



Ohio Real Estate News

July/August 1985

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GOVERNOR

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CHARLES R. SANTER
SUPERINTENDENT OF REAL ESTATE

SUPERINTENDENT'S COLUMN

By Charles R. Santer, Superintendent

Welcome to the Ohio Real Estate News! In the months to follow I will be sharing with you new developments in Ohio Real Estate regulation that will hopefully improve our service to real estate licensees, educators, and the general public. This newsletter was previously published by the Ohio Division of Real Estate under the name "Buckeye Real Estate News". Unfortunately, publication was discontinued in 1982 as a result of budgetary constraints.

I am happy to announce that these previous budget problems have been solved in the last two years, thereby allowing publication of this newsletter to commence once again.

For those of you who may not be aware, the Ohio Division of Real Estate operates only on the various fees it charges for processing applications to become licensed, as well as for annual continuations, license reinstatements, transfers, and other miscellaneous changes in a licensee's status. No general revenue or tax dollars are received by this Division to cover operating expenses. Because this agency is financed solely on the fees it generates, any change in the number of persons applying for examination, license renewal, license transfer, or other changes in their license status, directly affects the operating budget of this agency.

Doing More With Less

We have been successful in trimming the Division's annual operating budget from \$2.2 million to \$1.7 million. To accomplish this, many improvements have been implemented that have resulted in a more streamlined and efficient operation of this agency. The changes that have led to this improved efficiency include centralization of operations in the Columbus office and a reduction in our total staff from 60 to 35 persons.

While at the same time decreasing its personnel, the Division has been able to provide even better service to its licensees and the public. This has been achieved by the installation of a new computer system and the automation of several functions that were previously done manually.

Included in these newly automated tasks is the grading of real estate examinations. Presently the Division is testing approximately 7,000 applicants for the sale's exam each year, and an average of 400 applicants for the broker's exam. Approximately 75% of the sales applicants pass this test, and approximately 80% of the broker applicants are successful.

A Superintendent's Advisory Committee on Testing was also formed in 1984. This committee, which is made up of 24 forerunners in the real estate profession, has recently completed editing both the brokers and sales exams. As a result of this editing process these tests are now updated to reflect changes in both real estate practice and license law. Moreover, any ambiguous questions or language that previously existed in these tests have been either deleted or clarified. Such improvements in our exams should assure that a passing grade is reflective of the greater knowledge and competency of those obtaining a real estate license and entering this profession.

It has been my pleasure to meet many of you at some of your meetings throughout the state, and I look forward to continuing that dialogue.

Attention!!!

PLEASE SHARE THIS NEWSLETTER WITH ALL OF YOUR SALES ASSOCIATES. FEEL FREE TO MAKE COPIES.

(THIS IS MAILED TO BROKERS AND BRANCH OFFICES ONLY).

MEET THE MANAGEMENT TEAM

By Charles R. Santer, Superintendent

It is my pleasure to introduce our management team at the Ohio Division of Real Estate:

Margaret Ritenour, Deputy Superintendent and Chief Counsel.

Marcia James, Supervisor, Licensing Section.

Joyce A. Kady, Supervisor, Enforcement Section.

Nelson Snider, Supervisor, Education and Testing Sections.

These are exceptional, hard working public servants. We are here to help you, and encourage your questions and suggestions.

UPCOMING TEST DATES

(These dates are subject to addition or revision)

	SALES		BROKERS
	Columbus/Cleveland		Columbus
August	14	28	20
September	11	25	17
October	9	17	15
November	13	27	19



STATE OF OHIO
DIVISION OF REAL ESTATE
DEPARTMENT OF COMMERCE
TWO NATIONWIDE PLAZA, COLUMBUS, OHIO
43266-0547

RICHARD F. CELESTE, Governor
KENNETH R. COX, Director
CHARLES R. SANTER, Superintendent

The Ohio Real Estate Commission

PAUL J. EVERSON, President
ANN BOLTE
ARTHUR C. CHURCH
EDWARD J. KIZER
SELMER E. PREWITT

CHANGES IN LICENSING LAWS & RULES

The Ohio Division of Real Estate is pleased to announce several changes in real estate license law that have recently occurred. In Mid-June Governor Celeste signed into law House Bill 82 which amends several provisions of Ohio Revised Code Chapter 4735. The most significant portion of this bill is the transfer of the licensing and regulation of foreign real estate dealers and salesmen from the jurisdiction of the Division of Securities to the Division of Real Estate. This new law becomes effective September 11, 1985.

This Spring, the Ohio Real Estate Commission also amended several of its rules. Among these are amendments to the continuing education requirements, the criteria for approval of courses for continuing education, reinstatement eligibility and application fees. These amendments are now currently in effect.

Both the amendments to Ohio Revised Code Chapter 4735 and the rules promulgated by the Ohio Real Estate Commission will be included in the new edition of the real estate license law manual published by the Ohio Division of Real Estate. This should be available for purchase by August 1, 1985. As a real estate professional it is important that you be aware of all of the current laws and rules affecting you. If you would like to obtain a copy of this new license law book you may do so by sending a request, along with a \$4.00 check or money order made payable to the Ohio Division of Real Estate, to Two Nationwide Plaza, Columbus, Ohio 43266-0547.

Reminder- CONTINUING EDUCATION REQUIREMENTS -Reminder

For brokers and salespersons who were originally licensed before January 1, 1980 the next 30 hours of continuing education is due on January 31, 1986. As of this date there are approximately 29,000 Ohio real estate licensees who still have not submitted proof that they have satisfactorily completed this continuing education. Have you?

If proof of completion of this education is not received by January 31, 1986, those persons' licenses will be suspended automatically. If you are one of these persons, it is imperative that you complete your continuing education as soon as possible, and send in your certificate(s) of completion along with the compliance form required by our Division. If you need one of these forms, or a list of approved courses available in your area, please contact our Continuing Education Section. Remember, no exceptions or extensions can be given to complete this education. Therefore, it is important to make arrangements today to complete these courses and avoid suspension of your license.

DISCIPLINARY ACTIONS

The purpose of this article is to disseminate to licensees information concerning recent Commission activities and decisions, pursuant to Section 4735.03 (E) of the Ohio Revised Code.

The Commission has taken the following action with regard to these real estate licensees:

REVOCATIONS

JOYCE F. SALADO, sales associate, Columbus, Ohio, had her sales license revoked for violating Section 4735.18(A), (F), and (Y) of the Ohio Revised Code. Revocation became effective January 7, 1985. Salado failed to set forth in the listing contract the agreed upon commission rate, and the price for which the sellers agreed to sell their property. Salado knowingly misrepresented in the listing contract the commission rate agreed to by the sellers. Salado also altered the term for the length of the effect dates of the listing contract without the knowledge and/or consent of the sellers. Salado later failed to disclose to the sellers that a counteroffer they had made had been rejected.

ELLIOT MANSOUR, broker, Toledo, Ohio had his broker's license suspended for 30 days for violating Section 4735.18 (F), (I), and (J) of the Ohio Revised Code. This suspension commenced March 15, 1985. Mansour demanded, without reasonable cause, a commission to which he was not entitled. It was later discovered that Mansour failed to notify the Superintendent of Real Estate within 15 days of the fact that he was convicted of a felony. This is a violation of Section 4735.13 (C) of the Ohio Revised Code. Revocation was automatic and became effective March 29, 1985.

ROBERT G. HERSAM, sales associate, Columbus, Ohio, had his sales license revoked for violating Section 4735.18 (F) of the Ohio Revised Code. Revocation became effective March 27, 1985. Hersam failed to disclose to the buyers of a property that said property could be purchased for less than the asking price.

RALPH MORETTI, sales associate, Youngstown, Ohio, had his sales license revoked for violating three counts of the Ohio Revised Code Section 4735.18(A), and two counts of Section 4735.18(F). Revocation became effective April 3, 1985. Moretti represented in an offer to purchase a property that he was in receipt of an earnest money deposit when he knew or should have known that he was not in receipt of such funds. Moretti later changed the term regarding the earnest money to reflect he was in receipt of an earnest money deposit of a certain amount, when he knew or should have known that he was not in receipt of funds in that amount. Moretti also failed to include in the

purchase contract, or to obtain in writing, the seller's verbal agreement to rebate to the buyers at closing, the downpayment provided for in the contract. Moretti also directed the buyers to obtain a "gift letter" written by a relative, when he knew or should have known that the buyers were receiving said funds from the sellers, not from a relative.

ANTHONY S. VACCA, broker, Chesterfield, Ohio, had his license revoked for violating Section 4735.18 (E), (F), and (Z) of the Ohio Revised Code. Revocation became effective May 30, 1985. Vacca failed to deposit a potential buyer's earnest money deposit into his trust account, and also failed to remit this money to the potential buyer within a reasonable time. On two separate occasions, Vacca later issued a check to the potential buyer for which there were insufficient funds to cover these checks. Vacca was permitted to maintain his sales license.

SUSPENSIONS

WILMA S. GROTHEN, sales associate, Cincinnati, Ohio, had her sales license suspended for 1 day for violating Section 4735.18 (T) of the Ohio Revised Code. This suspension was served February 7, 1985. Grothen showed and offered a property for sale without the knowledge and/or consent of the owners after her broker's listing contract had expired and while the owners were out of town.

GERALD ZIGLAR, sales associate, Columbus, Ohio, had his sales license suspended for two consecutive 30 day periods for violating two counts of Ohio Revised Code Section 4735.18 (F). These suspensions commenced March 7, 1985. Ziglar represented in a purchase contract that he had deposited earnest money into a trust account, when he had, in fact, failed to do so. Ziglar failed to initial the changes and/or deletions in an agreement to extend the purchase contract. Ziglar also failed to obtain the initial of the seller to these changes and/or deletions.

LARRY D. CROSS, sales associate, Minerva, Ohio, had his sales license suspended for 30 days for violating Section 4735.18 (F) of the Ohio Revised Code. This suspension commenced March 7, 1985. Cross represented to the purchasers of a property that an effective extension of the closing date had been granted, when he had, in fact, failed to obtain a written extension.

JOSEPH R. RE, sales associate, Cincinnati, Ohio had his sales license suspended for 30 days for violating Section 4735.18 (A) of the Ohio Revised Code. As Re is not currently licensed, this suspension will run from the date of Re's request for reinstatement of his license and will continue for a 30 day period from that date. Re represented to the buyers of a property that the house had not been constructed by a particular builder, when he knew or should have known that he was without sufficient knowledge to make such a representation.

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BRUCE N. FRYE, dba FRYE REAL ESTATE, broker, Columbus, Ohio, had his broker's license suspended for 10 days for violating Section 4735.18 (DD) of the Ohio Revised Code. This suspension commenced March 7, 1985. Frye failed with a reasonable time after the receipt of a commission, to render an accounting to, and to pay a sales associate his earned share of this commission.

JAMES W. DENTON, sales associate, Columbus, Ohio, had his sales license suspended for 10 days for violating Section 4735.18(F) of the Ohio Revised Code. This suspension commenced April 27, 1985. Denton failed, on behalf of the seller, to include a provision in a counteroffer reflecting that the counteroffer was subordinate to a contract for the seller's sale of the property to another buyer.

FRED S. BRITTON, dba BRITTON REALTY CO., broker, Solon, Ohio, had his broker's license suspended for 60 days for violating Section 4735.18 (F) of the Ohio Revised Code. This suspension commenced April 27, 1985. Britton entered into a contract to purchase property from a seller when he knew or should have known that he would be unable to secure the necessary financing from a lending institution as a result of the effect a bankruptcy petition would have on his credit rating.

MORRISON L. GILBERT, sales associate, Washington Court House, Ohio, had his sales license suspended for two concurrent 90 day periods for violating two counts of the Ohio Revised Code Section 4735.18 (F). Because Gilbert is not currently licensed, this suspension will run from the date of Gilbert's request for reinstatement of his license and continue for a 90 day period from that date.

GORDON L. PLATT, sales associate, Beavercreek, Ohio, had his sales license suspended for 180 days for violating Section 4735.18 (A) and (F) of the Ohio Revised Code. This suspension commenced on June 12, 1985. Platt represented in a purchase contract and in a lease/purchase agreement for a property, that he was a real estate broker rather than a salesperson. Said documents provided for the payment of a real estate commission to Platt when he knew or should have known that he was not a licensed real estate broker at that time, and thus was not able to collect a real estate commission in his name.

EDWARD VANHORN, sales associate, Garrettsville, Ohio, had his sales license suspended for 180 days for violating Section 4735.18 (A) and (F) of the Ohio Revised Code. As Vanhorn is not currently licensed, this suspension will run from the date of Vanhorn's request for reactivation of his license, and will continue for a 180 day period from that date. Vanhorn prepared three offers for a buyer's purchase of a property. In the first two offers, Vanhorn acknowledged the receipt of earnest money deposits from the buyer, when he knew that he was not so in receipt of such deposits. In the second and third offers Vanhorn prepared for the buyer, he dated these offers with earlier dates than when the buyer actually executed them. Also, after preparing the third offer, Vanhorn did fail, within a reasonable time, to present this offer to the broker with whom the subject property was listed for sale, or to submit it to his broker for such presentation to the listing broker.

State of Ohio
Department of Commerce
Division of Real Estate
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Bulk Rate
Permit #
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