CHAPTER 779
Unclaimed Funds

779.01 Applicability.
779.02 Definitions.
779.03 Agreements to pay fee, compensation, commission, or other remuneration to locate, deliver, recover, or assist in the recovery of unclaimed funds.
779.04 Claim to include a copy of the registration certificate.
779.05 Certificate of registration required.
779.06 Investigation by the Office of Consumer Affairs.
779.07 Information to be provided to the Child Support Enforcement Agency.
779.08 Severability.
779.99 Penalties.

CROSS REFERENCES

Consumer protection enforcement, orders and penalty - see BUS. REG. Ch. 761

779.01 APPLICABILITY.

This Chapter shall be applicable throughout the County of Summit, Ohio. This Chapter shall be applicable to all unclaimed funds held by the County Fiscal Office at the time of its effective date, other than unclaimed funds sought pursuant to an agreement entered into prior to the effective date of this Chapter.
(Ord. 2014-379. Adopted 9-8-14.)

779.02 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply:

(a) "Unclaimed funds" means money received or collected under Section 9.39 or Sections 2335.34 through 2335.36 of the Ohio Revised Code;

(b) "Owner" means any person, or the person's legal representative, entitled to receive moneys, subject to this Chapter.

(c) "Person" includes a natural person; corporation, whether for profit or not for profit; copartnership; unincorporated nonprofit association; public authority; estate; trust; two or more persons having a joint or common interest; eleemosynary organization; fraternal or cooperative association; other legal or community entity; the United States government, including any district, territory, possession, officer, agency, department, authority, instrumentality, board, bureau, or court; or any state or political subdivision thereof, including any officer, agency, board, bureau, commission, division, department, authority, court, or instrumentality.

(d) "Director of Commerce" means the director of the Ohio Department of Commerce, "division of unclaimed funds" or the "superintendent of unclaimed funds."

(e) "County Office" means all offices, officers, agencies, departments, boards, commissions or other public body, other than a separate political subdivision, that is supported in whole or in part from taxes levied, or other financial assistance provided, by the County, which deposits unclaimed funds with the County Fiscal Office.

(f) "County Fiscal Office" means the office set forth in Article IV, Section 4.01 (2) of the County Charter, which serves as trustee of and holds the County of Summit's unclaimed funds.
(Ord. 2014-379. Adopted 9-8-14.)

779.03 AGREEMENTS TO PAY FEE, COMPENSATION, COMMISSION, OR OTHER REMUNERATION TO LOCATE, DELIVER, RECOVER, OR ASSIST IN THE RECOVERY OF UNCLAIMED FUNDS.

(a) (l) All agreements to pay a fee, compensation, commission, or other remuneration to locate, deliver, recover, or assist in the recovery of unclaimed funds received or collected under Section 9.39 or Sections 2335.34 through 2335.36 of the Ohio Revised Code and held by the County Fiscal Office, entered into within two years immediately after the funds are paid into the County Fiscal Office are invalid.

(2) A person interested in entering into an agreement to locate, deliver, recover, or assist in the recovery of unclaimed funds held by the County Fiscal Office for remuneration shall not initiate any contact with an Owner during the two-year period immediately after money is received by the Fiscal Office under Section 9.39 or Sections 2335.34 through 2335.36 of the Ohio Revised Code. Failure to comply with this requirement is grounds for the invalidation of any such agreement between the person and the Owner.

(b) An agreement entered into any time after such two-year period is valid only if all of the following conditions are met:

(1) The aggregate fee, compensation, commission, or other remuneration agreed upon is not in excess of ten percent of the amount recovered and paid to the Owner;

(2) The agreement is in writing, signed by the Owner, and notarized and discloses all of the following items:

A. The name, address, and telephone number of the Owner, as shown by the records of the County Office from which the County Fiscal Office received the unclaimed funds;

B. The name, address, and telephone number of the Owner if the Owner's name, address, or telephone number are different from the name, address, or telephone number of the Owner as shown by the records of the County Office from which the County Fiscal Office received the unclaimed funds;

C. The nature and value of the unclaimed funds;

D. The amount the Owner will receive after the fee or compensation has been subtracted;

E. The name and address of the County Office from which the County Fiscal Office received the unclaimed funds;

F. That the County Fiscal Office will pay the unclaimed funds directly to the Owner;

G. That the person agreeing to locate, deliver, recover, or assist in the recovery of the unclaimed funds holds a valid certificate of registration issued by the Director of the Ohio Department of Commerce under Section 169.16 of the Ohio Revised Code; and

H. The number designated on that certificate of registration and the date the certificate of registration expires.

(3) No agreement described in division (b)(2) of this Section shall include a power of attorney for the payment of the unclaimed funds to any person other than the Owner of the unclaimed funds.

(c) No person shall receive a fee, compensation, commission, or other remuneration, or engage in any activity for the purpose of locating, delivering, recovering, or assisting in the recovery of unclaimed funds under an agreement that is invalid under this Section.

(d) The County Fiscal Office shall not make any payment pursuant to any power of attorney between an Owner of the unclaimed funds and the person with whom the Owner entered into an agreement pursuant to division (b)(2) of this Section to locate, deliver, recover, or assist in the recovery of the unclaimed funds if that power of attorney is entered into on or after the effective date of this Chapter and that power of attorney specifically provides for the payment of unclaimed funds to any person other than the Owner of the unclaimed funds. Nothing in this Section shall be construed as prohibiting the payment of unclaimed funds to the legal representative of the Owner of the unclaimed funds. Notwithstanding the definition of "Owner" specified in division (b) of Section 779.02 of this Chapter, for purposes of the payment of unclaimed funds, a person with whom an Owner entered into an agreement under division (b)(2) of this Section is not a legal representative.

(Ord. 2014-379. Adopted 9-8-14.)

779.04 CLAIM TO INCLUDE A COPY OF THE REGISTRATION CERTIFICATE.

(a) Each person that files a claim with the County Fiscal Office pursuant to an agreement entered into under Section 779.03 of this Chapter, shall include with that claim a copy of the certificate of registration that is issued to the person by the Director of Commerce under Section 169.16 of the Ohio Revised Code.

(b) The County Fiscal Office shall not process any claim described in division (a) of this Section that does not include the required copy of the certificate of registration.
(Ord. 2014-379. Adopted 9-8-14.)

779.05 CERTIFICATE OF REGISTRATION REQUIRED.

No person, on behalf of any other person, shall engage in any activity for the purpose of locating, delivering, recovering, or assisting in the recovery of unclaimed funds and receive a fee, compensation, commission, or other remuneration for such activity, without first having obtained a certificate of registration from the Director of Commerce.
(Ord. 2014-379. Adopted 9-8-14.)

779.06 INVESTIGATION BY THE OFFICE OF CONSUMER AFFAIRS.

If the County Fiscal Office determines that agreement to locate, deliver, recover or assist in the recovery of unclaimed funds fails to comply with Sections 779.03 to 779.05 of this Chapter, it shall not process the claim and shall file a complaint with the County's Office of Consumer Affairs, which shall investigate the complaint pursuant to Chapter 201 of these Codified Ordinances.
(Ord. 2014-379. Adopted 9-8-14.)

779.07 INFORMATION TO BE PROVIDED TO THE CHILD SUPPORT ENFORCEMENT AGENCY.

Each May and November, the County Fiscal Office shall provide, in a mutually agreed to form, a list of Owners of unclaimed funds, including any identifying information, to the Child Support Enforcement Agency for the purpose of identifying Owners of unclaimed funds that are in default under a support order being administered by the Agency.
(Ord. 2014-379. Adopted 9-8-14.)

779.08 SEVERABILITY.

In the event any provision of Sections 779.01 to 779.99 of this Chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this Chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.
(Ord. 2014-379. Adopted 9-8-14.)

779.99 PENALTIES.

Whoever violates Sections 779.03, 779.04 or 779.05 of this Chapter shall be fined not more than five hundred dollars ($500.00). Each day of continuance of such violation is a separate offense.
(Ord. 2014-379. Adopted 9-8-14.)