

**O·H·I·O**  
DEPARTMENT OF  
**COMMERCE**

Division of  
**REAL ESTATE**  
**NEWSLETTER**



DECEMBER 1991/JANUARY 1992

**George V. Voinovich**  
Governor, State of Ohio

**Nancy S. Chiles**  
Director of Commerce

**Dennis Tatum**  
Superintendent

## CONGRESS EXTENDS APPRAISER DEADLINE

Federal legislation enacted by Congress prior to its year-end recess has — in effect — extended the federal deadline for real estate appraisers to become certified in Ohio. The deadline was extended from December 31, 1991 to December 31, 1992.

Since Ohio is a voluntary certification state, the federal extension is basically automatic because Ohio's law has no provisions to tie it into appraisals involving federally-related transactions. Once the revised federal deadline of December 31, 1992 arrives, all appraisals performed under Title XI of the Financial Institution Reform, Recovery and

Enforcement Act of 1989 in connection with federally-related transactions must be performed only by state-certified or state-licensed appraisers.

"This was an unexpected move at the federal level," said Dennis Tatum, Superintendent of the Ohio Division of Real Estate. "Previous indications clearly stated that no extension of the federal deadline was planned."

Ohio's appraiser laws are not tied into Title XI. However, over the next year, Ohio will be reviewing the state's appraiser law to determine if it will be in the best interest of Ohio's appraisers to implement a mandatory certification or licensure system in

connection with Title XI.

The current status of Ohio's approximately 1,400 state-certified appraisers is not affected by the recently enacted federal amendments. The Division of Real Estate continues to certify appraisers by accepting and reviewing applications as well as administering appraiser exams. In the next year, the Division will have an opportunity to ensure that Ohio's laws and rules are in compliance with federal guidelines.

The Division of Real Estate will provide further updates concerning any changes in Ohio's appraiser laws when additional information becomes available.

## DIVISION TO MONITOR CONTINUING ED COURSES

The Division of Real Estate is receiving information that some continuing education course providers are not offering and conducting the courses as required by the Administrative Rules. The Division is taking aggressive action on this issue and will be monitoring courses throughout the state.

The administrative rules require the course provider to certify that the

attendee was present during at least 90 percent of the offering time. A course which is approved for three hours of continuing education credit must have 180 minutes of instruction time.

The Division may withdraw certification approval for any entity in violation of this rule. Licensees may be denied credit for continuing education hours when they have

attended non-certified courses because of shortened meeting times. In addition, disciplinary action may be initiated against a licensee who falsely represents to the Division that they have completed a continuing education course.

The Division is encouraging licensees to report to it any non-conforming continuing education course providers.



# CONTINUING EDUCATION DRAWS CLOSER

As reported in the last issue of the *Division of Real Estate Newsletter*, the deadline is quickly approaching for many real estate licensees to

submit proof to the Division of Real Estate that they have completed their continuing education requirements. At the time of publication,

approximately 7,000 licensees have yet to submit proof of their continuing education.

The continuing education deadline for real estate professionals licensed before January 2, 1980 is January 31, 1992. The due date of individuals licensed after January 2, 1980 is three years from the date they submitted their post-licensure requirements and every three years thereafter.

It is the licensee's responsibility to know their continuing education due date and submit their proof of education to the Division of Real Estate. An easy way to check your continuing education due date is by reviewing your broker's 1991 Certificate of Continuation. Brokers should review their Certificates of Continuation and notify all salespersons of their continuing education due dates.

Licensees must successfully complete the following courses to meet the continuing education requirements:

- A three-hour continuing education course devoted exclusively to civil rights and fair housing.
- A three-hour continuing education "core" course devoted to instruction in recently enacted state and federal legislation affecting the real estate industry.
- 24 hours of approved continuing education electives of the licensee's choice.

To meet the continuing education requirements, a licensee must complete these courses, submit a certificate of completion for each

## TEST RESULTS

Below are the examination statistics for the second half of 1991:  
(No tests were given in December)

### BROKERS

Test Date	Total Tested	Total Passed	Pass Rate
July	19	11	58%
August	24	11	46%
September	22	17	77%
October	22	10	45%
November	26	19	69%

### SALES

Test Date	Total Tested	Total Passed	Pass Rate
July	540	300	56%
August	476	256	54%
September	522	295	57%
October	423	236	56%
November	551	317	58%

### FOREIGN REAL ESTATE SALES

Test Date	Total Tested	Total Passed	Pass Rate
July	2	0	0%
August	2	1	50%
September	1	1	100%
October	2	2	100%
November	2	1	50%

### APPRAISER (GENERAL)

Test Date	Total Tested	Total Passed	Pass Rate
July	48	39	81%
August	79	69	87%
September	109	88	81%
October	133	110	83%
November	31	28	90%

### APPRAISER (RESIDENTIAL)

Test Date	Total Tested	Total Passed	Pass Rate
July	91	74	81%
August	191	170	89%
September	288	227	79%
October	259	213	83%
November	124	98	79%

(Continued on page 4)

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# DISCIPLINARY ACTIONS

## REVOCATIONS

**VIOLETTA A. NIVAR**, sales associate, Rocky River, Ohio, had her sales license revoked for violating Sections 4735.18 (A)(6) and (A)(8) of the Ohio Revised Code. This revocation became effective November 4, 1991. Ms. Nivar applied to be seated for the real estate sales examination and was subsequently scheduled to take the exam. Based on the Division's belief that Ms. Nivar obtained a passing score on the examination, she was issued a real estate license. However, Ms. Nivar did not take or pass the sales examination. With Ms. Nivar's knowledge, someone other than herself took and passed the test in her place.

**JOSEPH H. RENGERS**, broker, Dayton, Ohio, had his broker's license revoked for violating Sections 4735.18 (A)(5) and (A)(6) of the Ohio Revised Code. This revocation became effective September 30, 1991. Mr. Rengers failed to assure that a \$25,000 earnest money deposit was deposited and maintained in his corporate real estate brokerage's trust account. Mr. Rengers also failed, within a reasonable time, to return this money to its owner.

**J.H. RENGERS**, corporate broker, Dayton, Ohio, had its corporate

license revoked for violating Sections 4735.18(A)(6) and (A)(26) of the Ohio Revised Code. This revocation became effective September 30, 1991. J.H. Rengers failed to deposit and maintain in its corporate real estate trust account an earnest money deposit in the amount of \$25,000.

## SUSPENSIONS

**NATHANIEL DOSS**, broker, Toledo, Ohio, had his broker's license suspended for 45 days for violating Sections 4735.18 (A)(1) and (A)(6) of the Ohio Revised Code. This suspension began on September 30, 1991. On two separate occasions, Mr. Doss represented on a purchase agreement that he had received a \$25,000 earnest money deposit from the purchaser of the property. Mr. Doss knew or should have known that he had not, in fact, received the money. Mr. Doss failed to advise the seller of the subject property that the earnest money was not deposited in the real estate brokerage's special or trust account.

**ROSA ESHELMAN**, broker, Fremont, Ohio, had her broker's license suspended for 90 days for violating Sections 4735.18 (A)(1) and (A)(6) of the Ohio Revised Code. This suspension began on September 30, 1991. A bank provided a loan

commitment letter on behalf of the purchasers of a property. The letter from the bank contained a clause which noted the approval was conditional. Ms. Eshelman removed this condition and submitted the altered document to the seller's attorney. In doing this, Ms. Eshelman knowingly misrepresented the condition of the buyer's loan commitment.

**WILLIAM B. MORRIS**, sales associate, Cleveland, Ohio, had his sales license suspended for 60 days for violating Sections 4735.18 (A) (6), (A) (20), and (A) (21) of the Ohio Revised Code. This suspension began on October 28, 1991. Mr. Morris entered into a listing agreement with an individual to sell a property. At the time Mr. Morris entered into the agreement, he knew or should have known that this individual had not acquired title to the subject property, but claimed a contractual interest in it only. Thereafter, Mr. Morris offered the subject property for sale through an advertisement in a homes magazine. Mr. Morris offered the property for sale without the knowledge and consent of the actual owner. Also, the advertisement was misleading and/or inaccurate in that it indicated Mr. Morris had the ability to offer the property for sale when he had no such permission.

**MARY PETTIBONE**, broker, Ashville, Ohio, had her broker's license suspended for 45 days for violating Sections 4735.18 (A)(6) and (A)(21) of the Ohio Revised Code. This suspension began on October 28, 1991. Ms. Pettibone represented through advertisements in newspapers and the MLS that a property had a heat pump when she knew or should have known that the property did not have a heat pump. Furthermore, prior to the closing of the subject property, Ms. Pettibone received a list of questions from the

*(continued on page 4)*

## UPCOMING TEST DATES

The following are the tentatively scheduled dates for the real estate sales, brokers, foreign real estate sales, general appraiser and residential appraiser examinations for the upcoming months:

SALES	BROKERS	FOREIGN SALES
COLUMBUS/CLEVELAND	COLUMBUS	COLUMBUS
Jan. 8/16	Jan. 6	Jan. 14
Feb. 5/20	Feb. 3	Feb. 11
March 4/19	March 2	March 10
April 1/16	April 6	April 14
APPRAISER CERTIFICATION EXAMS (GENERAL AND RESIDENTIAL)		
COLUMBUS	CLEVELAND	
Jan. 18	Jan. 18	
February 8	February 8	
March 14	March 14	
April 11	April 11	

## DISCIPLINARY ACTIONS . . . *Continued from page 3*

purchasers that they wanted presented to the seller for consideration and response. However, Ms. Pettibone failed to submit these questions to the seller.

MELODY A. QUICK, sales

associate, Wooster, Ohio, had her sales license suspended for 15 days for violating Section 4735.18 (A)(6) of the Ohio Revised Code. This suspension began on September 30, 1991. Ms. Quick represented to the sellers

of a property that the purchasers had been pre-approved for a mortgage loan. However, Ms. Quick knew, or should have known, that the purchasers had not been pre-approved, but had only been pre-qualified.

## EDUCATION DEADLINE

*(continued from page 2)*

course, and a compliance form before the due date. Please note that the real estate licensee — not the **school or broker** — is required to forward the licensee's documents to the Division.

Licensees who fail to submit proof of completing their continuing education by their due date will have their licenses **automatically suspended**. To become licensed again, these individuals must complete and submit their education and apply to reinstate their license within two years of the suspension. The reinstatement fee is \$39 for salespersons and \$59 for brokers.

If you have any questions regarding continuing education due dates or for information about approved courses, contact the Division's Education Section at (614) 466-4100.

## COMMITTEE TO STUDY SALES EXAM

The Division of Real Estate has organized a Real Estate Education Review Committee to study the pass/fail ratio for the real estate sales examination. The committee, comprised of representatives from the industry, real estate educators, and the Division of Real Estate, will determine if the information being

taught is compatible with the material on the sales examinations.

The committee will suggest recommendations on how to enhance entrance into the industry while maintaining the existing high level of professionalism as well as to protect and serve the public.

## TATUM SERVING ON COMMITTEES

Superintendent Dennis Tatum is serving on committees to study the impact of two regulatory issues:

Superintendent Tatum is co-chairman of the Home Lending Review Committee, along with Superintendent of Credit Unions Abi Picciuto. The committee, comprised of representatives of the public and private sectors, is analyzing the performance of Ohio's financial institutions in complying with the Community Reinvestment Act. The committee is committed to insuring that all credit worthy borrowers in Ohio have credit access.

In addition, several real estate professionals join Superintendent Tatum on the Financial Overregulation Task Force. The goal of the task force is to streamline the Department of Commerce's regulatory processes so that they do not unnecessarily hinder the profitability of the industries the Department regulates. Russell C. Neal, of the Ohio Association of Real Estate Brokers, David Beard, of the National Society of Appraisers, and Jim Hilz of the Ohio Association of REALTORS, are members of this task force.



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