

## **DISCIPLINARY ACTIONS**

### **REVOCACTIONS/PERMANENT SURRENDERS/RESIGNATIONS**

**JAMES W. BLAKE**, salesperson, Columbus, Ohio, as the result of an investigation of a formal complaint, was required to complete and to submit to the Division proof of completion of the 10 hour post license sales course for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 1, when he executed an offer to purchase property which showed his broker's business name as one company, when Division records showed his license was affiliated with another company. He was revoked for violating Revised Code 4735.18(A)(35) and Revised Code 4735.18(A)(1) and Revised Code 4735.18(A)(6), misconduct, as it incorporates the Canons of Ethics, Section I, Article 2, when he knowingly inserted or participated in inserting a materially inaccurate term in an offer to purchase property, when the offer to purchase indicated the purchaser paid earnest money, when the purchaser had not done so. This conduct was also a failure 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. He was fined \$250.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in ethics for violating Revised Code 4735.18(A)(9) as it incorporates Revised Code 4735.56(D), when he failed to provide to the purchaser and failed to obtain the purchaser's signature on an acknowledgment receipt for the consumer guide to agency policy. Finally, he was revoked for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates the Canons of Ethics, Section I, Article 3, when in the course of the investigation, he failed to provide assistance to the Ohio Division of Real Estate & Professional Licensing when he refused to answer questions asked by a Division investigator during the course of a telephone interview and when he failed to provide copies of documents requested by the Division.

**EULODIA E. DOSS**, broker, Toledo, Ohio, as the result of an investigation of a formal complaint, was revoked for violating Revised Code 4735.18(A)(9) as it incorporates Revised Code 4735.62(A), when she failed to maintain an earnest money deposit in her brokerage trust account and was required to complete and to submit to the Division proof of completion of 3 hours of education in ethics for violating Revised Code 4735.18(A)(6), as it incorporates the Canons of Ethics, Section I, Article 1, for the above conduct. She was revoked for violating Revised Code 4735.18(A)(6), misconduct, when she maintained a negative balance in her trust account and was required to complete and to submit to the Division proof of completion of 3 hours of education in core law for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates the Canons of Ethics, Section I, Article 5 for the above conduct. She was revoked for violating Revised Code 4735.18(A)(5), when she failed to account for or remit money belonging to others in a timely manner and was required to complete and to submit to the Division proof of completion of the 10 hour post license broker course for violating Revised Code 4735.18(A)(6), misconduct, when she failed to exercise reasonable skill and care when she incurred numerous fees and charges on her trust account. Ms. Doss was revoked for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates the Canons of Ethics, Section I, Article 1, when she inappropriately dispersed funds from the brokerage trust account. Ms. Doss was fined \$500.00 for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates the Canons of Ethics, Section I, Article 2, for the conduct regarding the trust account and was fined \$200.00 for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates Revised Code 4735.13(D), when she changed her business address without notifying the Division of Real Estate and Professional Licensing and without receiving new licenses. Finally, she was given a public reprimand for violating Revised Code 4735.18(A)(6),

## **DISCIPLINARY ACTIONS**

incompetence, as it incorporates the Canons of Ethics Article I, Section IV, for all of the conduct described above.

**JOHN R. ESTEP**, broker, West Portsmouth, Ohio, as the result of an investigation of a formal complaint, had his license revoked for violating Revised Code 4735.18(A)(29). Mr. Estep was the subject of an unsatisfied judgment in the Scioto County Common Pleas Court, which arose out of his conduct as a licensed broker.

**JILL M. KATZENBERG**, broker, Beachwood, Ohio, as the result of an investigation of a formal complaint, had her license revoked, for violating Revised Code 4735.18(A)(6) as it incorporates Ohio Administrative Code 1301:5-1-13, for failing to obey a subpoena issued to her by the Superintendent pursuant to an investigation. Also, her license was revoked for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 3, when she failed to cooperate with an investigation.

**ROBERT J. SHARPE**, broker, Bedford Heights, Ohio, as the result of an investigation of a formal complaint, had his license revoked, for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 3, when failed to provide assistance to members and staff of the Real Estate Commission and Division of Real Estate in the enforcement of the licensing statutes and administrative rules and regulations. Mr. Sharpe was also revoked for violating Revised Code 4735.18(A)(6) as it incorporates Ohio Administrative Code 1301:5-1-13, for failing to obey a subpoena issued to him by the Superintendent pursuant to an investigation and for violating Revised Code 4735.18(A)(24), for failing to keep complete and accurate records of all transactions for a period of three years from the date of the transaction.

**CHARLES E. TOWNSEND**, salesperson, Pickerington, Ohio, had his license revoked for violating Revised Code 4735.18(A), when he was convicted in the United States District Court for the Southern District of Ohio, of a felony offense, specifically, money laundering.

### **SUSPENSIONS, FINES, EDUCATION**

**PATRICIA A. BATES**, broker, Canfield, Ohio, as the result of an investigation of a formal complaint, had her license suspended for a period of 7 days, which commenced on June 2, 2010, was fined \$1,000.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in ethics, 3 hours of education in core law, 3 hours of education in agency and the 10 hour broker post license course, for violating Revised Code 4735.18(A)(6), as it incorporates the Canons of Ethics for the Real Estate Industry, Section 1, Article 1 and Revised Code 4735.18(A)(6), misconduct, as it incorporates the Canons of Ethics for the Real Estate Industry, Section 1, Article 2. Ms. Bates changed the list price in the MLS to a higher amount after an offer was received for an amount just under the adjusted list price and the offer included money from the seller's proceeds going to the buyer as a repair allowance. This conduct constituted a failure to protect the public against fraud, misrepresentation or unethical practices in real estate transactions and failed 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.

## DISCIPLINARY ACTIONS

**ROBBIE A. BOGGS**, salesperson, Dublin, Ohio, as the result of an investigation of a formal complaint, was required to complete and to submit to the Division proof of completion of 3 hours of education in agency, for violating Revised Code 4735.18(A)(9) as it incorporates Revised Code 4735.62(A), when she failed to exercise reasonable skill and care in representing the client and carrying out the responsibilities of the agency relationship; was required to complete and to submit to the Division proof of completion of 3 hours of education in core law, for violating Revised Code 4735.18(A)(9) as it incorporates Revised Code 4735.62(D), she failed to perform all duties specified in Revised Code Chapter 4735 in a manner that was loyal to the interest of the client; was required to complete and to submit to the Division proof of completion of 3 hours of education in ethics, for violating Revised Code 4735.18(A)(9) as it incorporates Revised Code 4735.62(F), when she failed to disclose to the client any material facts of the transaction of which the licensee is aware or should be aware in the exercise of reasonable skill and care. Ms. Boggs was fined \$200.00 for violating Revised Code 4735.18(A)(9) as it incorporates Revised Code 4735.56(D), when she failed to provide a Consumer Guide to Agency Relationships prior to showing real estate or discussing with the purchaser the making of an offer and was fined \$200.00 for violating Revised Code 4735.18(A)(28), when she failed to provide a definite expiration date in the written agency relationship agreement to which the broker was a party.

**WESLEY J. BROWN**, salesperson, Cable, Ohio, as the result of an investigation of a formal complaint, was fined \$300.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in core law, for violating Revised Code 4735.18(A)(24). Mr. Brown failed to keep complete and accurate records of all transactions for a period of three years from the date of the transaction.

**RONALD D. BRYER**, broker, East Liverpool, Ohio, as the result of an investigation of a formal complaint, was issued a public reprimand and was required to complete and to submit to the Division proof of completion of 3 hours of education in core law, for violating Revised Code 4735.18(A)(29). Mr. Bryer was the subject of an unsatisfied judgment in the Beaver County Common Pleas Court, which arose out of his conduct as a licensed broker.

**BRIAN K. FARRIS**, salesperson, Gahanna, Ohio, had his license suspended for a period of 8 months for violating Revised Code 4735.18(A). Mr. Farris was convicted in Franklin County Court of Common Pleas, of a felony offense, specifically, Attempted Aggravated Assault, a felony in the fifth degree. In addition, his license was suspended for 90 days for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates Revised Code Section 4735.13(C), when he failed to notify the Superintendent of his felony conviction within fifteen days of the conviction. (Suspensions to run concurrently and commence on June 2, 2010)

**REBECCA A. GALLIMORE**, salesperson, Akron, Ohio, as the result of an investigation of a formal complaint, was fined \$500.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in ethics and 3 hours of education in core law, for violating Revised Code 4735.18(A)(9) as it incorporates Revised Code 4735.62(C). Ms. Gallimore failed to follow the lawful instructions of her client when she did not include in the purchase agreement, at the client's request, that the purchase agreement would be contingent upon the sale of the client's residence. In addition, she was fined \$500.00 and was required to complete and to submit to the Division proof of completion of the 10 hour sales post license course, for violating Revised Code 4735.18(A)(9) as it incorporates Revised Code 4735.62(A), when she failed to exercise reasonable skill and care in representing the client and carrying out

## DISCIPLINARY ACTIONS

the responsibilities of the agency relationship, when she failed to include in the purchase agreement that the purchase agreement would be contingent upon the sale of the client's residence.

**RICHARD M. HERBST**, salesperson, Dayton, Ohio, as the result of an investigation of a formal complaint, was fined \$500.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in core law, for violating Revised Code 4735.18(A)(21). Mr. Herbst advertised an incorrect school district for a property in the multiple listing service.

**ROGER KOERNER**, broker, Urbana, Ohio, had his license suspended for a period of 30 days, which suspension was suspended based upon mitigating evidence and was required to complete and to submit to the Division proof of completion of the 10 hour broker post license course, for violating 2 counts of Revised Code 4735.18(B). Mr. Koerner, with respect to two properties, had knowledge that a salesperson provided services that required a real estate sales license, when the salesperson's license was suspended.

**ELLEN T. KOOSER**, salesperson, Beavercreek, Ohio, as the result of an investigation of a formal complaint, was fined \$1,000.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in ethics, for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates Section I, Article 1 of the Canons of Ethics for the Real Estate Industry. Ms. Kooser failed to maintain the high standards of professional conduct and integrity in dealings with members of the public as well as with fellow licensees when a member of the public went to another licensee's website to contact them and Ms. Kooser's email response to the person described a monetary dispute between herself and licensee and she referred the person to a Clerk of Courts' website to obtain the licensee's address.

**RENEE MIKOVICH**, salesperson, North Canton, Ohio, as the result of an investigation of a formal complaint, had her license suspended for a period of 30 days, which commenced on May 15, 2010 and was required to complete and to submit to the Division proof of completion of the 10 hour post license sales course for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 1. Ms. Mikovich executed an exclusive right to sell agreement on one real estate company's documents, when her license was affiliated with another company.

**BETTINA F. RAMUNDO**, salesperson, Cincinnati, Ohio, as the result of an investigation of a formal complaint, was fined \$600.00 for violating Revised Code 4735.18(A)(9) as it incorporates Revised Code 4735.62(A), when she failed to exercise reasonable skill and care in representing the buyer, when she failed to confirm what association fees the buyer would be responsible for if they purchased the property.

**CUMHUR SASMAZ**, broker, Cleveland, Ohio, as the result of an investigation of a formal complaint, had his license suspended for a period of 14 days, which commenced on August 2, 2010, was fined \$500.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in ethics, for violating 2 counts of Revised Code 4735.18(A)(6), misconduct, as it incorporates the Canons of Ethics for the Real Estate Industry, Section 1, Article 1. Mr. Sasmaz entered a property's garage without authorization from the property owner or the owner's real estate sales agent. In addition, he attempted to enter the property without authorization from the property owner or the owner's real estate sales agent.

## DISCIPLINARY ACTIONS

**PRESTON L. STALLINGS, SR.**, salesperson, Toledo, Ohio, as the result of an investigation of a formal complaint, was fined \$200.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in agency for violating Revised Code 4735.18(A)(6) as it incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 1, when he filled out an agency disclosure form incorrectly by filling out both section I and III; had his license suspended for a period of 120 days for violating Revised Code 4735.18(A)(6), misconduct, as that section incorporates Revised Code 4735.21, when he accepted money in connection with a real estate transaction in his name and not in the name of his broker; was required to complete and to submit to the Division proof of completion of 3 hours of education in core law, for violating Revised Code 4735.18(A)(6) as it incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 1, when he failed to have the buyer initial a purchase contract provision he inserted after the buyer signed the purchase contract; was fined \$2,500.00 for violating Revised Code 4735.18(A)(6) as it incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 1, when he failed to return to the buyer a selling bonus which was paid from the buyer's funds; was required to complete and to submit to the Division proof of completion of 3 hours of education in ethics for violating Revised Code 4735.18(A)(6), misconduct, as that section incorporates the Canons of Ethics, Section I, Article 2, for failing to protect the public against fraud, misrepresentation or unethical practices in real estate transactions and failed 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. Finally, Mr. Stallings had is license suspended for an additional 90 days for violating Revised Code 4735.18(A)(20), when he offered real property for sale or for lease without the knowledge and consent of both of the owners or the owner's authorized agent. (Suspensions to run consecutively and commence on May 4, 2010)

**A. RENEE SULLIVAN**, salesperson, Westerville, Ohio, as the result of an investigation of a formal complaint, had her license suspended for a period of 14 days which commenced on August 2, 2010, was fined \$2,000.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in ethics and the 10 hour sales post license course, for violating 3 counts of Revised Code 4735.18(A)(6), misconduct, one as it incorporates the Canons of Ethics for the Real Estate Industry, Section 1, Article 2. Ms. Sullivan engaged in misconduct when she attempted to influence a lender's decision to not give a mortgage loan to her client, thereby, allowing her client to terminate a sales contract; she misrepresented to the lender the sellers' decision to repair a property's basement; and she failed to fill out the agency disclosure statement.

**HEIDI J. SUTTER**, salesperson, Dublin, Ohio, as the result of an investigation of a formal complaint, was fined \$1,000.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in ethics and 3 hours of education in agency, for violating Revised Code 4735.18(A)(9) as it incorporates Revised Code 4735.62(F). Ms. Sutter failed to tell her client that the deposit in relation to moving possessions into a property prior to closing, would not be returned to her.

**JEFFREY A. SWIECICKI**, broker, Hudson, Ohio, as the result of an investigation of a formal complaint, was fined \$200.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in agency and 3 hours of education in core law, for violating Revised Code 4735.18(A)(9) as it incorporates Revised Code 4735.55(A)(2). Mr.

## DISCIPLINARY ACTIONS

Swiecicki provided a Consumer Guide to Agency Relationships to a buyer that did not contain the correct fair housing language.

**ROBERT C. SZAREK**, broker, Cleveland, Ohio, as the result of an investigation of a formal complaint, was fined \$500.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in ethics, for violating Revised Code 4735.18(A)(20). Mr. Szarek offered property for sale without the knowledge and consent of the owner.

**ALLAN R. SZUFLADA**, broker, Lakewood, Ohio, as the result of an investigation of a formal complaint, had his license suspended for a period of 30 days for violating Revised Code 4735.18(A)(27), for failing to maintain a property management trust account. However, the suspension would be waived if Mr. Szuflada provided to the Superintendent sufficient evidence to support that he maintained a separate property management trust account prior to the commencement of the suspension. He was fined \$1,000.00 for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates Ohio Administrative Code 1301:5-5-11(C), when he failed to maintain a separate ledger sheet for the owner of the properties he managed; was required to complete and to submit to the Division proof of completion of the 10 hour post license broker course for violating Revised Code 4375.18(A)(24), when he failed to maintain any and all leases entered into with tenants for properties for a period of three years from the date of the transaction. Mr. Szuflada was fined \$2,500.00 for violating Revised Code for violating Revised Code 4735.18(A)(5) as it incorporates Ohio Administrative Code 1301:5-5-11(E), when he failed to account for money coming into his possession which belonged to others. Finally, he was required to complete and to submit to the Division proof of completion of 3 hours of education in core law for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates Section 1 Article 1 of the Canons of Ethics, 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.

**MICHAEL RAY TAYLOR**, salesperson, Baltimore, Ohio, as the result of an investigation of a formal complaint, was fined \$300.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in agency, 3 hours of education in core law and the 10 hour sales post license course, for violating Revised Code 4735.18(A)(6), misconduct. Mr. Taylor represented to the seller's agent that his client was withdrawing their offer, when that was not his client's intent.

**MICHAEL J. WALKER**, salesperson, Strongsville, Ohio, as the result of an investigation of a formal complaint, had his license suspended for a period of 30 days and was required to complete and to submit to the Division proof of completion of 3 hours of education in agency, for violating Revised Code 4735.18(A)(9) as it incorporates Revised Code 4735.62(B). Mr. Walker, while his license was affiliated with one broker, after having the seller sign an exclusive right to sell agreement, failed to perform the terms of the agreement. He was suspended for another 30 days and was required to complete and to submit to the Division proof of completion of 3 hours of education in ethics for violating Revised Code 4735.18(A)(9) as it incorporates Revised Code 4735.62(A), for failing to exercise reasonable skill and care in representing his client. Finally, he was suspended for 30 days and was required to complete and to submit to the Division proof of completion of 3 hours of education in core law, for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates the Canons of Ethics for the Real Estate Industry, Section I,

## **DISCIPLINARY ACTIONS**

Article 1, when he failed to submit an executed exclusive right to sell agreement to his broker. (Suspensions to run concurrently and commence on May 4, 2010)

**BEVERLY A. WATSON**, salesperson, Urbana, Ohio, had her license suspended for a period of 30 days which suspension was suspended based upon mitigating evidence and was required to complete and to submit to the Division proof of completion of the 10 hour sales post license course, for violating 2 counts of Revised Code 4735.18(A)(6), misconduct, as they incorporate Revised Code 4735.02. Ms. Watson, with respect to two properties, provided services that required a real estate sales license when her license was suspended.

**BLAINE M. WELLS**, broker, Findlay, Ohio, as the result of an investigation of a formal complaint, was fined \$200.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in agency for violating Revised Code 4735.181(A) as it incorporates Revised Code 4735.56(D), when he failed to obtain the purchaser's signature on the consumer guide to agency prior to showing a property. In addition, he was given a public reprimand for violating Revised Code 4735.18(A)(9) as it incorporates Revised Code 4735.55 and Ohio Administrative Code 1301:5-6-04(B), when he failed to include in the listing agreement a statement defining the practice known as "blockbusting" and stating that it is illegal.

**MICHAEL T. WISEMAN**, salesperson, West Chester, Ohio, as the result of an investigation of a formal complaint, had his license suspended for a period of 14 days which commenced on August 2, 2010, was fined \$600.00 and was required to complete and to submit to the Division proof of completion of 3 hours of education in ethics, for violating Revised Code 4735.18(A)(6), misconduct, as it incorporates the Canons of Ethics for the Real Estate Industry, Section 1, Article 1. Mr. Wiseman provided a property's lock box code to his clients, which resulted in his clients' unsupervised entry into a property.

## **UNLICENSED ACTIVITY**

**MICHAEL BEIL**, Akron, Ohio, as the result of an investigation of a formal complaint, was found by the Commission to have violated 284 counts of Revised Code 4735.02, unlicensed activity, and was assessed a civil penalty in the amount of \$284,000.00. The Commission found that Mr. Beil, when 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; 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, without first being licensed under Revised Code Chapter 4735.

**BONEH GROUP, LLC**, Akron, Ohio, as the result of an investigation of a formal complaint, was found by the Commission to have violated 284 counts of Revised Code 4735.02, unlicensed activity, and was assessed a civil penalty in the amount of \$284,000.00. The Commission found that the company, when 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; managed or offered, or attempted to operate or manage property; and held itself out

## **DISCIPLINARY ACTIONS**

as engaged in the selling, exchanging, purchasing, renting, or leasing of real estate, without first being licensed under Revised Code Chapter 4735.

**JOHN FROLA, JR. AND MUNICIPAL SOLUTIONS, LLC**, Uniontown, Ohio, was found by the Commission to have violated Revised Code 4735.02, unlicensed activity, and was assessed a civil penalty in the amount of \$20,000.00. The Commission found that John Frola, Jr. and Municipal Solutions, LLC sold, exchanged, purchased, rented, or leased or negotiated the sale, exchange, purchase, rental, or lease of real estate; offered, attempted, or agreed to negotiate the sale, purchase, lease, or exchange of real estate; listed, or offered, attempted or agreed to list real estate for sale; bought or offered to buy, sold, or offered to sell or otherwise dealt in options on real estate; and furthermore, held themselves out as engaged in the business of selling, leasing, exchanging, or purchasing of real estate without first being licensed under Revised Code Chapter 4735.