



APRIL/MAY 1991

George V. Voinovich
Governor, State of Ohio

Nancy S. Chiles
Director

Sylvia A. Keberle
Acting Superintendent

CONTINUING EDUCATION REQUIREMENTS SPECIFIED

Licenses whose continuing education is due on or after August 31, 1990, must successfully complete the following courses to meet the continuing education requirements:

- A three-hour continuing education course devoted exclusively to civil rights and fair housing.
 - A three-hour continuing education "core" course devoted to instruction in recently enacted state and federal legislation affecting the real estate industry.
 - 24 hours of approved continuing education electives of the licensee's choice.
- To meet the continuing educa-

tion requirements, a licensee must complete these courses, submit a certificate of completion for each course, and a compliance form before the due date. Please note that the licensee—not the school—is required to forward these documents to the Division.

Licenses who fail to submit proof of completing their continuing education by their due date will have their licenses **automatically suspended**. To become licensed again, these individuals must complete their education and apply to reinstate their license. The reinstatement fee is \$39 for salespersons and \$59 for brokers.

It is the licensee's duty to know their continuing education due date and submit their proof of education to the Division of Real Estate. An easy way to check your continuing education due date is by reviewing your broker's 1991 Certificate of Continuation. Brokers should review their Certificates of Continuation and notify all salespersons of their continuing education due dates.

If you have any questions regarding continuing education due dates or for information about approved courses, contact the Division's Education Section at (614) 466-4100.

DIVISION SCREENING APPRAISER APPLICATIONS: EXAM TO FOLLOW

The Ohio Real Estate Appraiser Board has directed the Ohio Division of Real Estate to begin processing and screening applicants for the residential and general appraiser classifications. An individual must be state-certified in one of these two classifications to perform appraisals on federally-related transactions which are federally-insured loans or may be underwritten by federal entities.

The "white" application dated December, 1990 is the most current application. Due to delays and changes in the requirements at the federal level, the "white" application now supersedes the "blue" application which is no longer legally acceptable.

The Division has returned the blue applications and asked for additional information to be included

on the white applications. To assist Division staff in processing applications as quickly as possible, please indicate the hourly totals on the white application under Experience Logs "Section Three A" and "Section Three B".

All applicants seeking state certification as real estate appraisers must successfully pass an examination. As applicants are approved by the Division of Real Estate, applicants will receive a letter with instructions concerning the administration of the test.

The federal Appraisal Qualifications Board of the Appraisal Foundation recently endorsed several appraisal certification exams. The Division of Real Estate is now in the process of acquiring one of the endorsed exams. Completion of the exam will take approximately four

hours and the Division is working with a testing entity to provide for the administration of the general and residential examinations to be offered in Ohio.

On May 11, testing will be offered in Cleveland and Columbus. On May 18, the exam will be held in Toledo, Cleveland, Columbus and Cincinnati. Weekly testing will continue in June if there are enough applicants.

FEES

At the time of application, there is a \$137 non-refundable fee. After passing the exam, the participant will need to send a check for \$150 to the Ohio Division of Real Estate, 77 S. High St., Columbus, OH 43266-0547, to receive his certificate. \$100 of the fee will go to the Recovery Fund and \$50 is for the federal registry fee.



REQUIREMENTS FOR GENERAL AND RESIDENTIAL APPRAISERS

GENERAL REQUIREMENTS

Ohio designation
Certified General

Federal designation Certified

Experience - 2,000 hours

(At least 1,000 hours or half in commercial, industrial, agricultural; or residential greater than 1 to 4 units)

Examination - Yes

Education

Pre-Certification 150 hours
15 Ethics Hours Required

165 Total Education Hours

If you apply on or **before 08/31/91**

(All education must be completed before renewal deadline of 2 years)

If you apply **after 08/31/91**

(All education must be completed upon application)

1. Education must be obtained through a college or university or nationally recognized appraisal organization.
2. Minimum course length 15 hour segments. No correspondence courses allowed.
3. Attendance and successful completion—must pass examination.
4. Must cover range of topical areas enumerated in Ohio Administrative Code 1301:11-3-03(A) or (B), whichever applicable.

RESIDENTIAL REQUIREMENTS

Ohio designation
Certified Residential

Federal designation Licensed

Experience - 2,000 hours

Examination - Yes

Education

Pre-Certification 60 hours
15 Ethics Hours Required

75 Total Education Hours

TOLL-FREE LINE TO END DUE TO BUDGET CUTS

In lieu of recently imposed state budget constraints, the Division must take immediate action to scale back certain non-essential operations.

Effective June 1, 1991, the Division will be discontinuing its 800 toll-free phone service to Columbus. In the absence of this service, the agency will respond in a prompt and courteous manner to all telephone and written inquiries.

Telephone inquiries from the northeastern Ohio area can be directed to our Cleveland office at (216) 787-3100. Callers to the Columbus office should use (614) 466-4100.

REAL ESTATE BRIEFS

The Division of Real Estate would like to know if you are receiving duplicate copies of this newsletter or if it is being sent to the wrong address. If this is occurring, please call the Division at (614) 466-4100 so we can correct any errors.

When calling the Division of Real Estate, licensees should obtain the name of the individual who assisted them. This will prevent any confusion as to the source of their information and provide the licensee with the name of a person to contact for future reference. Thank you for your cooperation.

TEST RESULTS

Below are the examination statistics for the second half of 1990:

BROKERS

Test Date	Total Tested	Total Passed	Pass Rate
July	16	13	81%
August	16	10	63%
September	17	12	71%
October	22	14	64%
November	22	14	64%
No tests in December			

SALES

Test Date	Total Tested	Total Passed	Pass Rate
July	654	401	61%
August	400	224	56%
September	443	221	50%
October	436	234	54%
November	528	291	55%
No tests in December			

FOREIGN REAL ESTATE

Test Date	Total Tested	Total Passed	Pass Rate
July	27	17	63%
August	19	14	74%
September	4	4	100%
October	23	12	52%
November	19	12	63%
No tests in December			

HAMBLETON RESIGNS FROM BOARD

Donald (Casey) Hambleton resigned from the Ohio Real Estate Appraiser Board on January 14, 1991. Mr. Hambleton was an original member of this Board which governs the appraisal certification process in Ohio. His fellow Board members and the Division of Real Estate appreciate the contributions Mr. Hambleton made while serving on the Board.



DISCIPLINARY ACTIONS

REVOCATIONS

CLARENCE BURNEY, sales associate, Massillon, Ohio, had his sales license revoked for violating Sections 4735.18(A)(6) and (A)(9) as it incorporates Section 4735.21 of the Ohio Revised Code. This revocation became effective January 8, 1991. Mr. Burney collected rental payments from tenants on behalf of the owner of properties. Mr. Burney collected these funds not in the name of and not with the consent of the real estate broker with whom he was associated. Rather, for four months, Mr. Burney collected rent payments in his own name, and in the name of C. Burney and Associates, Inc. Mr. Burney also entered into three separate agreements to manage the subject properties on behalf of the property owner. He entered into these agreements as property manager for C. Burney and Associates, Inc., an entity not licensed as a real estate brokerage. Mr. Burney agreed to manage this real estate through a company other than the real estate broker with whom his license was associated.

SHELENE A. CONNOR, sales associate, Garfield Heights, Ohio, had her sales license revoked for violating Sections 4735.18(A)(1), (A)(6) and (A)(8) of the Ohio Revised Code. This revocation became effective January 8, 1991. Ms. Connor represented on her real estate sales application that she was a 1982 high school graduate. However, Ms. Connor did not graduate from high school. This conduct constituted a knowing misrepresentation as well as procuring a real estate sales license by fraud, misrepresentation, or deceit, as well as gross negligence, misconduct, incompetency, and/or dishonest dealing.

SAM S. NEAL, sales associate, Cleveland, Ohio, had his sales license revoked for violating Section 4735.18(A)(6) of the Ohio Revised Code. This revocation became effective January 8, 1991. Mr. Neal received a cash earnest money deposit from a buyer in connection with the buyer's offer to purchase a property. Thereafter, Mr. Neal remitted part of the deposit to his associated broker. However, he retained the balance of the money without the consent of his broker.

JEFFREY E. PARR, sales associate,

Greenfield, Ohio, had his sales license revoked for violating Sections 4735.18(A)(6), (A)(28) and (A)(9) as it incorporates Ohio Revised Code Section 4735.21. This revocation became effective January 8, 1991. Mr. Parr prepared a purchase agreement on behalf of a buyer of a property and also collected an earnest money deposit from the buyer. Mr. Parr collected this money in his own name and not in the name of, and not with the consent of, the real estate broker with whom he was associated.

Thereafter, Mr. Parr collected additional funds from the buyer. Mr. Parr received this money in a fiduciary capacity in connection with the buyer's agreement to purchase the subject property. However, Mr. Parr failed to remit these funds to his real estate broker for deposit into the brokerage trust account.

Finally, Mr. Parr had a judgment entered against him in the Hillsboro Municipal Court in favor of the buyer. This final judgment against Mr. Parr, in his capacity as a real estate licensee, remains unsatisfied.

DONNA ZENDARSKI, sales associate, Parma, Ohio, had her sales license revoked for violating Section 4735.18(A)(6) of the Ohio Revised Code. This revocation became effective January 4, 1991. In an effort to satisfy her continuing real estate education requirements, Ms. Zendarski submitted to the Ohio Division of Real Estate six certificates representing that she completed 18 classroom hours of real estate instruction. However, Ms. Zendarski knew, or should have known, that the certificates were false in that she did not complete the instruction on the dates indicated.

SUSPENSIONS

PATRICIA J. ALLEN, sales associate, New Vienna, Ohio, had her sales license suspended for 10 days for violating Section 4735.18(A)(6) of the Ohio Revised Code. This suspension began on February 8, 1991. Ms. Allen prepared a counter-offer on behalf of the purchasers of a property. However, Ms. Allen failed to attempt to obtain the seller's written consent to this counter-offer proposal.

JAMES C. BELLAR, broker, Akron, Ohio, had his broker's license

suspended for 60 days for violating Section 4735.18(A)(6) of the Ohio Revised Code. This suspension began on February 8, 1991. During a period of time when he was not licensed as an Ohio real estate broker, Mr. Bellar managed real estate for a property owner. Thereafter, Mr. Bellar issued a check to the property owner which represented proceeds owed to the owner from the subject property. However, payment of this check was refused by the bank on which it was drawn due to insufficient funds being in the account.

BARBARA J. DETILLION, sales associate, Chillicothe, Ohio, had her sales license suspended for 10 days for violating Ohio Revised Code Section 4735.18(A)(6) and two additional counts of (A)(6) as it incorporates Ohio Administrative Code Section 1301:5-5-05. However, due to mitigating circumstances, imposition of this suspension was waived by the Ohio Real Estate Commission. Ms. Detillion prepared two separate purchase offers on behalf of two prospective buyers of a property. However, Ms. Detillion submitted these offers to the sellers without completing agency disclosure forms.

Furthermore, one of the sellers of the subject property signed a document concerning the sale of the property to the buyer. However, Ms. Detillion failed to assure that the other seller of the property signed this document.

ALBERT FRANK HAYDEN, sales associate, Chillicothe, Ohio, had his sales license suspended for 30 days for violating Section 4735.18(A)(6) of the Ohio Revised Code. Due to mitigating circumstances, however, 15 days of this suspension were waived by the Ohio Real Estate Commission. The 15-day balance of the suspension shall commence upon reinstatement of Mr. Hayden's real estate license. Mr. Hayden prepared an offer to purchase a property on behalf of a buyer wherein Mr. Hayden signed as a witness to the signatures of the buyer and sellers. However, Mr. Hayden did not witness the signatures of the sellers on said document.

ALICE W. KAO, sales associate, Strongsville, Ohio, had her sales license suspended for 15 days for violating Section 4735.18(A)(14) of

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DISCIPLINARY ACTIONS

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the Ohio Revised Code. However, due to mitigating circumstances, imposition of the suspension was waived by the Commission. In the process of obtaining a listing on a property, Ms. Kao indicated to the owners that should the property be sold, they would receive a discount or a share of Ms. Kao's commission. Subsequently, when the subject property sold, Ms. Kao credited a share of her commission to the sellers. However, Ms. Kao failed to recite this inducement in the purchase agreement.

AMIN KHAFIZ, sales associate, Cleveland, Ohio, had his sales license suspended for 15 days for violating Ohio Revised Code Section 4735.18(A)(6) and (A)(9) as it incorporates Ohio Revised Code Section 4735.21. This suspension shall commence upon reinstatement of Mr. Khafiz's real estate license. Mr. Khafiz received money from the sellers of a property in order to pay for repairs to the subject property. In addition, Mr. Khafiz received money from the buyer in connection with her agreement to lease and purchase the subject property. Mr. Khafiz collected these funds in his own name, and not in the name of, and not with the consent of his licensed real estate broker. Also, Mr. Khafiz collected these funds in a fiduciary capacity but failed to remit the funds to his broker for deposit into the brokerage's trust or special account.

MELVIN MITCHELL, sales associate, North Olmsted, Ohio, had his sales license suspended for 30 days for violating Sections 4735.18(A)(16) and (A)(21) of the Ohio Revised Code. This suspension began on February 8, 1991. Mr. Mitchell advertised by direct mail that an individual who purchased real property through him could sell the property after two years at a particular gross profit. In other words, Mr. Mitchell guaranteed future profits from the resale of real property. In addition,

Mr. Mitchell failed to indicate in the subject advertisement that he was a real estate salesman.

RECOVERY FUND ACTIONS

	Amount Paid
Richard Long	\$10,312.50
Paid on January 24, 1991	
Gerald Zariske	5,016.75
Paid on March 4, 1991	
Bruce Herron, Inc.	26,500.96
Paid March 4, 1991	

UPCOMING TEST DATES

The following are the tentatively scheduled dates for the real estate sales, brokers and foreign real estate sales examinations for the upcoming months:

	SALES COLUMBUS/CLEVELAND		BROKERS COLUMBUS	
April	3	17		8
May	1	22		13
June	5	20		10
July	10	18		8

(Additional exams may be added if warranted)

FOREIGN REAL ESTATE SALES

April	2, 30
May	28
June	25
July	23

The foreign real estate sales examination is given only in *Columbus*. Because of the small number of applicants for the foreign real estate dealer examination, these exams are scheduled on an individual basis as the applications are received.

STATE OF OHIO
DEPARTMENT OF COMMERCE
DIVISION OF REAL ESTATE
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