



## Ohio Revised Code

### Section 4764.16 Investigation of person who are not licensed.

Effective: October 3, 2023

Legislation: House Bill 33

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(A) Upon receipt of a written complaint or upon the motion of the superintendent of real estate and professional licensing, the superintendent may investigate any person who is not a licensed home inspector who has allegedly violated section 4764.02 of the Revised Code.

(B) The superintendent has the same powers to investigate an alleged violation of section 4764.02 of the Revised Code by a person who is not licensed as a home inspector as those powers are specified in section 4764.12 of the Revised Code. If, after an investigation pursuant to section 4764.12 of the Revised Code, the superintendent determines that reasonable evidence exists that an unlicensed person has violated section 4764.02 of the Revised Code, within seven days after that determination, the superintendent shall serve a written notice in accordance with sections 119.05 and 119.07 of the Revised Code and shall include in the notice the information specified in section 119.07 of the Revised Code for notices given to licensees, except that the notice shall specify that a hearing will be held and specify the date, time, and place of the hearing.

(C) The Ohio home inspector board shall hold a hearing regarding the alleged violation in the same manner prescribed for an adjudication hearing under section 119.09 of the Revised Code. If the board, after the hearing, determines a violation has occurred, the board may impose a civil penalty on the person, not exceeding five hundred dollars per violation which is distinct from any criminal fine imposed pursuant to section 4764.99 of the Revised Code. Each day a violation occurs or continues is a separate violation. The superintendent may approve a payment plan if the unlicensed person requests such. The board shall maintain a transcript of the proceedings of the hearing and issue a written order to all parties, citing its findings and grounds for any action taken. The board's determination regarding a violation of section 4764.02 of the Revised Code is an order that the person may appeal in accordance with section 119.12 of the Revised Code.

(D) If the unlicensed person who allegedly committed a violation of section 4764.02 of the Revised Code fails to appear for a hearing, the board may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the board for a hearing.



(E) If the board assesses an unlicensed person a civil penalty for a violation of section 4764.02 of the Revised Code and the person fails to pay that civil penalty within the time period prescribed by the board, the superintendent shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty.

If the board finds, or an unlicensed person admits to the board, a violation of section 4764.02 of the Revised Code, the superintendent shall not issue to the person a home inspector license without prior board approval.