



## Ohio Revised Code

### Section 4767.02 Registration required - duties of division of real estate in department of commerce.

Effective: October 29, 2018

Legislation: House Bill 168 - 132nd General Assembly

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(A) Except as otherwise provided in division (D) of this section, no person, church, religious society, established fraternal organization, or political subdivision of the state shall own, operate, or maintain a cemetery unless the cemetery is registered pursuant to section 4767.03 of the Revised Code.

(B) The superintendent of the division of real estate in the department of commerce shall perform all of the following duties:

(1) Administer this chapter;

(2) Issue orders necessary to implement this chapter;

(3) Administer the cemetery grant program established under section 4767.10 of the Revised Code;

(4) Prescribe the form and content of all applications to be used for registration and renewal of registration pursuant to section 4767.03 of the Revised Code;

(5) Review applications for registration and issue registration certificates to cemeteries that meet the qualifications for registration pursuant to sections 4767.03 and 4767.04 of the Revised Code;

(6) Collect all fees related to the registration and renewal of registration certificates for cemeteries;

(7) Maintain a written record of each cemetery registered with the division, which shall include such documentation as required in division (A) of section 4767.04 of the Revised Code. The record shall be available for inspection by the public and copies shall be made available pursuant to division (B) of section 149.43 of the Revised Code.

(8) Revoke the registration of any cemetery owner or operator convicted of a violation of section



1721.21 or 1721.211 of the Revised Code immediately upon receipt of notice of the conviction pursuant to section 119.06 of the Revised Code;

(9) Hire all division personnel necessary to implement this chapter;

(10) Refuse to issue a registration certificate to the purchaser of management rights, assets, or stock of a cemetery until the dispute resolution commission has received either of the following:

(a) Financial statements audited by a certified public accountant showing to the commission's satisfaction that all current funds required to be deposited and maintained pursuant to sections 1721.21 and 1721.211 of the Revised Code have been deposited and maintained; or

(b) A plan agreed to by the parties and approved by the commission in accordance with division (G) of section 4767.06 of the Revised Code.

(11) Establish and maintain an investigation and audit section within the division of real estate in the department of commerce to conduct investigations pursuant to division (A) of section 4767.08 of the Revised Code and to audit the financial records of a cemetery to ensure compliance with sections 1721.21 and 1721.211 of the Revised Code at least every five years, or more often as the section deems necessary. The investigators or auditors of the section may review and audit the business records of cemeteries during normal business hours.

(C) Investigators, auditors, and other personnel of the division or commission shall maintain the confidentiality of information obtained from cemeteries, complainants, or other persons during an investigation or while conducting an inspection, audit, and other inquiry under division (B)(11) of this section, and of all other reports, documents, and work product that result from that information and that are prepared by the investigators, auditors, or other personnel of the division or commission. Such information and other reports, documents, and work product are not a public record for purposes of section 149.43 of the Revised Code.

(D) Sections 4767.02 to 4767.04 of the Revised Code do not apply to or affect a family cemetery or a cemetery in which there have been no interments during the previous twenty-five calendar years. As used in this division, "family cemetery" means a cemetery containing the human remains of persons,



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at least three-fourths of whom have a common ancestor or who are the spouse or adopted child of that common ancestor.