

DISCIPLINARY ACTIONS

REVOCATIONS/PERMANENT SURRENDERS/RESIGNATIONS

Donald Lee Adams, broker, Cincinnati, Ohio, had his license revoked, which commenced October 4, 2012, for failure to personally oversee and direct the operations of a company with which his license was affiliated in violation of Revised Code 4735.18(A)(6), misconduct, as that section incorporates Section I, 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, in violation of Revised Code 4735.18(A)(6), incompetence, as that section incorporates Canons of Ethics Section I, Article 4 which provides that the licensee should be knowledgeable of the laws of Ohio pertinent to real estate or in violation of Revised Code 4735.18(A)(6), misconduct. Mr. Adams also authorized or permitted a person not licensed as a real estate broker or real estate salesperson under Chapter 4735, to act as an agent in the capacity of a real estate broker or a real estate salesperson in violation of Revised Code 4735.18(A)(34) or Revised Code 4735.18(A)(6), incompetence, as that section incorporates Canons of Ethics Section I, Article 4. Additionally, Mr. Adams failed to maintain complete and accurate records of transactions for a period of three years from the date of the transaction in violation of Revised Code 4735.18(A)(24), or in the alternative, failed to provide to the Division during its investigation copies of records for a period of the last three years in violation of R.C. 4735.18(A)(6), misconduct, as that section incorporates Canons of Ethics Section I, Article 3 which provides a licensee should provide assistance wherever possible to the Division in enforcement of licensing statutes and administrative rules and regulations. He also failed to establish or maintain a property management trust account in violation of Revised Code 4735.18(A)(27), or failed to provide to the Division during its investigation copies of property management trust account records in violation of Revised Code 4735.18(A)(6). Finally, Mr. Adams also received a public reprimand for failing to give notice to the Superintendent of the Division of Real Estate & Professional Licensing of a change in business location in violation of Revised Code 4735.18(A)(6), misconduct as that section incorporates Revised Code 4735.13(D) and for failing to notify the Ohio Real Estate Commission of a change in personal residence address in violation of Revised Code 4735.18(A)(6), misconduct as that section incorporates Revised Code 4735.14(D).

SUSPENSIONS, FINES, EDUCATION

Cynthia Bender, broker, Akron, Ohio, as the result of an investigation of a formal complaint was ordered to complete and submit to the Division proof of completion of three hours of additional education in core law. Ms. Bender engaged in the business of property management while her Ohio broker's license was suspended by the Ohio Real Estate Commission when she participated in the negotiation of a property management contract. This conduct violates Ohio Revised Code Section 4735.18(A)(6), misconduct, or in the alternative, Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Revised Code 4735.02 which provides that no person shall provide services that require a license under this chapter if the licensee's license is suspended.

Noah Bloch, salesperson, Lyndhurst, Ohio, had his license suspended for 90 days which commenced on January 2, 2013, for conviction in the United States District Court, Northern District of Ohio of one felony offense; this constitutes a violation of Revised Code Section 4735.18(A).

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Rebekah Brown, salesperson, Cincinnati, Ohio, as the result of an investigation of a formal complaint was ordered to complete and submit to the Division proof of completion of three hours of additional education in core law and to pay a \$500.00 fine. Ms. Brown failed to exercise reasonable skill and care in representing the buyers when she failed to ensure that, pursuant to the terms of the purchase contract and addendum, her clients received the seller's prior written consent to make repairs prior to closing and/or when she failed to ensure that her clients understood the specific terms and their responsibilities with respect to the purchase contract and addendum. This conduct constitutes a violation of Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.62(A).

Tiffanie Burney, salesperson, Carlisle, Ohio, as the result of an investigation of a formal complaint, was ordered to complete and submit to the Division proof of completion of three hours of additional education in ethics and to pay a \$100.00 fine. Ms. Burney offered property for sale without the knowledge and consent of all the owners in violation of Revised Code 4735.18(A)(20).

Akil Shakir Hameed, salesperson, Shaker Heights, Ohio, was ordered to pay a \$2,000.00 fine and to complete and submit to the Division proof of completion of 3 hours of additional education in ethics, 3 hours of additional education in agency and 3 hours of additional education in core law for violating Revised Code 4735.18(A)(6), misconduct, as that section incorporates Revised Code 4735.02 which provides that no person shall act as a real estate broker without being licensed under Chapter 4735. Mr. Hameed also collaborated with an unlicensed entity to receive a commission, deposit, payment, and/or management fee in connection with property management in violation of Revised Code 4735.18(A)(6), misconduct, as that section incorporates 4735.21 which provides that no real estate salesperson shall collect any money in connection with any real estate whether as a commission, deposit, payment, rental, or otherwise, except in the name of and with the consent of the licensed real estate broker with whom they are licensed. Further, Mr. Hameed advertised property as an agent for an unlicensed entity when his license was affiliated with another broker and real estate company in violation of Revised Code 4735.18(A)(6), misconduct as that section incorporates Canons of Ethics for the Real Estate Industry, Section 1, Article 1, 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. Finally, the above conduct 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.

Susan Jordan, salesperson, Poland, Ohio, as the result of an investigation of a formal complaint was ordered to complete and submit to the Division proof of completion of three hours of additional education in core law and three hours of additional education in ethics as well as pay a \$1,000.00 fine. Ms. Jordan, advertised using names of licensees no longer affiliated with the company in violation of Revised Code 4735.18(A)(21), having published advertising which was misleading or inaccurate.

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Leonard Koogler, broker, Williamsburg, Ohio, as the result of an investigation of a formal complaint, had his license suspended for 120 days which commenced November 7, 2012 and was ordered to complete and submit to the Division proof of completion of the 10 hour broker post-licensure course. Mr. Koogler altered terms in the addendum to the purchase contract without obtaining the signatures of the sellers and/or the buyers. This conduct violates Revised Code 4735.18(A)(6), dishonest or illegal dealing, gross negligence, incompetency, or misconduct; and/or Revised Code 4735.18(A)(6), misconduct, as that section incorporates Section I, Article 1 of the Canons of Ethics for the Real Estate Industry; and/or violates Revised Code 4735.18(A)(6), misconduct, as that section incorporates Section I, Article 2 of the Canons of Ethics for the Real Estate Industry.

Bryan Lawson, salesperson, Cincinnati, Ohio, as the result of an investigation of a formal complaint, was ordered to complete and submit to the Division proof of completion of three hours of additional education in core law and three hours of additional education in ethics. Mr. Lawson failed to present a consumer guide to agency to the buyer in violation of Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.56 and/or failed to maintain a complete and accurate record of the consumer guide to agency from the transaction in violation of Revised Code 4735.18(a)(24). Further, Mr. Lawson failed to properly fill out the agency disclosure statement on violation of Revised Code 4735.18(A)(6), misconduct.

Judi Lint, salesperson, Stow, Ohio, was ordered 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 core law and 3 hours of additional education in ethics. Ms. Lint entered into an arrangement, either directly or indirectly, whereby she lent her name and/or team name for the benefit of another, in violation of Revised Code 4735.18(A)(6), misconduct, as that section incorporates Ohio Administrative Code 1301:5-1-14.

Meg Michel, broker, Marysville, Ohio, as the result of an investigation of a formal complaint was ordered to complete and submit to the Division proof of completion of three hours of additional education in core law and three hours of additional education in agency. Ms. Michel failed to exercise reasonable skill and care in representing the seller when she failed to enter into a signed, written listing agreement in violation of Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.62(A). Further, the Ohio Real Estate Commission finds that Ms. Michel failed to exercise reasonable skill and care in representing the seller when she failed to advise the seller to consult with legal counsel concerning the requirement to complete a residential property disclosure form, in violation of Revised Code Section 4735.18(A)(9) as that section incorporates Ohio Revised Code Section 4735.62(A).

Daniel Nichter, broker, Hilliard, Ohio, had his license revoked which commenced January 2, 2013 for convictions in Franklin County Court of Common Pleas of 3 felony offenses. The felony convictions also constitute three violations of Revised Code Section 4735.18(A).

Harold E. Roberts, broker, Dayton, Ohio, as the result of an investigation of a formal complaint, was ordered to complete and submit to the Division proof of completion of 3 hours of additional education in agency. Mr. Roberts failed to properly present the agency disclosure statement in violation of Revised Code 4735.18(A)(6), misconduct, as that section incorporates Revised Code 4735.58(A) and failed to include an expiration date on the Exclusive Right to Sell Contract in violation of Revised Code 4735.18(A)(6), misconduct, as that section incorporates Revised Code 4735.55(A).

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Michele Rogers, salesperson, Centerville, Ohio, as the result of an investigation of a formal complaint, had her license revoked which commenced January 2, 2013 and was ordered to complete and submit to the Division proof of completion of three hours of additional education in core law and to pay a \$3,000.00 fine. After having the buyer sign an exclusive buyer's agency agreement Ms. Rogers failed to exercise reasonable skill and care in representing her client and carrying out the responsibilities of the agency relationship in violation of Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.62(A). She also 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. Additionally, Ms. Rogers failed to keep complete and accurate records of the transaction in violation of Revised Code 4735.18(A)(24). The above conduct is also 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 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.

Gina Shutrump, broker, Cleveland, Ohio was ordered to pay a \$300.00 fine and to complete and submit to the Division proof of completion of 3 hours of additional education in ethics for 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). Ms. Shutrump failed to disclose that she had been convicted of, pled guilty to or been granted intervention in lieu of conviction for any unlawful conduct excluding minor traffic violations

Rick E. Starr, salesperson, Columbus, Ohio, had his license suspended for 144 days which commenced September 5, 2012, and was ordered to complete and submit to the Division proof of completion of 3 hours of additional education in ethics and 3 hours of additional education in core law for conviction of a third degree felony offence which constitutes a violation of Revised Code Section 4735.18(A). Further, Mr. Starr procured a license under Chapter 4735 of the Ohio Revised Code by fraud, misrepresentation, or deceit in violation of Revised Code 4735.18(A)(8), when he failed to properly disclose his conviction.

Bob J. Tucker, salesperson, Ashtabula, Ohio, was ordered 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 and 3 hours of additional education in core law. Mr. Tucker offered property for sale without the knowledge and consent of both of the owners, or the consent of the owners' authorized agent in violation of Revised Code 4735.18(A)(20).

Joseph Vaccaro, salesperson, Euclid, Ohio, was ordered to complete and submit to the Division proof of completion of 10 hours of additional education in the 10-hour post licensure sales course, and to pay a \$1,000.00 fine. Mr. Vaccaro failed to ensure that earnest money was deposited pursuant to the terms agreed to in the purchase agreement, in violation of Revised Code 4735.18(A)(6) misconduct, and/or failed to notify the seller or seller's agent that the buyer refused to provide the earnest money deposit pursuant to the terms of the purchase agreement in violation of Revised Code 4735.18(A)(6), misconduct.

Lenny Vaccaro, salesperson, Euclid, Ohio, was ordered to complete and submit to the Division proof of completion of three hours of additional education in ethics and three hours of additional

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education in core law. Mr. Vaccaro failed to ensure that earnest money was deposited pursuant to the terms agreed to in the purchase agreement, in violation of Revised Code 4735.18(A)(6) misconduct, and/or failed to notify the seller or seller's agent that the buyer refused to provide the earnest money deposit pursuant to the terms of the purchase agreement in violation of Revised Code 4735.18(A)(6), misconduct.

UNLICENSED ACTIVITY

Vladimir Victor, Cleveland Heights, Ohio, was ordered by the Ohio Real Estate Commission to pay a fine of \$3,381.00. Mr. Victor 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 property; offered, attempted, and agreed to negotiate the rental or leasing of property; listed, or offered, attempted or agreed to list property for rent or lease; managed or offered, or attempted to operate or manage property; and held himself out as engaged in the selling, exchanging, purchasing, renting, or leasing of real estate. This conduct constitutes up to 1127 violations of Revised Code 4735.02, which provides that no person, partnership, association, Limited Liability Company, limited liability partnership, or corporation shall advertise, act or assume to act as a real estate broker or real estate salesperson, without first being licensed under Revised Code Chapter 4735.