

REVOCATIONS/PERMANENT SURRENDERS/RESIGNATIONS

Bradley Bartlett, broker, Saint Marys, Ohio, as the result of an investigation of a formal complaint, had his license revoked, which commenced October 18, 2011, for violating Revised Code 4735.18(A)(6), misconduct as that section incorporates Section 1, Article 1 of the Canons of Ethics for the Real Estate Industry. Mr. Bartlett submitted misleading information concerning the total number of transactions he was involved in as a real estate licensee on his Broker License Examination Application. He was also required to complete and submit to the Division proof of completion of 3 hours additional education in core law and ordered to pay a \$1,000.00 fine. His conduct also constitutes procuring a license under Chapter 4735 of the Ohio Revised Code by fraud, misrepresentation, or deceit in violation of Revised Code 4735.18(A)(8) and he is required to pay a \$1,000.00 fine and to complete and submit to the Division proof of completion of 3 hours of additional education in agency.

Kevin Beaver, salesperson, Lakewood, Ohio, as the result of an investigation of a formal complaint, had his license revoked which commenced on October 17, 2011 for violations of Revised Code 4735.18(A), and Revised Code 4735.18(A)(6) misconduct, as that section incorporates Revised Code 4735.13(C), for failing to notify the Superintendent of his felony conviction within fifteen days of the conviction. Further, Mr. Beaver failed within a reasonable time to account for or remit any money coming into his possession which belonged to another, when he failed to forward charitable donations in violation of Revised Code section 4735.18(A)(5). The above conduct described also constituted a failure to protect the public against fraud, misrepresentation or unethical practices in real estate transactions, and failed to endeavor to eliminate in the community, any practices which could be damaging to the public or to the integrity of the real estate profession, a violation of Revised Code 4735.18(A)(6), as that section incorporates the Canons of Ethics, Section I, Article 2.

Randy L. Young, salesperson, New Carlisle, Ohio, as the result of an investigation of a formal complaint, had his license revoked which commenced on October 7, 2011 for violating Revised Code 4735.18(A)(6), misconduct, as that section incorporates Revised Code 4735.02, when he acted like a broker without an active broker's license and Revised Code 4735.18(A)(6), misconduct, as that section incorporates 4735.21, when he collected deposits, payments, and/or management fees in connection with property management. In addition, he was ordered to complete and submit to the Division proof of completion of 3 hours of education in core law for violating Revised Code 4735.18(A)(6) as that section incorporates the Canons of Ethics, Section 1, Article 2. For violating Revised Code 4735.18(A)(6) by failing to reduce the terms of the property management agreement to writing, Mr. Young must complete and submit to the Division proof of completion of the 10 hour sales post-licensure course. For failing to provide a consumer guide to agency relationships to the purchaser in violation of Revised Code 4735.18(A)(9) as that section incorporates 4735.56(D), he is ordered to complete and submit to the Division proof of completion of 3 hours of education in core law and ordered to pay a \$500.00 fine, he also failed to provide a consumer guide to agency relationships to the seller in violation of Revised Code 4735.18(A)(9) as that section incorporates 4735.56(D), and is ordered to pay a \$500.00 fine. Mr. Young failed to present the purchaser with an agency disclosure statement prior to preparing a

purchase offer in violation of Revised Code 4735.18(A)(6), misconduct, as that section incorporates Revised Code 4735.58(A), and is ordered to pay a \$500.00 fine. In addition, for failure to provide the seller with an agency disclosure statement prior to presenting the buyer's purchase offer in violation of Revised Code 4735.18(A)(6), misconduct, as that section incorporates Revised Code 4735.58(A), Mr. Young is ordered to pay a \$500.00 fine. The above conduct described, separately or in the aggregate, also constitutes a violation of Revised Code 4735.18(A)(6), misconduct, as that section incorporates the Canons of Ethics, Section 1, Article 4, which provides that a licensee should be knowledgeable of the laws of Ohio pertinent to real estate and should keep informed of the changes in the statutes of Ohio affecting the duties and responsibilities of a licensee, Mr. Young is required to complete and submit to the Division proof of completion of 3 hours of additional education in agency.

SUSPENSIONS, FINES, EDUCATION

William E. Baker, salesperson, Clyde, Ohio, as the result of an investigation of a formal complaint, had his license suspended for a period of five days, which commenced on December 2, 2011. He was also required to pay a \$600.00 fine and to complete and submit to the Division proof of completion of 3 hours of additional education in ethics. Mr. Baker, prior to closing allowed the buyer to enter a property unattended and without prior authorization from the seller. This conduct constitutes a failure to maintain and establish high standards of professional conduct and integrity in dealings with members of the public in violation of Revised Code 4735.18(A)(6), misconduct, as that section incorporates the Canons of Ethics for the Real Estate Industry, Section 1, Article 1.

Ike Childress, broker, Bedford Heights, Ohio, as the result of an investigation of a formal complaint, had his license revoked, which commenced November 30, 2011 for making false promises with the intent to influence, persuade, or induce in violation of Revised Code 4735.18(A) Mr. Childress knowingly made misrepresentations about the company 365 Ltd. in violation of Revised Code 4735.18(A)(1). Additionally, Mr. Childress was the subject of an unsatisfied judgment rendered in the Cuyahoga County Court of Common Pleas in violation of Revised Code 4735.18(A)(29).

Craig Cohen, broker, Beachwood, Ohio, as the result of an investigation of a formal complaint, had his license suspended for a period of 20 days, which commenced on December 8, 2011. He was required to pay a \$1,000.00 fine and to complete and submit to the Division proof of completion of the 10 hour broker post-licensure course. After activating his broker's license and transferring to Cohen Commercial Group he continued to negotiate transactions with clients remaining with his previous brokerage in violation of Revised Code 4735.18(A)(6), misconduct, as that section incorporates the Canons of Ethics, Section I, Article 1 for failing to maintain and establish high standards of professional conduct and integrity in dealings with members of the public as well as with fellow licensees and, further, seek to avoid even the appearance of impropriety in any activities as a licensee. Further, after activating his broker's license and transferring to Cohen Commercial Group, Mr. Cohen demanded commissions directly from seller/landlords and/or their respective real estate agents when clients

remained with his previous brokerage in violation of Revised Code 4735.18(A)(6), misconduct as that section incorporates the Canons of Ethics, Section I, Article 1. Mr. Cohen also removed files from his previous brokerage without the broker's permission in violation of Revised Code 4735.18(A)(6), misconduct as that section incorporates the Canons of Ethics, Section I, Article 1. Additionally, after activating his broker's license and transferring to Cohen Commercial Group, he solicited his previous brokerage's clients in violation of Revised Code 4735.18(A)(6), misconduct as that section incorporates the Canons of Ethics, Section III, Article 17 and he failed to keep complete and accurate records of all transactions for a period of three years from the date of the transaction in violation of Revised Code 4735.18(A)(24).

Dave Culbertson, broker, Mount Vernon, Ohio as the result of a formal investigation of a formal complaint, was disciplined by public reprimand for failing within a reasonable time to account for or remit money coming into his possession which belonged to another. This conduct violates Ohio Revised Code Section 4735.18(A)(5), 4735.18(A)(6) or 4735.18(A)(6), misconduct as that section incorporates Section I, Article 1 of the Canons of Ethics for the Real Estate Industry.

Kim Cunningham, salesperson, Salesville, Ohio, as the result of an investigation of a formal complaint, was required to pay a \$500.00 fine, complete and submit to the Division proof of completion of the 10 hour sales post-licensure course, 3 hours of continuing education in ethics and 3 hours of continuing education in agency for violations of Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.62(A), and Revised Code 4735.18(A)(6), misconduct as that section incorporates Section 1, Article 1 of the Canons of Ethics for the Real Estate Industry which provides that a licensee should endeavor to maintain and establish high standards of professional conduct and integrity in dealings with members of the public as well as with fellow licensees and, further, seek to avoid even the appearance of impropriety in any activities as a licensee. Mr. Cunningham failed to exercise reasonable skill and care when he failed to have the buyer initial the 30 day extension for the seller to retrieve personal property out of the garage and/or failed to notify the seller that the buyer refused to initial the change to the purchase contract with regard to the 30 day extension. He also failed to put in writing that the seller authorized the buyer to enter the property to paint and/or make repairs to the home prior to closing. Further, he signed as a broker, the FHA/VA Addendum when only licensed as a real estate salesperson.

Robert Deis, broker, West Union, Ohio, as the result of an investigation of a formal complaint, had his license suspended for a period of three days, which commenced on December 2, 2011. He was also required to pay a \$1,000.00 fine and to complete and submit to the Division proof of completion of the 10 hour broker post-licensure course. Mr. Deis failed to obey a subpoena issued to him by the Superintendent of the Division of Real Estate and Professional Licensing. This conduct constitutes a violation of Revised Code 4735.18(A)(6) as that section incorporates Ohio Administrative Code 1301:5-1-13 and/or a violation of Revised Code 4735.18(A)(6), misconduct, as that section incorporates Canons of Ethics for the Real Estate Industry, Section 1, Article 3.

Candice Eberhardt, salesperson, Akron, Ohio, as the result of an investigation of a formal complaint, had her license suspended for a period of 10 days, which commenced on December 2, 2011. She was required to pay a \$500.00 fine, and to complete and submit to the Division proof of completion of 3 hours additional education in core law and 3 hours additional education in agency for violations of Revised Code 4735.18(A)(6), misconduct, and Revised Code 4735.18(A)(24). Ms. Eberhardt failed to ensure that earnest money was deposited pursuant to the terms agreed to in the purchase agreement; she presented a purchase agreement to the seller that was not signed by the buyer and/or had the seller sign a purchase agreement that was not signed by the buyer. Further, she failed to properly fill out the agency disclosure statement and failed to keep complete and accurate records of the transaction.

Herbert Erwin, broker, Cincinnati, Ohio, as the result of an investigation of a formal complaint, was ordered to pay a \$600.00 fine for failing to provide a consumer guide to agency to the purchaser prior to a showing of the property in violation of Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.56(D)(3). Mr. Erwin also failed to provide a consumer guide to agency to the seller prior to marketing and/or showing the property in violation of Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.56(C) and he failed to present an agency disclosure statement to both the buyer and the seller in violation of Revised Code 4735.18(A)(6), misconduct, as that section incorporates Revised Code 4735.58(A). In addition, Mr. Erwin failed to have the seller sign a waiver of duties statement in violation of Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.621.

Monica Fry, broker, Cambridge, Ohio, as the result of an investigation of a formal complaint, was required to pay a \$2,500.00 fine, and complete and submit to the Division proof of completion of the 10 hour broker post-licensure course for failing to properly supervise her affiliated licensees, in violation of Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.72(A)(1) and/or in violation of Revised Code 4735.18(A)(6), misconduct as that section incorporates Section 1, Article 1 of the Canons of Ethics for the Real Estate Industry.

Parul Jain, salesperson, Pepper Pike, Ohio, as the result of an investigation of a formal complaint, had her license suspended for a period of three days, to commence on November 14, 2011. In addition, she was required to complete and submit to the Division proof of completion of 3 hours of additional education in agency, 3 hours of additional education in ethics and to pay a \$600.00 fine for violations of Revised Code 4735.18 (A)(6), misconduct, as that section incorporates the Canons of Ethics for the Real Estate Industry, Section 1, Article 1, and Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.56(D)(3). Ms. Jain allowed clients to enter a property two separate times unattended and failed to provide a consumer guide to agency to her clients, prior to a private showing of the subject property.

Christopher Lotte, salesperson, Pickerington, was ordered to pay a \$500.00 fine for violations of Revised Code 4735.18(A)(21). Mr. Lotte published misleading or inaccurate advertising when he held himself out as an active licensee while his real estate license was suspended. This conduct also constitutes a violation of Revised Code

4735.18(A)(6), misconduct, as that section incorporates Section 1, Article 1 of the Canons of Ethics which provides that a licensee should endeavor to maintain and establish high standards of professional conduct and integrity in dealings with members of the public as well as with fellow licensees and, further, seek to avoid even the appearance of impropriety in any activities as a licensee.

Shawn Marlatt, salesperson, Byesville, Ohio, as the result of an investigation of a formal complaint, was required to pay a \$500.00 fine, complete and submit to the Division proof of completion of the 10 hour sales post-licensure course, 3 hours of continuing education in ethics and 3 hours of continuing education in agency for violations of Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.62(A), and Revised Code 4735.18(A)(6), misconduct as that section incorporates Section 1, Article 1 of the Canons of Ethics for the Real Estate Industry which provides that a licensee should endeavor to maintain and establish high standards of professional conduct and integrity in dealings with members of the public as well as with fellow licensees and, further, seek to avoid even the appearance of impropriety in any activities as a licensee. Ms. Marlatt failed to exercise reasonable skill and care when she failed to have the buyer initial the 30 day extension for the seller to retrieve personal property out of the garage and/or failed to notify the seller that the buyer refused to initial the change to the purchase contract with regard to the 30 day extension. She also failed to put in writing that the seller authorized the buyer to enter the property to paint and/or make repairs to the home prior to closing. Further, she signed as a broker, the FHA/VA Addendum when only licensed as a real estate salesperson.

Pierce Newland, salesperson, Urbana, Ohio, as the result of an investigation of a formal complaint, had his license suspended for a period of 10 days, to commence on November 14, 2011. In addition, he was required to complete and submit to the Division proof of completion of 3 hours of additional education in agency and the 10 hour sales post-licensure course as well as pay a \$750.00 fine. Mr. Newland failed to properly fill out the agency disclosure statement in violation of Revised Code 4735.18(A)(6), misconduct and he failed to present an agency disclosure statement to the buyer in violation of Revised Code 4735.18(A)(6), misconduct, as that section incorporates Revised Code 4735.58(A) and/or failed to note on the agency disclosure statement that the buyer refused or failed to sign the agency disclosure statement that was presented in violation of Revised Code 4735.18(A)(6), misconduct, as that section incorporates Ohio Administrative Code 1301:5-6-06.

Edward Nuby, salesperson, Dayton, Ohio, as the result of an investigation of a formal complaint, had his license suspended for a period of three days, to commence on November 14, 2011. Additionally, he was required to pay a \$500.00 fine and complete and submit to the Division proof of completion of the 10 hour sales post-licensure course for violations Revised code 4735.18(A)(6), misconduct when he failed to deposit the earnest money pursuant to the terms of the purchase contract

Stanley Stein, broker, Mason, Ohio, as the result of an investigation of a formal complaint, was required to pay a \$2,400.00 fine and to complete and submit to the Division proof of completion of 3 hours of additional education in core law and the 10 hour broker post-licensure course for violations of Revised Code 4735.18(A)(9) as that

section incorporates 4735.62(A), Revised Code 4735.18(A)(6) as that section incorporates Revised Code 4735.24(A), Revised Code 4735.18(A)(24) as that section incorporates Ohio Administrative Code 1301:5-5-09, and Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.56(D). Mr. Stein failed to maintain earnest money deposit in his brokerage trust account. He inappropriately dispersed funds from his brokerage trust account when he paid real estate commissions to the seller's agent and to himself using trust account funds, in violation of the lease purchase agreement and without specific instructions from the parties. In addition, Mr. Stein failed to properly maintain a trust account ledger, failed to provide the purchaser a Consumer Guide to Agency Relationships and/or failed to obtain a signature or note the purchaser's refusal to provide a signature prior to submitting an offer on behalf of the purchaser.

Gary Stouffer, broker, Fairlawn, Ohio, as the result of an investigation of a formal complaint, was required to pay a \$1,000.00 fine as a result of violations of Revised Code 4735.18(A)(6), misconduct, when he failed to properly fill out the agency disclosure statement. Mr. Stouffer failed to present and/or obtain the signature of both the buyer and the seller on the agency disclosure in violation of Revised Code 4735.18(A)(6), misconduct, as that section incorporates Revised Code 4735.58(A) and/or failed to note on the agency disclosure statement that the buyer and the seller refused or failed to sign the agency disclosure statement that was presented in violation of Revised Code 4735.18(A)(6), misconduct, as that section incorporates Ohio Administrative Code 1301:5-6-06. He failed to exercise reasonable skill and care when he failed to timely advertise the property after the listing agreement had been signed, in violation of Revised Code 4735.18(A)(9) as it incorporates Revised Code 4735.62(A). In addition, Mr. Stouffer failed to timely present an offer to purchase to the seller in violation of Revised Code 4735.18(A)(9) as it incorporates Revised Code 4735.63(A)(2).