

# **Department of Commerce Division of Real Estate and Professional Licensing**

## **BASE INVENTORY OF REGULATORY RESTRICTIONS**

<i>CONTACT NAME</i>		<i>E-MAIL ADDRESS</i>		<i>PHONE NUMBER</i>	
RULE NUMBER	REGULATORY RESTRICTION	DESCRIPTION OF REGULATORY RESTRICTION	STATUTE UNDER WHICH THE REGULATORY RESTRICTION WAS ADOPTED	IS THE REGULATORY RESTRICTION EXPRESSLY OR SPECIFICALLY REQUIRED BY STATE OR FEDERAL LAW?	IS A LAW CHANGE REQUIRED IN ORDER TO REMOVE THE RESTRICTION?
1301:5-1-01(A)		The commission, in giving public notice as to the adoption, amendment, or rescission of any rule... shall publish a notice, at least once, in the register of Ohio.... The notice shall appear at least thirty days prior to the date set for the hearing.... The notice shall meet the requirements of division (A) of section 119.03 of Revised Code.	4735.10, 119.03	Yes, state law	Yes, state law
1301:5-1-01(B)		Ohio real estate commission shall be authorized to give additional notice...; however... additional notice shall not be mandatory and the failure to give notice... other than as specified above (A) shall not... invalidate any action... taken by the Ohio real estate commission.	4735.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-02(A)		Every real estate broker or salesperson, acting in a capacity as such or in handling his or her own property shall be identified in advertising by name. "Name identification in advertising by a licensee shall consist of only the name of the person, partnership, corporation, limited liability company, limited liability partnership or association."	4735.06, 4735.16, 4735.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-02(B)		The brokerage name shall be displayed at least in equal prominence with the salesperson's name in all advertising. A licensee shall not be considered to have violated this rule if the advertising medium is not owned or controlled by the licensee and does not allow the licensee to control or direct the size and prominence of the names.	4735.06, 4735.16, 4735.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-02(C)		When approved to conduct business under a trade name, such trade name shall be the identifying name used by such broker in all advertising. When approved to conduct business under more than one trade name, such trade names shall be the identifying name used in all advertising. The licensee must advertise in at least one of the approved trade names.	4735.06, 4735.16, 4735.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-02(D)		"All internet advertising... shall disclose the name of the brokerage on every viewable web page..." When electronic messaging advertising has limited information or characters, a licensee must provide a direct link to a display that is in compliance with paragraph (D). When a website's terms of use limit the licensee's ability to comply with paragraph (D) of this rule, the licensee must provide a direct link to a display that is in compliance.	4735.06, 4735.16, 4735.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-02(E)		"Information on a... website maintained by a licensee... shall be updated within fourteen days of... becoming outdated or expired. Each website maintained by a licensee shall disclose the date upon which the information... was most recently updated. If a licensee's website is maintained... by a third party, the licensee shall provide to the third party, a timely written notice.... of any updates to outdated or expired information.... A licensee who provides such timely notice shall not be in violation of this paragraph...."	4735.06, 4735.16, 4735.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-02(F)		"No licensee shall be responsible for the accuracy of information taken from the licensee... and placed on a website, or in other advertising, that is outside the licensee's ownership and/or direct control."	4735.06, 4735.16, 4735.10	No, general rulemaking authority	No, general rulemaking authority

1301:5-1-02(G)	"A licensee shall not advertise or alter any information regarding a listing... that is not listed ... with the licensee's brokerage... [without] first secur[ing] written permission... and fully disclos[ing] in the advertisement the name of the listing brokerage.... The term alter shall not include limiting informational parts of a listing...."	4735.06, 4735.16, 4735.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-03(A)	"There shall be one only real estate broker's license issued to an individual."	4735.06, 4735.08, 4735.10, 4735.13	Yes, state law	Yes, state law
1301:5-1-03(B)	If a principal broker... desires to serve as the principal broker for more than one brokerage, the principal broker must seek approval from the superintendent... If the brokerage is a partnership or	4735.06, 4735.08, 4735.10, 4735.13	Yes, state law	Yes, state law
1301:5-1-03(B)	If a principal broker... desires to serve as the principal broker for more than one brokerage, the principal broker must seek approval from the superintendent... If the brokerage is a partnership or limited liability partnership, the principal broker must be a general partner....	4735.06, 4735.08, 4735.10, 4735.13	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-03(C)	"a corporation or limited liability company must have at least one principal broker....This principal broker must be an officer or shareholder of the corporation or a member of the limited liability company. Said principal broker shall perform the functions of a principal broker solely on behalf of and in the name of the corporation or limited liability company.... No corporation or limited liability company shall maintain a valid brokerage license without at least one principal broker...."	4735.06, 4735.08, 4735.10, 4735.13	Yes, state law	Yes, state law
1301:5-1-03(D)	"Officers of a corporation or members of a limited liability company... who are not... a principal or management level licensee shall submit... an affidavit stating that... [he/she] is not authorized to nor will act as a principal broker or management level licensee...."	4735.06, 4735.08, 4735.10, 4735.13	Yes, state law	Yes, state law
1301:5-1-03(E)	"A partnership or limited liability partnership must have at least one principal broker.... This principal broker must be a general partner.... Said principal broker shall perform the functions of a principal broker solely on behalf of and in the name of the partnership or limited liability partnership... unless... approved... to serve... for more than brokerage.... No partnership or limited liability partnership shall maintain a valid real estate broker's license without at least one principal broker... who is a general partner.	4735.06, 4735.08, 4735.10, 4735.13, 4735.081	Yes, state law	Yes, state law
1301:5-1-03(F)	"General partners or limited partners of a partnership or limited liability partnership... who are not... a principal or management level broker shall submit... an affidavit stating that... [he/she] is not authorized to nor will act as a principal or management level broker...."	4735.06, 4735.08, 4735.10, 4735.13	Yes, state law	Yes, state law
1301:5-1-03(G)	"An association must have at least one principal broker...This principal broker must be a member of the association. Said principal broker shall perform the functions of a principal broker solely on behalf of and in the name of the association.... No association shall maintain a valid brokerage license without at least one principal broker...."	4735.06, 4735.08, 4735.10, 4735.13	Yes, state law	Yes, state law
1301:5-1-03(H)	"Members of an association... who are not licensed as a principal or management level broker shall submit... an affidavit stating that the member is not authorized nor will act as a principal or management level broker...."	4735.06, 4735.08, 4735.10, 4735.13	Yes, state law	Yes, state law
1301:5-1-03(I)	"a sole proprietorship has only one affiliated broker who shall act as the principal broker"	4735.06, 4735.08, 4735.10, 4735.13, 4735.081	Yes, state law	Yes, state law
1301:5-1-04(B)	"The applicant shall... Submit... a corrected application or the additional information requested."	4735.06, 4735.09, 4735.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-04(C)	"Failure to... submit a corrected application or additional information shall constitute just cause... to impose a forfeiture of the application fee... and void the application."	4735.06, 4735.09, 4735.10	No, general rulemaking authority	No, general rulemaking authority

1301:5-1-04(D)	"Any principal broker who terminates sponsorship of an applicant... shall give... notice in writing. An applicant not yet approved... to sit for the real estate salesperson examination shall... submit... a corrected application.... Failure to... submit a corrected application shall constitute just cause... to impose a forfeiture of the application fee.... An applicant approved.. to sit for the examination shall be permitted to take the examination. The division shall only issue a new license when the applicant both passes the salesperson examination and submits... a new principal broker."	4735.06, 4735.09, 4735.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-05(A)	An applicant must take the real estate examination.... The applicant shall have twelve months.... To pass both portions of the examination. The applicant must notify... the division and the sponsoring principal broker of any change in application status....	4735.07, 4735.09, 4735.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-05(B)	"The applicant for the.. broker license shall submit a... processing fee.... All applicants shall submit a separate examination fee payable to the testing vendor...."	4735.07, 4735.09, 4735.10, 4735.06	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-05(C)	Examinations fees shall be set forth in the agreement between the superintendent and the testing vendor.	4735.07, 4735.09, 4735.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-05(D)	The applicant for the real estate sales license shall submit a... processing fee.... All applicants shall submit a separate examination fee payable to the testing vendor....	4735.07, 4735.09, 4735.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-05(E)	The broker license applicant must achieve a scaled score of at least seventy-five per cent.... The salesperson license applicant must achieve a scaled score of at least seventy per cent.... To retake the failed portion(s), the applicant must reapply and remit a new application processing fee.... The applicant must also remit the examination fee payable to the testing vendor....	4735.07, 4735.09, 4735.10, 4735.08	Yes, state law	Yes, state law
1301:5-1-05(F)	"The portion of the examination passed shall remain valid for the duration of the eligibility period. If the applicant fails to retake and/or pass any failed portion... within the eligibility period, the portion previously passed shall be considered invalid and the applicant's file shall be closed. An applicant... must then submit a new application... a new application processing fee... and a new examination fee.... The applicant must also retake both portions of the examination."	4735.07, 4735.09, 4735.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-05(G)	"Each applicant shall bring to the examination one form of government-issued photo identification and any other form of identification <u>required</u> by the testing vendor. No applicant shall be admitted to the examination unless such identification is submitted...."	4735.07, 4735.09, 4735.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-05(H)	"If the division receives... notice... of applicant misconduct prior to, during or subsequent to the examination, the superintendent shall deny the applicant's application... and prohibit the applicant from taking the examination for... twelve months...."	4735.07, 4735.09, 4735.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-05(I)	"any applicant who passes the broker examination shall do one of the following: Activate the broker license, place the broker license on deposit and, if desired reactivate the sales license."	4735.07, 4735.09, 4735.10	No, general rulemaking authority	No, general rulemaking authority

1301:5-1-05(I)	"any applicant who passes the broker examination shall do one of the following: Activate the broker license, place the broker license on deposit and, if desired reactivate the sales license."	4735.07, 4735.09, 4735.10	Yes, state law	Yes, state law
1301:5-1-06(A)	"Any principal broker who... returns the license of a licensee... shall give the licensee notice.... The principal broker must maintain proof of delivery and... shall copy the division on the notice.... The notice of return of the salesperson's license shall state that upon return of the... license..., the license will be automatically placed in an inactive status and that the superintendent may reactivate the license pursuant to the reactivation requirements.... The notice for return of a broker's license... shall state that, upon return of the broker's license..., the license will automatically be placed on deposit and that the superintendent may reactivate the license pursuant to the reactivation requirements...."	4735.10, 4735.13, 4735.18	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-06(B)	"Upon... written request from the superintendent or an affiliated licensee, a principal broker shall immediately return the license...."	4735.10, 4735.13, 4735.18	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-06(C)	"prior to filing a transfer application... the licensee shall provide written notice... to the principal broker.... The licensee shall certify on the licensee's transfer application that such written notice has been provided...."	4735.10, 4735.13, 4735.18	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-07(C)	"When depositing the broker's license... will result in the closing of the brokerage, the broker shall give written notice of this fact to all salespeople...."	4735.06, 473.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-09	"Fees other than those established by Chapter 4735. of the Revised Code shall be as follows...."	4735.06, 4735.09, 4735.10, 4735.15	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-09(F)	The aggregate fee charged for a name change... shall not exceed six thousand dollars.	4735.06, 4735.09, 4735.10, 4735.15	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-09(G)	"The... commission may require the use of a cashier's check, certified check or money order...."	4735.06, 4735.09, 4735.10, 4735.15	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-12(B)	"The superintendent shall maintain a list of all persons who have requested... notification [of commission meetings]. Any person wishing to receive notification shall submit the request in writing. Requests shall [meet certain requirements]. If a media representative requests notice of special meetings the media representative shall also provide no more than two telephone numbers at which they may be reached.	4735.10 , 4735.19	Yes, state law	Yes, state law
1301:5-1-12(C)	"The superintendent shall provide a notice to all persons on the mailing list.... The superintendent shall make all reasonable effort to provide notice of all special meetings...."	4735.10 , 4735.19	Yes, state law	Yes, state law
1301:5-1-12(D)	No fee shall be assessed to persons requesting to be notified by electronic mail. The superintendent may.. assess a reasonable fee on persons requesting printed notices of meetings. The fee shall not exceed the cost of producing and mailing the notices.	4735.10 , 4735.19	Yes, state law	Yes, state law
1301:5-1-13	"Evidence that a licensee has failed to obey a subpoena... shall constitute prima facie evidence of misconduct and shall constitute a violation of division (A)(6) of section 4735.18 of the Revised Code."	4735.04, 4735.10, 4735.18, 119	Yes, state law	Yes, state law

1301:5-1-14(A)	"No arrangement... shall be entered into by any licensee whereby an individual licensee lends the licensee's name or license for the benefit of another... or whereby the provisions of the real estate license laws or regulations are circumvented."	4735.081 4735.10, 4735.18	Yes, state law	Yes, state law
1301:5-1-14(B)	"Lending a principal broker's license for the benefit of another... shall be construed as including any arrangement whereby a principal broker fails to personally oversee and direct the operations of the business.... A principal broker approved... to be licensed with and act as the principal broker for more than one brokerage does not violate this section...."	4735.081 4735.10, 4735.18	Yes, state law	Yes, state law
1301:5-1-14(C)	"Evidence that a licensee has entered into an arrangement to lend the licensee's name or license... shall constitute prima facie evidence of misconduct and shall constitute a violation of [R.C. 4735.18(A)(6)]."	4735.081 4735.10, 4735.18	Yes, state law	Yes, state law
1301:5-1-14(D)	Evidence that a licensee has entered into an arrangement with a principal broker to use the principal broker's name or license... shall constitute prima facie evidence of misconduct and shall constitute a violation of [R.C. 4735.18(A)(6)]."	4735.081 4735.10, 4735.18	Yes, state law	Yes, state law
1301:5-1-15(A)	"To establish an individual's satisfactory completion of the educational requirements... the individual shall present to the division... a properly issued certificate, transcript or similar documentation...."	4735.07, 4735.10, 4735.09	Yes, state law	Yes, state law
1301:5-1-15(C)	"An individual who has provided classroom instruction of the pre-licensure educational requirements... within a ten-year period immediately preceding their current application for licensure... shall be considered to have successfully completed the unduplicated classroom hours of each required course so instructed."	4735.07, 4735.10, 4735.09	Yes, state law	Yes, state law
1301:5-1-16(A)	"No person nor entity shall engage in any conduct for which a real estate license is required until an effective date of licensure has been established by the division."	4735.02, 4735.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-17	"the record of an adjudication hearing... shall be provided by use of audio or video teleconferencing electronic recording devices. Such recording shall serve as the official record of the proceeding.... A stenographic service other than the division's audio or video recording devices may be requested.... Advance written notice shall be provided.... All scheduling with the stenographic service shall be the responsibility of the party requesting the stenographic service. The testimony... shall be transcribed at the cost of the [requesting] party.... Upon request, the stenographic service may provide a transcript... and the cost of the transcript shall be the responsibility of the [requesting] party...."	4735.10, 119.09	Yes, state law	Yes, state law
1301:5-1-18(A)	"the following shall apply: The... commission may include... any combination of sanctions in its order; Where multiple violations... are found... the... order shall specifically state the sanction(s) applicable to each violation."	4735.051, 4735.181, 4735.16, 4735.141, 4735.14, 4735.10	Yes, state law	Yes, state law

1301:5-1-18(B)	"when the... commission imposes a... fine as a sanction for violation of... Chapter 4735... the payment of the fine... shall be subject to the following conditions: ...payment of any fine shall be received by the division... within thirty days.... Any fine or payment not received by the division... shall result in the automatic suspension of the licensee's... license; Reactivation of a license... must be within twelve months of the date of license suspension and shall only occur upon all of the following: ...If the licensee's continuing education... and/or post-licensure education... deadline passed during the period of... suspension, the licensee shall submit proof of completion of the required education."	4735.051, 4735.181, 4735.16, 4735.141, 4735.14, 4735.10	Yes, state law	Yes, state law
1301:5-1-18(C)	when the... commission imposes education course(s) as a sanction... the completion of the course(s)... shall be subject to the following conditions: The... commission's order... 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...; No education course(s) ordered... shall be credited towards the licensee's continuing education requirements...; Only courses pre-approved by the division... shall be accepted...; Any licensee ordered to complete additional education... may... request written verification... that the proposed course(s) will satisfy the... order; The superintendent shall have the discretion to extend the time for completion and/or modify the course(s) content parameters... upon good cause shown; Any education course(s) not satisfactorily completed and reported... shall result in the automatic suspension of the licensee's... license.... Reactivation of a license suspended... must be within twelve months... and shall only occur upon all of the following: ...verification of the completion of the ordered education course(s); Filing of a reactivation application; and Payment of an reactivation fee.... If the licensee's renewal deadline passed... renewal of the license including payment of [any fees]... If the licensee's continuing education... and/or post-licensure education... deadline passed ... submission of proof of completion of the required education.	4735.051, 4735.181, 4735.16, 4735.141, 4735.14, 4735.10	Yes, state law	Yes, state law
1301:5-1-18(E)	"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 months... and shall only occur upon all of the following: Payment in full... all fines... Filing of a reactivation application, Payment of the reactivation fee.... If the licensee's renewal, continuing education or post-licensure education deadline passed... the licensee is also subject to the appropriate reactivation requirements...."	4735.051, 4735.181, 4735.16, 4735.141, 4735.14, 4735.10	Yes, state law	Yes, state law
1301:5-1-18(F)	"if a license is suspended for failure to remit payment on an unpaid negotiable instrument for insufficient funds or the penalty fee, the license reactivation must be within twelve month... and shall only occur upon all of the following: Payment [of] all fees due and fines imposed; Filing of an reactivation application; Payment of the reactivation fee.... If the licensee's renewal, continuing education or post-licensure education deadline passed... the licensee is also subject to the appropriate requirements of rule 1301:5-1-19...."	4735.051, 4735.181, 4735.16, 4735.141, 4735.14	Yes, state law	Yes, state law
1301:5-1-19(C)	"A license shall be revoked for the failure... to reactivate a suspended license within twelve months...."	4735.06, 4735.14, 4735.13, 4735.09, 4735.10	Yes, state law	Yes, state law
1301:5-1-19(D)	"The superintendent shall provide a licensee suspended for failing to renew... notice of pending license revocation.... Such notices shall be sent by regular mail to the licensee's home address...."	4735.06, 4735.14, 4735.13, 4735.09, 4735.10	Yes, state law	Yes, state law
1301:5-1-19(E)	"If a licensee has a sales and broker license, a licensee shall pay the renewal fee... for the license which is active.... If the licensee's broker and sales licenses are both inactive, then the licensee shall pay the renewal fee for the broker license."	4735.06, 4735.14, 4735.13, 4735.09, 4735.10	Yes, state law	Yes, state law
1301:5-1-20(A)	"Licensed corporations, partnerships, limited liability companies, limited liability partnerships, sole-proprietorships or associations shall file the annual brokerage assessment along with the requisite fee... each year."	4735.10, 4735.14, 4735.15	Yes, state law	Yes, state law
1301:5-1-20(B)	"The annual brokerage assessment... shall be calculated based on the number of salespeople licensed with the brokerage...."	4735.10, 4735.14, 4735.15	Yes, state law	Yes, state law
1301:5-1-20(C)	"The superintendent shall mail the annual brokerage assessment to the business address of the brokerage...."	4735.10, 4735.14, 4735.15	Yes, state law	Yes, state law
1301:5-1-20(D)	Failure to file the annual brokerage assessment along with the requisite fee... shall result in the suspension of the license....	4735.10, 4735.14, 4735.15	Yes, state law	Yes, state law

1301:5-1-20(E)	"The superintendent shall provide notice to the licensee of the suspension of the license...."	4735.10, 4735.14, 4735.15	Yes, state law	Yes, state law
1301:5-1-21(B)	"Any licensee that advertises as being part of a team shall: 1) Include... the name of at least one of the licensees....; Include... the name of the broker or brokerage under whom the licensee is licensed. : Identify as non-licensed any unlicensed team member."	4735.10, 4735.16	No, general rulemaking authority	No, general rulemaking authority
1301:5-1-21(D)	"Failure to advertise as provided herein shall be prima facie evidence of a violation of [R.C. 4735.18(A)(21)]...."	4735.10, 4735.16	Yes, state law	Yes, state law
1301:5-1-22(A)	"All licenses issued shall be renewed on a three year renewal cycle...."	4735.10, 4735.14	Yes, state law	Yes, state law
1301:5-1-22(B)	"All licenses renewed on a timely basis shall be renewed for a three year period for a fee.. and shall be due on the licensee's birthday occurring immediately after the licensee's date of initial licensure and... every three years thereafter."	4735.10, 4735.14	Yes, state law	Yes, state law
1301:5-1-22(C)	"license" shall include real estate broker licenses... and real estate salesperson licenses...."	4735.10, 4735.14	Yes, state law	Yes, state law
1301:5-1-23	"Within ten days of the date of a request from the superintendent, an applicant or licensee shall submit fingerprints to [BCI&I]... and submit the results to the division.... The applicant or licensee shall pay any required fee and direct that the results to be transmitted to the division...."	4735.05, 4735.10	Yes, state law	Yes, state law
1301:5-3-01	The Superintendent shall submit a monthly report which shall include the following, the monthly report shall be submitted to the commission following the month it was prepared, after approval, the monthly report shall be available on request, the commission shall have access to all public records maintained by the Superintendent and to all materials pertinent to matters pending.	ORC 4735.051	No, general rulemaking authority	No, general rulemaking authority
1301:5-3-02	The recommendation or appointment shall be made as soon as possible, principal broker shall be limited to the supervision and completion of existing contracts, approval by the Superintendent shall not authorize said trustee to initiate new ventures, upon conclusion, the principal broker shall prepare a report.	ORC 4735.05	No, general rulemaking authority	No, general rulemaking authority
1301:5-3-04	Real estate transaction shall be defined as follows, one consummated bona fide sale in which the applicant received compensation and was selling agent shall constitute one-half transaction, one consummated bona fide sale in which the applicant received compensation and was the listing agent shall constitute one-half transaction, one lease for one year for which the applicant received compensation and was the procuring agent shall constitute one-half transaction, one lease for one year in which applicant received compensation and was the listing agent shall constitute one-half transaction, one lease on residential property for at least one year and the applicant received compensation and was either the listing and/or procuring agent shall constitute one-half transaction, the applicant shall have completed three years full-time experience, the term "for another" shall mean a real estate transaction in which the applicant has no ownership interest, the commission shall determine if the applicant satisfies equivalent experience.	ORC 4735.07	Yes, state law	Yes, state law
1301:5-3-07	All applications shall be made in writing and which shall include the following information, the sponsoring principal broker shall serve as guarantor of the loan and shall be liable for any amount, the new sponsoring principal broker shall assume in writing the guaranty responsibility, the transfer application shall be accompanied by an affidavit, disbursements shall be made directly, the proceeds shall be used solely for the payment of expenses, repayment shall be made in full no later than twelve months from date of issuance, the full amount of disbursement shall immediately become due, any amount outstanding shall immediately be referred to the Ohio attorney general's office for collections, no individual shall be authorized to make application for a loan, no salesperson shall be approved for admission who has not repaid any obligation, in the event of death or disability, the obligations shall be discharged, the loan amount shall be based upon the percentage of the actual cost, a copy of the applicant federal tax return must accompany the student loan application, married applicants must also submit a copy of their spouse's, any loan approved by the commission shall not exceed the actual total cost required.	ORC 4735.06, 4735.10	Yes, state law	Yes, state law
1301:5-3-09	Such reciprocity agreements shall provide the nonresident applicants who hold an active real estate license.	ORC 4735.07, 4735.09	No, general rulemaking authority	No, general rulemaking authority

1301:5-3-13	Any person shall submit to the division a written request for an exclusive right to use a specified name, any name proposed shall be approved by the Superintendent if it meets the following requirements, if the Superintendent finds the name is available, the applicant shall have 60 days from approval to apply for a license in the name, the request to review the Superintendent's denial to the commission shall be made in writing and within 30 days of denial, the request will then be scheduled for the next regularly scheduled commission meeting.	ORC 4735.06, 4735.18, 4735.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-3-14	The settlement agreement shall include the following information, if accepted by the licensee and the Superintendent, the formal hearing shall be continued and the terms shall be presented to the commission, the testimony shall relate only to mitigation of the agreement, the commission shall not hear testimony of any additional witnesses and shall not admit any exhibits, the Superintendent shall not enter into any agreements if the Superintendent knows it is not their free and voluntary act to enter into the agreement.	ORC 4735.051, 4735.10	Yes, state law	Yes, state law
1301:5-3-15	Post-licensure instruction shall not be offered to a licensee that exceeds 8 hours per day.	ORC 4735.07, 4735.09	Yes, state law	Yes, state law
1301:5-3-16	The committee shall consist of nine voting members, the chairperson and vice and members shall be appointed annually by the commission, the commission shall fill any vacancy, members may not serve more than 2 consecutive terms, membership shall be comprised of the following, a majority shall constitute a quorum, the committee shall hold at least one meeting annually, the commission shall do the following, adopt a prescribed funding application which shall require disclosure, adopt factoring criteria which shall be utilized by the commission, adopt standard granting conditions that must require periodic progressing reporting for grants, adopt a grant award letter which shall include special conditions which must be satisfied by the grantee, the division shall do the following, maintain and prepare required documents pursuant to (E) of the rule.	ORC 4735.03, 4735.09, 4735.06	No, general rulemaking authority	No, general rulemaking authority
1301:5-5-01	Every brokerage shall prominently display the following statement, the statement shall be printed in bold type and shall be at least 8 inches in size, it shall also include the address and telephone number of the offices and shall bear the equal housing logo, the pamphlet required shall be at least 4 inches by eight inches in size and shall contain the statement provided above, new pamphlets shall make appropriate changes, displayed statements shall be replaced within a reasonable time.	ORC 4735.03, 4735.10 and 4735.16	Yes, state law	Yes, state law
1301:5-5-06	The out of state broker or country broker who refers clients may not perform any other acts unless they first obtain a Ohio real estate license.	ORC 4735.022, 4735.10, 4735.02 and 4735.01	No, general rulemaking authority	No, general rulemaking authority
1301:5-5-07	An individual shall be exempt from licensure only if they perform the following limited duties, the individual may not perform the following, the principal broker or management level shall supervise and regularly verify compliance with this rule.	ORC 4735.01, 4735.10	No, general rulemaking authority	No, general rulemaking authority
1301:5-5-08	No licensee shall accept any note etc. without knowledge and written consent of owner, special or trust bank accounts shall be designated by the depository and all tickets and checks shall bear the words ..., if the financial institution is maintained requires a special minimum balance that must be maintained, the broker may maintain that amount as the broker's funds, if the financial institution requires a service charge be paid, the broker may maintain a reasonable amount to cover the charge.	ORC 4735.18(A)(26)	Yes, state law	Yes, state law
1301:5-5-09	Every brokerage shall keep a record of all trust funds received and shall include the following information, evidence of a licensee's failure to maintain records shall constitute a violation of (A)(24) of 4735.18.	ORC 4735.081, 4735.24, 4735.18(A)(26), 4735.10	Yes, state law	Yes, state law
1301:5-5-11	All brokerages shall establish and maintain a separate trust account, before making disbursements, the real estate licensee shall ensure that the account balance is sufficient, the interest earned shall be payable on a pro rata basis to the owner, the interest shall be paid or credited on a regular basis, any such agreement must be in writing, nothing in this rule shall be construed to require the trust account earn interest, a separate ledger sheet shall be maintained identifying the following information, security deposits must be deposited and maintained in the property management trust account, security deposits maintained must be clearly identified and credited to the tenant, all brokerages shall provide accounting to each owner, division (A)(26) does not apply to brokers only engaged in property management as required under (A)(27).	ORC 4735.081, 4735.18(A)(27)	Yes, state law	Yes, state law

1301:5-5-23	The contract with the property owner shall specify the purposes for which the brokerage may make withdrawals, any modification must be agreed to in writing, brokerages engaged in management must comply with (C) and (E) of 1301:5-5-11 of OAC.	ORC 4735.18(A)(26), 4735.10(d)	Yes, state law	Yes, state law
1301:5-5-24	Any party who participates may be accompanied by legal counsel, who role shall be limited, nothing said or done during the informal mediation shall be disclosed to the mediator or staff, if accommodation is reached, the mediator shall prepare an accommodation agreement, the agreement shall be signed by persons bound, the accommodation agreement shall be held in conference, if the Superintendent finds the licensee has failed to comply with the terms, the following shall apply, the licensee's failure shall constitute prima facie evidence of misconduct and a violation of (A)(6) of 4735.18, the complaint file shall be closed if the following occur, if an accommodation is reached and terms satisfied, the complaint file shall be closed, if not, the investigator shall proceed with the investigation.	ORC 4735.051	No, general rulemaking authority	No, general rulemaking authority
1301:5-5-25	The commission shall only consider applications for reconsideration pursuant to 4735.19, a description of newly discovered evidence shall accompany the application for reconsideration.	ORC 4735.19	No, general rulemaking authority	No, general rulemaking authority
1301:5-5-30	The appendix contains the form to be used as required by (C) of 4735.621.	ORC 4735.621	Yes, state law	Yes, state law
1301:5-6-01	Supervision shall include, but not limited to, the general oversight of, or the direction of, activities conducted by other licensees of the brokerage.	ORC 4735.01	No, general rulemaking authority	No, general rulemaking authority
1301:5-6-02	The payment of that referral fee must be disclosed to all parties of the transaction.	ORC 4735.01, 4735.70, 4735.53	No, general rulemaking authority	No, general rulemaking authority
1301:5-6-03	The written company policy shall be available to all affiliated licensees and address the following offices, 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, 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, these procedures shall include those steps affiliated licensees are required to follow to protect confidential information from being disclosed to other licensees	ORC 4735.54	Yes, state law	Yes, state law
1301:5-6-04	Divisions of 4735.55 shall only apply to an agency agreement in which the property identified on the agency agreement falls within the definition of housing accommodation, unless exempt, the statement regarding blockbusting shall read as follows.	ORC 4735.55, 4735.56	Yes, state law	Yes, state law
1301:5-6-05	A broker shall develop a consumer guide to agency relationships that contains written disclosures required by (B) of 4735.56, the consumer guide shall be entitled and title font size no less than 14 points, contain the disclosures required under (A)(2) and (3) of 4735.55 for housing accommodation, contain a disclosure that Ohio law requires the guide to be provided and the agent is required to obtain their signature, provide all required disclosures in a font size of no less than 11 points, other licensees are not required to make the disclosures if previously provided by another licensee of the same brokerage, the acknowledgment shall not be contained within any contract, agreement etc. to which the buyer or seller is a party.	ORC 4735.56	No, general rulemaking authority	No, general rulemaking authority
1301:5-6-06	If the purchaser or seller declines to acknowledge receipt required pursuant to 4735.56 etc., the licensee shall note the following on the bottom of the form, if a purchaser or seller declines to acknowledge receipt, notice thereof shall immediately be communicated to a management level licensee, the brokerage shall maintain a copy of the form, no licensee shall fail to deliver or present an offer because the party has declined to sign an agency disclosure statement or it was not received, no modification etc. of the agency disclosure statement shall be permitted.	ORC 4735.58	Yes, state law	Yes, state law
1301:5-6-07	The following appendix A contains the form to be used as required by 4735.57.	ORC 4735.57	Yes, state law	Yes, state law
1301:5-6-08	This delegation must be done in writing and must be signed by the client, it must also include language notifying the client of the right to veto the appointment, if any delegation is made, the licensee must notify the client that such an appointment is being made, when dual agency relationship is created, both the seller and the purchaser must have full knowledge and consent in writing.	ORC 4735.53(B)(3)	No, general rulemaking authority	No, general rulemaking authority

1301:5-6-09	A licensee shall not negotiate the sale etc. directly with the purchaser or tenant if the licensee has actual knowledge that the purchaser or tenant has entered into a written agency agreement that grants exclusive agency to another broker and it is in effect, a licensee is required to inquire as to the nature of the purchaser or tenant's relationship with another licensee, the licensee is not required to verify the accuracy of such a representation by a purchaser or tenant.	ORC 4735.75	Yes, state law	Yes, state law
1301:5-7-02(A)-(H)	All real estate licensees are required to certify completion of 30 hours of CE courses, licensees must certify completing 30 hours on or before the licensee's DOB, where licensee fails to meet CE requirements due to military service, licensee must submit proof of completion on or before date required by 4735.13, each licensee who is 70 or older shall submit proof of completing the hours of CE on or before the licensee's DOB and every 3 years thereafter, regardless of age, if a licensee is a licensed broker, broker on deposit or acts as a management level licensee, the licensee shall submit proof of completing a 3 hour course on the duties of a principal broker and other issues on or before the DOB and 3 years thereafter, for every 3 year reporting period, licensees shall complete various classroom hours in relevant areas outlined in rule, the licensee shall submit to the Superintendent proof of completion on a form prescribed by the Superintendent, no licensee shall receive credit for a course that has not been previously certified by the commission.	ORC 4735.141	Yes, state law	Yes, state law
1301:5-7-03(A), (B), (C), (D), (G), (I), (J), (L)	Continuing education courses shall be completed in seminars, schools, and educational institutions, an applicant for initial course approval, additional course offerings of an approved course, or renewal of a course approval shall apply to the division for approval on the appropriate form, the initial application form and fee must be submitted to the division at least 45 days prior to proposed initial date of the offering, an initial course approval shall be valid for the calendar year in which the course was approved, re-certification of a course approval shall be filed with the division no later than December 31st of the calendar year of initial approval and every year thereafter, any re-certification filed after shall be considered an initial application course and require approval through the submission of a course application, a new application for an approved course shall be submitted every 3 years, upon notice from the division that an application is incomplete or incorrect as filed, the applicant shall within 30 days of the date of notice of the deficiency, submit to the division a corrected application, failure to timely submit shall constitute just cause for the application to be withdrawn and Superintendent to impose a forfeiture fee, each provider shall notify the division on the appropriate form at least 15 days in advance of the addition of an offering date for an approved course or change, each provider shall notify the division in writing at least 3 days in advance of all course content changes, a fee shall also be submitted, changes to an already approved course making up more than one-third of the course hours shall be considered a new course and the provider shall be required to file for an initial course approval, the division shall not approve or grant credit for continuing education, each continuing education course shall be open to all real estate licensees, the division shall keep a current list of approved continuing education courses which shall be available to licensees and the public.	ORC 4735.14 and 4735.141	Yes, state law	Yes, state law
1301:5-7-04(A)-(E)	No provider shall certify to the attendance of a licensee who was not physically present during at least 90% of the course, the provider shall issue a certificate to a licensee who has successfully completed the course, the certificate shall include the following information, if the provider issues a course certification with incorrect information, the provider shall issue a corrected certificate to each licensee within 30 days, a provider shall maintain for 6 years a record of attendance of each licensee attending an offering disclosing the following information, each provider shall submit to the division within 10 days after completion of each offering, a list of licensees who successfully completed the course, the list shall include certain information in rule.	ORC 4735.141	Yes, state law	Yes, state law
1301:5-7-05(C)	Any applicant who wishes to appeal a denial by the Superintendent shall file a written request for a hearing, such a request must be received by the division no later than 30 days after the written notice of denial or withdrawal of approval, if a request is timely filed, a hearing before the commission shall be scheduled.	ORC 4735.141	Yes, state law	Yes, state law

















































































































































































