

Spring 1999

Division of

# Real Estate and Professional Licensing

◆ N E W S L E T T E R ◆

Bob Taft  
GOVERNOR

Gary C. Suhadolnik  
DIRECTOR

Carol Nolan Drake  
ACTING SUPERINTENDENT



## ◆ Licensees Sometimes Confuse Division and Association Functions

### Who Ya Gonna Call?

The Division is the regulatory body that enforces the Ohio Revised Code, Section 4735, which constitutes the real estate license laws. If a person engages in representing clients in the purchase or sale of real estate, and is compensated, a license is required. If you have questions about your license—what you should or should not do to protect your license from disciplinary action—those are issues you need to discuss with the division. However, other issues are often handled by trade or professional organizations, such as the Ohio Association of REALTORS, not by the division.

These organizations provide services for their members, ranging from the legal

forums. One confusing area involves the handling of complaints or disputes. Commission disputes between brokerages usually can be handled by arbitration proceedings within the local boards. The division will receive calls from people saying that someone violated the code of ethics. Those are a list of do's and don'ts that are published by the Ohio Association of REALTORS, the National Association of Realtors, and maybe local real estate boards. The division doesn't get involved in such disputes, unless the problem also encompasses Ohio real estate license law.

If you have concerns about whether your license can be adversely affected, call the division because we can tell you if you are potentially in violation of the law. The job of the professional associations is to help their members with marketing, multiple listing services, standardized forms, statistical information, and similar services. Associations also typically have award levels, like the Million Dollar Club, Five Million Dollar Club, and Ten Million Dollar Club, and GRI designations. Those awards are recognition from within the industry. They do not create any distinction in license law. It's like getting a safe driving award from your company. It won't help you if you get stopped for speeding.

**Membership in a trade organization is not required to sell real estate in Ohio.**

hotline and standardized forms to statistics and the multiple listing services. Membership in a trade organization, such as the Ohio Association of REALTORS or local board of Realtors, is not required to sell real estate in Ohio. However, if you don't have a license from us, you can't represent buyers or sellers of real estate.

People often confuse these two different

### New Continuing Education Requirement Announced

All people who were licensed prior to June 1996 and will turn 70 years old prior to June 13, 1999 are required to submit proof of completion of nine hours of the following continuing education courses:

- 3 hours of core law
- 3 hours of civil rights
- 3 hours of canon of ethics

Licensees who fail to submit a completed continuing education form (R109A) are subject to license suspension. Call the division's customer service office at 614/466-4100 if you have questions.

### Change in Personnel

On February 12, Paul Stickel, Chief Legal Counsel for the division, and Ronald J. Rotaru, Superintendent, ended their service with the division. The Director of the Ohio Department of Commerce recognizes both men for their contributions and dedication. Also on February 12, the Director announced that Carol Nolan Drake will serve as Acting Superintendent until a permanent replacement is named. Bill Damschroder was named Acting Chief Legal Counsel for the division.

**ATTENTION BROKERS!**  
*Are you forwarding copies of this newsletter to your salespersons?*

I would like to thank the members of the Ohio Real Estate Commission, State Auctioneers Commission, Real Estate Appraiser Board, and industry for the warm welcome I have received since being named the Acting Superintendent of Real Estate and Professional Licensing on February 16, by Gary Suhadolnik, Director of the Ohio Department of Commerce. I appreciate the confidence that Director Suhadolnik has shown in me, and I pledge to advance the work of the division.

What have I found? I am pleased to tell you that there is a dedicated and

industrious staff within the division, which has brought a number of good ideas to me for consideration. For example, we have discussed how to finalize legislation and procedures for staggered renewals, offsite-testing opportunities, and technological advances, which could speed renewals. We're working with the department to implement many of these changes, and we welcome your thoughts.

I attended my first Real Estate Commission meeting on February 24. During the meeting, the commission members recommended that sales agents and

brokers who are renewing their respective licenses send the necessary documentation by certified mail. During the heavy renewal time, the division receives thousands of documents. If you need that extra sense of security, feel free to send your documents by certified mail. The division does a good job, despite the volume, of keeping track of all mail.

I met with the Ohio Auctioneers Association on March 8. I am invited to attend the Real Estate Appraiser Board meeting on March 30 as well. You can be sure that I will be open to meet with you and listen to any ideas or concerns you have.

## Cease and Desist Orders Protect Public, Licensees

Each quarter, the division investigates reports and occasionally finds evidence that people who are unlicensed as real estate agents are engaging in conduct requiring a real estate license. In most cases the division issues a Cease and Desist order to the individual in such matters. If these individuals or businesses continue to engage in conduct requiring a real estate license, the division may contact the

appropriate local prosecutor and ask the prosecutor to consider initiating criminal action. Under Section 4735.99 of The Ohio Revised Code, acting as a real estate agent without a real estate license is a first degree misdemeanor.

During the past three months, the following individuals and companies in these cities have received Cease and Desist orders:

Clifton Forge, Virginia

Tommy Garten

Greenway's Auction Company

Bowling Green, Ohio

John Carty

Cincinnati, Ohio

Quantum Investment Group, Inc.

D. Mark Lindsay

Maple Heights, Ohio

Home Finders

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77 S. High Street  
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Real Estate Commission Members	State Auctioneers Commission Members
Owen V. Hall, President	
Cheryl A. Churchill	H. John Kramer
Dale W. Marks	Douglas B. Smith
Ardette K. Riley	Richard E. Troup
George M. Sarap	

### Real Estate Appraiser Board Members

John W. Peck, Chairman  
M. Robert Garfield  
Shelly M. Harsha  
Richard H. Hoffman  
Phillip W. Stotz

## Absolute and Minimum Bid Auction Defined

As more and more properties in Ohio are being auctioned, the division has become aware of problems that have developed from real estate licensees not understanding auctioning laws.

In Ohio, auctions are either with reserve or without reserve. An auction with reserve is also known as a minimum bid sale. An auction without reserve is an absolute action. Under Ohio law, a minimum bid auction needs to clearly state the lowest price that must be offered for the property to sell. Once this minimum price is reached, then the property can sell. The public must have been made aware of this minimum price through all advertising.

With an absolute auction, there is no minimum price that has to be bid before the property can sell. The auctioneer must accept the final bid for the property, *regardless of the amount of the final bid.* There must be a sale of the property if

there is any type of bid offered. The property must be sold once a bid is made and a bid is received within a reasonable amount of time.

But some auctions have been advertised as a sort of hybrid auction called an absolute auction with a minimum, meaning that once a certain minimum price is bid, the auction becomes absolute and the property will sell no matter what the final bid. The Division of Real Estate and Professional Licensing takes the position that there is no such type of auction, and advertising an auction using this term is misleading to the public. If an auction is termed an absolute auction, then the auctioneer cannot ignore a low bid, stop the auction, or refuse to honor the final bid. The division will not tolerate auctioneers making up new rules on the spot. All applicable auction laws will be enforced.

## Points to Ponder

- 1 Avoid repeating a continuing education course that you previously have taken from a different provider under a different course number and title. For example, the same course offered by the Akron Board of Realtors, the Toledo Board of Realtors, and the Columbus Board of Realtors, will be numbered differently. Some licensees have fallen into this trap and have had some of their course credits disapproved. Always check with the division prior to taking classes to determine if the course has been provided elsewhere in the state, and if so, under what course number and description.
- 2 To be on the safe side, try to complete all your continuing education requirements at least 90 days before your expiration date. The division regularly hears from licensees whose educational requirements are due in just a few weeks and are desperately trying to find one last course to take because they are short a few hours. Often, the only class available conflicts with an important personal obligation. Complete your continuing education requirements ahead of time to give yourself the opportunity to correct any problems, such as course credits being disallowed or a surprise miscalculation on your part.
- 3 On a related topic, it's suggested that you submit your required 30 hours of continuing education work as soon as completed. Attach the proof, copies of attendance certificates, to a completed R-109 form, which is the continuing education compliance form that is available from your broker or the division. Early submission will not accelerate your next reporting period due date. Also, if there is an error, you may have additional time to correct any deficiencies of hours reported.
- 4 When it comes to your continuing education requirements, the division encourages you to be careful of taking duplicate courses, out-of-state courses, or worst yet, courses that have not been approved by the division. All of these scenarios can cause course credits to be disallowed. Follow the lead of more than 90 percent of all real estate licensees, and take all your continuing education courses in Ohio from the list of courses that have been approved by the division.
- 5 As a real estate licensee, there are two very important dates for you to remember. They are the renewal date of your license and the due date for your continuing education. You must submit proof of completion of your continuing education by your due date or your license will be suspended. Check with the division if you have any question on the date your continuing education is due. This date is also noted on the renewal form sent to your broker. Each licensee must meet both of these dates to retain an active license.
- 6 Licensees should always avoid having people sign any forms, particularly the dual agency disclosure form, before they are needed. For example, under section 4735.71 of the Ohio Revised Code, the dual agency disclosure form should be provided only when the brokerage determines that a dual agency relationship may, in fact, exist. In the course of day-to-day operations, the division is finding that some real estate agencies are having the form signed at the first meeting with the buyer. Worse yet, some licensees are even having the form signed at the time of the listing agreement with the seller. There is no dual agency relationship in existence at the time of a listing because there is no buyer. When a listing is executed, the agent is usually only representing the seller. Avoid having any forms signed prematurely.

## 1999 Exams Scheduled

The following dates are tentative only.

### SALES AGENTS

#### Columbus

April 7  
May 12  
June 2  
July 7  
August 11  
September 1  
October 6  
November 10  
No December Exam

#### Cleveland

April 22  
May 20  
June 17  
July 22  
August 19  
September 23  
October 21  
November 18  
December 16

### BROKERS

#### Columbus Only

April 12  
May 3  
June 7  
July 12  
August 16  
September 13  
October 18  
November 15  
December 6

Foreign real estate examinations are given only in Columbus, and because of the small number of applicants for both dealer and sales licenses, these exams are scheduled as applications are received. Appraiser exams are scheduled in Columbus and Cleveland each month, as needed.

If you require assistance or special accommodations, please call (614) 466-4100 at least two weeks prior to the exam.

**ATTENTION BROKERS! Are you forwarding copies of this newsletter to your salespersons? 3**

# News from the Ohio Real Estate Appraiser Board

## ◆ House Bill 695 Becomes Law

### Changes for Licensing, Education Requirements

In December, House Bill 695 was passed and signed by the Governor. It became law on March 18, in addition to requiring that state licensed and certified appraisers complete 14 classroom hours of continuing education annually instead of the former requirement of 20 classroom hours every two years, the legislation includes new AQB Appraiser Qualification Criteria as outlined below.

Questions regarding your continuing education requirements should be directed to the division's continuing education section at (614) 466-4100.

#### APPRAISAL QUALIFICATION CRITERIA

##### APPRAISAL ASSISTANT

**Education:** 75 classroom hrs—including USPAP standards

**Experience:** None

**Examination:** None

**Continuing Education:** 14 classroom hrs/yr

##### CERTIFIED RESIDENTIAL APPRAISER

**Education:** 120 classroom hrs—including USPAP standards

**Experience:** 2500 hrs over a minimum 24 mos

**Examination:** Yes

**Continuing Education:** 14 classroom hrs/yr

##### STATE LICENSED RESIDENTIAL APPRAISER

**Education:** 90 classroom hrs—including USPAP standards

**Experience:** 2000 hrs over a minimum 24 mos

**Examination:** Yes

**Continuing Education:** 14 classroom hrs/yr

##### CERTIFIED GENERAL APPRAISER

**Education:** 180 classroom hrs—including USPAP standards

**Experience:** 3,000 hrs over minimum 30 mos (1,500 hours minimum of general experience)

**Examination:** Yes

**Continuing Education:** 14 classroom hrs/year

### Appraisal Standard Board Completes New USPAP Edition

The Appraisal Standard Board has completed the 1999 edition of the Uniform Standards of Professional Appraisal Practice. The 1999 USPAP takes effect on March 31 and is available from the Appraisal Foundation at (202) 347-7722 or by visiting its website at [www.appraisalfoundation.org](http://www.appraisalfoundation.org).

### Appraisers Must Report Change of Address

Section 4763.05 of the Ohio Revised Code requires that all appraisers must report to the division within 30 days any change of their business and/or residence address. Contact the Cleveland office of the division for an "Appraiser Multiple Change Form" to report address changes. The form also can be used to request replacement of lost or damaged license and certificate or for issuance of a new license or certificate because of name change.

There's no charge for a change of residence address request, but a fee of \$20 is assessed for all other change requests, including change of business address.

### Criteria Change for Registered Appraiser Assistant

House Bill 695 also amends the criteria for registered appraiser assistants. Eliminated is the requirement for 100 hours of experience. Now, prior to issuance of registration, applicants are required to complete 60 hours of pre-licensing and certification education, in addition to 15 classroom hours of the Uniform Standards of Professional Appraisal Practice. Registrants are also required to complete 14 classroom hours of approved continuing education upon yearly renewal.

## Unlicensed Personal Assistants Unable to Provide Real Estate-Related Services

Personal assistants can be licensed or unlicensed, and their status has a direct bearing on the services they can provide. Unlicensed personal assistants can provide clerical support services, such as filing, taking messages, and scheduling appointments, but they cannot provide property-related information and services.

For example, an unlicensed personal assistant is not allowed to tell the buyer if a basement has been finished into a family room. This has been an issue for the division because many of the top-producing real estate agents are using personal assistants in many capacities. Problems can easily arise if an unlicensed personal assistant is staffing an open house. Other than greeting people and handing out printed sales materials, the unlicensed assistant's activities are restricted. The unlicensed assistant is

unable to discuss the property with a prospective buyer in any form.

But in the same scenario, a licensed personal assistant who is staffing an open house can discuss the property with a prospective buyer and answer any questions he or she may have. In addition, a licensed personal assistant can help in all real estate related matters, such as making the necessary arrangements for an addendum to a contract to be executed.

Ohio requires anyone who is providing real estate-related services to hold a real estate license, and the division does not have a separate license for personal assistants. Therefore, a licensed personal assistant is also a licensed real estate agent and can provide all the real estate-related services that any licensed real estate agent can provide.

Above all, licensed personal assistants can only work in the name of and on

behalf of their broker. Personal assistants cannot work in the name of the agent by whom they are employed. Obviously, commission checks for the personal assistant must come from the broker. The only way the sales agent can pay the assistant directly is if the assistant is a regular employee of the agent, receives a Form W-2 at the end of the year, and is being paid for services not requiring a real estate license. Even if the personal assistant is an independent contractor, any finder fees, professional fees, or commission payments must come from the broker.

The most important point is to review the services the personal assistant is providing. If the assistant is providing real estate-related services, then the assistant must be licensed, work in the name of the broker, and receive any commission payments from the broker.

# Disciplinary Actions

## Revocations

**JEWELL D. GREEN**, sales associate, Columbus, Ohio, had her sales license revoked for violating Section 4735.18(A)(8) of the Ohio Revised Code. Ms. Green submitted an application for licensure to the Division. Subsequently, she passed the examination and was issued a real estate sales license. Ms. Green's application for licensure was approved based upon statements she answered on the form as being true, when, in fact, they were not.

**ELYHUE E. DUFF**, broker, Akron, Ohio, had his broker's license revoked for violating Sections 4735.18(A)(6) and (A)(9) of the Ohio Revised Code. Mr. Duff engaged in real estate activities requiring an Ohio real estate license while his license was in a suspended status due to a disciplinary Order of the Ohio Real Estate Commission. During the suspension Mr. Duff continued, on behalf of another, to offer and to advertise for sale real property.

## Suspensions

**REGINA M. SCHREIBER**, sales associate, Ashtabula, Ohio had disciplinary action and a fine levied against her sales license for violating Ohio Revised Code Section 4735.18(A)(6). Ms. Schreiber was fined \$1,000.00, her license was suspended for 60 days, commencing on July 27, 1998, and she was ordered to complete the 10-hour post-licensure sales course. Ms. Schreiber engaged in conduct requiring a real estate license on behalf of a company which she was not licensed with at the time.

**CHRISTIAN CHARLES T. CORSO**, sales associate, Parma, Ohio, had disciplinary action and a fine levied against his license for violating Ohio Revised Code Section 4735.18(A)(6). Mr. Corso was fined \$2,500.00, his license was suspended for 30 days, and he was ordered to complete the 10-hour sales post-licensure course. Mr. Corso prepared a purchase agreement and addendum for the purchase of property he listed and he represented the owner. However, the documents he prepared provided no protection to his client and were not in his client's best interest. The documents permitted the purchaser to transfer title to a third party without first paying off the outstanding loan obligation (mortgage) for which his client was responsible. The intent of his client was to have the mortgage paid off or have a formal release, which never transpired. His conduct was not in the best interest of his client, the seller.

**C. MORRIE HATCH**, sales associate, South Euclid, Ohio, had disciplinary action and a

fine levied against his license for violating two counts of Ohio Revised Code Section 4735.18(A)(6). Mr. Hatch was fined \$500.00 per count, he had two 30-day suspensions running consecutively, commencing on July 27, 1998, and he was required to complete a three-hour ethics course. Mr. Hatch failed to remit an earnest money deposit, received by him in a fiduciary capacity, to his broker for deposit into the brokerage's trust account. In connection with the same transaction, Mr. Hatch collected and cashed a commission check made payable to the broker, without the broker's knowledge and consent.

**JIM MACKENBACH**, sales associate, Saint Marys, had disciplinary action and a fine levied against his license for violating Ohio Revised Code Section 4735.18(A)(6). Mr. Mackenbach was fined \$500.00, and his license was suspended for 30 days. However, due to mitigating circumstances, 15 days of the suspension was waived by the Commission. The 15-day balance of the suspension commenced on July 27, 1998. In addition, Mr. Mackenbach was ordered to complete and to submit proof of the 10-hour post-licensure sales course. Mr. Mackenbach prepared an agreement for the purchase of property of which he knew the sellers did not have title. He failed to have the agreement contain a clause indicating that the agreement was contingent on the sellers obtaining title to the property.

**RICHARD A. CZECH**, sales associate, Westerville, Ohio, had disciplinary action taken against his license for violating one count each of Sections 4735.18(A)(6), (A)(20) and (A)(21) of the Ohio Revised Code. Mr. Czech's license was suspended for 30 days. However, imposition of the suspension was waived by the Ohio Real Estate Commission, and he was fined \$500.00 for each count for a total of \$1,500.00. Mr. Czech advertised property on the Internet for sale that created the impression that he had the property listed, when in fact, he did not. The property was listed with another company. In addition, when the listing on the property expired, he continued to advertise the property for sale without authority to do so.

**BARBARA R. DIDDLE**, sales associate, Westerville, Ohio, had disciplinary action taken against her license for violating Sections 4735.18(A)(6) and (A)(20) of the Ohio Revised Code. Ms. Diddle's license was suspended for 30 days; however, due to mitigating circumstances, imposition of the suspension was waived by the Ohio Real Estate Commission, and she was fined \$1,000.00. Ms. Diddle listed a property for sale and the listing expired. Without the knowledge or consent of the

owner she continued to advertise the property for sale on the Internet.

**TERRI L. REYNOLDS**, sales associate, Mansfield, Ohio, had her license suspended for 30 days for violating Section 4735.18(A)(6) of the Ohio Revised Code. However, due to mitigating circumstances, 20 days of the suspension was waived by the Commission. Ms. Reynolds began serving the 10-day balance of the suspension on July 27, 1998. In addition, Ms. Reynolds was required to complete and submit proof of a three-hour continuing education course on agency and agency relationships. In connection with an agency disclosure form Ms. Reynolds prepared on property she listed, she noted that she represented the seller. Thereafter, the property was shown to potential buyers, and she noted on the disclosure form that she represented them as a buyer's agent. Later, an offer was prepared with respect to the transaction, which made her a dual agent; however, she neglected to complete and submit to the parties a dual agency disclosure statement.

**FRANK D. BERRY**, broker, Maple Heights, Ohio, had his broker's license suspended for 30 days for violating Section 4735.18(A)(24) of the Ohio Revised Code. However, due to mitigating circumstances, 20 days of the suspension was waived by the Commission. Mr. Berry began serving the 10 day balance of the suspension on July 27, 1998. Mr. Berry prepared an offer for the purchase of property, but failed to retain a copy of the form for his records.

**ANN D. SNYDER**, sales associate, Columbus, Ohio, had disciplinary action and a fine levied against her license for violating 2 counts of Section 4735.18(A)(6) of the Ohio Revised Code. For each count Ms. Snyder was fined \$500.00 (a total of \$1,000.00), her license was suspended for 30 days; however, due to mitigating circumstances, 20 days of the suspension was waived by the Ohio Real Estate Commission. The 10-day balance of the suspension commenced on February 1, 1999, and she was required to complete and to submit proof of the 10-hour sales post-licensure course. Ms. Snyder advertised property for rent in the name of a company other than the company she was licensed with, and continued to do so after an initial warning from this agency was issued to her.

**MARTIN E. VONDRAK**, sales associate, Parma, Ohio, had his license suspended for one year for violating Ohio Revised Code Section 4735.18(A). Mr. Vondrak began serving this suspension on July 27, 1998. Mr. Vondrak was convicted of conducting an illegal gambling business, making a false income tax return and conspiracy to violate

money laundering laws.

**BRIAN HOY**, sales associate, Columbus, Ohio, had disciplinary action and a fine levied against his license for violating Section 4735.18(A)(6) of the Ohio Revised Code. Mr. Hoy's license was suspended for 15 days; however, due to mitigating circumstances, imposition of the suspension was waived by the Ohio Real Estate Commission. He was further ordered to complete and to submit proof of the 10-hour sales post-licensure course. Mr. Hoy prepared an offer for the purchase of property listed by the brokerage he worked for. On the agency disclosure form he noted that he was representing both the buyer and the seller; however, he failed to have a written agreement signed by the parties acknowledging their consent to such dual representation attached to the form.

**JENNIFER THOMPSON-VALENTINE**, broker, Cleveland, Ohio, had disciplinary action and fines levied against her broker's license on two separate charges, for violating Sections 4735.18(A)(6), (A)(26) and (A)(9) of the Ohio Revised Code. For the first charge Ms. Thompson-Valentine's license was suspended for a period of 90 days, she was fined \$1,000.00 and required to complete and submit proof the 10-hour brokerage post-licensure course. On the second charge her license was suspended for another 90 days and she was again required to complete and to submit proof of the 10-hour brokerage post-licensure course. For the first charge Ms. Thompson-Valentine received an earnest money deposit in a fiduciary capacity, but failed to continuously maintain, during the pendency of the transaction, these funds in her brokerage's trust bank account. The second charge stems from the first, in that Ms. Thompson-Valentine failed to make her records available, during normal business hours, for review by a division investigator, as a result of the previous order of the Ohio Real Estate Commission.

**DONNA RANKIN BAILEY**, sales associate, Hubbard, Ohio, had disciplinary action and a fine levied against her license for violating Section 4735.18(A)(24) of the Ohio Revised Code. Her license was suspended for 30 days, commencing on August 31, 1998, she was fined \$500.00 and she was required to complete and submit proof the 10-hour post-licensure sales course. Ms. Bailey failed to make a copy of a dual agency statement, signed by the buyers, prior to submitting it for approval to the seller along with the purchase offer. Ms. Bailey failed to keep a complete and accurate record of the transaction.

**JAMES M. IONA**, broker, Tallmadge, Ohio, had disciplinary action and a fine levied against his real estate broker's license for violating Section 4735.18(A)(6) of the Ohio Revised Code Section. Mr. Iona's license was suspended for 10 days; however, due to mitigating circumstances, imposition of the

suspension was waived by the Ohio Real Estate Commission and he was fined \$500.00. Mr. Iona collected funds from a salesperson to be used toward a benefit program for six individual clients of the salesperson. However, due to an accounting oversight, the funds were not timely remitted; therefore, the clients were not enrolled in the program. The brokerage held the funds for over a year.

**ALEXANDRIA R. McADAMS**, broker, Rocky River, Ohio, had disciplinary action and a fine levied against her broker's license for violating Section 4735.18(A)(6) of the Ohio Revised Code. Ms. McAdams' license was suspended for 30 days; however, due to mitigating circumstances, imposition of the suspension was waived by the Ohio Real Estate Commission. She was fined \$500.00 and further ordered to complete and to submit proof of a three-hour course on the subject of civil rights. Ms. McAdams, although having distributed fair housing brochures to her sellers, permitted her brokerage to utilize a listing agreement that did not contain all of the fair housing language required by Ohio Revised Code Section 4735.55.

**P. KEVIN FITZPATRICK**, broker, Dayton, Ohio, had disciplinary action and a fine levied against his broker's license for violating Sections 4735.18(A)(6) and (A)(21) of the Ohio Revised Code. Mr. Fitzpatrick's license was suspended for 30 days, commencing on August 31, 1998, he was fined \$500.00 and ordered to complete and to submit proof of the 10-hour post-licensure brokerage course. Mr. Fitzpatrick advertised property for sale, creating the impression that the property could be developed for multi-family housing, when in fact, it could not. He published advertising that was inaccurate or misleading in a material particular.

**MARLENE R. ULLOM**, broker, South Point, Ohio, had disciplinary action and a fine levied against her broker's license for violating Sections 4735.18(A)(6) and (A)(21) of the Ohio Revised Code. Ms. Ullom's license was suspended for 30 days; however, due to mitigating circumstances, imposition of the suspension was waived by the Ohio Real Estate Commission. She was fined \$500.00 and further ordered to complete and to submit proof of the 10-hour post-licensure brokerage course. Ms. Ullom utilized listing agreements which did not comply with Ohio Revised Code 4735.55, in that they did not have the fair housing language, a statement defining the practice known as blockbusting and stating that it is illegal, and a copy of the U.S. Dept. of H.U.D.'s E.E.O. logotype.

**RONALD E. SEIBEL**, sales associates, Lebanon, Ohio, had disciplinary action and a fine levied against his license for violating Section 4735.18(A)(6) of the Ohio Revised Code. Mr. Seibel's license was suspended for 30 days; however, due to mitigating circumstances, 15 days of the suspension was waived

by the Ohio Real Estate Commission. The 15-day balance of the suspension commenced on October 16, 1998. Mr. Seibel was fined \$500.00, and required to complete and to submit proof of a three-hour course on the law of agency as it relates to real estate transactions. The brokerage Mr. Seibel worked for had property it owned listed. An individual was interested in the property, there were discussions and the property was viewed. However, Mr. Seibel failed to prepare and submit to this individual an Ohio agency disclosure form.

**RONALD N. NEFF**, broker, Chillicothe, Ohio, had disciplinary action and a fine levied against his broker's license for violating Section 4735.18(A)(6) of the Ohio Revised Code. Mr. Neff's license was suspended for 30 days; however, due to mitigating circumstances, imposition of the suspension was waived by the Ohio Real Estate Commission. Mr. Neff was also fined \$500.00. Throughout 1997, Mr. Neff utilized a board listing agreement that did not contain all of the fair housing language required by Ohio Revised Code Section 4735.55.

**MARCIA J. SUTCLIFFE**, sales associate, Seven Hills, Ohio, had disciplinary action and a fine levied against her license for violating Section 4735.18(A)(6) of the Ohio Revised Code. Ms. Sutcliffe's license was suspended for 30 days; however, due to mitigating circumstances, 20 days of the suspension was waived by the Commission. The 10-day balance of the suspension commenced on October 5, 1998. Ms. Sutcliffe was fined \$500.00, and required to complete and to submit proof of a three-hour course on the law of agency as it relates to real estate transactions. Ms. Sutcliffe was the selling agent for a property listed by two other agents within her company. Knowing this was an in-company transaction, Ms. Sutcliffe failed to complete the bottom portion of the agency disclosure form and to obtain the approval of this arrangement with her client.

**GEORGE DAVIS**, sales associate, Seven Hills, Ohio, had disciplinary action and a fine levied against his license for violating Section 4735.18(A)(6) of the Ohio Revised Code. Mr. Davis' license was suspended for 30 days; however, due to mitigating circumstances, imposition of the suspension was waived by the Ohio Real Estate Commission. Mr. Davis was fined \$500.00, and required to complete and to submit proof of a three-hour course on the law of agency as it relates to real estate transactions. Mr. Davis co-listed a property for sale. Subsequently, another agent with his brokerage prepared an offer for the purchase of the property and noted on the agency disclosure form she was representing the purchasers; thereby, an in-company transaction was created. However, Mr. Davis failed to complete the in-company transaction portion of the form.

**ROBERT E. CECIL**, broker, Logan, Ohio, had a \$500 fine levied against his broker's license for violating Section 4735.18(A)(28) of the Ohio Revised Code. Mr. Cecil prepared and submitted to the owners of property an exclusive right to sell listing contract, which did not include a definite expiration date.

**ERIC A. FLORENCE**, broker, Waynesville, Ohio, had disciplinary action and a fine levied against his broker's license for violating Section 4735.18(A)(6) of the Ohio Revised Code. Mr. Florence's license was suspended for 30 days; however, due to mitigating circumstances, imposition of the suspension was waived by the Ohio Real Estate Commission. He was fined \$500.00, and required to complete and to submit proof of a three-hour continuing education course on ethics. Mr. Florence met with a couple and discussed the potential marketing and sale of their property, in addition to their purchase of another property. However, prior to meeting with them he failed to disclose to them that there would be a fee charged for his services and how much that fee would be. It was not until after meeting with them that he disclosed that there would be a fee for his consultation with them.

**DAVA D. ROYER**, broker, Bellefontaine, Ohio, had disciplinary action and a fine levied against her license for violating two counts of Ohio Revised Code Section 4735.18(A)(6). For each count, Ms. Royer's license was suspended for 15 days. However, due to mitigating circumstances, imposition of the suspensions was waived by the Ohio Real Estate Commission. She was fined \$250.00 for each count, and she was required to complete and to submit proof of a three-classroom hour continuing education course in ethics. In connection with two properties sold by way of auction, Ms. Royer failed to provide the purchasers with an Ohio agency disclosure form prior to them executing the purchase agreements. Ms. Royer contended she believed the disclosure was the responsibility of the auctioneer.

**ANNITA L. SIMPSON**, sales associate, Groveport, Ohio, had disciplinary action and a fine levied against her license for violating Section 4735.18(A)(6) of the Ohio Revised Code. Ms. Simpson's license was suspended for 30 days; however, due to mitigating circumstances, 15 days of the suspension was waived by the Commission. The 15 day balance of her suspension shall commence upon reinstatement of her license. She was fined \$500.00, and required to complete and to submit proof of a three-hour continuing education course on agency. Ms. Simpson showed property, which was listed by the company she worked for, to a purchaser. However, she failed to provide them with an Ohio agency disclosure form indicating whom she would be representing in the transaction.

**THELMA D. MONTGOMERY**, broker, Logan, Ohio, had disciplinary action and a

fine levied against her broker's license for violating Section 4735.18(A)(28) of the Ohio Revised Code. Ms. Montgomery's license was suspended for 30 days; however, due to mitigating circumstances, imposition of the suspension was waived by the Ohio Real Estate Commission. She was fined \$500.00, and required to complete and to submit proof of the 10-hour post-licensure brokerage course. Ms. Montgomery failed to include a definite expiration date in an Exclusive Authorization to Sell agreement between the brokerage and the owners of a property.

**THELMA MONTGOMERY REALTY**, corporation, Logan, Ohio, had a \$500.00 fine levied against the corporate license for violating Section 4735.18(A)(28) of the Ohio Revised Code. The company failed to include a definite expiration date in an Exclusive Authorization to Sell agreement between the brokerage and the owners of a property.

**E. MARIE MONTGOMERY**, sales associate, Logan, Ohio, had disciplinary action and a fine levied against her license for violating Sections 4735.18(A)(6) and (A)(20) of the Ohio Revised Code. Ms. Montgomery's license was suspended for 30 days; however, due to mitigating circumstances, imposition of the suspension was waived by the Ohio Real Estate Commission. She was fined \$250.00 and required to complete and to submit proof of a three-classroom hour course on agency and a three-classroom hour course on core law. Ms. Montgomery prepared a sales agreement that failed to specify whether an item on the premises was part of the terms of the contract. Her failure to clarify the terms of the contract was aggravated by the confusing information contained in the listing agreement, which she prepared, and upon which the buyers relied in making their offer.

**JILL K. BAILEY**, broker, Ashtabula, Ohio, had disciplinary action and a fine levied against her license for violating Section 4735.18(A)(6) of the Ohio Revised Code. Ms. Bailey's broker's license was suspended for 30 days; however, due to mitigating circumstances, 15 days of the suspension was waived by the Commission. The 15 day balance of the suspension commenced on November 12, 1998. She was fined \$250.00, and required to complete and to submit proof of a three-hour continuing education course on agency. Throughout 1997, Ms. Bailey utilized a listing agreement for her brokerage that did not contain all of the fair housing language required by Ohio Revised Code Section 4735.55.

**EVELYN J. NEMEROVSKY**, sales associate, Highland Heights, Ohio, had disciplinary action and a fine levied against her license for two violations of Section 4735.18(A)(6) of the Ohio Revised Code. For the first count, her license was suspended for 15 days and she was fined \$250.00. For the second count, her license was suspended for 60 days and she

was fined \$1,000.00. The suspensions commenced on November 12, 1998. She was further ordered to complete and to submit proof of nine classroom hours continuing education courses on agency, core law and ethics. Ms. Nemerovsky engaged in conduct requiring her real estate license; however, this conduct was not done in the name of and through the real estate broker with whom she was licensed at the time. In addition, she signed the purchaser's name to an addendum without their written consent and without indicating, in any manner on the documents, that she was signing on their behalf or that the signatures were not authentic signatures of the buyers.

**RICHARD M. GLEASON**, broker, Conneaut, Ohio, had disciplinary action and a fine levied against his broker's license for violating Section 4735.18(A)(6) of the Ohio Revised Code. Mr. Gleason's license was suspended for 30 days; however, due to mitigating circumstances, imposition of the suspension was waived by the Ohio Real Estate Commission. He was fined \$250.00 and required to complete and to submit proof of a three-hour continuing education course on agency. Mr. Gleason utilized a listing agreement for his brokerage that did not contain all of the fair housing language required by Ohio Revised Code Section 4735.55.

**CHARLES E. LESHER**, broker, Chesterland, Ohio, had disciplinary action and a fine levied against his broker's license for violating two counts of Ohio Revised Code Section 4735.18(A)(6) and one count of (A)(12). Mr. Leshner's broker's license was suspended for 30 days; however, due to mitigating circumstances, 15 days of the suspension was waived by the Commission. For each violation of Ohio Revised Code Section 4735.18(A)(6) he was fined \$250.00. Mr. Leshner utilized a listing agreement that had the logo for REALTORS, a private professional membership association. However, at the time he used the form, he was not a member. In connection with this agreement, he failed to provide the owners a complete and accurate copy of the form when they signed it. The form given to the owners did not include an expiration date, but on another form he kept, there was such a date.

**DAVID BUCHER REAL ESTATE, INC.**, corporation, Findlay, Ohio, had disciplinary action and a fine levied against the corporate license for violating Section 4735.18(A)(6) of the Ohio Revised Code. The corporate license was suspended for 15 days; however, due to mitigating circumstances, imposition of the suspension was waived by the Ohio Real Estate Commission and the corporation was fined \$500.00. The corporation entered into written agency agreements (listings) that did not contain the specific fair housing language required by Ohio Revised Code Section 4735.55.

**TONY TENORE, INC.**, corporation, Middletown, Ohio, had a \$400.00 fine levied against the corporate license for violating Section 4735.18(A)(6) of the Ohio Revised Code. The corporation entered into written agency agreements (listings) that did not contain the specific fair housing language required by Ohio Revised Code Section 4735.55.

**HOWARD HANNA CO.**, corporation, Poland, Ohio, had a \$300.00 fine levied against the corporate license for violating Section 4735.18(A)(6) of the Ohio Revised Code. The corporation entered into written agency agreements (listings) that did not contain the specific fair housing language required by Ohio Revised Code Section 4735.55.

**CARROLL H. JORDAN, JR.**, sales associate, Cincinnati, Ohio, had disciplinary action and a fine levied against his license for violating Section 4735.18(A)(6) of the Ohio Revised Code. Mr. Jordan's license was suspended for 30 days; however, due to mitigating circumstances, imposition of the suspension was waived by the Ohio Real Estate Commission, and he was fined \$600.00. Mr. Jordan prepared a written agency agreement (listing) that did not contain the specific fair housing language required by Ohio Revised Code Section 4735.55.

**BERNICE DUFF**, sales associate, Akron, Ohio, had disciplinary action and a fine levied against her license for violating Sections 4735.18(A)(6) and (A)(35) of the Ohio Revised Code. Ms. Duff shall serve a one year suspension upon reinstatement of her license and she

was fined \$1,000.00. Ms. Duff permitted an individual, whose license was suspended pursuant to a disciplinary Order of the Ohio Real Estate Commission, to advertise and conduct real estate services requiring a real estate license.

**ESTHER COHEN**, sales associate, Pepper Pike, Ohio, had disciplinary action and a fine levied against her license for violating Section 4735.18(A)(6) of the Ohio Revised Code. Ms. Cohen's license was suspended for 10 days; however, due to mitigating circumstances, imposition of the suspension was waived by the Ohio Real Estate Commission. She was fined \$500.00 and required to complete and to submit proof of a three-hour continuing education course on agency. Ms. Cohen co-listed a property for sale. Subsequently, a third agent of the same company prepared an offer for the purchase of the property noting that she was representing the buyer; thereby an in-company transaction was created. However, Ms. Cohen failed to have the in-company transaction portion of the agency disclosure form completed by the parties.

**JANET E. PAYNE**, sales associate, Columbus, Ohio, had disciplinary action taken against her license for violating Section 4735.18(A)(6) of the Ohio Revised Code. Ms. Payne's license was suspended for 15 days; however, due to mitigating circumstances, imposition of the suspension was waived by the Ohio Real Estate Commission and she was required to complete and to submit proof of a three-classroom hour

continuing education course. Ms. Payne entered into a listing agreement for the sale of property on behalf of a real estate company which she was not licensed with at the time.

**JAMES T. WIRSCHAM**, broker, Elyria, Ohio, had disciplinary action taken against his license for violating Sections 4735.18(A)(4) and (A)(21) of the Ohio Revised Code. For each violation his license was suspended for 10 days and he was required to complete and to submit proof of the 10-hour post-licensure brokerage course. Mr. Wirscham began the two 10-day suspensions on December 11, 1998. Mr. Wirscham prepared an agreement to purchase property and on the form he indicated he was representing the buyer. However, the property was listed with his brokerage, thereby making him an agent for both the buyer and the seller. Mr. Wirscham failed to disclose that he was acting for more than one party in the transaction and obtain the consent of all parties to such dual representation. In connection with the same property, Mr. Wirscham caused to be published advertising which indicated that the property had an extra lot, when there was no extra lot available. This discovery occurred when the new buyers received their tax bill.

**ATTENTION BROKERS!**  
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