



## Ohio Revised Code

### Section 4735.143 Criminal records check.

Effective: October 17, 2019

Legislation: House Bill 166 - 133rd General Assembly

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(A) Each person applying for a license pursuant to section 4735.07 or 4735.09 of the Revised Code shall submit one complete set of fingerprint impressions directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The applicant shall provide the fingerprint impressions using a method the superintendent of the bureau of criminal identification and investigation prescribes and fill out the form the superintendent prescribes pursuant to division (C) of section 109.572 of the Revised Code. Upon receiving an application under this section, the superintendent of real estate and professional licensing shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprint impressions in accordance with division (A)(16) of section 109.572 of the Revised Code. Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent of real estate and professional licensing shall request that criminal record information based on the applicant's fingerprints be obtained from the federal bureau of investigation as part of the criminal records check. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the applicant.

(B) An applicant who disclosed on the application that the applicant has been convicted of any criminal offense shall only be permitted to take the examination after the results of the criminal records check have been received by the superintendent and the superintendent has made a determination to disregard the conviction because the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved.

(C) Persons who have indicated on the application that they have not been convicted of any criminal offense, shall, if all other requirements for licensure have been satisfied, be permitted to take the real estate examination for which the applicant has applied prior to the superintendent's receipt of the results of the criminal records check. If the applicant receives a passing score on the examination and



meets the other requirements for the license, the superintendent shall issue a provisional license pending the results of the criminal records check. During this provisional status, the licensee may perform acts that require a real estate license. If the results of the criminal records check subsequently confirm that the licensee has no convictions, the provisional status shall be removed. If it is determined that the licensee has been convicted of any criminal offense, the superintendent may immediately suspend the license of the licensee.

(D) Any entity offering the prelicensure education required to obtain a real estate license in this state shall, prior to a student's enrollment in a class, notify the student of both of the following:

(1) That a conviction of a criminal offense may disqualify an individual from obtaining a real estate license;

(2) The student's rights under section 9.78 of the Revised Code to request a determination as to whether such a conviction will disqualify the student.