

1301:5-3-14 **Settlement agreements.**

- (A) Any real estate broker or real estate salesperson who has been notified by the superintendent of a hearing to be held by a hearing examiner pursuant to Chapter 119. of the Revised Code ~~for the purpose of determining~~ to determine whether a violation(s) of section 4735.18 of the Revised Code occurred by such licensee may enter into a settlement agreement with the superintendent.
- (B) The settlement agreement shall contain the following information:
- (1) A description of the conduct which the superintendent alleges the licensee committed;:
 - (2) An admission by the licensee that the licensee engaged in such conduct;:
 - (3) An acknowledgement by the licensee that such conduct admitted to constitutes a violation of section 4735.18 of the Revised Code;:
 - (4) A waiver by the licensee of ~~their~~ the licensee's right to an administrative hearing pursuant to Chapter 119. of the Revised Code;:
 - (5) An acknowledgement by the licensee that the licensee had the opportunity to review the settlement agreement with ~~his/her~~ the licensee's legal counsel and understands said ageement ;:
 - (6) Recommendation of a sanction, if any, which the superintendent believes should be imposed by the Ohio real estate commission on the licensee for the admitted violation(s) of section 4735.18 of the Revised Code. However, the superintendent may choose not to make any recommendation as to a sanction and leave that solely within the discretion of the ~~Ohio real estate~~ commission;:
 - (7) An acknowledgement by the parties that the settlement agreement, if accepted and adopted by the ~~Ohio real estate~~ commission, will become a final order;:
 - (8) A waiver by the licensee of all appeals pursuant to section 119.12 of the Revised Code and right to reconsideration pursuant to section 4735.19 of the Revised Code;: and
 - (9) Any other provision which the superintendent deems to be appropriate.
- (C) If a settlement agreement is accepted by the licensee and the ~~division~~ superintendent, the formal hearing shall be continued and the terms of the settlement agreement shall

be presented to the ~~Ohio real estate~~ commission at their next regularly scheduled meeting. The commission may hear the testimony of the parties to the settlement agreement and the complainant upon request. The testimony shall relate only to mitigation of the settlement agreement or the commission's acceptance, reduction of sanction, or rejection of the settlement agreement. The commission shall not hear the testimony of any additional witnesses and shall not admit any exhibits. All settlement agreements are contingent on the approval of the ~~Ohio real estate~~ commission.

- (D) The superintendent shall not enter into any settlement agreements with a licensee if the superintendent knows it is not the licensee's free and voluntary act to enter into such an agreement.
- (E) Upon reviewing a proposed settlement agreement, the ~~Ohio real estate~~ commission may accept, reduce the sanction or reject said proposal. If the settlement agreement is rejected by the commission, the ~~hearing pursuant to Chapter 119. of the Revised Code shall be rescheduled~~ matter is returned to the division for further proceedings pursuant to section 4735.051 of the Revised Code.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03

Statutory Authority:

Rule Amplifies: