee provides an oral 1652
real estate appraisal report or specialized service, the 1653
certificate holder or licensee shall send, within seven days of 1654
providing the oral report, a form to the client containing the 1655
appropriate information specified in this division and the rules 1656
adopted pursuant to this division. 1657

(D) Nothing in this chapter shall be construed as 1658
requiring a certificate holder or licensee to provide a client 1659
with a copy of any writing prepared in support of an oral 1660
appraisal report except as provided in division (C) of this 1661
section or as agreed to between the certificate holder or 1662
licensee and the certificate holder's or licensee's client. 1663

(E) No person, directly or indirectly, shall knowingly 1664
compensate, instruct, induce, coerce, or intimidate, or attempt 1665
to compensate, instruct, induce, coerce, or intimidate, a 1666
certificate holder or licensee for the purpose of corrupting or 1667
improperly influencing the independent judgment of the 1668
certificate holder or licensee with respect to the value of the 1669
dwelling offered as security for repayment of a mortgage loan. 1670

Sec. 4763.13. (A) In engaging in appraisal activities, a 1671
person certified, registered, or licensed under this chapter 1672
shall comply with the applicable standards prescribed by the 1673
board of governors of the federal reserve system, the federal 1674
deposit insurance corporation, the comptroller of the currency, 1675
the office of thrift supervision, the national credit union 1676
administration, and the resolution trust corporation in 1677
connection with federally related transactions under the 1678
jurisdiction of the applicable agency or instrumentality. A 1679
certificate holder, registrant, and licensee also shall comply 1680
with the uniform standards of professional appraisal practice, 1681
as adopted by the appraisal standards board of the appraisal 1682
foundation and such other standards adopted by the real estate 1683
appraiser board, to the extent that those standards do not 1684
conflict with applicable federal standards in connection with a 1685
particular federally related transaction. 1686

(B) The terms "state-licensed residential real estate 1687
appraiser," "state-certified residential real estate appraiser," 1688
"state-certified general real estate appraiser," and "state- 1689
registered real estate appraiser assistant" shall be used to 1690
refer only to those persons who have been issued the applicable 1691
certificate, registration, or license or renewal certificate, 1692
registration, or license pursuant to this chapter. None of these 1693
terms shall be used following or in connection with the name or 1694

signature of a partnership, corporation, or association or in a 1695
manner that could be interpreted as referring to a person other 1696
than the person to whom the certificate, registration, or 1697
license has been issued. No person shall fail to comply with 1698
this division. 1699

(C) No person, other than a certificate holder, a 1700
registrant, or a licensee, shall assume or use a title, 1701
designation, or abbreviation that is likely to create the 1702
impression that the person possesses certification, 1703
registration, or licensure under this chapter, provided that 1704
professional designations containing the term "certified 1705
appraiser" and being used on or before July 26, 1989, shall not 1706
be construed as being misleading under this division. No person 1707
other than a person certified or licensed under this chapter 1708
shall describe or refer to an appraisal or other evaluation of 1709
real estate located in this state as being certified. 1710

(D) The terms "state-certified or state-licensed real 1711
estate appraisal report," "state-certified or state-licensed 1712
appraisal report," or "state-certified or state-licensed 1713
appraisal" shall be used to refer only to those real estate 1714
appraisals conducted by a certificate holder or licensee as a 1715
disinterested and unbiased third party provided that the 1716
certificate holder or licensee provides certification with the 1717
appraisal report and provided further that if a licensee is 1718
providing the appraisal, such terms shall only be used if the 1719
licensee is acting within the scope of the licensee's license. 1720
No person shall fail to comply with this division. 1721

(E) Nothing in this chapter shall preclude a partnership, 1722
corporation, or association which employs, retains, or engages 1723
the services of a certificate holder or licensee to advertise 1724

that the partnership, corporation, or association offers state- 1725
certified or state-licensed appraisals through a certificate 1726
holder or licensee if the advertisement clearly states such fact 1727
in accordance with guidelines for such advertisements 1728
established by rule of the real estate appraiser board. 1729

(F) Except as otherwise provided in section 4763.19 of the 1730
Revised Code, nothing in this chapter shall preclude a person 1731
who is not licensed or certified under this chapter from 1732
appraising real estate for compensation. 1733

Sec. 4763.14. A person licensed, registered, or certified 1734
under this chapter shall retain for a period of five years the 1735
original or a true copy of each written contract for the 1736
person's services relating to real estate appraisal work, all 1737
appraisal reports, and all work file documentation and data 1738
assembled in preparing those reports. The retention period 1739
begins on the date the appraisal report is submitted to the 1740
client unless, prior to expiration of the retention period, the 1741
certificate holder, registrant, or licensee is notified that the 1742
appraisal or report is the subject of or is otherwise involved 1743
in pending litigation, in which case the retention period ~~begins~~ 1744
~~on~~ shall commence two years from the date of final disposition 1745
of the litigation. 1746

A certificate holder, registrant, and a licensee shall 1747
make available all records required to be maintained under this 1748
section for inspection and copying by the superintendent of real 1749
estate or the real estate appraiser board, or both, upon 1750
reasonable notice to the certificate holder, registrant, or 1751
licensee. 1752

Sec. 4763.15. Except for moneys required to be transferred 1753
into the real estate appraiser recovery fund pursuant to section 1754

4763.16 of the Revised Code or as required pursuant to this 1755
section, the superintendent of real estate may deposit all fees 1756
collected under this chapter into the state treasury to the 1757
credit of the real estate appraiser operating fund, which is 1758
hereby created. All operating expenses of the real estate 1759
appraiser board and the superintendent of real estate relating 1760
to the administration and enforcement of this chapter and 1761
Chapter 4768. of the Revised Code shall be paid from this fund. 1762
The fund shall be assessed a proportionate share of the 1763
administrative cost of the department of commerce in accordance 1764
with procedures prescribed by the director of commerce and 1765
approved by the director of budget and management and the 1766
assessment shall be paid from the operating fund to the division 1767
of administration fund. 1768

If, in any biennium, the director of commerce determines 1769
that moneys in the operating fund exceed those necessary to fund 1770
the activities of the board and of the superintendent of real 1771
estate that relate to this chapter and Chapter 4768. of the 1772
Revised Code, ~~he~~ the director may pay the excess funds to the 1773
real estate appraiser recovery fund. 1774

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

the partnership, corporation, or association. 1786

Sec. 4763.19. (A) Subject to division (B) of this section, 1787
no person shall perform or prepare a real estate appraisal, 1788
appraisal report, or real estate appraisal review for a mortgage 1789
loan ~~if~~, unless the person is ~~not~~ licensed or certified under 1790
this chapter to do the appraisal. 1791

(B) Division (A) of this section does not apply to a 1792
lender using a market analysis or price opinion, an internal 1793
valuation analysis, or an automated valuation model or report 1794
based on an automated valuation model, and any person providing 1795
that report to the lender, ~~in performing a valuation for~~ 1796
~~purposes of a loan application, as long as the lender does both~~ 1797
~~of the following:~~ 1798

~~(1) Gives the consumer loan applicant a copy of any~~ 1799
~~written market analysis or price opinion or valuation report~~ 1800
~~based on an automated valuation model;~~ 1801

~~(2) Includes a disclaimer on the consumer's copy~~ 1802
~~specifying that the valuation used for purposes of the~~ 1803
~~application was obtained from a market analysis or price opinion~~ 1804
~~or automated valuation model report and not from a to validate~~ 1805
~~or support the value conclusion provided by the person licensed~~ 1806
~~or certified under this chapter to do the appraisal.~~ 1807

Sec. 4768.01. As used in this chapter: 1808

(A) "Real estate appraisal" or "appraisal" means the act 1809
or process of developing an opinion of value of real property in 1810
conformity with the uniform standards of professional appraisal 1811
practice. 1812

(B) "Appraisal management company" means any person 1813
authorized either by a creditor of a consumer credit transaction 1814

secured by a consumer's principal dwelling, or by an underwriter 1815
of or other principal in the secondary mortgage markets, that 1816
performs appraisal management services in connection with 1817
valuing properties collateralizing mortgage loans or valuing 1818
properties collateralizing mortgages incorporated in a 1819
securitization. 1820

(C) "Appraisal management services" means to perform any 1821
of the following functions on behalf of a lender, financial 1822
institution, client, or any other person in conjunction with a 1823
consumer credit transaction that is secured by a consumer's 1824
primary dwelling: 1825

(1) Administer an appraiser panel; 1826

(2) Recruit, retain, or select appraisers; 1827

(3) Qualify, verify licensure or certification, and 1828
negotiate fees and service level expectations with persons who 1829
are part of an appraiser panel; 1830

(4) Contract with appraisers to perform appraisal 1831
assignments; 1832

(5) Receive an order for an appraisal from one person and 1833
deliver the order for the appraisal to an appraiser who is part 1834
of an appraiser panel for completion; 1835

(6) Manage the process of having an appraisal performed, 1836
including providing administrative duties, such as receiving 1837
appraisal orders and reports, submitting completed appraisal 1838
reports to creditors and underwriters, collecting fees from 1839
creditors and underwriters for services provided, and 1840
reimbursing appraisers for services performed; 1841

(7) Track and determine the status of orders for 1842

<u>appraisals;</u>	1843
<u>(8) Conduct quality control of a completed appraisal prior</u>	1844
<u>to the delivery of the appraisal to the person that ordered the</u>	1845
<u>appraisal;</u>	1846
<u>(9) Provide a completed appraisal performed by an</u>	1847
<u>appraiser to one or more clients.</u>	1848
<u>(D) "Appraisal report" means a written communication of a</u>	1849
<u>real estate appraisal or appraisal review or an oral</u>	1850
<u>communication of a real estate appraisal or appraisal review</u>	1851
<u>that is documented by a writing that supports the oral</u>	1852
<u>communication.</u>	1853
<u>(E) "Appraisal review" means the act or process of</u>	1854
<u>developing and communicating an opinion about the quality of</u>	1855
<u>another appraiser's work that was performed as part of an</u>	1856
<u>appraisal or appraisal review. "Appraisal review" does not</u>	1857
<u>include an examination of an appraisal for grammatical errors,</u>	1858
<u>typographical errors, or completeness, provided the review for</u>	1859
<u>completeness does not require an opinion about the quality of</u>	1860
<u>the work of an appraiser. The real estate appraiser board may</u>	1861
<u>define, by rule, "review for completeness."</u>	1862
<u>(F) "Appraisal services" or "real estate appraisal</u>	1863
<u>services" means a real estate appraisal or appraisal review.</u>	1864
<u>(G) "Appraiser" means a person licensed or certified under</u>	1865
<u>Chapter 4763. of the Revised Code.</u>	1866
<u>(H) "Appraiser panel" means a network of appraisers who</u>	1867
<u>are independent contractors to the appraisal management company</u>	1868
<u>and who have been approved by the appraisal management company,</u>	1869
<u>after responding to an invitation or request from the appraisal</u>	1870
<u>management company, to perform appraisals for any client of the</u>	1871

appraisal management company or for the appraisal management 1872
company directly, on a periodic basis, as assigned by the 1873
appraisal management company. 1874

(I) "Automated valuation model" means a computer software 1875
program that analyzes data using an automated process, such as 1876
regression, adaptive estimation, neural network, expert 1877
reasoning, or artificial intelligence programs, that produces an 1878
output that may become a basis for appraisal or appraisal review 1879
if the appraiser believes the output to be credible for use in a 1880
specific assignment. 1881

(J) "Client" means any person that contracts with, or 1882
otherwise enters into an agreement with, an appraisal management 1883
company for residential or commercial real estate appraisal 1884
services. 1885

(K) "Controlling person" means any of the following: 1886

(1) An owner, officer, or director of a business entity 1887
seeking to offer appraisal management services in this state; 1888

(2) An individual employed, appointed, or authorized by an 1889
appraisal management company, who has the authority to enter 1890
into contractual relationships with clients for the performance 1891
of appraisal management services and the authority to enter into 1892
agreements with appraisers for the performance of residential or 1893
commercial real estate appraisal services; 1894

(3) An individual who possesses, directly or indirectly, 1895
the power to direct or cause the direction of the management or 1896
policies of an appraisal management company. 1897

(L) "Federally regulated appraisal management company" 1898
means an appraisal management company that is owned and 1899
controlled by an insured depository institution as defined in 12 1900

U.S.C. 1813 or an insured credit union as defined in 12 U.S.C. 1901
1752 and that is regulated by the office of the comptroller of 1902
the currency, the board of governors of the federal reserve 1903
system, the national credit union administration, or the federal 1904
deposit insurance corporation. 1905

(M) "Owner" means a person who owns or controls ten per 1906
cent or more of an appraisal management company. 1907

(N) "Person" means an individual, corporation, 1908
partnership, sole proprietorship, subsidiary, unit, or other 1909
business entity. 1910

(O) "Real estate" has the same meaning as in section 1911
4735.01 of the Revised Code. 1912

Sec. 4768.02. (A) (1) No person shall do any of the 1913
following without first obtaining a license under this chapter: 1914

(a) Directly or indirectly engage or attempt to engage in 1915
business as an appraisal management company; 1916

(b) Directly or indirectly engage in or attempt to perform 1917
appraisal management services; 1918

(c) Advertise or hold itself out as engaging in or 1919
conducting business as an appraisal management company. 1920

(2) A person that violates division (A) (1) of this section 1921
may be subject to sanctions under section 4768.14 of the Revised 1922
Code. 1923

(B) This chapter shall not apply to any of the following: 1924

(1) An appraisal management company that is a federally 1925
regulated appraisal management company; 1926

(2) Any person that exclusively employs appraisers on an 1927

employer and employee basis for the performance of appraisals; 1928

(3) Any person engaged in appraisal services who, in the 1929
normal course of business, enters into an agreement, whether 1930
written or otherwise, with an independent appraiser for the 1931
performance of appraisal services that the hiring or contracting 1932
person is not completing for any reason, including competency, 1933
work load, schedule, or geographic location. Division (B)(3) of 1934
this section applies only to an appraiser and to that 1935
appraiser's business entity provided that entity is engaging in 1936
real estate appraisal services, not appraisal management 1937
services; 1938

(4) Any person engaged in appraisal services who, in the 1939
normal course of business, enters into an agreement, whether 1940
written or otherwise, with an independent contractor appraiser 1941
for the performance of appraisal services and, upon the 1942
completion of the appraisal, the report of the independent 1943
contractor appraiser performing the appraisal services is 1944
cosigned by the person who subcontracted with the independent 1945
contractor appraiser for the performance of the appraisal 1946
services. An appraisal management company shall not avoid the 1947
requirements of this division by requiring an employee of the 1948
appraisal management company, who is an appraiser, to sign the 1949
appraisal that has been completed by an appraiser that is part 1950
of the appraisal panel for the appraisal management company. 1951

(5) Any appraiser engaged in mass appraisal services under 1952
the direction of the tax commissioner or a county auditor. 1953

Sec. 4768.03. The real estate appraiser board shall do all 1954
of the following: 1955

(A) Adopt rules, in accordance with Chapter 119. of the 1956

<u>Revised Code in furtherance of this chapter, including, but not</u>	1957
<u>limited to, all of the following:</u>	1958
<u>(1) Procedures for criminal records checks that are</u>	1959
<u>required under section 4768.06 of the Revised Code, in</u>	1960
<u>accordance with division (K) of section 121.08 and division (C)</u>	1961
<u>of section 4768.06 of the Revised Code;</u>	1962
<u>(2) The following nonrefundable fees:</u>	1963
<u>(a) The initial appraisal management company license fee,</u>	1964
<u>which shall not exceed two thousand dollars;</u>	1965
<u>(b) The annual renewal fee, which shall not exceed two</u>	1966
<u>thousand dollars;</u>	1967
<u>(c) The late filing fee, which shall not exceed one</u>	1968
<u>thousand dollars, for the renewal of a license under division</u>	1969
<u>(C) of section 4768.07 of the Revised Code.</u>	1970
<u>(3) Requirements for settlement agreements that the</u>	1971
<u>superintendent of real estate and professional licensing and an</u>	1972
<u>appraisal management company or other person may enter into</u>	1973
<u>under division (H) of section 4768.13 or division (C) of section</u>	1974
<u>4768.14 of the Revised Code;</u>	1975
<u>(4) Presumptions of compliance with regard to the</u>	1976
<u>customary and reasonable fees required under division (B) of</u>	1977
<u>section 4768.12 of the Revised Code. In adopting rules under</u>	1978
<u>division (A) (4) of this section, the board shall consider</u>	1979
<u>presumptions of compliance promulgated for the same purpose</u>	1980
<u>under the federal "Truth in Lending Act," 82 Stat. 146, 15</u>	1981
<u>U.S.C. 1631 et seq.;</u>	1982
<u>(5) Rules regarding consent to service of process for</u>	1983
<u>appraisal management companies in accordance with division (A)</u>	1984

<u>(6) of section 4768.06 of the Revised Code.</u>	1985
<u>(B) Determine the appropriate disciplinary actions to be taken against a person, including a licensee, under section 4768.13 of the Revised Code;</u>	1986 1987 1988
<u>(C) Hear appeals, pursuant to Chapter 119. of the Revised Code, from decisions and orders that the superintendent issues pursuant to this chapter;</u>	1989 1990 1991
<u>(D) Request that the superintendent initiate an investigation of a violation of this chapter or the rules adopted under it, as the board determines appropriate.</u>	1992 1993 1994
<u>Sec. 4768.04. (A) The superintendent of real estate and professional licensing shall do all of the following:</u>	1995 1996
<u>(1) Prescribe the form and content of all applications required by this chapter;</u>	1997 1998
<u>(2) Receive applications for licenses and renewal thereof under this chapter and establish the procedures for processing, approving, and disapproving those applications;</u>	1999 2000 2001
<u>(3) Retain records and all application materials submitted to the superintendent;</u>	2002 2003
<u>(4) Issue licenses and maintain a register of the names and addresses of all appraisal management companies issued a license under this chapter;</u>	2004 2005 2006
<u>(5) Perform any other functions and duties, including the employment of staff, necessary to administer this chapter;</u>	2007 2008
<u>(6) Administer this chapter;</u>	2009
<u>(7) Issue all orders necessary to implement this chapter;</u>	2010
<u>(8) Investigate complaints, upon the motion of the</u>	2011

superintendent of real estate and professional licensing or upon receipt of a complaint, or at the request of the real estate appraiser board, concerning any violation of this chapter or the rules adopted pursuant thereto or the conduct of any person holding a license issued pursuant to this chapter; 2012
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(9) 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 of real estate and professional licensing, are appropriate to enforce this chapter. The investigators and auditors may review and audit the business records of licensees during normal business hours. The superintendent of real estate and professional licensing may utilize the investigators and auditors who are employed by the division of real estate and professional licensing for other related purposes. 2017
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(10) Appoint a hearing examiner for any proceeding under section 4768.13 or 4768.14 of the Revised Code; 2027
2028

(11) Make and transmit any reports, and collect and transmit any fees, that are required under section 1109(a) of the "Financial Institutions, Reform, Recovery, and Enforcement Act," as amended, 12 U.S.C. 3338(a). 2029
2030
2031
2032

(B) The superintendent of real estate and professional licensing may do any of the following: 2033
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(1) In connection with investigations and audits under division (A)(8) of this section, subpoena witnesses as provided in section 4768.05 of the Revised Code; 2035
2036
2037

(2) Apply to the appropriate court to enjoin any violation of this chapter. Upon a showing by the superintendent of real estate and professional licensing that any person has violated 2038
2039
2040

or is about to violate this chapter, the court shall grant an 2041
injunction, restraining order, or other appropriate relief, or 2042
any combination thereof; 2043

(3) In conjunction with the enforcement of this chapter, 2044
when the superintendent of real estate and professional 2045
licensing has reasonable cause to believe that any owner or 2046
controlling person of a licensee has committed a criminal 2047
offense, the superintendent of real estate and professional 2048
licensing may request the superintendent of the bureau of 2049
criminal identification and investigation to conduct a criminal 2050
records check of the owner or controlling person. The 2051
superintendent of the bureau of criminal identification and 2052
investigation shall obtain information from the federal bureau 2053
of investigation as part of the criminal records check of the 2054
owner or controlling person. The superintendent of real estate 2055
and professional licensing may assess the licensee a fee equal 2056
to the fee assessed for the criminal records check. 2057

(C) (1) The following information and documents are 2058
confidential and not public records under section 149.43 of the 2059
Revised Code: 2060

(a) All information that is obtained by investigators and 2061
auditors performing investigations or conducting inspections, 2062
audits, and other inquiries pursuant to divisions (A) (8) and (9) 2063
of this section; 2064

(b) All reports, documents, and other work products that 2065
arise from the information described in division (C) (1) (a) of 2066
this section and that are prepared by the investigators, 2067
auditors, or other personnel of the department of commerce. 2068

(2) The superintendent of real estate and professional 2069

licensing, the investigators and auditors, and other personnel 2070
of the department shall hold in confidence the information, 2071
reports, documents, and other work products described in 2072
division (C) (1) of this section. 2073

(3) Divisions (C) (1) and (2) of this section do not 2074
prevent the division from releasing information relating to 2075
licensees to the superintendent of financial institutions for 2076
purposes relating to the administration of sections 1322.01 to 2077
1322.12 of the Revised Code, to the commissioner of securities 2078
for purposes relating to Chapter 1707. of the Revised Code, to 2079
the superintendent of insurance for purposes relating to the 2080
administration of Chapter 3953. of the Revised Code, to the 2081
attorney general, or to law enforcement agencies and 2082
prosecutors. Information released by the division pursuant to 2083
division (C) (3) of this section remains confidential. 2084

Sec. 4768.05. The real estate appraiser board or the 2085
superintendent of real estate and professional licensing may 2086
compel, by order or subpoena, the attendance of witnesses to 2087
testify in relation to any matter over which the board or the 2088
superintendent has jurisdiction and that is the subject of the 2089
inquiry and investigation by the board or superintendent and may 2090
require the production of any book, paper, or document 2091
pertaining to such matter. For such purpose, the board or the 2092
superintendent has the same power as judges of county courts to 2093
administer oaths, compel the attendance of witnesses, and punish 2094
witnesses for refusal to testify. Service of the subpoena may be 2095
made by sheriffs or by certified mail, return receipt requested, 2096
and the subpoena shall be deemed served on the date delivery is 2097
made or the date the person refuses to accept delivery. Sheriffs 2098
or constables shall return such process and shall receive the 2099
same fees for doing so as are allowed for like service if 2100

service of the subpoena is made by sheriffs or constables. 2101
Witnesses shall receive, after their appearance before the board 2102
or the superintendent, the fees and mileage provided for under 2103
section 119.094 of the Revised Code. If two or more witnesses 2104
travel together in the same vehicle, the mileage fee shall be 2105
paid to only one of those witnesses, but the witnesses may agree 2106
to divide the fee amongst themselves in any manner. 2107

If any person fails to file any statement or report, obey 2108
any subpoena, give testimony, answer questions, or produce 2109
books, records, or papers as required by the board or the 2110
superintendent under this chapter, the board or the 2111
superintendent may apply to the court of common pleas of any 2112
county in the state setting forth the failure. Upon receiving 2113
such an application, the court may make an order awarding 2114
process of subpoena or subpoena duces tecum for the person to 2115
appear and testify before the board or the superintendent; order 2116
any person to give testimony and answer questions; and order any 2117
person to produce books, records, or papers, as required by the 2118
board or the superintendent. Upon the filing of such an order in 2119
the office of the clerk of the court of common pleas, the clerk, 2120
under the seal of the court, shall issue process or subpoena 2121
each day until the examination of the person is completed. The 2122
subpoena may contain a direction that the witness bring to the 2123
examination any books, records, or papers described in the 2124
subpoena. The clerk also shall issue, under the seal of the 2125
court, such other orders, in reference to the examination, 2126
appearance, and production of books, records, or papers, as the 2127
court directs. If any person summoned by subpoena fails to obey 2128
the subpoena, to give testimony, to answer questions as 2129
required, or to obey an order of the court, the court, on motion 2130
supported by proof, may order an attachment for contempt to be 2131

issued against the person charged with disobedience of the 2132
order. If the person is brought before the court by virtue of 2133
the attachment, and if upon a hearing the disobedience appears, 2134
the court may order the offender to be committed and kept in 2135
close custody. 2136

Sec. 4768.06. (A) To obtain an appraisal management 2137
company license, each applicant shall submit all of the 2138
following to the superintendent of real estate and professional 2139
licensing: 2140

(1) A completed application on a form the superintendent 2141
provides; 2142

(2) The name of a controlling person who will be the main 2143
contact between the appraisal management company and the 2144
division of real estate and professional licensing and the real 2145
estate appraiser board; 2146

(3) Payment of the fee established for initial licensure 2147
under division (A) (2) of section 4768.03 of the Revised Code; 2148

(4) A list of all owners and controlling persons of the 2149
appraisal management company; 2150

(5) A statement that each owner and controlling person of 2151
the appraisal management company satisfies the requirements set 2152
forth in divisions (B) (1) to (4) of this section; 2153

(6) A completed consent to service of process in this 2154
state as prescribed by rule of the real estate appraiser board; 2155

(7) A statement that the applicant understands the grounds 2156
for any disciplinary action that may be initiated under this 2157
chapter; 2158

(8) The name of each state in which the appraisal 2159

management company holds an appraisal management company 2160
license, certificate, or registration and affirmation that the 2161
applicant is in good standing in each state where the applicant 2162
holds a license, certificate, or registration; 2163

(9) A statement that the applicant acknowledges that a 2164
system or process must be in place to verify that any appraiser 2165
added to the appraisal management company's appraiser panel for 2166
the purpose of performing real estate appraisal services in this 2167
state holds a license or certificate under Chapter 4763. of the 2168
Revised Code and is in good standing with this state; 2169

(10) A statement that the applicant acknowledges that a 2170
system or process must be in place to review the work of 2171
appraisers who are performing real estate appraisal services for 2172
compliance with the uniform standards of professional appraisal 2173
practice; 2174

(11) A statement that the applicant acknowledges that a 2175
system or process must be in place to verify that any employee 2176
of, or independent contractor to, the appraisal management 2177
company that performs an appraisal review shall be an appraiser 2178
licensed or certified pursuant to Chapter 4763. of the Revised 2179
Code, provided the property that is the subject of the appraisal 2180
is located in this state; 2181

(12) A statement that the applicant acknowledges that the 2182
controlling person who will be the main contact between the 2183
appraisal management company and the division of real estate and 2184
professional licensing and the real estate appraiser board 2185
described in division (A) (2) of this section has successfully 2186
completed fifteen hours of uniform standards of professional 2187
appraisal practice and thereafter must complete seven hours of 2188
instruction in uniform standards of professional appraisal 2189

practice at least once every two years; 2190

(13) A statement that the applicant acknowledges that a 2191
system or process must be in place to disclose to its client the 2192
actual fees paid to an appraiser for appraisal services 2193
separately from any other fees or charges for appraisal 2194
management services; 2195

(14) A statement that the applicant acknowledges that a 2196
system or process must be in place to disclose the license, 2197
certificate, or registration number of the appraisal management 2198
company on each engagement letter used in assigning an appraisal 2199
request for real estate appraisal assignments within the state; 2200

(15) A statement that the applicant acknowledges that it 2201
is required to report suspected violations of Chapter 4763. of 2202
the Revised Code by a person licensed, registered, or certified 2203
under that chapter; 2204

(16) A statement that the applicant acknowledges that the 2205
real estate appraiser board or the superintendent may require 2206
the applicant to submit to an audit, conducted by staff of the 2207
division of real estate and professional licensing, of the 2208
applicant's operations or books; 2209

(17) A statement that the applicant acknowledges that it 2210
is required to comply with section 129e of the "Truth in Lending 2211
Act," 82 Stat. 146, 15 U.S.C. 1639e. 2212

(B) Each owner and controlling person of an appraisal 2213
management company shall satisfy all of the following criteria: 2214

(1) Be an individual who is at least eighteen years of 2215
age; 2216

(2) Have graduated the twelfth grade or received a 2217

certificate of high school equivalence as defined in section 2218
4109.06 of the Revised Code; 2219

(3) Be honest, truthful, and of good moral character; 2220

(4) Have not had a license, certificate, or registration 2221
to act as an appraiser that has been refused, denied, canceled, 2222
surrendered, or revoked in this state or in any other state for 2223
a substantive reason. A designated controlling person may have 2224
had a license or certificate to act as an appraiser refused, 2225
denied, canceled, revoked, or surrendered in lieu of revocation 2226
in a state for a nonsubstantive reason if the license or 2227
certificate was subsequently granted or reinstated; 2228

(5) Submit to a criminal records check in accordance with 2229
this section and any rule that the superintendent adopts under 2230
division (A)(1) of section 4768.03 of the Revised Code. 2231

(C) Upon receiving an application under this section, the 2232
superintendent shall request the superintendent of the bureau of 2233
criminal identification and investigation, or a vendor approved 2234
by the bureau, to conduct a criminal records check based on the 2235
fingerprint impressions of each owner and controlling person of 2236
the applicant in accordance with division (A)(15) of section 2237
109.572 of the Revised Code. Notwithstanding division (K) of 2238
section 121.08 of the Revised Code, the superintendent of real 2239
estate and professional licensing shall request that the 2240
superintendent of the bureau of criminal identification and 2241
investigation obtain criminal record information from the 2242
federal bureau of investigation be obtained as part of the 2243
criminal records check. Any fee required under division (C)(3) 2244
of section 109.572 of the Revised Code shall be paid by the 2245
applicant. 2246

(D) (1) Subject to section 4768.08 of the Revised Code and 2247
except as provided in division (D) (2) of this section, the 2248
superintendent shall issue a license to the applicant if the 2249
applicant and each owner and controlling person of the applicant 2250
satisfies the requirements of this section. 2251

(2) The superintendent shall not issue a license to an 2252
applicant if any owner or controlling person of the applicant 2253
has been convicted of or pleaded guilty or no contest to a 2254
felony. However, if an owner or controlling person of the 2255
applicant has pleaded guilty or no contest to or been convicted 2256
of a felony, the superintendent shall not consider the 2257
conviction or plea if the person has proven to the 2258
superintendent, by a preponderance of the evidence, that the 2259
person's activities and employment record since the conviction 2260
or plea show that the person is honest, truthful, and of good 2261
moral character, and there is no basis in fact for believing 2262
that the person will commit a felony again. 2263

(E) A license issued under this section shall be valid for 2264
one year after the date of issue. 2265

Sec. 4768.07. (A) An appraisal management company licensed 2266
under this chapter may obtain a renewal license by filing an 2267
annual renewal application with the superintendent of real 2268
estate and professional licensing and paying the renewal fee 2269
established under division (A) (2) of section 4768.03 of the 2270
Revised Code. The renewal application shall include a statement, 2271
signed by the licensee's controlling person, that states all of 2272
the following: 2273

(1) The licensee has a system or process in place to 2274
verify that any appraiser added to the appraisal management 2275
company's appraiser panel for the purpose of performing real 2276

estate appraiser services in this state holds a license or 2277
certificate under Chapter 4763. of the Revised Code and is in 2278
good standing with this state. 2279

(2) The licensee has a system or process in place to 2280
review the work of appraisers who are performing real estate 2281
appraisal services for compliance with the uniform standards of 2282
professional appraisal practice. 2283

(3) The controlling person of the licensee who is the main 2284
contact between the appraisal management company and the 2285
division of real estate and professional licensing and the real 2286
estate appraiser board described in division (A) (2) of section 2287
4768.06 of the Revised Code has successfully completed an 2288
initial fifteen hours of uniform standards of professional 2289
appraisal practice and thereafter completes seven hours of 2290
instruction in uniform standards of professional appraisal 2291
practice at least once every two years. 2292

(4) The licensee has a system or process in place to 2293
disclose to its client the actual fees paid to an appraiser for 2294
appraisal services separately from any other fees or charges for 2295
appraisal management services. 2296

(5) The licensee has a system or process in place to 2297
disclose the license, certificate, or registration number of the 2298
appraisal management company on each engagement letter used in 2299
assigning an appraisal request for real estate appraisal 2300
assignments within the state. 2301

(6) Each owner and controlling person of the licensee 2302
continues to satisfy the requirements provided for under 2303
divisions (B) (1) to (4) of section 4768.06 of the Revised Code; 2304

(7) The licensee acknowledges that it is required to 2305

report suspected violations of Chapter 4763. of the Revised Code 2306
by a person licensed, registered, or certified under that 2307
chapter; 2308

(8) The licensee acknowledges that the real estate 2309
appraiser board or the superintendent may require the licensee 2310
to submit to an audit, conducted by the staff of the division of 2311
real estate and professional licensing, of the applicant's 2312
operations or books; 2313

(9) The licensee acknowledges that it is required to 2314
comply with section 129e of the "Truth in Lending Act," 82 Stat. 2315
146, 15 U.S.C. 1639e. 2316

(B) The licensee shall file the renewal application at 2317
least thirty days, but not earlier than one hundred twenty days, 2318
prior to expiration of the license. Subject to section 4768.08 2319
of the Revised Code, the superintendent shall renew the license 2320
if the applicant has complied with division (A) of this section. 2321
Each license renewed under this section shall expire one year 2322
after the date of renewal. 2323

(C) A licensee who fails to renew a license prior to its 2324
expiration is ineligible to obtain a renewal license and shall 2325
comply with section 4768.06 of the Revised Code to regain 2326
licensure, except that a licensee may, within three months after 2327
the expiration of the license, renew the license without having 2328
to comply with section 4768.06 of the Revised Code by paying all 2329
the renewal fees and the late filing fee established under 2330
division (A) (2) of section 4768.03 of the Revised Code. A 2331
licensee who applies for late renewal of the licensee's license 2332
shall not engage in any activities permitted by the license 2333
being renewed during the three-month period following the 2334
license's normal expiration date until all renewal fees and the 2335

late filing fee have been paid. 2336

Sec. 4768.08. The superintendent of real estate and 2337
professional licensing may refuse to issue a license to an 2338
applicant under this chapter based upon any act or omission for 2339
which a person, including a licensee, may be disciplined under 2340
division (K) of section 4768.13 of the Revised Code or may 2341
refuse to renew a license if the licensee has failed to comply 2342
with this chapter. If the superintendent refuses to issue or 2343
renew a license under this section, the superintendent shall 2344
notify the applicant or the licensee of the basis for the 2345
refusal. The notice shall comply with division (N) of section 2346
4768.13 of the Revised Code, and the hearing shall be conducted 2347
in accordance with Chapter 119. of the Revised Code. An 2348
applicant or licensee may appeal the superintendent's decision 2349
to the real estate appraiser board, which shall provide the 2350
applicant or licensee with the opportunity to be heard in person 2351
or by counsel, or both. The decision and order of the board is 2352
final, subject to review in the manner provided in Chapter 119. 2353
of the Revised Code and appeal to the court of common pleas of 2354
Franklin county. 2355

Sec. 4768.09. (A) Except within the first thirty days 2356
after an appraiser is first added to the appraiser panel of an 2357
appraisal management company, an appraisal management company 2358
shall not remove the appraiser from its appraiser panel or 2359
otherwise refuse to assign requests for real estate appraisal 2360
services to the appraiser without first doing both of the 2361
following: 2362

(1) Notifying the appraiser in writing of the reasons the 2363
appraiser is being removed from the appraiser panel or is 2364
refused assignment requests for appraisal services; 2365

(2) Providing the appraiser with an opportunity to respond 2366
to that notification, in writing, within ten business days after 2367
the appraisal management company sends the removal notification. 2368

(B) The notice described in division (A)(1) of this 2369
section shall be sent by a delivery system that delivers 2370
letters, packages, and other materials in its ordinary course of 2371
business with traceable delivery and signature receipt. An 2372
appraisal management company that sends such notice shall keep a 2373
copy of the notice for at least five years from the date the 2374
notice is sent to the appraiser. 2375

(C) Nothing in this section prohibits an appraisal 2376
management company from suspending an appraiser from receiving 2377
assignment requests during the period described in division (A) 2378
(2) of this section. 2379

Sec. 4768.10. (A) Each appraisal management company 2380
licensed under this chapter shall maintain all of the following 2381
items for a period of at least five years from the date the 2382
appraisal report is submitted to the client: 2383

(1) The original or true copy of every request relating to 2384
the report that the appraisal management company receives from 2385
the client; 2386

(2) The original or true copy of each request sent to an 2387
appraiser who is considered for the assignment; 2388

(3) Copies of the appraisal report and all versions of 2389
that report. 2390

(B) An appraisal management company shall include all of 2391
the following information in each appraisal assignment file: 2392

(1) The name and contact information of both the appraisal 2393

management company and the individual from the appraisal 2394
management company involved in ordering the appraisal or, if the 2395
assignment is generated by an automated system, the name of that 2396
system; 2397

(2) The amount of any fee paid to the appraiser for each 2398
assignment included in the appraisal assignment file and the 2399
time and method of payment; 2400

(3) Details of all communications between the appraisal 2401
management company, the appraiser, and the client for each 2402
appraisal assignment included in the appraisal assignment file. 2403

Sec. 4768.11. (A) No employee, director, officer, or agent 2404
of an appraisal management company licensed under this chapter 2405
shall recklessly influence or attempt to influence the 2406
development, reporting, or review of an appraisal through 2407
coercion, extortion, collusion, compensation, instruction, 2408
inducement, intimidation, bribery, or in any other manner, 2409
including the following: 2410

(1) Withholding or threatening to withhold timely payment 2411
for appraisal services rendered when the appraisal report or 2412
services rendered are provided in accordance with a contract 2413
between the parties; 2414

(2) Withholding or threatening to withhold future business 2415
for an appraiser, or demoting or threatening to demote an 2416
appraiser, or terminating the relationship with or threatening 2417
to terminate the relationship with an appraiser; 2418

(3) Expressly or impliedly promising future business, 2419
promotions, or increased compensation for an appraiser; 2420

(4) Conditioning the assignment of an appraisal or the 2421
payment of an appraisal fee, salary, or bonus, on the opinion, 2422

conclusion, or valuation to be reached by, or on a preliminary 2423
estimate or opinion requested from, an appraiser; 2424

(5) Requesting that an appraiser provide an estimated, 2425
predetermined, or desired valuation in an appraisal report, or 2426
provide estimated values or comparable sales at any time prior 2427
to the appraiser's completion of an appraisal; 2428

(6) Providing to an appraiser an anticipated, estimated, 2429
encouraged, or desired value for a subject property or a 2430
proposed or target amount to be loaned to the borrower, except 2431
that the employee, director, officer, or agent of an appraisal 2432
management company may provide the appraiser with a copy of the 2433
sales contract for purchase transactions; 2434

(7) Providing stock or other financial or nonfinancial 2435
benefits to an appraiser or any person related to the appraiser; 2436

(8) Any other act or practice that impairs, or attempts to 2437
impair, an appraiser's independence, objectivity, or 2438
impartiality; 2439

(9) Obtaining, using, or paying for a second or subsequent 2440
appraisal or ordering an automated valuation model in connection 2441
with a mortgage financing transaction, unless any of the 2442
following are true: 2443

(a) There is a reasonable basis to believe that the 2444
initial appraisal was flawed or tainted and such basis is 2445
clearly and appropriately noted in the loan file. 2446

(b) The appraisal or automated valuation model is done 2447
pursuant to a bona fide pre- or post-funding appraisal review or 2448
quality control process. 2449

(c) A second appraisal is required under state or federal 2450

<u>law.</u>	2451
<u>(10) Allowing the removal of an appraiser from the</u>	2452
<u>appraisal management company's appraiser panel without prior</u>	2453
<u>written notice as required under section 4768.09 of the Revised</u>	2454
<u>Code;</u>	2455
<u>(11) Requiring an appraiser to indemnify the appraisal</u>	2456
<u>management company against liability, damages, losses, or claims</u>	2457
<u>other than those liabilities, damages, losses, or claims arising</u>	2458
<u>out of the services performed by the appraiser, including</u>	2459
<u>performance or nonperformance of the appraiser's duties and</u>	2460
<u>obligation, whether as a result of negligence or willful</u>	2461
<u>misconduct;</u>	2462
<u>(12) Requiring an appraiser to perform an appraisal</u>	2463
<u>assignment if the appraiser declines the assignment and informs</u>	2464
<u>the appraisal management company that the appraiser is not</u>	2465
<u>competent to perform the appraisal assignment and the appraiser</u>	2466
<u>declines to acquire the necessary competency to perform the</u>	2467
<u>assignment;</u>	2468
<u>(13) Requiring an appraiser who has notified the appraisal</u>	2469
<u>management company and declined the assignment to prepare an</u>	2470
<u>appraisal under a time frame that the appraiser, in the</u>	2471
<u>appraiser's own professional judgment, believes does not afford</u>	2472
<u>the appraiser the ability to meet all the relevant legal and</u>	2473
<u>professional obligations.</u>	2474
<u>(B) Nothing in division (A) of this section shall be</u>	2475
<u>construed as prohibiting an appraisal management company from</u>	2476
<u>requesting that an appraiser do any of the following:</u>	2477
<u>(1) Consider additional, appropriate property information,</u>	2478
<u>including the consideration of additional comparable properties,</u>	2479

<u>to make or support an appraisal;</u>	2480
<u>(2) Provide further detail, substantiation, or explanation</u>	2481
<u>for the appraiser's value conclusion;</u>	2482
<u>(3) Correct objective factual errors in an appraisal</u>	2483
<u>report.</u>	2484
<u>(C) No appraisal management company shall recklessly</u>	2485
<u>alter, modify, or otherwise change a completed appraisal report</u>	2486
<u>submitted by an appraiser, except that the format of the</u>	2487
<u>appraisal report may be modified solely for the purpose of</u>	2488
<u>transmission.</u>	2489
<u>(D) Each appraisal management company shall require that</u>	2490
<u>appraisals be conducted independently and free from</u>	2491
<u>inappropriate influence and coercion pursuant to the appraisal</u>	2492
<u>independence standards established under section 129e of the</u>	2493
<u>"Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1639e.</u>	2494
<u>Sec. 4768.12.</u> (A) <u>An appraisal management company licensed</u>	2495
<u>under this chapter shall compensate an appraiser for the</u>	2496
<u>completion of an appraisal within sixty days of the date on</u>	2497
<u>which the appraiser transmits or otherwise provides the</u>	2498
<u>completed appraisal to the appraisal management company or its</u>	2499
<u>assignees, except in cases of breach of contract or substandard</u>	2500
<u>performance of services.</u>	2501
<u>(B) (1) An appraisal management company licensed under this</u>	2502
<u>chapter shall compensate each appraiser who performs appraisal</u>	2503
<u>services for the appraisal management company in accordance with</u>	2504
<u>the appraisal independence standards established under section</u>	2505
<u>129e of the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C.</u>	2506
<u>1639e.</u>	2507
<u>(2) In the case of an appraisal involving a complex</u>	2508

assignment, the customary and reasonable fee may reflect the 2509
increased time, difficulty, and scope of the work required for 2510
the appraisal, and may include an amount over and above the 2511
customary and reasonable fee for noncomplex assignments. 2512

Sec. 4768.13. (A) Within ten business days after a person 2513
files with the division of real estate and professional 2514
licensing a written complaint against a person licensed under 2515
this chapter or any other person, the superintendent of real 2516
estate and professional licensing shall acknowledge receipt of 2517
the complaint by sending notice to the person against whom the 2518
complaint is filed that includes a copy of the complaint. That 2519
notice and the acknowledgment to the complainant may state that 2520
an informal mediation meeting will be held with the complainant, 2521
the person against whom the complaint is filed, and an 2522
investigator from the investigation and audit section of the 2523
division, if the complainant and person both file a request for 2524
such a meeting within twenty calendar days after the 2525
acknowledgment and notice are mailed. 2526

(B) If the complainant and the person against whom the 2527
complaint is filed both file with the division requests for an 2528
informal mediation meeting, the superintendent shall notify the 2529
complainant and the person of the date, time, and place of the 2530
meeting by regular mail. If the complainant and the person reach 2531
an accommodation at an informal mediation meeting, the 2532
investigator shall report the accommodation to the 2533
superintendent, the complainant, and the person against whom the 2534
complaint is filed and the file shall be closed upon the 2535
superintendent receiving satisfactory notice that the 2536
accommodation agreement has been fulfilled. 2537

(C) If the complainant and the person against whom the 2538

complaint is filed fail to agree to an informal mediation 2539
meeting, fail to reach an accommodation agreement, or fail to 2540
fulfill an accommodation agreement, the superintendent shall 2541
assign the complaint to an investigator for an investigation 2542
into the conduct of the person against whom the complaint is 2543
filed. 2544

(D) Upon the conclusion of the investigation, the 2545
investigator shall file a written report of the results of the 2546
investigation with the superintendent. The superintendent shall 2547
review the report and determine whether there exists reasonable 2548
and substantial evidence to justify disciplinary action against 2549
the person on a ground described in division (K) of this 2550
section. 2551

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

notify the complainant and the person against whom the complaint 2570
is filed within ten business days thereafter. If the board 2571
reverses the determination of the superintendent, a hearing 2572
before a hearing examiner shall be held, and the complainant and 2573
the person against whom the complaint is filed shall be notified 2574
as provided in division (N) of this section. 2575

(F) If the superintendent finds that reasonable and 2576
substantial evidence to justify disciplinary action against the 2577
person on a ground described in division (K) of this section 2578
does exist, the superintendent shall notify that person and the 2579
complainant of the determination. The person against whom the 2580
complaint is filed may request a hearing pursuant to Chapter 2581
119. of the Revised Code. If a formal hearing is to be 2582
conducted, the superintendent shall appoint a hearing examiner 2583
to conduct the hearing in accordance with that chapter. 2584

(G) In accordance with section 119.09 of the Revised Code, 2585
after conducting a hearing, the hearing examiner shall submit a 2586
report of findings of fact and conclusions of law with the 2587
superintendent, the board, the complainant, and the person 2588
against whom the complaint is filed. Within ten calendar days of 2589
receipt of the copy of the hearing examiner's report, the person 2590
against whom the complaint is filed and the division may file 2591
with the board objections to the hearing examiner's report, 2592
which shall be considered by the board before approving, 2593
modifying, or rejecting the hearing examiner's report. The board 2594
may hear the testimony of the complainant and the person against 2595
whom the complaint is filed upon request of those parties. 2596

(H) At any time after the superintendent notifies a person 2597
against whom the complaint is filed of the superintendent's 2598
determination in accordance with division (F) of this section 2599

but before a hearing is held on the matter, the person may apply 2600
to the superintendent to enter into a settlement agreement 2601
regarding the alleged violation. The superintendent and the 2602
person shall comply with the requirements for settlement 2603
agreements established by rules adopted by the board under 2604
division (A) (3) of section 4768.03 of the Revised Code. If the 2605
parties enter into the settlement agreement, the hearing before 2606
the hearing examiner shall be postponed, and the board shall 2607
review the settlement agreement at its next regularly scheduled 2608
meeting. If the board disapproves the settlement agreement, the 2609
hearing before the hearing examiner shall be rescheduled. 2610

(I) If, after review of the hearing examiner's report or 2611
the settlement agreement, the board determines that a ground for 2612
disciplinary action that is described in division (K) of this 2613
section exists against a person, the board shall order the 2614
disciplinary action the board considers appropriate, which may 2615
include any of the following: 2616

(1) Reprimand of the person, if licensed under this 2617
chapter; 2618

(2) Imposition of a fine, not exceeding twenty-five 2619
thousand dollars per violation; 2620

(3) Suspension of a license issued under this chapter for 2621
a specific period of time; 2622

(4) Revocation of a license issued under this chapter. 2623

If the board approved a settlement agreement entered into 2624
pursuant to division (H) of this section in relation to the 2625
ground for disciplinary action, the disciplinary action shall 2626
not be inconsistent with that settlement agreement. 2627

(J) The decision and order of the board is final, subject 2628

to review in the manner provided for in Chapter 119. of the 2629
Revised Code and appeal to the court of common pleas of Franklin 2630
county. 2631

(K) The board may take any disciplinary action authorized 2632
by division (I) of this section against any person, including an 2633
appraisal management company licensed under this chapter, to 2634
which any of the following grounds apply: 2635

(1) The person procured or attempted to procure a license 2636
under this chapter by knowingly making a false statement, 2637
submitting false information, refusing to provide complete 2638
information in response to a question in an application for 2639
licensure, or by any means of fraud or misrepresentation. 2640

(2) The person paid, or attempted to pay, anything of 2641
value, other than the fees or assessments required by this 2642
chapter, to any member or employee of the board for the purpose 2643
of procuring a license under this chapter. 2644

(3) The person offered, performed, or otherwise provided 2645
appraisal management services, without a license issued under 2646
this chapter, under a business structure that was designed to 2647
circumvent the requirements and prohibitions of this chapter. 2648

(4) The person violated section 4768.09 of the Revised 2649
Code. 2650

(5) The person violated section 4768.11 of the Revised 2651
Code. 2652

(6) The person violated section 4768.12 of the Revised 2653
Code. 2654

(7) The person failed to provide copies of records to the 2655
superintendent as required under this chapter or failed to 2656

maintain records, or include certain information in the 2657
appraisal assignment file, as required under section 4768.10 of 2658
the Revised Code. 2659

(8) Entry of final judgment exists against a person 2660
licensed under this chapter on the grounds of fraud, deceit, 2661
misrepresentation, or coercion in the making of any appraisal of 2662
real estate. 2663

(9) The person failed to provide notice to the board as 2664
required in division (M) of this section. 2665

(10) The person failed to assist the superintendent in the 2666
investigation of complaints under division (A)(8) of section 2667
4768.04 of the Revised Code. 2668

(11) The license, certificate, or registration of the 2669
appraisal management company that was issued by another state 2670
was revoked or surrendered for a substantive reason. An 2671
appraisal management company may have had a license, 2672
certificate, or registration refused, denied, canceled, revoked, 2673
or surrendered in lieu of revocation in a state for a 2674
nonsubstantive reason if the license, certificate, or 2675
registration was subsequently granted or reinstated. 2676

(12) If the person is an appraisal management company 2677
licensed under this chapter, the person failed to provide 2678
written notice to the division within fifteen days of changing 2679
the controlling person who is designated as the appraisal 2680
management company's main contact under division (A)(2) of 2681
section 4768.06 of the Revised Code. 2682

(13) If the person is an appraisal management company 2683
licensed under this chapter, the person entered into a contract 2684
or an agreement with an appraiser who is not licensed or 2685

certified under Chapter 4763. of the Revised Code for the 2686
performance of real estate appraisal services. 2687

(14) If the person is an appraisal management company 2688
licensed under this chapter, the person failed to verify that an 2689
appraiser added to the appraisal management company's appraiser 2690
panel is a licensed or certified appraiser under Chapter 4763. 2691
of the Revised Code who is in good standing with this state. 2692

(15) If the person is an appraisal management company 2693
licensed under this chapter, the person failed to require that 2694
appraisals coordinated by the appraisal management company 2695
comply with the uniform standards of professional appraisal 2696
practice. 2697

(16) An owner or controlling person of an appraisal 2698
management company was convicted of or pleaded guilty to a 2699
felony. 2700

(L) Failure of a person, including a licensee under this 2701
chapter, to comply with a subpoena issued under division (B) (1) 2702
of section 4768.04 of the Revised Code is prima facie evidence 2703
of a violation of division (K) (7) of this section. 2704

(M) A licensee shall notify the board within thirty days 2705
of any state agency's issuance of an order revoking or 2706
permanently surrendering any professional appraisal management 2707
company license, certificate, or registration issued by any 2708
public entity other than the division. 2709

(N) Except as otherwise provided, all notices, written 2710
reports, and determinations issued pursuant to this section 2711
shall be mailed via certified mail, return receipt requested. If 2712
the notice, written report, or determination is returned because 2713
of failure of delivery or was unclaimed, the notice, written 2714

report, or determination shall be deemed served if the 2715
superintendent sends the notice, written report, or 2716
determination via regular mail and obtains a certificate of 2717
mailing of the notice, written report, or determination. Refusal 2718
of delivery by personal service or by mail is not failure of 2719
delivery and service is deemed to be complete. 2720

Sec. 4768.14. (A) Upon receipt of a written complaint or 2721
upon the superintendent of real estate and professional 2722
licensing's own motion, the superintendent may investigate any 2723
person that allegedly violated division (A) (1) of section 2724
4768.02 of the Revised Code. 2725

(B) If, after investigation, the superintendent determines 2726
there exists reasonable evidence of a violation of division (A) 2727
(1) of section 4768.02 of the Revised Code, within fourteen 2728
business days after that determination, the superintendent shall 2729
send the party who is the subject of the investigation a written 2730
notice, by regular mail, that includes all of the following 2731
information: 2732

(1) A description of the activity in which the party 2733
allegedly is engaging or has engaged that is a violation of 2734
division (A) (1) of section 4768.02 of the Revised Code; 2735

(2) The applicable law allegedly violated; 2736

(3) A statement informing the party that a hearing 2737
concerning the alleged violation will be held before a hearing 2738
examiner, and a statement giving the date and place of that 2739
hearing; 2740

(4) A statement informing the party that the party or the 2741
party's attorney may appear in person at the hearing and present 2742
evidence and examine witnesses appearing for and against the 2743

party, or the party may submit written testimony stating any 2744
positions, arguments, or contentions. 2745

(C) At any time after the superintendent notifies a person 2746
of the superintendent's determination in accordance with 2747
division (B) of this section but before a hearing is held on the 2748
matter, the person may apply to the superintendent to enter into 2749
a settlement agreement regarding the alleged violation. The 2750
superintendent and the person shall comply with the requirements 2751
for settlement agreements established by rules adopted by the 2752
board under division (A) (3) of section 4768.03 of the Revised 2753
Code. If the parties enter into the settlement agreement, the 2754
hearing before the hearing examiner shall be postponed and the 2755
board shall review the settlement agreement at its next 2756
regularly scheduled meeting. If the board disapproves the 2757
settlement agreement, the hearing before the hearing examiner 2758
shall be rescheduled. 2759

(D) The hearing examiner shall hear the testimony of all 2760
parties present at the hearing and consider any written 2761
testimony submitted pursuant to division (B) (4) of this section. 2762
At the conclusion of the hearing, the hearing examiner shall 2763
determine if there has been a violation of division (A) (1) of 2764
section 4768.02 of the Revised Code. 2765

(E) After the conclusion of formal hearings, the hearing 2766
examiner shall file with the superintendent, the real estate 2767
appraiser board, the complainant, and the parties a written 2768
report setting forth the examiner's findings of fact and 2769
conclusions of law and a recommendation of the action to be 2770
taken by the superintendent. Within ten days of receiving a copy 2771
of that report, the parties and the division of real estate and 2772
professional licensing may file with the board written 2773

objections to the report. The board shall consider the 2774
objections before approving, modifying, or disapproving the 2775
report. 2776

The board shall review the hearing examiner's report at 2777
the next regularly scheduled board meeting held at least fifteen 2778
business days after receipt of the hearing examiner's report. 2779
The board shall hear the testimony of the complainant or the 2780
parties. 2781

(F) After reviewing the hearing examiner's report pursuant 2782
to division (E) of this section, or after reviewing the 2783
settlement agreement pursuant to division (C) of this section, 2784
the board shall decide whether to impose sanctions upon a party 2785
for a violation of division (A) (1) of section 4768.02 of the 2786
Revised Code. The board may assess a civil penalty in an amount 2787
it determines, not to exceed one thousand dollars per violation, 2788
not to exceed ten thousand dollars in aggregate. Each day a 2789
violation occurs or continues is a separate violation. The board 2790
shall determine the terms of payment. The board shall maintain a 2791
transcript of the proceedings of the hearing and issue a written 2792
opinion to all parties, citing its findings and grounds for any 2793
action taken. If the board approved a settlement agreement 2794
entered into pursuant to division (C) of this section in 2795
relation to the violation, the civil penalty shall not be 2796
inconsistent with that settlement agreement. 2797

(G) Civil penalties collected under this section shall be 2798
deposited in the real estate appraiser operating fund created 2799
under section 4763.15 of the Revised Code. 2800

(H) If a party fails to pay a civil penalty assessed 2801
pursuant to this section within the time prescribed by the 2802
board, the superintendent shall forward to the attorney general 2803

the name of the party and the amount of the civil penalty, for 2804
the purpose of collecting that civil penalty. The party shall 2805
pay the fee assessed by the attorney general for collection of 2806
the civil penalty in addition to the civil penalty assessed 2807
pursuant to this section in an amount not to exceed ten thousand 2808
dollars. 2809

Sec. 4768.15. The superintendent of real estate and 2810
professional licensing shall deposit all moneys collected under 2811
this chapter into the state treasury to the credit of the real 2812
estate appraiser operating fund created under section 4763.15 of 2813
the Revised Code. 2814

Sec. 4768.99. (A) Whoever violates division (A) (1), (2), 2815
(3), (4), (5), (6), (7), (8), or (9) or division (C) of section 2816
4768.11 of the Revised Code is guilty of a felony of the fifth 2817
degree. 2818

(B) Whoever violates division (A) (10), (11), (12), or (13) 2819
of section 4768.11 of the Revised Code is guilty of a 2820
misdemeanor of the first degree. 2821

Section 2. That existing sections 109.572, 121.08, 2822
4763.01, 4763.02, 4763.03, 4763.05, 4763.08, 4763.11, 4763.12, 2823
4763.13, 4763.14, 4763.15, 4763.17, and 4763.19 of the Revised 2824
Code are hereby repealed. 2825

Section 3. Nothing in this act shall affect the term of 2826
any member of the Real Estate Appraiser Board serving on the 2827
effective date of this act. 2828

Section 4. Division (A) (11) of section 4768.11 of the 2829
Revised Code as enacted by this act, applies to contracts 2830
entered into on or after the effective date of this act. 2831

Section 5. Sections 109.572, 121.08, 4763.01, 4763.02, 2832

4763.03, 4763.05, 4763.08, 4763.11, 4763.12, 4763.13, 4763.14, 2833
4763.15, 4763.17, 4763.19, 4768.01, 4768.02, 4768.04, 4768.05, 2834
4768.06, 4768.07, 4768.08, 4768.09, 4768.10, 4768.11, 4768.12, 2835
4768.13, 4768.14, 4768.15, and 4768.99 of the Revised Code, as 2836
amended or enacted by this act, shall take effect six months 2837
after the effective date of this act. 2838

Section 6. This act is hereby declared to be an emergency 2839
measure necessary for the immediate preservation of the public 2840
peace, health, and safety. The reason for such necessity is that 2841
the act's requirements for appraisal management companies and 2842
appraisers will economically protect citizens of this state, as 2843
well as ensure confidence in the property appraisal procedure. 2844
Therefore, this act shall go into immediate effect. 2845

Section 7. Section 109.572 of the Revised Code is 2846
presented in this act as a composite of the section as amended 2847
by both Sub. H.B. 523 and Am. Sub. S.B. 227 of the 131st General 2848
Assembly. The General Assembly, applying the principle stated in 2849
division (B) of section 1.52 of the Revised Code that amendments 2850
are to be harmonized if reasonably capable of simultaneous 2851
operation, finds that the composite is the resulting version of 2852
the section in effect prior to the effective date of the section 2853
as presented in this act. 2854