

**OHIO STATE BAR ASSOCIATION v. APPRAISAL
RESEARCH CORPORATION ET AL.**

**[Cite as *Ohio State Bar Assn. v. Appraisal Research Corp.*,
125 Ohio St.3d 508, 2010-Ohio-2204.]**

Unauthorized practice of law — Defended corporation’s appraisals at board-of-revision hearings — Consent decree accepted — Injunction imposed.

(No. 2010-0151 — Submitted February 17, 2010 — Decided May 25, 2010.)

ON FINAL REPORT by the Board on the Unauthorized Practice of Law of the
Supreme Court, No. UPL 09-04.

Per Curiam.

{¶ 1} Pursuant to Gov.Bar R. VII(5b), the Board on the Unauthorized Practice of Law has recommended our approval of a consent decree proposed by relator, Ohio State Bar Association, and respondents, Appraisal Research Corporation (“ARC”), Sue Maag, and Richard H. Hoffman. We accept the board’s recommendation and approve the proposed consent decree submitted by the parties as follows:

{¶ 2} “1. Respondent, ARC provides appraisal services to counties throughout Ohio, specifically to County auditors.

{¶ 3} “2. In addition to [those appraisal duties], Respondents ARC, Hoffman, and Maag assumed, with the consent of the Boards of Revision, duties to ‘defend’ ARC’s appraisals at hearings of the Boards of Revision, to examine witnesses at such hearings, and to render advice concerning the conduct of such hearings.

{¶ 4} “3. Respondents admit [that they defended ARC’s appraisals at hearings of the Boards of Revision, examined witnesses at such hearings, and

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rendered advice concerning the conduct of such hearings], and that [that conduct] constitutes the unauthorized practice of law. Respondents state that they acted with a good faith belief that this conduct was proper pursuant to the provisions of [Ohio Adm.Code] 5703-25-08 * * *.

{¶ 5} “4. Respondents have ceased the conduct [that constitutes the unauthorized practice of law], have agreed not to engage in such conduct in the future, and have consented to the imposition of an injunction against future unauthorized practice of law.

{¶ 6} “5. Relator’s position is that no penalty be imposed, and the Board so recommends.

{¶ 7} “6. Respondents, and their respective successors and assigns, agents, members, officers, representatives and employees are permanently enjoined from defending their appraisals at hearings, examining witnesses at such hearings, rendering legal advice, and otherwise engaging in the unauthorized practice of law.

{¶ 8} “7. Respondents are ordered to notify in writing the auditor of each of the counties in Ohio that employed one or more of Respondents to provide services to its Board of Revision that, by engaging in the prohibited conduct, Respondents engaged in the unauthorized practice of law and to deliver to Relator’s counsel a copy of each such notice.

{¶ 9} “8. Respondents are hereby ordered to reimburse the Board and Relator their costs and expenses in this matter.

{¶ 10} “9. Respondents are hereby ordered to pay costs.

{¶ 11} “10. No civil penalty is imposed.”

Judgment accordingly.

PFEIFER, LUNDBERG STRATTON, O’CONNOR, O’DONNELL, LANZINGER, and CUPP, JJ., concur.

BROWN, C.J., not participating.

January Term, 2010

Shumaker, Loop & Kendrick, L.L.P., and John N. MacKay; and Eugene Whetzel, for relator.

Ralph D. Russo, for respondent.
