

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 546**

**Representatives Slesnick, McGregor**

**Cosponsors: Representatives Antonio, Brenner, Murray, Stebelton**

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**A B I L L**

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

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

**Section 1.** That sections 109.572, 4763.01, 4763.02, 4763.05, 9  
4763.08, 4763.11, 4763.12, 4763.13, 4763.14, 4763.15, 4763.17, and 10  
4763.19 be amended and sections 4768.01, 4768.02, 4768.03, 11  
4768.04, 4768.05, 4768.06, 4768.07, 4768.08, 4768.09, 4768.10, 12  
4768.11, 4768.12, 4768.13, 4768.14, 4768.15, and 4768.99 of the 13  
Revised Code be enacted to read as follows: 14

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 15  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 16  
a completed form prescribed pursuant to division (C)(1) of this 17  
section, and a set of fingerprint impressions obtained in the 18  
manner described in division (C)(2) of this section, the 19

superintendent of the bureau of criminal identification and 20  
investigation shall conduct a criminal records check in the manner 21  
described in division (B) of this section to determine whether any 22  
information exists that indicates that the person who is the 23  
subject of the request previously has been convicted of or pleaded 24  
guilty to any of the following: 25

(a) A violation of section 2903.01, 2903.02, 2903.03, 26  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 27  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 28  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 29  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 30  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 31  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 32  
2925.06, or 3716.11 of the Revised Code, felonious sexual 33  
penetration in violation of former section 2907.12 of the Revised 34  
Code, a violation of section 2905.04 of the Revised Code as it 35  
existed prior to July 1, 1996, a violation of section 2919.23 of 36  
the Revised Code that would have been a violation of section 37  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 38  
had the violation been committed prior to that date, or a 39  
violation of section 2925.11 of the Revised Code that is not a 40  
minor drug possession offense; 41

(b) A violation of an existing or former law of this state, 42  
any other state, or the United States that is substantially 43  
equivalent to any of the offenses listed in division (A)(1)(a) of 44  
this section. 45

(2) On receipt of a request pursuant to section 5123.081 of 46  
the Revised Code with respect to an applicant for employment in 47  
any position with the department of developmental disabilities, 48  
pursuant to section 5126.28 of the Revised Code with respect to an 49  
applicant for employment in any position with a county board of 50  
developmental disabilities, or pursuant to section 5126.281 of the 51

Revised Code with respect to an applicant for employment in a 52  
direct services position with an entity contracting with a county 53  
board for employment, a completed form prescribed pursuant to 54  
division (C)(1) of this section, and a set of fingerprint 55  
impressions obtained in the manner described in division (C)(2) of 56  
this section, the superintendent of the bureau of criminal 57  
identification and investigation shall conduct a criminal records 58  
check. The superintendent shall conduct the criminal records check 59  
in the manner described in division (B) of this section to 60  
determine whether any information exists that indicates that the 61  
person who is the subject of the request has been convicted of or 62  
pleaded guilty to any of the following: 63

(a) A violation of section 2903.01, 2903.02, 2903.03, 64  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 65  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 66  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 67  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 68  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 69  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 70  
2925.03, or 3716.11 of the Revised Code; 71

(b) An existing or former municipal ordinance or law of this 72  
state, any other state, or the United States that is substantially 73  
equivalent to any of the offenses listed in division (A)(2)(a) of 74  
this section. 75

(3) On receipt of a request pursuant to section 173.27, 76  
173.394, 3712.09, 3721.121, 5119.693, or 5119.85 of the Revised 77  
Code, a completed form prescribed pursuant to division (C)(1) of 78  
this section, and a set of fingerprint impressions obtained in the 79  
manner described in division (C)(2) of this section, the 80  
superintendent of the bureau of criminal identification and 81  
investigation shall conduct a criminal records check with respect 82  
to any person who has applied for employment in a position for 83

which a criminal records check is required by those sections. The 84  
superintendent shall conduct the criminal records check in the 85  
manner described in division (B) of this section to determine 86  
whether any information exists that indicates that the person who 87  
is the subject of the request previously has been convicted of or 88  
pleaded guilty to any of the following: 89

(a) A violation of section 2903.01, 2903.02, 2903.03, 90  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 91  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 92  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 93  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 94  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 95  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 96  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 97  
2925.22, 2925.23, or 3716.11 of the Revised Code; 98

(b) An existing or former law of this state, any other state, 99  
or the United States that is substantially equivalent to any of 100  
the offenses listed in division (A)(3)(a) of this section. 101

(4) On receipt of a request pursuant to section 3701.881 of 102  
the Revised Code with respect to an applicant for employment with 103  
a home health agency as a person responsible for the care, 104  
custody, or control of a child, a completed form prescribed 105  
pursuant to division (C)(1) of this section, and a set of 106  
fingerprint impressions obtained in the manner described in 107  
division (C)(2) of this section, the superintendent of the bureau 108  
of criminal identification and investigation shall conduct a 109  
criminal records check. The superintendent shall conduct the 110  
criminal records check in the manner described in division (B) of 111  
this section to determine whether any information exists that 112  
indicates that the person who is the subject of the request 113  
previously has been convicted of or pleaded guilty to any of the 114  
following: 115

(a) A violation of section 2903.01, 2903.02, 2903.03, 116  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 117  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 118  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 119  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 120  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 121  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 122  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 123  
violation of section 2925.11 of the Revised Code that is not a 124  
minor drug possession offense; 125

(b) An existing or former law of this state, any other state, 126  
or the United States that is substantially equivalent to any of 127  
the offenses listed in division (A)(4)(a) of this section. 128

(5) On receipt of a request pursuant to section 5111.032, 129  
5111.033, or 5111.034 of the Revised Code, a completed form 130  
prescribed pursuant to division (C)(1) of this section, and a set 131  
of fingerprint impressions obtained in the manner described in 132  
division (C)(2) of this section, the superintendent of the bureau 133  
of criminal identification and investigation shall conduct a 134  
criminal records check. The superintendent shall conduct the 135  
criminal records check in the manner described in division (B) of 136  
this section to determine whether any information exists that 137  
indicates that the person who is the subject of the request 138  
previously has been convicted of, has pleaded guilty to, or has 139  
been found eligible for intervention in lieu of conviction for any 140  
of the following, regardless of the date of the conviction, the 141  
date of entry of the guilty plea, or the date the person was found 142  
eligible for intervention in lieu of conviction: 143

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 144  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 145  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 146  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 147

2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 148  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 149  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 150  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 151  
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 152  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 153  
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 154  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 155  
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 156  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 157  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 158  
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 159  
penetration in violation of former section 2907.12 of the Revised 160  
Code, a violation of section 2905.04 of the Revised Code as it 161  
existed prior to July 1, 1996, a violation of section 2919.23 of 162  
the Revised Code that would have been a violation of section 163  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 164  
had the violation been committed prior to that date; 165

(b) A violation of an existing or former municipal ordinance 166  
or law of this state, any other state, or the United States that 167  
is substantially equivalent to any of the offenses listed in 168  
division (A)(5)(a) of this section. 169

(6) On receipt of a request pursuant to section 3701.881 of 170  
the Revised Code with respect to an applicant for employment with 171  
a home health agency in a position that involves providing direct 172  
care to an older adult, 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) of 175  
this section, the superintendent of the bureau of criminal 176  
identification and investigation shall conduct a criminal records 177  
check. The superintendent shall conduct the criminal records check 178  
in the manner described in division (B) of this section to 179

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)(6)(a) of this section.

(7) When conducting a criminal records check upon a request pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, in addition to the determination made under division (A)(1) of this section, the superintendent shall 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 offense specified in section 3319.31 of the Revised Code.

(8) On receipt of a request pursuant to section 2151.86 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 of the following: 212

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 213  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 214  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 215  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 216  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 217  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 218  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 219  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 220  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 221  
of the Revised Code, a violation of section 2905.04 of the Revised 222  
Code as it existed prior to July 1, 1996, a violation of section 223  
2919.23 of the Revised Code that would have been a violation of 224  
section 2905.04 of the Revised Code as it existed prior to July 1, 225  
1996, had the violation been committed prior to that date, a 226  
violation of section 2925.11 of the Revised Code that is not a 227  
minor drug possession offense, two or more OVI or OVUAC violations 228  
committed within the three years immediately preceding the 229  
submission of the application or petition that is the basis of the 230  
request, or felonious sexual penetration in violation of former 231  
section 2907.12 of the Revised Code; 232

(b) A violation of an existing or former law of this state, 233  
any other state, or the United States that is substantially 234  
equivalent to any of the offenses listed in division (A)(8)(a) of 235  
this section. 236

(9) Upon receipt of a request pursuant to section 5104.012 or 237  
5104.013 of the Revised Code, a completed form prescribed pursuant 238  
to division (C)(1) of this section, and a set of fingerprint 239  
impressions obtained in the manner described in division (C)(2) of 240  
this section, the superintendent of the bureau of criminal 241  
identification and investigation shall conduct a criminal records 242  
check in the manner described in division (B) of this section to 243

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 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, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

(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 or violations described in division (A)(9)(a) of this section.

(10) Upon receipt of a request pursuant to section 5153.111

of the Revised Code, a completed form prescribed pursuant to 276  
division (C)(1) of this section, and a set of fingerprint 277  
impressions obtained in the manner described in division (C)(2) of 278  
this section, the superintendent of the bureau of criminal 279  
identification and investigation shall conduct a criminal records 280  
check in the manner described in division (B) of this section to 281  
determine whether any information exists that indicates that the 282  
person who is the subject of the request previously has been 283  
convicted of or pleaded guilty to any of the following: 284

(a) A violation of section 2903.01, 2903.02, 2903.03, 285  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 286  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 287  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 288  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 289  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 290  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 291  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 292  
felonious sexual penetration in violation of former section 293  
2907.12 of the Revised Code, a violation of section 2905.04 of the 294  
Revised Code as it existed prior to July 1, 1996, a violation of 295  
section 2919.23 of the Revised Code that would have been a 296  
violation of section 2905.04 of the Revised Code as it existed 297  
prior to July 1, 1996, had the violation been committed prior to 298  
that date, or a violation of section 2925.11 of the Revised Code 299  
that is not a minor drug possession offense; 300

(b) A violation of an existing or former law of this state, 301  
any other state, or the United States that is substantially 302  
equivalent to any of the offenses listed in division (A)(10)(a) of 303  
this section. 304

(11) On receipt of a request for a criminal records check 305  
from an individual pursuant to section 4749.03 or 4749.06 of the 306  
Revised Code, accompanied by a completed copy of the form 307

prescribed in division (C)(1) of this section and a set of 308  
fingerprint impressions obtained in a manner described in division 309  
(C)(2) of this section, the superintendent of the bureau of 310  
criminal identification and investigation shall conduct a criminal 311  
records check in the manner described in division (B) of this 312  
section to determine whether any information exists indicating 313  
that the person who is the subject of the request has been 314  
convicted of or pleaded guilty to a felony in this state or in any 315  
other state. If the individual indicates that a firearm will be 316  
carried in the course of business, the superintendent shall 317  
require information from the federal bureau of investigation as 318  
described in division (B)(2) of this section. The superintendent 319  
shall report the findings of the criminal records check and any 320  
information the federal bureau of investigation provides to the 321  
director of public safety. 322

(12) On receipt of a request pursuant to section 1321.37, 323  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 324  
Code, a completed form prescribed pursuant to division (C)(1) of 325  
this section, and a set of fingerprint impressions obtained in the 326  
manner described in division (C)(2) of this section, the 327  
superintendent of the bureau of criminal identification and 328  
investigation shall conduct a criminal records check with respect 329  
to any person who has applied for a license, permit, or 330  
certification from the department of commerce or a division in the 331  
department. The superintendent shall conduct the criminal records 332  
check in the manner described in division (B) of this section to 333  
determine whether any information exists that indicates that the 334  
person who is the subject of the request previously has been 335  
convicted of or pleaded guilty to any of the following: a 336  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 337  
2925.03 of the Revised Code; any other criminal offense involving 338  
theft, receiving stolen property, embezzlement, forgery, fraud, 339  
passing bad checks, money laundering, or drug trafficking, or any 340

criminal offense involving money or securities, as set forth in 341  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 342  
the Revised Code; or any existing or former law of this state, any 343  
other state, or the United States that is substantially equivalent 344  
to those offenses. 345

(13) On receipt of a request for a criminal records check 346  
from the treasurer of state under section 113.041 of the Revised 347  
Code or from an individual under section 4701.08, 4715.101, 348  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 349  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 350  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 351  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 352  
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 353  
a completed form prescribed under division (C)(1) of this section 354  
and a set of fingerprint impressions obtained in the manner 355  
described in division (C)(2) of this section, the superintendent 356  
of the bureau of criminal identification and investigation shall 357  
conduct a criminal records check in the manner described in 358  
division (B) of this section to determine whether any information 359  
exists that indicates that the person who is the subject of the 360  
request has been convicted of or pleaded guilty to any criminal 361  
offense in this state or any other state. The superintendent shall 362  
send the results of a check requested under section 113.041 of the 363  
Revised Code to the treasurer of state and shall send the results 364  
of a check requested under any of the other listed sections to the 365  
licensing board specified by the individual in the request. 366

(14) On receipt of a request pursuant to section 1121.23, 367  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 368  
Code, a completed form prescribed pursuant to division (C)(1) of 369  
this section, and a set of fingerprint impressions obtained in the 370  
manner described in division (C)(2) of this section, the 371  
superintendent of the bureau of criminal identification and 372

investigation shall conduct a criminal records check in the manner 373  
described in division (B) of this section to determine whether any 374  
information exists that indicates that the person who is the 375  
subject of the request previously has been convicted of or pleaded 376  
guilty to any criminal offense under any existing or former law of 377  
this state, any other state, or the United States. 378

(15) On receipt of a request for a criminal records check 379  
from an appointing or licensing authority under section 3772.07 of 380  
the Revised Code, a completed form prescribed under division 381  
(C)(1) of this section, and a set of fingerprint impressions 382  
obtained in the manner prescribed in division (C)(2) of this 383  
section, the superintendent of the bureau of criminal 384  
identification and investigation shall conduct a criminal records 385  
check in the manner described in division (B) of this section to 386  
determine whether any information exists that indicates that the 387  
person who is the subject of the request previously has been 388  
convicted of or pleaded guilty or no contest to any offense under 389  
any existing or former law of this state, any other state, or the 390  
United States that is a disqualifying offense as defined in 391  
section 3772.07 of the Revised Code or substantially equivalent to 392  
such an offense. 393

(16) On receipt of a request pursuant to section 4768.06 of 394  
the Revised Code, a completed form prescribed under division 395  
(C)(1) of this section, and a set of fingerprint impressions 396  
obtained in the manner described in division (C)(2) of this 397  
section, the superintendent of the bureau of criminal 398  
identification and investigation shall conduct a criminal records 399  
check in the manner described in division (B) of this section to 400  
determine whether any information exists indicating that the 401  
person who is the subject of the request has been convicted of or 402  
pleaded guilty to a felony in this state or in any other state. 403

(17) Not later than thirty days after the date the 404

superintendent receives a request of a type described in division 405  
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 406  
(14), ~~or (15)~~, or (16) of this section, the completed form, and 407  
the fingerprint impressions, the superintendent shall send the 408  
person, board, or entity that made the request any information, 409  
other than information the dissemination of which is prohibited by 410  
federal law, the superintendent determines exists with respect to 411  
the person who is the subject of the request that indicates that 412  
the person previously has been convicted of or pleaded guilty to 413  
any offense listed or described in division (A)(1), (2), (3), (4), 414  
(5), (6), (7), (8), (9), (10), (11), (12), (14), ~~or (15)~~, or (16) 415  
of this section, as appropriate. The superintendent shall send the 416  
person, board, or entity that made the request a copy of the list 417  
of offenses specified in division (A)(1), (2), (3), (4), (5), (6), 418  
(7), (8), (9), (10), (11), (12), (14), ~~or (15)~~, or (16) of this 419  
section, as appropriate. If the request was made under section 420  
3701.881 of the Revised Code with regard to an applicant who may 421  
be both responsible for the care, custody, or control of a child 422  
and involved in providing direct care to an older adult, the 423  
superintendent shall provide a list of the offenses specified in 424  
divisions (A)(4) and (6) of this section. 425

Not later than thirty days after the superintendent receives 426  
a request for a criminal records check pursuant to section 113.041 427  
of the Revised Code, the completed form, and the fingerprint 428  
impressions, the superintendent shall send the treasurer of state 429  
any information, other than information the dissemination of which 430  
is prohibited by federal law, the superintendent determines exist 431  
with respect to the person who is the subject of the request that 432  
indicates that the person previously has been convicted of or 433  
pleaded guilty to any criminal offense in this state or any other 434  
state. 435

(B) The superintendent shall conduct any criminal records 436

check requested under section 113.041, 121.08, 173.27, 173.394, 437  
1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 438  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 439  
3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101, 4717.061, 440  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 441  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 442  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 443  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 444  
4762.031, 4762.06, 4763.05, 4768.06, 4779.091, 5104.012, 5104.013, 445  
5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 5123.081, 446  
5126.28, 5126.281, or 5153.111 of the Revised Code as follows: 447

(1) The superintendent shall review or cause to be reviewed 448  
any relevant information gathered and compiled by the bureau under 449  
division (A) of section 109.57 of the Revised Code that relates to 450  
the person who is the subject of the request, including, if the 451  
criminal records check was requested under section 113.041, 452  
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 453  
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 454  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 455  
3772.07, 4749.03, 4749.06, 4763.05, 4768.06, 5104.012, 5104.013, 456  
5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 5123.081, 457  
5126.28, 5126.281, or 5153.111 of the Revised Code, any relevant 458  
information contained in records that have been sealed under 459  
section 2953.32 of the Revised Code; 460

(2) If the request received by the superintendent asks for 461  
information from the federal bureau of investigation, the 462  
superintendent shall request from the federal bureau of 463  
investigation any information it has with respect to the person 464  
who is the subject of the request, including fingerprint-based 465  
checks of national crime information databases as described in 42 466  
U.S.C. 671 if the request is made pursuant to section 2151.86, 467  
5104.012, or 5104.013 of the Revised Code or if any other Revised 468

Code section requires fingerprint-based checks of that nature, and 469  
shall review or cause to be reviewed any information the 470  
superintendent receives from that bureau. If a request under 471  
section 3319.39 of the Revised Code asks only for information from 472  
the federal bureau of investigation, the superintendent shall not 473  
conduct the review prescribed by division (B)(1) of this section. 474

(3) The superintendent or the superintendent's designee may 475  
request criminal history records from other states or the federal 476  
government pursuant to the national crime prevention and privacy 477  
compact set forth in section 109.571 of the Revised Code. 478

(C)(1) The superintendent shall prescribe a form to obtain 479  
the information necessary to conduct a criminal records check from 480  
any person for whom a criminal records check is requested under 481  
section 113.041 of the Revised Code or required by section 121.08, 482  
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 483  
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 484  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 485  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 486  
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 487  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 488  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 489  
4761.051, 4762.031, 4762.06, 4763.05, 4768.06, 4779.091, 5104.012, 490  
5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 491  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 492  
form that the superintendent prescribes pursuant to this division 493  
may be in a tangible format, in an electronic format, or in both 494  
tangible and electronic formats. 495

(2) The superintendent shall prescribe standard impression 496  
sheets to obtain the fingerprint impressions of any person for 497  
whom a criminal records check is requested under section 113.041 498  
of the Revised Code or required by section 121.08, 173.27, 499  
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 500

1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 501  
3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101, 502  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 503  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 504  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 505  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 506  
4761.051, 4762.031, 4762.06, 4763.05, 4768.06, 4779.091, 5104.012, 507  
5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 508  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. Any 509  
person for whom a records check is requested under or required by 510  
any of those sections shall obtain the fingerprint impressions at 511  
a county sheriff's office, municipal police department, or any 512  
other entity with the ability to make fingerprint impressions on 513  
the standard impression sheets prescribed by the superintendent. 514  
The office, department, or entity may charge the person a 515  
reasonable fee for making the impressions. The standard impression 516  
sheets the superintendent prescribes pursuant to this division may 517  
be in a tangible format, in an electronic format, or in both 518  
tangible and electronic formats. 519

(3) Subject to division (D) of this section, the 520  
superintendent shall prescribe and charge a reasonable fee for 521  
providing a criminal records check requested under section 522  
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 523  
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 524  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 525  
3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 526  
4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 527  
4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 528  
4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 529  
4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4768.06, 530  
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 531  
5119.693, 5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the 532  
Revised Code. The person making a criminal records request under 533

any of those sections shall pay the fee prescribed pursuant to 534  
this division. A person making a request under section 3701.881 of 535  
the Revised Code for a criminal records check for an applicant who 536  
may be both responsible for the care, custody, or control of a 537  
child and involved in providing direct care to an older adult 538  
shall pay one fee for the request. In the case of a request under 539  
section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 540  
5111.032 of the Revised Code, the fee shall be paid in the manner 541  
specified in that section. 542

(4) The superintendent of the bureau of criminal 543  
identification and investigation may prescribe methods of 544  
forwarding fingerprint impressions and information necessary to 545  
conduct a criminal records check, which methods shall include, but 546  
not be limited to, an electronic method. 547

(D) A determination whether any information exists that 548  
indicates that a person previously has been convicted of or 549  
pleaded guilty to any offense listed or described in division 550  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 551  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 552  
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), (A)(14), ~~or~~ (A)(15) or 553  
or (A)(16) of this section, or that indicates that a person 554  
previously has been convicted of or pleaded guilty to any criminal 555  
offense in this state or any other state regarding a criminal 556  
records check of a type described in division (A)(13) of this 557  
section, and that is made by the superintendent with respect to 558  
information considered in a criminal records check in accordance 559  
with this section is valid for the person who is the subject of 560  
the criminal records check for a period of one year from the date 561  
upon which the superintendent makes the determination. During the 562  
period in which the determination in regard to a person is valid, 563  
if another request under this section is made for a criminal 564  
records check for that person, the superintendent shall provide 565

the information that is the basis for the superintendent's initial 566  
determination at a lower fee than the fee prescribed for the 567  
initial criminal records check. 568

(E) When the superintendent receives a request for 569  
information from a registered private provider, the superintendent 570  
shall proceed as if the request was received from a school 571  
district board of education under section 3319.39 of the Revised 572  
Code. The superintendent shall apply division (A)(7) of this 573  
section to any such request for an applicant who is a teacher. 574

(F) As used in this section: 575

(1) "Criminal records check" means any criminal records check 576  
conducted by the superintendent of the bureau of criminal 577  
identification and investigation in accordance with division (B) 578  
of this section. 579

(2) "Minor drug possession offense" has the same meaning as 580  
in section 2925.01 of the Revised Code. 581

(3) "Older adult" means a person age sixty or older. 582

(4) "OVI or OVUAC violation" means a violation of section 583  
4511.19 of the Revised Code or a violation of an existing or 584  
former law of this state, any other state, or the United States 585  
that is substantially equivalent to section 4511.19 of the Revised 586  
Code. 587

(5) "Registered private provider" means a nonpublic school or 588  
entity registered with the superintendent of public instruction 589  
under section 3310.41 of the Revised Code to participate in the 590  
autism scholarship program or section 3310.58 of the Revised Code 591  
to participate in the Jon Peterson special needs scholarship 592  
program. 593

**Sec. 4763.01.** As used in this chapter: 594

(A) "Real estate appraisal" or "appraisal" means ~~an analysis,~~ 595

~~the act or process of developing an opinion, or conclusion~~ 596  
~~relating to the nature, quality, value, or utility of specified~~ 597  
~~interests in, or aspects of identified real estate that is~~ 598  
classified as either a valuation or an analysis of value of real 599  
property in conformity with the uniform standards of professional 600  
appraisal practice. 601

(B) "Valuation" means an estimate of the value of real 602  
estate. 603

(C) "Analysis" means a study of real estate for purposes 604  
other than valuation. 605

(D) "Appraisal report" means a written communication of a 606  
real estate appraisal, appraisal review, or appraisal consulting 607  
service or an oral communication of a real estate appraisal, 608  
appraisal review, or appraisal consulting service that is 609  
documented by a writing that supports the oral communication. 610

(E) "Appraisal assignment" means an engagement for which a 611  
person licensed or certified under this chapter is employed, 612  
retained, or engaged to act, or would be perceived by third 613  
parties or the public as acting, as a disinterested third party in 614  
rendering an unbiased real estate appraisal. 615

(F) "Specialized services" means all appraisal services, 616  
other than appraisal assignments, including, but not limited to, 617  
valuation and analysis given in connection with activities such as 618  
real estate brokerage, mortgage banking, real estate counseling, 619  
and real estate tax counseling, and specialized marketing, 620  
financing, and feasibility studies. 621

(G) "Real estate" has the same meaning as in section 4735.01 622  
of the Revised Code. 623

(H) "Appraisal foundation" means a nonprofit corporation 624  
incorporated under the laws of the state of Illinois on November 625  
30, 1987, for the purposes of establishing and improving uniform 626

appraisal standards by defining, issuing, and promoting those 627  
standards; establishing appropriate criteria for the certification 628  
and recertification of qualified appraisers by defining, issuing, 629  
and promoting the qualification criteria and disseminating the 630  
qualification criteria to others; and developing or assisting in 631  
development of appropriate examinations for qualified appraisers. 632

(I) "Prepare" means to develop and communicate, whether 633  
through a personal physical inspection or through the act or 634  
process of critically studying a report prepared by another who 635  
made the physical inspection, an appraisal, ~~analysis, or opinion,~~ 636  
report or specialized service ~~and to report the results~~. If the 637  
person who develops and communicates the appraisal or specialized 638  
service report does not make the personal inspection, the name of 639  
the person who does make the personal inspection shall be 640  
identified on the appraisal or specialized service ~~reported~~ 641  
report. 642

(J) "Report" means any communication, written, oral, or by 643  
any other means of transmission of information, of a real estate 644  
appraisal, appraisal review, appraisal consulting service, or 645  
specialized service that is transmitted to a client or employer 646  
upon completion of the appraisal or service. 647

(K) "State-certified general real estate appraiser" means any 648  
person who satisfies the certification requirements of this 649  
chapter relating to the appraisal of all types of real property 650  
and who holds a current and valid certificate or renewal 651  
certificate issued to the person pursuant to this chapter. 652

(L) "State-certified residential real estate appraiser" means 653  
any person who satisfies the certification requirements only 654  
relating to the appraisal of one to four units of single-family 655  
residential real estate without regard to transaction value or 656  
complexity and who holds a current and valid certificate or 657  
renewal certificate issued to the person pursuant to this chapter. 658

(M) "State-licensed residential real estate appraiser" means 659  
any person who satisfies the licensure requirements of this 660  
chapter relating to the appraisal of noncomplex one-to-four unit 661  
single-family residential real estate having a transaction value 662  
of less than one million dollars and complex one-to-four unit 663  
single-family residential real estate having a transaction value 664  
of less than two hundred fifty thousand dollars and who holds a 665  
current and valid license or renewal license issued to the person 666  
pursuant to this chapter. 667

(N) "Certified or licensed real estate appraisal report" 668  
means an appraisal report prepared ~~and reported~~ by a certificate 669  
holder or licensee under this chapter acting within the scope of 670  
certification or licensure and as a disinterested third party. 671

(O) "State-registered real estate appraiser assistant" means 672  
any person, other than a state-certified general real estate 673  
appraiser, state-certified residential real estate appraiser, or a 674  
state-licensed residential real estate appraiser, who satisfies 675  
the registration requirements of this chapter for participating in 676  
~~the development and preparation of~~ real estate appraisals and who 677  
holds a current and valid registration or renewal registration 678  
issued to the person pursuant to this chapter. 679

(P) "Institution of higher education" means a state 680  
university or college, a private college or university located in 681  
this state that possesses a certificate of authorization issued by 682  
the Ohio board of regents pursuant to Chapter 1713. of the Revised 683  
Code, or an accredited college or university located outside this 684  
state that is accredited by an accrediting organization or 685  
professional accrediting association recognized by the Ohio board 686  
of regents. 687

(Q) "Division of real estate" may be used interchangeably 688  
with, and for all purposes has the same meaning as, "division of 689  
real estate and professional licensing." 690

(R) "Superintendent" or "superintendent of real estate" means 691  
the superintendent of the division of real estate and professional 692  
licensing of this state. Whenever the division or superintendent 693  
of real estate is referred to or designated in any statute, rule, 694  
contract, or other document, the reference or designation shall be 695  
deemed to refer to the division or superintendent of real estate 696  
and professional licensing, as the case may be. 697

(S) "Appraisal review" means the act or process of developing 698  
and communicating an opinion about the quality of another 699  
appraiser's work that was performed as part of an appraisal, 700  
appraisal review, or appraisal consulting assignment. "Appraisal 701  
review" does not include an examination of an appraisal for 702  
grammatical or typographical errors. 703

(T) "Appraisal consulting" means the act or process of 704  
developing an analysis, recommendation, or opinion to solve a 705  
problem related to real estate. 706

(U) "Work file" means documentation used during the 707  
preparation of an appraisal report or necessary to support an 708  
appraiser's analyses, opinions, or conclusions. 709

**Sec. 4763.02.** (A) There is hereby created the real estate 710  
appraiser board, consisting of five members appointed by the 711  
governor, with the advice and consent of the senate. Four members 712  
shall be persons certified or licensed under this chapter, at 713  
least two of whom shall hold a state-certified general real estate 714  
appraiser certificate, and one of whom shall be an owner or 715  
controlling person of an appraisal management company licensed and 716  
in good standing under Chapter 4768. of the Revised Code. One 717  
member shall represent the public and shall not be engaged in the 718  
practice of ~~issuing~~ performing real estate appraisals, real estate 719  
brokerage or sales, or have any financial interest in such 720  
practices. At least one of the certificate holders or licensees 721

members shall be a real estate broker licensed pursuant to Chapter 722  
4735. of the Revised Code whose license is in good standing. For 723  
the purpose of appointment to an eligibility for appointment to 724  
the board, the license of a real estate broker may be on deposit 725  
with the division of real estate of the department of commerce. No 726  
more than three members shall be members of the same political 727  
party and no member of the board concurrently may be a member of 728  
the board and the Ohio real estate commission created pursuant to 729  
section 4735.03 of the Revised Code. Of the initial appointments 730  
to the board, one is for a term ending June 30, 1990, two are for 731  
terms ending June 30, 1991, and two are for terms ending June 30, 732  
1992. Thereafter, terms of office are for three years, commencing 733  
on the first day of July and ending on the thirtieth day of June. 734  
Each member shall hold office from the date of ~~his~~ appointment 735  
until the end of the term for which ~~he is~~ appointed. Prior to 736  
entering upon ~~the~~ official duties ~~of his office~~, each member shall 737  
subscribe to, and file with the secretary of state, the 738  
constitutional oath of office. Vacancies that occur on the board 739  
shall be filled in the manner prescribed for regular appointments 740  
to the board. A member appointed to fill a vacancy occurring prior 741  
to the expiration of the term for which ~~his~~ the member's 742  
predecessor was appointed shall hold office for the remainder of 743  
that term. A member shall continue in office subsequent to the 744  
expiration date of ~~his~~ the member's term until ~~his~~ the member's 745  
successor takes office or until ~~sixty~~ ninety days have elapsed, 746  
whichever occurs first. No person shall serve as a member of the 747  
board for more than two consecutive terms. The governor may remove 748  
a member pursuant to section 3.04 of the Revised Code. 749

(B) Annually, upon the qualification of the members appointed 750  
in that year, the board shall organize by selecting from its 751  
members a ~~chairman~~ chairperson. The board shall meet at least once 752  
each calendar quarter to conduct its business with the place of 753  
future meetings to be decided by a vote of its members. Each 754

member shall be provided with written notice of the time and place 755  
of each board meeting at least ten days prior to the scheduled 756  
date of the meeting. A majority of the members of the board 757  
constitutes a quorum to transact and vote on all business coming 758  
before the board. 759

(C) Each member of the board shall receive an amount fixed 760  
pursuant to division (J) of section 124.15 of the Revised Code for 761  
each day employed in the discharge of ~~his~~ official duties, and ~~his~~ 762  
the member's actual and necessary expenses incurred in the 763  
discharge of those duties. 764

(D) The board is part of the department of commerce for 765  
administrative purposes. 766

**Sec. 4763.05.** (A)(1)(a) A person shall make application for 767  
an initial state-certified general real estate appraiser 768  
certificate, an initial state-certified residential real estate 769  
appraiser certificate, an initial state-licensed residential real 770  
estate appraiser license, or an initial state-registered real 771  
estate appraiser assistant registration in writing to the 772  
superintendent of real estate on a form the superintendent 773  
prescribes. The application shall include the address of the 774  
applicant's principal place of business and all other addresses at 775  
which the applicant currently engages in the business of ~~preparing~~ 776  
performing real estate appraisals and the address of the 777  
applicant's current residence. The superintendent shall retain the 778  
applicant's current residence address in a separate record which 779  
shall not constitute a public record for purposes of section 780  
~~149.03~~ 149.43 of the Revised Code. The application shall indicate 781  
whether the applicant seeks certification as a general real estate 782  
appraiser or as a residential real estate appraiser, licensure as 783  
a residential real estate appraiser, or registration as a real 784  
estate appraiser assistant and be accompanied by the prescribed 785

examination and certification, registration, or licensure fees set 786  
forth in section 4763.09 of the Revised Code. The application also 787  
shall include a pledge, signed by the applicant, that the 788  
applicant will comply with the standards set forth in this 789  
chapter; and a statement that the applicant understands the types 790  
of misconduct for which disciplinary proceedings may be initiated 791  
against the applicant pursuant to this chapter. 792

(b) Upon the filing of an application and payment of any 793  
examination and certification, registration, or licensure fees, 794  
the superintendent of real estate shall request the superintendent 795  
of the bureau of criminal identification and investigation, or a 796  
vendor approved by the bureau, to conduct a criminal records check 797  
based on the applicant's fingerprints in accordance with division 798  
(A)~~(11)~~(12) of section 109.572 of the Revised Code. 799  
Notwithstanding division (K) of section 121.08 of the Revised 800  
Code, the superintendent of real estate shall request that 801  
criminal record information from the federal bureau of 802  
investigation be obtained as part of the criminal records check. 803  
Any fee required under division (C)(3) of section 109.572 of the 804  
Revised Code shall be paid by the applicant. 805

(2) For purposes of providing funding for the real estate 806  
appraiser recovery fund established by section 4763.16 of the 807  
Revised Code, the real estate appraiser board shall levy an 808  
assessment against each person issued an initial certificate, 809  
registration, or license and against current licensees, 810  
registrants, and certificate holders, as required by board rule. 811  
The assessment is in addition to the application and examination 812  
fees for initial applicants required by division (A)(1) of this 813  
section and the renewal fees required for current certificate 814  
holders, registrants, and licensees. The superintendent of real 815  
estate shall deposit the assessment into the state treasury to the 816  
credit of the real estate appraiser recovery fund. The assessment 817

for initial certificate holders, registrants, and licensees shall 818  
be paid prior to the issuance of a certificate, registration, or 819  
license, and for current certificate holders, registrants, and 820  
licensees, at the time of renewal. 821

(B) An applicant for an initial general real estate appraiser 822  
certificate, residential real estate appraiser certificate, or 823  
residential real estate appraiser license shall possess experience 824  
in real estate appraisal as the board prescribes by rule. In 825  
addition to any other information required by the board, the 826  
applicant shall furnish, under oath, a detailed listing of the 827  
appraisal reports or file memoranda for each year for which 828  
experience is claimed and, upon request of the superintendent or 829  
the board, shall make available for examination a sample of the 830  
appraisal reports prepared by the applicant in the course of the 831  
applicant's practice. 832

(C) An applicant for an initial certificate, registration, or 833  
license shall be at least eighteen years of age, honest, truthful, 834  
and of good reputation and shall present satisfactory evidence to 835  
the superintendent that the applicant has successfully completed 836  
any education requirements the board prescribes by rule. 837

(D) An applicant for an initial general real estate appraiser 838  
or residential real estate appraiser certificate or residential 839  
real estate appraiser license shall take and successfully complete 840  
a written examination in order to qualify for the certificate or 841  
license. 842

The board shall prescribe the examination requirements by 843  
rule. 844

(E)(1) A nonresident, natural person of this state who has 845  
complied with this section may obtain a certificate, registration, 846  
or license. The board shall adopt rules relating to the 847  
certification, registration, and licensure of a nonresident 848

applicant whose state of residence the board determines to have 849  
certification, registration, or licensure requirements that are 850  
substantially similar to those set forth in this chapter and the 851  
rules adopted thereunder. 852

(2) The board shall recognize on a temporary basis a 853  
certification or license issued in another state and shall 854  
register on a temporary basis an appraiser who is certified or 855  
licensed in another state if all of the following apply: 856

(a) The temporary registration is to perform an appraisal 857  
assignment that is part of a federally related transaction. 858

(b) The appraiser's business in this state is of a temporary 859  
nature. 860

(c) The appraiser registers with the board pursuant to this 861  
division. 862

An appraiser who is certified or licensed in another state 863  
shall register with the board for temporary practice before 864  
performing an appraisal assignment in this state in connection 865  
with a federally related transaction. 866

The board shall adopt rules relating to registration for the 867  
temporary recognition of certification and licensure of appraisers 868  
from another state. The registration for temporary recognition of 869  
certified or licensed appraisers from another state shall not 870  
authorize completion of more than one appraisal assignment in this 871  
state. The board shall not issue more than two registrations for 872  
temporary practice to any one applicant in any calendar year. 873

(3) In addition to any other information required to be 874  
submitted with the nonresident applicant's or appraiser's 875  
application for a certificate, registration, license, or temporary 876  
recognition of a certificate or license, each nonresident 877  
applicant or appraiser shall submit a statement consenting to the 878  
service of process upon the nonresident applicant or appraiser by 879

means of delivering that process to the secretary of state if, in 880  
an action against the applicant, certificate holder, registrant, 881  
or licensee arising from the applicant's, certificate holder's, 882  
registrant's, or licensee's activities as a certificate holder, 883  
registrant, or licensee, the plaintiff, in the exercise of due 884  
diligence, cannot effect personal service upon the applicant, 885  
certificate holder, registrant, or licensee. 886

(F) The superintendent shall not issue a certificate, 887  
registration, or license to, or recognize on a temporary basis an 888  
appraiser from another state that is a corporation, partnership, 889  
or association. This prohibition shall not be construed to prevent 890  
a certificate holder or licensee from signing an appraisal report 891  
on behalf of a corporation, partnership, or association. 892

(G) Every person licensed, registered, or certified under 893  
this chapter shall notify the superintendent, on a form provided 894  
by the superintendent, of a change in the address of the 895  
licensee's, registrant's, or certificate holder's principal place 896  
of business or residence within thirty days of the change. If a 897  
licensee's, registrant's, or certificate holder's license, 898  
registration, or certificate is revoked or not renewed, the 899  
licensee, registrant, or certificate holder immediately shall 900  
return the annual and any renewal certificate, registration, or 901  
license to the superintendent. 902

(H)(1) The superintendent shall not issue a certificate, 903  
registration, or license to any person, or recognize on a 904  
temporary basis an appraiser from another state, who does not meet 905  
applicable minimum criteria for state certification, registration, 906  
or licensure prescribed by federal law or rule. 907

(2) The superintendent shall not issue a general real estate 908  
appraiser certificate, residential real estate appraiser 909  
certificate, residential real estate appraiser license, or real 910  
estate appraiser assistant registration to any person who has been 911

convicted of or pleaded guilty to any criminal offense involving 912  
theft, receiving stolen property, embezzlement, forgery, fraud, 913  
passing bad checks, money laundering, or drug trafficking, or any 914  
criminal offense involving money or securities, including a 915  
violation of an existing or former law of this state, any other 916  
state, or the United States that substantially is equivalent to 917  
such an offense. However, if the applicant has pleaded guilty to 918  
or been convicted of such an offense, the superintendent shall not 919  
consider the offense if the applicant has proven to the 920  
superintendent, by a preponderance of the evidence, that the 921  
applicant's activities and employment record since the conviction 922  
show that the applicant is honest, truthful, and of good 923  
reputation, and there is no basis in fact for believing that the 924  
applicant will commit such an offense again. 925

**Sec. 4763.08.** On and after December 22, 1992, each 926  
certificate, registration, and license issued under this chapter, 927  
other than a temporary certificate or license issued under 928  
division (E)(2) of section 4763.05 of the Revised Code, is valid 929  
for a period of one year from its date of issuance. The 930  
superintendent of real estate shall provide renewal notices to 931  
certificate holders, registrants, and licensees no later than 932  
thirty days prior to the expiration of the certificate, 933  
registration, or license. The superintendent shall issue to each 934  
person initially certified, registered, or licensed under this 935  
chapter a certificate, registration, or license in the form and 936  
size the superintendent prescribes. The initial certificate, 937  
registration, and license shall indicate the name of the 938  
certificate holder, registrant, or licensee, bear the signatures 939  
of the members of the real estate appraiser board, be issued under 940  
the seal prescribed in section 121.20 of the Revised Code, and 941  
contain a certificate, registration, or license number assigned by 942  
the superintendent. The superintendent shall issue to each person 943

who renews a certificate, registration, or license a renewal 944  
certificate, registration, or license in the size and form the 945  
superintendent prescribes. The renewal certificate, registration, 946  
or license shall contain the name and principal address of the 947  
certificate holder, registrant, or licensee and the expiration and 948  
number of the certificate, registration, or license. Each 949  
certificate holder and licensee shall place the certificate 950  
holder's or licensee's certificate or license number adjacent to 951  
the title "state-licensed residential real estate appraiser," 952  
"state-certified residential real estate appraiser," or 953  
"state-certified general real estate appraiser," when issuing an 954  
appraisal report or in a contract or other instrument used in 955  
conducting real estate appraisal activities as required by section 956  
4763.12 of the Revised Code. If a state-registered real estate 957  
appraiser assistant participated in the ~~development of an~~ 958  
appraisal or specialized service report, the certificate holder or 959  
licensee shall also place the registrant's name, registration 960  
number, and the title "state-registered real estate appraiser 961  
assistant" on the ~~appraisal or~~ report. 962

**Sec. 4763.11.** (A) Within ten business days after a person 963  
files a written complaint against a person certified, registered, 964  
or licensed under this chapter with the division of real estate, 965  
the superintendent of real estate shall acknowledge receipt of the 966  
complaint by sending notice to the certificate holder, registrant, 967  
or licensee that includes a copy of the complaint. The 968  
acknowledgement to the complainant and the notice to the 969  
certificate holder, registrant, or licensee may state that an 970  
informal mediation meeting will be held with the complainant, the 971  
certificate holder, registrant, or licensee, and an investigator 972  
from the investigation and audit section of the division, if the 973  
complainant and certificate holder, registrant, or licensee both 974  
file a request for such a meeting within twenty calendar days 975

after the acknowledgment and notice are mailed. 976

(B) If the complainant and certificate holder, registrant, or 977  
licensee both file with the division requests for an informal 978  
mediation meeting, the superintendent shall notify the complainant 979  
and certificate holder, registrant, or licensee of the date of the 980  
meeting, by regular mail. If the complainant and certificate 981  
holder, registrant, or licensee reach an accommodation at an 982  
informal mediation meeting, the investigator shall report the 983  
accommodation to the superintendent, the complainant, and the 984  
certificate holder, registrant, or licensee and the complaint file 985  
shall be closed upon the superintendent receiving satisfactory 986  
notice that the accommodation has been fulfilled. 987

(C) If the complainant and certificate holder, registrant, or 988  
licensee fail to agree to an informal mediation meeting or fail to 989  
reach an accommodation agreement, or fail to fulfill an 990  
accommodation agreement, the superintendent shall assign the 991  
complaint to an investigator for an investigation into the conduct 992  
of the certificate holder, registrant, or licensee against whom 993  
the complaint is filed. 994

(D) Upon the conclusion of the investigation, the 995  
investigator shall file a written report of the results of the 996  
investigation with the superintendent. The superintendent shall 997  
review the report and determine whether there exists reasonable 998  
and substantial evidence of a violation of division (G) of this 999  
section by the certificate holder, registrant, or licensee. If the 1000  
superintendent finds such evidence exists, the superintendent 1001  
shall notify the complainant and certificate holder, registrant, 1002  
or licensee of the determination. The certificate holder, 1003  
registrant, or licensee may request a hearing pursuant to Chapter 1004  
119. of the Revised Code. If a formal hearing is conducted, the 1005  
hearing examiner shall file a report of findings of fact and 1006  
conclusions of law with the superintendent, the board, the 1007

complainant and the certificate holder, licensee, or registrant 1008  
after the conclusion of the formal hearing. Within ten calendar 1009  
days of receipt of the copy of the hearing examiner's finding of 1010  
fact and conclusions of law, the certificate holder, licensee, or 1011  
registrant or the division may file with the board written 1012  
objections to the hearing examiner's report, which shall be 1013  
considered by the board before approving, modifying, or rejecting 1014  
the hearing examiner's report. If the superintendent finds that 1015  
such evidence does not exist, the superintendent shall notify the 1016  
complainant and certificate holder, registrant, or licensee of 1017  
that determination and the basis for the determination. Within 1018  
fifteen business days after the superintendent notifies the 1019  
complainant and certificate holder, registrant, or licensee that 1020  
such evidence does not exist, the complainant may file with the 1021  
division a request that the real estate appraiser board review the 1022  
determination. If the complainant files such request, the board 1023  
shall review the determination at the next regularly scheduled 1024  
meeting held at least fifteen business days after the request is 1025  
filed but no longer than six months after the request is filed. 1026  
The board may hear the testimony of the complainant, certificate 1027  
holder, registrant, or licensee at the meeting upon the request of 1028  
that party. If the board affirms the determination of the 1029  
superintendent, the superintendent shall notify the complainant 1030  
and the certificate holder, registrant, or licensee within five 1031  
business days thereafter. If the board reverses the determination 1032  
of the superintendent, a hearing before a hearing examiner shall 1033  
be held and the complainant and certificate holder, registrant, or 1034  
licensee notified as provided in this division. 1035

(E) The board shall review the referee's or hearing 1036  
examiner's report and the evidence at the next regularly scheduled 1037  
board meeting held at least fifteen business days after receipt of 1038  
the referee's or examiner's report. The board may hear the 1039  
testimony of the complainant, certificate holder, registrant, or 1040

licensee upon request. If the complainant is the Ohio civil rights 1041  
commission, the board shall review the complaint. 1042

(F) If the board determines that a licensee, registrant, or 1043  
certificate holder has violated this chapter for which 1044  
disciplinary action may be taken under division (G) of this 1045  
section, after review of the referee's or examiner's report and 1046  
the evidence as provided in division (E) of this section, the 1047  
board shall order the disciplinary action the board considers 1048  
appropriate, which may include, but is not limited to, any of the 1049  
following: 1050

(1) Reprimand of the certificate holder, registrant, or 1051  
licensee; 1052

(2) Imposition of a fine, not exceeding, two thousand five 1053  
hundred dollars per violation; 1054

(3) Requirement of the completion of additional education 1055  
courses. Any course work imposed pursuant to this section shall 1056  
not count toward continuing education requirements or prelicense 1057  
or precertification requirements set forth in section 4763.05 of 1058  
the Revised Code. 1059

(4) Suspension of the certificate, registration, or license 1060  
for a specific period of time; 1061

(5) Revocation of the certificate, registration, or license. 1062

The decision and order of the board is final, subject to 1063  
review in the manner provided for in Chapter 119. of the Revised 1064  
Code and appeal to any court of common pleas. 1065

(G) The board shall take any disciplinary action authorized 1066  
by this section against a certificate holder, registrant, or 1067  
licensee who is found to have committed any of the following acts, 1068  
omissions, or violations during the appraiser's certification, 1069  
registration, or licensure: 1070

(1) Procuring or attempting to procure a certificate,	1071
registration, or license pursuant to this chapter by knowingly	1072
making a false statement, submitting false information, refusing	1073
to provide complete information in response to a question in an	1074
application for certification, registration, or licensure, or by	1075
any means of fraud or misrepresentation;	1076
(2) Paying, or attempting to pay, anything of value, other	1077
than the fees or assessments required by this chapter, to any	1078
member or employee of the board for the purpose of procuring a	1079
certificate, registration, or license;	1080
(3) Being convicted in a criminal proceeding for a felony or	1081
a crime involving moral turpitude;	1082
(4) Dishonesty, fraud, or misrepresentation, with the intent	1083
to either benefit the certificate holder, registrant, or licensee	1084
or another person or injure another person;	1085
(5) Violation of any of the standards for the development,	1086
preparation, communication, or reporting of an appraisal report	1087
set forth in this chapter and rules of the board;	1088
(6) Failure or refusal to exercise reasonable diligence in	1089
developing, preparing, or communicating an appraisal report;	1090
(7) Negligence or incompetence in developing, preparing,	1091
communicating, or reporting an appraisal report;	1092
(8) Violating or willfully disregarding <u>this</u> chapter or the	1093
rules adopted thereunder;	1094
(9) Accepting an appraisal assignment where the employment is	1095
contingent upon the appraiser preparing or reporting a	1096
predetermined estimate, analysis, or opinion, or where the fee to	1097
be paid for the appraisal is contingent upon the opinion,	1098
conclusion, or valuation attained or upon the consequences	1099
resulting from the appraisal assignment;	1100

(10) Violating the confidential nature of governmental records to which the certificate holder, registrant, or licensee gained access through employment or engagement as an appraiser by a governmental agency; 1101  
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(11) Entry of final judgment against the certificate holder, registrant, or licensee on the grounds of fraud, deceit, misrepresentation, or gross negligence in ~~the making of~~ performing any appraisal of real estate; 1105  
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(12) Violating any federal or state civil rights law; 1109

(13) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any appraisal or specialized service; 1110  
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(14) Failing to provide copies of records to the superintendent or failing to maintain records as required by section 4763.14 of the Revised Code. Failure of a certificate holder, licensee, or registrant to comply with a subpoena issued under division (C)(1) of section 4763.03 of the Revised Code is prima-facie evidence of a violation of division (G)(14) of section 4763.11 of the Revised Code. 1114  
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(15) Failing to provide notice to the board as required in division (I) of this section. 1121  
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(H) The board immediately shall notify the superintendent of real estate of any disciplinary action taken under this section against a certificate holder, registrant, or licensee who also is licensed under Chapter 4735. of the Revised Code, and also shall notify any other federal, state, or local agency and any other public or private association that the board determines is responsible for licensing or otherwise regulating the professional or business activity of the appraiser. Additionally, the board shall notify the complainant and any other party who may have 1123  
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suffered financial loss because of the certificate holder's, 1132  
registrant's, or licensee's violations, that the complainant or 1133  
other party may sue for recovery under section 4763.16 of the 1134  
Revised Code. The notice provided under this division shall 1135  
specify the conduct for which the certificate holder, registrant, 1136  
or licensee was disciplined and the disciplinary action taken by 1137  
the board and the result of that conduct. 1138

(I) A certificate holder, registrant, or licensee shall 1139  
notify the board within fifteen days of the agency's issuance of 1140  
an order revoking or permanently surrendering any professional 1141  
license, certificate, or registration by any public entity other 1142  
than the division of real estate. A certificate holder, 1143  
registrant, or licensee who is convicted of a felony or crime of 1144  
moral turpitude as described in division (G)(3) of this section 1145  
shall notify the board of the conviction within fifteen days of 1146  
the conviction. 1147

(J) If the board determines that a certificate holder, 1148  
registrant, or licensee has violated this chapter for which 1149  
disciplinary action may be taken under division (G) of this 1150  
section as a result of an investigation conducted by the 1151  
superintendent upon the superintendent's own motion or upon the 1152  
request of the board, the superintendent shall notify the 1153  
certificate holder, registrant, or licensee of the certificate 1154  
holder's, registrant's, or licensee's right to a hearing pursuant 1155  
to Chapter 119. of the Revised Code and to an appeal of a final 1156  
determination of such administrative proceedings to any court of 1157  
common pleas. 1158

(K) All notices, written reports, and determinations issued 1159  
pursuant to this section shall be mailed via certified mail, 1160  
return receipt requested. If the certified notice is returned 1161  
because of failure of delivery or was unclaimed, the notice, 1162  
written reports, or determinations are deemed served if the 1163

superintendent sends the notice, written reports, or determination 1164  
via regular mail and obtains a certificate of mailing of the 1165  
notice, written reports, or determination. Refusal of delivery by 1166  
personal service or by mail is not failure of delivery and service 1167  
is deemed to be complete. 1168

**Sec. 4763.12.** (A) A person licensed or certified under this 1169  
chapter may be retained or employed to act as a disinterested 1170  
third party in rendering an unbiased valuation or analysis of real 1171  
estate or to provide specialized services to facilitate the client 1172  
or employer's objectives. An appraisal or appraisal report 1173  
rendered by a certificate holder or licensee shall comply with 1174  
this chapter. A certified appraisal or certified appraisal report 1175  
represents to the public that it satisfies the standards set forth 1176  
in this chapter. 1177

(B) No certificate holder or licensee shall accept a fee for 1178  
an appraisal assignment that is contingent, in whole or in part, 1179  
upon the reporting of a predetermined estimate, analysis, or 1180  
opinion or upon the opinion, conclusion, or valuation reached, or 1181  
upon consequences resulting from the appraisal assignment. A 1182  
certificate holder or licensee who enters into an agreement to 1183  
provide specialized services may charge a fixed fee or a fee that 1184  
is contingent upon the results achieved by the specialized 1185  
services, provided that this fact is clearly stated in each oral 1186  
report rendered pursuant to the agreement, and the existence of 1187  
the contingent fee arrangement is clearly stated in a prominent 1188  
place on each written report and in each letter of transmittal and 1189  
certification statement made by the certificate holder or licensee 1190  
within that report. 1191

(C) Every written report rendered by a certificate holder or 1192  
licensee in conjunction with an appraisal assignment or 1193  
specialized service performed shall include the following 1194

information:	1195
(1) The name of the certificate holder or licensee;	1196
(2) The class of certification or licensure held by and the certification or licensure number of the certificate holder or licensee;	1197 1198 1199
(3) Whether the appraisal or specialized service is performed within the scope of the certificate holder's or licensee's certification or licensure;	1200 1201 1202
(4) Whether the appraisal or specialized service is provided by a certificate holder or licensee as a disinterested and unbiased third party or as a person on an interested and biased basis or as an interested third party on a contingent fee basis;	1203 1204 1205 1206
(5) The signature of the person <del>preparing</del> <u>performing</u> and reporting the appraisal or specialized service;	1207 1208
<u>(6) The license, certificate, or registration number of the appraisal management company that has engaged the appraiser for the assignment within the body of the appraisal report;</u>	1209 1210 1211
<u>(7) The actual fees paid to the appraiser within the body of the appraisal report.</u>	1212 1213
If the certificate holder or licensee provides an oral real estate appraisal <u>report</u> or specialized service, the certificate holder or licensee shall send, within seven days of providing the oral report, a form to the client containing the appropriate information specified in this division and the rules adopted pursuant to this division.	1214 1215 1216 1217 1218 1219
(D) Nothing in this chapter shall be construed as requiring a certificate holder or licensee to provide a client with a copy of any writing prepared in support of an oral appraisal report except as provided in division (C) of this section or as agreed to between the certificate holder or licensee and the certificate	1220 1221 1222 1223 1224

holder's or licensee's client. 1225

(E) No person, directly or indirectly, shall knowingly 1226  
compensate, instruct, induce, coerce, or intimidate, or attempt to 1227  
compensate, instruct, induce, coerce, or intimidate, a certificate 1228  
holder or licensee for the purpose of corrupting or improperly 1229  
influencing the independent judgment of the certificate holder or 1230  
licensee with respect to the value of the dwelling offered as 1231  
security for repayment of a mortgage loan. 1232

**Sec. 4763.13.** (A) In engaging in appraisal activities, a 1233  
person certified, registered, or licensed under this chapter shall 1234  
comply with the applicable standards prescribed by the board of 1235  
governors of the federal reserve system, the federal deposit 1236  
insurance corporation, the comptroller of the currency, the office 1237  
of thrift supervision, the national credit union administration, 1238  
and the resolution trust corporation in connection with federally 1239  
related transactions under the jurisdiction of the applicable 1240  
agency or instrumentality. A certificate holder, registrant, and 1241  
licensee also shall comply with the uniform standards of 1242  
professional appraisal practice, as adopted by the appraisal 1243  
standards board of the appraisal foundation and such other 1244  
standards adopted by the real estate appraiser board, to the 1245  
extent that those standards do not conflict with applicable 1246  
federal standards in connection with a particular federally 1247  
related transaction. 1248

(B) The terms "state-licensed residential real estate 1249  
appraiser," "state-certified residential real estate appraiser," 1250  
"state-certified general real estate appraiser," and 1251  
"state-registered real estate appraiser assistant" shall be used 1252  
to refer only to those persons who have been issued the applicable 1253  
certificate, registration, or license or renewal certificate, 1254  
registration, or license pursuant to this chapter. None of these 1255

terms shall be used following or in connection with the name or 1256  
signature of a partnership, corporation, or association or in a 1257  
manner that could be interpreted as referring to a person other 1258  
than the person to whom the certificate, registration, or license 1259  
has been issued. No person shall fail to comply with this 1260  
division. 1261

(C) No person, other than a certificate holder, a registrant, 1262  
or a licensee, shall assume or use a title, designation, or 1263  
abbreviation that is likely to create the impression that the 1264  
person possesses certification, registration, or licensure under 1265  
this chapter, provided that professional designations containing 1266  
the term "certified appraiser" and being used on or before July 1267  
26, 1989, shall not be construed as being misleading under this 1268  
division. No person other than a person certified or licensed 1269  
under this chapter shall describe or refer to an appraisal or 1270  
other evaluation of real estate located in this state as being 1271  
certified. 1272

(D) The terms "state-certified or state-licensed real estate 1273  
appraisal report," "state-certified or state-licensed appraisal 1274  
report," or "state-certified or state-licensed appraisal" shall be 1275  
used to refer only to those real estate appraisals conducted by a 1276  
certificate holder or licensee as a disinterested and unbiased 1277  
third party provided that the certificate holder or licensee 1278  
provides certification with the appraisal report and provided 1279  
further that if a licensee is providing the appraisal, such terms 1280  
shall only be used if the licensee is acting within the scope of 1281  
the licensee's license. No person shall fail to comply with this 1282  
division. 1283

(E) Nothing in this chapter shall preclude a partnership, 1284  
corporation, or association which employs, retains, or engages the 1285  
services of a certificate holder or licensee to advertise that the 1286  
partnership, corporation, or association offers state-certified or 1287

state-licensed appraisals through a certificate holder or licensee 1288  
if the advertisement clearly states such fact in accordance with 1289  
guidelines for such advertisements established by rule of the real 1290  
estate appraiser board. 1291

(F) Except as otherwise provided in section 4763.19 of the 1292  
Revised Code, nothing in this chapter shall preclude a person who 1293  
is not licensed or certified under this chapter from appraising 1294  
real estate for compensation. 1295

**Sec. 4763.14.** A person licensed, registered, or certified 1296  
under this chapter shall retain for a period of five years the 1297  
original or a true copy of each written contract for the person's 1298  
services relating to real estate appraisal work, all appraisal 1299  
reports, and all work file documentation and data assembled in 1300  
preparing those reports. The retention period begins on the date 1301  
the appraisal report is submitted to the client unless, prior to 1302  
expiration of the retention period, the certificate holder, 1303  
registrant, or licensee is notified that the appraisal or report 1304  
is the subject of or is otherwise involved in pending litigation, 1305  
in which case the retention period begins on the date of final 1306  
disposition of the litigation. 1307

A certificate holder, registrant, and a licensee shall make 1308  
available all records required to be maintained under this section 1309  
for inspection and copying by the superintendent of real estate or 1310  
the real estate appraiser board, or both, upon reasonable notice 1311  
to the certificate holder, registrant, or licensee. 1312

**Sec. 4763.15.** Except for moneys required to be transferred 1313  
into the real estate appraiser recovery fund pursuant to section 1314  
4763.16 of the Revised Code or as required pursuant to this 1315  
section, the superintendent of real estate may deposit all fees 1316  
collected under this chapter into the state treasury to the credit 1317

of the real estate appraiser operating fund, which is hereby 1318  
created. All operating expenses of the real estate appraiser board 1319  
and the superintendent of real estate relating to the 1320  
administration and enforcement of this chapter and Chapter 4768. 1321  
of the Revised Code shall be paid from this fund. The fund shall 1322  
be assessed a proportionate share of the administrative cost of 1323  
the department of commerce in accordance with procedures 1324  
prescribed by the director of commerce and approved by the 1325  
director of budget and management and the assessment shall be paid 1326  
from the operating fund to the division of administration fund. 1327

If, in any biennium, the director of commerce determines that 1328  
moneys in the operating fund exceed those necessary to fund the 1329  
activities of the board and of the superintendent of real estate 1330  
that relate to this chapter and Chapter 4768. of the Revised Code, 1331  
~~he~~ the director may pay the excess funds to the real estate 1332  
appraiser recovery fund. 1333

**Sec. 4763.17.** Every partnership, corporation, or association 1334  
which employs, retains, or engages the services of a person 1335  
licensed, registered, or certified under this chapter, whether the 1336  
certificate holder, registrant, or licensee is an independent 1337  
contractor or under the supervision or control of the partnership, 1338  
corporation, or association, is jointly and severally liable for 1339  
any damages incurred by any person as a result of an act or 1340  
omission concerning a state-certified or state-licensed real 1341  
estate appraisal report prepared or facilitated in the preparation 1342  
by a certificate holder, registrant, or licensee while employed, 1343  
retained, or engaged by the partnership, corporation, or 1344  
association. 1345

**Sec. 4763.19.** (A) Subject to division (B) of this section, no 1346  
person shall perform a real estate appraisal for a mortgage loan, 1347  
or prepare an appraisal report for such an appraisal, if the 1348

person is not licensed or certified under this chapter to do the appraisal. 1349  
1350

(B) Division (A) of this section does not apply to a either 1351  
of the following persons: 1352

(1) A lender using a, or any person working on behalf of a 1353  
lender, that is performing a valuation for purposes of validating 1354  
or supporting an appraisal report that is provided by a person 1355  
licensed or certified under this chapter, when the lender or the 1356  
person working on behalf of the lender uses any of the following 1357  
items: 1358

(a) A market analysis or price opinion,~~an~~ 1359

(b) An internal valuation analysis,~~or an~~ 1360

(c) An automated valuation model, or report based on an 1361  
automated valuation model, ~~and any~~ that is validated by an 1362  
appraiser who is licensed or certified under this chapter. 1363

(2) Any person providing that the report described in 1364  
division (B)(1)(c) of this section to the lender,~~in performing a~~ 1365  
~~valuation for purposes of a loan application, as long as the~~ 1366  
~~lender does both of the following~~ 1367

(1) ~~Gives the consumer loan applicant a copy of any written~~ 1368  
~~market analysis or price opinion or valuation report based on an~~ 1369  
~~automated valuation model;~~ 1370

(2) ~~Includes a disclaimer on the consumer's copy specifying~~ 1371  
~~that the valuation used for purposes of the application was~~ 1372  
~~obtained from a market analysis or price opinion or automated~~ 1373  
~~valuation model report and not from a person licensed or certified~~ 1374  
~~under this chapter.~~ 1375

Sec. 4768.01. As used in this chapter: 1376

(A) "Real estate appraisal" or "appraisal" means the act or 1377

process of developing an opinion of value of real property in 1378  
conformity with the uniform standards of professional appraisal 1379  
practice. 1380

(B) "Appraisal consulting" means the act or process of 1381  
developing an analysis, recommendation, or opinion to solve a 1382  
problem related to real estate. 1383

(C) "Appraisal management company" means any person who, 1384  
directly or indirectly, performs appraisal management services, 1385  
regardless of the use of the term "appraisal management company," 1386  
"lender processing services," "lender services," "loan processor," 1387  
"mortgage services," "mortgage technology provider," "real estate 1388  
closing services provider," "settlement services provider," 1389  
"vendor management company," or any other term. 1390

(D) "Appraisal management services" means any of the 1391  
following when done on behalf of a lender, financial institution, 1392  
client, or any other person: 1393

(1) Administering an appraiser panel; 1394

(2) Recruiting, qualifying, verifying licensure or 1395  
certification, and negotiating fees and service level expectations 1396  
with persons who are part of an appraiser panel; 1397

(3) Receiving an order for an appraisal from one person and 1398  
delivering that order to an appraiser who is part of an appraiser 1399  
panel for completion; 1400

(4) Tracking and determining the status of orders for 1401  
appraisals; 1402

(5) Conducting quality control of a completed appraisal prior 1403  
to the delivery of the appraisal to the person that ordered the 1404  
appraisal; 1405

(6) Providing a completed appraisal performed by an appraiser 1406  
to one or more persons that have ordered an appraisal. 1407

(E) "Appraisal review" means the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal, appraisal review, or appraisal consulting assignment. "Appraisal review" does not include an examination of an appraisal for grammatical or typographical errors. 1408  
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(F) "Appraiser" means a person licensed or certified under Chapter 4763. of the Revised Code. 1414  
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(G) "Appraiser panel" means a network of appraisers who are independent contractors to the appraisal management company and who have been approved by the appraisal management company, after responding to an invitation or request from the appraisal management company, to perform appraisals for any client of the appraisal management company or for the appraisal management company directly, on a periodic basis, as assigned by the appraisal management company. 1416  
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(H) "Appraisal company" means an entity that employs appraisers, but is not an appraisal management company, and is regulated by the Ohio department of commerce. 1424  
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(I) "Client" means any person that contracts with, or otherwise enters into an agreement with, an appraisal management company for residential or commercial real estate appraisal services. 1427  
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(J) "Controlling person" means any of the following: 1431

(1) An owner, officer, or director of a business entity seeking to offer appraisal management services in this state; 1432  
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(2) An individual employed, appointed, or authorized by an appraisal management company, who has the authority to enter into contractual relationships with clients for the performance of appraisal management services and the authority to enter into agreements with appraisers for the performance of residential or 1434  
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<u>commercial real estate appraisal services;</u>	1439
<u>(3) An individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company.</u>	1440 1441 1442
<u>(K) "Person" means an individual, corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity.</u>	1443 1444
<u>(L) "Real estate" has the same meaning as in section 4735.01 of the Revised Code.</u>	1445 1446
<u>(M) "Real estate appraisal services" means a real estate appraisal, appraisal review, or appraisal consulting service.</u>	1447 1448
<u>Sec. 4768.02. (A)(1) No person shall do any of the following without first obtaining a license under this chapter:</u>	1449 1450
<u>(a) Directly or indirectly engage or attempt to engage in business as an appraisal management company;</u>	1451 1452
<u>(b) Directly or indirectly engage in or attempt to perform appraisal management services;</u>	1453 1454
<u>(c) Advertise or hold itself out as engaging in or conducting business as an appraisal management company.</u>	1455 1456
<u>(2) A person that violates division (A)(1) of this section may be subject to sanctions under section 4768.14 of the Revised Code.</u>	1457 1458 1459
<u>(B) This chapter shall not apply to any of the following:</u>	1460
<u>(1) Lending institutions that have "in-house" appraisal offices, business units, or departments;</u>	1461 1462
<u>(2) An appraisal management company that is a subsidiary owned and controlled by a financial institution regulated by a federal financial institution regulatory agency;</u>	1463 1464 1465
<u>(3) An appraisal management company that orders not more than</u>	1466

ten appraisals in this state within one calendar year; 1467

(4) An appraisal company. 1468

Sec. 4768.03. The real estate appraiser board shall do all of 1469  
the following: 1470

(A) Adopt rules, in accordance with Chapter 119. of the 1471  
Revised Code, in furtherance of this chapter, including rules that 1472  
establish all of the following: 1473

(1) Procedures for criminal records checks that are required 1474  
under section 4768.06 of the Revised Code, in accordance with 1475  
division (K) of section 121.08 and division (C) of section 4768.06 1476  
of the Revised Code; 1477

(2) The following nonrefundable fees: 1478

(a) The initial appraisal management company license fee, 1479  
which shall not exceed two thousand dollars; 1480

(b) The annual renewal fee, which shall not exceed two 1481  
thousand dollars; 1482

(c) The late filing fee, which shall not exceed one thousand 1483  
dollars, for the renewal of a license under division (C) of 1484  
section 4768.07 of the Revised Code. 1485

(3) Requirements for settlement agreements that the 1486  
superintendent of real estate and professional licensing and an 1487  
appraisal management company or other person may enter into under 1488  
division (H) of section 4768.13 or division (C) of section 4768.14 1489  
of the Revised Code; 1490

(4) Presumptions of compliance with regard to the customary 1491  
and reasonable fees required under division (B) of section 4768.12 1492  
of the Revised Code. In adopting rules under division (A)(4) of 1493  
this section, the board shall consider presumptions of compliance 1494  
promulgated for the same purpose under the federal "Truth in 1495

<u>Lending Act," 82 Stat. 146, 15 U.S.C. 1631 et seq.</u>	1496
<u>(B) Determine the appropriate disciplinary actions to be taken against a person, including a licensee, under section 4768.13 of the Revised Code;</u>	1497 1498 1499
<u>(C) Hear appeals, pursuant to Chapter 119. of the Revised Code, from decisions and orders that the superintendent issues pursuant to this chapter;</u>	1500 1501 1502
<u>(D) Request that the superintendent initiate an investigation of a violation of this chapter or the rules adopted under it, as the board determines appropriate.</u>	1503 1504 1505
<u>Sec. 4768.04. (A) The superintendent of real estate and professional licensing shall do all of the following:</u>	1506 1507
<u>(1) Prescribe the form and content of all applications required by this chapter;</u>	1508 1509
<u>(2) Receive applications for licenses and renewal thereof under this chapter and establish the procedures for processing, approving, and disapproving those applications;</u>	1510 1511 1512
<u>(3) Retain records and all application materials submitted to the superintendent;</u>	1513 1514
<u>(4) Issue licenses and maintain a register of the names and addresses of all appraisal management companies issued a license under this chapter;</u>	1515 1516 1517
<u>(5) Perform any other functions and duties, including the employment of staff, necessary to administer this chapter;</u>	1518 1519
<u>(6) Administer this chapter;</u>	1520
<u>(7) Issue all orders necessary to implement this chapter;</u>	1521
<u>(8) Investigate complaints, upon the motion of the superintendent of real estate and professional licensing or upon receipt of a complaint, or at the request of the real estate</u>	1522 1523 1524

appraiser board, concerning any violation of this chapter or the 1525  
rules adopted pursuant thereto or the conduct of any person 1526  
holding a license issued pursuant to this chapter; 1527

(9) Establish and maintain an investigation and audit section 1528  
to investigate complaints and conduct inspections, audits, and 1529  
other inquiries as, in the judgment of the superintendent of real 1530  
estate and professional licensing, are appropriate to enforce this 1531  
chapter. The investigators and auditors may review and audit the 1532  
business records of licensees during normal business hours. The 1533  
superintendent of real estate and professional licensing may 1534  
utilize the investigators and auditors who are employed by the 1535  
division of real estate and professional licensing for other 1536  
related purposes. 1537

(10) Appoint a hearing examiner for any proceeding under 1538  
section 4768.13 or 4768.14 of the Revised Code; 1539

(11) Make and transmit any reports, and collect and transmit 1540  
any fees, that are required under section 1109(a) of the 1541  
"Financial Institutions, Reform, Recovery, and Enforcement Act," 1542  
as amended, 12 U.S.C. 3338(a). 1543

(B) The superintendent of real estate and professional 1544  
licensing may do any of the following: 1545

(1) In connection with investigations and audits under 1546  
division (A)(8) of this section, subpoena witnesses as provided in 1547  
section 4768.05 of the Revised Code; 1548

(2) Apply to the appropriate court to enjoin any violation of 1549  
this chapter. Upon a showing by the superintendent of real estate 1550  
and professional licensing that any person has violated or is 1551  
about to violate this chapter, the court shall grant an 1552  
injunction, restraining order, or other appropriate relief, or any 1553  
combination thereof; 1554

(3) In conjunction with the enforcement of this chapter, when 1555

the superintendent of real estate and professional licensing has 1556  
reasonable cause to believe that a licensee has committed a 1557  
criminal offense, the superintendent of real estate and 1558  
professional licensing may request the superintendent of the 1559  
bureau of criminal identification and investigation to conduct a 1560  
criminal records check of the licensee. The superintendent of the 1561  
bureau of criminal identification and investigation shall obtain 1562  
information from the federal bureau of investigation as part of 1563  
the criminal records check of the licensee. The superintendent of 1564  
real estate and professional licensing may assess the licensee a 1565  
fee equal to the fee assessed for the criminal records check. 1566

(C)(1) The following information and documents are 1567  
confidential and not public records under section 149.43 of the 1568  
Revised Code: 1569

(a) All information that is obtained by investigators and 1570  
auditors performing investigations or conducting inspections, 1571  
audits, and other inquiries pursuant to divisions (A)(8) and (9) 1572  
of this section; 1573

(b) All reports, documents, and other work products that 1574  
arise from the information described in division (C)(1)(a) of this 1575  
section and that are prepared by the investigators, auditors, or 1576  
other personnel of the department of commerce. 1577

(2) The superintendent of real estate and professional 1578  
licensing, the investigators and auditors, and other personnel of 1579  
the department shall hold in confidence the information, reports, 1580  
documents, and other work products described in division (C)(1) of 1581  
this section. 1582

(3) Divisions (C)(1) and (2) of this section do not prevent 1583  
the division from releasing information relating to licensees to 1584  
the superintendent of financial institutions for purposes relating 1585  
to the administration of sections 1322.01 to 1322.12 of the 1586

Revised Code, to the superintendent of insurance for purposes 1587  
relating to the administration of Chapter 3953. of the Revised 1588  
Code, to the attorney general, or to local law enforcement 1589  
agencies and local prosecutors. Information released by the 1590  
division pursuant to division (C)(3) of this section remains 1591  
confidential. 1592

Sec. 4768.05. The real estate appraiser board or the 1593  
superintendent of real estate and professional licensing may 1594  
compel, by order or subpoena, the attendance of witnesses to 1595  
testify in relation to any matter over which the board or the 1596  
superintendent has jurisdiction and that is the subject of the 1597  
inquiry and investigation by the board or superintendent and may 1598  
require the production of any book, paper, or document pertaining 1599  
to such matter. For such purpose, the board or the superintendent 1600  
has the same power as judges of county courts to administer oaths, 1601  
compel the attendance of witnesses, and punish witnesses for 1602  
refusal to testify. Service of the subpoena may be made by 1603  
sheriffs or by certified mail, return receipt requested, and the 1604  
subpoena shall be deemed served on the date delivery is made or 1605  
the date the person refuses to accept delivery. Sheriffs or 1606  
constables shall return such process and shall receive the same 1607  
fees for doing so as are allowed for like service if service of 1608  
the subpoena is made by sheriffs or constables. Witnesses shall 1609  
receive, after their appearance before the board or the 1610  
superintendent, the fees and mileage provided for under section 1611  
119.094 of the Revised Code. If two or more witnesses travel 1612  
together in the same vehicle, the mileage fee shall be paid to 1613  
only one of those witnesses, but the witnesses may agree to divide 1614  
the fee amongst themselves in any manner. 1615

If any person fails to file any statement or report, obey any 1616  
subpoena, give testimony, answer questions, or produce books, 1617  
records, or papers as required by the board or the superintendent 1618

under this chapter, the board or the superintendent may apply to 1619  
the court of common pleas of any county in the state setting forth 1620  
the failure. Upon receiving such an application, the court may 1621  
make an order awarding process of subpoena or subpoena duces tecum 1622  
for the person to appear and testify before the board or the 1623  
superintendent; order any person to give testimony and answer 1624  
questions; and order any person to produce books, records, or 1625  
papers, as required by the board or the superintendent. Upon the 1626  
filing of such an order in the office of the clerk of the court of 1627  
common pleas, the clerk, under the seal of the court, shall issue 1628  
process or subpoena each day until the examination of the person 1629  
is completed. The subpoena may contain a direction that the 1630  
witness bring to the examination any books, records, or papers 1631  
described in the subpoena. The clerk also shall issue, under the 1632  
seal of the court, such other orders, in reference to the 1633  
examination, appearance, and production of books, records, or 1634  
papers, as the court directs. If any person summoned by subpoena 1635  
fails to obey the subpoena, to give testimony, to answer questions 1636  
as required, or to obey an order of the court, the court, on 1637  
motion supported by proof, may order an attachment for contempt to 1638  
be issued against the person charged with disobedience of the 1639  
order. If the person is brought before the court by virtue of the 1640  
attachment, and if upon a hearing the disobedience appears, the 1641  
court may order the offender to be committed and kept in close 1642  
custody. 1643

**Sec. 4768.06.** (A) To obtain an appraisal management company 1644  
license, each applicant shall submit all of the following to the 1645  
superintendent of real estate and professional licensing: 1646

(1) A completed application on a form the superintendent 1647  
provides; 1648

(2) The name of a controlling person who will be the main 1649

<u>contact between the appraisal management company and the division</u>	1650
<u>of real estate and professional licensing and the real estate</u>	1651
<u>appraiser board;</u>	1652
<u>(3) Payment of the fee established for initial licensure</u>	1653
<u>under division (A)(2) of section 4768.03 of the Revised Code;</u>	1654
<u>(4) A list of all owners and controlling persons of the</u>	1655
<u>appraisal management company;</u>	1656
<u>(5) A statement that each owner and controlling person of the</u>	1657
<u>appraisal management company satisfies the requirements set forth</u>	1658
<u>in divisions (B)(1) to (4) of this section;</u>	1659
<u>(6) A completed consent to service of process in this state;</u>	1660
<u>(7) A statement that the applicant understands the grounds</u>	1661
<u>for any disciplinary action that may be initiated under this</u>	1662
<u>chapter;</u>	1663
<u>(8) A letter of good standing from each state in which the</u>	1664
<u>appraisal management company holds an appraisal management company</u>	1665
<u>license, certificate, or registration;</u>	1666
<u>(9) A statement that the applicant acknowledges that a system</u>	1667
<u>or process must be in place to verify that any appraiser added to</u>	1668
<u>the appraisal management company's appraiser panel for the purpose</u>	1669
<u>of performing real estate appraisal services in this state holds a</u>	1670
<u>license or certificate under Chapter 4763. of the Revised Code and</u>	1671
<u>is in good standing with this state;</u>	1672
<u>(10) A statement that the applicant acknowledges that a</u>	1673
<u>system or process must be in place to review the work of</u>	1674
<u>appraisers who are performing real estate appraisal services for</u>	1675
<u>compliance with the uniform standards of professional appraisal</u>	1676
<u>practice;</u>	1677
<u>(11) A statement that the applicant acknowledges that each</u>	1678
<u>controlling person of the appraisal management company has</u>	1679

successfully completed fifteen hours of uniform standards of 1680  
professional appraisal practice and thereafter must complete seven 1681  
hours of instruction in uniform standards of professional 1682  
appraisal practice at least once every two years; 1683

(12) A statement that the applicant acknowledges that a 1684  
system or process must be in place to disclose to its client the 1685  
actual fees paid to an appraiser for appraisal services separately 1686  
from any other fees or charges for appraisal management services; 1687

(13) A statement that the applicant acknowledges that a 1688  
system or process must be in place to disclose the license, 1689  
certificate, or registration number of the appraisal management 1690  
company on each engagement letter used in assigning an appraisal 1691  
request for real estate appraisal assignments within the state. 1692

(B) Each owner and controlling person of an appraisal 1693  
management company shall satisfy all of the following criteria: 1694

(1) Be an individual who is at least eighteen years of age; 1695

(2) Have graduated the twelfth grade or received a 1696  
certificate of high school equivalence as defined in section 1697  
4109.06 of the Revised Code; 1698

(3) Be honest, truthful, and of good moral character; 1699

(4) Have not had a license, certificate, or registration to 1700  
act as an appraiser that has been refused, denied, canceled, 1701  
surrendered, or revoked in this state or in any other state; 1702

(5) Submit to a criminal records check in accordance with 1703  
this section and any rule that the superintendent adopts under 1704  
division (A)(1) of section 4768.03 of the Revised Code. 1705

(C) Upon receiving an application under this section, the 1706  
superintendent shall request the superintendent of the bureau of 1707  
criminal identification and investigation, or a vendor approved by 1708  
the bureau, to conduct a criminal records check based on the 1709

fingerprint impressions of each owner and controlling person of 1710  
the applicant in accordance with division (A)(15) of section 1711  
109.572 of the Revised Code. Notwithstanding division (K) of 1712  
section 121.08 of the Revised Code, the superintendent of real 1713  
estate and professional licensing shall request that the 1714  
superintendent of the bureau of criminal identification and 1715  
investigation obtain criminal record information from the federal 1716  
bureau of investigation be obtained as part of the criminal 1717  
records check. Any fee required under division (C)(3) of section 1718  
109.572 of the Revised Code shall be paid by the applicant. 1719

(D)(1) Subject to section 4768.08 of the Revised Code and 1720  
except as provided in division (D)(2) of this section, the 1721  
superintendent shall issue a license to the applicant if the 1722  
applicant and each owner and controlling person of the applicant 1723  
satisfies the requirements of this section. 1724

(2) The superintendent shall not issue a license to an 1725  
applicant if any owner or controlling person of the applicant has 1726  
been convicted of or pleaded guilty to a felony. However, if an 1727  
owner or controlling person of the applicant has pleaded guilty to 1728  
or been convicted of a felony, the superintendent shall not 1729  
consider the conviction or plea if the person has proven to the 1730  
superintendent, by a preponderance of the evidence, that the 1731  
person's activities and employment record since the conviction or 1732  
plea show that the person is honest, truthful, and of good moral 1733  
character, and there is no basis in fact for believing that the 1734  
person will commit a felony again. 1735

(E) A license issued under this section shall be valid for 1736  
one year after the date of issue. 1737

**Sec. 4768.07. (A) An appraisal management company licensed** 1738  
under this chapter may obtain a renewal license by filing an 1739  
annual renewal application with the superintendent of real estate 1740

and professional licensing and paying the renewal fee established 1741  
under division (A)(2) of section 4768.03 of the Revised Code. The 1742  
renewal application shall include a statement, signed by the 1743  
licensee's controlling person, that states all of the following: 1744

(1) The licensee has a system or process in place to verify 1745  
that any appraiser added to the appraisal management company's 1746  
appraiser panel for the purpose of performing real estate 1747  
appraiser services in this state holds a license or certificate 1748  
under Chapter 4763. of the Revised Code and is in good standing 1749  
with this state. 1750

(2) The licensee has a system or process in place to review 1751  
the work of appraisers who are performing real estate appraisal 1752  
services for compliance with the uniform standards of professional 1753  
appraisal practice. 1754

(3) Each controlling person of the licensee has successfully 1755  
completed an initial fifteen hours of uniform standards of 1756  
professional appraisal practice and thereafter completes seven 1757  
hours of instruction in uniform standards of professional 1758  
appraisal practice at least once every two years. 1759

(4) The licensee has a system or process in place to disclose 1760  
to its client the actual fees paid to an appraiser for appraisal 1761  
services separately from any other fees or charges for appraisal 1762  
management services; 1763

(5) The licensee has a system or process in place to disclose 1764  
the license, certificate, or registration number of the appraisal 1765  
management company on each engagement letter used in assigning an 1766  
appraisal request for real estate appraisal assignments within the 1767  
state; 1768

(6) Each owner and controlling person of the licensee 1769  
continues to satisfy the requirements provided for under divisions 1770

(B)(1) to (4) of section 4768.06 of the Revised Code. 1771

(B) The licensee shall file the renewal application at least 1772  
thirty days, but not earlier than one hundred twenty days, prior 1773  
to expiration of the license. Subject to section 4768.08 of the 1774  
Revised Code, the superintendent shall renew the license if the 1775  
applicant has complied with division (A) of this section. Each 1776  
license renewed under this section shall expire one year after the 1777  
date of renewal. 1778

(C) A licensee who fails to renew a license prior to its 1779  
expiration is ineligible to obtain a renewal license and shall 1780  
comply with section 4768.06 of the Revised Code to regain 1781  
licensure, except that a licensee may, within three months after 1782  
the expiration of the license, renew the license without having to 1783  
comply with section 4768.06 of the Revised Code by paying all the 1784  
renewal fees and the late filing fee established under division 1785  
(A)(2) of section 4768.03 of the Revised Code. A licensee who 1786  
applies for late renewal of the licensee's license shall not 1787  
engage in any activities permitted by the license being renewed 1788  
during the three-month period following the license's normal 1789  
expiration date until all renewal fees and the late filing fee 1790  
have been paid. 1791

Sec. 4768.08. The superintendent of real estate and 1792  
professional licensing may refuse to issue a license to an 1793  
applicant under this chapter based upon any act or omission for 1794  
which a person, including a licensee, may be disciplined under 1795  
division (K) of section 4768.13 of the Revised Code or may refuse 1796  
to renew a license if the licensee has failed to comply with this 1797  
chapter. If the superintendent refuses to issue or renew a license 1798  
under this section, the superintendent shall notify the applicant 1799  
or the licensee of the basis for the refusal. The notice shall 1800  
comply with division (N) of section 4768.13 of the Revised Code, 1801

and the hearing shall be conducted in accordance with Chapter 119. 1802  
of the Revised Code. An applicant or licensee may appeal the 1803  
superintendent's decision to the real estate appraiser board, 1804  
which shall provide the applicant or licensee with the opportunity 1805  
to be heard in person or by counsel, or both. The decision and 1806  
order of the board is final, subject to review in the manner 1807  
provided in Chapter 119. of the Revised Code and appeal to the 1808  
court of common pleas of Franklin county. 1809

**Sec. 4768.09.** Except within the first thirty days after an 1810  
appraiser is first added to the appraiser panel of an appraisal 1811  
management company, an appraisal management company shall not 1812  
remove the appraiser from its appraiser panel or otherwise refuse 1813  
to assign requests for real estate appraisal services to the 1814  
appraiser without first doing both of the following: 1815

(A) Notifying the appraiser in writing, by certified mail, 1816  
return receipt requested, of the reasons the appraiser is being 1817  
removed from the appraiser panel; 1818

(B) Providing the appraiser with an opportunity to respond to 1819  
that notification, in writing, within thirty days after the 1820  
appraisal management company mails the removal notification. 1821

**Sec. 4768.10.** (A) Each appraisal management company licensed 1822  
under this chapter shall maintain all of the following items for a 1823  
period of at least five years from the date the appraisal report 1824  
is submitted to the client: 1825

(1) The original or true copy of every request relating to 1826  
the report that the appraisal management company receives from the 1827  
client; 1828

(2) The original or true copy of each request sent to an 1829  
appraiser who is considered for the assignment; 1830

(3) Copies of the appraisal report and all versions of that report. 1831  
1832

(B) An appraisal management company shall include all of the following information in each appraisal work file: 1833  
1834

(1) The name and contact information of both the appraisal management company and the individual from the appraisal management company involved in ordering the appraisal; 1835  
1836  
1837

(2) The amount of any fee paid to the appraiser for each assignment included in the work file and the time and method of payment; 1838  
1839  
1840

(3) Details of all communications between the appraisal management company, the appraiser, and the client for each appraisal assignment included in the work file. 1841  
1842  
1843

**Sec. 4768.11.** (A) No employee, director, officer, or agent of an appraisal management company licensed under this chapter shall influence or attempt to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, bribery, or in any other manner, including the following: 1844  
1845  
1846  
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1848  
1849

(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; 1850  
1851  
1852  
1853

(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; 1854  
1855  
1856  
1857

(3) Expressly or impliedly promising future business, promotions, or increased compensation for an appraiser; 1858  
1859

(4) Conditioning the assignment of an appraisal or the 1860

payment of an appraisal fee, salary, or bonus, on the opinion, 1861  
conclusion, or valuation to be reached by, or on a preliminary 1862  
estimate or opinion requested from, an appraiser; 1863

(5) Requesting that an appraiser provide an estimated, 1864  
predetermined, or desired valuation in an appraisal report, or 1865  
provide estimated values or comparable sales at any time prior to 1866  
the appraiser's completion of an appraisal; 1867

(6) Providing to an appraiser an anticipated, estimated, 1868  
encouraged, or desired value for a subject property or a proposed 1869  
or target amount to be loaned to the borrower, except that the 1870  
employee, director, officer, or agent of an appraisal management 1871  
company may provide the appraiser with a copy of the sales 1872  
contract for purchase transactions; 1873

(7) Providing stock or other financial or nonfinancial 1874  
benefits to an appraiser or any person related to the appraiser; 1875

(8) Any other act or practice that impairs, or attempts to 1876  
impair, an appraiser's independence, objectivity, or impartiality; 1877

(9) Obtaining, using, or paying for a second or subsequent 1878  
appraisal or ordering an automated valuation model in connection 1879  
with a mortgage financing transaction, unless any of the following 1880  
are true: 1881

(a) There is a reasonable basis to believe that the initial 1882  
appraisal was flawed or tainted and such basis is clearly and 1883  
appropriately noted in the loan file. 1884

(b) The appraisal or automated valuation model is done 1885  
pursuant to a bona fide pre- or post-funding appraisal review or 1886  
quality control process. 1887

(c) A second appraisal is required under state or federal 1888  
law. 1889

(10) Allowing the removal of an appraiser from the appraisal 1890

management company's appraiser panel without prior written notice 1891  
as required under section 4768.09 of the Revised Code; 1892

(11) Requiring an appraiser to indemnify the appraisal 1893  
management company against liability, damages, losses, or claims 1894  
other than those liabilities, damages, losses, or claims arising 1895  
out of the services performed by the appraiser, including 1896  
performance or nonperformance of the appraiser's duties and 1897  
obligation, whether as a result of negligence or willful 1898  
misconduct; 1899

(12) Requiring an appraiser to prepare an appraisal report if 1900  
the appraiser has indicated to the appraisal management company 1901  
that the appraiser does not have the necessary expertise for the 1902  
specific geographic area; 1903

(13) Requiring an appraiser who has notified the appraisal 1904  
management company and declined the assignment to prepare an 1905  
appraisal under a time frame that the appraiser, in the 1906  
appraiser's own professional judgment, believes does not afford 1907  
the appraiser the ability to meet all the relevant legal and 1908  
professional obligations. 1909

(B) Nothing in division (A) of this section shall be 1910  
construed as prohibiting an appraisal management company from 1911  
requesting that an appraiser do any of the following: 1912

(1) Consider additional, appropriate property information, 1913  
including the consideration of additional comparable properties, 1914  
to make or support an appraisal; 1915

(2) Provide further detail, substantiation, or explanation 1916  
for the appraiser's value conclusion; 1917

(3) Correct objective factual errors in an appraisal report. 1918

(C) No appraisal management company shall alter, modify, or 1919  
otherwise change a completed appraisal report submitted by an 1920

appraiser. 1921

(D) Each appraisal management company shall require that 1922  
appraisals be conducted independently and free from inappropriate 1923  
influence and coercion pursuant to the appraisal independence 1924  
standards established under section 1639e of the "Truth in Lending 1925  
Act," 15 U.S.C. 1631 et seq. 1926

Sec. 4768.12. (A) An appraisal management company licensed 1927  
under this chapter shall pay an appraiser for the completion of an 1928  
appraisal within sixty days of the date on which the appraiser 1929  
transmits or otherwise provides the completed appraisal to the 1930  
appraisal management company or its assignees, except in cases of 1931  
breach of contract or substandard performance of services. 1932

(B)(1) An appraisal management company licensed under this 1933  
chapter shall compensate each appraiser who performs appraisal 1934  
services for the appraisal management company at a rate that is 1935  
customary and reasonable for appraisal services performed in the 1936  
market area of the property being appraised. Evidence for the 1937  
customary and reasonable rate may be established by objective 1938  
third-party information, including government agency fee 1939  
schedules, academic studies, and independent private sector 1940  
surveys. Fee studies shall exclude assignments ordered by known 1941  
appraisal management companies. 1942

(2) In the case of an appraisal involving a complex 1943  
assignment, the customary and reasonable fee may reflect the 1944  
increased time, difficulty, and scope of the work required for the 1945  
appraisal, and may include an amount over and above the customary 1946  
and reasonable fee for noncomplex assignments. 1947

Sec. 4768.13. (A) Within ten business days after a person 1948  
files with the division of real estate and professional licensing 1949  
a written complaint against a person licensed under this chapter 1950

or any other person, the superintendent of real estate and 1951  
professional licensing shall acknowledge receipt of the complaint 1952  
by sending notice to the person against whom the complaint is 1953  
filed that includes a copy of the complaint. That notice and the 1954  
acknowledgment to the complainant may state that an informal 1955  
mediation meeting will be held with the complainant, the person 1956  
against whom the complaint is filed, and an investigator from the 1957  
investigation and audit section of the division, if the 1958  
complainant and person both file a request for such a meeting 1959  
within twenty calendar days after the acknowledgment and notice 1960  
are mailed. 1961

(B) If the complainant and the person against whom the 1962  
complaint is filed both file with the division requests for an 1963  
informal mediation meeting, the superintendent shall notify the 1964  
complainant and the person of the date, time, and place of the 1965  
meeting by regular mail. If the complainant and the person reach 1966  
an accommodation at an informal mediation meeting, the 1967  
investigator shall report the accommodation to the superintendent, 1968  
the complainant, and the person against whom the complaint is 1969  
filed and the file shall be closed upon the superintendent 1970  
receiving satisfactory notice that the accommodation agreement has 1971  
been fulfilled. 1972

(C) If the complainant and the person against whom the 1973  
complaint is filed fail to agree to an informal mediation meeting, 1974  
fail to reach an accommodation agreement, or fail to fulfill an 1975  
accommodation agreement, the superintendent shall assign the 1976  
complaint to an investigator for an investigation into the conduct 1977  
of the person against whom the complaint is filed. 1978

(D) Upon the conclusion of the investigation, the 1979  
investigator shall file a written report of the results of the 1980  
investigation with the superintendent. The superintendent shall 1981

review the report and determine whether there exists reasonable 1982  
and substantial evidence to justify disciplinary action against 1983  
the person on a ground described in division (K) of this section. 1984

(E) If the superintendent finds that reasonable and 1985  
substantial evidence to justify disciplinary action against the 1986  
person on a ground described in division (K) of this section does 1987  
not exist, the superintendent shall notify that person and the 1988  
complainant of that determination and the basis for the 1989  
determination. Within fifteen business days after the 1990  
superintendent notifies the complainant and the person against 1991  
whom the complaint is filed of that determination, the complainant 1992  
may file with the division a request that the real estate 1993  
appraiser board review the determination. If the complainant files 1994  
such request, the board shall review the superintendent's 1995  
determination at the next regularly scheduled meeting held at 1996  
least fifteen business days after the request is filed but not 1997  
longer than six months after the request is filed. The board may 1998  
hear the testimony of the complainant or the person against whom 1999  
the complaint is filed at the meeting upon the request of that 2000  
party. If the board affirms the determination of the 2001  
superintendent, the superintendent shall notify the complainant 2002  
and the person against whom the complaint is filed within ten 2003  
business days thereafter. If the board reverses the determination 2004  
of the superintendent, a hearing before a hearing examiner shall 2005  
be held, and the complainant and the person against whom the 2006  
complaint is filed shall be notified as provided in division (N) 2007  
of this section. 2008

(F) If the superintendent finds that reasonable and 2009  
substantial evidence to justify disciplinary action against the 2010  
person on a ground described in division (K) of this section does 2011  
exist, the superintendent shall notify that person and the 2012  
complainant of the determination. The person against whom the 2013

complaint is filed may request a hearing pursuant to Chapter 119. 2014  
of the Revised Code. If a formal hearing is to be conducted, the 2015  
superintendent shall appoint a hearing examiner to conduct the 2016  
hearing in accordance with that chapter. 2017

(G) In accordance with section 119.09 of the Revised Code, 2018  
after conducting a hearing, the hearing examiner shall submit a 2019  
report of findings of fact and conclusions of law with the 2020  
superintendent, the board, the complainant, and the person against 2021  
whom the complaint is filed. Within ten calendar days of receipt 2022  
of the copy of the hearing examiner's report, the person against 2023  
whom the complaint is filed and the division may file with the 2024  
board objections to the hearing examiner's report, which shall be 2025  
considered by the board before approving, modifying, or rejecting 2026  
the hearing examiner's report. The board may hear the testimony of 2027  
the complainant and the person against whom the complaint is filed 2028  
upon request of those parties. 2029

(H) At any time after the superintendent notifies a person 2030  
against whom the complaint is filed of the superintendent's 2031  
determination in accordance with division (F) of this section but 2032  
before a hearing is held on the matter, the person may apply to 2033  
the superintendent to enter into a settlement agreement regarding 2034  
the alleged violation. The superintendent and the person shall 2035  
comply with the requirements for settlement agreements established 2036  
by rules adopted by the board under division (A)(3) of section 2037  
4768.03 of the Revised Code. If the parties enter into the 2038  
settlement agreement, the hearing before the hearing examiner 2039  
shall be postponed, and the board shall review the settlement 2040  
agreement at its next regularly scheduled meeting. If the board 2041  
disapproves the settlement agreement, the hearing before the 2042  
hearing examiner shall be rescheduled. 2043

(I) If, after review of the hearing examiner's report or the 2044  
settlement agreement, the board determines that a ground for 2045

disciplinary action that is described in division (K) of this 2046  
section exists against a person, the board shall order the 2047  
disciplinary action the board considers appropriate, which may 2048  
include any of the following: 2049

(1) Reprimand of the person, if licensed under this chapter; 2050

(2) Imposition of a fine, not exceeding twenty-five thousand 2051  
dollars per violation; 2052

(3) Suspension of a license issued under this chapter for a 2053  
specific period of time; 2054

(4) Revocation of a license issued under this chapter. 2055

If the board approved a settlement agreement entered into 2056  
pursuant to division (H) of this section in relation to the ground 2057  
for disciplinary action, the disciplinary action shall not be 2058  
inconsistent with that settlement agreement. 2059

(J) The decision and order of the board is final, subject to 2060  
review in the manner provided for in Chapter 119. of the Revised 2061  
Code and appeal to the court of common pleas of Franklin county. 2062

(K) The board shall take any disciplinary action authorized 2063  
by division (I) of this section against any person, including an 2064  
appraisal management company licensed under this chapter, to which 2065  
any of the following grounds apply: 2066

(1) The person procured or attempted to procure a license 2067  
under this chapter by knowingly making a false statement, 2068  
submitting false information, refusing to provide complete 2069  
information in response to a question in an application for 2070  
licensure, or by any means of fraud or misrepresentation. 2071

(2) The person paid, or attempted to pay, anything of value, 2072  
other than the fees or assessments required by this chapter, to 2073  
any member or employee of the board for the purpose of procuring a 2074  
license under this chapter. 2075

- (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; 2076  
2077  
2078  
2079
- (4) The person violated section 4768.09 of the Revised Code. 2080
- (5) The person violated section 4768.11 of the Revised Code. 2081
- (6) The person violated section 4768.12 of the Revised Code. 2082
- (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 work file, as required under section 4768.10 of the Revised Code. 2083  
2084  
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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. 2087  
2088  
2089  
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- (9) The person failed to provide notice to the board as required in division (M) of this section. 2091  
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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. 2093  
2094  
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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. 2096  
2097  
2098
- (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. 2099  
2100  
2101  
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- (13) If the person is an appraisal management company 2105

licensed under this chapter, the person entered into a contract or 2106  
an agreement with an appraiser who is not licensed or certified 2107  
under Chapter 4763. of the Revised Code for the performance of 2108  
real estate appraisal services. 2109

(14) If the person is an appraisal management company 2110  
licensed under this chapter, the person failed to verify that an 2111  
appraiser added to the appraisal management company's appraiser 2112  
panel is a licensed or certified appraiser under Chapter 4763. of 2113  
the Revised Code who is in good standing with this state. 2114

(15) If the person is an appraisal management company 2115  
licensed under this chapter, the person failed to require that 2116  
appraisals coordinated by the appraisal management company comply 2117  
with the uniform standards of professional appraisal practice. 2118

(16) An owner or controlling person of an appraisal 2119  
management company was convicted of or pleaded guilty to a felony. 2120

(L) Failure of a person, including a licensee under this 2121  
chapter, to comply with a subpoena issued under division (B)(1) of 2122  
section 4768.04 of the Revised Code is prima-facie evidence of a 2123  
violation of division (K)(6) of this section. 2124

(M) A licensee shall notify the board within fifteen days of 2125  
any state agency's issuance of an order revoking or permanently 2126  
surrendering any professional appraisal management company 2127  
license, certificate, or registration issued by any public entity 2128  
other than the division. 2129

(N) Except as otherwise provided, all notices, written 2130  
reports, and determinations issued pursuant to this section shall 2131  
be mailed via certified mail, return receipt requested. If the 2132  
notice, written report, or determination is returned because of 2133  
failure of delivery or was unclaimed, the notice, written report, 2134  
or determination shall be deemed served if the superintendent 2135  
sends the notice, written report, or determination via regular 2136

mail and obtains a certificate of mailing of the notice, written 2137  
report, or determination. Refusal of delivery by personal service 2138  
or by mail is not failure of delivery and service is deemed to be 2139  
complete. 2140

Sec. 4768.14. (A) Upon receipt of a written complaint or upon 2141  
the superintendent of real estate and professional licensing's own 2142  
motion, the superintendent may investigate any person that 2143  
allegedly violated division (A)(1) of section 4768.02 of the 2144  
Revised Code. 2145

(B) If, after investigation, the superintendent determines 2146  
there exists reasonable evidence of a violation of division (A)(1) 2147  
of section 4768.02 of the Revised Code, within fourteen business 2148  
days after that determination, the superintendent shall send the 2149  
party who is the subject of the investigation a written notice, by 2150  
regular mail, that includes all of the following information: 2151

(1) A description of the activity in which the party 2152  
allegedly is engaging or has engaged that is a violation of 2153  
division (A)(1) of section 4768.02 of the Revised Code; 2154

(2) The applicable law allegedly violated; 2155

(3) A statement informing the party that a hearing concerning 2156  
the alleged violation will be held before a hearing examiner, and 2157  
a statement giving the date and place of that hearing; 2158

(4) A statement informing the party that the party or the 2159  
party's attorney may appear in person at the hearing and present 2160  
evidence and examine witnesses appearing for and against the 2161  
party, or the party may submit written testimony stating any 2162  
positions, arguments, or contentions. 2163

(C) At any time after the superintendent notifies a person of 2164  
the superintendent's determination in accordance with division (B) 2165  
of this section but before a hearing is held on the matter, the 2166

person may apply to the superintendent to enter into a settlement 2167  
agreement regarding the alleged violation. The superintendent and 2168  
the person shall comply with the requirements for settlement 2169  
agreements established by rules adopted by the board under 2170  
division (A)(3) of section 4768.03 of the Revised Code. If the 2171  
parties enter into the settlement agreement, the hearing before 2172  
the hearing examiner shall be postponed and the board shall review 2173  
the settlement agreement at its next regularly scheduled meeting. 2174  
If the board disapproves the settlement agreement, the hearing 2175  
before the hearing examiner shall be rescheduled. 2176

(D) The hearing examiner shall hear the testimony of all 2177  
parties present at the hearing and consider any written testimony 2178  
submitted pursuant to division (B)(4) of this section. At the 2179  
conclusion of the hearing, the hearing examiner shall determine if 2180  
there has been a violation of division (A)(1) of section 4768.02 2181  
of the Revised Code. 2182

(E) After the conclusion of formal hearings, the hearing 2183  
examiner shall file with the superintendent, the real estate 2184  
appraiser board, the complainant, and the parties a written report 2185  
setting forth the examiner's findings of fact and conclusions of 2186  
law and a recommendation of the action to be taken by the 2187  
superintendent. Within ten days of receiving a copy of that 2188  
report, the parties and the division of real estate and 2189  
professional licensing may file with the board written objections 2190  
to the report. The board shall consider the objections before 2191  
approving, modifying, or disapproving the report. 2192

The board shall review the hearing examiner's report at the 2193  
next regularly scheduled board meeting held at least fifteen 2194  
business days after receipt of the hearing examiner's report. The 2195  
board shall hear the testimony of the complainant or the parties. 2196

(F) After reviewing the hearing examiner's report pursuant to 2197  
division (E) of this section, or after reviewing the settlement 2198

agreement pursuant to division (C) of this section, the board 2199  
shall decide whether to impose sanctions upon a party for a 2200  
violation of division (A)(1) of section 4768.02 of the Revised 2201  
Code. The board may assess a civil penalty in an amount it 2202  
determines, not to exceed one thousand dollars per violation. Each 2203  
day a violation occurs or continues is a separate violation. The 2204  
board shall determine the terms of payment. The board shall 2205  
maintain a transcript of the proceedings of the hearing and issue 2206  
a written opinion to all parties, citing its findings and grounds 2207  
for any action taken. If the board approved a settlement agreement 2208  
entered into pursuant to division (C) of this section in relation 2209  
to the violation, the civil penalty shall not be inconsistent with 2210  
that settlement agreement. 2211

(G) Civil penalties collected under this section shall be 2212  
deposited in the real estate appraiser operating fund created 2213  
under section 4763.15 of the Revised Code. 2214

(H) If a party fails to pay a civil penalty assessed pursuant 2215  
to this section within the time prescribed by the board, the 2216  
superintendent shall forward to the attorney general the name of 2217  
the party and the amount of the civil penalty, for the purpose of 2218  
collecting that civil penalty. The party shall pay any fee 2219  
assessed by the attorney general for collection of the civil 2220  
penalty in addition to the civil penalty assessed pursuant to this 2221  
section. 2222

**Sec. 4768.15.** The superintendent of real estate and 2223  
professional licensing shall deposit all moneys collected under 2224  
this chapter into the state treasury to the credit of the real 2225  
estate appraiser operating fund created under section 4763.15 of 2226  
the Revised Code. 2227

**Sec. 4768.99.** (A) Whoever violates division (A)(1), (2), (3), 2228

(4), (5), (6), (7), (8), or (9) or division (C) of section 4768.11 2229  
of the Revised Code is guilty of a felony of the fifth degree. 2230

2231

(B) Whoever violates division (A)(10), (11), (12), or (13) of 2232  
section 4768.11 of the Revised Code is guilty of a misdemeanor of 2233  
the first degree. 2234

**Section 2.** That existing sections 109.572, 4763.01, 4763.02 2235  
4763.05, 4763.08, 4763.11, 4763.12, 4763.13, 4763.14, 4763.15, 2236  
4763.17, and 4763.19 of the Revised Code are hereby repealed. 2237

**Section 3.** Nothing in this act shall affect the term of any 2238  
member of the Real Estate Appraiser Board serving on the effective 2239  
date of this act. 2240

**Section 4.** Division (A) of section 4768.02 of the Revised 2241  
Code, as enacted by this act, takes effect ninety days after the 2242  
effective date of this act. 2243

**Section 5.** Division (A)(11) of section 4768.11 of the Revised 2244  
Code as enacted by this act, applies to contracts entered into on 2245  
or after the effective date of this act. 2246