

Ohio Department of Commerce, Division of Real Estate & Professional Licensing

BASE INVENTORY OF REGULATORY RESTRICTIONS

CONTACT NAME			E-MAIL ADDRESS		PHONE NUMBER
RULE NUMBER	REGULATORY RESTRICTION	DESCRIPTION OF REGULATORY RESTRICTION	STATUTE UNDER WHICH THE REGULATORY RESTRICTION WAS ADOPTED	IS THE REGULATORY RESTRICTION EXPRESSLY OR SPECIFICALLY REQUIRED BY STATE OR FEDERAL LAW?	IS A LAW CHANGE REQUIRED IN ORDER TO REMOVE THE RESTRICTION?
1301:13-1-01(A)	Shall	The... commission, in giving public notice as to the adoption, amendment, or rescission of any rule... shall publish a notice, at least once, in the register of Ohio.... The notice shall appear at least thirty days prior to the date set for the hearing.... The notice shall meet the requirements of [R.C. 119.03(A)]....	4767.06, 119.03	Yes, state law	No, general rulemaking authority
1301:13-1-01(B)	Shall	The public notice shall specify the date, time and place of the hearing and shall include A statement of the intention... and the purpose or reason therefore; A synopsis... or a general statement....	4767.06, 119.03	Yes, state law	No, general rulemaking authority
1301:13-1-01(C)	Shall not	The commission may give additional notice...; however, the giving of such additional notice shall not be mandatory and the failure to give [additional] notice... shall not in any way invalidate any action which may be taken by the commission at such hearing.	4767.06, 119.03	No, general rulemaking authority	No, general rulemaking authority
1301:13-1-02(A)	Shall	Meetings of the cemetery dispute resolution commission shall be held quarterly.	4767.05, 4767.06	Yes, state law	No, general rulemaking authority
1301:13-1-02(C)	Shall	Any person may receive notice of all meetings of the commission. The superintendent shall cause a list to be maintained of all persons who have requested such notification. Any person wishing to receive notification shall notify the superintendent... Requests shall: Be given in writing... State that the requestor wishes to be notified of all public meetings... or those at which specific topics... are to be discussed. Indicate if the requestor wishes to be notified by electronic mail, fax, or printed notice. Provide the requestor's electronic mail address, mailing address or fax number. (5) State if the requestor is a media representative.... If a media representative requests notice of special meetings the media representative shall also provide no more than two telephone numbers at which they may be reached.	4767.05, 4767.06	Yes, state law	No, general rulemaking authority
1301:13-1-02(D)	Shall	The superintendent shall cause a notice to be distributed to all persons on the mailing list.... The superintendent shall make all reasonable effort to provide notice of all special meetings....	4767.05, 4767.06	Yes, state law	No, general rulemaking authority
1301:13-1-02(E)	Shall	No fee shall be assessed to persons requesting to be notified by electronic mail. The superintendent may... assess a reasonable fee on... printed... or fax transmission of notices Such fee shall not exceed the cost of producing and mailing or transmitting the notices....	4767.05, 4767.06	Yes, state law	No, general rulemaking authority
1301:13-1-03(A)	Shall	(A) "Cemetery," "interment," "burial right," "entombment right," and "columbarium right" shall have the same meanings as in section 1721.21 of the Revised Code.	4767.06	Yes, state law	No, general rulemaking authority
1301:13-3-01(A)	Shall	When a signed written complaint against a cemetery is filed, the registration status of the cemetery will be determined... If it is determined that the cemetery is not registered but is required to be registered, the superintendent... shall send written notice of the complaint to the respondent.... The division will also send a cemetery registration application to the cemetery operator. The operator shall have thirty days... to respond to the division. (3) If it is determined that the cemetery is registered, the superintendent will... acknowledge receipt of the complaint and shall send written notice of the complaint to the respondent....	4767.06 , 4767.07	Yes, state law	Yes, state law
1301:13-3-01(B)	Shall	The respondent shall have thirty days... to respond... with respect to the complaint.... Notice of any offers to resolve a dispute that is the subject of a complaint and any responses..., when communicated to the commission or division, shall be given to the other parties....	4767.06 , 4767.07	Yes, state law	Yes, state law
1301:13-3-01(C)	Shall	The commission shall hear each complaint filed within one hundred eighty days.... If the division is notified in writing by both parties that a resolution was reached prior to being heard by the commission, the complaint file shall be closed.... If the hearing is pursuant to a complaint, notice shall be given to the parties not less than thirty days prior to the hearing. If the hearing is in connection with an audit, not less than fourteen days prior to the hearing.	4767.06 , 4767.07	Yes, state law	Yes, state law

131.22(F)

1301:13-3-01(D)	Shall	At the hearing, the chairperson or vice-chairperson of the commission, or a member of the commission appointed by the chairperson or vice-chairperson, shall preside. The division shall submit... a report.... Hearings... shall be recorded by electronic devices. References may be made to rules of evidence but the commission shall not be bound by them....	4767.06 , 4767.07	Yes, state law	Yes, state law
1301:13-3-01(F)	Shall	All notices, findings, and recommendations issued pursuant to this rule shall be mailed via regular mail.	4767.06 , 4767.07	Yes, state law	Yes, state law
1301:13-3-03(A)	Shall	The division shall submit... a quarterly report of its activities... which shall include but not be limited to: The number of written complaints received... and the action taken...; The number and nature of written and verbal inquiries received... and the duties and functions of the commission.	4767.06	Yes, state law	Yes, state law
1301:13-3-03(B)	Shall	Reports required by [R.C. 4767.06(D) & (E)]... shall be prepared by the division....	4767.06	Yes, state law	Yes, state law
1301:13-5-01(A)	Must	A cemetery owner or operator intending to purchase cemetery assets, management rights, or stock from another cemetery... and intending to register the cemetery..., must provide... an audited financial statement..., certifying either that the funds required to be maintained by... [R.C.] 1721.21 and 1721.211... are funded in accordance... or identifying any deficiency. In the case of a deficiency, the commission must approve a plan... to properly correct any deficiencies... A registration shall not be issued to the purchaser until... all current funds required to be deposited and maintained... have been deposited and maintained.	4767.02, 4767.06	Yes, state law	Yes, state law
1301:13-5-01(B)	Shall	Upon receipt and review of the audit, if... the commission is satisfied that all current funds required to be deposited and maintained... have been deposited and maintained, the division shall issue registration....	4767.02, 4767.06	Yes, state law	Yes, state law
1301:13-5-02(A)	Shall	If a cemetery owner or operator is found by a court of law to be in violation of... [R.C.] 1721.21 or 1721.211..., then... the division shall immediately revoke said cemetery's registration....	4767.02	Yes, state law	Yes, state law
1301:13-5-02(B)	Shall	The owner or operator of a cemetery shall complete and submit... an application to regain registered status; an audited financial statement... certifying that the funds required to be maintained... are funded...; and prove... that the owner or operator is honest, truthful and of good reputation.	4767.02	Yes, state law	Yes, state law
1301:13-5-03(A)	Shall	For a five-year compliance audit... or if the superintendent or cemetery dispute resolution commission determines that an audit is necessary or appropriate..., division personnel shall review financial records of the cemetery....	4767.02, 4767.06	Yes, state law	Yes, state law
1301:13-5-03(B)	Shall	All cemeteries not otherwise exempt... shall be required to keep distinct records for the sale of burial lots, burial rights, entombment rights, or columbarium rights... and merchandise and services... and records for deposit of sales proceeds....	4767.02, 4767.06	Yes, state law	Yes, state law
1301:13-5-03(C)	Shall	Upon completion of an audit, results shall then be presented to the commission.	4767.02, 4767.06	Yes, state law	Yes, state law
1301:13-7-01	Shall	Grants shall only be approved for applicants who are eligible....	4767.06, 4767.10	Yes, state law	No, general rulemaking authority
1301:13-7-01(A)	Shall	Applicants shall be cemetery operators properly registered.... Grant applicants must provide... documentation of eligibility....	4767.06, 4767.10	Yes, state law	No, general rulemaking authority
1301:13-7-01(B)	Must	Any cemetery required to establish and maintain an endowment care trust... and/or a preneed cemetery merchandise and services trust... must be in compliance with those sections to be eligible for a grant.	4767.06, 4767.10	Yes, state law	No, general rulemaking authority
1301:13-7-02	Shall	A grant cycle shall be the state fiscal year and the division shall distribute grant cycle announcements and guidelines, the grant announcement and guidelines shall clearly delineate, in reviewing applications, exceptional maintenance shall be construed broadly.	4767.06, 4767.10	Yes, state law	No, general rulemaking authority
1301:13-7-03	Shall	Grant applications shall be submitted on forms prescribed by the division and bear the original signature, all grant applications shall include the following, all applicants must submit an original W-9 form to the division, all completed grant applications must be received by the prescribed deadline, incomplete or illegible applications will not be considered for funding.	4767.06, 4767.10	Yes, state law	No, general rulemaking authority
1301:13-7-04	Shall	Grant funds shall not be used for activities or purchases related to an approved grant project, grant funds shall only be expended by the grantee to whom the grant was awarded and all grant funds must be expended or obligated, any that are not shall be remitted to the division, a final report accounting shall be submitted to the division not later than 30 days, all expenditures and disbursements of grant funds shall be subject to generally accepted accounting principles, any equipment purchased with grant funds shall be retained, a grantee shall supply original or verifiable copies of all receipts, these materials must be held for two years, failure to comply with this rule may be misappropriation and shall be investigated by the division, a misappropriation shall result in forfeiture, the grantee shall repay, if the Superintendent believes a grantee committed a criminal violation, the Superintendent shall report the findings.	4767.06, 4767.10	Yes, state law	No, general rulemaking authority
1301:13-7-05	Shall	The committee shall consist of 7 voting members, a chair and vice-chair shall be appointed annually, the commission shall fill any vacancy, membership shall be comprised of the following, a majority shall constitute a quorum, the committee shall hold at least one meeting annually, the division shall provide administrative support, advertise funding availability, provide tracking.	4767.06, 4767.10	Yes, state law	No, general rulemaking authority

1301:13-7-06

Shall

The Superintendent shall review the recommendations, the grant agreement will be signed by the Superintendent and will be sent to all successful applicants, a successful applicant has 30 days to sign and return the grant agreement, after it has been timely returned, the grant funds will be processed, the division will send written notice.

4767.06, 4767.10

Yes, state law

No, general rulemaking authority