

1301:5-6-02

Open houses and referrals.

- (A) A licensee who acts as a host at an open house on behalf of a listing agent will only be considered to be the agent of the seller if one of the following applies:
- (1) The licensee was appointed by the listing agent or the brokerage to represent the seller and the seller agreed in writing to that representation;
 - (2) The licensee assisted in establishing the agency relationship;
 - (3) The licensee received confidential information from the listing agent; or;
 - (4) The licensee is a management level licensee as defined in division ~~(K)~~(FF) of section ~~4735.51~~4735.01 of the Revised Code, except as provided in division (C) of section 4735.70 of the Revised Code.
- (B) The licensee will not be found to have assisted in establishing an agency relationship as provided in section 4735.53 of the Revised Code as a result of referring a prospective purchaser or seller to another licensee or receiving a referral fee. However, if the licensee making the referral, participates in the real estate transaction which results from the referral and receives a referral fee, the payment of that referral fee must be disclosed to all parties to the transaction. For purposes of this rule, the terms "referral" and "referring" have the same meaning as contained in paragraph (C) of rule 1301:5-5-06 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03

Statutory Authority:

Rule Amplifies: