Department of Commerce
Division of Real Estate & Professional Licensing
John R. Kasich, Governor
Jacqueline T. Williams, Director
77 South High Street, 20th Floor
Columbus, Ohio 43215-6133

Please visit our website at
www.com.ohio.gov/real

614 | 466-4100
Fax 614 | 644-0584
TTY/TDD: 800 | 750-0750

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 real estate appraiser certified, licensed or registered 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 an investigator, 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 has two functions. First, it allows the complainant and the licensee to discuss their differences and attempt to reach a resolution of the problem. Second, it assists the division in gathering information. An investigator will conduct the meeting and will also utilize the opportunity to ask questions and gather documents. If held, the informal meeting will be tape-recorded. 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 licensee do not agree to an informal meeting or if no accommodation is reached, the Division will proceed with its investigation of the complaint. Even if the problem is settled at the informal meeting, the Division may continue with its investigation if it appears that a license law violation has occurred.

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 examiner's report will be distributed to the concerned parties. Within ten days of receipt of the report, the complainant 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.

APPRAISER 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.

> ***NOTE:*** *This complaint 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.*

- *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 a General Appraiser certificate, Residential Appraiser certificate, Residential Appraiser license or an Assistant Appraiser registration.
- 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 the appraisal in question (you may obtain this from your lender if you request it in writing), any other appraisals of the subject property, photographic or other evidence of omission, and any other pertinent documents. 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

COMPLAINANT INFORMATION (person filing complaint)			
YOUR FULL NAME (identifies you as Complainant)	EMAIL ADDRESS	HOME PHONE	CELL PHONE
HOME ADDRESS (line 1)			
CITY	COUNTY	STATE	ZIP CODE
BUSINESS NAME			BUSINESS PHONE
BUSINESS ADDRESS			FAX NUMBER
CITY	COUNTY	STATE	ZIP CODE

RESPONDENT INFORMATION (against whom this complaint is being filed)			
RESPONDENT'S FULL NAME (identifies person as Defendant)	FILE NUMBER	EMAIL ADDRESS	
BUSINESS NAME		BUSINESS PHONE	CELL PHONE
BUSINESS ADDRESS			FAX NUMBER
CITY	COUNTY	STATE	ZIP CODE
RESPONDENT 2 (if applicable)	FILE NUMBER	EMAIL ADDRESS	
BUSINESS NAME		BUSINESS PHONE	CELL PHONE
BUSINESS ADDRESS			FAX NUMBER
CITY	COUNTY	STATE	ZIP CODE

NOTICE: Ohio Revised Code section 2921.13 makes the providing of a false statement to a government official or public agency subject to criminal sanctions.

COMPLAINT

SUBJECT PROPERTY ADDRESS	APPRAISAL DATE	EFFECTIVE DATE	
CITY	COUNTY	STATE	ZIP CODE

ARE YOU A PARTY TO THE TRANSACTION?	EXPLAIN YOUR RELATIONSHIP (e.g. client, lender, borrower, review appraiser, etc.)
__YES __NO	

WHAT TYPE OF AN APPRAISAL REPORT DID THE APPRAISER DEVELOP?	WHAT IS THE PURPOSE OF THE APPRAISAL REPORT? (purchase, refinance)
__1-4 Single Family Unit __Other Than 1-4	

HAVE YOU INCLUDED DOCUMENTS PERTAINING TO THE TRANSACTION? (e.g. appraisal report, transmittal letter, statement of conditions, etc.)
__YES __NO

HAVE YOU CONSULTED AN ATTORNEY REGARDING YOUR COMPLAINT? **__YES __NO** (if yes, complete the adjacent fields)	ATTORNEY NAME		PHONE NUMBER
	ATTORNEY ADDRESS		FAX NUMBER
	CITY	STATE	ZIP CODE

HAVE ANY CLAIMS BEEN FILED IN A COURT OF LAW? **__YES __NO** (if yes, complete the adjacent fields)	NAME OF COURT (e.g. Franklin County Court of Common Pleas)	NAME OF CASE	DOCKET NUMBER

LIST ANY WITNESSES:

WITNESS 1 NAME			PHONE NUMBER
ADDRESS	CITY	STATE	ZIP CODE
WITNESS 2 NAME			PHONE NUMBER
ADDRESS	CITY	STATE	ZIP CODE
WITNESS 3 NAME			PHONE NUMBER
ADDRESS	CITY	STATE	ZIP CODE

PRIOR NOTIFICATION

HAVE YOU PREVIOUSLY NOTIFIED THE RESPONDENT OF YOUR COMPLAINT?	IN WHAT FORM WAS YOUR NOTIFICATION?
__YES __NO	**__ORAL __WRITTEN** (if written, include a copy)
DID YOU RECEIVE A RESPONSE?	IN WHAT FORM WAS THE RESPONSE?
__YES __NO	**__ORAL __WRITTEN** (if written, include a copy)

IF RESPONSE WAS ORAL, WHAT WAS THE RESPONSE?

DESCRIPTION OF COMPLAINT

IN THE FORM OF A BRIEF 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.	SIGNATURE OF COMPLAINANT	DATE