

DISCIPLINARY ACTIONS

REVOCACTIONS/PERMANENT SURRENDERS/RESIGNATIONS

AMY E. AYER, salesperson, Kennesaw, Georgia, as the result of an investigation of a formal complaint, had her license revoked for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates the Canons of Ethics, Section I, Article 1. Ms. Ayer, without consent or authority, opened and/or used a credit card account in the name of a real estate company with which her license was affiliated.

SCOTT J. BRYANT, salesperson, Hamilton, Ohio, had his sales license revoked for violating Revised Code 4735.18(A), Revised Code 4735.18(A)(6), misconduct, as it incorporates Section I, Article 1 of the Canons of Ethics for the Real Estate Industry and Revised Code 4735.18(A)(8). Mr. Bryant was convicted in Hamilton County Court of Common Pleas, of a felony offense, specifically, of aggravated assault and failed to disclose the felony conviction on a 2005 annual renewal form. This conduct constituted procuring a license under Chapter 4735 of the Ohio Revised Code by fraud, misrepresentation, or deceit.

JAMES M. CATALANO, salesperson, Chagrin Falls, Ohio, as the result of an investigation of a formal complaint, had his license revoked for violating Revised Code 4735.18(A)(29), Revised Code 4735.18(A)(6), misconduct, as it incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 1, and Revised Code 4735.18(A)(6), misconduct, as it incorporates Revised Code 4735.02. Mr. Catalano was the subject of an unsatisfied judgment in the Summit County Common Pleas Court, which arose out of his conduct as a licensed salesperson. He failed to reimburse or failed to timely reimburse the brokerage's trust account for the garnishment of the judgment referenced above. Finally, he acted like a broker without a broker's license.

MICHAEL J. CATALANO, broker, Bedford Heights, Ohio, had his license revoked for violating Revised Code 4735.18(A)(6) as it incorporates Ohio Administrative Code 1301:5-1-14, 2 counts of Revised Code 4735.18(A)(34), and 5 counts of Revised Code 4735.18(A)(6) as it incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 1. Mr. Catalano lent his name or broker's license for the benefit of another person, firm or corporation, he authorized or permitted a salesperson, a person not licensed as a broker, to act in the capacity of a real estate broker, advertised five individuals on his company's website as being real estate agents when they either had an inactive or suspended Ohio real estate sales license, or did not hold an Ohio real estate license. In addition, he authorized or permitted a person not licensed under Ohio Revised Code Chapter 4735 to act in the capacity of a real estate agent.

WILLIAM C. EVES, JR., salesperson, Westerville, Ohio, as the result of an investigation of a formal complaint, had his license revoked and was fined a total of \$7,500.00 for violating 3 counts of Revised Code 4735.18(A)(6), misconduct, one as it incorporates Revised Code 4735.02, one as it incorporates Revised Code 4735.21 and one as it incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 1 and one as it incorporates Canons of Ethics for the Real Estate Industry, Section I, Article 4, and for violating Revised Code 4735.18(A)(10). Mr. Eves acted like a broker without a broker's license and directly collected money in connection with the real estate transaction. As a real estate salesperson, he demanded, without reasonable cause, a commission to which he was not entitled. Finally, for this conduct the statute provides that a licensee should be knowledgeable of the laws of Ohio

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pertinent to real estate and should keep informed of the changes in the statutes of Ohio affecting the duties and responsibilities of a licensee.

G. TERRY JORDAN, salesperson, Columbus, Ohio, had his license revoked for violating 2 counts of Revised Code 4735.18(A), 2 counts of Revised Code 4735.18(A)(6) as they incorporate the Canons of Ethics for the Real Estate Industry, Section I, Article 2, and 1 count of Revised Code 4735.18(A)(6), misconduct, as it incorporates Revised Code 4735.13(C). Mr. Jordan was convicted in the United States District Court for the Southern District of Ohio, of two felony offenses, specifically, conspiracy to commit bank fraud and wire fraud. He failed 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. Finally, he failed to notify the Superintendent of his felony convictions within fifteen days.

JERRY McKINNEY, broker, Youngstown, Ohio, as the result of an investigation of a formal complaint, had his license resigned and he shall never reapply for licensure in Ohio, for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 3. Mr. McKinney failed to cooperate with an investigation of a case.

STEVEN E. MUELLER, broker, Cincinnati, Ohio, had his license permanently revoked for violating 5 counts of Revised Code 4735.18(A)(6), misconduct, 3 counts of Revised Code 4735.18(A)(6), two as they incorporate Canons of Ethics for the Real Estate Industry, Section I, Article 1 and one as it incorporates Canons of Ethics for the Real Estate Industry, Section I, Article 2, and Revised Code 4735.18(A)(29). Mr. Mueller failed to maintain earnest money deposits in the brokerage trust accounts and maintained a negative balance in the trust accounts. As a licensee, failed to 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. Mueller incurred numerous fees and charges on the trust accounts and kited funds between the company's bank accounts. He failed 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. Mr. Mueller also issued commission checks that were returned for "not sufficient funds." In Butler County Court of Common Pleas, he had an unsatisfied final judgment arising out of his conduct as a licensee. Finally, after his license was returned to the Division, he processed a check through the company's bank account, without the company's permission, to pay his utility bill.

JENNIFER R. WOKEN, salesperson, Circleville, Ohio, as the result of an investigation of a formal complaint, was fined a total of \$800.00 for violating 2 counts of Revised Code 4735.18(A)(9), one as it incorporates Revised Code 4735.56(C) and one as it incorporates Revised Code 4735.56(D)(4) and 2 counts of Revised Code 4735.18(A)(6), misconduct, as they incorporate Revised Code 4735.58(A). Ms. Woken failed to obtain signatures from the seller and purchaser, acknowledging receipt of the Consumer Guide to Agency Relationships, or in the alternative, failed to note the seller's refusal to provide a signature prior to marketing or showing a property or the purchaser's signature prior to discussing with the purchaser, the making of an offer to purchase a property. In addition, she failed to provide her client, the seller,

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with an agency disclosure statement prior to presenting and preparing a purchase offer on a property. Her license was revoked for violating Revised Code 4735.18(A)(4), 7 counts of Revised Code 4735.18(A)(6), one as it incorporates Revised Code 4735.02, one as it incorporates the Canons of Ethics for the Real Estate Industry, Section II, Article 14; Section II, Article 13; Section I, Article 1, and Section I; Article 2 and 2 counts of Revised Code 4735.18(A)(9), one as it incorporates Revised Code 4735.62(A) and one as it incorporates Revised Code 4735.62(D). Ms. Woken signed a listing agreement between parties as if she was a broker; she acted as a dual agent in a real estate purchase transaction without the full knowledge and written consent of the seller and buyer; she undertook to provide a price opinion of a property when she contemplated purchasing the property through an affiliated trust or another buyer; she misled OCWEN as to the value of a property in her price opinion, when she undervalued the property. Ms. Woken also failed to disclose to the seller that she, or a trust in which she or a family member had an interest, intended to be the actual purchaser and/or that she intended to have a purchaser quitclaim the property to her after the purchase of the property closed. Upon the seller's acceptance of the purchase offer, she failed to remit an earnest money deposit to her broker and/or the brokerage's trust account and undervalued the property in the price opinion for the purpose of acquiring the property from a purchaser by quitclaim deed at the same reduced value. Finally, she failed 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.

ROBYN E. WOODS, salesperson, Cleveland Heights, Ohio, was fined a total of \$5,000.00 and had her license revoked for violating 2 counts of Revised Code 4735.18(A)(6), misconduct, as they incorporate Revised Code 4735.02. Ms. Woods, on two occasions, provided services that required a real estate sales license when her license was suspended.

SUSPENSIONS, FINES, EDUCATION

WESLEY J. BROWN, salesperson, Cable, Ohio, was fined \$500.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in agency and 3 hours of education in ethics, for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates the Canons of Ethics for the Real Estate Industry, Section II, Article 10. Mr. Brown failed to properly disclose on the agency disclosure statement that he, as dual agent, had a business relationship with the buyer.

THOMAS G. FRANCE, salesperson, Strongsville, Ohio, as the result of an investigation of a formal complaint, has his license suspended for a period of 3 days, which commenced on March 29, 2010, and was required to complete and to submit to the Division proof of completion of 3 hours of education in core law and 3 hours of education in agency, for violating Revised Code 4735.18(A)(6), misconduct. Mr. France continued to advertise a property for sale when he left his "for sale" signs on the property after the listing agreement had expired.

JODI MARIE HOLTSBERRY, salesperson, Lima, Ohio, as the result of an investigation of a formal complaint, was fined \$300.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in agency, for violating Revised Code 4735.18(A)(24) for failing to keep complete and accurate records of a transaction for a period of three years. In addition, she was fined \$500.00 and was required to complete and to submit to

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the Division proof of completion of 3 hours of education in ethics, for violating Revised Code 4735.18(A)(6) as it incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 3, when she failed to cooperate with an investigation.

TIMOTHY C. McCLOUD, salesperson, Canton, Ohio, as the result of an investigation of a formal complaint, was fined \$1,000.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in agency and the 10 hour sales post-licensing course, for violating Revised Code 4735.18(A)(19). Mr. McCloud, after transferring his license to another brokerage, continued to represent the seller, whose listing remained with his prior broker.

CHRISTINE B. MOORE, broker, Columbus, Ohio, as the result of an investigation of a formal complaint, was fined \$100.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in agency, for violating Revised Code 4735.18(A)(9) as it incorporates Revised Code 4735.71(A). Ms. Moore failed to indicate on the agency disclosure statement that, as a dual agent, she had a business relationship with the seller.

CALLISTA A. SILL, salesperson, Cincinnati, Ohio, as the result of an investigation of a formal complaint, was fined \$600.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in ethics and 3 hours of education in agency, for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates Section I, Article 1 of the Canons of Ethics for the Real Estate Industry and Revised Code 4735.18(A)(9), as it incorporates Revised Code 4735.56(D)(3). Ms. Sill provided the lock box code to her clients, which resulted in her clients' unsupervised entry into a property. In addition, she failed to provide a consumer guide to agency to her clients, prior to a private showing of the property.

JEFFREY A. SWIECICKI, broker, Hudson, Ohio, as the result of an investigation of a formal complaint, had his license suspended for a period of 7 days, which suspension was suspended, was fined \$1,500.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in agency, 3 hours of education in ethics and 3 hours of education in core law. Mr. Swiecicki was found to have violated Revised Code 4735.18(A)(9) as it incorporates Revised Code Section 4735.61, Revised Code 4735.18(A)(6), as it incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 1 and Revised Code 4735.18(A)(9) as it incorporates Revised Code Section 4735.62(C). Mr. Swiecicki knowingly gave false information to his client, when he told his client he had discussed commission reductions with the buyer's agent. He failed to 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. Finally, he failed to follow the lawful instructions of his client, when he did not discuss commission reductions with the buyer's agent.

THOMAS H. YOUNG, salesperson, Saint Clairsville, Ohio, as the result of an investigation of a formal complaint, was fined \$500.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in core law, for violating Revised Code 4735.18(A)(9) as it incorporates Revised Code 4735.62(A). Mr. Young, with respect to 2 properties, failed to maintain both listings in the MLS as active during the terms of the "extension to exclusive authorization to sell contract." This constitutes a failure to exercise reasonable skill

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and care in representing the client and carrying out the responsibilities of the agency relationship.

UNLICENSED ACTIVITY

DEBORAH C. BUSBY, North Canton, Ohio, as the result of an investigation of a formal complaint, was found by the Commission to have violated 59 counts of Revised Code 4735.02, unlicensed activity, and was assessed a civil penalty in the amount of \$5,000.00. The Commission found that Ms. Busby, when for another, for a fee, commission, or other valuable compensation or the expectation of a fee, commission, or other compensation; managed real estate when she handled invoices for real estate; managed real estate and held herself out as renting or leasing real estate with regard to executing lease agreements and when she accepted rent and/or security deposits, without first being licensed under Revised Code Chapter 4735.

ERIKA ANN CARLSON, San Diego, California, as the result of an investigation of a formal complaint, was found by the Commission to have violated 193 counts of Revised Code 4735.02, unlicensed activity, and was assessed a civil penalty in the amount of \$193,000.00. The Commission found that Ms. Carlson, when for another, for a fee, commission, or other valuable consideration or the expectation of a fee, commission, or other compensation; listed or offered real estate for sale or lease and further, held herself out as engaged in the business of selling, leasing, exchanging, or purchasing of real estate. In addition, Ms. Carlson was identified as the "purchaser's procuring broker" in a purchase and sale agreement signed by purchasers and such sale closed, without first being licensed under Revised Code Chapter 4735.

GAIA REAL ESATE INVESTMENTS, San Diego, California, as the result of an investigation of a formal complaint, was found by the Commission to have violated 193 counts of Revised Code 4735.02, unlicensed activity, and was assessed a civil penalty in the amount of \$193,000.00. The Commission found that the company, when for another, for a fee, commission, or other valuable consideration or the expectation of a fee, commission, or other compensation; listed or offered real estate for sale or lease and further, held itself out as engaged in the business of selling, leasing, exchanging, or purchasing of real estate. In addition, the company was identified as the "purchaser's procuring broker" in a purchase and sale agreement signed by purchasers and such sale closed, without first being licensed under Revised Code Chapter 4735.

CAROLYN CARPENTER NARK, Willoughby, Ohio, as the result of an investigation of a formal complaint, was found by the Commission to have violated 365 counts of Revised Code 4735.02, unlicensed activity, and was assessed a civil penalty in the amount of \$10,000.00. The Commission found that Ms. Nark, when for another, for a fee, commission, or other valuable compensation or the expectation of a fee, commission, or other compensation; rented, or leased or negotiated the rental, or lease of real estate; offered, attempted, or agreed to negotiate the lease, or exchange of real estate; listed, or offered, attempted or agreed to list real estate for rent or lease; managed, rented or offered to manage or rent real estate and advertised or held herself out as engaged in the business of leasing, exchanging, or managing real estate, without first being licensed under Revised Code Chapter 4735.

PRIVATE PROPERTY MANAGEMENT CO., LLC, Willoughby, Ohio, as the result of an investigation of a formal complaint, was found by the Commission to have violated 365 counts of

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Revised Code 4735.02, unlicensed activity, and was assessed a civil penalty in the amount of \$10,000.00. The Commission found that the company, when for another, for a fee, commission, or other valuable compensation or the expectation of a fee, commission, or other compensation; rented, or leased or negotiated the rental, or lease of real estate; offered, attempted, or agreed to negotiate the lease, or exchange of real estate; listed, or offered, attempted or agreed to list real estate for rent or lease; managed, or offered, or attempted to operate, manage real estate and advertised or held itself out as engaged in the business of leasing, exchanging, or managing real estate, without first being licensed under Revised Code Chapter 4735.

KEITH SATTERFIELD, Cincinnati, Ohio, was found by the Commission to have violated 318 counts of Revised Code 4735.02, unlicensed activity, and was assessed a civil penalty in the amount of \$100,000.00. The Commission found that Mr. Satterfield, when for another, for a fee, commission, or other valuable compensation or the expectation of a fee, commission, or other compensation; offered, attempted, and agreed to negotiate the rental or leasing of real estate; listed, or offered, attempted or agreed to list real estate for rent or lease; managed or offered, or attempted to operate, manage real estate and held himself out as engaged in the selling, exchanging, purchasing, renting, or leasing of real estate, without first being licensed under Revised Code Chapter 4735.