

Department of Commerce Division of Real Estate and Professional Licensing

BASE INVENTORY OF REGULATORY RESTRICTIONS

| <i>CONTACT NAME</i> | | | | <i>E-MAIL ADDRESS</i> | <i>PHONE NUMBER</i> |
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| 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? |
| 1301:16-1-01(A) | | ...[I]n giving public notice as to the adoption, amendment, or rescission of any rule required to be adopted under [R.C.] Chapter 119... shall publish a notice.... The notice shall appear at least thirty days prior to the date set for the hearing.... | 4768.03 | No, general rulemaking authority | No, general rulemaking authority |
| 1301:16-1-01(B) | | The notice shall meet the requirements of... [R.C.119.03(A)]. The public notice shall specify the date, time and place of the hearing and shall include: A statement of the intention to consider adopting, amending or rescinding a rule and the purpose or reason therefor; A synopsis... or a general statement as to the subject to which it relates. | 4768.03 | No, general rulemaking authority | No, general rulemaking authority |
| 1301:16-1-01(C) | | ...the giving of such additional notice shall not be mandatory and the failure to give notice by any means other than as specified in paragraph (A)... shall not in any way invalidate any action which may be taken by the real estate appraiser board. | 4768.03 | No, general rulemaking authority | No, general rulemaking authority |
| 1301:16-1-02(B) | | The superintendent shall cause a mailing list to be maintained of all persons who have requested notification [of meetings]. Any person wishing to receive notification shall notify the superintendent that they wish to be included on the mailing list for such notices....If a media representative requests notice of special meetings the media representative shall also provide no more than two telephone numbers at which the person may be reached. | 4768.03 | No, general rulemaking authority | No, general rulemaking authority |
| 1301:16-1-02(C) | | The superintendent shall cause a notice to be distributed to all persons on the mailing list.... The superintendent shall cause all reasonable effort to be made to provide notice of all special meetings.... | 4768.03 | No, general rulemaking authority | No, general rulemaking authority |
| 1301:16-1-02(D) | | Fees shall be assessed.... | 4768.03 | No, general rulemaking authority | No, general rulemaking authority |
| 1301:16-1-03(A) | | ...each owner and controlling person of the applicant shall submit fingerprints to the Ohio bureau of criminal identification and investigation.... When the owner and the controlling person are the same individual, only one set of fingerprints shall be submitted.... Each owner and controlling person shall pay any required fee... and direct that the results be transmitted to the division.... | 4768.03 4768.06 | Yes, both state and federal law | Yes, both state and federal law |
| 1301:16-1-04 | | The applicable nonrefundable fees shall be assessed by the real estate appraiser board as follows... | 4768.03 | Yes, state law | Yes, state law |
| 1301:16-1-04(B) | | A seven hundred fifty-dollar fee for the annual renewal of an appraisal management company license must be submitted.... | 4768.03 | Yes, state law | Yes, state law |
| 1301:16-1-04(C) | | The late filing fee must be submitted with the renewal application for licensure. | 4768.03 | Yes, state law | Yes, state law |

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| 1301:16-1-04(D) | ...an initial federal registry fee shall be assessed to each appraisal management company licensed as an Ohio appraisal management company on January 1, 2020, and thereafter, a federal registry fee shall be assessed when an appraisal management company license is initially issued or at the time of renewal. The assessment shall be paid to the division.... Any change in the federal registry fee... shall be assessed, upon notice.... | 4768.03 | Yes, federal law | Yes, federal law |
| 1301:16-1-04(E) | A twenty-five dollar fee must be submitted to the division for any of the following: a letter of good standing; a replacement license resulting from a change in the licensee's company name, business address or controlling person; or replacement license must be issued due to the original license has been lost or spoliated. | 4768.03 | Yes, state law | Yes, state law |
| 1301:16-1-05 | ...the stenographic record of an adjudication hearing... shall be provided by the division's use of audio or video teleconferencing electronic recording devices. Such recording shall serve as the official record of the proceeding.... A stenographic service other than the division's... may be requested.... Advance written notice shall be provided.... All scheduling with the stenographic service shall be the responsibility of the party requesting the stenographic service. The testimony at the adjudication hearing shall be transcribed at the cost of the party requesting the stenographic service. Upon request, the stenographic service may provide a transcript... and the cost... shall be the responsibility of the party requesting the transcript. | 4768.03, 4768.13, 4768.14 | Yes, state law | Yes, state law |
| 1301:16-1-06(A) | (A) An applicant for an initial or a renewal of an Ohio appraisal management company license may obtain an Ohio appraisal management company license provided the following... are satisfied: ...Payment of appropriate fees required by rule 1301:16-1-04...; and... the applicant consents to service of process.... A copy of the service of process shall be delivered to the company's controlling person.... | 4768.03, 4768.06 | Yes, state law | Yes, state law |
| 1301:16-1-06(B) | When any notice sent by registered mail is returned because the person fails to claim the notice, the division shall send the notice by ordinary mail to the person at the company's last known address and shall obtain a certificate of mailing.... If any notice sent by registered or ordinary mail is returned for failure of delivery, the division shall either make personal delivery of the notice... or shall cause a summary of the substantive provisions of the notice to be published.... When notice is given by publication, a proof of publication affidavit, with the first publication of the notice... shall be mailed... to the person's last known address and the notice shall be deemed received as of the date of the last | 4768.03, 4768.06 | Yes, state law | Yes, state law |
| 1301:16-1-06(D) | Upon notice... that an application for initial licensure is incomplete or incorrect... the applicant shall... submit to the division a corrected application or the additional information requested. Failure to timely submit such corrected application or additional information shall constitute just cause... to impose a forfeiture of the application fee... | 4768.03, 4768.06 | Yes, state law | Yes, state law |
| 1301:16-1-06(E) | If the application fee check or draft instrument... is returned to the division unpaid... that application shall be automatically rejected or approval withdrawn. | 4768.03, 4768.06 | Yes, state law | Yes, state law |
| 1301:16-1-07 | Failure by a licensee to obey a subpoena... shall constitute prima facie evidence of a violation of... [R.C. 4768.03, 4768.05, 4768.13 4768.13(K)(10)]. | 4768.03, 4768.05, 4768.13 | Yes, state law | Yes, state law |
| 1301:16-1-08(B) | The settlement agreement shall contain the following...(1) A description of the conduct...; (2) An admission by the licensee...; (3) An acknowledgement by the licensee that such conduct admitted to constitutes a violation of... [R.C] 4768.13; (4) A waiver... to an administrative hearing...; (5) An acknowledgement... that the licensee had the opportunity to review the settlement agreement with... legal counsel; (6) Recommendation of a sanction.... However, the superintendent may choose not to make any recommendation.... (7) An acknowledgement... that the settlement agreement, if accepted and adopted... will become a final order; (8) A waiver... of all appeals... and any right of reconsideration; (9) An acknowledgement... that a licensee's failure to pay any fine ordered by the... board... shall result in the automatic suspension of the Ohio appraisal management company license; and (10) Any other provision.... | 4768.03, 4768.13, 4768.14 | Yes, state law | Yes, state law |

