

**As Reported by the House Civil Justice Committee**

**132nd General Assembly**

**Regular Session**

**2017-2018**

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

**Representative Dever**

**Cosponsor: Representative Celebrezze**

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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

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

**Section 1.** That sections 109.572, 121.08, 4763.01, 16  
4763.02, 4763.03, 4763.05, 4763.08, 4763.11, 4763.12, 4763.13, 17  
4763.14, 4763.15, 4763.17, and 4763.19 be amended and sections 18  
4768.01, 4768.02, 4768.03, 4768.04, 4768.05, 4768.06, 4768.07, 19

4768.08, 4768.09, 4768.10, 4768.11, 4768.12, 4768.13, 4768.14, 20  
4768.15, and 4768.99 of the Revised Code be enacted to read as 21  
follows: 22

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

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

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

(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:

(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,

2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	111
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	112
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	113
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	114
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	115
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	116
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	117
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	118
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	119
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	120
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	121
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	122
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	123
(b) Felonious sexual penetration in violation of former	124
section 2907.12 of the Revised Code;	125
(c) A violation of section 2905.04 of the Revised Code as	126
it existed prior to July 1, 1996;	127
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	128
the Revised Code when the underlying offense that is the object	129
of the conspiracy, attempt, or complicity is one of the offenses	130
listed in divisions (A) (3) (a) to (c) of this section;	131
(e) A violation of an existing or former municipal	132
ordinance or law of this state, any other state, or the United	133
States that is substantially equivalent to any of the offenses	134
listed in divisions (A) (3) (a) to (d) of this section.	135
(4) On receipt of a request pursuant to section 2151.86 of	136
the Revised Code, a completed form prescribed pursuant to	137
division (C) (1) of this section, and a set of fingerprint	138
impressions obtained in the manner described in division (C) (2)	139

of this section, the superintendent of the bureau of criminal 140  
identification and investigation shall conduct a criminal 141  
records check in the manner described in division (B) of this 142  
section to determine whether any information exists that 143  
indicates that the person who is the subject of the request 144  
previously has been convicted of or pleaded guilty to any of the 145  
following: 146

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

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

division (A) (4) (a) of this section. 171

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

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

violation been committed prior to that date, a violation of 202  
section 2925.11 of the Revised Code that is not a minor drug 203  
possession offense, a violation of section 2923.02 or 2923.03 of 204  
the Revised Code that relates to a crime specified in this 205  
division, or a second violation of section 4511.19 of the 206  
Revised Code within five years of the date of application for 207  
licensure or certification. 208

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

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

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



Code, felonious sexual penetration in violation of former 232  
section 2907.12 of the Revised Code, a violation of section 233  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 234  
a violation of section 2919.23 of the Revised Code that would 235  
have been a violation of section 2905.04 of the Revised Code as 236  
it existed prior to July 1, 1996, had the violation been 237  
committed prior to that date, or a violation of section 2925.11 238  
of the Revised Code that is not a minor drug possession offense; 239

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



conduct the criminal records check, thirty; 476

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

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

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

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

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

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

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

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

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

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

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

(G) As used in this section: 548

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

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

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

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

needs scholarship program. 565

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

**Sec. 4763.01.** As used in this chapter: 734

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

(B) In addition to any other duties imposed on the	985
superintendent of real estate under this chapter, the	986
superintendent shall:	987
(1) Prescribe the form and content of all applications	988
required by this chapter;	989
(2) Receive applications for certifications,	990
registrations, and licenses and renewal thereof under this	991
chapter and establish the procedures for processing, approving,	992
and disapproving those applications;	993
(3) Retain records and all application materials submitted	994
to the superintendent;	995
(4) Establish the time and place for conducting the	996
examinations required by division (D) of section 4763.05 of the	997
Revised Code;	998
(5) Issue certificates, registrations, and licenses and	999
maintain a register of the names and addresses of all persons	1000
issued a certificate, registration, or license under this	1001
chapter;	1002
(6) Perform any other functions and duties, including the	1003
employment of staff, necessary to administer this chapter;	1004
(7) Administer this chapter;	1005
(8) Issue all orders necessary to implement this chapter;	1006
(9) Investigate complaints, upon the superintendent's own	1007
motion or upon receipt of a complaint or upon a request of the	1008
board, concerning any violation of this chapter or the rules	1009
adopted pursuant thereto or the conduct of any person holding a	1010
certificate, registration, or license issued pursuant to this	1011
chapter;	1012

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

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

(12) Administer the real estate appraiser recovery fund;

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

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

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

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

(D) All information that is obtained by investigators and

auditors performing investigations or conducting inspections, 1042  
audits, and other inquiries pursuant to division (B) (10) of this 1043  
section, from certificate holders, registrants, licensees, 1044  
complainants, or other persons, and all reports, documents, and 1045  
other work products that arise from that information and that 1046  
are prepared by the investigators, auditors, or other personnel 1047  
of the department of commerce, shall be held in confidence by 1048  
the superintendent, the investigators and auditors, and other 1049  
personnel of the department. 1050

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) A consent to service of process. 1166

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

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

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

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

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

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



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

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

(iii) A consent to service of process. 1196

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Revocation or surrender of the certificate, 1433



registration, or license. 1434

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

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

(1) ~~Procuring~~ As an applicant, procuring or attempting to 1452  
procure a certificate, registration, or license pursuant to ~~this~~ 1453  
~~chapter~~ section 4763.05, 4763.06, or 4763.07 of the Revised Code 1454  
by knowingly making a false statement, submitting false 1455  
information, refusing to provide complete information in 1456  
response to a question in an application for certification, 1457  
registration, or licensure, or by any means of fraud or 1458  
misrepresentation; 1459

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

- (3) ~~Being~~ In a criminal proceeding, being convicted in a 1464  
~~criminal proceeding for~~ of or pleading guilty or no contest to 1465  
a felony ~~or~~; a crime involving moral turpitude; or a crime 1466  
involving theft, receiving stolen property, embezzlement, 1467  
forgery, fraud, passing bad checks, money laundering, drug 1468  
trafficking, or any criminal offense involving money or 1469  
securities, including a violation of an existing or former law 1470  
of this state, any other state, or the United States that is 1471  
substantially equivalent to such an offense; 1472
- (4) Dishonesty, fraud, or misrepresentation, with the 1473  
intent to either benefit the certificate holder, registrant, or 1474  
licensee or another person or injure another person; 1475
- (5) Violation of any of the standards for the development, 1476  
preparation, communication, or reporting of an appraisal report 1477  
set forth in this chapter and rules of the board; 1478
- (6) Failure or refusal to exercise reasonable diligence in 1479  
developing, preparing, or communicating an appraisal report; 1480
- (7) Negligence or incompetence in developing, preparing, 1481  
communicating, or reporting an appraisal report; 1482
- (8) Violating ~~or willfully disregarding~~ this chapter or 1483  
the rules adopted thereunder; 1484
- (9) Accepting an appraisal assignment where the employment 1485  
is contingent upon the appraiser preparing or reporting a 1486  
predetermined estimate, analysis, or opinion, or where the fee 1487  
to be paid for the appraisal is contingent upon the opinion, 1488  
conclusion, or valuation attained or upon the consequences 1489  
resulting from the appraisal assignment; 1490
- (10) Violating the confidential nature of governmental 1491  
records to which the certificate holder, registrant, or licensee 1492

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

jurisdiction as a real estate appraiser; 1522

(18) Failing to provide assistance, whenever possible, to 1523  
the members and staff of the board or to the division of real 1524  
estate in the enforcement of this chapter and the rules adopted 1525  
under it. 1526

(H) The board immediately shall notify the superintendent 1527  
of real estate of any disciplinary action taken under this 1528  
section against a certificate holder, registrant, or licensee 1529  
who also is licensed under Chapter 4735. of the Revised Code, 1530  
and also shall notify any other federal, state, or local agency 1531  
and any other public or private association that the board 1532  
determines is responsible for licensing or otherwise regulating 1533  
the professional or business activity of the appraiser. 1534  
Additionally, the board shall notify the complainant and any 1535  
other party who may have suffered financial loss because of the 1536  
certificate holder's, registrant's, or licensee's violations, 1537  
that the complainant or other party may sue for recovery under 1538  
section 4763.16 of the Revised Code. The notice provided under 1539  
this division shall specify the conduct for which the 1540  
certificate holder, registrant, or licensee was disciplined and 1541  
the disciplinary action taken by the board and the result of 1542  
that conduct. 1543

(I) A certificate holder, registrant, or licensee shall 1544  
notify the board within fifteen days of the agency's issuance of 1545  
an order revoking or permanently surrendering any professional 1546  
license, certificate, or registration by any public entity other 1547  
than the division of real estate. A certificate holder, 1548  
registrant, or licensee who is convicted of or pleads guilty or 1549  
no contest to a felony or crime of moral turpitude as described 1550  
in division (G) (3) of this section shall notify the board of the 1551

conviction or plea within fifteen days of the conviction or 1552  
plea. 1553

(J) If the board determines that a certificate holder, 1554  
registrant, or licensee has violated this chapter for which 1555  
disciplinary action may be taken under division (G) of this 1556  
section as a result of an investigation conducted by the 1557  
superintendent upon the superintendent's own motion or upon the 1558  
request of the board, the superintendent shall notify the 1559  
certificate holder, registrant, or licensee of the certificate 1560  
holder's, registrant's, or licensee's right to a hearing 1561  
pursuant to Chapter 119. of the Revised Code and, if applicable, 1562  
to an appeal of a final determination of such administrative 1563  
proceedings to any court of common pleas. 1564

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

returned for failure of delivery, then the superintendent shall 1583  
make personal delivery of the notice by an employee or agent of 1584  
the department of commerce or shall cause a summary of the 1585  
substantive provisions of the notice to be published once a week 1586  
for three consecutive weeks in a newspaper of general 1587  
circulation in the county where the last known address of the 1588  
party is located. When notice is given by publication, a proof 1589  
of publication affidavit, with the first publication of the 1590  
notice set forth in the affidavit, shall be mailed by regular 1591  
mail to the party at the party's last known address. The notice 1592  
shall be deemed received as of the date of the last publication 1593  
of the summary. An employee or agent of the department of 1594  
commerce may make personal delivery of the notice upon the party 1595  
at any time. Refusal of delivery by personal service or by mail 1596  
is not failure of delivery and service is deemed to be complete. 1597  
Failure of delivery occurs only when a mailed notice is returned 1598  
by the postal authorities marked undeliverable, address or 1599  
addressee unknown, or forwarding address unknown or expired. 1600

**Sec. 4763.12.** (A) A person licensed or certified under 1601  
this chapter may be retained or employed to act as a 1602  
disinterested third party in rendering an unbiased valuation or 1603  
analysis of real estate or to provide specialized services to 1604  
facilitate the client or employer's objectives. An appraisal or 1605  
appraisal report rendered by a certificate holder or licensee 1606  
shall comply with this chapter. A certified appraisal or 1607  
certified appraisal report represents to the public that it 1608  
satisfies the standards set forth in this chapter. 1609

(B) No certificate holder or licensee shall accept a fee 1610  
for an appraisal assignment that is contingent, in whole or in 1611  
part, upon the reporting of a predetermined estimate, analysis, 1612  
or opinion or upon the opinion, conclusion, or valuation 1613

reached, or upon consequences resulting from the appraisal 1614  
assignment. A certificate holder or licensee who enters into an 1615  
agreement to provide specialized services may charge a fixed fee 1616  
or a fee that is contingent upon the results achieved by the 1617  
specialized services, provided that this fact is clearly stated 1618  
in each oral report rendered pursuant to the agreement, and the 1619  
existence of the contingent fee arrangement is clearly stated in 1620  
a prominent place on each written report and in each letter of 1621  
transmittal and certification statement made by the certificate 1622  
holder or licensee within that report. 1623

(C) Every written report rendered by a certificate holder 1624  
or licensee in conjunction with an appraisal assignment or 1625  
specialized service performed shall include the following 1626  
information: 1627

(1) The name of the certificate holder or licensee; 1628

(2) The class of certification or licensure held by and 1629  
the certification or licensure number of the certificate holder 1630  
or licensee; 1631

(3) Whether the appraisal or specialized service is 1632  
performed within the scope of the certificate holder's or 1633  
licensee's certification or licensure; 1634

(4) Whether the appraisal or specialized service is 1635  
provided by a certificate holder or licensee as a disinterested 1636  
and unbiased third party or as a person on an interested and 1637  
biased basis or as an interested third party on a contingent fee 1638  
basis; 1639

(5) The signature of the person ~~preparing~~ performing and 1640  
reporting the appraisal or specialized service; 1641

(6) The license, certificate, or registration number of 1642

the appraisal management company that has engaged the appraiser 1643  
for the assignment within the body of the appraisal report; 1644

(7) If an appraisal report is completed for an appraisal 1645  
management company, one of the following: 1646

(a) The actual fees paid to the appraiser within the body 1647  
of the appraisal report; 1648

(b) If the appraiser is employed by the appraisal 1649  
management company on an employee and employer basis for the 1650  
performance of appraisals, a statement of that fact and a 1651  
statement that the appraiser was not paid a fee. 1652

If the certificate holder or licensee provides an oral 1653  
real estate appraisal report or specialized service, the 1654  
certificate holder or licensee shall send, within seven days of 1655  
providing the oral report, a form to the client containing the 1656  
appropriate information specified in this division and the rules 1657  
adopted pursuant to this division. 1658

(D) Nothing in this chapter shall be construed as 1659  
requiring a certificate holder or licensee to provide a client 1660  
with a copy of any writing prepared in support of an oral 1661  
appraisal report except as provided in division (C) of this 1662  
section or as agreed to between the certificate holder or 1663  
licensee and the certificate holder's or licensee's client. 1664

(E) No person, directly or indirectly, shall knowingly 1665  
compensate, instruct, induce, coerce, or intimidate, or attempt 1666  
to compensate, instruct, induce, coerce, or intimidate, a 1667  
certificate holder or licensee for the purpose of corrupting or 1668  
improperly influencing the independent judgment of the 1669  
certificate holder or licensee with respect to the value of the 1670  
dwelling offered as security for repayment of a mortgage loan. 1671



**Sec. 4763.13.** (A) In engaging in appraisal activities, a 1672  
person certified, registered, or licensed under this chapter 1673  
shall comply with the applicable standards prescribed by the 1674  
board of governors of the federal reserve system, the federal 1675  
deposit insurance corporation, the comptroller of the currency, 1676  
the office of thrift supervision, the national credit union 1677  
administration, and the resolution trust corporation in 1678  
connection with federally related transactions under the 1679  
jurisdiction of the applicable agency or instrumentality. A 1680  
certificate holder, registrant, and licensee also shall comply 1681  
with the uniform standards of professional appraisal practice, 1682  
as adopted by the appraisal standards board of the appraisal 1683  
foundation and such other standards adopted by the real estate 1684  
appraiser board, to the extent that those standards do not 1685  
conflict with applicable federal standards in connection with a 1686  
particular federally related transaction. 1687

(B) The terms "state-licensed residential real estate 1688  
appraiser," "state-certified residential real estate appraiser," 1689  
"state-certified general real estate appraiser," and "state- 1690  
registered real estate appraiser assistant" shall be used to 1691  
refer only to those persons who have been issued the applicable 1692  
certificate, registration, or license or renewal certificate, 1693  
registration, or license pursuant to this chapter. None of these 1694  
terms shall be used following or in connection with the name or 1695  
signature of a partnership, corporation, or association or in a 1696  
manner that could be interpreted as referring to a person other 1697  
than the person to whom the certificate, registration, or 1698  
license has been issued. No person shall fail to comply with 1699  
this division. 1700

(C) No person, other than a certificate holder, a 1701  
registrant, or a licensee, shall assume or use a title, 1702

designation, or abbreviation that is likely to create the 1703  
impression that the person possesses certification, 1704  
registration, or licensure under this chapter, provided that 1705  
professional designations containing the term "certified 1706  
appraiser" and being used on or before July 26, 1989, shall not 1707  
be construed as being misleading under this division. No person 1708  
other than a person certified or licensed under this chapter 1709  
shall describe or refer to an appraisal or other evaluation of 1710  
real estate located in this state as being certified. 1711

(D) The terms "state-certified or state-licensed real 1712  
estate appraisal report," "state-certified or state-licensed 1713  
appraisal report," or "state-certified or state-licensed 1714  
appraisal" shall be used to refer only to those real estate 1715  
appraisals conducted by a certificate holder or licensee as a 1716  
disinterested and unbiased third party provided that the 1717  
certificate holder or licensee provides certification with the 1718  
appraisal report and provided further that if a licensee is 1719  
providing the appraisal, such terms shall only be used if the 1720  
licensee is acting within the scope of the licensee's license. 1721  
No person shall fail to comply with this division. 1722

(E) Nothing in this chapter shall preclude a partnership, 1723  
corporation, or association which employs, retains, or engages 1724  
the services of a certificate holder or licensee to advertise 1725  
that the partnership, corporation, or association offers state- 1726  
certified or state-licensed appraisals through a certificate 1727  
holder or licensee if the advertisement clearly states such fact 1728  
in accordance with guidelines for such advertisements 1729  
established by rule of the real estate appraiser board. 1730

(F) Except as otherwise provided in section 4763.19 of the 1731  
Revised Code, nothing in this chapter shall preclude a person 1732

who is not licensed or certified under this chapter from 1733  
appraising real estate for compensation. 1734

**Sec. 4763.14.** A person licensed, registered, or certified 1735  
under this chapter shall retain for a period of five years the 1736  
original or a true copy of each written contract for the 1737  
person's services relating to real estate appraisal work, all 1738  
appraisal reports, and all work file documentation and data 1739  
assembled in preparing those reports. The retention period 1740  
begins on the date the appraisal report is submitted to the 1741  
client unless, prior to expiration of the retention period, the 1742  
certificate holder, registrant, or licensee is notified that the 1743  
appraisal or report is the subject of or is otherwise involved 1744  
in pending litigation, in which case the retention period ~~begins~~ 1745  
~~on~~ shall commence two years from the date of final disposition 1746  
of the litigation. 1747

A certificate holder, registrant, and a licensee shall 1748  
make available all records required to be maintained under this 1749  
section for inspection and copying by the superintendent of real 1750  
estate or the real estate appraiser board, or both, upon 1751  
reasonable notice to the certificate holder, registrant, or 1752  
licensee. 1753

**Sec. 4763.15.** Except for moneys required to be transferred 1754  
into the real estate appraiser recovery fund pursuant to section 1755  
4763.16 of the Revised Code or as required pursuant to this 1756  
section, the superintendent of real estate may deposit all fees 1757  
collected under this chapter into the state treasury to the 1758  
credit of the real estate appraiser operating fund, which is 1759  
hereby created. All operating expenses of the real estate 1760  
appraiser board and the superintendent of real estate relating 1761  
to the administration and enforcement of this chapter and 1762

Chapter 4768. of the Revised Code shall be paid from this fund. 1763  
The fund shall be assessed a proportionate share of the 1764  
administrative cost of the department of commerce in accordance 1765  
with procedures prescribed by the director of commerce and 1766  
approved by the director of budget and management and the 1767  
assessment shall be paid from the operating fund to the division 1768  
of administration fund. 1769

If, in any biennium, the director of commerce determines 1770  
that moneys in the operating fund exceed those necessary to fund 1771  
the activities of the board and of the superintendent of real 1772  
estate that relate to this chapter and Chapter 4768. of the 1773  
Revised Code, ~~he~~ the director may pay the excess funds to the 1774  
real estate appraiser recovery fund. 1775

**Sec. 4763.17.** Every partnership, corporation, or 1776  
association which employs, retains, or engages the services of a 1777  
person licensed, registered, or certified under this chapter, 1778  
whether the certificate holder, registrant, or licensee is an 1779  
independent contractor or under the supervision or control of 1780  
the partnership, corporation, or association, is jointly and 1781  
severally liable for any damages incurred by any person as a 1782  
result of an act or omission concerning a state-certified or 1783  
state-licensed real estate appraisal report prepared or 1784  
facilitated in the preparation by a certificate holder, 1785  
registrant, or licensee while employed, retained, or engaged by 1786  
the partnership, corporation, or association. 1787

**Sec. 4763.19.** (A) Subject to division (B) of this section, 1788  
no person shall perform or prepare a real estate appraisal, 1789  
appraisal report, or real estate appraisal review for a mortgage 1790  
loan ~~if,~~ unless the person is ~~not~~ licensed or certified under 1791  
this chapter to do the appraisal. 1792

(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 1822  
of the following functions on behalf of a lender, financial 1823  
institution, client, or any other person in conjunction with a 1824  
consumer credit transaction that is secured by a consumer's 1825  
primary dwelling: 1826

(1) Administer an appraiser panel; 1827

(2) Recruit, retain, or select appraisers; 1828

(3) Qualify, verify licensure or certification, and 1829  
negotiate fees and service level expectations with persons who 1830  
are part of an appraiser panel; 1831

(4) Contract with appraisers to perform appraisal 1832  
assignments; 1833

(5) Receive an order for an appraisal from one person and 1834  
deliver the order for the appraisal to an appraiser who is part 1835  
of an appraiser panel for completion; 1836

(6) Manage the process of having an appraisal performed, 1837  
including providing administrative duties, such as receiving 1838  
appraisal orders and reports, submitting completed appraisal 1839  
reports to creditors and underwriters, collecting fees from 1840  
creditors and underwriters for services provided, and 1841  
reimbursing appraisers for services performed; 1842

(7) Track and determine the status of orders for 1843  
appraisals; 1844

(8) Conduct quality control of a completed appraisal prior 1845  
to the delivery of the appraisal to the person that ordered the 1846  
appraisal; 1847

(9) Provide a completed appraisal performed by an 1848  
appraiser to one or more clients. 1849

(D) "Appraisal report" means a written communication of a 1850  
real estate appraisal or appraisal review or an oral 1851  
communication of a real estate appraisal or appraisal review 1852  
that is documented by a writing that supports the oral 1853  
communication. 1854

(E) "Appraisal review" means the act or process of 1855  
developing and communicating an opinion about the quality of 1856  
another appraiser's work that was performed as part of an 1857  
appraisal or appraisal review. "Appraisal review" does not 1858  
include an examination of an appraisal for grammatical errors, 1859  
typographical errors, or completeness, provided the review for 1860  
completeness does not require an opinion about the quality of 1861  
the work of an appraiser. The real estate appraiser board may 1862  
define, by rule, "review for completeness." 1863

(F) "Appraisal services" or "real estate appraisal 1864  
services" means a real estate appraisal or appraisal review. 1865

(G) "Appraiser" means a person licensed or certified under 1866  
Chapter 4763. of the Revised Code. 1867

(H) "Appraiser panel" means a network of appraisers who 1868  
are independent contractors to the appraisal management company 1869  
and who have been approved by the appraisal management company, 1870  
after responding to an invitation or request from the appraisal 1871  
management company, to perform appraisals for any client of the 1872  
appraisal management company or for the appraisal management 1873  
company directly, on a periodic basis, as assigned by the 1874  
appraisal management company. 1875

(I) "Automated valuation model" means a computer software 1876  
program that analyzes data using an automated process, such as 1877  
regression, adaptive estimation, neural network, expert 1878

reasoning, or artificial intelligence programs, that produces an 1879  
output that may become a basis for appraisal or appraisal review 1880  
if the appraiser believes the output to be credible for use in a 1881  
specific assignment. 1882

(J) "Client" means any person that contracts with, or 1883  
otherwise enters into an agreement with, an appraisal management 1884  
company for residential or commercial real estate appraisal 1885  
services. 1886

(K) "Controlling person" means any of the following: 1887

(1) An owner, officer, or director of a business entity 1888  
seeking to offer appraisal management services in this state; 1889

(2) An individual employed, appointed, or authorized by an 1890  
appraisal management company, who has the authority to enter 1891  
into contractual relationships with clients for the performance 1892  
of appraisal management services and the authority to enter into 1893  
agreements with appraisers for the performance of residential or 1894  
commercial real estate appraisal services; 1895

(3) An individual who possesses, directly or indirectly, 1896  
the power to direct or cause the direction of the management or 1897  
policies of an appraisal management company. 1898

(L) "Federally regulated appraisal management company" 1899  
means an appraisal management company that is owned and 1900  
controlled by an insured depository institution as defined in 12 1901  
U.S.C. 1813 or an insured credit union as defined in 12 U.S.C. 1902  
1752 and that is regulated by the office of the comptroller of 1903  
the currency, the board of governors of the federal reserve 1904  
system, the national credit union administration, or the federal 1905  
deposit insurance corporation. 1906

(M) "Owner" means a person who owns or controls ten per 1907



cent or more of an appraisal management company. 1908

(N) "Person" means an individual, corporation, 1909  
partnership, sole proprietorship, subsidiary, unit, or other 1910  
business entity. 1911

(O) "Real estate" has the same meaning as in section 1912  
4735.01 of the Revised Code. 1913

**Sec. 4768.02.** (A) (1) No person shall do any of the 1914  
following without first obtaining a license under this chapter: 1915

(a) Directly or indirectly engage or attempt to engage in 1916  
business as an appraisal management company; 1917

(b) Directly or indirectly engage in or attempt to perform 1918  
appraisal management services; 1919

(c) Advertise or hold itself out as engaging in or 1920  
conducting business as an appraisal management company. 1921

(2) A person that violates division (A) (1) of this section 1922  
may be subject to sanctions under section 4768.14 of the Revised 1923  
Code. 1924

(B) This chapter shall not apply to any of the following: 1925

(1) An appraisal management company that is a federally 1926  
regulated appraisal management company; 1927

(2) Any person that exclusively employs appraisers on an 1928  
employer and employee basis for the performance of appraisals; 1929

(3) Any person engaged in appraisal services who, in the 1930  
normal course of business, enters into an agreement, whether 1931  
written or otherwise, with an independent appraiser for the 1932  
performance of appraisal services that the hiring or contracting 1933  
person is not completing for any reason, including competency, 1934

work load, schedule, or geographic location. Division (B) (3) of 1935  
this section applies only to an appraiser and to that 1936  
appraiser's business entity provided that entity is engaging in 1937  
real estate appraisal services, not appraisal management 1938  
services; 1939

(4) Any person engaged in appraisal services who, in the 1940  
normal course of business, enters into an agreement, whether 1941  
written or otherwise, with an independent contractor appraiser 1942  
for the performance of appraisal services and, upon the 1943  
completion of the appraisal, the report of the independent 1944  
contractor appraiser performing the appraisal services is 1945  
cosigned by the person who subcontracted with the independent 1946  
contractor appraiser for the performance of the appraisal 1947  
services. An appraisal management company shall not avoid the 1948  
requirements of this division by requiring an employee of the 1949  
appraisal management company, who is an appraiser, to sign the 1950  
appraisal that has been completed by an appraiser that is part 1951  
of the appraisal panel for the appraisal management company. 1952

(5) Any appraiser engaged in mass appraisal services under 1953  
the direction of the tax commissioner or a county auditor. 1954

**Sec. 4768.03.** The real estate appraiser board shall do all 1955  
of the following: 1956

(A) Adopt rules, in accordance with Chapter 119. of the 1957  
Revised Code in furtherance of this chapter, including, but not 1958  
limited to, all of the following: 1959

(1) Procedures for criminal records checks that are 1960  
required under section 4768.06 of the Revised Code, in 1961  
accordance with division (K) of section 121.08 and division (C) 1962  
of section 4768.06 of the Revised Code; 1963

<u>(2) The following nonrefundable fees:</u>	1964
<u>(a) The initial appraisal management company license fee,</u>	1965
<u>which shall not exceed two thousand dollars;</u>	1966
<u>(b) The annual renewal fee, which shall not exceed two</u>	1967
<u>thousand dollars;</u>	1968
<u>(c) The late filing fee, which shall not exceed one</u>	1969
<u>thousand dollars, for the renewal of a license under division</u>	1970
<u>(C) of section 4768.07 of the Revised Code.</u>	1971
<u>(3) Requirements for settlement agreements that the</u>	1972
<u>superintendent of real estate and professional licensing and an</u>	1973
<u>appraisal management company or other person may enter into</u>	1974
<u>under division (H) of section 4768.13 or division (C) of section</u>	1975
<u>4768.14 of the Revised Code;</u>	1976
<u>(4) Presumptions of compliance with regard to the</u>	1977
<u>customary and reasonable fees required under division (B) of</u>	1978
<u>section 4768.12 of the Revised Code. In adopting rules under</u>	1979
<u>division (A) (4) of this section, the board shall consider</u>	1980
<u>presumptions of compliance promulgated for the same purpose</u>	1981
<u>under the federal "Truth in Lending Act," 82 Stat. 146, 15</u>	1982
<u>U.S.C. 1631 et seq.;</u>	1983
<u>(5) Rules regarding consent to service of process for</u>	1984
<u>appraisal management companies in accordance with division (A)</u>	1985
<u>(6) of section 4768.06 of the Revised Code.</u>	1986
<u>(B) Determine the appropriate disciplinary actions to be</u>	1987
<u>taken against a person, including a licensee, under section</u>	1988
<u>4768.13 of the Revised Code;</u>	1989
<u>(C) Hear appeals, pursuant to Chapter 119. of the Revised</u>	1990
<u>Code, from decisions and orders that the superintendent issues</u>	1991

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

section to investigate complaints and conduct inspections, 2019  
audits, and other inquiries as, in the judgment of the 2020  
superintendent of real estate and professional licensing, are 2021  
appropriate to enforce this chapter. The investigators and 2022  
auditors may review and audit the business records of licensees 2023  
during normal business hours. The superintendent of real estate 2024  
and professional licensing may utilize the investigators and 2025  
auditors who are employed by the division of real estate and 2026  
professional licensing for other related purposes. 2027

(10) Appoint a hearing examiner for any proceeding under 2028  
section 4768.13 or 4768.14 of the Revised Code; 2029

(11) Make and transmit any reports, and collect and 2030  
transmit any fees, that are required under section 1109(a) of 2031  
the "Financial Institutions, Reform, Recovery, and Enforcement 2032  
Act," as amended, 12 U.S.C. 3338(a). 2033

(B) The superintendent of real estate and professional 2034  
licensing may do any of the following: 2035

(1) In connection with investigations and audits under 2036  
division (A)(8) of this section, subpoena witnesses as provided 2037  
in section 4768.05 of the Revised Code; 2038

(2) Apply to the appropriate court to enjoin any violation 2039  
of this chapter. Upon a showing by the superintendent of real 2040  
estate and professional licensing that any person has violated 2041  
or is about to violate this chapter, the court shall grant an 2042  
injunction, restraining order, or other appropriate relief, or 2043  
any combination thereof; 2044

(3) In conjunction with the enforcement of this chapter, 2045  
when the superintendent of real estate and professional 2046  
licensing has reasonable cause to believe that any owner or 2047

controlling person of a licensee has committed a criminal 2048  
offense, the superintendent of real estate and professional 2049  
licensing may request the superintendent of the bureau of 2050  
criminal identification and investigation to conduct a criminal 2051  
records check of the owner or controlling person. The 2052  
superintendent of the bureau of criminal identification and 2053  
investigation shall obtain information from the federal bureau 2054  
of investigation as part of the criminal records check of the 2055  
owner or controlling person. The superintendent of real estate 2056  
and professional licensing may assess the licensee a fee equal 2057  
to the fee assessed for the criminal records check. 2058

(C) (1) The following information and documents are 2059  
confidential and not public records under section 149.43 of the 2060  
Revised Code: 2061

(a) All information that is obtained by investigators and 2062  
auditors performing investigations or conducting inspections, 2063  
audits, and other inquiries pursuant to divisions (A) (8) and (9) 2064  
of this section; 2065

(b) All reports, documents, and other work products that 2066  
arise from the information described in division (C) (1) (a) of 2067  
this section and that are prepared by the investigators, 2068  
auditors, or other personnel of the department of commerce. 2069

(2) The superintendent of real estate and professional 2070  
licensing, the investigators and auditors, and other personnel 2071  
of the department shall hold in confidence the information, 2072  
reports, documents, and other work products described in 2073  
division (C) (1) of this section. 2074

(3) Divisions (C) (1) and (2) of this section do not 2075  
prevent the division from releasing information relating to 2076

licensees to the superintendent of financial institutions for 2077  
purposes relating to the administration of sections 1322.01 to 2078  
1322.12 of the Revised Code, to the commissioner of securities 2079  
for purposes relating to Chapter 1707. of the Revised Code, to 2080  
the superintendent of insurance for purposes relating to the 2081  
administration of Chapter 3953. of the Revised Code, to the 2082  
attorney general, or to law enforcement agencies and 2083  
prosecutors. Information released by the division pursuant to 2084  
division (C) (3) of this section remains confidential. 2085

**Sec. 4768.05.** The real estate appraiser board or the 2086  
superintendent of real estate and professional licensing may 2087  
compel, by order or subpoena, the attendance of witnesses to 2088  
testify in relation to any matter over which the board or the 2089  
superintendent has jurisdiction and that is the subject of the 2090  
inquiry and investigation by the board or superintendent and may 2091  
require the production of any book, paper, or document 2092  
pertaining to such matter. For such purpose, the board or the 2093  
superintendent has the same power as judges of county courts to 2094  
administer oaths, compel the attendance of witnesses, and punish 2095  
witnesses for refusal to testify. Service of the subpoena may be 2096  
made by sheriffs or by certified mail, return receipt requested, 2097  
and the subpoena shall be deemed served on the date delivery is 2098  
made or the date the person refuses to accept delivery. Sheriffs 2099  
or constables shall return such process and shall receive the 2100  
same fees for doing so as are allowed for like service if 2101  
service of the subpoena is made by sheriffs or constables. 2102  
Witnesses shall receive, after their appearance before the board 2103  
or the superintendent, the fees and mileage provided for under 2104  
section 119.094 of the Revised Code. If two or more witnesses 2105  
travel together in the same vehicle, the mileage fee shall be 2106  
paid to only one of those witnesses, but the witnesses may agree 2107

to divide the fee amongst themselves in any manner. 2108

If any person fails to file any statement or report, obey 2109  
any subpoena, give testimony, answer questions, or produce 2110  
books, records, or papers as required by the board or the 2111  
superintendent under this chapter, the board or the 2112  
superintendent may apply to the court of common pleas of any 2113  
county in the state setting forth the failure. Upon receiving 2114  
such an application, the court may make an order awarding 2115  
process of subpoena or subpoena duces tecum for the person to 2116  
appear and testify before the board or the superintendent; order 2117  
any person to give testimony and answer questions; and order any 2118  
person to produce books, records, or papers, as required by the 2119  
board or the superintendent. Upon the filing of such an order in 2120  
the office of the clerk of the court of common pleas, the clerk, 2121  
under the seal of the court, shall issue process or subpoena 2122  
each day until the examination of the person is completed. The 2123  
subpoena may contain a direction that the witness bring to the 2124  
examination any books, records, or papers described in the 2125  
subpoena. The clerk also shall issue, under the seal of the 2126  
court, such other orders, in reference to the examination, 2127  
appearance, and production of books, records, or papers, as the 2128  
court directs. If any person summoned by subpoena fails to obey 2129  
the subpoena, to give testimony, to answer questions as 2130  
required, or to obey an order of the court, the court, on motion 2131  
supported by proof, may order an attachment for contempt to be 2132  
issued against the person charged with disobedience of the 2133  
order. If the person is brought before the court by virtue of 2134  
the attachment, and if upon a hearing the disobedience appears, 2135  
the court may order the offender to be committed and kept in 2136  
close custody. 2137

Sec. 4768.06. (A) To obtain an appraisal management 2138



company license, each applicant shall submit all of the 2139  
following to the superintendent of real estate and professional 2140  
licensing: 2141

(1) A completed application on a form the superintendent 2142  
provides; 2143

(2) The name of a controlling person who will be the main 2144  
contact between the appraisal management company and the 2145  
division of real estate and professional licensing and the real 2146  
estate appraiser board; 2147

(3) Payment of the fee established for initial licensure 2148  
under division (A) (2) of section 4768.03 of the Revised Code; 2149

(4) A list of all owners and controlling persons of the 2150  
appraisal management company; 2151

(5) A statement that each owner and controlling person of 2152  
the appraisal management company satisfies the requirements set 2153  
forth in divisions (B) (1) to (4) of this section; 2154

(6) A completed consent to service of process in this 2155  
state as prescribed by rule of the real estate appraiser board; 2156

(7) A statement that the applicant understands the grounds 2157  
for any disciplinary action that may be initiated under this 2158  
chapter; 2159

(8) The name of each state in which the appraisal 2160  
management company holds an appraisal management company 2161  
license, certificate, or registration and affirmation that the 2162  
applicant is in good standing in each state where the applicant 2163  
holds a license, certificate, or registration; 2164

(9) A statement that the applicant acknowledges that a 2165  
system or process must be in place to verify that any appraiser 2166

added to the appraisal management company's appraiser panel for 2167  
the purpose of performing real estate appraisal services in this 2168  
state holds a license or certificate under Chapter 4763. of the 2169  
Revised Code and is in good standing with this state; 2170

(10) A statement that the applicant acknowledges that a 2171  
system or process must be in place to review the work of 2172  
appraisers who are performing real estate appraisal services for 2173  
compliance with the uniform standards of professional appraisal 2174  
practice; 2175

(11) A statement that the applicant acknowledges that a 2176  
system or process must be in place to verify that any employee 2177  
of, or independent contractor to, the appraisal management 2178  
company that performs an appraisal review shall be an appraiser 2179  
licensed or certified pursuant to Chapter 4763. of the Revised 2180  
Code, provided the property that is the subject of the appraisal 2181  
is located in this state; 2182

(12) A statement that the applicant acknowledges that the 2183  
controlling person who will be the main contact between the 2184  
appraisal management company and the division of real estate and 2185  
professional licensing and the real estate appraiser board 2186  
described in division (A)(2) of this section has successfully 2187  
completed fifteen hours of uniform standards of professional 2188  
appraisal practice and thereafter must complete seven hours of 2189  
instruction in uniform standards of professional appraisal 2190  
practice at least once every two years; 2191

(13) A statement that the applicant acknowledges that a 2192  
system or process must be in place to disclose to its client the 2193  
actual fees paid to an appraiser for appraisal services 2194  
separately from any other fees or charges for appraisal 2195  
management services; 2196

(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; 2197  
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2199  
2200  
2201

(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; 2202  
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2204  
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(16) A statement that the applicant acknowledges that the real estate appraiser board or the superintendent may require the applicant to submit to an audit, conducted by staff of the division of real estate and professional licensing, of the applicant's operations or books; 2206  
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2208  
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2210

(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. 2211  
2212  
2213

(B) Each owner and controlling person of an appraisal management company shall satisfy all of the following criteria: 2214  
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(1) Be an individual who is at least eighteen years of age; 2216  
2217

(2) Have graduated the twelfth grade or received a certificate of high school equivalence as defined in section 4109.06 of the Revised Code; 2218  
2219  
2220

(3) Be honest, truthful, and of good moral character; 2221

(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 2222  
2223  
2224

a substantive reason. A designated controlling person may have 2225  
had a license or certificate to act as an appraiser refused, 2226  
denied, canceled, revoked, or surrendered in lieu of revocation 2227  
in a state for a nonsubstantive reason if the license or 2228  
certificate was subsequently granted or reinstated; 2229

(5) Submit to a criminal records check in accordance with 2230  
this section and any rule that the superintendent adopts under 2231  
division (A)(1) of section 4768.03 of the Revised Code. 2232

(C) Upon receiving an application under this section, the 2233  
superintendent shall request the superintendent of the bureau of 2234  
criminal identification and investigation, or a vendor approved 2235  
by the bureau, to conduct a criminal records check based on the 2236  
fingerprint impressions of each owner and controlling person of 2237  
the applicant in accordance with division (A)(15) of section 2238  
109.572 of the Revised Code. Notwithstanding division (K) of 2239  
section 121.08 of the Revised Code, the superintendent of real 2240  
estate and professional licensing shall request that the 2241  
superintendent of the bureau of criminal identification and 2242  
investigation obtain criminal record information from the 2243  
federal bureau of investigation be obtained as part of the 2244  
criminal records check. Any fee required under division (C)(3) 2245  
of section 109.572 of the Revised Code shall be paid by the 2246  
applicant. 2247

(D)(1) Subject to section 4768.08 of the Revised Code and 2248  
except as provided in division (D)(2) of this section, the 2249  
superintendent shall issue a license to the applicant if the 2250  
applicant and each owner and controlling person of the applicant 2251  
satisfies the requirements of this section. 2252

(2) The superintendent shall not issue a license to an 2253  
applicant if any owner or controlling person of the applicant 2254

has been convicted of or pleaded guilty or no contest to a 2255  
felony. However, if an owner or controlling person of the 2256  
applicant has pleaded guilty or no contest to or been convicted 2257  
of a felony, the superintendent shall not consider the 2258  
conviction or plea if the person has proven to the 2259  
superintendent, by a preponderance of the evidence, that the 2260  
person's activities and employment record since the conviction 2261  
or plea show that the person is honest, truthful, and of good 2262  
moral character, and there is no basis in fact for believing 2263  
that the person will commit a felony again. 2264

(E) A license issued under this section shall be valid for 2265  
one year after the date of issue. 2266

**Sec. 4768.07.** (A) An appraisal management company licensed 2267  
under this chapter may obtain a renewal license by filing an 2268  
annual renewal application with the superintendent of real 2269  
estate and professional licensing and paying the renewal fee 2270  
established under division (A) (2) of section 4768.03 of the 2271  
Revised Code. The renewal application shall include a statement, 2272  
signed by the licensee's controlling person, that states all of 2273  
the following: 2274

(1) The licensee has a system or process in place to 2275  
verify that any appraiser added to the appraisal management 2276  
company's appraiser panel for the purpose of performing real 2277  
estate appraiser services in this state holds a license or 2278  
certificate under Chapter 4763. of the Revised Code and is in 2279  
good standing with this state. 2280

(2) The licensee has a system or process in place to 2281  
review the work of appraisers who are performing real estate 2282  
appraisal services for compliance with the uniform standards of 2283  
professional appraisal practice. 2284

(3) The controlling person of the licensee who is the main 2285  
contact between the appraisal management company and the 2286  
division of real estate and professional licensing and the real 2287  
estate appraiser board described in division (A)(2) of section 2288  
4768.06 of the Revised Code has successfully completed an 2289  
initial fifteen hours of uniform standards of professional 2290  
appraisal practice and thereafter completes seven hours of 2291  
instruction in uniform standards of professional appraisal 2292  
practice at least once every two years. 2293

(4) The licensee has a system or process in place to 2294  
disclose to its client the actual fees paid to an appraiser for 2295  
appraisal services separately from any other fees or charges for 2296  
appraisal management services. 2297

(5) The licensee has a system or process in place to 2298  
disclose the license, certificate, or registration number of the 2299  
appraisal management company on each engagement letter used in 2300  
assigning an appraisal request for real estate appraisal 2301  
assignments within the state. 2302

(6) Each owner and controlling person of the licensee 2303  
continues to satisfy the requirements provided for under 2304  
divisions (B)(1) to (4) of section 4768.06 of the Revised Code; 2305

(7) The licensee acknowledges that it is required to 2306  
report suspected violations of Chapter 4763. of the Revised Code 2307  
by a person licensed, registered, or certified under that 2308  
chapter; 2309

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

operations or books; 2314

(9) The licensee acknowledges that it is required to 2315  
comply with section 129e of the "Truth in Lending Act," 82 Stat. 2316  
146, 15 U.S.C. 1639e. 2317

(B) The licensee shall file the renewal application at 2318  
least thirty days, but not earlier than one hundred twenty days, 2319  
prior to expiration of the license. Subject to section 4768.08 2320  
of the Revised Code, the superintendent shall renew the license 2321  
if the applicant has complied with division (A) of this section. 2322  
Each license renewed under this section shall expire one year 2323  
after the date of renewal. 2324

(C) A licensee who fails to renew a license prior to its 2325  
expiration is ineligible to obtain a renewal license and shall 2326  
comply with section 4768.06 of the Revised Code to regain 2327  
licensure, except that a licensee may, within three months after 2328  
the expiration of the license, renew the license without having 2329  
to comply with section 4768.06 of the Revised Code by paying all 2330  
the renewal fees and the late filing fee established under 2331  
division (A) (2) of section 4768.03 of the Revised Code. A 2332  
licensee who applies for late renewal of the licensee's license 2333  
shall not engage in any activities permitted by the license 2334  
being renewed during the three-month period following the 2335  
license's normal expiration date until all renewal fees and the 2336  
late filing fee have been paid. 2337

**Sec. 4768.08.** The superintendent of real estate and 2338  
professional licensing may refuse to issue a license to an 2339  
applicant under this chapter based upon any act or omission for 2340  
which a person, including a licensee, may be disciplined under 2341  
division (K) of section 4768.13 of the Revised Code or may 2342  
refuse to renew a license if the licensee has failed to comply 2343

with this chapter. If the superintendent refuses to issue or 2344  
renew a license under this section, the superintendent shall 2345  
notify the applicant or the licensee of the basis for the 2346  
refusal. The notice shall comply with division (N) of section 2347  
4768.13 of the Revised Code, and the hearing shall be conducted 2348  
in accordance with Chapter 119. of the Revised Code. An 2349  
applicant or licensee may appeal the superintendent's decision 2350  
to the real estate appraiser board, which shall provide the 2351  
applicant or licensee with the opportunity to be heard in person 2352  
or by counsel, or both. The decision and order of the board is 2353  
final, subject to review in the manner provided in Chapter 119. 2354  
of the Revised Code and appeal to the court of common pleas of 2355  
Franklin county. 2356

**Sec. 4768.09.** (A) Except within the first thirty days 2357  
after an appraiser is first added to the appraiser panel of an 2358  
appraisal management company, an appraisal management company 2359  
shall not remove the appraiser from its appraiser panel or 2360  
otherwise refuse to assign requests for real estate appraisal 2361  
services to the appraiser without first doing both of the 2362  
following: 2363

(1) Notifying the appraiser in writing of the reasons the 2364  
appraiser is being removed from the appraiser panel or is 2365  
refused assignment requests for appraisal services; 2366

(2) Providing the appraiser with an opportunity to respond 2367  
to that notification, in writing, within ten business days after 2368  
the appraisal management company sends the removal notification. 2369

(B) The notice described in division (A)(1) of this 2370  
section shall be sent by a delivery system that delivers 2371  
letters, packages, and other materials in its ordinary course of 2372  
business with traceable delivery and signature receipt. An 2373



appraisal management company that sends such notice shall keep a 2374  
copy of the notice for at least five years from the date the 2375  
notice is sent to the appraiser. 2376

(C) Nothing in this section prohibits an appraisal 2377  
management company from suspending an appraiser from receiving 2378  
assignment requests during the period described in division (A) 2379  
(2) of this section. 2380

**Sec. 4768.10.** (A) Each appraisal management company 2381  
licensed under this chapter shall maintain all of the following 2382  
items for a period of at least five years from the date the 2383  
appraisal report is submitted to the client: 2384

(1) The original or true copy of every request relating to 2385  
the report that the appraisal management company receives from 2386  
the client; 2387

(2) The original or true copy of each request sent to an 2388  
appraiser who is considered for the assignment; 2389

(3) Copies of the appraisal report and all versions of 2390  
that report. 2391

(B) An appraisal management company shall include all of 2392  
the following information in each appraisal assignment file: 2393

(1) The name and contact information of both the appraisal 2394  
management company and the individual from the appraisal 2395  
management company involved in ordering the appraisal or, if the 2396  
assignment is generated by an automated system, the name of that 2397  
system; 2398

(2) The amount of any fee paid to the appraiser for each 2399  
assignment included in the appraisal assignment file and the 2400  
time and method of payment; 2401

(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. 2402  
2403  
2404

**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: 2405  
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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; 2412  
2413  
2414  
2415

(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; 2416  
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2418  
2419

(3) Expressly or impliedly promising future business, promotions, or increased compensation for an appraiser; 2420  
2421

(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; 2422  
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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; 2426  
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(6) Providing to an appraiser an anticipated, estimated, 2430

encouraged, or desired value for a subject property or a 2431  
proposed or target amount to be loaned to the borrower, except 2432  
that the employee, director, officer, or agent of an appraisal 2433  
management company may provide the appraiser with a copy of the 2434  
sales contract for purchase transactions; 2435

(7) Providing stock or other financial or nonfinancial 2436  
benefits to an appraiser or any person related to the appraiser; 2437

(8) Any other act or practice that impairs, or attempts to 2438  
impair, an appraiser's independence, objectivity, or 2439  
impartiality; 2440

(9) Obtaining, using, or paying for a second or subsequent 2441  
appraisal or ordering an automated valuation model in connection 2442  
with a mortgage financing transaction, unless any of the 2443  
following are true: 2444

(a) There is a reasonable basis to believe that the 2445  
initial appraisal was flawed or tainted and such basis is 2446  
clearly and appropriately noted in the loan file. 2447

(b) The appraisal or automated valuation model is done 2448  
pursuant to a bona fide pre- or post-funding appraisal review or 2449  
quality control process. 2450

(c) A second appraisal is required under state or federal 2451  
law. 2452

(10) Allowing the removal of an appraiser from the 2453  
appraisal management company's appraiser panel without prior 2454  
written notice as required under section 4768.09 of the Revised 2455  
Code; 2456

(11) Requiring an appraiser to indemnify the appraisal 2457  
management company against liability, damages, losses, or claims 2458

other than those liabilities, damages, losses, or claims arising 2459  
out of the services performed by the appraiser, including 2460  
performance or nonperformance of the appraiser's duties and 2461  
obligation, whether as a result of negligence or willful 2462  
misconduct; 2463

(12) Requiring an appraiser to perform an appraisal 2464  
assignment if the appraiser declines the assignment and informs 2465  
the appraisal management company that the appraiser is not 2466  
competent to perform the appraisal assignment and the appraiser 2467  
declines to acquire the necessary competency to perform the 2468  
assignment; 2469

(13) Requiring an appraiser who has notified the appraisal 2470  
management company and declined the assignment to prepare an 2471  
appraisal under a time frame that the appraiser, in the 2472  
appraiser's own professional judgment, believes does not afford 2473  
the appraiser the ability to meet all the relevant legal and 2474  
professional obligations. 2475

(B) Nothing in division (A) of this section shall be 2476  
construed as prohibiting an appraisal management company from 2477  
requesting that an appraiser do any of the following: 2478

(1) Consider additional, appropriate property information, 2479  
including the consideration of additional comparable properties, 2480  
to make or support an appraisal; 2481

(2) Provide further detail, substantiation, or explanation 2482  
for the appraiser's value conclusion; 2483

(3) Correct objective factual errors in an appraisal 2484  
report. 2485

(C) No appraisal management company shall recklessly 2486  
alter, modify, or otherwise change a completed appraisal report 2487

submitted by an appraiser, except that the format of the 2488  
appraisal report may be modified solely for the purpose of 2489  
transmission. 2490

(D) Each appraisal management company shall require that 2491  
appraisals be conducted independently and free from 2492  
inappropriate influence and coercion pursuant to the appraisal 2493  
independence standards established under section 129e of the 2494  
"Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1639e. 2495

Sec. 4768.12. (A) An appraisal management company licensed 2496  
under this chapter shall compensate an appraiser for the 2497  
completion of an appraisal within sixty days of the date on 2498  
which the appraiser transmits or otherwise provides the 2499  
completed appraisal to the appraisal management company or its 2500  
assignees, except in cases of breach of contract or substandard 2501  
performance of services. 2502

(B) (1) An appraisal management company licensed under this 2503  
chapter shall compensate each appraiser who performs appraisal 2504  
services for the appraisal management company in accordance with 2505  
the appraisal independence standards established under section 2506  
129e of the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 2507  
1639e. 2508

(2) In the case of an appraisal involving a complex 2509  
assignment, the customary and reasonable fee may reflect the 2510  
increased time, difficulty, and scope of the work required for 2511  
the appraisal, and may include an amount over and above the 2512  
customary and reasonable fee for noncomplex assignments. 2513

Sec. 4768.13. (A) Within ten business days after a person 2514  
files with the division of real estate and professional 2515  
licensing a written complaint against a person licensed under 2516

this chapter or any other person, the superintendent of real 2517  
estate and professional licensing shall acknowledge receipt of 2518  
the complaint by sending notice to the person against whom the 2519  
complaint is filed that includes a copy of the complaint. That 2520  
notice and the acknowledgment to the complainant may state that 2521  
an informal mediation meeting will be held with the complainant, 2522  
the person against whom the complaint is filed, and an 2523  
investigator from the investigation and audit section of the 2524  
division, if the complainant and person both file a request for 2525  
such a meeting within twenty calendar days after the 2526  
acknowledgment and notice are mailed. 2527

(B) If the complainant and the person against whom the 2528  
complaint is filed both file with the division requests for an 2529  
informal mediation meeting, the superintendent shall notify the 2530  
complainant and the person of the date, time, and place of the 2531  
meeting by regular mail. If the complainant and the person reach 2532  
an accommodation at an informal mediation meeting, the 2533  
investigator shall report the accommodation to the 2534  
superintendent, the complainant, and the person against whom the 2535  
complaint is filed and the file shall be closed upon the 2536  
superintendent receiving satisfactory notice that the 2537  
accommodation agreement has been fulfilled. 2538

(C) If the complainant and the person against whom the 2539  
complaint is filed fail to agree to an informal mediation 2540  
meeting, fail to reach an accommodation agreement, or fail to 2541  
fulfill an accommodation agreement, the superintendent shall 2542  
assign the complaint to an investigator for an investigation 2543  
into the conduct of the person against whom the complaint is 2544  
filed. 2545

(D) Upon the conclusion of the investigation, the 2546

investigator shall file a written report of the results of the 2547  
investigation with the superintendent. The superintendent shall 2548  
review the report and determine whether there exists reasonable 2549  
and substantial evidence to justify disciplinary action against 2550  
the person on a ground described in division (K) of this 2551  
section. 2552

(E) If the superintendent finds that reasonable and 2553  
substantial evidence to justify disciplinary action against the 2554  
person on a ground described in division (K) of this section 2555  
does not exist, the superintendent shall notify that person and 2556  
the complainant of that determination and the basis for the 2557  
determination. Within fifteen business days after the 2558  
superintendent notifies the complainant and the person against 2559  
whom the complaint is filed of that determination, the 2560  
complainant may file with the division a request that the real 2561  
estate appraiser board review the determination. If the 2562  
complainant files such request, the board shall review the 2563  
superintendent's determination at the next regularly scheduled 2564  
meeting held at least fifteen business days after the request is 2565  
filed but not longer than six months after the request is filed. 2566  
The board may hear the testimony of the complainant or the 2567  
person against whom the complaint is filed at the meeting upon 2568  
the request of that party. If the board affirms the 2569  
determination of the superintendent, the superintendent shall 2570  
notify the complainant and the person against whom the complaint 2571  
is filed within ten business days thereafter. If the board 2572  
reverses the determination of the superintendent, a hearing 2573  
before a hearing examiner shall be held, and the complainant and 2574  
the person against whom the complaint is filed shall be notified 2575  
as provided in division (N) of this section. 2576

(F) If the superintendent finds that reasonable and 2577

substantial evidence to justify disciplinary action against the 2578  
person on a ground described in division (K) of this section 2579  
does exist, the superintendent shall notify that person and the 2580  
complainant of the determination. The person against whom the 2581  
complaint is filed may request a hearing pursuant to Chapter 2582  
119. of the Revised Code. If a formal hearing is to be 2583  
conducted, the superintendent shall appoint a hearing examiner 2584  
to conduct the hearing in accordance with that chapter. 2585

(G) In accordance with section 119.09 of the Revised Code, 2586  
after conducting a hearing, the hearing examiner shall submit a 2587  
report of findings of fact and conclusions of law with the 2588  
superintendent, the board, the complainant, and the person 2589  
against whom the complaint is filed. Within ten calendar days of 2590  
receipt of the copy of the hearing examiner's report, the person 2591  
against whom the complaint is filed and the division may file 2592  
with the board objections to the hearing examiner's report, 2593  
which shall be considered by the board before approving, 2594  
modifying, or rejecting the hearing examiner's report. The board 2595  
may hear the testimony of the complainant and the person against 2596  
whom the complaint is filed upon request of those parties. 2597

(H) At any time after the superintendent notifies a person 2598  
against whom the complaint is filed of the superintendent's 2599  
determination in accordance with division (F) of this section 2600  
but before a hearing is held on the matter, the person may apply 2601  
to the superintendent to enter into a settlement agreement 2602  
regarding the alleged violation. The superintendent and the 2603  
person shall comply with the requirements for settlement 2604  
agreements established by rules adopted by the board under 2605  
division (A) (3) of section 4768.03 of the Revised Code. If the 2606  
parties enter into the settlement agreement, the hearing before 2607  
the hearing examiner shall be postponed, and the board shall 2608



review the settlement agreement at its next regularly scheduled 2609  
meeting. If the board disapproves the settlement agreement, the 2610  
hearing before the hearing examiner shall be rescheduled. 2611

(I) If, after review of the hearing examiner's report or 2612  
the settlement agreement, the board determines that a ground for 2613  
disciplinary action that is described in division (K) of this 2614  
section exists against a person, the board shall order the 2615  
disciplinary action the board considers appropriate, which may 2616  
include any of the following: 2617

(1) Reprimand of the person, if licensed under this 2618  
chapter; 2619

(2) Imposition of a fine, not exceeding twenty-five 2620  
thousand dollars per violation; 2621

(3) Suspension of a license issued under this chapter for 2622  
a specific period of time; 2623

(4) Revocation of a license issued under this chapter. 2624

If the board approved a settlement agreement entered into 2625  
pursuant to division (H) of this section in relation to the 2626  
ground for disciplinary action, the disciplinary action shall 2627  
not be inconsistent with that settlement agreement. 2628

(J) The decision and order of the board is final, subject 2629  
to review in the manner provided for in Chapter 119. of the 2630  
Revised Code and appeal to the court of common pleas of Franklin 2631  
county. 2632

(K) The board may take any disciplinary action authorized 2633  
by division (I) of this section against any person, including an 2634  
appraisal management company licensed under this chapter, to 2635  
which any of the following grounds apply: 2636

- (1) The person procured or attempted to procure a license under this chapter by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for licensure, or by any means of fraud or misrepresentation. 2637  
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- (2) The person paid, or attempted to pay, anything of value, other than the fees or assessments required by this chapter, to any member or employee of the board for the purpose of procuring a license under this chapter. 2642  
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- (3) The person offered, performed, or otherwise provided appraisal management services, without a license issued under this chapter, under a business structure that was designed to circumvent the requirements and prohibitions of this chapter. 2646  
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- (4) The person violated section 4768.09 of the Revised Code. 2650  
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- (5) The person violated section 4768.11 of the Revised Code. 2652  
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- (6) The person violated section 4768.12 of the Revised Code. 2654  
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- (7) The person failed to provide copies of records to the superintendent as required under this chapter or failed to maintain records, or include certain information in the appraisal assignment file, as required under section 4768.10 of the Revised Code. 2656  
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- (8) Entry of final judgment exists against a person licensed under this chapter on the grounds of fraud, deceit, misrepresentation, or coercion in the making of any appraisal of real estate. 2661  
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- (9) The person failed to provide notice to the board as required in division (M) of this section. 2665  
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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. 2667  
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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. 2670  
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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. 2678  
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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. 2684  
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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. 2689  
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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. 2694  
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(16) An owner or controlling person of an appraisal management company was convicted of or pleaded guilty to a felony. 2699  
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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. 2702  
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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. 2706  
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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. 2711  
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**Sec. 4768.14.** (A) Upon receipt of a written complaint or 2722

upon the superintendent of real estate and professional 2723  
licensing's own motion, the superintendent may investigate any 2724  
person that allegedly violated division (A) (1) of section 2725  
4768.02 of the Revised Code. 2726

(B) If, after investigation, the superintendent determines 2727  
there exists reasonable evidence of a violation of division (A) 2728  
(1) of section 4768.02 of the Revised Code, within fourteen 2729  
business days after that determination, the superintendent shall 2730  
send the party who is the subject of the investigation a written 2731  
notice, by regular mail, that includes all of the following 2732  
information: 2733

(1) A description of the activity in which the party 2734  
allegedly is engaging or has engaged that is a violation of 2735  
division (A) (1) of section 4768.02 of the Revised Code; 2736

(2) The applicable law allegedly violated; 2737

(3) A statement informing the party that a hearing 2738  
concerning the alleged violation will be held before a hearing 2739  
examiner, and a statement giving the date and place of that 2740  
hearing; 2741

(4) A statement informing the party that the party or the 2742  
party's attorney may appear in person at the hearing and present 2743  
evidence and examine witnesses appearing for and against the 2744  
party, or the party may submit written testimony stating any 2745  
positions, arguments, or contentions. 2746

(C) At any time after the superintendent notifies a person 2747  
of the superintendent's determination in accordance with 2748  
division (B) of this section but before a hearing is held on the 2749  
matter, the person may apply to the superintendent to enter into 2750  
a settlement agreement regarding the alleged violation. The 2751

superintendent and the person shall comply with the requirements 2752  
for settlement agreements established by rules adopted by the 2753  
board under division (A) (3) of section 4768.03 of the Revised 2754  
Code. If the parties enter into the settlement agreement, the 2755  
hearing before the hearing examiner shall be postponed and the 2756  
board shall review the settlement agreement at its next 2757  
regularly scheduled meeting. If the board disapproves the 2758  
settlement agreement, the hearing before the hearing examiner 2759  
shall be rescheduled. 2760

(D) The hearing examiner shall hear the testimony of all 2761  
parties present at the hearing and consider any written 2762  
testimony submitted pursuant to division (B) (4) of this section. 2763  
At the conclusion of the hearing, the hearing examiner shall 2764  
determine if there has been a violation of division (A) (1) of 2765  
section 4768.02 of the Revised Code. 2766

(E) After the conclusion of formal hearings, the hearing 2767  
examiner shall file with the superintendent, the real estate 2768  
appraiser board, the complainant, and the parties a written 2769  
report setting forth the examiner's findings of fact and 2770  
conclusions of law and a recommendation of the action to be 2771  
taken by the superintendent. Within ten days of receiving a copy 2772  
of that report, the parties and the division of real estate and 2773  
professional licensing may file with the board written 2774  
objections to the report. The board shall consider the 2775  
objections before approving, modifying, or disapproving the 2776  
report. 2777

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

parties. 2782

(F) After reviewing the hearing examiner's report pursuant 2783  
to division (E) of this section, or after reviewing the 2784  
settlement agreement pursuant to division (C) of this section, 2785  
the board shall decide whether to impose sanctions upon a party 2786  
for a violation of division (A) (1) of section 4768.02 of the 2787  
Revised Code. The board may assess a civil penalty in an amount 2788  
it determines, not to exceed one thousand dollars per violation, 2789  
not to exceed ten thousand dollars in aggregate. Each day a 2790  
violation occurs or continues is a separate violation. The board 2791  
shall determine the terms of payment. The board shall maintain a 2792  
transcript of the proceedings of the hearing and issue a written 2793  
opinion to all parties, citing its findings and grounds for any 2794  
action taken. If the board approved a settlement agreement 2795  
entered into pursuant to division (C) of this section in 2796  
relation to the violation, the civil penalty shall not be 2797  
inconsistent with that settlement agreement. 2798

(G) Civil penalties collected under this section shall be 2799  
deposited in the real estate appraiser operating fund created 2800  
under section 4763.15 of the Revised Code. 2801

(H) If a party fails to pay a civil penalty assessed 2802  
pursuant to this section within the time prescribed by the 2803  
board, the superintendent shall forward to the attorney general 2804  
the name of the party and the amount of the civil penalty, for 2805  
the purpose of collecting that civil penalty. The party shall 2806  
pay the fee assessed by the attorney general for collection of 2807  
the civil penalty in addition to the civil penalty assessed 2808  
pursuant to this section in an amount not to exceed ten thousand 2809  
dollars. 2810

**Sec. 4768.15.** The superintendent of real estate and 2811

professional licensing shall deposit all moneys collected under 2812  
this chapter into the state treasury to the credit of the real 2813  
estate appraiser operating fund created under section 4763.15 of 2814  
the Revised Code. 2815

**Sec. 4768.99.** (A) Whoever violates division (A) (1), (2), 2816  
(3), (4), (5), (6), (7), (8), or (9) or division (C) of section 2817  
4768.11 of the Revised Code is guilty of a felony of the fifth 2818  
degree. 2819

(B) Whoever violates division (A) (10), (11), (12), or (13) 2820  
of section 4768.11 of the Revised Code is guilty of a 2821  
misdemeanor of the first degree. 2822

**Section 2.** That existing sections 109.572, 121.08, 2823  
4763.01, 4763.02, 4763.03, 4763.05, 4763.08, 4763.11, 4763.12, 2824  
4763.13, 4763.14, 4763.15, 4763.17, and 4763.19 of the Revised 2825  
Code are hereby repealed. 2826

**Section 3.** Nothing in this act shall affect the term of 2827  
any member of the Real Estate Appraiser Board serving on the 2828  
effective date of this act. 2829

**Section 4.** Division (A) (11) of section 4768.11 of the 2830  
Revised Code as enacted by this act, applies to contracts 2831  
entered into on or after the effective date of this act. 2832

**Section 5.** Sections 109.572, 121.08, 4763.01, 4763.02, 2833  
4763.03, 4763.05, 4763.08, 4763.11, 4763.12, 4763.13, 4763.14, 2834  
4763.15, 4763.17, 4763.19, 4768.01, 4768.02, 4768.04, 4768.05, 2835  
4768.06, 4768.07, 4768.08, 4768.09, 4768.10, 4768.11, 4768.12, 2836  
4768.13, 4768.14, 4768.15, and 4768.99 of the Revised Code, as 2837  
amended or enacted by this act, shall take effect six months 2838  
after the effective date of this act. 2839

**Section 6.** This act is hereby declared to be an emergency 2840



measure necessary for the immediate preservation of the public 2841  
peace, health, and safety. The reason for such necessity is that 2842  
the act's requirements for appraisal management companies and 2843  
appraisers will economically protect citizens of this state, as 2844  
well as ensure confidence in the property appraisal procedure. 2845  
Therefore, this act shall go into immediate effect. 2846

**Section 7.** Section 109.572 of the Revised Code is 2847  
presented in this act as a composite of the section as amended 2848  
by both Sub. H.B. 523 and Am. Sub. S.B. 227 of the 131st General 2849  
Assembly. The General Assembly, applying the principle stated in 2850  
division (B) of section 1.52 of the Revised Code that amendments 2851  
are to be harmonized if reasonably capable of simultaneous 2852  
operation, finds that the composite is the resulting version of 2853  
the section in effect prior to the effective date of the section 2854  
as presented in this act. 2855