

1301:5-1-18

Disciplinary sanctions.

(A) Pursuant to division (I) of section 4735.051 of the Revised Code, the following shall apply:

- (1) The real estate commission may include, at its sole discretion, any combination of sanctions in its order;
- (2) Where multiple violations of the Revised Code are found in a single case, the real estate commission's order shall specifically state the sanction(s) applicable to each violation.
- (3) Any final order of the real estate commission no longer subject to appeal, may be publicly disseminated using any of the following methods:
 - (a) Publication in the division of real estate ~~estate~~ and professional licensing's newsletter;
 - (b) Press release(s); and,
 - (c) Any other method deemed appropriate by the real estate commission and/or superintendent.

(B) Pursuant to division (I)(3) of section 4735.051 of the Revised Code, when the real estate commission imposes a monetary fine as a sanction for violation of any provision of Chapter 4735. of the Revised Code, the payment of the fine by the licensee shall be subject to the following conditions:

- (1) In all cases except those qualifying under paragraph (B)(2) of this rule, payment of any fine shall be received by the division of real estate and professional licensing within thirty (30) days of the date of the commission's finding and order imposing the fine;
- (2) The superintendent may extend the payment of any fine. The terms of the extended payment period may include a schedule for specified interim payments;
- (3) Any fine or payment not received by the division as specified in the real estate commission's order or pursuant to paragraph (B)(2) of this rule shall result in the automatic suspension of the licensee's real estate license;

- (4) Reactivation of a license suspended pursuant to paragraph (B)(3) of this rule must be within twelve (12) months of the date of license suspension and shall only occur upon all of the following:
- (a) Payment in full to the division of real estate and professional licensing of all fines imposed;
 - (b) Filing of a reactivation application; and;
 - (c) Payment of the reactivation fee, as required by section 4735.15 of the Revised Code.
 - (d) If the licensee's renewal deadline passed during the period of license suspension, ~~submission of the notice of renewal form, of the license~~ including payment of the renewal fee plus a penalty fee of fifty ~~per cent~~percent of the renewal fee, as required by section 4735.14 of the Revised Code.
 - (e) If the licensee's continuing education, pursuant to section 4735.141 of the Revised Code, and/or post-licensure education, pursuant to section 4735.07 or 4735.09 of the Revised Code, deadline passed during the period of license suspension, the licensee shall submit proof of completion of the required education.
- (5) A licensee's license is revoked automatically, without the taking of any action by the superintendent, when the licensee fails to properly reactivate the license under paragraph (B)(4) of this rule within twelve (12) months of the date of the license suspension.
- (C) Pursuant to division (I)(5) of section 4735.051 of the Revised Code, when the real estate commission imposes ~~continuing~~ education course(s) as a sanction for a violation of any provision of Chapter 4735. of the Revised Code, the completion of the course(s) by the licensee shall be subject to the following conditions:
- (1) The real estate commission's order imposing the ~~continuing~~ education sanction shall specify the specific course content, the number of hours to be completed, date by which the course(s) is to be completed, and the method by which satisfaction of the order is to be reported to the division of real estate and professional licensing;
 - (2) No ~~continuing~~ education course(s) ordered by the real estate commission as sanction for violation of any provision of section 4735.18 of the Revised Code shall be credited towards the licensee's continuing education requirements as addressed in section 4735.141 of the Revised Code;

- (3) Only courses pre-approved by the division of real estate and professional licensing shall be accepted for purposes of fulfilling a ~~continuing~~ education sanction as order by the real estate commission;
- (4) Any licensee ordered to complete additional ~~continuing~~ education as a sanction, may in advance of completing such course work, request written verification from the division of real estate and professional licensing that the proposed course(s) will satisfy the criteria set forth in the real estate commission's order;
- (5) The superintendent ~~of real estate~~ shall have the discretion to extend the ~~period of~~ time for completion and/or modify the course(s) content parameters of the real estate commission order imposing ~~continuing~~ education course(s) upon good cause shown;
- (6) Any ~~continuing~~ education course(s) not satisfactorily completed and reported to the division of real estate and professional licensing, as specified in the real estate commission's order, shall result in the automatic suspension of the licensee's real estate license;
- (7) Reactivation of a license suspended pursuant to paragraph (C)(6) of this rule must be within twelve months of the date of license suspension and shall only occur upon all of the following:
 - (a) Satisfactory verification of the completion of the ordered ~~continuing~~ education course(s);
 - (b) Filing of a reactivation application; and;
 - (c) Payment of a reactivation fee, as required by section 4735.15 of the Revised Code.
 - (d) If the licensee's renewal deadline passed during the period of license suspension, ~~submission of the notice of renewal form, renewal of the~~ license including payment of the renewal fee plus a penalty fee of fifty ~~per cent~~percent of the renewal fee, as required by section 4735.14 of the Revised Code.
 - (e) If the licensee's continuing education, pursuant to section 4735.141 of the Revised Code, and/or post-licensure education, pursuant to section 4735.07 or 4735.09 of the Revised Code, deadline passed during the period of license suspension, submission of proof of completion of the required education.

- (8) A licensee's license is revoked automatically, without the taking of any action by the superintendent, when the licensee fails to properly reactivate the license under paragraph (B)(7) of this rule within twelve months of the date of the license suspension.
- (D) Pursuant to division (I)(2) of section 4735.051 of the Revised Code, when the real estate commission imposes a license suspension as a sanction for a violation of any provision of Chapter 4735. of the Revised Code, the license will be automatically reactivated by the superintendent ~~at the conclusion of~~after the suspension period, unless the licensee's renewal, continuing education or post-licensure education deadline passed during the period of license suspension, in which case the license suspension is continued and the licensee is subject to the appropriate reactivation requirements of rule 1301:5-1-19 of the Administrative Code.
- (E) Pursuant to division (C)(5) of section 4735.16 of the Revised Code and section 4735.181 of the Revised Code, if the superintendent imposes a license suspension for failure to remit the fine contained in a final citation, the license reactivation must be within twelve (12) months of the date of license suspension, and shall only occur upon all of the following:
- (1) Payment in full to the division of real estate and professional licensing all fines imposed, and
 - (2) Filing of a reactivation application,~~and~~;
 - (3) Payment of the reactivation fee, as provided in section 4735.15 of the Revised Code;
 - (4) If the licensee's renewal, continuing education or post-licensure education deadline passed during the period of license suspension, the licensee is also subject to the appropriate reactivation requirements of rule 1301:5-1-19 of the Administrative Code;~~and~~
 - (5) A licensee's license is revoked automatically, without the taking of any action by the superintendent, when the licensee fails to properly reactivate the license under this paragraph within twelve (12) months of the date of the license suspension.
- (F) Pursuant to section 4735.182 of the Revised Code, if a license is suspended for failure to remit payment on an unpaid ~~check~~negotiable instrument for insufficient funds or the penalty fee, the license reactivation must be within twelve (12) months of the date of license suspension, and shall only occur upon all of the following:

- (1) Payment by cashier's check, certified check or money order, all fees due and fines imposed; ~~and~~
- (2) Filing of a reactivation application; ~~and~~
- (3) Payment of the reactivation fee, as provided in section 4735.15 of the Revised Code; ~~and~~
- (4) If the licensee's renewal, continuing education or post-licensure education deadline passed during the period of license suspension, the licensee is also subject to the appropriate requirements of rule 1301:5-1-19 of the Administrative Code; ~~and~~
- (5) A licensee's license is revoked automatically, without the taking of any action by the superintendent, when the licensee fails to properly reactivate the license under this section within twelve (12) months of the date of the license suspension.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03

Statutory Authority:

Rule Amplifies: