

1301:5-6-01 **Management level licensee.**

(A) A licensee will be found to be a management level licensee under division ~~(K)~~(FF) of section ~~4735.51~~4735.01 of the Revised Code if both of the following apply:

- (1) The licensee has been assigned management duties that involve oversight responsibilities for the brokerage's main office, a branch office, or a division within that brokerage by its principal broker; and,
- (2) Those management duties include the supervision of affiliated licensees whose agency duties to their clients may conflict with those of other licensees affiliated with the brokerage.

~~(B) Unless a licensee meets the requirements of paragraph (A) of this rule, the following are not considered to be management level licensees:~~

- ~~(1) Any licensee who has an ownership interest in the brokerage with which the licensee is affiliated, unless acting in a manner that is calculated to influence or have an effect on a real estate transaction, other than a transaction in which the licensee is a direct participant.~~
- ~~(2) Any licensee who is an officer of the brokerage with which the licensee is affiliated, unless acting in a manner that is calculated to influence or have an effect on a real estate transaction, other than a transaction in which the licensee is a direct participant.~~
- ~~(3) A licensee who voluntarily provides advice and/or assistance to other licensees affiliated with the brokerage but who does not do so as an assigned duty, unless compensated for such advice and/or assistance.~~

~~(C)~~(B) Supervision shall include, but; not be limited to, the general oversight of, or the direction of, activities conducted by other real estate licensees affiliated with the brokerage.

~~(D)~~(C) The assignment of supervisory duties to management level licensees does not relieve the ~~brokerage and its~~principal brokers from ~~their~~the principal brokers' responsibility to actively oversee and direct the operations of the business conducted on behalf of the brokerage.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03

Statutory Authority:

Rule Amplifies: