



SUMMER 2019

Division of Real Estate &
Professional Licensing

Ohio Department of Commerce

NEWSLETTER

Home Inspectors Update

The Division is hard at work to implement the new Home Inspector Licensure Program. So far, the Division has communicated with stakeholder groups, drafted administrative rules for review and adoption by the Ohio Home Inspector Board (OHIB), and created forms in preparation for the grandfathering period.



Governor Mike DeWine made his five appointments of current practicing home inspectors to the Board and four of them were presented with their Ohio Home Inspector license at the inaugural meeting of the Board on Aug. 1, 2019. Two appointments which constitute the full Board remain: one consumer, or public, member appointed by Senate President Obhof and one appointed by Speaker Householder.

Beginning Nov. 1, 2019, any individual conducting residential inspections for a client, for a fee, will be required to be licensed, adding a crucial layer of accountability previously missing from the home buying process.

Along with the licensing requirements for home inspectors is an amendment to real estate license law, [Ohio Revised Code \(O.R.C.\) Section 4735.22](#), which requires a real estate licensee, if providing the name of a home inspector to a buyer client, to provide at least three licensed home inspectors' names.

The Board will meet again on Thursday, Aug. 22 at 9:30 a.m. to continue the adoption of rules for the program. The meeting will be held in the Division offices at 77 S. High Street, 22nd Floor, Columbus.

Commission Advances

It's been brought to our attention that



companies are sending solicitations to Ohio licensees containing offers to advance commissions. The offered commission advance is based upon certain requirements, including that the licensee sign an agreement that the licensee will assign the licensee's portion of the commission to the company advancing the commission.

These types of agreements violate Ohio license law. Specifically, [O.R.C. 4735.21](#) states "a salesperson licensed under this chapter shall not sell, assign, or otherwise transfer the salesperson's interest in a commission or any portion thereof to an unlicensed person or entity. If a salesperson makes such assignment or transfer, the broker shall not pay the transferee or assignee any portion of the commission." Further, [O.R.C. 4735.20 \(F\)](#) states "No broker shall pay a fee, commission, or other compensation that is due to an affiliated licensee to a third-party creditor of the affiliated licensee."

As such, Ohio law prohibits a salesperson from selling, assigning or transferring the salesperson's interest in a commission to an unlicensed person or entity. Even if the salesperson does so, the broker is prohibited from paying any portion of the commission to the transferee/third party creditor of the salesperson.

If you receive such a solicitation, please forward a copy to the Division at Webreal@com.state.oh.us. Or if you have questions, please feel free to call 614-466-4100 to speak to one of the Enforcement or Legal staff.

Broker's Corner

Deficient Applications

The Division receives hundreds of applications daily, many of which are deficient or incomplete. About 30 percent of Salesperson Exam Applications contain one or more of the following errors:

- Principal broker's signature is missing
- Ethical questions are not answered, or for questions answered "yes," applicant did not attach an explanation
- Application has a branch address on the application instead of the main office address
- Principal broker has signed and dated the application before the applicant. The broker is signing to affirm the information on the application is true and accurate, so applications pre-signed by a broker will be returned for correction.



Salesperson Transfer/Reactivation applications are often deficient, as well. This causes ALL applications to be held up while the license examiner stops processing to contact each applicant of a deficient submission via email, letter or phone.

Examiners process the applications that are filled out correctly and completely first, because of the large number of applications. In an effort to expedite your application through the process, please review all steps to make sure they are completed correctly.

Changing License Level Designations

In April 2017, House Bill 532 established three broker designations—principal, management-level, and associate – in addition to the management-level salesperson designation. If a licensee is removed from one of those designations in the brokerage, the brokerage must alert the Division to the change.

Brokers can notify the Division of changes by sending a Change Application—Individual form with the \$25 fee and returning the license so the Division can reissue a new one in the new designation. Brokerages may have more than one of any of the designations in a company, but each must be filed with the Division.

If a licensee transfers to another brokerage, when the new principal broker signs the form he or she can mark the appropriate designation on the transfer form and only the transfer fee is required.

Returning a License to the Division

The new administrative rules enacted in February require brokers to notify the Division when returning a license.

When the principal broker returns a license to the Division, the broker must notify the licensee in writing that the license is being returned. Under the new rules, the broker must send a copy of the written notice to the Division to accompany the license.

No notice is required if the Superintendent requests a principal broker to return a license for a suspension, or if the licensee transfers to another brokerage.

Land Professionals Update

The Division recently launched the Land Professional Registration Program, which went into effect March 20 as part of Senate Bill 263. This required land professionals operating in Ohio to submit registrations by



April 30.

As of June 30, the Division has registered 336 land professionals.

The Division will continue to process registrations as they are received. Should you have questions, please contact the Division at 614-466-4100.

You may access the registration form and disclosure statement by clicking below:

[REPL-19-0019 - Land Professional Registration Form](#)

[Land Professional Disclosure Statement](#)

Additionally, registrants can be searched on the Division's [eLicensing center](#) by clicking the first drop-down menu in the "License Number" field and choosing the prefix "LPR." You may view all other forms related to Land Professionals [at the bottom of the Division's forms page](#).

Summary of Recent Rule Changes

The Division recently completed the review of its administrative rules. The rule review process was conducted with significant input from the industry to help make certain the rules you operate under make sense and keep pace with the changing marketplace, and to cover law changes in HB 532. The rules became effective Feb. 10.

All of the administrative rules were reviewed but only some rules were amended.

[Click here to read the rules that were amended or newly created.](#)



Tips for Registering a Preferred Name

The **Preferred Name Registration** form was created due to rule changes effective Feb. 10. Licensees must now register any name they want to use for advertising that is different than the name on their Ohio real estate license (i.e. nickname or a maiden name) with the [Preferred Name](#)

[Registration form](#).

The Division has already processed more than 1,200 Preferred Name Registrations, so we know licensees are eager to get their preferred names in!

Preferred name registrations do not change your name as it is listed on your license; they are just for use in advertising. Your license must always reflect your legal name, so if your legal name has changed, you still need to submit a [Change Application—Individual](#) form to the Division, along with the legal documentation and fee.

If you are a salesperson, please make certain your principal broker is aware that you have or plan to file to use a preferred name in advertising.

[Click here for some helpful tips about Preferred Name Changes.](#)

Disciplinary Actions through May 2019—Appraiser

[Listed below are the Appraiser Disciplinary Actions through May 2019.](#)

REVOCATIONS/SURRENDERS

Fred Estlack	Certified Residential Appraiser	Cortland
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SUSPENSIONS/FINES/ADDITIONAL EDUCATION & REPRIMANDS

Michael Barnett	Certified General Appraiser	New Philadelphia
Tom Bornemann	Certified Residential Appraiser	Cincinnati
Randall Gaspar	Licensed Residential Appraiser	Cincinnati
Kelly Jones-Milligan	Certified Residential Appraiser	Cambridge
David Soult	Certified Residential Appraiser	Cincinnati

[Click here to read the Appraiser Discipline Summaries](#)

Disciplinary Actions through May 2019—Real Estate

Listed below are the Real Estate Disciplinary Actions through May 2019.

REVOCATIONS

Yanina Kalyanova	Salesperson	Columbus
Mekel Henderson	Salesperson	Westerville
William R. Dean	Salesperson	Edgewood, Kentucky
Shad T. Remaley	Salesperson	Butler
Jon Brenner	Salesperson	Huber Heights
Bridgette L. Gee	Salesperson	Cincinnati
Todd M. Neu	Salesperson	Lima
Jeffery Raig	Salesperson	Aurora
Matthew Taylor	Salesperson	Springfield

SUSPENSIONS, FINES, EDUCATION

Robert Ryan Lara	Salesperson	Fairfield
Roberta A. Vasilakis	Salesperson	Hinckley
Jeffrey T. Keller	Principal Broker	Columbus
Jeff J. Byce	Principal Broker	Youngstown
Kathleen A. Godfray	Salesperson	Independence
Sheila Harper Dangel	Salesperson	Middleburg Heights
Craig A. DeAtley	Principal Broker	Portsmouth
LaToya Shawntae Dunn	Salesperson	Cincinnati
Anthony J. Colantuono	Salesperson	Broadview Heights
Daryl R. Schorsten	Salesperson	Dublin
Cheryl C. Myatt	Principal Broker	Cuyahoga Falls
Kim A. Showalter	Principal Broker	Bay Village
Alan Joseph Wright	Salesperson	Orient
Trish W. Klingensmith	Salesperson	Dayton
Jared Korman	Salesperson	Dayton

UNLICENSED ACTIVITY

Ronald Wilson	Toledo
Katrina Taber	Toledo
SR Services	Toledo

[Click here to read the Real Estate Discipline Summaries](#)

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