

Anyone filing a complaint with the Division of Real Estate and Professional Licensing should be aware that if a license law violation has been committed, the Division only has jurisdiction to take action against the perpetrator's license. The Division does not have the authority to compel the licensee to perform under the terms of a contract or award damages to a complainant. Any such action must be initiated in a court of law. Additionally, Ohio law prohibits the Division from giving private legal advice or opinions. If legal advice is desired, please consult with an attorney.

When the Division initiates an investigation, it is not assumed that a violation of license law has occurred or that anyone will be charged with a violation. Only after reviewing the evidence obtained from an investigation may the Division allege the existence of a violation and bring charges against a licensee.

### **FILING A COMPLAINT**

**The Division requires all complaints be filed in written form.** Upon receipt of a complete complaint form, the enforcement section will review the matter to determine if it falls under the Division's jurisdiction. For such jurisdiction to exist, the complaint must concern the conduct of a licensed appraisal management company by this division and acting in such capacity.

If it is determined that the complaint is within the Division's jurisdiction, the complaint will be assigned to a mediator, and the complainant and the licensee will be notified. They will both be asked if they would like an opportunity to meet with one another to discuss the complaint at an *informal meeting*. The informal meeting allows the complainant and the licensee to discuss their differences and attempt to reach a resolution of the problem. If held, the informal meeting will be confidential. An informal meeting will only be conducted if both parties agree to attend. There is no obligation to attend and non-attendance will not be held against either party in any way.

If the complainant and the licensee reach an agreement at the informal meeting, the complaint will be closed upon the Division receiving satisfactory notice that the agreement has been fulfilled.

If the complainant and licensee do not agree to an informal meeting or if no accommodation is reached, the Division will proceed with its investigation of the complaint.

Upon conclusion of the investigation, the investigator will prepare a report of the findings. The report will be internally reviewed to determine if sufficient evidence of a license law violation exists. If it is determined that there is not sufficient evidence to prove any violation, no further action will be taken.

If it is determined that a violation can be proven, formal charges may be filed and a *formal hearing* held. In the event of a formal hearing, the complainant and licensee will be notified of the date, time and place of the hearing. The hearing is similar to a court proceeding but not as formal. It is held before a hearing examiner who is an attorney. An Assistant Attorney General represents the Division. The licensee has the right to be represented by legal counsel and can have subpoenas issued to witnesses to testify. The complainant will usually be called to testify and may also bring legal counsel if desired.

The hearing examiner's report will be distributed to the concerned parties. Within ten days of receipt of the report, the Division or licensee may file written objections to the hearing examiner's findings and conclusions. The Ohio Real Estate Appraiser Board will then review the report and any written objections at its next meeting. The complainant and licensee may appear at this review and present testimony. The Board will decide whether or not to adopt the hearing examiner's findings and recommendation. It may then order disciplinary sanctions against the licensee.



APPRAISAL MANAGEMENT COMPANY

COMPLAINT FORM

Record your complaint on the following form. It is interactive, so please record your responses directly onto the form. You may then print and sign the form, attach copies (not originals) of pertinent documents, and mail the package to the Division's office. The Division does not accept electronic filings.

- This form is interactive. You may, prior to printing, enter your responses directly onto the form. Otherwise, this form must be typewritten or printed legibly in black ink.
This form should be used when filing a complaint against a person who holds an Appraisal Management Company license.
The complaint form must be filled-out in its entirety. This will assist in expediting the investigation. State all facts clearly and concisely. Attach copies, not originals, of pertinent records in support of your complaint. An investigator will follow-up with you for any additional clarification.
Furnish the full names, addresses and phone numbers of all parties to the complaint, including witnesses.
Be certain to sign and date the form where indicated.
MAIL TO: Real Estate & Professional Licensing, 77 South High Street, 20th Floor, Columbus, OH 43215-6133

NOTE: This complaint form and all included documents will become public record. A copy will be given to the party against whom the complaint is filed. A person who files a complaint should be willing to appear as a witness, be sworn to testify and be cross-examined concerning the allegations made in the complaint.

Complainant Information (identifies you as Complainant)

Form fields for Complainant Information: FIRST NAME, MIDDLE INITIAL, LAST NAME, MAILING ADDRESS, HOME PHONE, CITY, STATE, ZIP CODE, CELL PHONE, EMAIL ADDRESS, BUSINESS NAME, BUSINESS ADDRESS, BUSINESS PHONE, CITY, STATE, ZIP CODE, BUSINESS FAX.

Respondent Information (against whom this complaint is being filed, identifies person as Defendant)

Form fields for Respondent Information: FIRST NAME, MIDDLE INITIAL, LAST NAME, NAME OF APPRAISAL MANAGEMENT COMPANY, BUSINESS PHONE, BUSINESS ADDRESS, BUSINESS FAX, CITY, STATE, ZIP CODE, CELL PHONE, EMAIL ADDRESS.

Respondent 2 (if applicable)

Form fields for Respondent 2: FIRST NAME, MIDDLE INITIAL, LAST NAME, NAME OF APPRAISAL MANAGEMENT COMPANY, BUSINESS PHONE, BUSINESS ADDRESS, BUSINESS FAX, CITY, STATE, ZIP CODE, CELL PHONE, EMAIL ADDRESS.



Complaint

Form with fields for SUBJECT PROPERTY ADDRESS, DATE OF ALLEGED OFFENSE, CITY, STATE, ZIP CODE, and various YES/NO questions regarding the transaction and attorney consultation.

List of Witnesses (if applicable)

Form with fields for WITNESS 1 NAME, PHONE NUMBER, ADDRESS, CITY, STATE, ZIP CODE, and similar fields for WITNESS 2 and WITNESS 3.

Prior Notification

Form with fields for HAVE YOU PREVIOUSLY NOTIFIED THE RESPONDENT OF YOUR COMPLAINT?, IN WHAT FORM WAS YOUR NOTIFICATION?, DID YOU RECEIVE A RESPONSE?, and IN WHAT FORM WAS THE RESPONSE?.

\*IF RESPONSE WAS ORAL, PLEASE INCLUDE A STATEMENT OF THE RESPONSE WITH THIS FORM



**Description of Complaint**

IN THE FORM OF A STATEMENT, GIVE THE DETAILS OF YOUR COMPLAINT. BE FACTUAL AND COMPLETE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

**Affirmation**

I affirm that the information provided within and attached hereto this complaint is complete and accurate to the best of my knowledge.

\_\_\_\_\_  
SIGNATURE OF COMPLAINANT

\_\_\_\_\_  
DATE