

Winter 1999/2000

Division of

# Real Estate and Professional Licensing

◆ N E W S L E T T E R ◆

**Bob Taft**  
GOVERNOR

**Gary C. Suhadolnik**  
DIRECTOR

**Lynne Hengle**  
SUPERINTENDENT

**The Ohio  
Department  
of Commerce**

◆ *Customer Service Section Created to Better Assist Our Licensees and the Public*

## New Section Added To Division

Being inundated with hundreds of telephone calls and several hundred pieces of mail each and every day of the year was making it difficult for many Division employees to complete

**These "front line" employees play a key role in the Division's commitment to quality customer service.**

necessary work. Seeking to preserve quality customer service, on December 7, 1998 (C-Day!), the Division's Customer Service Section came into being. The section is made up of five employees who answer the main telephones; process all of

the daily mail; fill requests for forms; and provide general information.

Now, instead of encountering possible difficulty in reaching a specific office employee, callers can ask to be connected to the Customer Service Section for such things as:

- Obtaining license file numbers
- Finding license reinstatement deadlines
- Securing continuing education due dates
- Confirming the issuance of licenses
- Requesting lists of available continuing education courses in specified regions of the state
- Basic information on how to file complaints
- Directions to the Division's Columbus Office
- All forms and brochures
- Fees for all application types

Diana Kenney, the Division Administrative Assistant who oversees the Customer Service Section, is continually working with the members of the section to increase provided services. As the members' knowledge of Division operations expands, more and more of the routine daily calls will be answered directly by the Customer Service Section. With this, other Division personnel are being freed up to perform key tasks and to efficiently deal with the more complicated inquiries received.

In addition to providing direct assistance to callers and allowing other staff members to deal with work more timely, the members of the Customer Service Section also provide essential support for Division special projects. These "front line" employees play a key role in the Division's commitment to quality customer service.

## Renewals Unchanged for 2000

No, Y2K has not caused the annual real estate license renewal process to change! In fact, there are no changes slated for the renewal process for the year 2000. Licenses will be renewed just as they have been in the past.

However, beginning November 1, 2000, there will be changes implemented for the 2001 license renewals. By that date, the first staggered renewals will be mailed,

making every licensee individually responsible for the annual renewal of his or her real estate license. The renewals will be staggered according to the licensee's date of birth.

January 1, 2002 will bring another link to licensees' birthdays: continuing education due dates. It is the Division's goal to make the various phases of continued licensure as easy to meet as possible.

**ATTENTION BROKERS!**

***Are you forwarding copies  
of this newsletter to your  
salespersons?***

# Disclosing Negative Inspection Results

Many home buyers share a common nightmare: they watch the home of their dreams crumble before their eyes because the seller did not disclose negative inspection results. An agent can help buyers avoid this tragedy, which may be followed by a costly lawsuit, by reminding the seller to update the Residential Property Disclosure Form and by discussing property problems in an open manner with the buyers, even if the agent represents the seller.

Often the real estate contract is contingent upon inspection results. For example, a buyer might have a contract that depends upon a clean termite inspection report. When the inspection shows that the home is infested with termites, an unscrupulous seller may try to hide the report and hire an inspector who will give a clean report. Or if the buyer backs out of the contract because of the inspection results, the seller might secure another inspection, with purposely misleading results, to present to the next potential buyer.

If an agent becomes a party to knowingly conveying inaccurate information, the Division may take disciplinary action against the agent's license. Sometimes such cases are taken to court. In the spirit of honesty and fair dealing, as well as to reduce liability, it is in the agent's best interest to disclose any negative inspection results.

Negative inspections don't necessarily mean a dead deal. A smart agent will turn a negative report into a positive experience for the buyer and seller of a home. If the agent keeps the original bad report, shows it to the buyer and then shows proof of the problem getting fixed, all parties can be assured that the information is accurate. The agent might even suggest that the buyer get an additional inspection in order to allay any worries about the condition of the property.

Sometimes inaccurate information is conveyed by accident. Sellers are required to fill out a Residential Property Disclosure

form when they decide to sell. When a seller initially completes the form, he or she may have honestly answered that there is no problem with the property's water supply, for instance. Yet, if the home does not sell immediately, and over a period of months that condition changes, the owner may not remember to change the form accordingly.

While the seller in such a situation is not intentionally acting dishonestly, the buyer may still receive inaccurate information about the property. If the agent becomes aware that the Residential Property Disclosure form is not accurate, he or she should take steps to insure the form is updated as needed. This way there are no misunderstandings about the property. An inspection might turn up negative results, but since all parties are aware of the problem, the buyer can make an informed decision.

The Residential Property Disclosure form is available to download off the Division's website at [www.com.state.oh.us](http://www.com.state.oh.us).

## Continuing Education Requirements

The Division receives possibly thousands of calls each year regarding continuing education requirements and reporting deadlines. Since licensees may have their licenses suspended, and even revoked, if they do not complete their required courses, all licensees should know their requirements.

Most licensees must take 30 classroom hours of continuing education classes every three years. Of those 30 hours, nine are required courses. Licensees must take three hours of Core Law (courses with certification numbers appended by CL); three hours of Canons of Ethics (CE); and three hours of Civil Rights (CR). The remaining 21 hours must be comprised of Division approved courses of the licensee's choice. For the 21 hours of elective courses, up to 15 hours may be computer classes, but no more than six of those hours may be in basic computer skills (CB).

Some licensees are only required to take nine hours of continuing education classes every three years. All nine hours must consist of the classes previously specified.

Licensees cannot receive credit for the same course taken twice within the same three-year reporting period. Additionally, if

a licensee completes more than 30 hours of continuing education, the extra hours cannot be carried over to the next three-year reporting period.

To report continuing education, licensees must submit to the Division a completed R109 form—available from brokers, some course providers, and the Division's website—along with copies of all certificates verifying course completion. Every licensee's continuing education due date is noted on the broker's annual certificate of continuation. The Division's Customer Service Section can also be contacted for verification of continuing education reporting deadlines and requirements.

If proof of completion of continuing education requirements is not received by the Division by the licensee's reporting deadline, there is a two-year grace period for verifying completion. During that time period, the license is suspended and the licensee cannot conduct business. When the grace period is over, if the licensee has not submitted to the Division proof of completion of the requirements, the license is revoked and the licensee must apply to take the examination in order to once again be licensed.

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and Professional Licensing  
77 S. High Street  
Columbus, Ohio 43266-0547  
(614) 466-4100  
(216) 787-3100

### Real Estate Commission Members

Owens V. Hall, President  
Cheryl A. Churchill  
Dale W. Marks  
Ardette K. Riley  
George M. Sarap

### State Auctioneers Commission Members

H. John Kramer  
Douglas B. Smith  
Richard E. Troup

### Real Estate Appraiser Board Members

M. Robert Garfield, Chairman  
Shelly M. Harsha  
Richard H. Hoffman  
Phillip W. Stotz  
Robert J. Weiler

# Important Addresses and Phone Numbers

To help you deal with questions and problems more efficiently, here are some frequently used addresses and phone numbers. Directing inquiries to the appropriate office will expedite securing necessary information.

## The Division Of Real Estate and Professional Licensing

### Columbus Office

77 S. High St., 20th Floor  
Columbus, OH 43266-0547  
Phone: (614) 466-4100  
FAX: (614) 644-0584

### Cleveland Office

*Re: cemetery disputes and appraisal licensing*  
615 Superior Ave., N.W.  
Cleveland, OH 44113  
Phone: (216) 787-3100  
FAX: (216) 787-4449

### Websites

*Re: general information about the Division, testing dates, FAQs, and downloading forms*  
[www.com.state.oh.us](http://www.com.state.oh.us)  
*Re: updates on Ohio Rules and Regulations*  
[www.state.oh.us/ohio/ohiolaws.htm](http://www.state.oh.us/ohio/ohiolaws.htm)

## REALTORS

### National Association of REALTORS

*Re: business services and products to REALTORS*  
430 N. Michigan Ave.  
Chicago, IL 60611-4087  
(312) 329-8200

### Ohio Association of REALTORS

*Re: membership dues, president's sales club, legal hotline*  
200 E. Town Street  
Columbus, OH 43215-4648  
(614) 228-6675

### Columbus Board of REALTORS

*Re: business services and products to REALTOR members in the Columbus area*  
2700 Airport Dr.  
Columbus, OH 43219  
(614) 475-4000

### Cleveland Area Board of REALTORS

*Re: business services and products to REALTOR members in the Cleveland area.*  
8001 Sweet Valley Dr.  
Valleyview, OH 44125  
(216) 901-0130

## Other Important Addresses and Phone Numbers

### Ohio Department of Insurance

*Re: title insurance and title companies*  
2100 Stella Ct.  
Columbus, OH 43215-1067  
(614) 644-2658

### Columbus Bar Association

*Re: complaints against attorneys, attorney referrals*  
175 S. 3rd St., 11th Floor  
Columbus, OH 43215  
(614) 221-4112

### Ohio Division of Financial Institutions

*Re: mortgage brokers*  
77 S. High St., 21st Floor  
Columbus, OH 43266-0121  
(614) 728-8400

### Civil Rights Commission

*Re: fair housing complaints*  
1111 E. Broad St.  
Columbus, OH 43205  
(614) 466-2785  
1-888-278-7101

### American Society of Home Inspectors

*Re: home inspectors complaints*  
P.O. Box 1372  
Akron, OH 44309  
1-800-743-2744

### Ohio Attorney General's Office

*Re: consumer protection issues*  
30 E. Broad St., 17th Floor  
Columbus, OH 43266-4320  
(614) 466-8831  
1-800-282-0515 (OH)

### HUD

*Re: loan programs; Real Estate Settlement Procedure Act (RESPA)*  
Consult your local blue pages for the nearest HUD office.

### National Lead Information Center

*Re: Lead base paint issues*  
1-800-424-5323

## Appraiser Certification and Licensing Application Processing Procedures

The Ohio Division of Real Estate and Professional Licensing Appraiser Section receives numerous inquiries regarding the qualifying requirements and the application processing procedures. The appraiser application form is available on-line at [www.com.state.oh.us](http://www.com.state.oh.us), Division of Real Estate and Professional Licensing, under forms and applications. A non-refundable application fee of \$125.00 must be submitted with each application form.

Upon receipt of your application, an examiner reviews the contents of the application to ensure it has been properly completed. It is imperative that all directions are followed, as incomplete applications will delay processing.

The applicant must disclose any disciplinary actions, if he or she was previously licensed or certified for any regulated profession. The applicant must also disclose any civil and criminal judgments or convictions of

violating Federal or State Civil Rights Laws. Pre-licensing/certification courses taken must be listed and the applicant must submit copies of transcripts for the courses listed. Applicants must also complete an experience log by assignment, type of experience (field/review and/or residential/general) as well as the number of experience hours for each assignment. This section includes a "signed verification of applicants experience log by oath or affirmation." The form also requires the applicant to sign an oath and affidavit that the applicant has knowledge of and will comply with the Ohio Revised Code and the Uniform Standards of Professional Appraisal Practice.

### *Processing The Application*

After the initial review of the application, each applicant will be notified by mail to submit sample appraisal reports and documentation selected by the Division from the appraiser's log. A reference letter from an employer,

associate or client that the applicant performed the real estate appraisals or specialized services reflected in the experience log will also be required.

Upon receipt of all requested information, the Division will review the appraisal reports and documentation to verify that they were prepared in compliance with Chapter 4763 of the Ohio Revised Code and the Uniform Standards of Professional Appraisal Practice. The applicant will receive written notification regarding the approval or denial of the application. If approved, information as to testing procedures will be forwarded. An application denial notification will be accompanied by information stating the reason for the denial and reviewing the appeal procedures as contained in Chapter 119 of the Ohio Revised Code.

All questions regarding the appraisal application can be directed to the Division's Cleveland office at (216) 787-3100.

## Appraiser Pre-Licensing/Certification Education Criteria

To qualify for pre-licensing/certification education, appraisal courses must meet the following criteria:

- A) Courses must be presented by either a nationally recognized appraisal organization; institution of higher education; state registered proprietary school; state agency; state or federal commission; or any other organization that represents the interest of financial institutions, real estate brokers, agents or real estate appraisers.
- B) Courses must exclusively consist of subjects related to real estate appraisals.
- C) Courses must be at least 15 classroom hours in duration.
- D) Students must pass an exam upon completion of the course.

The Division does not pre-approve or maintain a list of education providers for pre-licensing courses. The Division cannot advise you on what specific courses to take. Course selection is at the

applicant's discretion, provided the courses meet the above criteria.

If you have questions regarding pre-licensing/certification classes, you can contact the Division's Cleveland office at (216) 787-3100.

# Appraiser Reciprocal Agreements

Listed below are states with which Ohio has reciprocity for real estate appraiser licensing and certification. You may contact any listed state for information and an application packet for reciprocal licensing or certification.

State	Phone	Web Site/E-mail address
Alabama	(334) 242-8747	<a href="http://agencies.state.al.us/reab/">http://agencies.state.al.us/reab/</a>
Arkansas	(501) 296-1843	ALCB@mail.state.ar.us
Georgia	(404) 656-3916	<a href="http://www.state.ga.us/Ga.Real_Estate/">http://www.state.ga.us/Ga.Real_Estate/</a>
Hawaii	(808) 586-2704	N/A
Illinois	(217) 524-8200	<a href="http://www.state.il.us/obr/realest">http://www.state.il.us/obr/realest</a>
Indiana	(317) 232-7209	N/A
Kansas	(785) 296-0706	<a href="http://www.ink.org/public/kreab">http://www.ink.org/public/kreab</a>
Kentucky	(502) 573-0091	<a href="http://www.state.ky.us/govtinfo">http://www.state.ky.us/govtinfo</a>
Maine	(207) 624-8522	<a href="http://www.state.me.us/pfr/led/appraiser/index.htm">http://www.state.me.us/pfr/led/appraiser/index.htm</a>
Maryland	(410) 230-6165	<a href="http://www.dllr.state.md.us/occpof/reappr.html">http://www.dllr.state.md.us/occpof/reappr.html</a>
Massachusetts	(617) 727-3591	<a href="http://www.state.ma.us/reg/boards/ra">http://www.state.ma.us/reg/boards/ra</a>
Michigan	(517) 241-9236	<a href="http://cis.state.mi.us/bcs/appr">http://cis.state.mi.us/bcs/appr</a>
Minnesota	(651) 297-6319	<a href="http://www.commerce.state.mn.us/index">http://www.commerce.state.mn.us/index</a>
Mississippi	(601) 987-3969	<a href="http://www.mab.state.ms/us">http://www.mab.state.ms/us</a>
Missouri	(573) 751-0038	<a href="http://www.ecodev.state.mo.us/pr/rea">http://www.ecodev.state.mo.us/pr/rea</a>
Montana	(406) 444-3561	<a href="http://www.commerce.mt.gov/license/POL/pol_boards/rea_board">http://www.commerce.mt.gov/license/POL/pol_boards/rea_board</a>
Nebraska	(402) 471-9015	<a href="http://dbdec.nrc.state.ne.us/appraiser">http://dbdec.nrc.state.ne.us/appraiser</a>
New Hampshire	(603) 271-6186	NHREAB@juno.com
New Jersey	(973) 504-6480	<a href="http://www.state.nj.us/lps/ca/real.htm">http://www.state.nj.us/lps/ca/real.htm</a>
New York	(518) 473-2728	<a href="http://www.dos.state.ny.us/lcns/appraise">http://www.dos.state.ny.us/lcns/appraise</a>
North Dakota	(701) 222-1051	ndapprbd@btigate.com
Oregon	(503) 373-1505	<a href="http://www.cbs.state.or.us">http://www.cbs.state.or.us</a>
Pennsylvania	(717) 783-4866	appraise@pados.dos.state.pa.us
South Carolina	(803) 896-4400	<a href="http://www.llr.state.sc.us/reab.htm">http://www.llr.state.sc.us/reab.htm</a>
South Dakota	(605) 773-3178	<a href="http://www.state.sd.us/dcr/appraisers">http://www.state.sd.us/dcr/appraisers</a>
Tennessee	(615) 741-1831	<a href="http://www.state.tn.us/commerce/regbrdiv">http://www.state.tn.us/commerce/regbrdiv</a>
Texas	(512) 465-3950	<a href="http://www.talcb.capnet.state.tx.us">http://www.talcb.capnet.state.tx.us</a>
Virginia	(804) 367-2039	<a href="http://www.state.va.us/dpor/">http://www.state.va.us/dpor/</a>
West Virginia	(304) 558-3919	<a href="http://www.state.wv.us/appraise">http://www.state.wv.us/appraise</a>
Wyoming	(307) 777-7141	<a href="http://commerce.state.wy.us">http://commerce.state.wy.us</a>

# Compliance Audits Help Licensees

As Division investigators conduct more compliance audits of real estate offices, some common problems are being reported. While these matters can generally be addressed during the audit, taking time to cover some basic "problem areas" can make a future audit go more smoothly.

- ◆ Do you have a company policy reviewing agency? All actively licensed brokerages are required to have such a policy. Review Ohio Administrative 1301:5-6-03 to find out what specific information must be included in the policy.
- ◆ Are you maintaining a columnar ledger for all trust account funds? This topic was covered in our last newsletter's "Frequently Asked Questions" article.
- ◆ Do all of your agency agreements contain the mandated fair housing language? If not, make sure you have an addendum to attach that complies with this requirement.
- ◆ Do all of your agency agreements contain a definite expiration date? Are you seeing to it that all agents are instructed to insure that the definite date is clearly noted?
- ◆ Are you maintaining ALL transaction related records for a period of three years?
- ◆ Do you have old funds in your trust account? There are two types of old funds: those belonging to known parties, but have not been "claimed"; and those that are in dispute. Unclaimed funds can be reported to the State Division of

Unclaimed Funds. You can contact that agency at (614) 466-4433 for a reporting package. The Division's investigators will be happy to discuss possible options for dealing with disputed funds.

- ◆ Do all forms of advertising reflect the licensed brokerage name and indicate the brokerage is in the real estate business? Are all agents conducting business in their licensed names and not in unlicensed nicknames?

Routine compliance audits are a way the Division can assist in insuring basic office compliance, provide help and information as necessary, and stay in touch with our licensees. Please do not hesitate to prepare questions to discuss with the investigator who conducts your audit.

## Cease and Desist Orders Issued

Acting as a real estate agent without a real estate license violates Section 4735.99 of The Ohio Revised Code and is a first degree misdemeanor. Despite this prohibition, the division still finds evidence that unlicensed people and companies engage in activities requiring a license. Most often the Division issues Cease and Desist orders in these cases, but if offenders continue to engage in the unlicensed conduct, the Division

may ask the appropriate local prosecutor to consider initiating criminal action.

Since the last newsletter, the following individuals and companies have been issued Cease and Desist orders:

**John Pearson**  
C/O The Staubach Co.  
Cincinnati, Ohio

**Daniel Doherty**  
Atlantic Retail Properties  
Waltham, Massachusetts

**William Guest**  
The Dynasty Company  
Cincinnati, Ohio

### Outside Testing Update

The Division has come closer to reaching its goal of outside testing for Ohio real estate broker and sales examinations, and appraisers. Pre-licensing educators, real estate attorneys, real estate brokers, sales agents, and Division staff have been meeting regularly to develop the real estate examinations slated to start in January 2000. The Division will continue to meet with representatives of the real estate profession through the end of 1999 to insure that both examinations reflect the knowledge required to meet the standards of the profession.

### Recovery Fund Pays Out Almost \$60,000 in 1999

So far in 1999, the Ohio Real Estate Recovery Fund has paid out a total of \$58,850.25 because of unsatisfied judgments against four licensees.

The recovery fund made payments on account of the following licensees: \$22,500 was paid out on account of Louise Forrer, of Northfield; \$13,333.33 for Raymond Cramblit, of Lancaster; \$392.42 for Richard Koehrman, of Maumee; and \$21,096.50 plus \$1,528 for James Lackey, of Huber Heights.

The fund was created to protect the public from the misdeeds of real estate licensees. In order to receive payment

from the fund, a party must have a final, unsatisfied judgment against a real estate licensee based on conduct violating Ohio Revised Code Chapter 4735. The conduct must have involved the licensee acting in his or her capacity as a real estate licensee. The fund does not cover real estate commissions and has a \$40,000 limit for each licensee.

The Division cautions real estate agents from considering the recovery fund as a substitute for errors and omissions insurance. When the fund makes a payment, the licensee's license is suspended.

# Disciplinary Actions

## APPRAISER DISCIPLINARY ACTIONS

**NINA J. VIRGIN**, a state licensed residential real estate appraiser from Columbus, Ohio, had disciplinary action taken against her residential real estate appraiser license. Ms. Virgin was found to have violated Ohio Revised Code Sections 4763.11 (G)(5) and (7) and Standards Rule 2-2 of USPAP. In a second matter, Ms. Virgin was found to have violated Ohio Revised Code Sections 4763.11 (G)(5)(6) and (7) and Standards Rule 1-1 (b)(c) and 2-1 (a), (b) of USPAP. Ms. Virgin developed a real estate appraisal in which she erroneously reported the square footage of the gross living area of the subject property, resulting in an inflated estimate of market value. She further failed to state in the appraisal report the reporting option used. Additionally, Ms. Virgin developed a real estate appraisal in which she failed to properly supervise an apprentice who selected and used inappropriate comparable sales that were improperly adjusted. Ms. Virgin failed to verify the accuracy of that data before signing the report. Ms. Virgin's residential appraiser license was suspended for one year on each matter with the suspensions to run concurrently. The suspension commenced 9-23-99 and will run through 9-22-00.

**DONALD W. CONN**, a state licensed residential real estate appraiser from Celina, Ohio, had disciplinary action taken against his residential real estate appraiser license. Mr. Conn was issued a reprimand for violating Ohio Revised Code Section 4763.11 (G)(5) and Standards Rule 2-2 (b). Mr. Conn developed a real estate appraisal in connection with a bankruptcy proceeding involving farmland. The appraisal report failed to include an evaluation by the income approach and failed to explain this departure as required by the USPAP Standards when an applicable valuation approach is excluded.

## SUSPENSIONS, FINES, EDUCATION

**EILEEN M. VOGEL**, broker, Hamilton, Ohio, had a \$200.00 fine levied against her broker's license for violating Section 4735.18(A)(6) of Ohio Revised Code. Ms. Vogel entered into a written agency agreement (listing) for property that did

not contain the specific fair housing language required by Section 4735.55 of the Ohio Revised Code. She utilized a shorter, modified fair housing disclosure.

**LINDA M. ALTOMARE**, sales associate, Columbus, Ohio, had a \$200.00 fine levied against her sales license for violating Section 4735.18(A)(6) of Ohio Revised Code. In connection with an offer to purchase property, Ms. Altomare was given an earnest money deposit to be placed in her broker's trust account, upon acceptance. The offer was accepted. However, the night before the closing, a problem developed, and without notifying the sellers or obtaining their written consent, Ms. Altomare later proceeded to return the deposit to the buyers. The deposit was being held by Ms. Altomare personally.

**FRED COUNCIL, IV**, broker, University Heights, Ohio, had three thirty (30) day suspensions, to commence upon reinstatement, and \$600.00 in fines levied against his broker's license. In addition, he was required to complete and submit proof of completion of the ten (10) hour brokerage post-licensure course. Mr. Council was found to have violated Ohio Revised Code Sections 4735.18(A)(6), 4735.18(A)(9) as it incorporates Ohio Revised Code Section 4735.02, and 4735.18(A)(26). Mr. Council negotiated to purchase property and held himself and his brokerage out as being engaged in the real estate brokerage business, when he knew or should have known that neither had an active real estate license at the time. The license was in a cancelled status for having failed to fulfill mandatory continuing education requirements. Also, he maintained for the brokerage, a real estate trust account which paid interest, rather than being a noninterest-bearing account.

**CHRISTIAN REALTY, INC.**, corporation, University Heights, Ohio, had a thirty (30) day suspension, to commence upon reinstatement, and a \$500.00 fine levied against the corporate license for violating Ohio Revised Code Section 4735.18(A)(26). The corporation maintained a real estate trust account, which paid interest, rather than being a noninterest-bearing account.

**EILEEN DASH**, sales associate, Akron,

Ohio, had a ten (10) day suspension, which commenced on August 11, 1999, and was ordered to complete and to submit proof of completion of a three (3) hour course on agency (core law) for violating Ohio Revised Code Section 4735.18(A)(6), as that section incorporates Ohio Revised Code Section 4735.58. Ms. Dash prepared an offer for the purchase of property listed through the brokerage with which she was affiliated. On the agency disclosure form she declared that she represented the seller, but might potentially become a dual agent. In connection with this offer, she prepared only a dual agency disclosure statement noting she would be representing both the buyer and the seller. She failed to prepare the disclosure of agency relationship form disclosing that she was representing the buyer as the buyer's agent.

**MAURICE R. SKIFFEY**, broker, Niles, Ohio, had two thirty (30) day suspensions, which commenced on October 1, 1999, and \$2,500.00 in fines levied against his broker's license. In addition, he was required to complete and submit proof of completion of the ten (10) hour brokerage post-licensure course. Mr. Skiffey was found to have violated Ohio Revised Code Sections 4735.18(A)(6) and (A)(26). Mr. Skiffey failed to maintain adequate and sufficient funds in his real estate brokerage trust account to honor checks drawn on the account.

**MAURICE R. SKIFFEY**, broker, Niles, Ohio, had three fifteen (15) day suspensions, to commence November 30, 1999, and \$1,200.00 in fines levied against his broker's license for violating four counts of Ohio Revised Code Section 4735.18(A)(6), one as it incorporates Ohio Revised Code Section 4735.55, and for violating Ohio Revised Code Section 4735.18(A)(21). Mr. Skiffey listed property for sale, of which the agency agreement did not contain the specific fair housing language required by Section 4735.55 of the Ohio Revised Code. He advertised on the MLS information sheet that a property was built in 1974, when the house was actually 70 years old. In connection with the listing agreement, Mr. Skiffey also had the seller sign an agency disclosure statement; however, he

failed to complete the statement indicating whom he would be representing and the possible agency relationships that could be created. Finally, the structuring of the transaction warranted that a dual agency agreement be prepared; however, one was not prepared.

JIM SKIFFEY & ASSOC., dba SKIFFEY REALTY ASSOC., corporation, Niles, Ohio, was fined \$1,000.00 for violating Ohio Revised Code Sections 4735.18(A)(6) and (A)(26). The corporation failed to maintain adequate and sufficient funds in the real estate brokerage trust account to honor checks drawn on the account.

MICHAEL BALDWIN, sales associate, Northfield, Ohio, had a thirty (30) day suspension, to commence upon reinstatement, and a \$1,000.00 fine levied against his license. In addition, he was required to complete and submit proof of completion of the ten (10) hour sales post-licensure course. Mr. Baldwin was found to have violated Ohio Revised Code Section 4735.18(A)(6). Mr. Baldwin marketed and sold real estate on behalf of a builder. Such conduct, on his part, required a real estate license; however, he failed to engage in this conduct in the name of, and

through, the real estate brokerage with whom he was associated at the time.

JERRY A. STOCKLER, sales associate, Lima, Ohio, had a thirty (30) day suspension, which commenced on October 1, 1999, and a \$500.00 fine levied against his license. In addition, he was required to complete and to submit proof of completion of the ten (10) hour sales post-licensure course. Mr. Stockler was found to have violated Ohio Revised Code Section 4735.18(A)(6) as that section incorporates Ohio Revised Code Section 4735.58. Mr. Stockler failed to prepare and submit an Ohio agency disclosure statement prior to showing a property. Instead, he waited until there was an offer made to complete the form.

RICHARD J. BAIER, broker, Canton, Ohio, had a \$500.00 fine levied against his broker's license and was required to complete and submit proof of completion of the ten (10) hour brokerage post-licensure course for violating Section 4735.18(A)(6) of the Ohio Revised Code. Mr. Baier entered into a written agency agreement (listing) for an auction sale, that did not contain the specific fair housing language required by Section

4735.55 of the Ohio Revised Code.

PAUL E. BAIER, sales associate, Canton, Ohio, had a \$500.00 fine levied against his sales license and was required to complete and submit proof of completion of the ten (10) hour sales post-licensure course for violating Ohio Revised Code Section 4735.18(A)(6) as that section incorporates Ohio Revised Code Section 4735.58(A). Mr. Baier listed a property for an auction sale on behalf of the brokerage, but failed to provide the owner of the property with an Ohio agency disclosure form prior to marketing the property.

## **ATTENTION BROKERS!**

***Are you forwarding copies  
of this newsletter to your  
salespersons?***



**The Ohio  
Department  
of Commerce**

State of Ohio  
Department of Commerce  
Division of Real Estate and Professional Licensing  
77 South High Street, 20th Floor  
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