



JUNE/JULY 1991

George V. Voinovich
Governor, State of Ohio

Nancy S. Chiles
Director

Dennis Tatum
Superintendent

DENNIS TATUM NAMED SUPERINTENDENT OF REAL ESTATE



DENNIS TATUM

Director of Commerce Nancy S. Chiles has appointed Dennis Tatum of Shaker Heights as Superintendent of the Ohio Division of Real Estate.

Prior to his appointment, Mr. Tatum served as President of Dennis Tatum & Associates Consulting. This firm specializes in business advocacy as well as procurement and contracting opportunities for minority and female-owned businesses.

From 1986-1990, he was Director of the Cleveland Office of Equal Opportunity where he managed four operating divisions with a \$1.3 million budget. From 1980-1986, he served in the Cleveland Department of Public Utilities as a project director and administrative assistant to the Utilities Director. Additionally, while working with the Cuyahoga County Auditor's Office, Mr. Tatum was instrumental in the creation of the first fully-automated real estate tax retrieval system in the United States.

In making the appointment,

Director Chiles said, "Dennis brings a wealth of knowledge, experience and achievement to the Division of Real Estate. With his knowledge of government and the real estate industry, I am confident that he will be an outstanding Superintendent of Real Estate."

Mr. Tatum has earned associate degrees from Cuyahoga Community College. The degrees are: applied business in real estate and business management as well as an associate of arts degree.

He is the 1989 recipient of the "Martin Luther King, Jr. Highest Performance Award". This award was presented by the Minority Franchise Association for his accomplishments as Director of the Office of Equal Opportunity. He also is a decorated veteran of the Vietnam War.

FIRST CERTIFICATES ISSUED TO REAL ESTATE APPRAISERS

The first appraisers to be certified by the Ohio Division of Real Estate and the Ohio Real Estate Appraiser Board recently received their certificates in a ceremony with Director of Commerce Nancy S. Chiles. Ohio is one of the earliest states to certify real estate appraisers.

Marilyn Johnson of Mentor and Stanley Baumberger of Lexington were the first individuals in Ohio to be certified as **general** real estate appraisers. Terry Daugherty of Lancaster was the first individual to be certified as a **residential** real estate appraiser.

"I would like to congratulate Ms. Johnson, Mr. Baumberger and Mr.



FIRST APPRAISERS—Ohio's first certified real estate appraisers received their certificates in a ceremony at the Division's offices on June 13. From left are: Donald B. Leach, Jr., Chairman of the Ohio Real Estate Appraiser Board; Stanley Baumberger of Lexington, certified general appraiser; Terry Daugherty of Lancaster, certified residential appraiser; Marilyn Johnson of Mentor, certified general appraiser; and Nancy S. Chiles, Director of the Ohio Department of Commerce.

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DEADLINE FOR CONTINUING EDUCATION DRAWS NEAR

More than 17,000 real estate licensees still have not submitted proof to the Division that they have completed their continuing education requirements. Because of this high number, brokers are being asked to encourage their salespersons to complete their continuing education requirements.

The continuing education deadline for real estate professionals licensed before January 2, 1980 is January 31, 1992. The due date for individuals licensed after January 2, 1980 is three years from the date they completed their post-licensure requirements or three years since satisfying their previous continuing education requirements.

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. The Division of Real Estate will soon be mailing a printout to all brokers listing all licensees under their brokerage who have yet to submit proof to the Division of satisfying his or her continuing education requirements.

Licensees 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 education 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 real estate licensee—**not the school or broker**—is required to forward the licensee's documents to the Division.

Licensees 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.

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.

TOLL FREE PHONE LINE DISCONNECTED

Due to budget constraints, the Division of Real Estate's toll-free telephone line was disconnected on June 1, 1991.

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.

HOME ADDRESSES OF LICENSEES SOUGHT

The Division of Real Estate is seeking the home addresses of all real estate licensees. Due to the mobility in today's society, it is difficult to keep track of the current address of all active and inactive licensees. By

having a work and home address, the Division will have an easier time in forwarding important information to you.

The Division is asking all brokers to complete the following form for

themselves and all their active and inactive licensees. Brokers can copy and use the form provided below, forward a printout with the information contained on the form, or send a letter with this information.

REAL ESTATE LICENSEE HOME ADDRESS SHEET

Last Name _____ First Name _____ Middle Initial _____
Real Estate File # _____ Social Security No. _____
Home Address _____
City/State/Zip _____
Home Telephone No. _____ Date of Birth _____

Please forward to: Ohio Division of Real Estate
77 South High Street • 20th Floor • Columbus, OH 43266-0547

STATE OF OHIO
DEPARTMENT OF COMMERCE
DIVISION OF REAL ESTATE
77 S. HIGH STREET
COLUMBUS, OHIO 43266-0547
614/466-4100 216/787-3100

REAL ESTATE APPRAISER BOARD
Donald B. Leach, Jr., Chairman
James T. Caldwell
Edward M. Douglass
Selma (Penny) Triplett

REAL ESTATE COMMISSION
Lois L. Yeager, President
Norma L. Good
John C. Keaty
Edward J. Kizer
Marcellus H. Smith



DISCIPLINARY ACTIONS

SUSPENSIONS

MARK J. BARINGER, sales associate, Defiance, Ohio, had his sales license suspended for 15 days for violating Ohio Revised Code Section 4735.18(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. Mr. Baringer prepared and submitted an offer on behalf of himself and another individual for the purchase of a property. He submitted this offer to the seller without providing an agency disclosure form to the seller or the seller's exclusive agent.

MARSHALL L. BROWN, sales associate, Canton, Ohio, had his sales license automatically suspended on August 3, 1991 pursuant to Section 4735.12(E) of the Ohio Revised Code based upon a payment being made from the real estate recovery fund on his account. On March 18, 1991, the Ohio Real Estate Commission found this suspension to be proper. Mr. Brown's sales license shall remain suspended until he has repaid in full, plus interest, the amount paid from the recovery fund on his account.

MYRTLE HANES, sales associate, Grove City, Ohio, had her sales license suspended for 10 days for violating Section 4735.18(A)(6) of the Ohio Revised Code. Due to mitigating circumstances, however, imposition of this suspension was waived by the Ohio Real Estate Commission. Ms. Hanes advertised in the M.L.S. a property for sale at a certain price. However, when the

seller subsequently reduced the sales price, Ms. Hanes failed to correct this information in the M.L.S.

DARRELL R. MUNCY, broker, Kettering, Ohio, had his broker's license suspended for 30 days for violating seven separate counts of Ohio Revised Code Section 4735.18(A)(6) as it incorporates Ohio Administrative Code Section 1301:5-5-05. This suspension began on April 22, 1991. Mr. Muncy failed to complete and provide agency disclosure statements with regard to seven separate real estate transactions.

LOREN R. PARKER, sales associate, Springfield, Ohio, had his sales license suspended for 30 days for violating Ohio Revised Code Section 4735.18(A)(6) as it incorporates Ohio Administrative Code Section 1301:5-5-05. This suspension began on April 22, 1991. Mr. Parker prepared a purchase offer on behalf of a prospective buyer of real estate. Mr. Parker prepared and submitted this offer to the seller without providing an agency disclosure form to the buyer.

CAROLYN E. PARMELEE, sales associate, Sidney, Ohio, had her sales license suspended for five days for violating Section 4735.18(A)(6) of the Ohio Revised Code. However, due to mitigating circumstances, imposition of this suspension was waived by the Commission. Ms. Parmelee improperly indicated on an M.L.S. data sheet for a particular property that cable television was available when, in fact, it was not.

DEBORAH Y. PRICE, sales associate, Gahanna, Ohio, had her

sales license suspended for 10 days for violating Section 4735.18(A)(6) of the Ohio Revised Code. Due to mitigating circumstances, however, imposition of this suspension was waived by the Commission. Ms. Price prepared a purchase agreement as the representative of the seller of the subject property. The agreement provided that the buyers were to apply for financing within three working days upon acceptance of the offer. The purchase agreement also called for the buyers to deposit earnest money with Ms. Price's brokerage upon acceptance of the offer. The buyers failed to make loan application and submit the earnest money deposit by the times specified in the purchase contract. Ms. Price failed to convey in a timely fashion this material information to the sellers or their listing agent.

HAROLD L. WILHELM, broker, Fairborn, Ohio, had his broker's license suspended for five days for violating Ohio Revised Code Section 4735.18(A)(6) as it incorporates Ohio Administrative Code Section 1301:5-5-05. This suspension began on April 22, 1991. Mr. Wilhelm prepared an offer on behalf of a buyer for the purchase of a property. He prepared and submitted this offer to the seller without providing an agency disclosure form to the buyer.

RECOVERY FUND ACTIONS

	Amount Paid
Larry Evans	\$4,621.00
Paid on March 15, 1991	
Anthony Vacca	\$17,600.00
Paid on April 1, 1991	

REAL ESTATE AUCTIONING CLARIFIED

The Division of Real Estate has been receiving questions on how recent changes in Ohio's auctioneer laws affect the auctioning of real estate. This article will address some of the major changes.

Under the auctioneer laws, only a licensed real estate broker who is also licensed as an auctioneer may contract with an owner for the sale of real estate at auction. However, the recent amendments to the auctioneer law clarify that a licensed real estate broker who is not licensed as an auctioneer may still contract with an owner for the sale of real estate at auction if either of the following applies:

- 1) The individual auctioneer who conducts the auction is a licensed salesperson associated with the broker, or
- 2) The licensed broker co-brokers with another licensed broker who either has an auctioneer license or has a salesperson associated with him who is also licensed as an auctioneer.

The key point to remember is that the individual who conducts the auction must have an auctioneer license as well as a real estate license. However, with the recent changes to the auctioneer law, the licensed salesperson/auctioneer can cry the sale of the real estate

in the name of their associated broker, without the broker having any type of auctioneer license (i.e. auction company license).

In advertising an auction of real estate, the laws relating to real estate licenses still apply. Thus, the brokerage name and individual real estate licensee/auctioneer's name is to appear, even if the broker is not an Ohio-licensed auctioneer. Also, the individual auctioneer should be identified as a real estate licensee and auctioneer.

For more information on Ohio's auctioneer laws, please contact the Ohio Division of Licensing at (614) 466-4130.

FIRST CERTIFICATES ISSUED

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Daugherty for being the first appraisers to be state-certified in Ohio," Director Chiles stated. "In addition, the Division of Real Estate and the Ohio Real Estate Appraiser Board deserve recognition for implementing the state and federal laws and regulations governing the appraisal certification process."

As of January 1, 1992, an individual will need to be state-certified in one of these two classifications to perform appraisals on federally-related transactions. These transactions primarily involve federally-insured loans or loans which may be resold in markets through federal entities.

Ms. Johnson, Mr. Baumberger and Mr. Daugherty passed examinations offered in Cleveland and Columbus on May 11. Exams will continue to be offered in these cities on a regular basis and as long as demand warrants in Cincinnati and Toledo.

To be seated for the **general** appraiser exam, an applicant must have 2,000 hours of appraisal experience with at least 1,000 hours in commercial, industrial, agricultural or residential properties of more than four units. Appraisers in this classification must complete 165 hours of pre-certification education with 15 of these hours covering ethical issues.

To be seated for the **residential** appraiser exam, an applicant must

have 2,000 hours of experience in any type of appraising. Residential appraisers must also complete 75 hours of pre-certification education with 15 of these hours covering ethical issues.

Through June 12, 1991, the Division has received 620 candidate applications for the appraisal examination. Of the candidates who were examined on May 11, 1991, here are the test results:

CATEGORY	TOTAL TESTED	TOTAL PASSED	PASS RATE
General	47	46	98%
Residential	62	57	92%

GARVIN NAMED TO APPRAISER BOARD

John R. Garvin has been appointed to the Ohio Real Estate Appraiser Board by Governor George V. Voinovich. The appointment was effective March 19, 1991.

He replaces Donald (Casey) Hambleton who resigned earlier this year. Mr. Garvin, who resides in Worthington, is President of Continental Appraisal Co.

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

August 1, 22
September 4, 26

BROKERS COLUMBUS

August 12
September 16

FOREIGN SALES COLUMBUS

August 20
September 17

APPRAISER CERTIFICATION EXAMS GENERAL AND RESIDENTIAL

COLUMBUS/CLEVELAND

August 3
August 10
August 17
August 24

TOLEDO

August 3
August 10
August 17
August 24

CINCINNATI

August 3
August 10
August 17
August 24

Examinations will be given in Toledo and Cincinnati as demand warrants.



State of Ohio
Department of Commerce
Division of Real Estate
77 South High Street
Columbus, Ohio 43266-0547

Bulk Rate
U.S. Postage
PAID
Columbus, Ohio
Permit No. 3592