

OHIO ADMINISTRATIVE CODE 1301:11
REAL ESTATE APPRAISAL BOARD

1301:11-7-02 Continuing education course approvals.

(A) Application for course approvals.

(1) An entity shall apply to the division of real estate, department of commerce, for approval of appraiser continuing education courses on a form prescribed by the superintendent of real estate with a nonrefundable processing fee as specified in paragraph (A)(2) of this rule. The application form and fee must be submitted to the division of real estate at least thirty days prior to the proposed initial date of the offering. The application form shall include, but not be limited to, the following information:

- (a) Name, address, and telephone number of entity,
- (b) Name and address of owner of entity, if entity is privately owned,
- (c) Policy regarding attendance and procedure for recordkeeping of attendance.
- (d) Summary of offering, including:
 - (i) Title of offering,
 - (ii) Maximum number of participants,
 - (iii) Type of training, e.g., seminar, conference, course,
 - (iv) Proposed initial date of offering,
 - (v) Prerequisite for admission and/or participation, if any,
 - (vi) Duration of offering,
 - (vii) Form of attendance certificate,
 - (viii) Methods of record maintenance,
 - (ix) Textbooks and student materials prescribed,
 - (x) Sample of proposed advertising, if any,
 - (xi) Outline or syllabus,
 - (xii) Attendance or participation fees,
 - (xiii) Location of offering, and
 - (xiv) Number of hours course offered per day,
- (e) Personal data indicating names and qualifications of teachers and instructors, and
- (f) Any other relevant information useful in determining whether the proposed offering will maintain and increase a state-certified appraisers skill, knowledge, and competency in real estate appraising.

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(2) An entity which proposes to offer a continuing education course to state-certified appraisers shall remit to the division of real estate fees in accordance with the following schedule:

- (a) For each application for approval of a new continuing education offering... fifty dollars,
- (b) For each additional offering of an approved course after the initial offering... ten dollars, and
- (c) For each continuing education offering renewal... fifty dollars.

(B) Criteria for approval of offerings.

(1) The superintendent of real estate, when acting on an application for approval of a continuing education offering shall apply, without limitation, the following criteria:

(a) Offerings will not be approved in segments of less than two classroom hours. No offering will be approved in which classroom instruction exceeds more than eight classroom hours in any one day. For purposes of this rule, one classroom hour consists of fifty minutes out of a sixty minute segment.

(b) Instructor qualification: instructors, seminar and conference leaders, lecturers, and others who present a continuing education offering must meet at least one of the following qualifications:

(i) Possession of a bachelor's degree in a related field to that which the person is to teach, from a school listed as an institution of higher learning by the United States department of education, or from a comparable school of a foreign country,

(ii) Possession of a valid teaching credential or certificate from Ohio or another state authorizing the holder to teach in the field of instruction which the person is to teach,

(iv) Any combination of at least five years of full-time experience relevant to the applicable field and college level education.

(c) The national uniform standards of professional appraisal practice continuing education credit required pursuant to paragraph (B) of rule 1301:11-7-01 of the Administrative Code shall only be awarded when the course is instructed by an appraisal qualifications board certified instructor(s) and the national uniform standards of professional appraisal practice course is instructed by at least one residential or general state certified appraiser.

(d) Continuing education courses may be obtained from the following entities:

- (i) Colleges or universities,
- (ii) Community or junior colleges,
- (iii) Real estate appraisal or real estate related organizations,
- (iv) State or federal agencies or commissions,
- (v) Proprietary schools,
- (vi) Individuals, or
- (vii) Other providers approved by the board.

(e) Each continuing education course shall be open to all state-certified real estate appraiser certificate holders on an equal basis.

(f) An examination of a state-certified appraiser shall not be a requirement for successful completion of a continuing education course,

(g) The superintendent of real estate shall approve course offerings for continuing education which maintain and increase a state-certified appraiser's skill, knowledge and competency in real estate appraising and which fall within the following areas:

- (i) Ad valorem taxation,
- (ii) Arbitrations,
- (iii) Business courses related to real estate appraisal,

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- (iv) Construction estimating,
 - (v) Ethics and standards of professional practice,
 - (vi) Land use planning, zoning and taxation,
 - (vii) Litigation,
 - (viii) Management, leasing, brokerage, timesharing,
 - (ix) Property development,
 - (x) Real estate appraisal (valuations/evaluations),
 - (xi) Real estate financing and investment,
 - (xii) Real estate law,
 - (xiii) Real estate litigation,
 - (xiv) Real estate appraisal related computer applications,
 - (xv) Real estate securities and syndication,
 - (xvi) Federal, state, and municipal fair housing law, and
 - (xvii) Real property exchange.
- (h) The following offerings will not be considered by the Ohio real estate appraiser board to meet continuing education requirements:
- (i) Examination preparation offerings,
 - (ii) Offerings in mechanical office and business skills, such as typing, speed reading, memory improvement,
 - (iii) Sales promotion or meetings held in conjunction with the general business of the attendee or his business associates,
 - (iv) Meetings which are a normal part of in-house staff training,
 - (v) That portion of any offering devoted to breakfast, luncheon, and dinner, or other refreshment, or
 - (vi) Correspondence courses.

(C) Equivalent/alternative activities criteria.

Continuing education credit may be granted for participation, other than as a student, in educational programs of study which are determined to be equivalent, for continuing education purposes, to courses or seminars approved by the superintendent, or in other education processes or programs approved by the superintendent which relate to real estate appraisal theory, practices, or techniques. These educational programs may include, but are not limited to, the following:

(1) Instructors of approved continuing education courses may receive continuing education credit for the number of unduplicated subject matter hours taught for each different course.

(2) For instruction of real estate related courses not approved for continuing education, the instructor shall submit a statement under penalty of perjury which includes at least the following information:

- (a) The instructor's qualifications to teach the course,
- (b) The title of the course,
- (c) The date and location the instruction took place,
- (d) Number of classroom hours of instruction,
- (e) Titles and description of instruction materials used, including the name of the publisher, the date of publication, and an outline or syllabus of the course,
- (f) Any other information useful in determining that the course will contribute to current knowledge as set forth in paragraph (B) of this rule, and
- (g) A certification by the course sponsor or school that the information provided is true and correct.

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(3) An individual who has authored real estate appraisal articles or textbooks may receive continuing education credit for the published article or textbook upon submission of the following:

- (a) A copy of the published article or textbook,
- (b) A summary of the article or textbook, with date of publication,
- (c) The number of copies sold or circulation of the publication carrying the article, and
- (d) An explanation of how the material published meets the criteria set forth in paragraph (B) of this rule.

(4) If the claim for continuing education credit is based upon the development of education programs, the individual shall submit a statement under penalty of perjury, including at least the following information:

- (a) A clear and complete description of the education program,
- (b) A description of the role of the individual in developing the program,
- (c) The number of hours the individual devoted to development of the program,
- (d) The time period during which the program was developed, and
- (e) An explanation of how the development of the program meets the criteria set forth in paragraph (B) of this rule.

(5) If the claim for continuing education credit involves the development of real estate law or research, the individual shall submit a statement under penalty of perjury that includes at least the following information:

- (a) A detailed description of the law affected or the research performed,
- (b) The number of hours devoted to the research or development of law,
- (c) An explanation of how the individual's participation meets the criteria set forth in paragraph (B) of this rule, and
- (d) A copy of the research report or of the law developed, if the report or law exists. If research support data is not available, the superintendent or appraiser board may request whatever additional information is needed to support the claim.

(6) For purposes of paragraphs (C)(3), (C)(4), and (C)(5) of this rule:

- (a) Sole authorship or development of a real estate educational program shall be credited upon an approved petition, with two hours continuing education credit being recognized for each hour of the program entitled to continuing education credit.
- (b) Multiple authorship and development of a real estate educational program shall be credited, upon approval of a petition, based on the percentage each author or developer contributed to the total offering.

(D) Material change in course offering.

(1) Any proposed material change to an approved offering shall be submitted by the offering entity to the division of real estate at least ten days in advance of the material change for consideration and approval prior to use.

(2) For purposes of this rule, a material change shall include the following:

- (a) The addition of an offering date for an approved course,
- (b) A change in an offering date of an approved course,
- (c) A change in the course content of an approved offering, and
- (d) A change in the location, time, or instructor of an approved offering.

(3) If any approved course is cancelled, the offering entity must notify the division, in writing,

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within three days after the cancellation of the course. Failure to notify the division as required will result in an additional ten dollar fee to reschedule the offering.

(4) The superintendent, upon application by the course sponsor or school, may waive the requirements of thirty day notification on an original application for course approval, or the ten day application for additional offerings of an already approved course as set forth in paragraphs (A)(1) and (B)(3)(c)(i) of this rule, if the superintendent determines that the offering meets the prescribed standards set forth in this rule and that any prescribed fees have been paid. The offering entity must submit in writing a roster required under paragraph (B)(3)(c)(i) of this rule, along with a certified check or money order for the fees in accordance with the following schedule in order to be eligible for the superintendent's waiver:

(a) For a new continuing education course offering not submitted ten days to thirty days prior to the offering date...two dollars per credit hour per attendee.

(b) For an additional offering of a course approved for that calendar year submitted less than ten days prior to the offering date, but not more than fifteen days after the offering....two dollars per credit hour per attendee.

(c) For an additional offering of a course approved in a previous calendar year, not renewed for the current calendar year, but not more than fifteen days after the offering...two dollars per credit hour per attendee.

(d) For a change of location, time, instructor, or change of course content of a course approved for that calendar year, submitted less than ten days prior to the offering date, but not more than fifteen days after the offering....two dollars per credit hour per attendee.

(5) The offering entity must issue certificates using the correct course certification number. Any certificate incorrectly issued must be reissued to each attendee. Within thirty days of notice of the defective certificate by the offering entity using the valid certification number as assigned by the division.

(E) No approved entity shall certify the attendance of a person who was not physically present during at least ninety per cent of the offering time. All offerings must be successfully completed.

(F) Record keeping.

(1) Offering entities shall maintain for five years a record of Attendance of each person attending an offering disclosing the following information:

(a) Ohio real estate appraiser board approval certification number,

(b) Name and business address of attendee,

(c) Offering title and description of offering.

(d) Classroom hours of attendance,

(e) Date of offering.

(f) Name, address, and signature of verifier in employ of entity.

(2) The offering entity shall certify the items specified in paragraph (E)(1) of this rule on a certificate or transcript and furnish a copy to the attendee within thirty days after completion of the offering.

(3) Each offering entity shall submit to the division of real estate, within fifteen days after completion of each offering, a list of certificate holders who successfully completed the course. The list shall include the following information:

(a) Course title and certification number,

(b) Date(s) conducted,

(c) Address or location where the course was conducted,

(d) Certificate holders name,

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(e) Certificate holders file number, and

(f) Certificate holder's address (home or business).

(G) Denial or withdrawal of offering:

(1) The superintendent of real estate may deny approval of an application for any proposed continuing education offering if the offering does not meet the standards or criteria prescribed in this rule, or if the sponsoring entity has previously failed to comply with any of the provisions of this rule.

(2) If the superintendent denies approval of an application for an offering, the superintendent shall give notice of the denial to the sponsoring entity. The sponsoring entity may within thirty days after receipt of the notice of disapproval, file a written request for a review before the Ohio real estate appraisal board. In a review on an order of disapproval issued by the superintendent, the burden of proving that the offering satisfies the prescribed standards and criteria for a continuing education offering shall be on the sponsoring entity.

(3) If the superintendent determines an offering previously approved no longer meets the prescribed standards and criteria set forth in this rule, a written notice of withdrawal of approval will be given to the sponsoring entity, including the reasons for the determination. Such withdrawal of approval will be effective ten days from the date of the notice of withdrawal, unless the sponsoring entity served with the withdrawal notice files a written request for review before the Ohio real estate appraisal board before the effective date of the withdrawal. If a request for review is timely filed, the withdrawal of approval will not be effective until ordered by the Ohio real estate appraiser board upon findings made from said review. In a review on an order withdrawing approval of an offering, the burden of proving that the offering no longer meets the prescribed standards and guidelines shall be on the superintendent.

(H) Roster of approved courses. The Ohio division of real estate shall keep a current list of approved continuing education courses. Copies of the roster shall be available to certificate holders and the public at the Ohio division of real estate.