

**As Passed by the Senate**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 213**

**Representative Dever**

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

**Senators Coley, Eklund, Hoagland, O'Brien, Terhar**

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

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

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

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

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A) (2) (a) of this section. 79  
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(3) On receipt of a request pursuant to section 173.27, 173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, or 5123.169 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check of the person for whom the request is made. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) the date the person was found eligible for intervention in lieu of conviction: 83  
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(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 104  
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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 Code, accompanied by a completed form prescribed under division (C) (1) of this section and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

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

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

of the Revised Code, a completed form prescribed under division 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 shall:	926 927
(1) Adopt rules, in accordance with Chapter 119. of the Revised Code, in furtherance of this chapter, including, but not limited to, all of the following:	928 929 930
(a) Defining, with respect to state-certified general real estate appraisers, state-certified residential real estate appraisers, and state-licensed residential real estate appraisers, the type of educational experience, appraisal experience, and other equivalent experience that satisfy the requirements of this chapter. The rules shall require that all appraisal experience performed after January <del>1, 1996</del> <u>30, 1989</u> , meet the uniform standards of professional practice established by the appraisal foundation.	931 932 933 934 935 936 937 938 939
(b) Establishing the examination specifications for state-certified general real estate appraisers, state-certified residential real estate appraisers, and state-licensed residential real estate appraisers;	940 941 942 943
(c) Relating to disciplinary proceedings conducted in accordance with section 4763.11 of the Revised Code, including rules governing the reinstatement of certificates, registrations, and licenses that have been suspended pursuant to those proceedings;	944 945 946 947 948
(d) Identifying any additional information to be included on the forms specified in division (C) of section 4763.12 of the Revised Code, provided that the rules shall not require any less information than is required in that division;	949 950 951 952
(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	955
division (A) (2) of section 4763.05 of the Revised Code. The	956
board annually shall determine the amount due from each	957
applicant for an initial certificate, registration, and license	958
in an amount that will maintain the real estate appraiser	959
recovery fund at the level specified in division (A) of section	960
4763.16 of the Revised Code. The board may, if the fund falls	961
below that amount, require current certificate holders,	962
registrants, and licensees to pay an additional assessment.	963
(g) Defining the educational requirements pursuant to	964
division (C) of section 4763.05 of the Revised Code;	965
(h) Establishing a real estate appraiser assistant program	966
for the registration of real estate appraiser assistants.	967
(2) Prescribe by rule the requirements for the	968
examinations required by division (D) of section 4763.05 of the	969
Revised Code;	970
(3) Periodically review the standards for the development	971
and reporting of appraisal reports provided in this chapter and	972
adopt rules explaining and interpreting those standards;	973
(4) Hear appeals, pursuant to Chapter 119. of the Revised	974
Code, from decisions and orders the superintendent of real	975
estate issues pursuant to this chapter;	976
(5) Request the initiation by the superintendent of	977
investigations of violations of this chapter or the rules	978
adopted pursuant thereto, as the board determines appropriate;	979
(6) Determine the appropriate disciplinary actions to be	980
taken against certificate holders, registrants, and licensees	981
under this chapter as provided in section 4763.11 of the Revised	982
Code.	983

(B) In addition to any other duties imposed on the	984
superintendent of real estate under this chapter, the	985
superintendent shall:	986
(1) Prescribe the form and content of all applications	987
required by this chapter;	988
(2) Receive applications for certifications,	989
registrations, and licenses and renewal thereof under this	990
chapter and establish the procedures for processing, approving,	991
and disapproving those applications;	992
(3) Retain records and all application materials submitted	993
to the superintendent;	994
(4) Establish the time and place for conducting the	995
examinations required by division (D) of section 4763.05 of the	996
Revised Code;	997
(5) Issue certificates, registrations, and licenses and	998
maintain a register of the names and addresses of all persons	999
issued a certificate, registration, or license under this	1000
chapter;	1001
(6) Perform any other functions and duties, including the	1002
employment of staff, necessary to administer this chapter;	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	1007
board, concerning any violation of this chapter or the rules	1008
adopted pursuant thereto or the conduct of any person holding a	1009
certificate, registration, or license issued pursuant to this	1010
chapter;	1011

(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, 1041  
audits, and other inquiries pursuant to division (B)(10) of this 1042  
section, from certificate holders, registrants, licensees, 1043  
complainants, or other persons, and all reports, documents, and 1044  
other work products that arise from that information and that 1045  
are prepared by the investigators, auditors, or other personnel 1046  
of the department of commerce, shall be held in confidence by 1047  
the superintendent, the investigators and auditors, and other 1048  
personnel of the department. 1049

(E) This section does not prevent the division of real 1050  
estate and professional licensing from releasing information 1051  
relating to certificate holders, registrants, and licensees to 1052  
the superintendent of financial institutions for purposes 1053  
relating to the administration of sections 1322.01 to 1322.12 of 1054  
the Revised Code, to the commissioner of securities for purposes 1055  
relating to Chapter 1707. of the Revised Code, to the 1056  
superintendent of insurance for purposes relating to the 1057  
administration of Chapter 3953. of the Revised Code, to the 1058  
attorney general, or to ~~local~~-law enforcement agencies and ~~local~~- 1059  
prosecutors. Information released by the division pursuant to 1060  
this section remains confidential. 1061

(F) Any rule the boardadopts shall ~~not meet or~~ exceed the 1062  
requirements specified in federal law or regulations. 1063

**Sec. 4763.05.** (A)(1)(a) A person shall make application 1064  
for an initial state-certified general real estate appraiser 1065  
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 Revised Code shall be paid by the applicant.

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

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

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

or license shall be at least eighteen years of age, honest, 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 1159  
will comply with the standards set forth in this chapter; 1160

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

(c) A consent to service of process. 1165

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

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

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

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

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

(c) The board shall adopt rules relating to registration 1181  
for the temporary recognition of certification and licensure of 1182  
appraisers from another state. The registration for temporary 1183  
recognition of certified or licensed appraisers from another 1184  
state shall not authorize completion of more than one appraisal 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 appraiser," when issuing an appraisal report or in a contract or other instrument used in conducting real estate appraisal activities as required by section 4763.12 of the Revised Code. If a state-registered real estate appraiser assistant participated in the ~~development of an~~ appraisal or specialized service report, the certificate holder or licensee shall also place the registrant's name, registration number, and the title "state-registered real estate appraiser assistant" on the ~~appraisal or report~~.

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

(B) If the complainant and certificate holder, registrant, or licensee both file with the division requests for an informal mediation meeting, the superintendent shall notify the complainant and certificate holder, registrant, or licensee of the date of the meeting, by regular mail. If the complainant and certificate holder, registrant, or licensee reach an

accommodation at an informal mediation meeting, the investigator 1312  
shall report the accommodation to the superintendent, the 1313  
complainant, and the certificate holder, registrant, or licensee 1314  
and the complaint file shall be closed upon the superintendent 1315  
receiving satisfactory notice that the accommodation has been 1316  
fulfilled. 1317

(C) If the complainant and certificate holder, registrant, 1318  
or licensee fail to agree to an informal mediation meeting or 1319  
fail to reach an accommodation agreement, or fail to fulfill an 1320  
accommodation agreement, the superintendent shall assign the 1321  
complaint to an investigator for an investigation into the 1322  
conduct of the certificate holder, registrant, or licensee 1323  
against whom the complaint is filed. 1324

(D) Upon the conclusion of the investigation, the 1325  
investigator shall file a written report of the results of the 1326  
investigation with the superintendent. The superintendent shall 1327  
review the report and determine whether there exists reasonable 1328  
and substantial evidence of a violation of division (G) of this 1329  
section by the certificate holder, registrant, or licensee. 1330

(1) If the superintendent finds ~~such~~ evidence exists 1331  
showing a violation of division (G) of this section by a 1332  
certificate holder, registrant, or licensee, the superintendent 1333  
shall notify the complainant and certificate holder, registrant, 1334  
or licensee of the determination. The certificate holder, 1335  
registrant, or licensee may enter into a settlement agreement 1336  
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~~ In a criminal proceeding, being convicted in a 1463  
criminal proceeding for of or pleading guilty or no contest to 1464  
a felony ~~or~~; a crime involving moral turpitude; or a crime 1465  
involving theft, receiving stolen property, embezzlement, 1466  
forgery, fraud, passing bad checks, money laundering, drug 1467  
trafficking, or any criminal offense involving money or 1468  
securities, including a violation of an existing or former law 1469  
of this state, any other state, or the United States that is 1470  
substantially equivalent to such an offense; 1471
- (4) Dishonesty, fraud, or misrepresentation, with the 1472  
intent to either benefit the certificate holder, registrant, or 1473  
licensee or another person or injure another person; 1474
- (5) Violation of any of the standards for the development, 1475  
preparation, communication, or reporting of an appraisal report 1476  
set forth in this chapter and rules of the board; 1477
- (6) Failure or refusal to exercise reasonable diligence in 1478  
developing, preparing, or communicating an appraisal report; 1479
- (7) Negligence or incompetence in developing, preparing, 1480  
communicating, or reporting an appraisal report; 1481
- (8) Violating ~~or willfully disregarding~~ this chapter or 1482  
the rules adopted thereunder; 1483
- (9) Accepting an appraisal assignment where the employment 1484  
is contingent upon the appraiser preparing or reporting a 1485  
predetermined estimate, analysis, or opinion, or where the fee 1486  
to be paid for the appraisal is contingent upon the opinion, 1487  
conclusion, or valuation attained or upon the consequences 1488  
resulting from the appraisal assignment; 1489
- (10) Violating the confidential nature of governmental 1490  
records to which the certificate holder, registrant, or licensee 1491

gained access through employment or engagement as an appraiser	1492
by a governmental agency;	1493
(11) Entry of final judgment against the certificate	1494
holder, registrant, or licensee on the grounds of fraud, deceit,	1495
misrepresentation, or gross negligence in <del>the making of</del>	1496
<u>performing any appraisal of real estate;</u>	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 anyway 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
<u>(16) In the case of a certificate holder acting as a</u>	1512
<u>supervisory appraiser, refusing to sign an appraiser experience</u>	1513
<u>log required by rule for a person making application for an</u>	1514
<u>initial state-certified general real estate appraiser</u>	1515
<u>certificate, state-certified residential real estate appraiser</u>	1516
<u>certificate, or state-licensed residential real estate appraiser</u>	1517
<u>license, unless there is reasonable and substantial evidence</u>	1518
<u>that there is false information contained within the log;</u>	1519
<u>(17) Being sanctioned or disciplined in another</u>	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 lender using a market analysis or price opinion, an internal valuation analysis, or an automated valuation model or report based on an automated valuation model, and any person providing that report to the lender, ~~in performing a valuation for purposes of a loan application, as long as the lender does both of the following:~~

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

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

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

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

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

(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  
appraisals; 1843

(8) Conduct quality control of a completed appraisal prior 1844  
to the delivery of the appraisal to the person that ordered the 1845  
appraisal; 1846

(9) Provide a completed appraisal performed by an 1847  
appraiser to one or more clients. 1848

(D) "Appraisal report" means a written communication of a 1849  
real estate appraisal or appraisal review or an oral 1850  
communication of a real estate appraisal or appraisal review 1851  
that is documented by a writing that supports the oral 1852  
communication. 1853

(E) "Appraisal review" means the act or process of 1854  
developing and communicating an opinion about the quality of 1855  
another appraiser's work that was performed as part of an 1856  
appraisal or appraisal review. "Appraisal review" does not 1857  
include an examination of an appraisal for grammatical errors, 1858  
typographical errors, or completeness, provided the review for 1859  
completeness does not require an opinion about the quality of 1860  
the work of an appraiser. The real estate appraiser board may 1861  
define, by rule, "review for completeness." 1862

(F) "Appraisal services" or "real estate appraisal 1863  
services" means a real estate appraisal or appraisal review. 1864

(G) "Appraiser" means a person licensed or certified under 1865  
Chapter 4763. of the Revised Code. 1866

(H) "Appraiser panel" means a network of appraisers who 1867  
are independent contractors to the appraisal management company 1868  
and who have been approved by the appraisal management company, 1869  
after responding to an invitation or request from the appraisal 1870  
management company, to perform appraisals for any client of the 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  
Revised Code in furtherance of this chapter, including, but not 1957  
limited to, all of the following: 1958

(1) Procedures for criminal records checks that are 1959  
required under section 4768.06 of the Revised Code, in 1960  
accordance with division (K) of section 121.08 and division (C) 1961  
of section 4768.06 of the Revised Code; 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</u>	1986
<u>taken against a person, including a licensee, under section</u>	1987
<u>4768.13 of the Revised Code;</u>	1988
<u>(C) Hear appeals, pursuant to Chapter 119. of the Revised</u>	1989
<u>Code, from decisions and orders that the superintendent issues</u>	1990

<u>pursuant to this chapter;</u>	1991
<u>(D) Request that the superintendent initiate an</u>	1992
<u>investigation of a violation of this chapter or the rules</u>	1993
<u>adopted under it, as the board determines appropriate.</u>	1994
<u>Sec. 4768.04. (A) The superintendent of real estate and</u>	1995
<u>professional licensing shall do all of the following:</u>	1996
<u>(1) Prescribe the form and content of all applications</u>	1997
<u>required by this chapter;</u>	1998
<u>(2) Receive applications for licenses and renewal thereof</u>	1999
<u>under this chapter and establish the procedures for processing,</u>	2000
<u>approving, and disapproving those applications;</u>	2001
<u>(3) Retain records and all application materials submitted</u>	2002
<u>to the superintendent;</u>	2003
<u>(4) Issue licenses and maintain a register of the names</u>	2004
<u>and addresses of all appraisal management companies issued a</u>	2005
<u>license under this chapter;</u>	2006
<u>(5) Perform any other functions and duties, including the</u>	2007
<u>employment of staff, necessary to administer this chapter;</u>	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
<u>superintendent of real estate and professional licensing or upon</u>	2012
<u>receipt of a complaint, or at the request of the real estate</u>	2013
<u>appraiser board, concerning any violation of this chapter or the</u>	2014
<u>rules adopted pursuant thereto or the conduct of any person</u>	2015
<u>holding a license issued pursuant to this chapter;</u>	2016
<u>(9) Establish and maintain an investigation and audit</u>	2017

section to investigate complaints and conduct inspections, 2018  
audits, and other inquiries as, in the judgment of the 2019  
superintendent of real estate and professional licensing, are 2020  
appropriate to enforce this chapter. The investigators and 2021  
auditors may review and audit the business records of licensees 2022  
during normal business hours. The superintendent of real estate 2023  
and professional licensing may utilize the investigators and 2024  
auditors who are employed by the division of real estate and 2025  
professional licensing for other related purposes. 2026

(10) Appoint a hearing examiner for any proceeding under 2027  
section 4768.13 or 4768.14 of the Revised Code; 2028

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

(B) The superintendent of real estate and professional 2033  
licensing may do any of the following: 2034

(1) In connection with investigations and audits under 2035  
division (A) (8) of this section, subpoena witnesses as provided 2036  
in section 4768.05 of the Revised Code; 2037

(2) Apply to the appropriate court to enjoin any violation 2038  
of this chapter. Upon a showing by the superintendent of real 2039  
estate and professional licensing that any person has violated 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 system or process must be in place to disclose the license, certificate, or registration number of the appraisal management company on each engagement letter used in assigning an appraisal request for real estate appraisal assignments within the state; 2196  
2197  
2198  
2199  
2200

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

(16) A statement that the applicant acknowledges that the real estate appraiser board or the superintendent may require the applicant to submit to an audit, conducted by staff of the division of real estate and professional licensing, of the applicant's operations or books; 2205  
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2207  
2208  
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(17) A statement that the applicant acknowledges that it is required to comply with section 129e of the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1639e. 2210  
2211  
2212

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

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

(2) Have graduated the twelfth grade or received a certificate of high school equivalence as defined in section 4109.06 of the Revised Code; 2217  
2218  
2219

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

(4) Have not had a license, certificate, or registration to act as an appraiser that has been refused, denied, canceled, surrendered, or revoked in this state or in any other state for 2221  
2222  
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 management company, the appraiser, and the client for each appraisal assignment included in the appraisal assignment file. 2401  
2402  
2403

**Sec. 4768.11.** (A) No employee, director, officer, or agent of an appraisal management company licensed under this chapter shall recklessly influence or attempt to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, bribery, or in any other manner, including the following: 2404  
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(1) Withholding or threatening to withhold timely payment for appraisal services rendered when the appraisal report or services rendered are provided in accordance with a contract between the parties; 2411  
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(2) Withholding or threatening to withhold future business for an appraiser, or demoting or threatening to demote an appraiser, or terminating the relationship with or threatening to terminate the relationship with an appraiser; 2415  
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(3) Expressly or impliedly promising future business, promotions, or increased compensation for an appraiser; 2419  
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(4) Conditioning the assignment of an appraisal or the payment of an appraisal fee, salary, or bonus, on the opinion, conclusion, or valuation to be reached by, or on a preliminary estimate or opinion requested from, an appraiser; 2421  
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(5) Requesting that an appraiser provide an estimated, predetermined, or desired valuation in an appraisal report, or provide estimated values or comparable sales at any time prior to the appraiser's completion of an appraisal; 2425  
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(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  
law. 2451

(10) Allowing the removal of an appraiser from the 2452  
appraisal management company's appraiser panel without prior 2453  
written notice as required under section 4768.09 of the Revised 2454  
Code; 2455

(11) Requiring an appraiser to indemnify the appraisal 2456  
management company against liability, damages, losses, or claims 2457

other than those liabilities, damages, losses, or claims arising 2458  
out of the services performed by the appraiser, including 2459  
performance or nonperformance of the appraiser's duties and 2460  
obligation, whether as a result of negligence or willful 2461  
misconduct; 2462

(12) Requiring an appraiser to perform an appraisal 2463  
assignment if the appraiser declines the assignment and informs 2464  
the appraisal management company that the appraiser is not 2465  
competent to perform the appraisal assignment and the appraiser 2466  
declines to acquire the necessary competency to perform the 2467  
assignment; 2468

(13) Requiring an appraiser who has notified the appraisal 2469  
management company and declined the assignment to prepare an 2470  
appraisal under a time frame that the appraiser, in the 2471  
appraiser's own professional judgment, believes does not afford 2472  
the appraiser the ability to meet all the relevant legal and 2473  
professional obligations. 2474

(B) Nothing in division (A) of this section shall be 2475  
construed as prohibiting an appraisal management company from 2476  
requesting that an appraiser do any of the following: 2477

(1) Consider additional, appropriate property information, 2478  
including the consideration of additional comparable properties, 2479  
to make or support an appraisal; 2480

(2) Provide further detail, substantiation, or explanation 2481  
for the appraiser's value conclusion; 2482

(3) Correct objective factual errors in an appraisal 2483  
report. 2484

(C) No appraisal management company shall recklessly 2485  
alter, modify, or otherwise change a completed appraisal report 2486

submitted by an appraiser, except that the format of the 2487  
appraisal report may be modified solely for the purpose of 2488  
transmission. 2489

(D) Each appraisal management company shall require that 2490  
appraisals be conducted independently and free from 2491  
inappropriate influence and coercion pursuant to the appraisal 2492  
independence standards established under section 129e of the 2493  
"Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1639e. 2494

**Sec. 4768.12.** (A) An appraisal management company licensed 2495  
under this chapter shall compensate an appraiser for the 2496  
completion of an appraisal within sixty days of the date on 2497  
which the appraiser transmits or otherwise provides the 2498  
completed appraisal to the appraisal management company or its 2499  
assignees, except in cases of breach of contract or substandard 2500  
performance of services. 2501

(B) (1) An appraisal management company licensed under this 2502  
chapter shall compensate each appraiser who performs appraisal 2503  
services for the appraisal management company in accordance with 2504  
the appraisal independence standards established under section 2505  
129e of the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 2506  
1639e. 2507

(2) In the case of an appraisal involving a complex 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 required in division (M) of this section. 2664  
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- (10) The person failed to assist the superintendent in the investigation of complaints under division (A)(8) of section 4768.04 of the Revised Code. 2666  
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- (11) The license, certificate, or registration of the appraisal management company that was issued by another state was revoked or surrendered for a substantive reason. An appraisal management company may have had a license, certificate, or registration refused, denied, canceled, revoked, or surrendered in lieu of revocation in a state for a nonsubstantive reason if the license, certificate, or registration was subsequently granted or reinstated. 2669  
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- (12) If the person is an appraisal management company licensed under this chapter, the person failed to provide written notice to the division within fifteen days of changing the controlling person who is designated as the appraisal management company's main contact under division (A)(2) of section 4768.06 of the Revised Code. 2677  
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- (13) If the person is an appraisal management company licensed under this chapter, the person entered into a contract or an agreement with an appraiser who is not licensed or certified under Chapter 4763. of the Revised Code for the performance of real estate appraisal services. 2683  
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- (14) If the person is an appraisal management company licensed under this chapter, the person failed to verify that an appraiser added to the appraisal management company's appraiser panel is a licensed or certified appraiser under Chapter 4763. of the Revised Code who is in good standing with this state. 2688  
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(15) If the person is an appraisal management company licensed under this chapter, the person failed to require that appraisals coordinated by the appraisal management company comply with the uniform standards of professional appraisal practice. 2693  
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(16) An owner or controlling person of an appraisal management company was convicted of or pleaded guilty to a felony. 2698  
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(L) Failure of a person, including a licensee under this chapter, to comply with a subpoena issued under division (B)(1) of section 4768.04 of the Revised Code is prima facie evidence of a violation of division (K)(7) of this section. 2701  
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(M) A licensee shall notify the board within thirty days of any state agency's issuance of an order revoking or permanently surrendering any professional appraisal management company license, certificate, or registration issued by any public entity other than the division. 2705  
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(N) Except as otherwise provided, all notices, written reports, and determinations issued pursuant to this section shall be mailed via certified mail, return receipt requested. If the notice, written report, or determination is returned because of failure of delivery or was unclaimed, the notice, written report, or determination shall be deemed served if the superintendent sends the notice, written report, or determination via regular mail and obtains a certificate of mailing of the notice, written report, or determination. Refusal of delivery by personal service or by mail is not failure of delivery and service is deemed to be complete. 2710  
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**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