

DISCIPLINARY ACTIONS 2015

REVOCATIONS/PERMANENT SURRENDERS/RESIGNATIONS

William S. Marshall, salesperson, Columbus, Ohio had his license revoked for a conviction that took place on or about October 25, 2013, in Athens County Court of Common Pleas, Ohio, case number 12CR0009. The conviction was a third degree felony offense, specifically, Possession of Marihuana, a violation of Ohio Revised Code Section 2925.11.

David Smalley, salesperson, Canal Winchester, Ohio, had his license revoked as he was convicted in 2014, in the Fairfield County Court of Common Pleas, Case Number 2014-CR-066B, of a felony offense, specifically, one count of theft in office, in violation of Ohio Revised Code Section 2921.41. This felony conviction constituted a violation of Ohio Revised Code Section 4735.18(A) and/or Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates the Canons of Ethics, Section I, Article 1, which constitutes a failure 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. Smalley was also convicted in 2014, in the Fairfield County Court of Common Pleas, Case Number 2014-CR-066B, of a felony offense, specifically, one count of having an unlawful interest in a public contract, in violation of Ohio Revised Code Section 2921.42. This felony conviction constituted a violation of Ohio Revised Code Section 4735.18(A) and/or Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates the Canons of Ethics, Section I, Article 1, which constitutes a failure 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.

Leroy Richards, broker, Cleveland, Ohio had his license revoked for a felony conviction. More specifically in Cuyahoga County Common Pleas Court, Case Number CR-13-570931-A, Mr. Richards, FKA, Willis Ricardo Barker, was convicted in 2013 of Tampering with Records, a felony of the third degree. The felony conviction constitutes a violation of either or both of Ohio Revised Code Section 4735.18(A); and/or Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates the Canons of Ethics, Section I, Article 1, which constitutes a failure 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.

Eileen Fern-Folliet, salesperson, had her license revoked for a felony conviction. More specifically Ms. Fern-Folliet was convicted in United States District Court, Northern District of Ohio, case Number 1:13CR243, in September of 2013 of Four Counts of Mail Fraud, a felony. The felony conviction constitutes a violation of Ohio Revised Code Section 4735.18(A); and/or Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates the Canons of Ethics, Section I, Article 1, which constitutes a failure 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.

Matthew Deis, salesperson, Fort Mill, South Carolina, had his license revoked for a having been convicted of a felony. More specifically in Butler County Common Pleas Court, Case Number CR2014-03-0531, he was convicted in June of 2014 of Grand Theft, a felony of the fourth degree. The felony conviction constitutes a violation of Ohio Revised Code Section 4735.18(A); and Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates the Canons of Ethics, Section I, Article 1, which constitutes a failure 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.

Richard E. Nobles, Jr., salesperson, Versailles, Kentucky, had his license revoked for his 2014 felony conviction in the United States District Court for the Southern District of Ohio, Case Number 2:13-CR-002, Money Laundering, in violation of 18 U.S.C. 1957. This felony conviction constitutes a violation of Ohio Revised Code Section 4735.18(A).

James Painter and Carnation Realty, Inc., broker, Stow, Ohio. The brokers' licenses were revoked for failing to perform the terms of the management agreement in violation of R.C. 4735.18(A)(9) as it incorporates R.C. 4735.62(B); upon the termination of the management agreement, failing within a reasonable time to remit security deposits and/or rent coming into your possession which belonged to others in violation of R.C. 4735.18(A)(5); failing to maintain complete and accurate records in violation of R.C. 4735.18(A)(24); failing to secure any and all records, keys and other belongings related to the management of the properties after terminating the management agreement and/or prior to, during and/or after the eviction of Carnation Realty from its business location. This conduct is in violation of R.C. 4735.18(A)(6), misconduct. The conduct described in the charges also constitutes a violation of R.C. 4735.18(A)(9) as it incorporates R.C. 4735.62(A).

The described conduct, separately or in the aggregate, also constitutes a violation of R.C. 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.

SUSPENSIONS, FINES, EDUCATION

Randy Best, broker, Upper Arlington, Ohio was ordered to complete the 10 hour broker post-licensure course and to pay a \$2,500.00 civil penalty for failing to personally oversee and direct the operations of Best Corporate Real Estate, which your license was affiliated, in violation of R.C. 4735.18(A)(6), misconduct, as that section incorporates Section 1, Article 1 of the Canons

of Ethics for the Real Estate Industry and/or R.C. 4735.18(A)(6), misconduct, as that section incorporates Section 1, Article 2 of the Canons of Ethics for the Real Estate Industry.

Travers Jonathan Hughes, salesperson, had his license suspended for 30 days and was ordered to complete the 10 hour post sales licensing course for submitting false or misleading information on his transfer reactivation application when he failed to disclose, in response to a question found on the application, his criminal conviction in Franklin County Municipal Court (case number 2012 CR B 014398) for unauthorized use of property. This conduct is in violation of Ohio Revised Code Section 4735.18(A)(8); Ohio Revised Code Section 4735.18(A)(6), misconduct Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates the Canons of Ethics, Section I, Article 1, which constitutes a failure to avoid the appearance of impropriety in any activities as a licensee.

Nikki Konstand Relic, salesperson, Richfield, Ohio was suspended for a period of fifteen (15) days, ordered to pay a civil penalty in the amount of one thousand dollars (\$1,000.00) and ordered to complete and submit proof of completion to the Division of twenty (20) hours of additional education. Ten (10) hours of the required twenty (20) hours of additional education to be satisfied by completion of the ten (10) hour post sales education course.

Missie Lee Miller, salesperson, Carlisle, Ohio was ordered to complete and submit proof of completion to the Division of 3 hours of additional education in Ethics and 3 hours additional education in Core Law for failing to ensure earnest money from her clients was delivered timely, pursuant to the terms of their offer in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct.

Kenneth Gratto, salesperson, Columbus, Ohio was ordered to pay a fine in the amount of five hundred dollars (\$500.00) and to complete and submit proof of completion to the Division of 3 hours of additional education in Core Law and 3 hours of additional education in Agency for receiving a fee regarding the rental of subject property, before informing or putting into writing, before receiving the fee, that the fee was non-refundable. This conduct constituted a violation of Ohio Revised Code Section 4735.18(A)(6), misconduct, as that section incorporates Canons of Ethics for Real Estate Industry, Section II Article 9 and/or a violation of Ohio Revised Code Section 4735.18(A)(6), misconduct. Further, Mr. Gratto failed to obtain a signed written agreement from the subject owner regarding how he was going to split the fee with the subject owner since the fee split with the subject owner was inconsistent with the compensation found in the property management agreement for the subject. These actions violated Ohio Revised Code Section 4735.18(A)(6), misconduct and/or Ohio Revised Code Section 4735.18(A)(6), misconduct, as that section incorporates Canons of Ethics for Real Estate Industry, Section II Article 9. Mr. Gratto also provided a property management agreement for the subject that did not contain the correct fair housing language in violation of Ohio Revised Code Section 4735.18(A)(9) as that section incorporates Ohio Revised Code Section 4735.55(A)(2). Lastly, Mr. Gratto provided a property management agreement for the subject that did not contain "blockbusting" language and/or failed to state that "blockbusting" is illegal. Such violated Ohio Revised Code Section 4735.18(A)(9) as that section incorporates Ohio Revised Code Section 4735.55(A)(3).

Sheritha L. Turner, salesperson, Maple Heights, Ohio had her license suspended for a period of 10 days. Further, she was required to complete and submit proof of completion to the Division thirty (30) hours of additional education for entering into a property management agreement as a partner/agent of an unlicensed business that is not affiliated in any manner with her broker. This conduct constituted a violation of one or more of the following: O.R.C. 4735.18(A)(6) misconduct; and/or O.R.C. 4735.18(A)(6) misconduct as it incorporates Canons of Ethics Section 1 Article 1 a licensee should endeavor to maintain and establish high standards of professional conduct and integrity in dealings with members of the public. Further, Ms. Turner, acted as a partner/agent/employee of the unlicensed business and assisted and/or permitted the company to engage in unlicensed property management. This conduct constitutes a violation of one or more of the following: O.R.C. 4735.18(A)(34) having authorized or permitted a person to act as an agent in the capacity of a real estate broker, or a real estate salesperson, who was not then licensed as a real estate broker or real estate salesperson under this chapter; and/or; O.R.C.4735.18(A)(6) misconduct as it incorporates Canons of Ethics Section 1 Article 1 licensing as a real estate salesman indicates to the public at large that the individual so designated has special expertise in real estate matters and is subject to high standards of conduct in the licensee's business and personal affairs. The 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; and/or O.R.C. 4735.18(A)(6) misconduct as it incorporates Canons of Ethics Section 1 Article 4 the licensee should be knowledgeable of the laws of Ohio pertinent to real estate. Lastly Ms. Turner failed to maintain the transaction file as well provide the required consumer guide to agency and agency disclosure to her client. This conduct constitutes a violation of O.R.C. 4735.18(A)(24) having failed to keep complete and accurate records of all transactions for a period of three years from the date of the transaction.

Patrick Hitesman, broker, Dublin, Ohio, was ordered to pay a \$1,000.00 fine and to complete and submit to the Division proof of completion of the 10 hour post broker course for demanding, after closing, an additional commission of 3% of the purchase price of the property to which he was not entitled. This constitutes a violation of one or more of the following Ohio Revised Code Section 4735.18(A)(10), as a real estate broker, having demanded, without reasonable cause, other than from a broker licensed under this chapter, a commission to which the licensee is not entitled and Ohio Revised Ohio Revised Code Section 4735.18(A)(6), misconduct; as that section incorporates the Canons of Ethics, Section I, Article 1, which constitutes a failure 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.

David Johnson, broker, Xenia, Ohio, was ordered to pay a \$500.00 fine and to complete and submit proof of completion to the Division of the 10 hour post broker course for acting in a dual agency relationship in which he was a party to the transaction as the buyer while representing the seller as a licensed broker. This conduct violates Ohio Revised Code 4735.18(A)(6) misconduct as it incorporates Ohio Revised Code 4735.71(C) No broker licensed under this

chapter shall participate in a dual agency relationship in which the licensee is a party to the transaction.

Mark Schuster, salesperson, New Albany, Ohio was ordered to pay a \$500.00 fine and to complete and submit proof of completion to the Division of the 10 hour post sales course for holding himself out as an active licensed salesperson between April 27, 2012 and May 14, 2012, even though your Ohio salesperson license was suspended for failure to timely renew your license. This conduct violates Ohio Revised Code Section 4735.18(A)(6) misconduct as it incorporates Ohio Revised Code Section 4735.02(A) which provides that no person shall provide services that require a license under this chapter if the licensee's license is suspended.

Martin Shawn Russell, salesperson, Cincinnati, Ohio was ordered to pay a fine in the amount of \$250.00 and required to complete and submit proof of completion, to the Division, the 10 hour post sales course and a 3 hour ethics course for failing to promote the interests of his client, when he failed to advise his clients that a junior lien did not exist and the agreement to contribute \$2,400 towards a junior lien settlement and fees were really a payment to ESS which was the brokerage Exit Realty West aka Exit Short Sales. His client did not agree to pay ESS in the purchase contract or the addendum. Accordingly, he violated Ohio Revised Code Section 4735.18(A)(9) as it incorporates 4735.65(A)(1) in representing a purchaser in an agency relationship, a licensee shall seek a property at a price and with purchase terms acceptable to the purchaser. Additionally, Mr. Russell failed to disclose to his clients that no junior lien existed on the property and that the payment to ESS was in fact a payment to Exit Short Sale a purported entity associated with his broker's brokerage, Exit Realty West. Accordingly, he violated Ohio Revised Code Section 4735.18(A)(6) misconduct as it incorporates Canons of Ethics Section II Article 7 the licensee should disclose all known material facts concerning a property on which the licensee is representing a purchaser to avoid misrepresentation or concealment of material facts.

Roy Miller, salesperson, Fairfield, Ohio was ordered to pay a \$250.00 fine for providing the subject property lock box code to his clients which gave them unsupervised access and/or entry into the subject property. This conduct constitutes a violation of Ohio Revised Code Section 4735.18(A)(6), misconduct and/or a failure to maintain and establish high standards of professional conduct and integrity in dealings with members of the public in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct, as that section incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 1.

Barry Shaffer. Salesperson, New Franklin, Ohio, was ordered to pay a \$500.00 fine and required to complete and submit proof of completion to the Division of completion of 3 hours of additional education in Core Law and 3 hours of additional education in Ethics for signing a student loan application as a broker when he was not a broker. This conduct violates Ohio Revised Code Section 4735.18(A)(1) knowingly making any misrepresentation.

Jens Persson, salesperson, Loveland, Ohio, was ordered to pay a \$250.00 fine and was required to complete and submit proof of completion to the Division 3 hours of additional education in Core Law and completion of the 10 hour post sales course for allowing and participating in his client entering into a sloppily prepared contract with potential purchasers,

that, at a minimum, gave the appearance along with his written correspondence and actions of a binding purchase contract. He also failed to identify the property as “in contract” on the MLS and/or other advertising during the period of the contract. Before the purported purchase contract was released through a mutually signed release on October 15, 2012, he allowed his client to accept a new purchase contract on October 12, 2012 for a higher purchase price.

This conduct constitutes a violation of Ohio Revised Code section 4735.18(A)(9) having violated or failed to comply with any provision of sections 4735.51 to 435.74 of the Revised Code or having willfully disregarded or violated any other provisions of this chapter as it incorporates 4735.62(A) exercising reasonable skill and care in representing the client and carrying out the responsibilities of the agency relationship. The conduct also violated Ohio Revised Code section 4735.18(A)(6) incompetence; and Ohio Revised Code section 4735.18(A)(6) misconduct as it incorporates the Canons of Ethics Section 1 Article 1: Licensing as a real estate broker or salesperson indicates to the public at large that the individual so designated has special expertise in real estate matters and is subject to high standards of conduct in the licensee’s business and personal affairs.

Rhonda Albaugh, salesperson, Uniontown, Ohio, had her license suspended for 60 days and was required to complete and submit proof of completion to the Division the 10 hour post sales course. Ms. Albaugh was disciplined for her conviction in 2014, in the United States District Court for the Northern District of Ohio, Case Number 5:13CR299-02, of a felony offense, specifically, one count of conspiracy to launder monetary instruments, in violation of 18 USC Section 1956(h). The felony conviction constituted a violation of Ohio Revised Code Section 4735.18(A).

Aggie Craycraft, salesperson, Trenton, Ohio, was ordered to pay a \$250.00 fine and required to complete and submit to the Division proof of completion of 3 hours of additional education in Core Law and completion of the 10 hour post sales course. Ms. Craycraft, after becoming aware that the sale of the subject property required third party approval, she failed to timely change or update the subject property’s listing in the Multiple Listing Service disclosing third party approval was necessary for the sale of the subject property. Accordingly, she violated the following: Ohio Revised Code Section 4735.18(A)(21) and Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Section I, Article 1, of the Canons of Ethics for the Real Estate Industry.

Further, Ms. Craycraft failed to put into writing in a timely manner, in response to an offer dated August 25, 2014 disclosing to the buyers that third party approval from the seller’s lender was necessary for the sale of the subject property. Accordingly, she violated the following: Ohio Revised Code Section 4735.18(A)(6), misconduct and/or Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Section I, Article 1 of the Canons of Ethics for the Real Estate Industry.

Rita Anderson, salesperson, Mechanicsburg, Ohio was ordered to pay a \$500.00 fine for identifying property as “seller is broker/agent” when it was not. This conduct violates Ohio Revised Code section 4735.18(A)(6) misconduct and/or 4735.18(A)(6) misconduct as it incorporates the Canons of Ethics Section I Article 1: licensing as a real estate broker or

salesperson indicates to the public at large that the individual so designated has special expertise in real estate matters and is subject to high standards of conduct in the licensee's business and personal affairs.

Advertising the properties at different prices on the W.R.I.S.T. MLS system from the price listed on the Columbus and Central Ohio Regional MLS system for the same time/listing period. This constitutes a violation of Ohio Revised Code section 4735.18(A)(6) incompetence; and/or Ohio Revised Code section 4735.18(A)(6) misconduct as it incorporates the Canons of Ethics Section 1 Article 1:Licensing as a real estate broker or salesperson indicates to the public at large that the individual so designated has special expertise in real estate matters and is subject to high standards of conduct in the licensee's business and personal affairs.

Rita Anderson, salesperson, Mechanicsburg, Ohio was ordered to pay a \$500.00 fine for advertising a property in print advertising as a 4/5 bedroom property and in other advertising as a 5/6 bedroom property when it is not and the county auditor identifies the property as only having three (3) bedrooms. This constitutes a violation of Ohio Revised Code 4735.18(A)(21) having published advertising, whether printed, radio, display or of any other nature, which was misleading or inaccurate in any material particular; Ohio Revised Code 4735.18(A)(6) misconduct; and Ohio Revised Code section 4735.18(A)(6) misconduct as it incorporates the Canons of Ethics Section 1 Article 1:Licensing as a real estate broker or salesperson indicates to the public at large that the individual so designated has special expertise in real estate matters and is subject to high standards of conduct in the licensee's business and personal affairs.

Rita Anderson, salesperson, Mechanicsburg, Ohio, was ordered to pay a \$500.00 fine and required to complete and submit proof of completion to the Division of 3 hours of additional education in Core Law and 3 hours of additional education in Ethics for leaving confidential purchase documents and/or contracts for the buyers in the subject property which was not secure as construction was being completed. Ms. Anderson further determined that this was the best way to get copies of the confidential purchase documents and/or contracts to the buyers. This constitutes a violation of: Ohio Revised Code 4735.18(A)(9) as it incorporates Ohio Revised Code 4735.61(I) the licensee shall use the licensee's best efforts to further the interest of the client including keeping confidential all confidential information; Ohio Revised Code section 4735.18(A)(6) misconduct; and Ohio Revised Code section 4735.18(A)(6) misconduct as it incorporates the Canons of Ethics Section 1 Article 1:Licensing as a real estate broker or salesperson indicates to the public at large that the individual so designated has special expertise in real estate matters and is subject to high standards of conduct in the licensee's business and personal affairs.

Jeanette Percy, salesperson, Twinsburg, Ohio, had her license suspended for 30 days and ordered to complete 3 hours of additional education in the area of ethics and to complete six additional hours of education in the area of Core Law. Ms. Percy was convicted in a criminal proceeding for a felony. More specifically in Lake County Common Pleas Court, Case Number 11-CR-000523, she was convicted in May of 2012 of Receiving Stolen Property, a felony of the fifth degree. Her felony conviction constituted a violation of Ohio Revised Code Section

4735.18(A); and Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates the Canons of Ethics, Section I, Article 1, which constitutes a failure 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.

Scott Hill, broker, Somerset, Ohio, was ordered to pay a fine of \$500.00 and was ordered to complete and submit proof of completion to the Division the 10 hour post broker course. Mr. Hill, after informing the buyer's agent that the parties had a deal based on the buyer's offer, dated September 24, 2014, inserted a term related to commission into the buyer's offer after the offer was signed by the buyer. Accordingly, he violated Ohio Revised Code Section 4735.18(A)(6), misconduct and/or Ohio Revised Code Section 4735.18(A)(6), misconduct, as that section incorporates Section I, Article 1 of the Canons of Ethics for the Real Estate Industry.

Antonio D'Alberto, salesperson, Columbus, Ohio, was given a public reprimand for adding comments to the agent to agent remarks that suggested a method to circumvent the primary lienholder's short sale approval which limited the payment from the sale proceeds to a junior lienholder. This conduct constituted a violation of RC 4735.18(A)(6), dishonest conduct and/or misconduct, as that section incorporates Canons of Ethics, Section I, Article I, which requires licensees to endeavor to maintain and establish high standards for 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 and/or Canons of Ethics, Section I, Article 2, which requires the broker to protect the public against fraud, misrepresentation or unethical practices in real estate transactions and 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.

Neil McLaughlin, broker, Centerville, Ohio had his license suspended for seven days, ordered to pay a \$500.00 fine and was required to complete and submit proof of completion to the Division of the 10 hour post broker course. Mr. McLaughlin incorrectly released the earnest money to the purchaser of the subject property even though the earnest money release (hereinafter referred to as the "release") failed to contain the signature of a person authorized to sign for one of the sellers of the subject property. This constituted a violation of Ohio Revised Code Section 4735.18(A)(6), misconduct.

Further, Mr. McLaughlin, prior to releasing the earnest money to the purchaser of the subject property in December of 2013, failed to confirm with one or both of the sellers of the subject property that the seller signed the release that was provided to him by the purchaser even though the sellers previously refused to sign the release for him since October of 2013. This constitutes a violation of Ohio Revised Code Section 4735.18(A)(6), misconduct; Ohio Revised Code Section 4735.18(A)(6), misconduct, as that section incorporates Section I, Article 1 of the Canons of Ethics for the Real Estate Industry and Ohio Revised Code Section 4735.18(A)(6), misconduct, as that section incorporates Section I, Article 2 of the Canons of Ethics for the Real Estate Industry.

Neil McLaughlin, broker, Centerville, Ohio was ordered to pay a fine of \$1,000.00 for charge one, a fine of \$500.00 for charge 2 and a fine of \$2500.00 for charge 3 and ordered to complete 3 hours of additional education in Ethics for 1) failing to maintain all sales contracts or offers to purchase associated the subject property in violation of Ohio Revised Code Section 4735.18(A)(24). 2. Failing to obtain the seller's consent on the agency disclosure form. This constitutes a violation of Ohio Revised Code Section 4735.18(A)(9) as that section incorporates Ohio Revised Code Section 4735.58(A). 3. Paying himself a \$2,000.00 commission (gross commission) out of the \$3,000.00 remitted by the buyer for the purchase of the subject properties, but failing to ensure title to both properties was transferred to the buyer, or in the alternative, failing to return to the buyer her \$3,000.00 when title to both properties did not transfer to the buyer. Accordingly, he violated Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Section I, Article 1 of the Canons of Ethics for the Real Estate Industry.

Luke Lumsden, salesperson, Columbus, Ohio, had his license suspended for 15 days and ordered to pay a \$500.00 fine and complete the 10 hour post broker course for failing to ensure that the \$500.00 earnest money was deposited pursuant to the terms agreed to in the purchase agreement in violation of R.C. 4735.18(A)(6), misconduct. Further, after failing to forward the \$500.00 earnest money check to his broker to be deposited into the brokerage trust account he improperly returned the uncashed check to his client. This conduct is in violation of R.C. 4735.18(A)(9) as that section incorporates R.C. 4765.62(A) and/or R.C. 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.

UNLICENSED ACTIVITY

THERESA A. DIXON-HENDKING, a person not licensed under Ohio Revised Code 4735, Oakwood Village, Ohio was ordered to pay a \$2500 civil penalty for committing between the period on or about October 27, 2011 through on or about March 24, 2012, up to 148 violations of R.C. 4735.02, by renting, or leasing or negotiating the rental or lease of the subject property; offering , attempting, and agreeing to negotiate the rental or leasing of the subject property; managing or offering, or attempting to operate or manage the subject property; and/or holding yourself out as engaged in the selling, exchanging, purchasing, renting, or leasing of real estate.

JON YANKASKY & J&D MANAGEMENT, a person and his company, not licensed under Ohio Revised Code 4735, Dayton, Ohio, was ordered to pay a \$7500.00 civil penalty for a period including February 1, 2011 through May 31, 2011, up to a 120 violations of RC 4735.02 by renting, leasing or negotiating the rental or lease of the subject property; offering, attempting and agreeing to negotiate the rental or leasing of the subject property; managing or offering or attempting to operate or manage the subject property and holding himself out as engaging the selling, exchanging, purchasing, renting, or leasing of real estate.

