

1301:5-6-03

Mandatory company policy.

~~The written company policy required under section 4735.54 of the Revised Code shall, at a minimum, address the following information and be applicable to all offices of the brokerage:~~

(A) The written company policy required under section 4735.54 of the Revised Code shall be available to all affiliated licensees and, at a minimum, address the following information and be applicable to all offices of the brokerage:

~~(A)~~(1) The types of agency relationships the affiliated licensees of the brokerage may establish including an explanation of each agency relationship authorized and whether any dual agency relationships are permitted;

~~(B)~~(2) A current list of positions in the brokerage, if any, which are designated by the brokerage as principal brokers, and management level licensees;

~~(C)~~(3) The procedure to be followed for an affiliated licensee to be appointed to represent the client of another affiliated licensee, including the procedure for giving prior notification and obtaining approval of the client for this representation;

~~(D)~~(4) The type of agency relationship that shall be established and the disclosures that shall be made when licensees are handling real estate transactions involving persons with whom they have a personal, business, or familial relationship;

~~(E)~~(5) The type of agency relationship that shall be established and the disclosures that shall be made when licensees are handling real estate transactions involving themselves or any affiliated licensee as a party to the transaction;

~~(F)~~(6) The procedures to be followed to ensure that confidential information is not disclosed in violation of the licensee's agency duties. These procedures shall include those steps affiliated licensees are required to follow to protect confidential information from being disclosed to other licensees within the brokerage who are not bound by the agency relationship. This policy must address the following:

~~(1)~~(a) Office files;

~~(2)~~(b) Computerized records and messages;

~~(3)~~(c) Office meetings and discussions;

- ~~(4)~~(d) Facsimile transmissions;
 - ~~(5)~~(e) Telephone messages, inter-office messages, and any kind of conversations;
 - ~~(6)~~(f) Meetings and conversations with clients;
 - ~~(7)~~(g) Internet websites including social networking sites and blogs.
- ~~(6)~~(7) If the brokerage practices dual agency, the procedures to be followed by a licensee in the event any of the following occurs:
- ~~(1)~~(a) A party to a real estate transaction refuses to consent to dual agency;
 - ~~(2)~~(b) A party to a real estate transaction seeks to terminate an agency relationship as the result of an attempt to create a dual agency relationship;
 - ~~(3)~~(c) There is a material change to any of the information that was previously disclosed to any party prior to obtaining full consent to the dual agency.
- ~~(H)~~(8) The procedures to be followed by a licensee who wishes to change an agency relationship, to include but not be limited to procedures for securing the written consent of the client(s) to such change; and,
- ~~(H)~~(9) The types of cooperation, and explanation thereof, which are offered other brokerages, including:
- ~~(1)~~(a) Whether the brokerage offers subagency;
 - ~~(2)~~(b) Whether the brokerage offers compensation to subagencies and buyer's brokerages;
 - ~~(3)~~(c) Whether the brokerage accepts compensation from other brokerages; and,
 - ~~(4)~~(d) Whether the types of cooperation are offered on a consistent and equal basis to all brokerages.
- (10) If the principal broker is approved by the superintendent to serve as principal broker in more than one brokerage, the name(s) and business address(es) of the additional brokerage(s).
- (11) If the brokerage operates under more than one trade name, a list of any and all such trade names.

(B) The principal broker is responsible for providing and documenting receipt of such policy by each employee, independent contractor and affiliated licensee.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03

Statutory Authority:

Rule Amplifies: